

Liberia: A Brief on the Implementation of CRPD Commitments from
Articles 3, 5 and 27

*Information for the Committee on the Rights of Persons with Disabilities
18th Pre-Sessional Working Group, September 2023*



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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 18th Pre-Sessional Working Group of the Committee on the Rights of Persons with Disabilities.

WORLD works to advance the global evidence base on national laws and policies that address social and environmental barriers to the full realization of the right to work and education for persons with disabilities. We are immensely fortunate to have had a 19-member steering committee of global leaders from DPOs, academia, intergovernmental organizations, civil society and philanthropy that guided us on the development of these measures. While WORLD is responsible for this submission and its content, we have benefited greatly from their advice.

The WORLD Policy Analysis Center's examination of Liberia's constitutional provisions and legislation vis à vis the commitments it has made through its ratification of the Convention is focused in the following areas:

- General Equality and Non-Discrimination
- Reasonable Accommodation at Work

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report, we provide a summary of our constitutional and legislative findings as well as suggested questions for the Committee to ask Liberia, and topics we hope the Committee will address in its concluding observations. We hope the Committee will recommend that Liberia address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Liberia for having provisions in place, we hope the Committee will recommend that Liberia work with stakeholders to overcome any obstacles in implementing these provisions.



SUMMARY OF FINDINGS AND RECOMMENDATIONS

General equality and non-discrimination (Articles 3, 5)

Based on our review of full-text national constitutions, Liberia guarantees equality before the law irrespective of ethnic background or race, sex, religion, origin and political opinion. **However, the constitution does not explicitly guarantee equality or non-discrimination to persons with disabilities, who may face distinct barriers to accessing their constitutional rights.**

We hope the Committee will:

- Recommend in its concluding observations that Liberia **amend its constitution to add explicit guarantees of equality and non-discrimination regardless of disability status**, consistent with CRPD commitments.

Reasonable accommodation at work (Articles 5, 27)

Based on our systematic review of national legislation, **we did not identify any national legislative provisions that guarantee reasonable accommodation at work in Liberia.**

We hope the Committee will:

- In its list of issues, ask Liberia: Can Liberia outline any concrete, near-term plans to pass legislation that guarantees employer-provided reasonable accommodation to workers with disabilities?
 - If Liberia does not have concrete, near-term plans in place, recommend in its concluding observations that Liberia pass and implement legislation that guarantees employer-provided reasonable accommodation to workers with disabilities.



DETAIL

While the following review is systematic and rigorous, we recognize that there may be laws or policies governing these areas that we have not captured, including new legislation or policies that have not yet been published globally.

General equality and non-discrimination (Articles 3, 5)

Article 3 of The Convention states that:

The principles of the present Convention shall be:

(b) Non-discrimination;

Additionally, Article 5.1 calls on states parties to “recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law”, and Article 5.2 states that “States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.”

We reviewed full text constitutions for all 193 UN member states available from official government sources to determine whether the constitution explicitly guaranteed equality or non-discrimination on the basis of disability by prohibiting discrimination, guaranteeing equal rights, guaranteeing equality before the law, or guaranteeing overall equality or equal opportunities.

LIBERIA’S CONSTITUTIONAL PROVISIONS: MISSING EXPLICIT GUARANTEES OF EQUALITY AND NON-DISCRIMINATION FOR PERSONS WITH DISABILITIES

Based on our review of full-text national constitutions, article 11 of the Constitution of Liberia guarantees equality before the law, irrespective of ethnic background or race, sex, religion, origin, and political opinion.

Constitution of Liberia, as amended to 2011

FUNDAMENTAL RIGHTS

Article 11

(...)

b. All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.

c. All persons are equal before the law and are therefore entitled to the equal protection of the law.

(...)

However, the constitution does not explicitly guarantee equality or non-discrimination to persons with disabilities. Our research has shown that these protections are becoming increasingly common: While only 12% of current constitutions that were passed before 1990 explicitly guarantee equality for persons with disabilities, 69% of those passed since 2010 do. In addition, older constitutions can be amended to include protections for persons with disabilities where none existed before. In two examples from our research, the Republic of Georgia amended its constitution to protect the rights of persons with disabilities in 2018, as did the Republic of Guyana in 2003.

WHY CONSTITUTIONS MATTER

Constitutions state the values of a country, describe the rights of people living within the country, and profoundly influence norms and practice. In nearly all countries, constitutions take precedence over other sources of law—making them critical tools for delineating and implementing equal rights. New constitutions and new rights guaranteed in constitutions can be used to overturn discriminatory laws as well as to legislate non-discrimination guarantees. Moreover, constitutions can offer protection against policy and legal changes during periods of social and political shifts that may seek to undermine equal rights. For these reasons and others, as the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing equal rights.

Reasonable accommodation at work (Articles 5, 27)

Article 27.1 of The Convention states that:

(...) States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace”*

Additionally, Article 5.3 of the Convention States that *“in order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.”*

We analyzed whether countries legally guaranteed employer-provided reasonable accommodation. We did not consider guarantees of general workplace accessibility to be equivalent to guaranteeing reasonable accommodation to an individual worker. To assess legislative guarantees of reasonable accommodation, we systematically analyzed national labor codes, equal opportunity legislation, anti-

discrimination legislation, and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states.

LIBERIA: NO PROVISIONS ON REASONABLE ACCOMMODATION AT WORK

Based on our systematic review of national legislation, **we did not identify any national legislative provisions that guarantee reasonable accommodation at work in Liberia.**