



Inclusion Ireland

The National Association for People
with an Intellectual Disability.

The right to justice and participation: Lessons from the Farrelly Commission



The story of Grace and what she endured should serve as a watershed moment in Ireland. For too long we have witnessed the cycle of outrage after a scandal followed by silence. We must commit wholeheartedly to this never happening to another intellectually disabled person again.

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Abbreviations and acronyms

| | |
|---------------|--|
| AAC | Augmentative and Alternative Communication |
| ADMCA | Assisted Decision-Making Capacity Act 2015 |
| DPO | Disabled Persons' Organisation |
| ECHR | European Convention on Human Rights |
| ECHRA | European Convention on Human Rights Act 2003 |
| IHREC | Irish Human Rights and Equality Commission |
| ISL | Irish Sign Language |
| NDA | National Disability Authority |
| TOR | Terms of Reference |
| UNCRPD | United Nations Convention on the Rights of Persons with Disabilities |

Introduction and summary

In April 2025, the Farrelly Commission published its final report into the ‘Grace’ case, concluding a multi-year investigation into one of the most widely reported disability-related safeguarding failures in recent history. The case – and the subsequent inquiry process – raised urgent questions about how the Irish State listens to, safeguards, and upholds the rights of its disabled citizens, particularly those who are nonspeaking or otherwise reliant on others for support.

In response, Inclusion Ireland undertook a short, targeted qualitative survey to gather reflections from senior stakeholders. The purpose was to understand professional and advocacy perspectives on the Commission’s findings, the handling of its report’s publication, and the broader implications for how future safeguarding processes and inquiries are designed, delivered, and communicated.

Although not statistically representative, these reflections offer timely, strategically grounded insights. They highlight recurring gaps in inquiry practices and articulate a shared call for reform – both in how investigations are conducted and in how disabled people are enabled to participate meaningfully within them. The findings are presented here to inform political engagement and contribute to Ireland’s evolving safeguarding and human rights infrastructure.

Methodology

From April to June 2025, Inclusion Ireland launched a targeted survey involving senior figures with a professional and or personal interest in the Commission’s scope of inquiry. These individuals included advocates, academics, family members, and individuals with lived experience.

The responses reflect deep, sector-wide knowledge of safeguarding systems and disability rights. The findings highlight key concerns and consensus points that speak directly to ongoing policy debates around inquiry reform, access to justice, and the participation of disabled people in accountability processes.

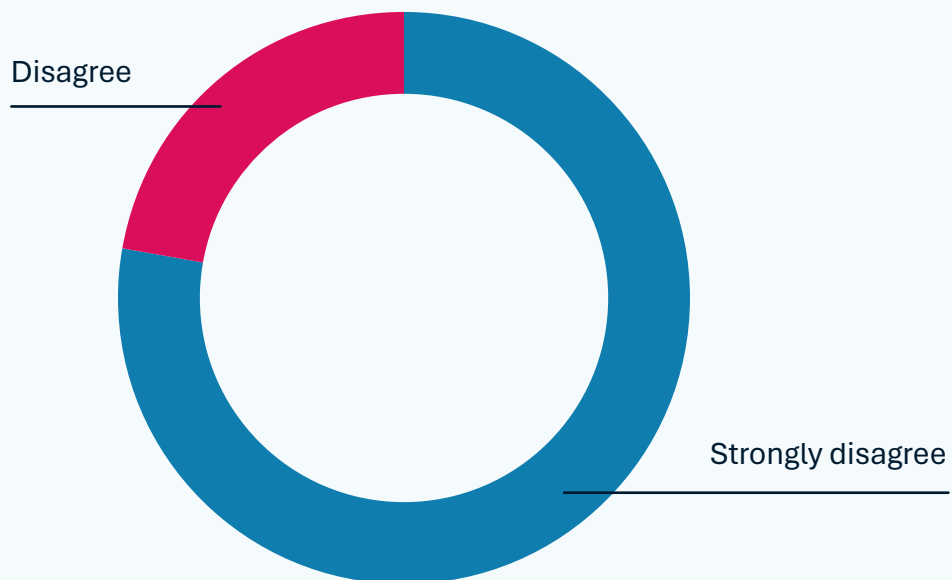
Key findings

Disillusionment with the Commission's format and outcome

All participants expressed a deep sense of disillusionment with the format and outcome of the Farrelly Commission. The process was described as largely inaccessible to those it was meant to serve. Rather than a truth-seeking exercise, several respondents felt the inquiry served more to protect institutions than to promote accountability.

