

# **COST AND QUALITY OF ACCESS TO JUSTICE FOR WOMEN WHO SUFFERED DOMESTIC VIOLENCE**

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**2018**

ASSOCIATION FOR EMANCIPATION, SOLIDARITY AND EQUALITY OF WOMEN



## **EXECUTIVE SUMMARY**

One of the strategic orientations of Association ESE is the enhancement of the level of legal protection for women who have suffered domestic violence. Association ESE recognizes the importance of effective legal protection through free legal aid in this regard, and that the provision of free legal aid for women can contribute to decreasing the rate of domestic violence in the country. This happens, in particular, when the civil court issues restraining orders. In 2015 Association ESE undertook initial steps for calculating the costs related to the provision of legal protection for women who had suffered domestic violence, as part of its efforts directed toward putting pressure on the Government to increase access to free legal aid and allocate sufficient funds for provision of legal services for women who have suffered domestic violence.

In this regard, in 2015 Association ESE conducted cost analysis for legal assistance in domestic violence cases by calculating the costs for legal advice, preparation of written submissions, and court representation. What was evident from the calculations is that the state fails to allocate adequate funds for legal aid, including court representation in cases of domestic violence. As a result, the women who have suffered domestic violence are left on their own to find their own funds to seek protection.

In 2017 Association ESE conducted cost- benefit analysis by calculating the costs and assessing the quality of the procedure in domestic violence cases. The analysis incorporated the salaries and operational costs related to the work of ESE's Legal Assistance Centre (LAC), as well as the costs that are paid by the women who suffered domestic violence. The latter included travel costs, clients lost work cost, childcare costs, costs for initiation of court procedure, costs for court verdict, administrative costs etc. Another aspect that was analyzed was the quality of the procedure for women who suffered domestic violence using the following parameters: time spent in searching for free legal aid; quality of the services provided through the Legal Aid Centre; and the stress suffered by the women as a result of the legal problem and the process that they went through.

The process of data collection has continued in 2018 and the second cost-benefit analysis was conducted, by calculating the operational costs of ESE's Legal Aid Centre, the costs of beneficiaries, as well as client's satisfaction and quality of the procedure for women who suffered domestic violence. This continues collection of data and calculations of costs and benefits for this vulnerable group of women enables ESE to follow the trends and plan adequate advocacy measures for increasing the level of legal protection and access to justice for women who suffered domestic violence.

## ELABORATION OF COST BENEFIT STUDY

The analysis of the costs and benefits from the provision of free legal aid for women who suffered domestic violence takes into consideration different types of costs borne by service providers and women when approaching the legal system of protection.

Three identical sources of information were used:

1. LAC's work costs, such as the salaries and operational costs;
2. Client case logs for calculating the client's costs;
3. Follow-up questionnaires conducted with clients on completion of the cases for assessing the quality of the procedure or the benefits of free legal aid.

## COSTING SERVICES OF LEGAL AID CENTER (LAC)

The calculations were based on the actual expenditures for 2018 related strictly to the operation of the Legal Aid Center for women who suffered domestic violence. The total costs for operation included the following items: honoraries for LAC's Assistant, Attorney and Psychologist, as well as operational costs. If we do a breakdown of these expenditures<sup>1</sup>, 58% are allocated for the honorarium of LAC's assistant, 13% for the attorney, 13% for the psychologist and 16% are operational costs. The total operational cost for 2018 was 760.716 MKD or 63.393 MKD per month. Of the total, 637.056 MKS was for the salaries and 123.660 for operational costs.

If we divide the annual cost of the LAC by the number of clients in 2018 (182), we get a per-client cost of 4.180 MKD.

Table one also includes comparison of the LAC costs of 2017 and 2018. General conclusion is that the annual costs are very similar. For example the total per client cost for 2018 is 4.180 in comparison with 2017 when it was 3.920.

**Table 1. Estimating the cost per client**

Ref	Item	Formula	2018	2017
A	Budget for legal aid		637.056	465.504
B	Clients per year		182	150
C	Cost per client	A/B	3.500	3.100
D	Operational costs		123.660	123.660
E	Cost per client	D/B	680	820
<b>TOTAL cost per client</b>		<b>C+E</b>	<b>4.180</b>	<b>3.920</b>

<sup>1</sup> For 2018.

