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CHILD PROTECTION EFFORTS IN THE TIME OF COVID-19:

Understanding Effective Casework
Practices and Policies



IJM

About International Justice Mission

International Justice Mission (IJM) is a global organization that protects people in poverty from violence. As the largest anti-slavery organization in the world, IJM partners with local authorities in 24 program offices in 14 countries to combat slavery, violence against women and children, and other forms of abuse against people who are poor. Our model works side-by-side with local authorities and governments to rescue and restore survivors, hold perpetrators accountable in local courts, and strengthen the public justice system so it can better protect people from violence. IJM's successful programs in Cambodia, the Philippines, Uganda and Guatemala have sustainably protected 7.3 million vulnerable people from targeted types of violence. This model is replicable and has worked to reduce modern day slavery and violence in programs against commercial sexual exploitation of children, among others.

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Disclaimer and Restrictions: The information in this document has been collected by IJM primarily through its work to combat online sexual exploitation of children in the Philippines.

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Foreword

As of this writing, the world remains in the shadow of COVID-19. The pandemic has added complexities and challenges to problems such as the online sexual exploitation of children, a crime that thrives in the absence of detection and law enforcement. Reports from the first half of 2020 revealed that this threat against children remained real, and potentially increased as COVID-19 spread.

Even as the Philippines implemented widespread lockdowns, case referrals involving this crime continued, and investigations confirmed that many children were in constant danger of being sexually exploited by parents or trusted adults in their lives. In response to this sobering truth, Filipino law enforcement sprang into action, conducting rescue after rescue in the middle of the health crisis. International Justice Mission was privileged to support 37 rescue operations during the lockdowns of 2020, resulting in the safeguarding of 136 survivors.

It was not only our law enforcers -who responded to the needs of our children. The Philippine Department of Justice kept services running, allowing for newly rescued children to see their traffickers charged in court soon after apprehension through a combination of electronic and physical proceedings.

The Philippine Supreme Court – with incredible foresight – cascaded a series of expansions to videoconferencing. These actions culminated in a permanent rule that makes videoconferencing available in a wide spectrum of cases, including online sexual exploitation of children. Through these important digital advances, the Supreme Court made it possible for five convictions to be promulgated by videoconferencing in 2020. The guidelines continue to make casework feasible despite long-running community quarantines. This publication examines such effective policies and measures, proven through collaborative casework by government partners and International Justice Mission.

It is our honor and privilege to share working solutions and provide key recommendations for partners to consider as they scale child protection and law enforcement. It is, after all, strong law enforcement coupled with robust prosecution that has historically curbed trafficking for commercial sexual exploitation of children in establishments and streets of the Philippines, -with reductions ranging from 72% to 86% in areas where IJM implemented its program.

Past success against trafficking assures us that, while this publication is written and read in the middle of great difficulty, we are not without hope. That hope extends beyond just recuperation from COVID-19; it stretches into a future where children are fully protected, where the threat of online sexual exploitation is met with a resolve and response equal to the task of safeguarding every child.

Atty. Samson Inocencio, Jr.
Regional Vice President
IJM Global Programs Against Online Sexual Exploitation of Children

Foreword

The effects of the COVID-19 pandemic have permanently altered all aspects of our existence. With the health crisis still present and with no clear end in sight, a new range of challenges has arisen, adding new layers of concerns to the current child protection efforts being implemented in the country. As we are gradually learning the ramifications brought about by the COVID-19 pandemic, one thing remains clear: that our work of bringing justice to victim-survivors of online sexual exploitation of children (OSEC) and trafficking will not stop.

Ensuring child protection efforts remains unimpeded entails a range of responses that encompasses the entire criminal justice system. As this paper has outlined, effective casework must be anchored by sound policies issued by relevant Philippine authorities. As early as April 2020, the correlation of the COVID-19 lockdown protocols to the surge in reported cases of OSEC activities and proliferation of child sexual abuse materials (CSAM) was brought to the attention of the Inter-Agency Council Against Trafficking (IACAT). Balancing the health and safety of first responders and law enforcement personnel and the needs for immediate rescue of identified victims led to a slew of operations by the Philippine National Police (PNP) and the National Bureau of Investigation (NBI). By the end of 2020, both law enforcement agencies, through the Philippine Internet Crimes Against Children Center (PICACC), has mounted fifty-eight (58) operations leading to the rescue of 174 victim survivors and the arrest of 35 perpetrators. As a necessary adjustment and in response to the need for unhampered delivery of service, the Department of Justice (DOJ) issued the rules for the conduct of electronic inquest (e-inquest) within the prosecution offices of NCR. Soon after, the Supreme Court likewise issued the Guidelines on the Conduct of Videoconferencing in order to address the effects of the restraint on the movement and travel of court users for court proceedings. These adjustments have resulted to the continuation of criminal proceedings and provided the backdrop for the first virtual promulgation of the conviction of the notorious American pedophile David Timothy Deakin.

Prevention efforts on OSEC continued and intensified last year with a number of webinars, trainings and major summits being held online. Likewise, the legislative response has been triggered due to the alarming reports of OSEC activity in 2020, thereby resulting to the crafting of the bill that defines OSEC specifically as a crime separate and distinct from trafficking in persons. The said Anti-OSAEC bill has recently passed the third reading in the Senate and will hopefully be passed into law at the soonest possible time.

Mindful that the COVID-19 pandemic will not be the last health crisis that we will encounter in this lifetime, the lessons learned from the year of its inception will undeniably inform future child protection efforts. Our deep gratitude goes out to the International Justice Mission (IJM) for putting this paper together and highlighting the laudable response of the Philippine criminal justice system while providing critical recommendations for the challenges identified. This paper underscores once again that strong coordination and collaborative efforts is key to addressing OSEC and trafficking in persons. To this end, the Inter-Agency Council Against Trafficking (IACAT) shall remain true to its mandate to curb trafficking in persons and all forms of modern day slavery..

Emmeline Aglipay Villar
Undersecretary
Inter-Agency Council Against Trafficking

Executive Summary

BACKGROUND

In January to December 2020, Philippine justice agencies, in collaboration with International Justice Mission, rescued at least 167 victims, apprehended 34 suspects, and generated 31 convictions. While these results indicate progress and resilience, the child protection community can benefit from a report featuring an analysis of the (1) actions and policies – existing or new – that contributed to, or correlated with, strong outcomes, (2) specific long-term policies that correlated with strong outcomes during the pandemic, and (3) remaining gaps identified in the course of child protection activities.

PURPOSE

This report's purpose is to present child protection recommendations based on an analysis of online sexual exploitation of children (1) collaborative casework and (2) policies created and issued by the Philippine government. The analysis is limited to 2020 IJM-supported casework and policies that correlated with casework outcomes.

LIMITATIONS

This report was limited to the examination of official policy documentation, media-covered statements, and IJM-supported online sexual exploitation of children cases. There is no reference to, or any reliance made upon informal statements. This report does not include qualitative input from international or local partners. All qualitative observations were sourced from IJM's existing after-action reviews and analysis of casework data. Future related research can consider a multi-year data comparison amongst countries, more extensive statistical analyses, and key interviews with public justice system actors.

METHODOLOGY

IJM generated this report through a literature review, policy review, and case review.

The scope of the literature review was defined by proximity to online sexual exploitation of children casework and COVID-19's potential impact on protection. The scope of the policy review was also defined by proximity to child protection outcomes such as rescues, arrests, victim and survivor care, and perpetrator accountability. The casework review focused on all available case studies from 2020 within the period of the COVID-19 community quarantines in the Philippines: March to December 2020.

OUTPUT

The literature review provided a landscape scan of COVID-19's impact on human trafficking in Southeast Asia, as well as measures useful in addressing online sexual exploitation of children in low-resource scenarios. The policy review provided a shortlist of measures that supported child-protective outcomes, including the Rule on Examination of a Child Witness, IACAT-DOJ Advisory on Plea Bargaining, Supreme Court issuances and Guidelines on Videoconferencing, and statutes prescribing collaborative rescues (R.A. 9208) and the best

interests of the child (R.A.7610). The casework review provided rich insights on key measures that positively impacted child-protective casework:

- Trauma Informed Care
- COVID-19 Protocols
- Electronic inquest remote testimony and videoconferencing hearings
- Training results and training needs
- Coordination and collaboration
- Use of Special Warrants
- Use of Videotaped In-Depth Interview
- Use of Plea Bargaining

RECOMMENDATIONS

- Strict adherence to health protocol. Ensure facilities supportive of COVID-19 health and safety protocols remain available ahead of operations.
- Increase trauma-informed care investments.
- Extend availability of electronic inquest to all areas of the Philippines, applicable even after the pandemic.
- For law enforcement and prosecution, support and optimize training events with application modules and a focus on trauma-informed outcomes care.
- Provide templates suitable in the online sexual exploitation of children casework.
- Increase availability of technology for electronic inquest.
- Test available technologies in court cases and identify areas requiring upgrades or access.
- Collaborate with partners to pilot test remote testimony facilities.
- Increase usage of non-victim evidence.
- Utilize videoconferencing guidelines, electronic inquest, and plea bargaining to serve the best interests of the child.
- Retain and strengthen the good practice of prior coordination.

INTRODUCTION

COVID-19's Impact on Children's Vulnerability

IJM Background and Local Philippine Presence

IJM's Response to the Pandemic

Partner Availability and Performance during the COVID-19 Pandemic

INTRODUCTION

COVID-19'S IMPACT ON CHILDREN'S VULNERABILITY

Since its outbreak in December 2019, COVID-19 caused drastic shifts in economic and social systems worldwide.² As of this report, the virus continues to spread, afflicting millions. As with many countries, the Philippines imposed lockdowns (locally called community quarantines) to reduce the risk of transmissions.³ While these measures were intended to contain the virus and mitigate exposure, sources have linked lockdowns to the increase in online child abuse cases.⁴

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE-ODIHR) and UN Women noted an increased number of reports of child abuse during the period of COVID-19 emergency measures, including new ways to sexually exploit and abuse children, such as the livestreaming of child sexual abuse. The report also acknowledged isolation with potential perpetrators as an additional risk factor for children to become victims of trafficking, especially for the purpose of sexual exploitation.⁵

Further, the US-based National Center for Missing and Exploited Children (NCMEC), through its CyberTipline, saw a 28% increase in the number of images, videos and other files related to child sexual exploitation reported to them.⁶ Numerically, this equated to about 21.7 million reports made to the CyberTipline in 2020, from 16.9 million in 2019.⁷ According to NCMEC, coronavirus lockdowns and an increase in livestreamed abuse fueled this increase.⁸

NCMEC also disclosed that the Philippines received about 801,000 and 1,339,000 reports in 2019 and 2020, respectively.⁹ These numbers are not individual cases of child sexual exploitation, however, as one image or

video can be distributed multiple times, but these numbers reflect the gravity of the problem.¹⁰ Mid-year reports described the situation as a perfect storm for online sexual exploitation of children as it afforded sex offenders more time to spend online in their homes, and have increased traffickers' access to victims, who can be their own children.¹¹

IJM BACKGROUND AND LOCAL PHILIPPINE PRESENCE

IJM is a global team of lawyers, social workers, community activists and other professionals working in 24 communities in 14 countries to protect people in poverty from violence. In the Philippines, IJM supports the objectives of the justice system to promptly resolve criminal cases in a way that upholds the dignity of all people and protects the best interests of the child. IJM works with government partners in law enforcement, prosecution, and aftercare in the fight against the online sexual exploitation of children, particularly those crimes with a commercial element and subject to the Philippines' anti-human trafficking law.