Participants noted that the Commission followed a model shaped by a constrained interpretation of legal rules, failing to incorporate human rights law principles and with little evidence of survivor-centred or trauma-informed practice. There was a strong sense that the inquiry's structure reproduced the very dynamics of powerlessness it was meant to confront. Respondents pointed to the absence of lived experience in governance, a failure to communicate accessibly, and the reliance on adversarial procedures as signs of a system not structured to hear from disabled people in meaningful ways. Indeed, what is currently on offer, as one participant argues, "is [a model that is] often highly legalistic, adversarial, and resistant to inclusive practices, and there will likely be institutional pushback to more participatory, rights-based approaches."

Q2: How do you feel about this sentence?
"The Farrelly Commission accomplished its goals."



This underscores the **need for fundamental reform of Ireland's public inquiry approach**, including those under the Commissions of Investigation Act 2004. **It is also imperative that the current legislation is interpreted in a fully human rights compliant manner (as required by existing Irish law) whilst awaiting any potential legislative reform.**

Future inquiries must be trauma-informed, survivor-led, and designed to uphold participation, transparency, and communication rights from the outset, in line with General Comment No.7 of the UNCRPD¹. There is no reason why the Government, in establishing an inquiry by way of secondary legislation, could not choose to interpret the Act in this manner and ensure that all processes are aligned with the UNCRPD and Public Sector Duty. **While additional bespoke processes may be required to support survivors and address systemic failings, these should enhance and not foreclose access to justice legally.**

One participant noted:

“Now that Ireland has ratified the Optional Protocol to the CRPD, Grace should be supported to make a complaint to the UN Committee... about the abuse she endured, the State’s systemic failures to protect her, and the failings of the Commission of Investigation itself, whose approach violated multiple rights under the CRPD. A complaint could focus on rights including but not limited to Articles 5 (Equality), 6 (Women and Girls with Disabilities), 12 (Equal Recognition before the Law), 13 (Access to Justice), 16 (Freedom from Exploitation, Violence and Abuse), and 23 (Respect for Home and Family). This could serve as an important means to hold the State accountable, not only for historical abuses, but for the continued failure to ensure a rights-based, inclusive, and participatory investigation process that ultimately held no one accountable”.

Exclusion of nonspeaking people and people with intellectual disabilities

Most respondents highlighted the effective exclusion of people who are nonspeaking and people with intellectual disabilities from the Commission’s work. Participants pointed to the absence of accessible communication supports, advocacy structures, and inclusive facilitation as critical failings that prevented meaningful engagement. As one participant in the survey pointed out, “Future inquiries of this nature should operate on an immediate assumption that all [people] can and must participate” and “plans for that participation must include disabled people in execution and delivery”. The use of intermediaries and communication assistants/partners were frequently mentioned by participants, persons who can enable nonspeaking individuals to express their will and preference within such processes.

¹ UN Committee on the Rights of Persons with Disabilities (9th November 2018), General comment No.7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, CRPD /C / GC / 7, paras.47, 48, 82, and 83, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no7-article-43-and-333-participation>

Several participants noted that the inquiry made no visible effort to engage individuals who use augmentative or alternative communication. Instead, participation was confined to conventional verbal or written formats – a narrow model that failed to accommodate many disabled people’s preferred or necessary means of expression. As a result, those with high communication support requirements were structurally locked out of the process. Respondents framed this not as a matter of oversight or resourcing, but as a structural failure to recognise communication rights. Some flagged that the Commission’s own Terms of Reference made no mention of supported decision-making, nor any acknowledgment that nonspeaking people might wish – and indeed, have the right – to participate.

