**Concept Note on the Proposal for a Mutual Regional Cooperation Mechanism for the Protection of the Human Rights of Migrants**

**by Member States of the RCM Liaison Officer Network for Consular Protection**

**I. Introduction**

According to the Office of the United Nations High Commissioner for Human Rights, more than 230 million people are living outside their country of origin. Many migrants do not only move to neighbouring countries or within the region but in addition, extra-continental migration is becoming increasingly common. This situation leads to risk of defencelessness for many persons, since it is materially impossible for the countries of origin of migrants to have consular representation in every corner of the world.

The Regional Conference on Migration (RCM), established with the aim of exchanging information and promoting dialogue on migration matters, is an ideal forum to enable Member States to promote, through the Liaison Officer Network for Consular Protection, a mutual consular protection mechanism that operates in a horizontal manner, exclusively addressing matters relating to human rights, international humanitarian law and emergencies due to natural disasters.

The horizontal nature of this mechanism intends to limit the coordination required between countries of origin and countries providing protection, with the objective of avoiding – to the extent possible – the need for the officer that is providing consular protection for a third country national to implement relevant procedures before the receiving State. The purpose of this is to protect the good relations between the State of origin and the State providing protection.

The protection of the fundamental rights of migrants has been a topic that has recently moved forward in international forums, in view of the increasing diaspora and the need to recognize migrants as subject of rights. Today, signing bilateral agreements on mutual assistance in consular matters is very common. However, this initiative goes beyond that. The proposal could become a historic milestone, establishing a regional mechanism that enables interested Member States to provide mutual consular protection to nationals from participating countries, irrespective of the nationality of the applicant, if consular representation exists in the country of residence of the applicant.

Thus, for the first time in history a mechanism would be implemented that enables providing appropriate consular protection regardless of the country where a person is. In addition, as an added value the use of the available economic and human resources would be improved. This would be a good example of regional cooperation that would enable providing consular protection to the highest possible number of migrants abroad that are nationals of any of the participating countries.

With the purpose of injecting dynamism into the two annual meetings of the RCM Liaison Officer Network for Consular Protection, the meetings could become an ideal platform to inform Member States of RCM and observing countries about situations that should be jointly discussed, taking advantage of the opportunity to ensure that a Member State of the Liaison Officer Network facilitates consular protection for each specific case. The primary objective is to coordinate actions such as provision of good offices or another type of collaboration by a diplomatic or consular officer from a country other than the country of citizenship of the applicant, with the aim of safeguarding – where applicable – the integrity and enjoyment of the fundamental rights of the applicant, in accordance with internal and international human rights regulations.

**II. Key Elements of the Proposal:**

1. Suggested title: “Agreement on Regional Consular Protection in Human Rights Matters”.
2. A draft agreement prepared by a small committee.
3. As a key prerequisite, the migrant should be a national of a Member State of RCM.
4. The Member State in question has ratified the Protection Agreement.
5. The country of origin of the migrant does not have diplomatic or consular representation in the country where the migrant is.
6. The requested consular protection is related to violations of the fundamental human rights by other civilian nationals and not by local State authorities. This could include, among others, boys, girls, and adolescents in vulnerable situations; domestic violence; labour exploitation; and other situations that cannot be addressed through the mechanisms established by the RCM Liaison Officer Network for Migrant Smuggling and Trafficking. Applicable at an international and regional level.
7. The situation is addressed through horizontal coordination with the Consular Directorate or Consular Department of the country of nationality of the migrant, and – only as an exception – directly with local State authorities.
8. The participating countries shall designate a focal point, with the aim of developing a network of email addresses and telephone numbers to enable all members to discuss each case requiring consular protection, and to enable countries of origin with consular representation in the country in question to indicate if they are able to collaborate for each specific case, and how.
9. The State requesting implementation of the Agreement should submit the case at the next 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 offered and by which Member State, with the aim of discussing lessons learned from each specific case.

**III. Conclusion**

This proposal intends to facilitate access to the right to consular protection for migrants irrespective of the country where they are. This regional cooperation mechanism does not intend to define a line of action to identify which cases should be considered as human rights cases and which should not, but rather proposes that each specific case is addressed individually to assess its characteristics and jointly establish if the regional cooperation mechanism applies and if countries exist that have the legal and material means to collaborate with the requesting State to provide consular protection to a third country national, that is not a citizen of the receiving State but is a citizen of one of the Member States of RCM that have signed the Agreement.