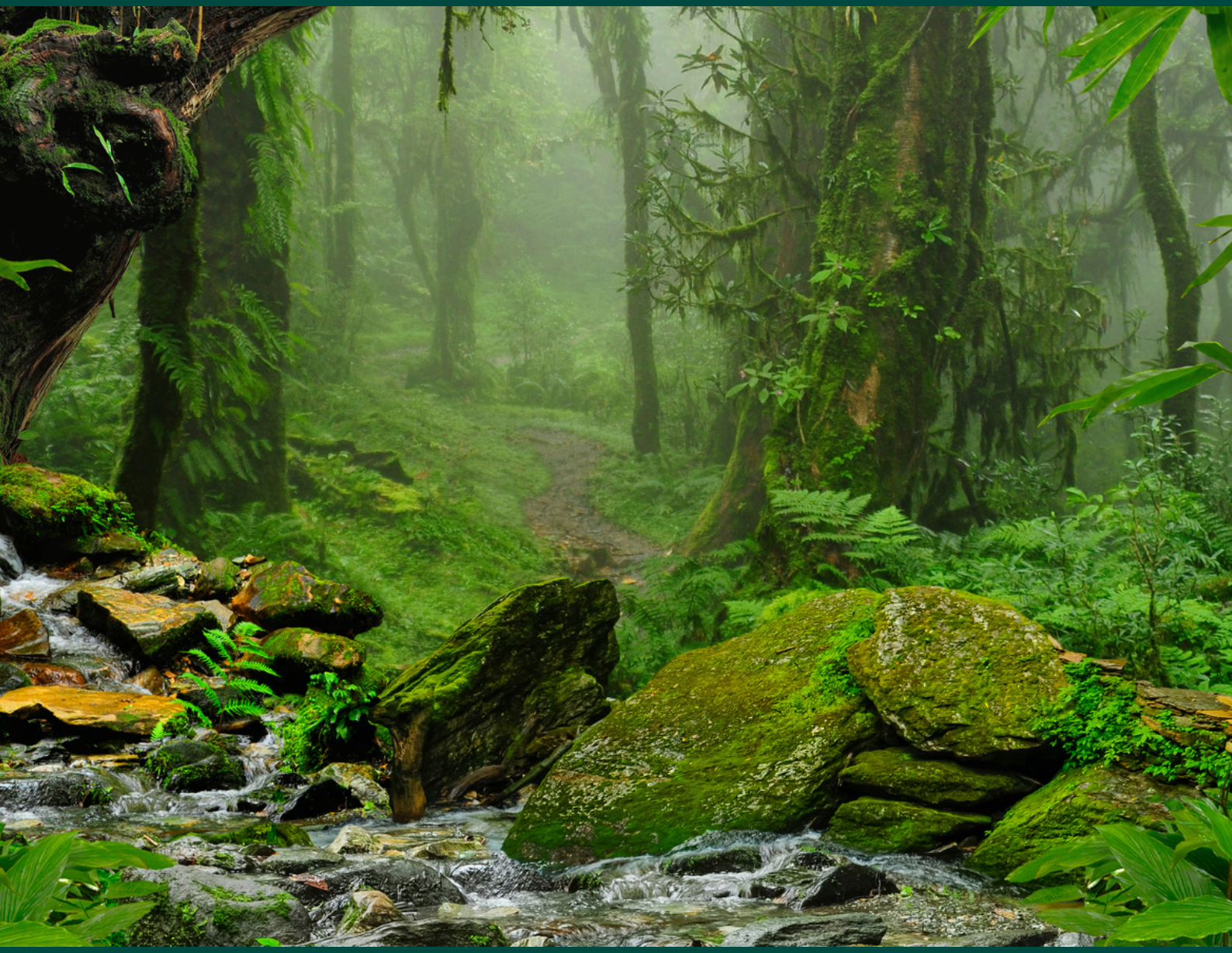


Briefing Document

Indigenous Peoples in Voluntary Isolation and Initial Contact



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

BRIEFING DOCUMENT ON INDIGENOUS PEOPLES IN VOLUNTARY ISOLATION AND INITIAL CONTACT (IPVIIC)

Introduction

1. This document seeks to identify some of the challenges currently faced by Indigenous Peoples in isolation and initial contact in terms of the enjoyment of their rights, as well as some of the existing gaps and progress made by States in response to the demands for protection and the situation of risk faced by these peoples.

2. There are few studies available to assess the human rights situation of Indigenous Peoples in isolation and initial contact, as well as disaggregated data in this regard. Therefore, this document aims to describe some of the issues that have been identified in order to stimulate a constructive and broader dialogue on the subject. Taking into account the existence of differentiated policies and methodologies for the recognition and protection of Indigenous Peoples in Isolation and Initial Contact—due to the particularities of each situation— the document seeks to highlight some situations and concerns that are often not given sufficient attention in international forums in order to encourage all relevant actors to take urgent measures for the protection of these peoples.

3. The document is mainly based on reports produced by universal and regional human rights systems, as well as documents produced by indigenous and civil society organizations, supplemented by open sources, bringing together situations recorded over the last decade. In particular, this report draws heavily on the Guidelines[1] on the Protection of Indigenous Peoples in Isolation and Initial Contact in the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay ("the Guidelines"), which remain an indispensable guide for understanding the scope of international human rights obligations related to the protection of these peoples.

A. Indigenous Peoples in Voluntary Isolation and Initial Contact (IPVIIC)

4. Indigenous Peoples or groups of Indigenous Peoples who "do not maintain regular contact with the majority population and who also tend to avoid all contact with persons outside their group" are known as Indigenous Peoples in Isolation (IPI) or Indigenous Peoples in Voluntary Isolation. In some countries, they are known by other names, including free peoples, uncontacted peoples, hidden peoples or

[1] Guidelines for the Protection of Indigenous Peoples in Isolation and in Initial Contact in the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay. OHCHR. 2012

[2] Ibid. Para. 8.

invisible. For example, in Colombia, they are known as Pueblos en Estado Natural [Peoples in a Natural State], emphasizing the original condition that they have historically and culturally maintained. However, despite the different formulations, they all refer to the same concept.

5. According to available data, both official and provided by civil society organizations, there are currently sixty peoples in South America whose existence has been confirmed in the Amazon, the Gran Chaco and the eastern region of Paraguay, and there are indications that another 128 peoples live in these areas, whose existence has yet to be confirmed. This reflects the complex reality faced by Indigenous Peoples in Voluntary Isolation and Initial Contact, highlighting the urgency of a proactive approach to protect their rights and territories.

6. Civil society organizations have reported the presence of IPVIIC in the Asia-Pacific region, in countries such as India, Indonesia, Malaysia and Papua New Guinea. Furthermore, the presence of IPVIIC in Africa cannot be ruled out. However, studies in these regions are scarce and the available data is insufficient to analyze the issue in depth. This briefing document therefore focuses on IPVIIC in South America.

7. Indigenous Peoples who have remained in isolation and who, either by their own choice or forced by external factors or agents, come into contact with the majority population are known as Indigenous Peoples in Initial Contact (IPIC).

8. Together, given the common characteristics shared by IPIC and IPI, these two groups are known as IPVIIC (Indigenous Peoples in Isolation and Initial Contact).

B. Recognition of Indigenous Peoples in Voluntary Isolation and Initial Contact (IPVIIC)

9. Recognition of IPVIIC is central to the protection of their rights. Only IPVIIC whose presence and existence have been recognized in each country's legislation, have some form of specific protection, while those whose presence and existence are yet to be confirmed do not.

10. In Bolivia and Ecuador, the existence of Peoples in Voluntary Isolation is recognized in their constitutions; in Brazil and Peru, it is recognized in ordinary laws, while in Colombia and Paraguay, it is recognized through decrees or other legal instruments that refer to their existence indirectly.

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[3] Ibid.

