

THE RULE OF LAW AND MEANINGFUL REFUGEE PARTICIPATION: BRIDGING LEGAL FRAMEWORKS AND AGENCY

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ABSTRACT

The rule of law and the principle of refugee participation are fundamental to ensuring the rights, dignity, and well-being of displaced individuals. While international legal frameworks and human rights treaties establish essential protections, legal recognition alone is insufficient without mechanisms that actively empower refugees to engage in decision-making processes that affect their lives. Despite widespread commitments to participatory governance, refugees often remain excluded due to structural barriers, restrictive legal regimes, and approaches that treat participation as a formality rather than a substantive right.

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This article explores the intersection between the rule of law and meaningful refugee participation, arguing that inclusion must go beyond formal legal acknowledgment to encompass concrete mechanisms that enable active, free, and effective participation.

To deepen this analysis, we examine refugee participation from three key perspectives. First, we explore the legal framework, demonstrating that ensuring meaningful participation is a legal obligation grounded in international human rights and refugee law. Second, we consider Catholic Social Teaching, emphasizing how refugee participation is rooted in the concept of human dignity and the moral imperative of inclusion. Finally, we assess the effectiveness of refugee participation, presenting a brief historical background and actual case studies - such as JRS-led initiatives in Jordan - to evaluate achievements, best practices, and the tangible impact of participatory approaches in refugee protection and policymaking. This analysis is further enriched by first-hand interviews conducted by Mahdia Sharifi with UNHCR officials, refugees, and individuals with lived experience who have been directly involved in consultation and participation processes.

Key words: refugee participation, rule of law, catholic social teaching, participatory mechanisms

1. THE RULE OF LAW AND THE PRINCIPLE OF REFUGEES' PARTICIPATION

The rule of law and the principle of refugees' participation are essential pillars for ensuring the rights, dignity, and well-being of individuals, particularly those who have been displaced due to conflict, persecution, or natural disasters. These principles are enshrined in international standards governing migration policy, with particular emphasis on the meaningful participation of refugees² in decisions affecting their lives.

The rule of law is a foundational principle that ensures all individuals, regardless of their status, are treated with fairness, equality, and justice. In the context of migration, this means that the rights of refugees must be upheld in accordance with international law, including the 1951 Refugee Convention and its 1967 Protocol.³ These instruments guarantee refugees the right to seek asylum and provide a framework for their protection, ensuring that states uphold fundamental legal obligations. A cornerstone of refugee protection is the principle of non-refoulement, which prohibits the forced return of individuals to a country where they may face persecution, torture, or other serious human rights violations.

² In this article, the term *refugee* is used in accordance with the concept of *de facto refugees* as developed in Catholic Social Teaching (CST). See Pontifical Council for the Pastoral Care of Migrants and Itinerant People, "Refugees: A Challenge to Solidarity." 1992.

https://www.vatican.va/roman_curia/pontifical_councils/corunum/documents/rc_pc_corunum_doc_25061992_refugees_en.html. It acknowledges that some individuals, while not meeting the legal definition of a refugee under the 1951 Geneva Convention, are nonetheless in a similar situation and in need of international protection, because they are forced to flee due to generalized violence, human rights violations, environmental degradation, or other circumstances that threaten their life and dignity.

³ "The 1951 Refugee Convention and 1967 Protocol Relating to the Status of Refugees." UNHCR.

<https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees>.

The 1951 Refugee Convention defines a *refugee* as someone who, due to a well-founded fear of persecution, is unable or unwilling to return to their home country. The 1967 Protocol removed the Convention's temporal and geographic limitations, expanding protection to refugees worldwide. Together, they form the foundation of international refugee law. As of today, 149 countries have ratified the Convention.

Beyond non-refoulement, the Refugee Convention enshrines several other key rights essential for ensuring the dignity and well-being of refugees. These include the right to non-discrimination,⁴ which guarantees that refugees are treated equally regardless of race, religion, or country of origin; the right to freedom of movement,⁵ which prevents arbitrary restrictions on refugees' ability to travel within a host country; and the right to work,⁶ which affirms their access to lawful employment and economic opportunities. However, despite these legal guarantees, gaps in implementation and restrictive national policies often hinder the full realization of refugee rights.

One key area where these shortcomings are evident is the right to participation—many refugees are still excluded from meaningful involvement in the social, economic, and political life of their host countries. This lack of inclusion not only deprives them of a sense of belonging but also limits their ability to fully integrate and contribute to their new communities.

The principle of participation for refugees and communities is recognized in numerous international documents, including the Universal Declaration of Human Rights (UDHR)⁷ and various treaties. These instruments highlight the importance of involving refugees and communities in decision-making processes that affect their lives, underscoring participation as a fundamental element of their protection and dignity.⁸

⁴ 1951 Refugee Convention and 1967 Protocol, Article 3.

⁵ 1951 Refugee Convention and 1967 Protocol, Article 26.

⁶ 1951 Refugee Convention and 1967 Protocol, Article 17.

⁷ United Nations General Assembly, "Universal Declaration of Human Rights," December 10, 1948, Resolution 217 A (III). <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁸ Tristan Harley and Harry Hobbs. "The Meaningful Participation of Refugees in Decision-Making Processes: Questions of Law and Policy." *International Journal of Refugee Law* 32, no. 2 (May 8, 2020): 200–226. <https://doi.org/10.1093/ijrl/eeaa010>.

