Myanmar
Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status with ECOSOC since 1996
Anti-Death Penalty Asia Network
Capital Punishment Justice Project
International Bar Association's Human Rights Institute

and

The World Coalition Against the Death Penalty

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

Anti Death Penalty Asia Network (ADPAN) is the peak regional body for organisations committed to the abolition of the death penalty across Asia-Pacific, with members from 20 countries within the region. As such, ADPAN maintains that the death penalty violates the right to life, that it is the ultimate form of cruel, inhuman, and degrading punishment and that the death penalty should be entirely abolished internationally.

Capital Punishment Justice Project (CPJP) is an Australian based NGO that stands for a world without the death penalty or other forms of state-sanctioned killing. We are a human rights organisation made up predominantly of passionate legal experts and campaigners who volunteer their time to develop legal and policy solutions that help save lives. CPJP works closely with partners in Asia – where over 90 per cent of the world's executions take place – to support the defence of people facing the death penalty, assist local anti-death penalty civil society organisations, and campaign to convince governments to abolish the death penalty. Australia has

identified abolition of the death penalty as one of its human rights priority areas, and we see the work we do as imperative to ensuring that Australia is a leading voice on abolition.

The International Bar Association, established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. It has a membership of over 80,000 individual lawyers, and 190 bar associations and law societies, spanning over 160 countries. The **International Bar Association's Human Rights Institute** (IBAHRI), an autonomous and financially independent entity, works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

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EXECUTIVE SUMMARY

1. This report addresses Myanmar's compliance with international human rights obligations with respect to extrajudicial, summary or arbitrary executions; the death penalty; torture and cruel, inhuman or degrading treatment or punishment; and arbitrary arrest and detention.

2. Myanmar's military, called the Tatmadaw, took control of the country in February 2021, just weeks after the country's third-cycle Universal Periodic Review interactive dialogue. The military asserted that there had been widespread voter fraud in the country's 2020 election, in which the National League for Democracy prevailed. Since the military takeover, Myanmar has experienced a drastic deterioration in its human rights situation. Military authorities have used the death penalty as a tool of repression, sentencing hundreds to death and resuming executions. Military authorities have killed an estimated 6,000 civilians and have arbitrarily arrested more than 30,000 people.

3. This report examines the current state of the death penalty in Myanmar and recommends that Myanmar abolish the death penalty and ratify the International Covenant on Civil and Political Rights, including its Second Optional Protocol. This report further recommends that Myanmar: (1) establish an immediate and formal moratorium on executions; (2) ratify the Convention Against Torture; (3) halt attacks on civilians and provide access to justice for victims; (4) return the government to civilian democracy; (5) ensure that detention conditions comply with international human rights standards; (6) repeal Martial Order 3/2021; (7) increase protections for journalists and other individuals and organizations reporting on the human rights situation in Myanmar; and (8) cease aggressive conscription tactics and eliminate the use of quotas for military conscription.

I. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

4. Shortly after Myanmar's review and interactive dialogue on 25 January 2021, the delegation from Myanmar responded to all but 189 of the recommendations from the interactive dialogue, supporting 199 and noting 46.[1] Soon thereafter, the military took control of Myanmar. No response appears in the Council records to the remaining 189 recommendations, and it seems that due to the military takeover, the Council never adopted the outcome of the third-cycle UPR.

Acceptance of international norms

Status of Implementation: Accepted in Part, Not Implemented

5. During the third-cycle UPR, Myanmar supported Latvia's recommendation to "[c]onsider ratifying . . . the International Covenant on Civil and Political Rights and the Second Optional Protocol thereto,"[2] but deferred action on several similar recommendations[3] and noted one other.[4] Myanmar supported three recommendations to consider ratifying or to take further steps toward ratifying the Convention against Torture,[5] deferring action on 18 recommendations to ratify the Convention,[6] and noting two others.[7] Myanmar has made

no progress toward ratification of the ICCPR, its Second Optional Protocol, or the Convention against Torture.

