

Finland

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

PI: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: NOORA ARAJÄRVI

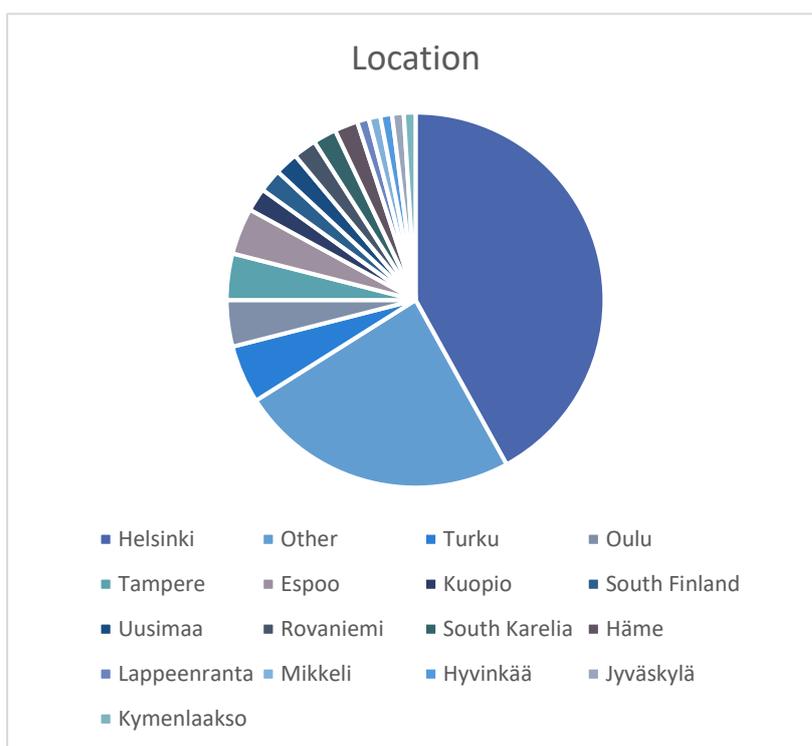
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Sample

In total there were 210 respondents to the Finnish survey. This number included 68 Judges (32%), 23 Lawyers (11%), 111 Experts (53%) and 8 Beneficiaries (4%).

Of the 210 respondents, 168 (80%) responded indicating their location. The most common location given was Helsinki (42%, 70), followed by Turku (5%, 8), Oulu (4%, 7), Tampere (4%, 7), Espoo (4%, 6), then Kuopio (2%, 4) and South Finland (2%, 4). The remaining locations listed were selected by less than 3 respondents.

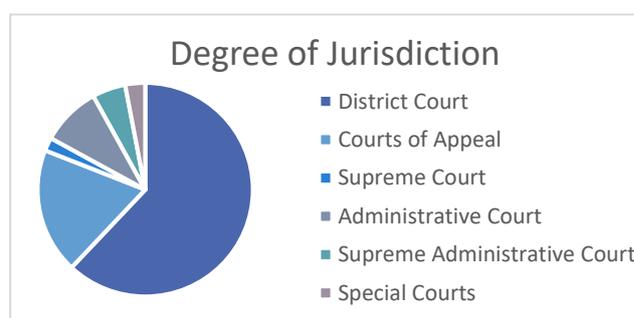
Location	%	Count
Helsinki	42%	70
Other	24%	40
Turku	5%	8
Oulu	4%	7
Tampere	4%	7
Espoo	4%	6
Kuopio	2%	4
South Finland	2%	4
Uusimaa	2%	3
Rovaniemi	2%	3
South Karelia	2%	3
Häme	2%	3
Lappeenranta	1%	2
Mikkeli	1%	2
Hyvinkää	1%	2
Jyväskylä	1%	2
Kymenlaakso	1%	2
Total	100%	168



Judges

58 Judges responded to the question regarding their degree of jurisdiction, with 62% (36) responding District Court, 19% (11) Courts of Appeal, 9% (5) Administrative Court, 3% (2) Special Courts, and 2% (1) Supreme Court.

Degree of Jurisdiction	%	Count
District Court	62%	36
Courts of Appeal	19%	11
Supreme Court	2%	1
Administrative Court	9%	5
Supreme Administrative Court	5%	3
Special Courts	3%	2
Total	100%	58



In terms of area of jurisdiction, most Judges reported being involved in Civil Law (32%, 44), followed by Criminal Law (30%, 42), Family Law (22%, 30), then Other (9%, 12) and finally Asylum/ Migration Law



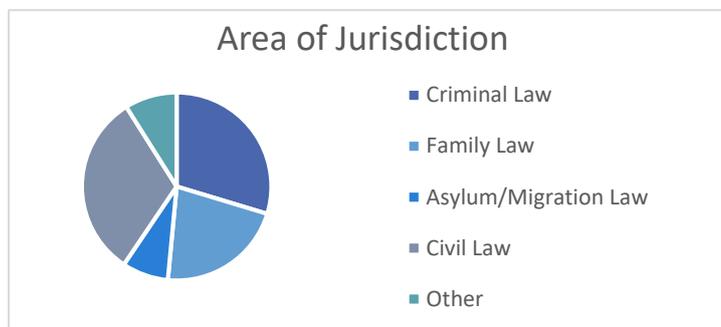
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(8%,11). For those who selected 'Other' and specified, two indicated Administrative Law, two Insolvency Law, and one each for Land Law, Environmental Protection, and Inheritance Law.

