



Department of Justice  
Canada

Ministère de la Justice  
Canada

## **Family Violence and the Deaf**

### **Legal Education and Information Issues: A National Needs Assessment**

**Innovations, Analysis and Integration  
Public Legal Education and Information (PLEI) Program  
Family Violence Initiative  
Justice Canada**

*Contractor: Jamie C. MacDougall, PhD*

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## EXECUTIVE SUMMARY

Anecdotal information has indicated that family violence is emerging as a serious problem in the deaf community in Canada. This project provides a review of the basic needs in the area through information gathered from stakeholders in the field of deafness as well as from a number of Public Legal Education and Information (PLEI) centers in various regions of Canada. The focus is on those people who use sign language as their primary mode of communication.

The methodology included telephone contact with agencies and individuals across Canada and site visits were made to New Brunswick, Quebec, Ontario, Manitoba and British Columbia. It was established that family violence is a major issue (in families with deaf persons) in all parts of Canada. A lack of appropriate services and a clear lack of appropriate educational and informational materials was indicated in all regions of Canada.

The need for increased effort in the area of Public Legal Education and Information was strongly confirmed. Culturally Deaf individuals use sign language (ASL or LSQ) as their primary means of communication. Few materials are available in this format on the subject of family violence in the context of legal issues. Thus the majority of deaf persons do not have access, not only to materials, but also to training and education programs which are most often designed exclusively for hearing persons.

It was found that in various regions of the country some preliminary work in the area of Public Legal Education and Information had already taken place - videos and print materials were available in appropriate formats and considerable expertise was available in the area of family violence in general. However, while various materials did exist, the system for distributing and making materials available on a national basis was lacking. Communication across the country in terms of this issue is minimal at this time.

A number of conclusions are offered which emphasize the urgent need to develop Public Legal Education and Information programs in partnership with the deaf community and agencies which serve the deaf. The need for national coordination and the development of priorities which can lead to concrete action is paramount in order to effectively utilize scarce resources. The recent Supreme court decision (Eldridge v. British Columbia, 1997) can be seen as providing a further stimulus for action at this time.

The unique needs of deaf Aboriginal and First Nations people and the Inuit need to be addressed separately. While information from Quebec is included in this report, the special needs of deaf Francophones and Anglophones in Quebec, as well as deaf Francophones in other provinces, needs to be addressed in a special study.

The report also contains basic references to the literature on family violence and the deaf as well a listing of available materials and resources.

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I would like to acknowledge that due to the limited scope of this report much of what was said and shared during the course of this project is not reported here. The report cannot adequately convey all the emotion, courage and determination that I experienced in the course of this project. I can only hope that what is said in the report will serve as a spur for much needed action in this very neglected field.

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## 1.0 INTRODUCTION AND BACKGROUND

In a recent study, Ticoll (1994) reported that family violence against women in general has emerged as a “serious and pervasive problem in today’s society”. In the general population 95% of victims of spousal abuse are women and at least 89% of abusers are men. In the case of women with disabilities (including developmental delay and the deaf community), the incidence is reported to be 20% higher than in the non-disabled population.

In a survey by the DisAbled Women’s Network (DAWN) in 1985 it was estimated that “women with disabilities are *1.5 to 10 times* as likely to be abused as non-disabled women, depending on whether they live in the community or in institutions”.<sup>1</sup>

Both the Ticoll study done for the Roeher Institute, and the DAWN study, paint a bleak picture of the situation vis a vis family violence and disability in Canada. Many of the key variables which cause abuse are discussed and, as well, many factors which act as barriers to the solution of the problem are highlighted.<sup>2</sup>

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<sup>1</sup> cited in National Clearinghouse on Family Violence (NCFV), “Family Violence Against Women With Disabilities”, November, 1992, [online] [February 2000] Available at <http://www.hc-sc.gc.ca/hppb/familyviolence/index.html>.

<sup>2</sup> Further information concerning family violence in the general population as well as more detailed information concerning the disability community can be found at the National Clearinghouse on Family Violence, Health Canada website (<http://www.hc-sc.gc.ca/hppb/familyviolence/index.html>) and at the main site (<http://www.hc-sc.gc.ca/hppb/familyviolence/initiative.html>). The annotated bibliography by Sobsey, Gray, Wells, Pyper, & Reimer-Heck (1991) also provides a comprehensive overview of the literature. Sosbey (1994) and Sosbey & Doe (1991) provide in depth background information on family violence and abuse for all disabilities including deafness.

The focus of the current project is on family violence in the deaf community. While many of the issues related to family violence in the deaf community are similar to those faced in the disability community in general, there are a number of unique issues which deserve special attention. The first and most obvious aspect of the deaf community that renders it unique is the existence of signed languages - American Sign Language (ASL) for the English speaking community and Language des Signes de Quebec (LSQ) for the French speaking community.

