



Association for Emancipation, Solidarity and Equality of Women – ESE

Report for the operation of the Legal Aid Center for domestic violence in the period from 01.01.2019-31.03.2019

Supporting women survivors of domestic violence

2.1 Providing free legal aid and psychological counseling

In the reporting period, Legal Aid Center (LAC) continued with providing legal and psychological support to women who have suffered domestic violence.

In the period from January 1 to March 31, in the Legal Aid Center for victims of domestic violence, 51 clients were provided with free legal aid, while 10 clients were provided with psychological counseling. From 51 clients provided with legal aid and assistance, 42 were women and 9 men. As regarding their nationality status, 34 were from Macedonian nationality; 11 from Roma nationality; 1 from Albanian, 3 clients from Serbian nationality and 2 clients from other nationality. As for their employment status, 13 clients reported that they are employed with insignificant amount of earnings, while 37 of them are unemployed and they are living in very poor conditions. As regarding the clients who were provided with psychosocial assistance, 9 clients are women and 1 man, while 8 of them are Macedonian and two were from Roma nationality.

During the reporting period attorney held 75 meetings. 34 of the women clients requested legal advice. Based on the provided legal documentation and determined need for overtaking legal actions, attorney with assistance of the Project assistant in the LAC has prepared following legal submissions: 9 divorce lawsuits, light bodily injury and non paying of child support, 2 eviction lawsuit from the home, three lawsuits for alimony, two response to a divorce lawsuit, one response to an eviction lawsuit from the home, one complaint on a first instance court decision in the part of the costs, 9 submissions, one complaint to the Ministry of Labor and Social Policy. Most of the submissions were related with the administrative procedures that the clients are taking in front of the different state institutions, such as: Center for social care, Institute for mental health of adolescents, Police station, Ministry of labor and social affairs, Ministry of interior, etc.

Based on the assessed forms and dynamics and risk of domestic violence by the Project assistant, 15 women stated that they have suffered severe forms of domestic violence and that there is a determined risk for further repeating or escalating of domestic violence actions. Nine of the victims are in the process of gaining self confidence through the psychosocial support and were provided with initial legal advice and referral. According to the report from the psychologist therapist, women went through a different process of individual treatments focusing on overcoming the existing fears and failures; building the capacities for better parenting and creating possibilities and opportunities for their re-socialization after the violence.

On the other hand, fifteen women were willing to undertake immediate legal actions for protection. Please see below brief explanation about legal and psychosocial assistance provided to those women within the Legal Aid Center.

Legal and psychosocial assistance taken for the protection of women who survived domestic violence

1. S.L - Macedonian nationality, age 41, employed. The client is a victim of domestic violence by her husband with whom she has two daughters and one of them is a minor. Over a period of 20 years, the husband under the influence of alcohol, psychologically and physically harassed his wife. Violence took place in the family home and in the presence of their children. In the past two years, her husband was also violent towards children. In 2016, the client reported the violence to a police station but from there she received no guidance and instructions on how to protect her from the violence of her husband. In December 2018, the client, fearing for her safety as well as the safety of her children reported her husband's violence to the police again, followed by filling a criminal complaint to the Public Prosecutor's Office. At the beginning of this year, the client together with both daughters left the family home and currently live in a rented apartment. **Actions taken:** After the client was advised by the attorney and project assistant, a lawsuit for divorce was prepared followed with the request for custody for the minor daughter.

2. S.I- Roma nationality, age 47, unemployed. The client is a victim of domestic violence by her husband more than several years. Last violent act was in the form of psychological and physical abuse happened in the family home in Struga in the presence of their younger daughter. The client reported the violence to the police, but refused to give consent for filing a criminal complaint to the Public Prosecutor's Office. The main reasons for this were to preserve marriage and family and her financial dependence from her husband. In the last year, violence escalated with attempts to physical assault directed towards her minor daughter. For this reason, the client together with the younger daughter left the house in Struga and moved to a rented apartment in Skopje. In addition, any attempt by the client for her employment was hindered by her husband manifested through forms of threats that culminated in an attempt for strangulation. **Actions taken:** The woman was advised about the legal possibilities for protection from domestic violence in civil and criminal proceedings, as well as about the possibility for her sheltering in the Center for victims. Considering the fact that the client did not have the courage to take any initiative against the violent husband, the professional team in the center worked with her step by step. The client and

her daughter visited psychological counseling on several occasions in order to restore her confidence and to encourage her to take particular measures against violence. Later, a divorce lawsuit was prepared with a request for child custody. As regarding the lawsuit for criminal offence bodily injury, the woman asked additional time to decide whether she will initiate such procedure.

