

Denmark

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CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: NIELS VALDEMAR-VINDING

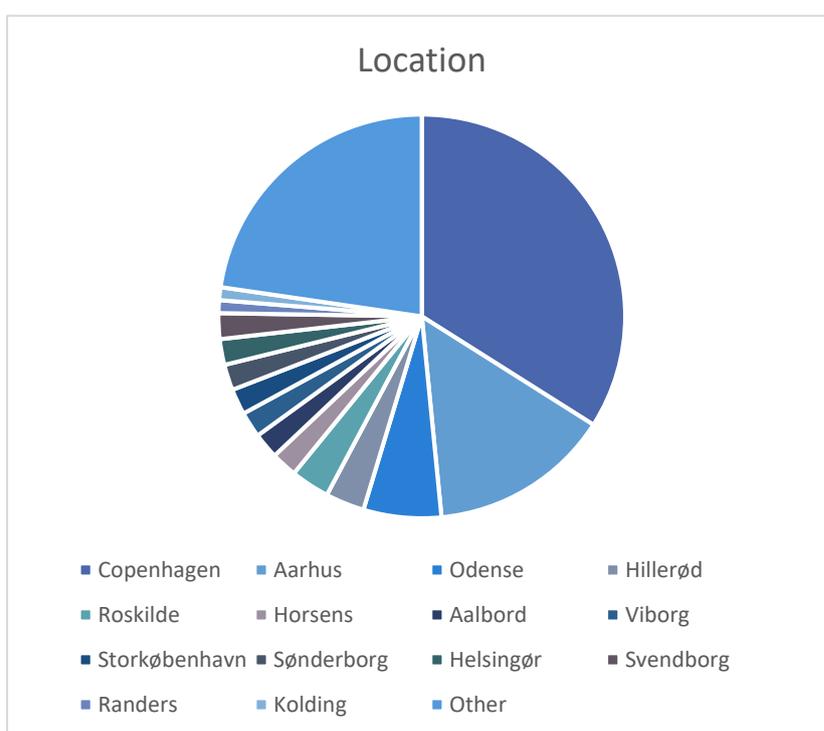
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Sample

There were 229 respondents to the Danish survey, this included 30 Judges (13%), 151 Lawyers (66%), 46 Experts (20%) and 2 Beneficiaries (1%).

Of the 229 respondents, 90% (207) indicated their location, where roughly a third of respondents were from Copenhagen (69, 33%), followed by Aarhus (30, 14%), Odense (12, 6%), Hillerød and Roskilde (6 each, 3%). All the remaining areas received 2% or less.

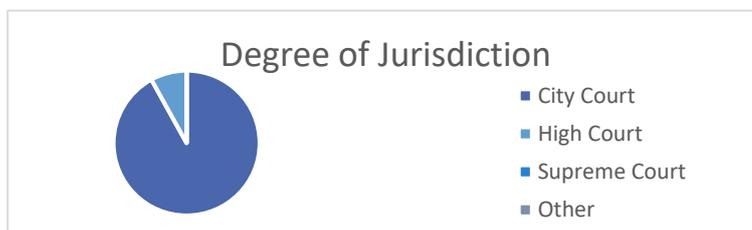
Location	%	Count
Copenhagen	33%	69
Aarhus	14%	30
Odense	6%	12
Hillerød	3%	6
Roskilde	3%	6
Horsens	2%	5
Aalborg	2%	5
Viborg	2%	5
Storkøbenhavn	2%	5
Sønderborg	2%	5
Helsingør	2%	4
Svendborg	2%	4
Randers	1%	3
Kolding	1%	3
Other	22%	45
Total	100%	207



Judges

The most common degree of jurisdiction for Judges was the City Court (24, 92%) followed by the High Court (8%, 2).

Degree of Jurisdiction	%	Count
City Court	92%	24
High Court	8%	2
Supreme Court	0%	0
Other	0%	0
Total	100%	26



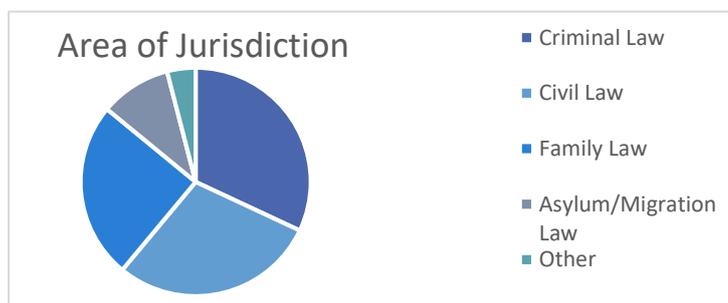
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The most common area of Jurisdiction was Criminal Law (25, 32%), followed by Civil Law (23, 29%), Family Law (20, 25%) and Asylum/Migration Law (8, 10%). For those who selected 'Other' (3, 4%) and specified, one mentioned Enforcement Law and two mentioned Probate Law.

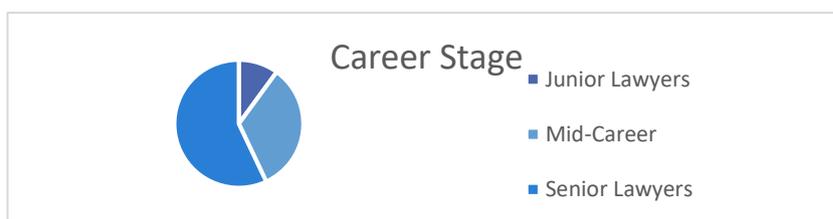
Area of Jurisdiction	%	Count
Criminal Law	32%	25
Civil Law	29%	23
Family Law	25%	20
Asylum/Migration Law	10%	8
Other	4%	3
Total	100%	79



Lawyers

The most common career stage was Senior (82, 57%), followed by Mid-Career (48, 33%), then Junior (15, 10%).

