# COMPENDIUM OF GOOD PRACTICES IN ADJUDICATING TRAFFICKING IN PERSONS CASES IN ASEAN MEMBER STATES: LESSONS LEARNED AND RESPONSES TO CHALLENGES

Volume 1

Indonesia and Philippines

2026

**Prepared by**

**COUNCIL OF ASEAN CHIEF JUSTICES**

**Working Group on Judicial Education and Training**

Australian Aid | ASEAN-Australia Counter Trafficking

This Compendium of Good Practices in Adjudicating Trafficking in Persons Cases in ASEAN Member States: Lessons Learned and Responses to Challenges (Compendium) has been developed by the Council of ASEAN Chief Justices (CACJ) in partnership with the Australian Government funded ASEAN-Australia Counter Trafficking program (ASEAN-ACT). The views expressed in this Compendium are the authors' alone and are not necessarily the views of the Australian Government.

# COMPENDIUM OF GOOD PRACTICES IN ADJUDICATING TRAFFICKING IN PERSONS CASES IN ASEAN MEMBER STATES: LESSONS LEARNED AND RESPONSES TO CHALLENGES

Volume 1

Indonesia and Philippines

2026

Prepared by

COUNCIL OF ASEAN CHIEF JUSTICES

Working Group on Judicial Education and Training

# MESSAGE

Protecting human dignity and ensuring justice for all—especially for the vulnerable—stand as a foundational principle of our work as members of the judiciary. The ***Compendium of Good Practices in Adjudicating Trafficking in Persons (TIP) Cases in ASEAN Member States: Lessons Learned and Responses to Challenges,*** has united us in confronting one of the gravest challenges facing our societies: the scourge of human trafficking. This document represents our determination to address this issue with compassion and care, focusing on the real lives affected by the different forms and instances of this crime.

The insights within this compendium emerged from the impactful discussions held during recent exchanges in Indonesia and the Philippines. This partnership between our nations has highlighted the importance of victim-sensitive approaches—ones that view justice through a compassionate lens and prioritize the needs of trafficking victims. At our pilot ASEAN Judicial Knowledge Exchange in Bogor, Indonesia, last July, delegates explored critical practices, such as providing restitution and compensation to victims, applying particular approaches for child witnesses, and using victim-sensitive methods for testimony. Philippine justices and judges also visited district and religious courts in Indonesia, where they observed how technology is enhancing access to justice for women, children, and persons with disabilities.[1]

In September, the Philippine judiciary had the honor of welcoming in Manila and Tagaytay distinguished counterparts from Indonesia. We had insightful exchanges on family court practices, including child-sensitive procedures[2], which deepened our understanding and enhanced our ability to implement practical and effective approaches in the fight against human trafficking across ASEAN. These interactions not only enriched our judicial knowledge but also left us with valuable lessons that the compendium now holds, serving as a lasting resource to guide and inspire our continued efforts. Moreover, this compendium is a reminder for us to keep building on this progress, to keep improving how we support victims, and to work more closely with each other to make a real difference.

The judiciary's role has evolved and we are no longer just passive interpreters of the law but also an active partner of the government in helping put an end to human trafficking. We will no longer allow trafficked persons to be victims once again in their quest for justice. This compendium is a testament to our shared commitment to uphold the dignity of every human being.

**HON. ALEXANDER G. GESMUNDO**
*Chief Justice, Supreme Court of the Philippines and*
*Chairperson, Council of ASEAN Chief Justices*
*(2024-2025)*

1 Indonesian and Philippines judges to advance victim-sensitive adjudication through the Council of ASEAN Chief Justices, https://www.aseanact.org/story/cacj-exchange/

2 *Id*.

# FOREWORD FROM INDONESIA

I am delighted to share this Compendium of Good Practices in Adjudicating Trafficking In Persons Cases in ASEAN Member States: Lessons Learned and Responses to Challenges, a joint project with our esteemed colleagues from CACJ Philippines as the Co-Chair of CACJ Working Group on Judicial Education and Training (WG-JET) and our partner from the ASEAN – Australia Counter Trafficking (ASEAN-ACT). It presents a significant milestone for WG-JET in our efforts to strengthen judicial capacity in adjudicating trafficking in persons (TIP) cases through the implementation of a pilot ASEAN Judicial Knowledge Exchange (Pilot JKE Project).

This Compendium, together with the three outcome documents, namely, Framework for a Judicial Knowledge Exchange on TIP Adjudication in ASEAN, Consolidated Summary Report for the exchanges in Indonesia and Philippines in 2023 and the Summary Report of the Consolidation Workshop on the Pilot JKE Project in May 2024, marks completion of the Pilot JKE Project by the WG-JET Co-Chairs.

I recall in July 2023, the Supreme Court of Indonesia and Indonesia Judicial Training Agency (*Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* [BSDK]*)* had the honor to host our colleagues from the Philippines in Bogor and Jakarta for the first phase of the Pilot JKE Project. This exchange resulted in rich discussion among 17 Indonesian judges and 12 Philippine judges on the victim-sensitive court indicators, child-sensitive adjudication, do-no-harm principle, access to justice and sharing of decision analysis on TIP cases. All delegates also had the opportunity to share court practices by visiting Depok District Court and Central Jakarta Religious Court and held audience with the representatives from the Supreme Court of Indonesia and Indonesia National Task Force to Combat TIP.

Following the successful first phase of the exchange, the Indonesian delegates visited Tagaytay and Manila in September 2023. I am thankful for the generosity of the Honorable Justice Rosmari D. Carandang, the Philippine Judicial Academy and the Supreme Court of the Philippines in hosting our delegates during the second phase of the exchange and in organizing a courtesy call with the Honorable Chief Justice Alexander G. Gesmundo and the Associate Justices of the Supreme Court of the Philippines.

As a fast-growing region, ASEAN remains vulnerable to TIP-related evolving *modus operandi*. Thus, it is pertinent for CACJ, as the main judicial mechanism in the region, to capacitate our judges in understanding TIP and its related offences, interpreting the international framework and practices relevant to TIP, and upholding the rights of the TIP victims. I believe that the Pilot JKE Project has been successful as a platform of exchange to strengthen the capacity of our judges. Good practices inspired by the Pilot JKE Project were shared by the participants during the hybrid Consolidation Workshop in May 2024. Likewise, similar challenges faced by the judges in both countries were also identified.

I hope that this Compendium will continue as a living document to capture future judicial knowledge exchanges in TIP, either bilaterally or regionally, among CACJ members. By doing so, the Compendium will contribute towards the institutionalisation of the TIP under CACJ mechanism pursuant to the Framework for a Judicial Knowledge Exchange on TIP Adjudication and serve as a resource for our judges in adjudicating TIP cases.

**HON. I GUSTI AGUNG SUMANATHA**
*Chairman, Civil Chamber, Supreme Court of Indonesia and Co-Chair, WG-JET CACJ Indonesia (2022-2026)*

# FOREWORD FROM THE PHILIPPINES

It is with great pride and deep commitment that we present this Compendium of Good Practices in Adjudicating Trafficking In Persons Cases in ASEAN Member States: Lessons Learned and Responses to Challenges, a product of our collaborative efforts under the CACJ WG-JET. The Compendium is the culmination of the lessons learned and challenges addressed through the Pilot JKE Project between Indonesia and the Philippines, which took place in 2023 and 2024. It is a living document that will serve both as a record of our shared progress and a dynamic resource that will evolve as we continue to learn from one another and enhance regional cooperation.

During the first component of our Pilot JKE Project in Indonesia, we gained invaluable insights into the unique legal systems and procedures of our ASEAN Member States. Yet, despite these differences, it was deeply reassuring to recognize the essential values we share—the urgency, importance, and unwavering commitment to tackling the regional challenge of TIP. The varying approaches of our jurisdictions have proven to be opportunities for mutual learning, allowing us to forge a path forward that embraces our diversity while enhancing regional cooperation in the fight against TIP.

Our mission is far from being an academic exercise; it is a reflection of our dedication to justice, human rights, and the protection of the most vulnerable in our societies. Ensuring victim-sensitive adjudication in TIP cases is a moral obligation that transcends borders, uniting us in our pursuit of justice for those who have been exploited and harmed.

In the second phase of our Pilot JKE Project held in the Philippines, we engaged in rich dialogues, exchanged good practices, and strengthened the ties between our judicial systems. This gathering not only showcased the wealth of knowledge we possess as a region but also reaffirmed our shared resolve to combat human trafficking. The discussions we have had, and the relationships we have built, will undoubtedly shape the future of how we address TIP cases across ASEAN.

As we move forward, it is clear that our countries—while distinct in our legal traditions—have much to offer each other. Our shared commitment to providing justice and support to TIP victims calls on us to continue learning, collaborating, and innovating together. It is my firm belief that this Compendium, along with the framework we have established, will serve as the cornerstone of our ongoing efforts to uphold justice and protect the rights of trafficking victims.

Together, we can—and must—make a difference.

**HON. ROSMARI D. CARANDANG**
*Chancellor, Philippine Judicial Academy*
*Supreme Court of the Philippines and*
*Co-Chair, WG-JET CACJ Philippines (2022-2026)*

# ACKNOWLEDGEMENTS

The Compendium was developed by the CACJ Indonesia and the Philippines in their capacity as the Co-Chairs of the CACJ WG-JET with the support from the ASEAN-ACT. This Compendium aims to document the sharing of knowledge of judges from Indonesia and the Philippines in adjudicating TIP cases during their participation in the Pilot JKE Project.

CACJ applauds the Honorable Judge Bambang Hery Mulyono, Head of the *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* (BSDK) and the Honorable Justice Rosmari D. Carandang, Chancellor of the Philippine Judicial Academy (PHILJA) of the Supreme Court of Philippines for their leadership and unwavering commitment for the successful implementation of the Pilot JKE Project and the completion of this Compendium.

CACJ wishes to extend appreciation to all the judges from Indonesia and the Philippines for their expertise and dedication throughout the Pilot JKE Project. Their sharing of good practices and challenges during the Pilot JKE Project has inspired the development of this Compendium. Completion of the Compendium was also made possible by the expertise of the technical working group, led by the Honorable Judge Bambang Hery Mulyono and the Honorable Justice Rosmari D. Carandang and consisted of contributors from *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan*, the Philippine Judicial Academy, Supreme Court of Indonesia, Supreme Court of the Philippines and the ASEAN-ACT.

We are grateful for the generous support of the Australian Government through the ASEAN-ACT team's invaluable inputs in completing the Compendium, especially Mr. Archemides Siguan, Ms. Leisha Lister, Atty. Darlene Pajarito, Ms. Nurul Qoiriah and Ms. Jenny Maria Doan.

Finally, we recognize the Supreme Court of Indonesia, Supreme Court of the Philippines, national TIP task forces of Indonesia and the Philippines, and all stakeholders from both countries for their strong contribution in the delivery of the Pilot JKE Project.

**HON. TUN TENGKU MAIMUN BINTI TUAN MAT**<br>
*Chief Justice*<br>
*Federal Court of Malaysia*<br>
*Chairperson, Council of ASEAN Chief Justices*<br>
*2024*

# FOREWORD FROM INDONESIA

## 2026

Trafficking in persons is not a peripheral concern for ASEAN; it sits close to the center of the region's security and human rights agenda. Rapid growth, porous borders, and constantly evolving methods of exploitation have made ASEAN Member States both source and destination for trafficking networks that move faster than most legal frameworks can follow. For the Council of ASEAN Chief Justices, few issues carry the same urgency: judges are so often the last line of protection available to victims, and the quality of that protection depends on how well our courts understand the crime in front of them.

This Compendium traces its roots to the Pilot ASEAN Judicial Knowledge Exchange conducted between Indonesia and the Philippines in 2023, when delegations of judges met first in Bogor and Jakarta, then in Tagaytay and Manila, to compare notes on victim-sensitive court procedures, child-sensitive adjudication, the Do No Harm principle, and access to justice in trafficking cases. That work was carried forward with great care by Working Group Judicial Education & Training. What began as a bilateral pilot did not stop there; through the Council of ASEAN Chief Justices and the Working Group on Judicial Education and Training, it grew into the region-wide Compendium now before you.

That partnership continues today. The Supreme Court of the Philippines, through the Philippine Judicial Academy, has carried the Co-Chairmanship of WG-JET with a patience I have come to admire, coordinating input from ten judiciaries, reconciling different legal traditions, and keeping this project moving through the years when consensus was slow to arrive. Indonesia is glad to share this chair, but much of the persistence behind this Compendium belongs to our colleagues in Manila.

Indonesian courts sit within a civil law tradition quite different from the common law systems of several neighboring judiciaries, and different still from the customary and religious frameworks that inform adjudication elsewhere in the region. A compendium of good practices does not ask any of us to set those differences aside; it asks something more modest, and I think more useful: that we learn from how one another's courts have actually handled these cases, whatever the legal architecture behind them. That is why this book will find a use on the bench in Jakarta as readily as in Manila, Hanoi, Bangkok, and elsewhere in ASEAN.

None of this would exist without every ASEAN judiciary that contributed its experience so candidly, nor without the ASEAN-Australia Counter Trafficking Program (ASEAN-ACT) and UNODC, whose sustained technical support turned years of dialogue into something judges can actually put to use. To all of them, my thanks.

To the judge who reaches for this Compendium before a difficult case: you are not the first to face the question in front of you. Somewhere in these pages, a colleague from another ASEAN court has likely faced it too, and written down what they learned. My hope is only that this book keeps doing that work, case by case, court by court, until our judiciaries stand a little more as one community, and the region we serve grows a little safer and a little closer to the shared prosperity we all hope for.

**Hon. Justice Syamsul Maarif**
*Co-Chair, Working Group on Judicial Education and Training (WG-JET),*
*Council of ASEAN Chief Justices (CACJ)*
*Supreme Court of the Republic of Indonesia*

# FOREWORD FROM THE PHILIPPINES
## 2026

The administration of justice demands not only fidelity to the law, but a deep and abiding commitment to human dignity—more so when those who come before our courts are among the most vulnerable in society. It is in this context that I commend the Compendium of Good Practices in Adjudicating Trafficking in Persons Cases: Lessons Learned and Responses to Challenges, Volume 1, 2026 Edition, a work that stands as both a reflection of our collective progress and a guidepost for the path ahead.

This Compendium is a testament to the sustained and meaningful collaboration among ASEAN judiciaries under the auspices of the Council of ASEAN Chief Justices (CACJ), particularly through the Working Group on Judicial Education and Training (WG-JET). From its origins in the Pilot Judicial Knowledge Exchange between Indonesia and the Philippines, to its expansion across ASEAN Member States, it reflects the strength of regional cooperation grounded in shared values and mutual learning.

What distinguishes this work is its practical and experience-based approach. It goes beyond doctrinal exposition and captures the realities encountered by judges—highlighting both the challenges and the innovative practices developed in response. The emphasis on victim-centered adjudication, the application of the Do No Harm principle, the protection of children and other vulnerable sectors, and the effective use of digital and forensic evidence demonstrates an evolving judiciary that is both principled and adaptive.

Equally significant is its recognition of the judiciary's evolving role. Judges are no longer passive arbiters of disputes; they are active stewards of justice who must ensure that court processes do not inadvertently compound the harm suffered by victims. The Compendium underscores that how justice is delivered is as important as the outcome itself.

The 2026 edition, revised in time for the 13$^{th}$ CACJ Meeting, affirms the Compendium's character as a living document—one that continues to grow through ongoing dialogue, capacity-building, and shared experience. It embodies a commitment not only to improving adjudication, but to strengthening public trust in the justice system across our region.

I thank my Co-Chair from CACJ Indonesia, Justice Syamsul Maarif, for his determined leadership in making a truly valuable resource out of this Compendium to foster consistency, competence, and compassion in the adjudication of trafficking in persons cases across the ASEAN.

I extend my commendation to all those who contributed to this important work—our judges, judicial educators, technical writers and editors, secretariat and support staff. In particular, I would like to thank, by name, the following: Judge Jocelyn Sundiang Dilig, Judge Cynthia Martinez Florendo, Judge Roslyn Rabara-Tria, Judge Gracelina Gagarra-Tria, Judge Flordeliz Cabanlit-Fargas, Atty. Devery Jean Katrina Tumilba, Atty. Ronaldjerick Peter Baclig, Atty. Regine Constance Reyes and Ms. Micaela Hosillos.

Likewise, with grateful thanks I acknowledge the steady funding support and technical assistance of ASEAN ACT and UNODC in the conduct of the JKEs and the consolidation of good practices into one ASEAN Compendium. May this Compendium continue to guide and inspire our judiciaries in upholding the rule of law, protecting the vulnerable, and ensuring that justice, in its fullest sense, is achieved.

**Hon. EDGARDO L. DELOS SANTOS (Ret.)**<br>
*Acting Chancellor, Philippine Judicial Academy*<br>
*Supreme Court of the Philippines and*<br>
*Co-Chair, WG-JET CACJ Philippines*

# TABLE OF CONTENTS

# INTRODUCTION

The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) was signed on 21 November 2015, had entered into force on 8 March 2017, and achieved universal ratification among ASEAN Member States in 2020.[3] This milestone necessitated sustained collaboration and coordination to strengthen the regional justice response to TIP, particularly through capacity building for law enforcement, prosecutors, and judges, as mandated by the ACTIP, ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA) and ASEAN Multi-Sectoral Work Plan Against Trafficking in Persons 2023-2028 (Bohol Work Plan 2.0).

Recognising this, the Council of ASEAN Chief Justices (CACJ) acknowledged the proposal from ASEAN-ACT for a pilot project on judicial knowledge exchange. Specifically, in the 10th CACJ Meeting in Kuala Lumpur, Malaysia, the Council declared:

> *"THE ACKNOWLEDGEMENT of the approach by the ASEAN-Australia Counter Trafficking (ASEAN–ACT) with the intention to support the implementation of a Judicial Education and Training program according to the priority of the Work Plan 2020 – 2025, and THE AGREEMENT for the Working Group on Judicial Education and Training to explore the suitability according to the Working Group's priority and to submit its recommendations to the CACJ for approval prior to implementation. (Paragraph 14, Kuala Lumpur Declaration)."*

In accordance with this declaration, the CACJ WG-JET Co-Chairs conducted a Pilot JKE Project between Indonesia and the Philippines to evaluate the proposal's feasibility. Two exploratory activities were held in July and September 2023, resulting in a knowledge exchange between Indonesian and Philippine judges. These activities focused on sharing of good practices and challenges in adjudicating TIP cases, particularly in applying victim-centred approaches, normalising the use of ASEAN mechanisms for information exchange and capacity-building in implementing the ACTIP across ASEAN Member States. A hybrid consolidation workshop was also held in May 2024. The insights and experiences shared during the Pilot JKE Project in Indonesia and the Philippines served as a foundational contribution to the development of a regional compendium of lessons learned and good practices.

In addition, the Pilot JKE Project also led to the establishment of a technical working group of *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan,* the Supreme Court of Indonesia, the Philippine Judicial Academy - Supreme Court of the Philippines and the ASEAN-ACT, tasked with the development of a compendium of lessons learned and good practices of the Pilot JKE Project, which would serve as a resource for judges and legal practitioners across the ASEAN region.

---

[3] ASEAN Convention Against Trafficking in Persons, Especially Women and Children, November 21, 2015 done at Kuala Lumpur, Malaysia, entered into force March 8, 2017 [hereinafter ACTIP].

During the 11th CACJ Meeting held in November 2024, CACJ issued the Cebu Declaration which agreed on the expansion of the JKE on TIP among ASEAN Judiciaries *by using the Framework for a Judicial Knowledge Exchange on TIP Adjudication in ASEAN and the completion of the Compendium of Good Practices in Adjudicating TIP Cases in ASEAN Member States: Lessons Learned and Response to Challenges with other ASEAN Judiciaries.*

Pursuant to the Cebu Declaration, the Compendium was further enriched in 2025 with additional inputs from the two legs of JKE in 2025 and 2026. The 2025 JKE was held in September 2025 in Vientiane, Lao PDR, with participating ASEAN Member States (AMS) Lao PDR, Malaysia, Myanmar and Singapore, while the 2026 JKE was held in February 2026 in Bandar Seri Begawan, Brunei Darussalam, with participating AMS Brunei Darussalam, Cambodia, Thailand and Viet Nam. The Compendium now incorporates contributions from these eight AMS which appear in two (2) additional separate volumes of the Compendium. Indonesia and the Philippines also updated their respective sections in this current Volume 1 to reflect recent developments and practices.

The Compendium provides practical, experience-based insights and serves as a supplemental resource to strengthen a victim-centred approach in TIP cases. It seeks to broaden the understanding of judges and stakeholders by bridging legal principles with practice-oriented guidance, while also encouraging innovation and the adoption of context-responsive strategies. Ultimately, it supports the continuous enhancement of judicial competence, consistency, and sensitivity in addressing TIP cases across the ASEAN region.

Building on present work and collaborative efforts, the Compendium was reviewed and updated to incorporate recent case experiences, jurisprudential developments, and capacity-building initiatives across ASEAN jurisdictions. Mechanisms such as judicial dialogues, regional workshops, peer exchanges, and knowledge-sharing platforms contribute to enriching its content with real-world insights. These ongoing efforts ensure that the Compendium remains grounded in actual practice, reflecting both successes and persistent challenges in victim-sensitive adjudication. Volume 1 of the Compendium of Good Practices comprising the good practices of Indonesia and the Philippines and initially published in 2024 is now updated in this 2026 edition.

# DEFINITION

**1. Child** : Refers to any person under eighteen (18) years old.[4]

In *Indonesia, a* child refers to a person under the age of 18 (eighteen) years old, including an unborn baby.[5]

In the *Philippines,* a child refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.[6]

**2. CSAM/CSEM** : Refers to Child Sexual Abuse Material or Child Sexual Exploitation Material, which shall include visual material, and may include written or audio content, that depicts, describes or represents any person under 18 years of age:

a. Engaging in real or simulated sexual activity;

b. In the presence of a person engaging in any sexual activity;

c. Whose sexual parts are displayed for primarily sexual purposes;

d. Subjected to torture or cruel, inhumane or degrading treatment; or punishment and such material is sexual in nature.[7]

*In Indonesia,* CSAM is equivalent to child pornography defined in Law No. 44 of 2008 on Pornography as any form of pornography that involves a child, or that involves adults who portray or behave as children. It includes pictures, sketches, illustrations, photographs, writings, sounds, audio recordings, moving images, animations, cartoons, conversations, gestures, or other forms of messages conveyed through various media of communication and/or public performances that contain obscenity or sexual exploitation in violation of societal norms of decency and morality.[8] In this regard, Article 407 of Law No. 1 of 2023 on the Criminal Code (2023 Criminal Code) supersedes the relevant provisions of Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic

---

4 ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP), Article 2(d).

5 Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Article 1 (5).

6 Sec. 3(b), Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003."

7 Updated Draft of United Nations Convention against Cybercrime (Crimes Committed through the Use of an Information and Communications Technology System), art. 14 (2), Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes, UN Doc A/AC.291/L.15, https://documents.un.org/doc/undoc/gen/v24/055/06/pdf/v2405506.pdf.

8 Law No. 44 of 2008 on Pornography, Article 4(1) Jo Article 1(1).

Information and Transactions. The provision criminalises not only active involvement in child sexual exploitation but also the production, reproduction, distribution, transmission, importation, exportation, offering, trading, rental, or provision of pornographic materials.

*In the Philippines,* a 2022 amendment provides that child sexual abuse or exploitation material or child sexual abuse material (CSAEM/CSAM) refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written, or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child. For purposes of this Act, CSAEM may interchangeably be referred to as CSAM;[9]

**3. Regional Trial Court/Family Court** : Refers to a trial court in the Philippines which has jurisdiction to try and decide trafficking in persons cases.[10]

**4. Cross-border** : Refers to trafficking or related acts that occur across national borders, involving movement or operations between two or more countries.[11]

**5. Compensation[12]** : Refers to payment of money or other forms of reparation to victims of trafficking to remedy damages suffered as a result of being trafficked.

There are two forms of compensation that can be provided to victims of trafficking:

a. Restitution: compensation awarded by court as result of criminal or civil lawsuit. Restitution can include material and non-material damages, such as for pain and suffering while trafficked, medical expenses, underpaid or unpaid wages, lost opportunities, reimbursement of illegal "fees" (for example, paid to a recruitment agency), compensation for "fines" or "fees" imposed by traffickers and other costs to restore the victim's pre-trafficking situation. It may also involve safe repatriation, temporary residence status, vacating criminal convictions resulting from being trafficked, and addressing root causes to prevent re-trafficking. Restitution aims to

---

9 Section 3(c), Republic Act No. 11930, otherwise known as the "Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials Act."

10 Section 20, Batas Pambansa Blg. 129, as amended; Section 5, Republic Act No. 8369.

11 Article 3(a), Palermo Protocol.

12 See further, United Nations Office on Drugs and Crime [UNODC], Toolkit to Combat Trafficking in Persons Global Programme against Trafficking in Human Beings, 2008, pages 403 - 415, https://www.unodc.org/documents/human-trafficking/HT-toolkit-en.pdf.

resolve or redress victims' suffering due to trafficking and provide comprehensive remedies tailored to make victims whole again.

b. State Compensation: government-funded compensation provided to the victims of trafficking regardless of whether the perpetrators have been convicted or punished. State compensation program is designed to provide financial assistance to victims of trafficking to help them recover from their suffering.

Effective access to compensation and restitution is now widely recognised to be a right owed to trafficked persons under international, regional, and national laws. The ACTIP unambiguously affirms the obligation of ASEAN Member States to ensure that their domestic legal systems contain measures that offer victims of trafficking in persons the possibility of obtaining compensation for damage suffered.[13]

Indonesia defines restitution as payment of damages imposed on the offender or a third party pursuant to a court order or a final and binding court judgment, for the material and/or immaterial losses suffered by the victim or the victim's heirs.[14] Compensation is defined as damages paid by the State when the offender is unable to fully provide the compensation for which he or she is responsible to the victim or the victim's family.[15]

Under Criminal Procedure Code, Indonesia also recognises "*ganti rugi*" claims which provides a remedy for individuals whose rights have been violated for being arrested, detained, prosecuted, or brought to trial without lawful grounds, by reason of mistaken identity or an error in the application of the law. Such claims are pursued through pre-trial (*pra-peradilan*) proceedings.

**6. Court official** : Refers to a judge, referee, court administrator, prosecutor, probations officer, advocate,[16] whether employed by or under contract with the court, who is authorised to act on behalf of the court. In some jurisdictions like Indonesia, court officials include court registrars, substitute registrars and clerks.

13 ACTIP, Article 14(13).

14 Law No. 20 of 2025 on Criminal Procedure Code, Article 1 (43).

15 Law No. 20 of 2025 on Criminal Procedure Code, Article 1 (44).

16 According to 2025 Criminal Procedure Code, an advocate is a person who practices the legal profession by providing legal services both inside and outside the court and who meets the requirements prescribed by the laws and regulations governing advocates, and/or a person who may provide legal services both inside and outside the court as part of community service in the form of free legal assistance in accordance with the applicable laws and regulations.

**7. Digital evidence** : Refers to digital traces, active digital footprint or passive digital footprint, that are left behind as the result of individuals' use of information and communication technology and introduced to the court as evidence.[17]

In Indonesia, digital evidence means information that is spoken, transmitted, received, or stored electronically by optical or similar means, including any record of data or information that can be seen, read, and/or heard and that can be produced with or without the assistance of a device, whether embodied on paper, any physical object other than paper, or recorded electronically, in the form of writings, images, maps, designs, photographs, letters, signs, numbers, or perforations that convey meaning.[18]

**8. Do No Harm[19]** : Refers to a principle borrowed from the medical Hippocratic Oath which has been applied to other fields such as international development. A Do No Harm approach recognises that well-intended actions designed to help or assist may inadvertently cause harm and requires that practitioners identify and mitigate any potential harms. DNH has a lot in common with human rights-based, gender responsiveness and social inclusion approaches. DNH promotes non-discrimination and the importance of social identity in understanding and assessing individual experiences of harm.

**9. Gender-responsive approach** : Refers to an approach that requires all stakeholders to be aware and respectful of the rights and the special concerns and needs of women and girls, to provide proper services to them.[20] All stakeholders should also determine the gender of the victim to provide appropriate support and services such as health care, interviews, safe shelters, etc.[21]

**10. Gender-sensitive approach** : Refers to an approach that takes into account the gender-specific needs of all persons according to the type of harm and exploitation to which they were subjected. It helps us design and implement responses and interventions that are tailored to these needs. It increases our capacity to address gender biases, identify 'non-ideal' victim profiles, promote

---

17 See further, United Nations Office on Drugs and Crime, Sharing Electronic Resources and Laws on Crime, Digital evidence, accessed on 17 September 2024 https://sherloc.unodc.org/cld/en/education/tertiary/cybercrime/module-4/key-issues/digital-evidence.html.

18 Law No. 20 of 2025 on Criminal Procedure Code, Article 235.

19 ASEAN - Australia Counter Trafficking [ASEAN-ACT], Do No Harm Guide for Working with Trafficked Persons | Inclusive ASEAN-ACT Implementation, 2021, page 1, retrieved from https://www.aseanact.org/wp-content/uploads/2021/11/SimplifiedVersion-DoNoHarmGuide.pdf.

20 ASEAN, Facilitator's Guide Advanced Training for Frontline Responders on Gender Sensitive and Victim-Centered Approaches to Working with Victims of Trafficking in Persons, 2022, page 10, retrieved from https://asean.org/wp-content/uploads/2023/07/ACWC-Facilitators-Guide-1.pdf.

21 *Id*.

the engagement of men and boys in tackling discriminatory stereotypes of masculinity and femininity, and address the root causes of violence against women and girls.[22]

**11. Non-Punishment Principle** : Refers to a recognition in practice and policy that victims **shall not be penalised** for unlawful acts **directly related to their trafficking situation** (e.g., immigration violations, prostitution-related offenses).[23]

In Indonesia, the non-punishment principle is explicitly guaranteed in Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons and Law No. 6 of 2011 on Immigration.

**12. Persons with disabilities** : Refers to persons who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.[24]

Protection for persons with disabilities in ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) is reflected in the recognition of offences committed against victims with disabilities as an aggravating circumstance, resulting in higher penalties.[25]

Indonesia has Law No. 8 of 2016 on Person with Disability to provide opportunities for persons with disabilities in all aspects of public and social life and to fulfil their rights, including the provision of accessibility and reasonable accommodation. The law defines a person with disability as any person who has long-term physical, intellectual, mental, and/or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

**13. Plea bargain** : Refers to an agreement in criminal law proceedings, whereby the prosecutor provides a concession to the defendant in exchange for a plea of guilt or *nolo contendere*. This may mean that the defendant will plead guilty to a less serious charge, or to one of the several charges, in return for the dismissal of other charges; or it may mean that the defendant will plead guilty to the original crime charge in return for a more lenient sentence.[26]

---

22 Adapted from OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Applying gender-sensitive approaches in combating trafficking in human beings (Vienna, 2021), as cited in *ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of Victims of Trafficking in Persons.*

23 UNODC, Recommended Principles and Guidelines, Guideline No. 4; OHCHR Commentary; ASEAN Guideline on the Implementation of the Non-Punishment Principle for Protection of Victims of Trafficking in Persons, ASEAN, 2025.

24 Convention on the Rights of Persons with Disabilities, Article 1, May 30, 2008, 2515 UNTS 3, entered into force May 3, 2008.

25 ACTIP, Article 5 (3).

26 Garner, Bryan A., ed. (2000). Black's Law Dictionary (7th ed.). St. Paul, Minn.: West Group. page 1173.

Plea bargaining is a relatively new concept in Indonesia's criminal justice system. Law No. 20 of 2025 on Criminal Procedure Code (2025 Criminal Procedure Code) introduces a plea bargaining mechanism that differs from the common law model.[27]

Plea bargaining governed by the Criminal Procedure Code does not allow bargaining for a lesser charge. The result of this plea bargaining is expedited court proceedings. The plea bargaining takes place during the pre-trial stage[28] with the following requirements: (i) the defendant has no prior criminal convictions, thereby restricting the mechanism to first-time offenders; (ii) the offence carries a maximum penalty of no more than five years' imprisonment or a fine not exceeding Category V (IDR 500 million); (iii) the defendant agrees to pay compensation or restitution. However, most TIP offences in Indonesia carry a maximum penalty of more than five years' imprisonment under the Law No. 1 of 2026 on Adjustment of Criminal Penalties, rendering this procedure inapplicable to most TIP offences and only applicable to limited TIP offences.

In the Philippines, plea bargain refers to a process whereby the accused and the prosecution work out a mutually satisfactory disposition of the case subject to court approval.[29]

**14. Restorative justice** : Refers to an approach that offers offenders, victims and the community an alternative pathway to justice.[30] It promotes the safe participation of victims in resolving the situation and offers people who accept responsibility for the harm caused by their actions an opportunity to make themselves accountable to those they have harmed.[31] It is based on the recognition that criminal behaviour not only violates the law, but also harms victims and the community.[32]

**15. Trauma-informed care** : Refers to recognition of the impact of traumatic experiences (specifically, a range of physical or psychological violence that may include abuse prior to and during the actual trafficking experience) on an individual's life and behaviour, and on their perceptions of themselves and their bodies.[33] It recognises the signs and symptoms of trauma in trafficked victims. Similar to the victim-centred approach, it focuses on the victim's safety

27 Further details are available under Component A section.

28 Law No. 20 of 2025 on Criminal Procedure Code, Article 78.

29 People v. Villarama, Jr., [PH], 285 Phil. 723, 730 (1992).

30 UNODC, Handbook on Restorative Justice Programmes (2nd ed.), Criminal Justice Handbook Series, page 4, retrieved from https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf.

31 *Ib*.

32 *Id*.

33 IOM, Caring for Trafficked Persons: Guidance for Health Providers, 2012, https://publications.iom.int/books/caring-trafficked-persons-guidance-health-providers

and security and safeguards against policies and practices that may traumatize victims.[34]

**16. Victims of trafficking** : Refers to any natural person who is subject to an act of trafficking in persons which is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.[35]

**17. Victim-centred approach[36]** : Refers to an approach with a systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a non-judgmental manner. It means placing the needs and priorities of victims at the forefront of any response.

**18. Vulnerability** : Refers to those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked. These factors are generally agreed to include human rights violations such as poverty, inequality, discrimination and gender-based violence. (Abuse of a position of vulnerability and other "means" within the definition of trafficking in persons (unodc.org). The conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards (https://www.undrr.org/terminology/vulnerability).

Vulnerability in trafficking means any state of hardship in which a human being is impelled to accept being exploited. This hardship includes any kind, whether physical, physiological, or economic. Vulnerability is typically used to refer to those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked. (EU Trafficking Convention, Explanatory Report and UNODC Guidance Note on Abuse of Vulnerability as a Mean of Trafficking in Persons).

---

34 Human Trafficking Task Force e-Guide: Using a trauma-informed approach. Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice, Revised August 2025, https://www.ovcttac.gov/downloads/resourceLibrary/Human-Trafficking-Guide_508c_JP_1-23-26.pdf

35 ACTIP, arts. 2(e) *juncto* 2(a).

36 Various definitions ast taken from ASEAN, ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of Victims of Trafficking in Persons, 2024, p. 5, retrieved from https://acwc.asean.org/wp-content/uploads/2024/06/ASEAN-Do-No-Harm-Guide-Capacity-Enhancement-of-Frontline-Responders-in-Countering-Trafficking-Using-Victim-Centred-and-Gender-sensitive-Approaches.pdf.

# REGULATORY OVERVIEW


1. At the regional level, the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) governs the counter-trafficking efforts and coordination among the ASEAN Member States. The Philippines had ratified ACTIP on 6 February 2017 while Indonesia ratified the same on 27 November 2017.[37] ACTIP is implemented through APA and Bohol Work Plan 2.0. ACTIP was developed by taking into account the relevant international conventions, including the United Nations Convention against Transnational Organized Crime (UNTOC) and Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).[38] Both Indonesia and the Philippines have ratified the UNTOC and Palermo Protocol.[39] In addition, both countries are parties to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which provides an important framework for addressing the gender dimensions of trafficking in persons.

2. In Indonesia, the counter-trafficking framework is governed by Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (Indonesia Anti-TIP Law, as partially amended by Law No. 1 of 2023 on Criminal Code, and further amended by Law No. 1 of 2026 on Adjustment of Criminal Penalties, particularly on criminal penalty and fine for TIP offences). In addition, Law No. 23 of 2002, as amended by Law No. 35 of 2014 on Child Protection, provides provisions related to child trafficking and Law No. 12 of 2022 on Sexual Violence Crimes (Indonesia Sexual Violence Crimes Law) on trafficking for the purpose of sexual exploitation and Government Regulation No. 29 of 2025 on Victim Fund for Sexual Violence Crimes, Law Number 3 of 2026 on the Protection of Witnesses and Victims and Law Number 63 of 2024 on the Third Amendment to Law Number 6 of 2011 on Immigration. In addition, the Supreme Court of Indonesia has issued its Regulation No. 2 of 2025 on Guidelines on Case Adjudication involving Persons with Disabilities in conflict with the Law. TIP cases are governed by the Criminal Procedure Code, which entered into force in early 2026. As the Code contains transitional provisions allowing certain proceedings to continue under the previous framework, the new Code has not yet been fully implemented. By the time when this Compendium is published, further implementing regulations and practical guidance are awaited to support consistent and effective application of the new procedural Code.

3. The Philippines' counter-trafficking framework is governed by Republic Act No. 9208 of 2003 or the Anti-Trafficking in Persons Act, as amended by Republic Act No. 10364 in 2012, and further amended by Republic Act No. 11862 in 2022 (Philippines Anti-TIP Law).

4. The definition of Trafficking in Persons (TIP) under ACTIP, Indonesia Anti-TIP related laws and Philippines Anti-TIP Law is as follows:

| | |
|---|---|
| **ACTIP** | Recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or |

[37] Retrieved from https://agreement.asean.org/agreement/detail/330.html.

[38] ACTIP, Preamble, para. 3.

[39] Philippines ratified UNTOC and Palermo Protocol on 28 May 2002 and Indonesia on 20 April 2009.

of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.[40]

| | |
|---|---|
| **Indonesia Anti-TIP related laws** | Recruitment, transportation, harbouring, sending, transfer, or receipt of a person by means of threat or use of force, abduction, incarceration, fraud, deception, the abuse of power or a position of vulnerability, debt bondage or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, whether committed within the country or cross-border, for the purpose of exploitation or which causes the exploitation of a person.[41] |
| **Philippines Anti-TIP Law** | Recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harbouring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, servitude or the removal or sale of organs.<br><br>The recruitment, transportation, transfer, harbouring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.[42] |

5. Palermo Protocol, ACTIP, Indonesia Anti-TIP Law and Philippines Anti-TIP Law define exploitation as:

| | |
|---|---|
| **Palermo Protocol** | Although Palermo Protocol does not define "exploitation" per se, it includes examples of exploitation, such as prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to |

[40] ASEAN Convention Against Trafficking in Person, Article 2(a).

[41] Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Article 1 (1). English version available at https://www.warnathgroup.com/wp-content/uploads/2015/03/Indonesia-TIP-Law-2007.pdf , as amended by Article 455 of Indonesia Criminal Code.

[42] Republic Act No. 9208 of 2003 on the Anti-Trafficking in Persons Act as amended by Republic Act No. 10364 in 2012 and further amended by Republic Act No. 11862 in 2022 (PH), Section 3(a) (2013).

slavery, servitude or the removal of organs. These examples are non-exhausted but serve as minimum.

| | |
|---|---|
| **ACTIP** | At a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.[43] |
| **Indonesia Anti-TIP Law** | An act committed with or without the consent of the victim which includes but is not limited to prostitution, forced labour or service, slavery or practices similar to slavery, repression, extortion, physical abuse, sexual abuse, abuse of the reproductive organs, or the illegal transfer or transplantation of body organs or the use of another persons' labour or ability for one's own material or immaterial profit.[44]<br>Sexual Exploitation shall mean any form of the use of sexual organs or other organs of the victim for the purpose of obtaining profit, including but not limited to all acts of prostitution and sexually indecent acts.[45]<br>To strengthen the Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons, several types of exploitation are also regulated in other laws, such as Law No. 1 of 2023 on Criminal Code, the Law No. 35 of 2014 on Child Protection and Law No. 12 of 2022 on Sexual Violence Crimes. |
| **Philippines Anti-TIP Law** | At a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, servitude or the removal or sale of organs.[46]<br>Sexual Exploitation refers to any means of actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes or lewd designs, including profiting monetarily, socially, or politically from the sexual exploitation of another, regardless of whether or not consent was given.[47]<br>Trafficking for purposes of exploitation of children shall include:<br>"(1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labour, including recruitment of children for use in armed conflict;<br>"(2) The use, procuring or offering of a child for prostitution, for the production of Child Sexual Abuse Material and Exploitation Material (CSAEM) or Child |

43 ASEAN Convention Against Trafficking in Persons, Article 2 (a).

44 Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (ID), Article 1 (7). The Indonesia Sexual Violence Crimes Law defines that trafficking for the purpose of sexual exploitation shall be deemed as a sexual violence crime.

45 Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons (ID), Article 1 (8).

46 Republic Act No. 9208 of 2003 on the Anti-Trafficking in Persons Act (PH), Section 3(a).

47 Republic Act No. 9208 as amended by Republic Act No. 11862 on the Anti-Trafficking in Persons Act (PH), Section 3(h).

Sexual Abuse Material (CSAM),[48] pornography, or for pornographic performances;

"(3) The use, procuring or offering of a child for the production and trafficking of drugs; and

"(4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals.[49]

6. Further details of ACTIP, Indonesia Anti-TIP Law and Philippines Anti-TIP Law are attached as **ANNEX 1**.

[48] Republic Act No. 11862, Sec. 3 (m), "Expanded Anti-Trafficking in Persons Act of 2022": Child Sexual Abuse and Exploitation Material or Child Sexual Abuse Material (CSAEM or CSAM) - refers to photos, images, videos, recordings, streams, or any other representation or form of media, depicting acts of sexual abuse and exploitation of a child or representation of a child as a sexual object, whether or not generated digitally or by, through, and with the use of information and communications technology. It shall also include materials that focus on real or simulated genitalia or other private body parts of a child.

[49] Act No. 9208 on the Anti-Trafficking in Persons Act (PH), Section 4(k).

# VICTIM-CENTRED APPROACH

1. One of the challenges for court officials and law enforcement officers is to understand the diverse characteristics, experiences, and needs of victims, and to reconcile victim participation with legal, institutional, and professional demands. Court officials and law enforcement officers all play a vital role in managing the expectations of victims and treating them with dignity.
2. In trafficking cases, victims are often the only source of evidence, and without their cooperation, it is difficult to prosecute the perpetrators.[50] To protect those victims who want to participate in the criminal justice process, the justice process must apply a victim-centred approach.
3. A victim-centred approach[51] is the systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a non-judgmental manner. It means placing the needs and priorities of victims at the forefront of any response.
4. There is no singular definition but UNHCR has defined it as: In the context of sexual exploitation and abuse and sexual harassment, a victim-centred approach is a way of engaging with victim(s) that prioritises listening to the victim(s), avoids re-traumatisation, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving back as much control to victim(s) as feasible and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner."
5. The Bali Process defines a victim-centred approach as: taking into account the individual needs of the victims and tailoring the protection responses accordingly. It should be based on the fundamental principles of safety, confidentiality and non-discrimination. It should also be applied irrespective of whether the victim participates in the criminal justice process.
6. The objectives of a victim-centred approach are:[52]
    a. To protect and advance the rights of victims and witnesses;
    b. To reduce the possibility of re-victimisation or re-traumatisation;
    c. To recognise the emotional and psychological impact of the traumatic experience on the individual;
    d. To recognise the needs of the victims during the criminal justice process, and provide victims with control and agency in the process of seeking justice, support, and recovery;
    e. To protect the integrity of the criminal justice system; and
    f. To build confidence in the criminal justice system and processes.

---

50 ASEAN-ACT, Victim Sensitive Courts – A Handbook for ASEAN Member States (ASEAN – Australia Counter Trafficking, 2002), 6. https://aseanactpartnershiphub.com/resource/vsc-handbook/.

51 Various definitions as taken from ASEAN, ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of Victims of Trafficking in Persons, 2024, p. 5, retrieved from https://acwc.asean.org/wp-content/uploads/2024/06/ASEAN-Do-No-Harm-Guide-Capacity-Enhancement-of-Frontline-Responders-in-Countering-Trafficking-Using-Victim-Centred-and-Gender-sensitive-Approaches.pdf.

52 *Id.*

7. Victim Sensitive-Court Indicators

    a. In order to ensure that the process is victim sensitive and does not create further harm for the victim, the Victim Sensitive-Court Indicators (VSCI) can be used as a reference for the court officials to protect the rights of trafficked persons and to strengthen gender-responsive, victim-centred, child-friendly, and inclusive approaches to adjudicating TIP cases.

    b. The underlying principle of VSCI is that victims of trafficking are victims of crime and, as such, they have a right to justice. They should be treated with compassion and respect, all services should be victim-centric, and special protections should be afforded to those especially vulnerable such as children and persons with disabilities.[53]

       VSCI serves as a framework to assist the formal justice sector, in particular courts, to protect the rights of trafficked persons and to strengthen gender-responsive, victim-centred, child-friendly, and inclusive approaches to adjudicating TIP cases.

    c. The eight VSCI are:[54]

        1. Victim safety and privacy;
        2. Victim sensitive court proceedings;
        3. Trained justice sector personnel;
        4. Victim information and services;
        5. Physical, psychological, and social recovery of victims;
        6. Medical and forensic services for victims;
        7. Special provisions for children victims; and
        8. Special provisions for vulnerable victims including victims with a disability.

8. Do No Harm Approach

    a. Applying a Do No Harm approach is also critical to ensuring victims are protected throughout the criminal justice process. Trafficking victims are disproportionately vulnerable to discrimination and exploitation due to factors such as gender, religion, ethnicity, sexuality, migrant status, age or disability. At all stages of the criminal justice process there is potential for harm, including misidentifying victims as criminals, failing to provide adequate information and interpretation during legal proceedings, and returning victims to their place of origin despite the risk of retaliation from traffickers.

    b. Some Do No Harm principles relevant to counter TIP efforts include: (i) respect and protection of human rights; (ii) confidentiality, right to privacy and anonymity; (iii) full information and consent; (iv) self-determination and participation; (v) non-discrimination; (vi) gender sensitivity; and (vii) best interests of the child.[55]

    c. Judges play a critical role in reducing harm to and upholding the rights of victims of trafficking and need to be cognisant of the way they conduct trials and control the courtroom when there are victims and witnesses of TIP. These principles are equally applied when the victim of trafficking has committed a crime.

    d. Additional sources of harm include poorly designed and delivered psychosocial, community-based, and economic/vocational programs that do not adequately consider an individual's

---

[53] *Id.*, 11.

[54] *Id.*, 12.

[55] ASEAN-ACT, Do No Harm Guide for Working with Trafficked Persons | Inclusive ASEAN-ACT Implementation, 2021, page 2.

privacy, social and cultural identity, autonomy, and agency. From first responders like non-governmental organisation practitioners and law enforcement officers to prosecutors, judges, and policymakers, it is crucial to make every effort to avoid causing harm while protecting and assisting victims of human trafficking.[56]

In 2023, the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) developed the ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of Victims of Trafficking in Persons.[57] This guide serves as a practical resource for first responders (for example, law enforcement, social workers, and victim support organisations) aiming to minimise harm and uphold victims' rights at every stage of assistance and protection.

Even when the victims have voluntarily agreed to fully participate and are prepared by the prosecutor to testify truthfully and to respond to defense questioning, victims remain vulnerable to intimidation in and around the court. They can easily be influenced, their credibility can be demolished by a strong defense counsel, or they can be persuaded into withdrawing their cooperation by the traffickers, either through bribery or intimidation directed to the victims and/or their families. Victims may feel a sense of blame or shame as a result of being interrogated or judged. Those who are forced to face their traffickers may be re-traumatised during the proceeding.

The judges play an important role in applying the Do No Harm principles and preventing or minimising the risk of re-traumatisation. Acknowledging the potential psychological harm that legal proceedings can inflict on trauma victims or survivors is the first step to ensuring a fair and compassionate judicial process. Judges who understand the impacts of trauma on victims or survivors apply the DNH principles by creating a safe, supportive, and comfortable environment, conducting sensitive questioning, providing reasonable courtroom breaks, holding closed-door proceedings, and allowing the presence of support persons for victims.

e. In promoting the application of the Do No Harm approach, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) has developed the ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of Victims of Trafficking in Persons in 2023. This Guide identifies potential harms facing victims of trafficking in five thematic areas: i) victim identification; ii) recovery, reflection and shelter; iii) return and reintegration; iv) medical and mental healthcare; and the v) criminal justice process[58] and documented good practices in the region in addressing those harms.

9. The principles of a victim-centred approach, the use of VSCI and Do No Harm approach underpin the basis for the pilot JKE and serve as the foundation of subjects explored during the two visits.

10. The following section examines the six (6) key areas discussed during the JKE, namely, Court Proceedings and Evidence, Victim Support and Protection, Best Interests of the Child, Compensation and Restitution, Evidence-based Analysis of TIP Decisions, and Capacity-Building for Judges. Each section details the challenges faced by each country and highlights good practices in implementing a victim-centred approach in TIP cases.

---

56 *Id*.

57 https://www.aseanact.org/wp-content/uploads/2023/01/2022-DNH-Final-ENG.pdf

58 ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) and ASEAN-Australia Counter Trafficking program (ASEAN-ACT), ASEAN Do No Harm Guide for Frontline Responders: Safeguarding the rights of Victims of Trafficking in Persons (ACWC: 2023), 1.

# KEY ISSUES, CHALLENGES, AND GOOD PRACTICES

## A. Court Proceedings and Evidence

### *Overview*

The protection and support of trafficked persons during court proceedings is a critical aspect of the criminal justice system's response to human trafficking. This issue encompasses two main areas: ensuring the safety, dignity and privacy of victims, and facilitating their ability to cooperate with the criminal justice process effectively. Judges should ensure that dignity and rights of the victim are upheld throughout the court proceedings by using appropriate protective measures.

The primary rationale for implementing protective measures is to maintain the victims' trust and cooperation throughout the legal process. Without adequate protection and support, victims may lose faith in the proceedings, weakening their testimony and potentially compromising the case against traffickers. Moreover, these measures are essential to prevent further trauma and re-victimisation that can occur as a result of participating in trials.

Protective measures may include closing courtrooms to the public during victim testimony and ensuring that judgments and publications protect victims' identities. Such steps not only safeguard victims from potential threats or intimidation but also respect their right to privacy. In terms of evidence presentation, courts strive to create an environment that is conducive to victim cooperation and comfort. This can be achieved through various means, such as expediting the trials, providing separate facilities for victims and witnesses, and allowing support persons and interpreters (including sign language interpreters) to accompany victims during testimony. The use of protective equipment such as screens or closed-circuit television in courtrooms can also help ensure that the victim is protected.

By prioritising the safety, privacy, and comfort of trafficked persons in court proceedings, the justice system can not only better serve victims but also enhance its ability to prosecute traffickers effectively. This approach recognises the unique vulnerabilities of trafficking victims and demonstrates a commitment to justice that goes beyond mere punishment of offenders to encompass the protection and support of those who have suffered from this heinous crime.

### *Challenges*

In the Philippines, the justice system faces significant obstacles when prosecuting human trafficking cases. Some key challenges include victim-related issues such as victims providing false information like fictitious names and addresses, witnesses and/or their families being tampered with or bribed to prevent testimony, and/or witnesses becoming unavailable for court proceedings, particularly in cases where family members are implicated in the trafficking offense. There is also a weak application of victim protection principles, such as the 'non-punishment' principle for victims who commit a crime, as well as court delays where prolonged legal proceedings hinder justice and cause additional stress to victims. Moreover, TIP cases often take years, during which victims relocate, lose contact, or withdraw cooperation.

There is heavy reliance on victim testimony such that when victims recant, disappear, or become inconsistent due to trauma, the cases weaken. Then, there are chain-of-custody issues and an increasing reliance on digital forensics due to the inclusion of OSAEC in the expanded trafficking law[59] also increased the need for cybercrime-trained investigators.

Indonesia faces similar challenges in accurately identifying presumed victims of trafficking and continues to rely heavily on victims' participation throughout criminal proceedings. These challenges are further compounded by limitations in victim support services and uneven skills and knowledge of service providers across Indonesia, which may affect the consistency and quality of victim identification and assistance. In addition, the presence of the Witness and Victim Protection Agency (LPSK) remains limited at sub-national level, creating challenges in ensuring timely and equitable access to protection and support services for victims throughout the country. The varied and inconsistent understanding of trafficking issues among law enforcement officials continues to hamper the effectiveness of anti-trafficking measures. At the same time, traffickers are continuously evolving their tactics to recruit and exploit victims, often outpacing the ability of authorities to respond effectively, for example trafficking for forced criminality and the use of digital recruitment, including online grooming.

Indonesia Anti-TIP Law does not distinguish between child trafficking and adult trafficking, contrary to the mandates of the Palermo Protocol which provides that the requirement to prove the element of means should not apply when the victim is a child.

It also lacks specific provisions for imposing stricter penalties on corporate offenders. It is crucial for this law to include sanctions applicable to managers, controllers, and beneficial owners of corporations, ensuring they are held accountable by providing restitution to victims. Regardless of the absence of such provisions in the Anti-TIP law, liability of corporations is regulated in the new Criminal Code. It allows criminal liability to be imposed on functional managers, the person who gave the order, the controlling person, and/or the beneficial owner of the Corporation.[60] Law No. 12 of 2022 on Sexual Violence Crimes (Sexual Violence Crimes Law) provides similar provision on corporate liability, which is useful in trafficking cases involving sexual exploitation.[61]

Indonesia is still facing challenges in the use and admissibility of evidence in TIP cases, particularly concerning digital evidence. The existing Indonesia Anti-TIP Law does not include provisions related to digital evidence, posing a practical challenge in which digital evidence can be presented for TIP cases. Nevertheless, digital evidence is governed in separate specific laws, such as Law No. 11 of 2008 on Electronic Information and Transaction, and Sexual Violence Crimes Law. The enactment of 2025 Criminal Procedure Code further recognises digital evidence as an admissible form of evidence.[62] The Code grants judges the authority to assess the authenticity of digital evidence and the legality of its acquisition. However, currently there is no specific legal framework

59 Section 6, Republic Act No. 10364.

60 Law No. 1 of 2023 on Criminal Code, Article 49.

61 Law No. 12 of 2022 on Sexual Violence Crimes, Article 18.

62 Article 235 Law No. 20 of 2025 on Criminal Procedure Code.

that governs the chain of custody of digital evidence. As a result, the assessment of its authenticity, integrity, and evidentiary value is largely left to the judge's discretion on a case-by-case basis.

While the Indonesian National Police (POLRI) has internal Standard Operating Procedures (SOPs) guiding the handling of digital evidence, these are not binding on other law-enforcement or justice sector agencies. Further development is needed to regulate the collection, verification, and use of digital evidence in criminal proceedings.

The Indonesian Criminal Procedure Code does not specify types of cases or circumstances in which court proceedings may be conducted in closed session. Instead, it refers to other relevant and specific laws, such as Indonesia Anti-TIP Law and Sexual Violence Crimes Law for the determination of when hearings may be closed to the public. The Indonesia Anti-TIP Law requires closed-door proceedings exclusively for trafficking cases involving child victims or child witnesses. In TIP cases intersecting with sexual violence, the Indonesian Sexual Violence Crimes Law and Criminal Procedural Code regulate that hearings for sexual violence offenses, including sexual exploitation be held in closed session and without the presence of the alleged offender. These provisions are reinforced by the Supreme Court Regulation No. 3 of 2017 on Women in Conflict with the Law which provides procedural guidance for conducting closed-door trials. Collectively, these regulations establish that closed-door hearings are automatically required for certain TIP cases, particularly those involving children or sexual violence, but not for all trafficking cases. Challenges remain in fully applying these practices in court proceedings.

Another critical issue is the standardisation of anonymised decisions for juvenile and sexual assault cases. Despite existing guidelines[63], some published decisions still contain identifying information, or the redacted information can sometimes still be inferred from the context. The implementation of anonymisation practices also remains inconsistent across courts. This underscores the need to strengthen the implementation of standardised anonymisation procedures, including through the adoption of technology-assisted anonymisation tools. The failure to protect the identities of vulnerable individuals further exacerbates the challenges faced by the judicial system in safeguarding the rights and privacy of victims.

## *Good Practices*

1. The Use of Video Teleconference - *Indonesia*

   The Indonesia Anti-TIP Law allows victims/witnesses to testify through video teleconference.[64] This practice is regulated by the Supreme Court through its Regulation No. 4 of 2020 on Electronic Criminal Case Administration and Trial, which has been amended in 2022. The Regulation permits electronic hearings when certain conditions are met, such as significant distance between parties, natural disasters, disease outbreaks, other situations determined by the government, or circumstances deemed necessary by the panel of judges. For example, in the Benjina case (2015),[65] testimonies of victims who had been repatriated to their home countries were heard via teleconference. Hearings involving victims in Myanmar were conducted from the respective Indonesian embassies, demonstrating the use of teleconference to overcome cross-border logistical challenges in a TIP case trial.

[63] See Chief Justice Decree No. 2-144/KMA/SK/VIII/2022 on Standard of Judicial Information Services in the Court provides for the anonymisation of decisions where women and children are involved.

[64] Law No. 21 of 2007 on The Eradication of the Criminal Act of Trafficking in Persons, Article 34.

[65] https://weblog.iom.int/over-500-new-human-trafficking-victims-identified-indonesia-benjina-slave-fisheries-exposed

Additionally, Supreme Court Regulation No. 3 of 2017 empowers judges, in some circumstances, to conduct examination of women victims and witnesses through teleconference from a court located closer to the victims/witnesses location.[66] The same provision is also embodied in the Criminal Procedure Code.[67]

2. Separation of victim from offenders/perpetrators - *Indonesia*

   In Indonesia, courts may adopt protective measures to facilitate the testimony of victims and witnesses. Judges often require the offender to leave the courtroom during the testimony of a victim/witness to prevent re-traumatisation and reduce the risk of intimidation. Courts also commonly use screens or partitions to shield witnesses from direct visual contact with the offender while giving evidence. These practices align with Article 37 of the Indonesia Anti-TIP Law.

3. Video-Recorded Testimony – *Indonesia*

   The Indonesia Anti-TIP Law allows judges to use recording for the purpose of examination of child victims and/or witnesses.[68]

4. Guidelines on the Conduct of Videoconferencing - *Philippines*

   a. The Guidelines on the Conduct of Videoconferencing.[69] were issued to ensure the fair, speedy, and efficient administration of justice in instances where there is inability or difficulty of victims or witnesses to physically appear in court due to security risks in their transport in going to and from the court, real and apparent danger to their lives, security or safety, serious health concerns, vulnerability due to their age, physical condition, disability, or the fact that they are victims of sexual offense or domestic violence. The guidelines are applicable to TIP cases. However, taking paramount consideration of the welfare of women and children, evidence containing sensitive photographs and recordings, including sexual abuse images and sound recordings involving women and children, can only be presented through in-court proceedings and NOT through videoconferencing.[70]

   b. Under the Guidelines, remote appearance in court through videoconferencing is likewise available for a victim or witness who is an Overseas Filipino Worker or Filipino residing abroad or temporarily outside the Philippines, or is a non-resident foreign national who, while in the Philippines, was involved in any action pending before any court, and would like to appear and/or testify remotely from overseas, subject to compliance with certain operational concerns and requirements of Philippine Embassies or Consulates and taking into account their views on the applicable laws and regulations of, and agreement with, their respective host countries.[71] Remote appearance from abroad would particularly be beneficial to victims of TIP who, for some reason, are constrained to remain or stay in the country where they were brought or trafficked, but would like to pursue cases against their traffickers who are being prosecuted in Philippine courts.

---

66 Supreme Court Regulation No. 3 of 2017 on Guidance to Adjudicate Women in Conflict with Law, Article 10.

67 Law No. 20 of 2025 on Criminal Procedure Code, Article 147.

68 Indonesia Anti-Trafficking Law, Article 40.

69 A.M. No. 20-12-01-SC, January 16, 2021.

70 OCA Circular No. 136-2021, November 10, 2021.

71 A.M. No. 20-12-01-SC, January 16, 2021; OCA Circular No. 133A-2021, December 7, 2021.

c. The examination of a Filipino witness through video conference is also allowed through the mechanism of the ASEAN Treaty on Mutual Legal Assistance on Criminal Matters (MLAT), and that the conduct of the hearing through videoconference, its conditions, requirements, procedures, and other related matters are subject to the agreement between the Department of Justice (DOJ) for the Philippines, and Ministry of Law for Indonesia.[72]

d. In places where litigants must come to court because there are no internet connections to allow remote hearing, it must be explained to the minor private complainants why they were called to court. The judge may conduct hearings inside the chambers ensuring that all parties are well represented.

5. Handling Contempt of Court When Witnesses Fail to Appear - *Indonesia and Philippines*

Courts in both countries have contempt powers. In *Indonesia*, victims and their parents may be held liable for contempt of court under Article 285 the Law No. 1 of 2023 on Indonesian Criminal Code (2023 Criminal Code). In the *Philippines,* there is also a counterpart law[73] but courts usually deny a motion to cite victim-witnesses for contempt of court due to failure to appear during the hearing of the case, and issue, instead, a warning that continued absence may result in the provisional dismissal of the case against the accused. To facilitate the appearance of victim-witnesses, the courts direct the Police Women's and Children's Desk Officers and/or Social Workers, and sometimes even barangay or village leaders, to locate victim-witnesses at their last known address and assist them in going to court for them to be able to participate in the proceedings.

6. Guidelines in Handling Minor and Vulnerable Victims - *Philippines*

a. There are guidelines issued to ensure minor private complainants are provided proper representation, a support person and/or a *guardian ad litem*, if necessary. The guidelines provide that although leading questions are allowed minors must be examined using age-appropriate questions.[74]

b. Judges prevent re-traumatisation and re-victimisation by allowing video recorded interviews conducted by professionals and the submission of a videotape deposition of the victim in lieu of open court testimony.[75]

c. Judges protect confidentiality by excluding the public during the proceedings and by keeping all records, audio, and video involving a minor complainant private and secure.

d. A private complainant who cannot attend due to lack of money for transportation may be referred by the judge to DSWDO for financial help and order the agency to bring a minor complainant to court.

e. A minor complainant should be accompanied by the first person they trusted and confided in, which, for example, may be a lawyer from the Public Attorney's Office (PAO). If such a person is a police officer, it is recommended that they do not wear a police uniform when in the company of the minor complainant.

---

72 OCA Circular No. 216-2022, August 19, 2022.

73 Rule 71, Rules of Civil Procedure, as amended.

74 Rule on Examination of a Child Witness, A.M. No. 004-07-SC, November 21, 2000.

75 Section 27, A.M. No. 004-07-SC.

f. Judges ensure that the minor complainant is protected from potential re-traumatisation even during videoconference hearings by preventing a view of the perpetrator onscreen. While the accused is allowed to still hear the testimony and observe the minor's demeanour, all safeguards used in in-person hearings are to be applied during videoconference hearings.

g. To protect child witnesses, they should be exempt from the One-Day Witness Rule.

h. Judges may allow the conduct of videoconferencing hearings in cases involving deaf litigants and witnesses.[76]

i. Deaf individuals are integrated into judicial proceedings by the Filipino Sign Language Act[77] which was enacted to uphold the country's commitments under the United Nations Convention on the Rights of Persons with Disabilities and officially establishes Filipino Sign Language (FSL), mandating the use of the Filipino Sign Language as the national sign language for legal interpreting in all court proceedings and public hearings.[78]

   (1) The Rules on Filipino Sign Language (FSL Rules) breathes operational life into this statutory right, providing comprehensive procedural safeguards to ensure equal and effective access to justice. Under these judicial rules, courts are required to actively secure qualified, accredited FSL interpreters.[79] Notably, the guidelines expand accessibility by introducing a dual-interpreter framework: appointing a hearing FSL interpreter alongside a Deaf Relay Interpreter when dealing with linguistically isolated individuals,[80] thereby ensuring that communication barriers do not compromise a party's right to full participation. The provision of language interpreters to deaf litigants likewise reflects recognition of, and alignment with, Gender Equality, Disability, and Social Inclusion (GEDSI) principles.

   (2) While the Filipino Sign Language is the official language of legal interpreting for the deaf in all public hearings, court proceedings, and judicial transactions, including those in police stations, before the Lupong Tagapamayapa of the Katarungang Pambarangay, as well as preliminary investigations and other initial stages in the courts, the deaf has the right to choose other forms or modes of communication as may be preferred.[81]

   (3) If the deaf litigant/witness is sign language competent, the court may require the assistance of a qualified sign language interpreter who can communicate with the sign language competent deaf litigant/witness, to ensure that the latter is not deprived of the right to be heard and be afforded due process without prejudice to the right of the deaf to choose other forms or mode of communication if they so prefer.[82]

---

76 OCA Circular No. 106-2022, May 11, 2022.

77 Republic Act No. 11106 - An Act Declaring the Filipino Sign Language as the National Sign Language of the Filipino Deaf and the Official Sign Language of Government in All Transactions Involving the Deaf, and Mandating its Use in Schools, Broadcast Media, and Workplaces, October 30, 2018.

78 Supra at 1, Section 6.

79 Supra at 2, Rule II, Section 1 (a).

80 *Id.*

81 Section 6, RA 11106, Published 29 Nov. 2024.

82 Id.

(4) If the deaf litigant/witness is not sign language competent, the court may appoint an interpreter who the litigant/witness can understand and who understands the litigant/witness, at the court's instance or by motion.

(5) If the accused and all prosecution witnesses are deaf, the prosecution and the defense will recommend and commonly agree on a qualified Sign Language Interpreter and Deaf Relay Interpreter who must be approved by the judge as the official interpreter of the proceedings.

7. Plea Bargaining - *Indonesia and Philippines*

In plea bargaining, an accused pleads guilty to a lesser offence in return for a lenient sentence. In trafficking in persons cases, plea bargaining can also expedite court proceedings, thereby reducing the risk of re-traumatisation for victims. Where restitution is included in a plea agreement, it might increase access of victims to restitution. However, restitution should remain available through other legal mechanisms and is not dependent on the existence of a plea agreement.

a. In Indonesia, Law No. 20 of 2025 on the Criminal Procedure Code introduces a procedure for plea bargaining that is distinct from plea bargaining commonly practiced in Anglo Saxon countries.

Article 78 of the 2025 Criminal Procedure Code establishes a plea bargaining mechanism that may only be utilised where one of the following conditions is met: (i) the defendant has no prior criminal convictions, thereby restricting the mechanism to first-time offenders; (ii) the offence carries a maximum penalty of no more than five years' imprisonment or a fine not exceeding Category V (IDR 500 million); or (iii) the defendant agrees to pay compensation or restitution. The latter requirement reflects the law's emphasis on victim redress and restorative outcomes.

The procedure requires the execution of a written agreement between the Public Prosecutor and the defendant, which must subsequently be approved by the court. The agreement must confirm that the defendant understands the consequences of his/her guilty plea, including the waiver of the right to remain silent and the right to be tried through ordinary trial proceedings. It must also establish that the plea is entered voluntarily and contain a description of the charges, the outcome of the negotiations, and the evidence supporting the defendant's culpability.

The agreement is then submitted in a dedicated session held before the commencement of the main trial, examined by a single judge to ensure that the process takes place at an early stage of the proceedings. Before accepting the agreement, the judge must be satisfied that the guilty plea is voluntary, informed, and free from coercion. The court therefore plays a substantive, rather than merely administrative, role in reviewing the validity of the plea and determining the appropriate sentence.

Importantly, the principal consequence of a plea bargaining under Article 78 is not the negotiation of a lesser charge. Rather, this allows the case to proceed through short proceedings (*acara pemeriksaan singkat*), thereby streamlining the adjudicative process while maintaining judicial scrutiny and due process guarantees.

b. In the Philippines, plea bargaining is discretionary on the part of the prosecutor. Plea bargaining in criminal cases is a process whereby the accused and the prosecution work out a mutually satisfactory disposition of the case subject to court approval.[83] A defendant has no constitutional right to plea bargain.[84] No basic rights are infringed by trying the accused rather than accepting a plea of guilty; the prosecutors need not do so if they prefer to go to trial.[85] Under the present Rules, the acceptance of an offer to plead guilty is not a demandable right but depends on the consent of the offended party and the prosecutor, which is a condition precedent to a valid plea of guilty to a lesser offense that is necessarily included in the offense charged.[86] The basic requisites of plea bargaining are: (a) consent of the offended party; (b) consent of the prosecutor; (c) plea of guilty to a lesser offense which is necessarily included in the offense charged; and (d) approval of the court.[87]

Plea bargaining may be resorted to by the prosecutor in the following circumstances: first, if after evaluating the evidence and the recollection of the child witness of the facts and circumstances the prosecutor believes there is insufficiency of evidence to convict, hence, to avoid an acquittal, he resorts to plea bargaining; and second, when the length of time of trial makes the minor private complainant uninterested to continue with the case and participate in the prosecution and proof beyond reasonable doubt may not be obtained without the active participation of the private complainant, the prosecutor resorts to plea bargaining as a win-win solution, which means that, at least, the accused does not go scot-free and that the private complainant may move on in life.

Plea bargaining aims to minimise legal proceedings and reduce or eliminate direct confrontations with perpetrators, prioritizing the psychological well-being of child victims. This approach effectively facilitates the prosecution of TIP and OSAEC offenders while protecting survivors from re-traumatization. By accepting a plea bargain, the child avoids testifying against their perpetrator or encountering them face-to-face in court proceedings. Additionally, plea bargaining offers the fastest route to conviction, which can aid in the survivor's recovery process. In the Philippines, TIP and OSAEC cases typically take years to conclude a trial on the merits, however, plea bargaining can result in a conviction in less than a year. In practice, one of the fastest plea bargained OSAEC cases concluded in three weeks, sparing the child victim from going through the rigors of trial. By implementing this approach, the Philippine justice system seeks to balance the need for justice with the protection of child victims' well-being. Plea bargaining serves to potentially avoid trial altogether while still ensuring that offenders are held accountable for their actions.

Plea bargaining is also applicable to criminal cases involving adult victims. By providing this option of a case resolution without need for lengthy trial, the process can help expedite court proceedings to the benefit of both parties, including victims. The same requisites, as mentioned above, apply.

8. Digitalisation of Criminal Justice Process - *Indonesia*

Indonesia has an integrated electronic criminal case administration system developed by the Supreme Court, named: **e-Berpadu**. The platform digitalises key criminal justice processes,

---

[83] People v. Erwin Reafor, G.R. No. 247575, November 16, 2020.

[84] *Id.*

[85] *Id.*

[86] *Id.*

[87] Fernandes v. People, G.R. No. 224708, October 2, 2019, citing Daan v. Sandiganbayan, 573 Phil. 368, 375 (2008).

including case registration and transfer, applications for search and seizure warrants, requests for detention extensions, diversion proceedings, and other court authorisations. The system is designed to enhance the efficiency, accessibility, accountability, and transparency of criminal case administration, while facilitating coordination among criminal justice institutions.

9. Key Jurisprudence on Court Proceedings and Evidence - *Philippines*

   These are rulings that have significantly guided court proceedings in TIP cases:

   a. Entrapment is a valid law-enforcement technique in trafficking cases as well as the conduct of warrantless arrests when the offender is caught *in flagrante delicto* during rescue operations.

   b. Corroborating testimonies of the arresting officer and the victim are sufficient to sustain conviction.[88]

10. Guidelines on Continuous Trial - *Philippines*

    There are guidelines issued mandating strict timelines for the presentation of prosecution and defense evidence which encourages early marking of evidence, stipulations and submission of judicial affidavits to reduce the re-traumatisation of victims.[89]

    The Rule on Continuous Trial in Criminal Cases provides for timely, evidence-based proceedings, with strict timeliness for presentation of evidence, mandatory pre-trial to identify stipulations and evidence issues. The rule protects the integrity of victim testimony and reduces opportunities for coercion. It also supports the preservation of witness memory; reduces intimidation; and minimizes delays in TIP prosecutions.

11. Judicial Affidavit Rule - *Philippines*

    The Judicial Affidavit Rule allows victims to submit judicial affidavits instead of full direct testimony thus reducing the courtroom exposure of trafficked persons.[90]

    Judicial affidavits replace direct testimony. This preserves testimony early before memory deterioration, intimidation, withdrawal, or disappearance of witnesses. The Rule therefore improves consistency, efficiency, evidentiary preservation, and trial continuity.

12. Rule on Electronic Evidence - *Philippines*

    The Rule on Electronic Evidence applies not only to civil cases but also to criminal cases, and whenever an electronic document or electronic data message which refers to any information generated, sent, received or stored by electronic or optical means is involved. This rule can significantly strengthen the adjudication of *Trafficking in Persons (TIP)* cases because trafficking almost always involves digital traces—messages, photos, videos, online recruitment, money transfers, GPS data, and platform-based communications. The rule tells courts *how to admit, authenticate, and weigh* such electronic evidence. It allows prosecutors, law enforcers, and victim-survivors to use digital evidence as fully admissible, original, and

[88] People v. Valencia & Simbillo, G.R. No. 234013, June 16, 2021.

[89] SC Administrative Matter No. 15-06-10-SC.

[90] Judicial Affidavit Rule, A.M. No. 12-8-8-SC, February 4, 2014.

reliable evidence in TIP cases—closing gaps where traffickers previously hid behind online anonymity or lack of paper trails.[91]

The Rule on Electronic Evidence is particularly important in online sexual exploitation, cyber-trafficking and recruitment cases. There are mandatory evidence-based requirements in the rule covering: (1) authentication of digital evidence; (2) chain of custody of electronic data; (3) admissibility of electronic mail, chats, screenshots and metadata; and, (4) presumptions of integrity for properly collected digital evidence.

13. Rule on Cybercrime Warrants - *Philippines*

    The Rule on Cybercrime Warrants provides a complete, integrity-protected digital evidence framework that is indispensable for modern TIP investigations, especially OSAEC and online recruitment cases. This Rule allows prosecutors, law enforcers, and victim-survivors to use digital evidence as fully admissible, original, and reliable evidence in TIP cases—closing gaps where traffickers previously hid behind online anonymity or lack of paper trails. Screenshots, videos, and photos of exploitation are treated as original evidence. Authentication procedures protect victims from re-traumatisation because there is reliance on forensic reports instead of victim testimony alone.[92]

14. 2019 Revised Rules on Evidence - *Philippines*

    The Revised Rules on Evidence govern all criminal cases including Trafficking in Persons cases and provide the key to evidence-based decisions. They require that evidence must be relevant, material and competency based; that burden of proof for criminal cases should be proof beyond reasonable doubt; and that, in weighing the evidence, courts must explain why they believe or disbelieve a victim.

15. 2022 Revised Implementing Rules and Regulations of the Anti-Trafficking Act - *Philippines*

    Collection of evidence affects the decisions rendered and promulgated by the courts. The 2022 Revised Implementing Rules and Regulations of the Anti-Trafficking Act[93] contains detailed evidence-collection and documentation protocols for: (1) rescue operations; (2) digital evidence; (3) victim interviews; (4) psychological assessment; and, (5) coordination with the Department of Social Welfare and Development, the National Bureau of Investigation, the Philippine National Police and the Department of Migrant Workers. Courts rely on these protocols to evaluate the credibility of operations, the integrity of evidence and the proper handling of victims.

16. Rule on Examination of a Child Witness - *Philippines*

    The Rule on Examination of a Child Witness is a clear judicial recognition that victim protection improves evidentiary reliability. The Rule authorises live-link testimony; videotaped depositions; support persons; facilitators; confidentiality orders; and exclusion of the accused, where necessary. The application of the rule is critical in TIP cases because many victims are either minor, psychologically-traumatised or vulnerable. Providing protection to victims improves the completeness, accuracy, and consistency of their testimonies, as well as their willingness to testify.

---

91 Rule on Electronic Evidence, A.M. No. 01-7-01-SC, July 1, 2001.

92 Rule on Cybercrime Warrants, A.M. No. 17-11-03-SC, July 17, 2018.

93 SC Administrative Matter No. 004-07-SC, effective December 15, 2000.

17. Cybercrime Prevention Act of 2012 - *Philippines*

    The Philippines strengthened digital investigation through the passage of the Cybercrime Prevention Act.[94] Evidence-preservation measures now include forensic imaging, metadata preservation, hash verification, controlled extraction, digital chain-of-custody protocols. These are essential in OSAEC investigations, social media recruitment, cloud-based evidence, and cryptocurrency tracing.

94 Republic Act No. 10175 (2012).

# B. Victim Support and Protection

## *Overview*

Victim support and protection are essential elements in addressing trafficking in persons cases, reflecting a growing commitment to victim-centred approaches. Developing comprehensive programs aimed at preventing further trauma during legal proceedings and ensuring that victims receive the necessary support for their recovery is critical.

Creating a supportive court environment is also crucial. Key measures include expediting trials to reduce stress on victims, providing separate facilities for victims and witnesses, and allowing vulnerable individuals to have a support person present. Additionally, special transportation, protection, and interpreter services are vital for facilitating victims' participation in the legal process. Training justice sector personnel in trauma-informed approaches also helps create an environment where survivors feel safe recounting their experiences.

In essence, victim participation is not mandatory in law enforcement for TIP cases. Law enforcement agencies still have an obligation to proceed with the legal process against the perpetrators of TIP cases with or without the victim's desire to process the case. However, the involvement of victims in the criminal process could support law enforcement personnel seeking restitution from the perpetrators. Therefore, an adequate mechanism related to victim support and protection is very important to ensure that victims receive maximum recovery through the criminal justice system.

Beyond the courtroom, offering a range of services for TIP victims, including shelter, medical and psychological counselling, legal assistance, and reintegration support is paramount to victim recovery. Recognising the unique needs of victims, particularly vulnerable victims, children, people with disabilities, extending the duration of support services and allowing victims to access services without the obligation to participate in the criminal justice process, can encourage victims to be more cooperative in the court proceedings.

## *Challenges*

Both countries highlighted that victims of trafficking in persons face numerous challenges within the judicial system, often stemming from deeply ingrained societal stereotypes. These preconceptions can lead to victims being reluctant to identify themselves as such, fearing stigmatisation or blame. The financial burden of participating in legal proceedings presents another significant obstacle, as victims may struggle to afford travel costs to attend court hearings, noting that many victims come from remote areas in both countries. Additionally, family connections can complicate matters, sometimes discouraging victims from coming forward due to fear of repercussions, shame, or pressure to maintain family honour. Moreover, victims might be reluctant or difficult to testify against their traffickers who are their parents or family members. This is particularly true for children and children with disabilities who remain dependent on their support and care.

In Indonesia, particularly, reaching TIP victims in districts and some remote areas, addressing the needs of male victims, and ensuring availability and accessibility of government-sponsored rehabilitation and victim-witness protection programs are also identified as challenges. Furthermore, harmful social and cultural norms may affect victims' engagement with the criminal justice system. Where perpetrators are in positions of authority, influence, or high social standing within the community, victims may be reluctant to participate in legal proceedings. This challenge is often compounded by limited legal literacy and a lack of awareness of victims' rights and available support services.

These interconnected challenges highlight the need for a more victim-centred approach in the judicial system, one that addresses both the practical and psychological barriers that prevent victims from seeking justice and support.

## Good Practices

1. Strengthened Victim Protection under the New Criminal Procedure Code – *Indonesia*

   Overall, the 2025 Criminal Procedure Code strengthens the protection of victims' rights within the Indonesian criminal justice system. It introduces a number of victim-centred provisions aimed at enhancing victims' participation, protection, and access to justice throughout criminal proceedings, particularly Article 144 that lists out victims' rights. This provision includes protection of victims from criminal or civil liability arising from their testimony or reports, unless such testimony or reports are found to have been made with malicious intent or not in good faith. Article 144 also guarantees the right of the victim to give a victim impact statement, verbally or in writing.

2. Promoting Gender-responsive Practices - *Indonesia*

   Acknowledging the critical need to avoid stereotyping and victim-blaming during court proceedings, particularly when questioning women in conflict with the laws as well as gender-based support and assistance for women victims, Indonesian courts have made significant strides in promoting gender-responsive practices within the judicial system, especially in cases involving women and children. To this end, Indonesia has enacted Supreme Court Regulation No. 3 Year 2017 on Guideline for Handling Case of Women in Conflict with the Law which provides guidelines for judges to better understand and implement principles of gender equality and non-discrimination when presiding over cases involving women. This regulation serves as a reference point to address potential biases in judgments. It prohibits judges to display an attitude or make statements that are degrading, blame and/or intimidate women before the law. Judges should also prevent such behaviour from other parties, legal advisors, prosecutors and/or legal representatives. Furthermore, Indonesia also has implemented several mechanisms, including the establishment of the Supreme Court Women and Children Working Group (POKJA) in Indonesia. The POKJA is responsible for policy development and monitoring the implementation of the gender-responsive approach, especially for women engaged in court proceedings.

3. Gender-Fair Courtroom Etiquette - *Philippines*

   In the Philippines, the courts use gender-fair language pursuant to the *Guidelines on the Use of Gender-Fair Language in the Judiciary and Gender-Fair Courtroom Etiquette.*[95] The

[95] SC Administrative Matter No. 21-11-25-SC.

guidelines implement the *Magna Carta for Women*[96] on the use of gender-sensitive language at all times to further the avowed policy of abolishing the unequal structures and practices that perpetuate discrimination and inequality in society[97], as well as the provisions of the Safe Spaces Act[98] which recognises the dignity of every human person, and penalises various acts, including the use of words that ridicule on the basis of sex, gender or sexual orientation, identity and/or expression such as sexist, homophobic, and transphobic statements and slurs. The guidelines recognise the importance of transforming language from traditional usage to a more liberating one that is gender-sensitive, underscoring that sexist language devalues members of one sex, almost invariably women, and thus fosters gender inequality. Furthermore, the guidelines provide that courts cannot and should not perpetuate gender stereotypes, which rest on unfounded generalisations regarding the characteristics and roles of binary and non-binary genders, but indisputably influence the perspectives of judges and litigants alike. [99]

4. Checks and Balances - *Indonesia*

   Indonesian judges are bound by the Code of Ethics and Guidelines for Judicial Conduct as stipulated in the Joint Decree of the Supreme Court and Judicial Commission No. 047/2009. Under these provisions, judges are strictly prohibited from showing favouritism, bias, prejudice, or engaging in any form of harassment based on race, gender, religion, nationality, physical or mental ability, age, or socio-economic status. They must also avoid any conduct that suggests partiality or undue closeness to parties involved in the judicial process, whether through words or actions. Parties involved in court proceedings and civil society organisations can report judges who breach the Code of Ethic to the Judicial Commission or Judicial Supervisory Body, which may impose disciplinary sanctions to judges. The 2025 Criminal Procedure Code further allows prosecutor, accused or defence counsel to submit application for the recusal and replacement of a judge or panel if there are substantial grounds concerning the judge’s objectivity, independence, or impartiality.[100]

5. Raising Awareness of Judiciary Actors on Victim Support and Protection - *Indonesia*

   Indonesia has strengthened judicial capacity through the Judicial Training and Research, Development, Education and Training Agency of the Supreme Court, which provides training for judges, including newly appointed judges, on victim support and other issues relevant to trafficking in persons cases.

   The Judicial Training Center (*Pusdiklat*) has also institutionalised refresher training on judicial technical skills for improving women’s access to justice, making it a routine program for all judges. These efforts are complemented by close collaboration with UN Women in delivering specialised training on gender-responsive and victim-centred approaches. These initiatives exemplify a proactive approach to enhancing the judicial system's response to TIP cases and improving victim protection.

   In addition, the Supreme Court has developed practical tools to support adjudication, including the Judicial Guidelines on Restitution in Trafficking in Persons Cases, adopted

[96] Republic Act No. 9710.

[97] Section 13, R.A. No. 9710.

[98] Republic Act No. 11313 (2019).

[99] OCA Circular No. 55-A-2022, September 21, 2022.

[100] Article 272, 2025 Criminal Procedure Code.

through Chief Justice Decree No. 254/KMA/SK.HK2.2/XII/2025. It provides judges with practical guidance on assessing, calculating, and awarding restitution, helping to promote a more consistent and victim-centred approach across courts.

6. Establish Strong Support to Improve Access to Court and Access to Justice - *Indonesia*

    a. Information Help Desks: These provide personalised support to assist court users in filing cases.

    b. Integrated Service Center (PTSP): This service offers remote one-on-one assistance for case filing.

    c. Video Portals: Installed in client waiting areas, these displays provide general information to court users.

    d. Legal Aid Posts (*Posbakum*): Located within courthouses, these offer free legal counselling, consultation and assistance in document preparation. In a case where an individual requires legal representation during court proceedings, the *Posbakum* officer will provide information on the procedures for obtaining legal aid through the court, as well as a list of available legal aid institutions/organisations.[101] Further details on free legal representation is included in the following section.

    e. Independent e-Filing (*Gugatan Mandiri)*: allows individuals to register civil cases online or via computers provided in the court's waiting area. While the e-Filing system is primarily designed for civil proceedings, it can facilitate trafficking victims' access to civil remedies arising from their trafficking experiences, including restitution, annulment of marriage, and other civil claims. As some aspects of trafficking cases require recourse to civil procedures in addition to criminal proceedings, the system helps ensure more accessible and comprehensive access to justice for trafficking victims.

    f. WhatsApp Case Track: Several courts had their own initiative to create a WhatsApp channel to help parties to track the status of cases easier and to stay informed about related court events.

    g. Services for persons with disabilities: Indonesia has made notable progress in ensuring access to justice for persons with disabilities. The most recent development is Supreme Court Regulation No. 2 of 2025 (PERMA 2/2025) on Guidelines for Adjudicating Cases Involving Persons with Disabilities in Conflict with the Law. This regulation provides a comprehensive framework for judges to apply inclusive and rights-based approaches when handling cases involving persons with disabilities. It emphasises reasonable accommodation, accessibility of court facilities, and procedural adjustments to guarantee equal participation in legal proceedings. These measures build on earlier initiatives,

       A Memorandum of Understanding was signed between Religious Courts and Organisations of Persons with Disabilities (OPDs) to introduce special services, including free pick-up services, special facilities and priority services within the court, as well as 'in caption speech-to-text' for hearing impaired individuals and sign interpreters so that people with disabilities can access information and participate effectively in the court process.

[101] Supreme Court Regulation No. 1 of 2014 on Guidelines on the Provision of Legal Aid Services for Economically Disadvantaged Persons in Courts, Article 32.

Indonesian judges also emphasise the importance of gender-sensitivity when dealing with TIP cases, as well as providing tailored support and services for people with disabilities. Most first instance courts collaborate with victim support organisations, such as OPDs, civil society organisations working with children and women, to assist victims. Indonesian judges also consider the rights of people with disabilities and children when adjudicating TIP cases.

Decision of Directorate General of General Court of the Supreme Court of Indonesia No. 1692/DJU/SK/PS.00/12/2020 on the Guideline of the Implementation of Court Assistance for Persons with Disabilities at the High Court and First Instance Court provides the standard for High Court and First Instance Court in assisting persons with disabilities during court adjudication. It covers the SOP for accommodation of persons with disabilities, type of support and assistance, court infrastructure and facilities. The Decision further mandated that High Court and First Instance Court can sign MoUs with social services, education services, special education schools, OPDs and others for court companions and/or translators for persons with disabilities. The Template for the MoU is provided in the Decision, which should be signed by the Chief of the Court with the said organisation. Several MoUs have been signed in this regard, such as the MoU between the District Court of Pasuruan, East Java Province with the public Special Education School of Pasuruan in 2021, MoU between the District Court of Depok, West Java Province with the public Special Education School of Depok in 2024, and the MoU between the Central Jakarta District Court, DKI Jakarta Province with the Central Advocacy Foundation for Women and Children with Disabilities (SAPDA) in 2024.

h. *Prodeo* Lawsuits: Process of filing a case in court free of charge for individuals who cannot afford to pay legal fees, allowing people with limited financial means to access justice without bearing court costs.

i. Case Tracking System (*Sistem Informasi Penelusuran Perkara*/SIPP): An information system for monitoring case progress.

