




Association for Emancipation,  
Solidarity and Equality  
of Women - ESE



**IMPACT OF  
COURT FEES AND COSTS  
AND KNOWLEDGE ABOUT  
EXEMPTION FROM PAYMENT  
THEREOF: **BARRIER** OR  
**OPPORTUNITY** FOR WOMEN  
WHO SUFFERED  
DOMESTIC VIOLENCE**

MAY, 2021



# TABLE OF CONTENT



<b>INTRODUCTION</b> ----->	4
<b>METHODOLOGY</b> ----->	5
<b>TYPES OF COURT PROCEDURES LED BY WOMEN WHO SUFFERED DOMESTIC VIOLENCE</b> ----->	6
A. Temporary protection measures (TPMs) ----->	7
B. Divorce of marriage ----->	11
C. Property division, uncontested ownership ----->	15
D. Property division, contested ownership ----->	18
E. Alimony/child support ----->	19
F. Custody rights ----->	20
G. Eviction from family home ----->	21
H. Data collected about other aspects of court procedures ----->	22
<b>WOMEN'S VIEWS ABOUT THE NEED FOR CHANGE IN RESPECT TO COURT FEES AND COSTS IN ORDER TO IMPROVE ACCESS TO JUSTICE</b> ----->	23
<b>CONCLUSIONS AND RECOMMENDATIONS</b> ----->	24



## INTRODUCTION

Easier access to justice for women who suffered domestic violence is among strategic priorities and advocacy efforts of the Association ESE. Having recognized importance and urgent needs of women for resolution of legal problems related to domestic violence, in 2019, ESE conducted an initial research on availability and affordability of court protection in family lawsuits. Such endeavour allowed direct collection of data from women in respect to several aspects pertaining to court fees and costs and exemption from payment of such costs, with a view to establish actual state-of-affairs and draft specific recommendations aimed at improving court protection in cases of domestic violence.

The previous analysis identified barriers faced by women and brought to the surface all constraints related to preparedness of women who suffered domestic violence to initiate civil law procedures for resolution of their problems and for protection of their rights. In particular, it covered all types of court procedures initiated by women and arrived to the conclusion that, on average, women are leading two family lawsuits. Among total of 47 procedures covered, 45% concerned divorce of marriage, with other types of court procedures being less represented. Only 17% of women initiated procedure for temporary protection measures, while 13% of them initiated procedures for property division. Furthermore, the analysis addressed financial status of women who suffered domestic violence, whereby it was established that women lack financial means to afford court fees and costs, with minor differences noted in respect to various procedures. As regards information level among women, they were insufficiently informed about different types of court fees and costs implied in court procedures, including legal possibility to apply for exemption from payment of court fees and costs. Also, women who suffered domestic violence lacked knowledge about total costs in procedures they planned to initiate, i.e. only small portion of them was informed about rates of court fees for lawsuit motion and for verdict, but none of them was informed about rates of court fees for appeal and costs for forensic expertise.

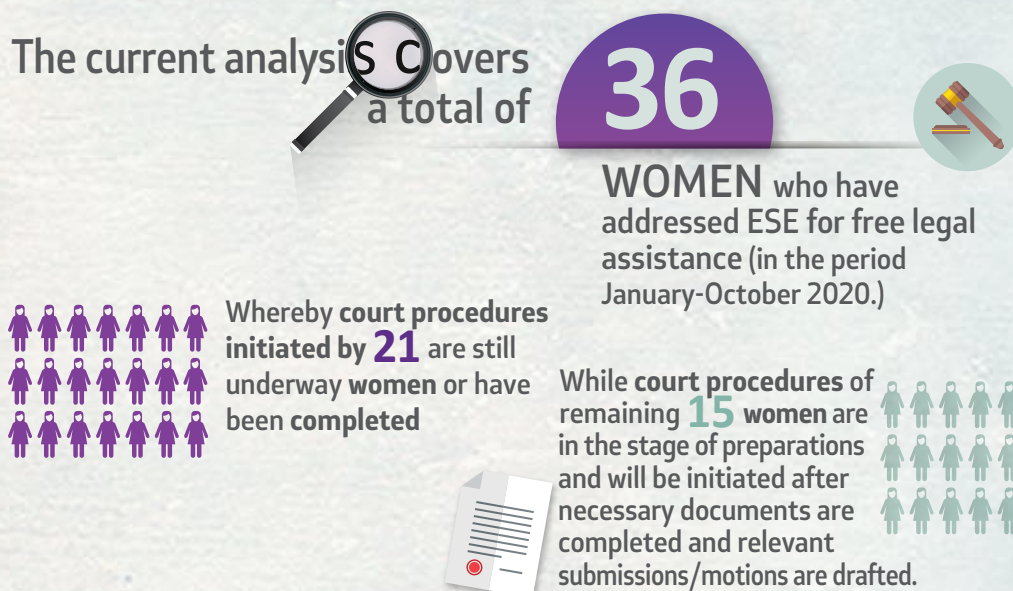
Hence, the analysis found that less than half of women have applied for exemption from payment of court fees and costs, which is mainly due to lack of information about documents required for approval of such exemptions. In such circumstances, left on their own and uninformed about the possibility to be charged with costs incurred by the opposing party, some women have struggled to secure necessary funds, while a number of them withdrew from further proceedings or has chosen to lead only few of all court procedures needed. Actually, women's success or failure in respect to court resolution of this problem mainly depends on their financial ability and level of information, and is less dependent on possibility for exemption from payment of court fees and costs, provided they have applied for such exemptions. Hence, women were of the opinion that access to justice needs to be improved by dissemination of information on exemption from payment of court fees and costs, and by lowering rates of court fees to acceptable levels.

Legal regulations are a key element of court protection for women, notably the exemption from payment of court fees and costs, which is guaranteed under the Law on Court Fees, Law on Litigation Procedures and Law on Free Legal Aid. In practice, and according to analysis findings, the applicable legal framework has proved insufficient and requires amendments aimed at facilitating availability of court protection for women who suffered domestic violence. The amended Law on Free Legal Aid entered into force after publication of the previous research, i.e. in October 2019, and includes provisions on streamlined procedure for approval of free legal aid and exemption from all court fees and costs for women who are victims of domestic violence. Another important novelty for women concerns approval of free legal aid, including exemption from payment of court fees for all types of court procedures, without establishment of their material status. Single eligibility criterion in that regard concerns requirement for women to be registered as victims, i.e. to have reported domestic violence.

In 2020, the Association ESE continued its research in order to collect more detailed information on availability and affordability of family lawsuits based on women's experiences. This analysis is expected to establish actual state-of-affairs after introduction of streamlined procedure for approval of free legal aid and exemption from court fees and costs for women who suffered domestic violence. At the same time, analysis findings will be used to actualize specific needs of women who suffered domestic violence, with a view to draft proposals that create enabling environment and introduce specific obligations for continuous and systemic activities on information dissemination to women about free legal aid mechanisms and exemption from payment of court fees and costs. It should be noted that legislative changes related to rates of court fees, adopted in October 2020, were not covered under this research and analysis. Notably, these legislative changes concern lower rates of court fees for civil lawsuits, in the range from 480 to 6,000 MKD depending on lawsuit value, and imply an eightfold decrease.



## METHODOLOGY



Moreover, ESE made an effort to further develop and improve both questionnaires used under the last year's research in order to accommodate research needs of this analysis and to ensure collection of comprehensive data on barriers faced by women in court procedures they have led/are leading/will lead. Both questionnaires allowed data collection in respect to: women's general information; types of court procedures they are leading or will lead; knowledge about court fees and costs implied in each type of court procedures; whether they have applied for exemption from court fees and costs; women's financial ability to afford such costs; total costs incurred after completion of court procedures; satisfaction with procedure outcome; and women's views and opinions about better access to justice.

Women who are leading and need to lead family lawsuits belong to age groups spanning from 20 to 60 years, but majority of them (n=31) are aged 31 to 50 years. According to their ethnic background, most of them are Macedonians (n=26), and small shares of them are Albanians, Roma, and women from other ethnic communities. In respect to education background, women covered under this analysis include those without completed primary education to those with completed undergraduate studies, with majority of them (n=24) having completed secondary education. Almost half of women (n=16) are unemployed and do not earn any income, while others (n=20) are employed and earn income in monthly amounts ranging from 7 501 MKD to 30,000 MKD. However, most of them (n=14) reported monthly income below 16 000 MKD. Vast share of women (n=28) do not own property, i.e. do not have property in their name, while five have exercised their right to social allowance. Women who suffered domestic violence live in households with at least two members, but some reported households with more than five members. However, majority of them (n=21) live in households with three to four members.



## TYPES OF COURT PROCEDURES LED BY WOMEN WHO SUFFERED DOMESTIC VIOLENCE

In order to have their problem resolved in court, 36 women needed to initiate a total of 76 procedures, of which 42 procedures are underway or have been completed, while remaining 35 procedures are in the stage of preparations, i.e. will be led (Table 1). Most represented type of court procedures concerns divorce of marriage, with women being less prepared to lead other types of family lawsuits. Actually, most women are mainly interested in divorce of marriage due to need and possibility for this type of procedure, in addition to divorce of marriage, to also result in resolution of custody rights and alimony/support for minor children.

TYPE OF COURT PROCEDURES	ARE LEADING/ HAVE LED	WILL LEAD	TOTAL
Temporary protection measures	13	11	24
Divorce of marriage	17	14	31
Property division without contested ownership	3	4	7
Property division with contested ownership	/	1	1
Alimony/child support	4	/	4
Custody rights	3	/	3
Eviction	/	5	5
Non-litigation property division	2	/	2
<b>TOTAL</b>	<b>42</b>	<b>35</b>	<b>76</b>

Table 1: Types of court procedures

Table 2 provides an overview of minimum and maximum rates of court fees and costs per procedure, and their share in monthly salary of 16 000 MKD, calculated as average salary among employed women according to survey data on their personal net income. In terms of financial status of employed women, data presented in the table below inevitably show that certain procedures remain unavailable to them even under minimum rate of relevant court fees. More specifically, in the case of divorce of marriage, as the most represented court procedure, women need to allocate at least 11 200 MKD or high 70 % of their monthly salary to cover court fees for lawsuit motion, appeal, and for verdict, and forensic costs. This minimum rate of court fees could be increased with addition of other costs implied in court procedures and could reach maximum amount of 48 000 MKD, which accounts for three monthly salaries earned by women. Women most often face additional costs for super-forensic expertise, court notice, assignment of temporary attorney due to absence of the opposing party, and the like.



TYPE OF COURT PROCEDURES	Rate of court fees and costs (MKD)		Share (%) in average salary of 16 000 MKD	
	Minimum	Maximum	Minimum	Maximum
Temporary protection measures	1 920	1 920	12	12
Divorce of marriage	11 200	48 000	70	300
Property division without contested ownership	5 840	15 150	37	95
Property division with contested ownership	192 000	192 000	1 200	1 200
Alimony/child support	Depending on requested amount for three months		/	/
Custody rights	3 200	3 200	20	20
Eviction	4 800	4 800	30	30
Attorney costs	6 000	18 000	100	113

Table 2: Minimum and maximum rates of court fees and costs for different types of court procedures and their share in average monthly salary earned by employed women

## A. Temporary protection measures (TPMs)

The women's right to protection against domestic violence in court procedure is not free-of-charge and implies several types of court fees and costs whose timely payment determines action by the court. This procedure is among family lawsuits marked by lowest rate of court fees. In particular, court fees for lawsuit motion amount to 480 MKD, for appeal – 980 MKD and for court verdict - 480 MKD. All of them are calculated on the basis of lawsuit value which, in this case, is set at 10 000 MKD.

As a result of domestic violence, 24 women are leading or will lead this type of procedures, nine of which reported that proposal for initiation of such proceedings came from the Social Work Centre, which also submitted relevant motions on their behalf, while four women do not remember whether this institution has proposed such action on their behalf. Among 11 women who will lead procedures, only one is uninformed about legal possibility for this procedure to be initiated and led by SWC on her behalf.

Before initiating this procedure, most women (n=20) who are leading or have led and will lead procedures were uninformed about different court fees and costs involved therein, seven of which did not know because their procedures were led by SWC on their behalf. Only three women were informed about court fees for lawsuit motion, and one was informed about court fees for lawsuit motion and for verdict.

A specific observation concerns lack of information among vast portion of women about possibility to apply for exemption from court fees and costs when they cannot afford them (Table 3). Among women who are leading procedures, nine were unaware of such possibility. In the case of five women, lack of information is due to the fact that their procedures were initiated by SWC. Four women do not remember, and one indicated knowledge about possibility to be exempted from court fees for lawsuit motion. Among those who will lead procedures, seven women are not knowledgeable about exemption from court fees and costs, and one believes that such possibility does not exist. Three of them indicated they could be partially exempted from payment of such costs (of which, three indicated this possibility in respect to court fees for lawsuit motion, and one indicated this possibility also in respect to court fees for verdict). Among four women who were informed about exemption from payment of court fees for lawsuit motion and for verdict (one has led and three will lead procedures), three have received such information from CSOs, and one woman was advised thereof by SWC and the police. All of them indicated partial understanding of information received.

FREQUENCY OF RESPONSES	ARE LEADING/ HAVE LED	WILL LEAD
Court fees for lawsuit motion	1	3
Court fees for appeal		
Court fees for verdict		1
No	4	
Don't remember	4	
Don't know/ motion submitted by SWC	5	
Have not been informed		7
The statement is incorrect		1
<b>TOTAL</b>	<b>13</b>	<b>11</b>

Table 3: Overview of women's knowledge about possibility for exemption from court fees and costs

As regards women's knowledge about rates of court fees and costs, majority of them were unaware of individual rates for all court fees implied in this procedure (Table 4). For example, 21 from total of 24 women did not know exact amount of court fees for lawsuit motion, 23 did not know amount of court fees for appeal and 23 did not know costs implied by court fees for verdict. Two women know the exact rate of court fees for lawsuit motion.

RATE OF COURT FEES	Lawsuit (a)		Appeal (b)		Verdict (c)		Total procedures per category of costs		
	1	2	1	2	1	2	A	B	C
480/960/480 MKD	1	1	/	/	/	/	2	/	/
Don't know the exact amount	/	1	1	/	1	/	1	1	1
Don't know	4	9	4	11	4	11	13	15	15
Don't know/ motion submitted by SWC	8	/	8	/	8	/	8	8	8
<b>TOTAL</b>	<b>13</b>	<b>11</b>	<b>13</b>	<b>11</b>	<b>13</b>	<b>11</b>	<b>24</b>	<b>24</b>	<b>24</b>

Table 4: Overview of women's knowledge about rates of court fees and costs implied in this procedure (column 1 concerns procedures that are led/have been led and column 2 concerns procedures that will be led)

None from 13 women who are leading/have led procedures has applied for exemption from payment of court fees (Table 5). Reasons indicted by eight women concern the fact that SWC has submitted relevant motions on their behalf. Among remaining five women, two have not applied because they were unaware of such possibility, and three of them are employed and believed they can afford court fees and costs. Among total of 11 women who will lead procedures, five will apply for exemption from payment of all court fees and costs, and six do not know whether they will apply for exemption when initiating this procedure (Table 5).





APPLICATION FOR EXEMPTION FROM COURT FEES AND COSTS	ARE LEADING/ HAVE LED	WILL LEAD	TOTAL
Yes	/	5	5
No	5	/	5
Don't know	/	6	6
No/motion submitted by SWC	8	/	8
<b>TOTAL</b>	<b>13</b>	<b>11</b>	<b>24</b>

Table 5: Overview of women according to application for exemption from court fees and costs

Although court fees implied in this procedure are low, it was established that not all women can afford them (Table 6). The highest share of women (n=14) can afford to pay court fees for lawsuit motion, 13 can afford court fees for verdict and 12 can afford to pay court fees for appeal. Less than half of them, i.e. eight women cannot afford court fees for lawsuit motion and for verdict, and nine cannot afford court fees for appeal. Two women cannot assess whether they can afford court fees for lawsuit motion, and three indicated this answer in respect to court fees for appeal and for verdict.

FINANCIAL ABILITY TO AFFORD COURT FEES AND COSTS	Lawsuit (a)		Appeal (b)		Verdict (c)		Total procedures per category		
	1	2	1	2	1	2	A	B	C
480/960/480 MKD	8	6	7	5	8	5	14	12	13
Cannot afford	4	4	5	4	4	4	8	9	8
Cannot assess	1	1	1	2	1	2	2	3	3
<b>TOTAL</b>	<b>13</b>	<b>11</b>	<b>13</b>	<b>11</b>	<b>13</b>	<b>11</b>	<b>24</b>	<b>24</b>	<b>24</b>

Table 6: Overview of women's ability to afford court fees and costs (column 1 concerns procedures that are led/have been led and column 2 concerns procedures that will be led)

A specific observation concerns women's lack of knowledge about possibility for exemption from payment of costs for attorney representation, but also possibility for the court to charge them with payment of costs incurred by the opposing party in case of unsuccessful procedure. None of women who are leading/have led procedures has incurred attorney costs because they did not engage attorneys to represent them in court. Among women who will lead procedures, seven believe that attorney costs amount up to 7 000 MKD, two believe they amount up to 8 000 MKD and two women do not know. As regards women's ability to afford such costs, majority of them (n=18) cannot afford these costs, one cannot assess and five women can afford attorney costs (four can afford up to 2 000 MKD per attorney representation in court, and one can afford up to 3 000 MKD).

Among total of 13 women who have initiated procedures, five did not incur any costs, one incurred costs in amount of 480 MKD and seven do not know total amount of funds spent, because one is still leading this procedure, while other six women have withdrawn from further proceedings. Only one woman who will lead procedure believes she will not be burdened with payment of costs, unlike remaining 10 women who do not know how much funds they will spend in leading this procedure.

AMOUNT OF FUNDS SPENT	ARE LEADING/ HAVE LED	WILL LEAD	TOTAL
0 MKD	5	1	6
480 MKD	1	/	1
Procedure is underway	1	/	1
Have withdrawn from further proceedings	6	/	6
Don't know	/	10	10
<b>TOTAL</b>	<b>13</b>	<b>11</b>	<b>24</b>

Table 7: Overview of women's responses on total funds spent/total funds needed

A specific observation implies that women who are leading/have led procedures did not report change to their living standard due to payment of court fees and costs (n=13), but indicated very high level of stress during their effort to have this problem solved (responses to this question were ranked on the scale: very low, low, medium, high and very high). Women who will initiate procedures (n=11) reported that if their living standard is threatened by payment of court fees and costs, two of them will withdraw from further proceedings, six do not know whether they will continue court proceedings, and only three women will continue proceedings even if payment of costs threatens their livelihood.

Majority of women who are leading or have led procedures (n=7) cannot assess fairness of court proceedings, and three of remaining six women indicated medium level of fairness, one indicated high level and two women indicated very high level. On the question inquiring about fairness of final outcome, eight women cannot assess, while two of remaining five women indicated medium level of fairness in respect to procedure outcome, two indicated high level, and one woman reported very high level.

This analysis found that none of these women, including six women who have completed their procedures, can assess the extent to which final outcome has compensated for damages caused by this problem. Moreover, women cannot assess whether procedure outcome was worth money and time spent and stress suffered, except for one woman who indicated very high level of worth in this regard (Table 8). This court procedure had negative impact on women's lives, with two of them indicated high level, six – very high level, and five women cannot assess level of negative impact on their lives (Table 8).

RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome has compensated damages caused	Outcome is worth money and time spent, etc.	Procedure has negative impact on their lives
Very low	/	/	/	/	/
Low	/	/	/	/	/
Medium	3	2	/	/	/
High	1	2	/	/	2
Very high	2	1	/	1	6
Cannot assess	7	8	13	12	5
<b>TOTAL</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>13</b>

Table 8: Overview of responses among women who are leading/have led procedures



Vast portion of women who will lead procedures (n=4) expect high level of fairness from court proceedings and final outcome, and three of them cannot assess (Table 9). Most women (n=7) cannot assess the final outcome's worth in respect to money and time they will spend in leading this procedure.

RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome is worth money and time spent, etc.
Very low	/	/	/
Low	1	1	1
Medium	1	1	1
High	4	4	/
Very high	2	2	2
Cannot assess	3	3	7
<b>TOTAL</b>	<b>11</b>	<b>11</b>	<b>11</b>

Table 9: Overview of responses among women who will lead procedures

## B. Divorce of marriage

Divorce of marriage is among family lawsuits marked by high interest and preparedness among women for initiation of court procedures after having suffered domestic violence. A portion of women have engaged in amicable divorce settlement, while others have motioned lawsuits on the legal ground of disturbed marital relations. A specific observation concerns the fact that majority of women also petition the court to take decision in respect to custody rights and alimony/support for minor children. Otherwise, this procedure involves payment of court fees for lawsuit motion in amount of 800 MKD, for appeal - 1 600 MKD, and for verdict - 800 MKD, calculated on the basis of lawsuit value set at 20 000 MKD. Another characteristic of divorce lawsuits implies increase of court fees and costs and possibility for the court to charge women with payment of costs incurred by the opposing party, such as costs for subpoena delivery, assignment of temporary attorney, forensic or super-forensic expertise for establishment of parental capability to assume custody rights over minor children. These costs account for at least 8 000 MKD, but could be up to 15 000 MKD, and even 30 000 MKD.

Prior to initiating divorce of marriage, most women who are leading/have led or will lead procedures (n=31) were or are partially informed about different court fees and costs implied. It should be noted that women are mainly informed about court fees for lawsuit motion, while smaller share of them are also informed about court fees for appeal and for verdict (Table 10). Women are least informed about possibility to incur costs for forensic expertise.

TYPE OF COURT FEES AND COSTS	ARE LEADING/ HAVE LED	WILL LEAD	TOTAL
Court fees for lawsuit motion	14	13	27
Court fees for appeal	7	3	10
Court fees for verdict	10	5	15
Forensic/super-forensic	3	2	5
Don't know	3	1	4

Table 10: Overview of women's knowledge about the types of court fees and costs (multiple answers are allowed)

A specific observation implies that majority of women from both categories (n=20) were not informed about possibility for exemption from court fees and costs, while remaining 11 women were partially informed. In the case of women who are leading or have led procedures (n=17), eight were unaware of such possibility, while most of other nine women were aware of exemption from payment of court fees for lawsuit motion and for verdict, and few of them also knew they could be exempted from court fees for appeal, but did not know that such exemption can be granted in respect to costs for forensic expertise. Six from nine partially informed women who are leading or have led procedures have received such information from CSOs, two from the court, and one was advised by friend. Two women fully understood information received, six indicated partial understanding, and one woman did not understand information received.

A very small share from 14 women who will lead procedures knows about exemption from payment of court fees and costs, and only one knows that forensic costs can be exempted.

TYPES OF COURT FEES AND COSTS	ARE LEADING/ HAVE LED	WILL LEAD	TOTAL
Court fees for lawsuit motion	8	2	10
Court fees for appeal	3	2	5
Court fees for verdict	7	2	9
Forensic/super-forensic	/	1	1
Don't know	8	12	20
<b>TOTAL</b>	<b>17</b>	<b>14</b>	<b>31</b>

Table 11: Overview of women's knowledge about exemption from payment of court fees and costs (multiple responses are allowed)

In respect to rates of court fees and costs, the survey found that 13 from all women (n=31) know exact amount of court fees for lawsuit motion, which is primarily due to the fact that majority of them are leading or have led procedures. The same conclusion is valid in respect to the rate of court fees for verdict. Very few women from both categories are knowledgeable about rate of court fees for appeal and costs for forensic expertise. The rate of court fees for appeal is mainly unknown to women who are yet to initiate procedures. Unlike this type of court fees, the amount of other costs is unknown to both categories of women (Table 12).

RATES OF COURT FEES AND COSTS	Lawsuit (A)		Appeal (B)		Verdict (C)		Forensics (D)		Total procedures per category of costs			
	1	2	1	2	1	2	1	2	A	B	C	D
800/1600/800/8000 MKD	11	2	3	1	10	2	4	2	13	4	12	6
Don't know the exact amount	3	10	/	1	2	5	2	3	13	1	7	8
Don't known	3	2	14	12	5	7	8	9	5	26	12	17
<b>TOTAL</b>	<b>17</b>	<b>14</b>	<b>17</b>	<b>14</b>	<b>17</b>	<b>14</b>	<b>17</b>	<b>14</b>	<b>31</b>	<b>31</b>	<b>31</b>	<b>31</b>

Table 12: Overview of women's knowledge about the rate of court fees and costs implied in this procedure (column 1 concerns women who are leading/have led and column 2 concerns women who will lead procedures)

A small number, i.e. four women from those who are leading/have led procedures (n=17) have petitioned the court for exemption from payment of court fees related to lawsuit motion, appeal and verdict. Women who have not requested exemptions (n=13) indicated several reasons thereof, i.e. five believed they are not eligible for exemption on the account of their employment status, five have failed to submit such request due to urgency of court proceedings and lack of information about possibility for exemption from court fees, while three women believed they would not incur procedure costs because they appear as defendants in procedures for divorce of marriage.



Six from total of 14 women who will lead procedures plan to apply for exemption from all court fees and costs, five do not know whether they will apply for exemption, and three will not apply because they believe that such exemption is granted only to unemployed women.

As regards women's ability to afford payment of all types of court fees and costs, it was noted that women from both categories are least likely to be able to afford payment of costs for forensic expertise (n=25), almost half of them cannot afford payment of court fees for appeal and verdict, and nearly one-third of them indicated inability for payment of court fees for lawsuit motion (Table 13).

RATES OF COURT FEES AND COSTS	Lawsuit (A)		Appeal (B)		Verdict (C)		Forensics (D)		Total procedures per category of costs			
	1	2	1	2	1	2	1	2	A	B	C	D
800/1600/800/8 000 MKD	10	7	5	5	7	5	/	/	17	10	12	/
Cannot afford	7	5	10	5	10	5	16	9	12	15	15	25
Cannot assess	/	2	2	4	/	4	1	5	2	6	4	6
<b>TOTAL</b>	<b>17</b>	<b>14</b>	<b>17</b>	<b>14</b>	<b>17</b>	<b>14</b>	<b>17</b>	<b>14</b>	<b>31</b>	<b>31</b>	<b>31</b>	<b>31</b>

Table 13: Overview of women's ability to afford payment of all court fees and costs

A specific observation among women who are leading or have led procedures for divorce of marriage (n=17) implies that 11 of them were unaware of possibility for exemption from payment of attorney costs, while six women were informed but did not apply.

Most women, i.e. 21 of all surveyed women (n=31) indicated that in spite of their need for attorney representation, they could not afford single attorney representation in court. Only six women reported ability to allocate funds from own income to cover this type of costs, whereby four could allocate up to 2 000 MKD and two could afford up to 3 000 MKD (Table 14).