1.1 The Legal Foundations: The Principle of Refugee Participation in International Law and in the Academic Debate.

International Human Rights Law (IHRL) is particularly relevant when dealing with non-citizens, including migrants and refugees, as it ensures that fundamental rights apply regardless of nationality or legal status.⁹ Unlike other legal frameworks that may apply to specific groups or situations, IHRL establishes universal obligations for states to protect all individuals within their jurisdiction or effective control, regardless of their nationality or origin.

While the principle of refugee participation is widely recognized in international instruments, it is not explicitly legally binding. Nevertheless, a growing body of legal scholarship engages in a doctrinal debate on the normative status of this principle, particularly in relation to its grounding in existing human rights and refugee law frameworks. Milner, Alio, and Gardi assert that meaningful refugee participation is not yet a fully established norm, though it shows clear signs of emergence.¹⁰ Harley and Hobbs argue that there is currently no clear, legally binding obligation under international law that guarantees the right of refugees to participate in decision-making processes affecting them. However, they emphasize that the principle of participation is increasingly recognized as a normative expectation, particularly within soft law instruments and policy frameworks.¹¹

According to these scholars, this ambiguity often leads to structural weaknesses where refugees are invited to participate but rarely given real influence over decisions. Their involvement may be

⁹ United Nations General Assembly, "Universal Declaration of Human Rights."

¹⁰ James Milner, Mustafa Alio, Rez Gardi, "Meaningful Refugee Participation: An Emerging Norm in the Global Refugee Regime." *Refugee Survey Quarterly*, 41(4), 565–589. <https://doi.org/10.1093/rsq/hdac007>.

¹¹ Harley and Hobbs, "The Meaningful Participation of Refugees in Decision Making Processes: Questions of Law and Policy".

limited to sharing views without the power to shape policies or outcomes. Without clear mandates and accountability, participation risks becoming symbolic rather than meaningful, reinforcing existing power imbalances instead of promoting genuine agency of refugees.¹² Additionally, a growing body of scholarship links meaningful participation with democratic legitimacy and social justice. Legal scholars note that democratic systems must evolve to inclusively represent non-citizens whose lives are directly shaped by displacement and exclusion.¹³

In this article, we contend that, although not formally codified as a binding norm, the principle of refugee participation can be interpreted as having a solid legal foundation. This foundation emerges through a purposive and systemic interpretation of international legal instruments, such as the 1951 Refugee Convention, the ICCPR,¹⁴ and regional human rights instruments, in conjunction with evolving standards of participatory rights and principles of human dignity, agency, and non-discrimination. The UDHR is a foundational document that recognizes participation as a fundamental human right. Article 21 explicitly states that “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.”¹⁵ While the text refers specifically to participation in the government of one's own country, its broader interpretation by international human rights bodies and legal scholars allows for an extension of this right beyond formal political participation.¹⁶ The principle of inclusion has

¹² Aakash Gautam and Deborah Tatar, “P for Political: Participation Without Agency Is Not Enough,” *Proceedings of the 16th Participatory Design Conference 2020 - Participation(s) Otherwise - Volume 2*, June 15, 2020, 45–49, <https://doi.org/10.1145/3384772.3385142>.

¹³ Zsolt Kapelner, “Vulnerable Minorities and Democratic Legitimacy in Refugee Admission,” *Ethics & Global Politics* 13, no. 1 (January 1, 2020): 50–63, <https://doi.org/10.1080/16544951.2020.1735016>.

¹⁴ International Covenant on Civil and Political Rights, adopted by General Assembly Resolution 2200A (XXI) of December 16, 1966, entered into force March 23, 1976. Article 25. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁵ United Nations General Assembly, “Universal Declaration of Human Rights,” Article 21.

¹⁶ James C. Hathaway. *The Rights of Refugees under International Law*. Cambridge, United Kingdom: Cambridge University Press, 2021. https://repository.law.umich.edu/book_chapters/269/. As a leading

evolved to encompass participation in the social, economic, and political life of the community as a whole, regardless of citizenship status.¹⁷

For refugees, meaningful participation means not only having a voice but also being able to influence decisions about their protection, integration, and future. Refugees should be consulted and included in the development of public policy related to migration, asylum, and refugee rights. This principle is crucial for ensuring that policies are more responsive to the actual needs and realities faced by refugees. Moreover, it fosters a sense of belonging to the host community, which is essential for effective and sustainable integration. These principles are highlighted also in the academic debate among African scholars, whose voices are often overlooked in broader discussion.

Mpeiwa and Antara's research on Congolese refugees in South Africa focuses less on the non-binding nature of participation and more on its limited effectiveness in practice, shaped by regional realities such as institutional racism and xenophobia, and reveals that, while formal participation mechanisms exist, refugees' actual political influence remains highly restricted¹⁸ Khan and Klaaren further demonstrate how systemic xenophobia within South African institutions erodes

scholar in refugee law, Hathaway often discusses the broader implications of human rights principles and their application to refugees. In his influential book, Hathaway explores how participation rights should be extended to all persons, including refugees, in broader societal contexts, not just limited to their home country; Another refugee law scholar, Guy S. Goodwin-Gill often discusses the relationship between human rights law and the practical realities of refugees. His work frequently addresses the notion of "participation" as an essential aspect of refugee rights, and how this extends to social and economic participation, not only political participation.