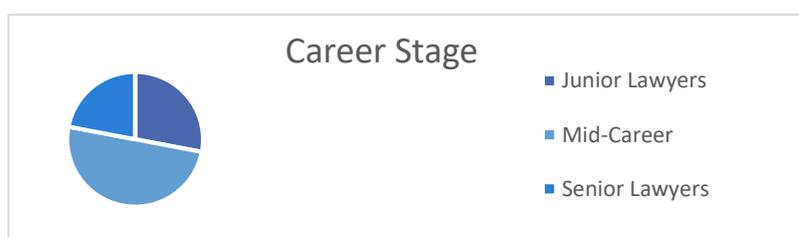
Area of Jurisdiction	%	Count
Criminal Law	30%	42
Family Law	22%	30
Asylum/Migration Law	8%	11
Civil Law	32%	44
Other	9%	12
Total	100%	139



Lawyers

In terms of career stage, half of the responding Lawyers identified as Mid-Career (50%, 9), 28% (5) as Junior Lawyers, and 22% (4) as Senior Lawyers.

Career Stage	%	Count
Junior Lawyers	28%	5
Mid-Career	50%	9
Senior Lawyers	22%	4
Total	100%	18



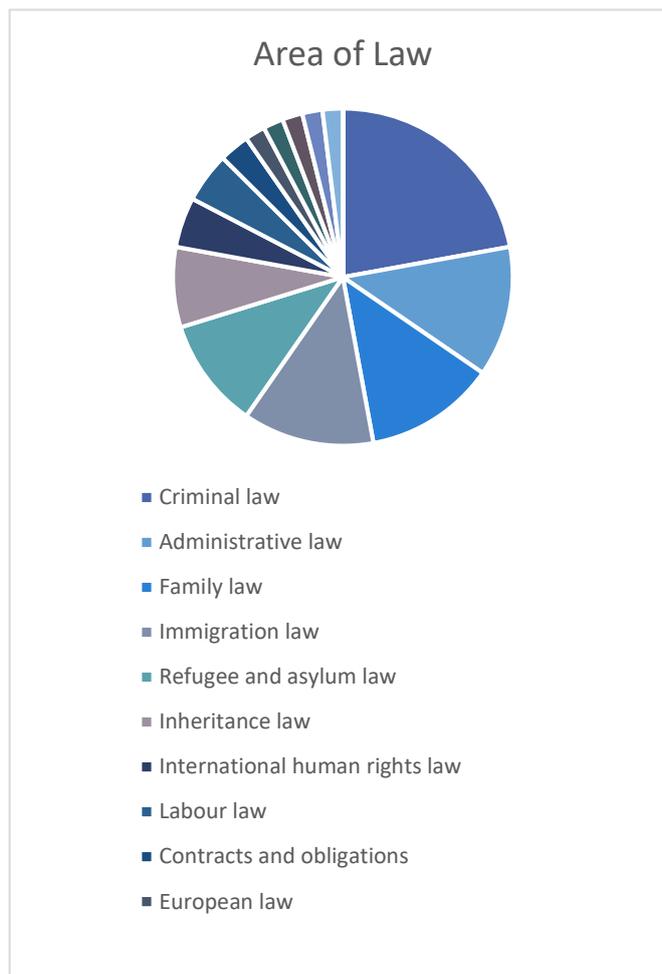
With regards to the Areas of law practiced in, Criminal Law was the most common response accounting for almost one quarter (23%, 15), followed by, Administrative Law, Family Law and Immigration Law (13%, 5 each). Refugee and Asylum Law (11%, 7) was next followed by Inheritance Law (8%, 5), then International Human Rights Law and Labour Law (5%, 3 each). All the remaining areas received less than 5%.

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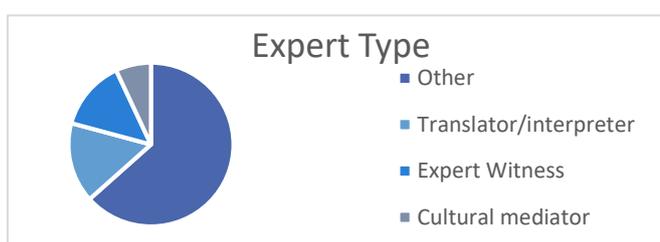
Areas of Law	%	Count
Criminal law	23%	15
Administrative law	13%	8
Family law	13%	8
Immigration law	13%	8
Refugee and asylum law	11%	7
Inheritance law	8%	5
International human rights law	5%	3
Labour law	5%	3
Contracts and obligations	3%	2
European law	2%	1
Financial law	2%	1
Intellectual and patent law	2%	1
Property law	2%	1
Sports law	2%	1
Banking, bankruptcy, and insolvency law	0%	0
Business and commercial law	0%	0
Constitutional law	0%	0
Environmental law	0%	0
Health law	0%	0
Medical and bio law	0%	0
Private international law	0%	0
Other	0%	0
Total	100%	64



Experts

When asked what their expert type was, more than half indicated 'Other' (64%, 28), this was followed by Translator/Interpreter (16%, 7), Expert Witness (14%, 6), and Cultural Mediator (7%, 3). Of those who selected 'Other' and specified, six were interpreters, three were legal interpreters, two were social workers, one was a social anthropologist and another was a criminal sanctions specialist.