7. Legal Representation – *Indonesia and Philippines*

   a. In Indonesia, the Anti-TIP Law secures that witnesses and/or victims are entitled to be accompanied by a legal counsel and/or other escort as necessary.[102] In general, legal representation may be acquired either on a fee-paying basis or free of charge, depending on the circumstances of the case and the individual's eligibility for free legal aid. In the context of Indonesia, legal aid refers to free of charge legal services for eligible individuals who are categorised as people living in poverty.[103] This legal service is provided by accredited legal aid providers, with funding support from the government through the Ministry of Law.[104] Several organisations that provide free legal assistance:

      (1) As regulated by Law No. 18 of 2003 on Advocate, advocates have an obligation to provide pro bono legal services to persons who lack financial means to obtain legal representation. Advocates Associations like PERADI (Indonesian Advocates Association) therefore provide pro bono legal services to persons living in poverty,

[102] Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Article 35.

[103] Law No. 16 of 2011 on Legal Aid, Article 1.

[104] Law No. 16 of 2011 on Legal Aid, Article 17.

non-profit organisations, and community groups in need of legal assistance. There are more than 150 legal aid centres under PERADI across Indonesia.

(2) Legal Aid Institutes (*Lembaga Bantuan Hukum* (LBH)) in Indonesia have programs to provide free legal services, particularly to victims of violence and injustice, for example LBH Jakarta and LBH Apik. LBH Jakarta conducts regular fund raising to support financing their free legal services, while LBH Apik also provides free legal assistance to women victims seeking justice.

(3) Legal Consultation and Assistance Service managed by law faculties in various universities across Indonesia also offer free legal assistance.

b. Free legal services in the *Philippines* are provided to ensure that all individuals—especially the poor and marginalised—have access to justice regardless of their financial capacity. The services typically include legal advice, representation in court, preparation of legal documents, and assistance in dispute resolution. By making legal help accessible at little or no cost, these programs aim to protect rights, uphold the rule of law, and promote fairness in the justice system. These services are offered by government agencies, private organisations, and various legal aid groups, as follows:

(1) Public Attorney's Office (PAO) - a government agency that provides free legal assistance to individuals who cannot afford private legal services. The PAO's main goal is to ensure that justice is accessible to the poor, marginalised, and vulnerable sectors of society.

(2) Integrated Bar of the Philippines (IBP) - the official organisation of all licensed lawyers in the Philippines which provides services that support both the legal profession and the public. Through the IBP Legal Aid litigants are given free legal assistance within their reach saving them from expense and additional costs.

(3) Clinical Legal Education Program (CLEP) - a law school–based program in the Philippines that allows qualified law students, under the supervision of licensed lawyers, to provide limited legal services to indigent clients.

(4) Unified Legal Aid Service (ULAS) - a program in the Philippines that coordinates and strengthens the delivery of free legal services among lawyers, particularly members of the IBP. It requires and organises lawyers to render a certain number of pro bono (free) legal service hours to indigent clients. These services may include legal advice, court representation, preparation of documents, and participation in legal aid activities. Overall, ULAS aims to expand access to justice by mobilising members of the legal profession to actively provide free legal assistance to those who cannot afford it.[105]

8. Institutionalising Good Practices - *Philippines*

a. The Philippines has strong legal frameworks in place to ensure victims of trafficking are provided with appropriate support to ensure their recovery, rehabilitation and reintegration into the mainstream of society, specifically through the Expanded Anti-Trafficking in Persons Act of 2012.[106] The law lists services which include temporary

---

[105] Rules on Unified Legal Aid Service (ULAS), A.M. No. 22-11-01-SC (2024).

[106] An Act Expanding Republic Act No. 9208, Entitled "An Act To Institute Policies To Eliminate Trafficking In Persons Especially Women And Children, Establishing The Necessary Institutional Mechanisms For The Protection And Support Of Trafficked

housing and food facilities; psychological support and counselling; free legal services; medical and psychological services; livelihood and skills training; educational assistance to a trafficked child; and a 24-hour call centre for crisis calls and online (technology based) counselling and referral, through the Department of Social Welfare and Development (DSWD).

b. Passing laws and formulating guidelines do not equate to good practice. But when a law is passed, administrative guidelines are formulated, and court rules are promulgated as a way of recognising the good practice being employed by trial judges and consequently mandates observance by all courts. Having laws and guidelines in place works to institutionalise good practices.

c. In many instances, particularly those that relate to family court proceedings, family court judges would initiate child-friendly and victim-centred approaches in their courtrooms and share their good practices to fellow judges through formal and informal networks. These good practices gain wide acceptance among judges and even by judicial administrators. Eventually, a law is passed, administrative guidelines are formulated, and court rules are promulgated recognising these good practices and also mandating their observance by all family courts. Thus, the development of a strong legal framework which adapts to needs and realities and adopts good and time-tested approaches in the adjudication of cases has proven to create a strong impact in the consistent and effective observance of good practices in Philippine courts.

d. Redressing economic and psychological disenfranchisement pending litigation

   (1) Economic Relief: Courts are empowered to mandate legal support, forcing perpetrators to provide financial resources.

   (2) Psychological Rehabilitation: Mandatory counselling for both survivors and perpetrators acknowledges that the harm caused by Gender-Based Violence is systemic and requires healing rather than mere punishment. Courts refer victims and perpetrators to local DSWD offices for counselling.

   (3) Shelters and Rehabilitation: There is a need to establish more shelters and rehabilitation programs that provide psychological, legal, and medical assistance to victims.

9. The Existence of the Witness and Victim Protection Agency (LPSK) - *Indonesia*

   a. *Lembaga Perlindungan Saksi dan Korban (LPSK*), or the Witness and Victim Protection Agency, is a crucial institution in Indonesia's criminal justice system. Established through Law No. 13 of 2006 on the Protection of Witness and Victim, LPSK serves as an independent government agency reporting directly to the President of Indonesia.

   b. LPSK's mandate is comprehensive, encompassing the protection and fulfilment of rights for both witnesses and victims. This protection extends beyond the courtroom, covering individuals both inside and outside of legal proceedings. The agency's responsibilities include a wide array of services aimed at ensuring the safety, well-being, and rights of those under its protection.

Persons, Providing Penalties For Its Violations And For Other Purposes" [Expanded Anti-Trafficking in Persons Act of 2012], Republic Act No. 10364 (2013).

c. Key functions of LPSK include providing physical protection to victims, calculating and facilitating restitution or compensation, offering safe houses or shelters, and assigning companions to witnesses or victims who need support throughout legal processes. These services are crucial in encouraging witnesses and victims to come forward and participate in the justice system.

d. The establishment of LPSK represents Indonesia's commitment to strengthening its criminal justice system and aligning with international standards of witness and victim protection. By providing these essential services, LPSK has played a vital role in ensuring victims receive restitution in TIP cases.

e. In particular, LPSK's role in assisting TIP victims to access restitution should be noted. LPSK can represent the victim to submit the restitution request to the court. They have established methods in calculating material and immaterial loss that can be included in the restitution request. Once the victim agrees to seek restitution, LPSK will calculate their loss and submit the request to the prosecutor. The prosecutor will then include this request in their indictment. If the court awards the restitution to the victim, LPSK will support the victim in ensuring the execution of the award. If the perpetrator cannot honour the judge's decision, they will be subjected to an additional prison sentence of one year maximum. On the other hand, the victim can pursue a civil litigation in lieu of their restitution request if the court rejects the restitution request. LPSK may also support the victim in pursuing such civil litigation.

f. LPSK received a new mandate under Government Regulation No. 29 of 2025 on Assistance Fund for Victims of Sexual Violence Crimes. This regulation authorises LPSK to manage the fund that provides an option for compensation in cases where restitution awarded to victims of trafficking for sexual exploitation is underpaid. Although primarily designed for sexual violence cases, its scope allows possibility of the fund to also be accessed by victims of trafficking for sexual exploitation.

g. Most recently, Law Number 3 of 2026 on the Protection of Witnesses and Victims was enacted to further strengthen the institutional capacity of LPSK. This strengthening is reflected, among other things, in provisions on the establishment of LPSK sub-national offices, as needed, to expand the reach of LPSK's services. This law also grants LPSK a role to facilitate Victim Impact Statements (VIS). This mechanism provides victims with an opportunity to present the impact of the crime they have experienced before the court.[107]

10. Task Force for the Prevention and Handling of Trafficking in Persons - *Indonesia*

Indonesia has established the Task Force for the Prevention and Handling of Trafficking in Persons (GT-PPTPPO) as a coordination mechanism to strengthen the effectiveness and implementation of measures aimed at preventing and combating trafficking in persons (TIP). At the national level, the Task Force is co-chaired by the Coordinating Ministry for Law, Human Rights, Immigration and Corrections and the Coordinating Ministry for Human Development and Cultural Affairs. The Indonesian National Police serves as the Daily Chair, while the Secretariat is also stationed within the Police.[108] In addition to the national-level

[107] Law No. 3 of 2006 on Protection of Witness and Victim, Article 28.

[108] Presidential Regulation No. 49 of 2023 on Second Amendment of Presidential Regulation No. 69 of 2008 on Task Force for the Prevention and Handling of Trafficking in Persons.

Task Force, governments at sub-national levels also established provincial, district/city Task Forces for the same purpose. The Task Force is governed by a 5-year Plan of Action (*RAN/RAD*) in implementing the anti-trafficking commitments.

11. Inter-Agency Council Against Trafficking (IACAT) - *Philippines*

    The Inter-Agency Council Against Trafficking (IACAT) was created as a national coordinating body mandated to prevent trafficking in persons, protect victims, and prosecute offenders. It is chaired by the Secretary of Justice, co-chaired by the Secretary of the Department of Social Welfare and Development and its members are: Department of Foreign Affairs; Department of Labor and Employment; Department of Interior and Local Government; Department of Education; Philippine National Police; National Bureau of Investigation; Bureau of Immigration, among others.[109] The core mandate of the IACAT is victim protection, prosecution support and prevention as well as policy making and coordination. IACAT has provided judges, prosecutors, law enforcers and social workers unified protocols, clear victim-sensitive standards, reliable referral pathways, and consistent evidence-handling procedures. It also established cross-border coordination for Overseas Filipino Workers and OSAEC cases.

12. Victim Witness Coordinator (VWC) - *Philippines*

    The IACAT employs a Victim Witness Coordinator (VWC) to support victims of trafficking during trials. The VWC is stationed at the local City Prosecutor's Office and supervised by the Anti-Trafficking Task Force Head. The VWC supports victims by preventing contact with the accused, the accused's family, defense counsel, or the media. They play a crucial role in streamlining the process of providing support, ensuring that all aspects of a victim's needs are addressed efficiently.

13. Rehabilitation and Reintegration Program - *Philippines*

    The Department of Social Welfare and Development (DSWD) runs a rehabilitation and reintegration program for trafficking survivors. As part of this program, the DSWD offers victims of trafficking haven, counselling, and legal representation. It aids victims of trafficking in their search for gainful employment by providing job training and placement services. The program was piloted in three areas and subsequently extended throughout the entire country. More than a thousand victims of human trafficking have benefited from this program run by the DSWD.[110]

14. Legislation on Women - *Indonesia and Philippines*

    a. Indonesia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 24 July 1984 through Law Number 7 of 1984. In the context of court process, Supreme Court issues Regulation (PERMA) No. 3 of 2017 on Women in Conflict with the Law as guidelines for judges in civil and criminal proceedings that involve women as victims, defendants, and witnesses. It aims to eliminate gender bias and discriminatory practices, ensuring fair and equal treatment before the courts.

    b. In the Philippines, the *Magna Carta for Women* serves as the overarching framework for gender-based legal protection. It transcends specific criminal acts by mandating the State to dismantle systemic discrimination in all its forms. It addresses discrimination

[109] Republic Act No. 9208; Republic Act No. 10364 and Republic Act No. 11862.

[110] Department of Social Welfare and Development *available at* http://dswd.gov.ph (last accessed on October 9, 2024).

that intersects with other grounds, status, or condition, such as ethnicity, age, poverty, or religion, recognising that a woman's vulnerability is often compounded by these layered factors.[111] The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), often described as the "International Bill of Rights for Women", provides the legal basis for the Philippines' obligation to eliminate discrimination. Unlike other treaties, CEDAW focuses on substantive equality, meaning, the State is responsible not just for passing laws, but for ensuring those laws achieve actual results in women's lives.[112]

15. The Non-Punishment Principle - *Indonesia and Philippines*

Under Article 18 of Indonesia Anti-TIP Law, a victim of trafficking who commits a criminal offence as a result of coercion by a trafficker shall not be punished.[113] Law No. 6 of 2011 on Immigration further emphasises that administrative sanctions imposed for immigration violation are not applicable to victims of trafficking.[114]

The non-punishment principle (NPP) has been in practice in Indonesia in certain cases, especially related to illegal entry and illegal work. For example, Indonesia facilitated voluntary repatriations of thousands of foreign fishermen trafficked in the eastern part of Indonesian water (Benjina, Ambon) as well as foreign victims of sexual exploitation that were trafficked in the brothels. The case of Mary Jane Veloso further highlights the relevance of the NPP and the importance of ensuring that individuals identified as trafficking victims are not held administratively and criminally liable for conduct that is directly linked to their exploitation.

Additionally, the 2023 Criminal Code also provides that a person shall not be held criminally liable for an offence committed under irresistible force, coercion, or threats that could not reasonably be resisted or avoided.[115] With the enactment of the 2025 Criminal Procedure Code, victims are also protected from criminal or civil liability arising from their testimony, reports, and/or complaints, unless such testimony, reports, and/or complaints are found to have been made not in good faith.[116]

In the Philippines, the Anti-Trafficking in Persons Acts, as amended expressly provides that *trafficked persons shall be recognised as victims* of the act or acts of trafficking and as such shall not be penalised for crimes directly related to the acts of trafficking in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of a trafficked person to the intended exploitation shall be irrelevant.[117]

[111] Republic Act No. 9710 (Magna Carta of Women), August 14, 2009.

[112] Convention on the Elimination of All Forms of Discrimination against Women," Philippine Commission on Women, n.d., https://pcw.gov.ph/convention-on-the-elimination-of-all-forms-of-discrimination/).

[113] Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Article 18.

[114] Law. No. 6 of 2011 on Immigration, Article 86.

[115] Law No. 1 of 2023 on Criminal Code, Article 42.

[116] Law No. 20 of 2025 on Criminal Procedure Code, Article 144.

[117] Section 17, Republic Act No. 9208, as amended.

## C. Best Interests of the Child

### *Overview*

The "best interests of the child" principle is a cornerstone of child protection policies, laws, and regulations. This concept serves as a guiding framework to ensure that decisions made on behalf of children serve their holistic needs and safeguard their rights. The principle recognises that children are not merely passive recipients of care but individuals with unique perspectives and needs that must be considered in any action affecting them. The "best interests of the child" principle provides a comprehensive framework for ensuring that children's rights and needs are at the forefront of any decision-making process that affects them.

The protection of child victims in trafficking cases is a vital component of international human rights law. The unique vulnerabilities of children and the need for specialised approaches when dealing with child victims of trafficking is paramount. Children who fall victim to trafficking endure significant physical, psychological, and psychosocial harm, necessitating distinct laws, policies, programs, and interventions tailored to their needs. Key principles outlined in the Convention on the Rights of the Child include providing appropriate assistance and protection, ensuring that justice processes and support services are sensitive to each child's age, understanding, wishes, gender, and background.[118]

A critical aspect of this child-centred approach is the right to information and expression. Child victims should be fully informed about the criminal justice process and the status of their case in an understandable manner. They must also have the right to express their views freely in all matters affecting them, recognising them as active participants in their own cases.

Implementing these guidelines aims to create a supportive environment prioritising the best interests of the child throughout the legal process and recovery.

The principle of "best interests of the child" is crucial in handling Trafficking in Persons (TIP) cases involving child victims. To ensure that the best interests of the child are truly served, judges must consider several key areas. First and foremost, they must assess whether the court's decision will directly affect the child. This consideration is crucial as it sets the stage for determining the extent to which the child's voice should be heard in the proceedings. Secondly, judges must decide whether it is necessary to understand the child's wishes and perspectives. In many cases, the child's input can provide invaluable insights that may not be apparent from adult testimonies or evidence alone. This consideration acknowledges the child as an individual with agency and unique

[118] Specific measures to protect children's rights and interests are outlined in the Optional Protocol to the *Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,* which states that the special needs of children as victims must be recognised. The physical, psychological, and psychosocial harm suffered by children and their increased vulnerability to exploitation requires they be dealt with separately from adult trafficked persons in terms of laws, policies, programmes, and interventions. Child victims should be provided with appropriate assistance and protection and the justice process and support services should be sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic, and social background, caste, socio-economic condition and immigration or refugee status. The child victim should be fully informed about the criminal justice process status of the case and have the right to express their views freely in all matters affecting them.

experiences. The third question judges must address is how to effectively hear the child's voice. This involves determining the most appropriate and least traumatising method for the child to express his/her views and experiences. Options may include using child-friendly interview techniques, allowing for written statements, or employing intermediaries to communicate on behalf of the child.

Critically, judges must consider how they can ensure the best interests of the child are met if they do not have direct input from the child. This question underscores the importance of gathering comprehensive information about the child's circumstances, including expert opinions and assessments from child welfare professionals. Finally, it is essential to recognise that different types of cases may require different models of engagement with the child. A one-size-fits-all approach is often inadequate when dealing with the complex and sensitive nature of TIP cases involving children.

## *Challenges*

Challenges to ensuring a child-sensitive justice system remain. These include the need for specialised training for law enforcement officers and the development of child-friendly facilities and procedures. Some judges' lack of training on the impact of trauma on child victims, as well as their insufficient understanding of the needs of child victims, increases the risk of re-traumatisation.

In the Philippines, challenges to providing the ideal level of support and services to children, relate to human resources and facilities. Trial courts, particularly in outlying areas, work with a small and sometimes incomplete court staff and, whenever necessary, must struggle to borrow the services of the local government's social worker. The lack of Information Technology and Communication (ICT) equipment presents the biggest hindrance to employing video links in all courts. Likewise, capacitating judges, prosecutors, law enforcement officers and court personnel in handling cases involving children presents some challenges which are primarily due to the sheer number that need to be trained not just for the first time but also for regular competency enhancement through the years of their engagement with the courts handling cases of children. One other challenge to capacity-building is that prosecutors and law enforcement officers that had been receiving training in child cases are subsequently re-assigned by their agencies to a different field of work.

In Indonesia, judges face challenges in assessing and determining the age of victims and witnesses when official identity documents are unavailable. For example, iIn a notable murder case in Nias, Indonesia, the accused was treated as an adult and sentenced to death due to the absence of identity documents. A subsequent dental age assessment at cassation level confirmed that he was a child at the time of the offence. These challenges are often further compounded by the prevalence of fraudulent civil registration and identity documents, sometimes facilitated through the complicity of public officials. As a result, children may be misidentified as adults, depriving them of the special protections and support services to which they are entitled under child protection and criminal justice frameworks.

Ensuring a child-sensitive justice system is also constrained by limited availability of social workers at sub-national level and budgetary limitations for implementing inclusive measures, including for children with disabilities. These resource gaps make it difficult to provide adequate support services and specialised facilities that are essential for protecting child victims and ensuring their meaningful participation in legal proceedings.

A lack of understanding of the principle of "best interests of child" often leads to the re-traumatisation of child victims during trial proceedings. For judges presiding over TIP cases, it is paramount to keep the child's best interests at the forefront throughout the hearing process.

## *Good Practices*

1. Protecting Children's Rights through Legislation - *Indonesia*

    a. Indonesia Anti-TIP Law provides strong safeguards for child victims and witnesses during trials. It requires hearings to be held behind closed doors, ensures that children are accompanied by a parent, guardian, lawyer, or other support person, and mandates that the accused is excluded from the courtroom during the child's testimony.[119]

    b. The 2025 Criminal Procedure Code allows a child under fourteen years old to give testimony without taking oath.[120]

    c. Indonesia has made significant progress in protecting children's rights within its judicial system through the implementation of the Law No. 23 of 2022 *juncto* Law No. 35 of 2014 on Child Protection. This legislation addresses the unique vulnerabilities of children involved in legal proceedings—whether as victims, witnesses, or those in conflict with the law—by creating a more child-friendly judicial environment. A key provision of the law is the emphasis on allowing children to express their views freely and respecting their wishes throughout the legal process. This approach acknowledges children as active participants in matters affecting them, rather than passive subjects. Additionally, the law protects children's identities by maintaining confidentiality, shielding them from stigma and negative repercussions.

    d. Creating a less formal courtroom setting is another crucial aspect of the law. By reducing the intimidating nature of traditional courtrooms, the legislation aims to minimise the emotional impact on children and decrease the risk of re-victimisation.

    e. The implementation of Law No. 11 of 2012 on the Juvenile Criminal Justice System presents another set of challenges. This law mandates that juveniles in conflict with the law be detained separately from adults. The 2023 Criminal Code exempts children under the age of 12 from criminal liability for offences committed while they were below that age.[121] The 2025 Criminal Procedure Code also permits the application of a judicial pardon, allowing judges to refrain from imposing a sanction even where the offender has been found guilty, based on considerations of justice and humanity.[122]

    f. The 2023 Criminal Code includes specific provision prohibiting any person from giving or handing over a child under the age of 12 who is under their lawful authority to another person, where it is known that the child will be used for begging or engaged in hazardous work or work that may endanger the child's health. [123]

2. Legislation on the "Best Interests of the Child" - *Philippines*

[119] Article 39 of Indonesia Anti-TIP Law.

[120] Law No. 20 of 2025 on Criminal Procedure Code, Article 221.

[121] Law No. 1 of 2023 on Criminal Code, Article 40.

[122] Law No. 20 of 2025 on Criminal Procedure Code, Article 1 (19).

[123] Law No. 1 of 2023 on Criminal Code, Article 425.

a. The Expanded Anti-Trafficking in Persons Act of 2012 expressly applies the Best Interests of the Child principle as follows:

   (1) A child is defined as a person below eighteen (18) years of age or one who is unable to fully take care of or protect himself/herself from abuse, neglect, or discrimination because of a physical or mental disability or condition.[124]

   (2) The same law punishes parents, guardians, or persons with custody who facilitate or tolerate trafficking of a child.[125]

   (3) The identity and personal circumstances of a trafficked child must be kept strictly confidential.[126]

b. Republic Act No. 9208 also provides that if the trafficked person is a child the offense is Qualified Trafficking in Persons. If found guilty, the offender shall be sentenced to the penalty of life imprisonment and to pay a penalty of fine from Two Million (PhP2,000,000.00) Pesos to Five (PhP5,000,000.00), Philippine currency.[127]

c. Republic Act No. 8369 is a law establishing Family Courts which have exclusive original jurisdiction over child and family cases.

   (1) It mandates judges and court personnel of the Family Courts to undergo training and to have the experience and demonstrated ability in dealing with child and family cases.[128]

   (2) It created the Social Services and Counseling Division (SSCD) which must be established in each judicial region to provide appropriate social services to all juvenile and family cases filed with the court and recommend proper social action. When warranted the SSCD shall recommend that the court avail itself of consultative services of psychiatrists, psychologists, and other qualified specialists employed with the other departments of the government in connection with its cases.[129]

d. Republic Act No. 9344, as amended, establishes a comprehensive juvenile justice and welfare system aimed at protecting the rights of children in conflict with the law (CICL) and promoting their rehabilitation rather than punishment. Children who are below fifteen (15) years old and those above fifteen (15) but below eighteen (18) years old and acted without discernment are exempt from criminal liability and children above fifteen (15) but below eighteen (18) years old who acted with discernment are subject to alternative modes of detention focusing on rehabilitation and restorative justice for CICL. The law prioritises the welfare and rights of children ensuring that all proceedings are conducted in their best interest.

3. Certification Training for Judges to Adjudicate Juvenile Cases - *Indonesia*

   The Supreme Court of Indonesia has been conducting certification training on the child criminal justice system widely. Similarly, the Indonesia Judicial Training Center has conducted

[124] Section 3, Republic Act No. 10364.
[125] Section 7, Republic Act No. 10364.
[126] Section 8, Republic Act No. 10364.
[127] Section 6, Republic Act No. 9208.
[128] Section 4, Republic Act No. 8369.
[129] Sections 8, 9 & 10, Republic Act No. 8369.

a series of TIP training periodically. Specific topics on child trafficking and child safeguarding are yet to be included in the training programs.

4. Prioritising Child Protection Through Plea Bargaining - *Philippines*

   Plea bargaining in trafficking in persons cases in the Philippines may be considered as a tool to promote the best interests of the child, particularly when child victims are involved, provided it is applied carefully and with safeguards.

   In such cases, plea bargaining can help avoid prolonged trials that may retraumatise child victims who would otherwise be required to repeatedly testify in court. It can also lead to faster resolution of cases, ensuring timely justice and access to remedies.

   Overall, plea bargaining can be a child-sensitive approach when it minimises harm to the victim while still upholding justice and deterring trafficking offenses.

5. Avoiding Trial and Expediting Judicial Process for Child Perpetrators - *Indonesia and Philippines*

   a. Indonesia has a special mechanism to avoid trial and expedite the judicial process for child perpetrators in certain juvenile cases called "Diversion". Through this mechanism, Indonesian law enforcement officers at the investigation, prosecution and trial stages are required to provide opportunities for child perpetrators and victims to reconcile, where the case would not be processed further if the parties succeed in reaching an agreement to reconcile. Note that diversion only applies to child perpetrators and could only apply to certain TIP offences that are punishable by a maximum term of imprisonment of seven years.[130]

   b. In the Philippines, restorative justice refers to a principle which requires a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It seeks to obtain reparation for the victim; reconciliation of the offender, the offended and the community; and reassurance to the offender that he/she can be reintegrated into society. It also enhances public safety by activating the offender, the victim and the community in prevention strategies.[131]

6. Creating a Child-Friendly Justice System for Juvenile Proceedings - *Indonesia*

   a. As mentioned before, the Indonesian Supreme Court through the Judicial Training Center (JTC) has carried out the certification/training for judges to adjudicate juvenile cases, equipping judges with knowledge and skills in trying cases involving child perpetrators, which may also occur in TIP cases.

   b. Judges provide essential protection to child victims by making the courtroom less intimidating, allowing children to testify through closed-circuit television or intermediaries, ensuring that questioning is appropriate for the child's age and special needs to avoid re-victimisation, and protecting the child's identity at all stages of the process.

   c. The Regulation of the Directorate General of the General Court No. 2176 of 2017 on the Guidance of Minimum Facilities Standard for the Child-Sensitive Court outlines minimum

[130] Law No. 11 of 2012 on Juvenile Criminal Justice System, Article 7.

[131] Section 4(q), Republic Act No. 9344, "Juvenile Justice and Welfare Act of 2006."

requirements for court facilities to ensure they are suitable for children, whether as victims, witnesses, or those in conflict with the law. Standards include:

(1) Separate waiting areas for children to provide a safe and comfortable environment away from adult defendants or other potentially intimidating individuals.

(2) Child-friendly interview rooms equipped with appropriate furniture, toys, and materials to help children feel at ease during questioning or testimony.

(3) Closed-circuit television systems to allow children to give evidence without having to be physically present in the courtroom.

(4) Appropriate signage and information materials designed to be easily understood by children of various ages.

(5) Facilities for support persons, such as social workers or child psychologists, to accompany and assist children throughout the legal process.

7. Implementing Child-Friendly Practices to Minimise Trauma - *Philippines*

a. The Philippine judicial system has taken steps to protect and support child victims and witnesses in trafficking in persons cases. Recognising the unique vulnerabilities and needs of children, family courts have implemented a range of child-friendly practices designed to minimise trauma and ensure a more compassionate legal process. These initiatives include:

(1) Provision of separate waiting rooms for children which offer a safe and comfortable environment where children can wait away from the potentially intimidating atmosphere of the main courtroom. These rooms are furnished with toys, books, water, biscuits, or blankets to make children comfortable. This measure helps to reduce anxiety and stress for young victims and witnesses.

(2) While testifying, the child is shielded from the accused by screens, dividers, or other similar devices, in such a manner that the child cannot see the accused, but the accused can still hear the child's testimony.

(3) The child is given reasonable periods of relief, recess, or rest while undergoing examination as often as necessary, depending on the child's age or developmental level.

(4) Judges need not wear the judicial robe while the child is testifying. The child is also allowed to testify in open court, or in the chambers of the judge, or in some comfortable place other than the courtroom, via live-link television or via videoconferencing.

(5) The Regional Trial Courts (RTC) in Malolos, Bulacan and Puerto Princesa, Palawan, as particular examples, observe these various practices to reduce the trauma that court trials place on child victims of trafficking. These courts use child-friendly spaces and separate waiting rooms, as well as screens or dividers to prevent the child from seeing the accused or conduct closed-door hearings to protect the identity of the child.

(6) Social workers accompany and support children during their court testimony. Before a child is called to testify, the social worker orients the child as to the courtroom set-up, procedure, and the personalities involved in the hearing of the case. The presence

of a trained social worker provides emotional support and reassurance, helping children navigate the often-overwhelming experience of giving evidence in a courtroom setting. This support is particularly crucial for children who have experienced severe trauma, as it can make a significant difference in their ability to participate in the legal process.

