



**Australian Government**

**Department of Foreign Affairs and Trade**

# **FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE**

## **THE STATE OF DEMOCRACY AND HUMAN RIGHTS IN MYANMAR**



## INTRODUCTION

The Department of Foreign Affairs and Trade (DFAT) welcomes the opportunity to make a submission to the Senate Foreign Affairs, Defence and Trade References Committee inquiry into democracy and human rights in Myanmar.

Myanmar has been in a protracted and multifaceted crisis since the military overthrew a democratically elected government on 1 February 2021. Conflict is ongoing, thousands of opponents to the military regime remain imprisoned and human rights violations and abuses are widespread. An estimated 16.2 million people need life-saving humanitarian assistance and 3.6 million are internally displaced. Economic conditions have severely deteriorated. The conflict has exacerbated transnational crime including scam centres, drugs and human trafficking, and irregular people movements, posing a threat to neighbouring countries and the wider region.

DFAT leads Australia's policy response to the crisis in Myanmar. The Australian Government wants to see a peaceful transition of power to a democratic civilian government that reflects the will of the people.



## STATE OF DEMOCRACY IN MYANMAR

Since its independence in 1948, Myanmar has mostly been under military rule. During a decade of democratic progress (2010–2020), the military allowed the opposition National League for Democracy (NLD) to contest elections. The NLD formed government in 2015 after winning approximately 80 per cent of the vote share, although the military still wielded a strong influence over the country. Following the NLD's sweeping victory in the 2020 elections, the military re-seized total control of the government on 1 February 2021. The coup ended the period of civilian/military power-sharing<sup>1</sup> and returned Myanmar to an authoritarian state. It is now ranked by Freedom House as one of the most suppressed states globally.<sup>2</sup>

Since the coup, conflict in Myanmar has been ongoing between the military regime and opposition actors, including ethnic armed organisations (EAOs) and People's Defence Forces. These actors control significant territory – however, the military has held the centre, major cities and key border towns. It relies on military equipment supplied by external partners, use of aerial bombardments, and conscription (since 2024). In 2025, the military regained territory and control in northern Myanmar through Chinese-brokered ceasefires.

Opposition actors inside Myanmar are diverse. Most EAOs seek territorial control and autonomy. Some share aspirations for democratic federalism with the pro-democracy movement. Federal units with interim constitutions are emerging in some areas, mainly in central and eastern Myanmar. In some areas, new sub-national governance platforms are assuming responsibility for service delivery and demonstrating a commitment to democratic principles – the Karenni Interim Executive Council serving as one such example.<sup>3</sup>

National-level pro-democracy groups are largely based in exile. The National Unity Government (NUG) is the most visible national pro-democratic actor internationally. The Committee Representing Pyidaungsu Hluttaw (CRPH) comprises deposed members of parliament, including NLD leaders, some ethnic minority representatives, and some minor political parties. The National Unity Consultative Committee (NUCC) is an accountability platform to the NUG and includes the CRPH, some armed resistance groups, and civil society. In 2021, the NUCC, NUG and CRPH formulated a nationwide Federal Democracy Charter. Progress on the Charter has since stalled.

### Phased elections

The Myanmar regime held the first general elections process since the coup in three phases on 28 December 2025, 11 January and 25 January 2026. Ahead of the polls, the military-controlled Union Election Commission dissolved several political parties and imposed restrictive eligibility criteria which effectively barred opposition parties from participating meaningfully. Six political parties were permitted to contest elections nationally, with no substantive pro-democracy representation.

The elections were also held against a backdrop of ongoing violence, thousands of political prisoners, and an ongoing humanitarian crisis. The elections were not free, fair or inclusive and did not reflect the will of the people. The process was widely criticised as deliberately designed to entrench military rule and further sideline democratic voices.<sup>4</sup>

The electoral process allows a shift from the post-coup state of emergency back to “constitutional rule”, in line with the military-drafted 2008 Constitution. It does not represent a transition of power to a democratic civilian government.

### Barriers to a return of a civilian government

The military has been the dominant actor in Myanmar's politics since independence in 1948 and sees itself as the guardian of national unity. The military-drafted 2008 Constitution allows only for a semi-civilian government to come to power. It guarantees the military 25 per cent of seats in the National Assembly, and any constitutional



amendments require more than 75 per cent of votes. The Myanmar military has historically acted contrary to the democratic values of freedom, respect for human rights and universal suffrage.<sup>5</sup>

Widespread conflict and unprecedented violence<sup>6</sup> have characterised the period since the coup. Anti-military resistance has strengthened and spread beyond border areas populated by ethnic minorities. Conflict has spilled over into central and Burman-majority areas that had been historically comparatively stable under military control. In response, the military has implemented a 'four cuts' strategy to weaken resistance, aiming to reduce access to food, money, information and recruits. The military has increasingly relied on conscription and aerial bombardments to target civilians and repress the population.<sup>7</sup> In December 2025, Armed Conflict Location and Event Data (ACLED) ranked Myanmar as the second most conflict-affected country globally.<sup>8</sup>

The humanitarian crisis in Myanmar is now the largest and most complex in the Indo-Pacific. There are an estimated 16.2 million people in need of lifesaving humanitarian assistance and 3.6 million internally displaced people.<sup>9</sup> Humanitarian access remains difficult, including due to difficulties obtaining travel authorisations for aid organisations, and scrutiny at checkpoints on the transport of essential items, medicines, fuel and hygiene supplies.<sup>10</sup> Recent disasters, especially the devastating March 2025 earthquake, have further compounded the situation.

In parallel, the instability has enabled a booming illicit economy. Organised crime groups and some armed actors benefit from transnational crime activities including cyberscam centres, human trafficking and the trading of illicit drugs, timber, and rare earths. The Global Organised Crime Index ranks Myanmar as having the highest criminality score and the lowest resilience to crime globally.<sup>11</sup>

The Australian Government has consistently maintained that a genuine path to peace requires an end to violence, the release of all those unjustly detained, inclusive dialogue among all Myanmar stakeholders, and safe and unimpeded access for humanitarian assistance. The Australian Government strongly supports ASEAN's efforts to resolve the crisis and continues to urge the regime to fulfil its commitments under ASEAN's Five-Point Consensus. We continue to urge the regime to engage meaningfully with ASEAN representatives including the ASEAN Chair's Special Envoy.



## HUMAN RIGHTS SITUATION IN MYANMAR

Human rights abuses and violations in Myanmar are widespread and systematic. The regime continues to target civil rights organisations, political dissidents, ethnic minorities, activists, journalists and aid workers, who often face harsh sentences, including the death penalty. Thousands remain arbitrarily detained, including political prisoners and journalists.<sup>12</sup> The regime implements repressive population surveillance, movement controls and suppression of independent media and civil society. It imposed internet controls through a new cyber security law in 2025, which banned access to UN websites, independent media sites, Facebook and Instagram, and pages of opposition actors, among others. Virtual Private Networks are also banned.

As active conflict continues, the regime has increasingly targeted civilians and civilian infrastructure, including airstrikes on schools, hospitals, religious sites and camps for displaced people. There are also increasing credible reports of war crimes and crimes against humanity across Myanmar.

### *Gender and disability*

The UN continues to report on the prevalence of conflict-related sexual violence, child and forced marriages, and the trafficking of women.<sup>13</sup> Survivors face insurmountable barriers to seeking justice. The crisis has exacerbated gender disparities and further limited access to education, employment, reproductive and sexual health for women and girls. LGBTQI+ people similarly face discrimination, exploitation and are unable to safely express their identities in Myanmar.<sup>14</sup> Between 2017 and 2023, Myanmar's Global Gender Gap ranking dropped from 83rd to 123rd.<sup>15</sup> UN Women reports further backsliding on gender equality progress in post-coup Myanmar, including an increase in unpaid care and domestic work, reducing their chances to earn a livelihood.<sup>16</sup>

A 2019 survey by the civilian government identified 6 million people (12 per cent of the population) with a disability in Myanmar.<sup>17</sup> The number of people with a disability is expected to have increased due to the conflict, through landmine injuries, limited or no access to essential health services, malnutrition and trauma. Women are also disproportionately affected by disability.<sup>18</sup>

### *Food security*

Myanmar ranks fifth globally in the number of acutely food-insecure people,<sup>19</sup> driven by conflict, economic shocks, displacement and natural disasters, combined with funding shortfalls and worsening economic conditions. Nationally, 11.8 million people, 22 per cent of the population, face high levels of acute food insecurity, and up to a million people face emergency levels of acute food insecurity.<sup>20</sup> Funding shortfalls and access challenges in many parts of the country have hampered attempts to address this.<sup>21</sup> More than half the country's children live in poverty and over 40 per cent of those aged 6–23 months do not have access to the essential nutrition.<sup>22</sup> High inflation (over 24 per cent in 2024) has cut families' purchasing power, while floods and earthquakes have driven displacement and contributed to losses of seed stocks, productive assets, and livestock.

### *Access to health*

Prior to the coup, state spending on health in Myanmar was among the lowest in the region<sup>23</sup> and continues to decline.<sup>24</sup> The health sector suffers from massive human resources shortages, and the regime attacks institutions that hire opposition-aligned healthcare workers. Outside of regime-controlled areas, it is not clear what proportion of the population has access to healthcare. A non-functional health system and increasing health vulnerabilities among large sections of the population has led to poor maternal and child health outcomes and dangerously low routine vaccination rates. There have also been significant outbreaks of vaccine-preventable diseases, including cholera.<sup>25</sup> This has increasingly led to a regional health security issue, with many preventable diseases such as malaria crossing into bordering countries.

