



**Australian Government**  
**Department of Foreign Affairs and Trade**



# **DFAT COUNTRY INFORMATION REPORT MYANMAR**

11 November 2022

# MAP



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## ACRONYMS

AA	Arakan Army
ARSA	Arakan Rohingya Salvation Army
BGP	Border Guard Police
CDM	Civil Disobedience Movement
CSC	Citizenship Scrutiny Card
CTFMR	Country Task Force on Monitoring and Reporting, a UN body mandated to monitor and report on grave violations committed against children in times of armed conflict
EAO	Ethnic armed organisation
GBV	Gender-based violence
ICNV	Identity Card for National Verification
KIA	Kachin Independence Army
KNLA	Karen National Liberation Army
KNU	Karen National Union
MNDAA	Myanmar National Democratic Alliance Army
MNHRC	Myanmar National Human Rights Commission
NCA	Nationwide Ceasefire Agreement
NLD	National League for Democracy
NRC	National Registration Card
NVC	National Verification Card
OHCHR	Office of the United Nations High Commissioner for Human Rights
PDF/PDFs	People's Defence Force(s), the armed wing of the NUG, comprising many armed groups resisting the military regime
SLORC	State Law and Order Restoration Council
TNLA	Ta'ang National Liberation Army
TRC	Temporary Registration Card
USDP	Union Solidarity and Development Party
UWSA	United Wa State Army

## GLOSSARY

<i>Ma Ba Tha</i>	the Burmese acronym for the Committee for the Protection of Nationality and Religion, an organisation led by ultra-nationalist Buddhist monks
<i>Madrassa</i>	a Muslim school, college, or university that is often part of a mosque
<i>Pyidaungsu Hluttaw</i>	national parliament
<i>Pyithu Sit</i>	armed groups of civilians trained by the military, known as 'People's Militias'
<i>Tatmadaw</i>	the Myanmar military

## Terms used in this report

high risk	DFAT is aware of a strong pattern of incidents
moderate risk	DFAT is aware of sufficient incidents to suggest a pattern of behaviour
low risk	DFAT is aware of incidents but has insufficient evidence to conclude they form a pattern

### official discrimination

1. legal or regulatory measures applying to a particular group that impede access to state protection or services that are available to other sections of the population (examples might include but are not limited to difficulties in obtaining personal registrations or identity papers, difficulties in having papers recognised, arbitrary arrest and detention)
2. behaviour by state employees towards a particular group that impedes access to state protection or services otherwise available, including by failure to implement legislative or administrative measures

### societal discrimination

1. behaviour by members of society (including family members, employers or service providers) that impedes access by a particular group to goods or services normally available to other sections of society (examples could include but are not limited to refusal to rent property, refusal to sell goods or services, or employment discrimination)
2. ostracism or exclusion by members of society (including family, acquaintances, employers, colleagues or service providers)

# 1. PURPOSE AND SCOPE

1.1 The Department of Foreign Affairs and Trade (DFAT) has prepared this Country Information Report for protection status determination purposes only. It provides DFAT's best judgement and assessment at time of writing and is distinct from Australian government policy with respect to Myanmar.

1.2 The report provides a general, rather than an exhaustive, country overview. It has been prepared with regard to the current caseload for decision makers in Australia, without reference to individual applications for protection visas. The report does not contain policy guidance for decision makers.

1.3 Ministerial Direction Number 84 of 24 June 2019, issued under s 499 of the *Migration Act 1958*, states that:

Where the Department of Foreign Affairs and Trade has prepared [a] country information assessment expressly for protection status determination processes, and that assessment is available to the decision maker, the decision maker must take into account that assessment, where relevant, in making their decision. The decision maker is not precluded from considering other relevant information about the country.

1.4 This report draws on DFAT's on-the-ground knowledge and discussions with a range of sources in Myanmar. It takes into account information from government and non-government sources, including but not limited to those produced by the United Nations (UN) Independent International Fact-Finding Mission; other relevant UN agencies including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations High Commissioner for Refugees (UNHCR); the US Department of State; recognised human rights organisations including Amnesty International and Human Rights Watch; and reputable news organisations. Where DFAT does not refer to a specific source of a report or allegation, this may be to protect the source.

1.5 This updated Country Information Report replaces the previous DFAT report on Myanmar published on 18 April 2019.

## 2. BACKGROUND INFORMATION

### RECENT HISTORY

2.1 Myanmar (known until 1989 as Burma) achieved independence from Britain in 1948, initially as a parliamentary republic. A military coup overthrew the government in 1962. Myanmar has since been ruled mostly by military regimes and has experienced internal conflict and lengthy periods of international isolation.

2.2 General Ne Win ruled from 1962-1988 under a totalitarian socialist regime that isolated Myanmar from the world. Many ethnic groups sought greater independence during this time, including through armed struggle, which continues today. In 1988, widespread pro-democracy demonstrations led to Ne Win's resignation. The military (known as the *Tatmadaw*) responded by announcing a military-backed State Law and Order Restoration Council (SLORC) and carrying out a violent crackdown in which some 3,000 people were killed.

2.3 Opposition groups won the 1990 election in a landslide, but the SLORC did not recognise the results and imprisoned senior opposition figures, including Aung San Suu Kyi, leader of the opposition National League for Democracy (NLD). Following an election in 2010, a military-backed parliament appointed General Thein Sein as President. His government initiated political and economic reforms that rapidly transformed Myanmar. Hundreds of political prisoners were released, including Aung San Suu Kyi, who was elected to parliament in 2012.

2.4 In November 2015, Myanmar held credible national elections for the first time in 55 years. The NLD won almost 80 per cent of the available seats, assuming power in 2016. While Aung San Suu Kyi could not become president due to a constitutional clause drafted to exclude her (see [Political System](#)), she was appointed State Counsellor and Foreign Minister. The NLD government was popular, but it was slow to make reforms and progress the national peace process, and its international reputation was tarnished by its failure to prevent mass atrocities against the Rohingya in Rakhine State, which caused an estimated 700,000 people to flee the country in 2016-2018 (see [Rohingya](#)).

2.5 In government, the NLD hoped to reduce the influence of the military and pave the way for Aung San Suu Kyi to become President. But after the NLD won the November 2020 election in a landslide, the military rejected the result and seized power under the leadership of Senior General Min Aung Hlaing on 1 February 2021. Aung San Suu Kyi and other NLD members were detained, and a state of emergency declared. The coup drew widespread international condemnation and sparked nationwide protests, which were violently repressed. In response, NLD and ethnic party representatives formed a government-in-hiding known as the National Unity Government (NUG). In September 2021, the NUG announced an armed revolutionary struggle against the military regime, which has continued since, along with renewed fighting between the military and various ethnic armed organisations.

## DEMOGRAPHY

2.6 The World Bank estimated Myanmar's population in 2020 at 55 million, with an annual growth rate of approximately 0.7 per cent. The last national census was conducted in 2014. Urbanisation has been slow compared to neighbouring countries, and about 70 per cent of the population lives in rural areas. The population is relatively young, with about a quarter aged under 15 years and about half under 30, although in recent decades the national birth rate has slowed to 2.14 births per woman, below the global average of 2.4. The largest cities are Yangon (4.5 million), Mandalay (1.2 million) and the capital, Nay Pyi Taw (925,000).

2.7 More than 100 languages are spoken in Myanmar, many of them mutually unintelligible. The national language is Burmese, spoken as a first language by an estimated 32 million people. English was the medium of instruction during the colonial period, but it was gradually replaced by Burmese after independence. Today English is spoken by only about 5 per cent of the population. For ethnic demography, see [Race/Nationality](#). For religious demography, see [Religion](#).

## ECONOMIC OVERVIEW

2.8 Myanmar is one of the poorest countries in Asia, with a GDP per capita of USD 1,400. The economy contracted by about 18 per cent in 2020-21, first as a result of COVID-19 and then the February 2021 military coup. This has had far-reaching effects on all aspects of life for most Myanmar people. In February 2022, the International Labour Organization (ILO) described the economic situation in Myanmar as a 'multidimensional humanitarian crisis'. Agriculture, forestry and fishery account for almost half of GDP and employ two-thirds of the workforce. Other major industries include textiles, tobacco production and food processing. There is a significant shadow economy in illicit drugs, gemstones, human and wildlife trafficking, and illegal logging.

2.9 The economic crisis has led to widespread job losses. While poverty almost halved in the decade following the country's economic opening in 2005, the World Bank expects it to double again in 2022. An estimated 1.2 million salaried workers lost their jobs in the second quarter of 2021, dozens of factories shut, and the informal sector (which employs 83 per cent of workers) was also heavily affected. Poverty rates have increased significantly since the coup, with UNDP estimating a rise from 24.8 per cent of the population in 2017 to up to 48.2 per cent by mid-2022. UNDP ranked Myanmar 147 out of 189 countries in its 2019 Human Development Index, putting it in the medium human development category. The World Bank ranked Myanmar 165 out of 190 countries for ease of doing business, but this was prior to the coup.

2.10 Spending on social welfare programs increased eleven-fold between 2011 and 2018, but still accounts for only 0.5 per cent of the national budget, very low by regional standards. Myanmar has had two main social welfare programs: the Maternal and Child Cash Transfer (MCCT), which provided 15,000 kyats (AUD 11) per month to mothers from pregnancy until their child is 24 months; and the National Social Pension (SP), which provided 10,000 kyats (AUD 8) per month to people over the age of 85. DFAT understands payments under these programs ceased following the coup.

## Health

2.11 The overall quality and availability of healthcare in Myanmar is low; the Lancet's Healthcare Access and Quality Index ranks Myanmar's healthcare system 143 out of 189 countries, one of the worst results in Asia. Life expectancy is 67 years (64 for men, 70 for women). The infant mortality rate is 35 per 1,000 births, well above the global average. Infectious diseases of concern include COVID-19, HIV/AIDS, tuberculosis and malaria, although malaria-eradication programs have reduced its prevalence in recent years. Non-communicable diseases including diabetes, cancer and heart disease are on the rise.

2.12 Government health expenditure as a percentage of GDP increased significantly in the last decade, from just 2 per cent in 2011 to 4.8 per cent in 2018, but it remains less than half the global average. There is significant inequality in access to healthcare. Poor people and people living in rural areas are much less likely to be able to access or afford adequate healthcare. There are only 0.68 doctors and 0.99 nurses/midwives per 1,000 people, less than half the regional average. The shortage of medical staff has been further exacerbated by the coup, with many doctors and nurses unable or unwilling to work in the public system under the military regime and private hospitals overwhelmed by demand. There have been multiple verified reports that the military has attacked and killed medical workers and shelled medical centres.

2.13 The prevalence of mental illnesses such as depression and anxiety is high, and options for treatment are limited. There are only two psychiatric hospitals in Myanmar (in Yangon and Mandalay). People with mental illness often experience social stigma. Understanding of mental illness is limited, and many people hold traditional beliefs that mental illness is caused by witchcraft or evil spirits.

2.14 Myanmar has one of the highest rates of HIV infection in Southeast Asia. An estimated 0.7 per cent of the population has HIV. Rates among intravenous drug users, sex workers, and men who have sex with men are especially high. According to UNAIDS data, an estimated 70 per cent of adults and 68 per cent of children living with HIV receive antiretroviral treatments. People living with HIV often experience stigma and discrimination. For instance, a 2016 study found more than 60 per cent of people surveyed would refuse to buy vegetables from an HIV-positive vendor. Besides stigma, barriers to treatment include low levels of public health funding, a lack of state facilities, state interference with NGOs that deliver services to people living with HIV, and the illegality of sex work and same-sex sexual conduct. See also [Women](#), [LGBTI](#).

2.15 Myanmar recorded its first cases of COVID-19 on 23 March 2020. As of June 2022, official figures recorded more than 600,000 cases and almost 20,000 deaths, although most experts believe these figures are significant underestimates. The military regime's handling of the pandemic has been ineffective. Testing rates are very low, and there have been shortages of oxygen and other essential supplies, as well as widespread strikes by medical workers protesting against the military regime. The families of some infected people resorted to shipping oxygen from overseas to keep them alive. The military has banned the sale of oxygen by state-owned and private providers to individuals and has been accused of 'hoarding' oxygen cylinders for the use of soldiers and their families. In July 2021, reports emerged of medical workers who were participating in the [Civil Disobedience Movement](#) being lured into arrests by regime officials posing as COVID-19 patients.

## Education

2.16 The overall quality of education in Myanmar was low even prior to the coup. The previous government spent less than 2 per cent of GDP on education, under half the global average. Decades of neglect have resulted in under-resourced schools with underpaid and undertrained teachers using ineffective methods and outdated curricula and teaching materials. Teachers do not routinely assess students' learning. The national adult literacy rate is 89 per cent, although it is much lower in some regions (in Shan State, for instance, it is only 65 per cent). Since the coup, education has been a frequent area of conflict, with schools and teachers attacked by both sides, and 140,000 public teachers sacked for opposition to the regime. Multiple attempts to reopen public schools under regime control have only been partially successful; Save the Children reports that 7.8 million children were still out of school as at June 2022, a drop of 80 per cent in two years. The NUG has launched a Federal Education policy, online training and school classes in some contested areas, but with limited reach due to internet blackouts, funding constraints and significant risk of arrest for participating students and teachers.

2.17 Primary education is compulsory, but not everyone completes it. School drop-out rates are very high, with about half of all students dropping out before high school and only 10 per cent finishing the final year of high school. Gender disparities are small in high school and primary school, but women are more likely to attend university, making up 60 per cent of enrolments. [Women](#) also make up 80 per cent of teachers in schools and universities. There are significant geographic variations in enrolment levels, and young people from rural or poor families are less likely to be in school.

2.18 Tertiary education in Myanmar consists of technical colleges and universities offering courses of varying quality. Many of these institutions do not meet international standards. Most students are part-time, in part due to a military policy of avoiding large concentrations of full-time students who could participate in political movements. The military has closed the country's universities for years at a time following periods of political unrest, such as in 1988. Following the February 2021 coup, soldiers occupied university campuses across the country. Universities have since re-opened, but large numbers of students and teachers have been boycotting classes in protest against the military regime, and out of fears for their safety.

## POLITICAL SYSTEM

2.19 On 1 February 2021, a military junta under the leadership of Commander in Chief Senior General Min Aung Hlaing seized control of the Myanmar Government apparatus, hours before a parliament led by the NLD was due to convene. The junta declared the results of the election – which the NLD had won in a landslide and whose results were widely seen as credible – invalid and assumed all executive, legislative and judicial powers of the state. The country has thus become a *de facto* military dictatorship.

2.20 During the coup, State Counsellor Aung San Suu Kyi and President Win Myint were arrested, along with ministers, their deputies and members of parliament. Citing unsubstantiated electoral fraud, the junta claimed to be acting under Article 417 of the 2008 Constitution, which requires the President to declare a state of emergency in response to a threat to Myanmar's sovereignty, and Article 418, which requires the President to hand over power to the Commander in Chief of the Army in such a situation. The enactment of these provisions by Vice-President Myint Swe (a former army officer and member of the military-backed USDP) was described by the International Commission of Jurists as a violation of 'principles of rule of law, international law and Myanmar's Constitution'.

2.21 The day after the coup, the junta announced Myanmar would henceforth be under the control of an executive governing body known as the State Administration Council (SAC). The SAC consists of nine military officers and ten civilians, the latter drawn from a range of ethnic groups and rival parties to the NLD. On 1 August 2021, Min Aung Hlaing was announced as Prime Minister of a so-called 'caretaker government', which would rule the country under a state of emergency until February 2023, after which a 'free and fair multiparty general election' would take place. Observers do not consider these commitments credible.

