

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

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**2019**

ASSOCIATION FOR EMANCIPATION, SOLIDARITY AND EQUALITY OF WOMEN



## **EXECUTIVE SUMMARY**

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

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

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

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

Following our continuous efforts to measure the cost and quality of access to justice for women who suffered domestic violence, in 2019 we continued to collect the data from the beneficiaries of ESE's Legal Aid Centre. Apart from the annual cost benefit analysis, at the beginning of 2020 we summarized the three years of cost benefit analysis in relation to the provision of free legal aid to women. Methodologically, this was justified effort considering the similarities between the annual cost benefit analyses. Moreover, the analysis of a broader sample will additionally strengthen the main findings gathered since ESE launched this activity in 2015.

### **ELABORATION OF COST BENEFIT STUDY**

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

Three sources of information were used:

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

### **COSTING SERVICES OF LEGAL AID CENTER (LAC)**

The calculations are based on the actual expenditures for 2017, 2018 and 2019 related strictly to the operation of the Legal Aid Center for women who suffered domestic violence. The total costs for operation included the following items: honoraria for LAC's assistant, attorney and psychologist, as well as operational costs.

If we do a breakdown of these expenditures for all three years, the highest portion of the costs relate to the LAC assistant salary, followed by the operational costs, and then by the honoraria for the attorney and the psychologist which are almost equal. As can be noticed in table 1, the total budget for legal aid over the last three years varies. The highest amount is recorded in 2019. The difference in the budget is due to the salary of the LAC assistant. Namely in 2017 this working position was based on a temporary working engagement contract, while in 2018 and 2019 is was based on a regular employment contract, that includes all other benefits. The breakdown of the costs that comprise the Budget for legal aid for 2019 is as follows: Salary for LAC assistant 445.056 MKD; remuneration for attorney 69.289 MKD; remuneration for psychologist 71.190 MKD and operational costs 126.440 MKD.

The total cost per client has increased over the years. Table one indicates that total cost per client is lowest in 2017 (3.920 MKD) and the highest in 2019 (4.910 MKD).

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

Ref	Item	Formula	2017	2018	2019
A	Budget for legal aid		465.504	637.056	585.535
B	Clients per year		150	182	145
C	Cost per client	A/B	3.100	3.500	4.038
D	Non-salary operational costs		123.660	123.660	126.440
E	Cost per client	D/B	820	680	872
<b>TOTAL cost per client</b>		<b>C+E</b>	<b>3.920</b>	<b>4.180</b>	<b>4.910</b>

## CASE LOGS

Case logs are used in the work of ESE's Legal Aid Center as a method for collection of data about the costs borne by women who suffered domestic violence. LAC's clients were asked about the costs they incurred in relation to their travel, lost work, child care, initiation of court procedures, administration etc. In the course of 2019, there were 145 clients, while 139 client's logs were collected (6 either asked for a legal advice by phone or didn't have any costs to report).

In comparison to the previous year, in 2019 fewer case logs were completed. In 2018, 170 case were completed (182 clients came to LAC), while in 2017, 52 case logs were completed (150 clients came to LAC). However, we cannot make a comparison with the 2017, since that year the case logs were not filled in for the entire year and for all clients that turned up and requested legal advice and support from ESE's LAC.

## ***DIFFERENT TYPES OF COSTS INCURRED***

Client's travel costs and court initiation costs remained the most prevalent costs in 2019 as well as in the previous two years. For example, 137 out of 145 clients reported travel, while 61 incurred costs for initiation of the court procedure. An additional 23 clients were exempted from paying court initiation costs, which indicates that the number of clients that may have incurred this cost is higher.

The rest of the costs are less often incurred by the women. For example, 7 women reported costs for obtaining the court verdict, 7 of the women incurred costs for administrative fees, 10 incurred some other type of costs, while only one incurred cost for expert evidence in the amount of 20.000 MKD.

