



FAMILY FRONTIERS

Persatuan Kebajikan Sokongan Keluarga Selangor & KL (PPM-011-10-24072020)

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Press Release - For Immediate Publication

Petaling Jaya, 25 January 2024

Reform the Law on Citizenship of Overseas Born Children to Malaysian Women Immediately As Per the Government's Commitments at Malaysia's Universal Periodic Review (UPR)

At the Universal Periodic Review, Malaysia received 11 recommendations urging the government to ensure that Malaysian mothers have the equal right to confer citizenship to their children as Malaysian men. The Government should table the constitutional amendment to this effect, without simultaneously proposing to remove existing citizenship rights for vulnerable children.

On 25 January 2024, Malaysia reported on its progress of human rights in the country for the Universal Periodic Review from November 2018 to October 2023. Twenty-nine independent submissions and twenty-one joint submissions were made by stakeholders from national and international organisations working on human rights, including the joint submission made by Family Frontiers, DHRRA Malaysia and Voice of Children which focused on statelessness, citizenship for overseas-born children of Malaysian mothers and the rights of foreign spouses in Malaysia.

Despite Malaysia being applauded for its efforts towards gender equality, many recommendations were given to ensure that women and children regardless of nationality are protected in the country. A total of 11 countries urged the Government to allow Malaysian mothers to confer citizenship to their overseas-born children on a similar basis as Malaysian men. These States included the United States of America, Uruguay, Belgium, Canada, Chile, Japan, Slovakia and the Philippines.

Countries such as the Netherlands, Finland and Sweden also urged Malaysia to withdraw its reservations to Article 9.2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which mentions that "*States Parties shall grant women equal rights with men with respect to the nationality of their children*". By amending Article 14(1)(b) of the Federal Constitution, the government will have the opportunity to remove its reservation to Article 9.2.

While the government has committed to amending Article 14(1)(b) to allow Malaysian mothers to pass on citizenship to their overseas born children in February 2023, it has unfortunately been bundled with other regressive amendments that do threaten to worsen statelessness. Family Frontiers is very concerned that despite calls for the amendment granting Malaysian women the equal right to confer citizenship to their children to be delinked from the regressive amendments, the Government seems intent on tabling both the progressive and regressive amendments together in the upcoming Parliament Session.

The proposed regressive amendments, if passed, will **threaten the rights of vulnerable groups such as those who are stateless by reducing their chances of obtaining Malaysian citizenship, which will in turn negatively impact their access to basic rights including healthcare, education and livelihood.** The United Kingdom and Canada raised concerns on the proposed amendments to the citizenship law, while nine other countries made recommendations to address statelessness.

Malaysian mothers with non-citizen children have been waiting for months for the Malaysian government to table the amendment to Article 14(1)(b) in Parliament since late 2022. While waiting, they have had to endure emotional, mental, familial and financial stress due to their children's non-citizen or stateless status. "Malaysian mothers who are facing long-term health issues or terminal illness are distressed about their children's legal status in the event that anything should happen to them. Moreover, there are mothers involved in custody disputes, single mothers, and those from low-income backgrounds, who all carry the weight of their children's uncertain futures, limited access to basic rights, family separation, extra financial burdens, and other challenges," said the Lead Coordinator of Family Frontiers, Bina Ramanand.

While Family Frontiers acknowledges the Home Minister's proactive approval of citizenship applications, it is clear that this is a stop-gap measure, and that the only effective solution is the swift reform of Malaysia's unequal citizenship provisions in the Federal Constitution. Such reform would guarantee the resolution of the negative impacts on Malaysian mothers stemming from the unequal citizenship provision, and provide Malaysian families with lasting relief.

Family Frontiers hopes that the amendment to Article 14(1)(b) becomes a reality in 2024 and that the government continues to protect its citizens from all forms of discrimination and empower its women and children in all spheres of life.

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