(7) In the Hall of Justice Annex Building in Quezon City, Philippines, there are two (2) Children's Waiting Areas. These are provided with interior detailing, air conditioning units, furniture, fixtures, books, toys and other child-friendly provisions.

b. Use of pre-recorded video evidence in cases where children have experienced severe trauma or are unable to testify in court. This approach not only spares children from the distress of recounting their experiences in a formal courtroom setting but also ensures that their voices are heard without subjecting them to further emotional harm.

c. Child victims, witnesses and CICLs should be given priority in the schedule of cases for hearing. Strict confidentiality is observed to protect the identities of child victims, witnesses, and accused individuals.

d. Digital evidence, including chat messages and social media communications, plays a crucial role in TIP cases but is often transient or deleted. Courts should allow reasonable methods of authentication.

e. Judges are directed to expedite the disposition of TIP cases. Cases are to be heard continuously with hearing dates spaced not more than two weeks apart. TIP cases should be heard and decided within 180 days from arraignment of the accused.[132]

8. Conducting Closed-Door Proceedings – *Indonesia and Philippines*

   a. Closed-door proceedings are an important protective measure for child victims and witnesses in TIP cases. Article 201 (6) of 2025 Criminal Procedure Code permits closed-door hearing in accordance with specific laws, such as anti-trafficking law, Sexual Violence Law and Juvenile Criminal Justice System Law. Anti-trafficking Law and Juvenile Criminal Justice System Law mandate closed-door proceedings for cases involving child victims or witnesses. Additionally, the Supreme Court Regulation (SKKMA) 2-144 provides standard operating procedures for public information in court cases, including guidelines for protecting children's identities and privacy. These closed-door proceedings aim to safeguard the best interests of the child by minimising potential trauma, protecting their privacy, and creating a less intimidating environment for them to provide testimony. By limiting public access and media coverage, these measures help prevent the child's identity from being exposed and reduce the risk of stigmatisation or retaliation.

   b. In compliance with Republic Act No. 9208, all courts in the Philippines which have jurisdiction over trafficking cases conduct closed-door investigations, prosecutions and trials. In a closed-door proceeding, the trial is done in the chamber of the judge where only the parties and their respective counsels are present. When done in the courtroom, the public is excluded.

9. Rule on Examination of a Child Witness – *Philippines*

[132] Speedy Disposition of Cases for Violations of Republic Act No. 9208, OCA Circular No. 151-2010, October 26, 2010.

a. In the Philippines, the use of video teleconference and in-depth video-recorded testimony are among the alternative modes of presenting evidence for witnesses who are not able to appear before the court. The Philippine Family Courts use pre-recorded video evidence in cases where children have experienced severe trauma and are unable to give evidence in court and this is pursuant to the *Rule on Examination of a Child Witness*.[133] The said rule governs the examination of child witnesses who are victims of crime, accused of a crime, and witnesses to crime. It is applicable in all criminal proceedings and non-criminal proceedings involving child witnesses. It aims to create and maintain an environment that will allow children to give reliable and complete evidence, minimise trauma to children, encourage children to testify in legal proceedings, and facilitate the ascertainment of truth, especially in TIP cases where the perpetrators are the children's own parents or guardians, or other family members.

b. A structured pre-trial process is conducted to map out the sequence of events, avoid repetition/re-traumatisation and ensure an orderly presentation of evidence.

10. Assignment of Social Workers – *Philippines*

a. In the Philippines, family court judges do not proceed with the trial of cases which involve children victims/witnesses without first assigning a social worker on the case. There are immediate tasks required of the social worker even prior to the hearing dates. The social worker visits the family home, or the facility where the child might be in protective custody, to check on the welfare of the child and conduct an assessment and prepare a report for the court. When the child is scheduled to give in-court testimony, the social worker brings the child to court and arranges for the presence of the child's chosen support person who can accompany him or her while testifying. When no one else can provide the needed emotional support to the child during the in-court proceedings, the social worker also acts as support person. Family court judges also require the social worker to monitor and report on the child's schoolwork and condition in the family home or the youth facility throughout the course of the case trial. In cases where there is no court social worker available, the judge coordinates with the local social services office for the assignment of a city or municipal social worker to the case.

b. Social workers are assigned to provide support and accompany child and women victims in trafficking in persons cases is a critical component of the country's approach to combating human trafficking. Social workers play an essential role in ensuring that victims receive the necessary emotional and psychological support throughout the legal process. This support is vital for helping victims navigate the complexities of the justice system and for mitigating the trauma associated with their experiences.

c. Social workers are trained to offer a range of services that cater to the specific needs of TIP victims. They provide emotional support, help victims understand their rights, and assist them in preparing for court proceedings. By accompanying victims to court, social workers ensure that they do not face the intimidating environment of the courtroom alone. This presence can significantly reduce the anxiety and fear that victims may feel, thereby enabling them to give more coherent and confident testimonies.

d. Family courts are provided with their own social workers to facilitate the conduct of social case studies.

[133] SC A.M. No. 00-4-07-SC, November 21, 2000.

11. Kids and Teen Court Awareness Program - *Philippines*

    The Kids and Teens Court Awareness Program (KTCAP) is an initiative aimed at reducing fear and trauma for child victims involved in legal proceedings. This program provides comprehensive support to child victims throughout the entire legal process - before, during, and after the trial.

# D. Compensation and Restitution

## *Overview*

Compensation and restitution are crucial elements in addressing the harm, damage and loss suffered by victims of trafficking in persons . Compensation involves monetary payments to remedy damages, which can be sought from individual perpetrators through civil or criminal proceedings, or from the State through victim funds. It covers both material and non-material damages, including pain and suffering, medical expenses, unpaid wages, and lost opportunities. Restitution, while often involving monetary payments, aims to redress victims' suffering more comprehensively. It can include court-ordered payments by perpetrators, covering medical expenses, lost income, and other costs to restore the victim's pre-trafficking situation. Restitution may also encompass non-monetary measures such as safe repatriation, temporary residence status, and vacating criminal convictions resulting from being trafficked. The ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) affirms the obligation of State Parties to ensure their legal systems offer TIP victims the possibility of obtaining compensation. Both compensation and restitution have been widely recognised as rights owed to trafficked persons under international, regional, and national laws, aiming to provide comprehensive remedies tailored to make victims whole again.

## *Challenges*

Both the Philippines and Indonesia have made significant progress in developing laws and policies to provide compensation and restitution to victims of TIP. However, challenges persist in effectively implementing these legal frameworks, particularly in identifying and seizing perpetrators' assets as early as possible. Calculating compensation also remains a complex issue, as does the role of social workers and victim companions during victim engagement in the criminal justice system. The simultaneous filing of civil and criminal cases to obtain restitution or compensation, including unpaid wages and other entitlements, is another area of concern. Additionally, the enforcement of restitution is still a challenge where the perpetrators do not have sufficient assets or the assets were not identified and freezed at an earlier stage.

In the Philippines, key issues include lack of awareness and information among victims, difficulties in locating and executing offenders' properties locally and abroad, victims' reluctance or withdrawal from prosecution and lengthy execution processes due to appeals.

Indonesia identified challenges in requesting for restitution, calculating the amount and enforcement of court decisions on restitution. There is inconsistent application of restitution provisions among law enforcement agencies. Although the right to claim restitution is guaranteed in several legal frameworks, such as Anti-TIP Law and Law No 12 of 2022 on Sexual Violence Crimes Law (TPKS), 2023 Criminal Code, and 2025 Criminal Procedure Code, restitution is often not included in case files, and victims are not consistently informed of their rights. Challenges also arose in calculating and proving damages, especially immaterial damages, as well as in identifying, locating and seizing perpetrators' assets, particularly if the assets are in foreign jurisdiction. Procedural uncertainties and inter-agency coordination challenges also arise in the processing of restitution claims during criminal proceedings after reading of indictment, particularly where the computation is undertaken by another institution. There is a need for clear and harmonised procedures to ensure legal certainty, consistency in practice, and the timely processing of restitution claims.

Court-ordered restitution is sometimes difficult to enforce because the perpetrator's assets were not identified and seized during the investigation stage, as envisaged under the Anti-Trafficking Law. As a result, courts sometimes impose additional imprisonment in lieu of unpaid restitution, leaving victims without compensation. Furthermore, Article 50 of Anti-TIP Law places the burden on victims or their beneficiaries to notify the court if the offender fails to pay within the prescribed period. This requirement creates an additional procedural hurdle for victims, who may lack resources or legal assistance to pursue enforcement with unclear procedural guidance. These issues underscore the need for stronger enforcement, clearer regulations/guidance, and accessible legal aid to ensure victims can claim restitution and receive the awarded amount.

In the Philippines, the systems meant to fund and deliver services to trafficking victims remain weak and are not yet fully operational in practice. The law provides for asset forfeiture[134], victim support programs[135], and a Trust Fund,[136] but these mechanisms have not been effectively implemented due to poor enforcement, lack of funding, and the absence of sustained court oversight after conviction. As a result, victims in the Philippines often do not receive the compensation and services intended by law.

Several key gaps remain:

- ➢ The Trust Fund is not fully used since courts do not regularly order fines to be collected and remitted to IACAT.
- ➢ There is no clear post-conviction process for forfeiture, and confiscation of tools and proceeds of the crime is rarely enforced.
- ➢ Victim services remain underfunded, relying heavily on NGOs and external aid instead of government resources.
- ➢ There is no transparency or reporting system for the Trust Fund, making it unclear how much money is collected or how it is spent.

Despite the existence of legal frameworks in both countries, very few victims actually receive compensation for offenses committed against them or for work performed. While trafficked persons are entitled to effective access to compensation, many face substantial difficulties in realising this right in practice.

Both countries have taken steps to develop structures and procedures aimed at delivering compensation and restitution to TIP victims. However, the implementation of these measures remains a significant challenge, highlighting the need for continued efforts to improve the practical application of existing laws and policies.

[134] Section 14, Republic Act No. 9208.

[135] Section 16, Republic Act No. 9208.

[136] Section 15, Republic Act No. 9208.

## *Good Practices*

1. Restitution and Compensation for Victims of TIP – *Indonesia*

    a. The 2023 Criminal Code lists restitution as an additional penalty that is applicable to all criminal offences.[137] The Supreme Court of Indonesia's Regulation No. 1/2022 (PERMA 1/2022) introduced provisions for restitution for victims of certain offenses, including rape, sexual assault, child abuse, and trafficking in persons. Under this regulation, prosecutors can apply to the court for restitution, while the Victim and Witness Protection Agency (LPSK) is responsible for determining the restitution amount. Judges are required to inform victims of their right to seek restitution if the victim has not submitted a restitution claim. Judges also have *ex officio* powers to order restitution at the trial's conclusion, even without an application. If offenders fail to pay within 14 days, the court can order asset seizure or additional jail time.

    b. In response to the above-mentioned challenges, on 29 December 2025, the Supreme Court adopted a guideline on restitution which aims to further socialise PERMA 1/2022, assist prosecutors and LPSK in calculating restitution, provide guidance for judges on the restitution application process, and offer a judgment decision outline to ensure enforceability of restitution orders.

    c. The Indonesian Supreme Court has ordered restitution even when the underlying criminal statute does not explicitly regulate restitution.[138] In this case, the trial court convicted the defendant under Article 10 of Indonesia Anti-TIP Law, which expressly provides for restitution. However, at the cassation level, the Supreme Court reclassified the offence under Article 83 of Law 18 of 2017 on the Protection of Indonesian Migrant Workers, a law that does not contain restitution provisions. Despite the absence of a restitution clause in Law 18 of 2017, the Supreme Court held that restitution remained appropriate. The Court relied on the LPSK decision that already calculated the victim's losses and on the principle of restorative justice, which requires consideration of the victim's rights and actual harm. This practice aligns with PERMA 1/2022, which allows restitution for certain crimes or other offences designated through LPSK decisions. The case demonstrates that Indonesian courts may impose restitution based on LPSK's assessment even when the governing law does not explicitly regulate restitution.

    d. Recently, Indonesia enacted Government Regulation No. 29 of 2025, which establishes the Victim Assistance Fund mandated in the Sexual Violence Crimes Law. The Victim Assistance Fund provides state-funded compensation and recovery support for victims of sexual violence. The regulation authorises the Fund to cover unpaid or outstanding court-ordered restitution and to finance victims' recovery services, ensuring that victims receive essential support even when offenders fail to pay. It also outlines the institutional and procedural framework for managing and accessing the Fund. Additionally, 2025 Criminal Procedure Code mandates the establishment of a Victim Trust Fund to support victim rehabilitation, ensure payment of restitution where offenders fail to pay and payment for victim's compensation.[139] The implementing regulations are currently under development.

[137] Law No. 1 of 2023 on Criminal Code, Article 66.

[138] Case 6966 K/Pid.Sus/2024. https://dandapala.com/article/detail/menggali-penerapan-restitusi-pasca-perma-12022

[139] Law No. 20 of 2025 on Criminal Procedure Code, Article 175.

2. Victim Compensation and Restitution – *Philippines*

   a. The Philippines enacted the Victim Compensation Act that includes provisions for state-funded compensation for victims of sexual exploitation. This legislation expands access by allowing victims of trafficking to seek compensation from the state. The law also allows trafficking victims who have been subjected to sexual violence to apply for labour compensation. To implement this compensation system, the Philippine government is currently developing a victim trust fund which will serve as the financial source for providing state compensation to eligible victims under the law. This initiative represents a significant step forward in supporting and providing restitution to trafficking survivors in the Philippines.

   b. Additionally, the law allows foreign victims to remain in the country while claiming compensation for trafficking-related harm. The Victim Compensation Act covers compensation costs, including medical and mental health expenses, and is discussed alongside the Recovery and Reintegration Program for Trafficked Persons, the Livelihood Assistance Program, and the Legal Assistance Fund for Trafficked Migrant and Overseas Filipino Workers.

   c. The types of damages awarded in trafficking cases include actual damages, moral damages, exemplary damages, liquidated damages, temperate damages, and nominal damages. Offenders and individuals who promote trafficking or use trafficked persons are liable for those damages and are sourced from the personal and separate properties of offenders. If insufficient, the balance may be taken from confiscated properties.

   d. In the Philippines, when claiming compensation and restitution, a criminal action automatically includes a civil action for recovery of civil liability arising from the offense charged. In order for TIP victims to claim compensation, the offender must first be 'given a day in court'. In relation to the challenge of executing orders to confiscate properties/assets of offenders and the lengthy process of executing orders due to the pendency of an appeal, notable was Indonesia's unique approach of having the perpetrator deposit an amount in court pending trial. Should the Court decide in favour of the victim, the deposited amount will be used to pay the victim as compensation.

3. Victim Witness Coordinator (VWC) – *Philippines*

   The support provided by the IACAT Victim Witness Coordinator (VWC) includes assisting victims to access financial aid from the DOJ Board of Claims and enrolment in the DOJ Witness Protection Security and Benefits Program. Based on an evaluation conducted in 2017, 90% of the victims assisted by a VWC expressed that they would not have testified if the VWC had not assisted them.

# E. Evidence-based Analysis of TIP Decisions

## Overview

ASEAN Member States have identified the sensitive treatment of victims at every stage of a trafficking case as a priority. Without national data on Trafficking in Persons cases that explains the outcomes for both the trafficker and the TIP victim it is difficult for a victim to make an informed decision about being a witness in a TIP criminal prosecution. A victim-centred approach will ensure that data is publicly available to answer the key questions that a victim of trafficking will have in order to make an informed decision about being a witness.

The Supreme Court of Indonesia was supported by ASEAN-ACT in reviewing the TIP decisions from 2019 to 2021 to identify and formulate a set of key findings. It was published in March 2023. The details are elaborated as one of the good practices of this section.

Similarly, the Supreme Court of the Philippines has undertaken a decision analysis of trafficking in persons cases to better understand the application of victim-centred processes used in Trafficking in Persons trials. The decision analyses provide an overview of the way trafficking in persons cases are prosecuted, the evidence relied upon in the trial, the outcomes in the cases and the judicial reasons for the decision.

These key findings have assisted courts in both Indonesia and the Philippines to build an evidence base to improve court experiences and outcomes for trafficked victims by informing the development and refinement of policies and procedures, identifying the training needs of judges, and establishing an evidence-based narrative for reporting on trafficking in persons cases.

## Challenges

In the Philippines, a review of Supreme Court trafficking cases from 2005 to 2025 shows that courts consistently impose life imprisonment, fines, damages, and legal interest. However, no decision expressly directs that fines be remitted to the IACAT Trust Fund or that Trust Fund resources be used for the victims.[140] There is a need to establish a procedural mechanism requiring courts to activate or implement Section 14 of R.A. No. 9208[141], in relation to Section 15.

In Indonesia, the Supreme Court has established anonymisation requirements through the Chief Justice's Decree No. 2-144/KMA/SK/VIII/2022 on Standards for Information Services in Courts, however, implementation remains inconsistent in practice. As a result, published judgments may still contain information that directly or indirectly reveals the identity of trafficking victims, thereby exposing them to stigma, retaliation, privacy violations, and other forms of harm.

There is a need to strengthen the monitoring and evaluation of TIP cases within the judiciary, including the systematic collection and analysis of case data. This would facilitate evidence-based mapping of trafficking cases and support the continuous improvement of victim-centred court practices and procedures.

## *Good Practices*

1. The Existence of Accessible Court Decisions Directory – *Indonesia*

   As part of the accountability to the public, the Supreme Court of Indonesia has established a Court Decision Directory website for the public to access decisions of courts at all levels across Indonesia. The database is searchable by keywords and can be accessed from anywhere and by anyone through https://putusan3.mahkamahagung.go.id and mobile application. As of June 2026, over ten million court decisions are uploaded in the directory, including TIP cases. In regard to publication of court decisions, Chief Justice Decree No. 2-144/KMA/SK/VIII/2022 on Standard of Judicial Information Services in the Court regulates anonymisation of decisions where women and children are involved.

   The publication of judgments demonstrates court’s commitment to accountability, transparency, and open justice. The publication of court decisions facilitates access to law and precedent, and provides essential educational information for the legal profession, politicians, policy makers, students, researchers, self-represented litigants, and the general

[140] *Republic Act No. 9208, Section 15. Trust Fund.* - All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to Section 14 hereof shall accrue to a Trust Fund to be administered and managed by the Council to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society. Such programs shall include, but not limited to, the following:

(a) Provision for mandatory services set forth in Section 23 of this Act;

(b) Sponsorship of a national research program on trafficking and establishment of a data collection system for monitoring and evaluation purposes;

(c) Provision of necessary technical and material support services to appropriate government agencies and non-government organizations (NGOs);

(d) Sponsorship of conferences and seminars to provide venue for consensus building amongst the public, the academe, government, NGOs and international organizations; and

(e) Promotion of information and education campaigns on trafficking.

[141] *Republic Act No. 9208, Section 14. Confiscation and Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons.* - In addition to the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favor of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act; Provided, however, That all awards for damages shall be taken from the personal and separate properties of the offender; Provided, further, That if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.

When the proceeds, properties and instruments of the offense have been destroyed, diminished in value or otherwise rendered worthless by any act or omission, directly or indirectly, of the offender, or it has been concealed, removed, converted or transferred to prevent the same from being found or to avoid forfeiture or confiscation, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offense.

public. It enables victims, civil society organisations and the general public to access and report on the workings of the court and enables the court to combat false perceptions in the community about the way the law is applied in practice.

2. Protocols for Anonymising Court Decisions – *Philippines*

   a. The Philippines passed its initial trafficking act in 2003. The Philippines Anti-TIP Law instituted policies to eliminate trafficking in persons, especially women and children, and established the necessary institutional mechanisms to protect and support trafficked persons and provided penalties for violations. The law recognises the right to privacy of the trafficked person and it prohibits the disclosure to the public of the name and personal circumstances of the trafficked person or any other information tending to establish their identity. In the 2006 case of *People of the Philippines versus Cabalquinto* (G.R. No. 167693), the Supreme Court of the Philippines upheld the conviction of the accused and took the occasion to discuss the provisions of Republic Act No. 7610, also known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act" and Republic Act No. 9262 also known as the "Anti-Violence Against Women and Children Act of 2004" and ruled in favour of protecting the privacy of the victim and her family by withholding the real name of the victim-survivor and using fictitious initials instead. Following the ruling of the Supreme Court in the Cabalquinto case, the rules on confidentiality were more strictly observed by judges. Trial courts do not give any information to anybody about a case except to the parties and their respective counsels. Judges likewise conduct closed-door hearings where only the parties to the case are allowed inside the courtroom.

   b. In the publication of court decisions, final resolutions and final orders, judges use initials to identify the accused-appellant; geographical locations are blotted out if their identification could lead to the disclosure of the identities of the women and children victims; the real name of the victim, her personal circumstances and other information that tend to establish or compromise her identity, as well as those of her immediate family, or household members, are not disclosed to protect her privacy, and fictitious initials are instead used. Most family court judges personally attend to the redaction of their decisions and final orders sensitive information prior to the promulgation of judgment. When the decision is prepared, all the names are still stated for purposes of clarity. However, when the decision is finalised prior to the promulgation of sentence, the judge removes the names and circumstances which would identify the trafficked victim, the family members, the location of the residence, school and/or community. The records are then sealed and stamped confidential.

   c. Subsequently, to standardise practice and ensure rigorous observance by all trial courts nationwide, the Supreme Court of the Philippines issued Administrative Circular No. 83-2015 on September 5, 2017, entitled, "Protocols and Procedures in the Promulgation, Publication, and Posting on Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances" which amended Administrative Matter No. 12-7-15-SC. This Circular seeks to protect the privacy and dignity of victims, including their relatives, in cases where the confidentiality of court proceedings and the identities of parties is mandated by law. All Philippine Courts are required to replace with fictitious initials, the complete names of women and children victims in the decisions, resolutions, and orders of the court in cases involving the following laws: Republic Act (R.A.) No. 7610 in cases of child abuse, exploitation, and discrimination; Article 266-A of the Revised

Penal Code; R.A. No. 8505 in cases of rape and other forms of sexual abuse or assault; R.A. No. 9208 in cases of human trafficking; R.A. No. 9262 in cases of violence against women and their children; and R.A. No. 9344 as amended by R.A. 10630, in cases involving children at risk and those in conflict with the law; R.A. No. 9775 in cases of child pornography; R.A. No. 10175; and R.A. No. 10364, an act to institute policies to Eliminate Trafficking in Persons especially Women and Children.

3. Decision Databases and Evidence-Based Policy - *Philippines*

   The judicial database in the Philippines is the Supreme Court E-Library. These databases allow jurisprudential consistency, judicial education, evidence-analysis studies, policy reform, and public transparency.

4. Analysis of Court Decisions on TIP Cases - *Indonesia*

   From time to time, the Supreme Court has utilised and analysed the Court Decisions Directory to inform relevant legal and policy reform, including on relevant TIP issues. As an example, in 2023, with the support of ASEAN-ACT, the Supreme Court conducted analysis on specific TIP cases from 2019-2021 to identify strengths, gaps, and trends in the handling of TIP cases.[142] The decision analysis informed the development of judicial guidelines on restitution in trafficking in persons cases by the Supreme Court, in line with Supreme Court Regulation (PERMA) No. 1 of 2022 on Procedures for the Resolution of Applications for and the Award of Restitution and Compensation to Victims of Criminal Offences .

5. Courtroom Practices Supporting Evidence Based Analysis and Victim Sensitive Adjudication - *Philippines*

   With the benefit of trainings, orientations, and judicial knowledge-sharing conducted by the Philippine Judicial Academy, Philippine judges handling trafficking in persons (TIP) cases have adopted practices that may be broadly understood in three functional categories: (1) protection of victims; (2) protection and integrity of evidence; and (3) improvement of judicial decision-making and case management. These practices collectively strengthen the quality, reliability, and fairness of adjudication in trafficking cases.

   a. Practices that Protect the Victim - These practices are designed to ensure that victims are able to testify safely, without fear, intimidation, or re-traumatization. By safeguarding dignity, privacy, and psychological well-being, courts enhance the ability of victims to provide complete and truthful testimony, thereby improving the overall quality of evidence.

      (1) Victim-sensitive courtroom procedures, including closed-door hearings and controlled questioning, are employed in appropriate cases.

      (2) Victim identities are protected through anonymization, sealed records, and restricted disclosure of identifying information.

      (3) Protective and support measures are provided to victims before, during, and after testimony.

      (4) Intimidating, repetitive, or humiliating cross-examination is regulated by the court.

      (5) Child-sensitive procedures and standards are applied in cases involving child victims.

[142] Indonesian Trafficking in Persons Cases: An Analysis of 2019-2021 Court Decision, March 2023, https://d1yi4upte10t7.cloudfront.net/wp-content/uploads/2023/04/27231759/FINAL-English_06_April_2023.pdf.

(6) Interpreters and culturally appropriate assistance are provided when necessary.

(7) Hearings are conducted in a manner that promotes truthful testimony and minimizes re-traumatization.

(8) The sexual abuse shield rule is applied in child sexual exploitation and OSAEC cases.

(9) Courts consider whether accused persons may themselves be trafficking victims under the non-punishment principle.

b. Practices that Protect the Evidence - These practices ensure that evidence presented before the court is properly handled, preserved, authenticated, and evaluated. They are critical to maintaining the integrity, admissibility, and reliability of both testimonial and digital evidence, particularly in modern trafficking cases involving online platforms and electronic data.

(1) Expert witnesses and digital forensic experts are utilized in ICT-enabled TIP cases when appropriate.

(2) Proper handling, authentication, and chain of custody of digital evidence are observed.

(3) Compliance with cyber warrant rules and forensic procedures is required in relevant cases.

c. Practices that Improve Decision-Making and Case Management - These practices enhance the efficiency, coherence, and quality of judicial reasoning and case disposition. They ensure that proceedings are conducted without unnecessary delay, that coordination supports effective adjudication, and that judges continuously improve through training and knowledge exchange.

(1) Active case management is employed to minimize delay and avoid re-traumatization of victims.

(2) Courts coordinate administratively with prosecutors, social workers, interpreters, and victim-support agencies while maintaining judicial neutrality.

(3) Active judicial case management, including priority settings and limited postponements, is practiced in TIP proceedings.

(4) Judges participate in judicial training, case digest discussions, and regional judicial exchanges on TIP adjudication.

6. Decision-Writing Practices Supporting Evidence Based Adjudication – *Philippines*

With the benefit of judicial training, jurisprudential developments, and continuing knowledge-sharing on trafficking in persons (TIP) adjudication, Philippine courts have developed structured approaches in decision-writing. These practices ensure that judicial decisions are evidence-based, clearly reasoned, legally sound, and responsive to the realities of victim vulnerability, thereby promoting consistency, transparency, and accountability in adjudication.

a. Decision Practices that Protect the Victim - These practices ensure that judicial reasoning reflects an accurate and sensitive understanding of victim experience, avoids harmful assumptions, and properly accounts for vulnerability and trauma in evaluating credibility and circumstances.

(1) Decisions identify the victim’s legal status, particularly where the victim is a child or otherwise vulnerable.

(2) Consent is not treated as a valid defense in child trafficking cases.

(3) Judicial findings recognize psychological control and abuse of vulnerability even in the absence of physical restraint.

(4) Delayed or inconsistent testimony is assessed with sensitivity to trauma and victim behaviour.

(5) Courts distinguish legal consent from exploitation arising from coercion, fraud, abuse, or vulnerability.

(6) Judicial analysis considers whether unlawful acts committed by victims resulted directly from trafficking.

(7) Judicial findings avoid victim-blaming language and stereotypes.

(8) Poverty, migration status, age, disability, debt, and similar conditions are recognized as indicators of vulnerability.

(9) Judicial findings avoid stereotypes regarding how trafficking victims are expected to behave.

b. Decision Practices that Protect and Strengthen the Use of Evidence - These practices focus on how courts evaluate, corroborate, and assign weight to evidence. They ensure that findings of fact are grounded in reliable, objective, and properly assessed evidentiary material.

(1) Delayed or inconsistent testimony is assessed with sensitivity to trauma and victim behaviour.

(2) Victim testimony is corroborated, where available, by objective and independent evidence.

(3) Proper evidentiary weight is given to digital communications, online records, and electronic transactions.

(4) Courts clearly explain the evidence relied upon and the basis for conviction or acquittal.

c. Decision Practices that Improve Legal Reasoning and Judicial Clarity - These practices ensure that decisions are logically structured, legally accurate, and clearly articulated, thereby supporting appellate review, jurisprudential development, and public confidence in judicial outcomes.

(1) Trafficking cases are analysed using an element-by-element approach focusing on the act, means, and exploitative purpose.

(2) Courts examine the entire trafficking scheme rather than isolated incidents alone.

(3) Decisions clearly identify the specific form of exploitation involved in the trafficking offense.

(4) Decisions contain clear judicial reasoning on each material element of the offense.

(5) Trafficking offenses are distinguished from related crimes such as illegal recruitment, rape, cybercrime, or labour violations.

(6) Decisions discuss restitution, damages, rehabilitation, and victim compensation where authorized by law.

(7) Comparative jurisprudence, case analysis, and evidence-based reasoning are utilized in resolving TIP cases.

(8) Anonymized decisions are published to support transparency, research, and judicial guidance.

(9) Case outcomes are tracked and analysed to improve judicial policy, consistency, and victim protection measures.

# F. Capacity-Building for Judges Handling TIP Cases

## Overview

Capacity-building ensures judges have a strong understanding of international, regional and national legal standards, frameworks, and human rights principles related to trafficking in persons. This in-depth knowledge allows them to align their decisions with these established standards and uphold the fundamental rights of individuals affected. Additionally, international and regional collaboration initiatives facilitate experience-sharing, and collaboration among judges across regions and jurisdictions especially for transnational crimes such as TIP. Through these interactions, judges can learn from good practices, case studies, and innovative solutions to common challenges. This cross-pollination of ideas and approaches enhances the judiciary's ability to address the complex and emerging issues in trafficking in persons. Investing in the ongoing education of judges will enhance public trust in the impartial administration of justice.