Expert Type	%	Count
Other	64%	28
Translator/interpreter	16%	7
Expert Witness	14%	6
Cultural mediator	7%	3
Total	100%	44



In terms of area of specialisation, the most common response was Minority/Indigenous populations in Europe (41%, 11), followed by 'Other' (26%, 7), then the Middle East (22%, 6). Sub-Saharan Africa, East Asia and South and Central America were each selected by one expert. Of those who selected 'Other' three specified, one with Poland, another with Russia and the former Eastern Bloc countries, and one who is an expert in Visual Art.

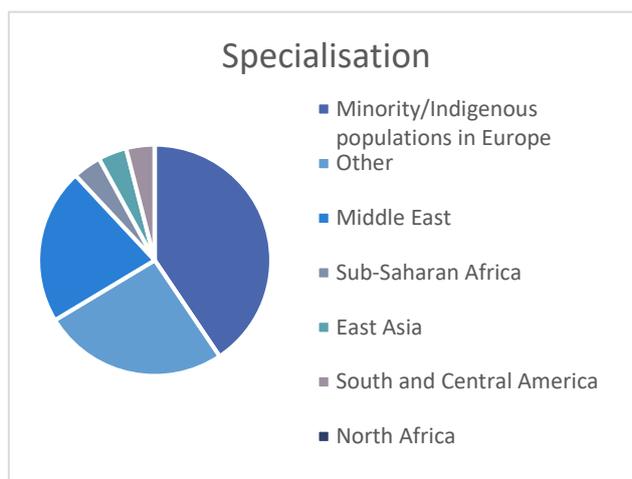


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Area of Specialisation	%	Count
Minority/Indigenous populations in Europe	41%	11
Other	26%	7
Middle East	22%	6
Sub-Saharan Africa	4%	1
East Asia	4%	1
South and Central America	4%	1
North Africa	0%	0
South Asia	0%	0
South East Asia	0%	0
Total	100%	27



Frequency

Numeric Frequency

Most commonly, experts had provided expert evidence in 'less than 5 cases' (29%, 14), followed by 'between 50 and 100 cases' (25%, 12), then 'between 10 and 20 cases' (17%, 8). 'Other' was selected by 15% (7) followed by 'between 20 and 50 cases' (10%, 5) and 'between 5 and 10 cases' (4%, 2). These numbers were somewhat different from those for both written reports and oral evidence for which showed higher numbers in the 'Less than 5 cases' category (40% and 47% respectively). They also showed a higher number of participants selecting 'Other' (19% and 21% respectively), and all but one of those who then chose to specify indicated that they had never instructed a cultural expert

	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?	
Number of cases	%	Count	%	count	%	count
Less than 5	29%	14	40%	17	47%	22
Between 5 and 10	4%	2	14%	6	2%	1
Between 10 and 20	17%	8	9%	4	13%	6
Between 20 and 50	10%	5	12%	5	9%	4
Between 50 and 100	25%	12	7%	3	9%	4
Other	15%	7	19%	8	21%	10
Total	100%	48	100%	43	100%	47



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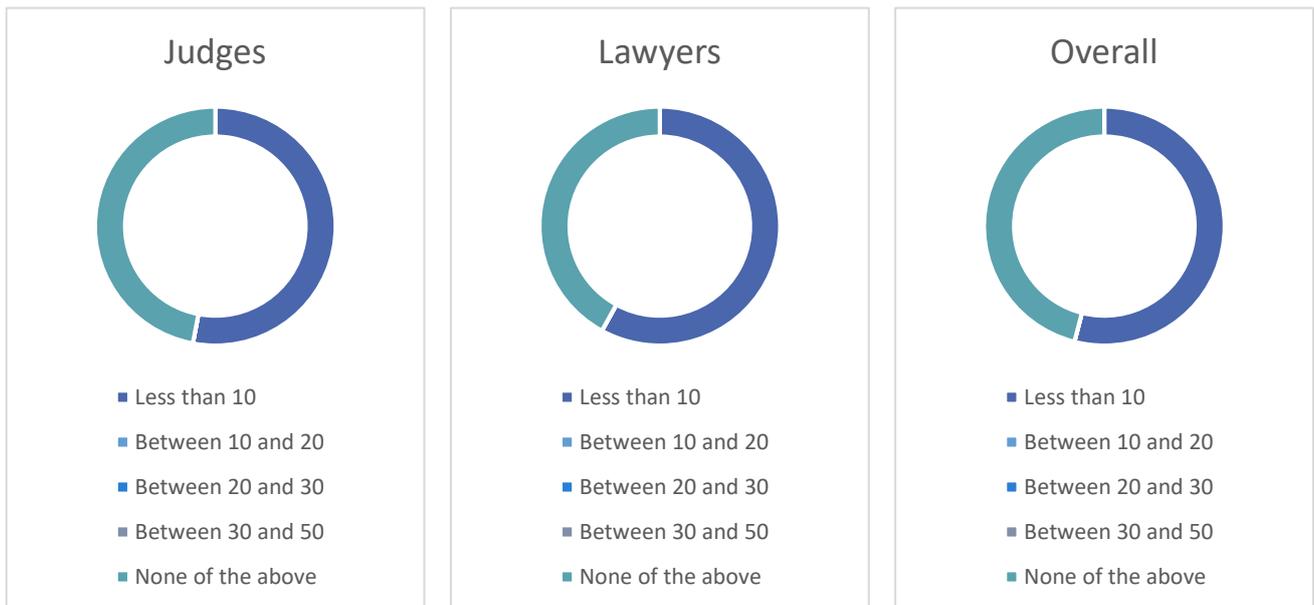
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The numbers regarding how many experts had been instructed were fairly consistent across Judges and Lawyers. Overall 54% (32) had instructed 'Less than 10' experts, with the remaining 46% (27) selecting 'Other', and out of those who specified, all indicated that they had never instructed a cultural expert.

