



Submission to Democracy and Human Rights in Myanmar

[Foreign Affairs, Defence and Trade References Committee](#)

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Submitted by
Amnesty International Australia

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We investigate and expose the facts, whenever and wherever abuses happen. We lobby governments as well as other powerful groups such as companies, making sure they keep their promises and respect international law. By telling the powerful stories of the people we work with, we mobilise millions of supporters around the world to campaign for change and to stand in the defence of activists on the frontline. We support people to claim their rights through education and training.

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1. Summary

1.1. Amnesty International Australia (AIA) welcomes the opportunity to make a submission to the Foreign Affairs, Defence and Trade Committee on its Inquiry into Democracy and human rights in Myanmar.

1.2. The Terms of Reference for the Inquiry are:

1.2.1. “The state of democracy and human rights in Myanmar, with specific consideration of the phased elections to be held from December, and the barriers to a return to an inclusive civilian democratic government.”¹

1.3. Amnesty International Australia can provide relevant information on the current state of human rights in Myanmar based on our international research. Amnesty takes a strong position on human rights protections and violations of these, including during elections.

1.4. The research and positions contained in this submission aim at providing information and context for the Senate Committee’s consideration of the human rights situation in Myanmar, including during the recent phased elections, human rights abuses in Myanmar in 2017 and since the 2021 coup, and the current state of human rights there.

2. International Legal Human Rights Framework

2.1. Through ratification of binding international human rights treaties and the adoption of United Nations (UN) declarations, the Australian Government has committed to ensuring that all people enjoy universally recognised rights and freedoms.

2.2. In relation to the Committee’s Terms of Reference, the human rights relevant in the lead up to, and during elections, due to human rights abuses, may include:

- the rights to freedom of expression, association and assembly;
- the right to be free from discrimination;
- the right to take part in the conduct of public affairs, freely and without fear or discrimination;
- the right to life;
- the right to be free from torture, cruel, inhuman or degrading treatment or punishment;
- the right not to be arbitrarily detained;

2.3. These rights are protected under international rights treaties – for example, the International Covenant on Civil and Political Rights (ICCPR) enshrines rights such as the right to criticise government, engage in political activity and debate public affairs.

2.4. Article 7 of the ICCPR protects people from being subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 9.1 provides the right to liberty and security of person, and that no one shall be subjected to arbitrary arrest or detention.

¹ Senate Foreign Affairs Defence and Trade Committee, Democracy and human rights in Myanmar Inquiry at https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Foreign_Affairs_Defence_and_Trade/DemocracyInMyanmar2025

- 2.5. Article 25 of the ICCPR provides that every citizen shall have the right and the opportunity, without discrimination or unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives; and to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.
- 2.6. Article 19 of the Universal Declaration of Human Rights enshrines freedom of expression, and freedom from discrimination. The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment provides that no one should be subjected to torture, inhumane or degrading treatment or punishment.
- 2.7. Myanmar is not signatory to some important international treaties and conventions relevant to potential human rights abuses during election time, as well as breaches of human rights that have occurred during the military rule of Myanmar, and crimes against humanity on the Rohingya population of deportation and persecution, as well as apartheid.
- 2.8. While it has not signed the ICCPR or the Convention Against Torture, despite advocacy and endorsement by members of the National Unity Government (NUG) and civil society,² Myanmar has relevantly signed the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention on the Rights of the Child (CRC); and the Convention on the Rights of People with Disability (CRPD), and the Genocide Convention.

3. Phased elections in Myanmar and human rights abuses

- 3.1. Amnesty International Australia can provide information on the current state of human rights in Myanmar, and breaches occurring based on Amnesty's international research, and that of other human rights groups. In relation to the recent elections, we defer to the expert views of the Special Rapporteur on the situation of human rights in Myanmar.
- 3.2. Amnesty is deeply concerned about reports of human rights violations during the recent staged vote in Myanmar, including threats of harm, abductions, coercion, forced returns of displaced persons, and arbitrary arrest and imprisonment for people exercising their right to political expression.
- 3.3. In December 2025, UN High Commissioner for Human Rights Volker Türk warned that Myanmar was witnessing intensified violence, repression and intimidation ahead of military-controlled elections; civilians were being compelled and threatened by both the military authorities and armed groups opposing the military, in a climate of fear, violence and mass repression, leaving no space for free or meaningful participation:

*"These elections are clearly taking place in an environment of violence and repression. There are no conditions for the exercise of the rights of freedom of expression, association or peaceful assembly that allow for the free and meaningful participation of the people."*³

