**Project for an Agreement between Member States of the Regional Conference on Migration (RCM) on Consular Assistance and Protection for Migrants in Vulnerable Situations**

**Whereas**

1. The Regional Conference on Migration, hereinafter called RCM, was established with the objective of exchanging information and promoting dialogue on migration matters and thus, constitutes an ideal forum for Member States to promote, through the Liaison Officer Network for Consular Protection, a mechanism for mutual consular protection that operates in a horizontal manner, for matters relating to human rights, international humanitarian law and emergency situations due to natural disasters.
2. All decisions of RCM are made by the Vice-Ministers of the Member States of RCM during their annual meetings and are not binding; and therefore, this regional cooperation mechanism shall be a framework instrument for Member States, which shall decide in an individual and sovereign manner in which cases it is appropriate to apply the instrument.
3. The purpose of the horizontal nature of this mechanism is to limit coordination between the countries of citizenship of migrants and provide protection through the mechanism, to the extent possible, without the need for further actions to be taken before the receiving State by consular officers providing consular protection to third country nationals; and thus, avoid damaging the good relations between the accrediting State and the State providing protection.
4. This regional cooperation mechanism is not intended to establish which cases should be considered as human rights violations and which should not, but rather to provide assistance and protection to persons in vulnerable situations.

The Parties agree to the following **Project for an Agreement between Member States of the Regional Conference on Migration (RCM) on Consular Assistance and Protection for Migrants in Vulnerable Situations:**

 **Agreement**

**ARTICLE 1**

The objective of this Agreement is to facilitate access to the right to consular protection for migrants in Member States of RCM, regardless of where the migrants are.

**ARTICLE 2**

The Member States of RCM agree to coordinate actions by their consular missions abroad, with the objective of complementing their efforts for the benefit of migrants from their countries in the spheres of humanitarian assistance and consular protection.

The above shall be implemented with full respect for the national sovereignty and territorial jurisdiction of each participating country.

**ARTICLE 3**

Each specific case shall be analysed individually and shall be assessed according to its specific characteristics, in order to determine if the regional cooperation mechanism applies and if countries exist that have the legal and material capacity to collaborate with the requesting country in providing consular protection to a national of a country other than the potentially collaborating country or the receiving State but another Member State of RCM.

**ARTICLE 4**

The consular officers of one of the Parties should provide consular protection and humanitarian assistance, to the extent of their resources and possibilities, in jurisdictions where a consular office of any of the Parties does not exist, with prior coordination among the aforementioned Parties and without detriment to other modes of cooperation that could be implemented in order to achieve the objectives of this instrument.

**ARTICLE 5**

The Parties shall agree, through verbal notes and for each specific case, on the scope and procedures to be implemented under this mode of assistance. In addition, the RCM Technical Secretariat should be notified of the request for each case. The Secretariat shall be the point of contact for procedures implemented under this Agreement.

In the capital cities where several consular missions exist of States Parties to the Network for Consular Protection and Humanitarian Assistance, the State of citizenship of the person requesting protection shall establish which Party should be approached to request assistance.

**ARTICLE 6**

Support may not be provided without a prior formal request formulated by the interested Party in a note from the requesting country to the consular mission of the country that is being asked for assistance.

**ARTICLE 7**

The request should comply with the following requirements:

1. The migrant should be a national of a Member State of RCM.
2. The Member State should have decided to be a party to this Agreement.
3. A diplomatic representative or consular office of the country of origin of the migrant does not exist in the country where the migrant is.
4. The requested consular protection should be linked to a violation of fundamental human rights by other civilians, and not by local State authorities; cases of boys, girls or adolescents in vulnerable situations, domestic violence, victims of natural disasters or labour exploitation, and other cases that cannot be resolved through the mechanisms established by the Liaison Officer Network for Migrant Smuggling and Trafficking of RCM, applicable at a regional and international level.
5. The request should be coordinated at a horizontal level by the Consular Directorate or Department of the country of origin of the migrant; and only as an exception, directly with local State authorities.
6. Member States shall designate a focal point with the aim of establishing a network of e-mail addresses and telephone numbers to enable all Member States to discuss the cases that require consular protection, so that the countries with consular representation in the country in question can state if they are able to collaborate and how. The RCM Technical Secretariat shall be notified of this coordination. All Member States that decide to sign this Agreement should submit an updated list of the countries where they have consular offices.
7. The country requesting the implementation of the Agreement should present each case and its conclusion at the following meeting of the Liaison Officer Network for Consular Protection, specifying the nature of the situation, the consular protection required as well as the consular protection provided and by which Member State, with the aim of discussing the lessons learned from each specific case.

**ARTICLE 8**

The implementation costs for this mechanism shall be covered with support from the International Organization for Migration – IOM – when appropriate and to the extent of its possibilities, and by the country of citizenship of the person receiving protection. IOM shall determine the mechanism and budget that will be available to implement this Agreement.

**ARTICLE 9**

This Agreement shall enter into force on the date of approval by the Vice-Ministers of Member States of RCM.