In comparison to the previous two years when we speak about the type of the costs incurred the pattern for 2019 is almost the same, except that in 2019 women incurred expert evidence costs and reported other costs. However, in 2017 one woman reported lost work cost and this did not happen in any other year.

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

Type of cost/ Number of clients	2017	2018	2019
Client travel	44	160	137
Client lost work	1	0	0
Client childcare	0	0	0
Attorney travel	0	0	0
Court initiation	26	60	62
Court verdict	0	10	7
Expert evidence	0	0	1
Administrative fees	2	0	7
Other	0	0	10
<b>Total number of clients</b>	<b>150</b>	<b>170</b>	<b>145</b>

When we speak about each type of cost, the *travel costs* ranged from 50 MKD to 900 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 2019 by amounts**

<b># of clients</b>	<b>Amount of individual travel costs paid in MKD</b>	<b>TOTAL</b>
3	50	<b>150</b>
8	70	<b>560</b>
53	100	<b>5.300</b>
1	105	<b>105</b>
11	140	<b>1.540</b>
1	150	<b>150</b>
1	170	<b>170</b>
36	200	<b>7.200</b>
1	210	<b>210</b>
1	245	<b>245</b>
11	300	<b>3.300</b>
5	400	<b>2.000</b>
2	500	<b>1.000</b>
1	570	<b>570</b>
1	600	<b>600</b>
1	900	<b>900</b>
137	/	<b>24.000</b>

The *court initiation costs* which depends on the type of court procedure led by the women shows that most of the clients (42) paid court fees in the amount of 800 MKD person (divorce procedure), 12 paid fees in the amount of 480 MKD (child support and child custody), 3 paid fees in the amount of 1.200 MKD (eviction and foreign judgement recognition), 3 paid 1.600 MKD (divorce procedure), 1 paid 250 MKD (misdemeanor procedure) and 1 paid 6.000 MKD (civil procedure for non-material damage).

**Table 4. Number of clients incurring court initiation fees in LAC in 2019 by amounts**

# of clients	Amount of individual court initiation fees paid in MKD	TOTAL
42	800	33.600
12	480	5.760
3	1.200	3.600
3	1.600	4.800
1	250	250
1	6.000	6.000
62	/	54.010

When we speak about the court verdict, one of the clients had an exceptional amount paid i.e. 30.000MKD. This is because she was charged with paying all court costs for both parties. Otherwise most of the clients incurred costs in a range from 800 MKD (divorce procedure) to 1.200 MKD (eviction procedure).

**Table 5. Number of clients incurring court verdict fees in LAC in 2019 by amounts**

# of clients	Amount of individual court verdict fees paid in MKD	TOTAL
2	480	960
3	800	2400
1	1200	1200
1	30000	30000

Administrative costs ranged from 100 MKD, the lowest, to 500 MKD, the highest amount paid.

**Table 6. Number of clients incurring administrative costs in LAC in 2019 by amounts**

# of clients	Amount of individual administrative costs in MKD	TOTAL
1	100	100
1	250	250
3	450	1.350
1	480	480
1	500	500
7	/	2.680

In comparison to the previous years, in 2019 a significant amount of other costs were incurred. These costs ranged from 450 MKD to 9.700 MKD. The amount of 9.700 MKD is due to the costs related to the procedure for proving paternity. Most of the other costs were related to preparation of the needed documentation, such as translation, paying fees for issuing etc.

**Table 7. Number of clients incurring other costs in LAC in 2019 by amounts**

# of clients	Amount of individual other costs paid in MKD	TOTAL
2	450	900
1	500	500
3	1000	3.000
1	9700	9.700
7	/	14.100

#### **TOTAL AND MEAN COSTS INCURRED**

Among all costs that may be incurred by the women that suffered domestic violence in 2019 (145 clients) the costs for initiation of the court procedure with mean cost at 367 MKD is the highest, followed by the cost for court verdict at 238 MKD, mean expert evidence costs (138 MKD) and mean travel costs (165 MKD). The means for other costs



(97 MKD) and administrative costs (18 MKD) are lower. In comparison with the previous two years the clients' travel costs are highest in 2019. The court initiation cost is somewhere less than in 2017, but still higher than in 2018. The administrative fees are more or less the same as in 2017. Expert evidence and court verdict cost are significantly higher in 2019 than in the previous years.

