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SENTENCED TO A SLOW DEMISE: THE PLIGHT OF MYANMAR'S ROHINGYA MINORITY

Report of the Standing Committee on Foreign Affairs and International Development

**Hon. Robert D. Nault
Chair**

Subcommittee on International Human Rights

**Michael Levitt
Chair**

JUNE 2016

42nd PARLIAMENT, FIRST SESSION

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THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT

has the honour to present its

FIRST REPORT

Pursuant to the motion adopted by the Standing Committee on Foreign Affairs and International Development on February 4, 2016, and the motion adopted by the Subcommittee on Tuesday, April 19, 2016, the Subcommittee has studied the current human rights situation of the Rohingya in Myanmar.

Your Committee has adopted the report, which reads as follows:

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LIST OF RECOMMENDATIONS*

Based on the evidence it heard, the Subcommittee recommends that, in its continued monitoring and proactive engagement with the Government of Myanmar on the human rights situation of the Rohingya, the Government of Canada:

- 1. Call upon the Government of Myanmar to end all restrictions on freedom of movement, allowing the Rohingya to access services, including educational and health services, and to earn livelihoods.**
- 2. Urge the Government of Myanmar to guarantee unrestricted and meaningful access to humanitarian agencies that provide crucial life-saving services in Rohingya communities and camps for internally displaced Rohingya.**
- 3. Press the Government of Myanmar to accept UN assistance in fulfilling their international human rights obligations, beginning with the conclusion of a Memorandum of Understanding for the establishment of a formal office of the UN High Commissioner for Human Rights in Myanmar, in part to facilitate independent inquiries into potential human rights violations and violence against ethnic and religious minorities.**
- 4. Call upon the Government of Myanmar to respect and protect the rights of all ethnic and religious minorities in its jurisdiction, including the right to practice religion as a community, beginning with the acknowledgement and acceptance of the relevant recommendations made in Myanmar's 2015 Universal Periodic Review before the UN Human Rights Council.**
- 5. Encourage Myanmar's neighbouring countries – in particular, Malaysia, Indonesia, Thailand and Bangladesh, to adopt immigration practices that respect the rights of Rohingya asylum-seekers, including the right not to be returned to Myanmar before having applied for protected status, and urge the above regional players to work together to address the root causes of the Rohingya migration.**

* Please note that the Subcommittee's recommendations are listed in the order in which they appear in the body of the report and not in any order of priority.

- 6. Publicly, persistently and in coordination with like-minded states, advocate for the Government of Myanmar to accede to, ratify, and adhere to the 1954 *Convention relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*, and to amend its 1982 Citizenship Law to ensure the formal recognition of the Rohingya people as a national ethnic group and the restoration of full, unconditional citizenship, with all of its associated rights and freedoms. This would include the right of the Rohingya to run for elected office and other civil and political rights.**
- 7. Advocate for the Government of Myanmar to amend or repeal its four “laws on Protection of Race and Religion” (The Religious Conversion Law, the Myanmar Buddhist Women’s Special Marriage Law, the Population Control Healthcare Law, and the Monogamy Law) and relevant government policies that currently constrain the family lives of the Rohingya people, including birth spacing requirements, limitations on number of children and the requirement for permission to marry.**
- 8. Urge the Government of Myanmar to repudiate anti-Muslim violence, end impunity for acts of violence against the Rohingya and other minorities, and to develop a strategy for promoting tolerance between the Rakhine and Rohingya in Rakhine State.**
- 9. Press the Government of Myanmar and the Government of Rakhine State to develop, in consultation with Rohingya leaders, a long-term solution to resettle Rohingya currently segregated in IDP camps, in a manner that is consistent with international human rights standards.**
- 10. Continue to support democratic development programs in Myanmar that include technical assistance in the sectors of rule of law and justice. In addition, the Government of Canada should consider establishing or supporting “parliament to parliament” and “government to government” capacity-building and mentorship programs between Canada and Myanmar, and consider facilitating a constitutional and legislative review process that removes discriminatory restrictions on and addresses the needs of the Rohingya and other disenfranchised ethnic and religious minorities in Myanmar.**

- 11. Participate in initiatives organized by the diplomatic community in Myanmar in order to coordinate advocacy and programming for human rights reform and democratic development with other donors, such as like-minded governments and international institutions.**
- 12. Reassess its sanctions against Myanmar to ensure that it maximizes its deterrent effect on actors preventing the Rohingya from exercising their human rights, including those who incite anti-Muslim hatred and violence, without hampering development and democratization efforts.**
- 13. Through its development assistance programming, ensure that the Rohingya in Myanmar as well as the Rohingya migrants in neighbouring countries benefit from Canadian programming and aid.**

SENTENCED TO A SLOW DEMISE: THE PLIGHT OF MYANMAR'S ROHINGYA MINORITY

Introduction

On 8 November 2015, historic elections in Myanmar¹ ushered in a new civilian government. The National League for Democracy (NLD), led by Nobel Peace Prize Laureate, democracy activist and honourary Canadian Daw Aung San Suu Kyi, assumed power through a peaceful, democratic transition in March 2016.² While many in the country and within the international community are filled with hope and optimism at the prospect of a better life for Myanmar's people, this sentiment does not appear to extend to the country's Rohingya minority – a group of approximately 1 million who are distinguished from Myanmar's Burman majority by their Muslim faith, distinct language and ethnic origins.

When the Subcommittee on International Human Rights of the House of Commons Standing Committee on Foreign Affairs and International Development (hereafter: the Subcommittee) last studied the human rights situation in Myanmar during the 1st Session of the 41st Parliament, its report entitled [*Conflicting Realities: Reform, Repression and Human Rights in Burma*](#) relayed witness testimony stating that while the many ethnic minorities in Myanmar suffered human rights violations at the hands of security forces, the human rights situation of the Rohingya was particularly dire.³ Since that report was tabled in the House of Commons in June 2013, the United Nations (UN) and international human rights organizations have been sounding the alarm on the worsening conditions facing the Rohingya.

While reports on the precarious situation of the Rohingya mount, the world has been focussed on Myanmar's remarkable transition from military dictatorship to a civilian government and the beginning of a peace process after decades of ethnic warfare. With cautious optimism, governments such as Canada's have been eager to re-engage with the former-pariah state. The Government of Canada partially lifted its sanctions against Myanmar in 2012 and opened its embassy in Yangon in 2014. As well, following his April 2016 visit to the country, Minister of Foreign Affairs Stéphane Dion announced

1 In his [appearance](#) before the House of Commons Standing Committee on Foreign Affairs and International Development on 14 April 2016, Minister of Foreign Affairs Stéphane Dion explained that the National League for Democracy has accepted the use of the name Myanmar instead of Burma. Many Government of Canada websites however still primarily use the name Burma.

2 Though a junta-era constitution bars Aung San Suu Kyi from presidency, she has been appointed foreign minister and "state counsellor" – giving her similar powers to that of a prime minister. Myanmar's new President, Htin Kyaw, is reportedly a close ally of hers, leading some, including Minister Dion, to conclude that she is the de-facto leader of the country.

3 House of Commons, Standing Committee on Foreign Affairs' Subcommittee on International Human Rights, [*Conflicting Realities: Reform, Repression and Human Rights in Burma*](#), 1st Session, 41st Parliament (June 2013), p.74.

that the Government of Canada will be providing \$44 million in development assistance to help Myanmar strengthen its democratic institutions.⁴

The Subcommittee heard expert testimony regarding the deteriorating conditions of Myanmar's Rohingya minority and the continued infringement on their human rights by the Government of Myanmar despite the country's political transition. While the Subcommittee recognizes the achievements made in Myanmar, the persistent mistreatment of the Rohingya and ongoing inter-communal conflict could hamper the peaceful and democratic transition of the country. As such, Myanmar's failure to deal with the chronic abuse against its Rohingya minority has implications for the whole country and for how countries such as Canada will choose to engage with it.

