

Transnational Exchange Workshop on the rights of children with disabilities in legal proceedings

Event Report

13-14 November 2025, Brussels

The transnational exchange workshop on the rights of children with disabilities in legal proceedings, held in Brussels on 13-14 November 2025 is part of a series of three workshops held in Brussels on 13-14 May and 16-17 September 2025.¹ The workshop brought together judges, lawyers, civil society organizations (CSOs), law firms representatives, and staff of Ombudsperson offices for children and for persons with disabilities from Austria, the Czech Republic, Malta, the Netherlands and Slovakia.

The main aim of the workshop was to deepen participants' understanding of international and EU law standards that require States to ensure access to justice for children with disabilities, with a focus on the right to be heard and to participate in administrative, civil and criminal proceedings. Through presentations, expert-led discussions and practical group sessions, participants explored how international and EU legal standards are interpreted and applied in their national jurisdictions.

On day 1 of the workshop, presentations and discussions addressed international, EU and national legal frameworks, as well as challenges and good practices, in ensuring access to justice for children with disabilities in the participating countries. Participants discussed, among other issues, the needs for adequate procedural accommodations to ensure effective participation. One session focused on the rights of persons with disabilities as victims of crime.

On day 2 of the workshop, participants continued their discussion on procedural accommodations for children with disabilities, including the requirement that such accommodation be available and individualized. In conclusion, the participants reflected on inclusive strategies for legal professionals working with children with disabilities and identified priorities for improving procedural accommodations in the different types of legal proceedings.

1) Persons with disabilities, including children

From the outset, participants acknowledged the importance of understanding what disability means under international human rights law, and therefore how States are

¹ International Commission of Jurists (ICJ), [EU: Children with disabilities have the right to participate in legal proceedings](#), 17 November 2025, website (accessed on 16 December 2025); ICJ, [EU: Procedural safeguards for migrant children must not regress under the Pact on Migration and Asylum](#), 19 September 2025, website (accessed on 16 December 2025); ICJ, [EU: Ensuring the child's voice is heard in legal proceedings](#), 20 May 2025, website (accessed on 16 December 2025).

bound to understand disability in their own legal systems. To summarize, unlike earlier approaches, disability is no longer restrictively understood as a medicalized condition, disease or other “impairment” on the part of the person concerned, but rather as arising from the interaction between such an “impairment” and the reality faced by a person in society. Persons with disabilities may face legal, social, environmental, attitudinal and other barriers.

The Convention on the Rights of Persons with Disabilities (CRPD) describes disability as an “evolving concept”, recognizing that persons with disabilities may have “long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.² Considering disability as an evolving concept, the identification of disabilities in practice is complex. States may define different “categories” of disabilities with a view to ensuring full and equal participation in all aspects of society. However, it is important that the identification of disabilities focuses on the specific rights and needs of the individual, rather than only identifying and categorizing persons.³

As individuals have different disabilities and experiences of disability, participants recognized that justice actors cannot adopt the same approach towards all persons with disabilities when determining what accommodations and support should be provided in legal proceedings, but must offer accommodations and support adapted to the needs of the individuals concerned.⁴

As far as children are concerned, any specific situation of vulnerability should be addressed in accordance with the principle of the best interests of the child, which must be a primary consideration in all legal processes in which children are involved.⁵ According to the Committee on the Rights of the Child (CRC Committee), “(t)he best interests of a child in a specific situation of vulnerability will not be the same as those of all the children in the same vulnerable situation. Authorities and decision-makers need to take into account the different kinds and degrees of vulnerability of each child, as each child is unique and each situation must be assessed according to the child’s uniqueness. An individualized assessment of each child’s history from birth should be carried out, with regular reviews by a multidisciplinary team and recommended reasonable accommodation throughout the child’s development process.”⁴⁴

² Recital (e) and Article 1(2) CRP.

³ ICJ, [Model Benchbook on the Rights of Persons with Disabilities in Criminal Proceedings](#), ENABLE Project 2024, p. 18.

⁴ *Ibid*, p. 18-19.

⁵ Article 3(1) CRC)-.

2) International and EU legal frameworks: the rights of children with disabilities

2.1 Access to justice

The workshop started with an overview of the main instrument setting out specific rights of persons with disabilities, including children, the UN **Convention on the Rights of Persons with Disabilities (CRPD)**. The CRPD contains several key principles, including dignity, equality, non-discrimination, autonomy and individuality. The main provisions in the CRPD relevant to the rights of persons with disabilities in legal proceedings are Article 12 (equal recognition before the law) and Article 13 (access to justice). Under Article 13 of the CRPD, States Parties must facilitate the effective role of persons with disabilities as direct and indirect participants in all legal proceedings, through the provision of procedural and age-appropriate measures. This obligation extends to investigative and other preliminary stages of proceedings.

