



**Special Advisory Council for
MYANMAR**

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SUBMISSION TO THE SENATE INQUIRY ON DEMOCRACY AND HUMAN RIGHTS IN MYANMAR

January 2026

I. Introduction

1. The Special Advisory Council for Myanmar (SAC-M) and the Human Rights Council of Australia (HRCA) prepared this submission. SAC-M is an independent group of international human rights experts working to support the people of Myanmar in their fight for human rights, peace, democracy, justice and accountability. The HRCA is committed to promoting universal human rights for all without discrimination in Australia, our region and internationally.¹

II. The human rights situation in Myanmar, including in the context of the Myanmar military junta's elections

2. The military junta has plunged Myanmar into a human rights, humanitarian, political and economic crisis. Since its February 2021 coup attempt, the junta has committed grave human rights violations and atrocities including probable crimes against humanity. The coup failed because of the breadth and depth of popular opposition throughout the country and even now, after five years of intense warfare, the junta controls well under half the country.
3. The UN's Human Rights Office has comprehensively documented junta violations and atrocities, including against minority communities such as the Rohingya. These include airstrikes and artillery barrages, extrajudicial killings, the razing and destruction of homes, places of worship and entire villages, and 'acts of extreme brutality, including beheadings, burnings, mutilations, executions, torture, and the use of human shields'.² The UN's Independent Investigative Mechanism for Myanmar (IIMM) also has evidence of the junta's use of systematic torture including extreme acts of sexual violence during interrogations conducted in its detention facilities.³
4. The junta continues to weaponize humanitarian aid, including after significant natural disasters (Cyclone Mocha in 2023, Typhoon Yagi in 2024, the 2025 Sagaing earthquakes). According to the UN Special Rapporteur on Myanmar, close to 22 million people require

¹ See <https://specialadvisorycouncil.org/> and <https://www.hrca.org.au/>.

² OHCHR, 'High Commissioner Türk to Rohingya Conference: The international community must honour its responsibilities and act', 30 September 2025, at <https://www.ohchr.org/en/statements-and-speeches/2025/09/high-commissioner-turk-rohingya-conference-international-community>. Also see <https://www.ohchr.org/en/statements-and-speeches/2025/02/high-commissioner-turk-decries-litany-human-suffering-myanmar>.

³ IIMM, 'Report of the Independent Investigative Mechanism for Myanmar (A/HRC/60/18), 14 July 2025, at <https://iimm.un.org/sites/default/files/2025/08/IIMM%20Annual%20Report%202025%20EN.pdf>.

aid and almost 17 million people face acute food insecurity across Myanmar.⁴ UNHCR reports more than 3.6 million internally displaced persons.⁵

5. The UN Secretary-General described the human rights situation leading into the junta's elections as follows: "[t]housands are dead, millions displaced, humanitarian needs are soaring and the Rohingya and other communities are trapped in cycles of persecution and flight." He added that "any elections risk further exclusion and instability."⁶ Similarly, UN Special Envoy Julie Bishop reported a "deeply disturbing pattern of indiscriminate attacks on civilians" and said that the junta's elections risked "deepening violence and instability".⁷
6. The junta intensified its airstrikes against civilians before and during its sham elections. Here are emblematic examples:
 - On 6 October 2025 a junta paramotor bombed a Buddhist festival in Chaung U township of Sagaing Region. At least 26 people were killed, another 40 were wounded⁸
 - On 10 December 2025 – International Human Rights Day – a junta jet bombed a public hospital in Mrauk-U Township of Rakhine State, killing at least 31 people, including women and children, and wounding at least a further 68, many critically⁹
 - On 28 December 2025, in the opening hours of the first phase of its election, junta jets conducted airstrikes in Sagaing Region.¹⁰

III. The Myanmar military junta's sham elections

7. The aims of the junta's elections were to secure international legitimacy to consolidate political and economic power and territorial control for the junta, to cut off pathways to a genuine, inclusive democracy, and to distract attention away from the junta's atrocities.
8. The junta is an illegitimate criminal organization. It has no legal or political mandate and lacks popular support. Its elections were also fraudulent for the following reasons:
 - (a) **The junta's limited territorial control and reach prevented it from conducting inclusive elections.** On its own accounting, its poll was limited to no more than 265 of 330 townships, and was not fully inclusive throughout even in those townships where it was conducted. At least seven million people were disenfranchised.

