

香港社會服務聯會
交立法會福利事務委員會
處理家庭暴力的策略和措施小組委員會會議
討論「進一步討論檢控施虐者的工作」及
「就警方處理家庭暴力的改善措施進行討論」
(2007年10月8日)

1. 「進一步討論檢控施虐者的工作」

設立「支援家庭暴力證人計劃」

1. 本會十分歡迎律政司再次與業界分享檢控涉及家庭暴力案件的政策及常規，而文件亦提及多項加快審理符合條件的家庭暴力個案的措施，並指出受害者出庭作證並非舉證的唯一方法。

2. 從保安局本年七月向立法會提供的數字顯示，雖然法庭處理的家庭暴力刑事案件數目有明顯的增長，但每年仍然有約三成由警方處理的家庭暴力刑事案件，未能成功提交法庭跟進。雖說家庭暴力受害人出庭作證並非舉證的唯一方法，但若改善支援證人的措施，亦可強化現時的檢控施虐者的工作。警方及檢控人員均曾指出，受害人對於需要在法庭當面指證其配偶感到十分困難。本會會員機構也曾反映，受害人在出庭時因遇上犯案者(施虐者)或其家人的施壓、擔心上庭安排、不願當面指證配偶或不希望配偶入獄，而在檢控過程中，放棄作供。

3. 為強化檢控施虐者及保護受害人，免證人承受不必要的壓力，本會建議應儘快成立家庭暴力受害人的法律支援服務(支援家庭暴力證人計劃)(詳細建議書見*附件)，加強對受害人在刑事審訊程序中作供時的支援。服務內容包括：為受害人配對支援者，以陪伴其出席有關案件的聆訊、主動提供相關的法律資訊、作證及法庭程序、與檢控人員及法庭聯絡有關個案的刑事及民事訴訟的進展，與受害人及其個案主管聯絡等。另一方面，法庭配合為受害人提供特設通道進入法庭、選擇以電視直播聯繫系統作供、安排參觀法庭及了解程序等。

4. 基於現時「保護家庭及兒童服務課」或「綜合家庭服務中心」有限的人力資源，加上多重角色的困難，而是項服務人員除了提供情緒支援以外，還需要有基本法律培訓及與警方、檢控人員及法庭有良好的配合，故本會認為需要專門的服務計劃。由現時處理家暴個案社工(個案輔導員)同時提供及扮演這個角色並不理想。

「簽保令」對家庭暴力案件施虐者的成效

5. 家庭暴力發生時，絕大部份受害人不一定會即時報警求助，即使在簽保令期間，受害人也未必再次選擇向警方求助。為有效了解簽保令期間或以後的成效，本會建議警方連同社會福利署共同檢討個案的進展，從多角度了解簽保令是否能有效預防暴力事件再次發生。除了警方罪案紀錄外，同時可從施虐者及受害人的輔導工作中了解家庭暴力有否再次發生，以更準確地掌握簽保令對家庭暴力案件施虐者的成效。

6. 有關「簽保令」人士十分低重犯率(單位數字)的分析，本會發現比較2006年(1-6月)家暴刑事「簽保令」與「獲釋放」案件的整體重犯率相約，分別為7.9%及7%，則「簽保令」內的重犯率反次高出0.9%。

7. 比較2005-06整體家暴刑事「簽保令」、「檢控」與「獲釋放」案件的整體重犯率，「簽保令」(4.8%)個案比「檢控」(1.3%)個案的重犯率高出3.7倍；「獲釋放」(6.4%)個案比「檢控」(1.3%)個案的重犯率高出5倍。這分析反映(1)「檢控」個案重犯率較低；(2)「簽保令」個案的重犯率不一定是十分低，(3)也帶出需要正視「獲釋放」案件重犯的高比率的現象。有必要加強搜證、檢控及提供法律法服務以支援證人作供。

