

Equal Opportunities Commission

Equal Access to Justice for Persons Who Are Deaf and Hard of Hearing: Highlights of the Guide

Introduction

As a statutory body tasked with implementing the Disability Discrimination Ordinance and eliminating disability discrimination in Hong Kong, the Equal Opportunities Commission (EOC) strongly believes that persons with disabilities should enjoy equal rights before the law, and have effective access to justice.

Access to justice is a fundamental human right recognised by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Article 13 of the UNCRPD requires state 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 recent years, people who are deaf and hard of hearing (DHoH) have reportedly encountered barriers in Hong Kong at different stages of the complicated legal process due to misunderstanding or miscommunication. The EOC, therefore, prepares this Guide to provide some guiding principles for communicating with DHoH persons, as well as possible appropriate accommodation measures during different stages of legal proceedings.

This Guide aims to serve as a practical tool to facilitate communication between different parties in the judicial process and to achieve the ultimate goal of equal access to justice for all in the long run.

How to Effectively Communicate with DHoH Persons?

Hearing loss is unique to each person and the degree of hearing loss varies. While some DHoH persons know and use sign language or lip-reading/speechreading, some others may not use those means to communicate. Having said that, there are some general tips and principles while communicating with DHoH persons and the sign language interpreter involved:

Before you speak:

- **Lighting:** Make sure you are in a well-lit area and the DHoH persons can see your face clearly.
- **Noise:** Find a quiet area, turn off or move away from any background noise, especially if the person is using a hearing aid. Some slight noise, such as paper-flipping and wind-blowing, can be very distracting for some DHoH people who use hearing aids.
- **Attention:** Always attract the attention of the persons before speaking. You may gently wave your hand in front of them.
- **Visual:** Face the DHoH persons and keep good eye contact. Address the persons directly, not the interpreter, lip speaker, or speech-to-text reporter. Remove any obstacles between you and the individual to provide a clear sight line.
- **Distance:** Keep a short distance, say one to two metres, from the persons. It is the optimum distance for lip-reading and the use of hearing aids.

When you are speaking:

- Use a natural and normal speaking pattern. Do not shout, mumble, or exaggerate. Do not shout at the side of the DHoH persons with hearing aids.
- Avoid complex terms and languages, such as double negative statements.
- Use complete and coherent phrases rather than short phrases. They are easier for both DHoH persons and sign language interpreters to understand.
- Keep your mouth clear. Do not put your hands in front of your face.
- Take turns to talk if there is more than one person in a conversation.
- Repeat and rephrase if necessary.
- Allow time for the person to process what is being said.
- Use a transparent/clear face mask if face masks have to be worn due to public health reasons.

Methods other than speech:

- Always ask if the person needs any auxiliary aids or services, such as sign language interpretation.
- Ask if another method of communicating would be easier, for example, a pen and paper or typing with a mobile device.
- If needed, use pictures, visual aids and gestures to aid the communication.

Common Auxiliary Aids and Services for Communication with DHoH Persons

It is crucial to bear in mind the diversity of the DHoH community and there is no “one-size-fits-all” method while communicating with DHoH persons. Before offering any auxiliary aids and services, always ask about the needs of and identify the appropriate accommodation measures for each and every individual DHoH person. Some common auxiliary aids and services include:

Sign language interpretation

- Sign language is a visual-gestural language that conveys meaning by simultaneously combining shape, orientation, location and movement of the hands, arms and/or body, and facial expressions.
- There is no universal sign language in the world. Mixed use of different forms of signing variants is common in the daily life of DHoH persons.
- One must not assume that sign language interpretation is the only possible and sufficient accommodation measure needed by all DHoH persons.
- A combination of support services, such as sign language interpretation with live-captioning, is often required for effective communication.
- It is necessary to also ensure that the sign language interpreter knows the form or variant of sign language used by the person concerned and can effectively communicate with that particular person.

Assistive Listening Devices (ALDs)

- ALDs are devices which amplify and clarify sounds and reduce background noise for the listener, through the use of microphones, transmitters, receivers and headsets.
- Common ALDs include frequency modulated (FM) systems, infrared systems and induction loops.
- Before the start of any formal procedures, please ensure that the ALDs of the DHoH person function without glitches or interfering signals.

Speech-to-text reporters

- Speech-to-text reporters are trained professionals who transcribe what is being said in real-time, so that DHoH persons can read it immediately on laptops, screens or appropriate devices. This is particularly beneficial to those who can read written Chinese or English, but do not know how to use sign language.

Common Myths of Communicating with DHoH Persons

Myth: Hearing aids can fully restore the abilities of DHoH persons to perceive sounds.

Fact: Hearing aids are mainly devices that amplify sounds. Some DHoH persons may choose to switch off their hearing aids in a noisy environment as the devices amplify all sounds, including background noises that will distract them constantly.

Myth: Written text can replace sign language while communicating with DHoH persons.

Fact: While some DHoH persons can express themselves and understand information through written text well, some of them might not, depending on their language proficiency.

Myth: All DHoH persons read lips. I just have to look at them directly while speaking.

Fact: Some DHoH persons are skilled lip readers, but some others are not.

Myth: All DHoH persons are mute.

Fact: Never assume that DHoH persons cannot speak. Some of them can speak with voice, but choose not to, some others prefer to use sign language to communicate.

When participating in the judicial process, DHoH persons may:

- Inform your lawyer or the court of your need for auxiliary aids and services, if any, as early as possible. Be specific regarding the type of aids and services you need.
- On the court hearing date, arrive early to check with the court whether the auxiliary aids and services requested are functioning.
- If deemed necessary, request to briefly communicate with the interpreters, speech-to-text reporters, or lip-speakers in the beginning of the hearing, in order to ensure you can communicate with one another effectively.
- During the hearing, do not hesitate to inform the judge or your lawyer, if the auxiliary aids and services are not functioning properly.

Equal Opportunities Commission

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Disclaimer

All the information contained in this Guide is for reference only, and it is no substitute for legal advice. If you have any enquiries or need further information, please contact the Equal Opportunities Commission.

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