

**INDEPENDENT DECLARATION ON
THE RIGHT OF PERSONS WITH EXPERIENCE OF FORCED
DISPLACEMENT OR STATELESSNESS TO PARTICIPATE IN
DECISIONS THAT AFFECT THEM**

Consultation Report

15 December 2025

Introduction

This report outlines the principal revisions that have been made to the *Independent Declaration on the Right of Persons with Experience of Forced Displacement or Statelessness to Participate in Decisions that Affect Them* ('the Declaration') based on feedback provided on the Public Consultation Draft released on 20 June 2025.

Over a six-month period between June and December 2025, more than 100 different stakeholders generously offered suggestions as to how the draft could be improved to better reflect law and policy considerations, as well as the lived realities of displaced and stateless communities. These contributions were received either through written submissions, online meetings, surveys or email correspondence. Five public consultation sessions were also held virtually, including a consultation session exclusively for persons with lived experience of forced displacement or statelessness.

We would like to thank all those who contributed to this consultation process.

Background to the drafting process

The Public Consultation Draft, which formed the basis for public consultation on this Declaration, was prepared by a high-level Working Group comprising displaced and stateless experts, in partnership with academics, humanitarians, lawyers, and decision-makers. Convened to consider law reform to advance meaningful participation, the Working Group met monthly from January 2024 to June 2025 online and held an in-person roundtable in Jakarta in May 2025 to develop the draft.

The Working Group was deliberately constituted to be large enough to give rise to a diversity of perspectives and skillsets from around the world, while small enough to ensure that all members could be properly resourced and remunerated for their time and expertise. The Working Group consisted of the following 18 members: Hasan Al-Akraa, Basma Alawee, Noor Azizah, Brian Barbour, Linda Bartolomei, Baqir Bayani, Ana María Diez, Keyvan Dorostkar, Diana Essex-Lettieri, Geoff Gilbert, Tristan Harley, Yusra Herzi, Bahati Kanyamanza, Stéphanie López Villamil, Danijel Malbasa, Nicholas McMurry, James Milner and Najeeba Wazefadost. This Working Group also took the lead on reviewing all feedback and incorporating this feedback into the final version of the Declaration. For more information about the contributors to this drafting process, please visit the [Independent Declaration website](#).

We would like to thank Act for Peace for its dedicated core funding for this work, along with the Asia Pacific Network of Refugees and the Kaldor Centre for International Refugee Law at UNSW Sydney, who both helped financially support this work from its inception. The Gerda Henkel Foundation, the Forced Migration Research Network at UNSW Sydney, the International Refugee Assistance Project and Griffith College also provided generous funding to support Working Group members with travel and research assistance.

Key Changes

There are many changes that have been made in the final version of the Independent Declaration in response to the feedback received. In addition to minor text edits, these changes include:

1. Ensuring that all people with experience of forced displacement or statelessness receive equal attention in the Declaration

During the consultation phase, many respondents highlighted the need to ensure that all people with experience of forced displacement or statelessness are treated equally in the document, avoiding a hierarchy of preference in both language and substance. The term ‘refugees and others experiencing forced displacement or statelessness’, which was used throughout the Public Consultation Draft, was seen as inappropriate, given that it:

- a) explicitly addressed refugees but only implicitly addressed other displaced persons, such as internally displaced persons, and
- b) devalued the importance of including participants with past experience of forced displacement or stateless through use of the present tense ‘experiencing’.

Beyond the term itself, contributors also highlighted how the Public Consultation Draft disproportionately referenced international refugee law sources and gave increased attention to the experiences of refugees compared to other displaced and stateless groups.