The other related aspect of the deaf community that makes it unique is the fact that deaf persons do not identify with the disability community except for legal-political purposes (Lane, 1992; Lane, Hoffmeister & Bahan, 1996). The majority of deaf persons consider themselves to comprise a unique culture ( Dolnick, 1993; Lane, 1984, 1986, 1992; Padden & Humphries, 1989).<sup>3</sup>

The relationship between the deaf and disabled communities is very complex. For the present purposes it does make generalizations about the deaf community based on issues and problems in the disability community somewhat problematic. In addition it renders generic solutions to questions of family violence in the context of the deaf community very difficult. This does not mean that there will not be overlap between issues (and solutions) that the deaf and disabled communities face or, for that matter, between the deaf and other cultural minority communities.<sup>4</sup> In fact much of the information from these other sources will be of great value. What it does mean is that the issues will ultimately need to be seen through a “deaf lens”. Therefore some general background on various aspects of the deaf community will be discussed to provide a framework for the current study on family violence in the deaf community in Canada.

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<sup>3</sup> For more information, see the Canadian Association of the Deaf (<http://www.cad.ca/>), Suite 203, 251 Bank Street, Ottawa, Ontario, K2P 1X3 Canada, Phone/TTY(613) 565-2882, cad@cad.ca.

<sup>4</sup> see Roboubi & Bowles (1995) for a discussion of family violence in the context of ethnocultural minority women.



## **1.1 The deaf community**

A recent popular account of the main issues in deafness in the context of Deaf culture, the current political realities of deafness and the role of ASL is discussed in Sacks (1989). An account of the “oral” perspective is provided by Ling (1984). Klima & Bellugi (1979) provide a good background discussion of the main theoretical issues involved in the study of ASL.

A brief discussion of some of the salient features of the deaf community can be found in Erting, Johnson & Smith, 1994; Higgins & Nash, 1986; Lane, 1984, 1986, 1992; Lane, Hoffmeister & Bahan, 1996; MacDougall, 1991; Mindel & Vernon, 1987; Moores, 2000; Padden & Humphries, 1989; Rodda & Grove, 1987.

### **1.1.1 Demography**

#### Terminology

The question of what is meant by deafness is very complex and great caution should be exercised in the interpretation of any blanket statements about the characteristics of all people with hearing loss. The degree of deafness, the age of onset, the cause, the presence of additional disabilities (estimated at 1/3), the environment in which a deaf person finds him or herself, all have a profound effect on the impact of deafness on the individual (MacDougall, 1990, 1991; Moores, 2000).

It can be safely said that much of the controversy and misunderstanding surrounding deafness stems from loose use of terminology and the strong tendency to inappropriately compare groups and individuals with different types and etiologies of hearing loss.

The use of the term “deaf” itself is in constant debate. A convention has arisen in some contexts where deaf with a capital “D” refers to the culturally deaf signing population. Deaf with a small “d” refers to those who have a serious hearing impairment (Padden & Humphries, 1989). The term “hearing impaired” is normally used by those who subscribe to the “oral” approach or to refer more generically to those with hearing loss.

There is also an important distinction to be made between those who are pre-linguistically (before the development of language) deaf, as opposed to those who are deafened later in life. In addition, the hard-of-hearing constitute a distinct group who have unique needs which are quite different from the culturally Deaf (Rodda & Grove, 1987). It should be noted that the special needs of the hard-of-hearing are not specifically discussed in this report.

Most deaf people have some residual hearing which in some cases can be successfully amplified by a hearing aid or other assistive device (Ling, 1984), but in other cases, even with substantial residual hearing, a hearing aid can be of little or no value (MacDougall, 1991; Moores, 2000; Rodda & Grove, 1987). For most culturally Deaf people who use sign language as their main means of communication the hearing aid has little or no value.

It is especially important in the context of any discussion of family violence in the deaf community to keep the above mentioned factors in mind. It is often the case that factors which are operative for one segment of the deaf population (e.g. the culturally Deaf as opposed to a person who loses their hearing later in life (or a person who is hard-of-hearing) are not operative at all for another segment of the population. Again, the focus of this report is with culturally Deaf persons for whom sign language is the main mode of communication. As far as terminology is concerned, except where direct reference is being made to cultural Deafness, for the purposes of this report, “deaf” is used throughout as a generic term.<sup>5</sup>

### Prevalence

In terms of prevalence (in the context of the discussion above concerning definitions), a major demographic study has been done in the USA (Schein & Delk, 1974). In Canada, the *McGill Study of Deaf Children in Canada* established the prevalence of deafness in the 0-21 year age range (MacDougall, 1990). The generally accepted number for prevalence of deafness in Canada, which precludes use of speech and hearing, without special intervention is 1/1000 (MacDougall, 1990, 1999).

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For a more detailed discussion of the terminology issue see (Schein, 1990) in the context of his well developed theory of the Deaf community. Further discussion of terminology issues can also be accessed at the web sites for the Canadian Association of the Deaf and the Canadian Hard-of-Hearing Association.

While the 1/1000 prevalence rate is generally accepted, controversy arises when all those with hearing impairment are added, including the hard-of-hearing, and those with any sort of hearing loss associated with advancing age or other etiological factors. These latter numbers have been estimated at 1/100 for those with a hearing loss serious enough to warrant some type of intervention, to 1/10 for the entire population of persons with any degree of hearing loss (MacDougall, 1994, 1999).

