

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.

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

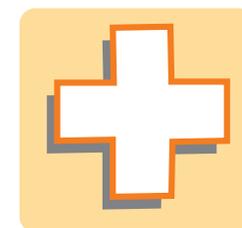
prohibition on publishing or broadcasting anything likely to identify the victim. In cases where victims are justifiably apprehensive as to what may happen to them or their family or friends if they give evidence in open court, or in respect of offences of sexual abuse, an application can be made to 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 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. Christian Family Service Centre	Explains the services available to victims of domestic violence from this non-government organization.	The report room of any police station
5. 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
6. Legal Aid in Civil Actions	Outlines the criteria and procedure for applying for legal aid in civil actions.	Legal Aid Department and District Offices
7. Duty Lawyers Service	Explains the services provided under the Duty Lawyer Scheme.	District Offices and the High Court
8. Child Abuse Concerns All of Us	A set of 5 leaflets which gives information on each category of child abuse and tells people what they can do to help to stop child abuse. Also contains a list of Social Welfare Department Offices and other centres which offer assistance to abused victims and their facilities.	The report room of any police station and the Social Welfare Department's Family and Child Protective Services Units and Family Services Centres
i) What is Child Abuse?		
ii) What is Child Neglect?		
iii) What is Psychological Abuse?		
iv) What is Physical Abuse?		
v) What is Sexual Abuse? (Chinese and English version)		

9. Toto tells you (Chinese version)	This 32-page illustrated cartoon booklet conveys basic self-protection concepts to young children under the age of 12.	The Social Welfare Department's Family and Child Protective Services Units
10. Family Services Centre (Chinese version)	Gives information on the problems handled, and services provided, by the Social Welfare Department's Family Services Centres.	District Offices and the Social Welfare Department's Family Services Centres, Medical Social Service Units, Social Security Field Units, Group Work Units and Youth Offices
11. Medical Social Service (Bilingual version)	Introduces the objectives, scope of service, tools, sources of referral and offices of the medical social service.	Medical Social Service Units in the institutions under the Hospital Authority and the Department of Health
12. Guide to Hotline Service of Social Welfare Department (Bilingual version)	A guide to the public on how to use the Hotline Service to obtain information on the services of the Social Welfare Department.	District Offices and the Social Welfare Department's Family Services Centres, Social Security Field Units, Medical Social Service Units, Group Work Units and Youth Offices
13. Clinical Psychological Unit - Social Welfare Department (English version)	Introduces the psychological services provided by the Social Welfare Department's Clinical Psychological Units, including treatment, assessment, visiting psychological services to rehabilitation centres and consultation, etc.	Clinical Psychological Units of the Social Welfare Department
14. The Criminal and Law Enforcement Injuries Compensation Scheme (CLEIC) (Chinese and English version)	Describes the Criminal and Law Enforcement Injuries Compensation Scheme which provides cash assistance both to those who are injured, disabled or killed as a result of crime of violence and to those who are accidentally injured, disabled or killed by a law enforcement officer using a weapon in the execution of his duty and to their dependants in case of death in both situations. The leaflet also describes the eligibility criteria and how to apply for compensation.	The report room of any police station, District Offices and the Social Welfare Department's CLEIC Section, Family Services Centres, Medical Social Service Units and Social Security Field Units

15. The Patient's Charter	Explains the rights and responsibilities of patients in hospitals.	Any hospital
16. 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 Queensway Government Offices
17. 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.	ICAC Operations Department and all ICAC Regional Offices
18. Independent Commission Against Corruption - Information for witnesses	An explanation of the rights and responsibilities of ICAC witnesses.	ICAC Operations Department and all ICAC Regional Offices
19. Rights of Witnesses in Cases of Alleged Corruption and Related Crime	An explanation of court procedures.	ICAC Operations Department and all ICAC Regional Offices

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)
Ground Floor,
Murray Road Carpark Building,
2 Murray Road, Hong Kong
Telephone: 2526 6366

(There are also 8 ICAC regional offices around in 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
2/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

Hong Kong

Complaints Against Police Office
14/F, Causeway Bay Plaza I,
489 Hennessy Road,
Causeway Bay, Hong Kong
Telephone: 2574 4220

Kowloon

Complaints Against Police Office
12/F, Hong Kong Pacific Centre,
28 Hankow Road,
Tsim Sha Tsui, Kowloon
Telephone: 2724 0420

New Territories

Complaints Against Police Office
9/F, Tsuen Wan Government Offices,
38 Sai Lau Kok Road,
Tsuen Wan, New Territories
Telephone: 2417 6265

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 13 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, Queensway Government Offices,
66 Queensway, Hong Kong
Telephone: 2867 2205
