

Democracy and human rights in Myanmar

Submission by the Australian Council of Trade Unions

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Introduction

The Australian Council of Trade Unions (ACTU) is Australia's peak national body of unions, founded in 1927. Our 37 affiliated unions and trades and labour councils represent nearly 2 million members across all industries and occupations. The ACTU advocates on behalf of its affiliates on a wide range of issues to improve the lives of all workers.

The Australian Union movement is proudly internationalist. The ACTU aims to win rights, equality, social justice, peace, and decent work for workers everywhere. To achieve these aims, we support the building of strong, democratic and independent trade unions around the world, we work in solidarity with workers fighting for their rights, and we hold multinational corporations and governments to account.

Democracy and human rights in Myanmar

On 1 February 2021, Myanmar's military seized power in a coup, overthrowing the democratically elected government of Aung San Suu Kyi's National League for Democracy. This triggered nationwide protests, a brutal military crackdown, the deliberate dismantling of independent trade unions and workers organisations, and the emergence of a broad resistance movement demanding democracy and civilian rule. The junta is now seeking to legitimise their rule through holding sham 'elections'. The Union Election Commission reported on 17 January 2026 that the military-proxy Union Solidarity and Development Party (USDP) won 52 out of 78 seats in the upper house of Parliament and 175 out of 202 seats in the lower house of Parliament after two rounds of voting were held in 202 townships on 28 December and 11 January – a final round will be held on 25 January in 63 more townships (265 of Myanmar's 330 total).¹

The ACTU has been working in solidarity with the Myanmar trade union movement to call for the immediate restoration of democracy, workers and human rights in Myanmar. Unions around the world have condemned the junta's elections as a sham and called on the international community to take urgent action to isolate the junta.² The Australian Union movement has been working with the Myanmar diaspora community and civil society organisations in Australia to call for the

¹ Democratic Voice of Burma, 'USDP to form next 'government' in Myanmar' 19/01/26 <https://english.dvb.no/usdp-to-form-next-government-in-myanmar-civil-society-groups-condemn-new-asean-special-envoy/>

² ITUC Asia Pacific, Global Union Federations Asia Pacific, 'Joint statement on the Myanmar Military Junta's Illegal and Sham Elections', 15/09/25 https://www.ifi.org/fileadmin/user_upload/250915_GUFs_Statement_Sham_Elections_Myanmar.pdf

Australian Government to take stronger action to isolate the military junta and support a return to democracy.³ The ILO Article 33 resolution on Myanmar passed in June 2025 provides a strong framework for ILO Member States to take coordinated action.

Australia's leadership matters. Coordinated sanctions and diplomatic pressure will help isolate the junta, support Myanmar's people, and strengthen Australia's standing as a regional human rights leader. We urge the Australian Government to adopt the recommendations outlined in this submission in order to implement the ILO resolution and support a return to democracy in Myanmar.

Recommendations

1. The Australian Government should publicly condemn and reject the elections as illegitimate and not recognise the results or any post-election political arrangements arising from the elections.
2. The Australian Government should coordinate with international partners to maximise pressure on the regime, including calling for rejection of the sham elections.
3. The Australian Government should enact a package of additional targeted sanctions on Myanmar's military, state-owned enterprises, business associates, and the jet fuel supply chains.
4. The Australian Government should review all relations with Myanmar, including Australian business links.
5. The Australian Government should support a comprehensive ban on jet fuel exports to Myanmar.
6. The Australian Government should recognise the National Unity Government (NUG).

³ Joint letter to Foreign Minister Wong, 22/12/25, <https://apheda.org.au/wp-content/uploads/Open-letter-to-Penny-Wong.pdf>

7. The Australian Government should enact humanitarian protections consistent with the ILO resolution and ensure that funding is delivered to and by civil society organisations which can maintain and strengthen civic and democratic space in Myanmar.

The state of human rights and democracy in Myanmar

Violations of fundamental workers' and human rights

The International Trade Union Confederation's (ITUC) Global Rights Index 2025 Report⁴ has ranked Myanmar as among the 10 worst countries in the world for workers' rights.

Since the February 2021 coup, Myanmar has been plunged into civil war, with the junta intensifying violence against civilians, trade unionists, and democratic leaders. Over 21.9 million people now require humanitarian assistance, and 3.5 million are internally displaced.