「簽保令」與「施虐者輔導計劃」

8. 本會認為參與反暴力計劃能協助施虐者認識暴力行為，同時亦能減低重犯的機會。對於有接近七成經法庭處理的家庭暴力刑事案件中的施虐者會被判處「簽保令」，為了盡早介入、停止及改變施虐的暴力思想與行為。本會建議法例修訂時能賦予法庭權力，於因家暴發出的「簽保令」內加設條件，要求施虐者參與輔導計劃。此舉能回應受害人對配偶改過自身的期望，鼓勵受害人舉報及提升其出庭作證的動機。

II. 「就警方處理家庭暴力的改善措施進行檢討」

改善措施的檢討

9. 本會衷心欣賞警方決心實施全面改善處理家暴個案的措施，在分析及進一步了解有關措施的成效，本會建議警方搜集並提供以下數字及分析：

- i. 向警方舉報被虐求助個案總數，與警方進行逮捕(單方及雙方)與不逮捕的個案及原因；

- ii. 前線工作人員決定不逮捕的個案中，再次向警方求助的個案及求助的次數；
- iii. 在不逮捕的個案中，完成「評估表」後，交由督導人員覆核後，督導人員認為有需要逮捕的個案數字；
- iv. 「轉介緊急服務評估表」應用後，轉介的緊急服務的類別及數字；
- v. 在警戒系統中，重複發生個案的數字及重複的頻率；
- vi. 加強搜証措施後能被援引的佐證的家庭暴力案件數字；及
- vii. 警方直接轉介社署熱線的轉介個案數字，有提供支援的數字及支援的服務項目。

附件

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香港社會服務聯會 加強本港對家庭暴力及性暴力受害人的支援服務 法律支援服務

目的

1. 本會建議政府加強法律支援服務予選擇使用法律途徑處理家庭暴力及性暴力罪行之受害人(下文稱「受害人」)。受過相關訓練之義工或朋輩輔導員為受害人提供可保障其個人安全之法律、指證及法庭程序的資料，以支援家庭暴力及性暴力罪行受害人使用法律來保障個人安全或就施虐者之罪行作出介入。本文旨在簡述一些海外及本地的相關經驗以促進社會福利署反暴力工作小組成員進一步討論強化相關服務之需要及可行性。

背景

2. 本會於二零零二年十一月至二零零三年一月期間舉行三次服務使用者及服務提供者之聚焦小組討論會，了解受害人對如何加強支援家庭暴力及性暴力受害人服務的意見。其中受關注之議題包括有關之法律權利及可選擇之法律支援服務。

3. 在這些聚焦小組的討論中，受害人表示即使有意選擇以法律程序起訴施虐者，但礙於不理解個人權利、起訴與否的選擇、渠道及法律程序，加上懼怕權力機關的心理、憂慮個人及子女安全等的情緒困擾下，最終放棄起訴。對於一些已決定提出起訴之受害人，亦曾經因為在等候司法程序的過程中，同樣遇到上述之情況或因施虐者的脅迫，而中途放棄作證。

4. 在不理解法律程序、缺乏法律知識及情緒支援的情況下，受害人對於是否以法律程序檢控施虐者之決心或出庭指證之意欲均可能因此而減弱。海外的「法律倡議者」(Legal Advocate)的服務經驗反映該服務能為受害人充權，使他們能有決心及能透過法律程序去介入家庭暴力及性暴力之罪行。按受害人的意見反映以及海外的經驗，本會認為有需要討論如何支援已決定以法律程序處理家庭暴力及性暴力的受害人，陪伴及支援他們走過這個過程。

海外經驗

5. 美國明尼蘇達州的「法律倡議者」是一些曾接受法律相關培訓的人士、來自當地婦女庇護中心之職員或「過來人」(朋輩輔導員)。他們提供的服務旨在為受害人充權，讓他們有能力及知識，透過使用法律程序去保障他們的安全或介入暴力罪行。在過程中，「法律倡議者」協助受害人整理和提供審訊所需之資料及證據，並促進受害人與檢控官之溝通。受害人乃透過警方或庇護中心轉介而得到「法律倡議者」的服務，並由警方逮捕施虐者或