Online sexual exploitation of children encompasses a range of crimes, including creating, possessing, or distributing child sexual exploitation material (CSEM) like photos and videos. It also includes the sexual abuse of children by traffickers who livestream the exploitation to satisfy the online demand of child sex offenders paying to direct the abuse in real time.

Meanwhile, globally understood definitions of online sexual abuse and exploitation of children are broader, covering any form of child sexual abuse or child sexual exploitation connected to the online environment. In relation to these broad definitions, **IJM affirms the importance of ending all forms of online sexual abuse and exploitation of children.** As part of its contribution to this global endeavor, IJM

1 World Health Organization. (April 2020). Coronavirus disease 2019 (COVID-19) Situation Report – 94. Retrieved from <https://www.who.int/docs/default-source/coronavirus/situation-reports/20200423-sitrep-94-covid-19.pdf>

2 Chriscaden, K. (October 2020). Impact of COVID-19 on people's livelihoods, their health and our food systems. *World Health Organization*. Retrieved from <https://www.who.int/news/item/13-10-2020-impact-of-covid-19-on-people's-livelihoods-their-health-and-our-food-systems#:~:text=The%20economic%20and%20social%20disruption,the%20end%20of%20the%20year>

3 Santos, A. (July 2020). COVID-19 in Philippines: Police deployed to implement fresh lockdowns. *Deutsche Welle*. Retrieved from <https://www.dw.com/en/covid-19-in-philippines-police-deployed-to-implement-fresh-lockdowns/a-54243337>

4 International Justice Mission Philippines. (April 2021). COVID-19 Brief on the Online Sexual Exploitation of Children. Retrieved from https://osec.ijm.org/documents/3/2021-04_IJM_-_COVID_19_OSEC_Brief.pdf

5 Organization for Security and Co-operation in Europe. (July 2020). Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic. Retrieved from <https://www.osce.org/odihr/human-trafficking-COVID-19-report>

6 National Center for Missing & Exploited Children. (2021). *By the Numbers*. Retrieved from <https://www.missingkids.org/gethelpnow/cybertipline>

7 National Center for Missing & Exploited Children. (2021). *By the Numbers*. Retrieved from <https://www.missingkids.org/gethelpnow/cybertipline>

8 Porter, T. (January 2021). Online child sex abuse spiked by 31% in 2020, with at least 13 million disturbing images on Facebook and Instagram. *Business Insider*. Retrieved from <https://www.businessinsider.com/child-sex-abuse-images-spike-pandemic-13-million-facebook-2021-1>

9 National Center for Missing & Exploited Children. (2021). *By the Numbers*. Retrieved from <https://www.missingkids.org/gethelpnow/cybertipline>

10 International Justice Mission Philippines. (April 2021). COVID-19 Brief on the Online Sexual Exploitation of Children. Retrieved from https://osec.ijm.org/documents/3/2021-04_IJM_-_COVID_19_OSEC_Brief.pdf

11 Alexander, M. (June 2020). FEATURE: Call to tackle online safety risks as coronavirus lockdown creates 'perfect storm' for child sex abusers. *The Courier*. Retrieved from <https://www.thecourier.co.uk/tp/news/local/fife/1371032/feature-call-to-tackle-online-safety-risks-as-coronavirus-lockdown-creates-perfect-storm-for-child-sex-abusers/>

has focused on protecting children exploited by traffickers who create new CSEM, especially via video livestreaming, to satisfy the online demand of child sex offenders. The reasons for this are the urgency of rescue for an identified child or children—half of whom are 12 years old or younger—, and the value of focusing limited resources to disrupt activities that bring the greatest harm against known and locatable victims.¹²

IJM considers the trafficking form of online sexual exploitation of children as one of the most serious and devastating forms of abuse. The crime involves the actual livestreamed sexual exploitation of a child, often pre-pubescent, by a trusted individual in real time as directed and paid for by a foreign sex offender. The foreign offender demands for sex acts that often get more and more violent through time. Its commercial nature makes it unique from other forms of internet crimes against children (ICAC).¹³

Ending online sexual exploitation of children requires collaboration among international law enforcement, government, non-government organizations and private sector companies. IJM's goal is for key public agencies to protect communities against online sexual exploitation of children. Key law enforcement agencies can increase community protection by identifying and rescuing victims, arresting, and charging suspected perpetrators, creating the foundational layers of a deterrent effect. Public prosecutors and judges contribute to protection by prosecuting and convicting perpetrators in accordance with the law, creating the second layer of deterrence through lasting accountability.

Alongside the goal of deterrence, IJM supports trauma-informed care as an indispensable part of casework and system enhancement. IJM works with private aftercare providers to deliver services to survivors that improve personal well-being, reduce the risk of re-victimization, and enhance engagement with the public justice system. IJM envisions a public justice system that is trauma-informed in its law enforcement, prosecution, adjudication, and aftercare disciplines.

IJM'S RESPONSE TO THE PANDEMIC

For nearly 20 years, IJM has worked alongside the Philippine government to combat Trafficking in Persons. Through collaborative efforts with the government and stakeholders, IJM's program to combat commercial sexual exploitation of children achieved reductions ranging from 72%-86% in the availability of minors accessible for street- and establishment-based sex trafficking.¹⁴ While IJM's full programming launched in 2016, IJM supported Philippine justice system efforts against online sexual exploitation of children as early as 2011. Philippine authorities achieved 248 operations, 793 rescues, 316 suspects arrested, and 115 perpetrators convicted.¹⁵

IJM's global study on online sexual exploitation of children, developed and released in collaboration with the Inter-Agency Council Against Trafficking (IACAT), confirmed in 2020 that the Philippines is both a global hotspot for the crime and a frontrunner in the fight against it. Unfortunately, the enhanced community quarantine in March 2020 threatened to disrupt child protection efforts. IJM's response, after prioritizing staff security and safety, was to continue working with partners to ensure that they too were safe and equipped to rescue children when the need and the opportunity presented itself.

PARTNER AVAILABILITY AND PERFORMANCE DURING THE COVID-19 PANDEMIC

With the pandemic, reports of online sexual exploitation of children cases continued to flood, as stay-at-home orders appeared to spike demand from sex offenders, rendering children more vulnerable. In response, as soon as their respective health protocols for rescue were in place, local and foreign authorities, continued to investigate the crime, conduct operations, and prosecute perpetrators.

IJM supported child protective operations through casework partnerships and logistical support in the form of providing Personal Protective Equipment (PPE) to Philippine government partners. IJM extended emergency COVID support by providing

¹² International Justice Mission Philippines. (May 2020). Online Sexual Exploitation of Children in the Philippines: Analysis and Recommendations for Governments, Industry, and Civil Society. Retrieved from https://ijmstoragelive.blob.core.windows.net/ijmna/documents/Final-Public-Full-Report-5_20_2020.pdf?mtime=20200819024644&focal=none

¹³ International Justice Mission Philippines. (May 2020). Online Sexual Exploitation of Children in the Philippines: Analysis and Recommendations for Governments, Industry, and Civil Society. Retrieved from

https://ijmstoragelive.blob.core.windows.net/ijmna/documents/Final-Public-Full-Report-5_20_2020.pdf?mtime=20200819024644&focal=none

¹⁴ International Justice Mission Philippines. (May 2020). Online Sexual Exploitation of Children in the Philippines: Analysis and Recommendations for Governments, Industry, and Civil Society. Retrieved from https://ijmstoragelive.blob.core.windows.net/ijmna/documents/Final-Public-Full-Report-5_20_2020.pdf?mtime=20200819024644&focal=none

¹⁵ International Justice Mission data (IJM-supported cases) as of May 13, 2021.

financial assistance to online sexual exploitation of children clients. IJM also assisted in finding appropriate placement with its existing residential facility partners and advocated to put a separate quarantine facility to ensure that each survivor underwent swab testing and strict isolation.

Throughout 2020, government partners persevered in child protection—bringing survivors to safety and holding perpetrators accountable. The Philippine National Police - Women and Children Protection Center (PNP-WCPC) and National Bureau of Investigation – Anti-Human Trafficking Division (NBI-AHTRAD) continued their operations, even operating jointly in numerous deployments. The DOJ remained accessible and responsive through policy guidance and faithful service. The Inter-Agency Council Against Trafficking remained highly vigilant, present, and effective in supporting casework results and promoting child-protective measures. IACAT and DOJ Task forces showed adaptability in the shift to online platforms to carry out their work (such as conducting inquest online, doing online trainings to develop prosecutorial skills, etc.), whilst addressing health risks issues. Prosecution teams conducted inquests, preliminary investigations, and pursued cases in court.

Demonstrating both leadership and foresight, the Supreme Court (SC) proactively kept courts open as often as possible, while deploying measures to keep the judiciary and support staff safe. The Supreme Court supplied pandemic-specific guidance, expanding videoconferencing hearings to a greater spectrum of cases, and even created a landmark set of permanent videoconferencing guidelines by December 2020.

Against the complexities presented by the pandemic, Philippine authorities rescued more than 100 victims, arrested more than 30 suspects, and rendered judgments resulting in 31 convictions.¹⁶ 2020's child protection outcomes demonstrated the Philippine government's and supporting organizations' resolve to combat online sexual exploitation of children.

¹⁶ International Justice Mission data (IJM-supported cases) as of May 13, 2021.

REPORT PURPOSE, SCOPE, AND LIMITATIONS

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REPORT PURPOSE AND SCOPE

This report's purpose is to present child protection recommendations based on an analysis of online sexual exploitation of children (1) collaborative casework and (2) policies created and issued by the Philippine government. The analysis is limited to 2020 IJM-supported casework and policies that correlated with casework outcomes.

For January to December 2020, Philippine justice agencies, in collaboration with International Justice Mission, rescued at least 167 victims, apprehended 34 suspects, and generated 31 convictions.¹⁷ While these results indicate progress and resilience, the child protection community can benefit from a report featuring an analysis of the (1) actions and policies – existing or new – that contributed to, or correlated with, strong outcomes, (2) specific long-term policies that correlated with strong outcomes during the pandemic, and (3) remaining gaps identified in the course of child protection activities.

LIMITATIONS OF THE REPORT

This report was limited to the examination of official policy documentation, media-covered statements, and IJM-supported online sexual exploitation of children cases. There is no reference to, or any reliance made upon informal statements. This report does not include qualitative input from international or local partners. All qualitative observations were sourced from IJM's existing after-action reviews and analysis of casework data. Future related research can consider a multi-year data comparison amongst countries, more extensive statistical analyses, and key interviews with public justice system actors.

¹⁷ International Justice Mission data (IJM-supported cases) as of May 13, 2021.

METHODOLOGY

METHODOLOGY

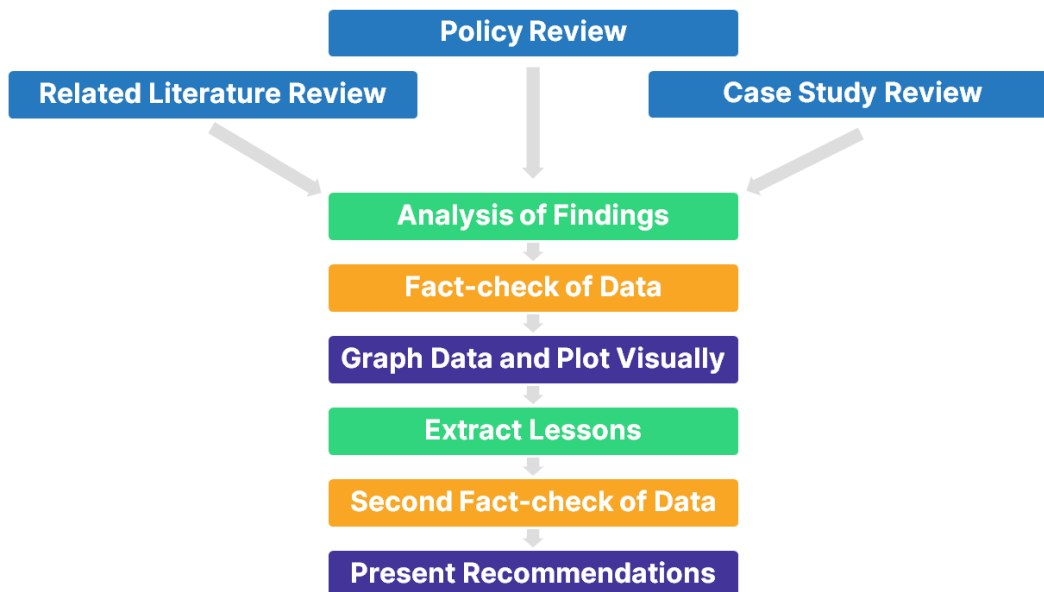


Figure 1: Operational Framework

Figure 1 illustrates the methodology of this report. The research process commenced with a literature review of related legal documents, news articles, rules, circulars, and statutes. This was followed by a review of relevant policies created and issued by the Philippine government. The final review involved an analysis of IJM-supported cases dated in 2020 through data collection of casework records and processing of information in after-action reviews.