¹⁷ UN Declaration on the Right to Development, adopted by General Assembly resolution 41/128 of December 4, 1986, Article 2. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-development>.

¹⁸ Mukondeleli Mpeiwa, "Political Participation of Refugees: The Case of Congolese Refugees in South Africa," ed. Lina Antara, *The Case of Congolese Refugees in South Africa* | International IDEA, April 18, 2018, <https://www.idea.int/publications/catalogue/political-participation-refugees-case-congolese-refugees-south-africa>.

refugees' dignity and undermines their democratic rights under the law.¹⁹ Beyond legal barriers, social and economic exclusion plays a major role: Masuku and Rama show how precarious livelihoods drastically limit refugees' capacity to participate publicly.²⁰

1.2. The Principle of Refugee Participation in the Refugee Convention and UNHCR Guidelines.

Participation is increasingly recognized as an essential component of durable solutions and humanitarian programming. Although the 1951 Refugee Convention and its 1967 Protocol do not explicitly mention participation, they establish a legal framework that supports refugees' rights to freedom of expression, association, and access to public life in their host countries. Several provisions—such as administrative assistance, freedom of movement and naturalization and integration in host societies—implicitly recognize the need for refugees to engage in their communities and participate in decisions affecting them.²¹ Over time, UNHCR and the broader international community have reinforced this principle, recognizing participation as a key component of refugee protection and self-reliance.

For instance, UNHCR's Executive Committee Conclusion No. 104 explicitly calls for the meaningful participation of refugees in decisions affecting their lives.²² The Age, Gender, and Diversity (AGD) Policy²³ mandates UNHCR and its partners to ensure refugee participation in all

¹⁹ Fatima Khan, "Does the Right to Dignity Extend Equally to Refugees in South Africa?," *African Human Rights Law Journal* 22, no. 2 (January 27, 2023): 1–24, <https://doi.org/10.17159/1996-2096/2020/v20n1a10>.

²⁰ Sikanyiso Masuku and Sharmla Rama, "Challenges to Refugees' Socioeconomic Inclusion: A Lens through the Experiences of Congolese Refugees in South Africa," *The Oriental Anthropologist: A Bi-Annual International Journal of the Science of Man* 20, no. 1 (June 2020): 82–96, <https://doi.org/10.1177/0972558x20913713>.

²¹ 1951 Refugee Convention and 1967 Protocol, Article 25, Article 26, Article 34.

²² "Conclusion on Local Integration No. 104 (LVI) - 2005." UNHCR, October 7, 2005. <https://www.unhcr.org/publications/conclusion-local-integration>.

²³ "Policy on Age, Gender and Diversity Accountability 2018." UNHCR, 2018. <https://www.unhcr.org/media/policy-age-gender-and-diversity-accountability-2018>.

aspects of protection and assistance, while the Grand Bargain Commitments²⁴ and the New York Declaration for Refugees and Migrants²⁵ reinforce the need for refugee engagement in shaping policy and humanitarian responses. The Global Compact on Refugees,²⁶ additionally highlights the need for refugee inclusion in designing and implementing responses to displacement.

Other relevant publications from UNHCR include the Handbook on Voluntary Repatriation,²⁷ UNHCR Handbook for Self-Reliance,²⁸ and UNHCR Global Trends Reports, which expand the interpretation of refugee rights and emphasize the importance of participation in decision-making processes that affect their lives.

By embedding participation within legal and policy frameworks, these international commitments acknowledge that refugee voices must not only be heard but actively included in decision-making processes. When refugees are given opportunities to contribute to their host communities, they move beyond being seen as mere beneficiaries of assistance and become active agents of change, enriching the societies in which they live.

²⁴ “The Grand Bargain: A Shared Commitment to Better Serve People in Need, 2016.” February 21, 2017. <https://interagencystandingcommittee.org/grand-bargain/grand-bargain-shared-commitment-better-serve-people-need-2016>.

²⁵ “New York Declaration for Refugees and Migrants.” UNHCR. <https://www.unhcr.org/what-we-do/protect-human-rights/asylum-and-migration/new-york-declaration-refugees-and-migrants>.

²⁶ Global Compact on Refugees, 2018. <https://globalcompactrefugees.org/sites/default/files/2019-12/Global%20compact%20on%20refugees%20EN.pdf>.

²⁷ “Handbook on Voluntary Repatriation: International Protection.” UNHCR, 1996. <https://www.unhcr.org/media/handbook-voluntary-repatriation-international-protection>.

²⁸ “Handbook for Self-Reliance.” UNHCR, August 2005. <https://www.unhcr.org/sites/default/files/legacy-pdf/44bf7b012.pdf>.

2. THE RIGHT TO PARTICIPATION IN CATHOLIC SOCIAL TEACHING.

The principle of participation is central to Catholic Social Teaching (CST), emphasizing the right of all individuals, including refugees, to engage actively in the social, political, and economic life of their communities.²⁹ This principle is deeply rooted in the concept of human dignity, which is inherent to every person regardless of nationality, legal status, or background. CST asserts that human dignity is not conferred by governments or societies but is intrinsic to every individual as a creation of God. Therefore, the right to participation is not a privilege granted selectively; rather, it is a fundamental aspect of justice that must be upheld by all people, including those who have been forcibly displaced. Ensuring that refugees and migrants can actively contribute to their communities is not merely an act of charity but a recognition of their full humanity and potential by upholding the dignity of every human being.