落案起訴時開始介入，向受害人提供有關法律及法庭程序資料及介紹社區支援服務之資源，協助受害人在出庭時所需之交通及託兒安排。Pence(1996)強調受害人應得到相關之支援，讓他們了解個人權利、法律之保障及選擇、受害人的參與與否對影響法庭決定之重要性及可能引發的結果等¹。因此，法律支援服務能為受害人充權，支援他們在決定使用法律程序處理家庭暴力及性暴力罪行時能有足夠的信心。

6. 在加拿大 Department of Justice 的架構內設有「受害人政策中心」(the Policy Centre for Victim)，旨在提升受害人使用刑事司法系統的信心。該中心提供多項服務及活動令受害人明白他們在這個系統及法律中所扮演之角色及重要性，並在過程中為受害人提供所需之援助及服務²。

7. 澳洲新南威爾斯州亦設有「罪案受害人局」(the Crime Victim Bureau)³，提供所需之法律選擇權資料，以支援罪案(包括家庭暴力罪行)之受害人完成法庭程序。除了政府提供之服務，亦有非政府機構為受害人提供這些服務。例如：「家庭暴力倡議服務」(The Domestic Violence Advocacy Service)是一個非政府地區組織，為新南威爾斯州內被暴力對待之婦女提供免費及保密之法律支援服務⁴。

8. 英國政府設有獨立於警方和法庭之免費「受害人及證人支援服務」(Victim Support and Witness Service)，旨在提高及促進受害人與證人之權利，為有需要上庭之受害人、其家人或朋友提供所需之資料及支援服務⁵。

9. 美國、加拿大、澳洲及英國均設有由政府提供之免費法律支援服務予受害人及其家人，而美國及加拿大同時有非政府的社會服務團體作為主要的服務提供者，最終是為受害人增權及促使他們能有效地使用司法制度以處理家庭暴力及性暴力罪行。在討論如何在本港強化支援家庭暴力及性暴力受害人服務時，這些海外經驗有助我們了解及討論設立更有系統之法律支援服務。

本地經驗

10. 為加強對受虐兒童在刑事審訊程序中作供時的支援，社會福利署與警方成立「支援證人計劃」，支援需要在法庭作供的受虐兒童及精神上有障礙的人士。這項計劃安排支援者以陪伴兒童證人出席有關案件的聆訊。有關安排支援者的申請乃由警方向社會福利署提出⁶。

¹ Pence (1996). *Coordinated Community Response to Domestic Assault Cases: A Guide for Policy Development*. Minnesota Program Development, Inc.

² Department of Justice, Canada(<http://canada.justice.gc.ca>).

³ Victims of Crime Bureau, Australia (www.lawlink.nsw.gov.au)

⁴ Domestic Violence Advocacy Service, Australia (www.womenslegalnsw.asn.au)

⁵ Victim Support, UK. (www.victimsupport.org.uk)

⁶ Witness Support Programme. (<http://www.info.gov.hk/swd/vs/english/welfare.html>)

11. 另一方面，本地的一些非政府機構亦有提供這類服務，以支援其服務使用者使用法律程序處理所遇到之罪行，並提供陪伴上庭的服務。例如：和諧之家有一組曾受訓之義工陪同受害人上庭；群福婦女權益會亦有義工，包括「過來人」，在接受相關訓練之後，陪伴及支援受害人經歷有關之法律程序；關注婦女性暴力協會「風雨蘭」性暴力危機支援一站式服務之輔導員會為性暴力受害人提供有關法律權利及程序的資料及意見，有需要時亦會安排受害人向警方報案，同時給予受害人情緒支援，並在其出庭時陪伴受害人上庭。

12. 這些本地經驗是有助討論強化支援家庭暴力及性暴力受害人之一個良好開始。服務提供者表示香港現時對家庭暴力及性暴力受害人之法律支援服務是存在需強化之空間，而支援者的角色亦不應止於提供陪同上庭之服務，可透過相關之培訓協助提升受害人以法律程序處理家庭暴力及性暴力罪行之知識與信心，同時提升服務效益。

在香港設立法律支援服務

13. 基於社會體制、政治和文化背景的差異，如直接套用海外的模式並不理想。海外「法律倡議者」在負責協調及跟進個案的角色，與本地的專業社工在介入家庭暴力及性暴力個案的一些角色近似。故此，應由本地相關人士討論及基於實踐的經驗以設計一套適用於本地文化的法律支援服務。