In light of these concerns, the Subcommittee felt it was imperative to conduct a specific study on the human rights of the Rohingya and provide recommendations for the Government of Canada's consideration as it extends diplomatic relations with and invests in this nascent democracy. As a result, in April and May 2016, the Subcommittee heard compelling testimony from Global Affairs Canada, a Rohingya former parliamentarian, international human rights organizations, non-governmental organizations (NGOs) and an expert in ethnic relations in Myanmar. This report begins by placing the persecution of the Rohingya against the backdrop of ethnic and religious repression in Myanmar. It then outlines the historical, widespread discrimination, persecution and violence against the Rohingya by state and non-state actors and the environment of impunity in which they have operated. Next, the report focuses on the situation facing hundreds of thousands internally displaced Rohingya and the Rohingya migrant crisis both caused by inter-ethnic violence in 2012. This report also briefly discusses the capability, capacity and political willingness of Daw Aung San Suu Kyi and her new government to tackle the Rohingya issue, and the role of the Government of Canada in engaging with the Myanmar government. This Report concludes with the Subcommittee's observations.

Based on the evidence and on publicly-available information, the Subcommittee agrees to report the following findings and recommendations to the House of Commons Standing Committee on Foreign Affairs and International Development.

The Rohingya – A Stateless People

For over 50 years, Myanmar was governed by repressive military rule, characterized by grave human rights violations, an absence of the rule of law, and low levels of human and economic development.⁵ The country's new government is now faced with the legacy of longstanding repression of Myanmar's ethnic minorities by successive military regimes, whose attempt to shape Myanmar as an ethnically Burman nation – in which the official religion is Buddhism – has led to persistent internal armed conflicts.

4 Global Affairs Canada, "[Canada announces \\$44 million to strengthen democratic development in Burma \(Myanmar\)](#)," 7 April 2016.

5 House of Commons, Standing Committee on Foreign Affairs' Subcommittee on International Human Rights, [Conflicting Realities: Reform, Repression and Human Rights in Burma](#), 1st Session, 41st Parliament (June 2013), p. 1.

The Rohingya are concentrated in Rakhine State, also known as Arakan State. Rakhine State is located on the west coast of Myanmar and is very ethnically diverse. The majority of the population (about 60%) are ethnic Rakhine who are Buddhists and recognized by the government as an ethnic minority indigenous to Myanmar. Muslim communities comprise 30% of the population; including the Rohingya. In the northern part of Rakhine State, that shares a border with Bangladesh, Rohingya comprise 90% of the population. The state is one of the poorest states in Myanmar, where decades of economic neglect by successive regimes have resulted in poverty and under-development across all communities.⁶

The Rohingya community are referred to as “Bengalis” by Myanmar’s government and most of its public. This contributes to the false narrative that they are a community of “illegal migrants,” when in fact the Rohingya have been established in Myanmar for generations. Myanmar’s Citizenship Law, enacted in 1982, provided a list of 135 ethnic minorities recognized by the government which excluded the Rohingya, resulting in the withdrawal of their citizenship.⁷ This judgment was based on the false claim that their ancestors were not present in Myanmar at the start of British occupation of Rakhine State in 1823. Further, the word “Rohingya” has become politicized in light of concerns that referring to the minority by their proper name could lead to them being identified as a recognized ethnic group with the full set of citizenship rights that follow.⁸

The Rohingya have therefore been rendered stateless. In fact, according to the UN, the Rohingya represent the largest group of stateless persons in the world.⁹ According to Myanmar’s 2008 Constitution, citizens are entitled to freedom of religion, expression, assembly and association; the right to settle and reside anywhere in the country; the right to education; the right to health care; the right to own property and the right to conduct business freely within the country.¹⁰ By virtue of their stateless status, the Rohingya are deprived of all of the rights enshrined in the country’s constitution, maintaining them in a perpetual state of poverty, uncertainty and persecution. At the same time however, the International Crisis Group notes that although citizenship is necessary, it is not sufficient for improving the rights of the Rohingya.¹¹ An end to discriminatory legislation and policies, such as restrictions on freedom of movement as well as improved security and rule of law are also essential.

Myanmar’s transition to democracy occurred against the backdrop of an intensifying nationalist, anti-Muslim movement led by Buddhist monks. As Rebecca Wolsak, Program Manager at Inter Pares, a Canadian NGO with over 20 years of experience in Myanmar,

6 International Crisis Group, “[Myanmar: The Politics of Rakhine State](#),” Asia Report No. 261, 22 October 2014.

7 Ibid.

8 House of Commons, Subcommittee on International Human Rights (SDIR), [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

9 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

10 Chapter VIII, “Citizen, Fundamental Rights and Duties of the Citizens.” [Constitution of the Republic of the Union of Myanmar \(2008\)](#).

11 International Crisis Group, “[Myanmar: The Politics of Rakhine State](#),” Asia Report No. 261, 22 October 2014.

noted: “decades of government propaganda has nurtured prejudice against people of different ethnicities and religions.”¹² This movement gained momentum in April 2012, when inter-ethnic violence in southern Rakhine State left over hundreds of thousands of Rohingya displaced and forced tens of thousands to flee. The plight of the Rohingya is so grave that several witnesses used the terms ethnic cleansing, crimes against humanity and even genocide to describe not only the recent violence against the Rohingya but also their widespread mistreatment and suffering under successive governments of Myanmar.

The persistent persecution of the Rohingya, in which successive governments in Myanmar have been complicit, has led some in the international human rights community to investigate whether or not ethnic cleansing, crimes against humanity or genocide has occurred and is ongoing. When asked whether the situation of the Rohingya was essentially ethnic cleansing, Mr. John Sifton, Advocacy Director, Human Rights Watch, stood by his organization’s stance that the 2012 inter-communal violence in Rakhine State did amount to ethnic cleansing and crimes against humanity against the Rohingya. He also questioned if the “slow, tortured persecution of ghettoization,” or compelling the Rohingya to believe they have “no choice but to leave” also amounted to ethnic cleansing or crimes against humanity.¹³

In his written testimony, U Shwe Maung, a former Rohingya parliamentarian, stated that successive governments in Myanmar have been committing ethnic cleansing and “slow-motion genocide” against the Rohingya.¹⁴ This is of utmost concern to the Subcommittee as this terminology is only used in the most egregious of circumstances where grave breaches of international human rights law have been committed. However, as Kevin Malseed, Program Manager, Inter Pares noted: “Whether you call this a genocide or you don’t consider it genocide, it is ... definitely one of the absolute worst human rights situations in the world.”¹⁵

The Legacy of Inter-Ethnic Conflict in Myanmar and Rakhine State

As explained by Ms. Wolsak, the country’s dictators had a vision to build “one nation, with one race and one religion” – the one race being Burman and the religion, Buddhism.¹⁶ However, “approximately 40% of the population are not Burman. They identify with ethnic nationalities.”¹⁷ In a country with over 135 ethnic groups, implementing this vision led to widespread human rights abuses by successive military regimes including the violent suppression of ethnic political, cultural, social and religious rights, and the economic neglect of ethnic-dominated regions.

12 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Rebecca Wolsak).

13 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

14 U Shwe Maung, “Speaking Notes on the Current Human Rights Situation of Rohingya in Myanmar,” 3 May 2016. Given the length of his opening remarks, the witness was unable to finish reading his speaking notes into the record. As a result, the Subcommittee adopted the balance of his speaking notes as read.

15 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

16 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Rebecca Wolsak).

