

# Poland

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

PI: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: STANISLAW BURDZIEJ

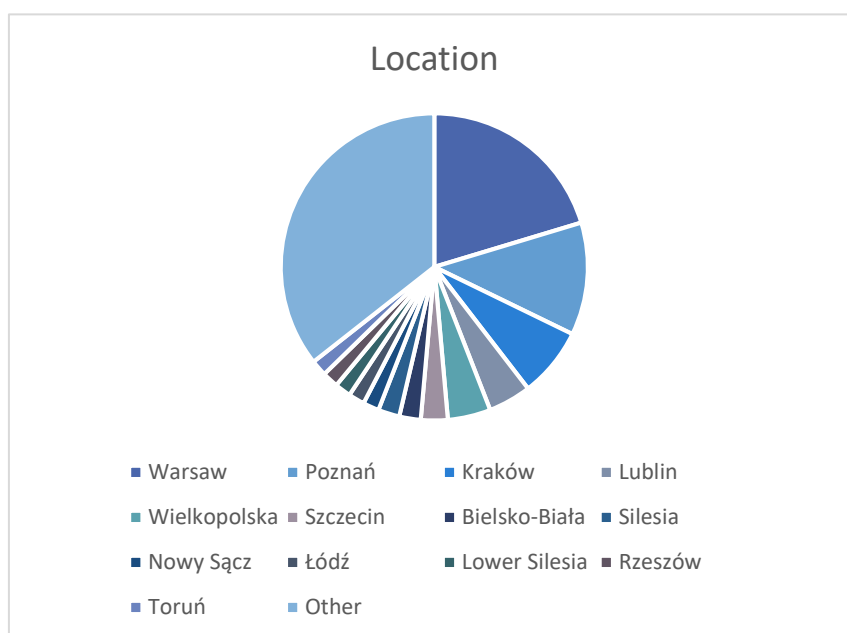
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### Sample

There were 248 respondents to the Polish survey, of which 57% (141) were Judges, 29% (71) were Lawyers, 14% (34) were Experts, and less than 1% (2) were Beneficiaries.

Of those who responded 71% indicated their location, with 20% (36) clarifying Warsaw, 12% (21) Poznań, 7% (13) Kraków, 5% (8) Lublin, 5% (8) Wielkopolska and 3% (5) Szczecin. All the remaining areas listed received 2% or less.

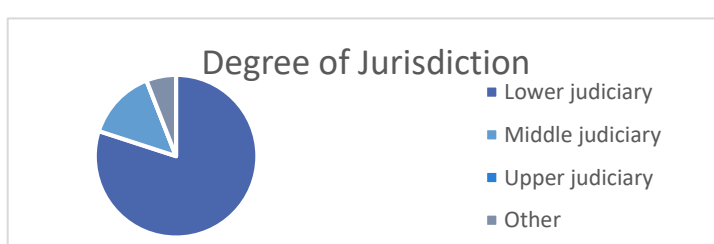
Location	%	Count
Warsaw	20%	36
Poznań	12%	21
Kraków	7%	13
Lublin	5%	8
Wielkopolska	5%	8
Szczecin	3%	5
Bielsko-Biała	2%	4
Silesia	2%	4
Nowy Sącz	2%	3
Łódź	2%	3
Lower Silesia	2%	3
Rzeszów	2%	3
Toruń	2%	3
Other	36%	63
Total	100%	177



### Judges

Of the 141 Judges, 135 (96%) indicated their degree of jurisdiction. 80% (108) of respondents were from the lower judiciary and 14% (19) from the middle judiciary. 'Other' was selected by 6% (8) who specified that they were judicial assistants (asystenci sędziów).

Degree of Jurisdiction	%	Count
Lower judiciary	80%	108
Middle judiciary	14%	19
Upper judiciary	0%	0
Other	6%	8
Total	100%	135



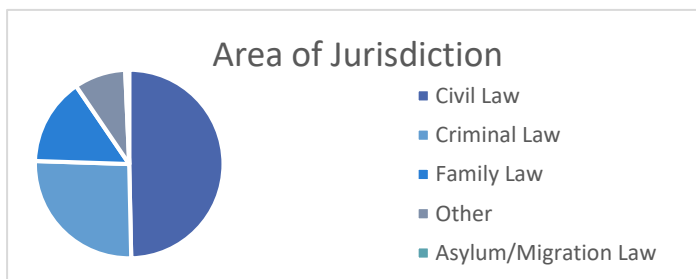
The most common area of jurisdiction was 'Civil Law' (50%, 73) followed by 'Criminal Law' (26%, 38), then 'Family Law' (15%, 22), 'Other' (9%, 13) and 'Asylum/Migration Law' (1%, 1). Of those who selected 'Other' and specified, four suggested that they supported judges who worked in civil law, and three indicated areas of business and economic laws.