服務目的

14. 建議的法律支援服務旨在：

- 提升受害人對法律權利之認知，使他們有需要時能有足夠自信心使用法律程序；
- 提供法律支援者，為受害人或證人及其家人與朋友提供及解釋相關之法律資料與程序、個人權利法律提供之保障(例如：禁制令、緊急撫養權及探視權之安排)、可作出之選擇(例如：起訴、檢控或離婚)、協助他們申請所需之法律保障並與個案管理員商討以連繫專業溝通(例如：律師及法庭)；
- 支持受害人上庭作證時所需之支援，如交通、照顧兒童、陪同上庭等安排；及
- 給予具同理心之情緒支援。

15. 有關之服務資料必須讓受害人得悉，而選擇是否使用該服務時，受害人需在得到足夠資料的情況下作出決定或按其個案管理員對受害人之需要評估作出建議。

支援者的角色

16. 在法律支援過程中，支援者扮演資訊提供者、聯繫者、促進者和情緒支援等角色。他們與負責個案之社工(個案管理員)保持緊密溝通與配合，社工以個案管理員的角色全面監察服務及個案進展，與受害人一同制定福利及安全計劃，並連繫受害人與律師及法庭就其提出之檢控安排作溝通。

17. 支援者在保密的服務原則下為受害人、證人、其家人及朋友提供及簡述所需之法律資訊。在整個相關之法律程序中，保持諮詢個案管理員，協助他們尋找這些資訊及了解其法律之權利、法律之保障、相關選擇與程序，例如：申請禁制令、緊急撫養權、探視權或離婚等事項。這項支援服務為受害人充權，使他們能在足夠資訊下作出選擇，在其決定使用法律程序介入時為他們提供相應之支援服務，促使他們參與整個過程之中。

18. 支援者(義工/朋輩輔導員)應具備有同理心、了解受害人的特性及情緒需要，並熟悉受害人因家庭暴力及性暴力罪行而使用法律介入時的需要，他們需要有一些相關的法律知識及對法律程序之培訓或學歷(最佳)。惟支援者對受害人之情緒的敏銳性及同理心是非常重要的特質。

服務運作建議

19. 基於現時的服務發展，加上服務提供者及使用者均認為有需要嘗試為受害人提供更有系統的法律支援服務，就此，本會有如下建議以供討論：

- 為現時設有及有意設立這項服務之機構義工 / 朋輩輔導員提供定期及有系統之相關家庭暴力及性暴力之義務法律知識培訓服務，提升他們的服務功能，促使服務能更有效地協助有需要之受害人；及
- 就現有之法律支援服務設立法律支援服務中央資料庫及轉介網絡，促使有需要之受害人或其個案管理員可從這些資料庫及轉介網絡尋找支援服務；或
- 由政府為這些受害人提供專設的法律支援服務。

20. 無論受害人是接觸社會福利署家庭服務中心或保護家庭及兒童服務課、非政府機構家庭服務中心或婦女庇護中心，受害人均應在其有需要時獲得相關之支援服務。他們有權利亦有需要知悉個人法律權利、選擇、法律可給予之保障以及可能出現之結果或影響，並了解他們參與法律程序中的重要性等。

21. 個案管理員需評估不同個案性質、受害人特性及情緒反應，以決定是否由義工 / 朋輩輔導員提供法律支援服務。例如：受害者受暴力罪行影響而較難與他人建立信心。因此，使用這項服務之決定最終是由受害人作出決定，同時考慮個案管理員之評估建議。

22. 開始時服務應作為一項先導計劃，隨後作出檢討，以設計合適本地之服務模式，最重要是能照顧到受害人的服務需要。服務除了提供予家庭暴力及性暴力受害人，亦可考慮提供予其他罪行的弱勢受害人，例如長者或殘疾人士。

