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အခွင့်အရေးကာကွယ်စောင့်ရှောက်သည့်ဥပဒေ  
The Ethnic Rights Protection Law

# **The Ethnic Rights Protection Law**

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## **The Ethnic Rights Protection Law**

**(The Pyidaungsu Hluttaw Law No.8, 2015)**

**(The 7<sup>th</sup> Waxing of Taboung, 1376 M.E.)**

**24<sup>th</sup> February, 2015**

The Pyidaungsu Hluttaw hereby enacts this Law.

### **Chapter I**

#### **Title and Definition**

1. The Law shall be called **The Ethnic Rights Protection Law**.
2. The following expressions contained in this law shall have the meanings given hereunder:
  - (a) **Ethnic Groups** means ethnic groups who have resided continuously within the Republic of the Union of Myanmar, stipulating as the original State. In this expression, naturalized citizens and associate citizens are not included;

- (b) **Ministry** means the Ministry of Ethnic Affairs of the Union Government, formed under this Law;
- (c) **Union Minister** means the Union Minister for the Ministry of Ethnic Affairs assigned by the President under the Constitution with the approval of the Pyidaungsu Hluttaw;
- (d) **Region or State Ministry** means the Ministry formed and assigned by the President under the Constitution with the approval of the relevant Region or State Hluttaw to perform ethnic affairs;
- (e) **Region or State Minister** means the Minister for Region or State Ministry of Ethnic Affairs assigned by the President under the Constitution with the approval of the relevant Region or State Hluttaw;

- (f) **Ethnic Affairs** means affairs of the development of social life including language, literature, fine art, culture, custom and religion, historical heritage, peace, and obtaining the rights of the national races in the Constitution.

## **Chapter II**

### **Objectives**

3. The objectives of this Law are as follows:
- (a) to obtain equal citizen's rights for all ethnic groups;
  - (b) to live eternally together with amicable relations among ethnic groups on the basic of genuine Union Spirit;
  - (c) to preserve and develop language, literature, fine art, culture, custom, national character, and historical heritage of ethnic groups;

- (d) to promote solidarity, mutual amity and respect, and mutual assistance among ethnic groups;
- (e) to promote socioeconomic development including education, health, economy, transport and communication, so forth, of less-developed ethnic groups;
- (f) to fully obtain the rights prescribed in the Constitution by ethnic groups.

### **Chapter III**

#### **Rights and Privileges of Ethnic Groups**

4. Ethnic group, if it is not contrary to the provisions of the existing Laws for security of the State, prevalence of law and order, community peace and tranquility and public order and morality:



- (a) have the right to profess freely their language, literature, fine art, culture, custom and religion;
- (b) have the right to teach and learn their language and literature if it is not contrary to the education policy of the State;
- (c) have the right to independently hold ceremonies and special days carried out by their culture and custom;
- (d) have the right of innovation to develop their literature and fine art, and right to freely do research on culture;
- (e) have the right of equality in education, health care, employment opportunity, and doing businesses;
- (f) have the right to preserve and reveal not to extinct their traditional medicine and to carry out development of it;

- (g) have the right to preserve their ancient heritages;
- (h) have the right to participate by their representatives in the legislation of the relevant Region or State and Self-Administered Area if a population stipulated in the Constitution is obtained;
- (i) shall, if they are ethnic groups who are entitled to participate as representative in the legislation of the relevant Region or State and Self-Administered Area under subsection (h), allow relevant representatives of ethnic groups to mainly perform ethnic affairs in the administration of that Region or State and Self-Administered Area;
- (j) shall have the right to reveal historical process of their ethnic groups and preserve heritages in accordance with Law.

## Chapter IV

### Formation of the Ministry and Appointment of the Union Minister

5. The matters of projects shall completely be informed, coordinated and performed with the relevant local ethnic groups in the case of development works, major projects, businesses and extraction of natural resources will be implemented within the area of ethnic groups.
6. The President shall form the Ministry of Ethnic Affairs with the approval of the Pyidaungsu Hluttaw to emphasize the matters of the ethnic affairs.
7. The President:
  - (a) shall select a suitable person who has qualifications prescribed in subsection (a) of section 232 of the Constitution to appoint as the Union Minister for Ethnic Affairs from Hluttaw Representatives or persons who are not Hluttaw

Representatives and shall submit his name to the Pyidaungsu Hluttaw and obtain approval;

- (b) has the right to submit again a new name instead of that person to the Pyidaungsu Hluttaw if the approval of the Pyidaungsu Hluttaw is not obtained to appoint as the Union Minister;
- (c) shall appoint a person who has already obtained the approval of the Pyidaungsu Hluttaw as the Union Minister.

8. The Union Minister shall be responsible to the President. The term of the Union Minister shall be the same as that of the President.

## **Chapter V**

### **Duties and Powers of the Ministry**

9. Duties and powers of the Ministry are as follows:
- (a) laying down policy and work plans to implement the objectives of this Law;
  - (b) protecting the fully enjoyment of the rights of ethnic groups in the provision of the Constitution and this Law;
  - (c) conducting of development and preservation of language, literature, fine art, culture, custom, and exploration and preservation of historical and ancient heritage of ethnic groups;

- (d) carrying out to enhance solidarity, mutual amity and respect, and mutual assistance among ethnic groups;
- (e) carrying out for all-round development in education, health, economy and transportation for the improvement of social life of the less-developed ethnic groups;
- (f) freely conducting of their language, literature, culture they cherish, custom and religion they profess without prejudice to the relations between one ethnic group and another or among ethnic groups and to other religion;
- (g) effectively protecting the rights of ethnic groups in accordance with the Law;
- (h) negotiating and settling of dispute arising from each ethnic group or among ethnic groups;

- (i) conducting research in respect of all-round development of ethnic groups;
  - (j) revealing, preserving, protecting and carrying out for the development of language, literature, fine art, culture and custom of the minority and ethnics who are almost extinct;
  - (k) coordinating with the relevant government departments and organizations in respect of ethnic affairs in this Law;
  - (l) performing the duties related with ethnic affairs assigned by the Union Government or any law;
10. The Ministry shall form the service organization necessary for ethnic affairs with the approval of the Union Government.