Career Stage	%	Count
Junior Lawyers	10%	15
Mid-Career	33%	48
Senior Lawyers	57%	82
Total	100%	145



The most common area of law practiced in was 'Criminal Law' (72, 18%) followed by 'Family Law' (71, 18%), 'Inheritance Law' (43, 11%), 'Property Law' (29, 7%), 'Contracts and Obligations' (25, 6%), 'Business and Commercial Law' (24, 6%) and 'Other' (23, 6%). All the remaining areas received 4% or less. For those who selected 'Other' and specified, four mentioned insurance law, three indicated mediation, two each for civil law, proactive law, contract law, and leases, then one each for transport law, power supply, social law and international child abduction.

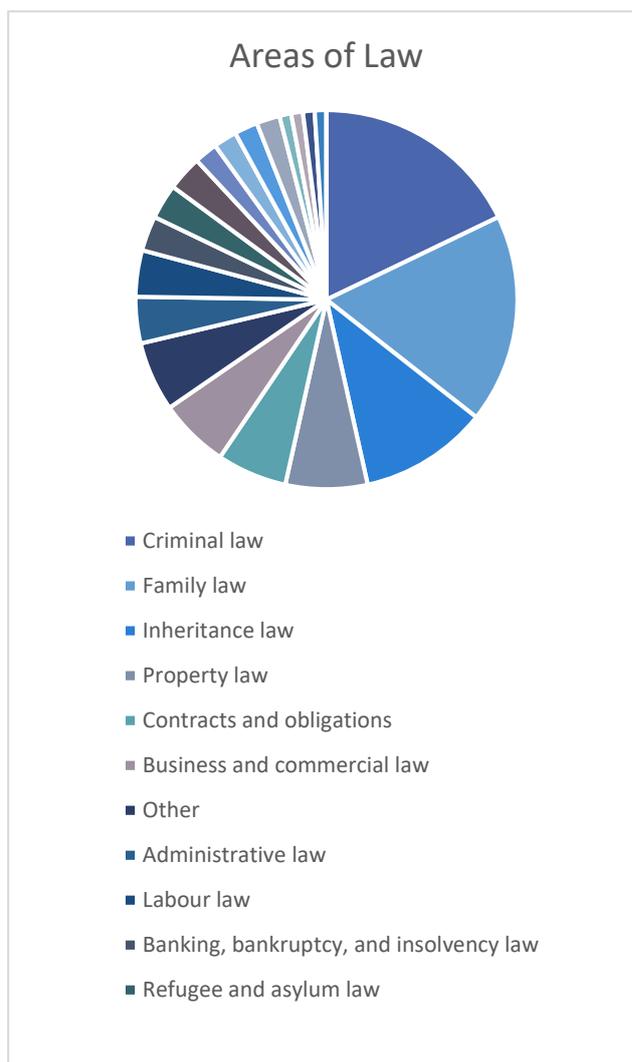


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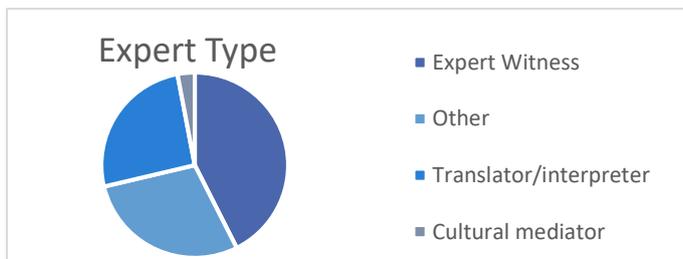
Areas of Law	%	Count
Criminal law	18%	72
Family law	18%	71
Inheritance law	11%	43
Property law	7%	29
Contracts and obligations	6%	25
Business and commercial law	6%	24
Other	6%	23
Administrative law	4%	15
Labour law	4%	15
Banking, bankruptcy, and insolvency law	3%	13
Refugee and asylum law	3%	12
Immigration law	3%	11
Private international law	2%	9
Constitutional law	2%	8
International human rights law	2%	8
Intellectual and patent law	2%	7
European law	1%	4
Environmental law	1%	3
Health law	1%	3
Financial law	1%	2
Medical and bio law	0%	1
Sports law	0%	1
Total	100%	399



Experts

The most common expert type was 'Expert witness' (15, 43%), followed by 'Other' (10, 29%), 'Translator/Interpreter' (9, 26%) and 'Cultural Mediator' (1, 3%). For those who selected 'Other' and specified, three indicated that they were researchers, two were legal experts, two were advisors, one was a journalist, another a consultant for the refugee board, and finally a journalist.

Expert Type	%	Count
Expert Witness	43%	15
Other	29%	10
Translator/interpreter	26%	9
Cultural mediator	3%	1
Total	100%	35



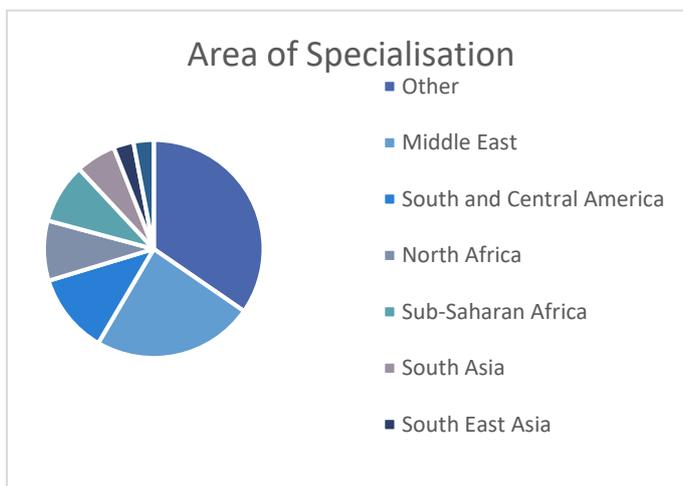
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In terms of area of specialisation, the most common response was 'Other' (12, 35%), followed by 'Middle East' (8, 24%), 'Central and South America' (4, 12%), 'North Africa' (3, 9%), 'Sub-Saharan Africa' (3, 9%) and 'South Asia' (2, 6%). Of those who selected 'Other and specified, three clarified Denmark, one for Eastern Europe, one for the former USSR, one for Japan, one for the Balkans, and another indicating cultural sensitivity and diversity more generally.

