



MEDIA STATEMENT HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM)

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SUHAKAM EXPRESSES CONCERN OVER COURT OF APPEAL RULING ON CHILDREN'S CITIZENSHIP

KUALA LUMPUR (25 JULY 2026) – The Human Rights Commission of Malaysia (SUHAKAM) notes with concern the Court of Appeal's decision that children born out of wedlock to Malaysian fathers and non-Malaysian mothers are not entitled to Malaysian citizenship under the Federal Constitution.

SUHAKAM fully respects the independence of the judiciary and acknowledges that the Court is required to interpret and apply the Federal Constitution as it currently stands. Nevertheless, the decision highlights continuing gaps in Malaysia's citizenship framework that may leave some children at risk of statelessness and burdened with indefinite and prolonged legal uncertainty.

Every child has the right to acquire a nationality. Article 7 of the United Nations Convention on the Rights of the Child (CRC), to which Malaysia has been a State Party since 1995, recognises the right of every child to be registered immediately after birth and to acquire a nationality. States are required to implement these rights, particularly where a child would otherwise be rendered stateless. In its Concluding Observations on Malaysia adopted in February 2026, the UN Committee on the Rights of the Child urged Malaysia to strengthen its legal framework to ensure that all children have access to nationality without discrimination and to take effective measures to prevent and reduce childhood statelessness. The Committee further emphasised that the best interests of the child and the principle of non-discrimination should guide all decisions affecting children's nationality rights.

SUHAKAM has consistently maintained that no child should be disadvantaged or denied access to nationality because of the marital status of their parents or circumstances beyond their control. Citizenship should not be determined by moral judgments relating to the circumstances of a child's birth. Every child is entitled to equal protection and non-discrimination under the law, regardless of the marital status of their parents. A child's legal identity and future should never depend on decisions or circumstances for which the child bears no responsibility. Citizenship is not merely a legal status; it is the gateway to the enjoyment of many fundamental rights, including access to education, healthcare, social protection, employment and full participation in society.

SUHAKAM therefore reiterates its longstanding call for Malaysia's citizenship laws and policies to be progressively reformed in line with the principles of equality, non-discrimination and the best interests of the child. While the constitutional amendments allowing Malaysian mothers to confer citizenship on their children born overseas marked an important milestone, further reforms remain necessary to ensure that every child enjoys equal protection and that no child is left without effective access to nationality because of legal or administrative barriers.

Pending broader reforms, SUHAKAM also encourages the Government to continue utilising existing constitutional and administrative mechanisms available under Article 15A of the Federal Constitution which was specifically enacted to prevent children from becoming stateless. The executive discretion must be exercised in accordance with the child's best interests and to prevent the possibility of children becoming stateless through no fault of theirs.

SUHAKAM remains committed to working constructively with the Government, Parliament and all relevant stakeholders to advance a child rights-based citizenship framework that places the best interests of every child at its core, in line with Malaysia's obligations under the CRC.

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**Human Rights Commission of Malaysia (SUHAKAM)
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