

INSTITUTE OF COMPARATIVE LAW
FACULTY OF LAW, JOSIP
JURAJ STROSSMAYER UNIVERSITY OF OSIJEK

BOOK OF ABSTRACTS
FROM THE INTERNATIONAL SCIENTIFIC CONFERENCE

**20 YEARS OF THE CONVENTION ON THE
RIGHTS OF PERSONS WITH DISABILITIES**
25-26 September 2025

Editors:
Aleksandra Rabrenović
Helga Špadina

Belgrade, 2025

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AFFIRMATIVE ACTION AND REASONABLE ACCOMMODATION IN INTERNATIONAL DISABILITY LAW – COMPLEMENTARITY, TENSION, AND THE PROMISE OF EFFECTIVE EQUALITY

The research will investigate the relationship between affirmative action and reasonable accommodation within the framework of international disability law. The two mechanisms are complementary given that they are both aimed at advancing the effective equality of persons with disabilities; however, the preliminary literature review shows that the conceptual differentiation between them has not been enough explored in the legal theory. Even though they are distinct legal tools, with affirmative action aiming to correct systemic inequalities faced by historically marginalized groups, and reasonable accommodation focusing on individualized adjustments for persons with disabilities, sharing a common normative foundation rooted in the concept of effective equality, there are also several important differences between the two which have far-reaching consequences on their legal regulation and implementation.

The paper will engage in a critical analysis of the UN Convention on the Rights of Persons with Disabilities, international case law and scholarly literature, to investigate the conceptual similarities and differences between the two legal mechanisms as regulated in international disability law. It will focus in particular on the analysis of the interpretative material produced by the Committee on the Rights of Persons with Disabilities (hereinafter: CRPD), as well as on its case law, such as *H.M. v. Sweden*, *Nyusti and Takács v. Hungary*, *Marcos v. Austria* and *F. v. Austria*. The analysis will also reflect on the potential synergies of the two mechanisms in addressing the phenomenon of multiple discrimination as a potential route for more effective disability law.

Ultimately, the aim of the paper is to contribute not only to the doctrinal approach but also to the practical application of both concepts and assess the possibilities of their interaction that may further support the CRPD's broader goal of transformative equality.

* <https://orcid.org/0000-0002-2459-9201>

** <https://orcid.org/0000-0001-7514-8892>

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