The collective findings provided rich data for the analysis stage, where the impact of policies and operational decisions on casework outcomes were identified and used to highlight good practices, understand gaps, and generate recommendations.

To ensure data reliability and validity, the methodology included two fact-check stages. Two reviewers independently reviewed each case study. Verified data was encoded into a single analysis tool that identified good practices or gaps in casework through both quantitative measurements (i.e., total number of child protection operations) and qualitative observations (trauma-informed behavior as confirmed by field experts in after-action reviews).

DEFINITIONS

DEFINITIONS

BEST INTEREST OF THE CHILD

As defined by the Supreme Court in the Rule on Examination of a Child Witness (A.M. No. 004-07-SC):

“the totality of the circumstances and conditions as are most congenial to the survival, protection, and feelings of security of the child and most encouraging to his physical, psychological, and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.”

ONLINE CHILD SEXUAL ABUSE

Any form of sexual abuse of children, as set forth in the previous sections, which has a link to the online environment.¹⁸

ONLINE CHILD SEXUAL EXPLOITATION / ONLINE SEXUAL EXPLOITATION OF CHILDREN

Children are sexually abused by traffickers who then spread or sell images or videos of the exploitation online—even livestreaming the abuse for sex offenders to direct from anywhere in the world.¹⁹

POLICY

A distinct path of action which is suitable for the pursuit of desired goals within a particular context, directing the decision making of an organization or individual.²⁰

¹⁸ Interagency Working Group in Luxembourg. (June 2016). Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse. Retrieved from https://www.ohchr.org/Documents/Issues/Children/SR/TerminologyGuidelines_en.pdf

¹⁹ International Justice Mission definition (IJM-supported cases)

²⁰ Mackay, M., & Shaxton, L. (n.d.). Understanding and Applying Basic Public Policy Concepts. Retrieved from https://www.politicpublic.ro/uploads/understanding_public_policy.pdf

REVIEWS

Related Literature
Relevant Policies

REVIEW OF RELATED LITERATURE

The literature review focused on child protection in the context of COVID-19, including a limited review of literature relevant to creating child-appropriate spaces.

COVID-19 & HUMAN TRAFFICKING IN SOUTHEAST ASIA

Dr. Marika McAdam, a Victim Rights Researcher of the ASEAN-Australia Counter Trafficking (ACT) emphasized the interrelatedness between vulnerability, human trafficking and COVID-19 in the ASEAN-ACT's Responses and Policy Ideas report.²¹ She highlighted the ongoing reality that "*economic, social and structural inequalities render some people more vulnerable than others*". It is argued that COVID-19 causes an aggravation of vulnerability to trafficking as systems are disrupted and resources are redirected to combatting the pandemic.

Also cited in this report, Europol mentioned increased consumption of child sexual abuse material, and increased activity of predators during COVID, due to the victim's convenient isolation and online availability.²² Global Initiative against Transnational Organized Crime affirms this argument as it reported identical concerns in Southeast Asia, particularly in the Philippines, Thailand, and Cambodia. Online sexual abuse of children continued to be a pressing problem as school closures, lockdowns and economic strain magnify this issue.²³

IJM COVID-19 BRIEF

The urgency and value of casework is a key theme in IJM's COVID-19 Brief, which throughout 2020 provided helpful summaries of risk indicators and areas of concern. Rising reports of child sexual abuse materials and related criminal behavior are chronicled in these briefs and serve as helpful data points establishing how children at risk faced increasing challenges as the pandemic held sway.

CHILD-FRIENDLY SPACES

Due to the lack of a Child-Friendly Spaces (CFS) definition within the online sexual exploitation of children context, IJM's study used the working definition: "a child friendly space operates with the objective to provide comfort and security in a time of vulnerability." The study utilized a qualitative analysis of six semi-structured interviews with key informants possessing casework expertise in law enforcement, victim aftercare, medicine, and pediatrics.

Upon analysis, three important features of a child-friendly space were noted: personnel, physical space, and accessories. Key findings were: (1) trauma-informed personnel are key elements of a child-friendly space, (2) privacy is critical, and can be increased with accessible tools, (3) neutral colors and simple, minimal toys are preferred. Physical space and accessories provide atmospheric benefits, while trauma-informed care ensures information, choice, and agency are provided to the child. Applying these principles to online sexual exploitation of children operations, the idea of transitional child-friendly spaces—temporary zones of comfort and security—appear feasible, with the creative use of portable gear. Blankets, pillows, dividers, simple toys, combined with trauma-informed care, may spell the difference between a disempowered child and a child afforded agency, voice, power, and dignity.

²¹ Dr. McAdam, M. (April 2020). Vulnerability, Human Trafficking & COVID-19 | Responses & Policy Ideas. ASEAN-ACT. Retrieved from https://covid19.aseanact.org/Report_ASEAN-ACT.pdf

²² Dr. McAdam, M. (April 2020). Vulnerability, Human Trafficking & COVID-19 | Responses & Policy Ideas (page 16). ASEAN-ACT. Retrieved from https://covid19.aseanact.org/Report_ASEAN-ACT.pdf.

²³ Wongsamuth, N., & Matt Blomberg, M. (March 2020). Coronavirus fuels cybersex trafficking fears for children in Southeast Asia. *Thomson Reuters Foundation News*. Retrieved from <https://news.trust.org/item/20200326113159-ye34m>.

RELATED PUBLICATIONS ON CHILD PROTECTION

Related IJM publications include (1) “Falling Short: Demand-Side Sentencing for Online Sexual Exploitation of Children - Composite Case Review, Analysis and Recommendations for the United Kingdom,” (2) “Remote Testimony in OSEC Cases: Lessons from Case Studies,” highlighting early casework lessons for 2020, (3) “Philippine ISP Visibility: Technology, Limitations, and Recommendations Related to Combatting the Online Sexual Exploitation of Children,” an IJM paper on ISP Visibility, which helps readers understand the connection electronic service providers have in proactive detection and reporting of online sexual exploitation of children offenses, a key element in ensuring rescues can continue.²⁴

COMPENDIUM OF LEGAL RESOURCES

A reliable resource for related laws and jurisprudence is the International Justice Mission Compendium (“A Compendium of Legal Resources for the Prosecution of Online Sexual Exploitation of Children (OSEC) in the Philippines”). The compendium affirms the connection of these important laws to OSEC casework:

- R.A. 7610 identifying Special Protections Against Child Abuse and Exploitation
- R.A. 9208 as amended by R.A. 10364, a vital law on account of livestreamed online sexual exploitation of children being a form of sex trafficking.
- R.A. 9775 otherwise known as the Anti-Child Pornography Act of 2009
- R.A. 10175, as online sexual exploitation of children utilizes information and communications technology.

Policy statements in the above laws, when reviewed, all supported action in the best interests of children. As these statements remain at a high-level, their proximity to real world rescue is understandably less tangible. Upon review, the most relevant policies were found in specific documents guiding casework procedure, especially those released during the COVID-19 pandemic:

- Department of Justice Order relating to Electronic Inquest, March 27, 2020.
- Supreme Court Guidelines on videoconferencing, and Issuances increasing the scope of applicability to all cases.

The above DOJ and Supreme Court rules provided frontliners with an additional framework in rescue operations and related legal proceedings. Application of these rules in actual cases showed the clear child-protection benefits of electronic inquests, remote testimonies, and videoconferencing hearings, and similar solutions. According to a mid-year review of early 2020 cases by Atty. Ralph Catedral, IJM, who writes in *Remote Testimony in OSEC Cases*:²⁵

“These cases confirm the Supreme Court Public Information Office’s statement that videoconferencing hearings are, indeed, a success. This is clear even during inquest proceedings, where children no longer have to appear physically before a prosecutor and thus, removing possible traumatic meeting or interaction between the children and the respondents. This is also true for promulgated cases, as judgment was finally rendered creating a sense of closure for the children who were often relieved and grateful.” (page 12).

The review of literature reinforces the value of further exploring casework lessons, cataloguing them, and providing recommendations to partners.

²⁴ International Justice Mission Philippines. (2021). *Resources*. Retrieved from <https://osec.ijm.org/resources/>

²⁵ International Justice Mission Philippines. (2021). *Resources*. Retrieved from <https://osec.ijm.org/resources/>

REVIEW OF RELATED POLICIES

Relevance of a policy was determined by its utility in support of actual protection outcomes, such as (1) completed rescues, (2) the provision of useful standards in rescue processes, and (3) usefulness in prosecution and adjudication of cases.

At a high level, the Constitution and Republic Acts 7610, 9208 as amended by 10364, 9775, 10175, and other related laws provide a strong network of protective policies emphasizing the best interests of the child and the upholding of the dignity of each person involved (the accused included) in the justice process.

Descending closer to actual cases, the policies that bore a stronger mark on child protective operations follows in this (non-exhaustive) list:

1. **Rule on Examination of the Child Witness.** The Supreme Court Rule on Examination of a Child Witness (RECW), which consistently emphasizes the best interests of the child and the availability of alternatives to in-person victim testimony. The utilization of Videotaped In-Depth Interviews (VIDIs) over the past few years to protect children at the inquest phase and trial stage, and their continued use during the pandemic, points to the value and connection of the RECW. Further, the RECW supplies one of the most concrete definitions of the best interests of the child, in Section 4(d):

“the totality of the circumstances and conditions as are most congenial to the survival, protection, and feelings of security of the child and most encouraging to his physical, psychological, and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.”

2. **Protocol of the Committee on the Special Protection of Children.** The DOJ policy of providing nuanced child protection is

operationalized by its Committee on the Special Protection of Children Protocol. This Protocol remains relevant, most especially in cases where a report originates from a concerned adult or a mandatory reporting party.²⁶ The Protocol confirms that the best interests of the child must be upheld in child-protective actions. The Protocol is a guiding document for hospital-based child protection units.

3. **Maximizing Child Protection Measures at the Department of Justice level.** The DOJ policy of using child protection measures, particularly the strategic use of plea agreements, as embodied in its 2019 Advisory on Plea Bargaining. This advisory has seen excellent usage in child protective outcomes, and in 2020 alone, supported 20 online sexual exploitation of children convictions.
4. **Maximizing remote testimony, videoconferencing hearings, and electronic inquest.** The Supreme Court 2020 pandemic-specific policy of maximizing technology for videoconferencing and remote testimony proved to be highly beneficial for casework, as it allowed courts to remain functional while reducing exposure to COVID-19. This policy is well-documented, and OCA Circular 130-2020, expanded its initial coverage further by authorizing all single-*sala* courts with Microsoft Teams accounts to pilot test videoconferencing hearings in all civil and criminal cases as of August 14, 2020.²⁷ This policy resulted in five online sexual exploitation of children convictions through videoconferencing in 2020. Alongside this effort, the Department of Justice allowed National Capital Region (NCR) cases to utilize electronic inquest through its March 2020 Order, providing a geo-specific remedy for cases in NCR. A total of four cases benefited from this policy. More details are available in the Data Summary and Findings sections.

