

Executive summary

The study on "The Problem of Unfair Discrimination of People Who Have Symptoms of Color Blindness."

The objective is to study the conditions and limitations of people who have symptoms of color blindness on their education, careers and daily lives. By analyzing the principle of human rights, concept on unjust discrimination, laws, regulations and related guidelines. As well as the comparison of the solving experience in other countries, in order to offer alternatives implementation or suggestions to revised regulations and laws related to the unjust discrimination of people who have symptoms of color blindness. The target group of the study are the executives, staff and group of people who have symptoms of color blindness.

The method of the study is Qualitative Research, started by collecting information, documents and related electronic media. The study included the documentary research, the interview and the discussion in focus group and public hearing. After that the information was analyzed on the content analysis process which covered various issues according to the purpose of the research. The final summarization are the recommendations and suggestions for improving the law that limited the rights of people who have symptoms of color blindness.

The results of the study found that the Rights to Education of the people who have symptoms of color blindness are limited to study in the police and military educational institutions. Including some faculties in the university such as Medicine, Engineer, Veterinary and Nursing that do not accept the people who have symptoms of color blindness to study. Therefore, it implies to the limitation to work in these occupation. They also have restrictions in their daily lives on application for a driving license.

Such restrictions caused by the rules, regulations and legal measures in Thailand that limited the rights of the people who have the symptoms of color blindness. It included their study, occupation and daily lives. In particular, the application for driving license, there are also the basis of color blindness inspection, which is the discrimination. In other

countries, especially in the United Kingdom, United States and Sweden, there are no rules or regulations to limit the access to education of people who have symptoms of color blindness.

In the United States and the United Kingdom, there are the rules that are related to the limitations for the people who have symptoms of color blindness in only some careers that require the ability to see colors accuracy such as policemen, Engine mechanic, Electrician and the Fire Extinguisher, etc. A case study in daily life, especially the issue of driving license in foreign countries such as in the United Kingdom, United States, Canada, Romania, Singapore and Turkey, it was found that there are no restrictions for people who have symptoms of color blindness to apply for a driving license. There is no test on color blindness but only the ability to see the signal for driving.

There are no legal measures that are specific law provisions of unjust discrimination against the people who have symptoms of color blindness, both in Thailand and in other countries. But in some countries such as the United Kingdom, United States and Sweden, there are laws that protect individuals from discrimination which will be applied to solve the problem of unjust discrimination of the people who have symptoms of color blindness. Thailand has endorsed only the principle in the constitution of the Kingdom of Thailand B.E.2540 and B.E. 2550. However, the Constitutional Court and the Administrative Court used to have the decision about the unfair treatment that may be used as a guide in the protection of the people who have symptoms of color blindness from unjust discrimination.

The results from the study has led to the suggestions to prevent the unjust discrimination against the people who have symptoms of color blindness to the relevant authorities and educational institutions as follows:

- 1.The Ministry of Education and the Ministry of Public Health should define a policy for children and youth to check the condition of color blindness so that they will be able to plan their study, including their appropriate careers in the future.

2. The institutions of higher education, including the educational institutions under police and military units and the University Presidents congress, should review the criteria of admission to study in higher education institutions for people

who have symptoms of color blindness, by specifying the color blindness that will be an obstacle to the study and should be limited to the certain subjects. They should identify the reasons mentioned clearly.

3. Ministry of Labor should consider measures to protect individuals who have symptoms of color blindness from the discrimination in employment, especially the screening of the color blindness that does not affect the work.

4. The Department of Land Transport should review the necessity of the color blindness test on the application for a driving license. They should ask for advice from the ophthalmology expert to clarify the symptoms of color blindness whether it is safe to drive or dangerous to the driver or to other road users. The driving application test should be revised to test only the symptoms of color blindness that effect driving, not a precise measure of the color blindness.

5. The Office of the National Human Rights commission should cooperate with the related agencies such as the Ministry of Social Development and Human Security and the Department of Rights and Liberties Protection to accelerate the implementation of the law to prevent discrimination against the people who have symptoms of color blindness. There should be the general Legislation to protect the discrimination of the disadvantaged group in any case and the coverage includes the people who have the symptoms color blindness.

This law requires categories that are easy to understand and must be able to resolve the major discrimination in both direct and indirect way. It looks like there is non-discrimination, but in fact it may affect the discrimination against the people who have symptoms of color blindness. Furthermore, the responsible authorities should be related to the protection of the rights of citizens in the same way as in other countries.