Adding together all the means, the total mean cost per woman for 2019 is **1.023 MKD**. The mean cost per client for 2019 is significantly higher than in 2018 (590 MKD) and 2017 (436 MKD). This difference is the result of a number of exceptional cases costs, such as one for expert evidence costs in the amount of 20.000 MKD, one for court verdict costs in the amount of 30.000 MKD, costs for initiation court procedure in the amount of 6.000 MKD, other costs in the amount of 9.700 etc. If we exclude these costs from the calculations, the mean cost per client for 2019 will be 671. Even so, the mean for 2019 is higher than in the previous two years.

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

Type of cost	2017		2018		2019	
	Amount of total cost (MKD)	Mean cost per client	Amount of total cost (MKD)	Mean cost per client	Amount of total cost (MKD)	Mean cost per client
Client travel	8.230	158	23.600	139	24.000	165
Client lost work	800	15	0	0	0	0
Client childcare	0	0	0	0	0	0
Attorney travel	0	0	0	0	0	0
Court initiation	21.010	404	42.710	251	53.210	367
Court verdict	0	0	7.760	46	34.560	238
Expert evidence	0	0	0	0	20.000	138
Administrative fees	650	13	0	0	2.680	18
Other	0	0	0	0	14.100	97
<b>TOTAL</b>	<b>74.550</b>	<b>436</b>	<b>49.560</b>	<b>590</b>	<b>148.550</b>	<b>1.023</b>

## LEGAL PROBLEMS

In 2019 as in the two previous years clients experienced different types of legal problems. A single case can involve more than one legal problem, so the percentages in the table below add up to more than 100%. We compare 2019 and 2018 since these are the two years where case logs were collected on almost all clients. There is a difference in the prevalence of child custody (less common in 2019) and the prevalence of other legal problems (more common in 2019).

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

	<b>2017 (%)</b>	<b>2018 (%)</b>	<b>2019 (%)</b>
Divorce procedure	42(28%)	78(43%)	66 (46%)
Custody of children	24 (16%)	61(34%)	11 (8%)
Civil and criminal protection	12 (8%)	61(34%)	39 (27%)
Child support	23 (15%)	38(21%)	33 (23%)
Property division	8 (5%)	13(7%)	12 (8%)
Other	22 (15%)	19(10%)	36 (25%)
<b>Total number of clients</b>	<b>150</b>	<b>182</b>	<b>145</b>

More specifically in 2019, divorce, domestic violence and child support are the most common legal problems that clients experienced. On average each client had 1,4 legal problems (145 clients).

**Table 10. Legal problems addressed in 2019**

	<b>Type</b>	<b># of clients experiencing</b>
1.	Divorce	66
2.	DV	39
3.	Child alimony	33
4.	Property division	12
5.	Custody	11

6.	Social protection	8
7.	Eviction	5
8.	Regulation of child visits	4
9.	Public order	3
10.	Parental rights	3
11.	Inheritance	3
12.	Debt	2
13.	Gift contract	1
14.	Paternity	1
15.	Compensation of non- material damage	1
16.	Pension	1
17.	Traffic violation	1
18.	Labour rights	1
19.	Spouse support	1
20.	Recognition of a foreign judgment	1
<b>TOTAL</b>		<b>197</b>

### **STATUS OF RESOLUTION OF THE LEGAL PROBLEM**

The status of the resolution of the legal problems of the clients that turned up at the ESE LAC office shows that the majority of the problems are completed i.e. 87, while 56 are still active or ongoing. To 5 clients only legal advice was provided, so there is no status on this type of services provided. In total 59% of the legal problem were resolved.