⁴ UN News, 'Myanmar at a crossroads: A choice between impunity and justice', at <https://news.un.org/en/story/2025/10/1166221>.

⁵ UNHCR, 'Number of people displaced since Feb 2021 and remain displaced', 5 January 2026, at <https://data.unhcr.org/en/documents/download/120472>.

⁶ UN, 'Secretary-General Calls Association of Southeast Asian Nations 'Pillar of Multipolarity', United Nations a 'Proud Partner', at Fifteenth Summit', at <https://press.un.org/en/2025/sgsm22882.doc.htm>.

⁷ UN News, 'Myanmar at a crossroads: A choice between impunity and justice', at <https://news.un.org/en/story/2025/10/1166221>.

⁸ SAC-M, 'ASEAN's Last Chance on Myanmar', 14 October 2025, at <https://specialadvisorycouncil.org/2025/10/aseans-last-chance-on-myanmar/>.

⁹ SAC-M, 'The Junta Is Ramping Up Its Attacks on Civilians Ahead of Its Sham Elections', 12 December 2025, at <https://specialadvisorycouncil.org/2025/12/the-junta-is-ramping-up-its-attacks-on-civilians-ahead-of-its-sham-elections/>.

¹⁰ SAC-M, 'Slam the Sham: SAC-M Calls on the International Community to Outright Reject the Myanmar Junta's Fake Elections Now', 29 December 2025, at <https://specialadvisorycouncil.org/2025/12/slam-the-sham-sac-m-calls-on-the-international-community-to-outright-reject-the-myanmar-juntas-fake-elections-now/>.

- (b) **The major and most popular political parties were deregistered or otherwise barred from participating.** According to the Asian Network for Free Elections (ANFREL), Myanmar political parties that won 90% of seats in the 2020 elections no longer exist due to military banning.¹¹ Ethnic and minority representatives were also excluded.
 - (c) **The junta has dismantled democratic space.** Its “Election Protection Law” punishes legitimate acts of democratic and political expression with sentences ranging from imprisonment to capital punishment.
 - (d) **Senior democratically-elected leaders, including President Win Myint and State Counsellor Aung San Suu Kyi, remain in junta arbitrary detention.**
 - (e) **Numerous junta candidates, including junta leader Min Aung Hlaing, are implicated in atrocity crimes** and are subject to international sanctions and arrest warrants. The Prosecutor of the International Criminal Court (ICC) has requested an arrest warrant for Min Aung Hlaing for alleged crimes against humanity.¹²
 - (f) Manipulation of the electoral system, control over voting machines, a junta-appointed Election Commission and the absence of independent international observers all conspired to prevent **scrutiny of voting processes and reported election results.**
9. **Widespread boycotts and low voter turnout marked all three phases of the sham elections.** Even by the junta’s estimates, voter turnout in the first phase was 52%,¹³ a significant drop from the 2020 elections which were conducted at the peak of the COVID-19 pandemic. By refusing to participate in the junta’s process – despite violence, threats and coercion – the Myanmar people cast a clear vote against the junta.
10. **ASEAN has refused to endorse the process.** ASEAN Leaders decided that the ‘cessation of violence and inclusive political dialogue must precede elections’ and pressed the ‘importance of free, fair, peaceful, transparent, inclusive, and credible general elections’¹⁴ In advance of the third phase, Malaysian Foreign Minister Mohamad Hasan confirmed that ASEAN would not send observers, and “by virtue of that, we will not certify the polls.”¹⁵
11. **UN Security Council Resolution 2669 (2022) on Myanmar** confirms that democratic processes in Myanmar, including elections, must accord with the will and interests of the people of Myanmar. The Myanmar public have overwhelmingly rejected the junta.

¹¹ Associated Press, ‘Myanmar will hold its first general election in 5 years as criticism of the military rule mounts’, Associated Press, 26 December 2025, at <https://apnews.com/article/myanmar-election-military-hlaing-suu-kyi-fae9efc8021c651ebd4a20790ca961ca>.

¹² ICC, ‘ICC Prosecutor Khan on application for arrest warrant in the situation in Bangladesh/Myanmar’, at <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-application-arrest-warrant-situation-bangladesh>.

¹³ CNA, ‘Myanmar junta says voter turnout at 52% in first phase of election’, at <https://www.channelnewsasia.com/asia/myanmar-election-voter-turnout-52-junta-first-phase-5771086>.

