

The Republic of The Union of Myanmar
The Ministry of Religious Affairs and Culture

**Bill for Protection against Hate-Speech
(Third Draft)**

14-10-2016

Naypyitaw

Bill for Protection against Hate-Speech
(Pyihtaungsu Hluttaw Act No. -----2016)
Day-----month-----1378 M.E
(Day-----month-----2016 C.E)

This Bill is enacted by the Pyihtaungsu Hluttaw .

CHAPTER (1)

Terms and Interpretations

1. This Act shall be entitled "Act for Protection against Hate-Speech"
2. The following terms promulgated in this Act shall be interpreted in the followings: —
 - (a) **The State** denotes the Republic of the Union of Myanmar ;
 - (b) **The Union Government** denotes the Union Cabinet of the Republic of Union of Myanmar ;
 - (c) **The Central Committee** denotes the Central Committee organized on the authority of this Act for the purpose of protection against religious and ethnic hate-speech ;
 - (d) **Board of Investigation** denotes the Panel of enquiry organized by the Central Committee on the authority of this Act ;
 - (e) **The Ministry** denotes the Ministry of Religious Affairs and Culture, Government of the Republic of the Union of Myanmar ;
 - (f) **The Department** denotes the Department of Religious Affairs, Ministry of Religious Affairs and Culture ;
 - (g) **Religious Faith** denotes any religious faith confessed by a certain religious follower in accord with one's own free will ;
 - (h) **Religious Follower** denotes a certain religious follower in one's respective and particular religious faith ;
 - (i) **Religious Leader** denotes a person who takes a leading role only in one's respective and particular religious affairs ; and
 - (j) **Hate- Speech** denotes an any bodily or verbal action by any manner or by a certain language which can create conflicts and dissension among diverse religious faiths and ethnic groups.

CHAPTER (2)

Aims and Objectives

3. The aims and objectives of this Act are as follows: —
- (a) to protect against bodily and verbal malevolent manners which can create and aims to create hatred, dissension, hostility and conflict among diverse religious faiths and ethnic groups;
 - (b) to pay due regards for the rights of others among diverse religious faiths and ethnic groups; and
 - (c) to create and establish a human society being settled together within the State.

CHAPTER (3)

Organizing the Central Committee for Protection against Religious and Ethnic Hate-Speech.

4. In order to execute the command of this Act, the Union (Government) Cabinet shall organize the Central Committee for Protection against Religious and Ethnic Hate-Speech with 9 members inclusive of the Union Minister as the Chaiman, Director-General of Religious Affairs Department as the Secretary, and appropriate departmental as well as organizational personnel as the members in the Committee.

CHAPTER (4)

Rights and Duties of the Central Committee

5. Rights and Duties of the Central Committee are as follows: —
- (a) The Central Committee, with reference to the religious and ethnic affairs, shall coordinate and cooperate either with the international as well as the local organizations or among the global countries;
 - (b) The Central Committee, in order to protect against the religious and ethnic conflicts,
 - (1) shall coordinate and cooperate with the relevant ministries, governmental institutions and organizations; if

needed, it may submit the case to seek instruction from the Cabinet ;

- (2) Necessary policies, instructions and schemes shall be laid down by the Central Committee to protect against conflicts through hate-speech ;
- (3) The Central Committee shall organize the Sub-Committees and Work-forces in accord with the relevant needs and situation with the specific provisions of the duties and responsibilities, in order to obtain the necessary proposals and schemes for the purpose of protection against hate-speech ;
- (4) Concerning the protection against hate-speech submitted by the Sub-Committees and Work-forces the Central Committee shall decide on the implementation of their cases ;
- (c) The Central Committee, whether it has doubts about the violation of any prohibitional legislation or has any report with substantial evidences, shall assign the duty for investigation ;
- (d) Concerning the report of enquiry submitted by the Board of Investigation the Central Committee shall scrutinize it in detail and, if needed, instruct to institute a law-suit ;
- (e) Concerning the protection against religious and ethnic hate-speech, the Central Committee shall recommend the Union Cabinet through the Ministry; and
- (f) Concerning the protection against religious and ethnic hate-speech the Central Committee had to discharge the duties occasionally assigned by the Union Cabinet.