2.22 In February 2021, a group of almost 300 politicians opposing the military regime formed the Committee Representing Pyidaungsu Hluttaw (CRPH), which claims to be the legitimate legislative authority for Myanmar. In April 2021, the CRPH announced the formation of an opposition government named the National Unity Government (NUG), including representatives from the NLD, ethnic minority groups, civil society and minor parties. The NUG and its representatives have met with officials from the US, UK, Australia, ASEAN, EU and others. In September 2021, the NUG announced its intention to begin a nationwide armed struggle against the military regime, to be carried out by units of the 'People's Defence Force' (PDF). The NUG and PDF have since been designated as terrorist organisations by the SAC, along with the CRPH and the National Unity Consultative Council (NUCC), a dialogue platform for opposition groups. See [Security Situation](#), [Political Opinion](#).

2.23 Administratively, Myanmar is divided into seven regions, seven states, six self-administered zones or divisions, and one 'union territory' (where the capital, Nay Pyi Taw, is located). The six self-administrated zones/divisions are governed by ethnic minority groups; five within Shan State and one within Sagaing Region. Each state and region has its own legislature, comprising elected officials and appointed administrators. Since the coup, many regional and local officials have been arrested by the military regime or have resigned, some in protest against the coup and others under threat of reprisals by various PDFs.

## Corruption

2.24 Corruption is endemic at all levels of Myanmar society, from petty bribery of officials to major corruption in government procurement processes and the selling-off of state-owned assets to military cronies. Transparency International ranked Myanmar 140 out of 180 countries in its 2021 Corruption Perceptions Index. According to the 2020 Global Corruption Barometer, 20 per cent of people surveyed in Myanmar reported having paid a bribe to access public services in the prior 12 months. According to GAN Integrity, a compliance management firm, corruption and weak rule of law are major barriers to doing business in Myanmar. Drivers of corruption include low public sector salaries, cumbersome bureaucratic processes, armed conflict, social customs such as gift-giving and 'tea money', differing 'levels' of citizenship (see [Race/Nationality](#)) and a flourishing shadow economy.

2.25 Prior to the February 2021 coup, the NLD government had taken steps to tackle corruption, including passing the *Anti-Corruption Law (2013)* and establishing the Anti-Corruption Commission (ACC) in 2014. As a result, Myanmar reported the greatest improvement of any country in the Corruption Perceptions Index between 2012 and 2018. Like many public institutions, the ACC was purged following the coup and its members replaced with individuals loyal to the military regime. It is unclear whether corruption has worsened since the coup, but it is unlikely to have improved. See also [Prevalence of Fraud](#).

## HUMAN RIGHTS FRAMEWORK

2.26 The 2008 Constitution theoretically guarantees some rights and freedoms for its citizens, such as freedom of religion, freedom from arbitrary detention and the right to a public trial. In practice, however, such fundamental rights are routinely ignored and abused.

2.27 Myanmar has ratified four of the core UN human rights treaties: the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; and the Convention on the Rights of the Child, as well as the Optional Protocol to the Convention on the Rights of the Child on the sale of child prostitution and child pornography. Implementation of these instruments lags.

## National Human Rights Institution

2.28 Myanmar established the government-funded Myanmar National Human Rights Commission (MNHRC) in 2011, with a broad legal mandate to protect and promote human rights. The Myanmar National Human Rights Commission Law (2014) enables the MNHRC to receive public complaints, investigate human rights abuses, hold the government accountable for the treaties and conventions to which Myanmar is a party, and make recommendations on additional treaties and conventions for accession. It also allows MNHRC to undertake inspections to prisons, detention centres and other places of confinement. Following its investigations, the MNHRC refers its recommendations to the relevant government department for action but has no power to ensure recommendations are implemented. When last reviewed by OHCHR in 2015, the

MNHRC was given 'B' status, meaning it was partially in compliance with the Paris Principles on best practice for national human rights institutions.

2.29 The MNHRC has been criticised for its failure to hold human rights abusers to account, as well as its unrepresentative makeup. In December 2019, a group of 20 civil society organisations signed an open letter alleging that, among other failures, the MNHRC had failed to address human rights abuses including the arrests of 275 civilians and the killing of six civilians in Rakhine State in 2019, and the murder of two ethnic Kachin villagers in 2018. In October 2016, four members of the MNHRC were forced to resign following a public outcry over their negotiation of a financial settlement in lieu of criminal proceedings for shop-owners who held two young girls in slave-like conditions and tortured them. The MNHRC has failed to hold anyone to account for treatment of the Rohingya or abuses following the 2021 coup. An expert source told DFAT it was highly politicised and ineffective.

## SECURITY SITUATION

2.30 Myanmar has been continuously affected by conflict since independence in 1948. Long-running ethnic insurgencies are fuelled by discriminatory policies, inequality and political disenfranchisement, as well as struggles over land, resources and markets (both licit and illicit). Since the February 2021 coup, a widespread armed insurgency has emerged that seeks to attack the military regime and its officials and restore democracy to Myanmar. Within this context, the Myanmar military remains the principal armed actor in post-coup Myanmar and is overwhelmingly the main violator of human rights and international humanitarian law.

2.31 The military regime has no direct control over large parts of the country, and Action on Armed Violence, an NGO, estimates at least one-third of the country is in the hands of ethnic rebel groups. Armed groups operate along Myanmar's borders with China, Thailand, Laos, Bangladesh and India. The 'Bamar heartland', including Mandalay, Yangon, Sagaing and Magway, was once relatively peaceful, but since the coup this region has seen a sharp rise in violence, as local PDFs and ethnic armed organisations clash with security forces, and the military regime targets civilians they perceive as supporting their enemies.

### Armed Groups

2.32 Dozens if not hundreds of armed groups operate in Myanmar. There are an estimated 20 ethnic armed organisations. The most significant include the Arakan Army (AA), the Kachin Independence Army (KIA), the Karen National Union/Karen National Liberation Army (KNU/KNLA), the Ta'ang National Liberation Army (TNLA) and the United Wa State Army (UWSA). Many of these groups are large and well-equipped. Besides defending their populations from the military and other ethnic armed organisations, they often assume some state functions within the area they control, providing education, health and other services, as well as levying taxes and controlling licit and illicit trade. The line between ethno-nationalist army and criminal gang is often blurry, and varies across different actors. Individuals associated with armed groups have been both victims and perpetrators of human rights abuses.

2.33 On 5 May 2021, the National Unity Government announced the establishment of the PDF as its armed wing, with the stated aim 'to defend and protect lives, properties and livelihoods of the people' from violence by the military and other forces under the control of the State Administration Council. Its long-term objectives include the overthrow of the military regime and the formation of 'Federal Union Forces' incorporating Myanmar's ethnic armed organisations. The PDF is ostensibly under the central command of the NUG and divided into five regional commands (Northern, Southern, Eastern, Western, Central). In reality, it consists of hundreds of smaller 'PDFs' and local resistance groups with varying levels of reporting and

allegiance to the NUG, which, according to the International Crisis Group, range from ‘underground urban cells consisting of a few people to large, well-organised militias with hundreds of fighters equipped with modern light arms’. Many of its recruits are previously non-radicalised young people who say they have been driven to violence by the regime’s abuses. In reality, only about 20 per cent of PDFs are under the command and control of the NUG.

2.34 PDFs have engaged in direct fighting with security forces, sabotaged infrastructure, and carried out shooting and Improvised Explosive Device (IED) attacks against soldiers, police, and regime officials. They have also assassinated regime supporters and alleged collaborators/informers. As of December 2021, the NUG claimed PDFs had killed more than 1,500 Myanmar military soldiers, although these figures are impossible to verify and PDF gains have been largely exaggerated. While an NUG code of conduct directs PDFs to refrain from attacking civilians, civilians have been killed in their attacks, and civilian infrastructure has been targeted. PDFs have received arms and training from some ethnic armed organisations, and in some cases have fought alongside these groups against the military (particularly in Chin, Kayah and Kachin States).

2.35 Militia groups sponsored by the military regime known as Pyu Saw Htee have been accused of arson, targeted assassinations, attacks on civilians and spreading disinformation. According to media reports, they consist of ‘active and retired military personnel, civil servants, members of the military proxy Union Solidarity and Development Party, ultranationalists and people hired for a wage’. The military has reportedly armed and trained Pyu Saw Htee groups (some of whose members are former soldiers) and in some cases conducted operations alongside them. Data for Myanmar, a not-for-profit research group, claimed regime-backed groups such as Pyu Saw Htee were responsible for burning down more than 7,000 homes across the country between May 2021 and March 2022. Pyu Saw Htee have also been involved in clashes with PDF forces.

## Armed Conflict

2.36 In the decade prior to the coup, armed conflict in Myanmar had stabilised at moderate levels. This was in part due to economic growth, a liberalising political environment and peace negotiations between the government and armed groups. Violence was mostly confined to Shan State, Kachin State, Kayah State and Rakhine State, at varying levels of intensity. Following the coup, violence increased dramatically and spread to almost all parts of the country. From January to December 2020, the Armed Conflict Location & Event Data Project (ACLED) recorded 1,483 conflict incidents (including battles, bombings, riots, violence against civilians and so forth). Over the same period in 2021, ACLED recorded 16,150 incidents, a ten-fold increase. In 2020, the Myanmar Institute for Peace and Security (MIPS), a think tank, recorded one or more armed incidents in 49 townships; that number rose to 122 townships in the first seven months of 2021. Types of violence include fighting between armed groups and security forces; attacks on and by regime-affiliated militia groups; the targeting of civilian infrastructure; artillery, mortar and surface-to-surface missile strikes; improvised explosive devices (IEDs) and unmarked landmines; abductions, torture, sexual violence and extrajudicial killings; burning of homes and buildings (including [religious buildings](#)); and air strikes from helicopters and fixed wing aircraft. According to the UNHCR, as of July 2022, more than 750,000 people had been internally displaced and another 40,000 had fled to neighbouring countries due to conflict, bringing the total number of internally displaced people in Myanmar to over 1 million.

2.37 Since the coup, Yangon and Mandalay have seen persistent violence for the first time in recent Myanmar history. For instance, in February 2022, there were 118 IED incidents and 34 attacks involving small arms in Yangon, while over the same period there were 47 IED incidents and 21 small arms attacks in Mandalay. IED attacks have targeted government buildings or security forces, as well as businesses perceived

as having connections to the military regime. Gun violence includes targeted shootings by PDF forces of security forces and perceived [collaborators](#), and security forces raids of PDF hideouts.

2.38 The Sagaing and Magway regions, where the Bamar ethnicity is in a majority and which have historically been largely peaceful, saw a significant uptick in violence following the coup. PDF fighters in these regions are poorly armed (compared to more established ethnic armed organisations) and as a result have mostly avoided direct engagement with the military, preferring indirect IED attacks. PDFs in Sagaing Region and Magway Region have carried out IED attacks on military convoys, government administration buildings, cell towers operated by Mytel (a military telecommunications company), schools and other facilities. In October 2021, the military launched an offensive to subdue PDFs operating in Sagaing Region, leading MIPS to describe Sagaing as ‘the epicenter of new armed conflict following the coup’. This offensive has continued throughout 2022. The Myanmar Institute for Strategy and Policy, another think tank, estimated in June 2022 that over 15,000 homes and buildings had been destroyed in Sagaing and more than 395,000 people internally displaced – nearly half the total number of IDPs in Myanmar since the coup.

2.39 Violence in Kachin State rose steeply following the coup, and fighting between the military and the KIA extended into northern Shan State, Sagaing Region and Mandalay Region throughout 2020-21. This followed the release of images of security forces killing unarmed protesters in Myintkyina, the Kachin State capital, in March 2021. MIPS recorded 312 clashes between the KIA and the military in the first six months of 2021 and estimates 12,000 civilians were displaced in Kachin State between March and June 2021, adding to approximately 100,000 living in protracted displacement in Kachin since 2011. Elements of the KIA have provided training and arms to PDFs. For instance, the KIA has supported PDFs in northern Sagaing Region, and a military raid in Mandalay in June 2021 captured eight PDF fighters and killed four others, two of whom were subsequently revealed to be KIA officers. In October 2022, Myanmar military airstrikes against an outdoor concert in Kachin State killed over an estimated 60 people, most of them civilians.

2.40 Chin State had experienced relatively little conflict since 2010, but widespread protests following the coup led to a brutal crackdown that in turn spurred an active armed insurgency. At least 14 armed groups now operate in Chin State, including the Chinland Defense Force (CDF) and the Chin National Defense Force (CNDF), both of which are allied to the long-established Chin National Army (CNA). An estimated 50,000 people have been displaced by the conflict in Chin State. Mindat in Chin State was among the most conflict-affected townships in Myanmar in 2021, with 29 clashes recorded between the military and resistance forces in the first six months of 2021. Tactics used by security forces in Chin State have become increasingly brutal, and in November 2021, Human Rights Watch released a statement on behalf of 512 regional and international civil society organizations calling for urgent UN intervention to address ‘the escalating attacks in Chin State [and] the rapidly deteriorating humanitarian, human rights and political crisis in Myanmar’. The statement noted incidents including the indiscriminate shelling and burning of 200 homes and two churches (see [Christians](#)) in Thantlang in October 2021, the use of airstrikes and artillery against civilians, and the blocking of humanitarian aid intended for affected populations.

2.41 Following the coup, the KNU/KNLA offered shelter in its territories in Kayin State to protesters and CDM participants, drawing the military’s ire. Since then, conflict between the KNU/KNLA and the military has intensified, with at least 150 clashes in the first six months of 2021, 310 clashes in December 2021, and 181 clashes in January 2022. In March 2021, the KNU/KNLA overran two military bases, prompting a fierce response including airstrikes and artillery attacks. Eighteen people were killed and an estimated 40,000 displaced, many of them fleeing to makeshift homes in caves and the jungle.

2.42 Fighting has also taken place in the vicinity of the Myanmar-Thailand border, close to Mae Sot and Myawaddy, causing thousands to flee into Thailand. Thai authorities subsequently pushed for many of these people to return, in some instances reportedly threatening to burn their temporary shelters to the ground if they did not go back to Myanmar. From March to July 2022, KNU/KNLA forces seized several locations of

strategic importance to the military in this area, and air attacks by the Myanmar Airforce – in some cases crossing into Thai territory – have so far failed to dislodge them.

2.43 Kayah State and parts of Shan State have seen fierce fighting between the Myanmar military and local resistance forces. These resistance forces have amalgamated under the Karenni Nationalities Defence Force, together with the Karenni Army (the armed wing of the Karenni National Progressive Party, or KNPP) since mid-2021. As much as 70 per cent of the population of Kayah State was estimated to have been displaced by conflict as of July 2022. The UN estimates 85,000-100,000 people were displaced from Demoso, Loikaw and Hpruso townships in Kayah State and Pekon and Hsiseng in Shan State following gun battles, airstrikes and shelling that resulted in dozens of civilian casualties. There have been numerous reports of atrocities in these areas, including extrajudicial killings and attacks on churches, including air strikes (see [Christians](#)). A deliberate military attack on a civilian convoy in Kayah State in December 2021 killed 35 civilians, including two humanitarian workers (see [International Organisations, NGOs and Civil Society](#)). Northern Shan State has also seen an increase in inter-ethnic armed organisation conflict, including between the Restoration Council of Shan State (RCSS) and the TNLA, and between RCSS and SSPP/SSA with support from the UWSA. For instance, an estimated 600 people were displaced from Namtu in northern Shan State by fighting between these groups in January 2021.