²⁶ Committee for the Special Protection of Children. (November 2014). Protocol for Case Management of Child Victims of Abuse, Neglect, and Exploitation. Retrieved from https://www.doj.gov.ph/files/transparency_seal/2016-Jan/CPN-CSPC%20Protocol%2026Nov2014.pdf

²⁷ See Office of the Court Administrator, Pilot Testing of Hearings Through Videoconferencing, OCA Circular No. 96-2020 (May 18, 2020), Office of the Court Administrator, Additional Courts Authorized for Pilot Testing of Hearings Through Videoconferencing, OCA Circular No. 100-2020 (June 3, 2020), and Office of the Court Administrator, Distribution of Official Philippine Judiciary Office 365 Accounts, OCA Circular No.92-2020 (April 29, 2020)

5. **The Supreme Court December 2020 permanent rule for videoconferencing,** effective January 2021, embodied in A.M. 20-12-01, and OCA Circular 209-2020. While this was not tied to 2020 casework due to its timing, it created a permanent remedy for videoconferencing hearings in appropriate cases, which by itself increases available protections for victims and survivors.
6. **R.A. No. 9208, as amended by R.A. No. 10364, and its Implementing Rules and Regulations.** Under R.A. No. 10364, Section 17-A, collaborative rescues are the preferred mode of rescue. At the same time, the law gives flexibility to enforcers, allowing them to perform time-sensitive child-protective rescues and subsequently turn over victims to appropriate aftercare agencies and partners. This flexibility became increasingly important in the time of COVID-19, where it was not possible to always have a multi-disciplinary rescue composition. Under R.A. No. 10364, as long as the victims are turned over after rescue to the proper child protection authorities (the local social welfare development officers or the Department of Social Welfare and Development), the requirements of the law are met. This flexibility directly supported 43 rescue operations, some of which required speed and less boots on the ground due to the complexities of the pandemic.
7. **R.A. 7610, Section 2, Paragraph 3,** which states that the best interests of children shall be paramount in all actions concerning them. This policy statement remained a consistent guiding principle for all child protective operations, and, when paired with the RECW's concrete definition, provided a meaningful standard of care and protection in casework.

All but the fifth policy in the list above were tested in 2020. Their impact is further illustrated in the section on Findings.

DATA

Summary
Findings

DATA SUMMARY

A total of 46 IJM-supported rescue operations occurred within January to December 2020.²⁸ Out of this tally, 37 rescues in 2020 took place after the community quarantine (March to December 2020). In the same time frame, prosecutors achieved 18 online sexual exploitation of children convictions, five of which were promulgated via videoconferencing, occurred. Whenever sufficient data existed for a case, the data was compiled into a case study, resulting in a total of 18 rescue-related case studies, referenced throughout this report. Each case study related to a rescue operation and resulting court filing (if commenced), except for *Philippines 14* which is tied to 5 related operations. Upon review of the case studies and related casework data on resolved cases, these domains of concern emerged:

- **Trauma-informed behavior.** Seventeen case studies showed the presence of trauma-informed behavior from partners, contributing to victim-appropriate, post-operation aftercare.²⁹
- **Importance of COVID-19 protocols.** Five case studies had distinct observations on COVID-19 protocols and handling, four of which showed good risk management,³⁰ while one indicated a need to increase resources for testing of all victims when potential exposure occurs in a case.³¹
- **Utilization of electronic inquest, remote testimony, and videoconferencing hearings.** Six cases were connected to the DOJ policy of allowing electronic inquest in the National Capital Region (NCR),³² while five convictions occurred through online promulgations via videoconferencing.
- **Training results and identified training needs.** Specific training programs directly

influenced good outcomes in eight cases.³³ These programs were Online Sexual Exploitation of Children Remote Accelerated Casework Event (OSEC RACE), Prosecuting Online Sexual Exploitation of Children (POSE), and Videotaped In-Depth Interview orientations provided pre-operation. As to training needs, several case studies pointed to the benefits of training for inquest preparation, use of VIDIs, Warrants to Search, Seize and Examine Computer Data (WSSECDs), and videoconferencing technology.³⁴

- **Coordination and collaboration.** Seven case studies contained evidence of positive coordination and collaboration among law enforcement agencies and partners.³⁵ These are often visible through strong execution, good outcomes at inquest, and appropriate victim placement. One case noted good international collaboration,³⁶ while five cases (five rescues in a single operation) pointed to some areas for improvement in pre-operation information sharing.³⁷ As this set of five cases shared a single operational briefing, this observation should be considered a minority occurrence.
- **Use of special warrants.** In four cases, law enforcers applied for and served a WSSECD, pointing to its relevance in specific situations.³⁸ However, in another case, there was uncertainty as regards its necessity.³⁹ When to apply for a special warrant is an important discussion, because this takes time, and in many cases, there is an urgency to rescue victims.
- **Utilization of videotaped in-depth interviews.** Four cases involved the use of

²⁸ The Philippine Internet Crimes Against Children Center's (PICACC) total cases for the same period (January to December 2020) was at 58.

²⁹ See Case Studies: Philippines 1-4, Philippines 6-18

³⁰ See Case Studies: Philippines 4, Philippines 6, Philippines 11-12

³¹ See Case Study: Philippines 10

³² See Case Studies: Philippines 1-3, Philippines 5, Philippines 8, Philippines 13

³³ See Case Studies: Philippines 11-18

³⁴ See Case Studies: Philippines 1-3, Philippines 6, Philippines 8-9, Philippines 12-14, Philippines 16

³⁵ See Case Studies: Philippines 2-3, Philippines 5, Philippines 8, Philippines 10, Philippines 12-13

³⁶ See Case Study: Philippines 3

³⁷ See Case Study: Philippines 14

³⁸ See Case Studies: Philippines 14-17

³⁹ See Case Study: Philippines 18

VIDIs post-rescue,⁴⁰ indicating that it remains a relevant tool for law enforcers, but the lower utilization also points to potential gaps in capacity. This may be caused by lack of time, given the small window of time afforded to law enforcers for the turning over of suspects to the proper judicial authorities - 36-hour window.

- **Plea bargaining remained an effective child protection tool.** From January to December 2020, a total of 31 convictions were obtained from IJM-supported cases with 20 promulgated via plea agreements.

Alongside casework data, these policies were found to be relevant to rescue operations and the trial proceedings that followed:

- R.A. 9208 Implementing Rules and Regulations, whose provisions ensure that collaborative rescues take place as a preferred method, while also allowing flexibility in team composition for time-sensitive rescues;
- Department of Justice Interagency Council Against Trafficking (IACAT) Advisory 0001-2019, “Advisory on Plea Bargaining in Cases Filed Under R.A. 9208”.
- DOJ Committee on the Special Protection of Children Protocol, whose provisions establish important principles of support for child victims as they journey through the justice process;
- DOJ March 27, 2020 Order on E-Inquest, whose provisions set the stage for victim protection at the inquest phase, through electronic instead of physical attendance;
- Supreme Court Guidance on videoconferencing, which ensured that the benefits of remote testimony extended to the trial phase of casework;

- Supreme Court Rule on Examination of the Child Witness, whose provisions establish the admissibility of video in depth interviews, by which law enforcers and prosecutors may present child-related evidence without requiring the child’s presence at inquest or trial;
- Amended R.A. 9208 Section 17-A and the Implementing Rules and Regulations;
- R.A. 7610, Section 2, Paragraph 3;

Observations related to the domains and policies mentioned above form part of the Findings section below.

⁴⁰ See Case Studies: Philippines 12, Philippines 14-16

FINDINGS

TRAUMA-INFORMED BEHAVIOR

Observations from the cases suggest that prosecutors exercised due care whenever a victim was present before them physically or virtually. To further emphasize this point, none of the case studies presented any concerns relating to prosecutorial behavior towards survivors during inquest, except that in some cases, physical victim presence was required by the investigating prosecutor. In contrast, several cases featured prosecutors that protected children by not requiring their presence at inquest proceedings.⁴¹ Some cases highlighted the handling team's initiative to exclude children from the inquest proceedings through Videotaped In-Depth Interviews (VIDIs).⁴²

Other forms of trauma-informed behavior emerged in several cases (referenced as *Philippines 1*, *Philippines 2*, and so on, for victim protection purposes):

In *Philippines 1*, children were appropriately placed in an aftercare home soon after rescue. In *Philippines 2*, appropriate facilities for children were provided, and the prosecutor showed due care in conversing with the children. In *Philippines 4*, the NBI agents were observed as having properly cared for the survivors. In *Philippines 6*, the needs of the victims were provided, and the approach of the law enforcement had been victim sensitive. In *Philippines 7 and 10*, strong law enforcement and DSWD coordination led to helpful presence and timely care. In *Philippines 9*, well written police affidavits led to a lower reliance on victim statements. An important note from this case study is that victim statements were still used. It may be useful to return to this case and further examine concerns that led to this as it can be a rich source of learning. In *Philippines 12*, the handling law enforcement partners were more open to the use of VIDIs. In *Philippines 13*, the assigned City Social Welfare and Development Office (CSWDO) provided care after rescue. In *Philippines 17*, the prosecutor showed appropriate handling of a situation involving children in conflict with the law or CICLs.

IMPORTANCE OF COVID-19 PROTOCOLS

It is important to properly prepare rescue logistics and observe stronger health protocols against COVID-19. Communication of safety precautions in place likewise crucial. For example, in *Philippines 13*, the suspects and survivors tested positive for the virus which infected some of the field unit members. This resulted in delays in casework since they were required to undergo the mandatory 14-day quarantine as part of health protocols.

Coordination with a possible hospital partner or health agency provider as an assigned COVID-19 testing facility can be a solution to avoid delays during rescue operations. In *Philippines 10*, because of failure to conduct a swab test for the adult victim, the adult victim was not referred to a shelter. Exploring and advocating for local government unit's capability of providing this service can also be a solution.

Some case studies highlighted the partners' flexibility as they dealt with cases in accordance with new operation protocols. In *Philippines 6*, the testing of the children for COVID-19 was conducted promptly. This practice was also mirrored in *Philippines 11*, in addition to the observation of appropriate measures. In *Philippines 4*, procedures such as quarantine and testing were required for survivors. Notably, in *Philippines 12*, the local government of the concerned city shouldered the cost of the COVID-19 tests.

ELECTRONIC INQUEST: MIXED RESULTS

Prior to COVID-19, law enforcers appeared at inquest proceedings physically. In March 2020, the DOJ issued the General Rules and Procedures for the Conduct of Electronic/Online Inquest Proceedings (E-Inquest) in the National Capital Region During the Period of the Public Health Emergency.⁴³

This Office Order adopts E-Inquest as the “virtual conduct of inquest proceeding using any online platform for video calls and conferences and all available electronic communications.” It was prescribed as optional and available only within NCR.

