



IJM

# VIDEOTAPED IN-DEPTH INTERVIEW (VIDI):

## Rationale and Legal Basis

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\*photos used are that of child actors and not actual victims

# Challenges in presenting child witness in court

- ◎ Child refuses to testify
- ◎ Child no longer wants to testify
- ◎ Child cannot be located
- ◎ Child will suffer trauma if forced to testify



*“Studies have established clearly that children experience anxiety surrounding court appearances and that the main fear is facing the defendant.”*





# Republic Act No. 7610 (Special Protection of Children Against Abuse, Exploitation, and Discrimination Act)

## Section 2. Declaration of State Policy and Principles

It shall be the policy of the State **to protect** and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control. (par. 2)



## Republic Act No. 7610

**The best interests of children shall be the paramount consideration in all actions concerning them**, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children enunciated in the United Nations Convention of the Rights of the Child. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life.



“

On account of the increased number of children coming into the realm of the judicial system, we adopted the *"Rule on Examination of a Child Witness"* to govern the examination of child witnesses who may either be victims, accused or witnesses to a crime. This rule ensures an environment that allows children to give reliable and complete evidence, **minimize trauma**, encourage children to testify in legal proceedings, and facilitate the ascertainment of truth.

People of the Philippines vs Valentin Baring, Jr.,  
G.R. No. 137933, January 28, 2002



# Legal Basis

- ◎ **Sec. 29 of AM No. 004-07-SC - the Rules of Examination of Child Witness (RECW)**
- ◎ The court may admit videotape and audiotape investigative in-depth or disclosure interviews as evidence subject to conditions under the law



# Videotaped In-depth Interview (VIDI)

is a recorded interview of a child for the purpose of determining whether child abuse has been committed.





# Advantages of using VIDI

- ◎ When conducted properly, VIDI reduces the number of times a child has to tell his or her story.
- ◎ Preserves the testimony of the child for review of social workers, law enforcement, prosecution or court
- ◎ Can be used in lieu of the live testimony of the child in court if child witness is unable to testify in court





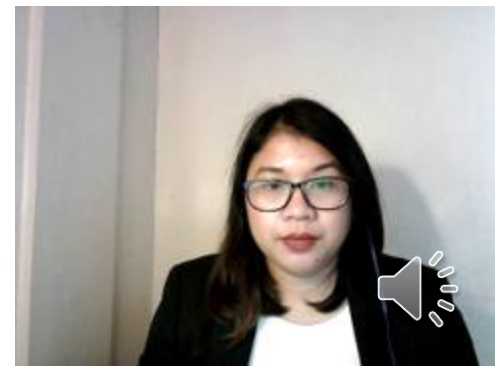
# GLOBAL RESOLVE

A G A I N S T

## ONLINE SEXUAL EXPLOITATION OF CHILDREN: A VIRTUAL SUMMIT

November 18-20, 2020

#ResolveToProtectChildren  
#EndOnlineSexualExploitationofChildren





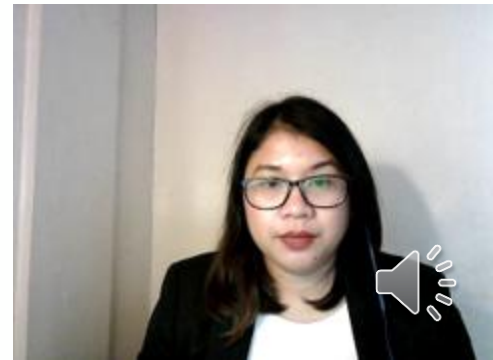
**ATTY. THERESE MINA-SALOMON**

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Such a robust sharing of actual experiences and casework.

# When is VIDI applicable?

It shall apply in all criminal proceedings and non-criminal proceedings involving child witnesses. (Sec. 1 RECW)



# When is VIDI admissible as evidence?

1. There is a child witness
2. The child witness is unable to testify in court
3. Complies with other rules under Sec. 29 of RECW



