

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

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**2022**

ASSOCIATION FOR EMANCIPATION, SOLIDARITY AND EQUALITY OF WOMEN



**Author: Association ESE, March 2023**



This publication is completely or partly financed by the Swedish International Development Cooperation Agency (SIDA) and Kvinna till Kvinna. SIDA and Kvinna till Kvinna does not necessary agree with the opinions expressed. The author alone is responsible for the content.

## **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 fees<sup>1</sup> and right to child alimony<sup>2</sup>.

The annual cost-benefit analysis for 2022 is prepared with financial support from Kvinna till Kvinna Foundation as part of the project “Enhance access to justice for women who suffered domestic violence 2022-2023”. In 2022 ESE has upgraded the methodology and broadened the scope of the analysis on costs incurred as a result of domestic violence. The developed research questionnaire will be used for collection of Analysis on costs incurred as a result of domestic violence which will be launched in 2023.

### **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. Client case logs for calculating the client’s costs;
- b. 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.

### **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 128 client’s case logs collected out of 179 clients in 2022. 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.

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<sup>1</sup> 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>

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

The trend that was established in previous years, in terms of the most common costs incurred by women, continues in 2022. 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**

<b>Type of cost/ Number of clients</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Client travel	44	160	137	76	79	91
Client lost work	1	0	0	0	0	1
Client childcare	0	0	0	0	0	0
Attorney travel	0	0	0	0	0	0
Court initiation	26	60	62	25	22	21
Court verdict	0	10	7	4	2	1
Expert evidence	0	0	1	0	0	1
Administrative fees	2	0	7	16	6	12
Other	0	0	10	3	2	1
<b>Total number of</b>	<b>150</b>	<b>170</b>	<b>145</b>	<b>84</b>	<b>100</b>	<b>128</b>

**clients**

When we speak about each type of cost, the *travel costs* ranged from 70 MKD to 1740 MKD. 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 2022 by amounts**

<b># of clients</b>	<b>Amount of individual travel costs paid in MKD</b>	<b>TOTAL</b>
6	70	<b>420</b>
1	80	<b>80</b>
21	100	<b>2100</b>
7	140	<b>980</b>
5	150	<b>750</b>
15	200	<b>3000</b>
2	210	<b>420</b>
1	220	<b>220</b>
2	240	<b>480</b>
8	300	<b>2400</b>
1	310	<b>310</b>
2	320	<b>640</b>
1	340	<b>340</b>
3	350	<b>1050</b>
3	360	<b>1080</b>
1	400	<b>400</b>
1	420	<b>420</b>
2	450	<b>900</b>
3	500	<b>1500</b>
1	540	<b>540</b>

1	600	<b>600</b>
1	740	<b>740</b>
1	750	<b>750</b>
1	1740	<b>1740</b>

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 2022 by amounts**

<b># of clients</b>	<b>Amount of individual court initiation fees paid in MKD</b>	<b>TOTAL</b>
18	800	<b>14400</b>
1	1200	<b>1200</b>
1	1600	<b>1600</b>

When we speak about the court verdict, there was only one woman who paid 33.200 MKD for court verdict on custody, the rest of the cases were not completed yet.

**Table 5. Number of clients incurring court verdict fees in LAC in 2022 by amounts**

<b># of clients</b>	<b>Amount of individual court verdict fees paid in MKD</b>	<b>TOTAL</b>
1	33200	<b>33200</b>

Administrative costs incurred for 12 clients, most of them paid 500 MKD (6) or 250 (3), and the rest of them paid 150, 750 and 1000 MKD.

**Table 6. Number of clients incurring administrative costs in LAC in 2022 by amounts**

<b># of clients</b>	<b>Amount of individual administrative costs in MKD</b>	<b>TOTAL</b>
1	150	<b>150</b>
3	250	<b>750</b>
6	500	<b>3000</b>
1	750	<b>750</b>
1	1000	<b>1000</b>

In comparison to the previous years, in 2022 there was only one case that incurred other costs in amount of 5500 MKd for translation of verdict from foreign court.

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

<b># of clients</b>	<b>Amount of individual other costs paid in MKD</b>	<b>TOTAL</b>
<b>1</b>	5500	<b>5500</b>



## TOTAL AND MEAN COSTS INCURRED

Among all costs that may be incurred by the women that suffered domestic violence in 2022 (128 clients) the mean costs is 820 MKD, which is lower than the mean cost in the previous 2021 (1.249 MKD). The difference is due to the few exceptional cases in the previous year that incurred significantly higher other costs. In terms of different categories, the highest cost is the mean cost for court verdict in amount of 295 MKD, which is significantly higher than the mean cost in 2021 (16 MKD), as a result of one exceptional case where a woman was obliged to compensate significant amount of the court verdict costs. The mean travel cost is 171 MKD and it is close to the mean travel cost for the previous year; mean expert evidence costs is 156 MKD due to one exceptional case, and there were not this type of costs incurred in the previous year; mean court initiation costs is 134 MKD; followed by the mean administrative costs (44 MKD); other costs (43 MKD); and lost job costs (12 MKD).