The regime ramped up airstrikes, arbitrary arrests, and the destruction of communities in the lead-up to the sham elections, including increased airstrikes on civilians to clear polling routes.⁵

Amid an atmosphere of escalating threats and oppression, there have been credible reports of forced labour. Mondiaal FNV, the international solidarity and support organisation of the Dutch trade union confederation FNV, in their Myanmar Workers Rights Violation (MWRV) February – May 2024 Report noted that, “forced labor in Myanmar has been a longstanding issue, predominantly orchestrated by the military. The military junta, known as SAC, has revived these practices using either legal adjustments or brutal and violent tactics. Most recently, conscription has become a method of institutionalized forced labor in Myanmar. Since 2021, in conflict zones, the junta has compelled civilians to work for the military. This includes coercing civilians into becoming porters, recruiting them to construct temporary military camps and kitchens, digging trenches, and cutting wood.

In industrial zones under Martial Law, which leaves workers susceptible to human rights abuses, soldiers have exploited the "conscription threat" to extort money from workers and their families.

⁴ International Trade Union Confederation, '2025 ITUC Global Rights Index: the worst countries in the world for workers', https://www.ituc-csi.org/IMG/pdf/en_global_right_index_2025_final_web.pdf?42561/2dad6a0c1eacc71d32d3f2f6ef8702cb163d152bd2dc8e5cc9ae3e96e031476

⁵ ALTSEAN Burma, Coupwatch brief, November 2025, <https://altsean.org/coupwatch-briefers.html>

The documented cases highlight the "extra-judicial practices" of conscription occurring in factories and industrial zones.

The Business and Human Rights Centre (BHRC) reported⁶ that after near 4 years after the military takeover, new data revealed that garment workers in the country continued to face dire and repressive working conditions - with concerning impacts on their physical and mental health. The BHRC found evidence of widespread harassment, intimidation and gender-based violence, inhumane work rates, forced overtime, wage theft, and unsafe working conditions.

Military targeting of unions and unionist since the coup

Nearly five years after a military coup, workers and unions continue to endure repression and harsh working conditions. In total, 151 trade unionists have been arrested. Two are serving life sentences, one has died in custody, and one has been executed. The junta has effectively banned most independent trade unions.

The Confederation of Trade Unions Myanmar (CTUM) has been a primary target of the junta. Many of its members have endured imprisonment, violence, and torture. CTUM leaders remain subject to arrest warrants, and their passports and citizenships have been revoked.

Thet Hnin Aung, General Secretary of the Myanmar Industry Crafts and Services Trade Union Federation (MICS-TUsF), was arrested by the military in 2021. He was initially sentenced to two years of hard labour but was re-arrested upon his release in 2023. Following his abduction, he was held incommunicado, tortured, and denied access to legal counsel for five months before receiving a seven-years sentence of hard labour on terrorism charges. In December 2024, he was beaten and confined to a "dog cell" as punishment for disclosing the conditions of his detention during a visit by the International Committee of the Red Cross.

ILO Article 33

In response to these egregious violations of workers' rights, in June 2025, the annual conference of the International Labour Organisation (ILO) passed a historic resolution under Article 33 of its Constitution against Myanmar - the gravest measure available in the ILO framework.

⁶ <https://www.business-humanrights.org/en/from-us/press-releases/155-incidents-of-labour-rights-violations-in-213-days-are-just-the-tip-of-the-iceberg-under-military-rule-in-myanmar/>

Article 33 is used to secure compliance with the recommendations of the 2023 Commission of Inquiry, which found egregious violations of fundamental rights to freedom of association and the right to organise (ILO Convention 87) and freedom from forced labour (ILO Convention 29).

This is only the third use of Article 33 in ILO history, and the second time against Myanmar (the first in 2000 regarding forced labour).

The resolution⁷ - which was passed by consensus by the ILO's tripartite constituents of governments, employers and workers representatives - calls on ILO Member States to take a number of measures, including:

- Review relations with the Myanmar military authorities and take appropriate measures to ensure that such relations in no way enable, facilitate or prolong the violations of workers' rights in respect of freedom of association and forced labour.
- In particular, any relations that may contribute or enable the perpetuation of ongoing harm or violence or acts of repression and intimidation of workers and employers peacefully exercising their fundamental rights through the support or supply of military equipment or means, including jet fuel, or the free flow of funds to the military authorities, should be comprehensively reviewed with the aim to disable all means that have abetted or empowered the perpetuation of the above-mentioned egregious violations.
- Ensure the principle of non-refoulement is respected in line with international law, given that trade union and human rights defenders fleeing Myanmar are at serious risk of irreparable harm, including persecution, ill-treatment and other grave human rights violations.