To explore this topic further, we will analyze the foundations of the right to participation as articulated in key documents of the Church and the reflections of Pope Francis. By examining the key documents of the Church including the *Gaudium et Spes*, the *Compendium of the Social Doctrine of the Church*, and *Fratelli Tutti*, alongside the advocacy efforts of Catholic organizations, we will demonstrate how CST insists on a participatory model that empowers refugees and migrants with a consistent call for inclusion.

²⁹ “Compendium of the Social Doctrine of the Church,” The Pontifical Council for Justice and Peace, 2004. https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html. Article 189 states that “Participation is a duty to be fulfilled consciously by all, with responsibility and with a view to the common good.”

2.1 Church Teachings and Papal Reflections on the Right to Participation

Gaudium et Spes, the Pastoral Constitution on the Church in the Modern World, underscores the fundamental dignity of every human person and the necessity of their participation in society.³⁰ Paragraph 31 affirms that the right to take part in the life of the community is intrinsic to human dignity and essential for both individual well-being and the common good.³¹ Although not explicitly addressing refugees, the document articulates a universal principle that applies to all, including those who have been forcibly displaced. The ability to contribute to society is not merely a privilege but a right, ensuring that refugees are not passive recipients of aid but active agents in their own futures.

A more comprehensive articulation of this principle appears in the *Compendium of the Social Doctrine of the Church*, by the Pontifical Council for Justice and Peace.³² This document consolidates the key tenets of CST and explicitly highlights the rights of vulnerable populations, including refugees, to participate in the social, political, and economic spheres. Paragraph 402 asserts that participation is a right of all people, including those on the margins of society.³³ Rooted in the concept of solidarity, this principle insists that migrants and refugees must be afforded

³⁰ “Pastoral Constitution on the Church in the Modern World: ‘*Gaudium et Spes*,’” *Gaudium et Spes*, December 1965. https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html.

³¹ “Pastoral Constitution on the Church in the Modern World: ‘*Gaudium et Spes*,’” Paragraph 31. The Christian who shirks his temporal duties, shirks his duties toward his neighbor, neglects God Himself, and endangers his eternal salvation. Let Christians recognize that they are bound to live up to the obligations laid upon them by justice and charity, and to promote the common good. They should also understand the manner in which they can take part in the public life properly and responsibly. Let them work with all men in building a more human world. *Gaudium et Spes* is one of the four apostolic constitutions resulting from the Second Vatican Council (1962–1965).

³² “*Compendium of the Social Doctrine of the Church*,” The Pontifical Council for Justice and Peace, 2004.

³³ “*Compendium of the Social Doctrine of the Church*,” Paragraph 402. The Church's social doctrine supports the quest for suitable mechanisms for the participation of citizens in public life, with particular attention to the conditions of the most vulnerable. Such participation is both a right and a duty, which must be available to all without discrimination. In this regard, democratic systems that ensure public accountability and transparency are preferable, as they provide the structural context in which citizens can contribute to the common good in freedom and responsibility.

opportunities to engage in the decisions and processes that affect their well-being. Their exclusion from such participation contradicts the Church's vision of an inclusive and just society.

Pope Francis on Refugee Participation

Pope Francis' Encyclical *Fratelli Tutti*, reinforces this perspective by advocating for a society founded on social friendship and universal fraternity; a call for inclusive societies where migrants and refugees are not excluded.³⁴ Pope Francis strongly criticized social and political models that reduce migrants to a problem or threat, rather than recognizing their dignity and agency. He stated that “migrants are not seen as entitled like others to participate in the life of society, and it is forgotten that they possess the same intrinsic dignity as any person.”³⁵ This assertion directly challenges exclusionary policies and cultural attitudes that deny refugees not only material support but a voice in shaping the societies they become part of.

The *Fratelli Tutti* affirms that participation is a right of all, with particular emphasis on the most vulnerable, such as migrants and refugees. In this light, *Fratelli Tutti* strengthens and deepens the legal and policy-based discourse on refugee participation by situating it within a broader anthropological and ethical framework. It invites policymakers, civil society, and faith-based actors to go beyond inclusion as service provision, and toward co-responsibility, mutual transformation, and shared citizenship: refugees must be recognized, heard, and empowered as full participants in its moral, political, and cultural life.

³⁴ Pope Francis, *Fratelli Tutti* of the Holy Father Francis on Fraternity and Social Friendship, October 3, 2020. https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html. The encyclical builds on themes from *Laudato Si'* and reflects the Pope's vision of a more just, inclusive, and fraternal world.

³⁵ Pope Francis, *Fratelli Tutti* of the Holy Father Francis on Fraternity and Social Friendship, Paragraph 40.

While the Fratelli Tutti offers a broad scheme for fraternity and social friendship, Pope Francis also explicitly outlined practical principles for engaging with migrants and refugees in his Message for the 104th World Day of Migrants and Refugees. In this message, he highlighted four key verbs that should guide our response to displaced persons: welcome, protect, promote, and integrate. These verbs align with the broader vision of a society where every person, especially migrants and refugees, is fully recognized as a participant in the common good.