² Centre for Civil and Political Rights, 'Myanmar: "This is time for the Human Rights Council to take more concrete actions"', 16 Jan 2023, <https://ccprcentre.org/ccprpages/myanmar-this-is-time-for-the-human-rights-council-to-take-more-concrete-actions>; Republic of the Union of Myanmar, National Unity Government, Ministry of Human Rights, 16 December 2022, https://ccprcentre.org/files/media/NUG_endorsement_of_the_ICCPR.jpeg

³ OHCHR, 23 December 2025, 'Myanmar: Türk warns against violence and intimidation ahead of military-controlled vote', <https://www.ohchr.org/en/press-releases/2025/12/myanmar-turk-warns-against-violence-and-intimidation-ahead-military>

- 3.4. The UN High Commissioner said dozens of individuals had been detained under an “election protection law” for exercising their freedom of expression, with extremely harsh sentences – 42- and 49-years’ jail sentences for hanging up anti-election posters.⁴ Other prominent figures were jailed for 7 years for criticising a pro-election propaganda film.⁵
- 3.5. Displaced people reported to the UN Human Rights Office their experiences of being threatened with continued bombing, or having their homes seized, if they did not return to vote.⁶ The UN High Commissioner said, “Forcing displaced people to undertake unsafe and involuntary returns is a human rights violation”.⁷

The first stage of Myanmar’s 2025-26 elections

- 3.6. In relation to Myanmar’s elections planned by Myanmar’s military authorities to be staged from December 2025 to January 2026, Amnesty draws the Committee’s attention to reports published by the Special Rapporteur on the situation of human rights in Myanmar, Tom Andrews. As the independent human rights expert appointed by the Human Rights Council, Andrews is an authoritative and reliable source of evidence.
- 3.7. The Special Rapporteur condemned the electoral process organised by Myanmar’s military government in the strongest terms, saying in early January 2026, “[b]y all measures, this is not a free, fair nor legitimate election.”⁸
- 3.8. Special Rapporteur Andrews urged the international community to reject the process, after the first round of voting revealed widespread coercion, exclusion and violence.⁹ He called the initial phase a “junta-orchestrated sham” designed to entrench military domination rather than reflect the will of the people, and “manufacture a facade of legitimacy while violence and repression continue unabated.”¹⁰
- 3.9. The Special Rapporteur¹¹ highlighted the following issues with the first round of voting:
- Very low voter turnout, despite junta coercion and the pervasive fear of retaliation.
 - The party of Aung Sang Suu Kyi – the National League for Democracy, which won sweeping victories in the 2015 and 2020 elections – was barred from participating, with the location and condition of its leader, detained since the 2021 coup, unknown.
 - Official results showed the military-backed party won a landslide victory in the first round, indicating the military junta engineered the polls to ensure victory for its proxy.
 - While two further rounds of voting were scheduled for 11 and 25 January, the junta has already ruled out holding polls in at least 65 townships and thousands of wards and village tracts, which emphasised its lack of control over large parts of the country.

⁴ Ibid

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ UN News, 8 January 2026, ‘Myanmar vote a ‘facade’ to entrench military rule, independent rights expert says’, at <https://news.un.org/en/story/2026/01/1166729>

⁹ Ibid

¹⁰ Ibid

¹¹ OHCHR, 08 January 2026, ‘UN expert: First round of voting in Myanmar exposes junta-orchestrated election as illegitimate’, at <https://www.ohchr.org/en/press-releases/2026/01/un-expert-first-round-voting-myanmar-exposes-junta-orchestrated-election>

- Junta forces used threats of conscription to coerce young people to vote.
- Displaced people, students, civil servants and prisoners were reportedly threatened with denial of humanitarian aid, education, immigration documents and other essential government services to pressure them to participate in the vote.
- More than 200 people had been charged under draconian election laws that criminalises criticising or protesting the junta’s “sham polls”.

3.10. Special Rapporteur Andrews said:

“You cannot have a free, fair or credible election when thousands of political prisoners are behind bars, credible opposition parties have been dissolved, journalists are muzzled, and fundamental freedoms are crushed. The junta has spent nearly five years dismantling the basic foundations of democratic participation and now wants the world to accept an empty parody of an election.”¹²

3.11. Andrews called on all armed groups to refrain from targeting civilians following reports of deadly attacks on election officials, saying “Attacks against civilians, by any combatants, are illegal and unacceptable”.¹³

Further election stages

3.12. At the conclusion of Myanmar’s final poll in January 2026, Special Rapporteur Andrews called on the international community to unequivocally reject as illegitimate the election results in Myanmar and any power arrangement that follows.¹⁴

“Sunday’s final day of balloting in the Myanmar junta’s fraudulent election scheme will hopefully bring relief to the people of Myanmar who have faced election related intimidation, threats, arrest and lengthy prison terms if they criticised the election or failed to participate”.