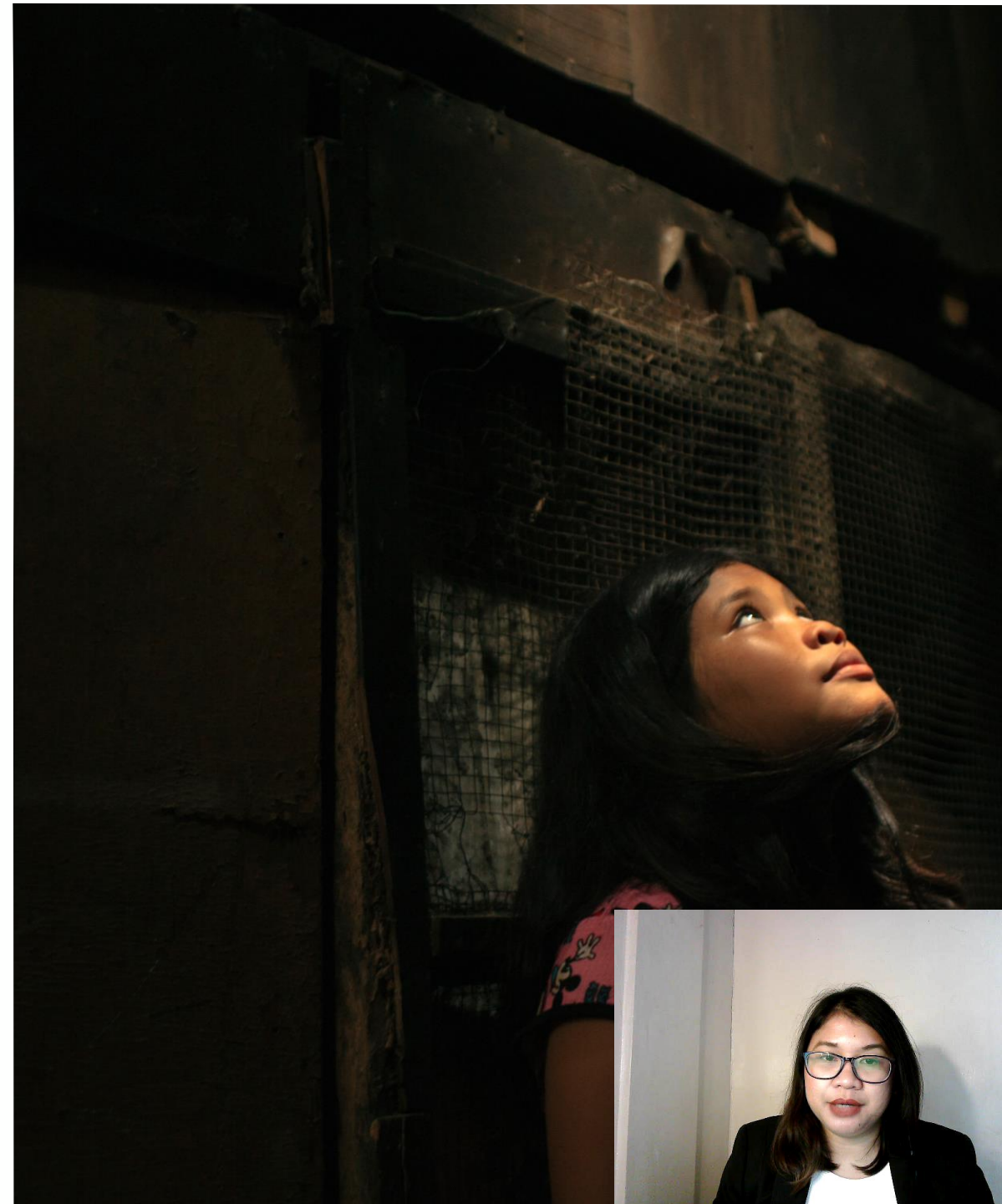


# Child witness

- ◎ Victims of a crime
- ◎ Accused of a crime
- ◎ Witnesses to crime.

(Sec. 1 RECW)

1.



# When is a child witness unavailable to testify?

Under Rule 28 (c) of RECW, If the child witness has:

- Died
- Suffers from physical infirmity
- Lack of memory
- Suffering from mental illness
- Will be exposed to severe psychological injury
- Is absent from the hearing and the proponent of the testimony has been unable to procure attendance by process or other reasonable means

2.



# The party offering VIDI must prove that:

Sec 29 (c) stated that:

- ◎ the videotape or audiotape discloses the identity of all individuals present and at all times includes their images and voices
- ◎ the statement was not made in response to questioning calculated to lead the child to make a particular statement or is clearly shown to be the statement of the child and not the product of improper suggestion

3.



## The party offering VIDI must prove that: (cont.)

- ◎ the videotape and audiotape machine or device was capable of recording testimony;
- ◎ the person operating the device was competent to operate it;
- ◎ the videotape or audiotape is authentic and correct;
- ◎ it has been duly preserved.



# Interviewer

The interview of the child was conducted by duly trained members of a :

- ⊙ multidisciplinary team or
- ⊙ representatives of law enforcement or
- ⊙ child protective services

in situations where child abuse is suspected so as to determine whether child abuse occurred.

(Sec 29(b), RECW)

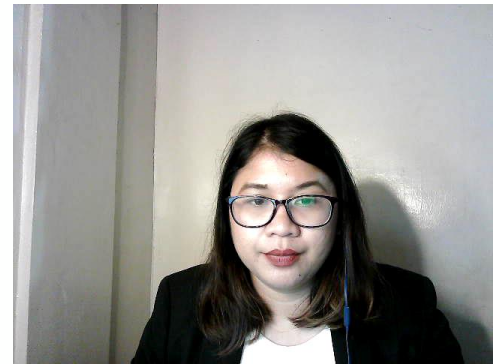




## Non-exclusion:

The fact that an investigative interview is not videotaped or audiotaped as required by this Section shall not by itself constitute a basis to exclude from evidence out-of-court statements or testimony of the child. It may, however, be considered in determining the reliability of the statements of the child describing abuse.

(Par 2, Sec. 29, RECW)



# Where is VIDI conducted?

INTERNATIONAL JUSTICE MISSION



# Government Facility or Center-Based Interview Rooms

## ◎ **Child Protection Unit – Philippine General Hospital**

Address: PGH Compound, Taft, Manila

## ◎ **NBI – Anti-Human Trafficking Division (AHTRAD)**

Address: Malate, Manila

## ◎ **Women and Children Protection Unit (Pink Center)**

Address: Vicente Sotto Memorial Medical Center, B. Rodriguez St., Cebu City

## ◎ **Center for Women and Children**

Address: DSWD Region 7, Gen. Maxilom Ave., Cebu City





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However, interview rooms are not always accessible.

**Solution:**  
**Mobile VIDI Kits**