INDICATED AMOUNTS	ARE LEADING/HAVE LED	WILL LEAD	TOTAL
Up to 2 000 MKD	2	2	4
Up to 3 000 MKD	/	2	2
Cannot afford	13	8	21
Cannot assess	2	2	4
<b>TOTAL</b>	<b>17</b>	<b>14</b>	<b>31</b>

Table 14: Overview of women's ability to afford costs for single attorney representation in court

In respect to total funds spent, i.e. total funds needed for women to complete this procedure (Table 15), it could be concluded that only four from total of 17 women who are leading or have led procedures have completed their divorce of marriage. Three of them indicated that court verdict has charged the opposing party with payment of all court fees and costs, while the only woman who was represented by attorney had paid a total amount of 30 000 MKD for all costs incurred. Procedures for divorce of marriage initiated by remaining 12 women are still underway, whereby eight indicated additional costs for initiation of procedure related to administrative fees for obtaining necessary documents. One woman withdrew from further proceedings after having faced payment of costs related to subpoena delivery and assignment of temporary attorney due to absence of the opposing party, which she could not afford. Among women who will lead procedures (n=14), eight do not know how much funds they need, one believes she will not pay anything, and five women expect costs up to 30 000 MKD.



INDICATED AMOUNTS	ARE LEADING/ HAVE LED	WILL LEAD	TOTAL
0.00 MKD	3	1	4
30 000 MKD	1	5	6
Have withdrawn from further proceedings	1	/	1
Procedure is underway	12	/	12
Don't know	/	8	8
<b>TOTAL</b>	<b>17</b>	<b>14</b>	<b>31</b>

Table 15: Overview of total funds spent, i.e. total funds needed in this procedure

A specific characteristic of this procedure concerns likelihood for women to face unpredictable costs in different stages of court proceedings, which could significantly affect their living standard. Hence, it was established that among four completed procedures, costs have not affected living standard of three women (opposing party was charged with payment of costs), and have partially changed living standard of the woman who was represented by attorney and incurred costs in total amount of 30 000 MKD. Among total of 12 procedures that are underway, five women indicated change of living standard even before initiation of this procedure due to transport expenses and costs for obtaining necessary documents. One woman reported threatened livelihood due to being charged with payment of costs related to assignment of temporary attorney, which forced her to withdraw from further proceedings.

High share of women who are leading or have led procedures have experienced very high level of stress, as reported by 10 women from this category (n=17). Three of them indicated high level of stress and four indicated medium level of stress.

A specific observation among women who are leading or have completed procedures for divorce of marriage (n=17) concerns the fact that most of them, i.e. 11 women, in spite of having court experiences, cannot assess level of fairness in respect to court proceedings, while 15 cannot assess fairness in respect to final outcome. Such uncertain position indicated by most women is justified, having in mind that 12 women have not completed their procedures, while one withdrew from further proceedings. Also, it could be concluded that women, i.e. 16 of them, cannot assess whether final outcome has compensated damaged caused by this problem, while 14 women cannot assess whether outcome is worth money and time spent and stress suffered during this procedure. According to women's responses, this procedure has negatively affected their lives, with majority of them (n=12) indicating very high level of negative impact.

RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome has compensated damages caused	Outcome is worth money and time spent, etc.	Procedure has negative impact on their lives
Very low	/	/	/	1	2
Low	/	/	/	/	/
Medium	5	2	/	/	1
High	/	/	/	1	/
Very high	1	/	1	1	12
Cannot assess	11	15	16	14	2
<b>TOTAL</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>17</b>	<b>17</b>

Table 16: Overview of responses among women who are leading/have led procedures



According to data presented below (Table 17) it could be concluded that women who will lead procedures have different expectations, i.e. almost half of them expect high level of fairness in respect to court proceedings. Five expect high level of fairness in respect to final outcome, i.e. whether outcome will be worth money and time spent and stress suffered while attempting to have their problem resolved under this procedure, five cannot assess, while three women expect high and very high level in respect to outcome's worth.

RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome is worth money and time spent, etc.
Very low	3	3	1
Low	/	1	/
Medium	/	/	/
High	6	5	3
Very high	3	3	3
Cannot assess	2	2	5
<b>TOTAL</b>	<b>14</b>	<b>14</b>	<b>14</b>

Table 17: Overview of responses among women who will lead procedures

### C. Property division, uncontested ownership

Women who suffered domestic violence also need to initiate procedure for establishment of ownership rights over property acquired as part of marital or non-marital partnership. In order to solve this problem, they need to timely pay court fees for lawsuit motion in amount of 480 MKD, for appeal - 960 MKD, and for verdict - 480 MKD. This procedure also involves costs for court insight, set at 1 400 MKD, and costs for geodesy expertise, in the range from 3 520 to 8 310 MKD.

All three women who are leading or have led procedures were aware of different court fees and costs, while two of women who will lead procedures do not know court fees and costs implied, and remaining two women are partially informed about court fees for lawsuit motion, and one is also informed about court fees for verdict.

TYPES OF COURT FEES AND COSTS	ARE LEADING/ HAVE LED	WILL LEAD	TOTAL
Court fees for lawsuit motion	3	2	5
Court fees for appeal	3	/	3
Court fees for verdict	3	1	4
Insight	3	/	3
Geodesy expertise	3	/	3
Don't know	/	2	2
<b>TOTAL</b>	<b>14</b>	<b>14</b>	<b>14</b>

Table 18: Overview of women's knowledge about different court fees and costs (multiple responses are allowed)

As regards exemption from payment of court fees and costs implied in this type of court procedures, all three women who are leading or have led procedures knew about possibility for exemption from court fees for lawsuit motion and two of them also knew about exemption from court fees for verdict, while one woman was aware of possibility for exemption from all other court fees and costs (Table 18). Although women knew they could be granted exemption, they did not apply. In particular, two women believed they do not meet legal requirements for exemption on the account of their employment status, and the third woman indicated financial ability to afford such costs. None of women who will lead procedures are knowledgeable about possible exemption from court fees and costs (Table 18). Two women will apply for exemption from all court fees and costs, while another two do not know whether they will apply for such exemption. Three from all women who are leading/have led procedures and who indicated knowledge about exemption from court fees and costs have received such information from CSOs, one was informed by a friend, and one received such information from an attorney. One of them indicated full understanding of information received, one indicated partial understanding, and one woman did not understand information received.

TYPES OF COURT FEES AND COSTS	ARE LEADING/ HAVE LED	WILL LEAD	TOTAL
Court fees for lawsuit motion	3	/	3
Court fees for appeal	1	/	1
Court fees for verdict	2	/	2
Insight	1	/	1
Geodesy expertise	1	/	1
Don't know	/	4	4
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>7</b>

Table 19: Overview of women's knowledge about exemption from court fees and costs (multiple responses are allowed)

Among both categories of women, more informed are those who are leading or have led procedures. All women who are leading or have led procedures know exact rate of court fees for lawsuit motion, one knows the rate of court fees for verdict, while two of them indicated knowledge about amount of costs for court insight. As regards women who will lead procedures (n=4), none of them is aware of court fees related to lawsuit motion, appeal, verdict and insight. Two of them have knowledge about upper threshold of costs related to geodesy expertise (Table 20).

FREQUENCY OF RESPONSES ON RATES OF COURT FEES AND COSTS	Lawsuit (A)		Appeal (B)		Verdict (C)		Insight (D)		Geodesy expertise (E)		Total procedures per category of costs				
	1	2	1	2	1	2	1	2	1	2	A	B	C	D	E
480 MKD	3	/	/	/	1	/	/	/	/	/	3	/	1	/	/
1 400 MKD	/	/	/	/	/	/	2	/	/	/	/	/	/	2	/
Don't know exact amount	/	2	2	/	1	2	/	2	/	/	2	2	3	2	/
3 520 MKD	/	/	/	/	/	/	/	/	2	/	/	/	/	/	2
Up to 8 310 MKD	/	/	/	/	/	/	/	/	/	2	/	/	/	/	2
Don't know	/	2	1	4	1	2	1	2	1	2	2	5	3	3	3
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>

Table 20: Overview of women's knowledge about rate of different court fees and costs





Women cannot afford to pay all court fees and costs involved in this procedure. Portion of them are able to afford them, whereby four women indicated ability to pay court fees for lawsuit, three can afford court fees for verdict and insight, and two can afford to pay court fees for appeal. Costs related to geodesy expertise are the biggest financial burden for women, i.e. five of them cannot afford these costs, and two cannot assess whether they can afford such costs (Table 21).

RESPONSES OFFERED	Lawsuit (A)		Appeal (B)		Verdict (C)		Insight (D)		Geodesy expertise (E)		Total procedures per category of costs				
	1	2	1	2	1	2	1	2	1	2	A	B	C	D	E
480 MKD	3	1	/	/	2	1	/	/	/	/	4	/	3	/	/
960 MKD	/	/	1	1	/	/	/	/	/	/	/	2	/	/	/
1 400 MKD	/	/	/	/	/	/	2	1	/	/	/	/	/	3	/
Cannot afford	/	1	1	2	/	2	/	3	2	3	1	3	2	3	5
Cannot assess	/	2	1	1	1	1	1		1	1	2	2	2	1	2
<b>TOTAL</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>

Table 21: Overview of women's ability to afford court fees and costs

It should be noted that all women who are leading or have led procedures knew they could be charged with attorney costs incurred by the opposing party in case of unsuccessful procedure. Only one woman was informed about possibility for exemption from payment of attorney costs, but did not apply for such exemption. None of all three women who are leading procedures has engaged attorney because they cannot afford them. Two of four women who will lead procedures cannot afford to be represented by attorney, one cannot assess, and one woman can afford up to 2 000 MKD per single attorney representation in court. As regards the amount of attorney costs for single representation in court, two women indicated at least 6 000 MKD and two indicated at least 7 000 MKD.

Although property division procedures are not completed for all three women who are leading or have led procedures, on the account of costs incurred thus far (administrative and notary fees for certification of documents necessary as evidence in court proceedings) all three of them reported partially changed living standard and indicated very high level of stress in attempting to have this problem resolved in court. Among all seven women who are leading, have led or will lead procedures, six do not know whether they will continue proceedings if this procedure threatens their livelihood, and one of them indicated she will most certainly withdraw from further proceedings in such case.

A specific observation concerns the fact that women who are leading procedures, in spite of their status as uncompleted, cannot assess fairness of court proceedings. As regards other parameters, it is normal for women to be unable to make an assessment, because these assessments depend on procedure outcome. In respect to the procedure's negative impact on their lives, two women cannot assess, and one indicated very high level of negative impact.



RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome has compensated damages caused	Outcome is worth money and time spent, etc.	Procedure has negative impact on their lives
Very low	/	/	/	1	/
Low	/	/	/	/	/
Medium	/	/	/	/	/
High	/	/	/	/	/
Very high	/	/	/	/	1
Cannot assess	3	3	3	3	2
<b>TOTAL</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>

Table 22: Overview of responses among women who are leading/have led procedures

Among women who will initiate procedure for property division, two expect very high level of fairness in respect to court proceedings, and another two cannot assess. One of them could not assess fairness in respect to procedure outcome, two expect very high level of fairness in that regard, and one woman believes that outcome will be of medium fairness. On the question inquiring whether procedure outcome is worth money and time spent, etc., two women indicated very high level of worth, one indicated medium level, and one woman cannot assess (Table 23).

RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome is worth money and time spent, etc.
Very low	/	/	/
Low	/	/	/
Medium	1	1	1
High	/	/	/
Very high	1	2	2
Cannot assess	2	1	1
<b>TOTAL</b>	<b>4</b>	<b>4</b>	<b>4</b>

Table 23: Overview of responses among women who will lead procedures

## D. Property division, contested ownership

In spite of their preparedness to seek court protection for recognition of ownership rights over jointly acquired property, vast portion of women who suffered domestic violence are facing limited access to this type of court procedures. This is primarily due to high court fees and costs implied, whereby property division is characterized as one of the most expensive litigation procedures. This means that, in order to initiate such procedure, women have to pay court fees for lawsuit motion in amount of 48 000 MKD, for appeal - 96 000 MKD, and for verdict - 48 000 MKD. In addition to court fees, women incur additional costs, such as court insight, set at 1 400 MKD, and costs for geodesy expertise, in the range from 3 520 to 8 310 MKD.



Only one woman plans to lead this procedure and she is aware of relevant court fees for lawsuit motion and verdict and costs for geodesy expertise, but is unaware of their actual rates. Moreover, she is not informed about court fees for appeal and for court insight, and relevant amounts thereof. Although this woman is not informed about exemption from payment of court fees and costs, she plans to apply for such exemption.

It should be noted that this woman is unemployed and cannot assess her financial ability for payment of court fees and costs, including attorney representation, because her parents are willing to offer financial assistance in that regard. Moreover, she did not know about possibility to petition the court for exemption from attorney costs and possibility for the court to charge her with attorney costs incurred by the opposing party in case of unsuccessful procedure. This woman assumes that attorney costs pre court hearing amount up to 7 000 MKD, but cannot assess total amount of funds needed for all costs until completion of this procedure. Also, she does not know whether she would withdraw from further proceedings if payment of these costs threatens her livelihood.

She expects very low level of fairness in respect to court proceedings, and made similar assumption in regard to procedure outcome. Moreover, she indicated very low level in respect to procedure outcome being worth money and time spent and stress suffered.

## E. Alimony/child support

Vast portion of women are leading procedure for payment or changes to previously awarded child support on the burden of their former marital or non-marital partners. This type of court procedures imply court fees and costs whose rate depends on the amount of child support/alimony requested for a period of three months. For example, if total child support requested for three months exceeds 15 000 MKD, then the basic value of this lawsuit is set at 20 000 MKD, which means that court fees for lawsuit amount to 800 MKD, for appeal - 1 600 MKD and for verdict - 800 MKD.

Four women are leading procedures for alimony/child support and they were aware of all court fees and costs implied, except for one woman who was unaware of court fees for appeal. Three of them knew about possibility for exemption from payment of court fees and costs. Among these three women, two were knowledgeable about exemption from all fees and costs, and one was knowledgeable about exemption from court fees for lawsuit motion and for verdict. Two women have submitted formal petitions to the court, one requesting exemption from all costs, and the other requesting exemption from court fees for appeal. Two other women have not applied for exemption because they believed their employment status does not qualify them. In that, they have received information about exemption from court fees and costs from CSOs and indicated understanding thereof, and one woman indicated partial understanding of information received.

As regards women's knowledge about rate of different court fees and costs, it was established that they do not know exact amount of court fees for lawsuit motion and for verdict, while one of them did not know amount of court fees for appeal.

Women cannot afford to pay all court fees and costs implied in this procedure. More specifically, only two women can afford to pay court fees for lawsuit motion and for verdict, but none of them can afford payment of court fees for appeal. A specific observation in respect to these women concerns additional costs they have faced in the course of court proceedings, whereby two of them indicated administrative fees for obtaining documents necessary as evidence in court proceedings, one indicated costs for subpoena delivery and one woman reported court notice and costs related to assignment of temporary attorney due to absence of the opposing party.

Women were unaware of legal possibility to request exemption from payment of attorney costs and possibility for the court to charge them with payment of attorney costs incurred by the opposing party in case of unsuccessful procedure. None of these women has attorney representation because they cannot afford such costs.

As regards funds spent in this procedure, two women who have completed their procedures reported costs in the amount of 800 MKD and 1 600 MKD, respectively. One woman incurred costs in the amount of around 900 MKD for lawsuit motion, but was forced to withdraw from further proceeding because the court charged her with costs for court notice and assignment of temporary attorney due to absence of the opposing party. Procedure led by one woman is not completed. Payment of court fees and costs implied in this procedure has partially changed living standard of one woman, and another woman's livelihood was threatened due to being charged with payment of costs for court notice and assignment of temporary attorney due to absence of the opposing party, forcing her to withdraw from further proceedings. Two women reported very high level of stress, and another two indicated stress of medium level.



Women have formed different views and opinions on fairness of their procedures. Only one of them cannot assess fairness of court proceedings, as her procedure is not completed. Among those who have completed this procedure, two women cannot assess level of fairness in respect to final outcome, while one indicated medium level. None of these women believe that outcome has compensated damages caused. One of those who have completed this procedure cannot assess whether procedure outcome is worth money and time spent, one indicated very high level of worth, and another one expressed very low level. Different assessments were indicated in respect to negative impact on women's lives, ranging from very low, medium, to very high level of negative impact (Table 24).

RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome has compensated damages suffered	Outcome is worth money and time spent, etc.	Procedure has negative impact on their lives
Very low	1	/	/	1	1
Low	/	/	/	/	/
Medium	1	1	/	/	1
High	1	/	/	1	/
Very high	/	/	/	/	1
Cannot assess	1	3	4	2	1
<b>TOTAL</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>

Table 24: Overview of responses among women who are leading/have led procedures

## F. Custody rights

This family lawsuit is one of more important procedures for women and implies court resolution of custody rights over children from marital or non-marital partnerships. Its basic value is set at 20 000 MKD, which means that in order to initiate procedure on custody rights women have to pay court fees for lawsuit motion in amount of 800 MKD, for appeal - 1 600 MKD and for verdict - 800 MKD. Depending on individual needs, this court procedure implies additional costs for psychiatric forensics on parental capability, ranging from 8 000 to 10 000 MKD, and up to 30 000 MKD for super-forensics.

Only three women are leading procedures on this legal ground, two of which were aware of all costs involved before initiating relevant proceedings, and were informed about possibility for exemption from payment of all court fees and costs. One woman was only informed about court fees for lawsuit motion and does not remember whether she was advised about exemption for court fees and costs prior to initiating court procedure for custody rights. Women have received information on exemption from court fees from CSOs, whereby two of them fully understood information received and one indicated partial understanding.