⁴¹ See Case Studies: Philippines 1-2, Philippines 8, Philippines 11, Philippines 13-14, Philippines 18

⁴² See Case Studies: Philippines 3, Philippines 12, Philippines 14-16

⁴³ See Department of Justice Office of the Prosecutor General, General Rules and Procedures for the Conduct of Electronic/Online Inquest Proceeding (E-Inquest) in the National Capital Region During the Period of the Public Health Emergency (March 27, 2020)

In at least six operations based in NCR, there was a direct effort from law enforcement to maximize electronic inquest.⁴⁴ The best-case scenario of complete victim insulation from the proceedings occurred in at least four cases.⁴⁵ Other cases benefited from electronic submission of documents.⁴⁶ Some still underwent physical inquest proceedings or a mix of physical and remote inquest. This incremental progress was understandable as 2020 included a period of testing, transitioning, and operating with some to no available technology.⁴⁷ While the guidelines did not cover the Visayas and Mindanao areas, in five cases tied to a joint operation⁴⁸ along with three other case studies⁴⁹, the child victims were not required to appear physically at inquest.

VIDEOCONFERENCING HEARINGS, REMOTE TESTIMONY, AND ONLINE PROMULGATION: ON THE RIGHT TRACK

As early as year 2000, the Supreme Court provided basis for remote testimony in the Philippines through rules governing (1) the examination of child witnesses and (2) electronic evidence (2001).

Highlighting recent developments, the Supreme Court issued the Guidelines on the “*Use of Videoconferencing Technology for the Remote Appearance and Testimony of Certain Persons Deprived of Liberty in Jails and National Penitentiaries*”⁵⁰ in 2019, which are applicable to a person deprived of liberty (PDL) and covers remote appearance and testimony in court proceedings.⁵¹ On April 27, 2020, the Supreme Court extended the Guidelines’ application to selected courts all over the country “during this public health emergency,” as movement and travel of court users and PDLs were still restricted.⁵² Subsequently, these courts were provided with Philippine Judiciary Office 365 accounts and access to Microsoft Teams.⁵³ In the months that followed, IJM supported numerous cases at the DOJ and court levels, yielding insight on the

effectiveness of remote testimony – as well as remote hearings – in justice delivery.

Videoconferencing measures under the above supported both child protection and efficient law enforcement intervention. First, they allowed for insulation of the victim from exposure to COVID-19 and decreased risk of re-traumatization, as remote testimony gives the victim the advantage of testifying from a psychologically and physically safer environment. Second, they provided a means for law enforcers to testify from different areas of the Philippines where they may be assigned, allowing cases to move forward efficiently, with less risk of delay. Moreover, law enforcers were able to save on logistical expenses such as costs of transportation and meals.

Videoconferencing hearings also helped in upholding the accused’s rights to speedy trial and to speedy disposition of cases, especially now that physical access to courts has been restrained due to the remoteness of the facility where the accused was detained or the increased risk in contracting the COVID-19 virus, or both.⁵⁴ Aside from reducing the risk of contracting the virus, the use of videoconferencing technology in promulgating judgments with regard to online sexual exploitation of children cases during the pandemic provides a relief for the victims that their abusers can be brought to justice despite the ongoing health crisis.⁵⁵

In one case, where trial stretched until 2020, the Regional Trial Court was observed to have the ability to conduct videoconferencing hearings.⁵⁶ In addition to this, five convictions promulgated in 2020 in IJM-supported cases involved videoconferencing.

A significant promulgation of judgment occurred on May 26, 2020, where David Timothy Deakin became the first foreigner convicted for trafficking offenses through online proceedings in the Philippines.⁵⁷ Deakin was found guilty of large-scale qualified trafficking in persons and was sentenced to suffer the

44 See Case Studies: Philippines 1-3, Philippines 5, Philippines 8, Philippines 13

45 See Case Studies: Philippines 1-2, Philippines 8, Philippines 13

46 See Case Studies: Philippines 6 and 12

47 International Justice Mission Philippines. (2021). *Resources*. Retrieved from <https://osec.ijm.org/resources/>

48 See Case Study: Philippines 14

49 See Case Studies: Philippines 15-16, Philippines 18

50 See Supreme Court, Proposed Guidelines On The Use Of Videoconferencing Technology For The Remote Appearance Or Testimony Of Certain Persons Deprived Of Liberty In Jails And National Penitentiaries, A.M. No. 19-05-05-SC (September 1, 2019)

51 See Supreme Court, Proposed Guidelines On The Use Of Videoconferencing Technology For The Remote Appearance Or Testimony Of Certain Persons Deprived Of Liberty In Jails And National Penitentiaries, A.M. No. 19-05-05-SC (September 1, 2019). Pt. II.

52 The list of courts or stations were further expanded in OCA Circular No. 96-2020 and again in OCA Circular No.

100-2020. See Office of the Court Administrator, Pilot Testing of Hearings Through Videoconferencing, OCA Circular No. 96-2020 (May 18, 2020) and Office of the Court Administrator, Additional Courts Authorized for Pilot Testing of Hearings Through Videoconferencing, OCA Circular No. 100-2020 (June 3, 2020)

53 See Office of the Court Administrator, Distribution of Official Philippine Judiciary Office 365 Accounts, OCA Circular No.92-2020 (April 29, 2020)

54 International Justice Mission Philippines. (2021). *Resources*. Retrieved from <https://osec.ijm.org/resources/>

55 International Justice Mission Philippines. (2021). *Resources*. Retrieved from <https://osec.ijm.org/resources/>

56 See Case Study: Philippines 1

57 See Order Regarding the Promulgation of Judgment, May 26, 2020, in *People v. Deakin*, R-ANG-18-01608-CR

(RTC 2020)

penalty of life imprisonment and a fine of PHP 2 million. He was ordered to pay each victim the amount of Php 500,000 representing moral damages and an additional Php 100,000 as exemplary damages as civil indemnity for his crimes. Judge Irineo P. Pangilinan, Jr. rendered the decision thru video conferencing from Branch 58, of the Regional Trial Court in Angeles City, Pampanga. The IJM handling lawyer quotes:

“To behold this e-conviction of a high-profile criminal in the middle of a pandemic is so inspiring. The journey we had to take to ensure David Timothy Deakin's accountability was fraught with so many legal challenges and in the process of securing justice for the victim-survivors, caseworkers from the law enforcement, social services and prosecution teams have been exposed to hundreds of traumatic child sexual exploitation materials but in the end, righteousness prevailed. We thank our LE partners, the NBI-AHTRAD and US FBI, without whom the prosecution of this case would not have been successful. This proves that international cooperation is truly indispensable in fighting a hidden crime that transcends national borders.”

In a different case⁵⁸, information was received that an American national abused several minors by engaging in sexually explicit chats which eventually led to the production of CSEM. The victim was rescued, and the Filipina facilitator was arrested. Via videoconferencing, a conviction was obtained through plea bargaining agreement. This conviction was obtained only three months from the arrest, during a pandemic. It should be noted that VID I was employed during inquest proceedings by a trained prosecutor.

OTHER 2020 CASEWORK TRENDS

PLEA AGREEMENTS / PLEA BARGAINING CONTINUE TO BENEFIT SURVIVORS

Plea Bargaining is a measure allowed by law through which the child is protected from relaying

traumatizing experiences in open court. Years of protracted legal proceedings can be shortened, providing the child survivor a sense of swifter justice. It prevents further trauma and supports a future where offending parents might one day reconcile with their families after justice has been served. In 2020 alone, the count of convictions by plea agreements from IJM-supported cases has reached 20. The 2019 Department of Justice Advisory on Plea Bargaining serves as the permanent policy in support of this child protective measure.

TRAINING APPROACHES AFFIRMED

IJM's application-based training programs bore fruit as trained officials handled cases effectively during the pandemic, including: (1) rescue operations were conducted that were connected to the OSEC RACE; (2) POSE-trained prosecutors did not require the presence of the child victim during inquest (3) VID I orientations were conducted as part of pre-operation procedures. Two orientations correlated with the actual use of the tool post-rescue.

Increased Law Enforcement Capacity

In IJM-supported cases, towards 2020 year-end, law enforcement partners exhibited greater capacity and strategic decision-making, conducting some cases with lower levels of partner involvement when the casework called for discretion and speed.⁵⁹

Further, several operations directly resulted from the Online Sexual Exploitation of Children Remote Accelerated Casework (OSEC RACE) Event, conducted in October 2020 for investigators who previously completed IJM's Advanced Investigative Workshop (AIW), or who possessed prior relevant experience.⁶⁰ During the lockdown, many cases with online sexual exploitation of children elements investigated during the OSEC RACE Training with police officers. This affirms the effectiveness of the training's application-based approach.

Increased Prosecutorial Capacity

2020 casework also highlighted strong prosecution results. Many of the assigned prosecutors were graduates of the Prosecuting

⁵⁸ No available case study

⁵⁹ See Case Studies: Philippines 9-11

⁶⁰ See Case Studies: Philippines 12-13, Philippines 16-17

Online Sexual Exploitation trainings aimed to support law enforcement and prosecution front-liners in their casework through application-based training.

In one case where the prosecution was initiated and concluded during the pandemic,⁶¹ the informant was a community member who reported the case to the Department of Social Welfare and Development. In the course of the investigation, it was found that a minor was victimized in online sexual exploitation. Rescue and arrest operations were successfully conducted in November 2020. The assigned prosecutor, POSE-trained, obtained the conviction by way of plea bargaining two months after the arrest. As the prosecutor understood the *modus* and complexity of the crime, he was able to charge the suspect without victim testimony and relied on other pieces of evidence at inquest. Moreover, out of the total 18 convictions from March to December, 10 of these were obtained by POSE-trained prosecutors.

In case studies *Philippines 11* and *Philippines 18*, POSE-trained prosecutors also leaned towards victim-independent proceedings, no longer requiring the children to appear before the Department of Justice.

TRAINING NEEDS IDENTIFIED

Casework teams have acknowledged the value of having trained officials during the operations and the importance of addressing identified training needs. *Philippines 3* affirmed the need for technological training for support staff, while *Philippines 12* recognized the value of trained, on-call staff to monitor the children 24/7 during isolation.

For prosecutors, presenting witnesses via online means has been an effective practice as seen in *Philippines 1*. Other courts can benefit from trainings that capacitate staff on the use of videoconferencing technology. Videotaped In-Depth Interviews have been proven significant and relevant to casework as a

child protection measure.⁶² In fact, *Philippines 6, 8, 9 and 14* affirmed the need for VIDI-trained personnel.

In *Philippines 13*, the participation of the social worker during briefings was critical when the perpetrators sought assistance from local politicians. Social workers are in the best position to advocate for proper and safer placement of survivors since they are knowledgeable on the case background.

In *Philippines 2*, law enforcement partners were unresponsive to the questions of the prosecutor. This surfaces the need for some law enforcers to anticipate and be prepared to answer the prosecutor's questions during inquest. Providing templates or reminders on the relevant provisions of the law for affidavit-taking may be made as in *Philippines 16*.

TECHNOLOGY NEEDS RAISED

As many justice-related work moved online during this period, access to technology has all the more become important. Cases also raised the need for Zoom accounts to be readily available for use at inquest.⁶³ All the cases successfully utilizing electronic inquest or videoconferencing hearings affirm the benefits of digital transformation in the Philippine justice system.

SUCCESSFUL PRACTICE: COORDINATION AND COLLABORATION

Casework insights continue to emphasize the value of inter-agency coordination and local and international collaboration. In various case studies, reports of effective coordination between the local law enforcement and social workers have led to the smooth conduct of the entire operation.⁶⁴

USE OF SPECIAL WARRANTS

The Warrant to Search, Seize and Examine Computer Data (WSSECD) has been utilized in many cases.⁶⁵ However, there is still some uncertainty regarding its process and scope. *Philippines 18* identifies a confusion on whether a warrant was required for online engagement. In *Philippines 16*, the WSSECD issued by the Court was not patterned after the form released by the Supreme Court. In the warrant template, there was no mention of an onsite forensic

61 See Case Study: Philippines 18

62 See Case Studies: Philippines 15-18

63 See Case Studies: Philippines 5, Philippines 8

64 See Case Studies: Philippines 2-3, Philippines 5, Philippines 8, Philippines 10, Philippines 12-13

65 See Case Studies: Philippines 14-17

examination. These points can also be potential subjects for future trainings.