Area of Specialisation	%	Count
Other	35%	12
Middle East	24%	8
South and Central America	12%	4
North Africa	9%	3
Sub-Saharan Africa	9%	3
South Asia	6%	2
South East Asia	3%	1
Minority/Indigenous populations in Europe	3%	1
East Asia	0%	0
Total	100%	34



Frequency

Numeric Frequency

When asked about the frequency of their involvement in cases, overall, 26% (9) had provided expert evidence in 'less than 5' cases, 21% (7) clarified 'between 5 and 10 cases', 12% (4) 'between 10 and 20 cases', 3% (1) 'between 20 and 50 cases', and 18% (6) 'between 50 and 100 cases' and 21% (7) clarified 'Other'. Of those that selected 'Other' and specified, three indicated 100 as interpreters, then another several hundred, and one final one at more than 1000. When looking at the break up between written cases and oral evidence, for both there were higher numbers in the 'Less than 5 cases' category (37% and 46% respectively), and also a higher number selecting 'Other' (29% and 26% respectively). In clarifying 'Other' with regards to written reports, five indicated none, and three clarified that they had presented written translations. For oral evidence, two indicated more than 100, while the others clarified that they had not given oral evidence.

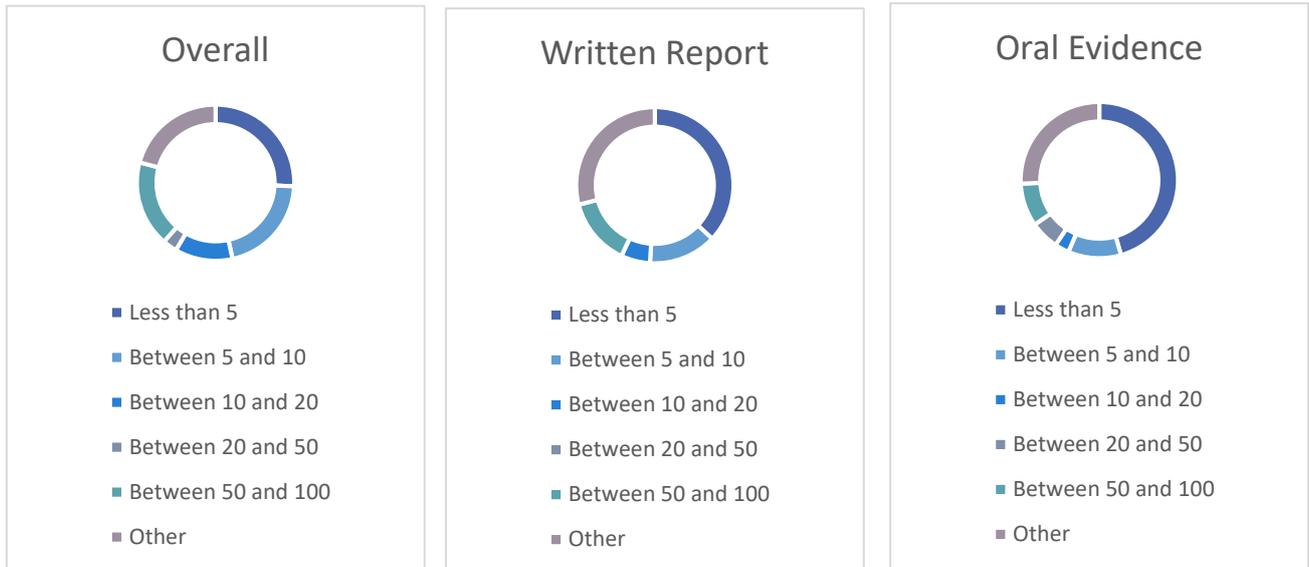
Number of cases	How many cases have you provided expert evidence/translation/mediation services for?		For how many cases have you provided only a written report?		For how many cases have you provided only oral evidence?	
	%	Count	%	count	%	count
Less than 5	26%	9	37%	13	46%	16
Between 5 and 10	21%	7	14%	5	11%	4
Between 10 and 20	12%	4	6%	2	3%	1
Between 20 and 50	3%	1	0%	0	6%	2
Between 50 and 100	18%	6	14%	5	9%	3
Other	21%	7	29%	10	26%	9
Total	100%	34	100%	35	100%	35



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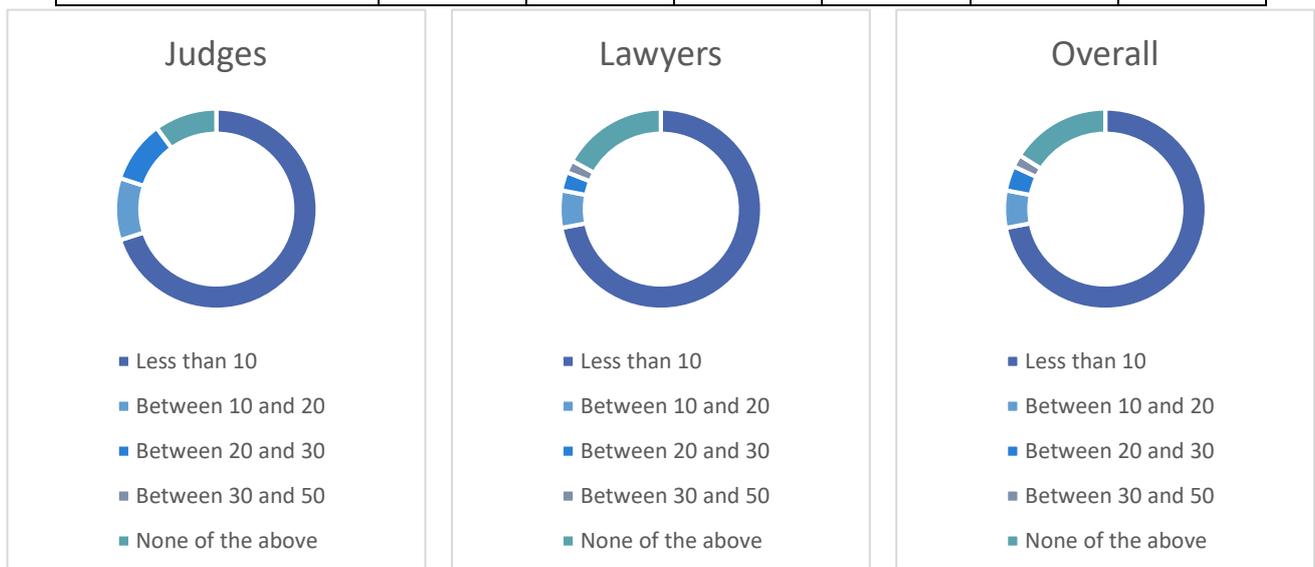
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When Judges and Lawyers were asked about the number of cases that they were involved in, overall 72% (104) indicated that they had been involved in 'less than 10' cases, 6% (9) had been involved in 'between 10 and 20 cases', 4% (6) in 'between 20 and 30 cases', and 2% (3) in 'between 30 and 50 cases'. Finally, 16% (23) responded with none of the above. Of those that specified 17 indicated that they had not been involved in any, and three indicated numbers but clarified that these cases only involved interpreters, but not other types of experts.