[4] Corresponding to territories in Bolivia, Brazil, Colombia, Ecuador, Paraguay, Peru and Venezuela.

[5] https://www.pueblosaislados.org/post/d%C3%ADa-de-los-pueblos-ind%C3%ADgenas-en-aislamiento-y-initial-contact-at-cop16

[6] See E/C.19/2007/12 paragraph 39

[7] Guidelines. Para. 12.

In Venezuela, the existence of IPVIIC continues to lack formal legal recognition within the national regulatory framework, despite the recognition of at least three groups by the Ombudsman's Office and the identification of a fourth people in 2025[8]. Their existence continues to be denied by the government[9]. There are also indications of their presence in Guyana and Suriname, in the border areas with Brazil[(10)].

11. The denial of the existence of certain IPVIIC tends to intensify in contexts where there are interests in exploiting the resources in the territories they inhabit (see Chapter E). For example, since 2022 in Loreto (Peru), various local groups have mobilized and developed a campaign through television advertisements and social media with the aim of discrediting the presence of the IPI[11], spreading the message that the laws protecting them represent an obstacle to the promotion of economic development in the region. The same is happening in Paraguay, where, in the face of the advance of the agricultural frontier, the existence of IPVIIC is denied and rural workers are prohibited from reporting their presence when there are signs of them.

12. Additionally, the denial of the existence of IPVIIC can sometimes occur due to the absence or omission of the necessary actions to confirm it. For example, in Bolivia, Supreme Decree 1286 of 2012 provided for further studies on the existence of the Ayoreo people in Kaa Iya National Park; however, according to the information received, a decade later, this study had not been carried out. There are also systematic procedures for the recognition of IPVIs by civil society organizations and indigenous peoples and organizations.

13. Recognition of the existence of IPI or IPVIIC with rights requires studies, specialized and duly trained personnel, and resources from States. Such confirmation must be carried out through protocols that respect the principle of no contact and with the support of national, regional, and local indigenous organizations and civil society organisations.[13][14] As mentioned above, there is currently information on at least 128 IPI in South America whose presence has yet to be confirmed and which therefore currently lack specific territorial protection or guarantees [15].

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[8] https://wayamoutheri.org/2025/03/21/cuarto-pueblo-indigena-con-grupos-en-aislamiento-voluntario-identificado-en-venezuela-informe-revela-la-situacion-de-los-pueblos-indigenas-en-aislamiento-o-contacto-inicial-piaci/

[9] Inter-American Commission on Human Rights (IACHR). Report on Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for Full Respect for Their Human Rights. 2013, p. 6.

[10] Ibid

[11] See: https://elpais.com/america-futura/2022-11-11/vulnerables-e-invisibles-la-campana-que-niega-la-existencia-de-indigenas-aislados-de-la-amazonia-peruana.html

[12] CEJIS and Land is Life. Situation of indigenous peoples in voluntary isolation in Bolivia. 2021. Page 64. Available at: https://www.pueblosaislados.org/_files/ugd/ba73de_f18b7a9e40fb41b08210d95bfc67ddca.pdf

[13] Guidelines. Paragraphs 10 and 11

[14] Futura publication by GTI PIACI – https://en.pueblosaislados.org/_files/ugd/fe48e9_e62957d8bce141d3859aab9fd12ee9a2.pdf

C. Rights of Indigenous Peoples in Voluntary Isolation and Initial Contact (IPVIIC)

14. According to the Guidelines, "the reason why governments are required to pay special attention to peoples in isolation and in initial contact is because of their extreme vulnerability. This situation requires governments to take concrete action to strengthen mechanisms for the protection of their human rights."[16] Therefore, while PIACI enjoy all the rights internationally recognized for Indigenous Peoples, it is considered that there is a core of principles and rights that need to be guaranteed to ensure their survival, including:[17]

i) The right to self-determination,[18] from which derives the right to determine for oneself to live in isolation and in one's natural state, translates into an obligation not to provoke contact that has not been initiated by them. Any other contact that is provoked is considered a violation of this right.[19]

ii) The precautionary principle, in combination with the principle of non-contact, requires States to adopt measures to avoid situations of forced or accidental contact and to always act preventively in relation to IPVIIC, recognizing the catastrophic consequences of intervening after their rights have been violated.

iii) The right to collective property and the principle of the intangibility of the territories they inhabit, use or transit, which implies not only recognizing the collective rights of IPVIIC over their lands, territories and resources, but also taking effective measures to prevent population settlements on them and refraining from granting "rights that involve the exploitation of natural resources" (21) orother activities that may entail a risk of forced, accidental contact and/or transmission of infectious diseases.

iv) The right to free, prior and informed consultation. [22]There is an obligation to guarantee participation in decisions that affect them, assuming non-consent on the part of Indigenous Peoples in isolation.

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[15] Ibid.

[16] Guidelines. Para. 16

[17] Guidelines. Par. 20-24

[18] United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), art. 3.

[19] Guidelines. Para. 49.

[20] See Guidelines. Op. cit. Para. 46 and AL PER 1/2024

[21] Ibid. Para. 42.

[22] UNDRIP, art. 19.

to any activity carried out in their territories as an affirmation of their will to remain in isolation[23] and ensuring that Indigenous Peoples in initial contact fully understand the conditions and consequences of their participation in consultations. In particular, consultations with Indigenous Peoples in initial contact "should be carried out with the necessary caution and attention to the cultural aspects and specific conditions of vulnerability to which each group is subject."[24] It is essential that consultations take into account the difficulty related to language, the uniqueness of understanding the dimensions of time and space, the particular forms of organization and decision-making, and the worldview that gives these groups their identity.

v) The obligation to preserve conditions suitable for their health and way of life, with particular attention to their characteristic immunological vulnerability. This also includes protecting their right to a clean, healthy, and sustainable environment, as any negative impact on the environment has repercussions that can put IPVIIC at serious risk. This obligation extends to populations living near PIACI territories through specific health policies that include the implementation of health cordons and contingency plans.

15. There is consensus that "isolation is a collective preservation strategy that allows members of these peoples to maintain their own ways of thinking, their way of conceiving the world, their culture, languages and traditions, and to survive the threats caused by forced contact with the outside world."[26] Therefore, some international mechanisms have warned of the danger of cultural and physical extinction and the danger of forced assimilation and extermination that forced contact entails.[27] According to the Special Rapporteur on the rights of Indigenous Peoples, forced contact "may constitute a form of forced assimilation or destruction of their culture, in violation of Article 8" of the United Nations Declaration on the Rights of Indigenous Peoples.[28] Consequently, standards and policies for the protection of the rights of IPVIIC, as well as other standards and policies that may affect them, should use as a starting point the obligation to prevent forced and unwanted contact, as well as the protection of their right to health and the right to maintain their way of life.

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[23] Inter-American Commission on Human Rights (IACHR). Report on Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for Full Respect for Their Human Rights. 2013, p. 82

[24] Special Rapporteur on the rights of indigenous peoples. Addendum. The situation of indigenous peoples in Peru in relation to extractive industries. A/HRC/27/52/Add.3 of 7 May 2014. Appendix. Observations on the expansion of natural gas exploration and extraction in Lot 88 of the Camisea project. Para. 26.

[25] See UNDRIP, art. 29; and A/76/L.75

[26] Expert Mechanism on the Rights of Indigenous Peoples. Report A/HRC/48/75 of 4 August 2021. Para. 18.

[27] See, for example, E/2006/43 E/C.19/2006/11, para. 83; E/2024/43-E/C.19/2024/8, para. 21; A/HRC/39/17/Add., para. 59.