2.44 There has been longstanding conflict between the Myanmar military and the AA in Rakhine State. Despite an informal ceasefire, MIPS reports that ‘military tensions on the ground [in Rakhine State] remain high’. The Arakan Rohingya Salvation Army (ARSA), whose October 2016 attack on Border Guard Police in Maungdaw Township provoked a massive security operation against the [Rohingya](#), still operates in Rakhine State. In December 2021, ARSA fighters allegedly attacked 20 residents of Khone Taing Village in Maungdaw, injuring one, and in January 2022, photos and videos emerged online purporting to show ARSA fighters conducting armed exercises in the Rakhine jungle.

2.45 The steep increase in violence across the country, along with the military regime’s crackdown on civil society, has made it much harder for humanitarian and development organisations to deliver assistance in conflict areas, including education, healthcare, emergency shelter and food. There are ongoing reports of humanitarian aid being confiscated by the military, as well as attacks on, and arrests of, local aid workers (see [NGOs and Civil Society Organisations](#)).

## Civil Unrest

2.46 Following the February 2021 coup, demonstrations broke out throughout the country, including in Yangon, Mandalay and Nay Pyi Taw, as well as in smaller cities, with some reportedly drawing as many as 150,000 protestors. Healthcare workers and civil servants launched a nationwide civil disobedience movement, which was also joined by railway workers, garbage collectors, bank workers, electricity workers and others.

2.47 The military regime’s response to the protest movement has been harsh and wide-ranging, including restrictions on freedom of expression and assembly, the arrest and detention of protestors, the spreading of disinformation, and the beating, torture and killing of protestors and first aid responders. As of November 2021, the Assistance Association for Political Prisoners, an NGO, listed more than 1,200 confirmed killings and over 10,000 arrests in relation to the anti-coup protest movement, though numbers are likely much higher. At least 1,200 people had been sentenced for anti-coup activities as of July 2022. A video analysis by Amnesty International recorded more than 50 instances of security forces using live ammunition and military weapons to systematically attack unarmed protestors between 28 February and 8 March 2021, a trend which has continued since. In July 2022, the military regime carried out the death penalty against four men involved in anti-coup activities, including two prominent pro-democracy activists (see [Death Penalty](#)).

## Violent and Organised Crime

2.48 According to UN Office on Drugs and Crime (UNODC) data, the homicide rate for Myanmar is 2.26 murders per 100,000 population, above Cambodia and Vietnam, but well below Thailand and the Philippines (although, this is likely to be an underestimate). Organised crime is a major problem. Myanmar is the world's second-largest producer of opium and the largest producer of methamphetamines. Illegal logging, mining and wildlife smuggling are rife, and Myanmar is a major source country for human trafficking. Criminal loan sharking gangs operate in Myanmar and in some cases have links to international crime syndicates. Loan sharking is often linked to gambling, both legal and illegal.

## 3. REFUGEE CONVENTION CLAIMS

### RACE/NATIONALITY

3.1 Ethnicity in Myanmar is a determinant of citizenship and basic rights, a factor in political and armed conflict, and a source of discrimination, particularly for the Rohingya. While section 347 of Myanmar's 2008 Constitution theoretically guarantees "any person to enjoy equal rights" and protections before the law, many people are denied these rights in law and practice. Myanmar officially recognises 135 ethnic groups, which it categorises into eight 'Major National Ethnic Races': Kachin, Kayin, Kayah, Chin, Mon, Bamar, Rakhine and Shan (notably excluding [Rohingya](#)). These divisions are often arbitrary and reflect colonial era understandings of racial classification rather than the reality of ethnic diversity in Myanmar. The CIA World Factbook describes the population as 68 per cent Burman (Bamar), 9 per cent Shan, 7 per cent Karen, 4 per cent Rakhine, 3 per cent Chinese, 2 per cent Indian, 2 per cent Mon, and 5 per cent Other. Identity in Myanmar is complex, involving elements of ethnicity, religion, language and geographic location. Different members of the same family may identify as different races, and people's officially recognised race or religion may be different to how they self-identify.

3.2 The *Burma Citizenship Act of 1982* establishes a hierarchy of first and second-class citizens on the basis of ethnicity, a situation the International Commission of Jurists says 'enables widespread discrimination throughout the country and undermines the rule of law'. Full citizenship rights are only granted to people who can trace their family residency to prior to 1823, most of whom belong to one of the eight major ethnic groups listed at 3.1. 'Associate' citizenship is granted to children of 'mixed' marriages where only one parent was a full citizen, as well as to individuals who had lived in Myanmar for five consecutive years (or eight out of 10 years) prior to independence. A third category, naturalised citizens, includes the offspring of people who migrated to Burma during the colonial period. The International Commission of Jurists notes the 'key distinction between these two categories [associate and naturalised citizens] is whether or not the applicant, or their parent/s, had applied for citizenship under the 1948 Union Citizenship Act prior to the enactment of the 1982 Law'. Groups that are said to fall outside these categories, such as [Rohingya](#) or many people of Chinese or Indian descent, are excluded from citizenship altogether.

3.3 Racial discrimination in Myanmar is widespread and institutionalised, in a way that privileges Bamar Buddhists over other groups, especially over people with darker skin and those who do not speak fluent Burmese. People belonging to or perceived as belonging to so-called 'mixed races' (a term used to refer those of South Asian or Chinese heritage) are forced to queue separately when accessing government services and sometimes report racial abuse and discrimination from officials, including the use of ethnic slurs and refusals or delays when accessing public services. People without full citizenship are excluded from certain professions, including medicine and law, and informal ceilings apply to all non-Bamar ethnicities in government and military jobs, preventing them from reaching higher ranks. School curricula sometimes include racist content, such as poetry encouraging the hatred of people with 'mixed blood'. According to the International Commission of Jurists, more than a quarter of the Myanmar residents enumerated in the 2014 census lacked a legal identity, denying them basic rights and access to government services. Ethnic minorities are more likely than the Bamar majority to be undocumented. Many ethnic minorities experience violence and displacement due to ongoing conflict in their home states and regions (see [Security Situation](#)).

3.4 DFAT assesses that members of non-Bamar (minority) ethnic groups in Myanmar face a moderate risk of societal and official discrimination on the basis of their ethnicity, although for some groups (such as [Rohingya](#)) the risk is much higher. Minority ethnic groups including the [Chin](#), [Karen](#), Karenni and others suffer frequent violence at the hands of the state, largely on the basis of actual or perceived association with armed resistance movements (see [Security Situation](#), [Political Opinion, Actual or Imputed](#)).

## Rohingya

3.5 The Rohingya are a predominantly Sunni Muslim ethnic group, the vast majority of whom live in Rakhine State in north-western Myanmar. They speak an Indo-Aryan language closely related but not identical to the dialect of Bengali spoken in the Chittagong region of Bangladesh. The Rohingya trace their origins to Muslim traders and bodyguards who lived in north-western Myanmar since the Mrauk-U period (1430-1784), although many migrated from Bangladesh more recently, especially during the British colonial period (1784-1948). An estimated 1.2 million Rohingya lived in Myanmar before August 2017, when a military crackdown drove around 700,000 to flee to Bangladesh.

3.6 Since the 1962 military coup, successive governments have claimed the Rohingya are illegal migrants from Bangladesh, marginalising them and progressively stripping them of their rights. Up until the late 1980s, many Rohingya held National Registration Cards (NRCs) identifying them as Burmese citizens, but following a 'citizenship scrutiny' exercise in 1989, these were replaced with Citizenship Scrutiny Cards (CSCs), of which very few were issued to Rohingya. In 1995, the government began issuing Temporary Registration Cards (TRCs, also known as 'white cards') to the Rohingya, but these were declared invalid in 1995, leaving most Rohingya undocumented and effectively stateless. See also [Documentation](#).

3.7 Due to their exclusion from citizenship the Rohingya are denied fundamental rights and basic services in Myanmar, including access to healthcare and education, employment opportunities, freedom of movement, freedom to choose the timing and number of their children, freedom to marry whom they choose, and freedom to run for political office. The Rohingya are particularly affected by the *Burma Citizenship Act of 1982* and the Race and Religion Laws (see [Religion](#)), which simultaneously exclude them from citizenship and single them out for discrimination. They have been subjected to repeated waves of violence and displacement in Myanmar since independence: in 1977-1979, 1991-1992, 2012, 2015, and 2016-18. They are also frequently called by racial slurs and subject to hate speech, including on the basis of their [Muslim](#) religion.

3.8 In October 2016, the Arakan Rohingya Salvation Army (ARSA) insurgent group (see [Armed Conflict](#)) carried out its first attack on Border Guard Police (BGP) facilities in Maungdaw Township, northern Rakhine State. The security forces, led by the military, launched a major 'clearance operation' in response, sealing off a large area of northern Maungdaw, and controlling movement of the Rohingya population through movement restrictions, curfews and checkpoints. There were widespread and systematic arson attacks against Rohingya villages, with over 1,500 buildings destroyed between October and December 2016. A UN Fact-Finding Mission reported a range of serious human rights violations against the Rohingya population by the security forces during the 2016 security operations, including arbitrary arrests, ill-treatment and torture, forced disappearances and sexual violence. Violence continued in 2017 as the military, other security forces, Rakhine men, and, in some cases, men from other ethnic minorities attacked Rohingya villages, carrying out targeted and mass killings, extreme sexual violence and gang rapes, and arson. An estimated 13,000 Rohingya were killed, at least 200 Rohingya villages were destroyed, and an estimated 890,000 were displaced by this violence.

3.9 In March 2022, the US Government formally determined the Myanmar military's actions against the Rohingya constituted genocide and crimes against humanity. The violence of 2016 and 2017 in Rakhine State

is subject to an ongoing investigation by the International Criminal Court, which in September 2020 reportedly heard firsthand confessions by former soldiers of their roles in mass killings and rape of Rohingya civilians, and the disposal of bodies in mass graves. It is also the subject of a case brought before the International Court of Justice (ICJ) by The Gambia in November 2019. Aung San Suu Kyi appeared at the ICJ hearings in December 2019. Following the 2021 coup, the military regime announced it had appointed a panel of senior officials to represent Myanmar before the ICJ. In February 2022, the NUG announced it accepted the jurisdiction of the court and withdrew all objections to the case. On 22 July 2022, the ICJ rejected preliminary objections to the case, raised by Myanmar, finding admissibility and jurisdiction over the dispute. Myanmar's military regime voiced disappointment with the judgment, while the NUG welcomed it.

3.10 As of 2022, about 130,000 Rohingya were living in 'temporary' camps in central Rakhine, having been there since state-sponsored violence displaced them in 2012. Multiple sources told DFAT conditions in these camps were dire, shelter was inadequate and deteriorating, and residents were entirely dependent on limited outside aid for food, medical care and education. COVID-19 and the coup have both reportedly contributed to a decrease in external monitoring of these camps, as well as the withdrawal of key humanitarian donors, although some monitoring trips were taken in late 2021 and early 2022. Another 100,000 or so Rohingya live in isolated villages in central Rakhine, surrounded by security forces and other, often hostile, ethnic communities. Rohingya living in these areas are among the most vulnerable populations in Myanmar. They are not allowed in towns and cannot access markets, schools or healthcare, except through onerous permit procedures. Employment opportunities are scarce, and workers including fishermen are required to pay bribes to be allowed to work. A further 400,000 or so Rohingya live in northern Rakhine, where they make up the majority of the population. Rohingya in these areas are not allowed to enter other townships, but they can travel within their own townships and have some access to education and healthcare.

3.11 Throughout Rakhine, Rohingya are vulnerable to people trafficking and exploitation by criminal gangs, as well as violence at the hands of security forces and other ethnic groups. Freedom of movement is highly restricted, and land disputes between Rohingya and other ethnic groups are common. Some Rohingya outside Rakhine are able to improve their situation by obtaining documentation identifying them as 'Bamar Muslim' or Kaman, but they still face significant discrimination on the basis of their skin colour and religion (see [People of South Asian descent, Muslims](#)).

3.12 DFAT assesses all Rohingya in Myanmar are at high risk of official discrimination, including denial of basic rights and services, on the basis of their ethnicity and [Muslim](#) religion. Within Rakhine, Rohingya face a high risk of societal discrimination from other ethnic groups and a high risk of violence from security forces and ethnic militias. Outside Rakhine, Rohingya face a high risk of societal and official discrimination but a lower risk of violence. Undocumented Rohingya outside Rakhine remain at high risk of abuse and exploitation and are subject to arrest and detention by the authorities for 'illegal' movements.

## Chin

3.13 The Chin are a linguistically and culturally diverse ethnic group who mostly live in Chin State, Sagaing Region, Magway Region and Rakhine State (see [Map](#)), with smaller populations throughout the country. There are an estimated 500,000 Chin in Myanmar. Sources told DFAT as many as 100,000 lived in Yangon, but few were registered as living there on their household lists (see [Documentation](#)). There are multiple Chin tribes, including Asho, Cho, Khumi, Kuki, Laimi, Lushai and Zomi. Traditionally these sub-groups were identifiable by unique clothing, tattoos and traditions, but these cultural markers have become rarer in modern times. Most Chin are Christians, but a minority follow Buddhism or animism.

3.14 There have been longstanding reports of human rights violations by Myanmar security forces against the Chin, including forced labour, arbitrary detention, and torture, as well as repression of their [Christian religion](#). The population of Chin State came out strongly against the 2021 coup, including through mass protests and one of the highest rates of [CDM participation](#) in the country. Numerous Chin armed groups sprang up in response to the military regime's violent crackdown, and conflict between the military and these groups has been ongoing since March 2021 (see [Security Situation](#)).

3.15 Since the coup, there have been widespread reports of severe human rights violations in Chin State, including indiscriminate arson and shelling attacks, enforced disappearances, extrajudicial killings and torture. For instance, in January 2022, the bodies of nine people, including a 13-year old boy and a well-known human-rights defender, were found in Matupi Township in Chin State. Their hands were bound and their throats slit. The group had previously been reported as having been abducted by security forces following a battle with local PDFs. The Chin Human Rights Organisation, an NGO, estimates that in Chin State since the coup, 1,500 houses have been destroyed (out of an estimated 7,000 destroyed nationwide), 900 people have been arrested for political crimes (out of an estimated 13,000 nationwide), and 50 churches and religious buildings have been destroyed (see also [Christians](#)).

3.16 Chin living both within and outside of Chin State reportedly experience discrimination in accessing government services, including when procuring identity documents, discrimination in government employment and promotion, and harassment by security forces at checkpoints, similar to that experienced by other non-Bamar, non-Buddhist ethnic minorities in Myanmar. Sources told DFAT that Chin who spoke Burmese well were less likely to experience discrimination than those who did not.

3.17 DFAT assesses that Chin face a moderate risk of state violence in Chin State, Sagaing Region, Magway Region and Rakhine State on the basis of perceived or actual association with armed resistance groups. Elsewhere in Myanmar, Chin face similar risks of societal and official discrimination to other non-Bamar ethnicities. Chin who are Christians face similar risks to other [Christians](#) in Myanmar, noting these risks are particularly acute in active conflict zones.