ILO Member States have been asked to report on their progress towards implementing the Article 33 resolution, however the report provided to the ILO Governing Body meeting in November 2025 showed that only a small number of countries, including Australia, had done so.⁸

⁷ International Labour Organisation, 'Record of proceedings: reports of the General Affairs Committee', ILC113/Record No. 2A, <https://www.ilo.org/sites/default/files/2025-06/ILC113-Record-2A-%5BSECTOR-250602-001%5D-Web-EN.pdf> pp. 7-9.

⁸ International Labour Organisation, <https://www.ilo.org/sites/default/files/2025-10/GB355-INS-11-%5BNORMES-250930-001%5D-Web-EN.pdf>

Sham elections

The military junta's 'elections' have been widely criticised by the international community as a sham. The elections, orchestrated under the guise of democratic restoration, are a transparent attempt by the junta to entrench its illegitimate rule and evade international accountability.

The UN Special Rapporteur on the situation of human rights in Myanmar urged the international community to unequivocally reject the country's sham election, redouble efforts to isolate the junta and pressure junta leaders to call off the election after the first round of voting laid bare the coercion, violence and exclusion underpinning the polls.⁹

The UN Special Rapporteur stated:

By all measures, this is not a free, fair nor legitimate election. It is a theatrical performance that has exerted enormous pressure on the people of Myanmar to participate in what has been designed to dupe the international community... 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.

Voter turnout in the first round of the election held on 28 December was reportedly very low, despite junta coercion and the pervasive fear of retaliation. The National League for Democracy, which won landslide victories in general elections held in 2015 and 2020, did not appear on the ballot after it was dissolved by the junta. Its leader, Aung San Suu Kyi, has been detained by the junta since the coup, and her whereabouts and condition remain unknown. According to official results, the junta's proxy, the Union Solidarity and Development Party, won nearly 90 per cent of contested seats in the lower house of Parliament. The junta has already ruled out holding polls in 65 townships and thousands of wards and village tracts, reflecting the military's lack of control over large parts of the country. Junta forces have used the threat of conscription to compel young people to vote.

The elections cannot be considered free or fair given the following circumstances:

⁹ [UN expert: First round of voting in Myanmar exposes junta-orchestrated election as illegitimate | OHCHR](#)

- At least 40 genuine opposition parties including the National League for Democracy have been banned under the Political Parties Registration Law. The only parties running have been handpicked by the junta.
- Voting is compulsory in military-controlled polling booths, implemented under the military appointed Union Election Commission, which has been sanctioned by the European Union. In this context people will be forced to vote under threat of violence.
- There is no independent scrutiny from media or civil society.
- New repressive laws criminalise dissent: the Election Protection Law introduced in July allows anyone criticising the elections to be prosecuted, with a minimum sentence of three years in prison to a maximum sentence of the death penalty. This law has already been used to imprison people on the basis of hanging posters, posting on social media, and 'liking' a post criticising the election plans.
- Electronic voting machines which will be used do not allow people to leave their ballot blank, meaning they must pick a candidate, and there are concerns that surveillance technology could be used to monitor how people are voting.
- The junta controls less than a third of Myanmar's territory yet seeks to manufacture legitimacy to govern the whole country even as they continue airstrikes on areas outside their control.

The Asian Network for Free Elections (ANFREL) has produced a thorough assessment¹⁰ of the junta's 'elections' reviewing them according to international standards and best practices for genuine democratic elections, including fundamental rights such as freedom of association, freedom of assembly, freedom of expression, freedom of information, as well as election safety, integrity, transparency, inclusiveness, and the rule of law. ANFREL's assessment concludes that: 'the elections staged by the junta in Myanmar do not align with international standards and cannot be considered credible or legitimate.'