[28] See Guidelines. Op. cit. Para. 49 and AL PER 1/2024

have chosen, in order to avoid violations of the right to life, health and the prohibition of forced assimilation[29] among several others.[30]

D. The territories[31] of Indigenous Peoples in Voluntary Isolation and Initial Contact (IPVIIC)

16. Given that IPVIIC are considered an integral part of the ecosystems in which they live and of which they form part, maintaining a close relationship of interdependence with the environment,[32] for their protection, these peoples must have recognition of collective ownership and a formal delimitation of the area to which they have access or which they occupy, including the areas used for their habitation and movement, which must be continuous, sufficient (integrality) and of good quality, and in which any type of external interference is absolutely prohibited (intangibility). As described in the following chapters, interference in the territories they inhabit or through which they transit is currently the main source of threats to the survival of IPVIIC, whether through activities authorized by the State or illegal activities.

17. Currently, areas formally defined as territories with the presence of IPVIIC are referred to as "intangible zones". According to the Guidelines, in these territories "entry should be prohibited, as should any kind of activity" ,including any population settlement, economic activities or other activities that may entail a risk of contact and/or alter the environmental conditions. The lands surrounding these zones are called "buffer zones." These are intended as a barrier to possible contact and to enable non-invasive monitoring activities[34]. Specific protection measures should be established in such zones to prevent accidental contact[35].

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[29] UNDRIP, art. 8.

[30] See Guidelines. Op. cit. Para. 46

[31] In South America, the names given to the territories of Indigenous Peoples in Isolation and Initial Contact (PIACI) vary between countries. In many cases, these names reflect legal weaknesses that do not fully guarantee the protection of the territorial rights of PIACI. Although States use terms such as "Community Lands of Origin" (Bolivia), "Indigenous Land" (Brazil, Ecuador, Paraguay), "Indigenous Reserve" (Colombia), or "Native Communities and/or Communal Reserves" (Peru) for indigenous territories in general, the reality for PIACI is different. Due to the absence of a specific legal framework for defining the territories of these peoples, most States have resorted to pre-existing administrative figures in the environmental sphere, such as Protected Natural Areas (PNAs) under various conservation categories. While this practice may offer some protection, it highlights a gap in legislation designed to specifically ensure the unique territorial rights of PIACI. See: Vaz, Antenor. Indigenous Peoples in Isolation – PIA in Protected Natural Areas – ANP. South America. GTI PIACI. August 2022. Pág. 5. En: https://www.pueblosaislados.org/_files/ugd/fe48e9_1d568378894f41a0940e6229982aeaa9.pdf

[32] Ibid. Para. 14. (a) Lit. a.

[33] Ibid. Para. 55 (a)

[34] Ibid. Para. 55 (b) .

[35] Ibid. Para. 54

18. Currently, there are 41 recognized territories with records of PIA presence in South America, of which 14 are part of protected natural areas. However, there are cases in which the existence of IPVIIC has been confirmed without formal recognition of such territories.[36] According to information provided by civil society organizations, in the case of the 60 PIVI whose existence has been confirmed, there are a total of 23 claims for territorial recognition at different stages, and in most cases no specific measures have yet been taken[37] or specific institutional arrangements and management are needed to make them effective.

19. Considerable slowness and complexity have been reported in relation to the processes for adopting territorial protection measures in favour of IPVIIC, which seems to contrast with the speed noted in granting concessions for territories subject to recognition claims. For example, in 2019, the Inter-American Commission on Human Rights (IACHR) noted in the case of Peru "the complexity of the procedure for creating reserves" [38]. According to reports, since the adoption in 2006 of Law 28736 for the protection of Indigenous or Native Peoples in Isolation and in Initial Contact[39] ,and its regulations in 2007, "several requests are still pending" and by the end of 2020 only one reserve had been created.[40] Between 2020 and today, Peru established three reserves through Supreme Decrees[41] and five additional reserves are in the process of being created[42].

20. This means that, while applications for the creation of reserves are being processed, other entities such as hydrocarbon plots, forestry concessions or infrastructure projects are overlapping these territories,[43] without the procedure for creating the reserves having been completed, putting at risk the rights of IPVIIC that may be present in the territory and creating situations that will be difficult to reverse if the territories are recognized in the future as reserves or IPVIIC territories[44] .

21. There has also been a tendency to ignore or invalidate evidence of the presence of IPVIIC, or to refute their transit routes, and therefore not to proceed with the demarcation of such territories, in connection with economic interests in certain

[36] Vaz, Antenor. Indigenous Peoples in Isolation – PIA In Protected Natural Areas – ANP. America del Sur. GTI PIACI. August from 2022.

[37] Ibid

[38] IACHR. Report on the Right to Free Self-Determination of Indigenous and Tribal Peoples. 2021. Para. 339.

[39] Law No. 28736 of 24 April 2006

[40] IACHR. Report on the Right to Self-Determination of Indigenous and Tribal Peoples. 2021. Para. 339.

[41]Yavari Tapiche (DS 015-2021-MC), Kakataibo (DS 007-2021-MC), and Kapanawa (DS 004-2024-MC).

[42] Yavari Mirim (20 years), Napo Tigre (20 years), Atacuari (4 years), Pupuna (3 years), and Tamaya Abujao (2 years).

[43] ADIESEP, Report on the situation of peoples in isolation and initial contact in the Peruvian Amazon [2018]. Page 32. Available at: https://aidesep.org.pe/wp-content/uploads/2022/01/INFORME-PIACI-2018.pdf

[44] Plurinational Constitutional Ruling 0935/2024-S3, Constitutional Court returns lands occupied by intercultural groups to the Tsimane people and orders investigation of INRA and ABT – eju.tv.

areas, particularly when making decisions related to the exploitation of resources therein. For example, in 2019, the Inter-American Commission on Human Rights pointed out a variation in the location maps of IPVI in Ecuador and their nomadic movements, which was allegedly intended to favor oil exploitation in Yasuní National Park.[45] In other countries, civil society organizations have denounced practices that appear to indicate partial and localized recognition of the presence of IPVIIC in the face of third-party rights over part of the territory they inhabit or move through [46].

22. It should be noted that "the legal establishment of Indigenous reserves does not in itself guarantee that the territorial autonomy of Indigenous Peoples will be respected by the various economic actors" [47]and the IACHR has concluded that "despite their existence, in practice, prohibitions on access to these areas are not always fully respected, nor are actions taken to enforce them."[48] Therefore, respect for IPVIIC territories and their intangibility are strictly related to control and monitoring by state authorities and the participation of local communities in territorial governance schemes. In this regard, there have been reports in various countries of the inadequacy and even the progressive dismantling or abandonment by the State of checkpoints[49] that should ensure the monitoring of the territory to prevent the entry of unauthorised personnel and the prevention of forced contact.

E. Activities authorised by States in territories of Indigenous Peoples in Voluntary Isolation and Initial Contact (IPVIIC)

23. International human rights standards as a whole indicate that guaranteeing the inviolability of the territories of IPVIIC, regardless of their demarcation, is the basis for ensuring their physical and cultural survival. This position is based on the United Nations Declaration on the Rights of Indigenous Peoples, which protects their rights to land and cultural identity; ILO Convention 169, which recognizes ancestral land ownership and the need to protect their resources and cultures[51] ; and the recommendations of international[52] and regional human rights mechanisms such as the Inter-American Commission on Human Rights (IACHR), which in 2013 explicitly recommended declaring areas

[45] IACHR. Merits Report No. 152/19 Case 12.979. Tagaeri and Taromenane Indigenous Peoples (in Voluntary Isolation) - Ecuador. 28 September 2019. Para. 42.

[46] Vaz, Antenor I. Indigenous peoples in isolation in the Amazon and Gran Chaco – Regional Report: territories and development – IR – Vaz, Antenor. 2019. Page 30

[47] A/HRC/4/32, paras. 44 and 45.

[48] Report on Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for Full Respect for Their Human Rights. IACHR / OAS - 2013. Para. 94

[49] See, for example, Vaz, Antenor. 2019., Alejandro Labaka Foundation and Ecological Action. Illegal Logging in the Tagaeiri Taromenane Intangible Zone. Yasuni, Ecuador, June 2017. P. 43.

