

AMEND DISCRIMINATORY LAWS NOW, 25 MAY 2005

The plight of a 3-year-old Naomi, currently held with her Malaysian mother in a detention centre in Australia, has captured the attention of both Malaysians and Australians. While we hope for a positive outcome for both Naomi and her mother, the Women's Centre for Change (WCC) Penang would like to highlight the discriminatory law, which denies a woman the right to confer her nationality on her child.

The Home Minister Datuk Azmi Khalid was reported to have said that Naomi can return to Malaysia "but first we need to establish the identity of the father". He was reported to have said that "if the father is a Malaysian, there should not be any problem... but if the father is a foreigner.... she can't bring back her daughter." (The Sun 20/5/05). Why should this be the case?

Under Article 14(1)(b) of the Federal Constitution, Malaysian women cannot confer citizenship on their children born outside Malaysia. Thus, Malaysian women who give birth outside Malaysia are NOT entitled to confer their nationality on their child/children.

The child automatically takes on the nationality of the father, Malaysian or otherwise.

This is unfair and it is not clear why this provision still exists and discriminates against Malaysian women when our Federal Constitution under Article 8(2), specifically prohibits gender discrimination.

The gender discrimination does not end here. Under Article 15 (1) of the Federal Constitution, there is no provision for foreign husbands of Malaysian women to receive Permanent Resident Status unlike the provision for foreign wives of Malaysian husbands. In addition, the dependant's spousal visas are given only to wives of Malaysian men and not husbands of Malaysian women.

The list can and does go on.

The irony is that while Malaysian women are continually praised for their good work and virtues, we continue to remain unequal in certain areas of the laws.

How long will it take before our laws are amended to keep in line with Article 8 (2) of the Federal Constitution, which prohibits gender discrimination? It has been four years in 2001 since this landmark amendment was made. How much longer do Malaysian women have to wait?

WCC urges Parliament to amend existing discriminatory laws so that Malaysian women can gain their rightful place in this country and not be treated as second class citizens.

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