Extrajudicial, summary or arbitrary executions

Status of Implementation: Not Accepted, Not Implemented

6. In its third-cycle UPR, Myanmar deferred action on a recommendation concerning extrajudicial executions.[8]

7. Myanmar has a history of extrajudicial, summary, and arbitrary executions, and the military leadership has stepped up those practices.[9] Amnesty International estimates that military authorities have killed more than 6,000 people since the February 2021 takeover,[10] and authorities have killed many people through indiscriminate airstrikes and artillery attacks.[11]

8. UN officials have reported that authorities deliberately targeted civilian targets with airstrikes, including markets, schools, homes, places of worship, and camps for displaced people.[12] Amnesty International has documented cases of military authorities arbitrarily detaining and executing civilians, including farmers and people displaced by the war.[13] For example, military forces executed at least 37 people in the Mon Taking Pin massacre,[14] at least 35 people, including children, in the Mo So massacre,[15] at least 82 people in the Bago massacre,[16] and at least 65 people in the Hlaing Tharyar massacre.[17] According to UN officials, in April and May 2025, despite a temporary ceasefire to permit rescue operations, the military used airstrikes and heavy weaponry against civilian-occupied and earthquake-impacted areas.[18] The International Commission of Jurists (ICJ) reports that authorities conduct these arbitrary executions with impunity.[19] The Assistance Association of Political Prisoners (AAPP) reports that between February 2021 and 20 September 2025, airstrikes and heavy weaponry have killed a total of 3,023 civilians who have been confirmed by name, and AAPP is still processing 2,690 additional reported killings.[20] The AAPP reports that military authorities killed 632 people in detention in 2022 and 612 in 2023.[21]

Death penalty

Status of Implementation: Not Accepted, Not Implemented

9. In its third-cycle UPR, Myanmar deferred action on all 13 recommendations relating to abolishing the death penalty or instituting a formal moratorium on executions.[22] Since that time, Myanmar has regressed significantly.

10. Myanmar is a retentionist state that has historically applied the death penalty to crimes such as murder, treason and terrorism.[23] Myanmar had observed a de facto moratorium on executions since 1988, until military authorities resumed executions in 2022.[24]

11. Since February 2021, military authorities have wielded the death penalty as a tool of political repression.[25] In March 2021, the military issued Martial Law Order 3/2021.[26] This law authorizes the death penalty for twenty-three vague and broadly defined offences, the majority of which are not capital crimes under civilian law. The order authorizes the death penalty under vaguely defined treason provisions, encompassing any criticism of the military junta or support for democratic groups.[27] Military authorities also expanded the 2014 Counterterrorism Law to include broad language that can encompass activities by

journalists and activists that criticize authorities.[28] Amnesty International reports that in July 2025, military authorities adopted two laws expanding the scope of the death penalty. Law No. 44/2025, the "Military Secrets Preservation and Protection Law," authorizes the death penalty for any person performing tasks or using any military secret for a foreign country or military organization without authorization. Law No. 48/2025, the "Law on Protecting Multi-Party Democratic General Elections from Obstruction, Hindrance, and Destruction," mandates the death penalty for any offenses under the law that result in death.[29]

12. Military authorities have leveraged these legal changes, issuing a growing number of death sentences. In a closed trial in January 2022, a court sentenced four democracy activists to death under the newly amended Counterterrorism law for conspiring to commit terror acts, and authorities carried out those executions in July 2022.[30] One of the people was a former member of parliament from the National League for Democracy and a close ally of the leader of the democratically elected government whom military authorities arrested after they took control.[31] Another was a leader of the activist group "88 Generation," which had stood up to the government of former dictator Ne Win.[32]

13. In July 2022, UN officials reported that courts had sentenced two children to death, among others.[33] In December 2022, UN officials reported that military courts had sentenced over 130 people to death since the military takeover, including at least 41 people in absentia.[34] In that month, a closed-door military tribunal had sentenced seven university student activists to death for aiding "terror acts."[35] At the end of 2024, representatives of Myanmar's leadership prior to the military takeover estimated that courts had sentenced at least 170 people to death since February 2021.[36] Amnesty International reports that authorities in Myanmar sentenced at least six people to death in 2025.[37] A military court sentenced a former official to death for treason, and district courts under military authorities sentenced five people to death for murder.[38] Amnesty International is unable to estimate a credible number of people under sentence of death, but believes the number to be high.[39]

14. As mentioned in paragraphs 10 and 12, military authorities lifted the country's de facto moratorium on judicial executions in July 2022, executing four people. According to the Women's Peace Network, in September 2024, military authorities executed a husband and wife after a military tribunal convicted them of being involved with a 2022 bombing in a prison.[40]

15. On 14 May 2026, the military-backed parliament published the "Anti-Online Scam Bill," a bill that would authorize the death penalty for people who detain or violently coerce people into working in online scam centers.[41] This bill is the first legislation that the new military-backed government has presented since forming a government in April 2026.[42]

