

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

2017

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. 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 procedure, costs for court verdict, 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.

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 women when approaching the legal system of protection.

Three sources of information were used:

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

COSTING SERVICES OF LEGAL AID CENTER (LAC)

The calculations were based on the actual expenditures for 2017 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: honoraries for LAC's Assistant, Attorney and Psychologist, as well as operational costs. If we do a breakdown of these expenditures¹, 53% are allocated for the honorarium of LAC's assistant, 19% for the attorney, 8% for the psychologist and 20% are operational costs. The total operational cost for 2017 was 589.164 MKD or 49.097 MKD per month. Of the total, 465.504 MKS was for the salaries and 123.660 for operational costs.

If we divide the annual cost of the LAC by the number of clients in 2017 (150), we get a per-client cost of 3.920 MKD.

Table 1. Estimating the cost per client

Ref	Item	Formula	X
A	Budget for legal aid		465.504
B	Clients per year		150
C	Cost per client	A/B	3.100
D	Operational costs		123.660
E	Cost per client	D/B	820
TOTAL cost per client		C+E	3.920

¹ For 2017.

CASE LOGS

Case logs were introduced in the work of ESE’s Legal Aid Center as from April 2017, 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 period from April until the end of 2017 52 case logs were completed.

Table 2. Number of clients incurring different costs in LAC

Type of cost	Number of clients
Client travel	44
Client lost work	1
Client childcare	0
Attorney travel	0
Court initiation	26
Court verdict	0
Expert evidence	0
Administrative fees	2
Other	0
TOTAL	90

Table 2 provides information about the number of clients in relation to the different costs that they incurred. Client’s travel costs are the most common, since 44 out of 52 clients reported this kind of cost. The costs for initiation of the court procedure are the second most common, reported by 26 of the clients of ESE’s LAC. Very few clients reported administrative costs and lost work costs, while there were no documented client childcare costs, costs for court verdict², expert evidence and other. It is important to note that although there were no reported costs for court verdicts, in 50% of the cases a court procedure was initiated. This implies that some of these clients might still have additional costs when attending the court hearings, which are not part of this calculation. More generally this point highlights that some of the cases were ongoing, and the reported costs in these cases probably do not represent the full cost for the client.

² Mainly due to the fact that the initiated court procedures were not finalized yet.

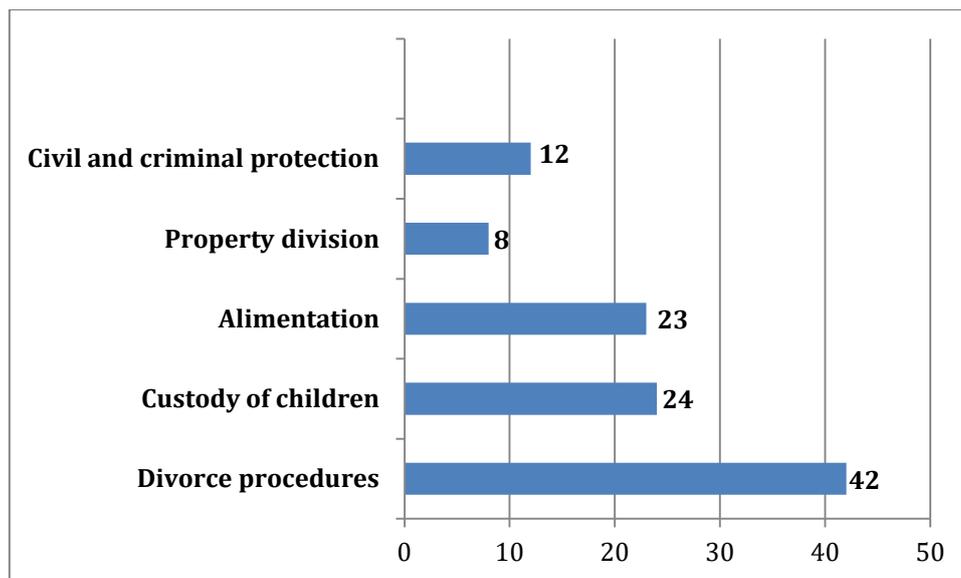
Table 3. Total costs by different types and mean cost per client