3. R.I-Roma nationality, age 30, unemployed. This particular case was reported in the previous quarterly report. Namely, the client with the assistance of the LAC's team decided to submit request for changing custody for her four children so she can be entrusted with it. The reason for this is that the mother was informed by the school that the father neglected the obligations towards the children, especially to his daughter with special needs. **Actions taken:** A lawsuit was prepared for changing of the court decision because of changed circumstances, requiring children to be entrusted to the mother. Unfortunately, after the court procedure was initiated, woman lost her job and at the same time was no longer able to pay and rent the apartment. Therefore, upon her request, the complaint was withdrawn and the court procedure was terminated.

4. B.LJ - Macedonian nationality, age 33, unemployed. Case was reported in the previous quarterly report. Attorney advised the woman about the possibility to appeal the court decision that she should reimburse all costs in the procedure. This court verdict is court precedent due to the fact that judge decided that woman who is unemployed should bear all costs, instead of at least to split the costs among the parties. **Actions taken:** Attorney prepared an appeal to the Court of Appeal in respect of the first-instance decision in the part of the costs.

5.D.I – Macedonian nationality, age 35, employed, from Skopje. This case was reported in the previous report. She is a victim of domestic violence by her husband. After the divorce, the client returned to the abuser together with their three children. When the last incident of violence happened, the woman in a state of affection damaged her husband's car. **Actions taken:** She was advised about the criminal charges against her, as well as about the possibility to initiate a court procedure to increase the child alimony for the children. In addition, woman was advised about the legal documents that she should collect in order to justify that circumstances have changed (in terms of increased children's needs and evidence of their father's increased income).

6. N.V. – Macedonian nationality, employed, age 38 from Skopje. She is a victim of all forms of domestic violence by her husband with whom she has three children and two of them are minors. She asked for legal aid for the first time in the LAC in December last year. The case was elaborated in the previous report. Woman reported violence to the police, further followed with the preparation of criminal charges against the perpetrator for criminal act of physical injuries during domestic violence. In addition, a temporary measure of protection in a period of 6 months was issued in accordance with the Law on Protection and Prevention of Domestic Violence. The client asked for legal advice regarding the eviction lawsuit from the home initiated by her father in law, legal owner of the family house. Also, the client asked legal advice about the divorce procedure initiated by the husband. **Actions taken:** Attorney prepared a reply to an eviction lawsuit and reply to a divorce lawsuit. In the

meantime, attorney also prepared a written submission to the court regarding the changed request of the husband for requesting custody of the children even though he is violent towards them.

7. L.M – Macedonia nationality, age 30, employed, victim of economic violence by her husband which we reported in the previous report. The woman asked legal advice about the submitted lawsuit for divorce initiated by her husband. **Actions taken:** Attorney prepared an answer to the lawsuit asking father to meet the legal obligation to pay alimony for the son.

8. J.S.N. Macedonian nationality, age 22, unemployed, victim of economic and psychological violence by her husband with whom she has one child. The woman due to her financial incapability was forced to go to her father's home with her child. **Actions taken:** Attorney prepared a divorce lawsuit with a proposal the father to pay the alimony for the child and for the woman as an unsecured spouse for a period of 5 years after the divorce.

9. A.P. – Macedonian nationality, age 45, employed, victim of domestic violence by the former husband. Namely, after the divorce of the marriage in 2012, the spouse continued to live in the family home owned by the woman together with her mother. All members of the home are victims of violence, but the perpetrator refuses to move out despite the intervention of the police. **Actions taken:** Attorney prepared a lawsuit for eviction from the home. The lawsuit was supported with the necessary documentation for ownership of the property as well as medical documentation for bodily harm committed by the abuser. In addition the woman was informed about the dynamic and costs of the procedure.