[50] Articles 3, 8, 26, 29.

[51] Articles 4, 13, 14, 15.

[52] E/C.12/ECU/CO/4 (CESCR 2019)/A/HRC/52/5 (UPR 2022)/A/HRC/52/14 (UPR 2022), A/HRC/42/37/ADD.1

intangible for IPVIIC [53]. However, there are cases where States have decided to build infrastructure such as roads and hydroelectric dams on these lands, or have granted concessions for forestry, agricultural or hydrocarbon exploitation in violation of the principle of intangibility. In some cases, these operations have affected protected or environmentally conserved areas such as parks or nature reserves with IPVIIC registrations.

24. States that have recognized IPVIIC rights, such as Ecuador and Peru, and have demarcated territories to guarantee non-contact, allow exceptions to intangibility through legal concepts such as national interest or public necessity. For example, in Ecuador, the Constitution recognizes the intangibility of IPVIIC territories,[54] where all types of extractive activity are prohibited. On the other hand, the same Constitution allows extractive activities to be exceptionally authorized by means of a declaration of national interest. In Peru, the Law for the Protection of Indigenous or Native Peoples in Isolation and in Initial Contact provides for the intangibility of territories unless they contain a natural resource that can be exploited for public necessity[57].

25. Such provisions, which violate the principle of non-contact and the inviolability of IPVIIC territories, would have allowed, for example, the exploitation of hydrocarbons in the Yasuní National Park in Ecuador or in the Kugapakori, Nahua, Nanti Territorial Reserve in Peru. In Peru, this would also have allowed the construction of roads in areas of Madre de Dios (a place of passage for the Mashco Piro) and the authorization of forestry concessions in areas that have been classified as indigenous reserves but which allow active exploitation. ([58])

26. Under this model, some private actors who hold permits to live and travel in these territories end up assuming a de facto role of control and monitoring over them, which increases the risk that sightings of IPVI and forced contacts will not be reported, that situations relevant to action plans to protect them (epidemics or violent encounters) will not be recorded, and that the protection of these peoples will be delegated to third parties with interests in the territory rather than to national authorities.

27. With regard to hydrocarbon exploitation, there are known cases where States have authorised such exploitation in IPVIIC territories, which has had several impacts

[53] http://www.oas.org/es/cidh/indigenas/docs/pdf/informe-pueblos-indigenas-aislamiento-voluntario.pdf

[54] Constitution of Ecuador, Art. 57.

[55] Constitution of Ecuador, Art. 407

[56] The declaration of national interest (DIN) is for exploitation in Yasuní National Park. No extractive activities are permitted in the ZITT, nor are new activities permitted in its buffer zone, according to Ruling No. 28-19-IN/22 of the Constitutional Court (CC) of Ecuador (19 January 2022).

[57] Law No. 28736, Art. 5.

[58] EARTH RIGHTS INTERNATIONAL. Press release. We request urgent intervention by the IACHR in light of the risks to the life and integrity of the Mashco Piro people in isolation in the process of categorising the Madre de Dios Indigenous Reserve. 6 April 2021.

negative impacts on these peoples, affecting their ways of life and putting their subsistence at risk, before such authorizations were revoked by the courts. This would be the case, for example, of hydrocarbon exploitation in the Yasunì National Park in Ecuador. According to the Special Rapporteur on the rights of Indigenous Peoples in 2019, "a ring of oil activities has been created around the territory recognised as belonging to Indigenous Peoples in isolation, preventing their free movement and pushing them towards areas inhabited by other Waorani groups, which will increase conflict."[59] The progressive withdrawal of all oil activities in the area was ordered by the courts in 2023 following a national referendum. [60] However, there are other activities authorised by the State and by the declaration of the Intangible Zone itself, such as tourism and religious activities, which may generate pressure and threats.

28. In Bolivia, oil blocks have been reported to overlap 21 of the country's 53 protected areas[61] For example, Madidi National Park, home to the Tacana people, has approximately 79% of its area overlapping with oil blocks.[62] In addition, there is another overlap between the Madidi oil block and the Toromona Absolute Reserve and Integral Protection Zone.[63] In Peru, the United Nations Special Rapporteur on the rights of Indigenous Peoples noted that around 32% of the areas concessioned for natural resource extraction were "overlapping with reserves created for peoples in isolation and initial contact".

29. With regard to development projects, for example, the IACHR reported that in 2018, Brazil had planned to build 123 infrastructure projects (hydroelectric, thermoelectric, railways, waterways, and roads) that directly affected 58 territories where there were reports of the presence of isolated peoples.[65]Several projects, such as those related to the Belo Monte and Tapajós Basin hydroelectric plants, were initiated and had an immediate negative impact on Indigenous populations, including IPVIIC groups, including deforestation, decreased fishing, and the facilitation of illegal activities in the territory. Finally, all large-scale projects

[59] A/HRC/42/37/Add.1 Para. 68

[60] See also https://www.ohchr.org/es/press-releases/2024/08/ecuador-must-respect-will-people-and-halt-oil-drilling-yasuni-park

[61]CEDIB. The oil industry threatens uncontacted peoples in the Amazon (InternationalCry, 20 February 2017) https://www.cedib.org/noticias/la-industria-petrolera-amenaza-pueblos-no-contcatados-en-la-amazonia-internationalcry-20-2-17/

[62] MONGABAY. Bolivia: 21 Amazonian protected areas overlap with oil fields. 19 April 2022. At: https://es.mongabay.com/2022/04/bolivia-21-areas-protegidas-amazonicas-se-superponen-con-lotes-petroleros/

[63] IACHR. Report on the Situation of the Human Rights of Indigenous and Tribal Peoples in the Pan-Amazon Region 2019, para. 393

[64] United Nations Special Rapporteur on the rights of indigenous peoples. Report A/HRC/27/52/Add.3 of 7 May 2014. Para. 7.

[65] IACHR. Report on the Situation of the Human Rights of Indigenous and Tribal Peoples in the Pan-Amazon Region 2019, para. 385.

in the Brazilian Amazon were suspended in the same year by the agency that regulates hydroelectric facilities (ANEEL).

30. With regard to road infrastructure, in Peru, there have been complaints about the construction of a 270-kilometre road between Puerto Esperanza and Iñapari that crosses two protected natural areas,[66] affecting IPVIIC territories, through a declaration of the project as a priority and of national interest. Similarly, in the Chaco region, the current PY16 road project, which would extend 497 km from Fortín Avalos Sánchez (Bolivia) to Hito VII (Paraguay), would threaten the Ñembi Guasu Conservation Area of Ecological Importance in Bolivia, a vital corridor used by the Ayoreo people living in isolation.

31. In other cases, particularly due to the lack of formal delimitation of IPVIIC territories or recognition of their existence, third parties have acquired, used or exploited such territories through administrative permits for agroforestry and livestock farming. In this case, the intangibility would have been violated through the recognition of territorial rights acquired by third parties, the delay in adopting the necessary decisions to return such territories to the IPVIIC, or the creation of reserves for IPVIIC under legal frameworks that include the possibility of active concessions. It is important to note that the expansion of the agricultural frontier involves practices such as the intentional burning of areas, sometimes permitted by law[68], which deteriorates ecosystem functions and often prevents IPVIIC from accessing their livelihoods, travelling along their traditional routes and enjoying a continuous territory.

