

France

Contents

Sample	2
Judges	2
Lawyers	3
Experts	4
Frequency	5
Numeric Frequency	5
Fields of law	7
Sites	8
Typology of Experts	8
Modalities	9
Appointment of Experts	9
Cost of Cultural Expertise	11
Impact	13
Components of Impact	13
Usefulness	13
Competitiveness	14
Reputation of Experts	14
Improved Access	15
Database	15
Capacity Building	15

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

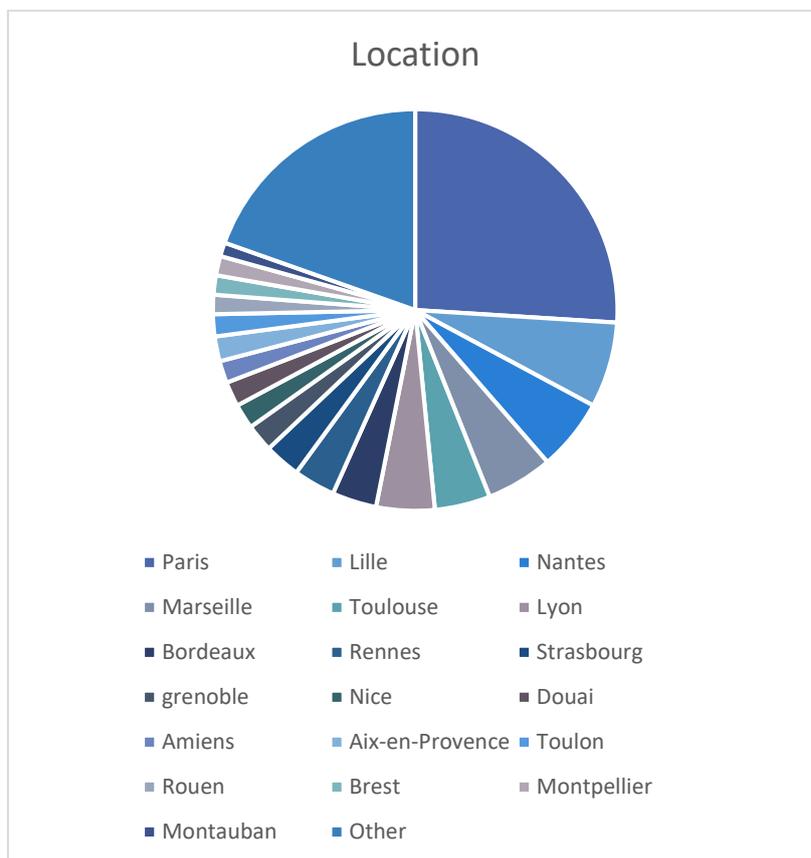
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Date of Publication: 20/05/2019 | Page 2

Sample

There were 452 respondents to the French survey, 213 (47%) were Judges, 139 (31%) were Lawyers, 63 (14%) were experts, 37 (8%) were Beneficiaries. For those respondents who indicated location (99.5% of the sample), 26% (117) were based in Paris, 7% (31) in Lille, 6% (26) in Nantes, 5% (24) in Marseilles and 5% (21) in Lyon. All of the remaining locations accounted for less than 4% of the respondents.

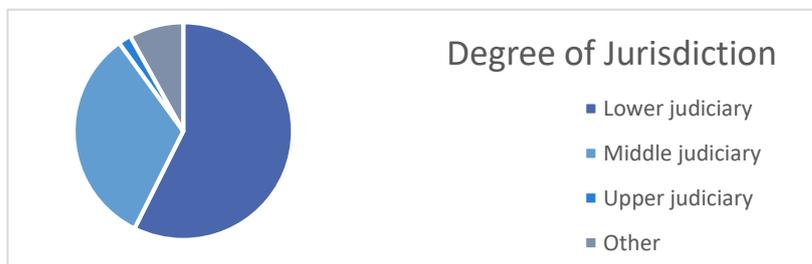
Location	%	Count
Paris	26%	117
Lille	7%	31
Nantes	6%	26
Marseille	5%	24
Toulouse	4%	20
Lyon	5%	21
Bordeaux	4%	16
Rennes	3%	15
Strasbourg	3%	13
Grenoble	2%	10
Nice	2%	9
Douai	2%	9
Amiens	2%	8
Aix-en-Provence	2%	9
Toulon	2%	8
Rouen	2%	7
Brest	2%	7
Montpellier	2%	7
Montauban	1%	5
Other	20%	88
Total	100%	450



Judges

Of the 213 judges that responded, 211 provided their Jurisdiction. The majority (57%) were from the Lower Judiciary, with 33% being from the Middle judiciary, and just 2% from the Upper Judiciary. Those who selected other specified their particular judicial role.

Degree of Jurisdiction	%	Count
Lower judiciary	57%	121
Middle judiciary	33%	69
Upper judiciary	2%	4
Other	8%	17
Total	100%	211



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Date of Publication: 20/05/2019 | Page 3

When asked for about their area of jurisdiction, the most common response was Civil Law with 42%, followed by Family Law and Other both on 21% and then finally Criminal Law on 15%. Those who responded in the Other category, 14 indicated areas of Law concerned with Children, 11 Financial Law, 4 Social Law, and 3 each for Anti-Terrorism Law and Business Law.

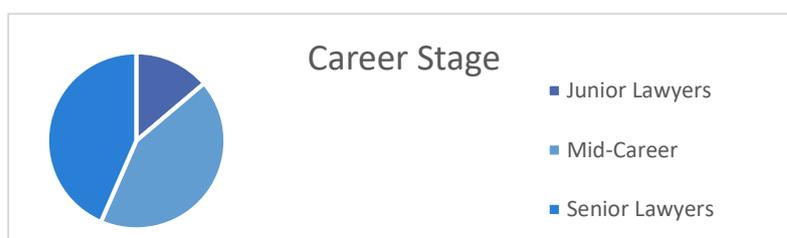
Area of Jurisdiction	%	Count
Criminal Law	15%	38
Family Law	21%	54
Asylum/Migration Law	0%	1
Civil Law	42%	106
Other	21%	54
Total	100%	253



Lawyers

Of the 139 lawyers that responded, 138 indicated their career stage. 60 (43%) were Senior Lawyers, 59 (also 43% with rounding) were Mid-Career, and 19 (14%) considered themselves Junior Lawyers.

