

Access to justice and legal empowerment of victims of domestic violence through legal organizations in the city of Buenos Aires

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Valorization Addendum

1. Social Relevance

This study walks the reader through the legal framework relevant to explain access to justice and legal empowerment. It presents the voices of relevant actors that participate in the relation between access to justice and the process of legal empowerment. The major social contribution of this study is that it offers the opportunity to understand how people who obtain access to justice perceive their access. It is primarily a journey in the real world, giving policymakers, practitioners, and legal scholars a chance to connect law, policy, and society. Moreover, this study innovates in the application of a methodology mostly used in political science and sociology to a legal phenomenon. This application results in a unique description of the way laws, organizations, and individuals interact as a consequence of the submission of complaints.

This study is relevant for policymakers because they can read the voices of actors and receive concrete recommendations. Recommendations, even when not meant to be conclusive, intend to translate the complexities of the empirical analysis into concrete actions that can be implemented in different jurisdictions. This study is also relevant to policymakers in charge of the design of judicial systems. This study challenges the classic approach to use litigation for conflict resolution, and joins those scholars who stress the need to work with more flexible legal procedures that can incorporate the needs of the parties. Therefore, this study presents concrete and feasible alternatives that can be incorporated in the design of the judicial system to improve the chances of conflict resolution. Domestic violence is a complex problem, and this study gives tools to policymakers to improve the delivery of service based on a better understanding of how victims transit their access to justice. The empirical knowledge gained from this study is therefore relevant for further understanding on how the judicial system can assist to eliminate domestic violence.

Finally, this study is relevant for the further development of empirical legal research. The data collected for this study is socially relevant because it can contribute to answering other research questions in the field of access to justice and legal empowerment. In addition, the interview guides developed in this study and made available in the annexes can also contribute to an application of the study in other jurisdictions, allowing for systematic comparative analysis. These interview guides were developed after considering previous interview guides developed by other scholars and these also can be of further contribution.

2. Target Groups

The analysis is of interest for policymakers, providers, users, and academics. This study is targeted primarily to policymakers in charge of the design of Legal Organizations. The description of legal provisions and analysis of empirical data allow policymakers to gain a deep sense of what aspects of the current system assist victims of domestic violence to use the law as a tool for empowerment. It provides insights

on how providers work within a current organizational design and legal framework, by highlighting the positive and negative elements. The information given can assist in shaping Legal Organization to ensure a delivery of service that contemplates users as their main stakeholders.

This study is also targeted to providers of legal information and advice, and to prosecutors and judges. The systematic analysis on how victims who access to Legal Organizations experience their access gives chances to tune the type of approach to the delivery of legal information and advice, and to think of new innovations within the service that can be implemented to enhance communication and participation of people. Prosecutors and judges may also find this study of interest because it offers an objective view on how people experience the service they delivered. The latter is also meant to create insights on how the delivery of services can be improved in view of the compliance with the law and the satisfaction of parties.

Additionally, this study targets scholars by bridging and connecting disciplines of law, political science, and sociology. That relation is primarily viewed in the developing and application of the theoretical framework and in the methodology used to answer the main research question.

This study is indirectly, but most relevantly, targeted to victims of domestic violence. Ultimately, the main motivation for this study is to deliver evidence that can be used to improve the delivery of justice by placing people at the centre of the research and the policy discourse. Moreover, interviews with victims of domestic violence gave them the chance to make their voices heard.

3. Translation of Results into Concrete Activities

Fieldwork activities undertaken in this study have already contributed to the area of access to justice and legal empowerment. During interviews, providers and victims expressed their ideas and experiences, having the time also to reflect upon them. It was commonly experienced that interviewees appreciated the time to reflect upon the problems they dealt with daily. In addition, the Researcher had the chance to meet with different actors from different countries, from policymakers to lawyers working at different Legal Organizations. This created a good atmosphere in which to share perceptions and an enriching chain of exchange of thoughts and experiences.

This study also adds to the development of ideas to improve the delivery of legal service. The results of this study were presented at the PPO, and they were shared with key civil servants and service providers. The Researcher plans to share the results of this study with policymakers, judges, and prosecutors working at the PPO, at the Ministry of Justice, and at the relevant Legal Organizations currently assisting victims of domestic violence. It is the intention of the Researcher to pursue further communication with policymakers, hence sharing results and assisting in the improvement of access to justice in different jurisdictions.

4. Advancements in the Field

The results of this study are innovative primarily due to the methodology used to answer the research questions. Empirical data is not commonly used in legal writings, and this study allows merging main fields that are independent of each other, but whose relations are not often explored: law, policy, and society. The analysis presented therefore gives elements to assist in the design of Legal Organizations to achieve their social purpose.

