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A new communication against Finland submitted to the UN Committee on the Rights of Persons with Disabilities – focusing on the requirement of effective access to justice

Jukka Kumpuvuori, together with his co-counsel, Professor Martin Scheinin, has submitted an individual communication to the United Nations Committee on the Rights of Persons with Disabilities (CRPD Committee), requesting the Committee to assess whether a judgment of the Supreme Court of Finland is compatible with the UN Convention on the Rights of Persons with Disabilities.

The communication concerns the Supreme Court's precedent KKO 2025:85, in which the Court held that a person with a severe disability had been subjected to discrimination when a series of public discussion events was organised in an inaccessible venue.

The question before the CRPD Committee is therefore not whether discrimination occurred. The central question is whether the right to effective access to justice is realised in practice when a victim of discrimination must undergo legal proceedings lasting seven years in order to obtain justice and, despite ultimately winning the case, is still required to bear a substantial part of the litigation costs accumulated during that lengthy process.

The communication asks the CRPD Committee, in particular, to assess whether such a legal system creates a chilling effect. By this term is meant a situation where persons who have experienced discrimination may refrain from pursuing legal remedies because the duration, uncertainty and financial risks of litigation are simply too great. There are already indications that this may have occurred in Finland following the Supreme Court's judgment.

The issue extends well beyond this individual case. It concerns the practical effectiveness of access to justice for persons with disabilities more generally.

"The Supreme Court's judgment was important and legally significant in confirming that organising public events in an inaccessible venue constitutes discrimination. The CRPD Committee is now invited to examine the broader question of whether the right to effective access to justice is realised in practice. If the legal system creates a chilling effect that, in substance, penalises individuals for bringing experiences of discrimination before the courts, this raises an important legal issue."

– Professor Martin Scheinin

"The Supreme Court has already confirmed that I was discriminated against. My own case is therefore no longer the most important issue addressed in this press release. My concern is the message that the judgment sends to the next person with a disability who experiences discrimination. If defending one's rights requires almost seven years of litigation together with a substantial personal financial risk, many people will no longer have the courage or the strength to seek justice. It is precisely this chilling effect that I hope the UN Committee on the Rights of Persons with Disabilities will examine."

– Jukka Kumpuvuori

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Background material: Supreme Court of Finland, KKO 2025:85.
<https://www.korkeinoikeus.fi/ennakkopaatokset/ennakkopaatokset-vuosittain/kko202585/>