

RELIGIOUS CONVERSION BILL*

Preamble

Whereas Article 34 of the Constitution provides that, “Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion subject to public order, morality or health or to other provisions of this Constitution,” and whereas there is a need for transparency and a system in place to ensure the right to freedom of religion and the freedom to choose and convert to another religion.

Chapter (1) Terms and Definitions

1. This law shall be called the Religious Conversion Law.
2. The terms described in this law shall have the following definitions –
 - (a) **Religion** means a belief system subscribed to by a person.
 - (b) **Religious Conversion** means a person converting to a new religion after having abandoned his/her previous religion, or in the case of the person not having a religion, converting to a new religion of his or her own free will.
 - (c) **A person wishing to convert religion/Applicant** means the person who makes an application for religious conversion of his/her own free will to the Registration Board.
 - (d) **Registration Board** means a body formed under this law which is tasked with screening and certifying religious conversion.
 - (e) **Office of Registration Board** means the departments that have been assigned to carry out administrative duties for the Registration Board under this law.
 - (f) **Certificate** means an evidentiary document issued by the Registration Board confirming a person's religious conversion.

Chapter (2) Formation of Registration Board and application process for religious conversion

3. In every township, a Registration Board on religious conversion will be formed with the following persons –
 - (a) Township Religious Affairs Officer Chairperson
Township Religious Affairs Office

* This translation is based on the English version initially translated by the Chin Human Rights Organisation (of the 1st draft of the Religious Conversion Bill that was made public in May 2014). Substantive differences between the 1st and 2nd public drafts of this bill are indicated in red.

- (b) Department head
Township Immigration and National Registration Department Member
- (c) Deputy Administrative Officer
Township General Administration Department Member
- (d) ~~Two~~ Four local elders
Selected by the General Administrative Officer from the
Township General Administration Department Members
- (e) ~~Two~~ One Education Officer ~~secretaries~~ Member
Appointed by the Township Education Officer
- (f) Chairperson
Township Myanmar Women’s Affairs Federation – Member
- (g) Deputy Head
Township Immigration and National Registration Department – Secretary

4. Everyone –

- (a) including those who do not have a religion, has the right to convert from his or her current religion to another.
- (b) has the right to convert to his/her original religion or to another religion from a converted religion.

5. Everyone who wants to convert his or her religion must –

- (a) be over 18 years old
- (b) be converting of their own free will
- (c) submit the following personal details to the Registration Board –
 - (i) Name
 - (ii) Age and date of birth
 - (iii) National Registration Card no.
 - (iv) Address
 - (v) Father’s name and religion
 - (vi) Mother’s name and religion
 - (vii) Spouse’s name and religion
 - (viii) Current religion
 - (ix) Religion he/she wants to convert to
 - (x) Whether converted to another religion in the past
 - (xi) Reason to convert to new religion

~~(d) Undergo questioning by the Registration Board to ascertain whether the person truly believes in the said religion.~~

6. Upon receiving the application for conversion in accordance with Section 5(c) the Registration Board shall –

- (a) Examine whether the information in the application is complete.
- (b) Explain to the applicant what else is required in the event of incomplete information, and ask him/her to provide that information.
- (c) File the application, if the application is found to be complete.
- (d) Arrange a date for interview of the applicant by the Registration Board within seven days of receiving the application.
- (e) The applicant must immediately inform the Registration Board if he/she resides far away from the seat of the Registration Board, or lives in a remote area, so that necessary arrangements can be made for an interview as soon as possible.

Chapter (3) Issuing certificate

7. The Registration Board –

- (a) Shall conduct the interview with the applicant by at least ~~four~~ five out of the 10 persons from the Registration Board.
- (b) ~~Shall interview the person seeking to convert to find out whether she/he is applying of her/his own free will.~~
- (c) Shall avoid using methods of inducement, intimidation, undue pressure or duress or similar behavior ~~during the interview, in order to determine whether the applicant has exercised his/her free will in choosing to convert religion when interviewing the applicant according to subsection (b).~~
- (d) Shall record the results of the interview as per subsection (b), and set a time period not exceeding 90 days from the date of the application, during which the applicant shall study the following:
 - (i) The essence of the religion to which the applicant wishes to convert
 - (ii) The marriage law, divorce and property division customs under that religion
 - (iii) The customs on inheritance and custody of children under that religion
- (e) May extend the duration of the study period up to a maximum of 180 days, on request by the applicant.
- (f) Shall, upon the request of the applicant, arrange a chance for the applicant to meet with those with the expertise and knowledge of the essence, as well as customary practices, of the religion to which he/she seeks to convert.
- (g) Shall undertake the following tasks, after meeting with the applicant at the end of the stipulated time period in accordance with sub-section (d) or sub-section (e) –
 - (i) Shall issue a certificate of religious conversion, where the applicant still wishes to convert, in accordance with the rules set out by the Ministry of Religious Affairs
 - (ii) Where the applicant no longer wishes to convert, file away the original application, in accordance with the rules set out by the Ministry of Religious Affairs.
- (h) Shall, in carrying out their duty as per subsection (g) require the applicant to enter his/her signature expressing the desire to convert in written form. In the case that the applicant does not understand, or is not in a physical position to enter his/her own signature, the Registration Board shall assist the

applicant in entering his/her signature after having recited the entered information to the applicant by the Registration Board or having him/her provide their fingerprints on the form.