Prohibition of torture and cruel, inhuman or degrading treatment or punishment; detention conditions

Status of Implementation: Not Accepted, Not Implemented

16. In its third-cycle UPR, in addition to the recommendations listed in paragraph 5, Myanmar deferred action on two other recommendations related to torture and accountability for perpetrators.[43]

17. In September 2024, the Independent Investigative Mechanism for Myanmar (IIMM) reported to the Human Rights Council that it had received many reports of torture and sexual assault of people in detention.[44] As mentioned in paragraph 8, AAPP reports that military authorities killed more than 600 people in detention in both 2022 and 2023. Civicus reports that at least 1,850 people have died in military custody, including 88 children and 125 women. Many of these individuals have been verified as dying after being subjected to abusive interrogation, other ill-treatment in detention, or denial of access to adequate healthcare.[45]

18. The AAPP reports that military authorities conduct brutal interrogations, including physical, mental, and sexual torture.[46] The ICJ reports that authorities beat people with sticks, wire ropes, and guns, subject people to electrocution and mock execution, and bury people alive. Women and members of the LGBTIQ+ community report rape, invasive strip searches, sexual harassment, and genital mutilation.[47]

19. In August 2025, Amnesty International reported that more than 1,800 people have died in detention since February 2021 due to untreated injuries sustained during interrogations and/or due to systematic denial of healthcare.[48] For example, one activist whom authorities arrested in September 2021 on charges of terrorism and incitement died in July 2025 due to head injuries sustained during custodial interrogations and denial of adequate medical treatment.[49] In February 2026, Amnesty International updated these figures, reporting that more than 2,200 people had died in custody since February 2021.[50]

Arbitrary arrest and detention; Administration of justice and fair trial; Freedom of opinion and expression; Right to peaceful assembly; Freedom of association

Status of Implementation: Not Accepted, Not Implemented

20. In its third-cycle UPR, Myanmar supported three recommendations relating to freedom of expression and protections for human rights defenders and journalists,[51] but deferred action on 15 additional recommendations relating to those human rights issues.[52]

21. Martial Law Order 3/2021 transferred the authority to try civilians to military tribunals. These tribunals generally try individuals through secretive, summary proceedings without right to appeal.[53] The tribunals reportedly rely on confessions extracted through torture and other ill-treatment as the basis for convictions.[54] Judges reportedly disregard credible allegations of torture and routinely rely on coerced "confessions" to convict people perceived to oppose military authorities.[55]

22. By 2023, these tribunals had tried and convicted nearly 1,700 out of the nearly 16,500 people who had been arrested for opposing the military's takeover, with some proceedings

lasting just minutes.[56] Authorities frequently deny people facing charges access to counsel or their families.[57] For example, UN experts reported that authorities had denied the four people executed in July 2022 access to counsel for their appeals.[58] Lawyers work under constant fear of arrest,[59] and there are reports that authorities have arrested 68 legal representatives since February 2021.[60]

23. In 2024, the ICJ reported that authorities had arbitrarily arrested and detained at least 25,000 people since February 2021, often solely in relation to their exercise of their right to freedom of expression, peaceful assembly and association. Authorities had convicted approximately 8,000 people based on spurious charges.[61] In February 2026, Amnesty International reported that military authorities had detained more than 30,000 political prisoners since February 2021.[62] In June 2026, AAPP reported that authorities had arrested 31,089 people, and 22,146 were still detained.[63]

24. Military authorities have arbitrarily arrested journalists. In May 2022, authorities at a military checkpoint arrested a renowned documentary filmmaker and subsequently prosecuted him for allegedly contacting local People's Defense Force groups and sending his video records to the National Unity Government and local media outlets. The tribunal sentenced him to three years in prison. Civicus reports credible allegations that prison authorities tortured him and denied him food and proper medical treatment. In August 2024, he died just three days after authorities transferred him from prison to hospital.[64] In 2024, a court sentenced a journalist for Dawei Watch media to life in prison after convicting him of counterterrorism. The court sentenced his colleague to 20 years in prison.[65]

25. Authorities assert that Myanmar's courts are independent and that the criminal legal system affords people with due process.[66]