11. The Ministry may form, if necessary, the committee and working groups in coordination with the other relevant Union Ministries, to effectively carry out the ethnic affairs and shall assign the functions and duties if formed.
12. The Region or State Ministry shall form the service organization necessary for respective ethnic affairs under it with the approval of the relevant Region or State Government.
13. The Region or State Ministry shall draw annually allotment in the budget of the Region or State Government to implement the relevant ethnic affairs.



## Chapter VI

### Protection of the Rights of Ethnic Groups

14. Ethnic groups may submit to the relevant Region or State Government for getting protection in the case of the failure of ethnic rights.
15. The relevant Region or State Government shall, if received the submission under section (14), for giving necessary protection not to fail the right of ethnic group:
  - (a) assign duty to the relevant Region or State Minister for ethnic affairs;
  - (b) assign duty to any suitable Minister being the member of the Region or State Government if Minister cannot be assigned under sub-section (a).

16. The Minister assigned under Section 15 shall:
- (a) scrutinize whether the failure of ethnic rights is arisen or not, in respect of the matter assigned to him;
  - (b) carry out for giving protection according to the decision of the relevant Region or State Government or, in coordination as necessary with Ministries, government departments, government organizations, Self-Administered Division or Self-Administered Zone Leading Bodies in the relevant Region or State if the failure of ethnic rights is arisen, scrutinizing under subsection (a);
  - (c) submit the case to the relevant Region or State Government or to the Union Ministry of Ethnic Affairs through the relevant Region or State Government, if necessary, to get the support of other Union level Ministries, government departments and

government organizations in carrying out sub-section (b).

17. The Region or State Government shall submit the case to the Union Government if it is found that the submission under sub-section (c) of section 16 is necessary to get the support of Union level Ministries, government departments and government organizations.
18. The Ministry shall submit to the Union Government if it is found that the submission under sub-section (c) of section (16) is necessary to get the support of Union level Ministries, government departments and government organizations.
19. The Minister assigned under section (15) shall, if he is not able to protect the failure of ethnic rights in his assignment, submit completely the causes and effects to the Region or State Government.

20. The Region or State Government shall submit the case to the Union Government for carrying out as necessary if it is found that the submission under section (19) is the case to be undertaken at the Union level.
21.
  - (a) The Union Government shall assign the Union Minister to carry out as necessary in respect of the submission under section (20).
  - (b) The Union Minister shall carry out for giving protection in the case of the failure of the ethnic rights assigned under subsection (a), in accordance with the decision of the Union Government or in cooperation and coordination with the relevant Union level Ministries, government departments and government organizations.

## **Chapter VII**

### **Prohibitions**

22. No one shall prohibit the rights and privileges of the ethnic groups without credible reasons.
23. No one shall misuse the provisions of this Law for political purposes.
24. No one shall behave any act which is intended or is likely to promote feelings of hatred, enmity, and discord among the ethnic groups.

## **Chapter VIII**

### **Penalties**

25. Whoever violates the prohibition in section (22) shall, on conviction, be punished with imprisonment for a term not exceeding one year or with

- a fine not exceeding one hundred thousand kyats or with both.
26. Whoever violates the prohibition in section (23) shall, on conviction, be punished with imprisonment for a term not exceeding one year or with a fine not exceeding one hundred thousand kyats or with both.
27. Whoever violates the prohibition in section (24) shall, on conviction, be punished with imprisonment for a term not exceeding two years or with a fine not exceeding two hundred thousand kyats or with both.

## **Chapter IX**

### **Miscellaneous**

28. The Union Minister shall submit occasionally the situation of ethnic affairs, important for the State or for the People, in the Pyidaungsu Hluttaw assembly, the Pyithu Hluttaw assembly or the Amyotha Hluttaw assembly.

29. The Union Minister may delegate the duties and powers prescribed in section (9) to the relevant Region or State Minister, if necessary, for implementation.
30. The Ministry shall carry out the office work and incur the expenses of the committee and working groups formed under this Law.
31. Offences in this Law shall be deemed as cognizable offences.
32. The Region or State Government shall assign the relevant Minister for Region or State Ministry of Ethnic Affairs to carry out any ethnic affair in this Law. In Regions or States where there is no Minister for ethnic affairs, let the Minister assigned by the Chief Minister of the relevant Region or State carry out.
33. The prior approval of the Ministry shall be obtained in prosecuting under any offence in this Law.

34. In implementing the provisions of this Law:
- (a) the Ministry may, with the approval of the Union Government, issue rules, regulations and by-laws;
  - (b) the Ministry may issue notifications, orders, directives and procedures;
  - (c) the Region or State Government may issue notifications, orders, directives and procedures;
  - (d) the Region or State Ministry may, with the approval of the relevant Region or State Government, issue notifications, orders, directives and procedures.



I hereby sign under the Constitution of the  
Republic of the Union of Myanmar.

Sd. Thein Sein

President

The Republic of the Union of Myanmar