服務質素保證

23. 由於家庭暴力及性暴力罪行會造成複雜的情緒及人際關係的影響，而當中受害人亦需要涉及很多法律保障和選擇。支援者所提供的服務質素對受害人來說是非常重要，支援者是需要接受適當的培訓及督導，避免對受害人造成第二重傷害(Secondary Victimization)，並為有需要之受害人提供負責任及合理的服務。正如 Pence (1996)提及良好的倡議工作需要特別技巧及敏銳性，這些特質需要培訓而得到的⁷。這些包括：尊重保密原則、建立對受害人情緒及心理需要之同理心。

強制性施虐者介入計劃

24. 在家庭暴力的受害人當中，有大部份是不欲施虐者(他們的配偶)在經過法庭審訊後被判入獄。他們努力挽救婚姻關係，希望配偶透過參與施虐者介入計劃，使配偶能盡早得到協助，停止使用暴力方式傷害家人。基於家庭暴力的複雜性，當中牽涉不同性質及需要，故此，為建立和諧的社會環境並回應這些家庭的需要時，本港有需要探討發展法定的強制性施虐者介入計劃，同時研討訂立機制以盡早鼓勵有問題之家庭自願參與這些旨在停止暴力的介入計劃。根據本會與一些受害人及服務提供者的討論，加上趙文宗博士與和諧之家(2000)⁸進行之研究均反映本港社會人士、受害人及專業服務提供者認同有需要在盡早展開討論，考慮設立檢控或監禁以外的方法，例如：設立強制性施虐者介入計劃以盡早停止施虐者之暴力行為。

香港社會服務聯會
二零零四年二月

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⁷ Pence (1996). Coordinated Community Response to Domestic Assault Cases: A Guide for Policy Development. Minnesota Program Development, Inc.

⁸ 趙文宗：強制輔導重建和諧《控制家庭暴力及虐妻：給予施虐者「強制輔導」的訴求》研究報告。香港：香港城市大學、和諧之家、港京扶輪社，2000。

The Hong Kong Council of Social Service

Strengthening Support Service for Victims of Domestic and Sexual Violence in HK **Legal Support Service to Victim of Domestic and Sexual Violence**

Purpose

1. The Council recommends the Government **to strengthen legal support service for victims of domestic and sexual violence (hereafter, “the victims”), who choose to use the laws for protection or to take legal actions against the crime. Legal Support Service provides the victims with well-trained volunteers or peer counselors to support them in using and going through the legal proceedings. Throughout the process, the legal support service enhances victims’ understanding in personal legal rights and the laws in protecting and enhancing their safety.** This paper briefly outlines some overseas and local experiences to facilitate discussion on setting up the service among the concerned parties.

Background

2. The Council conducted three focus groups with the victims of domestic and sexual violence and the concerned service operators from November 2002 to January 2003 to understand victims’ and service operators’ views towards the existing victim support service. Concerns on legal rights and legal support service were raised.

3. It was found that those victims who wanted to file charges against the batterers but did not pursue for various reasons. They lacked knowledge about the charging options and court proceedings. Most of them feared authority, were anxious about personal and children’s safety and emotionally confused. Even though the victims filed charge, not many of them could be persistent and be emotionally strong enough in going through the court procedures.

4. Inadequate knowledge and understanding towards court proceedings and personal rights may lessen the victims’ determination in filing charge or not and testifying or serving as witnesses in criminal procedures. For instance, overseas’ experiences revealed that “legal advocates” could empower victims of domestic violence and sexual violence to go through legal and criminal proceedings. **Hence, it is necessary to discuss measures to empower and support the victims who have determined to use the legal system throughout the proceedings.**

Overseas experiences

5. In Minnesota, USA, some of the legal advocates have legal training background and some of them are staff of local shelters. They empower battered women to use the courts, assist the victims in gathering much of the evidence needed for the trial, and in the way to work with the prosecutor. The victims are referred to contact them through police and shelter once the case is reported. The roles of the advocates are to provide support to the victims following an arrest or the filing of criminal charges, to explain criminal and civil court options and processes to the victims. They assist the victims in preparing initial statement for the prosecution, explain the community services available to the victims and enable the victims to be present at all court appearance by providing support persons, transportation and when possible, child care. It is believed that battered women deserve to know the process, what impact they could have on the court's decision, and what would likely happen without their input¹. The legal support service empowers victims in using the legal system, which enhances the legal intervention in the criminal act of domestic and sexual violence.