UTILIZATION OF VIDEOTAPED IN-DEPTH INTERVIEWS

An effective child-protective prosecution measure, the use of videotaped in-depth interviews finds its basis in Section 29 of the Rule on Examination of a Child Witness. The Rule allows the admissibility of a child's disclosure captured through a recorded video provided the Rule's conditions are met. Through a VID, a child victim makes factual disclosures in a safe environment. Once secured on video, it may be used to replace the child's actual presence, and even testimony, in the following situations: (1) during inquest or preliminary investigation before the prosecutor, and (2) at trial before a court in accordance with the RECW. Through the VID, a child victim may be spared from repeatedly relaying abusive experiences. Case studies show that partners and other justice system actors recognize its significance as VIDIs were taken during inquest and were allowed to be utilized in lieu of victim testimony.⁶⁶ The studies also support the fact that law enforcement partners are building up cases that are not heavily reliant on victim testimony.

⁶⁶ See Case Studies: Philippines 12, Philippines 14-16

CONCLUSION AND RECOMMENDATIONS

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Prosecution measures and court proceedings shifted online as the justice system adjusted to the “new normal.” Inquests in NCR were conducted electronically in accordance with the March 2020 DOJ order. The Supreme Court authorized videoconferencing hearings in civil and criminal cases, paving the way for five convictions to be promulgated online.

In 2020, Philippine justice agencies and child protection stakeholders rescued at least 167 victims, apprehended 34 suspects, and generated 31 convictions. Twenty-three rescues and 18 convictions dated between March to December 2020 were considered for this report. Of the 18 convictions, five were promulgated through videoconferencing, an achievement that illustrates the leadership and foresight of the Supreme Court. These cases highlighted the following:

- Partners handled the cases with trauma-informed behavior.
- COVID-19 protocols should be followed. Partners complied with these safety and health precautions.
- There was increased utilization of electronic inquest, remote testimony, and videoconferencing hearings.
- Specific IJM-supported training (OSEC RACE, POSE, and VID) directly influenced successful outcomes in cases, but some training needs were identified.
- Coordination and collaboration continued to be a successful practice.
- There was value in using special warrants.
- Partners found videotaped in-depth interviews relevant and utilized these as a child-protective measure during inquest.

RECOMMENDATIONS

This section outlines specific, actionable improvements based on the reviewed cases.

COVID-19 specific recommendations:

1. There should be strict adherence to health and safety protocols in all rescue operations. Compliance may be supported through:
 - a. Use of checklists and role delineation.
 - b. Prior coordination for testing to ensure facilities are available as the need arises.

As trauma-informed behavior increases protection for child victims, these steps may be taken:

1. Continue utilizing pre-operation briefings to reiterate protocols and provide vital information for aftercare.
2. When possible, prepare victim-processing or interviewing facilities in a manner consistent with child-friendly spaces.⁶⁷
3. Continue the good practice of law enforcement and aftercare coordination.
4. Affirm law enforcement units that displayed trauma-informed behavior during rescues. These include:
 - a. NBI-Anti Human Trafficking Division
 - b. PNP-Women and Children Protection Center
 - i. Anti-Trafficking in Persons Division
 - ii. Luzon Field Unit
 - iii. Visayas Field Unit
 - iv. Mindanao Field Unit
 - c. Transnational Criminal Investigative Task Force (TCITF) and Regional Anti-Trafficking Task Forces (RATTF)
5. Training aspects of trauma-informed care are included in the following paragraph.

Policy Recommendations:

1. Extend availability of electronic inquest to all areas of the Philippines, applicable even after the pandemic. In light of the promising findings in electronic inquest, the Department of Justice should consider extending it to the

⁶⁷ International Justice Mission Philippines. (2021). *Resources*. Retrieved from <https://osec.ijm.org/resources/>

- rest of the Philippines and provide the necessary technology.
2. Continue upholding the best interests of the child through trauma informed care and specific child protective measures (see below).

Training Recommendations:

The connection of specific training approaches to actual rescue provides a compelling reason to continue application-based programs such as OSEC RACE, POSE, and the use of pre-operation orientations on VIDIs. Action points include:

1. Support and optimize training events that increase opportunities for immediate application.
2. Support and optimize training events that are connected with strong, trauma-informed outcomes. This includes training programs such as POSE that correlate with trauma-informed behavior at the inquest phase.
3. Provide templates suitable in the online sexual exploitation of children casework.

2. Pilot test collaborative solutions such as facilities for remote testimony in Technology Recommendation 3 above.
3. Continue use of trauma-informed care, through measures such as:
 - a. Inquest proceedings without victim presence whenever possible.
 - b. Use of Videotaped In-Depth Interviews whenever possible.
 - c. Use of Plea agreements, in applicable cases, to lower victim exposure.
4. Support application-based training as mentioned above.

Aftercare Recommendations:

1. Retain and strengthen the good practice of prior coordination.
2. Ensure facilities supportive of COVID-19 health and safety protocols remain available ahead of operations.
3. Support application-based training as mentioned above.

Technology Recommendations:

1. Increase availability of technology for electronic inquest in NCR.
2. Test available technologies in court cases and identify areas requiring upgrades or access.
3. Collaborate with partners to pilot test remote testimony facilities to maximize the Supreme Court Guidelines on Videoconferencing. This may include partnerships with regional IACAT units to ensure that law enforcers and child victims have a facility that meets trauma-informed standards and complies with the Guidelines.

Law Enforcement Recommendations:

1. Include orientations on Videotaped In-Depth Interviews before operations, when possible.
2. Support application-based training as mentioned above.
3. Rely on victim testimony-independent evidence (such as chatlogs, and other digital evidence, etc.) in case build up.

Prosecutorial Recommendations:

1. Utilize videoconferencing guidelines when the remedies serve the best interests of the victims.

APPENDICES

Appendix A: Other Related Definitions

Appendix B: Compilation of 2020 IJM Case Studies

APPENDICES

APPENDIX A: OTHER RELATED DEFINITIONS

CHILD ABUSE

Child abuse as defined in Philippine law (Section 3(b) of Republic Act No. 7610 also known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act”):

“Child abuse” refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

- (1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;*
- (2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;*
- (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or*
- (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.*

CHILD EXPLOITATION

Any form of child abuse committed for profit or gain.⁶⁸

CHILD SEXUAL ABUSE

The harm caused to children by forcing or coercing them to engage in sexual activity, whether they are aware of what is happening or not.⁶⁹

CHILD SEXUAL EXPLOITATION

A child is a victim of sexual exploitation when she/he takes part in a sexual activity in exchange for something (e.g. gain or benefit, or even the promise of such) from a third party, the perpetrator, or by the child her/himself.⁷⁰

ONLINE CHILD ABUSE

Any form of child abuse connected to the online environment.⁷¹

ONLINE CHILD EXPLOITATION

All acts of a sexually exploitative nature carried out against a child that have, at some stage, a connection to the online environment.⁷²

APPENDIX B: COMPILATION OF 2020 IJM CASE STUDIES

Note: Case Studies have been abridged to protect victim privacy.

⁶⁸ Interagency Working Group in Luxembourg. (June 2016). Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse. Retrieved from https://www.ohchr.org/Documents/Issues/Children/SR/TerminologyGuidelines_en.pdf

⁶⁹ Interagency Working Group in Luxembourg. (June 2016). Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (page 20). Retrieved from https://www.ohchr.org/Documents/Issues/Children/SR/TerminologyGuidelines_en.pdf.

⁷⁰ Interagency Working Group in Luxembourg. (June 2016). Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (page 24). Retrieved from https://www.ohchr.org/Documents/Issues/Children/SR/TerminologyGuidelines_en.pdf.

⁷¹ Interagency Working Group in Luxembourg. (June 2016). Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (page 22). Retrieved from https://www.ohchr.org/Documents/Issues/Children/SR/TerminologyGuidelines_en.pdf.

⁷² Interagency Working Group in Luxembourg. (June 2016). Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (page 27). Retrieved from https://www.ohchr.org/Documents/Issues/Children/SR/TerminologyGuidelines_en.pdf.

IJM Case Study: Philippines 1

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| Investigating Authorities | Philippine National Police – Women and Children Protection Center (PNP-WCPC) through the Philippine Internet Crimes Against Children Center (PICACC) | |
| Victim and Offender Profiles | Nationality of the Victim(s): Two victims, all Filipino | Nationality of the Offender(s): One Filipino in-person offender |
| | Indicative age range Two female children (10 years old and 1 year old) | |
| Narrative Description of the Case | <p>In early 2020, the PNP-WCPC through the PICACC received a referral, including videos containing child sexual exploitation materials (CSEM), from a foreign law enforcement agency regarding a female suspect offering and providing children to customers on the dark web to perform sexual activities in exchange for money.</p> <p>PNP-WCPC investigated the case and were able to identify the victims and their location. They were also able to verify that it was the mother offering and providing these children in the dark web.</p> <p>PNP-WCPC applied for and obtained a cybercrime warrant. During the operation, the suspect was arrested in the commission of an offense. Upon on-scene examination of the digital devices under the warrant, the police uncovered CSEM.</p> <p>Two victims were rescued and turned over to DSWD.</p> | |
| Victim Outcome | The victims were placed in an aftercare home where they are receiving appropriate care and intervention. | |
| Offender Outcome | <p>Trial ongoing.</p> <p>Suspected perpetrator charged with violation of R.A. No. 9208 as amended and violation of R.A. No. 7610, in relation to R.A. No. 10175. Accused entered a plea of NOT guilty on all charges.</p> <p>On August 6, 2020, the police investigator testified for the prosecution through an online hearing.</p> | |
| Lessons Learned | <p>Prosecutorial capacity is essential to the success of online proceedings.</p> <p>In this case, the trial prosecutor possessed the appropriate skill set to maximize videoconferencing hearings. She conducted her own remote case conference and trial preparations with the police</p> | |

officers, contributing to the success of the online proceedings. She does the same in all her other cases.

Court capacity is equally essential to the success of online proceedings.

In this case, the court had the technology and skill set to conduct videoconferencing hearings. While operating with a skeleton workforce, it managed to conduct all its hearings through videoconferencing.

Witness capacity increases likelihood of success.

In this case, the witness testified remotely without any concerns. His high comfort level with technology made it easier to present him in court.

