

1. Who is "human" in the concept of modern human rights?

unfortunately in Malaysia who is human is not necessarily universal for example some minorities struggle to assert and claim certain human rights also immigrants and refugees certain persons with disabilities and moreover even the right to life is not always respected

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncounted in the Constitution is conflicted with a constitutional right?

there are certain rights that are protected for example in criminal law and procedure laws rights to an independent fair hearing are provided and more recent legislation protecting the rights to privacy, however many rights are not protected at all. Generally rights not in the constitution carries little or no weight within the legal system so for example the courts have repeatedly refused to apply international human rights in domestic cases -rights protected in the constitution will always prevail and often in a literal and pedantic way too

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

international human rights are not a minimum standard and are seldom applied. Malaysia has ratified very few treaties. Article 5 of the constitution protects the rights to life and liberty this has been interpreted by some courts in a creative and liberal way beyond the original intent which was limited purely to criminal procedure. However other courts have disagreed with this liberal interpretation

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

the jurisdiction itself is not really an actor given that it does not promote international standards although occasional judge's have made positive moves however often these have been overturned by judges in higher courts

5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?

the situation of the majority Malay race is one that is protected by domestic

law and human rights such rights are particularly protected under the constitution and also by economic policy

6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?

their rights of indigenous and native people's have good recognition under the constitution however the social legal economic and cultural and property aspects for these communities are poor

7. Are there any social realities contradicting international human rights concept based on individualism?

right of freedom of religion as some restriction 4 some Muslims specifically adherence to the Sunni sect dominate the country where as those who are Shia can barely practice their faith. The right to equality and particularly rights of women contradicted by religious practices of certain faiths in Malaysia for example Hindu and Islam

8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

there is only limited protection for violations by private persons for example complaining to the human rights commission

9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

apart from the majority Malay ethnic and racial group there are minority Indian and Chinese communities further there are some indigenous communities such as the orang asli and various native communities in Borneo their strong characteristics are their ethnic and linguistic preferences although religious preferences are more mixed within the country

10. What is the definition of the notion "minority" according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

there is no definition of minority within the constitution although there are definitions of certain ethnic groups that have specific rights affected by the constitution the concepts used have worked adequately since independence, although some groups particularly the orang asli deserve stronger constitutional protection as they have been unable to obtain effective economic and civil rights

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?

the notion of minority rights in international law is not a clear response to the minorities in Malaysia. Racial tensions have predominantly been focused around protecting rights of the majority malays. Unfortunately they have suffered poverty and poor economic rights as much as any other group

12. What you think is the most current human rights problem in your country?

current problems in the country that are prominent include the right to free and fair elections LGBT rights indigenous rights the rights of children the disabled free speech and right of assembly standard of living the right to an education