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

Type of cost	2021		2022	
	Amount of total cost (MKD)	Mean cost per client	Amount of total cost (MKD)	Mean cost per client
Client travel	15.820	158	21.860	171
Client lost work	0	0	1500	12
Client childcare	0	0	0	0
Attorney travel	0	0	0	0
Court initiation	19.110	191	17.200	134
Court verdict	1.600	16	33.200	259
Expert evidence	0	0	20.000	156
Administrative fees	3.400	34	5.650	44
Other	85.320	850	5.500	43
<b>TOTAL</b>	<b>125.250</b>	<b>1249</b>	<b>104.910</b>	<b>820</b>

## LEGAL PROBLEMS

In 2022 the women were facing in average almost two legal problems at the same time (1.9), which is similar to the average of 1.83 in 2021 and 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 (%)	2022 (%)
Divorce procedure	42(28%)	78(43%)	66 (46%)	40 (48%)	36 (36%)	52 (41%)
Custody of children	24 (16%)	61(34%)	11 (8%)	16 (19%)	25 (25%)	51 (40%)
Civil and criminal protection	12 (8%)	61(34%)	39 (27%)	31 (37%)	33 (33%)	54 (42%)
Child support	23 (15%)	38(21%)	33 (23%)	20 (23%)	34 (34%)	32 (25%)
Property division	8 (5%)	13(7%)	12 (8%)	8 (9.5%)	15 (15%)	17 (13%)
Social protection	/	/	/	21 (25%)	10 (10%)	8 (6%)
Parental rights	/	/	/	/	15 (15%)	/
Other	22 (15%)	19(10%)	36 (25%)	20 (23%)	15 (15%)	17 (13%)
<b>Total number of clients</b>	<b>150</b>	<b>182</b>	<b>145</b>	<b>84</b>	<b>100</b>	<b>128</b>

**Table 10. Legal problems addressed in 2022**

	<b>Type</b>	<b># of clients experiencing</b>
1.	Divorce	52
2.	DV	54
3.	Child alimony	32
4.	Custody	51
5.	Property division	17
6.	Social protection	08
7.	Parental rights	
8.	Criminal	09
9.	Misdemeanor	01
10.	Other	
<b>TOTAL</b>		<b>245</b>

### LEGAL DOCUMENTS PREPARED

The provision of legal advices was complemented with written submissions (see table 12), which are needed for initiation or during the court and administrative procedures for resolution of legal problems faced by women who suffered domestic violence. The most common legal document prepared were the lawsuits (40), and the divorce lawsuits were the most common, followed by the lawsuits for child alimony, custody, damage compensation, paternity. The next two most commonly prepared documents are written requests (23), complaints (10), criminal charges (8), submissions (7) and other types of written documents.

**Table 11. Types of documents prepared for the clients in 2022**

Type of document	#
Lawsuit for Divorce	30
Lawsuit for Child Alimony (5), Custody (1), Eviction (1), Paternity (1), Damage Compensation (1) and Counter Lawsuit (1)	10
Proposal for Property division	3
Submission	7
Requests	23
Complaints	10
Response to lawsuits	6
Criminal charge	8
Other submissions (urgencies, notifications, statements)	13
<b>TOTAL</b>	<b>110</b>

## COURT PROCEDURES INITIATED

If we compare the incurred court fees and what was prepared for the clients we may conclude that 21 client paid court fees for initiation of 21 court procedures.

**Table 12. Initiated court procedures in 2019**

	# of clients	# of procedures
Paid court fees	21	21
<b>TOTAL</b>	<b>37</b>	<b>37</b>

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
<b>TOTAL</b>	<b>22</b>	<b>15</b>	<b>37</b>

## CLIENT SATISFACTION QUESTIONNAIRE

In 2022 ESE continued to apply the method of phone interviews with beneficiaries of the LAC in order to assess in-depth the experience of women involved in resolution of the problem with domestic violence and related legal problems, as complementary to the assessment of the costs incurred that is elaborated previously. In total 49 women who suffered domestic violence were consulted about the following:

- Time spent in searching for legal aid and resolution of unmet legal needs;
- Quality of services provided by ESE; and
- Emotional stress experienced.

The effective court protection of women from further acts of violence, and the timely resolution of related legal problems such as divorce, custody and child alimony are crucial for improving the wellbeing of women survivors and their children. Therefore, the duration of the entire process for resolving the unmet justice needs of women is one of the key parameters for assessing the quality of access to justice for women who suffered domestic violence.