32. For example, in relation to Paraguay, in February 2016, the IACHR issued precautionary measures in favor of the Ayoreo Totobiegosode people located in the Paraguayan Chaco, with the aim of protecting the territory and the uncontacted members of this people, and putting an end to deforestation in the Ayoreo Totobiegosode Natural and Cultural Heritage Site (PNCAT), as well as carrying out monitoring and surveillance activities. The Special Rapporteur on the rights of Indigenous Peoples expressed concern about reports that the Ayoreo territory was fragmented by private properties in the hands of individuals, which had led to a high degree of deforestation in this area. [69] In Peru, local governments have been reported to grant timber concessions in IPVIIC territories in violation of the Forestry Law and its regulations, as allegedly occurred in the case of the Loreto government, which granted 47 forestry concessions in the Yavarí Tapiche Indigenous Reserve and another in the process of being created (Yavarí Mirim), affecting approximately 3,000 square kilometres.[70]

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[66] Inter-American Commission on Human Rights. Report on Indigenous Peoples in Voluntary Isolation and Initial contact in the Americas: Recommendations for full respect for their human rights. 2013. Para. 97. Also, IACHR. Report on the Situation of the Human Rights of Indigenous and Tribal Peoples in the Pan-Amazon Region. 2019. Para. 391 et seq.

[67] IACHR. Experts on the rights of indigenous peoples from the IACHR and the United Nations express concern over the adoption of a law declaring road construction in the Peruvian Amazon a priority and matter of national interest. Press release 026 of 13 February 2018. See also: OACNUDH. Peru road-building law threatens survival of Amazon peoples in isolation – UN indigenous rights expert. 20 December 2017. At: https://www.ohchr.org/en/press-releases/2017/12/peru-road-building-law-threatens-survival-amazon-peoples-isolation-un?LangID=E&NewsID=22557

[68] See, for example, Law 740 and Law (741) and Law 1171 (2019) in Bolivia.

[69] A/HRC/12/34/Add.1. Para. 355

In other cases, concessions were granted before the reserves were recognised, and therefore the size of the reserves themselves had to be modified to maintain those concessions [71].

33. In most of these situations, there are insufficient studies or data to accurately measure the direct impacts of such projects and activities on the rights of IPVIIC, particularly the impacts resulting from environmental degradation. However, the effects observed on neighboring Indigenous Peoples indicate that these impacts are severe and worrying. Some of these include pressure on IPVIIC due to the presence of workers in their territory, including a high probability of displacement and/or forced contact, changes in water use, as well as the diversion and deterioration of rivers,[72] contamination by harmful substances,[73] and finally famine and disease due to deforestation and the inability to access traditional food sources.

34. Finally, another situation that has caused concern is the existence of religious missions and missionaries who enter IPVIIC territories in search of contact. Civil society organizations have reported the presence of religious figures seeking to establish contact with PIACI for proselytizing purposes.

F. Illegal activities in territories of Indigenous Peoples in Voluntary Isolation and Initial Contact (IPVIIC)

35. Illegal activities in IPVIIC territories are a growing threat and cause serious concern. These include drug trafficking and illegal mining, which have been reported in vast areas of the Amazon. Such activities place serious demographic pressure on IPVIIC, with thousands of people living in or near their territories; serious situations of degradation and environmental liabilities, such as when toxic substances, including mercury, are released into rivers and particularly fragile ecosystems; or the deforestation of forests that reduce the mobility of IPVIIC, scare away game animals and deprive these peoples of access to traditional sources of food and survival.

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[70] AIDESEP. AIDESEP and ORPIO reiterate to Serfor their request for the annulment of 47 illegal forest concessions in territories de los Indigenous Peoples en Isolation. 14 November 2022. In: https://aidesep.org.pe/noticias/serfor-pedido-de-anulacion-de-las-47-concesiones-forestales/ See also: GTI IPVIIC. Indigenous peoples in isolation in the Amazon and Gran Chaco regional report: territories and development – IR. 2019. Page 66

[71] See, for example, IACHR. Report on Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for Full Respect for Their Human Rights. 2013. Para. 103.

[72] IACHR. Report on the Situation of the Human Rights of Indigenous and Tribal Peoples in the Pan-Amazon Region. 2019. Para. 394

[73] Peruvian Ministry of Health, "Analysis of the Health Situation of the Nahua People (2017), p. 110

[74] See Vaz, Antenor. Indigenous peoples in isolation in the Amazon and Gran Chaco regional report: territories and development – IR. Vaz, Antenor - 2019, paras. 55, 64, 83, 191 and EMRIP E/2024/43- E/C.19/2024/8 para. 21.

36. For example, in Brazil, the IACHR expressed concern about the presence of some 20,000 people involved in illegal mining in Yanomami territories, some of them located near IPVIIC communities, which may have contributed to the spread of contagious diseases. It is estimated that between 2019 and 2023, approximately 600 Yanomami children died from hunger, lack of access to drinking water, respiratory and digestive diseases, and malaria. [75]

37. Other illegal activities taking place in IPVIIC territories include logging, hunting, illegal fishing, wildlife trafficking, and the cross-border illegal trade in arms and ammunition. Civil society organizations have reported the presence of several transnational illegal logging operations transporting thousands of logs in the countries of the triple border area (Brazil, Colombia, Peru, Venezuela)[76] and between Ecuador and Peru. In addition to existing threats, the exploitation of transition minerals is emerging as a significant risk for the territories of Indigenous Peoples in Isolation.

38. All these illegal activities are often associated with drug trafficking. Studies have indicated that transnational criminal infrastructures that have been established in remote regions and border areas for the cultivation and trafficking of drugs have been put at the service of illegal mining, timber trafficking and other contemporary forms of cross-border environmental crime.[77] This set of illegal operations commonly relies on armed structures. [78] This exposes IPACIs and neighboring populations to a continuous risk of forced contact and armed violence. According to the IACHR, the presence of criminal groups poses a "risk of contact and aggression to isolated Indigenous Peoples" [79].

39. In these scenarios, as well as in the context of the armed conflict in Colombia, where control of certain territories is exercised by criminal and armed groups, many of which are linked to drug trafficking, IPVIIC girls and women are more vulnerable to sexual and reproductive violence, human trafficking and induction into prostitution. These situations have been reported, for example, in Brazil [80]and Colombia [81],while there appears to be a high level of underreporting in all IPVIIC territories.

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[75] IACHR. Press release. IACHR and REDESCA: Brazil must guarantee the survival of the Yanomami people. 8 February 2023.

[76] See, for example, Vaz, Antenor. Indigenous peoples in isolation in the Amazon and Gran Chaco regional report: territories and development – IR. Land is Life - 2019. Page 49; CERD/C/ECU/CO/23-24 Para. 14.

[77] Igarapé Institute and Insight Crime. The Amazon under siege: the roots of environmental crime in the triple frontier regions. August 2023.

[78] Report A/HRC/35/33. Para. 57.

[79] IACHR, para. 410

[80] Inter-American Court of Human Rights. RESOLUTION. Provisional Measures. Case of the Members of the Yanomami,
Ye'kwana and Munduruku of 12 December 2023.

[81] Commission for the Clarification of Truth, Coexistence and Non-Repetition. Final report: There is a future if there is truth. Resisting is not enduring: violence and harm against the ethnic peoples of Colombia. 2022.

40. As mentioned above, the proliferation of illegal activities in IPVIIC territories is linked to the decline in the level of control and resources invested in monitoring their integrity. For example, in Brazil, the Inter-American Court of Human Rights received information regarding unauthorized overflights since July 2023 in the vicinity of several rivers where the isolated Yanomami Moxihatetema people live and travel. In addition, in the country, there have been reports of the deactivation of Ethno-Environmental Protection Bases, whose reactivation was ordered by a federal judge in 2018, and delays in resuming operations once the reactivation was ordered.[83] In 2021, UN experts expressed their deep concern and condemnation of the escalation of attacks by illegal miners against the Yanomami and Munduruku peoples. The experts also expressed alarm at the significantly elevated levels of mercury contamination directly linked to these illegal mining activities in Indigenous territories[84].

41. The lack of effective control by the State to prevent the entry of persons engaged in illegal economic activities in IPVIIC territory has been denounced in particular during the COVID-19 pandemic, insofar as it could affect the dynamics of the spread of the virus in these areas. For this reason, the IACHR granted precautionary measures to several IPVIICs in Brazil against the entry into their territory of persons linked to illegal logging and mining and due to the mercury contamination caused by these activities[85].