Number of cases	Judges		Lawyers		Totals	
	%	Count	%	Count	%	Count
Less than 10	70%	14	72%	90	72%	104
Between 10 and 20	10%	2	6%	7	6%	9
Between 20 and 30	10%	2	3%	4	4%	6
Between 30 and 50	0%	0	2%	3	2%	3
None of the above	10%	2	17%	21	16%	23
Totals	100%	20	100%	125	100%	145



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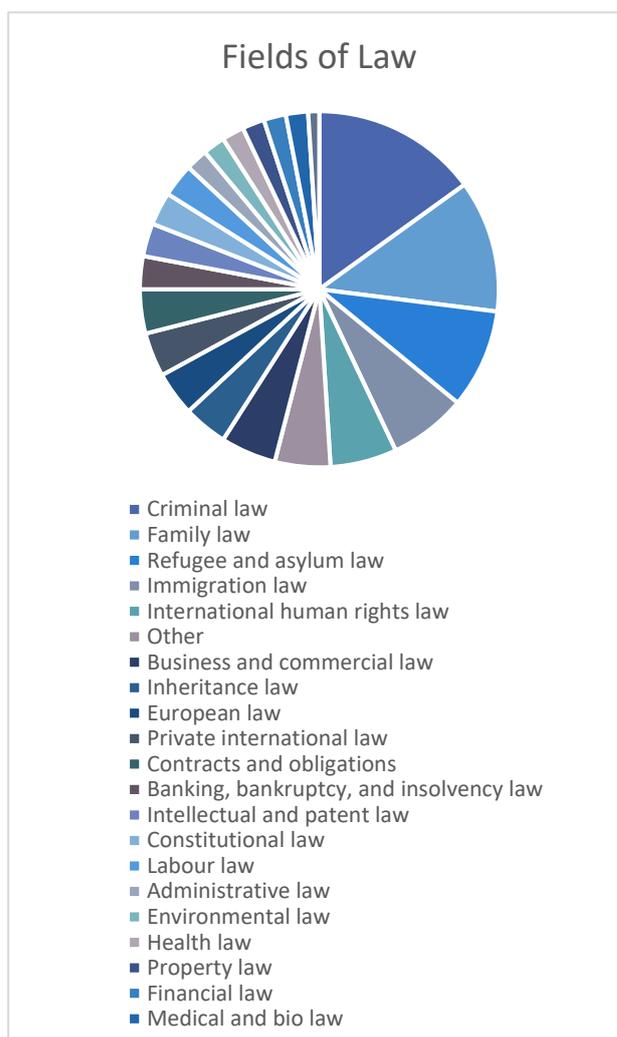
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There were no responses to regarding the frequency of the beneficiaries' use of the services of an expert.

Fields of law

The most common field of law where cultural expertise is used was 'Criminal Law' (66, 15%) followed by 'Family Law' (55, 12%), 'Refugee and Asylum Law' (41, 9%), 'Immigration Law' (30, 7%), 'International Human Rights Law' (27, 6%) and 'Other' and 'Business and Commercial Law' (5%, 24 and 21 respectively). All the remaining areas received 4% or less. For those who selected 'Other' and specified, ten indicated that they did not know, other individual responses included insurance law, mediation, deportation cases and corporate law and corporate governance.

Fields of Law	%	Count
Criminal law	15%	66
Family law	12%	55
Refugee and asylum law	9%	41
Immigration law	7%	30
International human rights law	6%	27
Other	5%	24
Business and commercial law	5%	21
Inheritance law	4%	20
European law	4%	19
Private international law	4%	19
Contracts and obligations	4%	17
Banking, bankruptcy, and insolvency law	3%	14
Intellectual and patent law	3%	13
Constitutional law	3%	12
Labour law	3%	12
Administrative law	2%	11
Environmental law	2%	10
Health law	2%	10
Property law	2%	10
Financial law	2%	9
Medical and bio law	2%	9
Sports law	1%	6
Total	100%	455



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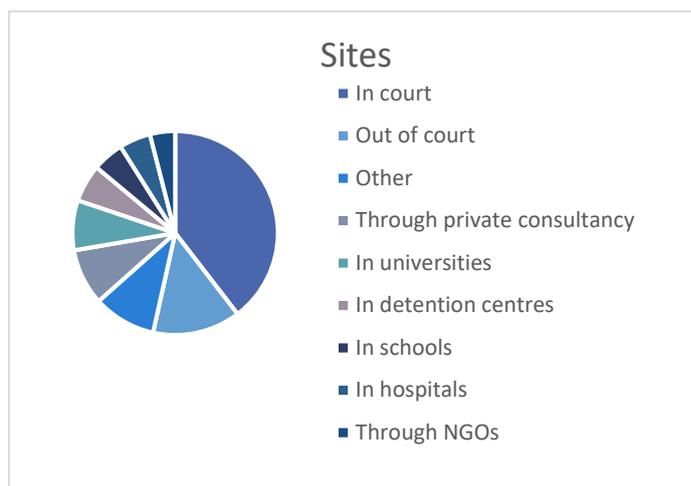
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Sites

Regarding the sites of cultural expertise, the most common site was 'In Court' (73, 40%) followed by 'Out of Court' (25, 14%), then 'Other' (18, 10%), 'Through Private Consultancy' (16, 9%), 'In Universities' (15, 8%), and 'In Detention Centres' (11, 6%), with the remaining areas receiving 5% or less. For those who selected 'Other' and specified, all but two indicated that they did not know, of those two, one indicated the immigration service and the other the municipalities.

