

# Myanmar's human rights challenges for 2025

10 December 2024

International Human Rights Day on 10 December is an opportunity to examine which rights may be at risk in Myanmar in 2025. The evolving dynamics of military oppression, the challenges facing any desired transition, the crackdown on civic space, the precarious position of exiled civil society, and the role of the ICC all hold profound implications for the protection and realisation of fundamental rights.

## Transitional challenges for NUG and ethnic groups

As the military loses territorial control, the National Unity Government (NUG), People's Defence Forces (PDFs), and ethnic armed organisations (EAOs) are stepping into the vacuum to govern civilian populations under extraordinarily difficult circumstances. This will be an unprecedented opportunity to protect human rights, including self-determination and participation in public affairs (ICCPR Arts. 1, 25), and opposition groups are well-placed to learn lessons about the risks faced by other transitional countries:

**Militarised civil administration:** Transitional groups may unintentionally embed coercive practices into civilian governance, threatening freedoms of expression, assembly, association, life, and freedom from torture (ICCPR Arts. 19, 21, 22, 6, 7). In South Sudan, transitional authorities administering civilian areas relied on violent coercion to enforce rules.

**Fragmented rule systems:** Competing rules, including from national laws, military and martial laws, EAO and PDF rules, and NUG policies, may create legal confusion and inequality, undermining the right to fair trial and equality before the law (ICCPR Arts. 14, 26). In Somalia, overlapping legal systems allowed individuals to manipulate the law for political gain.

**Winner's impunity:** The urgency of addressing past injustices may lead to challenges in ensuring accountability for wrongs committed by members of transitional groups, threatening the right to remedy (ICCPR Art. 2). In Colombia, transitional authorities set up accountability mechanisms that actually shielded some perpetrators from accountability.

**Resource exploitation:** Funding pressures may lead to unsustainable natural resource extraction, harming livelihoods and development (ICESCR Arts. 1, 11). Liberia's transition highlighted how equitable resource management is key to preventing future conflicts.

**Non-inclusive governance:** Groups that dominate at the national or regional level may not include minorities in decision-making, threatening rights to equality, non-discrimination, and political participation (ICCPR Arts. 26, 2, 25). In Afghanistan and Bosnia, transitional authorities did not include women and minorities, delaying reconciliation.

**Neglecting women and girls:** Gender-based violence often escalates in conflict as well as during transitions, with women and girls also excluded from decision-making and justice mechanisms, violating rights to security, equality, and remedy (ICCPR Arts. 9, 10, 26, 2; CEDAW). Sierra Leone’s transitional authorities excluded women and failed to address justice for survivors of sexual violence.

## Escalating military atrocity crimes

In 2025, Myanmar’s military is likely to respond to mounting opposition with increased violence, particularly as it enforces elections to bolster its illegitimate claims to power. This will likely involve intensified reliance on indiscriminate attacks such as airstrikes and artillery shelling, which violate international humanitarian law on “area bombing” by failing to distinguish between civilians and combatants (Geneva Conventions Rules 11 and 13). These actions gravely endanger the rights to life and security (ICCPR Art. 6).

The military may escalate collective punishment tactics prohibited under international law, including forced displacement, village burnings, and resource confiscation (GC IV, Art. 33). Such actions are likely to be exacerbated during attempts to coerce populations into participating in its elections, further infringing on the rights to freedom of movement, freedom from forced labour, and freedom from torture (ICCPR Arts. 12, 8, and 7).

Additionally, the military may intensify its obstruction of humanitarian aid and attacks on infrastructure, both to suppress resistance and to exert control during the election period. These actions will worsen humanitarian crises, violate the right to an adequate standard of living, and may constitute war crimes and crimes against humanity (ICESCR Art. 11; GC IV Art. 3; Rome Statute Arts. 8, 7.1.k).