Table 15 shows the total duration of the process, including the: time spent in searching for someone who can provide legal aid; time spent in communication with relevant institutions; and time spent in collection of evidences and other documentation that were needed for resolution of the legal problems faced. The general conclusion is that there is a continuous trend of prolonging the resolution of legal problems faced by women survivors in the last 5 years. The percentage of women who spent less time to resolve the problems with violence and related legal problems is significantly decreasing, compared to the increased percentage of women who are not able to resolve their problems for more than one year. For illustration, in 2017 and 2018 around 90% of women reported that they have spent less than 4 months to resolve their problems; this proportion decreased to 56% in 2019; 49% in 2020; and continued to decrease to 26% of women in 2021, and 28% in 2022. 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. Other factors that are negatively affecting the duration of the process are the identified inadequate and harmful practices of Centres for Social Welfare (CSW) as one of the key institutions involved; and the unfavourable financial situation of women after the divorce or separation. Namely, the cases of domestic violence are mistreated as “disturbed family relations” by CSW that is applying the wrong methodology towards “keeping the family together”. These lead to not only women being re-victimized by blaming them and referring to visit counselling together with the perpetrator and their children, but at the same time significantly increases the time needed for resolution of their legal problems. This harmful practice was identified by ESE and other CSO’s service

providers, followed by mutual advocacy efforts toward the Ministry of Labour and Social Policy (MLSP), yet no measures were undertaken by the ministry for overcoming it. In addition, the financial situation of women survivors directly influences their capacities to initiate the needed court procedures and compensate the costs for court taxes, evidence collection, attorney representation etc. The main findings of the new in-depth analysis on the costs incurred by women survivors launched by ESE in 2022 shows that women survivors are facing lost job or reduced incomes as a result of domestic violence, in parallel with the significantly increased costs for health care, relocation costs, and living costs for them and their children after the separation. At the same time, the State fails to provide financial support and long-term housing for women that will help them to overcome this situation and resolve effectively legal problems faced as a result of domestic violence.

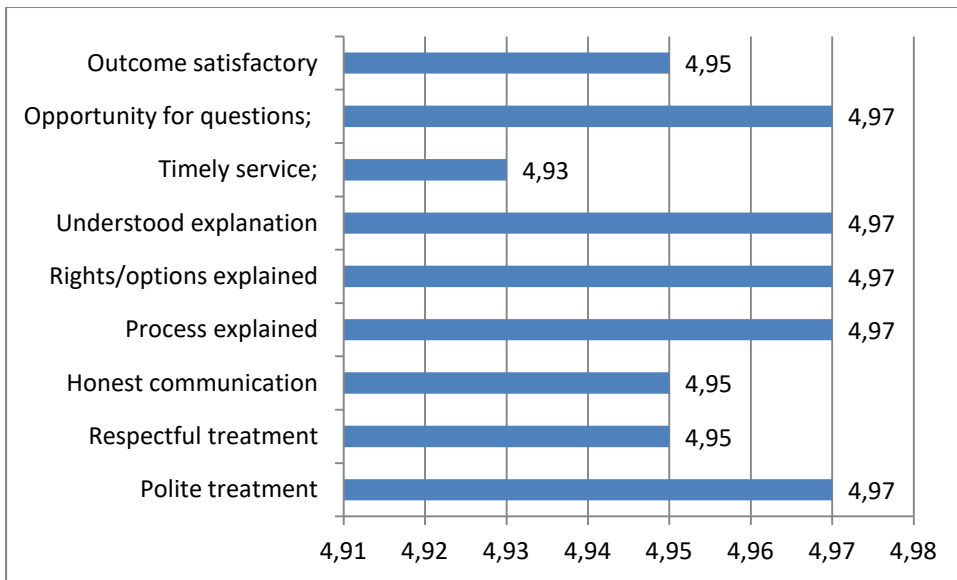
**Table 14. Duration of the cases by years**

<b>Time/ No. of beneficiaries</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<=2 weeks	25	35	18	7	4	8
<=1 month	2	6	2	1	4	1
<=4 months	2	5	8	13	3	5
> 1 year	3	5	4	6	6	0
Over 1 year	0	0	18	14	25	35
Not specified	2	0	0	/	0	0
<b>TOTAL</b>	<b>34</b>	<b>51</b>	<b>50</b>	<b>41</b>	<b>42</b>	<b>49</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.

Figure 1 shows the mean quality score for different aspect of the services provided by ESE's LAC. In 2022 there was a high level of satisfaction by women who suffered domestic violence, beneficiaries of LAC. In this regard, the mean overall score 4.96 and the mean scores of all the different aspects of service provision, which are 4.9 are similar to the previous four years.