CHAPTER (5)

Organizing the Board of Investigation and Its Duties and Responsibilities

6. The Central Committee, for the purpose of implementing a case in relation with the religious and ethnic hate-speech, if in need of investigation: —

- (a) shall organize the Board of Investigation with five members at the very least or seven members at the very most; an appropriate one out of them shall be assigned the duty as a chairman ;
 - (b) Organized as;
 - (1) shall assign the chairman of Board of Investigation.
 - (2) shall reorganize Board of Investigation if necessary.
7. The duties and responsibilities of the Board of Investigation are as follows: —
 - (a) The Board of Investigation, if necessary, shall demand the substantial evidences and witnesses, and enquire further into the case ; and
 - (b) The Board of Investigation shall put forward its detailed report to the Central Committee with the proposal for taking further legal action against the issues involved.
8. When Board of Investigation act the responsibilities in section(7), sub-section(a), the Code of Criminal Procedure, the Code of Civil Procedure and Evidence Law can be used properly.
9. The Board of Investigation shall be acknowledged as an annulled commission when its duties and responsibilities come to an end in accordance with section(7), sub-section(b).

CHAPTER (6)

Prohibitions

10. Utterance of hate-speech, reiteration of hate-speech and spreading it out , temptation by means of hate- speech, publicity for hate-speech through information technology for the purpose of creating dissent and conflict among diverse religious followers and ethnic groups, are strictly prohibited.
11. No one is allowed to violate any order and instruction promulgated by the Central Committee.

12. No one
 - (a) is allowed to appear before the Board of Investigation without, showing valid reasons, the substantial evidences and witnesses demanded by the Board of Investigation.
 - (b) is allowed to refuse before the Board of Investigation without having valid reasons , the substantial evidences and witness demanded by the Board of Investigation.
13. No one is allowed to distrub and protect when the Board of Investigation acts the investigaions.
14. No one can threaten and forbid the religious rites and rituals in accordance with the legal permission, such as worshipping ceremonies, preaching assemblies, performing devotions, offering ceremonies, religious ceremonies in procession on the roads, etc.

CHAPTER (7)

Penalties

15. If whoever commits and violates the prohibitory offence against the above section no. 10, and is convicted of this offence accordingly he shall be charged with a sentence of minimum penalty for six months' imprisonment or with a sentence of maximum penalty for three years' imprisonment.
16. If whoever commits and violates the prohibitory offence against the above section no. 11, and is convicted of this offence accordingly he shall be charged with a sentence of minimum penalty for six months' imprisonment or with a sentence of maximum penalty for three years' imprisonment.
17. If whoever commits and violates the prohibitory offence against the above section no. 12, he shall be charged with a sentence of minimum penaty for six months' imprisonment or with a sentence of maximmm penalty for two years' imprisonment.
18. If whoever commits and violates the prohibitory offence against the above section no.13, he shall be charged with a sentence of minimum penaty for two months' imprisonment or with a sentence of maximum penalty for six months' imprisonment.

19. If whoever commits and violates the prohibitory offence against the above section no.14, he shall be charged with a sentence of minimum penaty for three months' imprisonment or with a sentence of maximum penalty for one year' imprisonment.
20. If whoever abets, or supports or encourages or coerces or induces an offender to commit and violate the prohibitory offence against this Act, he shall be charged with the sentence accordingly promulgated in this Act.

CHAPTER (8)

Miscellany

21. The governmental departments and organizations concerned shall coordinate and cooperate with the responsible personnel who implement the legal rights and obligations promulgated in this Act.
22. The Criminal case including in Section 17, Section 18 and Section 19 are designited as the case of Police.
23. In order to implement the provisions of this Act: —
 - (a) The Ministry shall promulgate the necessary rules, regulations and instructions with the prior consent of the Union Cabinet; and
 - (b) The Ministry and the Central Committee shall promulgate the necessary government notifications, official proclamations, directives and procedures; the Department shall issue the necessary orders and instructions.

On the authority of the Constitution of the Republic of the Union of Myanmar I signed hereby.

Sd. (Htin Kyaw)

President

Republic of the Union of Myanmar