In addition, the Committee on the Rights of Persons with Disabilities (CRPD Committee) has issued various General Comments on the CRPD.⁶ The **International Principles and Guidelines on Access to Justice for Persons with Disabilities** provide further guidance on the CRPD and are a practical tool for States in adapting their justice systems to ensure equal access to justice.⁷ Throughout the workshop, other international treaties providing rights for children with disabilities in legal proceedings have been discussed, such as the Convention on the Rights of the Child (**CRC**), International Covenant on Civil and Political Rights (**ICCPR**), International Covenant on Economic, Social and Cultural Rights (**ICESCR**) and the Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**).

Discussions also focused on the EU legal framework, as five EU Member States were represented. The European Union (EU) has acceded to the CRPD and must therefore comply with its provisions in the implementation of EU law. The EU Charter of Fundamental Rights contains provisions relevant to children with disabilities in legal proceeding, such as Article 20 (equality before the law), Article 21 (non-discrimination), Article 24 (the rights of the child), Article 26 (integration of persons with disabilities), and Article 47 (right to an effective remedy and to a fair trial). Experts also presented the EU acquis on procedural rights, including, **Directive 2016/800/EU on procedural safeguards for children who are suspects or accused persons in criminal proceedings** and the **Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings**. It was recalled that EU provisions must be read consistently with the obligations set out in the CRPD.

⁶ CRPD Committee, General Comment No. 1 on article 12 – equal recognition before the law, UN Doc. CRPD/C/GC/1 (2014).

⁷ UN Special Rapporteur on the Rights of Persons with Disability, *International Principles and Guidelines on Access to Justice for Persons with Disabilities* (2020).

2.2 Right to information

Principle 4 of the International Principles and Guidelines on Access to Justice for Persons with Disabilities addresses measures needed to ensure adjustments to provide full access to information and communication in accessible formats for persons with disabilities. It provides that States must ensure the information about justice systems and procedures by a range of methods, including sign language, audio guides, telephone advice and referral services and accessible websites, among others.⁸

As an illustration under EU law, participants stressed Directive 2012/13/EU on the right to information in criminal proceedings which provides that EU Member States must ensure that suspects and accused persons are fully informed of their procedural rights.⁹ Similarly, the Recommendation on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings states that persons with disabilities should receive information concerning their procedural rights in an accessible format upon request.¹⁰

2.3 Procedural accommodations

Article 13 of the CRPD requires States Parties to ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants in all legal proceedings, including at investigative and other preliminary stages. The International Principles and Guidelines on Access to Justice for Persons with Disabilities clarify that national authorities must “create an actionable and enforceable right to receive the individually determined procedural accommodations”¹¹ to participate effectively in all proceedings. These procedural accommodations are key to access to justice and effective participation, including through the provision of accessible information, diverse forms of communication, physical accessibility and, where relevant, financial assistance in the case of legal aid.¹² Accommodations must be individualized, appropriate and based on the person’s will and preferences. Moreover, justice actors must proactively identify the person’s needs through an individual assessment and should not wait for a person to request measures where the need is apparent.

Examples of procedural accommodations discussed during the workshop included the assistance of intermediaries or facilitators, to support effective communication by and

⁸ UN Special Rapporteur on the Rights of Persons with Disability, International Principles and Guidelines on Access to Justice for Persons with Disabilities (2020), Principle 4.

⁹ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings.

¹⁰ Commission Recommendation of 27 November 2013 on procedural safeguards for vulnerable persons suspected or accused in criminal proceedings.

¹¹ UN Special Rapporteur on the Rights of Persons with Disability, International Principles and Guidelines on Access to Justice for Persons with Disabilities (2020).

¹² CRPD Committee, General Comment No. 6 on article 5 – equality and non-discrimination, CRPD/C/GC/6 (2018), para 52.

with the person with disabilities during all proceedings. Intermediaries, typically appointed and employed by the court, can help bridge the gap in communication in a neutral manner and with respect for the will and preferences of the person with disabilities. Another example discussed was the involvement of a support person who may be a relative or another trusted person. They differ from intermediaries as they offer practical support to facilitate communication and adequate accommodations. According to Guideline 3.2 of the International Principles and Guidelines, at all stages of the process persons with disabilities may be accompanied by a trusted person to provide emotional and moral support, without replacing the role of an intermediary where one is needed.¹³

Participants also discussed requirements concerning procedural adjustments and modifications, as provided under the International Principles and Guidelines. This obligation concerns adaptations to hearings of persons involving disabilities to ensure their full participation, including adaptation of the venue, appropriate waiting spaces, removal of cloaks and wigs and modified methods of questioning, among other measures.¹⁴

3) National legal frameworks: challenges in ensuring the participation of children with disabilities

Participants discussed how legal proceedings involving children with disabilities are addressed in their respective countries, focusing on the main challenges and potential good practices. In order to provide a clear overview of these discussions, a distinction should be made between the types of legal proceedings covered during the workshop. Civil, administrative, and criminal proceedings are governed by distinct legal frameworks and procedural safeguards, including within the same country.