**Table 11. Status of resolution in 2019**

Status	#
Completed	87
Active	56
No status - Legal advice	5
<b>TOTAL</b>	<b>148</b>

If we go further and want to compare how many of the procedures initiated were completed, 58 clients completed the procedures out of 85 that initiated, which is 68%. The rest of the client's legal problems are still active.

### LEGAL DOCUMENTS PREPARED

In accordance with the client's needs, different types of documents were prepared in 2019 (see table 11). The most commonly prepared document is the lawsuit, which implies that 57% of clients have tried to resolve their legal problems through initiation of a court procedure (82 clients, for 3 clients 2 lawsuits were prepared). The next two most commonly prepared documents are the submissions and reports to the Center for Social Welfare.

**Table 12. Types of documents prepared for the clients in 2019**

Type of document	#
Lawsuits	85
Submission	21
Reporting to CSW	17
Appeals	7
Requests	7
Complaints	3
Contract	1
Criminal charge	1
Objection	1
<b>TOTAL</b>	<b>143</b>

## COURT PROCEDURES INITIATED

If we compare the incurred court fees and what was prepared for the clients we may conclude that 62 clients paid court fees and initiated 65 court procedures (3 clients initiated 2 procedures each). If we add 23 (who initiated 23 procedures) clients who were exempt from paying court fees, the number of those who initiated procedures rises to 85 clients, which is 59% or more than half the total number of clients (145). So, in total, 88 court procedures were initiated by those who paid for the fees and those who were exempted.

**Table 13. Initiated court procedures in 2019**

	# of clients	# of procedures
Paid court fees	62	65
Exempt from paying	23	23
<b>TOTAL</b>	<b>85</b>	<b>88</b>

The most common initiated procedure is the divorce procedure that constitutes 65% of the total number of procedures. Child alimony and change of the custody of the children are the next most common.

**Table 14. Types of court procedures initiated by clients who paid and were exempted from paying fees in 2019**

Type of procedures	# clients who paid fees	# clients who were exempted from paying fees	Total per type
Divorce	47	10	57
Child alimony	8	6	14
Change of a custody	5	1	6
Eviction	2	/	2
Procedure for recognition of a foreign judgment	1	/	1
Complaint in a criminal procedure	1	/	1
Compensation of damages	1	/	1
Administrative procedures	/	4	4
Paternity claim	/	1	1
Spouse alimony	/	1	1
<b>TOTAL</b>	<b>65</b>	<b>23</b>	<b>88</b>

## MALE CLIENTS AND THEIR LEGAL PROBLEMS

In 2019, most of the clients were women (86%). Only 14% of the clients were males. As for the legal problems that they faced, the men stated that they faced nine types of a problems, out of which divorce, child alimony and social protection rights were most common. The majority of the legal problems were resolved (18 male clients) and six had not didn't resolve their legal problem. The rate of completed legal problems is much higher than among all clients i.e. 86% among males in comparison to 58% among all clients.

**Table 15. Clients gender**

Gender	# of clients in 2019
Female	124
Male	21
<b>TOTAL</b>	<b>145</b>

**Table 16. Legal problems addressed in 2019 by males**

	Type	# of clients experiencing
1	Divorce	7
2	DV	1
3	Child alimony	5
4	Custody	2
5	Social protection	5
6	Regulation of child visits	1
7	Public order	1
8	Paternity	1
9	Traffic violation	1
<b>TOTAL</b>		<b>24</b>

Most of the male clients initiated court procedures, 71% out of the total number of male clients that turned in ESE's office, which is more than 10% average for all clients that initiated court procedures (59%). The exemption from paying court fees for initiation of the procedures (60%) was used more often than paying the fees (40%).