“While the election results within Myanmar have never been in doubt, the election result that matters most is the response of the international community.”

“The junta has orchestrated the election specifically to ensure a landslide by its political proxy. It took no chances, banning credible opposition parties, jailing popular political figures, muzzling the press, crushing fundamental freedoms, and using fear and coercion to drive a reluctant electorate to the polls.”

“The junta is banking on the world’s fatigue, hoping that the international community will accept military rule dressed up in civilian clothing,” he said. “Governments must not allow that to happen.”

“We can all anticipate arguments from junta allies that the election, while not perfect, is a sign of progress. Precisely the opposite is the case. International acceptance of this fraudulent exercise would set back the clock on genuine resolution to this crisis.”¹⁵

3.13. The Special Rapporteur noted that most foreign governments had not sent election observers or otherwise lent the election process legitimacy, and commended ASEAN for

¹² Ibid

¹³ Ibid

¹⁴ OHCHR, 23 January 2026, “Illegitimate elections yield illegitimate results”: UN expert urges rejection of Myanmar junta’s sham poll results, at [https://www.ohchr.org/en/press-releases/2026/01/illegitimate-elections-
yield-illegitimate-results-un-expert-urges-rejection](https://www.ohchr.org/en/press-releases/2026/01/illegitimate-elections-
yield-illegitimate-results-un-expert-urges-rejection)

¹⁵ Ibid

not certifying the election results, saying, “States that endorse the results of these polls will be complicit in the junta’s attempt to legitimise military rule through a fabricated vote.”¹⁶

- 3.14. As far as post-election next steps, the Special Rapporteur called on the international community to “maintain and intensify efforts to isolate the junta, its enablers, and any proxy government emerging from the so-called election.” He said states should focus on cutting the flow of weapons, aviation fuel and funds that enable the military’s campaign of violence and repression.¹⁷

4. The state of human rights in Myanmar

Human rights in Myanmar – background and persecution of Rohingya people

- 4.1. In Myanmar, the Rohingya have suffered decades of statelessness and targeted violence. Driven by violence, human rights abuses and persecution, Rohingya have repeatedly been forcibly displaced within and outside of Myanmar, and subjected to a systematic, institutionalised system of segregation and discrimination that constitutes apartheid.¹⁸
- 4.2. The UN described the August 2017 escalation by the military in Rakhine State - of targeted violence, persecution and crimes against humanity - as textbook ethnic cleansing, and Amnesty International has concluded the military’s actions amount to crimes against humanity.¹⁹ This escalation forced 700,000 Rohingya to flee, contributing to Rohingya refugees being one of the largest refugee populations in the Asia Pacific region.²⁰
- 4.3. Since seizing power in a *coup d’état* in 2021, Myanmar’s military junta has killed more than 6,000 people, arbitrarily detained more than 20,000, and renewed judicial executions.²¹ More than 3.5 million people are internally displaced, and human rights groups have documented the military’s torture and ill-treatment of detainees, indiscriminate attacks, and denial of humanitarian aid to civilians, which may amount to crimes against humanity and war crimes.²²
- 4.4. The junta has carried out widespread and systematic attacks against the civilian population nationwide, bombing schools, hospitals, and religious buildings with total impunity. Armed groups fighting the military have also committed human rights violations.²³
- 4.5. Amid international inaction and waning global interest, the military has attacked civilians and civilian infrastructure from the air and the ground, causing mass displacement and a deepening humanitarian crisis. Since early 2024, escalating conflict, persecution and

¹⁶ Ibid

¹⁷ Ibid

¹⁸ Amnesty International, 6 July 2023, ‘Myanmar: HRC 53 Oral statement: UN member states must take steps to protect Rohingya’, Index Number: ASA 16/7641/2023.