6. In Canada, under the Department of Justice Canada, the Policy Centre for Victim is the institution mandated to work toward increasing confidence of victims of crime in the criminal justice system. The service provides a range of activities and initiatives to make victims more aware of their roles in the system and the laws. It provides support services and assistance applicable to them during the process².

7. The New South Wales of Australia also has the Crime Victim Bureau³ to support victims of crime, including domestic violence, to go through court process provided with necessary information on legal options. Apart from institutional service provided by the state Government, there are community-based organizations providing legal support service. The Domestic Violence Advocacy Service provides state wide free confidential legal service for women experiencing domestic violence in the New South Wales of Australia⁴.

8. In UK, there is the Victim Support and Witness Service, which is free of charge and independent from the Police and the Court. It offers information and support to witnesses, victims, their families and friends when they go to court. Its work aims at promoting and advancing the rights of victims and witnesses⁵.

¹ Pence (1996). *Coordinated Community Response to Domestic Assault Cases: A Guide for Policy Development*. Minnesota Program Development, Inc.

² Department of Justice, Canada (<http://canada.justice.gc.ca>).

³ Victims of Crime Bureau, Australia (www.lawlink.nsw.gov.au)

⁴ Domestic Violence Advocacy Service, Australia (www.womenslegalnsw.asn.au)

⁵ Victim Support, UK. (www.victimsupport.org.uk)

9. Legal advocate or victim support service is available to victims of domestic violence and victims of crime in America, Canada, Australia and UK. Their experiences facilitate our understanding in the service. In paving the way towards a more strengthened support service to victims of domestic and sexual violence, it is deemed necessary to discuss if legal support service can be set up in a more systemic and structural way in Hong Kong.

Local experience

10. Social Welfare Department provides Witness Support Programme for strengthening support to the abused children serving as witnesses in criminal proceedings, support persons accompany the abused children who have to testify in the court proceedings through a live television link system. The service is also available to the mentally incapacitated persons. The Police makes the service requests to SWD, if it is needed⁶.

11. On the other hand, there are social service organizations providing court escort and legal support service to the victims of domestic and sexual violence. For instance, Harmony House has a pool of trained volunteers who escort victims to the court; Hong Kong Association for the Survivors of Women Abuse (Kwan Fook) trains volunteers with necessary legal knowledge to support victims in going through court proceedings; and “Rain Lily” of Association on Concerning Sexual Violence against Women staff provides information and advice on legal procedures and legal rights, arranges police-reporting and gives emotional support during the course of reporting and escorts victims to attend court hearing if cases are proceeded to court.

12. The local experience is a good start for further strengthening victim support service in Hong Kong. Our service operators’ feedback on the existing services, **there is further room to strengthen and to make the service available to victims of domestic and sexual violence with such service need.** The role of support persons could be further enhanced through training so as to empower victims’ knowledge and courage to go through the court and legal proceedings, without limiting the service to provide escort service only. This could help to enhance service effectiveness.

⁶ Witness Support Programme. (<http://www.info.gov.hk/swd/vs/english/welfare.html>)

Legal Support Service to Victims of Domestic and Sexual Violence in Hong Kong

13. Regarding the cultural and historical differences between overseas and Hong Kong, direct adoption of overseas model is not realistic. Legal advocates in overseas share some professional roles of social workers in working with victims of domestic and sexual violence in Hong Kong. **It is necessary to discuss and design a customized model fits for use in the local context.**

Objectives

14. Legal Support Service aims at:

- promoting and advancing the rights and confidence of victims and witnesses of domestic and sexual violence who use the laws for protection or to take legal actions against the crime;
- providing legal support persons to support the victims, witnesses and their families members throughout legal proceedings by offering information on available legal options (e.g. filing charge, prosecutions, divorce, etc), protection by laws (e.g. injunction order, emergency custody and rights of visitation, etc.), assisting them to make necessary applications, bridging professional communications via case managers;
- enabling victims' participation in the legal system by making necessary arrangements (e.g. transport, child care and escort, if necessary); and
- giving empathetic emotional support to the victims.