**Figure 1. Client satisfaction**



**Figure 2. Number of resolved and on-going cases**

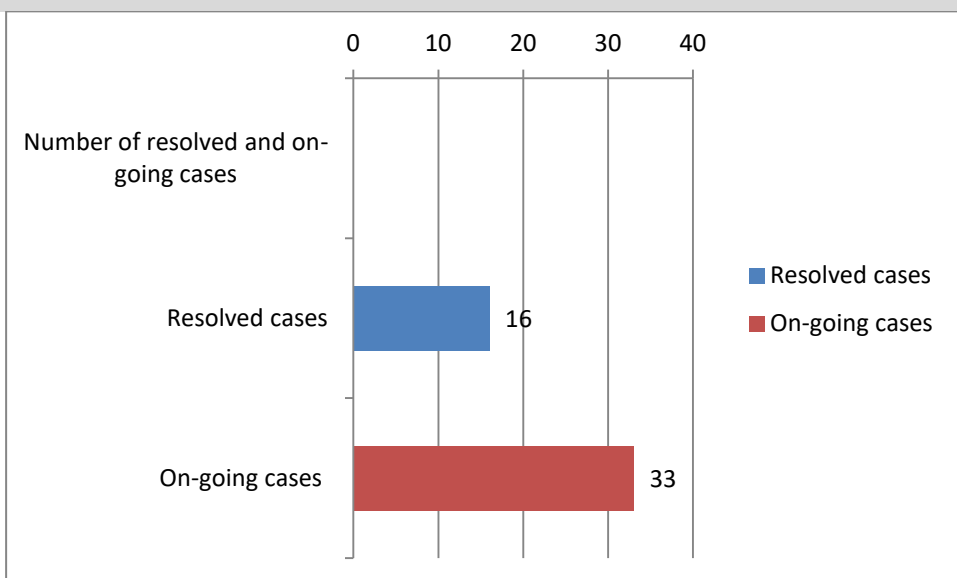
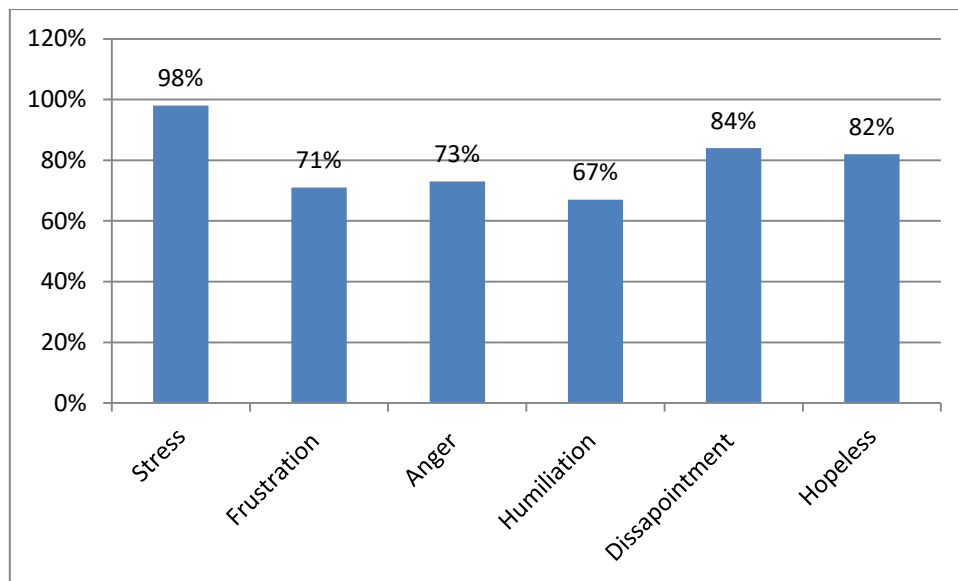




Figure 3 shows the number of clients who experienced stress as a result of the problem and the different forms of emotional stress suffered. Almost all of the women experienced stress as a result of the domestic violence problem (48 out of 49) and have suffered different forms of emotional stress in communication with institutions when trying to resolve legal problems faced. The most common forms of emotional stress experienced were disappointment (84%) and hopelessness (82%), followed by anger (73%), frustration (71%) and humiliation (67%).

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 (percentage) of clients experiencing different forms of emotion per year**



**SUMMARIZED COST-BENEFIT DATA FOR 2022**

	Poor users	Government <sup>3</sup>	NGOs
<b>Costs</b>	<b>764</b>		
<b>I. Direct costs</b>			
Salaries for the staff			
Operational costs			
Travel costs for getting the legal advice/information	171		
Court fees for submission and initiation of the court procedure	134		
Costs for getting the court verdict	259		
Costs for experts opinion	156		
Administrative fees	44		
<b>II. Indirect costs</b>	<b>43</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	43		
<b>Benefits</b>			
Access to legal advice	100%		
Access to court representation			
Access to information about rights	100%		
Enjoyment of rights	94%		
Access to quality services	96%		

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<sup>3</sup> 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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