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Honourable Marilou McPhedran, Independent Senator, Parliament of Canada

Faculty of Law University of Victoria

Centre for Asia-Pacific Initiatives (CAPI), University of Victoria, as part of CAPI's Roundtable Series on Southeast Asia in Global Context

Human Rights Research and Education Centre (HRREC), University of Ottawa

Justice for the Rohingya: The Role of Canada Report of international virtual roundtable of experts released

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“Canada must take immediate, robust action on justice for the Rohingya... using a holistic approach and ensuring that the victims are at the centre.” Canada’s actions must fully address gender-based sexual violence and other gender-based atrocities that have been “central in the genocide against the Rohingya.”

These are some of the key observations in a [report released today](#) by the co-hosts of an online roundtable that brought together dozens of experts from around the world last month to consider the role of Canada in seeking justice for the Rohingya. Myanmar is currently facing proceedings in the International Court of Justice (ICJ) in The Hague brought by The Gambia under the Genocide Convention.

“The roundtable and this report aim to inform the Government of Canada in deciding the best way to take legal action almost three years after the mass exodus of 2017. The need to act was reinforced last week by the resignation of the Minister of Justice of The Gambia, who has been the lynch-pin of the case to date,” observed John Packer, one of the roundtable co-hosts.

Canadian Senator Marilou McPhedran, another co-host, agreed with experts at the roundtable who urged Canada to step up through robust independent engagement in the genocide case before the ICJ. “Canada is well positioned to ensure the world court receives the full range of so-far missing analysis and evidence of gender-based methods of genocide employed against the Rohingya by Myanmar,” she added.

About 75 invited experts from Canada, the United States, the United Kingdom, Bangladesh, South Korea, and Australia joined an online session facilitated by the University of Victoria’s Centre for Asia-Pacific Initiatives. Participants included academics, practitioners, current and former officials of the United Nations (UN) and Canadian government, and civil society representatives.

According to the report, the situation for Rohingya remaining in Myanmar has deteriorated since the Myanmar military’s August 2017 “clearance operations” that drove hundreds of thousands of

women, children, and men out of Myanmar into Bangladesh to join more than 200,000 already encamped there after waves displacement over decades. “Myanmar is obstructing humanitarian aid to Internally Displaced Persons (IDP) camps, and Myanmar’s ‘draconian’ laws that discriminate against the Rohingya remain intact. Impunity for sexual violence by military personnel continues,” notes the report.

In Bangladesh, the situation of Rohingya refugees is dire. Roundtable participants acknowledged that Bangladesh has received over a million Rohingya refugees but noted that children, women, and men are packed into over-crowded and under-resourced camps that lack adequate sanitation, health care, opportunities for education and jobs. Women and girls are subjected to sexual exploitation and human trafficking. By the time of the May 2020 roundtable, “the ‘nightmare’ of COVID-19 had arrived in the camps, resulting in further difficulties in obtaining supplies.”

The international law experts canvassed three options for intervention by Canada ICJ. Canada could bring its own application against Myanmar. Alternatively, Canada could intervene in one of two ways in the existing ICJ case of *The Gambia v. Myanmar*.

Expert speakers at the roundtable were unified in their calls that Canada has an international legal responsibility to combat genocide wherever it is found. “Canada needs to take a leading role in combating genocide wherever it is found,” said roundtable co-host Susan Breau, Dean of Law at the University of Victoria. “It is our international responsibility.”

Participants included:

- **Honourable Marilou McPhedran**, Independent Senator, Parliament of Canada;
- **Her Excellency Jacqueline O’Neill**, Ambassador for Women, Peace, and Security, Canada;
- **Honourable Bob Rae**, Special Envoy on Humanitarian and Refugee Issues, appointed by the Prime Minister of Canada;
- **Prof. Payam Akhavan**, Member of the Permanent Court of Arbitration, The Hague; Faculty of Law, McGill University; Counsel for The Gambia at the ICJ in the case of *The Gambia v. Myanmar*;
- **Prof. Yanghee Lee**, UN Special Rapporteur on the situation of human rights in Myanmar (May 2014 to 30 April 2020);
- **Prof. Susan Breau**, Dean, Faculty of Law, University of Victoria, Canada;
- **Prof. Christine Chinkin**, Emerita Professor of International Law, London School of Economics, UK;
- **Prof. Victor V. Ramraj**, Faculty of Law and Director, Centre for Asia Pacific Initiatives, University of Victoria, Canada;
- **Prof. John Packer**, Associate Professor of Law, Director of the Human Rights Research and Education Centre (HRREC) & Neuberger-Jesin Professor of International Conflict Resolution, University of Ottawa, Canada;
- **Ms. Razia Sultana**, Chairperson, Rohingya Women’s Welfare Society, Cox’s Bazar, Bangladesh;
- **Ms. Wai Wai Nu**, Rohingya/Burmese founder, Women’s Peace Network, Yangon, Myanmar;
- **Ms. Akila Radhakrishnan**, President, Global Justice Center, New York, USA;
- **Ms. Mavic Cabrera Balleza**, Founder and Chief Executive Officer, Global Network of Women Peacebuilders, New York, USA.

The full report is found at:

- Faculty of Law, University of Victoria: <https://www.uvic.ca/law/home/news/current/justice-for-the-rohingya-the-role-of-canada.php>
- Centre for Asia Pacific Initiatives (CAPI), University of Victoria: <https://www.uvic.ca/research/centres/capi/home/home/news/current/justice-for-the-rohingya-the-role-of-canada.php>
- Human Rights Research and Education Centre (HRREC), University of Ottawa: <https://cdp-hrc.uottawa.ca/en/expert-roundtable-calls-canada-act-justice-rohingya-icj>

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