15. **The service should be made known to the victims and the choice is made up to the victims' requests or the case managers' recommendation.**

Roles of support persons

16. Victim support persons work closely with the responsible social workers, the case managers. Social workers act as case managers, monitor the service and in formulating and monitoring safety and welfare plan for victims. Case managers also bridge communication between the victims and the legal professionals.

17. The support persons give information and support to witnesses, victims, their families and friends with respect to confidentiality. They work with victims throughout the court process by providing and looking for necessary information for them, in consultation with the case managers. These include legal options and protections to

them by laws, for instance, application for injunction order, emergency custody, visitation arrangement, divorce and concerned procedures. The service empowers victims to make sensible options, and supports them to use the legal system, if they choose to take legal actions.

18. It is the best if the legal support persons (volunteers / peer counselors) have relevant legal training or education background and familiar with the needs of the victims throughout the legal proceedings. Sensitivity and empathetic understanding towards the victims' emotional needs is of utmost importance.

Recommendations on service operation

19. In view of the existing services, we have the following recommendations in making the service more structured and accessible, for further discussion.

- To provide legal trainings related to domestic and sexual violence to the volunteers or peer counselors of the concerned service agencies or units regularly and systematically, so as to enhance their functions and to facilitate quality service delivery at the concern social service organizations; and
- To set up a legal support service database and network on the existing available services, in facilitating the victims and the case managers to seek the service from the central pool, if necessary; or
- To establish independent Legal Support Service by the Government for the victims of domestic and sexual violence, who choose to take legal actions against the batterers or aggressors.

20. No matter the victims come from refuges, Family and Child Protection Units of SWD or family counseling centres of SWD and NGOs, they deserve to know their personal rights, the court and legal process, options available and impact they could have on the court's decision, and what would likely happen without their input, etc.

21. Depending on different nature of cases and emotional status of the victims, not all the victims are suitable to receive the service, for instance, victims with low confidence on other people, except the case managers who have gained rapport with the victims. Therefore, **victims' willingness and the case mangers' assessment have to be respected.**

22. The service should be considered as a pilot service and to be further reviewed. Besides, it is worthy discussing if the service could be extended to support other vulnerable victims of crimes in the legal process. For instance, elderly, people with disabilities.

Quality assurance

23. Domestic and sexual violence bring complicated emotional and interpersonal relationship problems. The victims, at the same time, need to explore related legal protections and options for them. Therefore, the service quality of legal support persons is very important. **Appropriate training ensures service quality and prepares support persons to observe sensitive issues in working with the victims in a responsible and sensible manner. This could avoid bringing secondary victimization trauma to the victims.** Pence (1996) highlights that good advocacy requires special skills and sensitivity to issues that may not be readily apparent⁷. For instance, respecting for confidentiality, and developing empathetic understanding to the victims' emotional and psychological needs.

Mandatory intervention program for batterers

24. Apart from supporting victims who choose to take legal actions against the batterers, there are some victims who do not want the batterers, their spouses, be incarcerated. Many of them have tried hard to salvage their spousal relationships and want the batterers to attend intervention program in changing the latter's belief and attitude in stopping the violence. **Exploring feasibility in establishing mandatory intervention programmes for batterers in spousal relationship; and designing incentives to increase voluntary participation in these batterers' programmes at early stage are equally important.** According to the focus group discussions at the Council and Chiu's (2000) research, in collaboration with Harmony House, find that there are voices from the public, victims and professional service providers on the need to look for alternatives to incarceration in ending domestic violence⁸.

The Hong Kong Council of Social Service
February 2004

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⁷ Pence (1996). Coordinated Community Response to Domestic Assault Cases: A Guide for Policy Development. Minnesota Program Development, Inc.

⁸ Chiu M.C. (2001). *Mandatory Counselling – Reconstruction of Harmonic Relationship: “Controlling Domestic Violence and Wife Abuse: A Plea for Mandatory Counselling for Wife Abusers” – Final Report.* HK: City University of Hong Kong, Harmony House, Rotary Club (京港扶輪社).