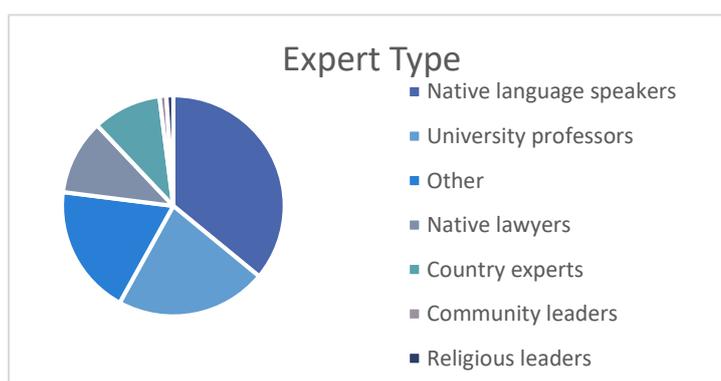
Sites	%	Total
In court	40%	73
Out of court	14%	25
Other	10%	18
Through private consultancy	9%	16
In universities	8%	15
In detention centres	6%	11
In schools	5%	10
In hospitals	5%	9
Through NGOs	4%	7
Total	100%	184



Typology of Experts

The most common expert type was Native Language Speakers (52, 36%), followed by University Professors (32, 22%), then 'Other' (28, 19%), Native Lawyers (16, 11%), Country Experts (14, 10%) and Community Leaders and Religious Leaders (2 each, 1%). For those selected 'Other' and specified, thirteen indicated that none were used or that they did not know, two specified experts on children, two interpreters, and one each for doctors, psychologists and engineers.

Expert Type	%	Count
Native language speakers	36%	52
University professors	22%	32
Other	19%	28
Native lawyers	11%	16
Country experts	10%	14
Community leaders	1%	2
Religious leaders	1%	2
Total	100%	146



When asked what disciplines these experts came from, more than half indicated 'Law' (25, 52%), followed by 'Sociology' (7, 15%), 'Linguistics' (5, 10%) and 'Anthropology', 'Political Science' and 'Other' all on 6% each (3). Of the three who selected 'Other', one specified medicine, another economics and a final respondent indicated that they did not know.

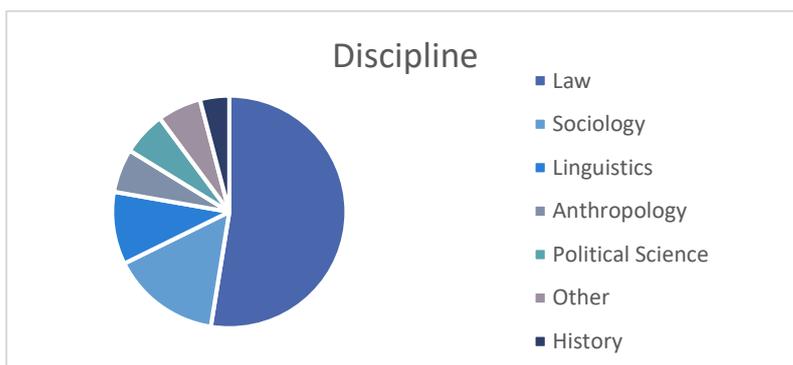


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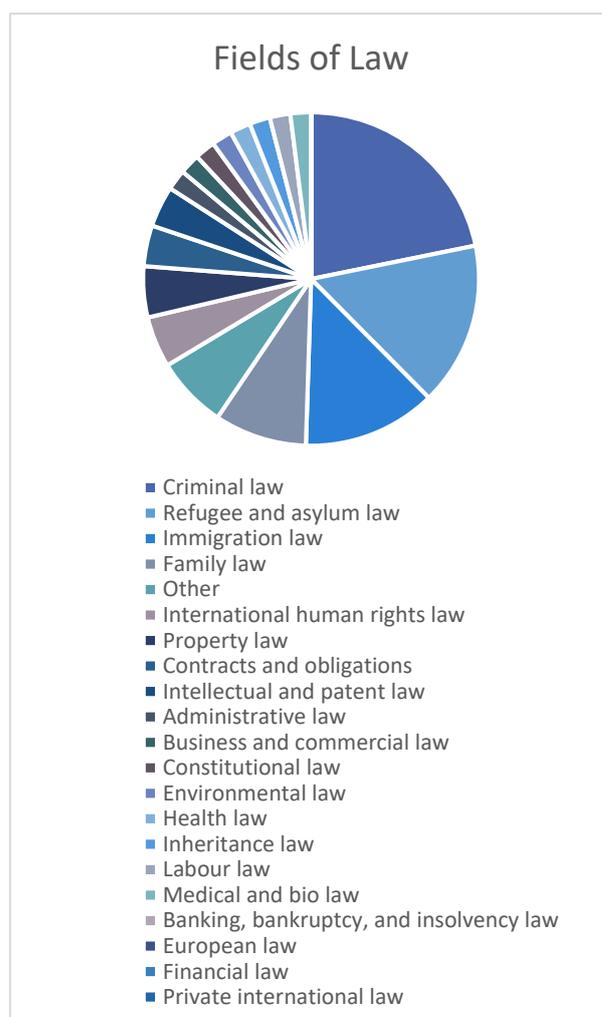
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Discipline	%	Count
Law	52%	25
Sociology	15%	7
Linguistics	10%	5
Anthropology	6%	3
Political Science	6%	3
Other	6%	3
History	4%	2
Total	100%	48



In terms of fields of law where experts have provided expertise, 'Criminal Law' was the most common response (12, 22%), followed by 'Refugee and Asylum Law' (9, 16%), 'Immigration Law' (7, 13%), 'Family Law' (5, 9%), 'Other' (4, 7%), and 'International Human Rights Law' and 'Property Law' each on 5% (3). For those who selected 'Other' and specified, two indicated contract law, one corporate law and corporate governance, and finally Balkan history.