These exclusions stand in direct contradiction to Ireland’s obligations under Articles 13 (Access to Justice) and Article 21 (Freedom of Expression) of the UNCRPD, which require State Parties to guarantee equal access to legal processes and to uphold the right to communicate using non-verbal methods. Furthermore, the State’s duty under Article 2 (Right to Life) of the ECHR to ensure an ‘effective investigation’ requires involving affected people in the investigation to the extent necessary to safeguard their interests². These exclusions occurred, despite there being an open register of qualified intermediaries³ publicly available through the Court Services’ website⁴ – and a full Professional Diploma in Intermediary Studies programme is currently offered by the University of Limerick, co-funded by the Department of Justice⁵.

Future inquiry frameworks must be legally required to accommodate and resource diverse communication needs, so that no disabled person is rendered invisible by design.

² *Salman v. Turkey*, App. No. 21986/93, ECHR 2000-VII, <https://hudoc.echr.coe.int/en?i=001-58735>

³ Intermediaries are skilled persons in assessing the communication needs of individuals including those who are non-speaking/minimally speaking when engaged with legal process.

⁴ Court Services (July 2025), ‘Registered Intermediaries Register – July 2025,’ <https://www.courts.ie/registered-intermediaries-register>

⁵ Department of Justice (4th May 2022), ‘Minister McEntee launches new training programme for professionals who help vulnerable witnesses to give evidence,’ <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-mcentee-launches-new-training-programme-for-professionals-who-help-vulnerable-witnesses-to-give-evidence/>

A mishandled and disempowering report launch

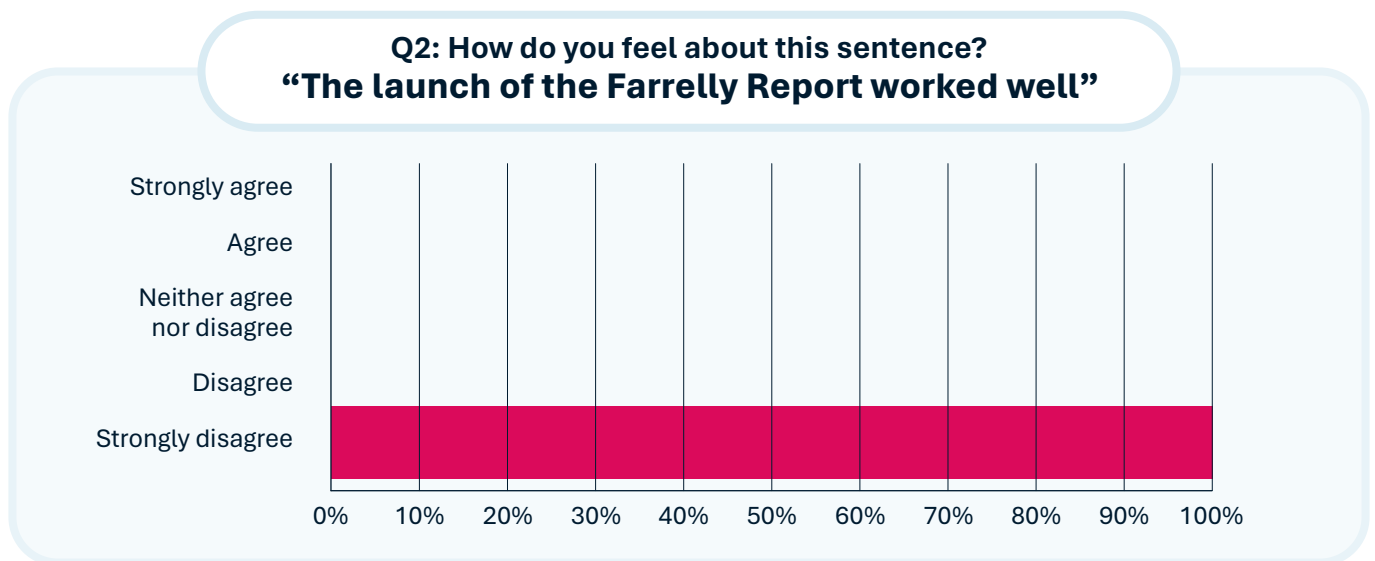
Participants consistently described the launch of the Commission’s final report as mishandled, with little regard for the needs or experiences of survivors, families, or disabled people. “None of those consulted were given advance notice or briefings, and no accessible formats – including Easy to Read or audio versions – were made available at the time of publication” notes one participant.