**CASE LOGS**

Case logs are used in the work of ESE’s Legal Aid Center as a method for collection of data about the costs borne by women who suffered domestic violence LAC’s clients were asked about the costs they incurred in relation to their travel, lost work, child care, initiation of court procedures, administration etc. The second cycle of data collection was launched at the beginning of 2018 and in the course of 2018 170 case logs were completed.

**Table 2. Number of clients incurring different costs in LAC**

Type of cost / Number of clients	2018	2017
Client travel	160	44
Client lost work	0	1
Client childcare	0	0
Attorney travel	0	0
Court initiation	60	26
Court verdict	10	0
Expert evidence	0	0
Administrative fees	0	2
Other	0	0
<b>TOTAL</b>	<b>230</b>	<b>90</b>

Table 2 provides information about the number of clients in relation to the different costs that they incurred. Client’s travel costs are the most common, since 160 out of 170 clients reported this kind of cost. The costs for initiation of the court procedure are the second most common, reported by 60 of the clients of ESE’s LAC. A lower number of clients (10) have reported costs for obtaining the court verdict. Taking into consideration the discrepancy between the costs for initiation of the court procedure and those for court verdict, one can conclude that some of these clients might still have additional costs when attending the court hearings, which are not part of this calculation. More generally this point highlights that some of the cases were ongoing, and the reported costs in these cases probably do not represent the full cost for the client.

In comparison to 2017 one can conclude that women that suffered domestic violence are facing the similar costs over the years. Travel costs are the most common costs in this regard, followed by the court initiation costs. However a larger proportion of clients reported these costs in 2018 than in 2017.

**Table 3. Total costs by different types and mean cost per client**

Type of cost	2018		2017	
	Amount of total cost (MKD)	Mean cost per client	Amount of total cost (MKD)	Mean cost per client
Client travel	23.600	139	8.230	158
Client lost work	0	0	800	15
Client childcare	0	0	0	0
Attorney travel	0	0	0	0
Court initiation	42.710	251	21.010	404
Court verdict	7.760	46	0	0
Expert evidence	0	0	0	0
Administrative fees	0	0	650	13
Other	0	0	0	0
<b>TOTAL</b>	<b>74.550</b>	<b>436</b>	<b>49.560</b>	<b>590</b>

Table 3 shows the total costs for 170 clients, and the calculated mean cost per client. The table shows that the highest costs of the women who suffered domestic violence are the costs for initiation of the court procedure with mean cost at 251 MKD, followed by the mean cost for clients travel costs (139), while less often reported were costs for court verdict (46). Adding together all the means, the total mean cost per client after the calculations is 436 MKD.

In comparison with 2017, the travel costs incurred by the clients are similar, while there is a discrepancy in the mean per client cost for initiation of court procedures. For example, the mean cost for this purpose in 2018 was 251 MKD, while in 2017 was 404 MKD.

Figure 1 shows the legal problems faced by the women who suffered domestic violence per year. In 2018 nearly half of the clients (46%) were provided with legal advices and written submission (lawsuits) in relation to the divorce procedure. This pattern suggests that women who suffer domestic violence generally use divorce as a mechanism to stop the violence. In this regard, there were 56 divorce Lawsuits prepared, as well as seven Proposals for Bargaining Divorces. In half of the cases related to the divorce procedures, the clients were facing legal problems in relation to custody over children as well. In this regard, each third client (36%) that visited ESE's LAC in 2018 was provided with legal aid and support in procedures related to custody. There were four Lawsuits for changing the court decision on custody prepared, 11 Requests for custody and alimony to the Center for Social Welfare (CSW), as well as nine other written requests to CSW related to the custody visits and contact with the child. 22% of the clients faced legal problems related to alimony and there were 9 Lawsuits for alimony prepared.