## Challenges

There is a disparity in knowledge among judges. Some of the key challenges include the need for all judges in both the Philippines and Indonesia to receive TIP training with a particular focus on the application of victim-centred principles as well as the non-punishment principle. Both countries further identified as an additional challenge the judges' lack of understanding on the use and limitations of forensic evidence in TIP cases. Particularly for Indonesia, the country's vast geographical feature presents a significant challenge in ensuring the delivery of judicial training across all regions.

In both countries, specialised training on TIP for judges that cover topics such as trauma-informed adjudication, child-sensitive procedures, non-punishment principle and on cross-border cooperation is also still limited.

The most significant capacity-building challenges for Philippine judges handling TIP cases centre on the mismatch between the complexity of modern trafficking and the current depth, frequency, and specialisation of judicial training. This is because trafficking in persons continues to evolve and its prosecution and adjudication remains a challenge.

## Good Practices

1. Capacity-Building of Multi-disciplinary Teams – *Indonesia*

    a. Indonesia provides foundational training for prospective judges, including modules on digital evidence, victim-centred approaches, and human rights-based perspectives, equipping them with essential knowledge and skills to adjudicate complex and sensitive cases, including TIP cases.

    b. Specialised technical training on TIP is also conducted in prioritised regions with high incidence of trafficking.

c. Indonesia also collaborated with external partners in conducting training programs on TIP. For example, in 2021, the Judicial Training Center for the Technical Matters (*PUSDIKLAT Teknis*) collaborated with the International Organization for Migration (IOM) to conduct a model[143] of Training of Trainers (ToT) program for 20 judicial trainers from various Indonesian provinces. The training focused on adjudicating trafficking in persons (TIP) cases, emphasising child victim and gender-sensitive approaches. The curriculum covered six key areas:

    (1) TIP Law fundamentals.

    (2) Evidence in TIP case proceedings.

    (3) Relationship between TIP laws and other legal frameworks.

    (4) Protection of witnesses and victims.

    (5) Restitution for TIP victims.

    (6) Case studies and practical application.

d. Following this initiative, *PUSDIKLAT Teknis* and IOM organised a pilot training in 2022 for first instance court judges of Surabaya High Court, East Java province, engaging the 20 trainers. This pilot was subsequently institutionalised into *PUSDIKLAT Teknis's* capacity-building program conducting three additional training courses for first instance court judges from Yogyakarta, Pontianak and Mataram High Courts.

e. To ensure comprehensive knowledge across the justice sector, UNODC and ASEAN-ACT provided training to prosecutors, the Witness and Victim Protection Agency (LPSK), and first instance court judges. This training covered non-punishment and do-no-harm principles, as well as evidential issues in TIP cases, including the use of digital evidence. This multi-professional approach facilitated the sharing of diverse perspectives and challenges, strengthening relationships and networks between different areas of the justice sector.

*2.* Adopting holistic and multi-disciplinary approach to training – *Philippines*

a. The Philippine Judicial Academy (PHILJA) is the exclusive training institution for justices, judges, court lawyers and court personnel. PHILJA provides comprehensive training programs to enhance judges' competencies in the handling of cases of child abuse, online sexual abuse and exploitation of children, juvenile justice and trafficking in persons with

[143] This training, based on adult learning principles focused on: (1) Trafficking in Persons (TIP) Law – covering the fundamental legal framework surrounding trafficking in persons, including relevant statutes, definitions, and key issues in order to provide a comprehensive understanding of the legal landscape. (2) Evidence in TIP Case Proceedings - the types of evidence admissible in court, evidentiary standards, and best practices for collecting and preserving evidence to build a strong case against traffickers. (3) Relationship between TIP Laws and Other Laws - TIP cases often intersect with other areas of law, such as immigration, labour, and organized crime. This component of the training explored the interplay between TIP laws and related legal frameworks, highlighting potential overlaps and conflicts. (4) Protection of Witnesses and Victims - Ensuring the safety and well-being of witnesses and victims is paramount in TIP cases and this area of the training looked at witness protection programs, victim assistance services, and important considerations when working with vulnerable individuals who have experienced trauma. (4) Restitution for TIP Victims - Victims of trafficking often suffer significant financial losses and emotional distress. This training examined the legal avenues for seeking restitution and compensation for victims, including civil law, asset forfeiture, and victim compensation funds. (5) Case Studies and Practical Application - To reinforce the theoretical knowledge gained, participants were provided with case studies and practical exercises which allowed them to apply the learned principles and techniques to real-world scenarios, enhancing their preparedness for handling actual TIP cases.

two special trainings on Trafficking in Persons: (1) Competency Enhancement Training on Trafficking in Persons Cases (CET-TIP), and (2) Advanced Competency Enhancement Training on Trafficking in Persons Cases (ACET TIP).

b. In 2013, PHILJA rolled out the CET-TIP – a multi-disciplinary training for judges, court officers, prosecutors, law enforcers, and social workers and covers the various stages from investigation to adjudication of TIP cases. The training provides practical exercises, such as workshops and moot court presentations, to reinforce participants' key learnings. It aims to sensitise participants to the plight of TIP victims.

c. Participants who complete this training activity become (1) competent at investigating, prosecuting, managing, and adjudicating trafficking cases that occur in various settings and require different interventions in terms of proper application and enforcement of the law and applicable jurisprudence; and (2) able to demonstrate awareness and sensitivity in handling trafficking cases consistent with the following approaches: victim-centred, trauma-informed, gender-responsive, and human rights-based, and the best interest of the child principle.

d. From 2013 to 2024, PHILJA trained a total of 625 participants: 152 judges, 128 court personnel (clerks of courts, court social workers, local social workers and legal researchers), 172 prosecutors, 108 law enforcement officers, and 65 other personnel.

e. In 2016, PHILJA likewise developed an Advanced CET-TIP to cover specialised areas such as “Understanding Forensic Tools and Digital Evidence”. Participants consist of judges, prosecutors, social workers, court psychologists, law enforcement officers and court legal researchers who had completed CET-TIP as the basic course.

f. Participants who complete this competency-building activity (1) acquire enhanced knowledge of the international legal framework such as the Budapest Convention and the ASEAN Convention Against Trafficking in Person (ACTIP) vis-a-vis the domestic legal framework; (2) develop up-to-date and competent means of investigating, prosecuting, managing and adjudicating emerging trends in trafficking cases occurring at various settings and requiring different interventions; (3) able to identify the elements of gender-responsive and victim-centred approaches, recognise their importance, and apply the same in the context of trafficking in persons cases; (4) demonstrate increased awareness of multi-disciplinary and various forms of assistance that can be extended to the victims of trafficking, including protective custody, compensation, medical and psychological services; and (5) are able to apply advanced skills to facilitate the victim's healing from trauma and reintegration into the community and society.

g. From 2016 to 2024, PHILJA trained a total of 222 participants: 52 judges, 49 clerks of court and legal researchers, 42 court social workers and local social workers, and 27 law enforcement officers.

h. In the Philippines, Republic Act No. 8369 or the Family Courts Act of 1997[144] was enacted establishing family courts which have exclusive original jurisdiction over cases involving children, whether victim or accused. Judges are provided specialised training in the handling of family and child-related cases right after their appointment or designation to

[144] An Act Establishing Family Courts, Granting Them Exclusive Original Jurisdiction Over Child and Family Cases, Amending Batas Pambansa Bilang 129, As Amended, Otherwise Known As Act Of 1980, Appropriating Funds Therefor And For Other Purposes [Family Courts Act of 1997], Republic Act No. 8369 (1997).

a family court.  It has been shown that a multi-disciplinary approach to capacity-building brings greater awareness among court actors and results in a more mindful application of child-centric approaches at every step of the judicial process.  Judges, prosecutors, public attorneys, and court personnel, including court social workers, are trained together in the *Competency Enhancement Training in Handling Cases Involving Children (CET-Child)*, a program that is regularly conducted by the Philippine Judicial Academy to increase awareness and sensitivity in tackling cases that involve children, such as child prostitution and other acts of sexual abuse including trafficking.[145]

i. In April 2026, the Supreme Court approved the creation of a Technical Working Group tasked to review and revise the training modules of CET-CHILD and the CET-TIP.

*3.* Capacity Building for Other Justice Sector Actors - *Philippines*

a. The capacity building of judges becomes more impactful with the corresponding improvement in the competencies of prosecutors, social workers, police investigators, and barangay officials in handling trafficking in persons cases.

b. Strengthen law enforcement agencies' capacity to investigate and prosecute trafficking cases effectively.

c. Cross-border Collaboration: Engage in partnerships with other countries to share information and best practices.

d. Judicial Knowledge Exchanges such as participation in international programs that provide resources and training for addressing trafficking.

e. Sharing of Data: Countries can share data on trafficking trends, victim profiles, and known traffickers, which enhances understanding and response strategies. Sharing successful intervention strategies helps countries learn from each other's experiences.

f. Law enforcement agencies from different countries can work together on joint operations to dismantle trafficking networks.

[145] Philippine Judicial Academy, Supreme Court of the Philippines, Competency Enhancement Training in Handling Cases Involving Children - Facilitator's Handbook, (August 2023).

# CONCLUSION

Access to justice is a fundamental principle of the rule of law. Without it, individuals cannot have their voices heard, exercise their rights, challenge discriminatory practices, or hold decision-makers accountable. The delivery of justice must be impartial and non-discriminatory. To ensure meaningful access to justice, especially for vulnerable groups like victims of trafficking, mechanisms and systems must be in place for fair dispute resolution, redress for human rights violations, and accountability for wrongdoings. People need to be aware of their rights, empowered to claim them, and free to make their own choices throughout the process.

Importantly, the justice system functions as an interconnected ecosystem in which courts, law enforcement agencies (e.g., police and prosecutors), victim support services, legal aid providers, civil society, and other relevant institutions each play a critical role. Challenges encountered by judges and courts may not arise solely from judicial processes themselves, but can also reflect broader systemic constraints, institutional capacity gaps, or coordination challenges among relevant stakeholders.

Having identified the challenges that specifically hinder the handling of trafficking in persons cases, there should be a clearer understanding of how to recalibrate judicial processes to ensure equitable access to justice. This compendium aims to transform the legal framework into an active instrument for overcoming intersectional barriers.

The development of this compendium signifies a major advancement in ASEAN's dedication to victim-centred adjudication. Led by Indonesia and the Philippines, this evolving document embodies the collective efforts and shared knowledge from the pilot knowledge exchange project, establishing a robust foundation for future judicial training and education.

The creation of this compendium reflects the hard work, dedication, and deep passion of those committed to addressing trafficking in persons cases. It is the product of careful study, shared experiences, and steadfast collaboration to document both the challenges encountered and the good practices that have emerged in responding to these cases with competence, compassion, and resolve.

As ASEAN Member States continue to confront the intricate challenges of trafficking in persons cases, the compendium will serve as a vital resource, providing insights into effective practices and strategic responses. It will be regularly updated to include new lessons and good practices from ongoing knowledge-sharing among ASEAN Member States, ensuring its continued relevance and usefulness.

This living document will continue to reflect the region's commitment to enhancing judicial responses to trafficking in persons, ultimately fostering a more just and supportive legal environment for trafficking victims in ASEAN.

# ANNEX 1: TIP and Related Laws

ASEAN Framework relevant to Trafficking in Persons:

1) ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (2015) calls for measures to allow victims to stay temporarily or permanently (Article 14(4)); provide compensation for damages (Article 14(13)); establish a victim fund for care and support (Article 14(14)); and establish repatriation programs, involving relevant national or international institutions and non-governmental organisations (NGOs) where needed (Article 15(5));

2) ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children recognises the important role of civil society organisations in each ASEAN Member State in providing assistance and empowerment to victims of trafficking in persons, including helping them to seek redress in close cooperation and coordination with law enforcement officials;

3) ACWC Gender-Sensitive Guidelines (2016) establish that prosecutors should apply for court-ordered victim compensation where appropriate and that apart from victim compensation, there should also be other kinds of assistance funding for victims (3.6.9) and recognise that each victim should have a right to just treatment and access to justice;

4) ACWC Regional Guidelines and Procedures to Address the Needs of Victims of TIP, Especially Women and Children (2018) call on ASEAN Member States to ensure that trafficking victims are aware of available remedies and put in place the necessary laws and procedures to ensure the possibility of compensation being obtained, noting that where appropriate, support and assistance should be channelled through relevant civil society organisations.

5) ASEAN Guideline on the Implementation of the Non-Punishment Principle for Protection of Victims of Trafficking in Persons (2025) supports ASEAN Member States in their ongoing work to strengthen the application of the non-punishment principle in practice.

**INDONESIA**

Law No. 21 of 2007 on Eradication of the Crime of Trafficking in Persons (Indonesia Anti-TIP Law)

Law No. 11 of 2012 on Juvenile Criminal Justice System

Law No. 35 of 2014 on Child Protection

Law 18 of 2017 on the Protection of Indonesian Migrant Workers

Law No. 12 of 2022 on Sexual Violence Crimes Law

Law No. 1 of 2023 on the Criminal Code (2023 Criminal Code)

Law Number 63 of 2024 on the Third Amendment to Law Number 6 of 2011 on Immigration

Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions

Law No. 20 of 2025 on Criminal Procedure Code (2025 Criminal Procedure Code)

Law No. 1 of 2026 on Adjustment of Criminal Penalties

Law Number 3 of 2026 on the Protection of Witnesses and Victims

Government Regulation No. 29 of 2025 on Assistance Fund for Victims of Sexual Violence Crimes

Supreme Court Regulation No. 1 of 2014 on Guidelines on the Provision of Legal Aid Services for Economically Disadvantaged Persons in Courts

Supreme Court Regulation No. 3 of 2017 on Women in Conflict with the Law

Supreme Court Regulation No. 1/2022 (PERMA 1/2022) Supreme Court Regulation No. 1 of 2022 on the Procedures for the Resolution of Applications for and the Award of Restitution and Compensation to Victims of Criminal Offences

Supreme Court Regulation No. 2 of 2025 on Guidelines on Case Adjudication involving Persons with Disabilities in Conflict with the Law

Decision of the Chief Justice of the Supreme Court of the Republic of Indonesia No. 2-144/KMA/SK/VIII/2022 on Public Information Service Standards in Courts

Regulation of the Directorate General of the General Court No. 2176 of 2017 on the Guidance of Minimum Facilities Standard for the Child-Sensitive Court

Decision of Directorate General of General Court of the Supreme Court of Indonesia No. 1692/DJU/SK/PS.00/12/2020 on the Guideline of the Implementation of Court Assistance for Persons with Disabilities at the High Court and First Instance Court

**PHILIPPINES**

REPUBLIC ACT No. 9208

An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for Its Violations, and for Other Purposes

REPUBLIC ACT No. 10364

An Act Expanding Republic Act No. 9208, Entitled “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for Its Violations, and for Other Purposes

REPUBLIC ACT No. 11862

An Act Strengthening the Policies on Anti-Trafficking in Persons, Providing Penalties for Its Violations, and Appropriating Funds Therefor, Amending for the Purpose Republic Act No. 9208, as Amended, Otherwise Known as the “Anti-Trafficking in Persons Act of 2003,” and Other Special Laws

REPUBLIC ACT No. 11930

An Act Punishing Online Sexual Abuse or Exploitation of Children, Penalizing the Production, Distribution, Possession, and Access of Child Sexual Abuse or Exploitation Materials, Amending Republic Act No. 9160, Otherwise Known as the “Anti-Money Laundering Act of 2001,” as Amended, and Repealing Republic Act No. 9775, Otherwise Known as the “Anti-Child Pornography Act of 2009”

# ANNEX 2: JUDICIARY PROFILES

## INDONESIA

**I. Understanding the Hierarchy of Courts in the Indonesia**

The Indonesian legal system inherits the civil law system as a result of Dutch colonialism with influence of local *Adat* Law (Customary Law) and Islamic Law. In the latest development, the common law has shown its influences, especially in relation to commercial and business law.

After the reform era in 1998, many regulations and institutions which were deemed to be inconsistent with the spirit of democracy as so contained in the 1945 Constitution have been reformed, including those regulations concerning judiciary. Some amendments have been made in the Constitution to provide more definite and clear protection on human rights of the citizen and the independence of the judiciary.[146]

The Indonesian judiciary system has its constitutional root in the 1945 Constitution and is further regulated in the implementing laws and regulations. The judicial power in Indonesia is regulated under article 24 of the Constitution which stipulates that the judiciary power shall be implemented by the Supreme Court and the Constitutional Court. In addition to that, article 24 B (1) of the Constitution also stipulates the presence of a Judicial Commission which is independent in nature and has authority to nominate appointment of Supreme Court Justices and has other authorities in order to safeguard and uphold the honour, dignity and conduct of judges.

The court system itself is founded upon four pillars, namely, the general court, religious court, state administrative court and military court.

- The general court has authority over general criminal and civil matters for general people, including family law. Except for Nanggroe Aceh Darussalam, criminal matters fall under the jurisdiction of *Mahkamah Syari'ah* or religious court. In other regions, the religious court only has authority over civil matters.

  Under the general court system, specialised courts were established, such as anti-corruption courts, fisheries court, human rights court, and industrial court.

- The Religious Court has the authority over family disputes for Muslim citizens, which include disputes over divorce, inheritance, and custody. Later, according to Law No. 21 of 2008 on Sharia Banking, the authority of the Religious Court has been further expanded to also handle sharia economic cases.
- The State Administrative Court has the authority to hear disputes arising in the field of state administration between individual or legal entities against agency or State Administrative Officials, as result of the issuance of State Administrative Decision, including dispute on employment of civil servants.
- The Military Court hears crimes committed by members of the armed forces.

Each court jurisdiction consists of first instance and appellate court. The Court of First Instance sits in every capital of the city/regency, while the appellate court sits in the capital of provinces, except for the state administrative court which has broader jurisdiction.[147]

[146] https://bsdk.mahkamahagung.go.id/id/sekretariat-id/kelembagaan-pelaporan-id/293-judicial-system-of-the-supreme-court-of-the-republic-indonesia.html

[147] https://cacj-ajp.org/indonesia/judiciary/overview-of-indonesian-judiciary/

## II. TIP Trial Procedure

Generally, the criminal justice process for all criminal offences in Indonesia begins with the inquiry and investigation stages. According to Article 1 (1) of 2025 Criminal Procedural Law investigators consist of the investigators from the Police and certain civil servant officials provided with special authority by the Law. In addition to that, for criminal acts of corruption, according to Article 6 (c) of Law Number 30 of 2002 on Commission on the Eradication of Corruption,[148] the Anti-Corruption Commission shall have the authority to conduct inquiry, investigation and prosecution over corruption offences. Article 30 (1) (d) mentions that one of the authorities of the prosecutor general is to conduct investigation over certain offences according to the laws.

### Prosecution

Prosecution according to Article 1 (11) of 2025 Criminal Procedure Code shall be the action taken by a public prosecutor to file a criminal case to the court that has the jurisdiction over such matters. If the public prosecutor is in the opinion that the result of the investigation has been sufficient to prosecute, the prosecutor shall prepare an indictment and file the case to the court. In the case where the prosecutor is in the opinion that there is not sufficient evidence, or the event is not an offence, or the case must be closed on behalf of public order, the prosecutor may discontinue the prosecution by issuing the Order to Terminate the Prosecution.

Upon receipt of the case file from the Public Prosecutor, the Chief Judge of the District Court shall determine whether the case falls within the jurisdiction of the court.

### Court Hearing

Court hearing is conducted by a panel of judges consisting of at least 3 (three) judges, except the laws determine otherwise. Exceptions include hearing for juvenile cases, minor offences, short proceedings and pre-hearing proceedings.

The hearing is open to the public, except in cases involving offences against sexual morality, where the defendant is a child, or where otherwise provided by law.

In general, process of a regular criminal trial procedure (*Acara Pemeriksaan Biasa*) is as follows:

- Reading the Indictment
- Exception from the defendant
- Examination of evidence
- Reading the Requisitoir / prosecutor’s charges
- Reading the Pledoi / defences
- Reading the Decisions

Where the District Court receives the case file and determines that the case falls within its jurisdiction, the Chief Judge of the District Court shall appoint the Judge to hear the case. The appointed Judge shall schedule the hearing. The presiding Judge shall open the hearing and declare it open to the public, except in cases involving sexual offences, where the defendant is a child, or where otherwise provided by law.

On the date of the hearing:

---

[148] The Law No. 30 of 2022 has been amended by Law No. 10 of 2015 and by Law No. 19 of 2019.

- The Public Prosecutor, the defendant, and/or the defendant's counsel shall present witnesses and/or expert witnesses to provide testimony; and/or
- The Public Prosecutor and/or the defendant shall appear to give testimony, unless there are compelling reasons for the defendant's absence.

Where a witness and/or expert witness is unable to attend the hearing for a valid reason, the examination of that witness and/or expert witness may be postponed once.

The Public Prosecutor and the defendant or the defendant's counsel shall be given the opportunity to make brief opening statements outlining the evidence and witnesses they intend to present during the trial. Following the opening statements, the witnesses and expert witnesses shall give their testimony. The order in which witnesses and expert witnesses are called shall be determined by the party calling them.

The Public Prosecutor shall present the prosecution's witnesses, expert witnesses, and evidence first. After the Public Prosecutor has presented the prosecution's witnesses and evidence, the defendant's counsel may present evidence, expert witnesses, and witnesses.

The defendant shall give testimony at the conclusion of the evidentiary proceedings. Following the defendant's testimony, the Public Prosecutor may call additional witnesses or expert witnesses to rebut the evidence presented by the defence during the trial.

The Public Prosecutor shall first examine the witnesses or expert witnesses called by the prosecution. Upon completion of the prosecution's examination, the defendant's counsel may examine those witnesses or expert witnesses. The Public Prosecutor may re-examine the witnesses or expert witnesses to clarify any answers given during the defence's examination.

The defendant's counsel shall examine the witnesses or expert witnesses called by the defence, as well as the defendant. Upon completion of the defence's examination, the Public Prosecutor may examine the defence witnesses, expert witnesses, and the defendant. The defendant's counsel may then re-examine the witnesses, expert witnesses, and the defendant to clarify any answers given in response to the Public Prosecutor's questions.

The presiding Judge may disallow any question put by the Public Prosecutor or the defendant's counsel to a witness, expert witness, or the defendant where the Judge considers the question to be irrelevant to the case, and shall state the reasons why the question is not permitted.

Where necessary, the Judge may put questions to a witness, expert witness, or the defendant to clarify matters arising from the questions posed by the Public Prosecutor or the defendant's counsel.

After both parties have presented their evidence and testimony, the Public Prosecutor and the defendant's counsel shall be given the opportunity to make oral submissions explaining how the evidence presented at trial supports their respective positions.

Upon the conclusion of the examination, the Public Prosecutor shall present the sentencing submission, setting out the aggravating and mitigating circumstances relating to the defendant. Following the prosecution's sentencing submission, the defendant and/or the defendant's counsel shall present the defence, to which the Public Prosecutor may respond, provided that the defendant or the defendant's counsel is always given the final opportunity to reply.

The presiding Judge shall declare the trial closed. The panel of judges shall deliberate to reach a decision. Where necessary, the deliberation shall take place after the defendant, witnesses, defence counsel, the Public Prosecutor, and members of the public have left the courtroom.

The panel shall endeavour to reach a unanimous decision. Where unanimity cannot be achieved despite genuine efforts, the decision shall be made by majority vote

The court decision shall be read in a public hearing, a typical criminal court decision shall consist of:

- Conviction: a conviction is entered where the defendant is found guilty of the offence(s) charged. The principal penalties that may be imposed are:
  - Death penalty
  - Life imprisonment
  - Imprisonment
  - Confinement
  - Supervision
  - Fine
  - Community service
  - Additional penalties:
    - deprivation of certain rights
    - forfeiture of specified property and/or claims
    - publication of the judgment
    - payment of compensation
    - revocation of certain licences
    - fulfilment of customary obligations.
- Acquittal: decision imposed if the defendant cannot be proven to commit the offences
- Release from the charges: if the defendant is proven to commit the act but such act is not an offence.

Aside from the general trial procedure, Indonesia also conducts a short proceeding (*Acara Pemeriksaan Singkat*) for certain criminal cases. In general, this applies to cases that are not complex, with straightforward evidentiary issues and application of the law. Short proceedings do not require an indictment but only specify the statutory provision alleged to have been violated.

Where the Judge considers that further examination is necessary, additional examination may be conducted within a period of no more than 14 (fourteen) days. If the Public Prosecutor is unable to complete the additional examination within that period, the Judge shall order that the case be transferred to the Ordinary Trial Procedure. For the purpose of preparing the defence, the Judge may, upon the request of the defendant and/or the defendant's counsel, adjourn the proceedings for a period of up to 7 (seven) days. The trial shall be heard by a single Judge. The maximum term of imprisonment that may be imposed is 3 (three) years.

Short proceeding may apply in the following circumstances:

A. Guilty Plea during Plea Bargaining at Pre-Trial Stage

   Before the commencement of trial (pre-trial stage), the Public Prosecutor shall ask the defendant, in the presence of the defendant's legal counsel, whether the defendant pleads guilty or not guilty. Where the defendant pleads guilty, the defendant must be represented by defence counsel, and the guilty plea shall be recorded in the official record of proceedings. The guilty plea shall be submitted at a separate hearing before the examination of the merits of the case begins. The hearing shall be conducted by a single Judge.

Where the guilty plea is accepted, a written agreement shall be concluded between the Public Prosecutor and the defendant, subject to the approval of the Judge. The Judge shall determine that the guilty plea is made voluntarily, without coercion, and with the defendant's full understanding of its consequences. Where the Judge accepts the guilty plea, the case shall proceed under the simple trial procedure.

A guilty plea at this stage may only be accepted where:

- the defendant is a first-time offender;
- the offence is punishable by a maximum term of imprisonment of 5 (five) years or a Category V fine; and/or
- the defendant agrees to pay compensation or restitution.

Accordingly, not all offences under the Indonesia Anti-TIP Law are eligible for this mechanism. It applies only to offences that satisfy the above conditions. A guilty plea affects only whether the case proceeds under the general trial or short proceeding, the latter of which may expedite the proceedings. The mechanism does not involve any negotiation or agreement for a reduced sentence.

B. Admission of the Indictment and Guilty Plea under Article 234 of the Criminal Procedure Code

Where, upon the reading of the indictment by the Public Prosecutor, the defendant admits all of the alleged acts and pleads guilty to an offence punishable by a maximum term of imprisonment of not more than 7 (seven) years, the Public Prosecutor may refer the case to the Summary Trial Procedure. If approved by the Judge, the sentence imposed on the defendant shall not exceed two-thirds of the statutory maximum penalty for the offence charged.

Appeal

The defendant, the defendant's counsel, or the Public Prosecutor may appeal a judgment to the High Court.

Appeals shall be heard by a panel of at least three Judges of the High Court based on the case file transmitted by the District Court. The case file consists of the investigation records, the record of the trial proceedings before the District Court, all documents produced during the trial that are relevant to the case, and the judgment of the District Court.

**Cassation**

Against a final criminal judgment rendered by any court other than the Supreme Court, the defendant or the Public Prosecutor may file an application for cassation with the Supreme Court.

**Enforcement of Final Judgments**

A criminal judgment that has become final and binding shall be enforced by the Public Prosecutor.

**Judicial Review of Final Judgments**

A convicted person may apply to the Supreme Court for judicial review of a final and binding judgment. An application for judicial review may be filed on the following grounds:

a. where new facts or newly discovered evidence give rise to a strong presumption that, had they been known during the trial, the outcome could have been an acquittal, a release from all legal charges, a declaration that the Public Prosecutor's charges were inadmissible, or the application of a more lenient criminal provision;

b. where one or more Judges who imposed the sentence are subsequently found, by a final and binding judgment, to have accepted a gift or promise from a person in connection with the criminal case in which they served as a Judge, with the intention of influencing the conviction of the defendant or the imposition of a more severe sentence than warranted; and/or

c. where the judgment clearly demonstrates a judicial error or a manifest mistake.

An application for judicial review may only be submitted once, unless there are new facts or newly discovered evidence, or there is a conflict between two final and binding judgments.

**Timeframes for Criminal Case Proceedings**

The indicative timeframes for the examination of criminal cases are as follows:

- first instance proceedings before the District Court: within 5 (five) months;
- appeal proceedings before the High Court: within 3 (three) months;[149] and
- cassation and judicial review proceedings before the Supreme Court: within 250 (two hundred and fifty) days, unless otherwise provided by law, calculated from the receipt of the case file by the Supreme Court until its return to the referring court.[150]

## III. Overview of the Judicial Academy

The education and training of judges in Indonesia are administered by the Agency for Policy Strategy and Judicial Education and Training of the Supreme Court of Indonesia.

Its training facility is located in Ciawi, 40 km south of Jakarta. It offers in-house Judicial and Management and Leadership Training Programme for court officials. The main programme for judicial education programme covers:

1. Integrated education program for candidate judges
2. Continuing Judicial education
3. Education for registrar and bailiffs

In addition to regular judicial education programme, Supreme Court Judicial Training Centre also conducts training & certification programme for the following specialisation:

1. Anti Corruption Judges
2. Bankruptcy
3. Intellectual Property
4. Environment

---

[149] Supreme Court Circular Letter No. 2 of 2014 on the Timeframe for Case Resolution at First Instance and Appellate Courts across the Four Court Jurisdictions.

[150] Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia No. 214/KMA/SK/XII/2014, dated 31 December 2014.