While there were many different ideas put forward as to how these issues could be rectified, the Working Group ultimately implemented this feedback by:

- a) Removing explicit reference to refugees in the title of the Declaration
- b) Changing the term to describe the cohort to ‘all persons with experience of forced displacement or statelessness’
- c) Incorporating a new Article 1(2), which explicitly lists to whom the rights apply in the Declaration
- d) Incorporating significantly more references to the experiences and frameworks governing other displaced persons, and
- e) Rewriting parts of the commentary to make it clear that States and other decision-making authorities should also facilitate participation among persons and communities with past experience of displacement.

2. Providing more expansive guidance on diversity considerations

When the Public Consultation Draft was released, Article 4(2)(c) outlined that States and other decision-making authorities should ‘have a duty to take proactive steps to facilitate the participation of individuals and groups who face discrimination, considering the diverse,

dynamic and intersectional experiences and identities of participants’. The draft commentary likewise included some analysis as to why this was important, as well as some interpretative guidance as to how this should be implemented.

Notwithstanding these references, feedback from various stakeholders suggested that the Declaration could be improved by providing more expansive guidance on diversity considerations than what was covered in the draft. This included:

- a) providing more explicit reference to age, gender and diversity frameworks
- b) bringing attention to the principle of gender equality
- c) acknowledging the importance of meaningful participation and leadership of women and girls
- d) emphasising the risks and barriers caused by sexual and gender-based violence, and
- e) highlighting that the principle of non-discrimination equally applies within displaced and stateless communities.

In the final Declaration, each of these suggestions has been implemented.

3. Adding an Introduction to the Declaration that clarifies the Declaration’s purpose, origins and audience

Several contributors commented on the Public Consultation Draft that it was not entirely clear who drafted the document, how it was prepared, what the purpose was and whether States and other decision-making authorities could endorse it.

To address this feedback, the final version now contains an added Introduction prior to the Preamble which seeks to provide this information clearly from the outset. This Consultation Report also seeks to offer further guidance in response to these comments, particularly around the Declaration’s drafting history and consultation process.

4. Providing further clarity as to the types of decisions that require participation

Throughout the consultation period, contributors offered differing views as to whether the scope of decisions under consideration in the Public Consultation Draft struck the right balance.

Some contributors felt that Article 1 – which stated in the draft that ‘[a]ll refugees and others experiencing forced displacement or statelessness have the right to participate in *all decisions that directly or indirectly affect them*’ (emphasis added) – went too far. They suggested that this was either because it was too broad and could be interpreted as creating participatory rights for non-citizens that citizens do not have or because it was too absolute and would not give States the necessary flexibility to implement mechanisms in line with their institutional capacities and legal frameworks.

Other contributors felt that the threshold test in Article 1 did not go far enough. They suggested that the Declaration needed to spell out more specifically the range of decisions that applied, such as pathways to solutions and legal status, as well as accompanying rights for family members of displaced and stateless persons. They also suggested the need to include reference to political rights in their country of nationality.

To address this contrasting feedback, the Working Group made several changes in the final Declaration. These changes included:

- a) changing the threshold test in Article 1 to ‘decisions that directly or indirectly affect their protection and human rights’ to make it more aligned with human rights law and more balanced in relation to the distinct participatory rights of citizens
- b) providing additional guidance in the Commentary as to the types of decisions that will activate the right to participate under the new threshold
- c) including a new reference to the application of Article 25 of the ICCPR for displaced persons, and
- d) acknowledging that while the right to participate for persons with experience of forced displacement or statelessness needs to be balanced with the participatory rights that are accorded to citizens, at times differentiated approaches may be needed to address asymmetries in application.

5. Incorporating the concept of the *pro persona* principle

When preparing the Public Consultation Draft, the Working Group had always envisaged that the rights set out in the Declaration should be principally be interpreted in a manner that protects persons experiencing forced displacement or statelessness. However, as one group of contributors noted, the draft never mentioned this explicitly. To address this feedback, and following the idea presented by the same contributors, the Declaration now states this approach to legal interpretation when discussing the parameters of good faith in the Commentary on Article 2. This approach to legal interpretation is known as the *pro persona* principle.