Number of cases	Judges		Lawyers		Totals	
	%	Count	%	Count	%	Count
Less than 10	53%	25	58%	7	54%	32
Between 10 and 20	0%	0	0%	0	0%	0
Between 20 and 30	0%	0	0%	0	0%	0
Between 30 and 50	0%	0	0%	0	0%	0
None of the above	47%	22	42%	5	46%	27
Totals	100%	47	100%	12	100%	59



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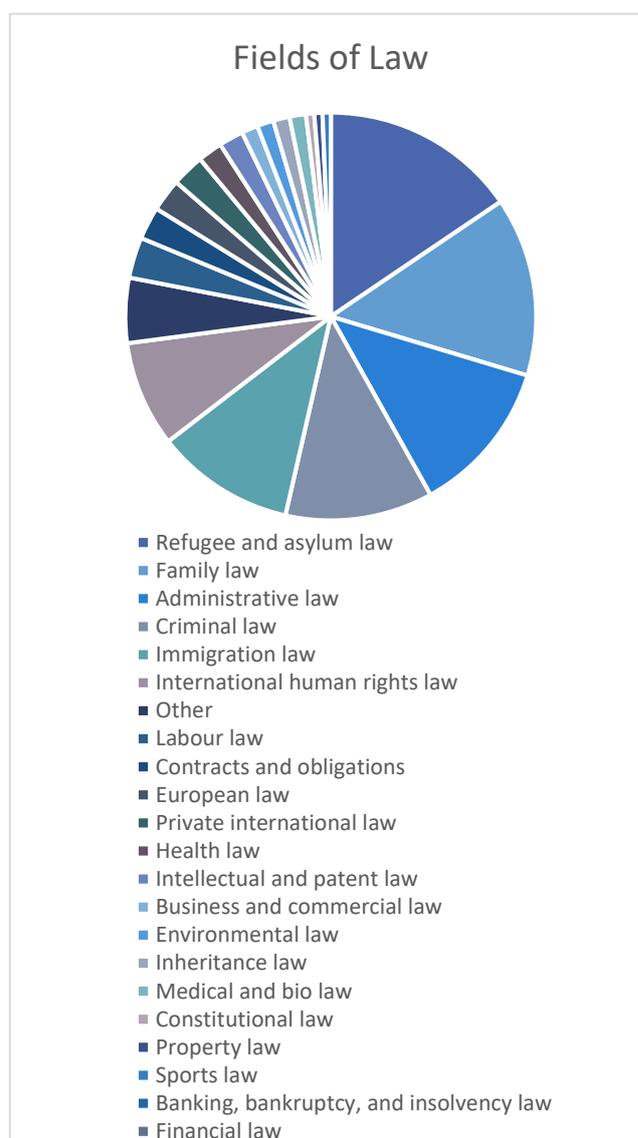
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Only one beneficiary responded to the question regarding the frequency of their use if an expert witness or country expert, and they responded 'Never'.

Fields of law

The most common field of law where cultural expertise is used is 'Refugee and Asylum Law' (15%, 24) followed by 'Family Law' (14%, 22), 'Administrative Law' (12%, 19), 'Criminal Law' (12%, 18), 'Immigration Law' (11%, 17), then 'International Human Rights Law' (8%, 13) and 'Other' (5%, 8). All the remaining fields of law received 3% or less. For those who selected 'Other' and specified, all indicated that they are not familiar with the areas of law in which it is used.

Fields of Law	%	Count
Refugee and asylum law	15%	24
Family law	14%	22
Administrative law	12%	19
Criminal law	12%	18
Immigration law	11%	17
International human rights law	8%	13
Other	5%	8
Labour law	3%	5
Contracts and obligations	3%	4
European law	3%	4
Private international law	3%	4
Health law	2%	3
Intellectual and patent law	2%	3
Business and commercial law	1%	2
Environmental law	1%	2
Inheritance law	1%	2
Medical and bio law	1%	2
Constitutional law	1%	1
Property law	1%	1
Sports law	1%	1
Banking, bankruptcy, and insolvency law	0%	0
Financial law	0%	0
Total	100%	155



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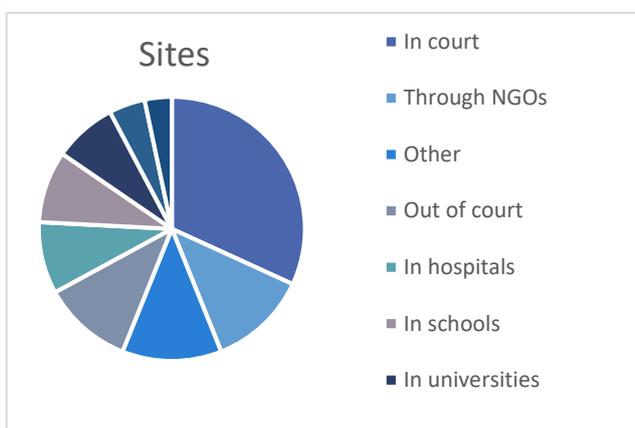
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Sites

The most common site for cultural expertise was 'In Court' (32%, 29), followed by 'Through NGOs' and 'Other' (both 12%, 11), then 'In Hospitals' and 'In Schools' (both 9%, 8), and 'In Universities' (8%, 7), all the remaining areas received less than 5%. Those who selected other and specified indicated that they were uncertain or had inadequate experience in this area.