Prior to initiation of this procedure, women were aware of exact amounts for all court fees and costs, except for one woman who was aware of costs related to court fees for lawsuit motion and verdict. None of these women has petitioned the court for exemptions because they believe their employment status does not qualify them. Nevertheless, women cannot afford total court fees and costs, i.e. two of them can afford to pay court fees for lawsuit motion and for verdict, but cannot afford court fees for appeal and costs related to forensics. In the course of their respective procedures, women have not incurred additional costs and have not engaged attorney because they were unable to afford single representation in court and were uninformed about possibility to be charged with attorney costs incurred by the opposing party in case of unsuccessful procedure.

Two women have completed this procedure with court verdict charging the opposing party with payment of total costs incurred by women in amounts of 800 and 1 600 MKD, while one woman is still leading this procedure. Payment of court fees and costs for this procedure has partially changed living standard of one woman. Two of them have experienced medium level of stress when attempting to have this problem resolved in court, while a woman whose court procedure is still underway reported low level of stress.



Two from all three women who are leading procedures indicated medium level of fairness in respect to court proceedings, and one woman indicated very low level. One of the two women who have completed their procedures indicated medium level of fairness in respect to outcome, while the other woman reported very high level of fairness. On the question inquiring whether procedure outcome has compensated damages caused, one of these two women indicated high level, while the other indicated very high level. Both women indicated very high level in respect to procedure outcome being worth money and time spent, etc. All three women who have led or are leading procedures indicated medium level of negative impact on their lives (Table 25).

RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome has compensated damages caused	Outcome is worth money and time spent, etc.	Procedure has negative impact on their lives
Very low	/	/	/	/	/
Low	/	/	/	/	/
Medium	2	1	/	/	3
High	/	/	1	2	/
Very high	1	1	1	/	/
Cannot assess	/	1	1	1	/
<b>TOTAL</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>

Table 25: Overview of responses among women who are leading/have led procedures

## G. Eviction from family home

Women often face the problem related to eviction of their marital or non-marital partners from homes in their ownership. Court protection for women's right to personal property implies payment of court fees for lawsuit motion in amount of 1 200 MKD, for appeal - 2 400 MKD, and for verdict - 1 200 MKD, calculated according to the lawsuit's basic value set at 40 000 MKD.

This procedure will be led by five women, one of which is knowledgeable about all types of court fees and costs implied, two are informed only about court fees for lawsuit motion, and two are unaware of any costs. One of these five women is informed about possibility for exemption from payment of court fees for lawsuit motion and for verdict. Also, women do not know exact rates of different court fees and costs implied in this procedure.

Formal petition to the court for exemption from all fees and costs will be submitted by two women, while remaining three women do not know whether they will use such possibility. In that, they were informed about possible exemption by friends, relatives and attorneys, and indicated partial understanding of information received.

Three from total of five women can afford court fees involved in this procedure. None of them indicated knowledge about possibility to be exempted from attorney costs or possibility for the court to charge them with attorney costs incurred by the opposing party in case of unsuccessful procedure. Four women believe that single attorney representation in court costs up to 7 000 MKD, while one woman indicated costs up to 8 000 MKD. One woman cannot afford attorney costs, one cannot assess, and three women indicated ability to afford such costs. Among those that can afford these costs, two women can allocate up to 2 000 MKD and one can allocate up to 3 000 MKD for that purpose.

Women cannot make an assessment about total funds needed for payment of court fees and costs until completion of this procedure, but if payment thereof threatens their livelihood, three of them will withdraw from further proceedings, while two women do not know whether they will continue proceedings.

Majority of these women, i.e. four from all five women, expect court proceedings and outcome to be fair and procedure outcome to be worth money and time spent, etc. One of them expects high level of fairness in respect to court proceedings and final outcome. This woman also indicated very high level in respect to outcome's worth for money and time spent, etc. (Table 26).

RESPONSES OFFERED	Fair court proceedings	Fair outcome	Outcome is worth money and time spent, etc.
Very low	/	/	/
Low	/	/	/
Medium	/	/	/
High	1	1	1
Very high	4	4	4
Cannot assess	/	/	/
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>5</b>

Table 26: Overview of responses among women who will lead procedures

## H. Data collected about other aspects of court procedures

Most women do not know which documents are required by the court in order to be exempted from payment of court fees and costs. Only four women (two who are leading/have led and two who will lead procedures) are informed about all necessary documents (Table 27).

NECESSARY DOCUMENTS	ARE LEADING/ WILL LEAD	WILL LEAD	TOTAL
PRO certificate on income earned	2	/	2
Certificate on status of social welfare beneficiary	1	/	2
Certificate of unemployment	2	1	3
All three documents enlisted above	2	2	4
No	/	8	8
Don't know	10	5	15
Don't remember	2	/	2
<b>TOTAL QUESTIONNAIRES COMPLETED</b>	<b>21</b>	<b>15</b>	<b>36</b>

Table 27: Overview of women's knowledge about documents required to be exempted from court fees and costs (multiple answers are allowed)





# WOMEN'S VIEWS ABOUT THE NEED FOR CHANGE IN RESPECT TO COURT FEES AND COSTS IN ORDER TO IMPROVE ACCESS TO JUSTICE

In terms of the need for change in access to justice, we asked women covered by this analysis, as the most affected by barriers in their attempts to solve their legal problems in court, to share their opinion about interventions needed on the part of the state in order to ensure better access to justice. All women believe there is a need for change. Less than half of them (n=17) cannot assess what types of interventions are needed, while remaining 18 women shared several proposals aimed at streamlining procedure for exemption from court fees and costs (n=8), elimination of court fees and costs for victims of domestic violence (n=4), reducing court fees and costs for certain categories of people (n=10), etc.

More specifically, their proposals include:

- To reduce rates of court fees in all family lawsuits and to make them affordable and acceptable, i.e. court fees should be individually determined according to income earned by citizens;
- To find adequate methods for free-of-charge court protection also for women who do not report domestic violence and do not have sufficient means for timely payment of all costs;
- To introduce possibility for resolution of several problems under single court procedure, which will imply lower court fees and additional costs before and beyond court proceedings, frequent absences from work, transport costs, etc.;
- To increase level of information about how and where to seek free legal aid, with advice for exemption from court fees and costs, and to ensure continuous dissemination of useful information, especially in respect to family lawsuits;
- To establish information and legal centres in all municipalities that will provide fast and clear guidance and instructions to citizens about how and where they can have their problems resolved, which will reduce unnecessary costs and will save them time and effort spent on bouncing between institutions;
- To establish some type of institution that will urgently and free-of-charge resolve family lawsuits of poor people and victims of domestic violence;
- The court to schedule urgent hearings for women victims with urgent solutions to their problems, thereby reducing risks related to meetings with their offenders;
- To initiate free-of-charge family lawsuits for court resolution of problems, whereby the court verdict will also decide which litigation party will bear all costs;
- To prevent women who suffered violence to withdraw from court proceedings; i.e. avoid practices whereby the court exempts them from payment of costs in lower amounts, but ultimately charges women with payment of costs that are several times higher;
- To find ways to avoid women being charged with attorney costs incurred by the opposite party, even in case of unsuccessful procedure, especially when rights of women who suffered violence are not defended by attorney;
- To allow free-of-charge issuance of documents necessary for court procedures, i.e. to exempt them from payment of administrative and notary fees, and to provide free transportation during procedures for poor women who suffered domestic violence.





# CONCLUSIONS AND RECOMMENDATIONS

The analysis provides a solid database that allows specific conclusions and recommendations in respect to current state-of-affairs concerning access to court protection for women who suffered domestic violence. Conclusions, interpreted and correlated to findings from the previous research, identify barriers faced by women under current practices in leading family lawsuits as a result of domestic violence.

General conclusion is that applicable legal regulations on rates of court fees and possibility for exemption from payment of court fees and costs are insufficiently known among women, i.e. they are not utilized by women who suffered domestic violence. To address this shortcoming, activities and measures should be taken to ensure widespread information on relevant legal regulations, accompanied by further precision of legislation in effect with introduction of new legal solutions that will ensure urgent and efficient court protection for legal problems that are result of domestic violence.

## SPECIFIC CONCLUSIONS PER TYPE OF COURT PROCEDURES

### A. Temporary Protection Measures - TPM

- 1.** Most women covered under this analysis are knowledgeable that social work centres may, upon previously filed domestic violence report, motion procedure for issuance of temporary protection measures against their offenders and provide legal aid in leading such procedure before the court.
- 2.** Rates of court fees and costs involved in this type of procedures are generally unknown to women, i.e., vast portion of them lack such information, with one-third of women being uninformed because the relevant court procedure was initiated with assistance from the social work centre.
- 3.** Legal possibilities on exemption from payment of court fees and costs is associated with specific lack of information among women, notably because most of them are unaware of court fees implied because such procedure was led or will be led upon motion submitted by the social work centre.
- 4.** None of surveyed women is knowledgeable about the right to apply for free attorney representation with the Ministry of Justice or the right to be exempted from all court fees and costs when they have reported domestic violence, in compliance with the Law on Free Legal Aid.
- 5.** A very low number of court procedures for issuance of temporary protection measures, led or to be led, are rarely motioned by women. Moreover, women are uninformed that unless they apply for exemption from payment of court fees and costs and if they do not settle court fees in timely manner, the court may not take any action upon their motion and might even charge them with payment of total court fees and costs in case of unsuccessful procedure.
- 6.** Interest among women to submit motion for temporary protection measures has increased to 32% compared to 17% under the previous analysis, but a specific finding under this analysis implies that, although they have not incurred any costs during this procedure, half of women have still withdrawn from further proceedings.
- 7.** Women indicated different assessments in respect to fairness of court proceedings and outcome thereof, but almost all of them cannot assess whether final outcome was worth stress suffered in leading this procedure, as well as money and time spent.
- 8.** In addition to this procedure, each of these women is leading or will lead a family lawsuit for divorce of marriage, and nearly one-third is also leading or will lead property division lawsuits.



