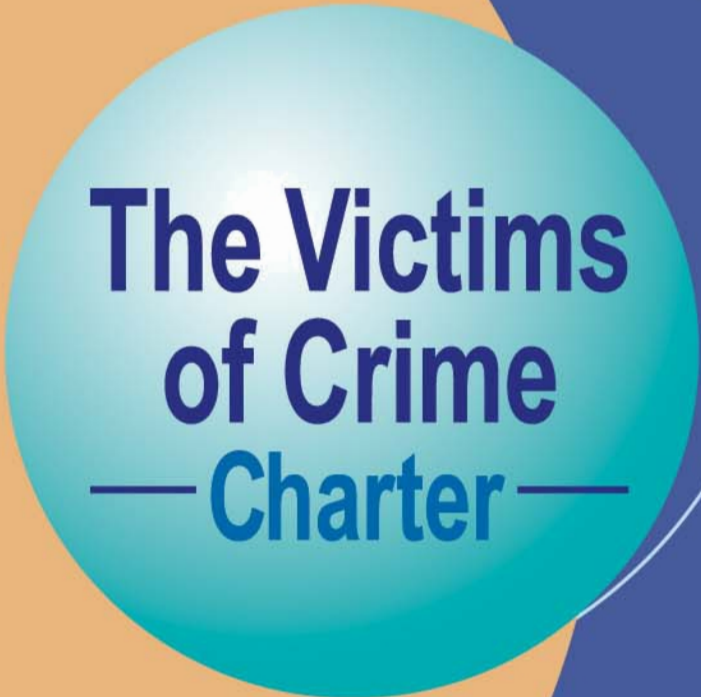




RIGHTS



The Victims of Crime — Charter —

DUTIES



The Victims of Crime Charter

All members of the community who come into contact with the criminal justice system, but particularly victims of crime, are entitled to know what their obligations are in helping the law enforcement agencies and, in return, what standard of service they can expect to receive from those involved in the criminal justice system. This Charter sets out these rights and duties of victims of crime. The Charter is not meant to be the final word: standards need to be kept under review and the aim should be to improve standards of service for victims of crime wherever possible.

Who is a victim?

A victim is a person who suffers physical or emotional harm, or loss or damage to property, as a direct result of a criminal offence. This covers not only the person against whom the offence was committed but also anyone who has suffered directly from the commission of the offence. The definition of victim may include, for example, the parent of a child who has been sexually abused or the immediate family of a murder victim.



Rights and duties of a victim

1. The duty to help maintain law and order

Every member of the community should help all law enforcement agencies, such as the Police and ICAC, to maintain law and order and to discover and apprehend offenders. This does not mean that members of the public

should put themselves at risk when faced with a violent criminal, but it does mean that they should:

- abide by the law
- take proper precautions to prevent crime - for instance, by making sure that their home and personal property are kept secure
- report crime, corruption and any suspicious circumstances - such as persons loitering in the vicinity of a building
- be co-operative when asked to help the police or other law enforcement agencies
- give any assistance they reasonably can at an incident when asked to do so by the police or other law enforcement agencies
- come forward as a witness

2. The victim's right to be treated with courtesy and respect

Members of the law enforcement agencies, prosecutors, court staff, counsel, and other persons dealing with victims of crime shall at all times treat them with courtesy, compassion,

sensitivity and respect for their personal dignity and privacy.



3. The victim's right to have a proper response to complaints of crime

Complaints of crime shall be responded to promptly by the law enforcement

agencies, which shall provide fair, proficient and professional investigation of every report of crime.

4. The victim's right to information - reporting the crime

Victims shall be provided with the name, rank, service number and contact telephone number of the officer in charge of the case. Upon request, victims shall be provided with a copy of any statement they make. Members of the law enforcement agencies and health and social services personnel shall inform victims as soon as is practicable of the services and remedies available to them. This will include, where appropriate, information regarding criminal injuries compensation, legal aid, social welfare and health services.