Type of cost	Amount of total cost (MKD)	Mean cost per client
Client travel	8.230	158
Client lost work	800	15
Client childcare	0	0
Attorney travel	0	0
Court initiation	21.010	404
Court verdict	0	0
Expert evidence	0	0
Administrative fees	650	13
Other	0	0
TOTAL	49.560	590

Table 3 shows the total costs for 52 clients, and the calculated mean cost per client. The table shows that the highest costs of the women who suffered domestic violence are the costs for initiation of the court procedure with mean cost at 404 MKD, followed by the mean cost for clients travel costs (158), while less often reported were the clients' lost work cost (15 MKD) and administrative fees (13 MKD). Adding together all the means, the total mean cost per client after the calculations is 590 MKD.

Figure 1 shows the legal problems faced by the women who suffered domestic violence. 80% of the clients were facing problems in relation to divorce, and were provided with legal advices and written submissions. More than 50 written submissions were prepared, including 24 law suits, 11 proposals for divorce, 7 requests to the Center for social welfare etc. Almost half of the clients were provided with legal aid and support in procedures related to custody and alimony. 12 clients were informed about the civil and criminal system of protection and proposals for temporary measures of protection were prepared In this regard. This pattern suggests that women who suffer domestic violence generally use divorce as a mechanism to stop the violence. But this data also suggests that there is a need for further promotion of the measures of protection among the general and expert public, and especially the temporary measures of protection as a mechanism for preventing the domestic violence in the country.

Figure 1. Number of clients facing different legal problems



The total number of legal problems faced by the clients was 109, which means that on average each client was provided with legal services for two legal problems. A significant number of cases (30%) involved provision of legal aid for divorce, custody and alimony at the same time.

CLIENT SATISFACTION QUESTIONNAIRE

The client satisfaction from 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, the interviews were conducted by an external person engaged for this purpose. In the beginning of 2018, in total 34 interviews were completed with LAC's beneficiaries. The interviewer was provided with 48 contacts, but parts of the clients were not available or willing to conduct the interviews.

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.

The questions used were adapted from "A Handbook of Measuring the Cost and Quality of Paths to justice".³

Table 4 shows the time that the clients reported the case had taken. It appears that more than two thirds of the beneficiaries of ESE's Legal Aid Center has cases that took less than two weeks of their time. Another four clients had cases of less than three months, and three clients reported that their cases lasted more than a year.

³ Tillburg Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems (ed). 2009. Maklu: Apeldoorn, Antwerpen, Portland.

Table 4. Duration of the cases

Time	No. of beneficiaries
<=2 weeks	25
<=1 month	2
<=3 months	2
> 1 year	3
Not specified	2
TOTAL	34