## B. Divorce of Marriage

- In addition to divorce of marriage, most women also petition the court to award them custody rights over children under the same court proceedings, and therefore, despite having suffered domestic violence, they are willing to enter amicable settlement in divorce of marriage procedures.
- Majority of women erroneously expect that submission of lawsuit motion on disturbed marital relations on the grounds of domestic violence implies possibility for division of property acquired in marriage under the same court procedure, but also a possibility to claim redress for violence suffered at the hands of their husband.
- Level of information among women in respect to court fees implied in divorce of marriage procedures has improved by 13% compared to the previous analysis. More specifically, majority of them are knowledgeable about rates of court fees for lawsuit motion because portion of women have already initiated procedure for divorce of marriage, but have later withdrew from further proceedings. Most numerous are women who lack knowledge about rates of court fees for appeal and costs for forensic expertise.
- Almost all women do not know the total cost for divorce of marriage, including one-third of women who are familiar with exact rates of court fees for lawsuit motion, appeal and verdict.
- One-third of women are aware about legal possibility for exemption from payment of court fees and costs, with majority of them indicating that such exemption is granted only for court fees and in case of unemployment (Law on Court Fees), while very small share of them know that exemption from payment of all court fees and costs is granted when they are registered as victim of domestic violence (Law on Free Legal Aid), in which case approval of such exemption is not subject to establishment of their financial status.
- Most numerous are women who have been informed about court fees and costs and exemption from payment by CSOs and friends, and only few of them were informed by competent institutions. However, a number of women did not request such exemption due to problems in securing necessary documents, lack of time or unpreparedness to comply with law-stipulated requirement on being registered as victim of domestic violence.
- Most women do not have financial means to pay court fees, and almost none of them can afford costs for forensic expertise. Additional financial burden for women is seen in increase of total costs with those charged for subpoena delivery, court notice, but especially costs related to assignment of temporary attorney due to absence of the opposing party in order to complete the court procedure.
- Almost none of women are represented by attorney in procedures for divorce of marriage, because they cannot afford attorney costs and are unaware that, in case of unsuccessful procedure, they would be charged with all costs incurred by the opposing party, which is often represented by attorney.
- One-third of women experienced change of living standard due to court fees and costs and suffered great stress, even prior to completion of court proceedings, and generally they withdraw from further proceedings when their livelihood was threatened.
- Most women with personal experience in leading procedures for divorce of marriage cannot assess fairness of court proceedings and outcome, and the final outcome's worth in respect to money spent and stress suffered, unlike great expectations shared by most women who are yet to initiate procedures for divorce of marriage.



## C. Property lawsuits – property division (uncontested ownership), property division (contested ownership) and eviction from family home

- 1.** Lower share of women are prepared to resolve their problem with division of marital property in court, sometimes due to fear of having to face their offender again, but often due to difficulties in securing evidence on property ownership, because their husband's parents appear as formal and legal holders of ownership titles over jointly acquired property.
- 2.** Women who have own property start procedures for eviction from family home only after divorce of marriage is completed.
- 3.** Women are insufficiently informed about court fees and costs and exemption therefrom in property lawsuits, whereby most of them are aware of court fees for lawsuits motion and for verdict, but are less familiar with other costs implied in this procedure, including law-stipulated criteria for exemption from payment of court fees and costs. They have received such information from CSOs.
- 4.** Women cannot afford total court fees and costs and therefore apply for exemption from payment (Law on Court Fees and Law on Litigation Procedures), but are not aware of all necessary documents or how to exercise their right to free attorney representation (Law on Free Legal Aid).
- 5.** Very few women who are interested in this type of procedures have already initiated court proceedings in which they had incurred costs related to obtaining documents needed as evidence in this procedure.
- 6.** Property lawsuits cause great stress with all women, while in case court fees and costs affect their living standard only women who have initiated home eviction will continue with further proceedings, even if this threatens their livelihood.
- 7.** Only women who have initiated procedure for home eviction expect court proceedings and outcome to be fair and worth money and time spent, and stress suffered.

## D. Alimony/child support and custody rights

- 1.** Women expressed lower interest in leading procedures for child support and custody rights over minor children due to the possibility for this matter to be resolved under the procedure for divorce of marriage and therefore this family lawsuit is common only among women with children born out of wedlock.
- 2.** As regards level of information among women about court fees and costs and exemption from payment thereof, they are generally aware of court fees for lawsuit motion and for verdict, but are less knowledgeable about court fees for appeal and exact rates of individual court fees.
- 3.** Most women have been informed by CSOs and small number of them was informed by SWCs, but they are still unaware of all necessary documents and legal possibility for free attorney representation.
- 4.** Half of women can only afford court fees for lawsuit motion and for verdict, and almost no women can afford court fees for appeal, additional costs for subpoena delivery and assignment of temporary attorney, which prompts them to withdraw from further proceedings in their attempt to have this problem resolved.
- 5.** Women cannot assess fairness of court proceedings and outcome, and final outcome's worth in respect to money spent until completion of this type of procedures.

## E. Women's views

Women who suffered domestic violence believe that the state must find a solution to address lack of information among women, which - coupled with their fear and lack of financial means - defers them from having their legal problems resolved in court.



# RECOMMENDATIONS

- 1.** To design a legal solution that will allow several legal problems of women who suffered violence at the hands of their partners to be resolved under same court procedure. For example, the court should decide upon motions for divorce of marriage and division of property acquired in marriage (or for eviction from individually owned home). Such solution will encourage women to initiate family lawsuits, because they need fast court verdicts on protection and exercise of their rights and interests.
- 2.** To introduce a legal obligation on continuous dissemination of information to women on all legal possibilities for exemption from payment of court fees and costs and the right to free attorney representation by institutions competent to take actions upon domestic violence report.
- 3.** In ex-officio capacity, the courts and social works centres should provide legal advice to women related to collection of necessary documents and should refer them to initiate family lawsuits according to problems they are facing.
- 4.** The most vulnerable and women with minimum personal income should be allowed to first initiate family lawsuits, whereby the court should take decision upon requests for exemption from court fees and costs after completion of relevant procedures by means of insight in relevant databases on material status of women, or otherwise set the rate of court fees and costs as share of their income.



# CASE STUDY

This analysis includes case **studies of women** who **have led or will lead family lawsuits as a result of having suffered domestic violence. All three case studies are comprised of two sections.** The first section provides an overview of criteria for being selected and included in the analysis, while the second section elaborates individual case specificities in respect to resolution of legal problems pursuant to applicable legislation and legal practices. The selection criterion includes several parameters, in order to illustrate different life situations with typical problems that are common for larger, representative sample of women who are also representative in terms different societal and social determinants and cultural and religious specificities that form an important integral part of life. Hence, **the three cases selected** for this study provide individual and specific examples which, through presentation of women's experiences, allow correlation with conclusions inferred under this analysis on impact of court fees and costs, but also identify possibilities or barriers in exercising the right to exemption from payment of court fees and costs.

**1.** **The first case** provides an example of typical legal problems faced by married women with minor children and jointly acquired property with their offender. This case brings to the surface several factors that affect the course of family lawsuits, such as women's ability to afford court fees and costs, information on the right to be exempted from payment of court fees and costs, and timeframe for demonstrating fulfilment of relevant requirements in already initiated procedures.

D.B. is Macedonian, 41 years old, has completed secondary education and is employed with monthly salary up to 16 000 MKD. She is victim of domestic violence at the hands of her husband with whom she has two children. In December 2019, D.B. addressed ESE for legal advice primarily for divorce of marriage, and later for division of property acquired in marriage.

In this period, D.B is facing lawsuit for divorce of marriage motioned by her husband's attorney. She is partially informed about court fees and costs, because she had already led two family lawsuits. One of these lawsuits concerned issuance of temporary protection measures and was initiated upon motion by and with assistance

from the social work centre. In March 2019, the court took a verdict issuing two temporary measures against the offender in duration of six months: first prohibiting him to engage in domestic violence and second mandating him to secure livelihood of his family.

