

# Abstract

Equality Principle was recognized by international human rights instruments and foreign laws. However, “Discrimination” which comprises of two important factors i.e., “Ground of Discrimination” such as gender, race, religious etc. and “Area of Discrimination” such as employment, education, good and service etc., could be regarded as an obstacle to achieve equality. However, the main problem of this research was to study whether the existing laws of Thailand have sufficiently covered practices relating to discrimination. This research used qualitative method and conducted comparative analysis with international human rights laws, foreign laws including laws of the EU, South Africa, Sweden, Finland, Canada, Australia, Singapore, Malaysia, India and the U.S. The results indicated that the legal meaning and scope of “Discrimination” varied depending on different dimensions and contexts. This research, by taking various factors from international human right laws and foreign laws, has developed conceptual framework in order to differentiate “Discrimination” in the context of human right laws from “Discrimination” in other context. In addition, the research found that merely “Distinction of treatment” has not yet been deemed as “Discrimination” without taking other legal factors into consideration. Regarding “Discrimination” in the context of human right laws, although there were specific laws in recent Thai legal system that can be applied to prohibit “Discrimination”, this research indicated that the problems of content, element, and scope of those laws make them inappropriate and insufficient to protect an individual from discriminatory practices. In particular, the ground and area of discrimination that has not yet covered by those existing laws are, for example, discriminatory practices in private sectors including employment, goods and service, discriminatory practices relating to certain grounds such as criminal record, breastfeeding, etc. Furthermore, there are no specific laws to apply in case of “Harassment” and “Hate Speech”. Consequently, this research proposes the enactment of general law relating to Anti-Discrimination in order to cover the ground and area of discrimination which have not been protected by the existing laws. In this regards, the model of discrimination law was developed to be used for drafting of the general law. Apart from the proposal to enact new law, this research also proposes suggestions relating to the amendment of existing laws in order to achieve equality principle.

**Keywords:** Equality, Discrimination, Anti-Discrimination, Personal Rights and Liberties, Human Rights.

Kanathip Thongraweewong, et al.