Many of the challenges identified in the participating countries overlap across different types of legal proceedings. Participants attributed this, in part, to the absence of a systematic approach ensuring procedural accommodations. They observed that challenges identified in criminal proceedings, for example, may extend to administrative and civil proceedings, and vice versa.

3.1 Limited access to information

Regarding the access to information for children with disabilities in criminal proceedings, participants from Malta reported that limited attention is paid to the use of language that children can understand in proceedings.

Participants from the Czech Republic reported that a medical and paternalistic approach to disability still dominates in the Czech Republic. As a result, communication and

¹³ UN Special Rapporteur on the Rights of Persons with Disability, International Principles and Guidelines on Access to Justice for Persons with Disabilities (2020), Principle 3.2.

¹⁴ *Ibid*, Principle 3.

information are often not adapted to the needs of victims with disabilities and many experience secondary victimization.

3.2 Lack of individualized assessment

Participants reported that child offenders with disabilities are overrepresented in criminal proceedings. They also reported cases in which children with disabilities face forced institutionalization without an assessment of their specific needs and without being offered the opportunity to participate effectively in legal proceedings.

Participants from Malta reported that disabilities of children over the age of sixteen are rarely assessed. As a result, procedural accommodations are not identified or provided to support their access to justice and participation.

3.3 Limited direct participation

Participants observed that a range of barriers may in law and in practice limit effective access to justice for children with disabilities in practice. These include legal, social, environmental, attitudinal and physical barriers, among many others. For instance, concepts and standards used in some legal systems, such as “unfitness to stand trial” and “insanity defences” constitute discriminatory categorizations that may limit the effective participation in legal proceedings. Under the CRPD, States Parties are obliged to identify and eliminate barriers that hinder the full and effective participation of persons with disabilities on an equal basis with others.¹⁵

Regarding the Czech Republic, participants reported that children and persons with disabilities who are victims are among the most vulnerable group in criminal proceedings. Where procedural accommodations are in place, they often only apply either to children or to persons with disabilities, but are not specifically designed for children with disabilities as a group. Participants also reported that, despite the existence of a Victims of Crime Act, implementation is often formal rather than practical. For example, direct participation of child victims with disabilities may be dependent in practice on the judge’s willingness to involve them. These issues arise at all stages of the proceedings and child victims are treated primarily as witnesses rather than as participants in their own right.

Concerning Slovakia, participants described that national law does not expressly regulate an obligation to hear a child with disabilities. In practice, children with disabilities are often represented by parents or a guardian. The child’s direct participation may therefore depend on the knowledge, awareness and availability of parents or an appointed guardian. Courts may request social services to hear the child and convey the child’s views to the court. However, participants reported that this practice may result in child’s views being distorted.

¹⁵ ICJ, [Model Benchbook on the Rights of Persons with Disabilities in Criminal Proceedings](#), ENABLE Project 2024.

3.4 Non-inclusive courtroom settings

As barriers to accessibility in courtroom settings, participants named the atmosphere and physical layout of courts as intimidating in most of the participating countries. Courtrooms are often described as being too noisy and distracting, and that many aspects of physical environment may affect the child's ability to participate effectively, including sounds and lighting.

3.5 Lack of training of professionals

Participants from Malta reported a lack of professionals with sufficient expertise on the effective participation of children in legal proceedings. Although training for judges is available, it is not mandatory, therefore participation is inconsistent. Participants considered that in order to battle the lack of awareness and knowledge on the needs of children and persons with disabilities, mandatory and regular training was needed to strengthen the capabilities of legal professionals.

Participants from the Netherlands reported an overall lack of awareness regarding children with disabilities in legal proceedings. They considered that this may be linked to the lack of training opportunities for judges and other justice actors. Participants reported that as a result justice actors may have difficulty determining how to proceed in cases, involving children with severe disabilities. They noted that some practice is shaped by the assumption that these children do not need to be heard and are not capable of participating in the proceedings. Participants considered that stronger legal basis and safeguards in national legislation is needed to ensure effective participation of children with disabilities.

4) Promising practices for the participation of children with disabilities in legal proceedings

Participants discussed potential inclusive strategies for improvement of participation of children with disabilities in legal proceedings. The discussion focused on three areas relevant across different types of legal proceeding: (1) Participants highlighted that accessible and individualized procedural accommodations are essential for ensuring meaningful and effective participation in legal settings involving children with disabilities. (2) Participants identified that interdisciplinary collaboration is needed to support children with disabilities. (3) Participants discussed the availability and effectiveness of national remedies in cases where rights are violated in legal proceedings.