Fields of Law	%	Count
Criminal law	22%	12
Refugee and asylum law	16%	9
Immigration law	13%	7
Family law	9%	5
Other	7%	4
International human rights law	5%	3
Property law	5%	3
Contracts and obligations	4%	2
Intellectual and patent law	4%	2
Administrative law	2%	1
Business and commercial law	2%	1
Constitutional law	2%	1
Environmental law	2%	1
Health law	2%	1
Inheritance law	2%	1
Labour law	2%	1
Medical and bio law	2%	1
Banking, bankruptcy, and insolvency law	0%	0
European law	0%	0
Financial law	0%	0
Private international law	0%	0
Sports law	0%	0
Total	100%	55



Modalities

Appointment of Experts

The most common factor to influence the appointment of an expert was the client's request (23%, 63), followed by the law allowing the instruction of experts (14%, 38), then cost (11%, 29), the reputation of the expert (9%, 25), time (8%, 22), the court being keen to hear cultural arguments (7%, 20), that experts facilitate successful legal outcomes (7%, 18), with all remaining responses receiving 6% or less. Of those who selected other (5%, 13), and specified, ten indicated that they did not know, one clarified that this role is usually played by interpreters, and one highlighted that it is highly unusual to have experts present on matters of culture.

Factor	%	Count
Client/ Defendant/ Claimant/ Applicant's request	23%	63
The law allows the appointment/instruction of experts	14%	38
Cost	11%	29
The reputation of the expert	9%	25
Time	8%	22
The court is keen to hear cultural arguments	7%	20
Experts facilitate successful legal outcomes	7%	18
Expertise can also be used for an out of court settlement	6%	17
The court/ prosecutor/ government authorities have already appointed their expert	6%	16
The appointment/ instruction of experts is advised by the court	5%	14
Other	5%	13
Total	100%	275



Experts are most commonly chosen due to their competence (24%, 44), followed by it being the client's choice (17%, 30), then from expert registers in law courts (14%, 26), based on the reputation of the expert (13%, 24), from professional expert registers (12%, 22), other (9%, 17), the balance between competence and cost (7%, 12) and finally due to the convenience of an hourly quote (3%, 6). Of those who selected other and specified, five indicated that they did not know, two specified that they were interpreters, two were chosen from lists or industry organisations and one was picked due to the concreteness of their assessment.

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Reason	%	Count
Competence	24%	44
Litigant/ Applicant/ Defendant/ Claimant's choice	17%	30
From expert registers at law courts	14%	26
Reputation of expert	13%	24
From professional expert registers	12%	22
Other	9%	17
Balance between competence and cost	7%	12
Convenient hourly quote	3%	6
Total	100%	181

Choice of appropriate expert



- Competence
- Litigant/Applicant/Defendant/Claimant's choice
- From expert registers at law courts
- Reputation of expert
- From professional expert registers
- Other
- Balance between competence and cost
- Convenient hourly quote

Most experts started to give expert opinions by being contacted by a lawyer (36%, 10), followed by other (25%, 7), then having been contacted by a court (11%, 3), a government authority (11%, 3), being referred by a colleague (11%, 3) and having been contacted directly by the applicants (7%, 2). Of those who selected other and specified, two were interpreters that were included on the National Police's interpreters list and contacted from there, one was contacted by a UN agency, one by social services, and one by a journalist.

Answer	%	Count
I was contacted by a lawyer	36%	10
Other	25%	7
I was contacted by a court	11%	3
I was contacted by a government authority	11%	3
A colleague referred me	11%	3
I have been directly contacted by litigants/ applicants/ defendants/ complainants	7%	2
Total	100%	28

Reasons for starting to provide expert opinions



- I was contacted by a lawyer
- Other
- I was contacted by a court
- I was contacted by a government authority
- A colleague referred me
- I have been directly contacted by litigants/ applicants/ defendants/ complainants

Most experts are instructed by lawyers (27%, 7), followed by courts (22%, 14), then directly by applicants (22%, 14), by a ministry (20%, 13), 'other' (6%, 4) and then by working as an expert for an NGO (3%, 2). Of those who selected 'other' and specified, one was instructed by a lawyer in various cases, another by journalists, and one was contacted for a medical opinion.



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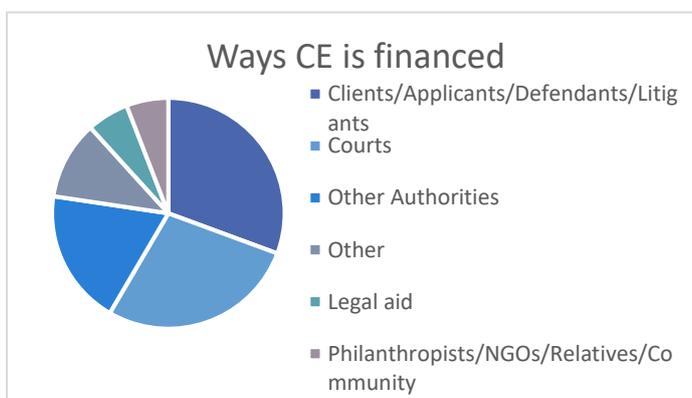
Field	%	Count
I have been instructed/appointed as expert by several lawyers who contact me as the need arises	27%	17
I have been instructed/appointed by courts	22%	14
I was contacted directly by the litigants/ applicants/ defendants/ complainants	22%	14
I have been instructed/appointed by a ministry or other equivalent authority	20%	13
Other	6%	4
I work as an expert for an NGO	3%	2
Total	100%	64



Cost of Cultural Expertise

Cultural expertise is most commonly financed by clients (31%, 42), followed by courts (28%, 38), then by other authorities (19%, 26), other (11%, 15), by legal aid (6%, 8) and by philanthropists/ NGOs/ Relatives/ Community (6%, 8). Of those who selected 'other' and specified, six did not know, and there was one response each for: they are not paid, it depends on the situation, they are paid by the clients, they are paid through taxes, and that they are paid through the courts. One respondent indicated that they are paid by the clients in civil cases and by the treasury in criminal cases.