## Karen

3.18 The term Karen encompasses an ethnically and linguistically diverse group of Tibeto-Burman-speaking ethnicities that make up an estimated 7 per cent of Myanmar's population (around 5 million people). Sub-groups include Sgaw, Pwo, Bre, Padaung, Yinbaw, and Zayein. Karen primarily reside in the southeastern border region of the country, particularly Kayin State, Tenasserim Division, eastern Bago Division, Mon State and the Irawaddy Division.

3.19 Parts of northern and southern Kayin State are primarily controlled by ethnic armed organisations, in particular the KNU/KNLA (see [Armed Groups](#)). Conflict between the military, KNU/KNLA and other ethnic armed organisations since 1984 has led to approximately 90,000 Karen seeking protection in Thailand (see [Conditions for Returnees](#)), and there have been further mass movements in response to violence since the 2021 coup (see [Security Situation](#)). Military air raids in Kayin State in March and April 2021 destroyed KNU/KNLA military infrastructure, but also homes, schools and public buildings, and displaced an estimated 40,000 people. There are numerous reports of soldiers committing human rights violations in Kayin State, including killing livestock and extorting villagers for money and food, as well as carrying out arbitrary arrests and torture. Sources told DFAT around 400 Karen had been subjected to arbitrary arrest since the coup.

3.20 Prior to the coup (and COVID-19), Karen living in Kayin State could generally access services, including health, education and justice, provided through parallel structures of government by the KNU, as well as by NGOs. Many of these services have since been disrupted by conflict, including schools and clinics. Sources told DFAT that Karen living outside areas under ethnic armed organisation control were usually able

to access government services provided they had the necessary identity documents, which they were generally able to access ‘if they speak good Burmese’. The same sources told DFAT that ‘many’ Karen were employed by the government, including as school teachers and health workers, although they faced similar barriers to promotion as other non-Bamar ethnicities. For instance, a Karen policeman was reportedly forced to pay a bribe to change the ethnicity and religion listed on his identity card from Karen Christian to Burmese Buddhist in order to secure a promotion.

3.21 DFAT assesses that Karen living in Kayin State face a moderate risk of state violence and displacement on the basis of perceived or actual association with armed resistance groups. Outside the ethnic armed organisation-administered areas of Karen State, Karen face similar risks of societal and official discrimination to other non-Bamar ethnicities.

## People of South Asian descent

3.22 The India Centre for Migration, an NGO, cites a 2004 estimate of around 2.5 million people of Indian descent in Myanmar. Of this figure, around 2,000 are estimated to be Indian citizens and around 400,000 are stateless. Ethnic Indians suffer discrimination in Myanmar on the basis of their skin colour and presumed association with Islam (although many are Hindu). Along with other South Asians, ethnic Indians are frequently called by racial slurs, are forced to queue separately at government offices, and sometimes experience abuse and discrimination at the hands of officials, for instance by having their race listed as ‘mixed blood’ on their passport. Some ethnic Indians report discriminatory treatment at public hospitals, and those who can afford it prefer private hospitals. Some people of Indian descent are wealthy and enjoy business links with the military and the regime.

3.23 Due to the implementation of the *Burma Citizenship Act 1982*, many people of Indian descent are denied citizenship, especially if they are poor and uneducated. This creates barriers to accessing public services, buying land and so forth. Like other undocumented people in Myanmar, they may be able to enrol at state universities but are barred from graduating, although a source told DFAT it was sometimes possible to arrange for graduation, with the payment of a bribe, 6-8 months after completing a degree.

3.24 DFAT assesses people of Indian descent face a moderate risk of societal discrimination and a low risk of violence. Those without citizenship face a high risk of official discrimination, including denial of basic rights and access to services, on the basis of their ethnicity. Those with citizenship face a moderate risk of official discrimination. For discrimination and violence on the basis of Hinduism, see [Religion](#).

## RELIGION

3.25 Section 34 of Myanmar’s Constitution entitles all Myanmar citizens to ‘freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health’. Section 361 of the Constitution ‘recognises the special position of Buddhism’ as the faith professed by the majority of citizens. The government bans any organisation of Buddhist monks outside nine monastic orders recognised under the *Law Concerning Sangha Organisations (1990)*. Section 362 of the Constitution recognises Christianity, Islam, Hinduism and animism as ‘the religions existing in the Union at the day of the coming into operation of this Constitution’. Other provisions prohibit discrimination on the basis of religion, including section 352 which bans discrimination in the employment of public officials. Nevertheless, many people in Myanmar – particularly [Muslims](#) – do suffer discrimination on the basis of religion, including in law.

3.26 In 2015, four laws were passed known as the ‘protection of race and religion laws’, which concern interfaith marriage, religious conversion, monogamy and population control. These were proposed by the

Committee for the Protection of Nationality and Religion (an organisation led by ultra-nationalist Buddhist monks, known as Ma Ba Tha). The *Buddhist Women Special Marriage Law (2015)* requires notification and registration of marriages between non-Buddhist men and Buddhist women and has penalties for non-compliance. The *Religious Conversion Law (2015)* allows conversion only through an extensive application and approval process. The *Population Control Law (2015)* designates special zones in which population control measures can be applied, including authorising local authorities to implement three-year birth spacing, enforced through fines and arrests. The *Monogamy Law (2015)* bans polygamy, which was already criminalised under the Penal Code (1861). These laws have been criticised, including by the UN Special Rapporteur for human rights in Myanmar, as targeting [Rohingya](#) and other [Muslims](#), although they also affect Christians and Hindus. They all remain in force.

## Muslims

3.27 There are a number of distinct Muslim communities living throughout Myanmar, including the Kaman, Pantay, Pashu, Rohingya and Zerbadee. Most follow the Sunni sect. According to the 2014 census, Muslims made up approximately 4 per cent of the population, although this figure undercounts Rohingya Muslims, who were effectively excluded from participating. The majority of Muslims live in northern Rakhine State, but there are also Muslim communities in Yangon, Ayeyarwady, Magway, and Mandalay.

3.28 Muslims in Myanmar experience discrimination and restrictions on their ability to practise their faith. They are underrepresented in the public sector. There were no Muslim ministers under the previous NLD government, nor are there any Muslim members of the regime's SAC. Muslims are reportedly excluded from a range of government jobs, including as public school teachers and health workers. In recent decades many mosques have been burned down or vandalised, especially in Rakhine State, and authorities have prevented communities from rebuilding them. In June 2021, a mosque in Ahlone Township, Yangon was burned down in what the Burma Human Rights Network says was a deliberate arson attack. One source told DFAT more than 100 mosques had been destroyed and no new mosques built in the country since 1962. Authorities often withhold permission for Muslim worshippers to publicly celebrate religious events including Ramadan. In satellite towns without established mosques, Muslims are often forced to pray in makeshift prayer houses, which are sometimes too small to accommodate the number of worshippers. A report by the Burma Human Rights Network in 2017 found at least 21 villages had been declared 'Muslim-free zones' by local authorities, with signs erected in some villages stating 'Muslims are not allowed to buy or rent properties'.

3.29 Muslims are frequently denied basic rights and services on the basis of their religion. An estimated 65 per cent lack citizenship cards, and many find it difficult or impossible to obtain them, even if they are theoretically qualified. Reasons vary, ranging from the Muslim applicant being unable to provide extensive and often difficult-to-obtain documentation to prove family lineage before 1824, to the refusal of immigration authorities to register a Muslim person as Bamar, the majority ethnicity. Some have been required to choose a 'foreign' ethnicity (such as Bengali) to self-identify as Muslim on applications for citizenship cards. Under the 'Preservation of Race and Religion Laws', a Muslim man is not allowed to marry outside of his religion.

3.30 Anti-Muslim sentiment is prevalent in Myanmar and is circulated through social media, state institutions and mainstream news websites. Muslims are often called by racial slurs and subject to hate speech. Since 2011, ultranationalist Buddhist movements such as Ma Ba Tha (the Association for the Protection of Race and Religion) and the 969 Movement (an anti-Islamic religious group) have been influential in fomenting anti-Muslim hatred in Myanmar. During that time, Ashin Wirathu, a prominent monk and leader of the Ma Ba Tha movement, repeatedly incited violence against Muslims in speeches and online, including by spreading conspiracy theories that Muslims were planning to take over the country by marrying and converting Buddhist women. In 2018, Wirathu's hate speech led Facebook to ban him and the national

monastic council to bar him from speaking publicly. Ma Ba Tha was banned in 2017 and afterwards rebranded as the Buddha Dhamma Philanthropy Foundation. Wirathu, who had been in hiding since May 2019, turned himself into authorities in November 2020 and was arrested for ‘exciting disaffection against the government’. The military regime released him in September 2021.

3.31 There are strong links between ultranationalist Buddhism and the military. Soldiers are reportedly indoctrinated to see Islam as an existential threat to the Union of Myanmar. A 2018 New York Times investigation found anti-Muslim social media disinformation campaigns had been carried out on a large scale by the military. Anti-Muslim propaganda has continued in the aftermath of the 2021 coup. For instance, in December 2021, military aircraft dropped leaflets on villages in Sagaing claiming the Organisation of Islamic Cooperation was providing money and ammunition to support the killing of monks and insulting of Buddhism. Pro-military Facebook users have also made false claims linking PDFs and the political opposition to Islamic extremist groups such as ISIS and the Taliban.

3.32 DFAT assesses that Muslims in Rakhine State, regardless of ethnicity, face high levels of official and societal discrimination and a moderate risk of violence on the basis of their religion and perceived association with the [Rohingya](#) (who face specific, higher risks). DFAT assesses that Muslims outside of Rakhine State face moderate levels of official and societal discrimination and a low risk of violence on the basis of their religion.

## Christians

3.33 Christians make up approximately 6 per cent of Myanmar’s population. They mostly belong to the Baptist, Catholic and Anglican denominations, along with several smaller Protestant groups. Most members of the Chin, Kachin and Naga ethnic groups are Christian, as are many Karen and Karenni.

3.34 The ability of Christians to freely practise their religion in Myanmar is impacted by state policies, community attitudes and ongoing conflict in states with large Christian populations, including Chin, Kayah and Kachin States. Since 2020, authorities have ordered churches to close due to COVID-19 and the ongoing security situation, although some reopened in 2022. While similar restrictions have been placed on all religions, non-Buddhist groups including Christians claim they are unevenly enforced. Christians in Wa State have faced persecution by the UWSA (see [Security Situation](#)), which in 2018 launched a campaign to close churches and detained Christian pastors and worshippers, claiming it was acting ‘to prevent religious extremism’. In late 2019, some churches in Wa State were allowed to reopen. Like other minorities, Christians are underrepresented in the public sector and reportedly barred from holding senior positions in the security forces or government ministries.

3.35 Local sources described attempts to convert Christians to Buddhism, for instance ‘by handing out food’, and there are reports of officials intentionally misrecording the religion of Christians as Buddhists on their identity documents. DFAT is aware of claims Christians are sometimes forcibly converted to Buddhism in Myanmar. In 2019, *Morning Star News*, a Christian NGO, reported that five local officials in Ann Township, Rakhine State, kidnapped two ethnic Chin Christians and threatened expulsion from their village if they did not convert to Buddhism.

3.36 There are reports of security forces deliberately shelling, looting, vandalising and burning down Christian churches during military operations since the coup, as well as commandeering them to use as military bases. Christian representatives told DFAT soldiers used churches in Chin and Kayah States as shields because they knew local Christians would not attack them. In May 2021, four people were killed and at least eight wounded when a Catholic church in Loikaw, Kayah State, was shelled by soldiers who reportedly knew civilians were sheltering inside. In April 2022, soldiers occupied the Sacred Heart Cathedral in Mandalay, taking an archbishop and dozens of worshippers hostage while demanding to know where ‘gold and money

and weapons' were hidden. Human rights groups have recorded similar incidents throughout the country according to an October 2021 Al Jazeera report.

3.37 Since the 2021 coup, security forces have targeted Christian church leaders for arbitrary detention, inhumane treatment, kidnappings and extrajudicial killings. At least five Chin pastors have been killed since the 2021 coup. In March 2021, four ministers and seven worshippers were arrested at the Kachin Baptist Convention in Lashio, and allegedly beaten while in custody. In September 2021, Cung Biak Hum, a 31-year-old Baptist pastor, was shot while attempting to put out a fire in Thantlang, Chin State. After killing him, soldiers reportedly cut off the pastor's finger and stole his wedding ring. Church leaders have reportedly been forced to conceal their identities when questioned by security forces, because 'if they knew I was a pastor they would arrest me'.

3.38 DFAT assesses that Christians in Myanmar face a moderate risk of official discrimination, a low risk of societal discrimination and a moderate risk of violence on the basis of their religion. Church leaders face a high risk of violence, especially in conflict zones.

## Hindus

3.39 Hindus make up around 0.5 per cent of the Myanmar population. According to the 2014 census, Hindus resided in almost all regions, with the highest population in Bago. There are also significant Hindu communities in Yangon and Mandalay.

3.40 Like other people of South Asian descent, Hindus experience discrimination in the issuance of identity documents and in accessing government services, including public healthcare. They are frequently called by racial slurs and required to queue separately in government offices. An estimated 68 per cent of Hindus lack citizenship cards. Along with Christians and Muslims, Hindus are affected by the Preservation of Race and Religion Laws, which restrict their ability to accept converts and marry people of another religion.

3.41 Hindus in Myanmar are relatively free to practise their religion, although like other minority religions they face barriers in establishing new places of worship. Hindu temples are sometimes commandeered to function as government buildings, especially in rural areas. Hindus are reportedly able to celebrate religious festivals and conduct processions freely 'as long as we have a Buddha statue at the front'.

3.42 Community violence against Hindus is rare. In August 2017, up to 53 Hindus were massacred and another 46 disappeared in northern Maungdaw, Rakhine State. An investigation by Amnesty International blamed ARSA (the Arakan Rohingya Salvation Army, see [Security Situation](#)). ARSA denies involvement, and a UN Fact-Finding Mission was unable to verify the details of this event. Since the violence in Rakhine State in 2017, more than 1,000 Hindus from Rakhine State remain displaced in refugee camps in Bangladesh.

3.43 DFAT assesses Hindus in Myanmar face a moderate risk of official and societal discrimination and a low risk of violence on the basis of their religion and perceived association with the [Rohingya](#).

## POLITICAL OPINION (ACTUAL OR IMPUTED)

3.44 As a result of the February 2021 coup, Myanmar is a military dictatorship, controlled by the State Administration Council (SAC) headed by Commander in Chief Senior General Min Aung Hlaing. The SAC has promised to hold elections in 2023 (see [Political System](#)). The 2008 Constitution, technically still in effect as of October 2022, describes the political system of Myanmar as a 'genuine, disciplined multi-party democratic system', but since the coup all state power is concentrated in the hands of the SAC. Under Sections 404-406 of the Constitution, political parties theoretically have the right to form, organise freely and participate and compete in elections. Likewise, freedom of expression, association and peaceful assembly are theoretically

guaranteed under Section 354 'if not contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality'. In practice, these rights and freedoms were not always respected before the military takeover and have been routinely violated since.

3.45 Since the coup, the military regime has made extensive use of criminal charges to suppress dissent and justify mass arrests, particularly under Section 505 of the Criminal Code (which criminalises expression intended to incite mutiny or 'cause fear'), as well as Sections 121, 122 and 124 (which deal with 'High Treason'). The military regime has suspended Sections 5, 7 and 8 of the *Law Protecting the Privacy and Security of Citizens (2017)*, revoking the rights to be free from arbitrary detention and warrantless surveillance, search and seizure. It has amended Sections 124 and 505 of the Criminal Code to include vaguely worded offences such as 'causing fear' or 'spreading false news' and made these crimes punishable by up to 20 years in prison. It has also amended the Code of Criminal Procedure to make these offences non-bailable and subject to warrantless arrest. According to the Assistance Association for Political Prisoners (AAPP), a local human rights NGO, more than 11,000 people have been detained under these and similar laws since the coup. Some of those arrested have been sentenced to death, and in July 2022, the military regime began carrying out those sentences (see [Death Penalty](#)).