For the purposes of this project the target population is covered by the 1/1000 estimate. The main focus is with those individuals who are profoundly deaf and who use *sign language (ASL/LSQ)* as their main mode of communication and who most often consider themselves as being part of the Deaf culture. However it is worth acknowledging again that the “oral” deaf, the late deafened, the hard-of-hearing and other hearing impaired groups also have unique needs in the area of family violence especially in terms of legal education and information issues.

### **1.1.2 Socio-economic status**

With some notable exceptions, deaf persons as a group do not enjoy high socioeconomic status in Canada. In a recent study of 1000 deaf Canadians the Canadian Association of the Deaf found that 80% were either unemployed or underemployed. From the point of view of this project it is apparent that the high unemployment/underemployment rate is a significant factor that needs to be considered in any discussion of family violence in the deaf community. Ticoll (1994) also mentions unemployment as an important background factor to be taken into consideration in the area of disabilities generally and this would include deafness.

### **1.1.3 Health**

Deaf persons have the same range of health (physical and mental) issues as can be found in the hearing population (Barnett, 1999; MacDougall, 1999; Moores, 2000). One important point to note is that 1/3 of deaf people have additional disabling conditions (MacDougall, 1990) which may require special attention and accommodation, especially in the justice system in the context of Public Legal Education and Information. Persons who are deaf-blind for example require special accommodations beyond that required for the deaf community in general (Schein, 1990, Weaver, 1995). Deaf persons who have developmental delay or other additional physical disabilities also have special requirements (Mindel & Vernon, 1987;

Moore, 2000). Individuals with multiple disabilities are often the first to “fall between the cracks” of any system and are often the most vulnerable to physical and sexual abuse (Ticoll, 1994).<sup>6</sup>

The Supreme Court decision in Eldridge vs B.C is also an important background factor to consider in the present context. The highest court mandated sign language interpretation as a free service under Medicare for all deaf persons in Canada.<sup>7</sup> In some regions this decision has been interpreted as providing the basis for the provision of sign language interpretation services for all publicly available services. This new legal element clearly has implications for accessibility of interpretation services in the context of family violence issues. If services are offered to the general public in the area of family violence such as anger management groups through provincial health authorities, social workers available to victims, then to be consistent with Eldridge, these services should be made available to deaf persons through the medium of sign language interpreting.

A special case which is intimately connected to family violence issues involves mental health counselling which would be similar to that encountered in family violence counselling. The mere provision of interpreters for communication does not always solve the problem in this area ( Haffner, 1992; Harry, 1986; MacDougall, 1999; Mindel & Vernon, 1987; Moore, 2000). There are confidentiality problems especially in small communities where interpreters are a virtual part of the deaf community. Furthermore, the nature of mental health counseling does not always lend itself readily to the use of an interpreter (Harry, 1986; Haffner, 1992; Katz, Vernon, Penn, & Gillece 1992; Kennedy, 1992). Some approaches call for the establishment of a direct relationship between the professional and the client. This is a special problem that needs to be addressed on a priority basis in terms of counseling and legal education in the context of family violence issues.

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<sup>6</sup> See also MacDougall (1994) for a discussion of justice access issues for deaf persons who have limited language abilities.

<sup>7</sup> See MacDougall (1999) for a full discussion of Eldridge, and MacDougall (1997), for a popular media discussion based on the author’s personal experience.

#### **1.1.4 Literacy**

Perhaps the most important unresolved issue in the field of deafness concerns the literacy level in the deaf population. It is reported that a deaf high school graduate is generally at the grade 3-5 equivalent of the general hearing population (MacDougall, 1991; Rodda & Grove, 1987; Schein, 1990). Just why this is the case is under much discussion and debate.

It is known that low literacy levels can have a negative effect on access to the justice system and access to written informational materials. Difficulties in literacy translate into difficulties in accessing justice - especially in the context of serious complex issues such as can be found in the family violence context (Ticoll, 1994).

#### **1.1.5 Education**

Any social issue (such as family violence) in the field of deafness can only be understood in the context of the educational policies for deaf children, especially the role of residential schools. The majority of adult deaf persons in Canada today attended residential schools (MacDougall, 1990).

The field of education of the deaf in Canada and elsewhere has been undergoing a dramatic evolution during the past 25 years. The educational model has moved from free standing residential schools for the deaf to mainstreaming, integration and inclusion. Many residential schools for the deaf have closed in Canada (with some notable exceptions, e.g. Newfoundland).

Another, and perhaps the more important issue, in the context of family violence, concerns the physical and sexual abuse which has been documented to have occurred in some residential schools for the deaf. The situation at Jericho Hills school in Vancouver British Columbia has already been documented in the CBC presentation "*Walls of Silence*", and also in Justice Berger's Special Counsel report, as well as the report of the Office of the Ombudsman of British Columbia, both issued in 1993. Linda Hill (1999a, 1999b, 1999c), a psychologist specializing in deafness, facilitated a discussion group for the Law Commission of Canada who created their own report. Henry Vlug, a prominent deaf lawyer, was also involved in this project. The discussion group included 37 deaf persons from various regions of British Columbia and four from others regions of Canada, all of whom attended either residential schools for the deaf or mainstreamed programs. The purpose of this group was to examine the experience of abuse of deaf persons in the education system. Some of the

specific findings of this important report will be incorporated in a later section of this report. Roger Carver (1995), a well recognized leader in the deaf community, also provides an insightful discussion of the topic. Finally the broad aspects of child abuse of all forms in institutional settings is discussed in detail in the recent report of the Law Commission of Canada (2000) entitled "Restoring dignity: responding to child abuse in Canadian Institutions".