5. The victim's right to information - investigation and prosecution

So far as can be done without prejudicing the progress or outcome, victims of crime shall be kept fully informed of the progress of the case. If a decision is made not to prosecute, victims shall be told of that decision. Where prosecution is proceeding, victims shall be told about the steps which follow in the prosecution process, the progress of the investigation, the role of victims as witnesses in the prosecution of the offence, the date and place of the hearing of the proceedings, and the final disposal of the case, including the outcome of any appeal. Victims shall have the right to ask to be notified of the offender's pending release, or escape, from penal custody, provided that the victims have given the Commissioner of Correctional Services their current address and telephone



number. Subject to the provisions of the Personal Data (Privacy) Ordinance (Cap 486), the Commissioner shall notify the victims accordingly.

6. The victim's right to proper facilities at court

Victims who have to give evidence in court shall not be made to feel intimidated by the experience. There shall be clear signposting in every court premises, and a clearly marked reception or information point. There shall be adequate accommodation and facilities for victims and other witnesses while they are waiting at the court premises.

7. The victim's right to be heard

Members of the law enforcement agencies and prosecuting counsel involved in advising on, and prosecution of, the case shall inform themselves of the victims' circumstances and their views on prosecution. Prosecuting counsel shall bring to the attention of the court the victims' circumstances and views whenever appropriate.

8. The victim's right to seek protection

Victims shall be informed of their right to ask for protection. The Witness Protection Programme shall be widely publicised to ensure that victims are aware of the Programme's provisions.

9. The victim's right to privacy and confidentiality

All those involved in the criminal justice system, from police officers to judiciary staff, shall respect the victim's right to privacy and confidentiality. Victims are no longer required to provide their addresses when giving evidence in court. In cases involving certain sexual offences, there is a statutory

prohibition on publishing or broadcasting anything likely to identify the victim. In cases where victims are justifiably apprehensive as to what may happen to them or their family or friends if they give evidence in open court, or in respect of offences of sexual abuse, an application can be made to the judge hearing the case for the victim to testify from outside the court by way of a video link.

10. The victim's right to prompt return of property

Law enforcement agencies and the courts shall return as promptly as possible any property belonging to victims which has been held for evidentiary purposes.

11. The victim's right to support and after-care

Victims shall be provided with medical care after the offence, and where it helps (such as in cases of sexual assault or abuse), law enforcement agencies shall put the victims in touch with the appropriate agency (whether medical, social or any other kind of assistance) and stay in touch with the victims as long as is reasonably required.

12. The victim's right to seek compensation

Victims shall have the right to seek redress by way of civil proceedings under appropriate circumstances. Victims shall have the right to seek compensation under the Criminal and Law Enforcement Injuries Compensation Scheme, and the court has the power to order a convicted offender to compensate the victim.



Useful Leaflets

Name	What it covers	Where to get it
1. Rights of Crime Victims and Witnesses	Explains the rights of victims and witnesses of crime in relation to police investigations.	The report room of any police station
2. Witness in Court	Explains the criminal courts in Hong Kong and their procedures. Also tells the witness how to dress, what language to use and where to sit.	The report room of any police station
3. To Combat Organized and Serious Crimes	Describes the Organized and Serious Crimes Ordinance, and introduces the assistance which is offered by the Witness Protection Unit.	The report room of any police station
4. Performance Pledge - Crime Wing	Covers the performance standards of criminal investigation and witness reassurance and the channel of appeal for the public.	The report room of any police station
5. How to Apply - Legal Aid in Civil Cases	Outlines the criteria and procedure relating to legal aid application in civil cases.	High Court Resources Centre for Unrepresented Litigants, Legal Aid Department, District Offices, police stations and hospitals
6. Duty Lawyers Service	Explains the services provided under the Duty Lawyer Scheme.	District Offices
7. Integrated Family Service Centres/ Integrated Services Centres	Gives information on the services provided by the Integrated Family Service Centres / Integrated Services Centres operated by the Social Welfare Department and non-governmental organizations.	Integrated Family Service Centres/ Integrated Services Centres operated by the Social Welfare Department and non-governmental organizations, Medical Social Services Units and Social Security Field Units of Social Welfare Department, and District Offices
8. Medical Social Services	Introduces the objectives and scope of services of the medical social services provided by the Social Welfare Department.	Medical Social Services Units in the institutions under the Hospital Authority and the Department of Health
9. Guide to Hotline Service of Social Welfare Department	A guide to the public on how to use the Hotline Service to obtain information on the services of the Social Welfare Department.	The Social Welfare Department's Integrated Family Service Centres, Medical Social Services Units, Social Security Field Units and District Offices