3.46 Some political prisoners have been subsequently released, although exact numbers are difficult to confirm. They fall into two groups: those who have been pardoned and those released on an ad hoc basis. Detainees may seek a pardon by filing a request with the authorities. Sources told DFAT that those with connections to influential military figures and no prior criminal record or connection to pro-democracy groups were more likely to receive pardons. Some political prisoners have also been released to ease prison overcrowding. Sources told DFAT that some have been made to sign a bond before release, the breach of which would trigger rearrest. Bond conditions vary but most prohibit joining protests or political movements, posting on social media, or 'destroying peace and tranquility'.

3.47 Opponents of the military regime ranging from senior political leaders to casual participants in street protests have been subject to abuses including arbitrary detention, torture, sexual violence and enforced disappearance. People of all ages, including doctors, nurses and teachers, who have participated in anti-regime protests or the [Civil Disobedience Movement](#) have been arrested or killed. Anyone accused of sympathy with the political opposition is at risk of detention by the authorities, including for having pictures of Aung San Suu Kyi in their homes or on their mobile phones, using 'foreign' apps such as Facebook, possessing a Virtual Private Network (VPN), or owning dented pots and pans (banging pots and pans together is a common form of anti-coup protest). Sources in Yangon told DFAT they had experienced random police searches of their homes and vehicles, some on multiple occasions. Police also make random checks for anti-regime content on individuals' mobile phones, leading some people to carry a second 'politically clean' phone as a precaution. Multiple sources told DFAT the threshold for falling under official suspicion was extremely low, and authorities made little distinction between those actively opposing the military regime and those merely expressing dissatisfaction with the regime or support for the opposition.

3.48 Since the 2021 coup, the military regime has seized property owned by former NLD members, protestors and other opponents of the regime. The AAPP reported in April 2022 that the regime had seized more than 547 houses belonging to anti-regime activists since the coup. Seizures have occurred throughout the country, with the majority in Sagaing, Yangon and Mandalay. Relatives of anti-regime figures have also been targeted for property seizures. For instance, in February 2022, authorities evicted the mother-in-law of NLD lawmaker Moe Ma Kha from her home and seized her clothes shop and another property, and in March 2022, officials seized the home of the 80-year-old mother of NLD lawmaker Phyu Phyu Thin. There are also widespread, credible reports of the regime kidnapping family members of anti-regime activists and holding them hostage, including very young children and elderly parents. In September 2021, CNN reported the cases of Soe Htay, a street protestor whose wife and two daughters, the youngest under five, were taken

hostage when authorities failed to locate him, and Khain Zin Thaw, an online activist and fundraiser, whose parents and sister-in-law were detained when authorities failed to locate her.

3.49 Since the coup, the government has stepped up electronic and online surveillance of Myanmar residents. CCTV cameras have been installed in public places in Yangon and other cities, although reportedly many are not operational. Human Rights Watch reports the cameras are equipped with facial recognition and license plate identification technology. Sources told DFAT this data was collected by authorities and used to identify and prosecute people involved with anti-coup protests, sometimes months after their image was recorded.

3.50 Political parties remain legal in Myanmar, but their ability to meet and organise has been greatly curtailed since the coup. Leaders of parties opposed to the coup, especially the NLD, have been arrested or forced to flee the country. Rank-and-file members have been subject to arbitrary arrest, torture or enforced disappearance, although observers told DFAT this was generally on the basis of their opposition to the regime rather than party membership per se. While the regime has stopped short of banning the NLD, it has banned at least one minor party, the Democratic Party for Myanmar New Society (DPMNS), purportedly for failing to submit to a financial audit (many former DPMNS members reportedly took up arms against the military regime following the coup). The SAC has declared the National Unity Government, National Unity Consultative Council, People's Defence Forces and Civil Disobedience Movement to be 'terrorist organisations', which Senior General Min Aung Hlaing has promised to 'annihilate'.

3.51 DFAT assesses anyone opposing, or perceived as opposing, the military regime is at high risk of official discrimination and violence, including arbitrary detention, illegal property seizures, enforced disappearance, torture, beatings and extrajudicial killings or application of the death penalty. Family members are also at high risk of official discrimination and violence, including very young children and elderly parents, who may be kidnapped and held as hostages to coerce relatives into giving themselves up to authorities.

## Civil Disobedience Movement

3.52 A widespread Civil Disobedience Movement (CDM) emerged in Myanmar immediately after the February 2021 coup, with activities including rolling strikes, protests and office shutdowns. Initially led by doctors and other healthcare workers, it spread to include teachers, university lecturers, civil servants, public bank employees, railway workers and others. Within days of the coup, more than 110 public hospitals and health departments in 50 townships had joined in. By some estimates as much as 90 per cent of Myanmar's public medical workforce joined the CDM, although many continued to provide medical care through private clinics. Sources told DFAT that, as of March 2022, up to 50 per cent of these workers had returned to work, while others had been arrested or gone into hiding. In May 2021, the Myanmar Teachers' Federation estimated 60 per cent of tertiary education workers and 27 per cent of primary and secondary teachers had gone on strike. Some have since returned to work, although pressure to continue with CDM remains high. In August 2021, the NUG's Union Minister of Planning and Finance, Tin Tun Naing, said more than 400,000 of Myanmar's 1 million civil servants had participated in CDM activities since the coup. In April 2022, Kyaw Zaw, a spokesperson for the NUG President's Office, told Radio Free Asia that many of those had since been arrested or forced to return to work, but around 200,000 remained on strike.

3.53 Immediately after the coup, the military regime issued warnings to CDM participants to return to work. When they refused, authorities resorted to coercion and violence. Civil servants were dismissed or suspended under the Civil Service Law on the grounds of 'negligence' or 'unauthorised absence'. CDM participants, including about 1,000 railway workers, were evicted from public housing. Civil servants who participated in CDM were publicly named in military-controlled media as being guilty of 'attempts to

deteriorate peace and stability of the State'. Hundreds of CDM participants have been arrested under Section 505(a) of the Penal Code and sentenced to up to three years in prison. Others have been beaten, tortured or killed by security forces. Sources told DFAT that authorities maintained lists of CDM participants, which they shared via social media apps such as Telegram. People exiting the country are checked against these lists and some have been detained (see [Exit and Entry Procedures](#)). Many CDM participants have gone into hiding or fled their homes, either to neighbouring countries, rural areas or areas controlled by ethnic armed organisations.

3.54 DFAT assesses that participants in the CDM are at high risk of official discrimination in the form of job losses, property seizures, threats and arbitrary arrest. They are at moderate risk of violence in the form of extrajudicial killings, beatings and torture in custody. Family members face similar risks of official discrimination and violence. For risks against civil servants and others who refuse to participate in CDM, see [Collaborators and Informants, Actual or Perceived](#).

## Defectors and Deserters

3.55 An unverified number of police and soldiers have defected or deserted from the Myanmar security forces since the coup. Estimates vary, but the NUG claims up to 3,000 soldiers and 6,000 police officers have abandoned their posts since February 2021. While most are from the enlisted and junior officer ranks, senior officers including lieutenant colonels have also defected. Many reportedly leave out of opposition to the coup or because they refuse to participate in the killing of unarmed civilians. Some join opposition armed groups or ethnic armed organisations (defectors) while others simply seek to evade the authorities and start a new life in ethnic armed organisation-controlled areas or overseas (deserters).

3.56 A number of organisations exist to facilitate defections/desertions, including People's Embrace, People's Soldiers and People's Goal. These organisations work through social media to crowdsource funding, encourage and vet defectors/deserters, and assist them to leave their post and travel to rebel-held areas. Once the defector/deserter is in a safe area, these organisations provide them with accommodation, food and, in some cases, money. Some then travel on to neighbouring countries or overseas. In March 2022, a *Sydney Morning Herald* article revealed former soldiers had been granted asylum in Australia. This news was subsequently reported in Myanmar media.

3.57 Leaving the military is difficult, as soldiers and their families often live on military bases, where their lives and finances are tightly controlled. The authorities maintain lists of deserters, who face three years in jail if caught. Testimony suggests they would just as likely be summarily executed, especially if they had defected to an opposition group or ethnic armed organisation, but DFAT is not aware of actual examples of this happening. Deserters and defectors may place family members who remain behind at risk of reprisals or being detained as hostages. In March 2022, Frontier Myanmar, an online newspaper, reported that a channel on Telegram, a social media platform, was offering bounties of AUD380-530 for the assassination of so-called 'watermelon' soldiers and police who criticised the regime. Dissident soldiers and police have also been subject to doxxing (the unauthorised release of private information) and online harassment.

3.58 DFAT assesses that defectors and deserters from the security forces face a high risk of official discrimination (in the form of arrest), societal discrimination (in the form of online harassment and doxxing), and violence (in the form of extrajudicial killings and executions), on the basis of their refusal to participate in illegal killings and opposition to the military regime. Family members of defectors/deserters face similar risks.

## Collaborators and Informants (Actual or Perceived)

3.59 Civilians who are perceived as collaborating with, or being informants for, the military regime have been targeted by bomb, arson and shooting attacks by PDFs. Ward administrators (low-ranking civilian officials who work for the regime) are particularly targeted, in part due to their role in identifying opponents of the regime. A source told DFAT an average of 160-200 ward administrators had been killed every month since September 2021. Many ward administrators have resigned as a result. Other targets include business owners who have dealings, or are perceived as having dealings, with the military, as well as members of the military-backed Union Solidarity and Development Party (USDP). In September 2021, the USDP estimated 253 of its members had been killed over the preceding seven-month period. Family members of regime supporters, including children as young as 12, have been deliberately killed during these attacks.

3.60 Anti-regime activists have targeted members of the military regime and their families with ‘social punishment’, a controversial tactic that can include online shaming and abuse, doxxing and fake pornography. Perceived regime sympathisers, such as civil servants who refuse to participate in the Civil Disobedience Movement, have also been targeted with social punishment.

3.61 Numerous sources told DFAT that business owners and others often found themselves ‘trapped’ between appeasing the regime and avoiding reprisals from the PDFs. There have been cases of civilians and their families being threatened or killed by opposition armed groups despite little or no evidence they were collaborating with the regime. For instance, in February 2022, Myint San, a 65-year-old anti-coup activist and charity worker, was shot dead in Sagaing by fighters from the Zero Guerilla Force. Following his death, 16 civil society organisations released a statement denying he was a government informant and calling on his killers to submit themselves for trial. The NUG has released a code of conduct for PDFs fighting the regime in order to reduce the risk of illegal killings and other breaches of human rights, though it is unclear how well this is enforced or understood by the different groups.

3.62 DFAT assesses that perceived collaborators and informants and their families are at moderate risk of societal discrimination in the form of ‘social punishment’ and moderate risk of violence in the form of death threats, extrajudicial killings and the bombing of schools and government offices. Ward administrators are at high risk of societal discrimination, threats and violence.

## GROUPS OF INTEREST

### International Organisations, NGOs and Civil Society

3.63 Myanmar’s ‘opening up’ in 2011-12 led to a flourishing of civil society and increased foreign donor support. Many of these gains were reversed by the February 2021 coup, due to foreign donors withdrawing and an increasingly restrictive local operating environment. Following the coup, some CSOs have aligned themselves with the protest movement, participated in demonstrations and provided support to the Civil Disobedience Movement; some have attempted to operate ‘under the radar’ of the regime; and some have ceased operations and/or fled the country. Several international agencies withdrew from Myanmar or removed international staff as an immediate response to the coup, including International IDEA and UNOPS, both of which relocated to Bangkok. Some have since returned.

3.64 CSOs in Myanmar are governed under the *Association Registration Law (2014)*, which provides a voluntary registration procedure for local and international NGOs without restrictions or criminal punishments for non-compliance. Following the coup, the regime made changes to registration requirements and tightened funding rules. CSOs with foreign funding sources (including international NGOs)

have fallen under suspicion, as have organisations suspected of funnelling money to armed opposition groups. Authorities have raided the offices of CSOs, seizing computers, documents and financial records. Open Society Myanmar, an NGO founded by billionaire George Soros, was raided in March 2021, and its finance manager, Phyu Pa Pa Thaw, arrested on suspicion of passing funds to opposition groups. In June 2021, Médecins Sans Frontières (MSF) was ordered by local authorities to cease operations in Dawei, Tanintharyi, where it supported 2,162 people living with HIV. Restrictions on cash withdrawals and the banking crisis, as well as a requirement to report all international transfers, have made the operating environment for CSOs extremely difficult.

3.65 The regime has targeted human rights defenders and other civil society actors for arbitrary detention, harassment and extrajudicial killings. In March 2021, Ah Khu, director of the civil society group Women for Justice, was shot dead by regime forces during a protest in Kale Township, Sagaing Region. The following month, Thin Thin Aung, co-founder of Women for Justice and a leading member of the Women's League of Burma, was arrested in Yangon. In January 2022, Pu Tui Dim, a member of the Chin Human Rights Organisation, was arrested while visiting his home village in north-western Chin State. Two days later, his body was found along with those of nine other villagers. Their hands were bound and their throats slit. Sources told DFAT that humanitarian and development service providers working in 'non-controversial' sectors were less likely to be targeted by the regime. Nevertheless, humanitarian workers have been killed by security forces. In December 2021, two local employees of Save the Children were forced from their cars and murdered in Kayah State, as part of a massacre of 35 civilians by soldiers. In July 2022, the military regime executed four men involved in anti-coup activities, including two prominent pro-democracy activists (see [Death Penalty](#)).

3.66 DFAT assesses local NGO workers, human rights defenders and civil society actors face a high risk of official discrimination and a high risk of violence, including arbitrary detention, harassment and extrajudicial killings, especially where they work on 'controversial' topics including human rights, peace-building and women's rights. Civil society actors who criticise the regime face similar risks to other members of the [political opposition](#).

## Journalists and Media

3.67 Freedom of the press was limited in Myanmar before the 2021 coup, but since the coup it has worsened dramatically, to the point it is difficult to source accurate, unbiased and independent reporting about current events in Myanmar. In 2022, Myanmar ranked 176 out of 180 countries in the 2022 World Press Freedom Index, down 36 places from its ranking of 140 in 2021. Reporters Without Borders, which publishes the index, says Myanmar is now the second biggest jailer of journalists worldwide, after China. At least three journalists were killed in December 2021 and January 2022, two of them while in custody.

3.68 Under Chapter VIII, Article 354(a) of the 2008 Constitution, Myanmar citizens have the right 'to express and publish freely their convictions and opinions', where such expression is not 'contrary to the laws, enacted for Union security, prevalence of law and order, community peace and tranquility or public order and morality'. In reality, this right has been routinely trampled, not only by the current military regime, but also by previous, elected governments. Following Myanmar's 'opening up' in 2011-12, the government relaxed its previously draconian censorship policies, allowing a flourishing of new media outlets and a greatly expanded range of topics they could report on. Increasing rates of mobile phone ownership and internet connectivity led to strong growth in online media, supplementing traditionally popular TV, radio and newspapers. Nevertheless, certain topics remained taboo, especially criticism of the military, the ruling NLD party and Aung San Suu Kyi. In a widely-reported case, two Reuters journalists, Wa Lone and Kyaw Soe Oo, were convicted in September 2018 under the *Official Secrets Act (1923)* and sentenced to seven years' imprisonment for their investigation of a 2017 massacre of Rohingya in northern Rakhine State.