¹⁹ Amnesty International, “‘We will destroy everything’: Report of the detailed findings of the UN FFM,’ June 27 2018, pg. 177-314, available at, <https://www.amnesty.org/en/documents/asa16/8630/2018/en/>

²⁰ UNHCR, Projected global resettlement needs 2026 report, <https://www.unhcr.org/au/media/projected-global-resettlement-needs-2026>

²¹ Amnesty International, 31 January 2025, ‘Myanmar: Four years after coup, world must demand accountability for atrocity crimes’, <https://www.amnesty.org/en/latest/news/2025/01/myanmar-four-years-after-coup-world-must-demand-accountability-for-atrocity-crimes/>

²² Ibid

²³ Ibid

instability in Myanmar's Rakhine State have driven new displacement – with an estimated 130,000 Rohingya refugees arriving in 2025, and a further 35,000 expected in 2026.²⁴

- 4.6. The latest UNHCR report found 5.6 million forcibly displaced and stateless persons in the region, including 1.1 million forcibly displaced and stateless Rohingya refugees who are being hosted in neighbouring countries, such as across the border in Bangladesh.²⁵
- 4.7. Regional efforts aim to allow repatriation²⁶, however safe repatriation of all or even the majority of Rohingya has been found not a genuine possibility in the next decade.²⁷ The “root causes for their displacement are yet to be addressed” – namely ongoing civil war in Rakhine State.²⁸
- 4.8. At the end of 2025, conditions in Myanmar remained un conducive for the safe return of Rohingya to their homeland.²⁹ Amnesty International has emphasised that “there can be no safe or dignified return of Rohingya refugees as long as they face apartheid and are unable to fully enjoy their right to nationality and all other human rights on an equal basis in Myanmar.”³⁰

Current state of human rights in Myanmar

- 4.9. The current human rights and humanitarian crisis in Myanmar is dire. In a June 2025 report the UN High Commissioner for Human Rights Volker Türk described a deteriorating situation, crippling aid restrictions, escalating military attacks and intensity, and the collapse of international support.
- 4.10. “Amnesty International remains deeply concerned by the condition of Rohingya in Rakhine State, including 148,000 who are displaced, who continue to be subject to an institutionalised system of segregation and discrimination, that Amnesty International has determined constitutes the crime against humanity of apartheid.”³¹

Escalation of conflict

- 4.11. Amnesty International's 2025 State of the World's Human Rights Report said in the past year in Myanmar, internal armed conflict escalated; frequency of military air strikes

²⁴ Humanitarian Action, Global Humanitarian Overview 2026, Rohingya Joint Response Plan (JRP), at <https://humanitarianaction.info/document/global-humanitarian-overview-2026/article/rohingya-joint-response-plan-jrp-1>

²⁵ UNHCR, above n 20, at page 48

²⁶ 2024 Joint Response Plan Rohingya Humanitarian Crisis pg. 13, available at <https://rohingyaresponse.org>

²⁷ Ware, A., and Laoutides, C. (2024). 'The Rohingya repatriation myth: why repatriation from Bangladesh to Myanmar is (nigh) impossible', *Development in Practice*, 34(5), 633–640 available at:

<https://doi.org/10.1080/09614524.2024.2338213>

²⁸ Arunn Jegan, Head of Mission for Médecins Sans Frontières in Bangladesh, 13 March 2024, 'A ring-fence around the Rohingya can't last – Australia's policy needs to change: Seven years on, a temporary aid agenda is only extenuating the problem', at: <https://www.lowyinstitute.org/the-interpreter/ring-fence-around-rohingya-can-t-last-australia-s-policy-needs-change>

²⁹ Humanitarian Action, above n 24

³⁰ Amnesty International, 6 July 2023, 'Myanmar: HRC 53 Oral statement: UN member states must take steps to protect Rohingya', Index Number: ASA 16/7641/2023

³¹ Amnesty International, 6 July 2023, 'Myanmar: HRC 53 Oral statement: UN member states must take steps to protect Rohingya', Index Number: ASA 16/7641/2023.

increased, as did military attacks on schools, hospitals and civilian infrastructure; arbitrary arrests and unfair trials continued; and ethnic Rohingya people experienced the worst violence since 2017.³² Despite international sanctions against Myanmar and a global campaign to disrupt air strikes, it continued to receive shipments of aviation fuel.³³