Some reported that they only became aware of the report’s release through media coverage or second-hand updates – a jarring experience that left them unsupported in processing its findings. For many, this mirrored a broader pattern of exclusion, where disabled people and their families are routinely the last to be informed about decisions that affect them most.

This approach fell short of the State’s obligations under the Public Sector Equality and Human Rights Duty, established under the IHREC Act 2014⁶. Public bodies are legally required to “eliminate discrimination... promote equality of opportunity... and protect the human rights of its members, staff and the persons to whom it provides services,”⁷ including how they communicate with the public; particularly in sensitive or high-impact contexts.

Participants emphasised that a trauma-informed approach would have included advance briefings, dedicated supports, and accessible materials released in parallel. These are necessary conditions for dignity, trust, and accountability.

Future inquiries and investigations must embed clear protocols for inclusive communication and survivor engagement at the point of publication, ensuring that those most affected are prioritised – not sidelined.



⁶ Irish Human Rights and Equality Commission Act 2014, No. 25 of 2014, s. 42, <https://www.irishstatutebook.ie/eli/2014/act/25/section/42/enacted/en/html#sec42>

⁷ *Ibid.*

Demand for structural reform

Participants expressed a shared view that Ireland's current inquiry approach is not equipped to deliver justice when disabled people are affected. Several saw the Commission of Investigation process as inaccessible, overly adversarial, and lacking in meaningful survivor engagement or follow-through.

Rather than minor reforms, there was an unambiguous call for a complete rethinking of how future inquiries are designed and delivered. The emphasis was on embedding rights-based participation from the outset – not just consultation, but robust and meaningful co-design that gives disabled people and survivors a structural role in shaping how accountability is pursued. **Whilst legislative reform is seen as important, it should also be noted participants put forward the consensus that current legislation must be interpreted more fully through a human rights lens, ensuring survivor-led and co-designed processes in accessing justice in the here and now.**

“Commissions should be explicitly subject to the Public Sector Equality and Human Rights Duty... [and] there should also be an independent advisory board for each Commission, including experts by experience, DPOs or NGOs, and a representative from IHREC, to provide oversight and ensure processes uphold human rights, equality, and accountability.”

- Participant with legal expertise

Several respondents also flagged that the Commission's recommendations were released without any independent mechanism to monitor their implementation. This only reinforces long-standing concerns that institutional abuse inquiries risk symbolic recognition without structural consequence.

Throughout the survey, participants noted experiences from Australia's Disability Royal Commission and New Zealand's Royal Commission of Inquiry into Abuse in Care as potential models of best practice from which Ireland could draw lessons from. Both public inquiries, Inclusion Ireland notes, respectively embedded survivor co-design, supported decision-making, and culturally responsive engagement as core features^{8 9}, offering a roadmap for more inclusive and accountable processes.

⁸ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (29th September 2023), Final Report - Executive Summary, Our vision for an Inclusive Australia and Recommendations, pgs.67–70, <https://disability.royalcommission.gov.au/publications/final-report-executive-summary-our-vision-inclusive-australia-and-recommendations>

⁹ Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-Based Institutions (24th July 2024), Whanaketia: Through Pain and Trauma, From Darkness to Light – Part 1, Purposes and Processes, pgs.105–107, https://www.abuseincare.org.nz/_data/assets/pdf_file/0020/23087/whanaketia-part-1.pdf

In this context, respondents identified the need for:

- Legislative mechanisms that enable rights-based, survivor-led inquiries outside the 2004 Act.
- Legal entitlements to accessible participation, including communication supports and advocacy.
- Structural commitments to co-design, with disabled people and representative organisations as full and equal partners.