17 *Ibid.*

A number of ethnic minorities formed their own guerilla armies to counter government oppression and violence, resulting in numerous, protracted armed conflicts across the country. In all of these conflict areas, Myanmar's military has been responsible for human rights abuses against civilians, including forced labor, extrajudicial killings, the recruitment of child soldiers, the use of anti-personnel landmines, and sexual violence against women and girls.¹⁸ In addition, land was often confiscated by the military for the purpose of agriculture and sustaining the troops stationed in these areas as well as for natural resource exploitation which provided no jobs and no economic benefits to local populations.¹⁹ It must also be noted that ethnic guerilla armies have also been implicated in serious human rights abuses including the recruitment of child soldiers, and the use of anti-personnel landmines. Exacerbating these violations is the environment of impunity in which they are perpetrated.²⁰

Among these ethnic armies is the Arakan Army, a Rakhine rebel group. Excluded from peace talks which began under the previous government, the Arakan Army continues to fight government forces. Chris Lewa, Director of the Arakan Project, described the struggle in Rakhine State as “longstanding,” “multi-dimensional,” and “triangular, involving Rakhine Buddhists, Rohingya Muslims and the Myanmar government, with distrust and tensions between all sides.”²¹ According to Dr. Abid Bahar, expert in ethnic relations in Myanmar, acknowledging this dynamic is key to confronting the root causes of Rohingya discrimination and persecution, and to developing long-term solutions to the conflict.²²

Rakhine Buddhists, themselves an ethnic minority in Myanmar, view the Rohingya Muslims as an existential threat to their current ethnic majority in Rakhine State, their desire for more political autonomy, reassertion of their ethnic identity and their economic well-being. Over the decades, successive military regimes have used a “divide and rule” approach in Rakhine State, pitting Rakhine Buddhists and Rohingya Muslims against each other for political gain, exacerbating tensions and causing numerous violent flare-ups between the two communities.²³ While Rakhine hostility against the Rohingya has grown since Myanmar's independence from the United Kingdom in 1948, successive military regimes have also “gradually imposed policies of persecution and exclusion against the Rohingya.”²⁴

Historical State-Sponsored Discrimination and Persecution Against the Rohingya

Even before their loss of citizenship in 1982, the Rohingya experienced the severest forms of legal, economic, educational, and social discrimination, including

18 Human Rights Watch, [World Report 2012](#).

19 House of Commons, Subcommittee on International Human Rights, [Conflicting Realities: Reform, Repression and Human Rights in Burma](#), 1st Session, 41st Parliament (June 2013).

20 Human Rights Watch, [World Report 2012](#).

21 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

22 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Abid Bahar).

23 International Crisis Group, [“Myanmar: The Politics of Rakhine State,”](#) Asia Report No. 261, 22 October 2014.

24 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

restrictions to their right to freedom of movement, which further affected their ability to earn a livelihood, pursue an education, or receive medical care. Their right to assemble to practice their religion was also curtailed.²⁵ Furthermore, the Rohingya required permission to marry and were prohibited from having more than two children.²⁶ Additional children would remain unregistered and were hidden from authorities.²⁷ The Subcommittee was informed by Nur Hasim, Chairman of the Canadian Burmese Rohingya Organization, that Rohingya women are psychologically and physically traumatised by forced birth control and forced abortions.²⁸

Over the decades, human rights abuses perpetrated against the Rohingya by security forces, including sexual violence against women, and severe episodes of inter-communal violence have resulted in two mass migrations of Rohingya to Bangladesh, creating around 200,000 refugees in 1977 and 250,000 in 1992.²⁹ After both instances, most were repatriated back to Myanmar.^{30,31} Even before the 2012 outbreak of inter-communal violence in Rakhine State, “some 28,000 Rohingya refugees live[d] in official camps in Bangladesh and another 200,000 live[d] in makeshift settlements or mixed in with the local population in border areas.”³²

Myanmar is a party to the *Universal Declaration on Human Rights* (UDHR). The UDHR, which is not a treaty, requires member states to confer, in a non-discriminatory manner, some of the most fundamental rights denied to the Rohingya: the right to life, liberty and security of the person; the right to a nationality; the provision of equal protection before the law; protection from discrimination; freedom of movement; freedom of religion including communal worship; the right to a livelihood; the right to access public services; the right to health – including providing special care to mothers and children; among others. Though not a treaty, many of the rights guaranteed by the UDHR have been recognized in international case law and have gained the status of customary international law³³ – that is to say it is widely and uniformly applied by States on the understanding that it is legally mandatory. This effectively creates a universally binding obligation on all States – including Myanmar.

25 Human Rights Watch, [World Report 2011](#).

26 According to Ms. Lewa, the two-child policy has not been implemented since 2013. However, the policy has also never been abolished.

27 Nur Hasim (Canadian Burmese Rohingya Organization), Written Testimony to the Subcommittee on International Human Rights, 19 May 2016.

28 Ibid.

29 International Crisis Group, [“Myanmar: The Politics of Rakhine State,”](#) Asia Report No. 261, 22 October 2014.

30 Ibid.

31 It has been [reported](#) that Bangladesh is unwelcoming towards Rohingya refugees from Myanmar due to (1) government incapacity and (2) a difficult relationship with Myanmar over the control of their shared porous border which is exploited by drug-traffickers and members of the Arakan Army.

32 Human Rights Watch, [World Report 2012](#).

33 Antônio Augusto Cançado Trindade, [“Universal Declaration of Human Rights,”](#) UN Audiovisual Library of International Law.

The UDHR is codified and laid out in greater detail in two treaties: the *International Covenant on Civil and Political Rights*, to which Myanmar is not a signatory, and the *International Covenant on Economic, Social and Cultural Rights*, which Myanmar signed in 2015, but has not yet ratified. The UDHR is also frequently referred to in the preambles and texts of subsequent, more narrowly focussed, international human rights treaties, some of which have been signed and ratified by Myanmar. Witness testimony has laid the factual foundations to suggest that Myanmar might be in breach of both customary international law and its treaty obligations in its treatment of the Rohingya.

The Aftermath of the 2012 Violence in Rakhine State

Arguably, the inter-communal violence that broke out between Rakhine Buddhists and Rohingya Muslims in Rakhine State in 2012 was a turning point for Buddhist-Muslim relations in Myanmar. The conflict resulted in the destruction of thousands of houses and the deaths of hundreds. Not only did the local government fail to intervene, local officials were among the perpetrators of the attacks. Human Rights Watch, which produced two reports documenting the violence, concluded that the violence against the Rohingya during those clashes amounted to ethnic cleansing and crimes against humanity.³⁴

U Shwe Maung, who was parliamentarian at that time, told the Subcommittee that he had submitted an emergency proposal to the Speaker of Myanmar's parliament to investigate the violence, which was considered, and denied, by Daw Aung San Suu Kyi, then-Chair of the Rule of Law Committee. Likewise, the then-Minister of Home Affairs told U Shwe Maung that only Muslims were to blame for the attacks.³⁵

As a result of the 2012 violence, the human rights situation of the Rohingya has worsened. The following sections describe the current humanitarian and human rights crises facing the Rohingya.

1. Internally Displaced Rohingya

During and following the 2012 conflict, hundreds of thousands of people, mainly Rohingya, were displaced, mostly to the outskirts of Sittwe, the capital of Rakhine State. At present, approximately 145,000 Rohingya live in several dozen camps across the state, according to Inter Pares. Some Kaman Muslims also live in these camps. Though the Kaman are a recognized ethnic minority and therefore full citizens, they were swept up in the violence and persecution on the basis of also being Muslim.³⁶ Inter Pares also noted that there is only one Rohingya community left in Sittwe, in the Aung Mingala quarter, which has been surrounded by barbed wire and police, and whose residents have been prevented from leaving. A recent announcement by the Rakhine State government stating

34 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

35 SDIR, [Evidence](#), Meeting No. 04, 1st Session, 42nd Parliament, 3 May 2016 (U Shwe Maung).

36 Kevin Malseed and Rebecca Wolsak (Inter Pares), Additional Comments and Responses to Questions from the Subcommittee for International Human Rights, May 2016.

that it will conduct house to house checks has led to fears that more Rohingya will be evicted and displaced, sparking a resumption of inter-communal violence.³⁷