Answer	%	Count
Clients/ Applicants/ Defendants/ Litigants	31%	42
Courts	28%	38
Other Authorities	19%	26
Other	11%	15
Legal aid	6%	8
Philanthropists/ NGOs/ Relatives/ Community	6%	8
Total	100%	137



Experts were most commonly remunerated by being paid at a standard hourly rate (48%, 14), followed by working on a voluntary basis (31%, 9), then 'other' (14%, 4), and being paid a set price per report (7%, 2). Of those who selected 'other' and specified, one indicated that it depends on the task, another that they work as a freelancer, and finally one that completes this work as part of a salaried position.



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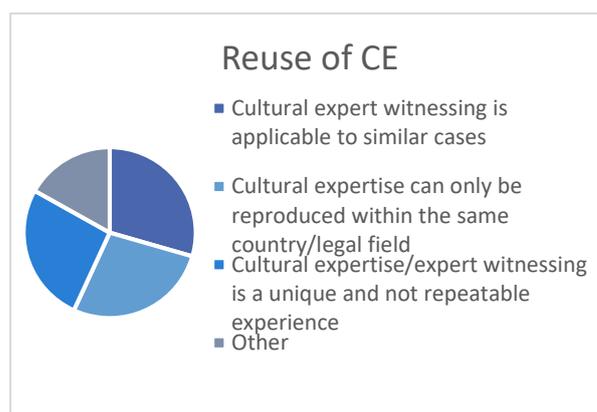
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Answer	%	Count
I am paid at a standard hourly rate	48%	14
I am not paid, I have been doing this work on a voluntary basis	31%	9
Other	14%	4
I am paid at a set price per report	7%	2
Total	100%	29



When asked whether cultural expertise could be reused, the most common response was that it could be reused in similar cases (29%, 28), followed by that it can only be reproduced in the same country/ legal field (27%, 26), then that it is a unique and not repeatable experience (26%, 25) and other (17%, 16). Of those who selected other and specified, three indicated that it can never be reused, three did not know, two specified that reuse wasn't applicable in their area of law and two clarified that it really depended on the context.

Answer	%	Count
Cultural expert witnessing is applicable to similar cases	29%	28
Cultural expertise can only be reproduced within the same country/ legal field	27%	26
Cultural expertise/ expert witnessing is a unique and not repeatable experience	26%	25
Other	17%	16
Total	100%	95



Impact

Components of Impact

The components of expert opinions most likely to have an impact are the use of reliable sources of contents (23%, 44), followed by stringent conclusions (14%, 27), then the reputation of the experts (11%, 21), first-hand experience (10%, 19), style (10%, 19), a quantitative assessment of risk (10%, 18), the use of statistics (8%, 16), advocacy (6%, 11), remuneration of experts (5%, 9) and other (3%, 5). Of those who selected 'other' and specified, two indicated that they did not know, two that it depends on the particular case or context and finally that this is very hard to evaluate.



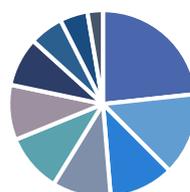
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Field	%	Count
Reliable sources of contents	23%	44
Stringent conclusions	14%	27
Reputation of the experts	11%	21
First-hand experience	10%	19
Style	10%	19
Quantitative assessment of risk	10%	18
Use of statistics	8%	16
Advocacy	6%	11
Remuneration of experts	5%	9
Other	3%	5
Total	100%	189

Elements most likely to have an impact



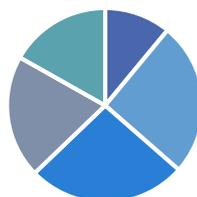
- Reliable sources of contents
- Stringent conclusions
- Reputation of the experts
- First hand experience
- Style
- Quantitative assessment of risk
- Use of statistics
- Advocacy
- Remuneration of experts
- Other

Usefulness

The most common response to whether participants had found cultural expertise useful was 'moderately useful' (26%, 36), followed by 'very useful' (26%, 35), then 'slightly useful' (20%, 28), 'not useful at all' (17%, 23) and 'extremely useful' (11%, 15).

Answer	%	Count
Extremely useful	11%	15
Very useful	26%	35
Moderately useful	26%	36
Slightly useful	20%	28
Not at all useful	17%	23
Total	100%	137

Usefulness

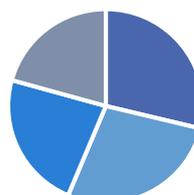


- Extremely useful
- Very useful
- Moderately useful
- Slightly useful
- Not at all useful

There was no strong consensus as to the domains in which cultural expertise was useful, with 19% (25) indicating that it was more useful in criminal law rather than civil law, 28% (24) choosing 'other', 23% (20) clarifying that it is more useful in civil law than in criminal law, and 21% (18) specifying that it is more useful in immigration law. Of those who selected 'other' and specified, eight indicated that they did not know, three specified family law, one clarified social law, one specified both criminal and civil law, and finally one respondent clarified that it depends on the specific nature of the case.

Answer	%	Count
Cultural expertise is more useful in criminal law than in civil law	29%	25
Cultural expertise is most useful in... (other)	28%	24
Cultural expertise is more useful in civil law than in criminal law	23%	20
Cultural expertise is most useful in immigration law	21%	18
Total	100%	87

Domains where CE is most useful



- Cultural expertise is more useful in criminal law than in civil law
- Cultural expertise is most useful in...
- Cultural expertise is more useful in civil law than in criminal law
- Cultural expertise is most useful in immigration law



CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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Competitiveness

Almost half of experts believed that their services were competitive due to their competence (46%, 16), followed by their reputation (29%, 10), then their convenient hourly quote (9%, 3), the balance between competence and cost (9%, 3) and other (9%, 3). Of those who selected other and specified, one indicated that competitiveness is not a relevant consideration for them as they work for free, and another indicated that this question was not applicable to them.

