

A CALL FOR GENDER EQUALITY

Amend the Federal Constitution to allow women to confer citizenship on their children born overseas

- The Federal Constitution discriminates on the basis of gender, despite Article 8(2) prohibiting such discrimination.
- Article 14 and its related Schedule **limits the right of Malaysian mothers to confer their citizenship** by operation of law on their children born overseas. Instead, Malaysian mothers must utilise the process under Article 15(2) to confer their citizenship by registration, a long and arduous process.

What is the IMPACT on WOMEN and CHILDREN when a Malaysian mother cannot confer citizenship to her children born overseas?

WOMEN ARE MADE UNEQUAL BEFORE THE LAW

- When Malaysian women are denied a right that is accorded to Malaysian men, they are unequal in their citizenship, and this is direct gender-based discrimination.
- Malaysia's discriminatory constitutional provisions are relics of our colonial past, and deeply rooted in the patriarchal notion that children's citizenship must follow their father.

- The children in such situation are made to enter Malaysia on a tourist visa and stay on a Long-Term Social Visit Pass of six months duration until they are seven years old. Often, the mother has to leave the country with her children in order to renew their visas, thus incurring travel and hotel costs.

FAMILY UNITY IS THREATENED

- The application process for citizenship via Article 15(2) of the Federal Constitution is tedious and takes many years, with no guarantee of ultimately securing citizenship. **This forces families to face an uncertain future**, hindering planning and decision-making in the family's best interests.
- Mothers going through this process fear leaving Malaysia at all, wanting to ensure they are available interviewed by immigration authorities at any time. In some cases, the husbands of these women live overseas, **separated from their wives and children**.
- The tensions are also felt by the extended family, such as in the case of a Malaysian daughter who has returned to care for her ageing parents. The parents watch in despair as their daughter and grandchildren are subjected to **long waits and bureaucratic hurdles**.

"I just want to live in Malaysia, look after my parents, and have my children go to local schools and not have to make a trip out to Singapore or Thailand every three months to renew my children's tourist visa. It is exhausting, not to mention expensive. I ended up home schooling as it was expensive to send my children to a private school." – Sophia, a Malaysian woman whose children were born overseas

CHILDREN DON'T HAVE EQUAL ACCESS TO EDUCATION, HEALTHCARE, AND SOCIAL SERVICES

- Ultimately, the discriminatory constitutional provisions harm children. When children are not recognised as citizens, they have restricted access to the National School System and are treated as International students, subject to the headmaster's approval of admission.

- Schemes such as the 'textbook loan scheme', free mandatory vaccinations, and the Supplementary Food Programme are not available to them. Access to student loans is also extremely limited.
- Although non-citizen children of Malaysians can access health care at the same rates as Malaysian children at government health care institutions, this is only the case until age 12. Furthermore, the directive giving children under 12 such access has not reached all hospitals, and some mothers have been unable to claim this rate for their children
- These children are also excluded from regular medical and dental checks at schools, which are conducted only for citizens. **This denies these children a benefit granted to Malaysian children** and differentiates them through no fault of their own or their parents.

WOMEN BECOME MORE VULNERABLE TO GENDER-BASED VIOLENCE

- The limited options for Malaysian women to confer citizenship on their children may lead to situations where they are forced to rely on their foreign husbands for citizenship rights for their children, lest their children become stateless.
- If their husbands are abusive, **it is less likely for these women to leave the violent situation**, as staying with their husbands in the foreign country will be more secure for their children. This may perpetuate abuse not only of mothers, but also of their children.

WOMEN SUFFER FROM POOR MENTAL HEALTH

- The psychological distress resulting from lengthy and inconsistent bureaucratic processes can make anyone feel unimportant and marginalised. Mothers have shared how anxiety, low self-esteem, and isolation contribute to depression.

ADULT CHILDREN HAVE LIMITED ACCESS TO ECONOMIC OPPORTUNITIES AND SOCIAL SERVICES

- Adult children denied Malaysian citizenship will face **barriers to formal employment** and will be required to obtain work permits which involves long waits and tedious administrative processes.
- These individuals also face barriers to inheriting family property and difficulty opening and maintaining bank accounts, and are often denied access to social welfare programs that are publicly funded. This marginalisation can lead to **a life of economic hardship**.

CHILDREN ARE AT RISK OF BECOMING STATELESS

- Gender discrimination in nationality laws is said to be a primary reason for statelessness. A risk of statelessness for the children arises in the event where the father is stateless or untraceable, or the laws in the foreign father's country do not allow the transmission of citizenship to the children.

**We must take action now so
Malaysia is not left behind,**

**The lack of gender equality in
Malaysia's citizenship laws results
in us being one of only 25
countries in the world that denies
women the right to confer
nationality on their children on an
equal basis with men**

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