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

2020



## **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.

At the end of 2020 the annual cost benefit data was added as complementary to the three-year summary analysis for the period 2017-2019 and the main findings and recommendations were compared and elaborated.

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

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

Three sources of information were used:

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

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

The calculations are based on the actual expenditures for the period 2017-2020 related strictly to the operation of the Legal Aid Center for women who suffered domestic violence. The total costs for operation included the following items: honoraria for LAC's assistant, attorney and psychologist, as well as operational costs.

If we do a breakdown of these expenditures annually, the highest portion of the costs relate to the LAC assistant salary, followed by the operational costs, and then by the honoraria for the attorney and the psychologist which are almost equal. The breakdown of the costs that comprise the Budget for legal aid for 2020 is as follows: Salary for LAC assistant 445.056 MKD; remuneration for attorney 99.646 MKD; remuneration for psychologist 95.747 MKD and operational costs 135.164 MKD.

The trend of increased costing of LAC's services on annual level has continued in 2020. Moreover, the costs for provision of free legal aid to women who suffered domestic violence were significantly higher in 2020 compared to the previous years. For illustration, the total cost per client in 2020 is 7.200 MKD compared to 4.910 MKD in 2019. There are two factors that affected the 2020 costing calculations of legal aid

services. First, the increased costs for LAC's Attorney<sup>1</sup> and psychologist implied higher overall legal aid budget. On another side, the total cost per client is calculated based on the division of the total legal aid budget with the number of clients that visited LAC's offices and filled in the case logs.

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

Ref	Item	Formula	2017	2018	2019	2020
A	Budget for legal aid		465.504	637.056	585.535	640.449
В	Clients per year		150	182	145	110
С	Cost per client	A/B	3.100	3.500	4.038	5.822
D	Non-salary operational costs		123.660	123.660	126.440	151.603
E	Cost per client	D/B	820	680	872	1.378
TOT	AL cost per client	С+Е	3.920	4.180	4.910	7.200

# **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 2020, there were 110 clients, while 84 client's logs were collected. The rest of the clients were provided with legal aid through phone, e-mail, on-line virtual legal aid platform, or didn't have any costs to report.

In comparison to the previous years, in 2020 fewer case logs were completed. In 2019 there were 145 case logs completed, and in 2018, 170 case logs were completed. Due to the declared state of emergency, limited operation of the institutions and suspension of court proceeding there was a decreased number of clients that visited LAC's premises in –person and filled in the case logs. Part of the clients were provided with legal advices and written submissions through phone, e-mail communication or through the virtual legal aid platform Ask for Advice.

# **DIFFERENT TYPES OF COSTS INCURRED**

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<sup>&</sup>lt;sup>1</sup> The cost for LAC's Attorney incorporated the costs for court representation as well.

The most common costs incurred by the clients throughout the years are the client travel costs and court initiation costs. For illustration, in 2020 there were 76 out of 84 or 90% of the clients who incurred travel costs, while 25 or nearly 30% of the clients reported court initiation costs. An additional 14 clients were exempted from paying court initiation costs, which indicates that the number of clients that may have incurred this cost is higher. On another hand, the number of clients that reported court verdict costs is significantly lower (4), because significant portion of the initiated court cases are not finalized yet due to the suspended court operation during the declared state of emergency.

The second most common cost for 2020 was the administrative costs which were incurred by 16 clients, mainly related to social protection rights. The financial situation of women was worsened during the COVID-19 crisis and these costs are actually related for the realization of economic and social measures adopted by the government.

There were three exceptional cases with high other costs, such as costs for court procedures initiated in the country and abroad.

In comparison to the previous two years when we speak about the type of the costs incurred the pattern for 2020 is almost the same, except that in 2020 women incurred administrative costs and reported other costs.