### *Access to education*

At least 12 million children and young people have had their education interrupted since 2021.<sup>26</sup> In 2020–2021, 2.3 million students were enrolled in basic education, compared to 9.2 million in 2019–2020. While school attendance figures recovered to 6.7 million in 2023–2024, they remain well below pre-coup figures.<sup>27</sup> Prior to the coup, there were over one million students in public universities. Today, that figure is approximately 113,000.<sup>28</sup> Education civil society organisations, opposition groups and religious and ethnic schools are providing some



services in areas the regime does not control or cannot reach. The crisis disproportionately affects ethnic minority groups and girls, with only 18 per cent of girls graduating from secondary school.<sup>29</sup>

#### *Legal systems and governance*

There is little legal recourse for civilians in Myanmar. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has reported on the collapse of the rule of law and judicial independence.<sup>30</sup> While Myanmar established a government-funded Myanmar National Human Rights Commission (MNHRC) in 2011, it has failed to hold anyone to account for the widespread mistreatment of Rohingyas or abuses following the 2021 coup. The military regime appointed a new MNHRC Chair in August 2023 and then dissolved and reconstituted the MNHRC on 31 January 2025.<sup>31</sup>

Transparency International consistently ranks Myanmar among the most corrupt countries in the world.<sup>32</sup> In regime-controlled areas, corruption underpins local power structures. In areas outside regime control, governance and policing depends on local armed groups. Some groups have well-developed policing institutions and are attempting to develop justice and governance systems for a future democratic Myanmar.<sup>33</sup> In contrast, other groups operate with significant links to organised crime, involved in human trafficking, including for illicit work in scam centres, mining, logging and drug production.<sup>34</sup>

#### *Rohingyas*

The Rohingyas, a predominantly Muslim ethnic group who primarily live in Rakhine State, have faced systematic persecution, denial of citizenship, restricted freedom of movement and limited access to basic rights and services for decades, under successive military and civilian governments. In 2017 the military launched a campaign of systemic violence against Rohingya communities, leading to mass displacement across the border to Bangladesh and widespread human rights violations and abuses. A UN fact-finding mission described the operations as genocide.<sup>35</sup> Today, more than 1.25 million Rohingyas remain displaced in Bangladesh, along with hundreds of thousands elsewhere in the region and internally in Myanmar.<sup>36</sup> Rohingyas remaining in Myanmar continue to face discrimination and abuse committed by the military and other armed actors.



## AUSTRALIAN POLICY RESPONSE

DFAT has led Australia's response to the crisis in Myanmar through international advocacy, development and humanitarian assistance and targeted sanctions.

### International advocacy

The Australian Government continues to advocate for a peaceful transition of power to a democratic civilian government that reflects the will of the people. Australia regularly expresses deep concern about the situation in public statements and in bilateral, regional and multilateral forums. This includes at the United Nations General Assembly and Human Rights Council, including through the Universal Periodic Review Process. We continue to urge the Myanmar regime to cease violence, release all those unjustly detained, allow safe and unimpeded humanitarian access, and engage in inclusive political dialogue.

Australia strongly supports ASEAN's central role in resolving the crisis in Myanmar. We repeatedly call on the regime to fulfil its commitments under ASEAN's Five-Point Consensus and to engage meaningfully with ASEAN representatives, including the ASEAN Chair's Special Envoy. We work through the United Nations to promote coordinated global action and increased humanitarian assistance.

### Development and humanitarian assistance

Australia aims to support a prosperous, resilient and stable Myanmar, as outlined in the *Australia-Myanmar Development Partnership Plan 2024-2029*. Our work in Myanmar operates at the nexus of humanitarian, peace and development practice. The protracted nature of the crisis means that our programming works to alleviate acute suffering while also providing longer-term assistance that supports resilience and development goals. Since 2017, Australia has committed over \$1.26 billion in humanitarian assistance to the people of Myanmar, including support to displaced Rohingyas and their host communities in Bangladesh. This includes a three-year program of \$370 million starting in 2026. Our estimated total ODA to Myanmar in 2025-26 is \$124.8 million. A more detailed breakdown can be found in the Myanmar Development Cooperation Fact Sheet.<sup>37</sup>

Australia works through established partners who can deliver in Myanmar, including the UN and international non-government organisations. We do not provide direct funding to the regime and take proactive steps to ensure Australia's assistance does not give credibility or legitimacy to the regime. Ongoing conflict poses serious safety and security concerns for partners and beneficiaries. Given these concerns, Australia does not publicise the details of our local implementing partners. Restrictions on travel, internet, banking and organisational registration, delays securing visas and conscription threats make it difficult for partners to operate. Elections are creating further uncertainty for implementation partners.

