



အခန်း(၈)
နိုင်ငံသား၊ နိုင်ငံသားများ၏ မူလအခွင့်အရေးနှင့် တာဝန်များ

- ၃၄၅။ အောက်ဖော်ပြပါအရည်အချင်းတစ်ရပ်ရပ်နှင့်ပြည့်စုံသူများသည် ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်၏ နိုင်ငံသားများဖြစ်ကြသည် -
(က) ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်၏ တိုင်းရင်းသားမိဘနှစ်ပါးမှ မွေးဖွားသူ၊
(ခ) ဤဖွဲ့စည်းပုံအခြေခံဥပဒေ အတည်ပြုပြဋ္ဌာန်းသည့်နေ့တွင် ဥပဒေအရ နိုင်ငံသားဖြစ်ပြီးသူ။
၃၄၆။ နိုင်ငံသားဖြစ်ခြင်း၊ နိုင်ငံသားပြုခြင်းနှင့် နိုင်ငံသားအဖြစ်မှရပ်စဲခြင်းတို့သည် ဥပဒေ ဖြစ်ပြဋ္ဌာန်းသည့်အတိုင်း ဖြစ်စေရမည်။
၃၄၇။ နိုင်ငံတော်သည် မည်သူ့ကိုမဆို ဥပဒေအရာတွင် တန်းတူညီမျှအခွင့်အရေးရရှိစေရမည်။ ထို့ပြင် ဥပဒေ၏အကာအကွယ်ကိုလည်း တန်းတူညီမျှစွာ ရယူပိုင်ခွင့်ပေးရမည်။
၃၄၈။ နိုင်ငံတော်သည် ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်၏ မည်သည့်နိုင်ငံသားကိုမျှ လူမျိုး၊ ဇာတိ၊ ကိုးကွယ်ရာဘာသာ၊ ရာထူးဌာနန္တရ အဆင့်အတန်း၊ ယဉ်ကျေးမှု၊ အမျိုးသား၊ အမျိုးသမီး၊ ဆင်းရဲချမ်းသာတို့ကို အကြောင်းပြု၍ ခွဲခြားမှုမရှိစေရ။
၃၄၉။ နိုင်ငံသားများသည် အောက်ပါလုပ်ငန်းများကို လုပ်ကိုင်ဆောင်ရွက်ရာတွင်တူညီသော အခွင့်အလမ်းရရှိစေရမည် -
(က) ပြည်သူ့ဝန်ထမ်း တာဝန်ထမ်းဆောင်မှု၊
(ခ) အလုပ်လုပ်ကိုင်မှု၊
(ဂ) ကုန်သွယ်ရေးဝယ် ဖောက်ကားမှု၊
(ဃ) စီးပွားရေးလုပ်ငန်း လုပ်ကိုင်မှု၊
(င) အတတ်ပညာနှင့် အသက်မွေးဝမ်းကျောင်းမှု၊
(စ) ဝိဇ္ဇာပညာ၊ သိပ္ပံပညာနှင့် နည်းပညာရပ်များ ရှာဖွေဖော်ထုတ်မှု။

Chapter VIII
Citizen, Fundamental Rights and Duties of the Citizens

- 345. All persons who have either one of the following qualifications are citizens of the Republic of the Union of Myanmar:
(a) person born of parents both of whom are nationals of the Republic of the Union of Myanmar;
(b) person who is already a citizen according to law on the day this Constitution comes into operation.
346. Citizenship, naturalization and revocation of citizenship shall be as prescribed by law.
347. The Union shall guarantee any person to enjoy equal rights before the law and shall equally provide legal protection.
348. The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex and wealth.
349. Citizens shall enjoy equal opportunity in carrying out the following functions :
(a) public employment;
(b) occupation;
(c) trade;
(d) business;
(e) technical know-how and vocation;
(f) exploration of art, science and technology.

U Soe Htike, Page 149 (Article 345)

Arrested in 1991 for 7 years and 8 months for being a member of the All Burma Federation of Student Unions (ABFSU). He was falsely accused of having a gun.

