



8 December

11.00 – 11.15 Children in the middle of battlefield. Is it possible to follow Istanbul Convention in Estonia? **Pille Tsopp Pagan**, Executive Manager, Women's Support and Information Centre

As preamble of IC declares, children must be recognized as victims of DV even if both – perpetrator and victim say that they have not been victims themselves. We know that child does not have to be in the same room to understand that there is abuse. They may choose to ignore it, but eventually the effects are going to be visible – mental or physical way. Or the pattern of abuse is going to continue in next generation.

I am talking about our centers and advocacy experience. When it comes to the legislation, then most of activities to protect children from harm are noted in different acts. Unfortunately, these acts do not work themselves and implementation of the protection may be quite challenging.

IC articles 18 (general obligations), 22-23 (Women's Support Services), 26 (protection and support of child witnesses), 31 (custody, visitation right, safety), 33 (psychological violence and coercive control)

22-23 (Women's Support Services - WSS) When it comes to WSS-s, then I can say quite confidentially NGO-s they do their best to support and protect children together (but sometimes independently) with mothers. IT always depends on the situation as you know as well.

LGOV child support services (CSS) officials can be different story and sometimes there can be quite strong disagreements between WSS-s and CSS-s. It can be explained by the fact that they are between 2 strong factors/rocks: abuser and WSS representing survivor. But there are also cases when CSS-s do not understand abuse as such, cannot recognize signs and give controversial decisions and evaluations to civil courts' judges. And then it is up to judges whether they ask for further information, asking experts to present or do something additional to consider abuse.

It is everybody's right to apply for court hearings to defend themselves. That have given additional tool for perpetrators who use it to maintain control over previous family.

31 (custody, visitation right, safety); 33 (psychological violence and coercive control)

In Estonia there is no practice (neither guidelines) about coercive control. That makes women and children vulnerable and help of them difficult. Moreover, when legislation that regulated child support money changed(active from January 2022), many abusers activated and demanded 50/50 custody. Because in this case they do not have to pay child support. So even abusers with previous records and no interest in child whatsoever, have applied to that.



Judge is commenting survivor's application: "You have written application to the court, but looking at your level of education (finished 9 grade), you are not able to write application like that.". Perpetrator is laughing.

It is very common for judges to order couple's counselling. Although there is strong advocacy done against it, we cannot really prevent that happening.

Family therapist to the woman during couple's counselling:" you do not have relatives, why do you think that you are able to keep family relations?"

Criminal court is different story. Cases that get there, are strong and prosecutors support survivors and children rather well.

There have been cases where LGOV social services refuse to provide social support for low-income families, because woman have not requested child support from father/perpetrator. And when she goes to request it, he will activate and demands 50/50 custody. Which means that he maintains control over survivor's family.

So, theoretically I should say yes – IC can be followed. Practice is different and this has to be changed. There are trainings but these are not consistent – in universities usually as selective course and not extensively covered. In our opinion, all professions that have possible direct contact with victims in general, should get

But as Marsha Scott, head of Scottish Women's Aid said: trainings are meaningless if the system does not support the change. Although we have reached to common agreement that abuse is not tolerated, practices must follow.