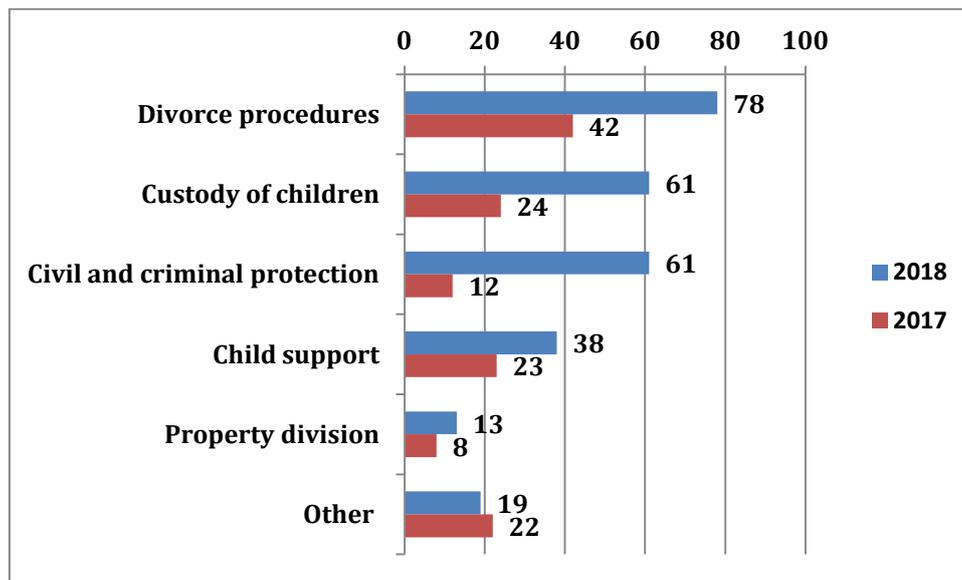
It is important to notice that significant percentage of clients (36%) were provided with legal advices and written submissions support for initiation of civil and criminal court procedure for their of protection. In this regard, there were 19 Proposals for issuing temporary measures of protection prepared and submitted to the court, as well as 12 Criminal Lawsuits for initiation of criminal procedure against domestic violence perpetrators.

Smaller portion of the beneficiaries of ESE's LAC (11%) faced other problems, such as: determining paternity, dealing with debts, problems with executors etc. In this regard, there were other 20 written submission prepared, including requests to the Ministry of Interior, requests for the Supreme Court, written submissions to the Public Prosecutors offices etc.

The total number of legal problems faced by the clients was 270, which means that on average each client was provided with legal services for 1.5 legal problems. In 2017, on average each client was provided with legal services for two legal problems.

In comparison with 2017, the divorce procedures were the most common legal problems faced by the clients, followed by the custody of children. However, civil and criminal protection cases were proportionally more common in 2018 than 2017, while child support was less common.

**Figure 1. Number of clients facing different legal problems per year**



### Client Satisfaction Questionnaire

The client satisfaction from the services provided and the experience with the legal system for protection were assessed through user questionnaires administered via phone interviews. For objectivity and impartiality of this process, the interviews were conducted by an external person engaged for this purpose. In the beginning of 2018, in total 51 interviews were completed with LAC’s beneficiaries. The interviewer was provided with 70 contacts, but parts of the clients were not available or willing to conduct the interviews.

The Client Satisfaction Questionnaire incorporates three different types of questions:

- Three questions on the time spent in searching for legal aid;
- Nine questions assessing the quality of services provided by ESE; and
- Seven questions related to emotional stress experienced.

The questions used were adapted from “A Handbook of Measuring the Cost and Quality of Paths to justice”.<sup>2</sup>

Table 4 shows the time that the clients reported the case had taken. It appears that two thirds of the beneficiaries of ESE’s Legal Aid Center cases that took less than two weeks of their time. Another six clients had cases of less than month, five clients had cases up to 4 months and five clients reported that their cases lasted more than a year.

In comparison with 2017, the situation is similar since majority of the clients have spent two weeks or less in solving their cases.

<sup>2</sup> Tillburg Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems (ed). 2009. Maklu: Apeldoorn, Antwerpen, Portland.