- 4.12. Military rule continued since the former, democratically elected government was ousted in the 2021 coup, and almost four years later, Myanmar's human rights situation entered a new and deadly phase - with the country's western, northern and south-eastern border areas riven by internal armed conflict.³⁴ Ethnic armed organisations aligned with the People's Defence Forces, the armed wing of the opposition National Unity Government, and the military struggled to hold onto territory.³⁵
- 4.13. Cities with large populations were impacted by the fighting, and risk to civilians increased as Myanmar's military responded with ever harsher force.³⁶ Air strikes increased fivefold in the first six months of the year compared to the previous year, reaching record numbers, and the number of people killed by the military during the year surpassed 6,000.³⁷ The number of internally displaced people surpassed three million, while more than 20,000 people remained detained.³⁸
- 4.14. In September 2025, Amnesty International reported "armed conflict between the Myanmar military and the Arakan Army escalated in 2024, as the ethnic resistance organisation took control of northern Rakhine State's two main townships, Buthidaung and Maungdaw. Rohingya armed groups were also involved in the fighting, allied with the Myanmar military. But Rohingya civilians paid the price, and many were forced to flee to take refuge in Bangladesh, further stressing an already precarious humanitarian aid environment."³⁹
- 4.15. Amnesty International said that UN member states must step up and meet the humanitarian needs of the Rohingyas.⁴⁰

Unlawful attacks and killing of civilians

- 4.16. The military has carried out indiscriminate and disproportionate attacks, including on religious buildings, schools, hospitals, and areas including camps where internally displaced people were sheltering. Civilians including children were killed in a number of attacks, and injured.⁴¹ A drone and mortar attack on Rohingya people fleeing fighting in northern Rakhine State on 5 August killed an estimated 200 men, women and children, in the worst attack against the Rohingya since 2017.

³² Amnesty International, *The State of the World's Human Rights: April 2025*, Index Number POL 10/8515/2025, page 268, at <https://www.amnesty.org/en/documents/pol10/8515/2025/en/>

³³ Ibid

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

³⁸ Ibid

³⁹ UN Member States must Step-Up Efforts to Protect and Meet the Urgent Humanitarian Needs of the Rohingyas at the High-level Conference, 26 September 2025 Index Number: ASA 13/0345/2025, at <https://www.amnesty.org/en/documents/asa13/0345/2025/en/>

⁴⁰ Ibid

⁴¹ Ibid at page 269

- 4.17. Human Rights Watch reports the junta has increasingly carried out aerial and artillery attacks during military operations, including indiscriminate and deliberate strikes against civilians, civilian property and infrastructure - as well as widespread extrajudicial killings.⁴²
- 4.18. Myanmar has also used domestically produced air-dropped cluster munitions since 2022 which are indiscriminate weapons in populated areas.⁴³ Additionally, Myanmar topped the global list of landmine casualties for the first time in 2023.⁴⁴ Such attacks on civilians, including children, while in shelters, and on unarmed displaced people trying to flee violence, are breaches of international humanitarian law.⁴⁵

Forced recruitment of civilians and other abuses by armed groups

- 4.19. OHCHR documented killings of civilians by other anti-military groups - in the first half of 2024 it reported 124 reports of killings of administrators, civil servants, military informants and their family members. Rohingya refugees who fled Myanmar told Amnesty International that the Arakan Army burned down their homes, drove them out, killed civilians and stole their possessions. Rohingya militant groups are also accused of forcibly recruiting child soldiers, and its ally, the Myanmar National Democratic Alliance Army, of carrying out extrajudicial executions.⁴⁶
- 4.20. Human Rights Watch notes Myanmar military's long history of employing abusive recruitment tactics, including abductions and detention of family members to carry out conscription, including of children.⁴⁷ In 2023 UN verified Myanmar's recruitment and use of over 1,170 children.⁴⁸ In 2024 Myanmar activated a law enabling conscription of men aged 18-35 and women aged 18-27, for up to five years.⁴⁹

Arbitrary arrest and detention, unfair trials

- 4.21. People were held without charge in interrogation centres, mass trials behind closed doors, and harsher laws introduced as the military continued to use the courts to crush dissent.⁵⁰ This was seen particularly in the elections of December 2025-January 2026. Amnesty International refers to Myanmar's "grossly unfair trial system".⁵¹

⁴² Human Rights Watch, World Report 2025, Myanmar: Events of 2024, at <https://www.hrw.org/world-report/2025/country-chapters/myanmar>

⁴³ Ibid

⁴⁴ Human Rights Watch, 20 November 2024, 'Myanmar: Surging Landmine Use Claims Lives, Livelihoods. Highest Casualties Worldwide Since 2023', at <https://www.hrw.org/news/2024/11/20/myanmar-surgingly-landmine-use-claims-lives-livelihoods>

⁴⁵ ICRC, IHL Databases, Rule 1: The Principle of Distinction between Civilians and Combatants, at <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule1>, and Rule 71. The use of weapons which are by nature indiscriminate is prohibited, at <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule71>