10. The Criminal and Law Enforcement Injuries Compensation Scheme (CLEIC)	Introduces the Criminal and Law Enforcement Injuries Compensation Scheme which provides financial assistance to persons (or to their dependants in cases of death) who are injured as a result of a crime of violence, or by a law enforcement officer (which means any police officer or other public officer on duty) using a weapon in the execution of his duty. The leaflet also introduces the eligibility criteria and application procedures.	The Criminal and Law Enforcement Injuries Compensation Section, Medical Social Services Units, Social Security Field Units of Social Welfare Department, police stations and District Offices
11. The Patient's Charter	Explains the rights and responsibilities of patients in hospitals.	Any hospital
12. The Statement of Prosecution Policy and Practice	Sets out the principles on which decisions on prosecution by the Department of Justice are based.	Prosecutions Division, Department of Justice, 5/F, High Block, Queensway Government Offices
13. Independent Commission Against Corruption – Performance Pledge	Tells the public about the ICAC's performance pledge for the services it offers them. It also explains how they can make reports and the steps they can take if they have any comments or complaints about the ICAC's services.	Independent Commission Against Corruption and all ICAC Regional Offices
14. Independent Commission Against Corruption – Information for Witnesses	An explanation of the rights and responsibilities of ICAC witnesses.	Independent Commission Against Corruption and all ICAC Regional Offices
15. Rights of Witnesses in Cases of Alleged Corruption and Related Crime	An explanation of court procedures.	Independent Commission Against Corruption and all ICAC Regional Offices
16. Family and Child Protective Services Unit	Introduces the target service users, objectives, scope of service provided by Family and Child Protective Services Unit.	The report room of any police station, Integrated Family Service Centres, Family and Child Protective Services Units of Social Welfare Department

17. Seek Early Assistance Stop Domestic Violence	It points out that violence is never a solution to family problem. People should seek early assistance to stop family violence.	The report room of any police station, Integrated Family Service Centres, Family and Child Protective Services Units of Social Welfare Department
18. Child Abuse Concerns All of Us	Helps public to understand the definition and symptoms of psychological abuse.	The report room of any police station, Integrated Family Service Centres, Family and Child Protective Services Units of Social Welfare Department
19. Multi-disciplinary Case Conference on Child Abuse	Introduces the function of multi-disciplinary case conference on child abuse.	The report room of any police station, Integrated Family Service Centres, Family and Child Protective Services Units of Social Welfare Department
20. Christian Family Service Centre	Explains the temporary shelter services available to victims of domestic violence from this non-governmental organization.	The report room of any police station, Integrated Family Service Centres, Family and Child Protective Services Units of Social Welfare Department and Medical Social Service Units in the institutions under the Hospital Authority and the Department of Health
21. What is Psychotherapy?	The leaflet explains the basis, methods, and goals of psychotherapy, when it should be considered and how one can get psychological services.	Social Welfare Department, Clinical Psychological Service website : http://www.swd.gov.hk/tc/index/site_pubsvc/page_cps/SWD Integrated Family Services Centre (Chinese version only) SWD Probation Office (Chinese version only) SWD Family and Child Protection Service Unit (Chinese version only)
22. Central Psychological Support Service	The leaflet introduces the Central Psychological Support Service of the Social Welfare Department which provides professional support and consultation to rehabilitation centres serving mentally / physically handicapped persons and disabled preschoolers. It explains how the service can be arranged, its objectives, target groups, activities, and fees.	Clinical Psychological Service Branch of Social Welfare Department