3.69 Following the coup, the regime moved to silence dissenting voices, including by closing media outlets and arresting journalists. On 8 March 2021, the Ministry of Information revoked the licences of Myanmar Now, Democratic Voice of Burma, Mizzima and Khit Thit Media. They also revoked the licences of radio broadcasters and other outlets in regional areas. Authorities raided newsrooms and seized computers, documents and printers. Sources told DFAT that outlets aligned to the military and ‘legacy’ outlets established before 2011 were generally spared, while newer, more critical outlets were targeted. According to Reporters Without Borders, 67 journalists were imprisoned in Myanmar as of July 2022. Sources told DFAT bloggers and ‘citizen journalists’ who criticised the regime were also targeted. In January 2022, local media revealed the military regime was planning to introduce cybersecurity legislation that would ban the use of virtual private networks (VPNs), online privacy apps used by many people in Myanmar to evade state surveillance and access outside media. Sources told DFAT that police were already arresting people found with a VPN on their phone.

3.70 During anti-coup protests in 2021, journalists were intentionally targeted by soldiers and police. Sources told DFAT they heard police ordering subordinates to target journalists, who were beaten and arrested or followed by Special Branch police officers when they tried to flee. Several journalists have been killed by security forces since the coup. Soe Naing, a freelance photographer arrested while taking photos of a ‘silent protest’ in downtown Yangon in December 2021, was taken to a military interrogation centre in Yangon’s Eastern Botahtaung Township, and his family was later told he had died.

3.71 Following the coup, many journalists who were critical of the military regime went into hiding or fled to neighbouring countries. Sources told DFAT that journalists who remain in Myanmar often hid their profession from neighbours and family to avoid reprisals. Journalists who work for pro-military outlets are able to report on topics such as business, crime, sport and entertainment without undue interference, provided they self-censor and refrain from criticising the security forces or the military regime. Sources told DFAT independent journalists were sometimes ‘under pressure’ by the PDFs to publish positive news stories about the armed resistance, but DFAT is unaware of threats or violence being used to enforce this.

3.72 DFAT assesses journalists in Myanmar who are not aligned to the regime face a high risk of official discrimination in the form of censorship and harassment. Journalists who report on sensitive issues, especially criticism of security forces, face a high risk of arbitrary detention and a moderate risk of violence. People who post articles on social media criticising the military regime or expressing support for the opposition face a high risk of official discrimination and a moderate risk of violence. Social media is monitored closely by the authorities, and even minor online criticism is likely to cause trouble for the person posting it.

## Women

3.73 The experience of women in Myanmar varies with factors such as ethnicity, religion, socioeconomic status, and whether they live in an area affected by long-term conflict. Nevertheless, women across the spectrum of Myanmar society are affected by issues such as high rates of domestic and gender-based violence, low rates of economic participation, exclusion from decision-making and lack of state protection. All these issues have been exacerbated by the impacts of the coup.

3.74 Myanmar institutions are deeply patriarchal, and women are excluded from the Buddhist clergy and marginalised within government and the security forces. Notwithstanding the example of Aung San Suu Kyi, few women have risen to senior positions in Myanmar politics. Only around 10 per cent of the previous, elected parliament were women, and there is only one woman, Aye Nu Sein of the Arakan National Party, in the unelected State Administration Council. While women hold a significant minority of jobs in the public service, very few rise to senior positions. Women rarely hold positions of power at village, ward or district

levels, and are largely excluded from leadership positions within the Christian, Muslim and Hindu religions. There are very few female senior business leaders in Myanmar, and Myanmar has among the lowest rates of female participation in the formal economy in Southeast Asia. Women outnumber men in higher education, but gender disparities in educational attainment vary, including with geography and socioeconomic status: see [Education](#).

3.75 There are few legal protections for women in Myanmar, and those that exist are ineffective. Section 348 of the Constitution prohibits state discrimination against any Myanmar citizen on the basis of sex. Sections 349-351 prescribe equal pay and conditions for women doing the same work as men and equal rights for mothers and pregnant women. Section 352 prohibits discrimination on the basis of sex in the public service, although it also says 'nothing in this Section shall prevent appointment of men to the positions that are suitable for men only'. There is no law against rape within marriage, and progress on a draft law against gender-based violence, under development since 2012, stalled following the 2021 coup. The age of consent is 14. According to Section 375(4) of the Penal Code, a man who has sex with a girl younger than 14 is guilty of rape. Despite being illegal, child marriage occurs in Myanmar (see [Children](#)).

3.76 In some parts of the country, customary laws discriminate against women in matters such as sexual assault, divorce and property inheritance. Under the *Chin Special Division Act 1948*, divorced women are routinely denied custody of their children and access to shared property from the marriage. Rape in Chin State is often dealt with under customary law, and perpetrators have escaped punishment by apologising and paying a fine as small as AUD 7.50. Similar laws and practices exist in Kachin and Rakhine States, among others. DFAT is aware of recent cases in Rakhine State where individuals escaped charges for raping minors by marrying their victims.

3.77 According to the Myanmar Demographic and Health Survey 2015-16, one in five ever-married Myanmar women under the age of 49 experiences intimate partner violence in her lifetime. Data on gender-based violence (GBV) in Myanmar is scarce, and actual rates are likely to be higher. Anecdotal evidence suggests GBV worsened during the COVID-19 pandemic and following the 2021 coup, due to movement restrictions, depressed economic opportunities for women, an increase in male unemployment and an increase in security operations by the security forces. Many women do not report GBV or rape due to stigma and lack of faith in the authorities. The same 2015 survey found over 90 per cent of 15- to 19-year old girls who experienced physical or sexual violence did not seek help.

3.78 Sexual and reproductive health services in Myanmar are limited. Abortion is illegal in all circumstances except where it is medically necessary to save the mother's life. Dangerous, illegal abortions are a leading cause of maternal deaths in Myanmar. Access to contraception is limited, especially in rural areas. NGOs and public health services delivering sexual and reproductive health services to women have been negatively affected by COVID-19 and the coup.

3.79 Barriers to justice for survivors of GBV include a lack of relevant laws including restraining orders, police attitudes, and cultural attitudes which consider GBV a private matter rather than a criminal one. Some GBV support services exist, including shelters and women's organisations, which can assist survivors of GBV to pursue justice and leave abusive relationships. However, the availability of these services has deteriorated following the coup as many civil society groups that provided these services have had to flee the country or go underground, and funding for local services has dried up. There are fewer than 10 shelters in Yangon and, while organisations such as the Women's League of Burma run shelters throughout the country, there are not enough to meet demand. Sources told DFAT that survivors of GBV would not report it to the police without the support of a woman's organisation, and even then police often refused to investigate. Prior to the coup, the Department of Social Welfare offered some GBV support services, but sources told DFAT that following the coup women would no longer engage with this agency due to its association with the military regime.

3.80 The military has long been accused of gender-based violence and using rape as a weapon of war. Human Rights Watch reported ‘dozens or sometimes hundreds’ of cases of rape by Tatmadaw soldiers during the 2017 violence against the Rohingya in Rakhine State, and actual figures were likely much higher. In June 2021, the UN Special Representative on Sexual Violence in Conflict expressed grave concern over ‘patterns of sexual violence perpetrated by the military against women from ethnic and religious minority groups, as well as against individuals on the basis of their sexual orientation and gender identity’ including in Chin, Kayah and Rakhine States. Since 2017, Myanmar has been listed by the UN Secretary General as a party ‘credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in armed conflict’. Since the coup, local media have reported on soldiers committing sexual violence against civilians in conflict areas. For instance, in Chin State in November 2021, a 27-year-old woman and her pregnant 30-year-old sister-in-law were raped in their homes by soldiers following clashes between troops and local resistance forces. In the same month, a soldier from Light Infantry Battalion 336 raped a 62-year-old woman in Shan State. Soldiers who commit sexual violence are rarely prosecuted, and sources told DFAT a culture of ‘extreme impunity’ prevailed.

3.81 Reports suggest that since the coup, women who are detained by the security forces for opposing the regime are frequently subjected to sexualised threats and sexual harassment, and in some cases to sexual assault, rape and torture. DFAT is aware of credible allegations of extreme sexual torture of some female detainees, including gang rape, sexual mutilation and being hung naked from a tree. Sources told DFAT female political prisoners were particularly vulnerable while being held in military interrogation centres and while being moved between locations.

3.82 People trafficking, including the trafficking of women and girls, is a serious problem in Myanmar. While anti-trafficking laws exist and are enforced, the US Department of State lists Myanmar as a Tier 3 country in its annual Trafficking in Persons Report, indicating it is one of the countries ‘whose governments do not fully comply with the minimum standards and are not making significant efforts to do so’. Ethnic minority women in particular are targeted by traffickers, especially those living in conflict areas. In 2019, UN Women and Human Rights Watch reported traffickers luring or coercing Kachin women into China for forced marriages and sexual slavery. Rohingya women are also reportedly subject to trafficking, including to Malaysia for forced marriage to Rohingya men. There is evidence of government officials and law enforcement officers participating in, facilitating or profiting from human trafficking.

3.83 DFAT assesses that women in Myanmar are at moderate risk of societal discrimination and moderate risk of official discrimination in the form of inadequate state protection from gender-based violence. Female political prisoners are at high risk of sexual harassment and moderate risk of sexual violence and rape. Rohingya women in Rakhine State face high levels of official and societal discrimination on the basis of their gender. Women throughout Myanmar face a moderate risk of GBV, particularly domestic violence.

## Sexual Orientation and Gender Identity

3.84 Section 377 of the Myanmar Penal Code criminalises sex between men as ‘carnal intercourse against the order of nature’ and provides for penalties of up to 10 years in prison. Transgender people can also be prosecuted under Sections 35(c) and 35(d) of the Police Act, 1945, which criminalise a person ‘having his face covered or otherwise disguised’ or ‘being within the precincts of any dwelling-house... without being able to give a satisfactory account of himself’ on the grounds they have ‘disguised’ themselves as a member of the opposite sex. It is unclear how often people are charged under these laws, but they are enforced. A 2020 report by ILGA Asia, an LGBTI rights organisations, recorded more than 17 arrests in Mandalay under Section 377, and as many as 50 in other areas including Yangon over an unspecified period. Even when they do not lay charges, police reportedly threaten LGBTI people with these laws to extract bribes.

3.85 Myanmar society is deeply conservative and there is little space for openly expressing LGBTI identities. A 2020 survey by &PROUD and Colours Rainbow, two NGOs, showed that while a majority of people agreed that LGBTI people deserved equality and supported decriminalising LGBTI behaviours, more than half of respondents said they could not accept a child, sibling or politician who was LGBTI. Respondents were more likely to say they would accept a transgender man or woman than a gay man or lesbian woman. Nevertheless, sources told DFAT that trans women in particular were among the most vulnerable groups in Myanmar society due to their greater visibility.

3.86 Sources told DFAT that the Myanmar military was a homophobic institution, which saw homosexuality as evidence of ‘foreign corruption’ of Myanmar society. In 2019, a prominent monk mocked a gay librarian who took his own life after suffering homophobic bullying and called on his followers to ‘beat [LGBTI people] to death’. Another monk criticised foreign governments that legalised gay marriage, asking why they promoted the human rights of ‘useless people’. The political opposition is ostensibly more inclusive of LGBTI people, and in May 2021, the NUG announced Aung Myo Min, an openly gay man and LGBTI advocate, as Minister for Human Rights in its government-in-exile. Nevertheless, there were reports of LGBTI people being bullied by others in the anti-coup protest movement and within armed opposition groups.

3.87 LGBTI people who come out to their families often face rejection and violence. Bullying of LGBTI people is common in schools and universities, and many LGBTI people drop out of education as a result. Mental health issues are common among LGBTI people; according to a survey conducted by &PROUD, 42 per cent of LGBTI people in Myanmar had self-harmed, and 29 per cent had attempted suicide. LGBTI people reportedly experience discrimination in employment outside of traditionally ‘gay’ occupations including the beauty industry and fortune-telling. Sources told DFAT the experiences of LGBTI people in Myanmar were similar regardless of socioeconomic status or urban/rural divides, although wealthier LGBTI people were more likely to be able to leave abusive family situations, and living in a large city allowed a degree of anonymity impossible in rural villages. Many LGBTI people in Myanmar keep their identity and relationships secret to avoid discrimination and harassment.

3.88 LGBTI protestors were prominent in anti-coup protests in 2021 and were targeted for detention and violence during the subsequent crackdown. According to a June 2021 situation report by the NUG, 12 LGBTI people were killed and 73 arrested during anti-protest operations by the regime. Multiple sources told DFAT that LGBTI people in general, and trans women and ‘effeminate’ men in particular, faced severe and disproportionate mistreatment in detention, including torture and inhuman treatment, sexual violence and sexual harassment. In 2021, a trans woman protester reported being held by interrogators for 12 hours, during which time she was subjected to sexual violence including being raped with bottles and having her nipples burned with cigarettes. HIV-positive LGBTI people have reportedly been denied access to life-saving retroviral medicine while in custody.

3.89 DFAT assesses that LGBTI people in Myanmar are at moderate risk of official discrimination in the form of arrest or extortion by police. They are at moderate risk of societal discrimination in employment, healthcare and family life. They are at moderate risk of violence from peers or family members. LGBTI people involved in the political opposition are at high risk of violence and official discrimination on the basis of their sexual orientation and/or gender identity, in addition to their [political opinion](#).

## Children and Young People

3.90 The *Myanmar Child Rights Law, 2019* defines a child as anyone under the age of 18 and sets out the obligations of state and non-state actors to protect children and their rights, including against physical and sexual violence, recruitment in armed conflict, neglect, exploitation, abduction and arbitrary detention. Following the 2021 coup, work on the bylaws that would have implemented this law stalled and its

framework has not been used. Since the 2021 coup, there have been widespread reports of serious human rights abuses against children; in many cases, the state has been the perpetrator.


3.91 Even before the coup, the COVID-19 pandemic had a serious negative impact on children's education. All schools in Myanmar were closed from March 2020 to June 2021 and again from August to November 2021. When COVID restrictions were lifted, the Civil Disobedience Movement discouraged parents from sending their children to government schools and schoolteachers from going to work, while the economic crisis forced some children to drop out of education altogether to help support their families. An international NGO told DFAT in April 2022 that nationwide only 50 per cent of school-aged children were enrolled and only 40 per cent attending school, although there was considerable geographic variation. The coup has also greatly reduced the accessibility of public healthcare services, and UNICEF estimates the national childhood immunisation rate has dropped from 91 per cent before the coup to just 38 per cent afterwards.

3.92 Under the *Myanmar Child Rights Law, 2019*, the minimum age of marriage is 18. Nevertheless, child marriage occurs in Myanmar, particularly in rural areas. Sources told DFAT child marriage had become more common since the COVID-19 pandemic and the coup, especially in areas affected by conflict, including Chin, Kayin, Kayah and Rakhine States, as families sought security for young people out of work and education. Child marriage affects children of both sexes, although the negative impacts on education and economic empowerment are more likely to be felt by girls (see [Women](#)).