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

Type of cost/ Number of clients	2017	2018	2019	2020
Client travel	44	160	137	76
Client lost work	1	0	0	0
Client childcare	0	0	0	0
Attorney travel	0	0	0	0
Court initiation	26	60	62	25
Court verdict	0	10	7	4
Expert evidence	0	0	1	0
Administrative fees	2	0	7	16
Other	0	0	10	3

Total number of clients	150	170	145	84
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When we speak about each type of cost, the *travel costs* ranged from 70 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 2020 by amounts

# of clients	Amount of individual travel costs paid in MKD	TOTAL
1	50	50
4	70	280
12	100	1.200
13	140	1.820
21	200	4.200
2	210	420
2	280	560
9	300	2.700
1	330	330
4	400	1.600
1	440	440
1	470	470
1	500	500
1	560	560
1	600	600
1	700	700
1	900	900
137	/	17.330

The *court initiation costs* which depends on the type of court procedure led by the women shows that the 27% of the clients (23) paid 800 MKD for initiation of divorce

procedure, one client paid court fees in amount of 480 MKD for initiation of court procedure on child support and child custody, one client paid 1.200 MKD for eviction and foreign judgment recognition. There is a slide decrease in the number of clients that have initiated court procedures for resolution of their problems compared with previous years, as a result of the suspension of court hearings during the COVID-19 crisis.

Table 4. Number of clients incurring court initiation fees in LAC in 2020 by amounts

# of clients	Amount of individual court initiation fees paid in MKD	TOTAL
23	800	18.400
1	480	480
1	1.200	1.200
25	/	20.080

When we speak about the court verdict, there were only four clients with completed court procedures, out of which 2 have paid 800 MKD for court verdict on divorce, one of the clients paid 1.200 for eviction and 2600 MKD for misdemeanor procedure.

Table 5. Number of clients incurring court verdict fees in LAC in 2020 by amounts

# of clients	Amount of individual court verdict fees paid in MKD	TOTAL
2	800	1.600
1	1.200	1.280
1	2.600	2.600
4	/	5.480

Administrative costs incurred for 16 clients and they ranged from 100 MKD, the lowest, to 1050 MKD, the highest amount paid.

Table 6. Number of clients incurring administrative costs in LAC in 2020 by amounts

# of clients	Amount of individual administrative costs in MKD	TOTAL
6	100	600
2	200	400
2	250	500
3	500	1500
1	600	600
1	1000	1.000
1	1050	1.050
16	/	5.650

In comparison to the previous years, in 2020 a smaller number of clients incurred other costs (3) compared to 2019 (7). On the other hand, all the clients have incurred high other costs: one in the amount of 9.629 MKD for court translations; one in amount of 9.500 for compensation of the other's party attorney; and one in the amount of 18.000 MKD for court procedure in Serbia.

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
1	9.629	9.629
1	9.500	9.500
1	18.000	18.000
3	/	37.129

# **TOTAL AND MEAN COSTS INCURRED**

Among all costs that may be incurred by the women that suffered domestic violence in 2020 (84 clients) the other costs with mean costs of 442 MKD is the highest, followed by mean costs for initiation of the court procedure (240 MKD), mean travel costs (206 MKD), administrative costs (67 MKD), and mean court verdict costs (65 MKD). The category other costs is significantly higher compared to 2019 due to three exceptional cases elaborated under Table 7, and this is the main reason for the significant increase in the total mean cost for 2020. As for the other types of costs, the mean travel costs are higher in 2020 compared to 2019, while means court initiation and court verdict costs are lower compared to the previous year (due to the smaller number of court procedures as a result of the COVID -19 crisis). Adding together all the means, the total mean cost per woman for 2019 is **1.020 MKD**. A general conclusion is that there is a trend of continues increase in the total mean cost per client in the last four years.