A detailed analysis of the complex situation involving abuse in residential schools is well beyond the scope of the present project but obviously this is a factor that cannot be ignored in any discussion of family violence and PLEI issues in the field of deafness. It has often been noted that early experience with abuse is an important causal factor in determining family violence. Therefore some mention of this issue will be made in the context of the discussions which took place with various deaf individuals and agencies.

## **1.2 Organization of services to the deaf community**

Each province and locality has their own unique approach to providing services to the deaf community. The largest such service is the Canadian Hearing Society (<http://www.chs.ca>), which, contrary to the impression left by its name offers services only in Ontario. The CHS has a head office in Toronto and a number of regional agencies in various parts of Ontario (e.g. the mental health counseling service CONNECT is also part of the CHS in Toronto).

Most other provinces have some degree of organized service - mainly through charitable agencies which depend on both public and private sources of funding. There is no national organization which links service agencies across Canada - in a sense each agency operates independently (the Canadian Coordinating Council on Deafness (CCCD) which previously served this function has been defunct for a number of years). Services tend to be concentrated in the urban areas with little service in rural areas except on a case by case basis.

The most significant service offered to the deaf community in any region is the sign language interpreting service. Adult Deaf Literacy programs are also growing in number with most provinces having at least one such program - or plans to establish such a program. Many agencies, public and private, also offer classes in sign language (ASL/LSQ) to the general public.

A number of deaf advocacy (non-direct service) organizations exist, notably the Canadian Association of the Deaf. As well, virtually every province has a provincial association of the deaf and various other local cultural, social, religious and sports organizations exist in each region.

There is no deaf organization in Canada that is specifically geared to offering legal information, including information on family violence issues, to deaf persons although a number of the regional organization do offer some information. The Ottawa Deaf Center, for example, is quite active in family violence issues and has made a number of video-tapes on the topic. The Deaf, Hard-of-Hearing and Deaf-blind Well Being Program in Vancouver has also made a number of videos on the topic (see Reference section). Deaf service agencies in other provinces may be active in the area on a case by case basis. Other disability based organizations, such as ARCH the Advocacy Resource Center for the Handicapped and the Council of Canadians with Disabilities, also offer some information on deafness related issues on an ad hoc basis. General information on various aspects of family violence including some legal information, and information on abuse and disability (including deafness) can be found in a number of fact sheets and pamphlets offered by a variety of agencies (see Reference section).

## **2.0 CURRENT PROJECT**

The current project focuses on those individuals who are profoundly deaf and who use sign language. The objectives of the present project are as follows:

- to obtain general information on family violence and deafness from a Public Legal Education and Information perspective.
- to gather general information on any existing initiatives from various regions of the country.
- to canvass experts, service providers, families and the deaf community about their legal education information needs with respect to family violence.

- to provide a brief bibliography and listing of resources which will summarize current and best practices in the area.
- to provide information which can serve as the basis for making future recommendations concerning the Public Legal Education and Information needs of deaf persons on family violence issues.

### **3.0 METHODOLOGY**

The basic methodology followed was to contact selected deaf services and advocacy agencies and individuals involved with family violence and deafness from a service perspective. Site visits were made to Quebec, Ontario, New Brunswick, Manitoba and British Columbia. In all cases discussions were held with representatives from agencies serving the deaf, professionals serving the deaf, as well as with individual deaf persons. A listing of some of the individuals contacted is given in the Acknowledgments section. For confidentiality reasons a number of individuals wished not to be listed.

Discussions were framed around basic questions regarding family violence;

- a) the perceived incidence of family violence in the deaf community
- b) concrete examples of family violence - profile of cases
- c) reporting issues
- d) interpreter issues
- d) communication issues
- e) general disability issues
- f) availability of legal access materials
- g) specific legal issues - courts, legal aid, police
- h) barriers
- i) previous initiatives
- j) relationships between agencies - deaf-hearing
- k) recommendations for PLEI
- l) education and training issues



m) other issues

Not all issues were discussed with all informants. In many cases issues apart from family violence were discussed as it was the strong opinion of many individuals that family violence cannot be considered independent of other key issues in deafness such as the general availability of interpreters and general access to the justice system.

In addition, Public Legal Education and Information (PLEI) agencies in selected provinces were contacted (New Brunswick, Ontario (Toronto), Manitoba (Winnipeg) and British Columbia (Vancouver)) and in all cases site visits were made for further discussion.

Discussions with PLEI's revolved around:

- a) general knowledge of disability and deafness related issues
- b) discussion of any specific projects and initiatives undertaken previously
- c) review of materials from a deafness/disability/special communication/cultural perspective
- d) relationships with local deaf agencies
- e) joint projects undertaken
- f) discussion of barriers - legal access
- g) indications of interest in future projects
- h) administrative, financial and related issues as barriers
- i) cross provincial linkages regarding deafness related issues
- j) other issues - e.g. general disability issues, general cross-cultural issues
- k) general recommendations for future development

The research assistant for the project (Michelle Dean, McGill psychology student) attended the *Empowerment 2000: Ontario's first Deaf women's conference* held in Toronto. This important conference, sponsored by the Ontario Association of the Deaf, discussed many of the issues involved in this report. The organizers of the conference made themselves available for interviews related to this report and again, while this report does not reflect the official opinion of the conference, many important recommendations are based on issues that were discussed in that pioneering conference.