23. Information Booklet for Victims of Spouse Battering (Chinese version only)	The booklet introduces services provided by various government departments and non-governmental organizations to victim of spouse battering.	The report room of any police station, Integrated Family Service Centres, Family and Child Protective Services Units of Social Welfare Department
24. Booklet for Child Witnesses of Domestic Violence (Chinese version only)	This is an educational booklet which provides child witness a positive attitude towards domestic violence and encourage them to seek early assistance.	The report room of any police station, Integrated Family Service Centres, Family and Child Protective Services Units of Social Welfare Department
25. "Dor Dor Tells you" Have a Good Preparation to be a Witness (Chinese version only)	In order to reduce the worry of child witness, this booklet provides the information on the role of a witness and on court proceedings. This booklet is also suitable for the child witness with mild grade mental retardation and witness with moderate / severe grade mental retardation.	Family and Child Protective Services Unit of Social Welfare Department
26. "Tell to Sum Sum" Have a Good Preparation to be a Witness (Chinese version only)	In order to reduce the worry of child witness, this booklet provides the information on the role of a witness and on court procedure. This booklet is also suitable for the witness with mild grade mental retardation.	Family and Child Protective Services Unit of Social Welfare Department
27. "What should Mrs HO do?" (Chinese version only)	In order to reduce the worry of child witness, this booklet provides the information on the role of a witness and court proceedings. This booklet is also suitable for the parent and carer of the witness with mentally retardation.	Family and Child Protective Services Unit of Social Welfare Department
28. Guide to Legal Aid Services in Hong Kong	A general guide to the legal aid services available in Hong Kong.	High Court Resources Centre for Unrepresented Litigants, Legal Aid Department and District Offices
29. Po Leung Kuk Wai On Home for Women	Explains the temporary shelter services available to victims of domestic violence from this non-governmental organization.	Po Leung Kuk, 66 Leighton Road, Causeway Bay, Hong Kong or downloaded from website http://womenrefuge.poleungkuk.org.hk

30. Po Leung Kuk Sunrise Court Refuge Centre for Women	Explains the temporary shelter services available to victims of domestic violence from this non-governmental organization.	Po Leung Kuk, 66 Leighton Road, Causeway Bay, Hong Kong or downloaded from website http://womenrefuge.poleungkuk.org.hk
31. Booklets for Harmonious Building (Chinese version only)	Tips for building up domestic violence knowledge.	Jockey Club Harmony Link - Domestic Violence Prevention Centre, Wing B, G/F., On Wah House, Lok Wah (South) Estate, Kwun Tong, Kowloon; Harmony Express Resource Station (HERS), Shop 40, Tin Shui Wai West Rail Station; or downloaded from website www.harmonyhousehk.org
32. Jockey Club Harmony Link - Domestic Violence Prevention Centre	Introduce the service of Domestic Violence Prevention Centre, including Crisis Intervention Service, Children and Youth Service, Community Education & Resources and Third Path Man Service.	Jockey Club Harmony Link - Domestic Violence Prevention Centre, Wing B, G/F., On Wah House, Lok Wah (South) Estate, Kwun Tong, Kowloon; Harmony Express Resource Station (HERS), Shop 40, Tin Shui Wai West Rail Station; or downloaded from website www.harmonyhousehk.org

Complaints

All of the agencies involved in the criminal justice system aim to provide a high standard of service, in line with the principles outlined in the Victims of Crime Charter. If you have a complaint about the way you have been treated, the information you have received or decisions which have been made, you may contact the relevant agency at the address and telephone number shown below.

Independent Commission Against Corruption

Operations Department (Report Centre)
303 Java Road, North Point, Hong Kong
Telephone: 2526 6366

(There are also 7 ICAC regional offices located throughout Hong Kong, Kowloon and the New Territories where complaints can be made.)

Judiciary

Complaints Manager
Room LG229,
High Court,
38 Queensway, Hong Kong
Telephone: 2825 4593

Hospital Authority

Hospital Authority,
G/F Hospital Authority Building,
147B Argyle Street,
Kowloon
Telephone: 2300 7125

(In addition, each hospital or polyclinic has a Patient Relations Officer to whom complaints can be made.)

Police

Complaints Against Police Reporting Centre
Ground Floor, Annex Block, Caine House
Police Headquarters, No.3 Arsenal Street
Wanchai, Hong Kong
Telephone: 2866 7700
Fax: 2200 4460-2

Social Welfare Department

Social Welfare Department Headquarters
8/F, Wu Chung House,
213 Queen's Road East,
Wan Chai, Hong Kong
Telephone: 2343 2255

(There are 11 District Social Welfare Officers in local Social Welfare Offices in Hong Kong, Kowloon and the New Territories who handle complaints. Their contact details can be obtained from the Department's Headquarters.)

Department of Justice

Complaints relating to the conduct of prosecutions in any court should be directed to:

Senior Assistant Director of Public Prosecutions
5/F, High Block, Queensway Government Offices,
66 Queensway, Hong Kong
Telephone: 2867 2232