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

	201	7	201	8	201	9	202	0
Type of cost	Amoun t of total cost (MKD)	Mean cost per clien t	Amoun t of total cost (MKD)	Mean cost per clien t	Amoun t of total cost (MKD)	Mean cost per clien t	Amoun t of total cost (MKD)	Mea n cost per clien t
Client travel	8.230	158	23.600	139	24.000	165	17.330	206
Client lost work	800	15	0	0	0	0	0	0
Client childcare	0	0	0	0	0	0	0	0
Attorney travel	0	0	0	0	0	0	0	0
Court initiation	21.010	404	42.710	251	53.210	367	20.080	240
Court verdict	0	0	7.760	46	34.560	238	5.480	65
Expert evidence	0	0	0	0	20.000	138	0	0
Administrativ e fees	650	13	0	0	2.680	18	5.650	67

Other	0	0	0	0	14.100	97	37.129	442
TOTAL	74.550	436	49.560	590	148.55 0	1.02 3	85.749	1020

### **LEGAL PROBLEMS**

The most common legal problems related to domestic violence in 2020 faced by the women were the divorce (48%), protection against acts of violence (37%), child support (23%) and custody (19%). A single case can involve more than one legal problem, so the percentages in the table below add up to more than 100%. It is important to comment the social protection costs which were incurred by significant number of clients in 2020 (25%) compared to the previous years, when these costs were calculated as part of the other costs. These are mainly costs for obtaining social financial assistance, such as minimum guaranteed income, finances for help and support from other person etc. One of the reasons for this increase in the social protection costs is the worsened economic situation of women who suffered domestic violence during the COVID-19 crisis and inability to cover the living costs for them and their children.

In 2020 the average number of legal problems per client increased to 1.85, compared to 1.4 legal problems in average in 2019.

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

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

Table 10. Legal problems addressed in 2020

	Туре	# of clients experiencing
1.	Divorce	40
2.	DV	31
3.	Child alimony	20
4.	Custody	16
5.	Property division	8
6.	Social protection	21
7.	Debt problems	3
8.	Paternity	3
9.	Debt	2
11.	Inadequate proceeding of CSW	3
14.	Other	9
TOT	<b>FAL</b>	156

### LEGAL DOCUMENTS PREPARED

In accordance with the client's needs, different types of documents were prepared in 2020 (see table 12). The most commonly prepared document is the lawsuit, which implies that almost half of the clients 49% of clients have tried to resolve their legal problems through initiation of a court procedure, mainly for divorce procedure (30 out of 41). The next two most commonly prepared documents are written requests, mainly to CSW, followed by and other written submissions and complaints.

Table 12. Types of documents prepared for the clients in 2020

Type of document	#
Lawsuits	41
Submission	12
Requests	17
Complaints	10
Response to lawsuits	4
Urgency	3
Criminal charge	5
TOTAL	92

### **COURT PROCEDURES INITIATED**

If we compare the incurred court fees and what was prepared for the clients we may conclude that 25 clients paid court fees and initiated 25 court procedures. If we add 16 (who initiated 16 procedures) clients who were exempt from paying court fees, the number of those who initiated procedures rises to 41 clients or almost half of the clients (49%).

Table 13. Initiated court procedures in 2019

	# of clients	# of procedures
Paid court fees	25	25
Exempt from paying	16	16

TOTAL	41	41
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The most common initiated procedure is the divorce procedure with two-thirds or 68% of the total number of procedures, followed by child alimony procedure (17%). The structure of the clients in table 14 shows that the number of clients who paid for court fees as much as twice as the number of clients who were exempted from paying court fee for initiation of the court procedure.

Table 14. Types of court procedures initiated by clients who paid and were exempted from paying fees in 2020

Type of procedures	# clients who paid fees	# clients who were exempted from paying fees	Total per type
Divorce	20	8	28
Child alimony	3	4	7
Change of a custody	2	/	2
Temporary measures of protection	1	/	1
Administrative procedures	1	/	1
Paternity claim	/	1	1
Disability pension	1	/	1
TOTAL	28	13	41

### MALE CLIENTS AND THEIR LEGAL PROBLEMS

In 2020, 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 10 types of problems, out of which child custody and social protection rights were most common. These legal problems were not resolved (12 male clients) and all the procedures initiated for their resolution were still ongoing. Compared to previous year, in 2020 the rate of resolved legal problems faced by male clients is significantly lower, which might be a result of the health crisis and limited operation of the institutions and judiciary.