As far as references are concerned, the topic was searched on a number of databases including Medline, ERIC, Socio-file and Psychology Abstracts. Sources in the Law Library at McGill were also accessed. A number of search engines and meta-search engines were also queried on the topic on the *World Wide Web*. The Health Canada National Clearinghouse on Family Violence also proved to be an excellent primary and secondary source for materials and references related to family violence generally. Other materials were collected on an ad hoc basis from the agencies and individuals visited. While many of these materials are referred to in the materials list of this report many were unable to be included because of incomplete access information. Even those that are listed have access information in varying formats - a situation which highlights the need for development of a standardized data-base for all materials related to family violence and deafness in an accessible format.

Information on the Quebec situation is included in this report. Most of the information was collected by Nicole Parise through interviews with various individuals and agencies including *La Maison des femmes sourdes de Montreal* (Pinel, 1999). It is clear from the information that we collected that the Quebec situation is special due to the need for French language services as well as the existence of a substantial English speaking deaf community. While the information from the Quebec section of this project are included in this report it is clear that a special study which addresses the unique needs of the deaf community in Quebec needs to be undertaken on an urgent basis.

The N.W.T. , Yukon Territory and Nunavut were not included in this project due to limited resources. It is clear that a special study should be made in these areas and special attention needs to be paid to the unique needs of Canada's deaf Aboriginal, First Nations and Inuit populations.

#### **4.0 FINDINGS**

The findings that are reported represent a synthesis of the views expressed by the author of this report and are not to be taken as a reflection of the official position of any of the individuals and agencies involved.

#### 4.1 Deaf individuals, agencies, professionals, meetings

The following points represent a synthesis of the information gathered from the above mentioned sources along with citations of selected references and reports related to issues of family violence in the deaf community.

- ∃ There are no reliable statistics on the nature and extent of deafness-related family violence incidents in Canada. The DAWN, (DisAbled Woman's Network) study (cited in Family violence Against Women with disabilities, 1992) is the basis for numbers at the present time along with the Sobsey (1994) study which is discussed in the report from the Roeher Institute (Ticoll, 1994). Doe (2000) also makes reference to estimates of the incidence of family violence in the deaf community. The general conclusion appears to be that the incidence of violence in the disability communities is substantially higher than in the population at large and this applies to deaf individuals. However, methodological problems (mainly due to lack of reliable reporting statistics from service agencies, police and the courts) are inherent in all the studies and reports and it is widely agreed that the actual numbers remain unknown.
- ∃ Selected agencies that deal with family violence issues especially in the large urban areas, often do maintain some statistical information but in most cases the information is not systematic nor easily interpretable (Weaver, 1995).
- ∃ The issue of under-reporting is mentioned by virtually all informants. The impression of many service providers and other individuals is that the majority of family violence goes unreported due to lack of information on the part of the victim and lack of appropriate services.
- ∃ The issue of fear of reporting due to real and perceived consequences is also mentioned frequently. This is a special problem in a small tight-knit community like that of deafness, where almost everyone in the community knows everyone else (Higgins, 1980, 1986; Ticoll, 1994).

- ∃ There is a consensus that general education materials regarding family violence are not readily available to deaf persons due to problems in literacy (MacDougall, 1991) and also lack of materials in ASL/LSQ.
- ∃ Information about abuse and in particular about legal options are often discussed informally among members of the deaf community and much misinformation is transmitted in this way.
- ∃ There is a lack of appropriately trained personnel in the field. Most hearing professionals do not know how to deal with deaf persons and many hold false stereotypes concerning deafness. Even where interpreters are used, often the overall communication situation is far from adequate (Barnett, 1999; Kennedy, 1992).
- ∃ There is a strong perception that law enforcement officials do not understand deafness, making reporting very problematic and difficult. Often interpreters are not used appropriately (Elder, 1993; Vernon & Coley, 1978).
- ∃ There is the perception that many, if not most lawyers and some judges, do not understand the unique nature of deafness and serious misunderstandings can and do occur, especially during the reporting process (Golbert, Gardner & DuBow, 1981; Harry, 1986; Vernon & Coley, 1978; Law Courts Education Society, 1998).
- ∃ Often family members (such as children) have been called upon to interpret for an abused victim and in some cases it has been reported that the abuser is actually called upon to do the interpreting for the police. The author has had first hand personal experience with such a situation. This is a highly unsatisfactory solution for these circumstances.
- ∃ In some geographic areas interpreting is reported as excellent while in other areas there are reports of grave deficiencies in interpreting - mainly due to lack of funding and lack of appropriate training programs at the local level (MacDougall, 1999; Kennedy, 1992; Weaver, 1995).

