



THE CONCEPT OF “REASONABLE ACCOMMODATION” AS A BARRIER TO THE RIGHTS OF PERSONS WITH DISABILITIES IN INTERNATIONAL LAW

The UN Convention on the Rights of Persons with Disabilities was originally drafted with the aim of achieving substantive equality among all people regardless of their mental and physical abilities. While the CRPD notes that adjustments and accommodations are necessary, however, it also affirms that such accommodations must be reasonable, thus not constitute a disproportionate or unfair burden. This article argues that the principle of “reasonable accommodation”, rather than aiding the achievement of the substantive equality between persons with and without disabilities declared as the primary goal of the CRPD, frustrates its very own objective by depriving the obligation to provide accommodation of its actual binding force. Furthermore, by subjecting the obligation to provide accommodation to consideration of proportionality and financial burdensomeness, the CRPD effectively establishes a definition of “persons with disabilities” in international law that separates those who diverge from the able-bodied paradigm from the common concept of “person”.