3.93 While the minimum legal working age is 14, child labour remains prevalent and has likely worsened since COVID-19 and the coup. Myanmar is a source country for children trafficked for forced labour, forced marriage and sexual exploitation, including to China, India and Thailand. The *Anti-Trafficking in Persons Law 2005* criminalises child trafficking, including for sexual exploitation and forced labour, as well as the recruitment of child soldiers and use of children for military non-combatant roles. Police actively investigate and prosecute cases of child trafficking. Nevertheless, Myanmar remains a Tier 3 country on the US Department of State's annual Trafficking in Persons Report, the worst rating, indicating it is one of the governments that 'do not fully comply with the minimum standards and are not making significant efforts to do so' (see also [Women](#)).

3.94 Many children and young people were involved in the anti-coup protests of 2021, both as bystanders and active participants. Children ranging in age from 9 months to 18 years were arbitrarily detained in the subsequent crackdown. In June 2022, the UN Special Rapporteur on the situation of human rights in Myanmar reported that at least 142 children had been killed and over 1,400 arbitrarily detained since the coup. Many have been held in Insein prison, an adult facility in Yangon with limited capacity for juveniles, in some cases alongside adults. There are widespread reports of children being held as hostages to coerce relatives into giving themselves up to authorities. A number of sources told DFAT that because large numbers of young people were involved in the protest movement and armed opposition, they were a specific focus of regime surveillance and repression. There are reports of authorities rounding up young people at random following PDF attacks, as well as online hate-speech directed at young people by pro-government social media users, describing them as 'GZ (Generation Z) terrorists' or 'Taliban GZ'. Young people in detention for political crimes are at risk of torture and sexual violence (see also [Political opinion](#)).

3.95 The UN Country Task Force on Monitoring and Reporting (CTFMR), a UN body mandated to monitor and report on grave violations committed against children in times of armed conflict, reported multiple grave violations against children in Myanmar in its June 2022 report, including 382 instances of the killing and maiming of children, 142 cases of torture against children, 61 cases of children detained as hostages, and 260 attacks against schools and education personnel. There are well-documented reports of the forcible use by the military of children in dangerous roles such as human shields and human mine detectors, before and after the coup, as well as instances of the recruitment of child soldiers and use of children in non-



combatant support roles by ethnic armed organisations. There are also reports of the children and wives of military soldiers being forced to undergo military training. Children have been killed and maimed by PDF attacks on regime officials and supporters, including deliberately (see [Political Opinion](#)).

3.96 DFAT assesses young people, including teenagers, face a moderate risk of official discrimination and a low risk of societal discrimination on the basis of their age and presumed association with the resistance movement, regardless of their actual involvement. Children of opponents of the regime face a high risk of official harassment and arbitrary detention, including as hostages, but this is generally on the basis of their parents' political affiliation, rather than their age alone (see also [Political Opinion](#)).

## 4. COMPLEMENTARY PROTECTION CLAIMS

### ARBITRARY DEPRIVATION OF LIFE

#### Extrajudicial Killings

4.1 There are widespread reports of extrajudicial killings being carried out by security forces in Myanmar. Before the coup these were concentrated in areas of active conflict. The UN's Independent International Fact-Finding Mission on Myanmar reported extrajudicial killings in 2016 and 2017 in Kachin, Shan and Rakhine States. It described killings in the context of military operations, forced labour, deaths in custody and targeted killings of individuals who shared the ethnicity of ethnic armed organisations. Since the coup, extrajudicial killings have been reported throughout the country. As of May 2022, the AAPP listed more than 1,800 killings carried out by security forces since the coup, including of unarmed protesters (see also [Protests and Civil Unrest](#)), medical personnel, participants in the [Civil Disobedience Movement](#), and civilians in conflict zones, especially those suspected of harbouring or supporting militants.

4.2 Since the coup, ethnic armed organisations and PDFs have carried out extrajudicial killings in the form of targeted assassinations of regime officials, USDP members and supporters of the military regime, as well as their family members. They have also killed perceived collaborators and informants, sometimes despite flimsy or no evidence they were actually cooperating with the regime (see [Collaborators and Informants](#)).

#### Enforced or Involuntary Disappearances

4.3 Enforced disappearances occurred in Myanmar before the coup, especially in Rakhine State and other conflict-affected areas, where they were primarily carried out by security forces, but also by ethnic armed organisations and criminal gangs. Since the coup, enforced disappearances have massively increased and spread throughout the country. In August 2021, the AAPP released a statement claiming 82 per cent of political prisoners in Myanmar, or around 5,000 people, were held in unknown locations. This number has likely increased. Sources told DFAT that soldiers worked with police and local officials to arrest and detain NLD officials and individuals suspected of involvement with protests, the Civil Disobedience Movement, ethnic armed organisations and the PDFs, often on flimsy or no evidence. Family members are often not informed when people are arrested, and often have no idea of their whereabouts or whether they are dead or alive until they are released, found dead, or appear for trial. Young people, especially men and boys, are reportedly targeted for enforced disappearance, but people of any age are at risk. People who have been forcibly disappeared have been subject to [torture](#) and [extrajudicial killings](#).

## Deaths in Custody

4.4 The UN High Commissioner for Human Rights reported in March 2022 that around 325 people had died in custody since the coup. The AAPP says most died under torture within 24 hours of arrest, while others died later in prison due to lack of medical treatment. In March 2021, Khin Maung Latt, a 58-year-old ward chair for the National League for Democracy (NLD), died in custody after being arrested in his home in Yangon. Deaths have also taken place following the detention of civilians in conflict areas. In August 2021, villagers in Kani Township, Sagaing, found the bodies of 12 villagers who had previously been arrested by security forces, including a 14-year-old boy. The bodies showed signs of torture. In the same month, another 28 bodies were found in the same area under similar circumstances.

## DEATH PENALTY

4.5 The death penalty is a legal punishment in Myanmar. On 23 July 2022, the military regime executed four men, including two prominent pro-democracy activists and two men convicted of killing a woman alleged to be a regime informant. These were the first judicial executions in Myanmar since 1976. Courts continue to impose the death penalty under Article 368 of the Code of Criminal Procedure (1898), and more recently under Martial Law Order 3/2021, which allows civilians to be tried by military courts for a wide range of offences, including those that attract the death penalty. A mandatory death sentence is imposed for murder, drug trafficking and drug possession. Criminals who receive the death penalty from district courts can appeal their sentences in higher courts. Despite mandatory sentencing, before the February 2021 coup, death sentences were fairly rare, and fewer than 10 per year were handed down between 2017 and 2020. That figure jumped following the coup, and the regime sentenced 117 people to death between February 2021 and July 2022. Of that number, human rights organisations have found that 41 were convicted in absentia, at least two were teenagers at the time of the alleged offence, and one man reportedly had a severe mental disability.

## TORTURE

4.6 There are widespread, credible reports of the use of physical and psychological torture by Myanmar security forces, including beatings, stress positions, burning, mutilation, electric shocks, mock executions, rape and other forms of sexual violence, sleep deprivation, and denial of food, water and medicine. Other types of mistreatment include threats and verbal abuse, being made to strip naked, and being forced to drink from a toilet bowl. Before the coup, torture was more common in areas affected by ethnic conflict. The Special Rapporteur on the Situation of Human Rights in Myanmar reported in March 2021 that torture and ill-treatment had been documented in the 'overwhelming majority of cases of arbitrary detention' in Rakhine and Chin State. Since the coup, torture has been reported throughout the country, especially against political prisoners and suspected members of PDFs and ethnic armed groups. Torture is common in places of detention, in particular military interrogation centres, but also prisons, police stations and military bases. Bodies of people who have been forcibly disappeared often show signs of torture.

4.7 Myanmar is not signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and torture is not criminalised as a separate or special offence. Torture is encouraged by a culture of almost-total impunity for security forces. DFAT is unaware of cases of torture carried out by PDFs or ethnic armed organisations, but there are reports of other abuses by these groups, including extrajudicial killings.

## Arbitrary Arrest and Detention

4.8 According to the AAPP, over 10,000 people have been arrested, charged or sentenced for political crimes since the coup, most under Section 505 of the Criminal Code, which criminalises expression intended to incite mutiny or 'cause fear' (see [Political Opinion](#)). Many are held for weeks or even months before they are charged. Most detainees cannot afford legal representation, and while some lawyers will take clients *pro bono*, there are not enough lawyers to meet demand. Authorities interfere in the ability of lawyers to defend their clients, and most accused only see their lawyer in court, on the day of their trial. There are widespread reports of [torture and mistreatment](#) of political detainees, especially in military interrogation centres. If security forces are unable to locate a person of interest, they often detain family members in their place, including the elderly and very young children, to coerce the person into giving themselves up.

## 5. OTHER CONSIDERATIONS

### STATE PROTECTION

#### Military

5.1 The Myanmar military consists of three branches: army, navy and air force. The dominant national institution since independence, it has staged several coups since 1962 and ruled the country for much of that time. According to the Global Firepower Index 2021, Myanmar has the fourth largest military in Southeast Asia, with an estimated 450,000 active duty personnel, although unit strengths are likely to be much less than claimed due to historically low levels of recruitment, disease, desertions, deaths in combat, resignations and retirements. The military budget in 2020 was USD 2.26 billion, around 3 per cent of GDP. Myanmar's military is led by the Commander-in-Chief of Defence Services, currently Senior General Min Aung Hlaing, who also chairs the State Administration Council and has claimed the role of Prime Minister since the February 2021 coup.

5.2 Sources familiar with the Myanmar military told DFAT it lacked professionalism at an institutional level, as demonstrated by its unrestrained use of violence against civilians. Before and since the 2021 coup, soldiers have been accused of human rights abuses including extrajudicial killings, torture, rape and other forms of sexual violence, arson, indiscriminate shelling and aerial attacks, and laying landmines in civilian areas. An OHCHR report in September 2020 detailed severe human rights abuses by the military against civilians in Rakhine, Chin and Shan States. In March 2022, the US Government declared that violence committed against the [Rohingya](#) minority by the military amounted to genocide and crimes against humanity.

5.3 The 2021 coup has greatly lowered the military's prestige and morale. As a result it has struggled to meet recruiting targets for officers and enlisted soldiers. Applications for the National Defence College dropped from 2,500-4,000 per year before the coup to just 450 after. Standards have reportedly been lowered to encourage more recruits. Increasing numbers of soldiers have [deserted or defected](#). The NUG claims up to 3,000 soldiers have defected since the coup. Others have fled the country. In 2022, the military lifted the maximum sentence for desertion from two to five years.

5.4 A law allowing for conscription in cases of national emergency was enacted in 2010, but never enforced. In February 2022, Senior General Min Aung Hlaing said the military regime planned to implement conscription under the *People's Military Service Law 2010*, which would require men and women to do up to three years of compulsory military service. As of October 2022, DFAT was not aware of conscription being officially implemented in Myanmar. In the past, the military has been accused of recruiting [children](#) as soldiers, and it continues to face accusations of using civilians including children in non-combat support roles.

5.5 Given the role of the military in Myanmar's government, military personnel have generally enjoyed impunity for alleged human rights violations. There have been a handful of convictions for human rights abuses in military courts in recent years, but these have involved junior officers and resulted in short

sentences. In April 2018, seven soldiers were sentenced to 10 years imprisonment with hard labour for their involvement in the Inn Din massacre in Rakhine State in 2017. They were released after less than a year. No military personnel have been held officially accountable by the regime for human rights abuses committed since the February 2021 coup.

## Police

5.6 The Myanmar Police Force is officially responsible for law enforcement outside conflict areas and within the areas under the central authorities' control, although it sometimes operates in conflict areas alongside the military. Responsible to the Ministry of Interior, it has about 100,000 personnel, divided military-style into 'commissioned' officers and frontline 'enlisted' ranks. States and divisions have their own police forces, and various departments carry out specialty functions such as Special Branch, Railways Police, and so forth. A 2018 UNODC report found only 8 per cent of the Myanmar Police Force were women, which impairs its ability to respond to [gender-based violence](#).

5.7 While 'officers' have higher levels of education and are reportedly relatively capable standards, overall police in Myanmar are poorly trained and equipped. Police at all levels are poorly paid, although they may receive other benefits such as accommodation and meals. Operational budgets are inadequate, and police commanders are sometimes forced to pay for their unit's food and equipment from their own pockets. Record-keeping and other systems are outdated and inadequate, especially in regional and rural areas. There is no nationwide database of offenders, and a source told DFAT it would be relatively easy for an offender to move between jurisdictions to escape arrest.

5.8 Since the coup, the Myanmar Police Force has become increasingly militarised. In March 2022, the military regime enacted the Myanmar Police Law, placing police under direct control of the Myanmar military and requiring them to 'participate in matters related to security and the national defence'. One source familiar with the Myanmar Police Force told DFAT around 5,000 soldiers had been 'turned into' police following the coup. Frontier Myanmar, an online newspaper, has documented evidence of soldiers carrying out killings and other human rights violations against protestors while 'posing' as police. These 'fake' police were armed with military weapons and could be distinguished by their non-standard uniforms and military-style jungle boots. A source told DFAT that many police units had been equipped with military weapons following the coup. Like the military, Myanmar Police Force's public reputation and morale have been badly affected by the coup. Recruitment has fallen sharply, and as much as 10 per cent of the police force is thought to have deserted or defected since the military seized power in February 2021.

5.9 The Myanmar Police Force has been accused of widespread human rights violations, including beatings, extrajudicial killings, torture, sexual abuse and arbitrary detention. Sources told DFAT they had witnessed police beating and verbally abusing [protestors](#) and [journalists](#) before arresting them.

## Judiciary

5.10 Civilian courts in Myanmar are organised into four levels: the Supreme Court of the Union; State and Region High Courts; District Courts and Courts of Self-Administered Divisions and Zones; and Township Courts. The Constitution provides for courts-martial (military courts) to adjudicate cases involving the military personnel independently. At the state and regional level, civil matters are often managed by the bureaucracy rather than the judiciary. Criminal cases can be tried by village magistrates or escalated to state or federal courts. Customary and traditional dispute resolution systems operate in some parts of the country for some types of crime. [Women](#) especially often experience unjust outcomes under these systems.

5.11 On 15 March 2021, the military regime issued Martial Law Order 3/2021, allowing for the trial of civilians in specially-established military tribunals for a wide range of offences committed in parts of the country where martial law applies (currently 11 townships in Yangon and Mandalay). These tribunals are headed by a military Judge Advocate General and have the power to impose the death penalty for crimes where it might otherwise not apply. They sometimes sentence people in absentia, including to death. Expert sources told DFAT that trials held by the military tribunals were summary and that defendants had no right to legal representation or right of appeal (besides to the Commander in Chief of the Armed Forces).

5.12 Myanmar's judicial system is highly politicised, and judges are typically not independent or impartial, a situation that has become particularly acute since the coup. Trust in the judiciary is very low and victims of crime often do not pursue legal action. Corruption is an ongoing problem; Transparency International reported in 2020 that 27 per cent of Myanmar people who had dealt with the courts had paid bribes. Following the coup, the military regime replaced many judges with links to the NLD with judges loyal to the regime, despite these removals being contrary to the constitution. Immediately following the coup, many courts were closed, as judges, officials and township administration officers participated in the Civil Disobedience Movement. Some have since returned to work or been replaced by individuals loyal to the regime. There are reports of lawyers representing NLD members and anti-coup activists being arbitrarily detained. The trial of Aung San Suu Kyi is illustrative of the politicisation of the judiciary and the regime's use of the law to oppress its opponents. Initially, Aung San Suu Kyi was charged with illegally importing walkie-talkies. Later, she was charged with breaking the Official Secrets Act and accepting AUD 830,000 in bribes, charges her legal team said were 'bogus and politically motivated'. She was held in a secret location with only sporadic access to her legal team, and her hearings took place in closed sessions, making it impossible to guarantee her a fair trial. In April 2022, she was sentenced to five years in prison in the first of 11 cases of corruption against her. She is now serving this sentence in solitary confinement in Nay Pyi Taw Prison.