Sites	%	Total
In court	32%	29
Through NGOs	12%	11
Other	12%	11
Out of court	11%	10
In hospitals	9%	8
In schools	9%	8
In universities	8%	7
Through private consultancy	4%	4
In detention centres	3%	3
Total	100%	91



Typology of Experts

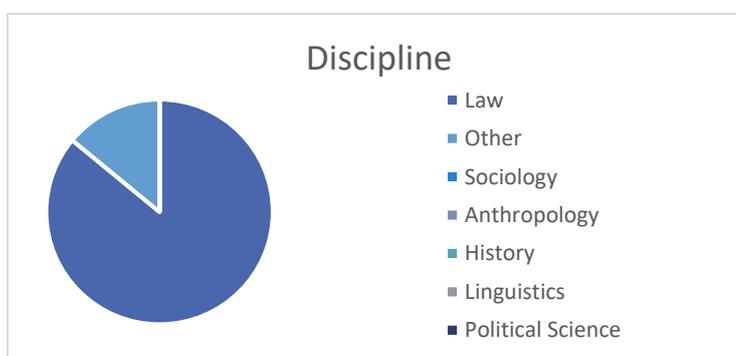
When asked about the most common type of expert, close to half selected 'Other' (47%, 20), followed by 'Native Language Speakers' (33%, 14), then 'University Professors' (16%, 7) and 'Country Experts' (5%, 2). For those who selected 'Other' and specified, five suggested that they are not called, three suggested that they did not know, three suggested interpreters and one suggested each experts in antiquities and social services.

Expert Type	%	Count
Other	47%	20
Native language speakers	33%	14
University professors	16%	7
Country experts	5%	2
Native lawyers	0%	0
Community leaders	0%	0
Religious leaders	0%	0
Total	100%	43



Those who indicated university professors and were asked to specify, all but one selected 'Law' (86%, 6), and one selected 'Other' and specified Medicine.

Discipline	%	Count
Law	86%	6
Other	14%	1
Sociology	0%	0
Anthropology	0%	0
History	0%	0
Linguistics	0%	0
Political Science	0%	0
Total	100%	7



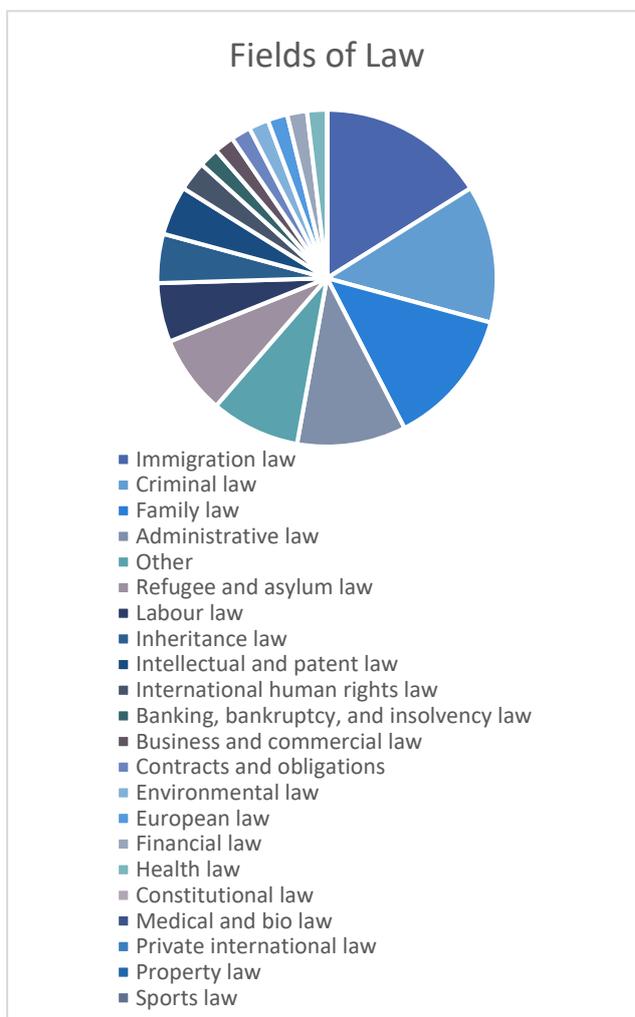
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The most common fields of law where experts have given evidence were 'Immigration Law' (17%, 11), then 'Criminal Law' and 'Family Law' (both 14%, 9), followed by 'Administrative Law' (11%, 7), 'Other' (9%, 6), 'Refugee and Asylum Law' (8%, 5) and 'Labour Law' (6%, 4). All the remaining areas of law received 5% or less. For those who selected 'Other' and specified, three indicated that they had not given cultural expertise in a particular area of law, then one each for judicial translations, human rights and victims of torture.

Fields of Law	%	Count
Immigration law	17%	11
Criminal law	14%	9
Family law	14%	9
Administrative law	11%	7
Other	9%	6
Refugee and asylum law	8%	5
Labour law	6%	4
Inheritance law	5%	3
Intellectual and patent law	5%	3
International human rights law	3%	2
Banking, bankruptcy, and insolvency law	2%	1
Business and commercial law	2%	1
Contracts and obligations	2%	1
Environmental law	2%	1
European law	2%	1
Financial law	2%	1
Health law	2%	1
Constitutional law	0%	0
Medical and bio law	0%	0
Private international law	0%	0
Property law	0%	0
Sports law	0%	0
Total	100%	66



Modalities

Appointment of Experts

The factors most likely to influence the decision to appoint an expert are the client's request (31%, 30), followed by the law allowing the appointment of experts (15%, 15), then the reputation of the expert (11%, 11), the court being keen to hear cultural arguments (8%, 8), the appointment of experts being advised by the court (8%, 8), and other (6%, 6) with all remaining areas receiving 5% or less. Of those who selected 'other' and specified, four indicated that they did not know, one indicated that the law obliges the use of interpreters when dealing with foreigners and another that the Finnish judiciary does not take into account the points raised by Sami experts.



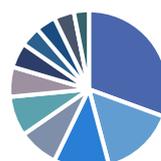
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Factor	%	Count
Client/ Defendant/ Claimant/ Applicant's request	31%	30
The law allows the appointment/instruction of experts	15%	15
The reputation of the expert	11%	11
The court is keen to hear cultural arguments	8%	8
The appointment/ instruction of experts is advised by the court	8%	8
Other	6%	6
Time	5%	5
Cost	4%	4
Experts facilitate successful legal outcomes	4%	4
Expertise can also be used for an out of court settlement	4%	4
The court/ prosecutor/ Ministry have already appointed their expert	3%	3
Total	100%	98

Factors influencing decision to instruct an expert

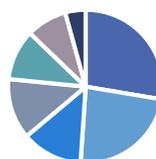


- Client/Defendant/Claimant/Applicant's request
- The law allows the appointment/instruction of experts
- The reputation of the expert
- The court is keen to hear cultural arguments
- The appointment/instruction of experts is advised by the court
- Other
- Time
- Cost
- Experts facilitate successful legal outcomes
- Expertise can also be used for an out of court settlement
- The court/prosecutor/Ministry have already appointed their expert

To the question of how to choose the appropriate expert, the most common response was 'other' (28%, 13), followed by client's choice (23%, 11), then competence (13%, 6), from expert registers at law courts (13%, 6), the reputation of the expert (11%, 5), the balance between competence and cost (9%, 4) and from professional expert registers (4%, 2). Of those who selected other and specified, all three indicated that they had not previously chosen an expert and therefore had no experience.

Reason	%	Count
Other	28%	13
Litigant/ Applicant/ Defendant/ Claimant's choice	23%	11
Competence	13%	6
From expert registers at law courts	13%	6
Reputation of expert	11%	5
Balance between competence and cost	9%	4
From professional expert registers	4%	2
Convenient hourly quote	0%	0
Total	100%	47

Choosing appropriate expert



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



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The most common response to how experts started giving opinions was 'other' (38%, 9), followed by being contacted by a court (25%, 6), being contacted by litigants (17%, 4), being contacted by a lawyer (8%, 2), by the ministry (8%, 2) and by being referred by a colleague (4%, 1). Of those who selected other and specified, three have yet to give expert opinions, two indicated that it was part of their job, one clarified that they were contacted by the judiciary, one indicated that they were contacted by both the district court and the judiciary, and finally, one receives these requests via email.

Answer	%	Count
Other	38%	9
I was contacted by a court	25%	6
I have been directly contacted by litigants/ applicants/ defendants/ complainants	17%	4
I was contacted by a lawyer	8%	2
I was contacted by the Ministry	8%	2
A colleague referred me	4%	1
Total	100%	24



Experts are most commonly instructed/appointed by lawyers (18%, 9), followed by as part of their work for an NGO (17%, 8), then by the Ministry or other equivalent authority (17%, 8), other (17%, 8), by courts (15%, 7) and finally directly by the clients (15%, 7). Of those who selected other and specified, three did not know, two were interpreters and one works in a publicly funded institution.

Field	%	Count
I have been instructed/ appointed as expert by several lawyers who contact me as the need arises	19%	9
I work for an NGO	17%	8
I have been instructed/ appointed by the Ministry or other equivalent authority	17%	8
Other	17%	8
I have been instructed/ appointed by courts	15%	7
I was contacted directly by the litigants/ applicants/ defendants/ complainants	15%	7
Total	100%	47



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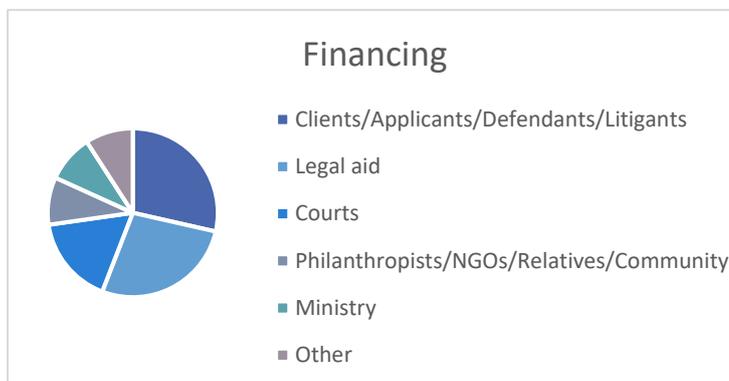
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Cost of Cultural Expertise

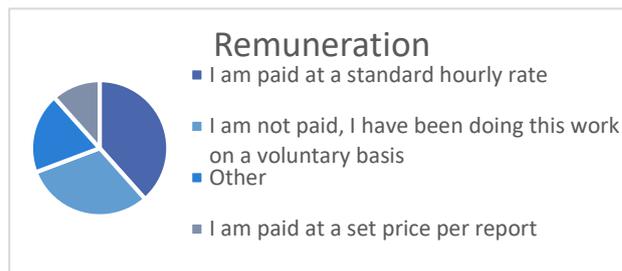
Cultural expert witnessing is usually funded by the clients (29%, 22), followed by legal aid (27%, 21) then by the courts (17%, 13), philanthropists/ NGOs/ relatives/ community (9%, 7), the Ministry (9%, 7) and other (9%, 7). Of those who selected other and specified, four did not know and one indicated that they are paid for via a centre for interpreting.

Answer	%	Count
Clients/ Applicants/ Defendants/ Litigants	29%	22
Legal aid	27%	21
Courts	17%	13
Philanthropists/ NGOs/ Relatives/ Community	9%	7
Ministry	9%	7
Other	9%	7
Total	100%	77



Experts are usually paid at a standard hourly rate (38%, 10), followed by working on a voluntary basis (31%, 8), then other (19%, 5), then by being paid a set price per report (12%, 3). Of those who selected other and specified, three clarified that they were paid a standard wage and this was part of their job, one did not know, and one was paid by the line.

Answer	%	Count
I am paid at a standard hourly rate	38%	10
I am not paid, I have been doing this work on a voluntary basis	31%	8
Other	19%	5
I am paid at a set price per report	12%	3
Total	100%	26



With regards to whether cultural expert witnessing could be reused, the most common response was 'other' (35%, 11), followed by only in the same country or legal field (29%, 9), then that it is a unique and not repeatable experience (23%, 7) and that it is applicable in similar cases (13%, 4). Of those who selected other and specified, six did not know, one provided geographic information that could be reused and another provided interpreting services which cannot be.

Answer	%	Count
Other	35%	11
Cultural expertise can only be reproduced within the same country/ legal field	29%	9
Cultural expertise is a unique and not repeatable experience	23%	7
Cultural expertise is applicable to similar cases	13%	4
Total	100%	31

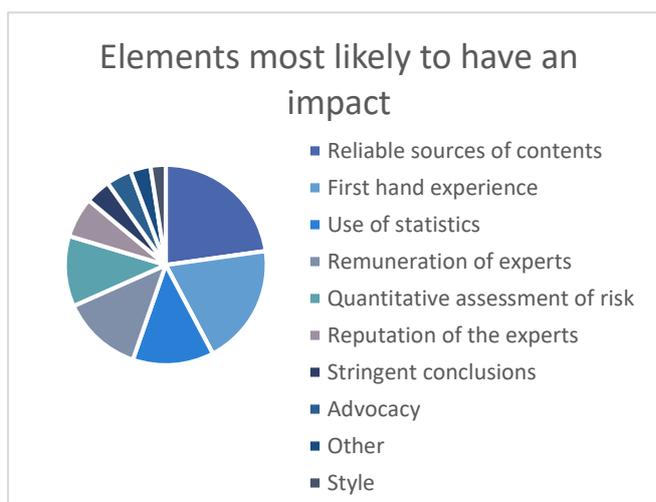


Impact

Components of Impact

The elements of expert opinions that are most likely to have an impact, are the reliable sources of contents (23%, 28), followed by first-hand experience (20%, 24), then the use of statistics (13%, 16), the remuneration of experts (13%, 16), quantitative assessment of risk (11%, 14), the reputation of the experts (7%, 8), stringent conclusions (4%, 5), advocacy (4%, 5), other (3%, 4) and style (2%, 3). Of those who selected other and specified, two did not know, and one articulated that the Sami community does not feel that the law takes into account the Sami culture, language and customary law when dealing with matters that concern them.

Field	%	Count
Reliable sources of contents	23%	28
First-hand experience	20%	24
Use of statistics	13%	16
Remuneration of experts	13%	16
Quantitative assessment of risk	11%	14
Reputation of the experts	7%	8
Stringent conclusions	4%	5
Advocacy	4%	5
Other	3%	4
Style	2%	3
Total	100%	123



Usefulness

The most common response to the question regarding the usefulness of cultural expertise was that it was moderately useful (30%, 9), followed by not useful at all (27%, 8), then very useful (23%, 7), slightly useful (17%, 5), and extremely useful (3%, 1).

Answer	%	Count
Extremely useful	3%	1
Very useful	23%	7
Moderately useful	30%	9
Slightly useful	17%	5
Not at all useful	27%	8
Total	100%	30



Almost half of respondents indicated that cultural expertise is most useful in immigration law (49%, 26), followed by being more useful in other areas of law (23%, 12), then in criminal law more than civil law (15%, 8) and in civil law more than criminal law (13%, 7). Of those who selected other and specified, four indicated family law, one clarified that it is useful in all areas of law, one did not know, one indicated land law, one clarified criminal private and immigration law, and one indicated all areas of law that had to do with Sami populations.

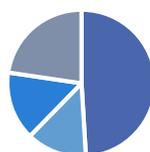
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Answer	%	Count
Cultural expertise is most useful in immigration law	49%	26
Cultural expertise is more useful in civil law than in criminal law	13%	7
Cultural expertise is more useful in criminal law than in civil law	15%	8
Cultural expertise is most useful in...	23%	12
Total	100%	53

Fields of Law where Cultural Expertise is most useful



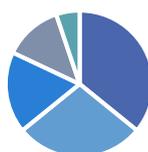
- Cultural expertise is most useful in immigration law
- Cultural expertise is more useful in civil law than in criminal law
- Cultural expertise is more useful in criminal law than in civil law
- Cultural expertise is most useful in...

Competitiveness

Experts indicated that their services were competitive due to their competence (36%, 14), followed by reputation (28%, 11), then balance between competence and cost (18%, 7), convenient hourly quote (13%, 5) and other (5%, 2). Of those who selected other and specified, both did not know.

Answer	%	Count
Competence	36%	14
My reputation	28%	11
Balance between competence and cost	18%	7
Convenient hourly quote	13%	5
Other	5%	2
Total	100%	39

Reasons services are competitive



- Competence
- My reputation
- Balance between competence and cost
- Convenient hourly quote
- Other

Reputation of Experts

The most common response to how experts built their reputation was other (31%, 8), followed by being regularly appointed (23%, 6), having the cases that they were involved with being successful (23%, 6), and not knowing (23%, 6). Of those who selected other and specified, two indicated their continued research, one clarified that the knowledge of their work circulates among the applicants and another specified the high quality of their work.

Answer	%	Count
I have been regularly instructed/appointed as an expert for many years	23%	6
The cases in which I provided an expert opinion have been successful	23%	6
I don't know	23%	6
Other	31%	8
Total	100%	26

Building reputation as an expert



- I have been regularly instructed/appointed as an expert for many years
- The cases in which I provided an expert opinion have been successful
- I don't know
- Other

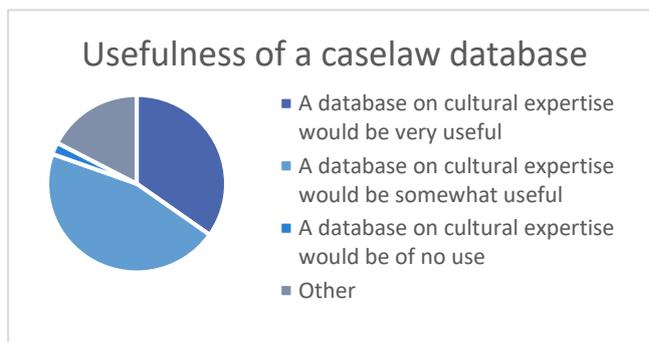


Improved Access

Database

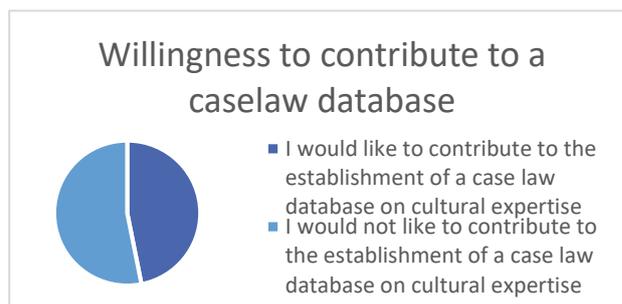
Almost half of respondents indicated that a database on cultural expertise would be somewhat useful (46%, 21), followed by very useful (35%, 16), then other (17%, 8) and of no use (2%, 1). Of those who selected other and specified, five indicated that they did not know, and one indicated as long as it integrated cultural knowledge on the Sami.

Answer	%	Count
A database on cultural expertise would be very useful	35%	16
A database on cultural expertise would be somewhat useful	46%	21
A database on cultural expertise would be of no use	2%	1
Other	17%	8
Total	100%	46



Just over half of all respondents indicated that they would not like to contribute to the establishment of a database on cultural expertise (53%, 17), with the remainder indicating that they would (47%, 15).

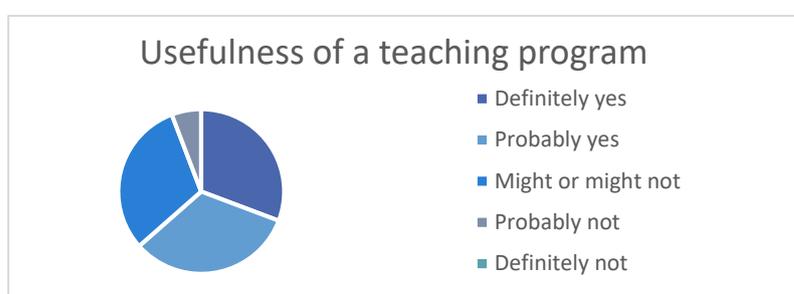
Answer	%	Count
I would like to contribute to the establishment of a case law database on cultural expertise	47%	15
I would not like to contribute to the establishment of a case law database on cultural expertise	53%	17
Total	100%	32



Capacity Building

In response to the question of whether a program teaching cultural expertise would be useful the most common response was probably yes (33%, 17), followed by definitely yes (31%, 16) and might or might not (31%, 16), then probably not (6%, 3).

Answer	%	Count
Definitely yes	31%	16
Probably yes	33%	17
Might or might not	31%	16
Probably not	6%	3
Definitely not	0%	0
Total	100%	52



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

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Regarding whether respondents knew of institutions that might be interested in cultural expertise, the most common response was that they knew of educational organisations (37%, 6), followed by other (25%, 4), then professional organisations (19%, 3) and that they themselves would be interested (19%, 3). Of those who selected other and specified, three indicated that they did not know of any.

Answer	%	Count
I know of schools, universities or organisations that may be interested in teaching cultural expertise	37%	6
I know of professional organisations that may be interested in capacity building on the use of cultural expertise	19%	3
I would be interested in teaching cultural expertise	19%	3
Other	25%	4
Total	100%	16