Career Stage	%	Count
Junior Lawyers	14%	19
Mid-Career	43%	59
Senior Lawyers	43%	60
Total	100%	138



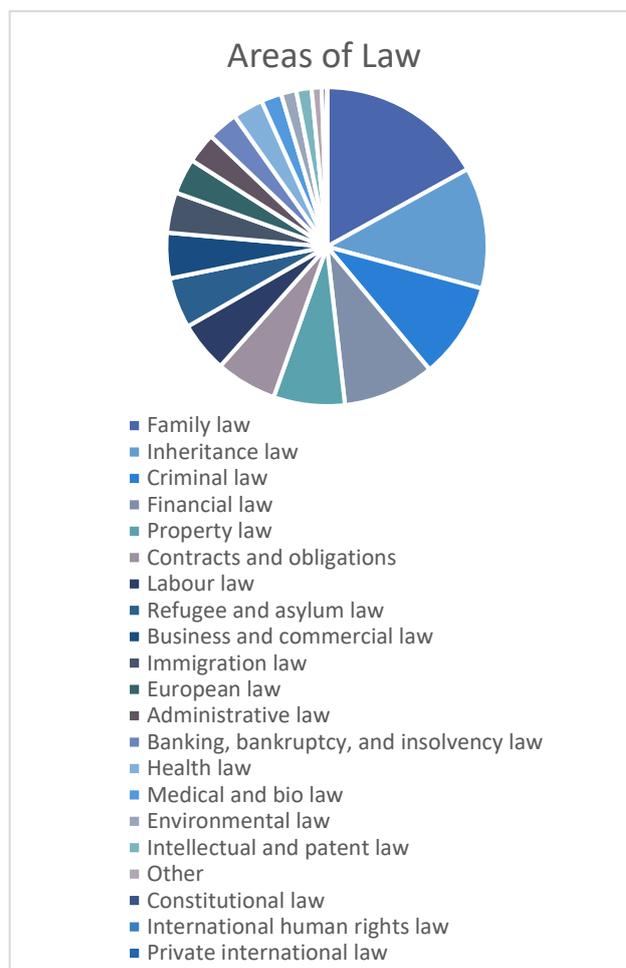
For the areas of law that were practiced in, Family Law was the most common (17%), followed by Inheritance Law (12%), Criminal Law (10%), Financial Law (9%), Property Law (7%) and Contracts and Obligations (6%). All the remaining areas received 5% or less.

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Date of Publication: 20/05/2019 | Page 4

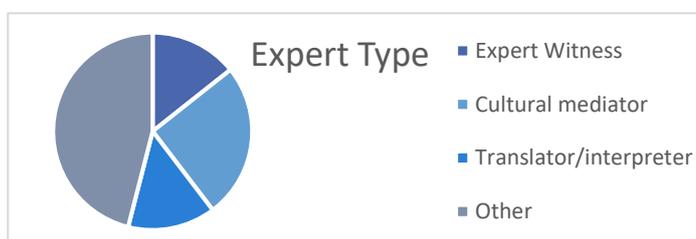
Areas of Law	%	Count
Family law	17%	33
Inheritance law	12%	24
Criminal law	10%	19
Financial law	9%	18
Property law	7%	14
Contracts and obligations	6%	12
Labour law	5%	10
Refugee and asylum law	5%	10
Business and commercial law	5%	9
Immigration law	4%	8
European law	4%	7
Administrative law	3%	6
Banking, bankruptcy, and insolvency law	3%	6
Health law	3%	6
Medical and bio law	2%	4
Environmental law	2%	3
Intellectual and patent law	2%	3
Other	1%	2
Constitutional law	1%	1
International human rights law	0%	0
Private international law	0%	0
Sports law	0%	0
Total	100%	276



Experts

A total of 63 experts indicated their expert type with 46% selecting 'Other', one quarter (35%) indicated that they were Cultural Mediators, and 14% each for Expert Witness and Translator/Interpreter. For those who selected Other, 12 clarified that they worked as interpreters, 11 as ethnopsychologists, and 4 as social and cultural mediators.

Expert Type	%	Count
Expert Witness	14%	9
Cultural mediator	25%	16
Translator/interpreter	14%	9
Other	46%	29
Total	100%	63



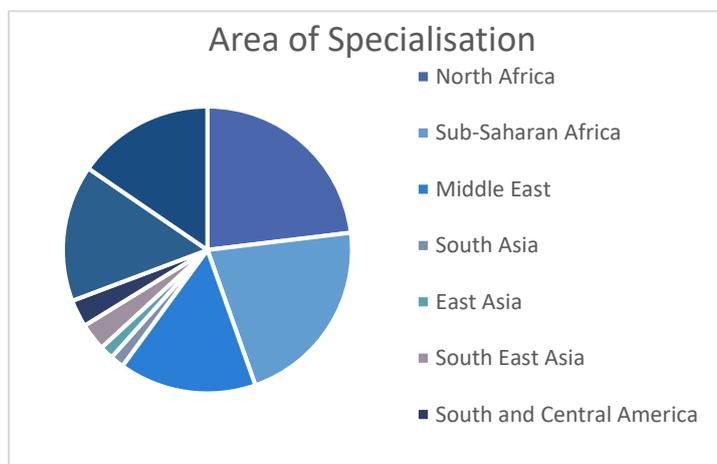
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Date of Publication: 20/05/2019 | Page 5

In terms of area of specialisation, 23% of respondents selected North Africa, 22% selected Sub-Saharan Africa and 15% each for the Middle East, Minority/Indigenous Populations in Europe, and Other. For those who selected Other and specified most selected specific countries such as Poland, Turkey, Armenia and Romania.