Mr. Sifton stressed that these IDP camps are not humanitarian sites, but rather “ghettoized semi-urban areas in which people live, but cannot leave.”³⁸ Mr. Malseed, who recently visited three camps, explained that they are visually identified as “Bengali Quarters,” and surrounded by barbed wire and police and military checkpoints. Rohingya are not allowed to leave without police permission, which is “almost impossible to obtain.”³⁹ Rakhine Buddhists, by contrast, are free to enter and move around Rohingya Muslim camps without permission, leading to “persistent fears that radical mobs could easily attack the unprotected camps.”⁴⁰

“Registered” camps are identified as such because the Rohingya who settled in the area were registered by the government – possibly with the view to eventually forcibly deport them under former-President Thein Sein’s Rakhine State Action Plan.⁴¹ These camps have fairly sturdy houses, basic drainage, wells and latrines. Residents also have access to monthly food rations. Sanitation and food are all provided by international NGOs.⁴²

Many other Rohingya were trapped in their homes during the 2012 clashes when their communities were surrounded by armed mobs and security forces, and were therefore unable to reach the registered camps for up to 6 months after violence broke out. These individuals were told by authorities that they were too late to be registered and began building shelters near the registered camps. They receive no assistance whatsoever.⁴³ Mr. Malseed stated that the conditions in these unregistered camps are “even more desperate, unsanitary, and prone to malnutrition.” Due to their location, these shelters are regularly flooded or destroyed by storms and cyclones.⁴⁴

According to Ms. Lewa, funding cuts due to donor fatigue and lagging economies in donor countries are beginning to affect agencies like the World Food Program. These circumstances are resulting in a shift to their assistance to only the most vulnerable people in Myanmar as opposed to blanket humanitarian assistance.⁴⁵

37 Ibid.

38 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

39 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

40 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

41 In 2014, [Human Rights Watch](#) reported on a leaked government document named “Rakhine State Action Plan for long-term development”. It included “provisions for the forced relocation of all Rohingya camps, housing an estimated 130,000 people, to unspecified sites, and a nationality verification process to determine eligibility for citizenship under the discriminatory 1982 Citizenship Law. According to the document, those deemed ineligible would be sent to detention camps and face possible deportation.”

42 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

43 Kevin Malseed and Rebecca Wolsak (Inter Pares), Additional Comments and Responses to Questions from the Subcommittee for International Human Rights, May 2016.

44 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

45 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

a. Lack of Access to Medical Care

Even in the registered camps, access to medical care is inadequate. The Subcommittee was told that the government health clinic in the registered camps have one doctor for one hour a week and no medicine.⁴⁶ According to Ms. Lewa, in other areas, Rakhine activists prevent Rohingya from accessing local clinics nearby.⁴⁷ Mr. Malseed emphasized that Rohingya who become seriously ill are able to ask for permission to travel to Sittwe General Hospital. However, in hospital, Rohingya are placed in a segregated ward with one nurse and no doctors, “essentially left to die.”⁴⁸ U Shwe Maung stated that given the current conditions and risks, Rohingya are therefore too afraid to seek medical care at the General Hospital, equating it to a “Nazi hospital.”⁴⁹ He noted that Rohingya who, in desperation, crossed the border to Bangladesh to seek medical treatment were charged with illegal border crossing and imprisoned upon their return.⁵⁰

In February 2014, Médecins Sans Frontiers (MSF) was expelled from Rakhine State, and UN and international NGO premises were attacked by Rakhine extremists.⁵¹ These attacks led to the evacuation of over 300 humanitarian aid workers, leaving hundreds of thousands of vulnerable people without any humanitarian assistance.⁵² Though MSF was allowed to resume its activities in September of that year, Mr. Malseed told the Subcommittee that MSF and other international NGOs were still barred from providing medical care in the three camps he visited.⁵³ According to Ms. Lewa, these challenges have resulted in “many preventable deaths, including for women with complicated pregnancies.”⁵⁴

b. Lack of Access to Education

According to Ms. Lewa, although UNICEF and other international NGOs have established “learning centres” in the IDP camps – as they are not allowed to be called “schools”⁵⁵ – they lack qualified teachers. She estimates that 60,000 displaced Rohingya children between the ages of 3 and 17 are being deprived of a formal education.⁵⁶

46 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

47 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

48 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

49 SDIR, [Evidence](#), Meeting No. 04, 1st Session, 42nd Parliament, 3 May 2016 (U Shwe Maung).

50 *Ibid.*

51 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

52 International Crisis Group, “[Myanmar: The Politics of Rakhine State](#),” Asia Report No. 261, 22 October 2014.

53 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

54 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

55 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

56 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

The Subcommittee notes that the *Convention on the Rights of the Child*, to which Myanmar is party, places on the State an obligation to ensure the survival and development of the child, and to provide adequate primary education.

2. The Situation in Northern Rakhine

Ms. Lewa outlined that, although the Rohingya of northern Rakhine were not affected by unrest or displacement, they face ongoing abuses by security forces, restrictions on practicing their faith, and mobility restrictions which heavily impact their ability to access medical care, education or a livelihood.⁵⁷

Alex Neve, Secretary-General, Amnesty International Canada, reported that security forces are implicated in a number of human rights abuses against the Rohingya including widespread extortion, arbitrary arrests, beatings, as well as torture and ill-treatment of Rohingya in detention. These abuses are perpetrated in an environment of impunity.⁵⁸

The curfew imposed in 2012 in Northern Rakhine is still in effect. Travel permission and bribes continue to be demanded at checkpoints. The curfew prohibits gatherings at mosques, preventing Muslims from performing collective prayers and religious ceremonies. Mosques, madrassahs and maktabs (elementary schools) have been closed for the past four years due to restrictions on freedom of assembly. Two mosques have been dismantled and a Rohingya graveyard was destroyed by security forces.⁵⁹

According to Ms. Lewa, local hospitals are neglected and ill-equipped. Buddhist medical practitioners discriminate against Rohingya patients. International NGOs often refer to the situation in this region as a chronic emergency due to health and nutrition indicators being so poor.⁶⁰

Many Buddhist teachers did not return to government-run schools following the 2012 conflicts. Their replacements, paid for by the community, are largely untrained. Due to long-standing discrimination and poverty, schools in the area remain dilapidated, and overcrowded. The Subcommittee was told that pursuing a university education is “off-limits” for the Rohingya.⁶¹

57 Ibid.

58 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Alex Neve).

59 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

60 Ibid.

61 Ibid.

The Subcommittee therefore recommends:

Recommendation 1

That the Government of Canada call upon the Government of Myanmar to end all restrictions on freedom of movement, allowing the Rohingya to access services, including educational and health services, and to earn livelihoods.

3. Myanmar's Cooperation with Humanitarian and Human Rights Organizations

The Subcommittee was told that non-governmental humanitarian and human rights groups can gain access to the camps but need to go through a “tortured” process navigating bureaucratic hoops to do so. Mr. Sifton noted that groups wishing to access Rohingya camps also needed to provide services and monitor the human rights situation in poor Buddhist areas to ensure a balanced delivery of humanitarian assistance and assessment of human rights conditions.⁶²

Although the UN humanitarian agency, the Office for the Coordination of Humanitarian Affairs (OCHA), has access to the camps, several witnesses have noted the need for the Myanmar government to allow all UN human rights organizations access to all regions of the country. For instance, Mr. Sifton highlighted that, usually when a country is transitioning away from authoritarianism or recovering from war, its government signs a memorandum of understanding (MOU) with the High Commission for Human Rights (OHCHR) to set up an office in the country. This allows the office to negotiate specific terms of access and have sufficient staff on site to properly document and monitor the human rights situation in the country while helping the government address it. According to the same witness, the previous government had promised United States President Obama that the office would be established, yet four years later, no MOU is in place.⁶³

Ms. Lewa noted that the UN Special Rapporteur for the Human Rights Situation in Myanmar was allowed access to Rakhine State for the first time in 2010. Over the years, former and current rapporteurs have been granted and denied access to Rakhine State on various occasions. For instance, current rapporteur Ms. Yanghee Lee was granted access to Rakhine State twice, though not on her most recent trip to Myanmar in August 2015.⁶⁴ Both the former and current rapporteurs have faced violent protests by Buddhist nationalists during their visits, which included mob attacks and abusive language.⁶⁵ The Myanmar government has yet to grant access to any other thematic UN Special Rapporteur on human rights into the country.⁶⁶ This limits the UN's ability to monitor

62 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

63 Ibid.

64 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

65 See: “[U.N. rights envoy says mob attacked his car in Myanmar](#),” Reuters, 22 August 2013, and “[U.N. rights chief slams Myanmar monk for 'sexist' remarks](#),” Reuters, 21 January 2015.

