**QUESTIONNAIRE FOR STATES, INDIGENOUS AND TRIBAL PEOPLES AND ORGANIZATIONS, AND CIVIL SOCIETY ORGANISATION**

**THEMATIC REPORT ON INDIGENOUS AND TRIBAL PEOPLES’ RIGHT TO SELF-DETERMINATION**

**OBJECTIVE**

The purpose of this questionnaire is to request the information described below for the preparation of a thematic report by the Rapporteurship on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights (IACHR). As part of its function to promote and protect the human rights of indigenous peoples, the Office of the Rapporteur will prepare a report (Report) over the next few months on the right of indigenous and tribal peoples to self-determination.

The Report will analyze the international standards related to indigenous and tribal peoples’ right to self-determination and will expound on the characteristics and content of this right within the framework of the Inter-American Human Rights System (ISHR). The Report will also include a discussion on these peoples’ practices and experiences in exercising self-determination throughout the different countries of the Americas, and the obstacles and challenges in that regard. The different dimensions or manifestations of self-determination will be addressed, among which can be highlighted: the development of autonomy, self-government and indigenous justice administration systems; processes for the appointment and election of indigenous peoples' own authorities; the rights to their lands, territories and natural resources; and the rights to consultation and free, prior and informed consent regarding legislative and administrative measures or natural resource use or development projects that may affect them directly. Likewise, the Report will formulate recommendations to the States to guide their efforts in the recognition and implementation of this right.

The information gathered through this questionnaire will serve as a source for the preparation of said report. Therefore, the IACHR invites States, indigenous and tribal peoples and their representative organizations, and civil society organizations to provide information through this online questionnaire regarding the experiences, challenges, practices, legislation and jurisprudence in the different States of the Americas concerning the recognition and effective exercise of the right of indigenous and tribal peoples to self-determination.

**INSTRUCTIONS**

This online questionnaire can be answered partially or fully, depending on the information available. Research papers, reports and other materials previously written or published in electronic format and that are relevant to the topic can be attached. The questions are directed to indigenous peoples and organizations, States, civil society organizations and other interested parties. However, please note that question II.A is specifically addressed to indigenous and tribal peoples and their representative organizations. The deadline for the questionnaire is April 26, 2021.

**QUESTIONNAIRE**

1. **Legal and policy framework related to the right of self-determination of indigenous and tribal peoples**

1.1 Regarding the recognition of the right to self-determination of indigenous peoples, please provide detailed information on if:

1.1.1 Is there an explicit recognition of the right to self-determination of indigenous peoples within the legal and policy framework of your country? (You can refer to constitutional provisions, laws, decrees or other types of pronouncements with the force of law, jurisprudential developments, public policies and / or State practices). In the case of federal countries, are there similar laws or policies in all states or provinces?

1.1.2. What kinds of normative and political developments have been registered in the last 2-3 decades in this regard?

1.1.3. What types of rights are included in these laws and / or policies?

1.2 In line with the previous question, please provide detailed information on existing guarantees, mechanisms or procedures within the domestic legal and policy framework in with respect to the following issues or aspects related to self-determination:

1.2.1. Formal legal recognition of indigenous and tribal peoples as such, including in matters such as being subjects of law, their differentiated cultural identity and collective character.

1.2.2. Recognition of the right of indigenous and tribal peoples to autonomy and self-government with regards to their internal and local affairs.

1.2.3. Recognition of the right of indigenous and tribal peoples to autonomy and self- governance with respect to their lands, territories and natural resources; as well as their own means of subsistence, development, traditional economic and other types of activities.

1.2.4. Recognition of the right of indigenous and tribal peoples to promote, develop and maintain their own legal, customary and jurisdiction systems. In addition, indicate whether there are coordination mechanisms between indigenous and national state justice systems.

1.2.5. Recognition of the right of indigenous and tribal peoples to political participation through the appointment and election of their own authorities and in accordance with their own procedures and customs with respect to public office at the national and/or local levels.

1.2.6. Recognition of the right of indigenous and tribal peoples to consultation and free, prior and informed consent before the adoption of legislative and administrative measures or the approval of natural resource use or development projects that may affect them directly. In that regard, include information on the recognition and implementation of key aspects of this right, for example on: who is to be consulted, the determination of subjects to be consulted, its scope of application and the cases where free, prior and informed consent is applicable. Additionally, include information on any recognition of indigenous peoples' own initiatives to implement consultation, for example, through the development of self-consultation processes, autonomous consultation protocols, Life Plans, or other mechanisms.

1.2.7. Recognition of the right of indigenous and tribal peoples to establish, promote and control their own systems or programs related to education, health, housing, food security or sovereignty, access to water and other economic and social rights.

1.2.8. Recognition of other aspects that you consider relevant regarding the right to self-determination of indigenous and tribal peoples.

1.2.9. To what extent have international law standards, including the jurisprudence of the inter-American human rights system, Convention No. 169 of the International Labor Organization and the American and United Nations Declarations on the Rights of Indigenous Peoples, influenced the development, adoption and implementation of these laws, policies and jurisprudence?

1. **Indigenous and tribal peoples’ self-determination in practice**

*Question addressed to indigenous and tribal peoples and organizations:*

* 1. From the perspective of your people, nation, nationality or community, how is the right of self-determination conceptualized and materialized, and what are the purposes and objectives of this right?

*Question addressed to indigenous and tribal peoples, States, civil society organizations and others:*

* 1. Please provide detailed information on examples of autonomous models or forms of organization and autonomous expressions by indigenous and tribal peoples to realize the right to self-determination in your country. (You can refer to one or more of the different aspects of this right listed in question 1.2.)
	2. Considering the information provided in point 2.2, what have been the ways in which indigenous peoples have negotiated with the States in order to materialize the right to self-determination?
	3. Considering the information provided in point 2.2, what were the internal organizational processes or other measures adopted internally by indigenous peoples in order to exercise the right to self-determination?
	4. In line with the previous question, provide information on autonomous experiences in incorporating a cross-sectoral gender, intergenerational or other approach. For example, where women have a leading role or special attention is given to intergenerational relationships and processes for transferring leadership or other roles or responsibilities from elders to younger people.
	5. Please provide information on the relevant state institutions in your country. What are the institutions specifically connected to the exercise of self-determination of indigenous peoples? Indicate whether there are mechanisms for monitoring and inter-institutional coordination between the relevant institutions, as well as available information on budget allocation and execution with regards to the operation of said institutions.
1. **Challenges to the realization of the right to self-determination of indigenous and tribal peoples**
	1. What are the obstacles, gaps and setbacks experienced by indigenous and tribal peoples with regards to the exercise of self-determination? (You can use as reference one or more of the different aspects of this right listed in question 1.2).
	2. Are there laws, public policies and/or institutional or State practices in your country that affect the exercise of self-determination by indigenous and tribal peoples?
	3. What are the responses or proposals by indigenous and tribal peoples to resolve the challenges identified?

Please add any other information and/or documentation that you deem appropriate.