- ∃ The lack of accessibility of shelters is often mentioned (Masuda & Ridington). Furthermore, accessibility is often confined to technical issues i.e. provision of TTY (telephone device for the deaf), flashing lights etc. The issue of greatest concern is the training and sensitivity of staff. Even where staff are trained, there is often high staff turnover and new people do not, in fact, understand deafness and the misunderstandings occur once again. Training programs are reported as being intermittent and not standardized. On the other hand there have been reports of excellent training and education programs where adequate funding has been made available (Weaver, 1995).
- ∃ The issue of restraints when arrests occur is mentioned often. If deaf people are in handcuffs or have their arms or hands otherwise restrained they absolutely cannot communicate. The resulting mis-communication with the abuser can have a detrimental effect on the victim as well.
- ∃ In the case of spousal abuse there is concern on the part of the victim about what will happen to the spouse and to the children if abuse is reported (Doe, 2000; Pinel, 1999).
- ∃ Concerns around rights in institutions, power of attorney and other legal issues was a serious concern expressed by many individuals and agencies.
- ∃ Early experiences of abuse either in the family or in residential schools is mentioned by all participants as a serious causative factor which needs to be addressed. Many deaf people who suffered abuse feel that they now deserve abuse and are very reluctant to report. This parallels the situation often reported for other ethnocultural minority groups (Roboubi & Bowles, 1995). The need for appropriate education and information in these situations is acute (Hill, 1999a, 1999b, 1999c).
- ∃ Lack of sexual education in the school system whether in the residential school or in the mainstream setting is often mentioned as a significant factor to be addressed in terms of prevention of future family violence (Hill, 1999a, 1999b, 1999c).

- ∃ Gender issues in interpreting is a pressing issue. The preponderance of interpreters are female and this raises issues for counseling of abusive husbands. Conversely most abused women prefer a female interpreter. These issues are not always taken into account by the legal system (Empowerment 2000).
- ∃ The issue of what constitutes abuse is a pervasive one. There is a profound lack of knowledge of the varieties of abuse, how to deal with abuse and how to report abuse to the appropriate authorities (Doe, 2000). Again the situation here parallels that for other minority groups but because of the early educational and linguistic deprivation, for many deaf people (MacDougall,1991), the situation is particularly troubling.
- ∃ It is reported that the use of “violent signs” by offenders is particularly potent as a threat to victims. The barrier between what is an acceptable sign and what constitutes abuse is a fine line in many cases. This issue (unique to the physical nature of signed languages) clearly needs further exploration.
- ∃ There is a pressing need for increased access to programs, facilities and information that are readily available to the hearing public such as shelters, and counselling services. Most deaf persons because of their special communication needs do not have ready access to these resources.
- ∃ There is a role for peer counseling and volunteers who are appropriately trained. However the issues of confidentiality and the small, intimate nature of the deaf community in most locales is an issue that needs to be addressed (Weaver, 1995; Education Wife Assault, Women with Disabilities, 1998).
- ∃ There is a need for information and prevention programs, but it was emphasized that programs need to be constructive and positive. Long- term learning and continuing education needs to play a key role. Criticism of the inappropriate behavior of abusers needs to be supplemented with positive learning and role models (Labarr, 1998; Sullivan, Vernon & Scanlan, 1987).

- ∃ Mental health issues are closely tied to abuse issues. Improved mental health services would help address many concerns in the area of family violence (Katz, Vernon, Penn, & Gillece, 1992; Labarr, 1998, MacDougall, 1999).
  
- ∃ Specific issues related to various minority cultural and ethnic communities emerged as important issues. There is a need for workers not only to understand deafness but also to understand different cultural practices especially in the family context. The rapidly increasing numbers of newly arrived immigrant families with a deaf family member, especially in the large urban areas such as Toronto, Montreal and Vancouver, is an important aspect to be taken into account.<sup>8</sup> Education Wife Assault (Ontario) has developed materials appropriate to a wide range of cultural/linguistic groups, but at the present time there does not appear to be any material specifically directed to deaf ethnocultural minority groups.
  
- ∃ In many areas of the country the special needs of the First Nations, Aboriginal and Inuit communities need to be taken into account. A separate study on this topic including an examination of the situation in Nunavut, Yukon Territory and the Northwest Territories needs to be undertaken on an urgent basis.<sup>9</sup>
  
- ∃ There is an urgent need for more trained deaf professionals, e.g. lawyers, doctors, social workers who will be able to assist deaf victims of violence more effectively. .

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<sup>8</sup> see Roboubi & Bowles (1995) for highly relevant background information in the hearing population.

<sup>9</sup> see MacDougall, 1999 for a similar discussion in the context of health services.