42. In addition to illegal economic activities in IPVIIC territory, forest fires represent one of the most devastating threats, with an alarming increase in the number of fires in their territories. These fires not only destroy the flora and fauna on which the IPVIIC depend entirely on for their subsistence but also pollute their water and air sources. The loss of their "homes," the forest, forces them into forced displacement and puts them at imminent risk of unwanted contact or contagion from diseases to which they have no immunity. These extreme events, often linked to climate change and illegal activities such as deforestation and the expansion of the agricultural frontier, expose the serious vulnerability of these peoples and the urgency of effective territorial protection measures [86].

G. Challenges related to the state response

43. The rules that expressly include some regulation related to IPVIIC in Latin American countries are two references in constitutions, seven in laws, 34 in decrees, 48 in various administrative acts, and three in local ordinances.

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[82] Apiajù, Catrimani, Mucajaì, and Uraricoera Rivers.

[83] IACHR. Precautionary Measure No. 563-20. Members of the Yanomami and Ye'kwana Indigenous Peoples with respect to Brazil, 17 July 2020. Para. 11

[84] https://www.ohchr.org/en/press-releases/2021/06/brazil-un-experts-deplore-attacks-illegal-miners-indigenous-peoples-alarmed

[85] See, for example, IACHR, Resolution 1/2021; Precautionary Measure No. 754-20 of 4 January 2021. Resolution 94/2020; Precautionary Measure No. 679-20 of 11 December 2020. IACHR. Resolution 35/2020; Precautionary Measure No. 563-20 of 17 July 2020.

[86] https://pt.pueblosaislados.org/centro-de-conocimiento

Currently, Peru accounts for around 40% of all regulations produced for the protection of these peoples. These figures indicate that legislative bodies have mainly delegated the protection of the rights of IPVIIC to administrative instruments. This explains why, to date, no real national protection systems for IPVIIC have been consolidated, leading in practice to contradictions between regulations at different levels and a lack of coordination between different institutions.

44. National institutions responsible for promoting the rights of IPVIIC face significant challenges in operating with generally insufficient economic and human resources. In Bolivia, Law No. 450 of 2013 ordered the creation of an institution with a specific mandate to protect the rights of IPVIIC, identify them, and carry out assessments: the General Directorate for the Protection of Indigenous Nations and Peoples (DIGEPIO). However, it was regulated and only began operating in 2022. In Colombia, when the law establishing the National Commission for the Prevention and Protection of the Rights of Indigenous Peoples in Isolation was enacted in 2018, no specific operational resources were provided for it.[88] Other challenges related to the state response have to do with the institutional design and composition of the institutions responsible for protecting IPVIIC. In some cases, the protection of IPVIIC depends on the same institution that grants licenses and authorizations for economic activities in IPVIIC territories, which ends up performing contradictory functions[89].

45. In addition, a deficit has been noted in the development and adoption of instruments, such as protocols or contingency plans, which should serve as tools for prevention and respect for the principle of no contact and the protection of IPVIIC territories, as well as for minimizing the effects of first contact. Although some countries have adopted these protocols, most of these instruments have not been developed with the participation of neighboring Indigenous Peoples and Indigenous organizations[90] in accordance with international standards. It should be noted that Contingency Plans are not guarantees of permissive natural resource exploitation in IPVIIC territories, but rather prevention and protection strategies that must be established for neighboring territories and in cases of unauthorized contact in IPVIIC territories.

46. Initiatives that appear to represent regressive measures in terms of IPVIIC protection are of particular concern. For example, international experts have recently expressed concern about the new Forestry and Wildlife Law in Peru, which could foster a context of impunity for crimes

[87] Supreme Decree No. 4793

[88] Decree 1232 of 2018. In: GTI IPVIIC. Indigenous peoples in isolation in the Amazon and Gran Chaco regional report: territories and development – IR. 2019. Page 252.

[89] For example, in the case of Ecuador, see IACHR. Report on the Situation of the Human Rights of Indigenous and Tribal Peoples in the Pan-Amazon Region. Para. 390

[90] See, for example, Inter-American Court of Human Rights. RESOLUTION. Provisional Measures. Case of the Members of the
of the Yanomami, Ye'kwana and Munduruku Indigenous Peoples of 12 December 2023. Para. 122;

deforestation and climate change, threatening "the physical and cultural survival of the IPVIIC".[91] In Bolivia, Supreme Decree 5390, enacted in May 2025, opens up the possibility of promoting land use change in state-owned forest reserves, affecting legal certainty and facilitating encroachment.[92]

H. Progress in the protection of Indigenous Peoples in Voluntary Isolation and Initial Contact (IPVIIC)

47. Recently, some countries have adopted regulations and created specialized institutions for the promotion of the rights of IPVIIC, such as Bolivia[93] and Colombia[94]. In Bolivia, the DIGEPIO began its activities in February 2023 and a Protocol for the identification and registration of indigenous nations and peoples in situations of high vulnerability was adopted.[95] In Brazil, a favorable shift towards the rights of these peoples has taken the form of institutional adjustments to FUNAI, the advancement of strategies to control illegal mining, attention to the public health emergency in Yanomami territory[96] and the opening of an investigation into genocide against the Yanomami people[97], among other measures. In Ecuador, key preventive instruments have been implemented for the protection of Indigenous Peoples in Isolation (PIA). These include the Protocols for Signs of PIA Presence (since 2015), the Protocols of Conduct for Hydrocarbon Activities in Areas Adjacent to the Tagaeri Taromenane Intangible Zone (ZITT) and its Buffer Zone (2018), and the Protocols for Third-Party Access (2022).

48. In Colombia, it is noteworthy that the decree regulating the protection of the rights of IPVIIC[98] was drafted in consultation with indigenous organizations and that the National System for the Prevention and Protection of the Rights of IPVIIC provides for significant opportunities for equal participation and representation of the most representative indigenous organizations in the design of protection policies. In Ecuador, the expansion of the intangible area of the Yasuní National Park as a result of a national referendum is noteworthy in 2018. In Paraguay, the Paraguayan Institute for Indigenous Affairs (INDI) has created a procedure to identify the impact of public or private projects on ancestral Indigenous properties and territories [99].

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[91] AL PER 1/2024.

[92] Official Gazette of the Plurinational State of Bolivia, Supreme Decree No. 5390, 14 May 2025

[93] Supreme Decree No. 4793 of 2022 regulated Law 450 of 2013 on the Protection of Indigenous Nations and Peoples in Situations of High Vulnerability and enabled the operation of the General Directorate for the Protection of Indigenous Nations and Peoples (DIGEPIO).

[94] Decree 1232 of 2018 on special measures for the prevention and protection of the rights of Indigenous Peoples in Isolation or in a Natural State.

[95] Ministerial Resolution 131-2022.

[96] Portaria GM/MS No. 28, of 20 January 2023. Declares a Public Health Emergency of National Importance (ESPIN) due to the lack of assistance to the Yanomami population.

[97] EL ECONOMISTA. Brazil investigates genocide against the Yanomami ethnic group due to illegal mining during the Bolsonaro administration. 24 January 2023.

[98] Decree 1232 of 2018.

In Peru, the indigenous reserves of Yavarí Tapiche[100] , Kakataibo Norte and Sur[101] and Sierra del Divisor Occidental[102] and recognized the existence of the Aewa, Taushiro, Tagaeri, Taromenane and Záparo PIAs in the context of the request for the creation of the Napo, Tigre and Afluentes Indigenous Reserve.[103]

49. Furthermore, national courts have taken significant measures to protect IPVIICs, for example by ordering the containment of illegal mining in Brazil; or by requesting the adoption of precautionary measures to contain mercury dumping from illegal mining and improve territorial control in Colombia[104] ; or ordering the reversal of the impacts of oil exploitation through the dismantling of operations and infrastructure in the Yasuní National Park in Ecuador.[105] It is also worth mentioning the admission of the claim of the Y'acama Territory of the PICI T'siman[106] in Bolivia.