66 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

the human rights situation on the ground and provide advice and technical assistance to the government.

During the course of the UN Human Rights Council's Universal Periodic Review of Myanmar's human rights record in 2015, the previous government of Myanmar rejected all recommendations relating to the Rohingya, basing its rejection on the "usage of a nomenclature 'Rohingya' which never exist [*sic*] in Myanmar's ethnic history and thus, is not recognized by the people and the Government of Myanmar."⁶⁷

The Subcommittee therefore recommends:

Recommendation 2

That the Government of Canada urge the Government of Myanmar to guarantee unrestricted and meaningful access to humanitarian agencies that provide crucial life-saving services in Rohingya communities and camps for internally displaced Rohingya.

Recommendation 3

That the Government of Canada press the Government of Myanmar to accept UN assistance in fulfilling their international human rights obligations, beginning with the conclusion of a Memorandum of Understanding for the establishment of a formal office of the UN High Commissioner for Human Rights in Myanmar, in part to facilitate independent inquiries into potential human rights violations and violence against ethnic and religious minorities.

Recommendation 4

That the Government of Canada call upon the Government of Myanmar to respect and protect the rights of all ethnic and religious minorities in its jurisdiction, including the right to practice religion as a community, beginning with the acknowledgement and acceptance of the relevant recommendations made in Myanmar's 2015 Universal Periodic Review before the UN Human Rights Council.

4. The Rohingya Migrant Crisis: 2012-2015

The grave humanitarian crisis in Rakhine State, ongoing restrictions and persecution, and an upsurge of anti-Muslim sentiment caused tens of thousands of people, predominantly Rohingya, to flee the country. Between June 2012 and May 2015, Rohingya refugees fled Myanmar in overwhelming numbers, to Bangladesh, Malaysia, Thailand, and Indonesia, prompting a regional crisis. As a result, many migrants suffered abuse at the hands of human trafficking syndicates. With respect to women and children

⁶⁷ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Addendum (Myanmar), "[Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#)," 10 March 2016.

specifically, Ms. Lewa stated that, “Violence against women is pervasive by state actors, by Rakhine, but also within the Rohingya community. Incidence of rape, especially by security forces, increased after the 2012 unrest. Desperation also has led to the flight of many Rohingya women and children, putting them at great risk of being trafficked.”⁶⁸

Those who took marine routes used unseaworthy vessels, and as a result, many migrants died from exposure or drowned. When Thai officials began cracking down on the trafficking networks in May 2015, smugglers began abandoning the boats at sea.⁶⁹

None of the destination countries are party to the 1951 *Convention on the Status of Refugees*. Mr. Sifton told the Subcommittee that the recipient countries do not have domestic legislation to protect asylum-seekers on their territory. In some cases, recipient countries initially refused disembarkation and occasionally towed migrant boats back to sea. Those Rohingya who have arrived in other countries have a precarious status which allows corrupt security personnel to extort them for bribes under the threat of being placed in immigration detention or deported back to Myanmar. According to Mr. Sifton, Thailand has certain corrupt elements within its military junta that may allow for the revival of trafficking networks. As a result of the migrant crisis, hundreds of Rohingya remain in immigration detention in both Malaysia and Thailand.⁷⁰ In Indonesia, rescued Rohingya have been accommodated in camps.⁷¹

Bangladesh continues to be unwelcoming to Rohingya refugees. According to Evelyn Puxley, Director of the Southeast Asia and Oceania Relations Division, Global Affairs Canada, in an attempt to discourage Rohingya from fleeing to Bangladesh, a proposal was put forward by some within the Bangladeshi government that all Rohingya should be placed on a desert island off the country’s coast.⁷² Mr. Sifton expressed his frustration and cynicism, stating that the Bangladeshi government remains “recalcitrant” with respect to human rights – even to the extent of rejecting international aid for the care of the Rohingya within their borders.⁷³ The Subcommittee notes that Bangladesh is a Government of Canada “country of focus” for development. The Government of Canada has provided \$750,000 to UN agencies to provide food and develop employment opportunities for refugees living in Bangladesh, which includes the Rohingya community.⁷⁴ In the last fiscal year, the Government of Canada provided \$70 million in development and humanitarian assistance to the Government of Bangladesh, some of which went to the support of Rohingya refugees within its borders, according to Ms. Puxley. In light of Mr. Sifton’s statement however, the Subcommittee is concerned about how much Canadian government aid may actually reach and benefit Rohingya refugees in Bangladesh.

68 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

69 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

70 Ibid.

71 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

72 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

73 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

74 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

Ms. Puxley noted that there have been some efforts by the governments of Thailand, Malaysia and Indonesia to address the influx of Rohingya migrants though they have mainly sought international support to provide sustenance for the refugee camps and to resettle the Rohingya elsewhere.⁷⁵ Ms. Lewa explained that most of the collaboration to date has been focussed on targeting human traffickers and protecting borders through the Bali Process.⁷⁶ None of the dialogue has been focussed on the root causes of the crisis in Myanmar with neighbouring South East Asian states preferring to adhere to the principle of non-interference in one another's domestic affairs.⁷⁷

The Subcommittee heard that the number of Rohingya migrants making the perilous sea journey dramatically decreased after May 2015. Mr. Sifton noted that, the downturn of Rohingya leaving Myanmar "does not reflect the downturn in a desire by Rohingya to leave."⁷⁸ Witnesses suggested that this abrupt end to sea migration is likely the result of a crackdown against trafficking networks and the downturn in the economies of some of the destination countries.⁷⁹ With nowhere to go, the Rohingya "are now trapped in Rakhine State."⁸⁰

The Subcommittee therefore recommends:

Recommendation 5

That the Government of Canada encourage Myanmar's neighbouring countries – in particular, Malaysia, Indonesia, Thailand and Bangladesh, to adopt immigration practices that respect the rights of Rohingya asylum-seekers, including the right not to be returned to Myanmar before having applied for protected status, and urge the above regional players to work together to address the root causes of the Rohingya migration.

5. Lack of Citizenship and Exclusion

The Rohingya continue to be deprived of a citizenship and nationality. Several witnesses described the ongoing uncertainty facing the Rohingya regarding the citizenship issue and other forms of government registration. Mr. Neve explained that over the last two years, Myanmar authorities have taken additional steps to further entrench the exclusion of Rohingya. For instance, in 2014, the government backtracked on a promise to allow Rohingya to self-identify for the national census, requiring them instead to identify as

75 Ibid.

76 The [Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime](#) is a forum for policy dialogue. Currently chaired by Indonesia and Australia, the Bali Process is composed of 45 state members and 3 UN agencies. Canada is not a member but is a "Participating Country." A Regional Support Office was established in 2012 to support strengthened cooperation on migration in the Asia Pacific region.

