



*Permanent Representative of Malaysia  
Geneva*

15 February 2022

**Ms. Melissa Upreti**  
Chair-Rapporteur  
Working Group on Discrimination Against Women and Girls  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Geneve 10, Switzerland

Dear Madam,

I refer to your Communication, Reference: OL MYS 6/2021, dated 21 September 2021, in your capacity as the Chair-Rapporteur of the Working Group on Discrimination Against Women and Girls, concerning the equal nationality rights in Malaysia.

2. I hereby transmit in the **ANNEX** the response of the Government of Malaysia to the afore-mentioned matter.
3. In thanking the Working Group for the understanding and cooperation, I express my sincere hope that the attached response from the Government of Malaysia will be fully taken into consideration.

Please accept, Madam, the assurances of my highest consideration.

Thank you.

*Yours sincerely,*

  
**AHMAD FAISAL MUHAMAD**  
Ambassador/Permanent Representative

OHCHR REGISTRY

17 FEB. 2022

Recipients :.....SPR.....  
.....  
Enclosure .....

**RESPONSE FROM THE GOVERNMENT OF MALAYSIA TO THE COMMUNICATION SUBMITTED BY THE WORKING GROUP ON DISCRIMINATION AGAINST WOMEN AND GIRLS ON THE ISSUE OF WOMEN'S EQUAL NATIONALITY RIGHTS**

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The Government of Malaysia ("Government") presents the following information in response to the communication submitted by the Working Group on discrimination against women and girls ("WGDAWG") Reference: OL MYS 6/2021 dated 21 September 2021 ("Communication") concerning the measures taken by the Government regarding the Government's appeal against the Kuala Lumpur High Court's decision on automatic transmission of nationality to children born overseas to Malaysian women.

2. This response provides clarification on the Government's action following the Kuala Lumpur High Court's decision as requested in the Communication, as follows:

(i) **Please provide information on the Government's possible intention to withdraw the appeal to the High Court's ruling**

3. The Government has filed an appeal against the said decision to the Court of Appeal and an application for a stay of execution of the High Court's judgement. The application for a stay of execution of the High Court's judgment had been fixed for hearing on 15 November 2021. Nevertheless, the Government's application for stay of execution pending appeal has been dismissed.

(ii) **Please provide any information on the enforcement of the High Court ruling should it be upheld and any planned revision of the relevant legislation?**

4. The Government is currently taking steps to file the requisite for the appeal records and waiting for further directions from the Court of Appeal.

5. It is pertinent to note that Article 159(5) of the Federal Constitution expressly provides that any proposed amendment to the provisions of Part III of the Federal Constitution (concerning citizenship) shall not be passed without the consent of the Conference of Rulers and shall not be passed in either House of Parliament unless it

has been supported on Second and Third Readings by the votes of not less than two-thirds of the total number of members of that House in accordance with Article 159(3) of the Federal Constitution.

6. Article 161E(2)(a) of the Federal Constitution further stipulates that the concurrence of the Yang di-Pertua Negeri Sabah and Sarawak shall be required if the proposed amendments affect the operation of the Federal Constitution pertaining to the right of persons born before Malaysia Day to citizenship by reason of a connection with the State, and (except to the extent that different provision is made by the Constitution as in force on Malaysia Day) the equal treatment, as regards their own citizenship and that of others, of persons born or resident in the State and of persons born or resident in the States of Malaya.

7. The Government is cognisant that this issue involves the rights of women and children and these rights have been recognised by the High Court. As a State Party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention of the Rights of the Child (CRC), the Government remains fully committed to ensure that the rights of the women and children are protected.

8. The Government requests the foregoing responses be submitted to the kind attention of the Working Group on discrimination against women and girls.

**The Government of Malaysia**

**15 February 2022**