Moreover, the way actors were connected is also innovative. Actors participated in the process in an active way thanks to the methods used to collect data. Responsive interviewing techniques allowed for conversations where interviewees shared their accounts after receiving open-ended, non-leading questions. In this sense, interviewees also had the chance to reflect on their own situations and possibilities of action and change.

The theoretical framework developed in this study can be used to understand the relation between access to justice and legal empowerment in different areas of law and different jurisdictions. Further research can be of value to strengthen the external validity of the results of this study. Moreover, the results of this study can contribute to the development of national surveys that could be implemented by governmental or non-governmental organizations to measure to what extent access to justice legally empowers people.

This study also aims to advance understanding on how access to justice works in the region, since there were no national surveys performed to assess legal needs. Countries in other regions that have implemented national surveys were able to use their own results to shape the design of their Legal Organizations and assess policy priorities based on the empirical evidence that showed the necessities of people. Therefore, the results of this study represent a relevant contribution for the region in view of the empirical evidence provided, and the possibilities to use that evidence to develop national surveys.

Finally, the data set collected in Spanish for this study can be of value for further research to deepen on some aspects and to use other methods of assessment. Few data sets are currently available in Spanish, it should be noted. Particularly of interest for the Researcher is to deepen comprehension of what the aspects are that contribute to legal understanding.

5. Application

The study will be available to policymakers, judges, and prosecutors in Argentina, providers at the PPO and OVD, and legal scholars working on access to justice and on legal empowerment worldwide. The results from the study can be used by policymakers to find and select feasible and effective alternatives to contribute to legal empowerment of those who seek access to justice. Consequently, the preliminary results of this study were presented at forums involving scholars and also at

conferences involving representatives of the judiciary and Legal Organizations.¹ The Researcher aims to continue with that global interaction and exposure of the results, since many findings of this study can be of value for other jurisdictions.

Moreover, the study will be available for NGOs working on legal empowerment (e.g. Namati and Open Society Foundations), and may contribute to their initiatives towards legal empowerment of vulnerable groups. International organizations working on the rights of women will also have access to the results of this study (e.g. UN Women). This study can contribute to the understanding of how the judicial system can help women victims of domestic violence. Moreover, it offers evidence from the voices of women on what barriers they normally face to obtain access to justice, and what initiatives can be of value to contribute to an equal access to justice and to the elimination of violence against women.

Corollary, the overall intention is to share lessons from this study and by doing so cooperate in the efforts made by governmental and non-governmental organizations to achieve inclusive forms of access to justice and legal empowerment.

¹ *Access to Justice and Domestic Violence: Expedite and Transparent Services for Victims as Implemented in Argentina (2009-2012)*, 9th LSRC International Research Conference (2012, UK); *Legal Empowerment and Access to Justice in the Eyes of Justice Seekers: A Multijurisdictional Legal-Empirical Study*, MEPLI Talk Series (the Netherlands, 2013); *Tailor-Made Public Policies for Women Victims of Domestic Violence: An Empirical Study on Legislation and Legal Aid Offices in Argentina*, IPSA – AISP 23rd World Congress of Political Science (Canada, 2014); *Access to Legal Aid Offices that Legally Empower Vulnerable Groups: the Case of Buenos Aires, Argentina (2009-2014)*, LSE Social Justice in the Next Century (UK, 2014); *Means to Improve Access to Justice and Legally Empower Victims of Domestic Violence: An Empirical Legal Study on Legislation and Legal Aid Offices in Buenos Aires, Argentina*, 7th IACA Conference (Australia, 2014); *Prioritizing Victims and Conflict Resolution: Welcoming New Legislation in Buenos Aires, Argentina (1994-2013)*, STRAFR Luncheon meeting (the Netherlands, 2014); *Legal Empowerment: A Theoretical Framework*, MGSOG/UNU-MERIT Research Tutorial Session (the Netherlands, 2014); *The New Argentine Civil and Commercial Code: Third-Generation Status as Reflected in Contract Law and Access to Justice Provisions* jointly with Agustín Parise, MEPLI Talk Series (the Netherlands, 2016); *Acceso a Justicia y Empoderamiento Legal: Resultados de Instancias de Investigación en OFAVyT, PPO* (Argentina, 2016); *Acceso a Justicia y Empoderamiento Legal: Las Víctimas de Violencia Doméstica en la Ciudad de Buenos Aires*, Facultad Derecho UBA (Argentina, 2016).