

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

Human does not only mean 'man' but covers all living creatures.

**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 uncouncted in the Constitution is conflicted with a constitutional right?**

Besides the Constitutional provisions, other rights can be conferred under ordinary legislations. For example, the right of indigenou people is not specifically spelt out in the Constitution and is conferred in ABORIGINAL PEOPLES ACT 1954. The courts may in the exercise of power to interpret the Constitutional provisions expand the meaning of the words used in the constitution. For example the word 'life' under Art 5 is interpreted to include the right to 'clean environment'

**3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims?**

Yes.

Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

The Constitution is above the international human rights standard. Since Malaysia subscribes to dualist theory under International Law, domestic law is regarded as higher than International Law. However, if Malaysia is a signatories to any international law documents, the Court will give regards to the obligation under the documents signed.

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

I don't understand the question.

**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?**

In general, the Malaysia Federal Constitution covers almost everything.

**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?**

Yes, such as Sedition Act 1948.

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

Yes, it does to certain extent contradict the communitarian ideology or common good subscribed by conventional community and religious belief.

**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?**

Private individual may under Art 4 and Art 128 apply for judicial review to challenge the conduct. The mechanism can be said moderately effective.

**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)?**

Yes, the native of Sabah & Sarawak due to historical background may claim for their own national and ethnical identity. Malaysia at the same time has a pluralistic society. In general we have one nationality but many ethnics, religion and linguistic identities.

**10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept?**

We don't have the notion of 'minority' in our Constitution. The Constitution divides the citizen as Malay, other races and natives. But *de facto*, other races (Chinese and Indian), and natives of Sabah & Sarawak, so as the aboriginal is considered as minority.

Do you think that minority rights should be protected broadly by the constitutional level?

Yes, it should be broadly protected. In general, Art 8, that guarantees right to equality need to be further expanded by having more legislations to protect equal rights.

Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

Not necessarily.

**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?**

A wise concept. It does response to the reality and problems of our peoples.

In other words, do they cover the reality in your country from the view of the state and the view of peoples?

It does. However, this is correct from a very general perspective only. More effort is required to situate the concept at the national level.

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

The underlying human rights problems are managing freedom especially on expression and equitable distribution of wealth.