77 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

78 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

79 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

80 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

“Bengali.”⁸¹ The Rakhine State Action Plan included a citizenship verification process which would allow Rohingya to qualify for some form of citizenship if they identify as “Bengali.” Given that this would legitimize the false claim that Rohingya are immigrants and not an indigenous ethnic group of Myanmar, most Rohingya rejected this proposal. About 1,000 households accepted these terms, some were granted full citizenship and some naturalised citizenship, but their living conditions, including restrictions on the freedom of movement, have not changed.⁸² At the same time, this process has led to protests by Rakhine which resulted in the program’s suspension within the year.⁸³ Ms. Wolsak informed the Subcommittee, however, that the controversial program has started again.⁸⁴

In 2015, former-President Thein Sein cancelled the temporary identity cards that were issued to the Rohingya in the 1990s. These “White Cards” were the only accepted identity document for the Rohingya. Currently, the only official registration or documentation proving their existence is their Family List. Ms. Lewa informed the Subcommittee that immigration authorities placed new prohibitive regulations to register Rohingya children on their parents’ Family List. This includes a requirement to present various documents and statements to authorities within multiple levels of government. She fears that these cumbersome requirements, including the associated cost and/or bribes, would prevent families, particularly poor families, from registering their children.⁸⁵

The Subcommittee notes that the *Convention on the Rights of the Child*, to which Myanmar is party, places on the State an obligation to guarantee the right of children to a nationality, particularly if the child is at risk of statelessness. The Convention also creates a right for children to be registered.

The Subcommittee therefore recommends:

Recommendation 6

That the Government of Canada publicly, persistently and in coordination with like-minded states, advocate for the Government of Myanmar to accede to, ratify, and adhere to the 1954 *Convention relating to the Status of Stateless Persons* and the 1961 *Convention on the Reduction of Statelessness*, and to amend its 1982 Citizenship Law to ensure the formal recognition of the Rohingya people as a national ethnic group and the restoration of full, unconditional citizenship, with all of its associated rights and freedoms. This would include the right of the Rohingya to run for elected office and other civil and political rights.

81 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Alex Neve).

82 International Crisis Group, “[Myanmar: The Politics of Rakhine State](#),” Asia Report No. 261, 22 October 2014.

83 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

84 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Rebecca Wolsak).

85 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

Myanmar's Fledgling Democracy

1. The Role of Radical Monks

Every witness expressed grave concern regarding the deepening hatred towards the Rohingya within Myanmar society. According to Mr. Malseed, “the Thein Sein government revived anti-Muslim rhetoric and violence as a means of nation-building.”⁸⁶ The Buddhist nationalist movement, led by two main groups – the 969 and Ma Ba Tha – were given government permission to hold public demonstrations while all other voices were suppressed – thereby facilitating the rise and popularity of the radical nationalists. Mr. Neve reiterated that Buddhist nationalist groups inciting anti-Muslim hatred and discrimination gained influence following the 2012 unrest.⁸⁷ These groups have also incited much of the violence and the anti-Muslim sentiment within Myanmar society.⁸⁸

These radical nationalist groups have also had considerable influence over government legislation and policy, particularly in the lead-up to the November 2015 elections. For instance, they promoted the adoption of a package of four laws aimed at “protecting race and religion”: The Religious Conversion Law, the Myanmar Buddhist Women’s Special Marriage Law, the Population Control Healthcare Law and the Monogamy Law. According to Mr. Neve, many of the provisions within these laws “discriminate on multiple grounds, including gender, religion and marital status.”⁸⁹ Ms. Lewa was particularly concerned about the population control law which would allow the government to impose a three-year birth spacing in some regions of the country. In her opinion, the way in which the implementation of this law would physically impact Rohingya women for the purpose of population control is “truly dangerous.”⁹⁰ According to Ms. Puxley, the international community was surprised that all four laws were adopted by the legislature as many observers expected that they would either fail or that only a watered-down version would pass.⁹¹ Mr. Sifton agreed that few people, even within the country itself, really appreciated how politically potent this cycle of anti-Muslim hatred and xenophobia would become in Myanmar and the resulting impacts.⁹²

There was further evidence of this when protests from Buddhist monks and other nationalists prompted the government to strip Rohingya from their right to vote and run for office in the November 2015 elections. These were the first elections where Rohingya were not able to vote and the first time where neither political party nominated Muslim candidates to run. U Shwe Maung spoke of his personal experience when he attempted to register as a candidate for the 2015 elections. As the incumbent Member of Parliament in his riding, he was told by the same immigration department and election commission that

86 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Kevin Malseed).

87 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Alex Neve).

88 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

89 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Alex Neve).

90 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

91 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

92 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

had approved his paperwork and candidacy for the 2010 elections, that he was not a citizen and therefore could not run for the very position he was currently holding. He described this as “the most laughable joke of the 21st century.”⁹³ U Shwe Maung also explained that he was not the only Muslim who was not able to run for parliament, due to citizenship, in the 2015 elections. In fact, “more than 25 Rohingya applied; all of them were denied.”⁹⁴ The Subcommittee was told that for the first time in Myanmar’s history, there are no Muslims in its legislature.⁹⁵

The Subcommittee therefore recommends:

Recommendation 7

That the Government of Canada advocate for the Government of Myanmar to amend or repeal its four “laws on Protection of Race and Religion” (The Religious Conversion Law, the Myanmar Buddhist Women’s Special Marriage Law, the Population Control Healthcare Law, and the Monogamy Law) and relevant government policies that currently constrain the family lives of the Rohingya people, including birth spacing requirements, limitations on number of children and the requirement for permission to marry.

2. Myanmar’s “Two-headed Government”

There is no doubt that Myanmar has undertaken a remarkable transition over the last six years. The November 2015 elections resulted in Myanmar’s first elected civilian president in over 50 years. As democracy icon Daw Aung San Suu Kyi finally takes a leadership role in the country she has been fighting for, many questions remain as to how much control she actually has to affect change, what kind of capacity her government will have to implement any changes, and whether or not she has the political will to address the Rohingya situation.

Several witnesses raised concerns regarding the ongoing control the military maintains within Myanmar’s legislature and government. The 2008 Constitution stipulates that 25% of the seats within Myanmar’s legislature are reserved for the military. As well, within Myanmar’s government, the military has control over key ministries that are crucial to protecting and upholding human rights: the Ministries of Defence, Border Affairs, Immigration and Religious Affairs, and the Ministry of Home Affairs. The latter controls regional, district and township administrators, as well as Myanmar’s Police Force. The General Administration Department, an administrative institution which has controlled the entire civil service and government bureaucracy for over 50 years, also falls under the Ministry of Home Affairs, and thus, the military.⁹⁶ Any further transition towards civilian

93 SDIR, [Evidence](#), Meeting No. 04, 1st Session, 42nd Parliament, 3 May 2016 (U Shwe Maung).

94 Ibid.

95 Nur Hasim (Canadian Burmese Rohingya Organization), Written Testimony to the Subcommittee on International Human Rights, 19 May 2016.

96 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

control over the military would require constitutional amendments and a willingness from the military to relinquish much of its power – an outcome that several witnesses do not foresee for a long time to come.

Ms. Puxley raised the issue of capacity within Myanmar's new government. She explained that this new government has "no governing experience and little capacity to run a large, complex bureaucracy."⁹⁷ Mr. Sifton stated that it will take significant work to unravel the "bureaucratic nightmare" of a civil service that has been run and ultimately corrupted by the military.⁹⁸ Several witnesses indicated that Myanmar's legislature and government as well as Rakhine government officials may be open to international support in the form of "parliament to parliament" and "government to government" mentorship to advance the process of democratization.

