

PRINCIPLE #21: **POLITICAL, PARTICIPATORY, CONSTITUTIONAL, AND OTHER RIGHTS OF ALL CITIZENS**

FAQs



Principle #21(b): Political, Participatory, Constitutional, and Other Rights of All Citizens

In addition, the Constitution will provide, among other things: ...

(b) for the political, participatory, constitutional, and other rights of all citizens as well as internal appeal and review processes to ensure those rights are respected.

BACKGROUND / CONTEXT FOR THIS PRINCIPLE

As a part of being a citizen of a particular people or nation, there are certain benefits (e.g., rights) that come with that citizenship as well as certain responsibilities. For example, citizens may have a right to vote in elections but with that right comes the responsibility to inform themselves about candidates and voting processes (e.g., research candidates, consider their qualification, find out where the polling station is, bring voter ID, etc.).

A Constitution – as the highest law of a people or nation – can set out what these fundamental rights and responsibilities of citizens are, as well as the responsibilities of the government to respect and uphold those rights. Not all Constitutions include a list of citizens' rights and responsibilities, but many include what the Indigenous government's responsibilities are as a check on government powers.

Since a Constitution is about how a people or nation will organize and govern itself, various different rights and responsibilities can be included within it. For example:

- Political rights, such as the right to run for elected office, the right to vote in elections, the right to appeal decisions; etc.
- Participatory rights, such as the right to vote on decisions, the right to information, the right not to be discriminated against, etc.
- Constitutional rights, such as equality, life, liberty, etc. All rights included within a peoples' Constitution also become Constitutional rights.
- Other rights and responsibilities that are unique to the particular people or nation, such as language rights, democratic rights, Aboriginal or treaty rights, etc.

EXAMPLES FROM OTHER INDIGENOUS GOVERNMENTS

The [Tlicho Constitution](#)¹ includes the following that, while not framed as “rights” outlines the responsibilities of the Tlicho Government towards its citizens:

- 5.2 Tlicho Government and its institutions shall exercise all powers and authority consistent with this Constitution and shall:
- a) act with respect and fairness and without discrimination or abuse;
 - b) strive for representation of each Tlicho community in important decisions;
 - c) strive for consensus in making decisions;
 - d) allow for the full and free expression and participation of all Tlicho;
 - e) protect our lands, waters and resources including the conservation and enhancement of all living things; and
 - f) subject to (e), recognize and respect the needs and interests of other Aboriginal peoples, our non-aboriginal neighbours and their governments.

The [Nisga’a Constitution](#)² has a chapter on citizens’ rights that includes various political, election-related, and other rights such as:

11. Every Nisga’a citizen has the right to make political choices, to participate in political activities, and to express a view on any public issue.
12. Subject to residency and other requirements set out in Nisga’a law, every Nisga’a citizen who is at least 18 years of age is eligible to vote in Nisga’a elections and to hold office in Nisga’a Government.
14. Nisga’a Lisims Government must make laws in respect of access to information held by Nisga’a Institutions.

The draft [Heiltsuk Constitution](#)³ also includes a chapter on rights and responsibilities, and begins with the acknowledgement that “Every *Hailzaqv* [Heiltsuk] citizen has rights, freedoms and responsibilities” (section 4(3)). It includes a list of “citizen responsibilities”, including that:

7. Every *Hailzaqv* [Heiltsuk] citizen has the responsibility to:
- a) *káxláya gvilás* [be ones who uphold the laws of our ancestors];
 - b) support the tradition of the *liála* [the highly contextual, community-based, participatory cultural, economic, legal and governance institution of the Hailtsuk Nation, otherwise known as the potlatch];

¹A copy of the Tlicho Constitution is available at:

<https://tlicho.ca/sites/default/files/documents/government/tlichoconstitution.pdf>.

²A copy of the Nisga’a Constitution is available at:

<https://www.nisgaanation.ca/wp-content/uploads/2024/07/Constitution-of-the-Nisga-Nation-1998-10-01-1.pdf>.

³A copy of the draft Heiltsuk Constitution is available at:

<https://www.heiltsuknatiolin.ca/heiltsuk-constitution>.



- c) embody *sála* [to develop critical thinking and be in control of one's actions];
- d) be *pácuá* [to be ambitious, hardworking, independent, reliable and resourceful];
- e) be *haúkvkv* [to be compassionate towards others];
- f) maintain and protect the health and integrity of *Haílzaqv* society, community, environment and *wáxv:wuísaxv* [the territory of the Hailtsuk Nation]; and
- g) uphold the Constitution and all *Haílzaqv* law.

