



CONSTITUTIONAL (AMENDMENT) BILL OF CITIZENSHIP CLAUSES

KUALA LUMPUR (7 OCTOBER 2024) - The Human Rights Commission of Malaysia (SUHAKAM) is deeply alarmed about the recent news of a Member of Parliament's remark on the exemption of Sabah from provisions of proposed amendments to citizenship clauses. Article 161E(2)(a) of the Federal Constitution requires the concurrence of the states of Sabah and Sarawak for the amendment of citizenship clauses. The abrupt development signalled the disarray of the government in the preparation of this bill.

SUHAKAM strongly urges the Government to seriously reconsider the removal of present automatic right to citizenship of children born within Malaysia to permanent residents. The rights to citizenship that has been entrenched in the Federal Constitution through the wisdom of our forefathers should not be taken away by way of any amendment to the Constitution. SUHAKAM would like to reiterate its stance to the amendment to the Federal Constitution on citizenship rights should be in the spirit of enhancing these rights and not directed to taking away or diluting these rights. It remains our concern that the removal of the right to automatic citizenship of children born to permanent residents would only exacerbate the problem of statelessness.

Moreover, despite the applaudable move in the bill to extend equal rights to Malaysian women to pass down citizenship to their children born overseas, we would like to emphasise on the application of retrospective effect for the benefit of children born after September 2001. The constitutional amendment of Article 8 in 2001 guarantees equal treatment for both genders before the law and the retrospectivity will not only level up the past inequality for the affected Malaysian women and but also remedy the unfairness to the said children who should have been entitled to automatic citizenship had their mothers not been discriminated.

SUHAKAM urges the Government and Parliamentarians to continue in holding meaningful consultations and pragmatic engagements with all relevant stakeholders including stateless children and affected communities in addressing the causes of statelessness and the impediment for registration of document.

The current state of statelessness in Malaysia did not happen in a vacuum nor it is accidental. It reflects and exposes the perpetual creation of statelessness in our public service delivery for decades. It is clear that an overhaul reform is necessitated with urgency and good faith to fix the broken system.

Whilst SUHAKAM appreciates the piecemeal initiatives and various efforts demonstrated recently by the Ministry of Home Affairs in expediting citizenship application and registration of birth and marriage within the marginalised community, however, there must be in place the legal and administrative safeguards so as to avoid any individual falls through the crack of the system that render them stateless or undocumented.



**MEDIA STATEMENT
HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)**

SUHAKAM calls upon Members of Parliament and Senators from both Houses to set the parameters in the upcoming Parliamentary debate to get categorical assurance from the government in their administrative and legislative reform to not only end statelessness but deliver a clear, transparent and inclusive pathway towards citizenship for prospective nationals.

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The Human Rights Commission of Malaysia (SUHAKAM)

Date: 7 October 2024