¹⁴ ‘ASEAN Leaders’ Review and Decision on the Implementation of the Five-Point Consensus’, 26 October 2025 (paragraph 26), at <https://asean.org/wp-content/uploads/2025/10/Final-ASEAN-Leaders-Review-Decision-on-the-Implementation-of-5PC-2025-as-adopted.pdf>.

¹⁵ The Straits Times, ‘ASEAN will not certify Myanmar election or send observers, Malaysia says’, 20 January 2026, at <https://www.straitstimes.com/asia/se-asia/asean-will-not-certify-myanmar-election-or-send-observers-malaysia-says>.

IV. Barriers to a return to an inclusive civilian democratic government

12. The junta remains the largest obstacle to a return to an inclusive civilian democratic government. **The junta's attempt to entrench its rule through elections cannot resolve the country's crisis, because it itself is the source of that crisis.**
13. **The Myanmar people's pro-democracy Spring Revolution movement, while still in its foundational stages, represents the only legitimate and viable path toward a stable and inclusive federal democratic Union.** Across the movement, there is meaningful consensus around a shared vision for a Union under a new constitution that enshrines civilian governance, equality, self-determination, justice, human rights and the rule of law.
14. This vision is already being constructed from the ground up by a broad ecosystem of revolutionary stakeholders working collaboratively through overlapping platforms and processes. Joint armed resistance against the military is creating the space in which new political and administrative structures can take root. None of this would be possible without broad public endorsement. The Myanmar people have chosen and are actively forging a new path. Its success will depend not only on the courage and unity of the revolution, but on whether the international community chooses to align its actions with the principles it professes – democracy, equality, justice, human rights and self-determination.¹⁶

V. Recommendations

15. Minister for Foreign Affairs Senator the Hon Penny Wong has articulated a vision of “amplified middle power diplomacy” for Australia. It informs our current Security Council bid. The Australian Government should implement this vision in our own region, including by assuming a leadership role on Myanmar. It could take the following steps:
 - (a) **Reject the outcome of the junta's elections and refuse to engage with or legitimise the junta in its current or any future form and work to ensure that the junta does not receive accreditation in the United Nations.**
 - (b) **Intensify diplomatic efforts to secure:**
 - **an immediate end to all attacks, particularly airstrikes**
 - **a total countrywide ceasefire supported and enforced by ASEAN and the UN and monitored by international observers**
 - **the immediate release of all political prisoners**
 - **unhindered humanitarian access**
 - **formal engagement with legitimate Myanmar representatives and emerging federal democratic institutions, including the National Unity Government, the National Unity Consultative Council, the Committee Representing Pyidaungsu Hluttaw, Ethnic Resistance Organisations, Consultative Councils, Federal Units, minority communities including those who have been forced to leave Myanmar, and Myanmar civil society.**

¹⁶ Refer SAC-M, ‘Myanmar’s New Way Forward’, 5 December 2025, at https://specialadvisorycouncil.org/wp-content/uploads/2025/12/SAC-M-Briefing-Paper_Myanmars-Way-Forward_English.pdf.

- (c) Coordinate with ASEAN, UN entities and Myanmar's neighbours to urgently deliver humanitarian assistance, including through cross-border channels and ethnic and civil society organisations capable of reaching communities in need.**
- (d) Work to block the sale, transfer and diversion to the junta of arms, munitions, aviation fuel and other military equipment and components for arms production.**
- (e) Work with partners to coordinate and strengthen financial restrictions on the junta including sanctions on senior officials, military-owned and crony companies and their subsidiaries, and on Myanmar's state-owned banks and military crony private banks (prioritise sanctioning Myanma Economic Bank and freezing offshore assets of the Central Bank of Myanmar).**
- (f) Stop all business activities with companies linked to the Myanmar military, including, but not limited to accommodation leases and the purchase of goods or services by the Australian Embassy in Myanmar.**
- (g) Increase technical, capacity-building and financial support to legitimate pro-democracy actors and local and community organisations to support coordination, service delivery, governance capacity and institution-building, and to strengthen the humanitarian response.**
- (h) Increase technical, capacity-building and financial support to Myanmar civil society and independent media to strengthen access to information, monitoring and documentation, education and advocacy.**
- (i) Ensure that there is no military to military cooperation between the Australian Defence Force and the Myanmar Armed Forces.**
- (j) Encourage ASEAN and Philippines as Chair to build on recent Stakeholder Engagement Meetings by creating a formal platform with key stakeholders (see (b) above) in their negotiation of a new federal democratic constitution.**
- (k) Advance accountability, including by fully cooperating with the International Court of Justice, the ICC, the IIMM and national courts and mechanisms exercising universal jurisdiction (including those in Argentina and Türkiye) in their investigations of and proceedings against the junta. Australian authorities should explore launching prosecutions in our own domestic courts applying domestic and universal jurisdiction.**
- (l) Work with partners to submit an article 14 State Party referral of the situation in Myanmar to the ICC Prosecutor.**
- (m) Increase the annual intake of Myanmar refugees, including Rohingya, expand visa and scholarship places for Myanmar students, and work with regional countries, particularly Bangladesh and Thailand, to expand resettlement opportunities for Myanmar refugees while ensuring respect for the principle of non-refoulement.**