**Table 4. Duration of the cases**

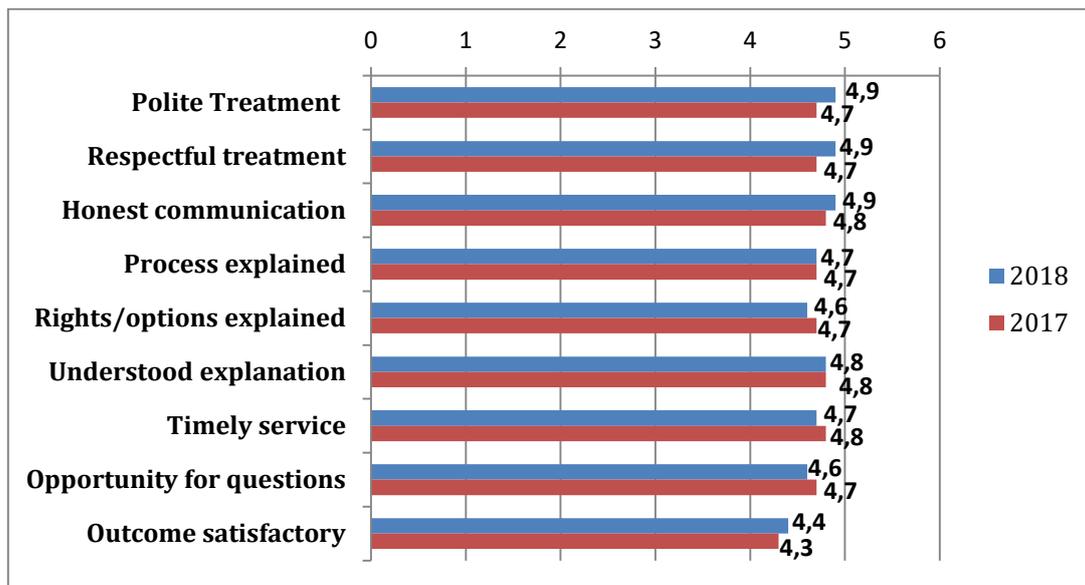
<b>Time / No. of beneficiaries</b>	<b>2018</b>	<b>2017</b>
<=2 weeks	35	25
<=1 month	6	2
<=4 months	5	2
> 1 year	5	3
Not specified	0	2
<b>TOTAL</b>	<b>51</b>	<b>34</b>

The quality of services provided by ESE was assessed through a separate set of nine questions covering the following aspects: polite treatment; respectful treatment; honest communication; process explained; rights/options explained; understood explanation; timely service; opportunity for questions; and outcome satisfactory.

For quality of service, beneficiaries were asked to rate the above listed aspects with a scale between 1 and 5 as follows: 1=very small extent or not at all; 2 = small extent; 3 = moderate extent; 4 = large extent; and 5 = very large extent.

Figure 2 illustrates the mean ratings of the 51 clients for each of the aspects assessed. In 2018, the most satisfactory aspects for the clients were the polite treatment, respectful treatment and honest communication all scored with 4.9. The understanding of the explanations provided was scored with 4.8, while the explanation of the process and timely service were scored with 4.7. Explained rights and options and the opportunity for clarifications were scored with 4.6. The less satisfactory aspect was the outcome satisfaction with mean at 4.4. which is the aspect which is least related with the performance of the Legal Aid Center. Again the results are very similar with those from 2017.

**Figure 2. Mean rating of different aspects of quality of service**



The mean ratings of the first eight aspects are used as measure of the benefit of quality services in the final tables, while the mean rate for satisfaction with the outcome is used a measure for enjoyment of rights. Within the calculations, the mean rates are converted to percentages.

Figure 4 shows the number of clients whose legal problems were finalized. Out of 51 interviewees, 31 reported that their problems were solved and 20 reported that their cases are not yet finalized. In 2017 there were more unresolved than resolved cases. This is expected, taking into account the shorter period of data collection in 2017 (In 2017 the data was collected over the period of six month, while in 2018 over the period of one year).