Table 15. Clients gender

Gender	# of clients in 2019	
Female	72	
Male	12	
TOTAL	84	

Table 16. Legal problems addressed in 2019 by males

	Туре	# of clients experiencing
1	Custody	4
2	Social protection	4
3	Divorce	2
4	Child alimony	2
5	Paternity	2
6	Regulation of child visits	1
7	Child education	1
8	Public order	1
9	Labor rights	1
10	Criminal procedure	1
тот	TAL	19

Most of the male clients initiated court or administrative procedures for resolution of their legal problems. 8 out of 12 male clients have initiated court procedure, and 3 of them initiated procedure for realization of social protection rights in front of Centers for Social Welfare (CSW). The comparison with data from 2019 shows that there is a trend that higher percentage of male clients (67%) are initiating court procedure for resolution of their legal problems, compared to all clients that initiated court procedures (49%). Only one male client received exemption from paying court fees in the court procedure for paternity.

Table 17. Initiated court procedures in 2019 by male clients

	# of male clients
Paid court fees	6
Exempt from paying	9
TOTAL	15

In terms of types of written submissions prepared, there were 8 lawsuits prepared: divorces (2); alimony (2); change of custody (1); paternity (1); social protection (2)<sup>2</sup>.

Table 18. Type of written submissions prepared for male clients in 2020

	# of male clients
Lawsuits	8
Requests/Complaints to CSW	5
Other written submission	3
TOTAL	16

# **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 2020 41 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 18 shows the time spent for resolving the legal problems faced. There is a trend of prolongation of the time spent for resolution of legal problems faced by women who suffered domestic violence in the last two years. For illustration, only 17% of clients in 2020 (7 out of 41) spent less than two weeks in resolving their legal problems, compared to 36% in 2019 (18 out of 50), 69% in 2018 and 74% of clients in 2017. This difference is even more significant, considering that in 2019 and 2020 a significant proportion of women (35%) 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 19. Duration of the cases by years

<sup>&</sup>lt;sup>2</sup> One Lawsuit and one Appeal to the Administrative court for social protection rights

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

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 general conclusion is that there is a continuous high level of satisfaction among women who suffered domestic violence from the services provided by ESE. The average scores for 2020 are similar to the ratings from the previous three years. In this regard, the beneficiaries who were provided with legal aid services in the last four years, expressed high levels of satisfaction with all the aspects from LAC's work. 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 2020, 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.

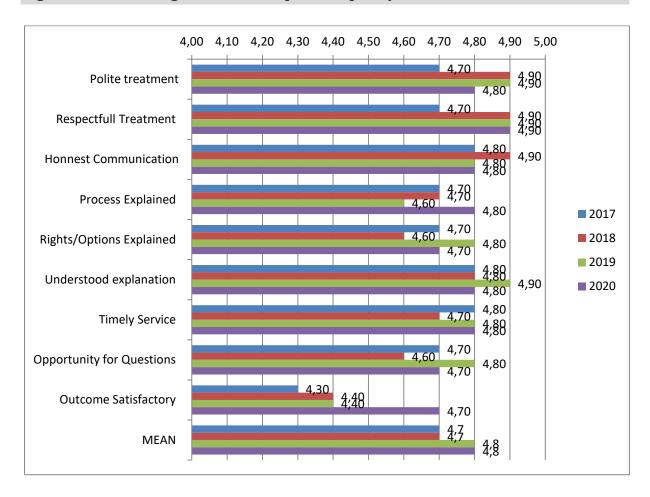


Figure 1. Mean rating of different aspects of quality of service

Figure 2 shows the number of clients whose legal problems were resolved, compared to those with active cases. In 2020 there were 20 resolved cases and 21 that were not resolved. The proportion of finalized cases for the last two years is similar, 49% in 2020 and 46% in 2019, and it 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 and 2020, taking into account the significant proportion of women who spent more than one year for resolution of their legal problems related to domestic violence.