With respect to the Rohingya specifically, every witness expressed disappointment at what appears to be a lack of political will by Daw Aung San Suu Kyi and her party to address, or even acknowledge, their plight. During the 2012 unrest and in the lead up to the elections, Daw Aung San Suu Kyi remained relatively silent on the issue. In the rare times when she or her party have commented, before and after the elections, the rhetoric has been non-committal or even dismissive. In light of this, any optimism that she or the NLD would stand up for the Rohingya people has slowly dissipated. U Shwe Maung informed the Subcommittee that shortly before the elections Daw Aung San Suu Kyi described the persecution of the Rohingya as an exaggeration. She has also, on several occasions, stated that the Rohingya issue is an immigration and rule of law issue. In 2013, U Shwe Maung himself compiled a fact book on the history of Rohingya existence in Myanmar and on solutions for peaceful coexistence which he delivered to the former-Speaker and Daw Aung San Suu Kyi. He has yet to receive a response.⁹⁹

Once her party came to power, Daw Aung San Suu Kyi announced the release of political prisoners, an important and positive first step towards respecting political and civil rights in Myanmar. However, U Shwe Maung noted that Rohingya and Burmese Muslim political prisoners were excluded.¹⁰⁰ Important figures in her party have stated that the Rohingya issue is not a priority and have reinforced the policy that Muslims are "associate citizens"¹⁰¹ or "guest citizens."¹⁰² She and her party have also remained silent after Muslim organizations urged her government to release a statement outlining their policy towards Muslims in Myanmar.¹⁰³

97 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

98 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

99 SDIR, [Evidence](#), Meeting No. 04, 1st Session, 42nd Parliament, 3 May 2016 (U Shwe Maung).

100 Ibid.

101 Nur Hasim (Canadian Burmese Rohingya Organization), Written Testimony to the Subcommittee on International Human Rights, 19 May 2016.

102 SDIR, [Evidence](#), Meeting No. 04, 1st Session, 42nd Parliament, 3 May 2016 (U Shwe Maung).

103 Ibid.

3. The Role of the Rakhine State Government

As stated previously, the challenges in Rakhine State are triangular – involving the Rohingya Muslims, the Rakhine Buddhists and the Myanmar government. Improvements for the Rohingya cannot be implemented without the cooperation and participation of the Rakhine State government. Ms. Puxley stated that the November 2015 elections resulted in the Arakan National Party (ANP), the Rakhine party, winning the majority of seats in the state legislature. To date, it appears that some within the ANP are unwilling to cooperate with the NLD. When Daw Aung San Suu Kyi appointed a Chief Minister for Rakhine State from the NLD, representatives from the ANP walked out in protest.¹⁰⁴ Ms. Lewa underscored that the hard-line faction within the ANP has declared that it would oppose the NLD, creating an internal division within the party.¹⁰⁵

The Subcommittee therefore recommends:

Recommendation 8

That the Government of Canada urge the Government of Myanmar to repudiate anti-Muslim violence, end impunity for acts of violence against the Rohingya and other minorities, and to develop a strategy for promoting tolerance between the Rakhine and Rohingya in Rakhine State.

Recommendation 9

That the Government of Canada press the Government of Myanmar and the Government of Rakhine State to develop, in consultation with Rohingya leaders, a long-term solution to resettle Rohingya currently segregated in IDP camps, in a manner that is consistent with international human rights standards.

Canada's Engagement with Myanmar

1. Diplomacy

Ms. Puxley explained to the Subcommittee that when the Canadian Embassy in Myanmar opened in August 2014, it offered the Canadian government a greater understanding of local conditions and insight into how it can best contribute to Myanmar's development. With regard to the conflict situation in Rakhine State, Canada's Ambassador and diplomats hold regular meetings with local government representatives, the UN, NGOs and foreign embassies to discuss the ongoing challenges in that state. Embassy officials have also visited Rakhine State five times since Canada established its embassy in Myanmar. While there, they visited IDP camps as well as Muslim and Buddhist villages.

104 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

105 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

Ms. Puxley also noted that embassy officials hold regular meeting with ethnic and religious leaders, including Rohingya community leaders and (now former) politicians.¹⁰⁶

The Subcommittee was told that human rights were at the forefront of Minister Dion's April 2016 visit to the country and in his meeting with Daw Aung San Suu Kyi and Myanmar's new President. He also met with local NGOs who have been active in promoting religious tolerance and led the opposition to the four race and religion laws.¹⁰⁷ Ms. Lewa noted that a "heads of mission group" has been created by the Danish Ambassador with strong participation from the U.S. government, representatives from other European governments, the Danish Refugee Council and other NGOs. This group is working towards addressing Myanmar's many challenges, which include human rights, in a coordinated manner and finding solutions. She encouraged the Government of Canada to participate in this group.¹⁰⁸

Ms. Puxley also noted that the Government of Canada, through its embassy in Dhaka, remains engaged with the Government of Bangladesh on the Rohingya refugee issue.¹⁰⁹

2. Sanctions

In 2012, in response to positive steps towards democratic reform in Myanmar, the Government of Canada eased most of the extensive sanctions that had been put in place in 2007 in response to the grave human rights and humanitarian situation in the country. According to Ms. Puxley, the Canadian government currently maintains sanctions against specific individuals and specific entities associated with the military regime, particularly against those responsible for crackdowns against civil disturbances. An arms embargo which covers the export of arms and related material to Myanmar as well as the provision of associated technical and financial assistance also remains in force. According to the same witness, the Government of Canada is currently considering the issue of sanctions and whether or not they are still effective.¹¹⁰

Several witnesses argued that sanctions may still be useful to help maintain pressure on the Myanmar government to uphold human rights, particularly those of the Rohingya. According to Mr. Sifton, the difficulty the international community faces when dealing with Myanmar is that it is a "two-headed government," being both civilian and military. While foreign governments do not want sanctions to hurt Daw Aung San Suu Kyi in her efforts to make the necessary reforms in the country, sanctions need to be targeted enough to incentivize the military to allow for such reforms to continue.¹¹¹

106 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

107 Ibid.

108 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

109 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

110 Ibid.

111 SDIR, [Evidence](#), Meeting No. 05, 1st Session, 42nd Parliament, 4 May 2016 (John Sifton).

3. Development Assistance

Myanmar became a “country of focus” for Canadian government development assistance in 2014. The Government of Canada has a long tradition supporting the work of NGOs such as Inter Pares which has worked with local organizations in Myanmar and refugee-receiving neighbours for over 20 years. According to Inter Pares, there has been significant progress in inter-ethnic and inter-sectoral collaboration in addressing issues of concern within communities and providing an alternative to armed conflict as a result of its programming.¹¹² Nonetheless, Inter Pares told the Subcommittee that severe restrictions placed on the Rohingya “have almost completely prevented the emergence of Rohingya community-based organizations.” Its engagement with this community has therefore been less successful and limited. Inter Pares has, however, done work with the media sector which “support public access to information and inter-ethnic understanding by supporting and expanding the capacity of independent ethnic media groups based in Burma’s ethnic states and regions.” According to Inter Pares, Burma News International (BNI), a thirteen-member ethnic media alliance, is the only one in any sector that includes organizations from both the Rakhine and Rohingya communities, including the Kaladan Press, a Rohingya news agency. Some of the training conducted by the BNI alliance includes factual reporting and eliminating hate speech in journalism. In 2013, with support from Inter Pares, the Editor in Chief of Kaladan Press was able to attend the International Human Rights Training Program conducted each year by Montreal-based NGO Equitas.¹¹³

Inter Pares has also supported Myanmar’s ethnic refugee community groups in Malaysia, which created a coalition to deal with inter-community challenges. When violence in Myanmar threatened to spill over amongst Malaysia’s Muslim and non-Muslim refugee communities, this coalition met with Rohingya refugee community leaders and further violence was prevented.¹¹⁴

With respect to the Government of Canada’s new pledge of \$44 million in assistance to Myanmar, Ms. Puxley did not elaborate on its details. She explained that these new projects were still under development.¹¹⁵ According to the [Global Affairs Canada website](#), development assistance in Myanmar consists of supporting decentralized governance and democratic development, strengthening information management for transparent and accountable governance, and improving market opportunities for women producers. Funding for a five-year program in the amount of \$18.5 million has been allocated to Inter Pares to benefit conflict-affected people in Myanmar. The key components of the program include advancing democracy,

112 Kevin Malseed and Rebecca Wolsak (Inter Pares), Additional Comments and Responses to Questions from the Subcommittee for International Human Rights, May 2016.

113 Ibid.

114 Ibid.

115 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

strengthening health systems, and building resilience.¹¹⁶ The Subcommittee notes that it remains unclear if this program will benefit the Rohingya.