In his 2020 Message, Pope Francis called for a renewed culture of encounter, where refugees and migrants are not relegated to the margins but are given real opportunities to engage with society.³⁶ He urged states to develop humane and just migration policies that prioritize participation, dignity, and justice. In his letter to the Bishops of the United States of America in February 2025, he reiterated this commitment, calling for a deeper recognition of the dignity of migrants and refugees.³⁷ He emphasized the importance of listening to their stories and including them in the processes that shape their futures. This commitment reinforces the moral and theological imperative of participation as a core right for refugees.

These principles of CST align with the legal framework and IHRL analyzed earlier in this article, which emphasizes the necessity of inclusive governance and participatory policies. The Catholic Church's advocacy for refugee participation resonates with broader global efforts to ensure that displaced persons are not treated merely as passive recipients of aid, but as full members of society.

³⁶ Pope Francis. Message for the 106th World Day of Migrants and Refugees 2020, September 27, 2020. https://www.vatican.va/content/francesco/en/messages/migration/documents/papa-francesco_20200513_world-migrants-day-2020.html.

³⁷ Pope Francis. Letter of the Holy Father Francis to the Bishops of the United States of America, February 10, 2025. <https://www.vatican.va/content/francesco/en/letters/2025/documents/20250210-lettera-vescovi-usa.html>.

By embracing these principles, societies can foster environments where refugees contribute meaningfully, reinforcing the moral and ethical obligations of solidarity, justice, and human dignity.

2.2 The Role of Catholic Organizations in Fostering Refugee Participation and Agency

Beyond doctrinal teachings, Catholic organizations have also championed the inclusion of refugees in decision-making processes. Caritas Internationalis highlights the necessity of policies that empower refugees to shape their own futures.³⁸ It advocates for participatory models of refugee inclusion that extend beyond humanitarian assistance to ensure that displaced individuals have a voice in shaping their communities. Caritas Internationalis underscores that integrating refugees into decision-making frameworks not only benefits the individuals themselves but also enriches the societies that welcome them.

The International Catholic Migration Commission (ICMC) has also consistently emphasized the importance of refugee participation in shaping policies and solutions that affect their lives. In their approach it is clearly stated that “because refugees themselves can speak authoritatively of their experience and challenges, ICMC promotes wider participation of refugees and host communities in the design of adequate solutions, especially regarding housing, education and livelihoods in their new country.”³⁹

³⁸ “Common Home: Migration and Development in Europe and Beyond,” Caritas Europe, November 2019. https://www.caritas.eu/wp-content/uploads/2023/12/200203-Common-Home-EU-conclusions_recommendations.pdf; “Displaced by a Changing Climate. Caritas Voices: Protecting and Supporting People on the Move,” Caritas Internationalis, November 2023. https://www.caritas.org/wordpress/wp-content/uploads/2023/11/caritas_climate_full_web.pdf.

³⁹ “Seeking Protection and Long-Term Solutions for Refugees.” The International Catholic Migration Commission (ICMC), March 1, 2021. <https://www.icmc.net/what-we-do/advocacy/refugee-protection-and-long-term-solutions/>.

Jesuit Refugee Service Organizational Approach to Refugee Participation

The core value of participation is also key within the history and approach of the Jesuit Refugee Service (JRS), particularly through the principle of subsidiarity, is deeply rooted in the organization's approach to working with refugees and other displaced persons.⁴⁰ By placing decision-making at the local level, JRS ensures that refugees are not passive recipients of aid, but active contributors to the processes affecting their lives. This approach embodies the idea that those most affected by displacement—refugees and forcibly displaced individuals—should have the agency to influence the programs and policies that directly impact them. The principle of subsidiarity allows refugees to take ownership of their journey, enabling them to voice their needs and aspirations in the design and implementation of solutions.

Moreover, JRS fosters co-responsibility by promoting a partnership model, where refugees, host communities, and the organization share responsibility for rebuilding lives and strengthening communities. Through this participatory process, refugees are encouraged to engage not only in receiving aid but also in the decision-making that shapes their futures. This approach is grounded in discernment—the careful and respectful process of involving refugees in decisions, recognizing their experiences and insights as integral to finding sustainable, human-centered solutions.

⁴⁰ “JRS’s Values: A Guide for Our Service for the Forcibly Displaced.” JRS, July 29, 2021. <https://jrs.net/en/about-us/values/>.

3. EMPIRICAL INSIGHTS ON REFUGEE PARTICIPATION: HISTORICAL BACKGROUND AND CASE STUDIES OF IMPACT AND EFFECTIVENESS

3.1 Historical Background

A foundational reference for this shift in refugee participation can be found in the 1992 Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief,⁴¹ which laid important ethical groundwork for humanitarian action. The Code clearly states that disaster relief should never be imposed on recipients, and that lasting recovery depends on their active participation in the design and delivery of assistance. While not an operational manual, the Code serves as a voluntary ethical framework aimed at promoting high standards and accountability in disaster response.

Active Refugee Participation & Decision-Making Among Women & Youth

Following the 1995 Beijing Declaration⁴² and ECOSOC Conclusions, UNHCR shifted from a women-centered focus to mainstreaming gender equality across all protection and program activities. A pivotal moment came in 2001 during the Geneva Dialogue with Refugee Women,⁴³ where elected refugee women advocated for their active participation in decision-making.

⁴¹ “The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief,” 1994. <https://www.ifrc.org/document/code-conduct-international-red-cross-and-red-crescent-movement-and-ngos-disaster-relief>.