These calls for change reflect a more fundamental call for structural justice, grounded in the obligations set out in Articles 13 (Access to Justice), 16 (Freedom from Exploitation, Violence and Abuse), and 19 (Living Independently in the Community) of the UNCRPD.

Policy and strategic implications

The findings from this survey highlight a deeper set of systemic shortcomings in how the Irish State responds to institutional abuse involving disabled people. While the Farrelly Commission's final report marks an important milestone, participants were clear that its process and aftermath exposed enduring failures in access to justice, inclusive participation, and meaningful survivor recognition.

At present, Ireland does not have an explicit statutory framework guaranteeing disabled people the right to participate in State-led inquiries, including those involving institutional abuse^{10 11}. Although supportive services exist, no specific legislative mechanism ensures equal access, participation, or communication rights in such proceedings.

This presents a clear risk of non-compliance with the UNCPRD, particularly Articles 13, 16, and 19, and with the Public Sector Duty. These are not abstract obligations – they speak to the design of real-world processes where disabled people seek justice, redress, and recognition.

The absence of a comprehensive Adult Safeguarding Bill compounds these concerns. As of this report's time of writing, Ireland lacks statutory adult safeguarding framework¹², leaving us as an outlier compared to several other European jurisdictions. Meanwhile, the Action Plan for Disability Services 2024-2026 outlines reform priorities such as a review of governance structures, new funding models aligned to individual support needs and strengthened guidance on safeguarding. These measures signal positive intent¹³, but in the absence of statutory guarantees to live a life of one's choosing with the necessary support, their implementation remains discretionary and uneven.

¹⁰ Disabled Peoples Organisation Coalition (28th July 2023), Consultation Report: The views and lived experience of disabled people in Ireland in response to the UN Convention on the Rights of Persons with Disabilities, pgs.32–33, <https://www.dessa.ie/publication-of-the-disabled-peoples-organisation-dpo-coalition-consultation-report/>

¹¹ Instead, the Commissions of Investigation Act 2004 emphasises “the voluntary cooperation of persons whose evidence is desired” [s.10(2)]. Established commissions of inquiry may compel attendance and acquire evidence through written direction “direct in writing any person to attend before the commission... and there to give evidence” [s.16(1)(a)].

¹² HSE National Safeguarding Office (14th November 2024), Annual Report 2023, pg.9, <https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/nationalsafeguardingannualreport2023webv0-2.pdf>

¹³ Department of Children, Equality, Disability, Integration and Youth (14th December 2023), Action Plan for Disability Services 2024 – 2026, pgs.35–36, and 45, <https://assets.gov.ie/static/documents/action-plan-for-disability-services-2024-2026.pdf>

Inclusion Ireland recognises and supports calls to introduce adult safeguarding legislation, including those advanced by the Law Reform Commission¹⁴, as an urgent step to support adults at risk. **However, safeguarding legislation alone will not prevent abuse. Without the right to live independently and be included in the community, as set out in Article 19 of the UNCRPD, people with disabilities remain at risk in environments that limit autonomy and choice, even when regulated.**

The best safeguard is a life of connection, autonomy, and control, where disabled people decide where and with whom they live. True safeguarding is realised within communities, not institutions. **Inclusion Ireland calls for safeguarding legislation to be developed alongside robust legal entitlements to community living and personalised supports that enable people to live safely, freely, and with dignity.**

¹⁴ Law Reform Commission (14th April 2024), A Regulatory Framework for Adult Safeguarding, (LRC 128 – 2024, vol 1), https://www.lawreform.ie/_fileupload/Reports/as/lrc-128-vol-1-160424-final.pdf

Calls to action: Non-legislative and legislative reform

The findings of this survey point to a serious failure to uphold the rights of disabled people in the design and delivery of the Farrelly Commission. Despite the gravity of what was investigated, **the process was not experienced as inclusive, empowering, or survivor led**. Participants were clear that future inquiries must break decisively from past and in how they engage with those most affected.

Whilst legislative reform is noted, it is also true that the current act should and could be interpreted more fully through a human rights lens.