**Table 17. Initiated court procedures in 2019 by male clients**

	# of male clients
Paid court fees	6
Exempt from paying	9
<b>TOTAL</b>	<b>15</b>

### **CLIENT SATISFACTION QUESTIONNAIRE**

The client satisfaction with the services provided and the experience with the legal system for protection were assessed through user questionnaires administered via phone interviews. For objectivity and impartiality of this process, in 2019 50 interviews were conducted by an external person engaged for this purpose.

The Client Satisfaction Questionnaire incorporates three different types of questions:

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

Table 4 shows the time spent for resolving the legal problems faced. In 2019 the women who suffered domestic violence spent more time for resolution of their legal problems than in the previous two years. For illustration, the proportion of women who spent less than two weeks in resolving their legal problems was 36% in 2019 (18 out of 50), compared to 69% in 2018 and 74% of clients in 2017. This difference is even more significant, considering that in 2019 a significant proportion of women (36%) spent more than one year searching for a solution of their legal problems, which was not the case in the previous years. There is a need to explore further the reasons for the increased duration of the initiated processes (procedures) for resolution of the problems faced by women who suffered domestic violence.

**Table 18. Duration of the cases by years**

<b>Time/ No. of beneficiaries</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<=2 weeks	25	35	18
<=1 month	2	6	2
<=4 months	2	5	8
> 1 year	3	5	4
Over 1 year	0	0	18
Not specified	2	0	0
<b>TOTAL</b>	<b>34</b>	<b>51</b>	<b>50</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. The average scores for 2019 are similar to the ratings from 2018 and 2017. In this regard, the beneficiaries who were provided with legal aid services in the last three years, expressed high levels of satisfaction with all the aspects from LAC's work. In general, the satisfaction with different aspects is insignificantly higher in 2019 and 2018, compared to 2017. The trend throughout the years suggests that polite treatment, respectful treatment and honest communication were the aspects from our work that were most appreciated by the clients. In 2019, the same as in the previous years, the less favourable aspect was the outcome satisfaction, which is the aspect which is least related to the performance of the Legal Aid Center.