PAGE 149 OF THE 2008 CONSTITUTION. ARTICLE 345(a). Article 345 (a) says that a citizen is a person born of parents both of whom are nationals of the Republic of the Union of Myanmar. Article 345(a) raises questions such as, "what about the child of a Burmese citizen and a non-Burmese citizen?" and "what about people who have been living in Burma since the colonial era?" An example is that with this Article, the Rohingya's legal status remains entirely dependent on the wishes of the government.

NAME OF POLITICAL PRISONER: U Soe Htike

GENDER: Male ETHNICITY: Burmese RELIGION: Buddhism DATE OF BIRTH: 15.2.1966 Age 48 OCCUPATION BEFORE PRISON: Corrector in a printing office. OCCUPATION AFTER PRISON: He cannot work because of his poor health.

TIME IN PRISON

ARRESTED on December 1991 for 7 years and 8 months for being a member of the All Burma Federation of Student Unions (ABFSU). He was falsely accused of having a gun.

WISHES FOR 2015: He wants to change things in a peaceful way.

HISTORY CLOSE-UP: THE ROHINGYA

The Rohingya are an ethnic group who practice Islam and speak Rohingya, an Indo-European language. The origin of this group of people is disputed with some saying they are indigenous to the state of Rakhine (Arakan) in Burma and others contending that they are Muslim migrants who originated in Bengal, latterly Bangladesh, and migrated to Burma during the period of British rule. According to the United Nations, they are one of the most persecuted minorities in the world. A 1982 law denies citizenship to the Rohingya Muslim minority to native-born Burmese of Indian descent and to the foreign-born children of Burmese citizens. A United Nations resolution in November 2013 called on Myanmar to grant the Rohingya Muslims citizenship, but the government has rejected that resolution. Indeed, the Muslim community in northern Rakhine State, the Rohingya, are among the most discriminated against populations in Myanmar. Apart from being denied citizenship, they are facing severe restrictions on freedom of movement as well as numerous abusive policies. In June and October 2012, clashes between Buddhists and Muslims in Rakhine State left almost 200 people dead and around 140,000 displaced, the great majority of them Muslims. The violence has occurred in the context of rising Burman-Buddhist nationalism, and the growing influence of the monk-led "969" movement that preaches intolerance and urges a boycott of Muslim businesses. Communities remain essentially segregated to this day, and the humanitarian situation is critical. In early 2013, the violence spread to central Myanmar. The worst incident occurred in the town of Meiktila, where a dispute at a shop led to anti-Muslim violence. The brutal killing of a Buddhist monk sharply escalated the situation, with two days of riots by a 1,000-strong mob resulting in widespread destruction of Muslim neighbourhoods, and leaving at least 44 people dead, including twenty students and several teachers massacred at an Islamic school. There has been strong domestic and international criticism of the police response. In Rakhine State, the police – who are overwhelmingly made up of Rakhine Buddhists – reportedly had little ability to stop the attacks, and there are allegations of some being complicit in the violence. The army, once it was deployed, performed better. In Meiktila, the police were apparently incapable of controlling the angry crowds that gathered outside the shop, and were hopelessly outnumbered and ineffective when the clashes rapidly escalated. The violence has regional implications. There has been a sharp increase in the number of Muslims making the dangerous journey by boat from Rakhine State to other countries in the region, prompting public criticism from some of those countries. The intercommunal tensions have also spilled over Myanmar's borders, with the murders of Myanmar Buddhists in Malaysia, and related violence in other countries. There have also been threats of jihad against Myanmar, and plots and attacks against Myanmar or Buddhist targets in the region. As Myanmar prepares to take over the rotating chairmanship of the Association of Southeast Asian Nations (ASEAN) in 2014, this could become a serious political issue. The Myanmar quasi-civilian government seem to understand what is at stake. At a moment of supposed historic reform and opening, Myanmar cannot afford to become hostage to intolerance and racism. President Thein Sein has spoken publicly on the dangers of the violence, and announced a "zero-tolerance" approach. The police response has been improving somewhat, with faster and more effective interventions bringing incidents under control more quickly. And after some delay, perpetrators of these crimes are being prosecuted and imprisoned, although there are concerns that Buddhists sometimes appear to be treated more lightly...