⁴² Resolution 1 Beijing Declaration and Platform for Action, September 1995. <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

⁴³ “Dialogue with Refugee Women, 20-22 June 2001, Geneva.” UNHCR, June 2001. <https://www.unhcr.org/media/dialogue-refugee-women-20-22-june-2001-geneva>.

In 2007, the Women’s Commission for Refugee Women and Children undertook a study in northern Uganda to inform global policy through research and advocacy rather than project implementation.⁴⁴ The study found that youth participation in humanitarian programs was increasing—young people were not only beneficiaries but were taking on roles such as counselors and educators—yet true decision-making power remained limited, and many youth organizations lacked resources. This initiative reaffirmed participatory research, youth-led advocacy and inclusive programming as essential for long-term peace and development in conflict-affected regions.

3.2 Consultations

Global Refugee Youth Consultation

The Global Refugee Youth Consultation held in 2015–2016, aimed to create structured spaces for refugee youth to be heard and share their lived experiences.⁴⁵ The objective of the consultation was to engage refugee youth in dialogue with decision-makers about concrete steps to address the challenges refugee youth face.⁴⁶ Despite coming from different countries and regions, participants identified common issues, highlighting shared struggles such as limited access to education, employment, documentation, healthcare, safety, and participation in decision-making. The findings were captured in the report, *We Believe in Youth*.⁴⁷ The report outlines key challenges and

⁴⁴ “Listening to Youth: The Experiences of Young People in Northern Uganda - Sep 2007 - Uganda.” Women’s Refugee Council, September 30, 2007. <https://reliefweb.int/report/uganda/listening-youth-experiences-young-people-northern-uganda-sep-2007>.

⁴⁵ “Global Refugee Youth Consultations,” Women’s Refugee Commission, February 18, 2016. <https://www.womensrefugeecommission.org/research-resources/gyrc/>.

⁴⁶ “Global Youth Refugee Consultations 2015-2016.” Women’s Refugee Commission, September 23, 2016. <https://www.youtube.com/watch?v=fXGvAEKPwjQ>.

⁴⁷ “We Believe in Youth”; GRYC Final Report.” Women’s Refugee Commission, September 19, 2016. <https://www.womensrefugeecommission.org/research-resources/gryc-final-report-sept-2016/>.

proposes core actions, including empowering youth through meaningful engagement, supporting their wellbeing, recognizing their capacities, and ensuring youth-focused protection.

UNHCR Task Team

In 2020, UNHCR established the Task Team on Engagement and Partnership with Organizations Led by Displaced and Stateless Persons, a cross-divisional initiative aimed at strengthening institutional collaboration with community-led organizations.⁴⁸ The Task Team brought together multiple UNHCR divisions to align internal efforts and promote meaningful, inclusive partnerships across the agency with refugees at the center. These co-developed deliverables helped shape the design and structure of the formal Advisory Board of Organizations Led by Displaced and Stateless Persons, which was officially launched in December 2022.⁴⁹ According to Francesca Bonelli, Head of Partnerships and Coordination at UNHCR, the UNHCR established the formal Advisory Board to ensure representation from refugee-led organizations, stateless individuals, and IDPs across the globe.⁵⁰

This evolution ties back to the Age Gender & Diversity Mainstreaming (AGDM) initiative launched over two decades ago.⁵¹ That process emphasized inclusive dialogue with refugee communities, particularly those most often excluded from decision-making, such as elderly individuals, people with disabilities, and LGBTQIA+ persons. The Advisory Board plays a key part in informing both local and global strategies — from program design to policy development.

⁴⁸ UNHCR's Task Team on Engagement and Partnership with Organizations led by Displaced and Stateless People, June 2024. <https://www.unhcr.org/sites/default/files/legacy-pdf/61b28b094.pdf>.

⁴⁹ UNHCR's Task Team on Engagement and Partnership with Organizations led by Displaced and Stateless People, June 2024.

⁵⁰ Francesca Bonelli, Head of Partnerships and Coordination at UNHCR in Geneva, interview by Mahdia Sharifi on 10 April 2025 (virtual interview on TEAMS).

⁵¹ Leslie Groves, UNHCR's age and gender mainstreaming pilot project 2004, April 2005. <https://www.unhcr.org/africa/sites/afr/files/legacy-pdf/4ef332d29.pdf>.

One of the clearest outcomes of this collaboration has been the strengthened visibility and advocacy of refugees on the global stage, including participation in the Global Refugee Forum.

Congress of the IDP Council

Yana Lyubimova a member of the UNHCR Advisory Board and Head of the Ukrainian AGP (Age, Gender, and Diversity) Council, shared insights from her leadership within Ukraine’s IDP movement.⁵² She emphasized the institutional development of the IDP Council structure, which was formally recognized in Ukrainian legislation through a national decree and now includes over 800 councils operational across the country and abroad. These councils integrate IDPs and members of national minorities, collaborating with local and national authorities. Lyubimova highlighted the creation of a Congress of the IDP Council, designed to coordinate and support these local bodies.⁵³ One of the major challenges she identified is the lack of information, trust, and advocacy experience among displaced persons, particularly those dealing with trauma and marginalization.