10. M.K.P. Macedonian nationality, age 57, employed, victim of physical and psychological domestic violence by her former husband. The client asked for a legal advice regarding the psychological violence suffered by her ex-husband who lived in her house for many years after the divorce and refuses to move. **Actions taken:** Attorney prepared a lawsuit for eviction from the home in addition to the necessary documentation for ownership. The woman was informed about the dynamic and costs of the procedure.

11. V.N. – Macedonian nationality, age 48, unemployed, victim of economic, physical and sexual violence by her husband. The Woman first asked for legal advice from our Legal Aid Center ten years ago. Up to this point, marriage has not been divorced because the woman repeatedly withdraws the divorce lawsuit and returns to the violent husband. Unfortunately, violence is repeated with even greater intensity towards all members of the home. For this reason, the client went to her mother's house, while the two sons, one of whom was a minor went to live in an apartment rented. **Actions taken:** Attorney tried to encourage the client to initiate civil and criminal procedure for protection from domestic violence, but according to her statement, only a lawsuit for divorce was prepared. Also, the woman was advised to initiate inheritance procedure in which her children will inherit the house from her great grandmother.

12. E.N. - Macedonian nationality, age 38, employed, victim of psychological domestic violence by her husband. In order to preserve marriage and family, the woman attempted to improve her relationships with her husband but due to the fact that the husband continued with the violence against her in the presence of their two children, she was forced to leave

the home and together with the children went to her mother's home. After leaving the house, the client was constantly mistreated by her husband with threats and pressures in order to leave her job. **Actions taken:** Attorney prepared a lawsuit for divorce with a request for custody and alimony for the children. The client visited specialist - therapist for psychological counseling on several occasions.

13. M.B. - Macedonian nationality, age 65, pensioner. Her case was elaborated in the previous report. Victim of physical and psychological domestic violence by her husband who is alcohol addicted. After the divorce, the client asked for a legal advice about the division of property acquired by marriage. **Actions taken:** The client was advised about the right to property acquired in the marriage and for the expenses in the court procedure. In addition woman scheduled another meeting in which she will bring the necessary documentation.

14. U.T. – Macedonian nationality, age 38, employed. A victim of domestic violence by her husband who is alcohol addicted and with whom she has two daughters. She never reported violence to the police in order to preserve marriage and family in the interests of their minor children. The woman tried to help her husband to solve the problem of alcohol but without success. **Actions taken:** After woman was advised by the attorney about the divorce procedure, an agreement proposal for a divorce was prepared. Also, the woman was consulted how to divide the property that is acquired during marriage.

15. A.R. - Bosnian nationality, age 40, employed. The woman first time reported the violence several years ago. She is a victim of domestic violence by her husband with whom she has one child. The client asked legal advice about the non-payment of alimony by the father of the child. **Actions taken:** The attorney prepared a request for execution of decision for paying child custody.

Cases Represented by the Attorney

1. M.M- Russian citizenship, age 35, employed. Victim of psychological violence conducted by her husband. The case was elaborated in the previous report as a success story. Actions taken: Based on the last decision of the Court of appeal for mother's custody, mother took the child and moved him in her apartment. On the other hand, a procedure is pending before the Supreme Court due to the fact that father submitted review on the decision. The attorney advised the client about submitting request for child alimony by the father.
2. I.B.-Macedonian nationality, age 32. Victim of psychological and physical violence by her husband. The case was elaborated in the previous reports as regarding the initiated civil and criminal procedure. Namely, the client was represented in two criminal proceedings in which the former husband was charged with a criminal act of physical injuries while committing domestic violence and with violation of the court decision (imposed temporary measures for protection against domestic violence). The defendant was found guilty for both criminal offenses and sentenced to an effective prison sentence of one year for both crimes.

S.P.-Macedonian nationality, age 35, unemployed. The client asked legal advice in LAC in January 2019. The woman as legal representative for her young daughter asked legal advice and assistance in initiation of the procedure for damage compensation. Namely, her child was sexually abused by one man and this procedure ended with a judgment in which the perpetrator was convicted. After this process mother gave power of attorney for initiating civil procedure in which child will be compensate for the non material damage suffered.