- (n) Pressure the UN Security Council – and the United Kingdom specifically as the Security Council penholder on Myanmar – to resume efforts to adopt a strengthened follow-up resolution on Myanmar.**

16. Additionally, Australian parliamentarians should:

- (a) Agree to a Motion that rejects the junta and its sham elections, demands an end to junta violence, the release of all political prisoners and the unimpeded delivery of humanitarian assistance, supports accountability efforts, and stands in solidarity with the people of Myanmar and their desire for inclusive and genuine representative democracy in their country.¹⁷**
- (b) Use their membership of the Inter-Parliamentary Union and networks with ASEAN parliamentarians to block the junta from securing regional and international recognition, and to maintain support for legitimate Myanmar parliamentarians who were democratically elected in the 2020 elections.**

17. SAC-M and the HRCA are available to supplement this submission by participating in a public hearing.

ANNEX

Recent SAC-M reports

- *Myanmar's New Way Forward*, 5 December 2025, available at <https://specialadvisorycouncil.org/2025/12/briefing-paper-myanmars-way-forward/>
- *Factory of Death: China's Support for the Myanmar Military's Production of Aerial Bombs*, 16 July 2025, available at <https://specialadvisorycouncil.org/2025/07/factory-of-death-chinas-support-for-the-myanmar-militarys-production-of-aerial-bombs/>
- *The Military, Money, and Myanmar: Breaking the Nexus* by Sean Turnell, 11 February 2025, available at <https://specialadvisorycouncil.org/2025/02/military-money-myanmar-nexus-sean-turnell/>
- *Effective Control in Myanmar 2024 Update*, 30 May 2024, available at <https://specialadvisorycouncil.org/2024/05/briefing-paper-effective-control-in-myanmar-2024-update/>

Recent SAC-M statements

- 'ASEAN Must Clearly Reject the Myanmar Junta's Absurd Fake Elections', 13 January 2026, available at <https://specialadvisorycouncil.org/2026/01/asean-must-clearly-reject-the-myanmar-juntas-absurd-fake-elections/>

¹⁷ Refer to the New Zealand Parliament's 5 November 2025 Motion on Myanmar, at https://www3.parliament.nz/en/pb/hansard-debates/rhr/combined/HansD_20251105_20251105.

- ‘States Must Demand an Immediate End to the Junta’s Humiliating Fake Elections’, 10 January 2026, available at <https://specialadvisorycouncil.org/2026/01/states-must-demand-an-immediate-end-to-the-juntas-humiliating-fake-elections/>
- ‘Slam the Sham: SAC-M Calls on the International Community to Outright Reject the Myanmar Junta’s Fake Elections Now’, 29 December 2025, available at <https://specialadvisorycouncil.org/2025/12/slam-the-sham-sac-m-calls-on-the-international-community-to-outright-reject-the-myanmar-juntas-fake-elections-now/>
- ‘Eve of the Sham Elections: States Must Act to End Myanmar Junta’s Atrocities and Reject its Empty Power Grab’, 26 December 2025, available at <https://specialadvisorycouncil.org/2025/12/eve-of-the-sham-elections-states-must-act-to-end-myanmar-juntas-atrocities-and-reject-its-empty-power-grab/>
- ‘The Junta Is Ramping Up Its Attacks on Civilians Ahead of Its Sham Elections’, 12 December 2025, available at <https://specialadvisorycouncil.org/2025/12/the-junta-is-ramping-up-its-attacks-on-civilians-ahead-of-its-sham-elections/>
- ‘SAC-M to the International Community: Reject the Junta’s Sham Elections, Back the People’, 21 November 2025, available at <https://specialadvisorycouncil.org/2025/11/sac-m-to-the-international-community-reject-the-juntas-sham-elections-back-the-people/>