The Government of Canada's funding to Save the Children Canada to provide emergency nutrition and health care in Rakhine State and to MSF-Canada to provide health assistance to vulnerable people, also in Rakhine State, was terminated in March 2015.¹¹⁷ Ms. Puxley noted that in 2015, Canada provided \$6.4 million in humanitarian assistance for the Rohingya in Rakhine and those who were affected by flooding.¹¹⁸

The Government of Canada continues to provide humanitarian assistance in other regions of Myanmar. For instance, it is currently funding two organizations that are assisting conflict-affected and displaced people in Kachin State as well as a program responsible for improving access to safe shelter, safe water, sanitation and hygiene in Kachin and Shan States.¹¹⁹

Myanmar has been a "country of focus" for development assistance from the Government of Canada since 2014. Ms. Puxley informed us that Daw Aung San Suu Kyi has made clear that she is "very much involved in the coordination of international development assistance in Rakhine state."¹²⁰ In that respect, the Subcommittee was told that the Government of Canada is prepared to discuss with the Myanmar government where Canadian development dollars can best be focussed.¹²¹

The Subcommittee therefore recommends:

Recommendation 10

That the Government of Canada continue to support democratic development programs in Myanmar that include technical assistance in the sectors of rule of law and justice. In addition, the Government of Canada should consider establishing or supporting "parliament to parliament" and "government to government" capacity-building and mentorship programs between Canada and Myanmar, and consider facilitating a constitutional and legislative review process that removes discriminatory restrictions on and addresses the needs of the Rohingya and other disenfranchised ethnic and religious minorities in Myanmar.

116 Kevin Malseed and Rebecca Wolsak (Inter Pares), Additional Comments and Responses to Questions from the Subcommittee for International Human Rights, May 2016.

117 Global Affairs Canada, [Burma – International Development Projects](#).

118 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

119 Global Affairs Canada, [Burma – International Development Projects](#).

120 SDIR, [Evidence](#), Meeting No. 03, 1st Session, 42nd Parliament, 21 April 2016 (Evelyn Puxley).

121 Ibid.

Recommendation 11

That the Government of Canada participate in initiatives organized by the diplomatic community in Myanmar to coordinate advocacy and programming for human rights reform and democratic development with other donors, such as like-minded governments and international institutions.

Recommendation 12

That the Government of Canada reassess its sanctions against Myanmar to ensure that it maximizes its deterrent effect on actors preventing the Rohingya from exercising their human rights, including those who incite anti-Muslim hatred and violence, without hampering development and democratization efforts.

Recommendation 13

That the Government of Canada, through its development assistance programming, ensure that the Rohingya in Myanmar as well as the Rohingya migrants in neighbouring countries benefit from Canadian programming and aid.

Conclusion

First and foremost, the Subcommittee wishes to thank all the witnesses whose testimony was crucial to informing this study. In particular, we would like to recognize U Shwe Maung for his efforts as a former Rohingya parliamentarian in sharing his experiences with Subcommittee members at great personal risk to himself. During his testimony, he revealed that there is an arrest warrant against him for speaking out to the international community on behalf of his people. The Subcommittee notes his courage and persistence in advocating for the human rights of the Rohingya.

The details of the persistent and pervasive mistreatment and discrimination, as well as the hatred and violence against the Rohingya by the Government of Myanmar and private citizens were difficult to hear. The fact that a community of approximately 1 million people are living in segregating ghettos surrounded by barbed wire, in what some commentators are calling “Apartheid-like” conditions, unprotected from violence and deprived of nationality, identity, and other basic human rights is simply astounding, particularly in light of Myanmar’s laudable strides towards democracy.

There is no doubt that Daw Aung San Suu Kyi and her government have a number of tremendously difficult challenges to confront. They must resolve numerous, protracted ethnic conflicts and reconcile inter-ethnic and inter-religious relationships characterized by entrenched prejudice while reversing years of economic neglect and damaging sanctions in one of the poorest countries in the world. This is further complicated by the significant amount of power and control the military still holds in Myanmar’s legislature and throughout its bureaucracy. Moving towards a civilian government that has proper control over the country’s security forces, would be a crucial step to ensuring that the government

no longer perpetrates human rights abuses while holding those who do accountable. In turn, this would further solidify the peace process and national reconciliation.

The Subcommittee was alarmed to learn about the increasing influence of the radical Buddhist nationalist movement over Myanmar's government and within the populace – what Ms. Lewa referred to as a “cancer in society.”¹²² In fact, the new government's posture indicates that the continued persecution of the Rohingya may be used to appease Myanmar's majority while a difficult and ambitious democratization agenda is pursued. Anti-Rohingya sentiment is historical, and deeply entrenched among broad swaths of Myanmar's population. Myanmar is currently awash in a powerful surge of nationalist and anti-Muslim sentiment and there continues to be no attempt to curb this or those who incite anger and violence against Muslims, especially the Rohingya. The Subcommittee hopes that Daw Aung San Suu Kyi and her government will find the courage to address and challenge these groups and their hateful rhetoric, while supporting and advocating for the voices in Myanmar that promote religious tolerance and reconciliation.

While Myanmar has made significant strides towards democratization, the attitude of the new government towards the Rohingya to date has been disheartening. The *Universal Declaration of Human Rights* and international human rights treaties require States to protect and respect the rights of all people under their jurisdiction – not just those formally recognized as citizens. Further, Mr. Hasim reminded us that when Daw Aung San Suu Kyi and her NLD colleagues were political prisoners, she famously used the phrase “Use your liberty to promote ours” in calling for the international community's support and intervention.¹²³ The Subcommittee calls on Daw Aung San Suu Kyi to now use her liberty to promote, protect and respect the human rights of the Rohingya.

As Dr. Bahar noted, respecting the human rights of minorities is a precondition for democracy.¹²⁴ In fact, this Subcommittee firmly believes that the Government of Canada and the international community should judge Myanmar's progress based on its government's treatment of all the ethnic and religious minorities in its jurisdiction, particularly the Rohingya. The Subcommittee is under no illusion that the necessary reforms will happen overnight. As such, it is committed to monitoring the human rights situation of Myanmar's Rohingya minority and will revisit this issue as well as the Government of Canada's diplomatic engagement and development assistance to Myanmar in the future.

122 SDIR, [Evidence](#), Meeting No. 06, 1st Session, 42nd Parliament, 5 May 2016 (Chris Lewa).

123 Nur Hasim (Canadian Burmese Rohingya Organization), Written Testimony to the Subcommittee on International Human Rights, 19 May 2016.

124 SDIR, [Evidence](#), Meeting No. 11, 1st Session, 42nd Parliament, 19 May 2016 (Abid Bahar).

APPENDIX A LIST OF WITNESSES

Organizations and Individuals	Date	Meeting
Department of Foreign Affairs, Trade and Development Evelyn Puxley, Director, Southeast Asia and Oceania Relations Division	2016/04/21	3
As an individual U Shwe Maung, Chairman, The Rohingya Parliament	2016/05/03	4
Human Rights Watch John Sifton, Advocacy Director	2016/05/04	5
As an individual Chris Lewa, Director, The Arakan Project	2016/05/05	6
As an individual Abid Bahar, Professor, Dawson College	2016/05/19	11
Amnesty International Alex Neve, Secretary General, Amnesty International Canada		
Inter Pares Kevin Malseed, Program Manager Rebecca Wolsak, Program Manager		

APPENDIX B LIST OF BRIEFS

Organizations and Individuals

Lewa, Chris

Canadian Burmese Rohingya Organization

REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the Committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* of the Committee ([Meeting No. 21](#)) is tabled and a copy of the relevant *Minutes of Proceedings* of the Subcommittee on International Human Rights ([Meetings Nos. 3 to 6, 11, 16 and 17](#)) is tabled.

Respectfully submitted,

Hon. Robert D. Nault
Chair