5.13 In May 2021, the military regime amended the *Legal Aid Law* (2016), greatly reducing the ability of the poor to access legal aid, removing the right to legal aid during pre-trial detention (when most abuses occur) and denying legal aid to stateless persons, asylum seekers, foreigners and migrant workers. Detainees are often unaware of what charges have been laid against them until they appear in court.

5.14 The Constitution contains protections against double jeopardy. Section 374 of the Constitution states, 'Any person convicted or acquitted by a competent court for an offence shall not be retried unless a superior court annuls the judgment and orders the retrial'. A similar provision can be found in Section 6 of the *Union Judiciary Law* (2010).

## Detention and Prison

5.15 In 2020, the US Department of State reported there were 48 known prisons and 50 known labour camps in Myanmar. In October 2020, Associated Press reported that since the coup the military had transformed many public facilities, such as community halls, into interrogation centres. These were used to house large numbers of people who were rounded up following anti-coup protests, and who were then interrogated before being transferred to long-term detention facilities. Once detained, prisoners may be held on remand for weeks or months before they are put on trial or even made aware of their charges. Pre-trial detainees are often held with convicted prisoners, and political prisoners with common prisoners. Women are generally held in separate facilities but are almost always arrested and interrogated by men. Children are considered 'juvenile trainees' and may be held separately, but otherwise their treatment differs little from adults.

5.16 Prior to 2020, the International Committee of the Red Cross (ICRC) was permitted to undertake visits to detention facilities, but since the COVID-19 pandemic all outside visits have been denied on public health

grounds. Local sources describe the conditions in both prisons and labour camps as harsh and overcrowded. Since the coup, the Insein Central Prison, the largest in Myanmar, has reportedly been holding up to three times its capacity of 10,000 prisoners. Generally prisoners have poor access to medicine and health services, and there are reports of deaths in custody due to prisoners being denied access to life-saving treatment. Corruption is reported to be prevalent in both prisons and labour camps, with inmates bribing guards to receive water, clothing, and other necessities, or to be granted positions of authority to supervise other inmates.

## INTERNAL RELOCATION

5.17 Article 355 of the Constitution protects the right of citizens ‘to settle and reside in any place within the Union of Myanmar according to law’. Nevertheless, people in Myanmar face a variety of restrictions to their freedom of movement. In the past, these primarily applied to areas with active conflicts, for instance Rakhine State, but now much of the country is impacted by movement restrictions of various kinds. Authorities imposed repeated lockdowns across the country following the outbreak of the COVID-19 pandemic in 2020. Following the 2021 coup, authorities increased the number of security checkpoints in cities and on major roads. In February 2021, the military regime amended the *Ward or Village Tract Administration Law* (2012) to require people to report all overnight guests to their homes, a requirement that was previously removed in 2016. Failure to comply can attract a fine or imprisonment.

5.18 People attempting to relocate within Myanmar face a range of barriers depending on their personal circumstances. Some members of minority ethnic groups do not speak Burmese, which can make relocation to Burmese-speaking areas difficult. Relocation is also challenging for people without significant financial resources or existing networks of family and friends in the location they are moving to. Single women often find it particularly difficult to relocate, in part due to a lack of employment opportunities, especially since the economic crisis brought on by the coup and COVID-19. Since the coup, large numbers of people have fled to areas controlled by ethnic armed organisations to escape arrest for anti-regime activities including protests and participation in the Civil Disobedience Movement. This has led to increased conflict between ethnic armed organisations and the Myanmar military in these areas (see [Security Situation](#)).

## TREATMENT OF RETURNEES

### Exit and Entry Procedures

5.19 Myanmar has three international airports: in Yangon, Mandalay and Nay Pyi Taw. Since the COVID-19 pandemic, international flights have only operated into and out of Yangon. Check-in and immigration procedures for Myanmar passport-holders are similar to standard international practices, but since the 2021 coup, travellers are scrutinised by security forces prior to leaving the country. Airport staff review booking details and check the name in the passport against the name on the reservation. Customs and immigration staff vet baggage, and immigration staff check that the passport photograph matches the bearer and scan the passport. Sources told DFAT that before clearing customs, departing travellers were subject to a ‘military check’ that compared their details against a list of people wanted by the regime. DFAT is aware of people being denied permission to leave the country and taken into custody following these checks.

5.20 Travel to or from Myanmar by land is restricted to a limited number of official border crossing points in Thailand, Laos, China and India. Land crossings into Myanmar have mostly been closed since the beginning of the COVID-19 pandemic, although border crossings with China and Thailand have periodically reopened.

There are also lengthy stretches of unmonitored border areas where unofficial land crossings occur. Many thousands of people have crossed these borders unofficially since the 2021 coup, mostly into Thailand, but also into India and occasionally China. Since the August 2017 violence in Rakhine State, Rohingya migrants have undertaken irregular maritime movements from Rakhine State to Thailand and Malaysia.

5.21 DFAT assesses that it would be difficult (but not impossible) for a person wanted by the authorities to safely leave the country by air, depending on their profile and documentation. It would be relatively easy for such a person to cross undetected into neighbouring countries via land, although they would have to evade internal checkpoints and possibly make an arduous journey through difficult terrain.

## Conditions for Returnees

5.22 Myanmar's Ministry of Labour, Immigration and Population is responsible for interviewing returnees, with the exception of Rohingya returnees, who are managed by the Ministry of Social Welfare, Relief and Resettlement. The International Organisation for Migration (IOM) provides a range of services for returnees, including assistance with quarantine requirements, legal assistance, training courses, and help to access schooling and health services. About 40-60 per cent of returnees are able to access these services. Following the coup, an estimated 100,000 people fled overland to Thailand from Myanmar. Of this number, about 60,000 are thought to have returned. Before the coup, refugees from Thailand (primarily Karen) could return to Myanmar via a formal assisted voluntary returns process, undergoing 'national verification', which could take up to a year, before being issued a CSC (see [National Identity Cards](#)) which allows them to exercise rights and access services in Myanmar. Sources told DFAT no one had returned from Thailand under this scheme since the coup and there was little interest from anyone in doing so.

5.23 DFAT is aware of migrants being returned to Myanmar since the 2021 coup, primarily from neighbouring countries. Three days after the military coup, Malaysia accepted an offer by the military regime to return 1,086 people to Myanmar on three navy ships, despite a Malaysian court order they be allowed to remain in Malaysia. Malaysia claimed all those who returned did so voluntarily and none of them were asylum seekers. DFAT understands these returnees were required to quarantine in Yangon before being returned to their communities. Returnees to Myanmar who departed the country illegally are technically subject to up to five years' imprisonment for having illegally crossed a border; in 2020 the government announced it would enforce this law as part of measures to prevent the spread of COVID-19.

5.24 In November 2017, the governments of Myanmar and Bangladesh signed an 'Agreement of Return of Displaced Persons from Rakhine State'. According to the agreement, Myanmar will receive former residents of Rakhine State who left for Bangladesh after the violent attacks of October 2016 and August 2017, if they can prove their former residency of Rakhine State. Myanmar and Bangladesh agreed to commence the repatriation of displaced Rohingya in January 2018 and to complete the process within two years. A May 2021 article in *The Global New Light of Myanmar*, a regime-controlled newspaper, claimed 790 Rohingya had returned to Myanmar from Bangladesh 'on their own' since the agreement was signed. Large-scale repatriation of Rohingya from Bangladesh remains a distant prospect.

5.25 DFAT assesses that, given the high level of scrutiny of people arriving and departing the country, and the severe consequences for anyone suspected of opposing or criticising the regime or having links to Western countries (see [Political Opinion](#)), a failed asylum seeker returning from Australia would be at high risk of official harassment, arbitrary detention and violence, regardless of why they originally left Myanmar.

## DOCUMENTATION

5.26 Myanmar authorities issue a wide variety of identity and other official documents, including birth and death certificates, national identification cards, household registers and passports. The specific documents a person holds may depend on their class of citizenship (full, naturalised or associate, see [Race/Nationality](#)), as well as their capacity to negotiate Myanmar's complicated, inefficient and frequently corrupt bureaucracy. Since the coup, large numbers of people have had to flee their homes, often carrying limited documentation. PDF attacks on ward administration offices, office closures and a general reluctance to interact with representatives of the regime mean many people have been unwilling or unable to apply for new documents or renew existing ones since the coup.

### Birth and Death Certificates

5.27 The *Ward or Village Tract Administration Law* requires all births and deaths to be registered with ward or village tract administrators. The punishment for non-compliance is a maximum seven days' imprisonment or MMK 5,000 (approximately AUD 5).

5.28 Birth certificates provide citizens with access to social, education and health services. Citizens without birth certificates may be denied higher education and job opportunities. In 2014 and 2015, the government conducted nationwide campaigns to raise awareness about the procedures of birth registration, and in 2017, less than 20 per cent of children below the age of five were reported to be unregistered. While most children in urban areas are registered, few children in remote areas have a birth certificate. Children in Rakhine State are most likely to be unregistered, and Rohingya children in particular face difficulties in obtaining birth certificates (see [Rohingya](#)). Deaths are reportedly under-registered, particularly in rural areas, where remoteness and lack of transport limit access to registration facilities.

### National Identity Cards

5.29 Since Myanmar's independence, a variety of identity cards have been issued under different laws:

- **National Registration Card (NRC):** Often referred to as the 'three-folding card', NRCs were issued under the *1949 Registration of Residents Act* from 1949 to 1989. NRCs offer full access to citizenship rights and do not record ethnicity or religion. They were later replaced by CSCs. In 2017, the government launched a pilot project to replace paper-based NRCs with an electronic card in Nay Pyi Taw, Mandalay and Yangon regions, and Rakhine State. Rohingya and Rakhine Muslims who surrendered their NRCs as part of the citizenship scrutiny process in the early 1990s did not receive CSCs in return.
- **Temporary Registration Card (TRC):** Known as the 'white card', the TRC was intended as a temporary replacement for people whose NRC was lost or damaged. However, from 1995 Myanmar authorities began issuing TRCs to Rohingya and other minorities not officially recognised in the eight national races of the *Burma Citizenship Act of 1982*, supposedly while their citizenship status was being determined. TRCs were revoked in 2015, and replaced with a **Temporary Approval Card (TAC)** or 'white card receipt'. The TAC's legal basis is unclear, and it does not confer any citizenship rights.
- **Citizenship Scrutiny Card (CSC):** Introduced under the *Burma Citizenship Act of 1982*, CSCs were issued in accordance with the three categories of citizenship: full ('pink card'), associate ('green

card’) and naturalised (‘blue card’). CSCs include ethnicity and religion information. Very few CSCs have been issued to Rohingya. See [Race/Nationality](#).

- **National Verification Card (NVC):** Previously known as Identity Cards for National Verification (ICNVs), NVCs (‘turquoise card’) have been issued since 2016 to people undergoing citizenship verification, but are not considered an identity document or proof of citizenship. The NVC does not include ethnicity or religion information. UNHCR have reported that although many [Hindus](#) are eligible for naturalised CSCs, many remain undocumented, and those who are documented are generally required by the government to obtain an NVC. Biometric data has been collected with the issuance of NVCs since October 2017. NVCs have been issued in Rakhine State by the Immigration and National Registration Department, accompanied by security forces. This has largely been implemented through a door-to-door process, as many Muslims remain reluctant to approach authorities directly and apply for the card. Many Rohingya continue to be unwilling to engage in the NVC process, due to a deep distrust of the government. DFAT is aware of reports of individuals who did not voluntarily participate in the process being issued NVCs (see [Rohingya, Citizenship](#)).

## Household Lists

5.30 Under the *Ward or Village Tract Administration Law*, Village and Ward Tract Administrators throughout Myanmar are required to compile and register births and deaths and move people on and off household lists. As such, households are required to report any changes, including relocations and marriages, to Township Administration Offices. The types of documentation and the amounts of money required for this process vary across different jurisdictions. For example, Amnesty International reported in 2017 that transferring individuals from one household list to another in Rakhine State required a copy of the existing household list, a marriage certificate, a copy of their identity card, and a letter of recommendation from the ward or village authority. Households are also required to present a copy of their list to authorities upon request. Household lists are issued and updated by the Ministry of Immigration and Population and the Ministry of Home Affairs.

5.31 Household registration is required for the issuance of identity documentation, school enrolment (particularly at secondary and tertiary levels), accessing services (including health, electricity and water), marriage and travel permission. Since the expiration of TRCs (see [Rohingya, National Identity Cards](#)) in 2015, household lists have been the only form of identification for many Rohingya.

5.32 In 2017, Amnesty International reported cases of residents in Rakhine State who were absent without permission during the annual checks being removed from their household lists. It also reported that people who return from abroad after being deleted from their household list risk arrest and conviction for immigration offences. Bribes are reportedly used to prevent deletions from household lists; however, the costs are high by local standards. In central Rakhine, some household lists have reportedly not been updated since the 2012 violence (see also [Rohingya](#) and [Birth and Death Certificates](#)).

5.33 If a person is found unregistered, the penalty is a maximum of seven days’ detention, during which time the person must prove they belong to a household and be registered on their household list by the head of the household. The 2018 UN Fact-Finding Mission concluded that most Rohingya who departed Myanmar following security operations were unlikely to have documentation proving former residency. In February 2021, the military regime amended the *Ward or Village Tract Administration Law*, reinstating the requirement to report all overnight guests, a move criticised by Human Rights Watch as interfering with the right to privacy and enabling arbitrary arrest and detention.

## Passports

5.34 Myanmar introduced machine-readable ‘e-passports’ in 2015. These store personal and biometric information on an embedded smart-card chip. There are 17 passport issuing centres across the country, at least one in every state and region. To obtain a passport, citizens need to present their CSC, parent’s CSC and household registration, and fill out an application at the issuing centre. The applicant must attend in person, where they have an official photo taken. Offices usually specify 10-15 working days for processing, however timeframes vary depending on the office. Bribes are reportedly often required to obtain, and expedite, passports (see [Prevalence of Fraud](#)).

5.35 People of non-Bamar ethnicity frequently report racist treatment at the hands of passport officials, including being required to queue separately, being subject to additional scrutiny and being solicited for additional bribes (see also [People of South Asian descent](#)). In May 2022, local media reported the regime was refusing to issue passports to [CDM participants](#) including civil servants, and that names of these participants had been circulated to passport offices. In June 2021, the military regime sent notes to foreign governments including Australia announcing the cancellation of dozens of passports belonging to members of the National Unity Government and other opponents of the regime.

## PREVALENCE OF FRAUD

5.36 Document fraud is highly prevalent in Myanmar. Fraud can take the form of fake documentation, or genuine documentation provided on the basis of fraudulent information. The prevalence of corruption in Myanmar means that fake identity documentation can be purchased with relative ease, and identity feeder documents including birth, marriage and divorce certificates; household registration lists; and NRCs, CSCs and NVCs, are all subject to significant fraud. While passports have more sophisticated security features, it is possible to obtain a genuine passport using a fake national identity card. DFAT does not have any information about the treatment by authorities of those determined to have fraudulent documents.