3.3 Refugee Participation within Jesuit Refugee Service Initiatives

Building on previous efforts, the 2004 Age and Gender Mainstreaming approach was later broadened to incorporate diversity of factors like ethnicity and disability. During this period, JRS played an active role in advancing refugee participation by contributing to the UNHCR 2002 evaluation on the protection of refugee children⁵⁴ and serving on the steering committee for the

⁵² Yana Lyubimova, member of the UNHCR Advisory Board, interview by Mahdia Sharifi on 16 April 2025 (virtual interview on TEAMS).

⁵³ “Congress of IDP Councils Begins Operations in Ukraine,” Благодійна організація “Благодійний фонд “Стабілізуєшун суппорт сервісез,” October 29, 2024. <https://sss-ua.org/en/news/congress-of-idp-councils-begins-operations-in-ukraine/>.

⁵⁴ “Meeting the Rights and Protection Needs of Refugee Children,” UNHCR, May 2002, <https://www.refworld.org/policy/strategy/unhcr/2002/en/76051>.

2003 evaluation on community services. In early 2004, JRS participated in the steering committee established to follow up on the three evaluations, which led to the development of the UNHCR AGDM strategy.⁵⁵ JRS further deepened its involvement by seconding staff to support the piloting of the AGDM strategy, conducting an evaluation of its rollout in Zambia, and helping to develop the accountability framework for its implementation.

Case Study: The Rwandan Genocide

One of the earliest significant steps toward including refugees and affected populations in crisis response that JRS contributed to can be traced back to the humanitarian efforts following the Rwandan Genocide.⁵⁶ This moment marked a turning point in recognizing the agency of displaced communities in shaping their own recovery and protection.

During the crises of the 1990s, particularly after the 1994 Rwandan genocide, JRS played a pivotal role in responding to the urgent needs of refugees. Operating primarily in Tanzania and Zaire, where millions of Rwandans sought refuge, JRS provided essential relief such as food, shelter, and healthcare, as well as psychosocial support for those traumatized by the violence. Recognizing the vulnerability of women and children, JRS expanded its focus to include education and skills training programs, which helped empower displaced women and promote their self-sufficiency.

With the 2001 Dialogue with Refugee Women, JRS was already deeply involved in addressing issues of gender equality, women's leadership, and the pervasive problem of sexual and gender-based violence (SGBV) within refugee camps. Working alongside UNHCR and other partners,

⁵⁵ Evaluations took place due to cuts towards JRS community-based and education-focused projects to demonstrate that cuts were detrimental to child protection and the protection of refugee women.

⁵⁶ Amaya Valcárcel, ed., *The Wound of the Border: 25 Years with the Refugees* (Rome: Jesuit Refugee Service, 2005). <https://jrs.net/wp-content/uploads/2022/07/wound.pdf>.

JRS pushed for greater participation of women in decision-making processes, as well as stronger protection mechanisms for survivors of SGBV.

The Joint Evaluation of Emergency Assistance to Rwanda (JEEAR),⁵⁷ initiated in 1994 after the genocide, marked a significant shift in humanitarian practice. With nearly two million refugees fleeing to neighboring countries, the evaluation underscored the need for a more inclusive, participatory approach to refugee assistance. By including refugees in the planning and execution of humanitarian efforts, programs became more impactful, addressing their actual needs and aspirations. The JEEAR set a precedent for future responses to complex emergencies, influencing international humanitarian practices by prioritizing the voices of those directly affected.

Case Study: Global Refugee Forum and Refugee Participation Pledge

The Refugee Participation Pledge⁵⁸ was launched in 2019, ahead of the first Global Refugee Forum (GRF),⁵⁹ to galvanize cooperation and support for meaningful refugee participation in policymaking. Developed through a multi-stakeholder process, the pledge was endorsed by the Global Refugee-Led Network (GRN), UNHCR, the Governments of Canada and the Netherlands, Oxfam International, and Independent Diplomat.

The Global Refugee Forum, held in Geneva in December 2019, marked a historic milestone in advancing international refugee participation. Co-convened by Costa Rica, Ethiopia, Germany, Pakistan, Turkey, and UNHCR, it brought together states, civil society, businesses, academia, and

⁵⁷ John Borton, “The Joint Evaluation of Emergency Assistance to Rwanda,” Humanitarian Practice Network, April 1, 2004. <https://odihpn.org/publication/the-joint-evaluation-of-emergency-assistance-to-rwanda/>.

⁵⁸ Multi-stakeholder pledge: Refugee participation | the global compact on refugees | UNHCR. <https://globalcompactrefugees.org/multi-stakeholder-pledge-refugee-participation>.

⁵⁹ “Global Refugee Forum 2019,” UNHCR, December 2019. <https://www.unhcr.org/events/global-refugee-forum-2019>.

refugees—to operationalize the Global Compact on Refugees and strengthen collective responsibility-sharing. Key outcomes included over 770 pledges to improve refugee protection, education, livelihoods, infrastructure, and solutions such as voluntary return, resettlement, and local integration. Notably, more than 350 pledges focused on inclusive national policies, and nearly 200 stakeholders specifically committed to ensuring refugee participation.

Since the 2023 GRF, 81 pledges have been made by refugee-led organizations, non-governmental organizations, governments, foundations, and private sector actors. Over 15 state governments joined the pledge in 2023, marking a significant increase from 2019, when only Canada and the Netherlands were among the state signatories.