26. In February 2024, military authorities began enforcing the Conscription Law, which had been on the books since 2010.[67] According to Human Rights Watch, authorities have conscripted approximately 70,000 people, including children.[68] Human Rights Watch reports that recruiters abduct young men and boys and detain family members of missing conscripts as "hostages."[69] Pressed to meet quotas, recruiters intentionally falsify documents or disregard the actual age of conscripts.[70]

II. RECOMMENDATIONS

27. This stakeholder report suggests the following recommendations for the Government of Myanmar:

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- In the interim:
    - Immediately commute the sentences of any people under sentence of death who are believed to have been under the age of 18 at the time of the alleged offense.
    - Amend relevant laws, including the Law on Protecting Multi-Party Democratic General Elections from Obstruction, Hindrance, and Destruction (Law No. 48/2025), to eliminate the mandatory death penalty.

  - Cease trying civilians in military or "special" courts, prioritizing people facing a potential death sentence.
  - Ensure that all people facing a potential death sentence have timely access to qualified counsel, including throughout any appeals process.
  - Remove the death penalty from the 2014 Counterterrorism Law, the Military Secrets Preservation and Protection Law (Law No. 44/2025), the Law on Protecting Multi-Party Democratic General Elections from Obstruction, Hindrance, and Destruction (Law No. 48/2025), and the draft Anti-Online Scam Bill.
  - Establish a formal moratorium on executions.
  - On an annual basis, publish disaggregated data about people sentenced to death, currently under sentence of death, and executed, including disaggregation by crime of conviction, date of birth, date of offense and conviction, sex or gender, ethnicity, religion, and relationship to any codefendant or victim.
- Ratify the International Covenant on Civil and Political Rights and its Second Optional Protocol.
- Repeal Martial Order 3/2021.
- Ratify the Convention Against Torture.
- Take urgent measures to ensure the independence of the judiciary.
- Release all people from detention who have been detained on the basis of their actual or suspected opposition to military authorities or support for the democratically elected government that military authorities displaced.
- End all harassment of, attacks on, and interference with lawyers, especially lawyers defending people charged in politically motivated cases.
- Commit to respecting the UN Basic Principles on the Role of Lawyers.
- Immediately halt airstrikes and heavy weaponry attacks on civilian targets and provide access to justice for victims.
- Enlist international assistance to hold free and fair elections throughout the country to expedite a return to civilian democracy.
- Take urgent measures to ensure that detention conditions comply with international human rights standards, prioritizing access to health care.
- Request international assistance to create a safe and enabling environment for journalists, human rights defenders, and lawyers defending or reporting on human rights.
- Eliminate the use of quotas for military conscription.

- Conduct independent age verification of all military conscripts to ensure that no person under the age of 18 is conscripted.

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[1] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Myanmar* (12 Apr. 2021), U.N. Doc. A/HRC/47/13, ¶¶ 32-34.
[2] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Myanmar* (12 Apr. 2021), U.N. Doc. A/HRC/47/13, ¶ 32.3 (Latvia).
[3] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Myanmar* (12 Apr. 2021), U.N. Doc. A/HRC/47/13, ¶ 33.7 (Germany), .8 (France), .9 (Slovenia), .14 (Estonia), .25 (Kazakhstan), .26 (Iceland), .110 (New Zealand),
[4] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Myanmar* (12 Apr. 2021), U.N. Doc. A/HRC/47/13, ¶ 34.1 (Greece).
[5] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Myanmar* (12 Apr. 2021), U.N. Doc. A/HRC/47/13, ¶ 32.2 (Ghana), .3 (Latvia), .7 (Indonesia)
[6] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Myanmar* (12 Apr. 2021), U.N. Doc. A/HRC/47/13, ¶ 33.4 (South Africa), .7 (Germany), .8 (France), .9 (Slovenia), .10 (Sierra Leone). 11 (Pakistan), .12 (Turkey), .13 (Portugal), .14 (Estonia), .17 (Burundi), .18 (Lesotho), .19 (Italy), .20 (Lithuania), .31 (Albania), .32 (Denmark), .33 (Fiji), .34 (Chile), .35 (Switzerland),
[7] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Myanmar* (12 Apr. 2021), U.N. Doc. A/HRC/47/13, ¶ 34.1 (Greece), .4 (Austria).
[8] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Myanmar* (12 Apr. 2021), U.N. Doc. A/HRC/47/13, ¶ 33.103 Abolish the death penalty and prohibit and prosecute torture and extrajudicial killings (Luxembourg).
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