5. Juvenile Justice

Supreme Court Judicial Training Facilities can support 1000 people in the main auditorium, and have classrooms with 40, 60, and 80 person capacities. It is also supported by language, computer and moot court laboratories, library, dining room, health facility and sport centre. It is also able to accommodate approximately 400 people.

**IV. Judgeship Qualifications and Requirements**

The Supreme Court is responsible for independently recruiting judges. The recruitment process is conducted based on the following principles:

- independence;
- professionalism;
- proportionality;
- integrity;
- objectivity;
- transparency;
- effectiveness;
- efficiency; and
- accountability.

Candidates for appointment as judges in the general courts, religious courts, and administrative courts are recruited from:

1. civil service candidates appointed as prospective judges; and/or
2. civil servants of the Supreme Court and courts under its jurisdiction who have successfully passed the judicial candidate selection process.

To be appointed as a judge, a candidate must meet the following **requirements**:

- be an Indonesian citizen;
- believe in the One and Only God;
- be loyal to *Pancasila* and the 1945 Constitution of the Republic of Indonesia;
- hold a bachelor's degree in law;
- successfully complete judicial education and training;
- be physically and mentally fit to perform judicial duties; and
- possess integrity, honesty, impartiality, and good moral character.

**Selection Process for Prospective Judges**

The selection process for prospective judges consists of the following stages:

- Civil Service Recruitment: Candidates apply for judicial candidate positions through the national civil service recruitment process.

- Administrative Screening: Verification of academic qualifications and supporting documents, including degree certificates, academic transcripts, national identity cards, and other required documents.
- Basic Competency Test: A computer-based examination assessing national values, general aptitude, and personal characteristics.
- Professional Competency Assessment: Legal knowledge examination, psychological assessment, and interviews to assess technical competence and suitability for judicial office.

Candidates who successfully complete all stages of the civil service recruitment process are appointed as civil servant candidates and are required to undertake the Prospective Judge Education and Training Programme (*Pendidikan dan Pelatihan Calon Hakim* or *Diklat Cakim*). Prospective judges are required to complete this programme before they may be appointed as judges. The specialised training programme is organised by the Supreme Court and is designed to equip prospective judges with practical legal skills, judicial ethics, and technical knowledge of court procedures. The programme combines classroom instruction with supervised on-the-job training and court attachments across different court jurisdictions. During the programme, prospective judges receive training in substantive and procedural law, court administration, judicial ethics, and professional discipline before taking judicial office. The programme is conducted over a period of 2 (two) years, combining in-class instruction and practical training to ensure that prospective judges are fully prepared to perform judicial duties.

Upon successful completion of the programme, the Chief Justice of the Supreme Court submits the successful candidates to the President of the Republic of Indonesia for appointment as judges.

# PHILIPPINES

**I. Understanding the Hierarchy of Courts in the Philippines**

The legal system of the Philippines, like many other countries, operates within a structured hierarchy. This means that courts are ranked by level of authority, and those that are ranked higher have a higher level of authority than those in the lower levels. This hierarchy plays a crucial role in ensuring the proper administration of justice and resolving legal disputes within the Philippine court system. Higher court levels generally have appellate jurisdiction over lower level courts, which means that they can review, revise, reverse, modify, or affirm the decisions of those lower level courts.

A. Supreme Court

The highest in the Philippine judicial hierarchy is the Supreme Court of the Philippines. Sometimes called the highest court of the land, it is the highest judicial body in the country, and its decisions and rulings are final and binding on all other courts in the country. Its decisions also form part of the Philippine Law, and therefore everyone is expected to follow the rulings of the Supreme Court in its decisions.

The Supreme Court is composed of one Chief Justice and 14 Associate Justices, all appointed by the President of the Philippines after a vetting process by the Judicial and Bar Council. They decide cases in divisions composed of five Justices, or en banc, which means all 15 Justices deliberate and decide on a case.

The Supreme Court has the authority to hear and decide on cases involving pure questions of law, constitutional issues, and in many cases, those of national interest. It also has the power of expanded judicial review, which means it can review and nullify laws or actions of the government that were done with grave abuse of discretion. The Philippine Constitution provides that the Supreme Court exercises appellate jurisdiction to review, revise, reverse, modify, or affirm final judgments, and orders of the lower courts in:

1. All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.

2. All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

3. All cases in which the jurisdiction of any lower court is in issue.

4. All criminal cases in which the penalty imposed is reclusion perpetua or higher.

5. All cases in which only an error or question of law is involved.

Besides its jurisdiction over original and appealed cases, the Supreme Court also has administrative functions over the entire judiciary. It formulates rules of court procedure, legal ethics, and standards of legal practice. It also supervises the lower courts and has the power to discipline judges, court personnel, and all lawyers, whether employed in the courts or not.

B. Court of Appeals

Next in the hierarchy to the Supreme Court is the Court of Appeals, often referred to as the CA. The Court of Appeals is an intermediate appellate court, which means it hears appeals from lower courts, such as Regional Trial Courts and administrative bodies. They exercise appellate jurisdiction on all cases not falling within the original and exclusive jurisdiction of the Supreme Court.

The Court of Appeals has jurisdiction over various cases, including appeals from decisions of trial courts (including both Regional Trial Courts and Municipal Trial Courts), and administrative bodies that exercise quasi-judicial functions. Its decisions are appealable to the Supreme Court. To manage its caseload efficiently, the Court of Appeals is divided into divisions, each composed of three justices of each division. At present, there is one Presiding Justice and sixty-eight (68) Associate Justices, divided into twenty-three (23) divisions. The CA decides all cases brought before it through any of its decisions, through the deliberations of three (3) members of each division.

C. Sandiganbayan

The Sandiganbayan is a unique court in the Philippines with a specific jurisdiction.  It primarily handles cases of corruption and graft involving public officials, including elected officials, government employees, and military personnel. Its jurisdiction is limited to those occupying high positions in government. In terms of rank, the Sandiganbayan is equivalent to the CA. The term “Sandiganbayan” comes from the Filipino words sandigan, which means support, and bayan, which means nation. Thus, “Sandiganbayan” means “support of the nation.” Implicit in name is the idea that the people can rely on this court for the attainment of the specific goals addressed to its attention.

The Sandiganbayan is responsible for trying and deciding cases involving violations of the Anti-Graft and Corrupt Practices Act, plunder, or those corruption cases involving amounts exceeding 75 Million Pesos and above, and other similar offenses committed by high-ranking public officials. Its jurisdiction extends to cases regardless of the amount involved. Its decisions are appealable to the Supreme Court. The Sandiganbayan is composed of one Presiding Justice and fourteen (14) Associate Justices divided into five (5) divisions. It decides cases through its divisions, through the deliberations of three (3) members for each division.

D. Court of Tax Appeals

The Court of Tax Appeals, or CTA, is another specialized court in the Philippines. As the name suggests, it deals exclusively with cases related to taxation. In terms of hierarchy, the CTA is equivalent in rank to the CA.

The CTA has jurisdiction over cases involving tax disputes, protests against tax assessments, and appeals from decisions of the Bureau of Internal Revenue and the Bureau of Customs. Its decisions are appealed to the Supreme Court.  At present, the CTA is composed of one (1) Presiding Justice and eight (8) Associate Justices, divided into three (3) divisions. It decides cases either through its divisions, composed of three (3) Justices each division, or en banc, with all six (6) Justices deliberating on and deciding a case brought before it.

E. Regional Trial Courts (Second Level Courts)

The Regional Trial Courts (RTC) are the trial courts of general jurisdiction in the Philippines. They handle a wide range of cases and are often the first level of courts that hear and decide disputes. They are also called second-level courts.

RTCs have jurisdiction over criminal cases that carry a penalty of more than six years of imprisonment, civil cases with an amount in dispute exceeding a specific threshold, family law cases, and others not falling under the jurisdiction of specialized courts. Its decisions are appealable to the CA.  RTCs are divided into stations spread over the country. The stations of the RTCs are determined by law. In each station, there may be one court (called single-sala courts) or multiple courts (called multiple-sala courts). Each court is presided over by a judge.

F. Family Courts

The Family Courts (FC) are special courts that exclusively handle Family and Children cases.  In terms of hierarchy, the Family Courts are considered equivalent in level to Regional Trial Courts.

Family Courts have jurisdiction over criminal cases involving children, defined as those who are below eighteen years of age, petitions for guardianship, custody of children, annulment of marriage, petitions for support, abuse of children, domestic violence against women and children, and similar cases. Its decisions are appealable to the CA.

G. The Municipal and Metropolitan Trial Courts (First Level Courts)

Below the Regional Trial Courts are the Municipal Trial Courts (MTC), Metropolitan Trial Courts (MeTC), Municipal Trial Courts in Cities (MTCC), and Municipal Circuit Trial Courts (MCTC). While there are many names used, the main distinction is only the location of these courts, whether they are in metropolitan areas (limited to the National Capital Region), or in municipalities or cities. In terms of jurisdiction, all of these courts handle the same kinds of cases. Collectively, they are called first-level courts. The decisions of first level courts are appealable to the Regional Trial Courts.

MTCs, MeTCs, MTCCs, and MCTCs handle cases involving small claims, summary procedures, and cases with lower penalties or amounts in dispute. They also deal with minor criminal offenses and violations of local ordinances. Its decisions are appealable to the RTC. Similar to RTCs, MTCs, MeTCs, MTCCs, and MCTCs have multiple branches across the country, each with its own area of jurisdiction.

H. The Shari'a Courts

In addition to the mainstream courts, the Philippines has Shari'a Courts and Indigenous Peoples' Courts. These specialized courts cater to specific cultural and legal contexts.

Shari'a Circuit Courts (SCCs) handle cases involving the Code of Muslim Personal Laws, such as marriage, divorce, and inheritance, applying Islamic principles. This is limited to civil cases and they do not have jurisdiction over any criminal cases. They are equivalent in rank to first-level courts. Shari'a District Courts (SDCs) have jurisdiction over appeals of cases decided by the SCCs. They are equivalent in rank to second-level courts.[151]

**II. Adjudicating Trafficking in Persons (TIP) Cases in the Philippines**

The passage of Republic Act No. 11862[152], overhauled R.A. 9208 (as amended by R.A. 10364) to address the evolving landscape of human trafficking, particularly internet-based and technology-facilitated exploitation. For family court judges and trial courts handling TIP cases, the expanded law intensifies the state's mandate to ensure swift, victim-sensitive, and high-conviction adjudication without violating the constitutional rights of the accused.

A. Pre-Trial and Preliminary Matters

1. Jurisdiction and Venue

   - TIP cases involving child victims and/or offenders fall under the exclusive original jurisdiction of the Family Courts.[153]
   - If the victim and/or accused is an adult, regular RTCs handle the trial.[154]
   - To protect the safety of the victim-survivor or witnesses, the Supreme Court allows for a change of venue upon proper motion, transferring the case to a neutral or safer jurisdiction.[155]

2. The Strict Application of Continuous Trial[156] Timelines

The Court must enforce the strict parameters of the Revised Guidelines on Continuous Trial to prevent unnecessary delays:

151 Quality Manual of the Judiciary.

152 An Act Strengthening the Policies on Anti-Trafficking in Persons, Providing Penalties for its Violations, and Appropriating Funds therefor, amending for the purpose Republic Act No. 9208, as amended, otherwise known as the "Anti-Trafficking in Persons Act of 2003", and other Special Laws, June 23, 2022

153 Republic Act No. 8369, October 28, 1997, Section 5.

154 Supra at 1, Section 6 (i).

155 Article VIII, Section 5, Paragraph (4), 1987 Philippine Constitution.

156 A.M. No.15-06-10-SC.

- Arraignment and Pre-Trial must be set and completed within ten (10) calendar days from the court's receipt of the case info, if the accused is detained, or thirty (30) days, if the accused is at large.[157]
- Pre-Trial Order is issued immediately after the pre-trial conference, binding the parties to the marked evidence, witness lists, and strict trial schedules.[158]

3. Bail Restrictions in Qualified TIP

- Under R.A. 11862, Qualified Trafficking in Persons carries the penalty of *reclusion perpetua* and a fine of not less than Two Million Pesos (₱2,000,000) to Five Million Pesos (₱5,000,000).[159].
- Since the penalty is *reclusion perpetua*, bail is a matter of discretion and is generally non-bailable if the evidence of guilt is strong.[160]
- Judges must conduct summary bail hearings expeditiously, strictly utilizing the Continuous Trial rule where the prosecution must present its core evidence to demonstrate that the evidence of guilt is strong.[161]

B. Trial Proper: Evidentiary and Procedural Innovations

1. Technology-Facilitated TIP: Redefining the Evidentiary Threshold

- R.A. 11862 explicitly expands the definition of trafficking to include actions committed through the use of information and communications technology (ICT).[162]
- Courts must comfortably apply the Rules on Electronic Evidence (REE)[163]. Screenshots of chat logs (Facebook Messenger, WhatsApp, Viber), cryptocurrency transaction ledgers, digital wire transfers, and server logs are admissible when authenticated properly under the REE.
- The law covers qualified trafficking when committed through an ICT or any computer system.

2. Witness Testimony and Victim-Sensitive Modalities

- The trial of TIP cases requires a departure from traditional adversarial hostility to prevent secondary victimization in the courtroom.
- Child victims may testify via a live-link television monitor or videoconferencing platform from a separate, dedicated room.[164] This shields them from the direct, intimidating visual presence of the accused.
- When children are testifying, the judge must ensure that questions are age-appropriate, avoid an aggressive or badgering tone from the defense[165], and allow the presence of a support person.[166]

3. Overcoming the "Lack of Physical Resistance" Defense

---

[157] *Id.*, III (8) .
[158] *Id.,* (f)(iv).
[159] Supra at 1, Section 9.
[160] Rules of Court, Rule 114, Section 5
[161] Supra at 5, III (10).
[162] Supra at 1, Section 5.
[163] A.M. No. 01-7-01-SC, July 17, 2001, Rule 5, Rule 7.
[164] A.M. NO. 004-07-SC (Rule on Examination of a Child Witness), November 21, 2000, Section 25.
[165] *Id.*, Sections 18-22.
[166] *Id.*, Section 11.

- A recurring hurdle in TIP trials is the defense's argument that the victim "consented" or failed to resist, particularly in labor trafficking or cases involving young adults.
- Under the Anti-Trafficking in Persons Act, the consent of the victim is completely immaterial if any of the means listed (force, threat, coercion, abduction, fraud, deceit, abuse of power, or vulnerability) were used.[167]
- Courts must take judicial notice of the macro-economic and psychological realities of the victim. If the accused exploited the victim's extreme poverty, lack of legal status, or displacement, "consent" is vitiated.[168]

*Qualified Trafficking: Adjudicating the "Loss of Innocence"*

The concept of Qualified Trafficking represents the highest tier of gravity in TIP adjudication. When a court evaluates a charge under Section 6[169], specific elements must be strictly examined.

A simple TIP charge is elevated to Qualified TIP, carrying the immutable penalty of *reclusion perpetua*, under any of the following circumstances:

- When the trafficked person is a child: Provided, That acts of online sexual abuse and exploitation of children shall be without prejudice to appropriate investigation and prosecution under other related laws;
- When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- When the crime is committed by a syndicate, or large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- When the offender is a member of the military or law enforcement agencies;
- When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).
- When the offender, commits one or more acts of trafficking under Section 4 over a period of at least sixty (60) days, whether those days are continuous or not;
- When the offender, or through another, directs or manages the actions of a victim in carrying out the exploitative purpose of trafficking;

---

[167] Republic Act No. 10364, Section 3.

[168] Association of Southeast Asian Nations (ASEAN), ASEAN Guideline on the Implementation of the Non-Punishment Principle for Protection of Victims of Trafficking in Persons (Jakarta: ASEAN Secretariat, 2025), 49, https://asean.org/wp-content/uploads/2025/06/ASEAN-Guideline-on-the-Implementation-of-the-Non-Punishement-Principle-for-Protection-of-Victims-of-Trafficking-in-Persons-adopted-ad-referendum-on-27-May-2025.pdf.

[169] Qualified Trafficking in Persons.

- When the crime is committed during a crisis, disaster, public health concern, pandemic, a humanitarian conflict, or emergency situation, or when the trafficked person is a survivor of a disaster or a human-induced conflict;
- When the trafficked person belongs to an indigenous community or religious minority and is considered a member of the same;
- When the trafficked person is a person with disability (PWD);
- When the crime has resulted in pregnancy;
- When the trafficked person suffered mental or emotional disorder as a result of being victim of trafficking; or
- When the act is committed by or through the use of ICT or any computer system**.**

4. The Doctrine of Non-Vitiation by Compliance[170]
   - Defense counsel frequently present evidence of a victim's subsequent actions—such as accepting wages, smiling in photographs, or returning to the place of exploitation—to argue an absence of trafficking.
   - The trial judge must view the evidence through a trauma-informed lens. The "loss of innocence" or compliance of the victim during the period of captivity/exploitation is recognized in jurisprudence as a psychological survival mechanism (e.g., trauma bonding or learned helplessness) and does not downgrade the crime from Qualified TIP to a lesser offense.
5. Judgments, Remedies, and Victim Restitution
   - Strict Adherence to Judgment Timelines - The court must render judgment within ninety (90) calendar days from the time the case is submitted for decision. Extensions are highly discouraged and require written permission from the Office of the Court Administrator (OCA).[171]
6. Mandatory Civil Indemnity and Damages
   - A complete judgment in a TIP case cannot merely impose a prison sentence; it must actively address civil restorative justice. The Court must award:
     - Moral Damages: Inherent in TIP cases due to the deep psychological trauma suffered by the victim.[172]
     - Exemplary Damages: To set a public example against the commodification of human beings.[173]
7. Confidentiality and Protections Post-Trial
   - The final decision, while public, must strictly utilize pseudonyms or initials for the victim, and any identifying details, such as specific addresses or school names, must be permanently redacted from the records to protect the victim-survivor’s integration back into society.[174]

---

[170] Inter-Agency Council Against Trafficking. (2023). *The 2022 revised rules and regulations implementing Republic Act No. 9208, as amended*. Article 2, Sections 98-103. Supreme Court of the Philippines E-Library. https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/2/96788

[171] Office of the Court Administrator. (2022, September 12). *Reiteration on the directive to comply with the reglementary periods to decide cases and/or resolve incidents* (OCA Circular No. 243-2022). Supreme Court of the Philippines. https://oca.judiciary.gov.ph/wp-content/uploads/OCA-Circular-No.-243-2022.pdf

[172] *People v. XXX*, G.R. No. 248815, March 23, 2022.

[173] *Id.*

[174] Supreme Court of the Philippines. (2025, February 4). *Further amendments to Supreme Court Amended Administrative Circular No. 83-2015 (Re: Protocols and procedures in the promulgation, publication, and posting on the websites of decisions,*

### III. Judgeship Qualifications and Requirements[175]

A person aspiring for judgeship must be (a) a natural-born citizen of the Philippines[176], (b) of proven competence, integrity, probity, and independence[177], and (c) a member of the Philippine Bar[178]. Becoming a member of the Philippine Bar means that the person had successfully passed the bar examinations and had taken his oath as a lawyer. It takes four years of studying for a bachelor's degree plus an additional four years of studying for a law degree before one can be eligible to take the bar examinations – a prerequisite to becoming a lawyer licensed to practice before the courts in the Philippines.

The courts of the Philippines are the following: the Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals, Shari'a Appellate Court, Regional Trial Courts, Family Courts, Shari'a District Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts, and Shari'a Circuit Courts.

The following are the additional qualifications:

1. Supreme Court. - Members of the Supreme Court must be at least forty years of age and must have been, for fifteen years or more, judges of a lower court or engaged in the practice of law in the Philippines.[179]
2. Court of Appeals. - Members of the Court of Appeals must possess the same qualifications as those prescribed for Members of the Supreme Court.[180]
3. Sandiganbayan. – Members of the Sandiganbayan must be at least forty years of age and for at least ten years have been judges of a court of record or have been engaged in the practice of law in the Philippines or have held office requiring admission to the bar as a pre-requisite for a like period.[181]
4. Court of Tax Appeals. – Members of the Court of Tax Appeals shall have the same qualifications as the Members of the Court of Appeals.[182]
5. Shari'a Appellate Court. – Members of the Shari'a Appellate Court shall have the same qualifications as the Members of the Court of Appeals and, in addition, shall be learned in Islamic law and jurisprudence.[183]
6. Regional Trial Courts and Family Courts. – Judges of the Regional Trial Courts and Family Courts must be at least thirty-five years of age and, for at least ten years, have been engaged in the practice of law in the

*final resolutions, and final orders using fictitious names/personal circumstances)* [Resolution]. A.M. No. 23-10-18-SC. Supreme Court E-Library. https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/11/98776

[175] *Substantially sourced from JBC No. 2020-01, "The 2020 Revised Rules of the Judicial and Bar Council".*

[176] Sec. 7, par. 1, Art. VIII, Constitution; Sec. 1, Presidential Decree (P.D.) No. 1606, as amended; Sec 1, R.A. No. 1125, as amended; Secs. 7 & 15, Batas Pambansa (B.P.) Blg. 129 (otherwise known as The Judiciary Reorganization Act of 1980); Sec. 4(a), R.A. No. 8369 (otherwise known as the Family Courts Act of 1997); Secs. 4 and 13, Art. IX, R. A. No. 6734, as amended by R.A. No. 9054; Arts. 140, P.D. No. 1083; Sec. 8, Art. XI, Constitution; Sec. 8, Ombudsman Act; Sec 4, R.A. No. 7662. As for the lower courts, it must be noted that Sec. 7 (2), Art. VIII of the Constitution, provides that "[c]ongress shall prescribe the qualifications of judges of lower courts, but no person may be appointed judge thereof unless he is a citizen of the Philippines and a member of the Philippine Bar."

[177] Sec. 7, Art. VIII, Constitution.

[178] *Id.*

[179] *Id.*

[180] Sec. 7, B.P. Blg. 129.

[181] Sec. 1, P.D. 1606, as amended.

[182] Sec.1, R.A, No. 1125, as amended by R.A. No. 9282.

[183] Sec. 4, Art. IX, R.A. No. 6734, as amended by R.A. No. 9054.

Philippines or have held a public office in the Philippines requiring admission to the practice of law as an indispensable requisite.[184]

7. Shari'a District Courts. – Judges of Shari'a District Courts shall have the same qualifications as the Members of Regional Trial Courts, and in addition, must be learned in Islamic law and jurisprudence.[185]
8. Courts of the First Level. – Judges of the first level courts (Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court, Municipal Circuit Trial Court) must be at least thirty years of age and, for at least five years, have been engaged in the practice of law in the Philippines, or have held a public office in the Philippines requiring admission to the practice of law as an indispensable requisite.[186]
9. Shari'a Circuit Courts. – (a.) Judges of Shari'a Circuit Courts in provinces and cities which are not members of the Autonomous Region in Muslim Mindanao (ARMM) must be at least twenty five years of age and have passed an examination in the Shari'a and Islamic jurisprudence to be given by the Supreme Court for admission to special membership in the Philippine Bar to practice in the Shari'a courts.[187]; (b.) Judges of Shari'a Circuit Courts in the ARMM shall have the same qualifications as judges of the Metropolitan Trial Courts or the Municipal Trial Courts and, in addition, must be learned in Islamic law and jurisprudence.[188]

**IV. Overview of the Philippine Judicial Academy**

The Philippine Judicial Academy was created by the Supreme Court on March 12, 1996, under the leadership of then Chief Justice Andres R. Narvasa, through the issuance of Administrative Order No. 35-96 Establishment of the Philippine Judicial Academy (PHILJA). It received its mandate on February 26, 1998, through Republic Act No. 8557 - An Act Establishing the Philippine Judicial Academy, Defining its Powers and Functions,

Appropriating Funds Therefore, and for other Purposes. This law institutionalized PHILJA as a "training school for justices, judges, court personnel, lawyers, and aspirants to judicial Posts."

When Chief Justice Hilario G. Davide, Jr. took his oath on November 30, 1998, he pledged to make the Supreme Court and the whole Judiciary worthy of public trust and confidence. He saw the vital role that continuing judicial education plays in ensuring judicial competence and efficiency. Given this "daunting task of institutionalizing continuing judicial education," Chief Justice Davide remarked, is the PHILIPPINE JUDICIAL ACADEMY, "the Supreme Court's implementing arm and the nation's watchdog in the pursuit of excellence in the Judiciary."

The Philippine Judicial Academy, a separate but component unit of the Supreme Court, has become an all-important factor in the promotion of judicial education in the Philippines. It receives full patronage and support from the Court which guarantees the participation of judges and court personnel in its programs and activities. In fact, no first and second level trial court judge would commence the discharge of adjudicative functions without undergoing the related courses prescribed by the Academy. The Judicial and Bar Council, constitutionally tasked to recommend appointments and promotions to the Judiciary, is also directed by law to consider the participation of judges in the programs of the Academy, pursuant to Republic Act No. 8557.

The Academy used to conduct its activities mainly at the former Ridge Convention Center, a facility located on a 3.7 hectare prime lot in Tagaytay City. This property was turned over to the Supreme Court on July 19, 1995, by then President Fidel V. Ramos, particularly for the Academy's judicial and legal education activities. Following the donation to the Supreme Court of the shares of the stockholders of the Ridge Sports and Country

[184] Sec. 15, B.P. Blg. 129; Sec. 4(a) R.A. No. 8369.

[185] Art. 140, P.D. No. 1083; Sec. 13, Art. IX, R.A. No. 6734, as amended.

[186] Sec. 26, B.P. Blg. 129.

[187] Art. 152, P.D. No. 1083.

[188] Sec. 13, Art. IX, R.A. No. 6734.

Club Corporation (RSCCC), the facility was converted to the PHILJA Development Center, Inc. (PDCI) on June 5, 2003. In July 2008, the PHILJA Development Center was renamed the PHILJA Training Center, to avoid confusion with the corporate entity known as the PHILJA Development Center, Inc. (PDCI). With a generous 300 million peso - Non-Project Grant Assistance Counter Value Fund (NPGA-CVF) from the Government of Japan, PHILJA completed the construction of the PHILJA Training Center (PTC) in 2010, now the venue for many of the Academy's training activities. The Center's acquisition of modern furniture, fixtures and equipment for its training and meeting rooms and lodging facilities were made possible through funds from the World Bank. The PTC has since successfully hosted seminars, orientation and capacity-building programs, various meetings and site visits, helping sustain the Academy's vision and mission for judicial excellence while it leads in the field of judicial education.

Founding Chancellor Emeritus Justice Ameurfina A. Melencio Herrera led PHILJA through its early years from 1996 to May 2009. Chancellor Emeritus Justice Adolfo S. Azcuna took over the helm from June 2009 to May 2021, followed by Justice Arturo D. Brion from June to October 2021, and Justice Rosmari D. Carandang from February 2022 to March 2026. Acting Chancellor Justice Edgardo Delos Santos now leads the Academy in determined pursuit of significant institutional changes.

# ANNEX 3: National Strategic Plan to Improve Access to Justice

## INDONESIA

National Strategy on Access to Justice

1. Indonesia's National Strategy on Access to Justice aims to create a framework for policies and regulations that are inclusive of poor and marginalised people and afford them access to justice. It covers eight sectors, including: (1) legal and judicial reform; (2) legal aid; (3) local governance; (4) land and natural resources; (5) women; (6) children; (7) labour; and (8) poor and disadvantaged groups.
2. To bridge the gap between the National Strategy and practice, the Supreme Court of Indonesia developed several guidelines to ensure the vulnerable groups, particularly the poor, women and children, and people with a disability have access to justice. These guidelines or PERMA's include:
    a. PERMA 1/ 2014 on the provision of services for disadvantaged groups which sets out the basis for the waiver of court fees, holding of circuit courts and provision of free legal aid within courts for parties appearing in court on that day.
    b. PERMA 4/2014 Diversion for Children in Conflict with the Law which prioritises diversionary measures for children in conflict with the law carried out through a diversionary justice process which emphasises recovery of the victim/offender.
    c. PERMA 3/2017 Women in Conflict with the Law which provides guidelines to the judiciary in civil and criminal cases when dealing with women as victims, defendants, and witnesses. The Perma aims to counterbalance existing discriminatory practices in the courts and their processes.
    d. PERMA 1/2022 Procedure for Completing Applications and Providing Restitution and Compensation to Victims of Crime, with links to Indonesia Sexual Violence Crimes Law, it empowers judges to order restitution for TIP victims and/or their families and provides for the State to provide compensation if the perpetrator cannot pay.

## PHILIPPINES

Strategic Plan for Judicial Innovations (SPJI) 2022-2027

1) The Supreme Court of the Philippines launched the Strategic Plan for Judicial Innovations (SPJI) for 2022-2027, aiming to address institutional challenges and enhance access to justice. This comprehensive plan is structured around four guiding principles: timely and fair delivery of justice, transparency and accountability, equality and inclusivity, and technological adaptability. The SPJI targets three major outcomes: efficiency, innovation, and access.
2) Efficiency: The SPJI seeks to streamline both adjudicative and administrative systems within the judiciary. This includes an organisational review to improve processes and eliminate roadblocks that hinder the effective delivery of justice. By emphasising competence, integrity, propriety, and independence, the Supreme Court aims to enhance the overall performance and accountability of judicial services.
3) Innovation: The plan incorporates the use of modern technology to upgrade and streamline judicial services. This includes initiatives like the enhanced Justice on Wheels program, which aims to provide

mobile court services to underserved areas. The use of video conferencing for hearings and other digital tools will also be expanded to improve accessibility and efficiency.

4) Access: Ensuring equal access to justice for all, especially the poor and marginalised, is a core objective of the SPJI. The plan includes expanding legal aid initiatives, promoting gender inclusivity, and strengthening Shariah justice foundations. The Supreme Court is also committed to enhancing public access to information and legal services, thereby fostering a more transparent and inclusive judicial system.