Area of Specialisation	%	Count
North Africa	23%	15
Sub-Saharan Africa	22%	14
Middle East	15%	10
South Asia	2%	1
East Asia	2%	1
South East Asia	3%	2
South and Central America	3%	2
Minority/Indigenous populations in Europe	15%	10
Other	15%	10
Total	100%	65



Frequency

Numeric Frequency

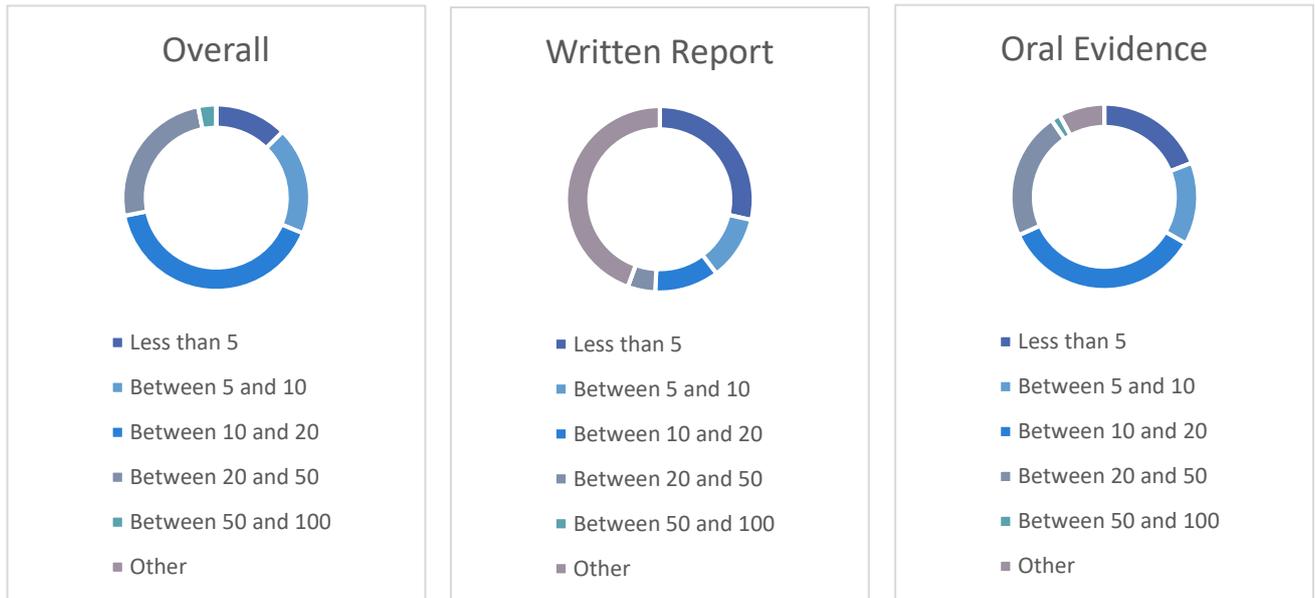
There were just over 60 responses to the questions put to experts regarding frequency. Overall 13% of respondents had indicated that they had been involved in less than 5 cases, 19% selected 'Between 5 and 10', 41% 'Between 10 and 20', 25% 'Between 20 and 50'. The numbers were quite similar for the question regarding the frequency of Oral evidence, with only five people selecting 'Other' and indicating that they had not given oral evidence, however the question regarding written evidence showed significant differences with 44% of respondents selecting other and indicating that they had not given a written report.

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	13%	8	29%	18	19%	12
Between 5 and 10	19%	12	11%	7	14%	9
Between 10 and 20	41%	26	11%	7	35%	22
Between 20 and 50	25%	16	5%	3	22%	14
Between 50 and 100	3%	2	0%	0	2%	1
Other	0%	0	44%	28	8%	5
Total	100%	64	100%	63	100%	63

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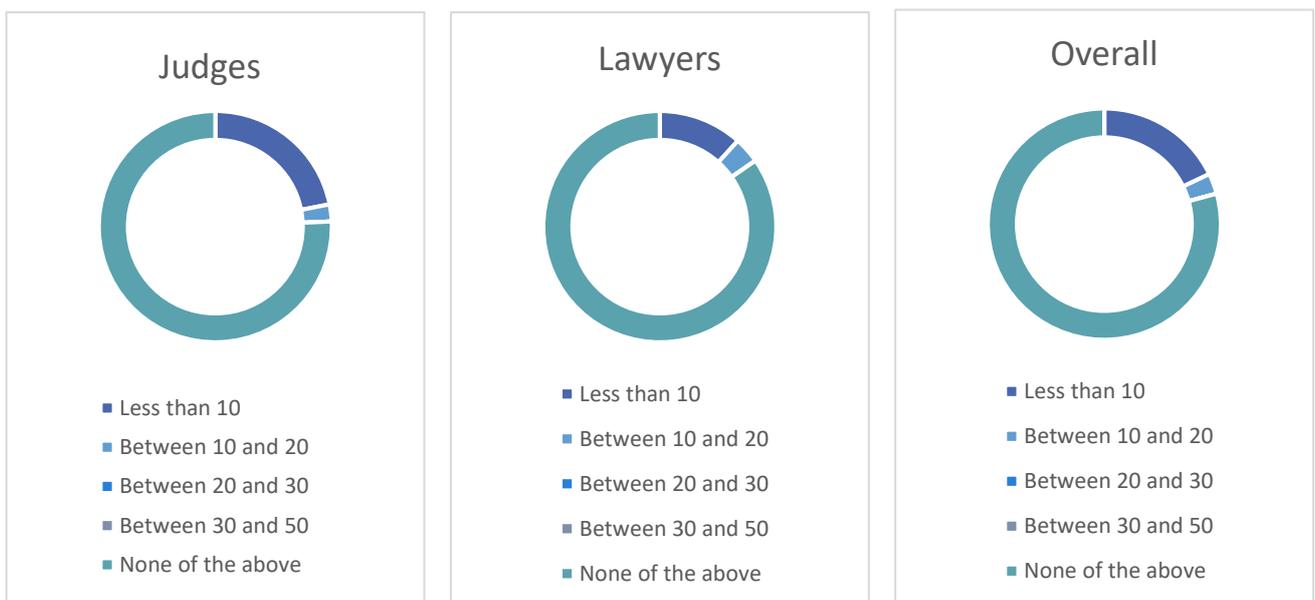
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Date of Publication: 20/05/2019 | Page 6



Overall the vast majority (79%, 275) of respondents selected other and clarified that they had never instructed a cultural expert. This was slightly higher among Lawyers (85%) than it was for Judges (76%). The next most common response was 'Less than 10' which accounted for 18% Overall (22% for Judges and 12% for Lawyers).

Number of cases	Judges		Lawyers		Totals	
	%	Count	%	Count	%	Count
Less than 10	22%	46	12%	16	18%	62
Between 10 and 20	2%	5	4%	5	3%	10
Between 20 and 30	0%	0	0%	0	0%	0
Between 30 and 50	0%	0	0%	0	0%	0
None of the above	76%	159	85%	116	79%	275
Totals	100%	210	100%	137	100%	347



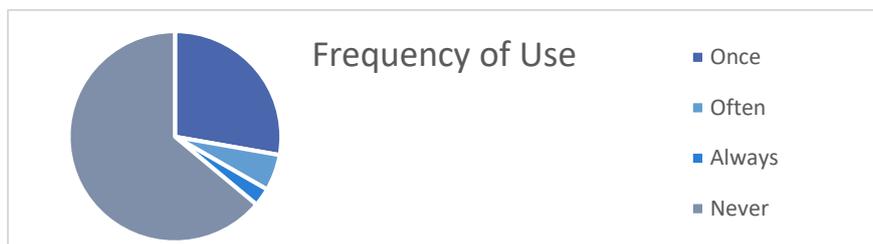
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Date of Publication: 20/05/2019 | Page 7

More than half of the beneficiaries (64%) indicated that they had never used the services of a cultural expert, with 10% indicating that they had only done so once.

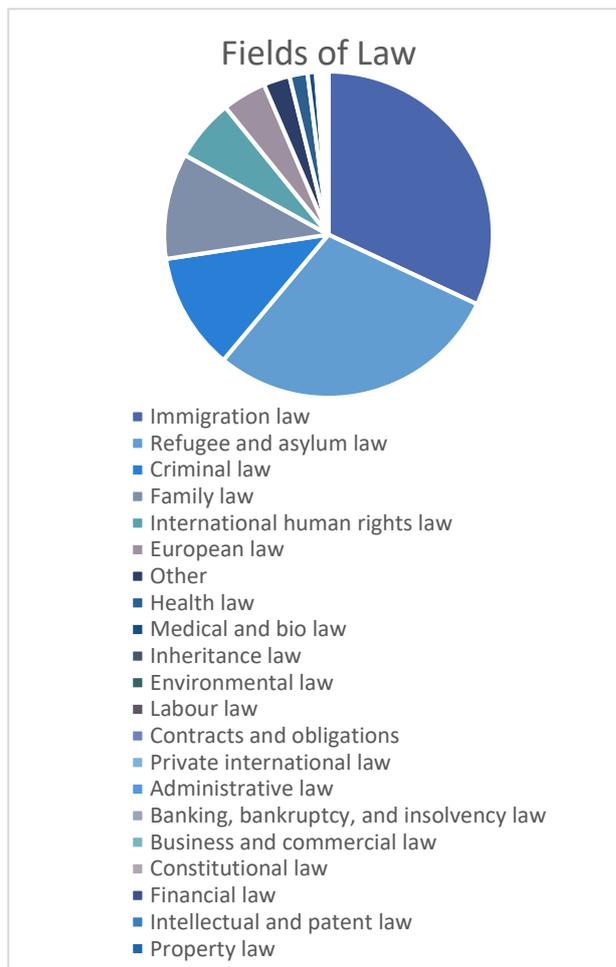
Frequency	%	Count
Once	28%	10
Often	6%	2
Always	3%	1
Never	64%	23
Total	100%	36



Fields of law

According to respondents, the most common field of law in which cultural expertise is used in the UK is Immigration Law (32%), followed by Refugee and Asylum Law (29%) and Criminal Law (12%). Other areas selected included Family Law (10%), International Human Rights Law (6%) and European Law (4%). Of the 19 respondents who selected 'Other' 15 clarified indicating the area of Juvenile Justice.

Fields of Law	%	Count
Immigration law	32%	235
Refugee and asylum law	29%	213
Criminal law	12%	85
Family law	10%	77
International human rights law	6%	45
European law	4%	32
Other	3%	19
Health law	2%	13
Medical and bio law	1%	6
Inheritance law	0%	3
Environmental law	0%	2
Labour law	0%	2
Contracts and obligations	0%	1
Private international law	0%	1
Administrative law	0%	0
Banking, bankruptcy, and insolvency law	0%	0
Business and commercial law	0%	0
Constitutional law	0%	0
Financial law	0%	0
Intellectual and patent law	0%	0
Property law	0%	0
Total	100%	734



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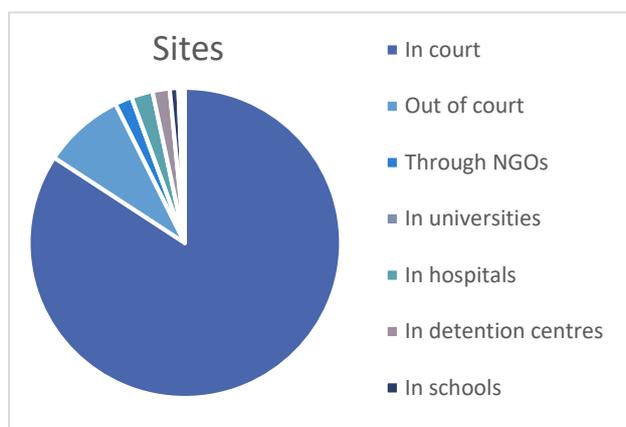
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Date of Publication: 20/05/2019 | Page 8

Sites

The most common site in which cultural expertise was used was 'In court' (84%), followed by 'Out of Court' (8%), and 'Through NGOs', 'In Hospitals' and 'In Detention Centres' (both 2%).

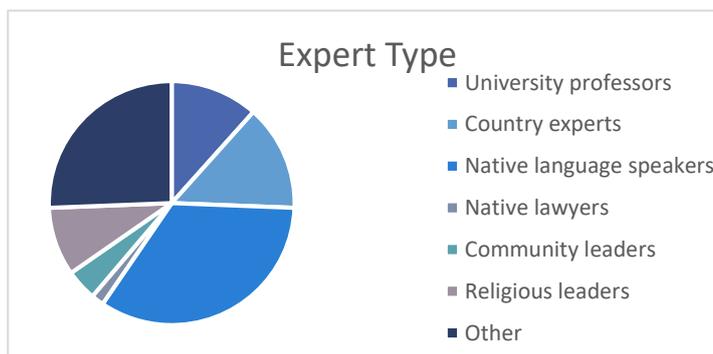
Sites	%	Count
In court	84%	380
Out of court	8%	38
Through NGOs	2%	8
In universities	0%	0
In hospitals	2%	10
In detention centres	2%	8
In schools	1%	4
Through private consultancy	0%	2
Other	0%	1
Total	100%	451



Typology of Experts

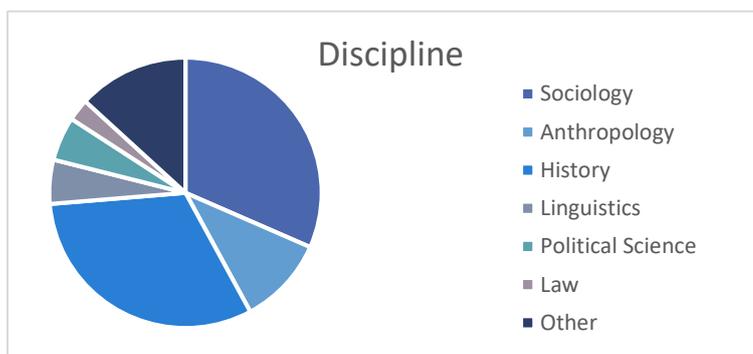
Native Language Speakers accounted for the most common type of expert consulted (34%), followed by 'Other' (26%), then Country Experts (14%), University Professors (12%), and Religious Leaders (9%). Of those who selected 'Other' 16 clarified with 'Ethnopsychologists', and 5 indicated 'Specialist Jurists'.

Expert Type	%	Count
University professors	12%	14
Country experts	14%	17
Native language speakers	34%	41
Native lawyers	2%	2
Community leaders	4%	5
Religious leaders	9%	11
Other	26%	31
Total	100%	121



Those who selected University Professors clarified the disciplines of these professors, with Sociology and History being the most common (32% each). The next most common responses included 'Other' (13%), Anthropology (11%) and Linguistics and Political Science, both on 5%. For those who selected other, 4 indicated experts on religion of various types.

Discipline	%	Count
Sociology	32%	12
Anthropology	11%	4
History	32%	12
Linguistics	5%	2
Political Science	5%	2
Law	3%	1
Other	13%	5
Total	100%	38



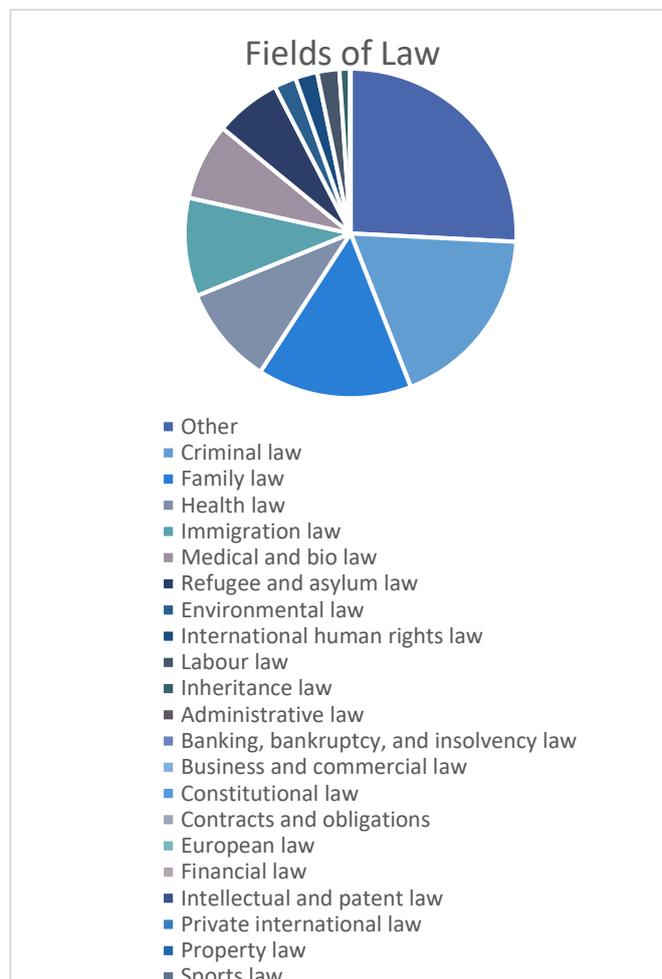
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Date of Publication: 20/05/2019 | Page 9

The most common response to the question regarding fields of law was 'Other' (26%) followed by Criminal Law (18%) and Health and Immigration Law (both on 10%). Medical and Bio Law accounted for 8% and Refugee and Asylum Law for 6%. For those that selected other and specified, 11 indicated Juvenile Justice, 5 areas of Social Law and 2 Terrorism Law.

Fields of Law	%	Count
Other	26%	24
Criminal law	18%	17
Family law	15%	14
Health law	10%	9
Immigration law	10%	9
Medical and bio law	8%	7
Refugee and asylum law	6%	6
Environmental law	2%	2
International human rights law	2%	2
Labour law	2%	2
Inheritance law	1%	1
Administrative law	0%	0
Banking, bankruptcy, and insolvency law	0%	0
Business and commercial law	0%	0
Constitutional law	0%	0
Contracts and obligations	0%	0
European law	0%	0
Financial law	0%	0
Intellectual and patent law	0%	0
Private international law	0%	0
Property law	0%	0
Sports law	0%	0
Total	100%	93



Modalities

Appointment of Experts

The most common factor which influenced the decision to appoint an expert was that experts facilitate successful legal outcomes (27%, 158), followed by the court is keen to hear cultural arguments (25%, 148), then the reputation of the expert (15%, 91), time (11%, 65), cost (8%, 47) and that the law allows the appointment/instruction of an expert (7%, 40), with all remaining responses accounting for 3% or less. Of those who selected other (1%, 3) and specified, one indicated that they must understand the foreign language, another clarified that they need to understand migrants in difficulty, and finally if the expertise is favourable towards the accused.

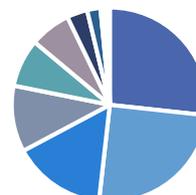
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Date of Publication: 20/05/2019 | Page 10

Factor	%	Count
Experts facilitate successful legal outcomes	27%	158
The court is keen to hear cultural arguments	25%	148
The reputation of the expert	15%	91
Time	11%	65
Cost	8%	47
The law allows the appointment/instruction of experts	7%	40
Client/ Defendant/ Claimant/ Applicant's request	3%	20
The appointment/instruction of experts is advised by the court	2%	13
Expertise can also be used for an out of court settlement	1%	4
Other	1%	3
The court/ prosecutor/ Ministry of the interior have already appointed their expert	0%	2
Total	100%	591

Factors influencing decision to instruct an expert

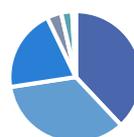


- Experts facilitate successful legal outcomes
- The court is keen to hear cultural arguments
- The reputation of the expert
- Time
- Cost
- The law allows the appointment/instruction of experts
- Client/Defendant/Claimant/Applicant's request
- The appointment/instruction of experts is advised by the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

Experts are chosen due to their reputation (38%, 43), followed by their competence (35%, 39), and from their being on professional expert registers (20%,23), with all remaining responses accounting for 4% or less.

Reason	%	Count
Reputation of expert	38%	43
Competence	35%	39
From professional expert registers	20%	23
From expert registers at law courts	4%	4
Balance between competence and cost	3%	3
Litigant/ Applicant/ Defendant/ Claimant's choice	1%	1
Convenient hourly quote	0%	0
Other	0%	0
Total	100%	113

Reasons for choosing appropriate expert



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

The most common response to how experts started giving opinions was other (31%, 19), followed by being contacted by a lawyers (29%, 18), then being contacted by a court (24%, 15), and being referred by a colleague (13%, 8), with all remaining responses accounting for 3% or less. Of those who selected other and specified, eight indicated that they had applied for the job, eight indicated that they worked as part of an association, one worked for the Ministry of Justice, another had worked with individuals who had committed terrorist acts and finally one was nominated by a court of appeal.

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Date of Publication: 20/05/2019 | Page 11

Answer	%	Count
Other	31%	19
I was contacted by a lawyer	29%	18
I was contacted by a court	24%	15
A colleague referred me	13%	8
I have been directly contacted by litigants/ applicants/ defendants/ complainants	3%	2
I was contacted by the Ministry of the Interior	0%	0
Total	100%	62



The most common response to how experts were appointed was other (36%, 25), followed by courts (17%, 19), and then lawyers (21%, 15), with all remaining categories accounting for 6% or less. For those who selected other and specified 19 indicated that they were working for an association, one had been working for the Ministry of Justice, one was nominated by a court of appeal and finally one was appointed by the lawyer for the defence.

Field	%	Count
Other	36%	25
I have been instructed/appointed by courts	27%	19
I have been instructed/appointed as expert by several lawyers who contact me as the need arises	21%	15
I work as an expert for an NGO	6%	4
I was contacted directly by the litigants/ applicants/ defendants/ complainants	6%	4
I have been instructed/appointed by the Ministry of the Interior or other equivalent authority	4%	3
Total	100%	70



Cost of Cultural Expertise

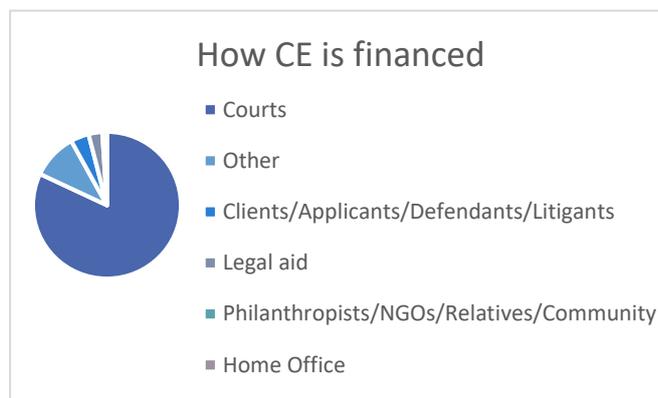
Expert witnessing is primarily financed by courts (82%, 345), followed by other (10%, 43), with all remaining categories accounting for 4% or less. Of those who selected other and specified, 29 indicated that they were paid by associations, 11 by the Ministry of Justice, two by city funding, and one by hospitals.

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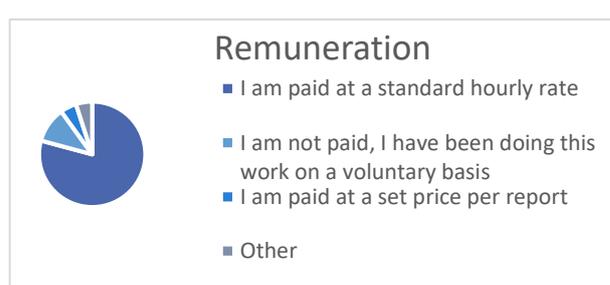
Date of Publication: 20/05/2019 | Page 12

Answer	%	Count
Courts	82%	345
Other	10%	43
Clients/ Applicants/ Defendants/ Litigants	4%	17
Legal aid	3%	14
Philanthropists/ NGOs/ Relatives/ Community	1%	4
Home Office	0%	0
Total	100%	423



The most common form of remuneration was being paid at a standard hourly rate (80%, 51), followed by working on a voluntary basis (11%, 7), then being paid a set price per report (5%, 3) and other (5%, 3). Of those who selected other and specified all three indicated that it was part of their current employment duties for which they receive a wage.

Answer	%	Count
I am paid at a standard hourly rate	80%	51
I am not paid, I have been doing this work on a voluntary basis	11%	7
I am paid at a set price per report	5%	3
Other	5%	3
Total	100%	64



A very high number indicated that they believed cultural expertise to be a unique and not repeatable experience (85%, 79), followed by applicable in similar cases (13%, 12), then only reproducible within the same country/field (2%, 2).

Answer	%	Count
Cultural expertise/expert witnessing is a unique and not repeatable experience	85%	79
Cultural expert witnessing is applicable to similar cases	13%	12
Cultural expertise can only be reproduced within the same country/legal field	2%	2
Other	0%	0
Total	100%	93



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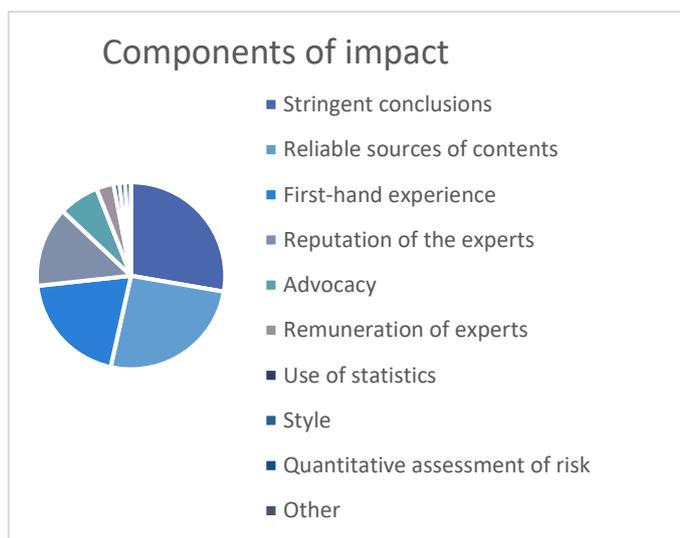
Date of Publication: 20/05/2019 | Page 13

Impact

Components of Impact

The most common component of impact is stringent conclusions (28%, 219), followed by reliable sources of contents (26%, 200), then first-hand expertise (20%, 159), the reputation of the experts (14%, 107), and advocacy (7%, 57), with all remaining areas accounting for 3% or less. One respondent selected other and clarified availability.

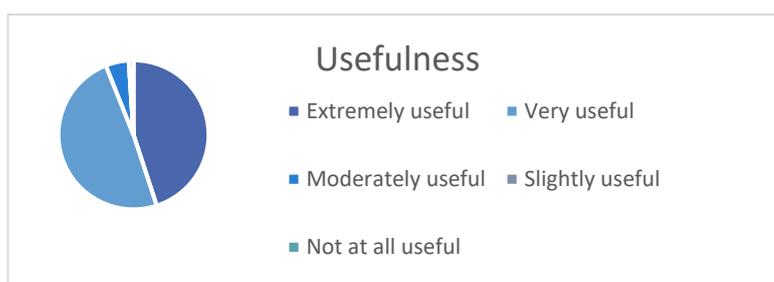
Field	%	Count
Stringent conclusions	28%	219
Reliable sources of contents	26%	200
First-hand experience	20%	159
Reputation of the experts	14%	107
Advocacy	7%	57
Remuneration of experts	3%	20
Use of statistics	1%	7
Style	1%	7
Quantitative assessment of risk	1%	4
Other	0%	1
Total	100%	781



Usefulness

Almost half of respondents found cultural expertise to be very useful (49%, 37), followed by extremely useful (45%, 34), then moderately useful (5%, 4), with one respondent indicated that they found it not at all useful (1%, 1).

Answer	%	Count
Extremely useful	45%	34
Very useful	49%	37
Moderately useful	5%	4
Slightly useful	0%	0
Not at all useful	1%	1
Total	100%	76



Almost three quarters of respondents indicated that they found cultural expertise most useful in immigration law (74%, 285), then more useful in civil law rather than criminal law (10%, 37), the more useful in criminal law rather than civil (10%, 37) and then those who chose to specify who accounted for 7% (27). For those who specified, most listed multiple areas of law, these often included family law, juvenile justice, civil and criminal law, terrorism law, and the laws regarding the rights of foreigners.

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Date of Publication: 20/05/2019 | Page 14

Answer	%	Count
Cultural expertise is most useful in immigration law	74%	285
Cultural expertise is more useful in civil law than in criminal law	10%	37
Cultural expertise is more useful in criminal law than in civil law	10%	37
Cultural expertise is most useful in...	7%	27
Total	100%	386



Competitiveness

The most common response to why experts thought that their services were competitive, where the balance between competence and cost (38%, 33), followed by competence (36%, 31), then reputation (23%, 20), convenient hourly quote (1%, 1) and other (1%, 1), who specified that they were employed by an association.

Answer	%	Count
Balance between competence and cost	38%	33
Competence	36%	31
My reputation	23%	20
Convenient hourly quote	1%	1
Other	1%	1
Total	100%	86



Reputation of Experts

Most experts had built their reputation through the success of their cases (71%, 45), followed by the fact that they had been instructed/appointed for many years (14%, 9), then other (10%, 6) and I don't know (5%, 3). Of those who selected other and specified, two indicated that they had only ever been involved a small number of times, two clarified that it was due to their networks, and the final two indicated that it was due to their type of expertise.

Answer	%	Count
The cases in which I provided an expert opinion have been successful	71%	45
I have been regularly instructed/appointed as an expert for many years	14%	9
Other	10%	6
I don't know	5%	3
Total	100%	63



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

Principal Investigator: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: CHRISTIANE BESNIER

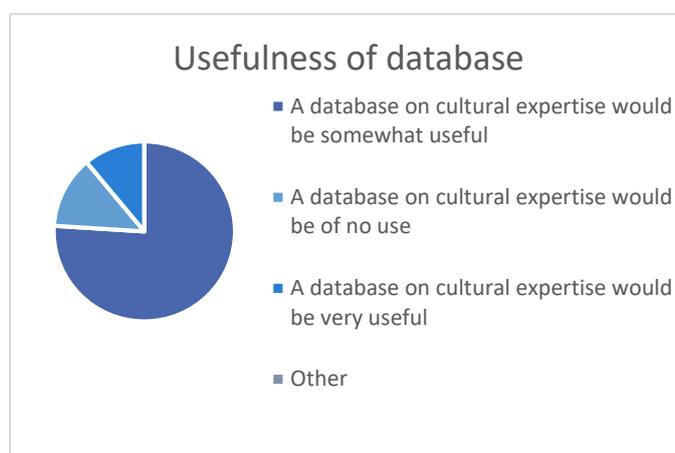
Date of Publication: 20/05/2019 | Page 15

Improved Access

Database

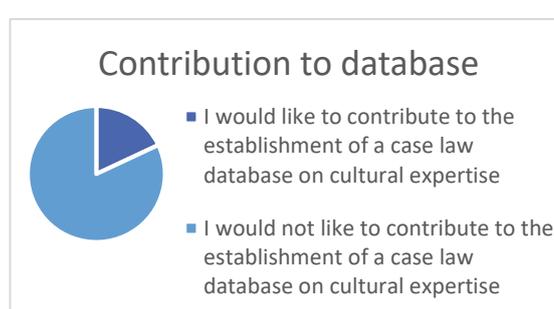
Around three quarters of respondents indicated that a database on cultural expertise would be somewhat useful (76%, 286), followed by 13% (48) who thought it would be of no use, and 11% (43), who thought a database would be very useful.

Answer	%	Count
A database on cultural expertise would be somewhat useful	76%	286
A database on cultural expertise would be of no use	13%	48
A database on cultural expertise would be very useful	11%	43
Other	0%	0
Total	100%	377



The majority of respondents indicated that they would not like to contribute to a case law database on cultural expertise (82%, 270), and the remaining 18% (58) indicated that they would like to contribute.

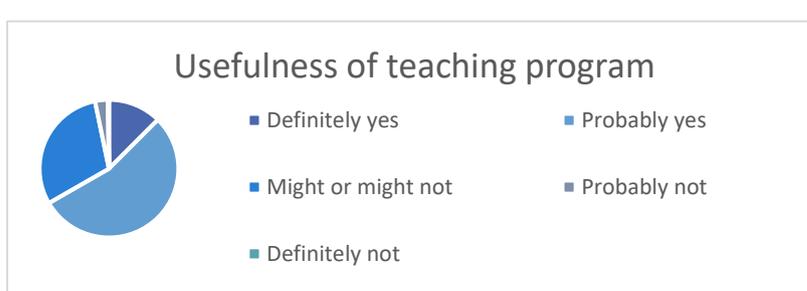
Answer	%	Count
I would like to contribute to the establishment of a case law database on cultural expertise	18%	58
I would not like to contribute to the establishment of a case law database on cultural expertise	82%	270
Total	100%	328



Capacity Building

With regards to the usefulness of a program teaching cultural expertise, more than half of the respondents said probably yes (54%, 218) followed by might or might not (30%, 121), then definitely yes (12%, 50), probably not (3%, 12) and finally definitely not (0%, 1).

Answer	%	Count
Definitely yes	12%	50
Probably yes	54%	218
Might or might not	30%	121
Probably not	3%	12
Definitely not	0%	1
Total	100%	402



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Date of Publication: 20/05/2019 | Page 16

A high number of respondents indicated that they would be interested in teaching cultural expertise (41%, 34), with 35% (29) indicating that they knew of professional organisations that may be interested and 22% (18) that knew of educational organisations that might be interested. One respondent selected other, and clarified that they did not know of any.

Answer	%	Count
I know of schools, universities or organisations that may be interested in teaching cultural expertise	22%	18
I know of professional organisations that may be interested in capacity building on the use of cultural expertise	35%	29
I would be interested in teaching cultural expertise	41%	34
Other	1%	1
Total	100%	82