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

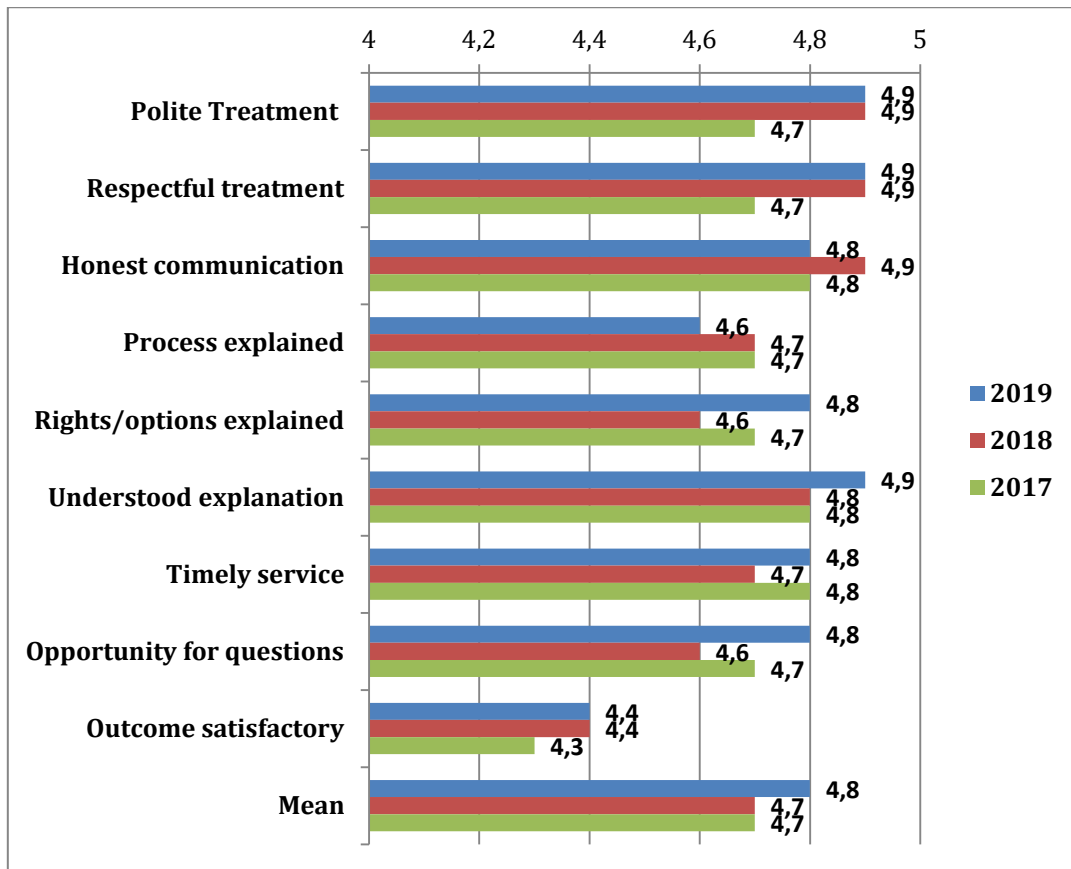


Figure 2 shows the number of clients whose legal problems were resolved, compared to those with active cases. In 2019 there were 23 resolved cases and 27 that were not resolved. Thus, the proportion of finalized cases for the last year (23 out of 50), was lower compared to the previous 2018 (31 out of 51). This information correlates with the increased duration or time spent for resolving the legal problems in 2019, taking into account the significant proportion of women who spent more than one year for resolution of their legal problems related to domestic violence.

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

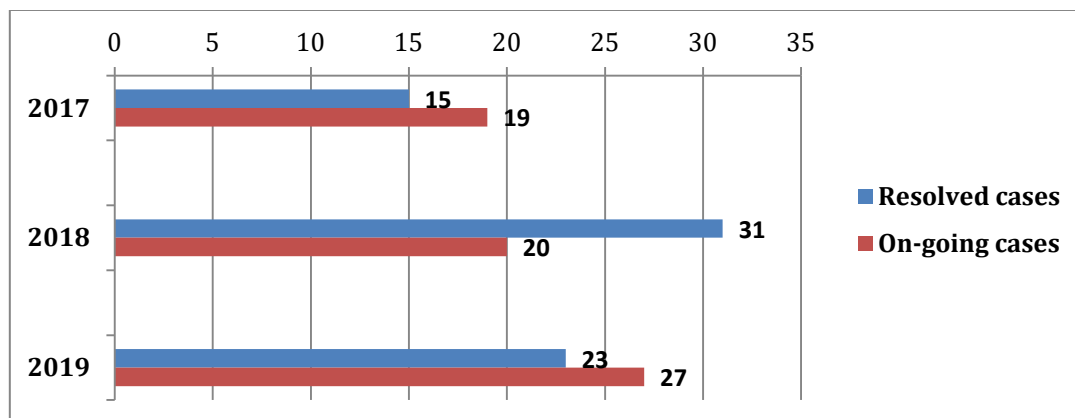
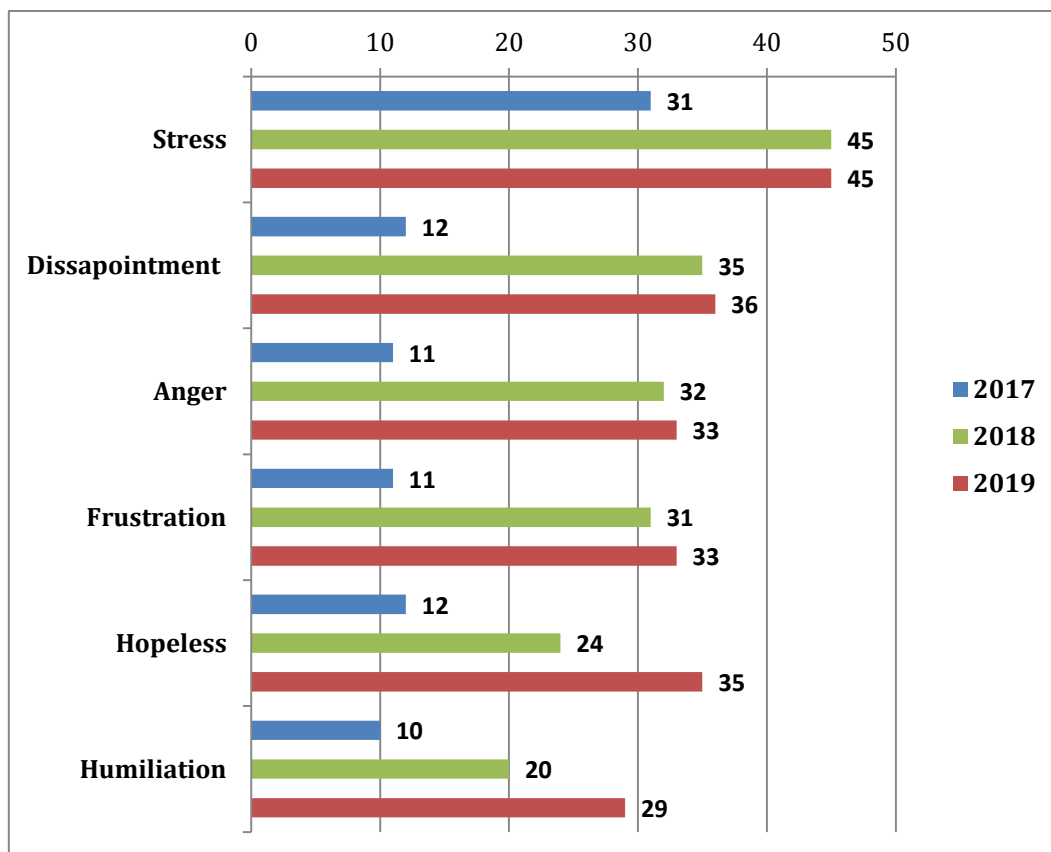