8. The Registration Board –

- (a) Shall send written notification to the applicant to the effect that he/she has not informed the Registration Board within the specified date under subsection (c) or subsection (d) of Section 7.
- (b) Shall record the reason why the applicant cannot be issued the certificate, in accordance with the appropriate section, should the applicant have failed to inform the Registration Board as per his/her obligations under subsection (a) above

9. The Registration Board can issue as necessary a certificate of conversion in the case that the applicant cannot appear in person, or there is reasonable ground for the early issuance of the certificate under section 7 as follows –

- (a) The person is too old and has mobility problems
- (b) Has severe disease
- (c) Is disabled

10. The Registration Board –

- (a) When issuing a certificate of conversion pursuant to section 7(g)(i), shall submit the following profile of the applicant as per a template set by the Ministry of Religious Affairs to the concerned State or Regional Government, State or Regional Office of the Department of Religious Affairs, or State or Regional Immigration and National Registration Department –
 - (i) Name
 - (ii) Father's name and religion
 - (iii) National Registration Card Number
 - (iv) Residential Address
 - (v) Original Religion
 - (vi) Name of religion and date on which conversion is granted
- (b) Shall establish whether the applicant has been under inducement, intimidation, undue pressure or duress in converting his/her religion and accordingly act as follows –
 - (i) Record the statement and withhold the issuance of certificate of conversion if the applicant has admitted in person to that effect
 - (ii) Issue a certificate of conversion and record the statement if the applicant personally expressed a willingness to convert, even if other evidences suggest otherwise
- (c) Submit the findings under sub-section (b) above in accordance with the template set by the Ministry of Religious Affairs to the concerned Regional or State Government, Regional or State Department of Religious Affairs or Regional or State Immigration and National Registration Office

11. The applicant shall have been deemed to have converted his/her religion on the date the conversion certificate has been issued by the Registration Board.

Chapter (4)
Rights and responsibilities of the person changing religion

12. The person seeking to change religion is entitled to the following rights

- (a) The right to change his/her religion from the new religion back to his/her original religion or to a different religion
- (b) ~~The right to enjoy marriage, inheritance and property rights in accordance with the laws of the religion to which he/she has converted~~ After undergoing conversion according to subsection (a), a copy of the conversion certificate can be submitted in accordance with stipulated rules to the concerned Township Department of Immigration and National Registration Office in order to record the conversion.

13. ~~Upon receiving the certificate of conversion the person shall~~

~~(a) Undergo conversion in accordance with the rituals of the new religion to which he/she has converted~~

~~(b) Inform the concerned Township Department of Immigration and National Registration Office by providing a copy of the conversion certificate~~

If after receiving the conversion certificate, the person seeking to change religion, further converts to another religion after a certain period, the conversion certificate must be returned to the Registration Board.

Chapter (4 5)
Prohibitions

14. No one is allowed to apply for conversion to a new religion with the intent of insulting, degrading, destroying or misusing any religion.

15. No one shall compel a person to change his/her religion through bonded debt, inducement, intimidation, undue influence or pressure.

16. No one shall hinder, prevent or interfere with a person who wants to change his/her religion.

Chapter (5 6)
Penalty

17. Anyone who has been found to have violated prohibitions contained in section 14, will be sentenced to a period not exceeding two years imprisonment or monetary fine not exceeding two hundred thousand Kyats, or both.

18. Anyone who has been found to have violated prohibitions contained in section 15 will be sentenced to a period not exceeding one year imprisonment or monetary fine not exceeding one hundred thousand Kyats, or both.

19. Anyone who has been found to have violated prohibitions contained in section 16 will be sentenced to a period not exceeding six month imprisonment or monetary fine not exceeding fifty thousand Kyats or both.

20. Anyone convicted under this law and whose record shows that he/she has previously been convicted under the same law is liable to be punished again with the harshest sentence as stipulated under this law.

Chapter (6 7) **General Provisions**

21. The miscellaneous duties of the Registration Board shall be conducted by the staff of the Township Religious Affairs Office. If there is no Religious Affairs Office, administrative duties will be carried out by the Township Department of Immigration and National Registration Office.

22. The Registration Board shall keep all files and records relating to religious conversion securely.

23.

(a) Myanmar nationals living in foreign countries who want to convert their religion can contact the concerned Myanmar Embassy or Consular Office; In the event there is no Myanmar Embassy or Consular Office in the country, contact the nearest Myanmar Embassy or Consular office

(b) If contacted in regards to subsection (a), the concerned Myanmar Embassy or Consular Office shall entertain administrative duties under section (6), subsections (b) to (g) under section (7), section (8), section (9), section (10) and section (22)

24. **The propagating activities carried out according to one's religion shall not be related to the inducement mentioned in section 15.**

25. Religious conversion is not concerned with citizenship under this law.

26. Religious conversion will only be performed under this law.

27. In implementing provisions of this law, the Ministry of Religious Affairs and the Department of Religious Affairs have the power to issue order announcements, direct orders, directives and procedural regulations.

It is published in order for the public to learn and to give feedback.