In addition to publicly denouncing and refusing to recognise the junta's election results, the Australian Government must coordinate with international partners and call for the international community to reject the sham election. The junta will pursue legitimacy through engagement with ASEAN; the Australian Government must use diplomatic channels to urge ASEAN member states

¹⁰ ANFREL, 'Myanmar junta's planned elections: falling short of democratic legitimacy', https://anfrel.org/wp-content/uploads/2025/09/ANFREL_2025-Myanmar-Report_final_29-Sept-2025.pdf

to not recognise the junta's sham election and to prioritise the aspirations of the Myanmar people over engagement with the junta.

Recommendation 1: The Australian Government should publicly condemn and reject the elections as illegitimate and not recognise the results or any post-election political arrangements arising from the elections.

Recommendation 2: The Australian Government should coordinate with international partners to maximise pressure on the regime, including calling for rejection of the sham elections.

Measures the Australian Government must take to support a return to democracy in Myanmar

Enact additional sanctions

Sanctions are a key mechanism to stop the flow of funds, arms, equipment and jet fuel to the military junta, to disable all means used by the junta to attack civilians and trade unionists and violate fundamental rights. Australia must lead efforts to coordinate with international partners to harmonise sanctions to close loopholes, and ensure the military cannot circumvent sanctions through rebranding themselves to the State Security and Peace Commission (SSPC) - all sanctions must cover the SSPC and the State Administration Council (SAC). Australia must continue to take decisive action to stop the Myanmar military by sanctioning high-value targets such as:

- State-owned enterprises in natural resources such as oil and gas, mining, gems and the timber, including:
 - Myanma Oil and Gas Enterprise (MOGE)
 - Myanma Timber Enterprise (MTE)
 - Myanma Gems Enterprise (MGE)
- The banking sector, including:
 - Myanma Economic Bank (MEB)
 - Central Bank of Myanmar (CBM)
 - The aviation fuel supply chain, including:
 - Hai Linh Co. Ltd. (Vietnam), Shoon Energy Pte Ltd., P.E.I. Energy Pte Ltd., and PEIA Pte Ltd. (Singapore), and CNOOC Trading (Singapore) Pte Ltd. for their roles in fuel storage and trade
- Key figures like Khin Phyu Win, director of Shoon Energy, and other unsanctioned Asia Sun Group associates
- The junta-controlled Myanma Petrochemical Enterprise (MPE)

Recommendation 3: The Australian Government should enact a package of additional targeted sanctions on Myanmar's military, state-owned enterprises, business associates, and the jet fuel supply chains.

Review all relations with Myanmar

The Australian Government must conduct a thorough due diligence exercise to ensure that all government, commercial and financial ties to Myanmar, including development program and humanitarian delivery, are reviewed to ensure no engagement enables, facilitates or prolongs violations. This must include advising business and investors on risks and conducting due diligence, and ensuring adherence to the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.

Recommendation 4: The Australian Government should review all relations with Myanmar, including Australian business links.

Support a comprehensive ban on jet fuel exports to Myanmar

The Australian Government must back the UN Human Rights Council's call for a global prohibition and work with ASEAN partners to operationalise enforcement. In addition, the Government must communicate clear due-diligence expectations to Australian companies and financiers (do not enable supply, storage, transport, insurance, or payment for jet fuel linked to the junta), and establish penalties for non-compliance and adopt standards that hold companies liable for human rights risks in their supply chains.

Recommendation 5: The Australian Government should support a comprehensive ban on jet fuel exports to Myanmar.

Recognise the National Unity Government (NUG)

The Australian Government should recognise the NUG – the rightfully elected representatives at the 2020 democratic election before the military coup - as Myanmar's legitimate government. The Australian Government should engage the NUG and independent worker organisations on humanitarian access, labour rights, and economic governance.

Recommendation 6: The Australian Government should recognise the National Unity Government (NUG)

Enact humanitarian protections consistent with the ILO resolution

The Australian Government should expand humanitarian visas pathways, particularly for at-risk trade unionists and human rights defenders. The Government should direct funding via independent, community-based networks that do not require junta authorisation to ensure no funds, goods, or services flow to the military. The Australian Government should fund an emergency humanitarian package to fill immediate life-saving gaps created by USAID withdrawals, as called for by the Australian Council for International Development, including funding to respond within Myanmar and on the Thai-Myanmar border and to bridge funding in Cox's Bazaar refugee camp.

Recommendation 7: The Australian Government should enact humanitarian protections consistent with the ILO resolution and ensure that funding is delivered to and by civil society organisations which can maintain and strengthen civic and democratic space in Myanmar.

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