**Figure 4. Status of cases**

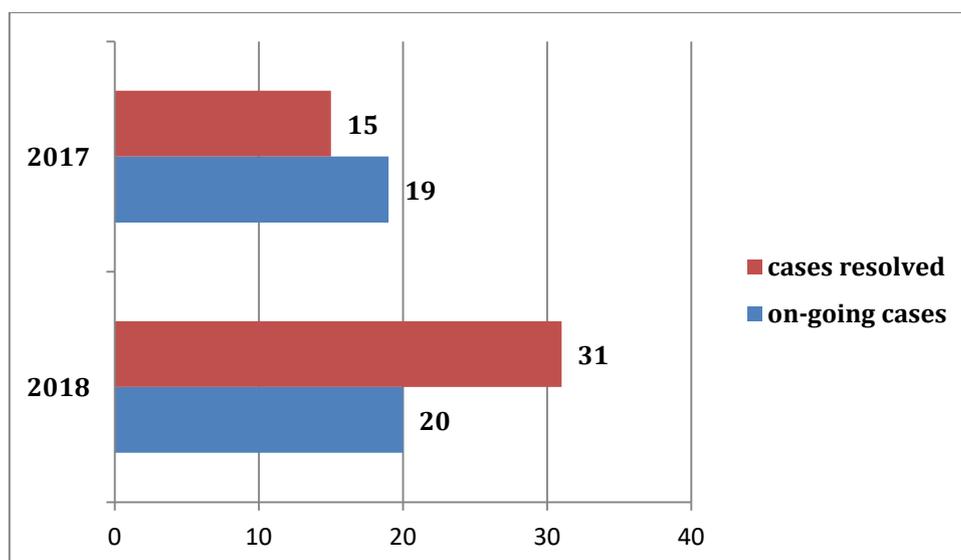
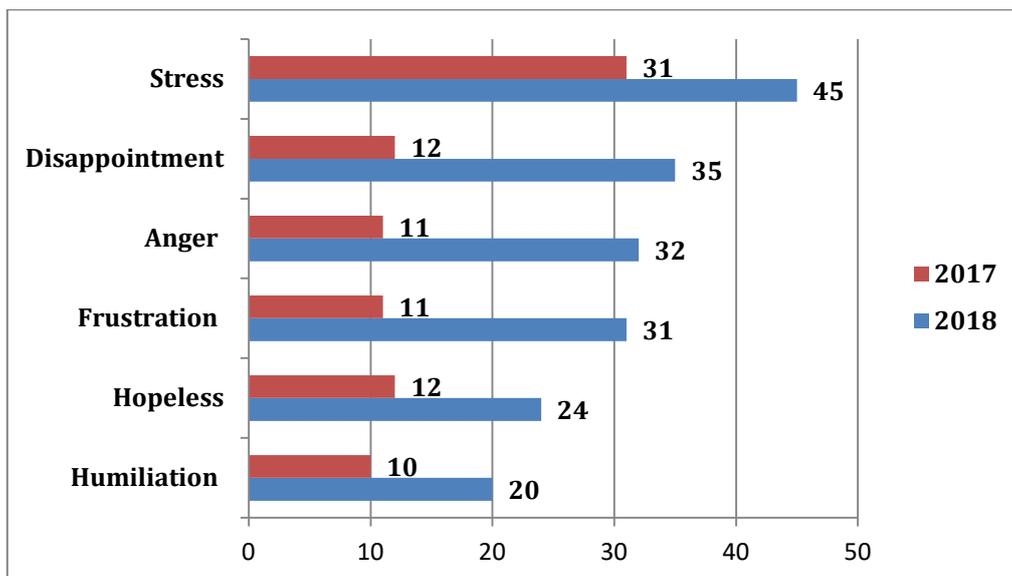


Figure 3 shows the number of clients who experienced stress as a result of the problem and each of a number of pre-specified forms of emotion. In 2018, almost 90% (45 out of 51) of the clients have experienced stress as a result of the problem of domestic violence. Two thirds of the clients have experienced disappointment (35), while more than half have suffered anger (32) and frustration (31). The less reported were the hopelessness (24) and humiliation (20). This implies that the women who suffer domestic violence are identifying the violence as the main problem that seriously affects their mental health, while the communication with the institutions and the procedures for their protection are perceived more as a way for getting out of the problem that affects them. However, the high prevalence of certain negative emotions suffered stresses the need for improving the institutional response and support in domestic violence cases.

The situation is similar with the previous year, since majority of the clients have reported stress as a result of the problem. In relation to the different negative emotions suffered, the disappointment was the most in common.

**Figure 3. Number of clients experiencing different forms of emotion per year**



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	Poor users	Government	NGOs
<b>Costs</b>	<b>436</b>		
<b>I. Direct costs</b>	<b>436</b>	<b>0</b>	<b>4180</b>
Salaries for the staff			3500
Operational costs			680
Travel costs for getting the legal advice/information	139		
Court fees for submission and initiation of the court procedure	251		
Costs for getting the court verdict	46		
Costs for experts opinion			
Administrative fees			
<b>II. Indirect costs</b>	<b>0</b>	<b>0</b>	<b>0</b>
Travel costs for court hearings (attorney and users)			
Travel costs to other institutions			
Opportunity costs – monetary (users)			
Opportunity costs – time (users)			
Child care costs (users)			
Other			
<b>Benefits</b>			
Access to legal advice	100%		
Access to court representation (to calculate this)			
Access to information about rights	100%		
Enjoyment of rights	88%		
Access to quality services	95%		