To ensure that no one is denied their right to participate in inquiries or processes again, there the need for statutory reform was highlighted. Disabled people – including those with significant communication support needs – must be supported to participate fully in State-led inquiries, with legal guarantees underpinning their inclusion, safety, and voice.

Non-legislative reform: Embedding rights-based practice in inquiry procedures

Interpret the 2004 Act Through a Human Rights Lens

We believe that the 2004 Act should be interpreted in line with Ireland's obligations under the UNCRPD, the ADMCA, the Public Sector Duty, and the ECHRA.

Recommended actions:

- Direct all public bodies involved in inquiries to apply the Public Sector Duty and the ECHRA from the outset.
- Issue guidance clarifying how the ADMCA applies to inquiry participants, including nonspeaking individuals. Ensure that all communication supports are in place from the outset, including the use of intermediaries, natural supports (including families and friends) and advocacy supports where appropriate.
- Provide mandatory human rights and disability equality training for Departmental staff managing inquiries.

Co-Design terms of reference and delivery frameworks

Where inquiries concern abuse, institutional failure, or disabled people's rights, co-design should be the standard, not the exception.

Recommended actions:

- Develop an interdepartmental protocol mandating co-design of terms of reference with survivors, DPOs, and advocacy organisations.
- Include lived experience advisors in the appointment of commissioners and inquiry staff.
- Require inquiry teams to include expertise in disability rights, trauma-informed practice, and inclusive facilitation and communication.

Standardise accessible communication and survivor briefings

The Farrelly Commission's report was published without Easy Read, audio, or plain English formats, and survivors were not briefed in advance. These failures caused distress and undermined trust.

Recommended actions:

- Require all final and interim reports to be published in parallel accessible formats.
- Implement a national survivor briefing protocol for all future inquiries¹⁵.
- Fund communication support professionals as a core part of inquiry staffing.
- Fully utilise intermediaries where appropriate.

¹⁵ Australia's recent Royal Commissions into Child Sexual Abuse and Disability both included structured survivor briefings, plain language reports, and dedicated support teams. These practices offer a clear procedural model Ireland could adapt when developing a national survivor protocol for public inquiries.

Establish Independent advisory panels for oversight

The absence of any independent advisory mechanism allowed the Farrelly Commission to proceed without adequate challenge or lived experience input.

Recommended actions:

- Create an independent advisory panel for each inquiry, including DPOs, survivors, and IHREC representation.
- Ensure these panels are consulted on key procedural decisions, including evidence processes and communications.
- Publish advisory panel feedback alongside final reports.

This model would help embed real-time accountability and support continuous improvement in how inquiries are delivered.

Develop inquiry readiness tools and capacity supports

In recent inquiry processes, concerns have been raised about the limited availability of in-house expertise to support inclusive, rights-based engagement with survivors and disabled people. These gaps should be proactively addressed through structured training, shared resources, and clearer interdepartmental guidance.

Recommended actions:

- Task IHREC, the NDA, or a designated interdepartmental body with developing inquiry readiness toolkits, including templates for inclusive TORs and survivor engagement plans.
- Deliver structured induction for all Commission staff on procedural fairness and disability rights.
- Establish a national resource register of trained facilitators and communication support professionals (including intermediaries, ISL interpreters, AAC specialists, Easy Read translators, and trauma-informed facilitators) that can be deployed across public inquiries to ensure inclusive participation and accessible engagement throughout all inquiry stages.

Legislative reform: Amending the commission of Investigation Act 2004

Participation and supported decision-making

The Act does not place any duty on inquiries to provide communication supports or to uphold the participation rights of disabled people. Section 10(2)(a) refers to “voluntary co-operation” but is silent on accessibility.

Recommended amendment - Introduce a statutory duty requiring all future inquiries to provide:

- Supported decision-making, aligned with the ADMCA.
- Communication supports, including the right to a communication partner or facilitator.
- Non-verbal modes of participation, including augmentative and alternative communication.

These changes are essential to uphold Articles 13 (Access to justice) and 21 (Freedom of expression) of the UNCRPD, and the right to participation in an ‘effective investigation’ under the ECHR.