⁴⁶ Ibid at 270-271

⁴⁷ Human Rights Watch, above n 42

⁴⁸ UNGA, Security Council, Children and armed conflict: Report of the Secretary-General, A/78/842-S/2024/384, page 20, at <https://documents.un.org/doc/undoc/gen/n24/095/07/pdf/n2409507.pdf>

⁴⁹ Human Rights Watch, above n 42

⁵⁰ Ibid at page 270

⁵¹ Amnesty International, 23 September 2024, Index Number: ASA 16/8643/2024. Myanmar: Amnesty International oral statement at the 57th session of the UN Human Rights Council, 09 September – 11 October 2024

- 4.22. Myanmar's practices in relation to arrests, detention, court trials and penalties, offend against rule of law principles and violate peoples' human rights.

Sexual and gender-based violence

- 4.23. Sexual and other forms of gender-based violence are committed by military and non-state perpetrators with impunity, with rape and assaults and other attacks on women used by the military to punish the civilian population, and sexual violence, humiliation and invasive body searches used as a frequent tool of torture against detainees.⁵² Myanmar is a signatory to the Convention on the Elimination of all Forms of Discrimination Against Women, which defines discrimination as including gender-based violence.⁵³

Torture and other ill-treatment

- 4.24. Myanmar's military uses interrogation centres to forcibly extract information before bringing charges against people, and conditions in detention including access to healthcare or aftercare for injuries suffered during interrogations remained dire.⁵⁴
- 4.25. Human Rights Watch's 2025 World Report states the use of torture, sexual violence, and other ill-treatment is rampant in Myanmar's prisons, interrogation centers, military bases, and other detention sites, with people reporting rape, beatings, prolonged stress positions, electrocution and burning, and deprivation of food, water and sleep.⁵⁵
- 4.26. In 2022 Amnesty International documented in a detailed report the use of torture by security forces in detention in Myanmar. In its report *15 days felt like 15 years: Torture in detention since the Myanmar coup*, Amnesty documented cases of torture and other ill-treatment and inhumane conditions experienced when the military arrested, interrogated, and detained individuals suspected of being involved in protests or their families.⁵⁶
- 4.27. In its conclusion Amnesty International said:
- ...The international community [has failed] to hold the Myanmar military to account for its past crimes. Torture and other ill-treatment by the Myanmar military and other security forces in the country are experienced every day by more and more people who express dissent and criticism after the 01 February 2021 coup. These human rights violations will continue if the pervasive and widespread impunity is not uprooted, and the country set on a path where the Myanmar military is made accountable for its past and present crimes, and a culture of promotion and protection of human rights is established in society.⁵⁷

Access to healthcare

- 4.28. Amnesty International's research shows there has been a systematic denial of healthcare for people while being detained by the military since the 2021 military coup,

⁵² Human Rights Watch, above n 42

⁵³ CEDAW Article 1, and CEDAW General Recommendation No. 19: Violence against women, 1992, at <https://www.refworld.org/legal/resolution/cedaw/1992/en/96542>

⁵⁴ Ibid

⁵⁵ Human Rights Watch, above n 42

⁵⁶ Amnesty International, 2 August 2022, *Myanmar: 15 days felt like 15 years: Torture in detention since the Myanmar coup*, Index Number: ASA 16/5884/2022, at <https://www.amnesty.org/en/documents/asa16/5884/2022/en/>

⁵⁷ Ibid

leading to an alarming number of deaths in custody.⁵⁸ Over 1,800 people have reportedly died whilst held in custody by the military junta. Many of these deaths are due to the systematic denial of healthcare to people in prisons, and/or as a result of untreated injuries, which they sustained during abusive interrogations following their arrest.⁵⁹ By 2024, more than 1,900 people had died in junta custody, with actual figures likely higher.⁶⁰

- 4.29. Several human rights are breached in these practices, including the right in ICCPR Article 7 to be free from torture or cruel, inhuman or degrading treatment or punishment; and the right to healthcare which is protected under the only four international treaties Myanmar is signatory to⁶¹: Article 12 of ICESCR, as well as in CRC, CEDAW and CRPD.⁶²
- 4.30. Amnesty International has demanded that the Myanmar military urgently provide all people deprived of their liberty access to adequate healthcare without discrimination, of the same standard and with the same options as available in the community, and immediately end the torture and other ill-treatment of detainees.⁶³
- 4.31. In addition, reports indicate that doctors in Myanmar have become targets for trying to provide medical aid to those in need⁶⁴, creating barriers to people accessing healthcare.