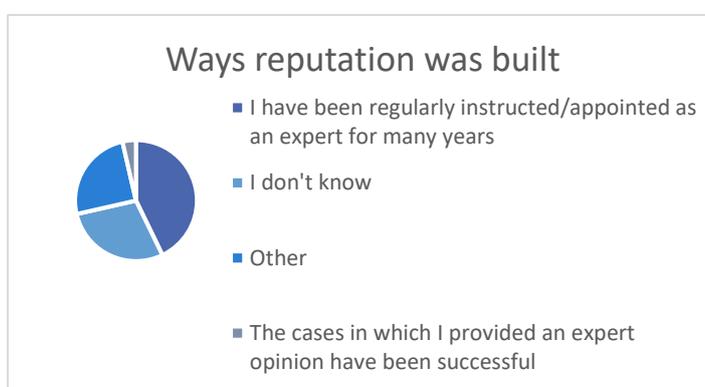
Answer	%	Count
Competence	46%	16
My reputation	29%	10
Convenient hourly quote	9%	3
Balance between competence and cost	9%	3
Other	9%	3
Total	100%	35



Reputation of Experts

Experts most frequently build their reputations by being regularly instructed or appointed as an expert (43%, 12), followed by indicating that they did not know (29%, 8), then other (25%, 7), and finally one response indicating that they cases that they had provided an expert opinion in were successful. Of those who selected other and specified, two indicated that they were interpreters, one clarified their general professionalism, and two indicated their reputations as researchers/scientists.

Answer	%	Count
I have been regularly instructed/appointed as an expert for many years	43%	12
I don't know	29%	8
Other	25%	7
The cases in which I provided an expert opinion have been successful	4%	1
Total	100%	28

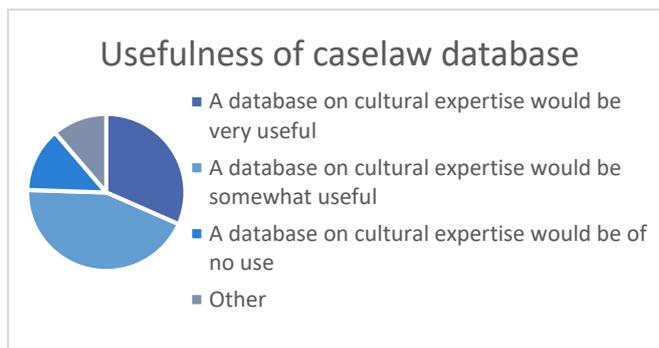


Improved Access

Database

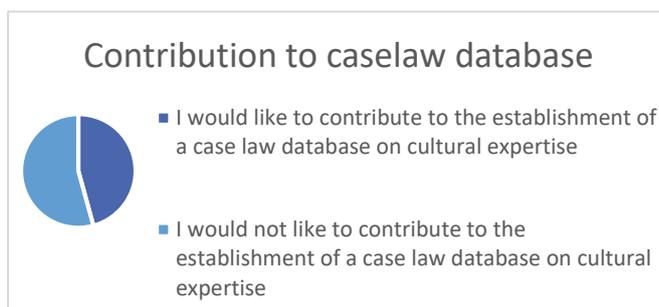
Regarding the usefulness of a database on cultural expertise, the most common response was that a database would be somewhat useful (44%, 43), followed by very useful (32%, 31), then of no use (13%, 13), and other (11%, 11). Of those who selected other and specified, four did not know, two were strongly against the idea of a database and one indicated that it was generally a good idea, but had concerns that it may lead to stereotyping and essentialist approaches.

Answer	%	Count
A database on cultural expertise would be very useful	32%	31
A database on cultural expertise would be somewhat useful	44%	43
A database on cultural expertise would be of no use	13%	13
Other	11%	11
Total	100%	98



When asked as to whether respondents would be interested in contributing to a case law database on cultural expertise, just over half indicated that they would not be interested (54%, 32), with the remainder indicated that they would (46%, 27).

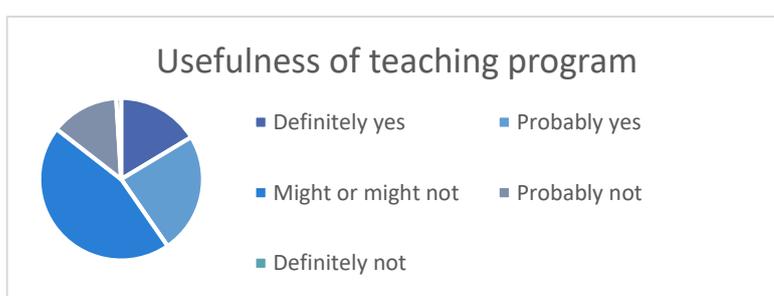
Answer	%	Count
I would like to contribute to the establishment of a case law database on cultural expertise	46%	27
I would not like to contribute to the establishment of a case law database on cultural expertise	54%	32
Total	100%	59



Capacity Building

With regards to the usefulness of a teaching program, almost half were uncertain selecting 'might or might not' (45%, 47), with the next most common response being 'probably yes' (24%, 25), then 'definitely yes' (16%, 17), 'probably not' (13%, 14) and 'definitely not' (1%, 1).

Answer	%	Count
Definitely yes	16%	17
Probably yes	24%	25
Might or might not	45%	47
Probably not	13%	14
Definitely not	1%	1
Total	100%	104



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The most common response to the question regarding the interest in teaching cultural expertise was that respondents knew of educational institutions that may be interested (42%, 14), followed by being interested in teaching cultural expertise themselves (30%, 10), then knowing professional organisations that might be interested (18%, 6) and other (9%, 3). Of those who selected other and specified, all three indicated that they did not know.

Answer	%	Count
I know of schools, universities or organisations that may be interested in teaching cultural expertise	42%	14
I know of professional organisations that may be interested in capacity building on the use of cultural expertise	18%	6
I would be interested in teaching cultural expertise	30%	10
Other	9%	3
Total	100%	33