4.1 Procedural accommodations

Participants noted that checklists were mentioned can help justice system professionals can assess the vulnerability and identify the specific needs of the child with disabilities throughout all stages of the proceedings. Mandatory training on both the rights of children and the rights of persons with disabilities for judges and other justice actors is of great

importance for their awareness, child-friendly communication and ensuring information to the parents of the child.

As part of available procedural accommodations, support persons and intermediaries must be available to foresee the specific needs of the child. Support persons may include parents, social workers or other trusted persons to provide the necessary moral and emotional support during the different stages of the proceedings. Moreover, when acknowledging the presence of the child, its direct participation and their specific needs, individualized procedural accommodations must be made to ensure a child-friendly environment. Physical adjustments, such as the lighting conditions in courtrooms and other spaces, must be accommodated to ensure the child feels comfortable enough to participate meaningfully and effectively.

Participants noted the need for specific protocols with clear guidance on how to make courtroom settings accessible for children with disabilities. They stressed that national authorities should adopt clear and transparent protocols. This is essential for ensuring that children with disabilities are no longer dependent on the personal approach by an individual judge for taking into account their needs in offering procedural accommodations.

Participants considered that courtroom settings should be physically accessible for children with disabilities and should provide an atmosphere that does not intimidate the child. They also stressed that justice actors should consider the impact of the presence of the public during the court proceedings and have the authority to exclude the public in case the court proceedings involve a child with disabilities. Additionally, justice actors should adjust the language used in courtroom settings to the needs of children. Participants noted that legal language is often too complex for children to understand and can itself constitute a barrier for children to access information.

Participants from the Netherlands identified good practices, including the physical accessibility of courts and other public buildings. Besides physical accessibility, the necessary information about the court proceedings is easily accessible online. Concerning access to information during the proceedings, they noted that courts may send a letter directly to the child explaining the proceedings in child language that the child can understand.

Participants also discussed the possible use of artificial intelligence (AI) tools as communication supports. Digital assistants or chat-based systems are designed to enhance speech or language outputs. In Austria, the Ministry of Justice has introduced a chatbot that provides information about the justice system, offers a glossary of legal terms, answers questions related to individual legal proceedings, and gives updates on the status of ongoing cases.¹⁶ Participants stressed, however, that any use of AI in this context requires caution, particularly because tools remain insufficiently regulated and may

¹⁶ Federal Ministry of Justice of Austria, [JustizOnline – the digital information and service offerings of the Austrian judiciary](#), website (accessed on 11 December 2025).

generate or lead to incorrect support, produce unreliable outputs, and/or exclude children lacking digital literacy, internet access, or disability-specific interface adaptations. AI tools must be monitored and rights-focused to provide non-discriminatory communication support.

4.2 Interdisciplinary collaboration

Participants noted that mandatory training on the rights of children and on procedural accommodations should extend to all actors involved in legal proceedings concerning children with disabilities. For different professionals involved, including lawyers, prosecutors, judges, social workers, police officers, trainings should be delivered in a way that promotes a shared understanding of applicable standards of awareness and knowledge on the rights of children and persons with disabilities in legal proceedings. Participants also stressed that cooperation between professionals should not replace the direct participation of the child and should not reduce the need to provide procedural accommodations to enable the child to participate effectively in the proceedings. Professionals can benefit from learning from each other and that networking can help better practice. They considered that and guardians, school staff, specialized lawyers, speech therapists and civil society organizations should be able to meet to exchange experience. EU Member States should invest in the quality and accessibility of these trainings. As a good practice, participants from Slovakia flagged the inclusion of mandatory training as part of the internal evaluation system of justice actors. Another promising practice is to establish lists of intermediaries, interpreters, and other experts specialized in children rights and disability rights. Those lists must be made available and accessible by courts and national authorities.

4.3 Effective remedy

Participants discussed the availability, accessibility and effectiveness of national remedies in cases where the rights of children with disabilities are denied in legal proceedings. In all participating countries, the Children's Ombudsman plays an important role in safeguarding and monitoring the compliance with the rights of children in legal proceedings, including children with disabilities.

In Slovakia, the Commissioner on Persons with Disabilities plays an important role in safeguarding the rights of children with disabilities. The Commissioner has contributed to amendments to legislation and is involved in efforts concerning its implementation in practice.

International human rights law and standards and relevant mechanisms should be used where the rights of children with disabilities are denied in legal proceedings. Mandatory and high-quality training for judges, lawyers and other justice actors is crucial to ensure that they understand the existence and potential use of such mechanisms.