Right to education

- 4.32. The continuing conflict and military repression in Myanmar had a severe impact on people's right to access education.⁶⁵ Millions did not attend class in a formal school setting, and more than 13,000 schools were reportedly forced to close due to armed conflict. The military carried out unlawful attacks including air strikes on schools, killing and injuring students and teachers, further violating the right to education among other rights.⁶⁶ Schools were forced to build bomb shelters, rebuild after bombing or become mobile to avoid attacks.⁶⁷ Many abandoned their studies, or parents withdraw their children and fled.⁶⁸

Rights to freedom of expression

- 4.33. Arbitrary arrests, unfair trials, and raids targeted activists. Journalists were subjected to harsh prison sentences, creating a chilling effect and further restricting the

⁵⁸ <https://www.amnesty.org/en/documents/asa16/0170/2025/en/> Myanmar: Systematic denial of healthcare leading to alarming number of deaths in custody 5 August 2025 Index Number: ASA 16/0170/2025

⁵⁹ Ibid

⁶⁰ Human Rights Watch, above n 42

⁶¹ OHCHR, Ratification of 18 International Human Rights Treaties, Dashboard at <https://indicators.ohchr.org/>

⁶² Australian Human Rights Commission, Right to health, at <https://humanrights.gov.au/resource-hub/guides-for-impacted-individuals/guides-on-rights-and-freedoms/rights-and-freedoms/right-health>

⁶³ Ibid

⁶⁴ Amnesty International, 23 September 2024, Index Number: ASA 16/8643/2024. Myanmar: Amnesty International oral statement at the 57th session of the UN Human Rights Council, 09 September – 11 October 2024

⁶⁵ Amnesty International, State of the World's Human Rights 2025, at <https://www.amnesty.org/en/documents/pol10/8515/2025/en/> - page 268

⁶⁶ Ibid at page 269

⁶⁷ Ibid

⁶⁸ Ibid at 270

rights to freedom of expression.⁶⁹ The recent sham elections illustrated the repression of freedom of expression and right to political communication.

Right to adequate housing

4.34. It is well documented that the Rohingya have been displaced in Myanmar in massive numbers as a result of successive assaults and attacks particularly in their home state since 2017. Reports also refer to since the coup, people having their house burned down by soldiers⁷⁰, as well as air strikes destroying homes. Human Rights Watch reported the military burned more than 100,000 homes, predominantly in Sagaing Region, from May 2021 to August 2024.⁷¹ Due to these circumstances, people in Myanmar are denied the right to housing, which is contained in Article 11 of the ICESCR, to which Myanmar is signatory.

5. International accountability

5.1. The Prosecutor of the International Criminal Court (ICC) in November 2024 filed a request with the ICC for an arrest warrant for the Commander-in-Chief of the Myanmar Defence Services for the crimes against humanity of deportation and persecution of Rohingya. The ICC will consider the evidence and whether to issue the arrest warrant.⁷² Amnesty has long called for Myanmar to be referred to the court.⁷³

5.2. As the Special Rapporteur states, Myanmar's military commander-in-chief "is not only accused of atrocity crimes against the Rohingya, he is also responsible for ongoing war crimes and crimes against humanity throughout Myanmar. He must be stopped and held accountable."⁷⁴

5.3. In January 2026, Myanmar began its defense in the landmark genocide case at the International Court of Justice brought by The Gambia, who allege Myanmar's military attacked the Rohingya with "horrifying violence" in a bid to destroy them – in violation of the Genocide Convention.⁷⁵ The evidence laid out in the ICJ includes witness allegations

⁶⁹ Amnesty International, above n 65, page 268

⁷⁰ Amnesty International, 23 September 2024, Index Number: ASA 16/8643/2024. Myanmar: Amnesty International oral statement at the 57th session of the UN Human Rights Council, 09 September – 11 October 2024

⁷¹ Human Rights Watch, above n 42

⁷² <https://iimm.un.org/en/icc-situation-bangladeshmyanmar> and <https://www.ohchr.org/en/press-releases/2024/12/seize-momentum-justice-created-application-icc-arrest-warrant-against>

⁷³ Amnesty International, 23 September 2024, Index Number: ASA 16/8643/2024. Myanmar: Amnesty International oral statement at the 57th session of the UN Human Rights Council, 09 September – 11 October 2024