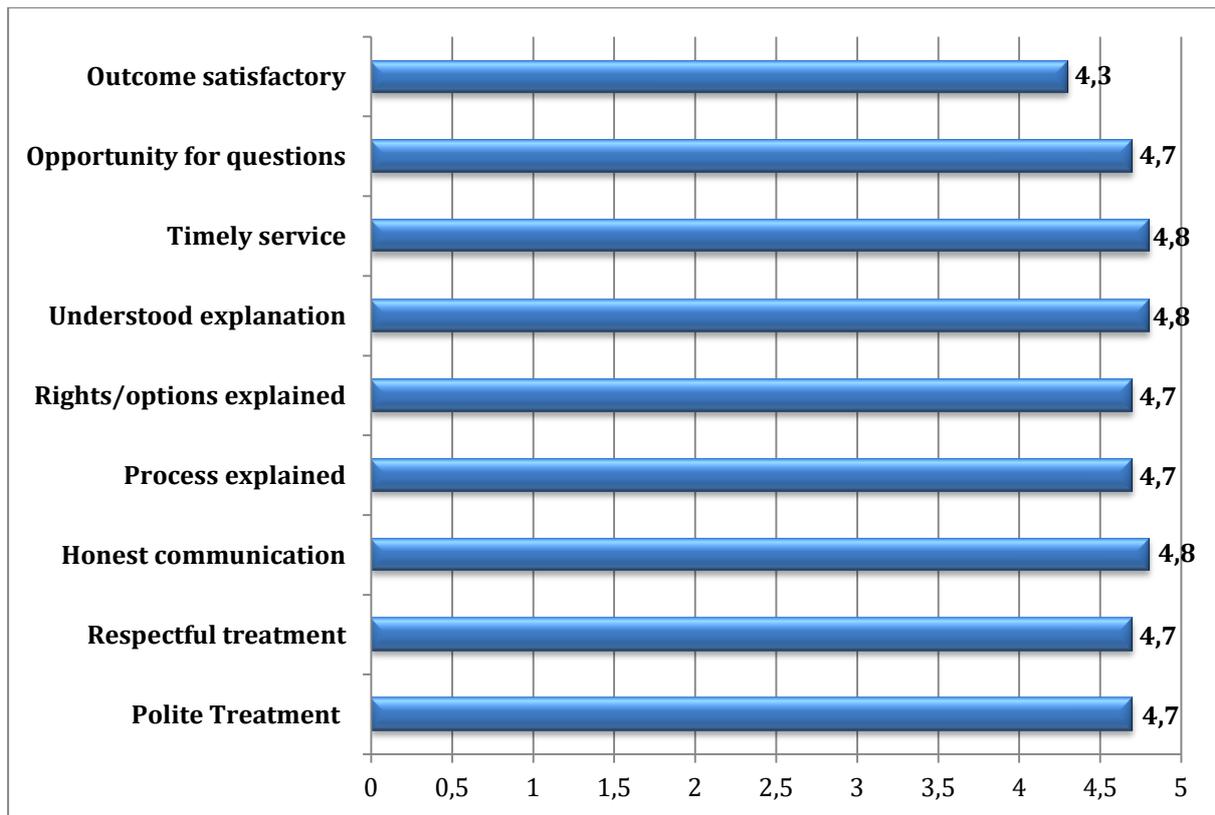
The quality of services provided by ESE was assessed through a separate set of nine questions covering the following aspects: polite treatment; respectful treatment; honest communication; process explained; rights/options explained; understood explanation; timely service; opportunity for questions; and outcome satisfactory.

For quality of service, beneficiaries were asked to rate the above listed aspects with a scale between 1 and 5 as follows:

1. Very small extent or not at all;
2. Small extent
3. Moderate extent
4. Large extent
5. Very large extent.

Figure 2 illustrates the mean ratings of the 34 clients for each of the aspects assessed. A further 14 clients were uncontactable or unwilling to be interviewed. Among the 34, the mean is 4.7 or 4.8 for all the aspects, with the exception of the outcome satisfaction with mean at 4.3. This is the aspect which is least related with the performance of the Legal Aid Center.

Figure 2. Mean rating of different aspects of quality of service



The mean ratings of the first eight aspects are used as measure of the benefit of quality services in the final tables, while the mean rate for satisfaction with the outcome is used a measure for enjoyment of rights. Within the calculations, the mean rates are converted to percentages.

Figure 3 shows the number of clients whose legal problems were finalized. Out of 34 interviewees, 15 reported that their problems were solved and 19 reported that their cases are not yet finalized.