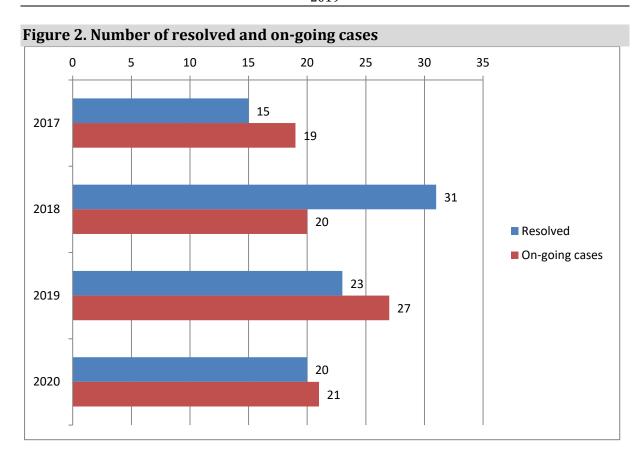
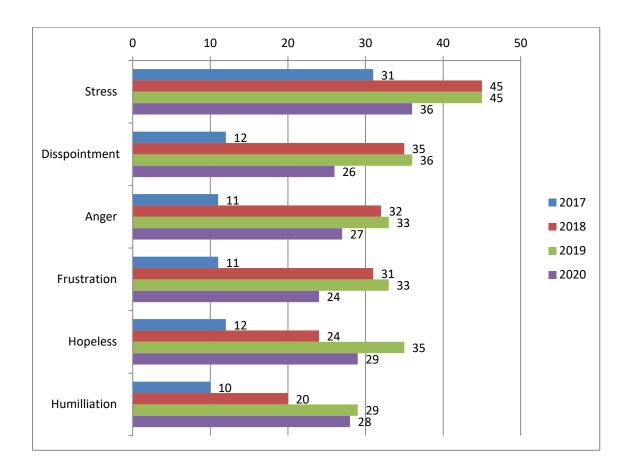


Figure 3 shows the number of clients who experienced stress as a result of the problem and the different forms of emotional stress suffered. In line with the data from the previous two years, in 2020 almost all of the women experienced stress as a result of the domestic violence problem (36 out of 41). The situation throughout the years 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 the last two years. Namely, in 2019 and 2020 there were 70% of the clients that felt hopeless, compared to the previous 2018 (47%) and 2017 (35%). In 2020 a higher proportion of women faced humiliation (28 out of 50) compared to the previous years. Disappointment (26 out of 41), anger (27 out of 41) and frustration (24 out of 41) were the other forms of emotional stress suffered by the women in 2020. 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 in continuity throughout the years, stresses once again 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 2020**

	Poor users	Government 3	NGOs
Costs	1020		
I. Direct costs	578	0	7200
Salaries for the staff			5822
Operational costs			1378
Travel costs for getting the legal advice/information	206		
Court fees for submission and initiation of the court procedure	240		
Costs for getting the court verdict	65		
Costs for experts opinion	0		
Administrative fees	67		
II. Indirect costs	442	0	0
Travel costs for court hearings (attorney and users)			
Travel costs to other institutions			
Opportunity costs – monetary (users)			
Opportunity costs – time (users)			
Child care costs (users)			
Other	442		
Benefits			
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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 $<sup>^3</sup>$  The Government incurs court costs only in the cases where the woman that suffered domestic violence are granted with free legal aid in accordance with the Free Legal Aid Law.