- ∃ Many good initiatives in various parts of the country have only short- term funding, Eventually good services close and valuable training and resources are wasted. Sustainable funding is a pressing issue in all regions of Canada (Weaver, 1995).
- ∃ There is a need for more sharing of information, locally and nationally, of material related to family violence that is currently available to the hearing population. As well, there are some interesting programs in the U. S. and Europe which should be explored for their applicability to the Canadian deaf population.<sup>10</sup>
- ∃ The issue of fragmentation of services was mentioned frequently. A number of persons contacted indicated that family violence issues including public legal education aspects were intimately tied to the more general issue of access to all services including the justice system. Many felt that various sectors (i.e. health, education, justice, social service) needed to put forward a comprehensive approach to be effective (Empowerment 2000; Hill, 1999a, 1999b, 1999c ). For example, there is only one pool of interpreters in a particular area and utilization, funding, training, and certification should be accomplished in a global fashion taking all aspects of the service into account. Similarly, there was a strong feeling that violence in families with deaf members could not be dissociated from communication policies in the school system, employment opportunities and public awareness of the realities of being deaf in society. All strongly felt that public education, legal and otherwise, is a priority but again, a *coordinated effort* among and between agencies is strongly recommended.
- ∃ Virtually every agency and individual contacted mentioned the reality of past abuse in the school system.
- ∃ Deaf blind persons and deaf persons with multiple disabilities face unique barriers in terms of access to information and services (Weaver, 1995).

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see Walker (1999) for an international perspective on the hearing population; also contains a good discussion of issues in terminology in the field of abuse and family violence.



## 4.2 Public Legal Education and Information

- ∃ All PLEI agencies consulted indicated a strong interest in including deaf persons in the target audience and some significant initiatives are already underway- e.g. New Brunswick (general disability accessibility survey), Manitoba (sensitization programs involving PLEI and deaf community), and British Columbia (court access, video tapes for deaf persons).
- ∃ The issue of overlap of jurisdiction between agencies that give direct services to the deaf was discussed. It was felt that there was a role for PLEI as well as specialized agencies working in partnership. Instances of this happening (i.e. consultations), for example in Ontario, Manitoba, British Columbia and New Brunswick, were noted. The main feedback from all the PLEI's contacted is that there is a great interest in continuing to develop policies programs and materials directed at the special needs of the deaf population in partnership with agencies and individuals serving the deaf.
- ∃ From the point of view of the deaf victims, it is clear that point of first contact is normally the deaf service agency. In fact the first deafness professional to be aware of the abuse case is most likely the sign language interpreter. In some cases of course it is law enforcement officials that are the first point of contact.
- ∃ Service agencies therefore need to provide counseling services, but they also need appropriate legal information. The PLEI agencies are in the position to develop these types of resources, again in partnership with the service agencies.
- ∃ PLEI agencies are in a unique position to ensure that materials that are available to the general population in the area of family violence are made available to deaf persons in appropriate formats.
- ∃ A number of PLEI agencies already have considerable experience with minority language and cultural groups and it is felt that the general philosophy in dealing with family violence in these sectors can be applied to issues on family violence and deafness.

- ∃ The issue of training is important. There is discussion of the role of professionals, and also Community Legal Intermediaries (CLI). While opinions vary on the exact role of such persons, it seems clear that in some jurisdictions, at least there will be a significant role which can extend to the deaf community. Efforts have already been undertaken in at least one jurisdiction (Manitoba) to provide ASL and Deaf culture training in this area.
- ∃ The relationship of PLEI programs to efforts in the area of disabilities was also discussed. A number of other disabilities required specialized information especially in the area of communication and it was felt that programs could often be developed in tandem, keeping in mind the sensitivities of the deaf community in the area of disabilities.
- ∃ Literacy issues and the development of materials in plain language is a paramount issue for PLEI agencies and the application of this modus operandi is seen as appropriate for deaf persons.
- ∃ Working with deaf and family violence advocacy groups and promoting early intervention with awareness and prevention programs in the school system were also prime concerns.
- ∃ Development of training workshops for professionals who work with deaf people to address specific legal issues was seen as a priority in all areas surveyed.

## **5.0 Availability of Materials and Information**

A number of organizations have developed materials specifically directed at the deaf population. Some print and other media materials relating to various forms of abuse and issues in accessing the justice system have been prepared (see Reference section for a listing of fact sheets, materials, brochures and videos that have been produced). Some of these materials have been prepared by deaf service agencies and others have been developed by agencies involved in family violence generally - some specifically in the area of disabilities. The main problem in this area is not only the availability of materials, but also the development of an effective system for distributing information. Materials are rarely shared

out of province and there is a clear lack of materials available in the French language (Pinel, 1999) or in other minority languages.

A survey of special communication needs for a wide range of the special needs population (including the deaf) and access to the justice system has been completed in New Brunswick (by the PLEI). This study is currently under analysis and should be available in the near future.

## 6.0 RECOMMENDATIONS

1. A comprehensive study to determine the actual nature and extent of family violence in the deaf community needs to be undertaken. Current estimates are not reliable and have limited validity. It will be difficult to develop appropriate Public Legal Education and Information programs in the absence of valid information about the numbers and actual characteristics (including communication modalities) of deaf people involved in family violence.
2. One of the PLEI agencies needs to be designated as a specialized center acting as a repository of information and materials on deafness and family violence. While all PLEI agencies would endeavour to keep all information relevant to their localities, it would be useful for one to have a clear mandate to keep up with all new materials and at the same time everyone developing new materials would be able to send such materials, or at least information about materials to a central location. This would be complementary to the service provided by the National Clearinghouse on Family Violence, as the focus would be legal rather than health issues. The Clearinghouse Web site could continue to be used as a reference point for information on this topic regardless of focus.
3. A separate centre would be designated in Quebec for French language materials (involving LSQ) which could be made available nationally. There is a pressing need for concrete action in Quebec on behalf of the Francophone deaf minority, as well as for the Francophone deaf minorities in Ontario and New Brunswick and the other provinces and territories where appropriate.
4. While there appears to be excellent coordination between provincial PLEI agencies, there needs to be increased visibility for deafness issues. In this connection a series of regional conferences or a national conference to address the priority issues should be held as soon as possible.
5. Each province has a unique background in this area and also there is unique expertise in each of the PLEI agencies. The “specialties” for each province should be noted and existing expertise should be developed in future projects. Duplication of effort across provinces should be avoided. For example it is clear that as far as legal access and related issues are concerned, B.C. has taken the lead in terms of producing instructional videos. In Ontario a