IJM Case Study: Philippines 2

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| Investigating Authorities | Philippine National Police - Women and Children Protection Center - Anti-Trafficking in Persons Division (PNP WCPC-ATIPD) and the National Bureau of Investigation - Anti-Human Trafficking Division (NBI-AHTRAD) | |
| Victim and Offender Profiles | Nationality of the Victim(s): Seven victims, all Filipino | Nationality of the Offender(s): One Filipino in-person offender |
| | Indicative age range 1st sibling group - Three male children (3 years old, 7 years old, 10 years old) 2nd sibling group - Two male children (5 years old, 7 years old); one female child (14 years old) Cousin: Male child (12 years old) | |
| Narrative Description of the Case | The United Kingdom National Crime Agency referred a case to Philippine law enforcement through the PICACC. PNP WCPC-ATIPD and NBI-AHTRAD conducted a joint investigation. Subsequently, they arrested the suspected perpetrator in the commission of an offense. | |
| Victim Outcome | The victims were placed in an aftercare home where they are receiving appropriate care and intervention. | |
| Offender Outcome | Inquest proceedings were conducted online (e-inquest). Victims appeared remotely using Zoom, before the prosecutor to attest to their sworn statements. The suspected perpetrator was charged with violation of R.A. No. 10364 and violation of R.A. No. 9775, both in relation to R.A. 10175. | |
| Lessons Learned | Electronic inquest is advantageous to newly rescued victims. They participated in the inquest proceedings remotely in the safety of the aftercare home. They were also spared from the possibility of meeting their abusers in the waiting area or hallway of a prosecutor's office, which can be a traumatizing event. | |

IJM Case Study: Philippines 3

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| <p>Investigating Authorities</p> | <p>Philippine National Police – Women and Children Protection Center (PNP-WCPC) and the National Bureau of Investigation Anti-Human Trafficking Division (NBI-AHTRAD) through the Philippine Internet Crimes Against Children Center (PICACC)</p> | |
| <p>Victim and Offender Profiles</p> | <p>Nationality of the Victim(s): Three victims, all Filipino</p> | <p>Nationality of the Offender(s): One Filipino trafficker</p> |
| | <p>Indicative age range Two female children (5 years old and 14 years old) One male child (13 years old)</p> | |
| <p>Narrative Description of the Case</p> | <p>The Australian Federal Police (AFP) referred a case to Philippine law enforcement involving a passenger who arrived at Brisbane International Airport in Australia from the Philippines. The passenger was found to be possessing and importing child abuse materials. Based on the Australian Federal Police’s investigation, the passenger was in contact with Filipino nationals who sexually exploited children online in exchange for money.</p> <p>Through the PICACC, Philippine law enforcement, in response to the referral, conducted their own investigation and found that the suspected perpetrator was involved in online sexual exploitation of children. They also found her real identity.</p> <p>Law enforcement authorities subsequently applied for a cybercrime warrant.</p> <p>On May 4, 2020, law enforcement authorities arrested the suspected perpetrator offering children for sexual activities in exchange of money. As a result of the operation, three victims were also rescued.</p> <p>Law enforcement authorities, with the assistance of DSWD, took videotaped in-depth interviews of the five-year old child. The other victims, however, were reluctant at that point and had no disclosures. Videotaped in-depth interviews are effective child-protective measures sanctioned by Section 29 of the Rule on Examination of a Child Witness (RECW). The Rule allows the admissibility of a child’s disclosure captured through a recorded video provided the Rule’s conditions are met. Through a VID, a child victim makes factual disclosures in a safe environment. Once secured on video, it may be used to replace the child’s actual presence, and even testimony, in the following situations: (1) during inquest or preliminary investigation before the prosecutor, and (2) at trial before a court. Through the</p> | |

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| | <p>VIDI, a child victim may be spared from repeatedly relaying abusive experiences.</p> |
| Victim Outcome | <p>After rescue, the victims were placed in the care and custody of the Philippine Department of Social Welfare and Development (DSWD) where they received therapy, counseling, psycho-social and other rehabilitation services.</p> |
| Offender Outcome | <p>Inquest proceedings were conducted online; however, the parties, including the children, were still required to appear at the Department of Justice. The inquest prosecutor conducted the proceedings remotely.</p> <p>The offender was charged with Qualified Trafficking in Persons.</p> |
| Lessons Learned | <p>Online Sexual Exploitation of Children (OSEC) cases need to be recognized as urgent cases. One of the challenges noted is the need to justify that the case is “urgent,” so that it can be heard (hearings during enhanced community quarantine were suspended except for urgent cases). This lesson applied specifically to the period of Enhanced Community Quarantine in the Philippines.</p> <p>E-inquest, when properly used, protects child victims from unnecessary exposure to the suspects and to COVID-19 risks. In this case, however, their physical presence was still required.</p> <p>Technology support staff may be needed to ensure video calls are commenced and conducted well during e-inquests.</p> |

IJM Case Study: Philippines 4

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| Investigating Authorities | Philippine National Police – Women and Children Protection Center (PNP-WCPC) and the National Bureau of Investigation Anti-Human Trafficking Division (NBI-AHTRAD) through Philippine Internet Crimes Against Children Center (PICACC) | |
| Victim and Offender Profiles | Nationality of the Victim(s): Three victims, all Filipino | Nationality of the Offender(s): One Filipino in-person offender |
| | Indicative age range Three female children (6 years old, 11 years old and 14 years old) | |
| Narrative Description of the Case | <p>The operation resulted in the arrest of a 34-year-old female suspect and ensured the safety of three children who were allegedly forced to perform sexual acts on webcam for paying customers, referred to as online sexual exploitation of children. Elements of PNP WCPC Anti-Trafficking in Persons Division (ATIPD) and NBI-AHTRAD, in coordination with the Local Government Unit of Pampanga and the Department of Social Welfare and Development (DSWD).</p> <p>All three minors have undergone affidavit taking and processing with the help of the DSWD and the Local Government Unit social worker.</p> | |
| Victim Outcome | The victims were placed in an aftercare home where they are receiving appropriate care and intervention. | |
| Offender Outcome | No charges have been filed yet against the suspected offender. | |
| Lessons Learned | <p>Partners assisting an operation must ensure their roles are clear.</p> <p>Quarantine and testing required for survivors.</p> | |

IJM Case Study: Philippines 5

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| Investigating Authorities | Philippine National Police – Women and Children Protection Center (PNP-WCPC) | |
| Victim and Offender Profiles | Nationality of the Victim(s): Seven victims, all Filipino | Nationality of the Offender(s): Two Filipino suspected traffickers |
| | Indicative age range Four female children Three male children | |
| Narrative Description of the Case | <p>On May 27, 2020, the PNP-WCPC conducted simultaneous arrest and rescue operations in Taguig City after receiving a tip of OSEC-related activities in the area, and after investigation and case build-up.</p> <p>The operation resulted in the rescue of seven child victims (four females and three males), and the warrantless arrest of two suspected traffickers.</p> <p>The two suspected traffickers were conspiring and working together to offer children for livestreamed sexual abuse, in exchange for money. Law enforcement investigation led to apprehension of the suspects in the act of selling livestreamed sexual abuse. The prosecutor, instead of conducting an E-Inquest as allowed by the Rules, conducted in-person Inquest due to lack of equipment and internet connectivity issues.</p> | |
| Victim Outcome | The victims were placed in an aftercare home where they are receiving appropriate care and intervention. | |
| Offender Outcome | <p>The suspected offenders were brought before the City Prosecutor's Office for inquest proceedings.</p> <p>On July 3, 2020, the Prosecutor's Office issued a Resolution finding probable cause against the suspected perpetrator for violation of R.A. No. 9208 as amended and violation of R.A. No. 9775, all in relation to R.A. 10175.</p> | |
| Lessons Learned | Provide the necessary technology and software for E-inquest to prosecutors. | |

IJM Case Study: Philippines 6

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| Investigating Authorities | Philippine Internet Crimes Against Children Center (PICACC) | |
| Victim and Offender Profiles | Nationality of the Victim(s): Four victims, all Filipino | Nationality of the Offender(s): One Filipino trafficker |
| | Indicative age range Two female children (4 years old and 8 years old) Two male children (15 years old and 17 years old) | |
| Narrative Description of the Case | <p>On May 12, 2020, the Queensland Police Service Task Force Argos in Australia referred a case to the Philippine Internet Crimes Against Children Center (PICACC) requesting to investigate a Philippine-based facilitator of livestreamed child sexual abuse identified as a result of a search warrant executed in a case in Queensland.</p> <p>Philippine law enforcement investigated and confirmed that the suspected offender was offering and providing livestreamed abuse of children to foreigners in exchange for money. The suspected offender was arrested while committing an offense.</p> <p>While electronic submission of inquest documents was allowed, inquest proceedings were conducted in-person.</p> | |
| Victim Outcome | Victims were placed in an aftercare home where they are receiving appropriate care and intervention. | |
| Offender Outcome | The suspected offender was charged with Qualified Trafficking in Persons, among others. | |
| Lessons Learned | <p>Utilize electronic inquest whenever possible.</p> <p>Electronic submission of inquest documents is beneficial to all parties, reducing exposure while increasing submission speed.</p> | |

IJM Case Study: Philippines 7

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| Investigating Authorities | <p>United States Homeland Security Investigations (US HSI)</p> <p>Philippine National Police – Women and Children Protection Center (PNP-WCPC) through the Transnational Criminal Investigative Task Force (TCITF)</p> | |
| Victim and Offender Profiles | <p>Nationality of the Victim(s): Two victims, all Filipino</p> | <p>Nationality of the Offender(s): N/A</p> |
| | <p>Indicative age range Two female minors (both 13 years old)</p> | |
| Narrative Description of the Case | <p>This is a rescue-only operation conducted in two different locations from different regions. This case was referred by US-HSI directly to the WCPC Chief, who assigned the case to TCITF.</p> <p>There was already an identified shelter for the children when rescued. However, local enforcement expressed their disagreement since it was far away from the court.</p> | |
| Victim Outcome | <p>The victims were placed in an aftercare home where they are receiving appropriate care and intervention.</p> | |
| Lessons Learned | <p>Maintain strong relationship with local government units.</p> <p>Strengthen the coordination between partners who provide shelters for victims.</p> | |

IJM Case Study: Philippines 8

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| Investigating Authorities | <p>United States Homeland Security Investigations (US-HSI)</p> <p>Philippine National Police – Women and Children Protection Center (PNP-WCPC) through the Anti-Trafficking in Persons Division (ATIPD) and Transnational Criminal Investigative Task Force (TCITF)</p> | |
| Victim and Offender Profiles | Nationality of the Victim(s): Eight victims, all Filipino | Nationality of the Offender(s): One Filipino in-person offender |
| | Indicative age range Four male children (2 years old, 4 years old, 10 years old, and 14 years old) Three female children 4 four years old, 6 years old, and 15 years old) One female adult (27 years old) | |
| Narrative Description of the Case | <p>On April 27, 2020, HSI Manila Office received information regarding a subject involved in offering minors for purposes of exploitation online in exchange for money. Through the joint effort of the aforementioned agencies, TCITF verified the location of the subject.</p> <p>Law enforcement rescued eight victims and arrested the suspect, disrupting victim exploitation. Law enforcement partners and the other personnel of the City Social Welfare and Development Office (CSWD) coordinated smoothly.</p> <p>One of the alleged victims was a 27-year-old PWD (deaf-mute).</p> <p>Post-Operation: One of the victims was given to the care of the mother without undergoing the necessary processing. VIDI was not conducted as well. The law enforcement partners do not have the infrastructure to facilitate e-inquests.</p> | |
| Victim Outcome | <p>The victims were placed in a shelter near the place where the perpetrators are detained.</p> | |
| Offender Outcome | <p>The Accused was charged with violation of R.A. No. 10364 and R.A. No. 9775, in relation to R.A. No. 10175.</p> | |
| Lessons Learned | <p>Develop victim identification tools and include disabilities and factors that may trigger legal status of a child (for persons above 18 under Republic Act 7610).</p> <p>Ensure law enforcers have appropriate technology and software. Ensure rescue team has one member capable of conducting VIDIs. Reiterate victim care protocols during pre-operation briefings.</p> | |