Among the civil society actors actively contributing to this collective effort was JRS, which reinforced the Forum’s emphasis on inclusive and rights-based policy development. JRS endorsed several significant pledges, including the multi-stakeholder pledge on Meaningful Refugee Participation, aligning closely with the GRF’s focus on inclusive legal frameworks. Through this pledge, JRS affirmed its commitment to ensuring that refugee voices are central in shaping the policies that affect their lives. The organization also contributed to pledges in the areas of education, mental health, climate action, and responses to the Rohingya crisis.

Dedicated to participatory governance, JRS included Angie Torres, an Afro-Colombian refugee and activist, in its official delegation, to recount her life in exile and raise awareness about discrimination and criminalization that refugees face in Central and Latin America.⁶⁰

⁶⁰ JRS will bring the voice of refugees to the Global Refugee Forum - JRS, December 6, 2023. <https://jrs.net/en/news/jrs-will-bring-the-voice-of-refugees-to-the-global-refugee-forum/>.

Case Study: Refugee Committee in Amman, Jordan

The JRS's long-standing commitment to refugee rights and empowerment continues through the establishment and facilitation of the Refugee Committee in 2022. The Committee consists of a group of refugees of various nationalities who had previously participated in JRS's educational programs and community activities. The Committee emerged as a response to the ongoing struggles faced by refugees in Jordan, a country with a long history of hosting displaced populations, from Chechen refugees in the 19th century to Palestinians and, more recently, Syrians fleeing conflict. Today, Jordan's refugee population includes not only Syrians but also large communities of Iraqis, Yemenis, Sudanese, Somalis, and Eritreans. Despite Jordan's longstanding role as a host country, refugees continue to face significant barriers, including limited access to education, unstable livelihoods, and the constant threat of deportation.

In this context, the Committee was created as a platform for refugees to raise awareness about their challenges, advocate for their rights, and directly engage with donors and decision-makers. By offering a safe environment for healing and empowerment, the Committee helps members overcome trauma, foster social cohesion, and challenge misconceptions about different refugee groups in Jordan.

4. CONCLUSION AND POLICY RECOMMENDATIONS

This article has sought to contribute to the ongoing academic and legal debate surrounding the principle of refugee participation by exploring both its legal foundations and practical effectiveness. While we agree with many scholars that refugee participation is not yet codified as a binding legal norm, we argue that its foundations can nonetheless be discerned through a purposive interpretation of international law, human rights norms, and refugee law.

Importantly, this article introduces a fresh perspective by engaging with Catholic Social Teaching—particularly the centrality of human dignity—and drawing on Pope Francis’s reflections on migrants and refugees. By framing participation not only as a legal aspiration but as a moral imperative, we emphasize the ethical responsibility of states and institutions to ensure refugees’ concrete and meaningful involvement in decisions that affect their lives. Through historical examples, we demonstrate the potential impact of genuine refugee participation when it is effectively applied.

The current humanitarian funding crisis, alongside ongoing debates about UN reform and global governance, has sparked renewed interest in the concept of localization—shifting power, resources, and decision-making to Refugee-Led Organizations (RLOs) and community-based actors. Meaningful refugee participation is increasingly recognized as both a practical necessity and a political imperative in this changing landscape where those with first-hand experience of displacement can make decisions over their lives. As global funding contracts and multilateral systems restructure, reliance on locally embedded actors becomes more urgent—and potentially transformative to move away from cycles of dependency that have colonial power dynamics. This paradigm shift offers an opportunity to reshape public discourse and policies on refugee participation through unrestricted funding or removing exclusionary criteria. However, it also raises critical questions about accountability and responsibility: whether localization is being used as a justification for Global North’s retreat from its obligations to the Global South.

The renewed focus on localization⁶¹—shifting power and resources to Refugee-Led Organizations and community actors—highlights the growing recognition that meaningful refugee participation

⁶¹ Localisation in UNHCR-led coordination structures | IASC, March 6, 2023.
<https://interagencystandingcommittee.org/grand-bargain-official-website/localisation-unhcr-led->

is essential not only as a normative ideal but as a practical necessity. Structural change is needed to embrace meaningful refugee participation where refugees hold power through a systematic, supportive approach that applies inclusivity with refugee leadership. For participation to move beyond tokenism and rhetoric, it must be grounded in legal obligations that ensure refugees are meaningfully involved at all levels of decision-making. Their inclusion must be embedded in binding frameworks and practical mechanisms that lead to tangible and effective outcomes, thereby reinforcing both democratic accountability and the rule of law.

Moreover, implementing the principle of refugee participation—especially amid the current global crisis in the humanitarian system and renewed calls for localization—requires to draw on lessons from history, actively listen to the voices from diverse backgrounds and from males and females of all ages, and recommendations of refugees themselves, and uphold the principle of human dignity as paramount, even above the interests of states and nations. Only by centering these elements can refugee participation become truly meaningful and effective.

Finally, while localization offers promise, it cannot substitute the international community’s core responsibility to protect refugees. Strengthening the rule of law in refugee governance demands shared accountability among states, institutions, and displaced people—recognizing refugees as rights-holders and active agents in shaping laws and policies that affect their lives.

coordination-structures-0; Localization, as currently discussed in humanitarian policy, underscores the need to include local and refugee-led organizations in coordination and decision-making processes. This reinforces the relevance of meaningful refugee participation in shaping responses that affect their lives.

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