different type of video has been produced, in New Brunswick the concern has been with information needs of specific target groups, in Manitoba there has been specific work with the Deaf community, and so on for the other provinces. The need for coordinated information sharing is great.

6. Specific projects which address issues in Public Legal Education and Information need to be undertaken. For example, each PLEI agency needs to review their existing core materials with a view to rendering them in a format accessible to deaf persons. This may involve graphics in simple language or it may involve video production involving sign language and captioning. If each PLEI agency rendered one piece of information accessible to the deaf community a great deal could be accomplished in a short period of time. However, national coordination to avoid duplication would be required.
7. Training projects in various areas of legal information need to be undertaken. For example, in the light of ongoing legal actions, including a class action suit (Berger, 1995), in British Columbia there may be a real need on the part of the deaf community for information in this area. This has already been recognized by the PLEI in British Columbia. Practical hands-on training programs need to be developed which can be evaluated and then exported to different regions. The deaf community, deaf agencies need to be heavily involved as partners in this type of initiative (Canadian Association of the Deaf; Canadian Hard of Hearing Association).
8. Complete accessibility for the PLEI offices, e.g. availability of interpreters, TTY's etc. is required.
9. Deaf service agencies should draw up a priority list of ten items that they feel could usefully be addressed by Public Legal Education and Information programs. Discussions could then take place at the local level to put forward projects which involve partnerships with the community.
10. Informational materials relating to family violence in the deaf community need to be made available to the media for dissemination to the general public. A media and public awareness action plan needs to be established in partnership with agencies such as the Canadian Association of the Deaf and other national and provincially based agencies.

11. Specific efforts need to be undertaken to sensitize and educate correctional officers, lawyers, judges and others involved with the legal system concerning the special needs of the deaf population. This should be done at both the national, provincial and local levels. All these groups need a general orientation to deafness, the realities of Deaf culture, sign language and other unique aspects of the deaf population. Following a general orientation, the specific target groups need information relevant to their role in the justice system.
12. Police are in the front lines and it is essential that they understand the need for objective professional interpreters. Officers who take the report of abuse need special training in how to deal with the unique perspective of deaf people.
13. Defense lawyers, especially legal aid lawyers, must understand the need for qualified interpreters in order to communicate with their client. The special needs of deaf persons who have reduced literacy and signing skills needs to be taken into account (MacDougall, 1994).
14. The legal community needs to understand the dynamics of deaf families in which there may be hearing children or in some cases deaf children. The role of these children as witnesses needs to be taken into account.
15. Judges need to understand the educational, social and psychological deprivation that many deaf women have experienced as a result of their early school experiences. This has a profound effect on the way victims conceptualize the abuse and the way they communicate in court. These examples are meant to illustrate some of the legal education points that need to be addressed. A more comprehensive discussion is beyond the scope of the present project, and should properly be addressed in future targeted professional programs.
16. Funds need to be made available to university and college based researchers to study the unique aspects of family violence in the deaf community. All of the issues and difficulties that are faced in the general population are faced by deaf persons, especially deaf women and their children. However the realities of sign language and deaf culture adds a unique dimension that warrants further scientific study on an urgent basis. Current sources of funding, including the major granting agencies, need to specifically encourage projects which focus on family violence in the deaf community. The newly created Canadian Institute

for Health Research (CIHR) with its emphasis on health population variables and determinants of health should be particularly amenable to such studies. Community agencies such as the Canadian Association of the Deaf and similar regional and provincial agencies need to be active partners in this effort.

17. Innovations in telecommunications (such as Remote Video Interpreting (RVI)) should be explored in the context of providing counseling, information, education and interpretation services in areas where such services are not currently available. This should be done in tandem with other initiatives in health and justice in the context of the Eldridge decision.
18. A special study should be done in Quebec reviewing the experience of family violence within the deaf community there. This should include the needs of Francophone deaf persons in other provinces.
19. A special study should be done to address northern issues and issues in the First Nations, Aboriginal and Inuit communities in this area. This is a priority area for future research and action that was not directly considered in the present project.
20. It is clear from this project that the issues in this area go far beyond Public Legal Education and Information issues. The level of activity in all areas of Canada is distressingly small and the problems seems to be growing at an exponential rate. Public Legal Education and Information, while very important, by itself will not solve this crisis. Therefore one of the main roles for PLEI is to help related agencies and the deaf community to advocate for increased services and stable funding for the development of appropriate programs.

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