

The Right to Peaceful Assembly and Peaceful Procession Act

(The Pyidaungsu Hluttaw Law No. 15/2011)

7th day of the Waxing Moon of Nadaw in 1373 (2nd December 2011)

Introduction

In Article 354 Section (B) of the Union Republic of Myanmar Constitution Law, it is prescribed that if not contrary to the laws enacted for Union security, rule of law, community peace and tranquillity, or public morality, every citizen shall be at liberty to assemble and hold a procession peacefully without arms. So that citizens can exercise these rights legally, Pyidaungsu Hluttaw has enacted this law.

Chapter (1) Terms and Definitions

1. This law shall be called the law of peaceful assembly and peaceful procession.
2. Words in this law shall have the following meanings:
 - (a) A citizen refers to a person who is born to parents both of whom are nationals of the Union Republic of Myanmar and is a legal citizen on the day the constitution is confirmed and enacted.
 - (b) A peaceful assembly refers to a peaceful gathering of more than one person, unarmed and following the rules, and giving speeches in permitted public places according to this law for the purpose of expressing their wishes and convictions.
 - (c) A peaceful procession refers to more than one person having a peaceful procession in an orderly fashion, unarmed and following the rules, on a permitted public road for the purpose of expressing their wishes and convictions.
 - (d) A permit refers to the permission given in accordance to this Act to allow a peaceful gathering or peaceful procession.
 - (e) A poster refers to an expression that does not harm the dignity of a person; it be in words, signs, images, photographs, paintings, cartoons, statues, television broadcast, or something expressed in any other way, and held in hand, placed in the ground, pasted on another item or some other way, for the purpose of expressing one's wishes and convictions.
 - (f) A sign refers to an expression that does not harm the dignity of a person; it includes the name of a party or an association or an organization in words, to be held in hand, placed in the ground, or hung or expressed in some other ways, for the purpose of expressing one's wishes and convictions.
 - (g) Arms refer to weapons and equipment, the definitions of which provided in Weapons and Explosives Act, as well as things that can be dangerous to another person.
 - (h) A flag refers to flags of the Union, official parties, and official associations and organizations.

Chapter (2) Purpose

3. The purpose of this Act is as follows:
 - (a) For Union security, rule of law, community peace and tranquillity, or public morality;
 - (b) For the citizens, as defined by the Union Republic of Myanmar Constitution, to be able to systematically exercise their basic right to peaceful assembly and peaceful procession and to provide them with legal protection;

- (c) To protect the public from harassment, danger, harm, and obstruction from those who are exercising their right to peaceful assembly and peaceful procession.

Chapter (3) Applying for Permission

4. The citizens or organizations that want to exercise the right to peaceful assembly and peaceful procession and express themselves must apply for the permission at least five days in advance by using the form, including the following information, to the Chief of the Township Police Force.

- (a) Purpose of the peaceful assembly, the site, the date and time, the topic at the assembly, and the chants;
- (b) Purpose of the peaceful procession, the route, the date and time, and the chants;
- (c) The person applying for the permit for peaceful assembly and peaceful procession, and biographies of the leader and the speaker;
- (d) The schedule of peaceful assembly or peaceful procession and approximate number of attendees;
- (e) If an organization is conducting the peaceful assembly or peaceful procession, record of that organization's decision or supporting document;
- (f) If permission is given, the agreement to abide by the rules in this Act as well as the permission.

Chapter (4) Issuance and Denial of Permission

5. When the Chief of the Township Police Force receives an application from a citizen or citizens, or an organization, submitted in accordance with the rules for permission, the permission can be issued or denied with approval from the Chief Administrator of the Township Department of General Administration from the township concerned. However, it cannot be denied when it is not in breach of the security of the State, rule of law, community's peace and tranquillity, and public morality.

6. The permission or denial of permission must be reported by the Chief of Township Police Force to the Chief of the District Police Force and by the Chief Administrator of the Township Department of General Administration to the Chief Administrator of the District Department of General Administration promptly.

7. Chief of the Township Police Force concerned must do the following:

- (a) If permission is granted, notify the applicant at least 48 hours in advance of the date and time for the peaceful assembly or peaceful procession;
- (b) If permission is denied, notify the reason for denial at least 48 hours in advance of the date and time for the peaceful assembly or peaceful procession on the application.

8. The following information must be included in the permission:

- (a) Date, place, and time of the peaceful assembly;
- (b) Date, route, and time of the peaceful procession;
- (c) Number of people given permission to participate in the peaceful assembly and peaceful procession;
- (d) Name(s) and address(es) of the person or persons given permission to speak;
- (e) Local rules.