Figure 3 shows the number of clients who experienced stress as a result of the problem and the different forms of emotional stress suffered. In line with the data from the previous two years, in 2019 almost all of the women experienced stress as a result of the domestic violence problem (45 out of 50). The situation in 2019 is similar in respect of the most common forms of stress suffered, with the exception of hopelessness, which was experienced by a significantly higher number of clients in 2019 (35 out of 50), compared to the previous 2018 (24 out of 51) and 2017 (12 out of 34). Disappointment (36 out of 50), anger and frustration (33 out of 50) were the most common forms of emotional stress suffered by the women in general. This implies that the women who suffer domestic violence are identifying the violence as the main problem that seriously affects their mental health, while the communication with the institutions and the procedures for their protection are perceived more as a way for getting out of the problem that affects them. However, the high prevalence of certain negative emotions suffered on an ongoing basis by women who suffered domestic violence, stresses the need for improving the institutional response and support in domestic violence cases.

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



**SUMMARIZED COST-BENEFIT DATA FOR 2019**

	<b>Poor users</b>	<b>Government<sup>1</sup></b>	<b>NGOs</b>
<b>Costs</b>	<b>1023</b>		
<b>I. Direct costs</b>	<b>926</b>	<b>0</b>	<b>4910</b>
Salaries for the staff			4038
Operational costs			872
Travel costs for getting the legal advice/information	165		
Court fees for submission and initiation of the court procedure	367		
Costs for getting the court verdict	238		
Costs for experts opinion	138		
Administrative fees	18		
<b>II. Indirect costs</b>	<b>97</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	97		
<b>Benefits</b>			
Access to legal advice	100%		
Access to court representation			
Access to information about rights	100%		
Enjoyment of rights	88%		
Access to quality services	96%		

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<sup>1</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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