Co-design of terms of reference

Sections 4 to 6 of the Act allow TOR to be set solely by government or a designated Minister. However, there is no legal duty to involve affected communities, representative, or advocacy organisations. In the case of the Farrelly Commission, this resulted in terms that failed to anticipate or address the barriers facing nonspeaking participants.

Recommended amendment - Amend Section 4 to require co-design of TOR with:

- Survivors or affected persons.
- Disabled Persons’ Organisations (DPOs) and advocacy organisations.
- IHREC and or other independent human rights bodies.

This would align with General Comment No. 7’s requirement that disabled people and their representative organisations be actively involved from the outset of decision-making processes¹⁶, with a meaningful role in shaping outcomes rather than retrospective consultation.

¹⁶ United Nations Committee on the Rights of Persons with Disabilities (2018). General comment No. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the convention. CRPD/C/GC/7, 2018, paras.15 and 22, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no7-article-43-and-333-participation>

Accessible and trauma-informed publication

Under Section 38(1)(a), the timing and format of inquiry reports is left to the Minister's discretion. The Farrelly Commission's final report was released without accessible versions or pre-publication briefings, leaving survivors unsupported.

Recommended amendment - Insert new statutory obligations requiring that:

- Reports be published simultaneously in accessible formats (Easy Read, audio, braille, and plain English).
- Pre-publication briefings be offered to survivors, families, and advocacy organisations.
- Communication protocols be co-developed with DPOs and advocacy organisations.

These duties would strengthen compliance with the Public Sector Duty and safeguard the dignity of those affected.

Implementation and independent oversight

As it currently stands, the Act contains no provisions for implementation or oversight of inquiry recommendations. Without a statutory duty to respond or report, recommendations may be diluted at best or ignored at worst.

Recommended amendment - Introduce provisions requiring that:

- Government publishes a formal implementation plan within six months of receiving a final report.
- An independent oversight board be established for each inquiry, with representation from survivors, DPOs, advocacy organisations, and IHREC.
- Periodic progress reviews be published, including feedback from affected communities.

Alternative inquiry mechanisms

Several participants called for the creation of survivor-led inquiries outside the narrow framework of the Act. We believe that the Act, as it currently stands, is too rigid to accommodate more flexible, restorative, or community-based models of truth-seeking.

Recommended amendment - Develop a parallel legislative mechanism allowing for:

- Inquiries initiated by survivors or affected communities¹⁷.
- Flexible procedures based on rights-based and restorative principles, including participation, accessibility, agency, transparency, and the repair of institutional harm.
- Full inclusion of people with significant support needs as co-designers and participants.

Broader legislative change outside the Commission of Inquiry Act 2004

Ensure that any introduction of safeguarding legislation is brought forward in tandem with legislation guaranteeing the right of people to live independently (with state support), as per Article 19 of the UNCRPD.

¹⁷ There is no statutory mechanism under the 2004 Act for survivors or civil society organisations to directly initiate or petition for inquiries. Whilst the Oireachtas provides a system for members of the public to initiate petitions around issues of general interest for parliament to consider, public inquiries are not covered under this process. While Australia's Disability Royal Commission was established by government, it incorporated strong participatory practices during its operation. Ireland could go further by embedding such principles in law – including the right to initiate inquiries and co-design their structure.

Conclusion

It is a concern that when there is negative attention about an inquiry, that a reactive approach is taken, thus ruling out or curtailing future commissions of inquiry for similar issues facing disabled people. A more nuanced approach is needed involving both a more inclusive and human rights-based interpretation of the 2004 Act as it currently stands, and potentially legislative reform to further strengthen the right to participate – particularly for nonspeaking survivors.

Justice must be designed for everyone, not just for those who can most easily navigate the system. The State has the opportunity to lead by ensuring that future inquiries reflect the dignity, voice, and rights of all survivors, including those who have been most persistently excluded.

“Those affected remain without answers and have been left more wounded from the Commission. They have carried this pain for 30 years and continue to do so... [this is] not acceptable. We need as a country to do better in honouring the rights of all Irish citizens.”

- Family member



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