9. Appeals to the denial of permission can be made in the following way:

- (a) Appeals can be made to the Chief of the Region or State Police Force concerned within seven days of the receipt of the notification of denial.

- (b) With approval from the Chief Administrator of the Department of Regional or State General Administration, Chief of the Region or State Police Force concerned must make a decision on the appeal, made in accordance with sub-section (a), within 14 days of its receipt.
- (c) The decision made by Chief of the Region or State Police force, in accordance with subsection(b) is final.

Chapter (5) Rules

- 10. A peaceful assembly is to be made only at the site assigned in the permission.
- 11. When having a peaceful procession, so as not to disturb the public, people are given permission to gather only at the assigned starting point of the route and to proceed peacefully along the assigned route.
- 12. Those who participate in a peaceful assembly and a peaceful procession must obey the following rules:
 - (a) They must not talk or behave in a way to cause any disturbance or obstruction, annoyance, danger, or a concern that these might take place.
 - (b) They must not behave in a way that could destroy the government, public, or private properties or pollute the environment.
 - (c) They must not obstruct or disturb vehicles, pedestrians, and people.
 - (d) They must not carry any weapons during a peaceful assembly and a peaceful procession.
 - (e) They must not say things or behave in a way that could affect the country or the Union, race, or religion, human dignity and moral principles.
 - (f) They must not spread rumours or incorrect information.
 - (g) They can carry and display flags, posters, and signs during a peaceful assembly and peaceful procession.
 - (h) During a peaceful procession, they must not use loudspeakers other than the approved hand-held ones; they must not recite or shout chants other than the ones approved.
 - (i) They must obey the supervision and enforcement of rules by the officials. (j) They must obey necessary notices, orders, and instructions issued.
 - (k) If permission is revoked, they must not continue but disperse.

Chapter (6) Taking Action

- 13. A police officer with a rank of no less than a deputy is to give necessary protection to the attendees of a peaceful assembly and peaceful procession, conducted in accordance with the law, so that there can be no harassment, destruction, or obstruction.
- 14. A police officer no less than a deputy is to do the following:
 - (a) Warn the leader of the peaceful assembly and peaceful procession of any breach to the rules in these Acts at the site.
 - (b) Report to the Chief of Township Police Force when the warning in sub-section (a) is not heeded.
- 15. At the receipt of the report submitted according to Section 14 sub-section (b), the Chief of Township Police Force must immediately report it to the Chief Administrator of the Department of Township General Administration and get an approval and revoke either the permission for a peaceful assembly or a peaceful procession. The official must first make a verbal announcement of the revocation and give a written notice within 24 hours.
- 16. If the violation of the rules continues after the announcement of the revocation of the permit, the Chief of the Township Police Force must continue to take an action in accordance with the existing laws, bylaws, policies, and procedures.

Chapter (7) Crime and Punishment

17. If there is evidence that a person disturbs, destroys, obstructs, annoys, assaults, bullies, or harms the attendees of a peaceful assembly or a peaceful procession conducted in accordance with a given permission, he or she must receive a maximum sentence of two years imprisonment or a maximum fine of fifty thousand kyat or both.
18. If there is evidence that a person is guilty of conducting a peaceful assembly or a peaceful procession, he or she must receive a maximum sentence of one-year imprisonment or a maximum fine of thirty thousand kyat or both.
19. If there is evidence that a person violates a rule in Section 8 Sub-section (e) or a rule in Sections 10, 11, and 12, that person must receive a maximum sentence of six months imprisonment or a fine of ten thousand kyat or both.

Chapter (8) General

20. The crime against which an action is taken by this law is considered a crime actionable by the police.
21. During a permitted peaceful assembly or a peaceful procession, if anyone breaches security of the country, rule of law, peace and tranquility of the community, and the laws prescribed to protect public morality, or hurt anyone else, action must be taken against these violations according to the existing laws.
22. When exercising their right to a peaceful procession and a peaceful expression of their wishes and opinions freely, each citizen must follow the provisions in this Act.
23. When a citizen or an organization with a permit no longer wants to conduct a peaceful assembly or a peaceful procession due to various reasons, they must report this to the Chief of Township Police Force within 24 hours.
24. When implementing the provisions in this Act, the Ministry of Home Affairs: (a) Can issue bylaws or rules and regulations with approval from the Union Government; (b) Can issue necessary announcements, orders, instructions, and procedures.

I sign this in accordance with the constitution.

Thein Sein

President of the Country Union Republic of Myanmar