The Heiltsuk Constitution also includes a list of rights and freedoms, including some that are similar to the rights contained in the Canadian Charter of Rights and Freedoms (e.g., life, liberty, security of the person, etc.) and others that are unique to the Heiltsuk (e.g., culture, etc.):

8. Subject to reasonable limits prescribed by *Haílzaqv* [Heiltsuk] law and the obligation of the *Haílzaqv* government to adhere to the guiding principles in Chapter 2 of this Constitution, governing principles in Chapter 4 of this Constitution, and *Haílzaqv* *ǵviłás* [ancestral Heiltsuk governing authority over all matters related to the territory and people] in advancing and protecting the well-being of all *Haílzaqv* *wáwáxtus* [the human and non-human relatives of a Heiltsuk person]:

- a) every person within the *wáxv:wuísaxv* [territory of the Hailtsuk Nation] has the right to life, freedom and security of the person;
- b) every *Haílzaqv* citizen has:
 - i. the right of equality and equal protection and benefit of *Haílzaqv* law, including equal access to public services and to employment opportunities provided by the *Haílzaqv* government without discrimination and, in particular, without discrimination based on race or ethnicity, colour, religion, place of origin, age, sex, sexual orientation, gender, marital status, family status, political orientation, or mental or physical ability;
 - ii. the right to enter, remain in and leave the *wáxv:wuísaxv* [the territory of the Hailtsuk Nation];
 - iii. the right to participate in *Haílzaqv* culture and traditions consistent with established practices and customs of the *Haílzaqv* Nation;
 - iv. the right to be informed and consulted, publicly express views and opinions and access public information, including *Haílzaqv* legislation, in relation to internal *Haílzaqv* Nation affairs;
 - v. the right to vote, run for office and participate in elections and referenda pursuant to *Haílzaqv* law;
 - vi. the right to a safe, clean, healthy and sustainable *wáxv:wuísaxv* [the territory of the Hailtsuk Nation];
 - vii. the right to pursue an education;
 - viii. the freedom to pursue a livelihood in the *wáxv:wuísaxv* [the territory of the Hailtsuk Nation].



The [Otipemisiwak Métis Government Constitution](#)⁴ also includes a section on the rights of citizens including that citizens:

- can retain citizenship regardless of residence;
- have the ability to vote in elections and run for office;
- have the ability to appeal decisions; and
- can access information from the Otipemisiwak Métis Government, as part of having transparency and accountability from their government.

WHAT WE'RE DOING NOW / EXISTING MNO EXAMPLES

Many of the MNO's existing governance documents already include sections that provide for these fundamental rights and responsibilities of citizens and of the MNO as a Métis Government.

For example, the MNO Statement of Prime Purpose includes objectives such as "to establish democratic institutions based on our inherent right of self-government" and "to ensure that Métis can exercise their Aboriginal and Treaty rights and freedoms and in so doing, act in a spirit of cooperation with other Aboriginal and non-Aboriginal peoples." These reflect citizens democratic rights and other rights (e.g., Aboriginal and Treaty rights).

The MNO Secretariat Bylaws also already provide for the participatory and political rights of citizens in various ways. For example, the Bylaws outline that there will be an Annual General Assembly (s.48), that that at least 14 days' notice "shall be given to each citizen of any annual or other meeting of the General Assembly" (s. 49), and that "each citizen who is at least sixteen (16) years old and is present at a meeting of the General Assembly shall have the right to exercise one vote" (51(a)). This ensures that all citizens have notice and, subject to age requirements, the ability to vote on important decisions.

The MNO Electoral Codes are another example of political rights as these set out the democratic and participatory rights of citizens including about how to run for office, how to vote, etc.

DISCUSSION QUESTIONS

- Not all Constitutions includes a section on citizens' rights and responsibilities. Should the MNO Constitution include a section on the rights and responsibilities of all citizens?
- What important rights and responsibilities of all citizens should be included in the MNO Constitution? (e.g., equality, participation, voting, responsibility to work together, responsibility to uphold the laws, etc.)
- How are these rights and responsibilities related to our Métis values, traditions, and guiding principles?

⁴A copy of the Otipemisiwak Métis Government's Constitution is available at:

https://albertametis.com/app/uploads/2023/09/Otipemisiwak_Metis_Government_Constitution.pdf.



- o For example: democratic decision-making (e.g., voting rather than consensus) is a tradition of many Métis communities.
- Should the Constitution confirm the responsibility for the Métis Government to respect and uphold these rights? (Constitutions usually also confirm that this is subject to reasonable limits so the government can still function effectively).
- What topics are important to include in the Constitution (e.g., the highest law) and what might be able to be included in another Métis Government Law (e.g., that can include more procedures and other details)?
- o For example: Constitutions often outline that citizens have a right to appeal decisions that affect them and that believe were wrongly decided. The process for how that appeal is undertaken is often set out in a law, regulation, or other policy.