Australia's development and humanitarian assistance in Myanmar has four objectives:

*Objective 1: Support efforts to mitigate conflict and its effects, and protect space for longer-term progress on human rights, rule of law, democratic space, and gender equality and social inclusion*

This includes support for Civil Society Organisations, legitimate national and subnational governance entities, women and other marginalised groups to represent their communities, defend human rights and the rule of law, mitigate conflict and its effects, and take part in dialogues and decision-making processes. Programming is aimed at supporting inclusive processes led by the people of Myanmar to help communities protect themselves from conflict and violence (including gender-based violence) and finding ways to protect democratic space and chart a course towards a democratic future.

*Objective 2: Build resilience in vulnerable communities by supporting health, education, livelihood and climate change adaptation needs*

This objective supports longer-term development objectives, targeting household- and community-level economic resilience and strengthening basic health, livelihoods and education services and systems, and delivering essential economic household and community support. These are essential building blocks for Australia's long-term



contribution to the resilience of the people of Myanmar, their pathway out of poverty, social cohesion and Myanmar's democratic recovery.

*Objective 3: Build the leadership and skills of the people of Myanmar, and strengthen our people-to-people links*

Australia supports emerging and future leaders in Myanmar, including through the Australia Awards Scholarship and the Mekong–Australia Partnership. The Mekong–Australia Partnership and other regional and global programs will also allow us to continue work on issues important to Australia's strategic interests in the region, environmental resilience, inclusive economic growth, infrastructure and foreign investment, without working in partnership with the regime.

*Objective 4: Effectively respond to the humanitarian needs of those affected by conflict, disasters and displacement*

Objective 4 responds to the significant humanitarian need in Myanmar, providing immediate and lifesaving assistance to vulnerable, conflict-affected and displaced people, including food, shelter, water supply and sanitation, protection services, education and health care (including sexual and reproductive health services).

## Sanctions

As part of the response to the crisis in Myanmar, Australia has autonomous sanctions to impose costs on the military regime. The sanctions are designed to limit access to funds and materiel that enable the regime to continue committing atrocities against its own people. Australia's sanctions include an arms embargo, targeted financial sanctions (including on commercial entities with direct links to the military and on two state-owned banks) and travel bans. Australia has sanctioned 21 individuals and 7 entities. These are contained in the publicly available Consolidated List,<sup>38</sup> which is kept and maintained by the Department. We keep our sanctions against Myanmar under review, in close consultation with other like-minded partners.

All Australians and Australian businesses must comply with Australian sanctions laws when engaging in activities related to Myanmar. This includes avoiding transactions with sanctioned individuals, entities, or sectors, and ensuring no financial or material support is provided to the Myanmar military regime. As stated on DFAT's website, all Australian businesses and individuals with existing business interests in Myanmar or considering undertaking business with Myanmar should seek legal advice on the Myanmar sanctions regime. Businesses are strongly advised to conduct thorough due diligence, assess human rights risks, and consider the reputational and legal implications of operating in Myanmar. Public guidance is made available for all Australian businesses, including through government websites. Non-compliance may result in significant penalties under Australian law.

Austrade remains committed to combating human rights abuses, modern slavery, money laundering, and bribery in both domestic and international markets. Organisations operating in Australia or overseas are expected to comply with the OECD Guidelines for Multinational Enterprises, which set out principles and standards for responsible business conduct consistent with domestic laws and endorsed by the Australian Government.

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<sup>4</sup> Coppel (2025) Myanmar's military will no doubt win this month's sham elections. But could a shake-up follow? Accessed at: <https://theconversation.com/myanmars-military-will-no-doubt-win-this-months-sham-elections-but-could-a-shake-up-follow-269793>; Human Rights Watch (2025) Myanmar: Elections a Fraudulent Claim for Credibility. Accessed at <https://www.hrw.org/news/2025/11/16/myanmar-elections-a-fraudulent-claim-for-credibility>; ANFREL (2025) Myanmar Junta's Planned Elections: Falling Short of Democratic Legitimacy. Accessed at: <https://anfrel.org/myanmar-juntas-planned-elections-falling-short-of-democratic-legitimacy/>

<sup>5</sup> UN (n.d.) Democracy. <https://www.un.org/en/global-issues/democracy>

<sup>6</sup> OHCHR (2025) Myanmar: Four years on, coup leaders ramp up violations to unprecedented levels, UN finds. Accessed at: <https://www.ohchr.org/en/press-releases/2025/01/myanmar-four-years-coup-leaders-ramp-violations-unprecedented-levels-un>

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