Figure 3. Status of cases

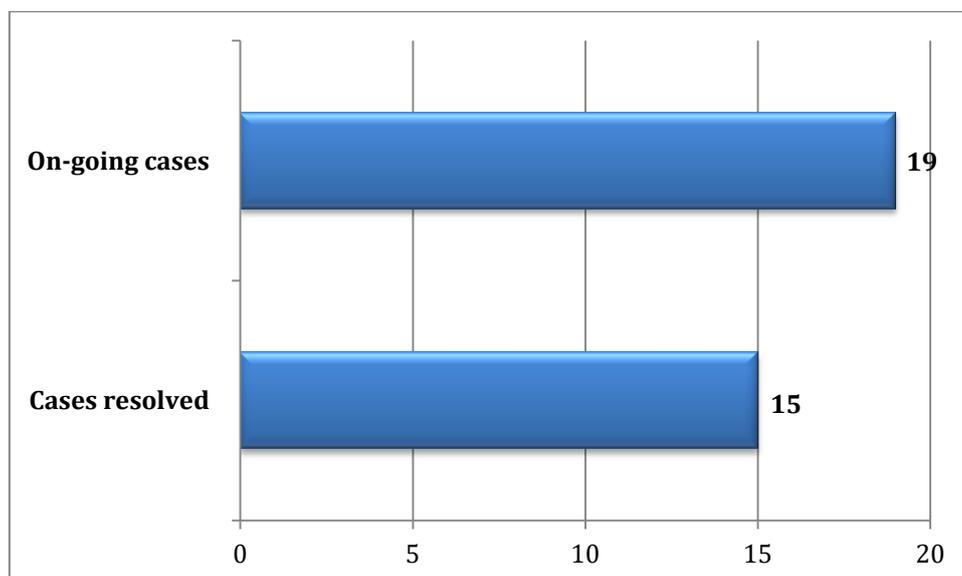
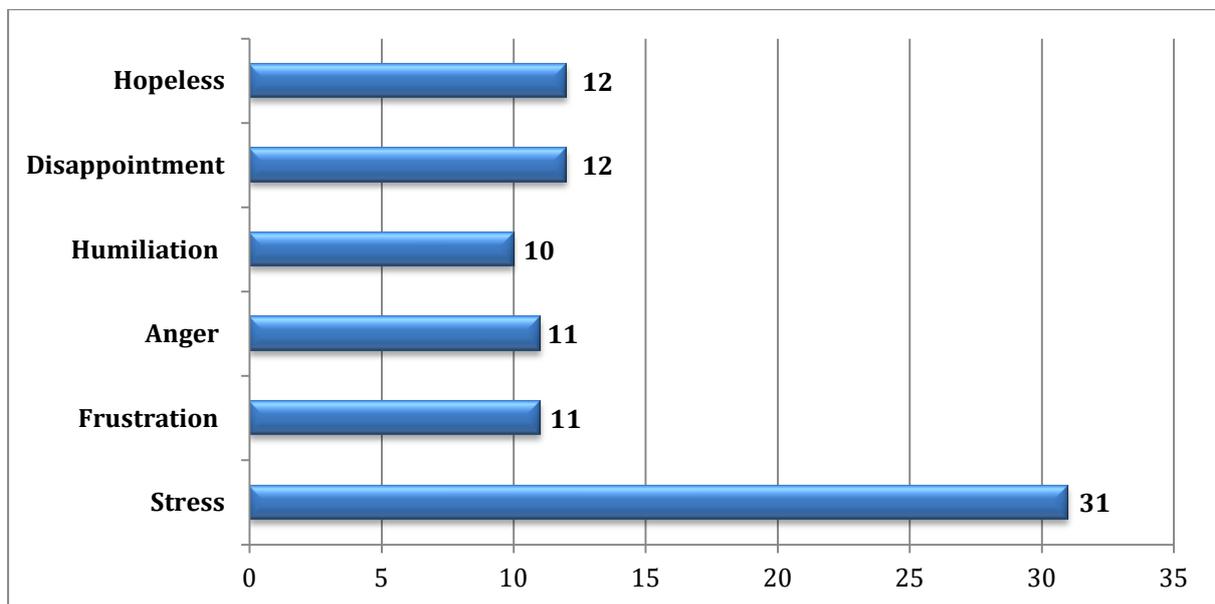


Figure 4 shows the number of clients who experienced each of a number of pre-specified forms of emotion. Almost all the clients (31) reported that they suffered stress as a result of the problem they faced. The number reporting different forms of negative emotions was noticeably lower: frustration (11); anger (11); humiliation (10); disappointment (12); and hopelessness (12). 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, one must notice that still there is a need for improving the institutional response and support in domestic violence cases.

Figure 4. Number of clients experiencing different forms of emotion



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	Poor users	Government	NGOs
Costs	590		
I. Direct costs	575	0	3920
Salaries for the staff			3.100
Operational costs			820
Travel costs for getting the legal advice/information	158		
Court fees for submission and initiation of the court procedure	404		
Costs for getting the court verdict			
Costs for experts opinion			
Administrative fees	13		
II. Indirect costs	15	0	0
Travel costs for court hearings (attorney and users)			
Travel costs to other institutions			
Opportunity costs – monetary (users)	15		
Opportunity costs – time (users)			
Child care costs (users)			
Other			
Benefits			
Access to preliminary legal advice	94%		
Access to court representation			
Access to information about rights	95%		
Enjoyment of rights	86%		
Access to quality services	95%		
Compliance with rights	95%		



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