## **THE BENEFITS**

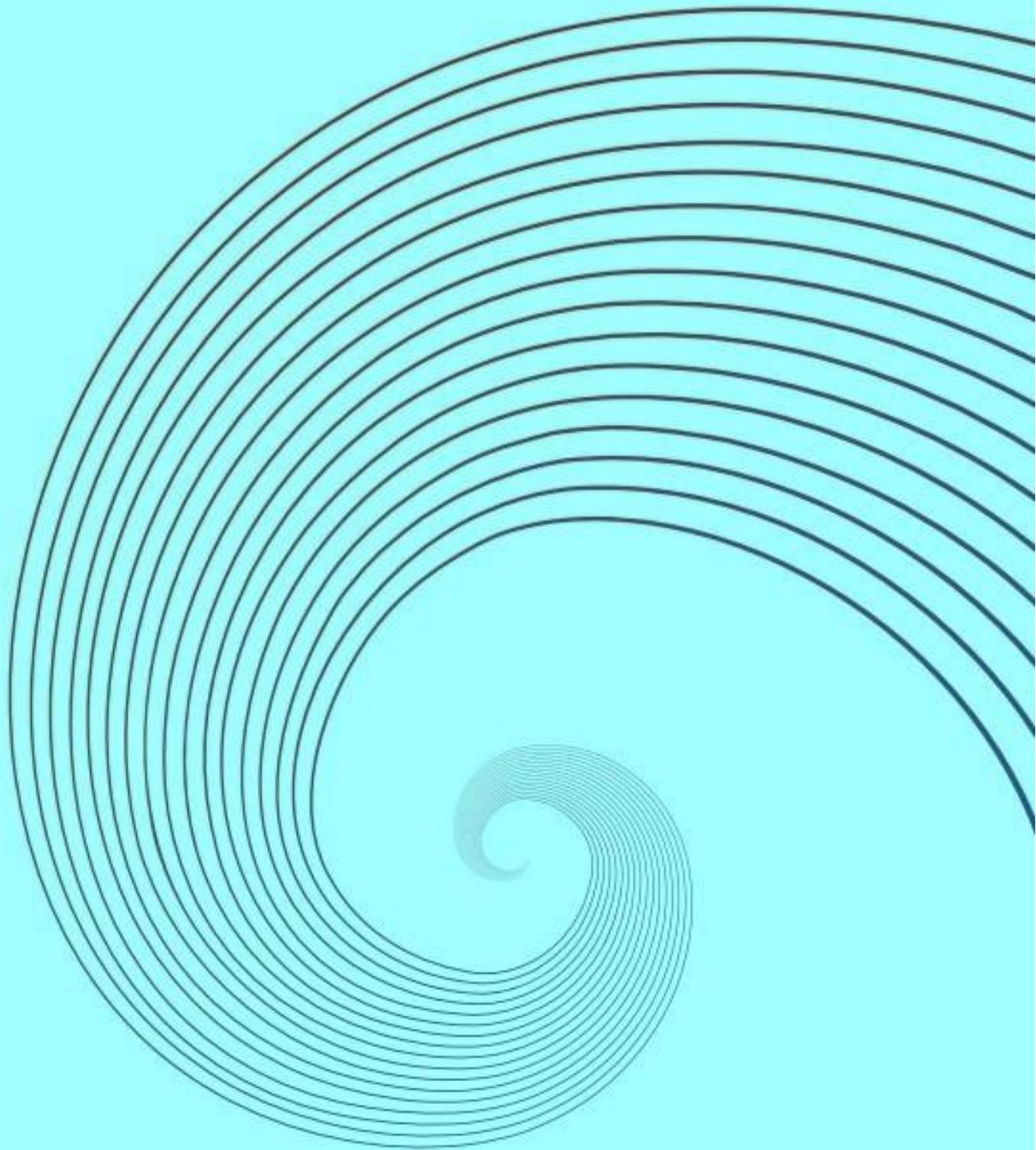
In relation to the benefits gained, all the clients were provided with legal advice and information about their rights by virtue of being ESE's clients. The quality of the services which is based on the mean value of all eight aspects related to the work of the LAC was 95%. The enjoyment of rights was assessed on 88% through the satisfaction from the outcome of their cases.

## **COURT REPRESENTATION**

In order to calculate this category, we need to introduce additional question within the follow-up questionnaire on whether they have initiated court procedure and were represented in the courts by lawyer.



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