IJM Case Study: Philippines 9

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| Investigating Authorities | <p>Philippine National Police – Women and Children Protection Center (PNP-WCPC) through its Anti-Trafficking in Person Division (ATIPD)</p> <p>National Bureau of Investigation-Anti-Human Trafficking Division (NBI-AHTRAD)</p> | |
| Victim and Offender Profiles | Nationality of the Victim(s): None disclosed. | Nationality of the Offender(s): None disclosed. |
| | Indicative age range None disclosed. | |
| Narrative Description of the Case | <p>This was a joint operation between PNP and NBI.</p> <p>Regarding aftercare, IJM was only asked for assistance in identifying the placement center for the victims. The team was also assured that law enforcement partners have someone who is trained in handling rescued children. However, there was unresponsiveness from the City Social Welfare and Development Office (CSWDO) representative even during and after operation.</p> <p>Videotaped In-Depth Interviews (VIDIs) were not utilized, and there was a difficulty in getting the elements of the crimes to be incorporated in the affidavits.</p> | |
| Victim Outcome | None disclosed. | |
| Offender Outcome | None disclosed. | |
| Lessons Learned | <p>To reduce stress during inquest preparation, affidavit templates can be co-developed and shared with operating units with the help of stakeholders (one such project is ongoing as of time of publication).</p> <p>Reiterate the importance of using VIDI.</p> <p>While there was less information available for this case study, it indicates that independent law enforcement is trending, which is a very positive development.</p> | |

IJM Case Study: Philippines 10

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| Investigating Authorities | National Bureau of Investigation – Anti Human Trafficking Division (NBI-AHTRAD) | |
| Victim and Offender Profiles | Nationality of the Victim(s): Three victims, all Filipino | Nationality of the Offender(s): N/A |
| | Indicative age range Two female children (12 years old and 11 years old) One female adult (18 years old) | |
| Narrative Description of the Case | <p>On July 28, 2020, members of NBI-AHTRAD conducted an operation whereby three victims were rescued. This is in connection to a referral sent by the Belgian Police to Philippine Internet Crimes Against Children Center (PICACC). NBI-AHTRAD was assisted by the City of Social Welfare Development Office (CSWDO) of the concerned city. No arrest was conducted.</p> <p>IJM assisted in coordination between agencies and in locating shelters for the victims. IJM also provided logistical assistance before, during, and after the rescue operation.</p> | |
| Victim Outcome | The minor victims were placed in an aftercare home where they are receiving appropriate care and intervention. However, the adult victim was sent home instead of a shelter, because there was no facility available to conduct a COVID 19 swab test on the adult victim. The swab test is a requirement on admission to resident facilities. | |
| Lessons Learned | <p>Coordination with a possible hospital partner or health agency provider as an assigned COVID-19 testing facility, can be a solution to avoid delays during rescue operation. In this instance, because of failure to conduct a swab test for the adult victim, she was not referred to a shelter. Exploring and advocating for local government unit’s capability of providing this service can also be a solution.</p> <p>Despite the circumstances, it is still best practice for the adult victim to undergo victim processing. Evidence shows that the adult victim was abused when she was still a minor. In this case, there was flexibility since it is also advisable for the partners to discuss and decided among themselves key decision points.</p> | |

IJM Case Study: Philippines 11

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| Investigating Authorities | PNP-Women and Children Protection Center-Anti-Trafficking in Persons Division (PNP WCPC-ATIPD) through the Philippine Internet Crimes Against Children Center (PICACC) | |
| Victim and Offender Profiles | Nationality of the Victim(s): Four victims, all Filipino | Nationality of the Offender(s): One Filipino trafficker |
| | Indicative age range Three female children (9 years old, 10 years old, and 17 years old) One male child (6 years old) | |
| Narrative Description of the Case | <p>As a result of the investigation conducted by the PNP-WCPC-ATIPD, they, together with the PICACC conducted a rescue operation September 23, 2020. Initially, the information provided by law enforcement to the City Social Welfare and Development (CSWD) social worker is limited. It is only when the social worker initiated the inquiry that some of the details were shared.</p> <p>Law enforcement officers, during operation and affidavit-taking, as well as the attending doctor during medico-legal and the medical personnel during rapid test employed a child-friendly treatment towards the survivors. The affidavits were well-written and required very minimal edits from the legal team.</p> <p>IJM supported logistical needs for this operation and assisted in coordination for shelter placement of the survivors.</p> | |
| Victim Outcome | The victims were placed in an aftercare home where they are receiving appropriate care and intervention. | |
| Offender Outcome | No charges have been filed yet against the suspected offender. | |
| Lessons Learned | <p>There is a need to mentor social workers for awareness and empowerment with regards to the protocols of an operation.</p> <p>Reminders on the relevant provisions of the law for affidavit-making may be made.</p> | |

IJM Case Study: Philippines 12

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| Investigating Authorities | <p>Philippine National Police – Women and Children Protection Center Anti-Trafficking in Persons Divisions (PNP-WCPC-ATIPD)</p> <p>Philippine Internet Crimes Against Children Center (PICACC)</p> | |
| Victim and Offender Profiles | Nationality of the Victim(s): Three victims, all Filipino | Nationality of the Offender(s): One Filipino trafficker |
| | Indicative age range Three female children (8 years old, 10 years old and 12 years old) | |
| Narrative Description of the Case | <p>In 2017, the Nordic Liaison Office sent a referral to the Women and Children Protection Center (WCPC), which was assigned to its Anti Trafficking in Persons Division (ATIPD). Investigations continued, but the target appeared inactive.</p> <p>Before the start of the Online Sexual Exploitation of Children - Remote Accelerated Casework Event (OSEC RACE) Training, another referral came through via the Philippine Internet Crimes Against Children (PICACC) office.</p> <p>The referral identified a similar subject as the 2017 Nordic Liaison Office Referral. During the duration of the OSEC RACE Training, ATIPD worked on the case and located the subject, leading to a successful rescue operation.</p> <p>With the assistance coming from the concerned City Police Station and the City of Social Welfare and Development Office (CSWDO), three minor victims, the subject’s children, were rescued.</p> <p>IJM supported logistics needs for the operation, assisting in coordination for shelter placement of survivors.</p> <p>Survivors’ rapid testing resulted to be IgG reactive, suggesting possible COVID infections. This delayed their immediate placement in the Assessment Center due to quarantine requirements. The children’s quarantine lengthened on account of swab test appointment delays, and delays in result availability.</p> <p>Although the local government unit (LGU) also lacked manpower, the assisting social worker elevated this to her immediate supervisor to speed up appropriate care, processing and monitoring while being on quarantine isolation herself. They assigned staff to monitor the rescued children. Manpower concerns contributed to the prolonged three-week quarantine.</p> | |

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| | Video In-Depth Interviews (VIDI) were conducted on two of the victims, following the Rule on Examination of the Child Witness. |
| Victim Outcome | About a month after the rescue, the victims were placed in an aftercare home where they are receiving appropriate care and intervention. |
| Offender Outcome | The Accused was charged with three counts of violating Philippine anti-trafficking laws: R.A. 9208, as amended, in relation to R.A. 10175 and three counts of violation of R.A. 7610, as amended, in relation to R.A. 10175. |
| Lessons Learned | <p>Prepare for the logistical aspects of the rescue in light of the pandemic, e.g., locate swab testing and quarantine facilities beforehand whenever possible.</p> <p>In future operations, it may be helpful to indicate official turnover of affidavits and pieces of evidence to the Investigator-On-Case (or the appropriate officer as the case may be) to corroborate chain of custody forms.</p> |

IJM Case Study: Philippines 13

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| Investigating Authorities | Philippine National Police – Women and Children Protection Center (PNP-WCPC) | |
| Victim and Offender Profiles | Nationality of the Victim(s): Three victims, all Filipino | Nationality of the Offender(s): One Filipino trafficker |
| | Indicative age range Three female children (14 years old, 16 years old, and 17 years old) | |
| Narrative Description of the Case | <p>This case has roots in a Nordic Liaison Office referral to the WCPC, investigated further during the Online Sexual Exploitation of Children - Remote Accelerated Casework Event (OSEC RACE) Training.</p> <p>On October 27, WCPC conducted a successful rescue operation with the assistance from the concerned City Police Station and the City Social Welfare and Development Office (CSWDO). The operation resulted in the arrest of the mother of the three rescued survivors.</p> <p>Despite early coordination, CSWDO staff were unable to join the operation as an early dismissal disrupted the deployment approval process.</p> <p>Some government partners had apprehensions in proceeding to National Capital Region for legal processing. This is due to the high incidence of COVID-19 cases in Metro Manila.</p> <p>One of the survivors tested positive upon the conduct of a swab test. The suspect was also COVID-19 positive.</p> <p>Further, some WCPC-Luzon Field Unit members were later found to be COVID-19 positive, resulting in unavoidable casework delays.</p> | |
| Victim Outcome | The victims were placed in an aftercare home where they are receiving appropriate care and intervention. | |
| Offender Outcome | The Accused was charged with violation of R.A. No. 10364, R.A. No. 9775 and R.A. No. 7610. The case is now pending before Regional Trial Court Angeles Branch 10. | |
| Lessons Learned | <p>Uphold stronger COVID-19 measures and contingencies.</p> <p>Communicate to partners that there are safety and health precautions in place during the whole operation. Discuss and concretize steps to be taken in cases where a victim turns out to be COVID-19 positive such as shelter placement.</p> | |

Social workers are in the best position to advocate for proper and safer placement of survivors since they are knowledgeable on the case background.

Post rescue operation matters should also be discussed during pre-operations briefing. In cases where the social worker cannot attend the pre-operation briefing, a separate briefing should be conducted.

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| Lessons Learned | <p>During search warrant implementation, ensure an inventory of seized items per respondent. There must be one inventory for items seized under the WSSECD implementation, and another inventory for items subject to lawful warrantless seizure (i.e., for contraband in plain view). Generic description of seized digital evidence should also be avoided.</p> <p>An inventory template can be developed for future use.</p> <p>Pertinent details of the operation should be clear to all partners involved in the rescue operation.</p> <p>When there are multiple targets and overlapping investigations, it is helpful to create distinct files and evidence repositories ahead of time.</p> <p>A victim was interviewed twice by different set of interviewers. It is recommended to have only one set of interviewers to avoid multiple VIDIs for the common victim.</p> <p>Physical victim presence was required during inquest. IJM and partners can study the context and explore ways to avoid similar exposure in future cases.</p> |
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IJM Case Study: Philippines 15

***Details redacted due to sensitive information. Available upon request.**

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| Lessons Learned | <p>A law enforcement officer with knowledge of the suspect’s activities should be available as the applicant or sponsoring witness for the search warrant application, due to personal knowledge requirements.</p> <p>Law enforcers can check the obtained WSSECD to ensure accuracy of the offense indicated to ensure alignment with the expected evidence.</p> <p>A WSSECD application should not include a non-digital device or evidence.</p> |
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IJM Case Study: Philippines 16

***Details redacted due to sensitive information. Available upon request.**

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| Lessons Learned | <p>The excellent coordination and communication measures that were utilized in this case can be a framework for future operations.</p> <p>Law enforcement partners can benefit from an updated search warrant and cybercrime warrant application template.</p> <p>It is a helpful practice for the WSSECD issued by the Court to be aligned with the form released by the Supreme Court.</p> <p>Law enforcers may request that onsite forensic examination be explicitly mentioned and authorized in the warrant to avoid ambiguity.</p> <p>Templates for applications for a WSSECD must include a jurat.</p> |
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IJM Case Study: Philippines 17

***Details redacted due to sensitive information. Available upon request.**

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| Lessons Learned | <p>Validate the contents of the search warrant: even if the search warrant did not follow the template provided by the rules, having a lawyer review the warrant to check whether it substantially conforms to the requirement of the Rules and the Constitution would suffice in addressing the possible issues concerning the search warrant's form.</p> <p>Include perpetrator profile and critical factors (such as potential CICL status) in pre-operation briefing.</p> |
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IJM Case Study: Philippines 18

***Details redacted due to sensitive information. Available upon request.**

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| Lessons Learned | <p>The lack of prompt update may be mended by constantly asking the partners for updates while the operation is occurring.</p> <p>When in doubt, obtain a search warrant.</p> <p>Ensure back-up internet connectivity for operating teams.</p> <p>During operations, commence electronic recording one minute early to avoid missing footage.</p> |
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