5) The SPJI also emphasises the importance of ethical responsibility and judicial integrity. The Supreme Court plans to strengthen the Judicial Integrity Board, implement a whistleblower protection policy, and provide counseling for judges on ethical issues. Additionally, a National Summit on Ethical Responsibility will be held to engage internal and external stakeholders in discussions on judicial ethics.

6) To support these initiatives, the Supreme Court has collaborated with international partners, such as the United Nations Office on Drugs and Crime (UNODC) and the Australian government. These partnerships aim to enhance the capacity of judges and court personnel, promote transparency and accountability, and ensure that legal and judicial processes are accessible and inclusive.

# ANNEX 4: List of Delegates of the Pilot ASEAN Judicial Knowledge Exchange

Bogor and Jakarta, Indonesia, 24 -27 July 2023

| | | |
|---|---|---|
| **INDONESIA** | | |
| Indonesia Judicial Training Agency | | |
| 1. | Hon. Judge Bambang Hery Mulyono, S.H., M.H. | Head of Indonesia Judicial Training Agency, Supreme Court of Indonesia, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan*<br>Head of Delegation |
| 2. | Hon. Judge Syamsul Arief, S.H., M.H. | Head of the Center for Education and Training, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| 3. | Judge Frensita K. Twinsani, S.H., M.H. | Judicial Judge, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| 4. | Judge Dr. Sriti Hesti Astiti, S.H., M.H. | Judicial Judge, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| 5. | Mr. Taufikurrahman | Head of Program and Cooperation Sub-Section, Center for Education and Training, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| 6. | Ms. Ika Lestari | Program and Cooperation Staff, Center for Education and Training, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| Participants | | |
| 7. | Judge Eva Margareta Manurung, S.H.,M.H. | Public Relation of Administration Affairs Board, Administration Affairs Board of the Supreme Court of Indonesia |
| 8. | Judge Dodik Setyo Wijayanto, S.H. | Registrar's Office of Supreme Court of Indonesia |
| 9. | Judge Ferdian Permadi, S.H. | Registrar's Office of Supreme Court of Indonesia |
| 10. | Judge Delta Tamtama, S.H., M.H. | South Jakarta District Court |
| 11. | Judge Syofia Marlianti Tambunan S.H., M.H. | North Jakarta District Court |
| 12. | Judge Flowerry Yulidas, S.H., M.H | West Jakarta District Court |
| 13. | Judge Dwi Novita Purbasari, S.H | Rangkasbitung District Court |
| 14. | Judge Adrian Anju Purba, S.H., LL.M. | Indramayu District Court |
| 15. | Judge Anak Agung Niko Brama Putra, S.H. M.H. | Depok District Court |
| 16. | Judge Dewantoro, S.H., M.H. | Kudus District Court |
| 17. | Judge Alfian Wahyu Pratama, S.H., M.H. | Mungkid District Court |
| 18. | Judge Maulia Martwenty Ine, S.H., M.H. | Head of Kediri District Court |
| 19. | Judge Adhika Budi Prasetyo, S.H., MBA., M.H. | Kediri District Court |
| 20. | Judge Wini Noviarini, S.H., M.H. | Tanjung Karang District Court |

| | | |
|---|---|---|
| 21. | Judge Dr. Novritsar Hasintongan Pakpahan, S.H., S.Pd., LL.M | Kotabumi District Court |
| 22. | Judge Maria Christine Natalia Barus, S.IP., S.H., M.H | Stabat District Court |
| 23. | Judge Muhammad Larry Izmi, S.H., M.H. | Bangkayang District Court |
| Supreme Court of Indonesia | | |
| 24. | Judge Dr. Rosana Kesuma Hidayah, S.H., M.Si., | Judicial Judge at Registrar of the Supreme Court of Indonesia |
| 25. | Judge Dr. Carolina. S.H., M.H. | Judicial Judge at the Supreme Court of Indonesia |
| 26. | Judge Rizkiansyah, S.H., LLM. | Judicial Judge at the Public Relations Legal Bureau of the Supreme Court of the Republic of Indonesia |
| 27. | Judge Dr. Iman Luqmanul Hakim, S.H., M.Hum | Head of Bogor District Court |
| 28. | Judge Syihabuddin, S.H., M.H. | Balebandung District Court |
| 29. | Dr. Aria Suyudi, S.H., LLM. | Special Staff to the Chief Justice of the Supreme Court of Indonesia / CACJ Indonesia Secretariat |
| 30. | Ms. Astriyani, S.H., MPPM. | Coordinator of the Supreme Court Judicial Reform Assistance Team |
| 31. | Ms. Dian Rositawati, S.H., M.A., Ph.D. | Member of the Supreme Court Judicial Reform Assistance Team |

| | | |
|---|---|---|
| **PHILIPPINES** | | |
| Philippine Judicial Academy | | |
| 32. | Hon. Justice Rosmari D. Carandang | Chancellor, Philippine Judicial Academy (PHILJA)<br>Co-Chair, CACJ Working Group on Judicial Education and Training (WG-JET)<br>Head of Delegation |
| 33. | Atty. Devery Jean Katrina T. Tumilba | PHILJA Head Executive Assistant |
| 34. | Atty. Isabella E. Castillo | PHILJA Attorney V |
| 35. | Ms. Rushelle P. Dizon | Training Specialist IV |
| Participants | | |
| 36. | Judge Jose Nathaniel S. Andal | RTC Branch 24, Cebu City |
| 37. | Judge Flordeliz Cabanlit-Fargas | RTC, Branch 5-FC, Trece Martires City, Cavite |
| 38. | Judge Lorna Fransisca Catris-Chua Cheng | RTC, Branch 168, Marikina City |
| 39. | Judge Sita Jose Clemente | RTC Branch 16, Malolos City |
| 40. | Judge Gemma Theresa B. Hilario-Logronio | RTC, Branch 12-FC (III), Olongapo City |
| 41. | Judge Cynthia Martinez-Florendo | RTC, Branch 39, San Jose City Nueva Ecija |
| 42. | Judge Jocelyn Sundiang-Dilig | RTC, Branch 47, Puerto Princesa, Palawan |
| 43. | Judge James Tan Sy | RTC, Branch 4, Manila |
| 44. | Judge Karen Joy Tan-Gaston | RTC, Branch 43, Bacolod City |
| 45. | Judge Roslyn R. Tria | RTC, Branch 94, Quezon City |
| 46. | Judge Sittie Laarni Rakiin Umpa | RTC, Branch 9, Marawi City, Lanao del Sur |
| Supreme Court of the Philippines | | |

| | | |
|---|---|---|
| 47. | Hon. Justice Japar B. Dimaampao | Associate Justice, Supreme Court of the Philippines |
| 48. | Hon. Justice Jose Lorenzo R. dela Rosa | Associate Justice, Court of Appeals |
| 49. | Atty. Laura C.H. Del Rosario | Deputy Clerk of Court and Judicial Reform Program Administrator<br>Supreme Court of the Philippines - Program Management Office (PMO)<br>CACJ Philippines Liaison Officer |
| 50. | Atty. Reynaline G. Tan-Francisco | Chief Judicial Reform Program Officer,<br>PMO |
| 51. | Atty. Rafael Lorenz S. Santos | Judicial Staff Head, Office of Justice Dimaampao |
| 52. | Atty. Anna Lea A. Barron | Court Attorney VI, Office of Justice Dimaampao, |
| 53. | Atty. Rashida N. Edding | Court Attorney VI, Office of Justice Dimaampao |
| 54. | Ms. Annaliza L. Magabo | Project Evaluation Officer IV and Secretariat, Supreme Court Committee on Protocol |

| | | |
|---|---|---|
| **ASEAN-ACT** | | |
| 55. | Dr. Lucia Pietropaoli | Team Leader |
| 56. | Mr. Archemides Sigiuan | ASEAN Program Director |
| 57. | Ms. Nurul Qoiriah | GEDSI & Victim Rights Director |
| 58. | Atty. Darlene Pajarito | Justice Systems Director |
| 59. | Atty. Maria Antonette D. Bucasas Mangrobang | Country Manager – Philippines |
| 60. | Ms. Jenny Maria Doan | Senior ASEAN Program Coordinator |
| 61. | Mr. Agus Proklamanto | Senior Communications and Knowledge Management Coordinator |
| 62. | Ms. Indah Alia | Program Support Officer – Indonesia |
| 63. | Ms. Floryda Sabar Dame | Finance and Administration Officer – Indonesia |
| 64. | Ms. Leisha Lister | Senior Legal Advisor |
| 65. | Ms. Theo Yuni Shah Putri | CTIP Decision Analysis Consultant |
| OBSERVERS | | |
| 66. | Ms. Bia Puspita | Unit Manager, Australian Mission to ASEAN |
| 67. | Ms. Ade Ganie | Unit Manager, Australian Embassy Jakarta |
| 68. | Ms. Cate Sumner | Senior Legal Advisor, ASEAN-ACT |
| INTERPRETERS | | |
| No | Name | Title |
| 69. | Ms. Marina Mary | Interpreter |
| 70. | Mr. Adi Nugroho | Interpreter |

Tagaytay and Manila, Philippines, 19-21 September 2023

| | | |
|---|---|---|
| **PHILIPPINES** | | |
| Philippine Judicial Academy | | |
| 1. | Hon. Justice Rosmari D. Carandang | Chancellor, Philippine Judicial Academy (PHILJA)<br>Co-Chair, CACJ Working Group on Judicial Education and Training (WG-JET)<br>Head of Delegation |

| | | |
|---|---|---|
| 2. | Atty. Devery Jean Katrina T. Tumilba | PHILJA Head Executive Assistant |
| 3. | Atty. Isabella E. Castillo | PHILJA Attorney V |
| 4. | Atty. Royce Kaddarik T. Chua | PHILJA Attorney V |
| 5. | Atty. Ronaldjerick Peter T. Baclig | PHILJA Attorney III, Office of the Executive Secretary after PHILJA Attorney III |
| 6. | Ms. Armida M. Salazar | Supreme Court Chief Judicial Staff Officer |
| 7. | Ms. Joan Marie C. Tejada | Supreme Court Chief Judicial Staff Officer |
| 8. | Ms. Rushelle P. Dizon | Training Specialist IV |
| 9. | Engr. Allan John V. Oriarte | Judicial Staff Officer III |
| 10. | Mr. Quirino P. Itliong II | Judicial Staff Assistant II |
| 11. | Mr. Marc Daniell D. Santos | Clerk III |
| Participants | | |
| 12. | Judge Roslyn R. Tria | RTC, Branch 94, Quezon City |
| 13. | Judge Jocelyn Sundiang-Dilig | RTC, Branch 47, Puerto Princesa, Palawan |
| 14. | Judge Flordeliz Cabanlit-Fargas | RTC, Branch 5-FC, Trece Martires City, Cavite |
| 15. | Judge Cynthia Martinez-Florendo | RTC, Branch 39, San Jose City Nueva Ecija |
| 16. | Judge Lorna Francisca Catris-Chua Cheng | RTC, Branch 168, Marikina City |
| 17. | Judge Sittie Laarni Rakiin Umpa | RTC, Branch 9, Marawi City, Lanao del Sur |
| 18. | Judge Gemma Theresa Hilario-Logronio | RTC, Branch 12-FC (III), Olongapo City |
| 19. | Judge Jose Nathaniel S. Andal | RTC, Branch 24, Cebu City |
| 20. | Judge Karen Joy Tan-Gaston | RTC, Branch 43, Bacolod City |
| 21. | Judge James Tan Sy | RTC, Branch 4, Manila |
| 22. | Judge Gracelina Gagarra-Bernardo | RTC, Branch 17, Zamboanga City |
| 23. | Judge Panfilo I. Sala, Jr. | RTC, Branch 28, Mandaue City |
| Supreme Court of the Philippines | | |
| 24. | Hon. Justice Jose Lorenzo R. dela Rosa | Associate Justice, Court of Appeals |
| 25. | Hon. Justice Emily L. San Gaspar-Gito | Associate Justice, Court of Appeals |
| 26. | Atty. Laura C.H. del Rosario | Deputy Clerk of Court and Judicial Reform Program Administrator<br>Chair, Supreme Court Committee on Protocol<br>CACJ-Philippines Liaison Officer |
| 27. | Atty. Reynaline G. Tan-Francisco | Chief Judicial Reform Program Officer, Project Development and Resource Mobilization Group and Vice Chair, Supreme Court Committee on Protocol |
| 28. | Atty. Apple Jane B. Clemente | Court Attorney VI and Member, Supreme Court Committee on Protocol |
| 29. | Ms. Annaliza L. Magabo | Project Evaluation Officer IV and Secretariat, Supreme Court Committee on Protocol |
| 30. | Ms. Caselyn C. Cajeda | Clerk III and Secretariat, Supreme Court Committee on Protocol |
| 31. | Mr. Bryan H. Aquino | Support Staff |

| INDONESIA |
|---|
| Indonesia Judicial Training Agency |

| | | |
|---|---|---|
| 32. | Hon. Judge Bambang Hery Mulyono, S.H., M.H. | Head of Indonesia Judicial Training Agency, Supreme Court of Indonesia (*Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan*) |
| 33. | Judge Dr. Sriti Hesti Astiti, S.H., M.H. | Judicial Judge, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| 34. | Mr. Taufikurrahman | Head of Program and Cooperation Sub-Section, Center for Education and Training, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| 35. | Mr. Ardy Nugroho Putra, S.H. | Head of Administration Sub-Section, Center for Education and Training, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| 36. | Ms. Ika Lestari | Program and Cooperation Staff, Center for Education and Training, *Badan Strategi Kebijakan dan Pendidikan dan Pelatihan Hukum dan Peradilan* |
| Participants | | |
| 37. | Judge Dr. Rosana Kesuma Hidayah, S.H., M.SI | Judicial Judge at Registrar's Office of the Supreme Court of the Republic of Indonesia |
| 38. | Judge Eva Margareta Manurung, S.H.,M.H. | Judicial Judge at Public Relation of Administration Affairs Board, Administration Affairs Board of the Supreme Court of the Republic of Indonesia |
| 39. | Judge Dodik Setyo Wijayanto, S.H. | Judicial Judge at Registrar's Office of the Supreme Court of the Republic of Indonesia |
| 40. | Judge Ferdian Permadi, S.H. | Judicial Judge at Registrar's Office of the Supreme Court of the Republic of Indonesia |
| 41. | Judge Delta Tamtama, S.H., M.H. | South Jakarta District Court |
| 42. | Judge Syofia Marlianti Tambunan S.H., M.H. | North Jakarta District Court |
| 43. | Judge Flowerry Yulidas, S.H., M.H | West Jakarta District Court |
| 44. | Judge Dwi Novita Purbasari, S.H | Rangkasbitung District Court |
| 45. | Judge Adrian Anju Purba, S.H., LL.M. | Indramayu District Court |
| 46. | Judge Alfian Wahyu Pratama, S.H., M.H. | Mungkid District Court |
| 47. | Judge Maulia Martwenty Ine, S.H., M.H. | Head of Kediri District Court |
| 48. | Judge Adhika Budi Prasetyo, S.H., MBA., M.H. | Kediri District Court |
| 49. | Judge Wini Noviarini, S.H., M.H. | Tanjung Karang District Court |
| 50. | Judge Dr. Novritsar Hasintongan Pakpahan, S.H., S.Pd., LL.M | Kotabumi District Court |
| 51. | Judge Maria Christine Natalia Barus, S.IP., S.H., M.H | Stabat District Court |
| 52. | Judge Muhammad Larry Izmi, S.H., M.H. | Bangkayang District Court |
| Supreme Court of Indonesia | | |
| 53. | Hon. Justice Jupriyadi, S.H., M.Hum. | Justice of Criminal Chamber at the Supreme Court of the Republic of Indonesia |
| 54. | Judge Dr. Hj. Nirwana, S.H., M.Hum | Chief Judge of Central Sulawesi High Court |
| 55. | Judge Selviana Purba, S.H., LL.M | Judicial Judge / CACJ Indonesia Liaison Officer |

| | | |
|---|---|---|
| 56. | Judge Dr. H. Armansyah, Lc. M.H. | Judicial Judge of the Religious Court Chamber, Supreme Court of the Republic of Indonesia |
| 57. | Judge Rizkiansyah, S.H., LLM. | Judicial Judge at the Public Relations Legal Bureau of the Supreme Court of the Republic of Indonesia |

| **ASEAN-ACT** | | |
|---|---|---|
| 58. | Dr. Lucia Pietropaoli | Team Leader |
| 59. | Mr. Archemides Siguan | ASEAN Program Director |
| 60. | Ms. Nurul Qoiriah | GEDSI and Victim Rights Director |
| 61. | Atty. Darlene Pajarito | Justice Systems Director |
| 62. | Ms. Leisha Lister | Senior Legal Advisor |
| 63. | Atty. Maria Antonette D. Bucasas - Mangrobang | Country Manager – Philippines |
| 64. | Ms. Jenny Maria Doan | Senior ASEAN Program Coordinator |
| 65. | Ms. Shirley Ann Abarquez | Country Program Officer – Philippines |
| 66. | Mr. Paul Javier | Program Support Officer – Philippines |
| 67. | Ms. Indah Alia | Program Support Officer – Indonesia |
| 68. | Ms. Gemma Angeles-Villa | Finance and Administration Officer – Philippines |
| 69. | Ms. Floryda Sabar Dame | Finance and Administration Officer – Philippines |

| **INTERPRETERS** | | |
|---|---|---|
| 70. | Marina Mary | Interpreter |
| 71. | Adi Nugroho | Interpreter |

Writers and Editors

| **INDONESIA** | | |
|---|---|---|
| 1. | Hon. Judge Bambang Hery Mulyono, S.H., M.H. | Head of Indonesia Judicial Training Agency, Supreme Court of Indonesia (BSDK)<br>Head of Delegation |
| 2. | Judge Dr. Hj. Nirwana, S.H., M.Hum | Chief Judge of Central Sulawesi High Court |
| 3. | Judge Frensita K. Twinsani, S.H., M.H. | Judicial Judge, BSDK |
| 4. | Judge Dr. Sriti Hesti Astiti, S.H., M.H. | Judicial Judge, BSDK |
| 5. | Judge Rizkiansyah, S.H., LL.M | Judicial Judge, Public Relations Bureau, Supreme Court of Indonesia |
| 6. | Judge Dodik Setyo Wijayanto, S.H. | Judicial Judge at Registrar's Office of the Supreme Court of the Republic of Indonesia |
| 7. | Ms. Astriyani, S.H., MPPM | Coordinator of the Republic of Indonesia Supreme Court Judicial Reform Assistance Team/Special Staff to the Deputy Chief Justice of the Republic of Indonesia Supreme Court for Judicial Affairs |
| 8. | Mr. Muhammad Tanziel Azizie, S.H. | Member of Supreme Court Judicial Reform Assistance Team |
| 9. | Mr. I. G. L. N. Sidemen Putra, S.H. | Head of Program and Evaluation Sub-Section, Center for Education and Training of Technical Judicial, BSDK |

| | | |
|---|---|---|
| **PHILIPPINES** | | |
| 10. | Hon. Justice Rosmari D. Carandang | Chancellor, Philippine Judicial Academy (PHILJA)<br>Co-Chair, CACJ Working Group on Judicial Education and Training (WG-JET)<br>Head of Delegation |
| 11. | Judge Sita Jose Clemente | Presiding Judge, RTC Branch 16, Malolos City, Bulacan, Designated Family Court |
| 12. | Judge Jocelyn S. Dilig | Presiding Judge, RTC Branch 47, Puerto Princesa City, Palawan |
| 13. | Judge Flordeliz C. Fargas | Presiding Judge, Branch 5-FC, Trece Martires City, Cavite |
| 14. | Atty. Devery Jean Katrina T. Tumilba | PHILJA Head Executive Assistant |
| 15. | Atty. Isabella E. Castillo | PHILJA Attorney V |
| 16. | Ms. Micaela Javier Hosillos | Supreme Court Chief Judicial Staff Officer<br>Philippine Judicial Academy |
| **ASEAN-ACT** | | |
| 17. | Ms. Nurul Qoriah | GEDSI and Victim Rights Director |
| 18. | Atty. Darlene Pajarito | Justice Systems Director |
| 19. | Mr. Archemides Siguan | ASEAN Program Director |
| 20. | Ms. Jenny Maria Doan | Senior ASEAN Program Coordinator |
| 21. | Ms. Leisha Lister | Senior Legal Advisor |

# ANNEX 5: List of Contributors, Writers and Editors of Volume 1, 2026 Edition

Writeshop on the Updating of Indonesian Court Practices in Volume 1 of the *ASEAN Compendium of Good Practices in Adjudicating Trafficking in Persons Cases*
*27 October 2025 and 6 November 2025*

**Contributors, Writers & Editors**

| | | |
|---|---|---|
| | **INDONESIA** | |
| 1. | Judge Dodik Wijayanto | Judicial Judge, Assistant to the Head of the Criminal Chamber |
| 2. | Judge Sriti Hesti | Judicial Training Center, Supreme Court of Republic of Indonesia, representative of WGJET Indonesia |
| 3. | Ms. Astriyani | Special Staff to the Chief Justice, Coordinator of the Supreme Court Reform Assistance Team |
| 4. | Mr. M. Tanziel Aziezi | Executive Director, LeIP (Institute for Judicial Independence and Reform) |
| 5. | Dr. Aria Suyudi | CACJ Liaison Officer and Judicial Reform Assistance Team |
| 6. | Dr. Dian Rositawati | Judicial Reform Assistance Team |
| | **ASEAN-ACT** | |
| 7. | Ms. Nurul Qoiriah | GEDSI and Victim Rights Director |
| 8. | Ms. Jenny Maria Doan | Senior ASEAN Program Coordinator |
| 9. | Ms. Felicia Clarissa | Senior Justice Systems Coordinator |
| 10. | Ms. Indah Alia | Country Program Officer - Indonesia |

Writeshop on the Updating of Philippine Court Practices in Volume 1 of the *ASEAN Compendium of Good Practices in Adjudicating Trafficking in Persons Cases*
18 and 19 May 2026

**Contributors, Writers & Editors**

| | | |
|---|---|---|
| | **PHILIPPINES** | |
| 1. | Justice Edgardo L. Delos Santos | Acting Chancellor<br>Philippine Judicial Academy<br>Co-Chair, CACJ Co-Chair, Working Group on Judicial Education and Training |
| 2. | Judge Jocelyn Sundiang Dilig | RTC, Branch 47, Puerto Princesa, Palawan |
| 3. | Judge Cynthia Martinez Florendo | RTC, Branch 39, San Jose City Nueva Ecija |
| 4. | Judge Roslyn Rabara-Tria | RTC, Branch 94, Quezon City |
| 5. | Jude Gracelina Gagarra-Bernardo | RTC, Branch 17, Zamboanga City |
| 6. | Judge Flordeliz Cabanlit-Fargas | RTC, Branch 5-FC, Trece Martires City, Cavite |
| | *CACJ WG-JET Philippines Secretariat* | |
| 7. | Atty. Devery Jean Katrina Tumilba | Head Executive Assistant |

| | | |
|---|---|---|
| 8. | Atty. Regine Constance C. Reyes | PHILJA Attorney V |
| 9. | Atty. Ronaldjerick Peter T. Baclig | PHILJA Attorney V |
| 10. | Atty. Keith P. Garcia | PHILJ Attorney III |
| 11. | Ms. Micaela Javier Hosillos | SC Chief Judicial Staff Officer |

Hybrid Consolidation Writeshop on the Updating of Volume 1 of ASEAN Compendium of Good Practices in Adjudicating Trafficking in Persons Cases: Indonesia and Philippines
04 June 2026

**Contributors, Writers & Editors**

| | | |
|---|---|---|
| | **INDONESIA** | |
| 1. | Judge Sriti Hesti Astiti | Judge<br>Central Jakarta District Court |
| 2. | Judge Andhy Martuaraja | Bureau of Law and Public Relations<br>Supreme Court of Republic of Indonesia |
| 3. | Ms. Astriyani | Special Staff to the Chief Justice, Coordinator of the Supreme Court Reform Assistance Team |
| 4. | Dr. Aria Suyudi | CACJ Liaison Officer and Judicial Reform Team |
| 5. | Mr. M. Tanziel Aziezi | Executive Director, LeIP (Institute for Judicial Independence and Reform)<br>Judicial Reform Team |
| | **PHILIPPINES** | |
| 6. | Judge Jocelyn Dilig | Judge<br>Supreme Court of the Philippines |
| 7. | Judge Cynthia Martinez Florendo | RTC, Branch 39, San Jose City, Nueva Ecija |
| 8. | Judge Roslyn Rabra-Tria | RTC, Branch 94, Quezon City |
| 9. | Judge Gracelina Gaggara-Bernardo | RTC, Branch 17, Zamboanga City |
| 10. | Judge Flordeliz Cabanlit-Fargas | RTC, Branch 5-FC, Trece Martires City, Cavite |
| 11. | Atty. Devery Jean Katrina Tumilba | Head Executive Assistant |
| 12. | Atty. Regine Constance C. Reyes | PHILJA Attorney V |
| 13. | Atty. Ronaldjerick Peter T. Baclig | PHILJA Attorney V |
| 14. | Ms. Micaela Javier Hosillos | SC Chief Judicial Staff Officer |
| | **ASEAN-ACT** | |
| 15. | Mr. Andres Jose | Country Manager - Philippines |
| 16. | Ms. Felicia Clarissa | Senior Justice Systems Coordinator |
| 17. | Ms. Shirley Abarquez | Country Program Officer, Philippines |
| 18. | Ms. Indah Alia | Country Program Officer - Indonesia |
| 19. | Ms. Annabele Tolete | Finance and Administration Officer Philippines |

Writeshop on the Finalisation of Indonesian Court Practices in Volume 1 of the *ASEAN Compendium of Good Practices in Adjudicating Trafficking in Persons Cases*
*24-25 June 2026*

**Contributors, Writers & Editors**

| | | |
|---|---|---|
| | **INDONESIA** | |
| 1. | Hon. Justice Syamsul Maarif, SH., LLM. PhD | Chairman of Development Chamber<br>Supreme Court of Indonesia<br>Co-Chair of CACJ Working Group on Judicial Education and Training (CACJ WG-JET) |
| 2. | Judge Adrian Anju Purba | Indramayu District Judge |
| 3. | Judge Andhika B Prasetyo | Judge<br>Supreme Court of Republic of Indonesia |
| 4. | Judge Andhy Martuaraja | Bureau of Law and Public Relations<br>Supreme Court of Republic of Indonesia |
| 5. | Judge Eva Margareta Manurung | Judicial Judge<br>Supreme Court of Republic of Indonesia |
| 6. | Judge Dewantoro | Judge<br>Nunukan District Court |
| 7. | Judge Ferdian Permadi | Justicial Judge<br>Registry, Supreme Court of Indonesia |
| 8. | Judge Maria Christine Natalia Barus | Sei Rampah District Court |
| 9. | Judge Muhammad Larry Izmi | Makale District Court |
| 10. | Judge Wini Noviarini | West Jakarta District Court |
| 11. | Ms. Astriyani | Special Staff to the Chief Justice, Coordinator of the Supreme Court Reform Assistance Team |
| 12. | Dr. Aria Suyudi | CACJ Liaison Officer and Judicial Reform Team |
| 13. | Dr. Dian Rositawati | Judicial Reform Team |
| 14. | Mr. M. Tanziel Aziezi | Executive Director, LeIP (Institute for Judicial Independence and Reform)<br>Judicial Reform Team |
| | **ASEAN-ACT** | |
| 15. | Ms. Nurul Qoiriah | GEDSI and Victim Rights Director |
| 16. | Ms. Felicia Clarissa | Senior Justice Systems Coordinator |
| 17. | Mr. Agus Proklamanto | Senior Communications and Knowledge Sharing Coordinator |
| 18. | Ms. Indah Alia | Country Program Officer - Indonesia |

# ANNEX 6: Photo Gallery

Pilot ASEAN Judicial Knowledge Exchange 2023

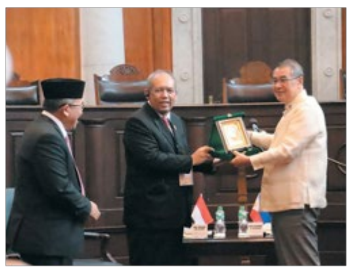
In Indonesia







## In the Philippines




Writeshop on the Updating of Indonesian Court Practices in Volume 1 of the ASEAN Compendium of Good Practices in Adjudicating Trafficking in Persons Cases

Supreme Court Republic of Indonesia, 27 October 2025

Writeshop on the Updating of Philippine Court Practices in Volume 1 of the ASEAN Compendium of Good Practices in Adjudicating Trafficking in Persons Cases,

The Judicial Academy Philippines, Tagaytay City, 18-19 May 2026



Hon. EDGARDO L. DELOS SANTOS


SUPREME COURT
REPUBLIC OF THE PHILIPPINES
Writeshop on the Updating of Philippine Court Practices in
Volume 1 of the


Hon. EDGARDO L. DELOS SANTOS

Hybrid Consolidation Writeshop on the Updating of Volume 1 of ASEAN Compendium of Good Practices in Adjudicating Trafficking in Persons Cases: Indonesia and Philippines

Hybrid, 04 June 2026


Writeshop on the Finalisation of Indonesian Court Practices in Volume 1 of the ASEAN Compendium of Good Practices in Adjudicating Trafficking in Persons Cases

Vertu Harmoni Jakarta and online, 24-25 June 2026