## Deterioration of civic space

Myanmar’s military is expected to persist in suppressing civic space, particularly during the lead-up to any elections, leaving the rights to freedom of expression, privacy, assembly, and association virtually non-existent (ICCPR Arts. 19, 17, 21, and 22). Advanced digital surveillance tools, including “deep packet” interception technologies acquired from China in 2024, will likely continue “learning” to monitor communications, block social media, disrupt VPNs, and target dissenters. These technologies are expected to become more adept at countering circumvention tactics, facilitating targeted internet shutdowns that infringe upon multiple human rights (UN HRC Resolution 47/16).

The erosion of the rule of law is anticipated to deepen in the countdown to any elections, characterised by arbitrary arrests, fabricated charges, and sham trials that lack due process, violating the rights to liberty, security, and a fair trial (ICCPR Arts. 9 and 14). The military may

increasingly use the Counter-Terrorism Law to suppress dissent by journalists, activists, and social media users, imposing disproportionate penalties, including long prison sentences and the death penalty, endangering the right to life (ICCPR Art. 6).

To secure foreign currency for arms purchases from Russia and China, the military is likely to escalate corruption, exploit natural resources, capture remittances, expand drug production, and misuse humanitarian aid, undermining economic rights (ICESCR Arts. 1, 6, 7, 11). Concurrently, the mismanagement and expropriation of public funds are expected to compromise the rights to education and health further (ICESCR Arts. 12, 13, 14).

## Impact of ICC actions

The International Criminal Court (ICC) prosecutor's request for an arrest warrant for military leader Min Aung Hlaing is expected to succeed and, as seen in other country cases, will likely be followed by additional warrants for senior officials implicated in atrocity crimes (Rome Statute Arts. 6, 7, and 8). However, the deterrent effect of these Bangladesh-linked warrants on the coup leaders remains limited, as Myanmar is not a signatory to the Rome Statute and, therefore, falls outside the ICC's direct jurisdiction. While the UN Security Council has the authority to refer Myanmar crimes to the ICC, such efforts are likely to face vetoes from permanent members China and Russia (RS Art. 13).

The anticipated ICC arrest warrant for Min Aung Hlaing may not halt arms sales from Russia, but it may discourage China from offering unconditional support to Myanmar's military. It will also bolster ASEAN's ongoing diplomatic isolation of the military, further undermining its international legitimacy.

Domestically, the military is likely to exploit ethno-religious nationalism to delegitimise the ICC, framing its actions as foreign interference for Muslims. This approach risks contravening international law prohibitions on inciting hatred and discrimination (ICCPR Art. 20).

Additionally, some officials from the former National League for Democracy (NLD) government, including those now serving in the National Unity Government (NUG), may come under ICC scrutiny for their alleged roles in justifying or concealing atrocity crimes during their tenure (RS Art. 25). This could complicate the NUG's position as a champion of justice and accountability.

## Exiled civil society under pressure

Exiled media and civil society actors will face continuing challenges in neighbouring countries, particularly Thailand, where a proposed law restricting civil society would if adopted, violate the right to freedom of association and disproportionately undermine Myanmar groups (ICCPR Art. 22). It is unclear whether the quasi-civilian Thai government will address ongoing risks of surveillance, deportation, and transnational repression contravening protections against arbitrary interference and threats to personal security (ICCPR Arts. 9 and 17).

Decreasing international funding will continue to threaten exiled civil society and media, weakening advocacy efforts and documentation of abuses and threatening several rights,

including freedom of expression and the right to seek remedies for human rights violations (ICCPR Arts. 19, 2). Prolonged trauma exposure, coupled with unsafe working conditions, exacerbates physical and mental health risks for civil society members, infringing on the right to health (ICESCR Art. 12).

## Conclusion

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As Myanmar faces escalating human rights violations in 2025, urgent and coordinated action is needed to protect marginalised and vulnerable populations, ensure accountability, and support those working toward justice and stability.

### Human rights recommendations for 2025

- Advance international justice by bolstering ICC investigations with political and financial support, enforcing arrest warrants, and exploring complementary regional accountability mechanisms.
- Protect civic space by advocating for neighbouring states to safeguard exiled civil society and media, upholding international obligations under the ICCPR, and increasing funding for human rights defenders.
- Promote rights-based governance by supporting the NUG and EAOs in establishing transparent, rights-respecting governance structures, with attention to the rule of law and accountability.