

Mandate of the Working Group on the issue of discrimination against women in law and in practice

REFERENCE: OL
MYS 7/2014:

14 November 2014

Excellency,

I have the honour to address you in my capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice pursuant to Human Rights Council resolution 23/7.

The Working Group is following up on the information on Malaysia, published by the UN High Commissioner for Refugees in its 2014 annual note regarding gender equality in legal provisions in nationality laws. According to this information, current nationality law in Malaysia discriminates against women in that, although a child born in the country to either a Malaysian father or mother and a child born abroad to a Malaysian father acquires Malaysian nationality, children born abroad to Malaysian mothers can only gain nationality at the discretion of the Federal Government through registration at an overseas Malaysian consulate or at the National Registration Department in Malaysia.

In this regard, the Working Group wishes to recall CEDAW's Concluding Observations on Malaysia (CEDAW/C/MYS/CO/2), in which the CEDAW Committee urged Malaysia to ensure the Convention and its provisions are incorporated into national law and are fully applicable in the domestic legal system to eliminate any forms of discrimination against women.

The Working Group would also like to recall the recommendations made in the context of the Universal Periodic Review of Malaysia which are under consideration or are supported by Malaysia, which called for a number of measures to, inter alia, increase gender equality and empowerment of women and harmonizing domestic legislation with international standard (see recommendations 146.96, 146.71, 146.95 & 146.36 in A/HRC/25/10).

The Working Group would like to draw to your Excellency's Government's attention the existence of wide spread good practices by States in your region with the majority upholding equality between men and women in relation to nationality.

In order to clarify the measures being taken by your Excellency's Government to repeal the discriminatory legislative provisions on nationality, the Working Group would be grateful if you could address the following matters:

1. Please provide any additional information on the current status of the relevant legislation with regard to the right of women to pass their nationality to the children on an equal footing with men;

2. Please provide information on any measures that your Excellency's Government has taken or intend to take in order to implement the recommendations by UN human rights mechanisms, referred to above, and to bring its legislation into compliance with international human rights law.

The Working Group would appreciate a response within 60 days and remains available for any type of technical advice on legislative reform that your Excellency's Government may require.

This communication and your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

Frances Raday
Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice