

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

2021

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. These costs are usually incurred by the woman involved or, for those who access ESE assistance, the costs are incurred by ESE. 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 procedures, costs for court verdicts, 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 continued in the next years and resulted in the preparation of a three-year summary analysis for the period 2017-2019, to which was later added the annual analysis for 2020. Consequently, the collected data from 2021 regarding the costs and benefits of providing legal aid was compared to the summary period 2017-2020, and used for determination of trends in the costs incurred by women who have suffered domestic violence in their access to justice in the last 5 years.

This continued collection of data and calculations of costs and benefits for this vulnerable group of women is part of ESE's efforts for collecting people centered justice data and in parallel with the cost benefit analysis, ESE is preparing annual in-depth analyzes on the use of right to be exempted from paying the court fees¹ and right to child alimony².

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 by women when approaching the legal system of protection.

Three sources of information were used:

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

COSTING SERVICES OF LEGAL AID CENTER (LAC)

The calculations are based on the actual expenditures for the period 2017-2021 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: honoraria for LAC's assistant, attorney and psychologist, as well as operational costs.

If we do a breakdown of these expenditures annually, the highest portion of the costs relate to the LAC assistant salary, followed by the operational costs, and then by the honoraria for the attorney and the psychologist which are almost equal. The breakdown of the costs that comprise the Budget for legal aid for 2021 is as follows: Salary for LAC assistant 577.344 MKD; remuneration for attorney 98.832 MKD; remuneration for psychologist 98.832 MKD and operational costs 170.226 MKD.

The trend of increasing the cost of legal services in the last four years, which resulted in the highest cost in 2020, was stopped in 2021. Although, the budget for legal aid is higher in 2021 compared to the previous 2020, as a result of increased salary of LAC's Assistant and increased non-salary operational costs, the costs per client actually decreased because of the higher number of beneficiaries in 2021 (184), compared to 2020 (110). Yet, the cost per client in 2021 was higher, compared to the period 2017-2019.

¹ The Annual Analysis for right to poor 2021 is available at <http://www.esem.org.mk/pdf/Publikaciji/2021/1/Osloboduvanje%20od%20sudski%20trosoci%202021.pdf>

² The Annual Analysis for determination of child alimony for 2021 is available at <http://www.esem.org.mk/pdf/Publikaciji/2021/1/lzdrska%20za%20decata%2011.2021.pdf>

Table 1. Estimating the cost per client

Re f	Item	For mul a	2017	2018	2019	2020	2021
A	Budget for legal aid		465.504	637.056	585.535	640.449	775.008
B	Clients per year		150	182	145	110	184
C	Cost per client	A/B	3.100	3.500	4.038	5.822	4.212
D	Non-salary operational costs		123.660	123.660	126.440	151.603	170.226
E	Cost per client	D/B	820	680	872	1.378	925
TOTAL cost per client		C+E	3.920	4.180	4.910	7.200	5.137

CASE LOGS

The calculation of costs incurred by women who suffered domestic violence, beneficiaries of LAC was done by applying the same method of data collection, through the case logs. In this regard, the women were asked about direct costs incurred when searching for resolution of their legal problems, such as travel costs, initiation/completion of court procedures, administration costs etc; as well as about the indirect costs incurred, such as opportunity costs or lost work and child care costs. In addition, the case logs incorporate information about the number of visits or consultations made, the number and type of legal problems faced, and the type of provided legal advices, including written submissions prepared for resolution of legal problems faced by women who suffered domestic violence.

For these purposes, there was 100 client's case logs collected out of 184 clients in 2021. The rest of the clients were provided with legal aid through phone, e-mail, on-line virtual legal aid platform, or didn't have any costs to report.

The trend that was established in previous years, in terms of the most common costs incurred by women, continues in 2021. In this regard, please see below the calculations and elaboration of main findings from the data collected in the last year.

DIFFERENT TYPES OF COSTS INCURRED

In comparison to the previous years the pattern is almost the same, since the most common costs incurred by the clients throughout the years are the client travel costs and court initiation costs. For illustration, in 2021 there were 79 out of 100 or 79% of the clients who incurred travel costs. The second most common cost for 2021 were the court initiation costs, since 22 out of 100 or 22% of the clients reported paying the court fees needed for initiation of court procedure, mainly for divorce and determination of child alimony. An additional 15 clients were exempted from paying court initiation costs, which indicates that the number of clients that may have incurred this type of cost is actually higher. The same is referring to the significantly low number of clients (2) that reported court verdict costs, compared to those that have initiated court procedure, because significant portion of the initiated court cases are not finalized, or the clients have not provided such information after the completion of the cases.

In 2021, there were two exceptional cases with high “other” costs, such as costs for compensation of the court costs because of the absence of the second party within the procedure, or having the trial held abroad.

Table 2. Number of clients incurring different costs in LAC per year

Type of cost/ Number of clients	2017	2018	2019	2020	2021
Client travel	44	160	137	76	79
Client lost work	1	0	0	0	0
Client childcare	0	0	0	0	0
Attorney travel	0	0	0	0	0
Court initiation	26	60	62	25	22
Court verdict	0	10	7	4	2
Expert evidence	0	0	1	0	0
Administrative fees	2	0	7	16	6
Other	0	0	10	3	2
Total number of clients	150	170	145	84	100

When we speak about each type of cost, the *travel costs* ranged from 50 MKD to 600MKD. Most of the clients spend between 100 MKD and 200 MKD for travel (see table 3).

Table 3. Number of clients incurring travel costs in LAC in 2021 by amounts

# of clients	Amount of individual travel costs paid in MKD	TOTAL
3	50	150
5	70	350
14	100	1.400
1	120	120
7	140	980
12	200	2.400
4	210	840
3	280	840
7	300	2.100
1	310	310
2	400	800
1	410	410
1	420	420
1	500	500
2	560	1120
1	600	600
137	/	13.240

The *court initiation costs* which depends on the type of court procedure led by the women shows that 16 clients paid 800 MKD for initiation of divorce procedure, two clients paid court fees in amount of 800 MKD for child alimony procedure, two clients paid 480 MKD for inheritance procedure and child alimony procedure, one client paid court fees in amount of 250 MKD for initiation of complaint procedure in front of High

Administrative Court, , and one client paid higher costs in the amount of 3.500 MKD for translation of verdict from foreign court.

Table 4. Number of clients incurring court initiation fees in LAC in 2021 by amounts

# of clients	Amount of individual court initiation fees paid in MKD	TOTAL
18	800	14.400
2	480	960
1	250	250
1	3.500	3.500
22	/	19.110

When we speak about the court verdict, there were only two clients, who paid 800 MKD for court verdict on divorce, the rest of the cases were not completed yet.

Table 5. Number of clients incurring court verdict fees in LAC in 2021 by amounts

# of clients	Amount of individual court verdict fees paid in MKD	TOTAL
2	800	1.600

Administrative costs incurred for 5 clients, four of them paid 500 MKD, and one paid 1000 MKD.

Table 6. Number of clients incurring administrative costs in LAC in 2021 by amounts

# of clients	Amount of individual administrative costs in MKD	TOTAL
4	500	2000
1	1000	1.000
1	400	400
6	/	3.400

In comparison to the previous years, in 2021 there were two exceptional cases with high other costs, because ESE's client were obliged to pay for the attorney representation and legal services of the second party, in their absence from the court hearings. One client paid 41.860 MKD, and one client paid 43.460.

Table 7. Number of clients incurring other costs in LAC in 2021 by amounts

# of clients	Amount of individual other costs paid in MKD	TOTAL
1	41.860	41.860
1	43.460	43.460
2	/	85.320

TOTAL AND MEAN COSTS INCURRED

Among all costs that may be incurred by the women that suffered domestic violence in 2021 (100 clients) the other costs with mean costs of 853 MKD is the highest, followed by mean costs for initiation of the court procedure (191 MKD), mean travel costs (158 MKD), administrative costs (34 MKD), and mean court verdict costs (16 MKD). The category other costs is significantly higher compared to the previous years due to two exceptional cases elaborated under Table 7, and this is the main reason for the significant increase in the total mean cost for 2021. As for the other types of costs, the mean travel costs are lower in 2021 compared to 2020 (206 MKD), and slightly higher compared to 2019 (165 MKD), while means court initiation, court verdict costs, and administrative costs are lower compared to the previous years. Adding together all the means, the total mean cost per woman for 2021 is 1.249 MKD.

Table 8. Total costs by different types and mean cost per client

Type of cost	2021	
	Amount of total cost (MKD)	Mean cost per client
Client travel	15.820	158
Client lost work	0	0
Client childcare	0	0
Attorney travel	0	0
Court initiation	19.110	191
Court verdict	1.600	16
Expert evidence		
Administrative fees	3.400	34
Other	85.320	850
TOTAL	125.250	1249

LEGAL PROBLEMS

In 2021 the women were facing in average almost two legal problems at the same time (1.83), which is similar to the average of 1.85 in 2020. In terms of the legal problems, the trend in the last five years is confirming that most of the women who suffered domestic violence are provided with legal advices on how to use the civil and criminal mechanisms for protection against further acts of violence, and in parallel provided with legal aid for resolution of other related legal problems, such as divorce, custody, child alimony, property rights.

In 2021, apart from the protection against acts of domestic violence (33%), the most common legal problems were the divorce (36%), child alimony (34%) and custody (25%), followed by property division (15%), parental rights (15%), and social protection rights (10%). Part of the women faced other problems, such as problems with debts or how to use free legal aid; while least reported legal problems were the misdemeanor procedure and criminal procedure.

Table 9. Number of clients facing different legal problems per year

	2017 (%)	2018 (%)	2019 (%)	2020 (%)	2021
Divorce procedure	42(28%)	78(43%)	66 (46%)	40 (48%)	36 (36%)
Custody of children	24 (16%)	61(34%)	11 (8%)	16 (19%)	25 (25%)
Civil and criminal protection	12 (8%)	61(34%)	39 (27%)	31 (37%)	33 (33%)
Child support	23 (15%)	38(21%)	33 (23%)	20 (23%)	34 (34%)
Property division	8 (5%)	13(7%)	12 (8%)	8 (9.5%)	15 (15%)
Social protection	/	/	/	21 (25%)	10 (10%)
Parental rights	/	/	/	/	15 (15%)
Other	22 (15%)	19(10%)	36 (25%)	20 (23%)	15 (15%)
Total number of clients	150	182	145	84	100

Table 10. Legal problems addressed in 2021

	Type	# of clients experiencing
1.	Divorce	36
2.	DV	33
3.	Child alimony	34
4.	Custody	25
5.	Property division	15
6.	Social protection	10
7.	Parental rights	15
8.	Criminal	2
9.	Misdemeanor	3
10.	Other	10
TOTAL		183

LEGAL DOCUMENTS PREPARED

The provision of legal advices was complemented with written submissions, which are needed for initiation or during the court and administrative procedures for resolution of legal problems faced by women who suffered domestic violence. In accordance with the client's needs, different types of documents were prepared in 2021 (see table 12). The most commonly prepared document is the lawsuit, which implies that 39% of clients have tried to resolve their legal problems through initiation of a court procedure, mainly for divorce procedure (25) and determination of child alimony (12). The next two most commonly prepared documents are written requests (22), and submissions (16) to CSW, Courts, Ministry of Interior and other, followed by complaints (9), criminal charges (6), response to lawsuits (5) and other written submissions (13).

Table 11. Types of documents prepared for the clients in 2021

Type of document	#
Lawsuit for Divorce	25
Lawsuit for Child Alimony (12), Custody and Property Division	14
Submission	16
Requests	22
Complaints	9
Response to lawsuits	5
Criminal charge	6
Other submissions (urgencies, notifications, statements)	13
TOTAL	110

COURT PROCEDURES INITIATED

If we compare the incurred court fees and what was prepared for the clients we may conclude that 22 clients paid court fees for initiation of 22 court procedures. If we add 15 (who initiated 15 procedures) clients who were exempt from paying court fees, the number of those who initiated procedures rises to 37 clients (37%).

Table 12. Initiated court procedures in 2019

	# of clients	# of procedures
Paid court fees	22	22
Exempt from paying	15	15
TOTAL	37	37

The most common initiated procedure was the divorce procedure with almost 60% of the total number of procedures, followed by child alimony procedure (32%). The structure of the clients in table 14 shows that 60% of the clients paid for court fees, which is higher compared to 40% of clients that were exempted from paying the court fee for initiation of the court procedure.

Table 13. Types of court procedures initiated by clients who paid and were exempted from paying fees in 2021

Type of procedures	# clients who paid fees	# clients who were exempted from paying fees	Total per type
Divorce	16	6	22
Child alimony	4	8	12
Change of a custody	0	1	1
Inheritance procedure	1	0	1
Misdemeanor procedure	1	0	1
TOTAL	22	15	37

CLIENT SATISFACTION QUESTIONNAIRE

The client satisfaction with 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, in 2021 42 interviews were conducted by an external person engaged for this purpose.

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.

Table 15 shows the time spent for resolving the legal problems faced. It is important to notify that there is a trend of prolongation of the time for resolution of legal problems which has continued in 2021. Moreover, 60% of women who suffered domestic violence (25 out of 42) were not able to resolve their legal problems over one year, with significant portion of clients who spent more than three years for overcoming the problem with violence and related legal problems. On another side, the percentage of clients who spent less than two weeks for resolution of problems faced, has a trend of decreasing over the last years. For illustration, less than 10% of the clients in 2021 were able to resolve their problems in less than two weeks, compared to 17% of clients in 2019, and 36% in 2019. One of the reasons for this prolonged duration of court procedures might be the COVID-19 crisis and the suspended operation of courts during the state of emergency in 2020, thus the overburden of courts with pending cases. Yet, there is a need for more in-depth exploring of the reasons behind this increasing in time needed for resolution of legal problems faced by women who suffered domestic violence.

Table 14. Duration of the cases by years

Time/ No. of beneficiaries	2017	2018	2019	2020	2021
<=2 weeks	25	35	18	7	4
<=1 month	2	6	2	1	4
<=4 months	2	5	8	13	3
> 1 year	3	5	4	6	6
Over 1 year	0	0	18	14	25
Not specified	2	0	0	/	0
TOTAL	34	51	50	41	42

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.

Figure 1 shows the mean quality score for different aspect of the services provided by ESE's LAC. In 2021 there was a high level of satisfaction by women who suffered domestic violence, beneficiaries of LAC. In this regard, the mean overall score 4.8 and the mean scores of all the different aspects of service provision, which are ranking from 4.7 to 4.9 are similar to the previous four years. The polite treatment and respectful treatment were the aspects from our work that were most appreciated by the clients in 2021.

Figure 1. Mean rating of different aspects of quality of service

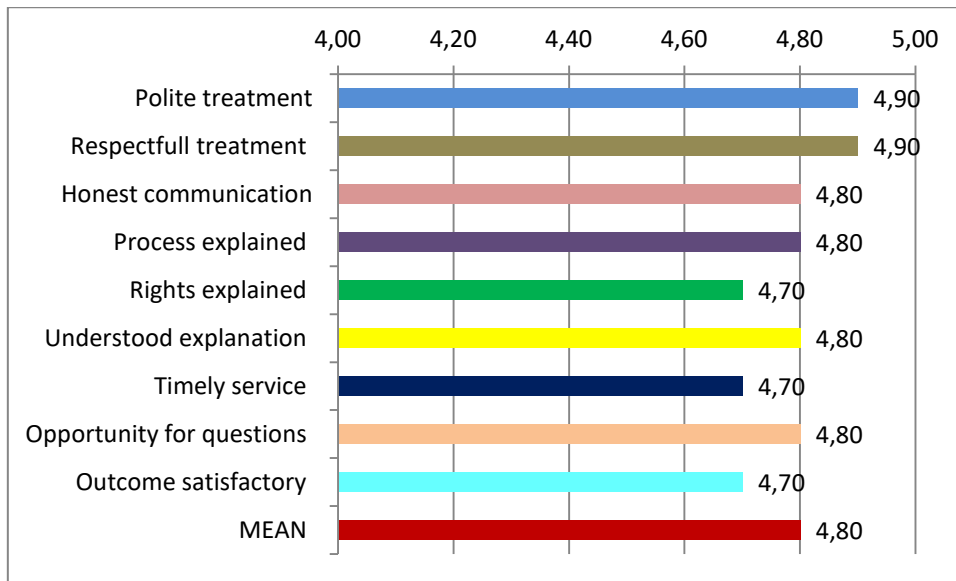


Figure 2 shows the number of clients whose legal problems were resolved, compared to those with active cases. In 2021 there were 23 resolved and 19 on-going cases and there was slide increase in the percentage of resolved cases 55%, compared to the previous 2020 (49%) and 2019 (46%).

Figure 2. Number of resolved and on-going cases

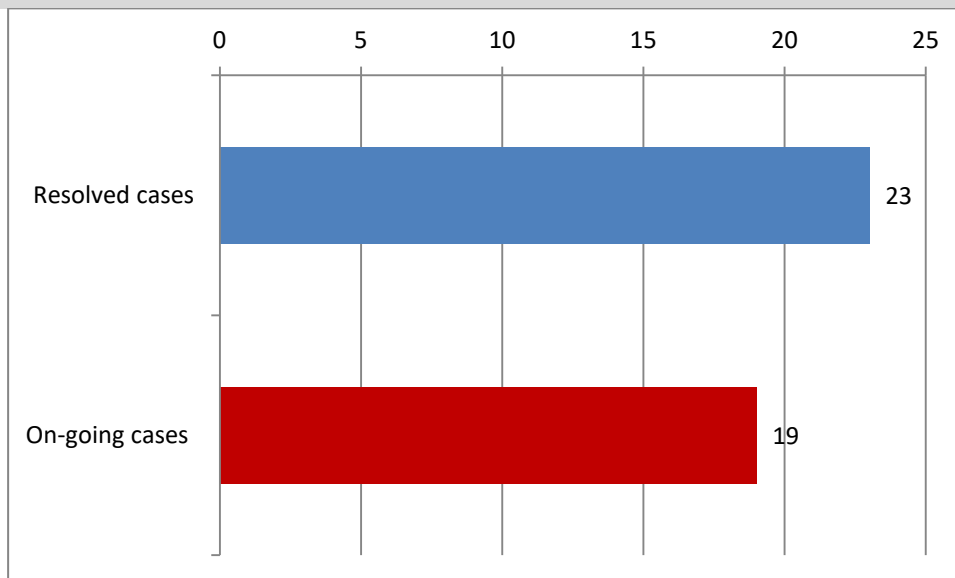
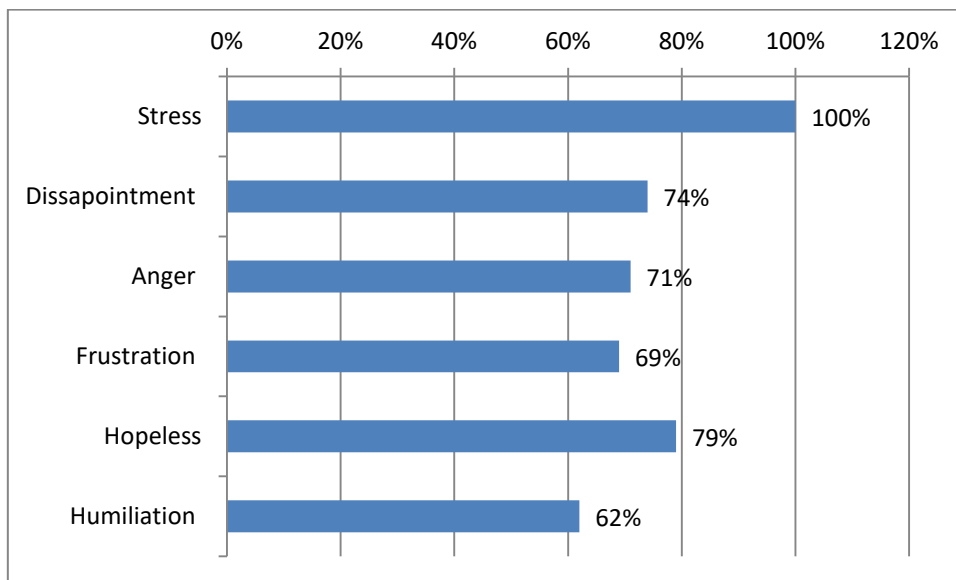


Figure 3 shows the number of clients who experienced stress as a result of the problem and the different forms of emotional stress suffered. All of the women experienced stress as a result of the domestic violence problem, and have suffered different forms of emotional stress in communication with institutions when trying to resolve legal

problems faced. The feeling of hopelessness that has increased in the previous two years was the most common form of emotional stress experienced by 79% of women beneficiaries in 2021. Significant portion of clients have suffered disappointment (74%), anger (71%), frustration (69%), and humiliation (62%).

In general, women who suffer domestic violence in continuity are identifying the violence as the main problem that seriously affects their mental health, while at the same time the communication with the institutions and the procedures for their protection are additionally causing different negative emotions on an ongoing basis that affects their wellbeing. This stresses the needs for improving access to justice and effectiveness of legal mechanisms in front of relevant institutions, which are used for resolution of domestic violence and related legal problems.

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



SUMMARIZED COST-BENEFIT DATA FOR 2021

	Poor users	Government ³	NGOs
Costs	1249		
I. Direct costs	399	0	5137
Salaries for the staff			4.212
Operational costs			925
Travel costs for getting the legal advice/information	158		
Court fees for submission and initiation of the court procedure	191		
Costs for getting the court verdict	16		
Costs for experts opinion	0		
Administrative fees	34		
II. Indirect costs	850	0	0
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	850		
Benefits			
Access to legal advice	100%		
Access to court representation			
Access to information about rights	100%		
Enjoyment of rights	94%		
Access to quality services	96%		

³ The Government incurs court costs only in the cases where the woman that suffered domestic violence are granted with free legal aid in accordance with the Free Legal Aid Law.



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