50. It should also be noted that international human rights mechanisms have been very active in monitoring the situation of IPVIICs. For example, treaty bodies such as the Committee on the Elimination of Racial Discrimination and the Human Rights Committee made observations and recommendations in cases involving Indigenous Peoples at risk of extinction in Colombia[107]and Indigenous Peoples in voluntary isolation in Ecuador[108] , the protection of Ayoreo lands in Paraguay[109] and the impacts of resource exploitation projects on IPVIIC in Peru, among others.[110] The Special Rapporteur on the Rights of Indigenous Peoples made observations and recommendations during her visit to Ecuador[111] and in communications on the impact of road construction in Ucayali[112] , the impacts of logging in Mashco Piro territory [113] and the regression of IPVIIC rights under the Forestry and Wildlife Law [114] in Peru [115] ,among other issues. The Permanent Forum on Indigenous Issues, in response to the COVID-19 pandemic, urged that priority be given

[99]Paraguayan Institute for Indigenous Affairs. Resolution P/No. 814 of 27 October 2022.
[100] Supreme Decree No. 007-2021-MC of 9 April 2021.
[101] Supreme Decree No. 015-2021-MC of 21 July 2021.
[102] Supreme Decree No. 004-2024-MC of 21 May 2024.
[103] Supreme Decree No. 010-2022-MC of 1 September 2022.
[104]Civil Court of the Specialised Circuit for Land Restitution of the Judicial District of Cundinamarca. Interlocutory order No. 214 of 24 October 2023. Case No. 2023-00063.
[105] Constitutional Court of Ecuador. Ruling No. 6-22-CP/23 of 9 May 2023.
[106] LAND. TCP annuls settlements on ancestral Tsimane lands and orders the application of precautionary measures Judgment CP 0935/2024-S3. Date: 26 May 2025
[107] CERD. Concluding observations CERD/C/COL/CO/17-19 of 22 January 2020.
[108] CERD. Concluding observations CERD/C/ECU/CO/23-24 of 15 September 2017; CESCR. Concluding observations E/C.12/ECU/CO/4 of 14 November 2019
[109] CCPR. Concluding observations CCPR/C/PRY/CO/4 of 20 August 2019.
[110] CERD. Concluding observations CERD/C/PER/CO/22-23 of 23 May 2018.
[111] Visit report A/HRC/42/37/Add.1 of 4 July 2019.
[112] OL PER 10/2017.
[113] AL OTH 26/2023.
[114] Law 31973 of 10 January 2024. See AL PER 1/2024.
[115] Press release 026 of 13 February 2018.

to vaccination plans in IPVIIC territories,[116] recommended in 2022 that the progress made and shortcomings in the implementation of the Guidelines[117] for the Protection of Indigenous Peoples in Isolation and Initial Contact in the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay[118], and in 2024 reiterated its recommendations, recalling that IPVIIC are exposed to threats arising from "the advance of extractive industries, the rapid imposition of monoculture, deforestation, violence and the presence and proselytism of missionaries, including Mennonite groups".(119)

51. The Inter-American System ordered the adoption of specific precautionary measures to prevent contact with and spread of COVID-19 in Brazil with respect to the IPVIIC Yanomami and Ye'kwana[120], Munduruku[121], Guajajara and Awá of the Araribóia Indigenous Territory[122]. This is in addition to the monitoring of precautionary measures in the cases of the Mashco Piro, Yora and Amahuaca IPVIIC in Peru in 2007(123) and Ayoreo Totobiegosode in Paraguay,[124] the admissibility of Case 64 Communities of the Mojeño, Yuracaré and Tsimane Peoples of Bolivia[125] and the referral to the Inter-American Court of Human Rights of the Tagaeri – Taromenani v. Ecuador case.[126] The Inter-American Court ordered the adoption of provisional measures in the case of the Yanomami, Ye'kwana and Munduruku peoples,[127] which included a follow-up visit to the Yanomami territory in 2023[128].

52. In a judgment of 4 September 2024, notified in March 2025, the Inter-American Court of Human Rights found Ecuador in violation of the rights of the Tagaeri and Taromenane Indigenous Peoples, other IPVIIC and two Indigenous girls. The judgment, which was groundbreaking in its analysis of the rights of IPVIICs, emphasised the principle of no contact and criticised Ecuador's delay in delimiting the Tagaeri Taromenane Intangible Zone and its oil exploitation policies in Yasuní, which ignored the precautionary principle. The Court also addressed the lack of investigation or prevention by Ecuador of violent incidents against members of the IPVIIC in 2003, 2006, and 2013.

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116 E/2021/43 E/C.19/2021/10. Para. 66.

117 Guidelines for the Protection of Indigenous Peoples in Isolation and in Initial Contact in the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay. OACNUDH. 2012

118 E/2022/43 E/C.19/2022/11

119 E/2024/43- E/C.19/2024/8

120 Precautionary Measure No. 563-20 of 17 July 2020.

121 Precautionary Precautionary No. 679-20 of 11 of December 2020 2020 At: https://www.oas.org/es/cidh/decisiones/pdf/2020/res_94_mc_679-20_br_es.pdf

122 Precautionary Measure No. 754-20 of 4 January 2021

123 With a follow-up hearing in June 2022. IACHR. Case 13.572 - Mashco Piro, Yora, and Amahuanca Peoples v. Peru.

124 IACHR. Resolution No. 4/16 of 3 February 2016.

125 IACHR. Admissibility Report No. 113/20 of 24 April 2020. Petition 211-12. Para. 1.

126 IACHR. Merits Report No. 152/19 of 28 September 2019. Case 12.979 Indigenous Peoples Tagaeri and Taromenane (In Voluntary Isolation) v. Ecuador.

127 Including the Moxihatëtëma PIA. Provisional measures of 1 July 2022 and Provisional Measures of 12 December 2023.

128 Resolution of the CoIDH of 12 December December , 2023 At: https://corteidh.or.cr/docs/medidas/yanomami_se_02.pdf

It also determined that Ecuador violated the rights of the Taromenane girls to personal integrity, family protection, and cultural rights during the 2013 incident. The Court ordered reparations and will monitor Ecuador's compliance with the American Convention on Human Rights[129].

I. Indigenous Peoples in Voluntary Isolation and Initial Contact (IPVIIC) and multiple environmental crises

53. The multiple environmental crises facing humanity, including climate change, biodiversity loss and pollution, constitute an existential threat to all life and contribute directly and indirectly to a wide range of human rights violations around the world. In particular, these crises pose a major threat to the way of life of IPVIIC. Indeed, air, water, food and soil pollution devastate the environment and threaten the health and livelihoods of these peoples.

54. It is important to recognize a positive correlation between IPVIIC and the environment, as there is an interdependence between the protection of these peoples and the territories in which they live. This is crucial for the conservation of ecosystems and the prevention of deforestation, which are essential for combating climate change. For example, Target 3 of the Kunming-Montreal Global Biodiversity Framework, also known as the 30x30 target, seeks to protect 30% of the world's land, coastal, marine and inland water areas by 2030, recognizing Indigenous territories and respecting the rights of Indigenous Peoples. This target is a clear example of this interdependence, as protecting IPACIs also means protecting the environment and vice versa, especially if the territories inhabited by IPVIIC include several of the world's most important biodiversity hotspots, such as the Amazon.

55. Aware of the role that IPVIIC can play in the fight against climate change, some governments have taken measures to promote this role, such as Colombia, which launched the first International Declaration to protect Indigenous Peoples in Isolation and Initial Contact in 2024 and invited other South American countries with IPVIIC presence to sign it and implement national protection policies [130].