⁷⁴ OHCHR, 16 December 2024, 'Seize momentum for justice created by application for ICC arrest warrant against Myanmar junta leader: UN expert', at <https://www.ohchr.org/en/press-releases/2024/12/seize-momentum-justice-created-application-icc-arrest-warrant-against>. Amnesty documented these war crimes, including in: Myanmar: "Bullets rained from the sky": War crimes and displacement in eastern Myanmar: 31 May 2022, Index No: ASA 16/5629/2022, <https://www.amnesty.org/en/documents/asa16/5629/2022/en/>

⁷⁵ ABC, 13 January 2026, The Gambia alleges Myanmar undertook a genocidal campaign against the Rohingya people at ICJ, at <https://www.abc.net.au/news/2026-01-13/the-gambia-myanmar-genocide-case-icj-the-hague/106222734>

such as gang rapes, sexual mutilation, and infants being burned alive.⁷⁶ Myanmar so far denies the allegations in full.⁷⁷

Agents for change in Myanmar

5.4. In a statement on Myanmar to the UN Human Rights Council on 30 June 2025, Amnesty International said:

“The situation is bleak, perhaps the bleakest since the 2021 coup – as civilian deaths reach 7,000 and unlawful military air strikes continue, killing civilians in classrooms, at weddings, in shelters and even during the aftermath of the earthquake that struck Myanmar in March.

Yet many people in Myanmar continue to work towards a future based on justice, truth and accountability that they hope will one day rise from the ashes of the current conflict. This includes students, teachers, medical workers, trade unionists, artists, journalists, and many others whom the OHCHR report has identified as “constituencies for change”.⁷⁸

5.5. The UN High Commissioner for Human Rights also said, “Despite massive challenges, people from across society are striving to build a peaceful, sustainable, democratic and diverse Myanmar, grounded in human rights.”⁷⁹

5.6. UN Special Rapporteur on the situation of human rights in Myanmar said, “The people of Myanmar have shown extraordinary courage in resisting military tyranny. They deserve a future decided by their will—not by a rigged process designed to keep their oppressors in power.”⁸⁰

6. Conclusion

6.1. Amnesty calls for the perpetrators of human rights abuses during Myanmar’s recent elections, as well as in 2017, the intervening years and since the 2021 military coup, to be brought to justice.

6.2. States have a responsibility to ensure they are not supporting these crimes, including through trade, by upholding international sanctions. Amnesty International has urged states to stop shipments of aviation fuel, especially as the military has been successful at evading international restrictions and accessing the fuel it needs to continue air strikes.⁸¹

6.3. Amnesty International calls on Myanmar’s military junta to:

⁷⁶ Ibid

⁷⁷ UN News, 16 January 2026, ‘Myanmar begins defence in landmark genocide case at UN World Court’, at <https://news.un.org/en/story/2026/01/1166782>

⁷⁸ Myanmar: Amnesty International oral statement at the Fifty-ninth regular session of the UN Human Rights Council, 16 June – 9 July 2025, 30 June 2025, Index Number: ASA 16/9561/2025

⁷⁹ UN News, 27 June 2025, ‘Myanmar human rights crisis deepens as aid collapses, attacks intensify’, at <https://news.un.org/en/story/2025/06/1165041>

⁸⁰ <https://www.ohchr.org/en/press-releases/2026/01/illegitimate-elections-yield-illegitimate-results-un-expert-urges-rejection>

⁸¹ Amnesty International 3 July 2024, Index Number: ASA 16/8368/2024. Myanmar: Amnesty International oral statement at the 56th session of the UN Human Rights Council.

- Dismantle the system of apartheid against Rohingya, beginning with ending systemic discrimination and violence against the Rohingya people; and
- Ensure free and unimpeded access to Rakhine State by humanitarian actors, international human rights organizations and journalists, in addition to other key stakeholders.⁸²

6.4. We urge the Australian Government to establish a quota for intake of Rohingya refugees who have fled Myanmar and are living precariously in Cox's Bazaar, Bangladesh, and those in Myanmar suffering human rights abuses and displacement, commensurate with the size and capacity of Australia, in addition to the regular humanitarian program intake.

6.5. Amnesty also calls on the Australian Government to invest further in and take a leading role in establishing a regional strategy to support Rohingya refugees, including more sustainable, durable supports beyond mere humanitarian aid.

⁸² Amnesty International, 25 August 2023, Index Number: ASA 16/7142/2023, 'Myanmar: Six Years since the Ethnic Cleansing Campaign, the International Community Must Do Better', at <https://www.amnesty.org/en/documents/asa16/7142/2023/en/>