In parallel to this procedure, D.B. initiated a procedure for divorce of marriage, petitioning the court to award her custody rights over children and to task their father with payment of child support in the amount of 5 000 MKD per child, calculated at the rate of 25 % from her husbands' monthly income. In this procedure she was represented by an attorney because, at that time, she had financial support from her parents. In May 2019, D.B. has withdrawn from further proceedings in respect to divorce of marriage in an attempt to save their marriage and keep the family together and because her husband has stopped the domestic violence. However, initiation of the procedure for divorce of marriage had costed D.B around 30 000 MKD, in the form of court fees for lawsuit motion, decision on withdrawal of lawsuit motion, and attorney fees for drafting lawsuit motion and representation at two court hearings. Under such circumstances and allegedly improved marital relations, she and her parents have taken up bank loans and managed to build a family home on land owned by her husband.



D.B.'s case is specific due to repeated violence by her husband and her being sued for divorce of marriage and custody over children. Due to urgency for compliance with the law-stipulated deadline after being served the lawsuit motion and upon D.B.'s request, ESE's expert team decided to make timely submission in response to the lawsuit motion indicating agreement with all lawsuit claims, except for payment of court fees, i.e. requesting these costs to be borne by the plaintiff, including fees claimed by his attorney. This procedure was completed on 3.2.2020, whereby the court verdict awarded custody to D.B. and tasked the plaintiff with payment of child support in the amount of 4 000 MKD per child, as well as payment of all court fees and costs.

As regards D.B.'s need for division of property acquired in marriage, ESE provided legal advice and informed her of individual court fees and costs implied in this procedure and possibility for total costs to be several times higher in case of contested ownership, i.e. in case her husband does not recognize her ownership rights over ideal half of property acquired in marriage. After several legal meetings and telephone calls, and having in mind that D.B. cannot afford court fees and costs for insight and geodesy expertise, an application was drafted and submitted to the Ministry of Justice for exemption from payment of all court fees and costs and for free attorney representation in compliance with the Law on Free Legal Aid. Two months later, D.B.'s free legal aid application was approved, but court proceedings are still underway at the time this analysis is developed.

For more than two years D.B. is attempting to have her problems that are result of domestic violence resolved in court. Although she has experience with leading several different family lawsuits, D.B. cannot assess fairness of court proceedings and whether they are worth, because total court fees and costs have threatened her livelihood and, in spite of successful outcome in already completed court procedures, damages caused by this problem are not compensated. Actually, D.B. has still not resolved her housing problem and lives with her children in rented apartment, while court-awarded child support is paid once every three months.

**2.** **The second case** is representative of women who, in addition to having suffered violence at the hands of their non-marital partners, also involves typical problems related to child support, as well as problems related to protection of property ownership rights. This example showcases experiences related to increased court fees with additional costs during court proceedings, which cannot be afforded by unemployed women and prevent them to complete relevant procedures unless they fulfil legal requirements to be exempted from payment of court fees and costs.

S.M. is Serb, 44 years old, has completed secondary education and is unemployed in the last two years. She is victim of long-term domestic violence at the hands of her non-marital partner with whom she has a minor daughter, 10 years old. On the account of insufferable family life and domestic violence, she had attempted to break off their non-marital partnership, but the offender had refused to leave the home which S.M. had inherited from her parents. In January 2020, she addressed ESE for assistance and support in resolving the problem with domestic violence by her partner and obtaining custody rights over their minor daughter.

ESE's expert team provided legal advice to S.M. underlining the right to protection of her interests and possibilities for court resolution of problems she is facing. Two meetings were held in order to provide comprehensive information on how to lead court procedures for issuance of temporary protection measures against her violent partner and for obtaining child support for their minor daughter. In order to help her to overcome fears, ESE secured free-of-charge psychological counselling, which contributed to restored self-confidence, and provided legal assistance that encouraged her to make a decision to initiate relevant family lawsuits.

In respect to temporary protection measures, with her approval and due to risk of repeated violence, ESE decided to refer her to the social work centre which is able, in cooperation with the police, to petition the court for urgent issuance of temporary protection measures against the offender. At the same time, ESE drafted the lawsuit motion for child support, but submission thereof was delayed due to obstacles related to collection of necessary documents for exemption from payment of all court fees and costs. Notably, in that period the woman did not fulfil legal requirements under the Law on Free Legal Aid because she was not registered as victim of domestic violence. Moreover, she faced problems in obtaining necessary documents for exemption from payment of court fees and costs pursuant to the Law on Court Fees and the Law on Litigation Procedures. Actually, at that time, failure to comply with deadline for regular registration with the Employment Service Agency has resulted in loss of her status as active employment seeker, which later triggered cancellation of her social welfare rights, i.e. minimum social allowance. Under such circumstances, in late January, the lawsuit



motion for child support was motioned before the competent court, together with request for exemption from payment of all court fees and costs because plaintiff S.M. is unemployed, does not earn any income and is not social welfare beneficiary. Upon previous motion by the social work centre for issuance of temporary protection measures, the court scheduled a hearing on 3.2.2020, but S.M. withdrew from further proceedings due to threats from her non-marital partner concerning custody rights over their minor daughter. A specific circumstance in this case concerns the fact that, although discontinued, court proceedings have promoted the offender to leave S.M.'s home, encouraging her to continue with the court procedure for child support, with legal assistance from ESE. Before finalization of this analysis, a court verdict was taken and tasked the offender with payment of 4 000 MKD, instead of the requested child support in monthly amount of 6 000 MKD. The court did not approve her application for exemption from payment of court fees and costs and charged S.M. with payment of court fees for lawsuit motion and for verdict, each in the amount of 800 MKD, and for court notice on assignment of temporary attorney, in the amount of 250 MKD. Moreover, the court verdict charged S.M. with payment of 41 860 MKD as costs incurred for temporary attorney representation at three hearings, each in the amount of 10 920 MKD, and additional 9 100 MKD for drafting the response to lawsuit motion. Total court fees and costs were settled with financial assistance from ESE, having in mind that S.M. is unemployed and has irregular income as informal economy worker.

These court procedures had negative impact on S.M.'s livelihood, causing her major stress until adoption of the court verdict on child support. She cannot assess whether court proceedings and outcome were fair, as she believes that the court had unjustly burdened her with payment of costs related to assignment of temporary attorney due to absence of the opposing party and had reduced the amount of requested child support due to failure to present evidence on monthly income earned by the father. Therefore, S.M. believes that the final outcome has little worth compared to money and time spent in leading the procedure for child support.

**The third case** was selected according to several parameters and represents women who, despite their preparedness to seek court protection of their rights and interests, are facing numerous obstacles. In particular, they cannot initiate family lawsuits due to deeply rooted traditional beliefs upheld by the offender and related to dominant role of men and subordinate position of women in respect to custody rights over children and property ownership, even after separation.

A.I. is Albanian, 37 years old, has not completed primary education and is currently unemployed. She married her husband in Italy and has given birth to four children during their marriage. Initially, her husband, who is addicted to psychotropic substances, had committed psychological violence, which later escalated into frequent physical violence with bodily injuries and firearm treats. Violence continued after their return to their home country, prompting her to leave the violent environment and find shelter in her parent's home.

In May 2020, A.I. addressed ESE for legal assistance to resolve her problem with threats and abuse by her husband after their separation. Primarily, she was worried about the safety of their minor children who had remained in her husband's home, and sought legal advice about obtaining custody rights. ESE's expert team provided legal advice on law-stipulated possibilities for resolution of problems she is facing, and referred her to collect necessary documents in order to initiate and lead different family lawsuits.

ESE held three meetings with A.I., resulting in her expressing preparedness to lead three lawsuits, as follows: temporary protection measures, divorce of marriage with custody rights over children, and division of property acquired in marriage. A.I. is facing obstacles in initiating relevant court procedures because she does not have necessary documents, such as identification card, certificate of marriage, birth certificates for children, bank cards, etc. She lacks knowledge about court fees and costs implied in all family lawsuits, and possibility to request exemption from payment of court fees and costs. In this period, she believes that her parents will provide financial support, but if court fees and costs exceed their financial ability, she is unsure whether she would be able to complete all procedures.


A.I. reported threats by her husband to the police and notified the social work centre about obstacles in contacting with her children. The police had acted upon her report and warned her husband, after which he moved back to Italy together with their children.



# CONCLUSION

Findings from the case study are indicative of life situations that exceed women's capacity to successfully complete necessary family lawsuits unless they are provided fee legal aid and support. Women featured in the three cases analysed have demonstrated persistence in their attempt to have their problems resolved in court, and resilience to surmount any and all obstacles they are facing until completion of relevant court procedures.

This case study confirms the state's challenge in eliminating the risk of women withdrawing from court proceedings or being discouraged to seek court protection, by ensuring availability of individual comprehensive education for women who suffered domestic violence and who need additional possibilities for fast court verdicts on multiple legal problems under single court procedure, including free attorney representation.



**IMPACT OF  
COURT FEES AND COSTS  
AND KNOWLEDGE ABOUT  
EXEMPTION FROM PAYMENT  
THEREOF: BARRIER OR  
OPPORTUNITY FOR WOMEN  
WHO SUFFERED  
DOMESTIC VIOLENCE**