Conclusions and recommendations

56. Due to the particular vulnerabilities that characterise IPVIIC and expose them to high risks of disappearing as peoples, both physically and culturally, adopting legislative, political, judicial and administrative measures to

[129] https://www.corteidh.or.cr/docs/casos/articulos/resumen_537_esp.pdf
[130] https://www.pueblosaislados.org/post/el-gti-IPVIIC-y-el-gobierno-de-colombia-lideran-un-llamado-international-to-protect-indigenous-peoples

protect them should be a matter of urgency for all States where there is information about their possible presence. Recognition is the first and fundamental step towards their protection. It is worrying that the presence of IPVIICs is only recognized in South America and that, in the same region, there are still a large number of IPVIICs whose recognition and studies to determine their presence are still pending.

57. IPVIICs play an invaluable role in conserving critical environmental areas to mitigate the climate crisis and ensure healthy environments for the enjoyment of the human right to a clean, healthy and sustainable environment. Due to their characteristics and determination to remain separate from the rest of the population, IPVIIC are particularly vulnerable to climate change, while their way of life and role in conserving the environment and biological diversity appear to be part of the solution to this problem. Therefore, the protection of IPVIIC rights should be accompanied by urgent and far-reaching environmental policies. However, at times when there is considerable pressure to exploit natural resources in areas where IPVIIC live, it is particularly worrying that in some cases the existence of these peoples has been called into question[131] the cartographic instruments establishing their routes have been modified[132] or the adoption of policies to stop or suspend appropriations by third parties has been delayed[133].

58. The cornerstone of the protection of IPVIIC lies in the recognition and formal identification of the territories to which they have access, inhabit or in which they have their transit routes, in sufficient and continuous extension to preserve their own ways of life. The definition of these territories should be accompanied by laws, policies and instruments that ensure respect for their intangibility. It is worrying that States that recognize such intangibility dilute its meaning by authorizing development projects, resource exploitation and other economic activities in these territories. Policies based on exceptions to the principle of intangibility take a perspective that seeks to reconcile the objective of protecting IPVIIC with the exploitation and economic development of their territories. However, in many cases, such policies appear to ignore the right to self-determination, consultation and free, prior and informed consent of these peoples and seriously jeopardize several rights of IPVIIC, as well as their physical and cultural survival.

59. Furthermore, the set of problems and threats arising from illegal activities carried out in IPVIIC territories, particularly mining, illegal logging, fires, and those related to drug trafficking and organized crime, is of particular concern. The proliferation of such activities indicates certain

[131] IACHR. Report on the Situation of the Human Rights of Indigenous and Tribal Peoples in the Pan-Amazon Region. 2019. Para. 385

[132] IACHR. Merits Report No. 152/19 Case 12.979. Tagaeri and Taromenane Indigenous Peoples (in Voluntary Isolation) - Ecuador. 28 September 2019. Para. 42

[133] GTI IPVIIC. Indigenous peoples in isolation in the Amazon and Gran Chaco regional report: territories and development – IR. 2019. Page 30

shortcomings in the monitoring and control of areas where IPVIIC live or transit in order to ensure respect for their intangibility and prevent forced contact, as well as to prevent transnational organized crime that results in direct and indirect attacks against IPVIIC.

60. Faced with these and other challenges, the States of the South American region have taken some important steps. Some of them have updated their regulations and created a certain level of institutionality for the recognition of IPVIIC, the demarcation of their territories and the protection of their rights. However, these countries should consider structural regulatory and institutional adjustments, based on general norms rather than fragmented administrative rules, in order to make their legal systems more harmonious and cohesive and to create genuine protection systems dedicated to IPVIIC. Significant progress has also been made in terms of national and regional case law, which in several cases has led to positive changes by State authorities that have not been implemented in most cases, indicating a need for speed in compliance with orders and inter-institutional and international coordination in their implementation.

61. Against this backdrop, the Guidelines for the Protection of Indigenous Peoples in Isolation and Initial Contact in the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay,[134]published in 2012, continue to represent a course of action that States should urgently pursue and thoroughly implement in order to ensure the survival of IPVIIC. Many of the challenges identified above are closely related to the recommendations provided in these Guidelines and could be mitigated through their proper implementation. In addition, many of the recommendations made by the United Nations Special Rapporteur on the rights of Indigenous peoples and the Rapporteur on the rights of Indigenous peoples of the IACHR at the working meeting on international human rights law standards on the rights of Indigenous peoples in voluntary isolation and in initial contact in the Amazon and the Gran Chaco in 2017 remain valid.[135] These recommendations concern, among other things, the adoption of measures to strengthen the protection of the health, environment and territories of these peoples; better inter-institutional coordination at the intra-state and regional levels; greater attention and coordination by universal and regional human rights bodies and inter-state cooperation agencies; and greater participation by local Indigenous organizations and communities, neighboring populations and civil society.

62. In this context, the following additional recommendations are presented for consideration by States, considering the need to establish a clear distinction between protection and recognition policies and methodologies specifically aimed at Indigenous Peoples in voluntary isolation (IPVI) and Indigenous Peoples in Initial Contact (IPIC):

[134] Guidelines for the Protection of Indigenous Peoples in Isolation and Initial Contact in the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay. OHCHR. 2012

[135] A/HRC/39/17/Add.1

a) Redouble efforts to recognize IPVIIC whose presence is pending study or in the process of confirmation. Such recognition processes should avail themselves of the collaboration of neighboring Indigenous Peoples and Indigenous or civil society organizations with expertise in this area. This includes allocating adequate resources and personnel for multidisciplinary studies and adopting recognition protocols that take due account of the principle of non-contact and the other rights of IPVIIC.

b) Redouble efforts aimed at administrative and legal procedures for the recognition and territorial definition of IPVIIC, their extension and continuity, considering their migratory routes and areas of mobility, including adequate buffer zones. Accelerate and streamline processes related to territorial recognition and definition and avoid taking actions that could irreversibly affect the rights of IPVIIC while recognition claims are being processed.

c) Guarantee the integrity and inviolability of IPVIIC territories and review legal frameworks based on the principle of public utility and/or national interest that allow development projects and economic activities to be carried out in IPVIIC territories.

d) Take measures aimed at restoring IPVIIC territories occupied by legal resource exploitation, particularly agro-industry and hydrocarbon production, or through the recognition of rights acquired by third parties.

e) Implement sustained and effective actions to monitor IPVIIC territories to prevent and punish the entry of third parties. Prevent, investigate and punish direct attacks on IPVIIC, particularly against women and girls.

f) Double efforts to prevent, investigate and punish illegal activities carried out in IPVIIC territories, as well as episodes of violence against them, including multilateral coordination initiatives and the strengthening of mechanisms to combat transnational crime for the protection of the mobility and permanence of IPVIIC in border areas.

g) Adopt and implement environmental policies that ensure the living conditions of IPVIIC and take into account their contribution in this regard. Redouble efforts to prevent, investigate and punish environmental crimes in IPVIIC territories, carrying out the necessary environmental control and monitoring actions.

h) Make structural regulatory and institutional adjustments, based on general or specific laws and regulations, observing the necessary intersectoral nature of actions to guarantee the rights of IPVIIC. Create an effective system for the protection of IPVIIC, ensuring harmony and consistency in the regulations produced, as well as adequate inter-institutional coordination at both the national and regional levels and the incorporation of the gender perspective in protection policies as well as guaranteeing the rights of children.

i) Allocate sufficient resources and competent personnel to institutions dedicated to the protection of IPVIIC. Consider cooperation with the Office of the United Nations High Commissioner for Human Rights and Indigenous and civil society organizations with expertise in the area to make regulatory, institutional and public policy adjustments, as well as to train the staff of these institutions.

j) Redouble efforts to promote the participation of Indigenous Peoples and civil society organizations in the design and implementation of strategies for the protection of the rights of IPVIIC, ensuring permanent and specific spaces for cooperation in national and international protection systems for IPVIIC.