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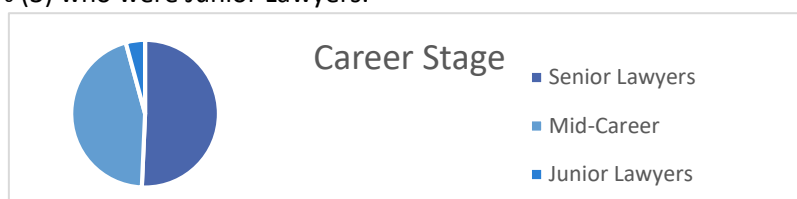
Area of Jurisdiction	%	Count
Civil Law	50%	73
Criminal Law	26%	38
Family Law	15%	22
Other	9%	13
Asylum/Migration Law	1%	1
<b>Total</b>	<b>100%</b>	<b>147</b>



### Lawyers

More than half of the Lawyers who responded (51%, 36) indicated that they were Senior Lawyers, followed by 45% (32) who were Mid-Career and 4% (3) who were Junior Lawyers.

Career Stage	%	Count
Senior Lawyers	51%	36
Mid-Career	45%	32
Junior Lawyers	4%	3
<b>Total</b>	<b>100%</b>	<b>71</b>



When asked about the areas of law they practiced in, more than half of the responses indicated 'Criminal Law' (54%, 62), followed by 'International Human Rights Law' (9%, 10), 'Administrative Law' (7%, 8), 'Immigration Law' (6%, 7) and 'Refugee and Asylum Law' (6%, 7). The remaining areas received less than 5%.

Areas of Law	%	Count
Criminal law	54%	62
International human rights law	9%	10
Administrative law	7%	8
Immigration law	6%	7
Refugee and asylum law	6%	7
Family law	4%	5
Constitutional law	4%	4
European law	3%	3
Business and commercial law	2%	2
Contracts and obligations	2%	2
Private international law	2%	2
Labour law	1%	1
Medical and bio law	1%	1
Banking, bankruptcy, and insolvency law	0%	0
Environmental law	0%	0
Financial law	0%	0
Health law	0%	0
Inheritance law	0%	0
Intellectual and patent law	0%	0
Property law	0%	0
Sports law	0%	0
Other	0%	0
<b>Total</b>	<b>100%</b>	<b>114</b>



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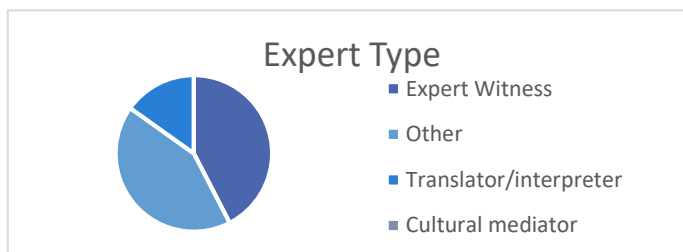
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### Experts

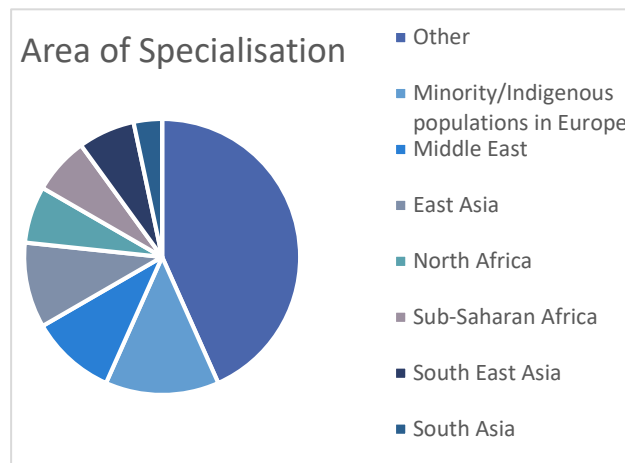
The most common expert type was 'Expert Witness' (42%, 14), which received the same number of responses as 'Other' (42%, 14), followed by 'Translator/Interpreter' (15%, 5). Those who selected 'Other' and specified, three identified as academic experts, two psychologists (one who specialised in cultural matters), a 'cultural social worker' and a 'coach of intercultural communication'.

Expert Type	%	Count
Expert Witness	42%	14
Other	42%	14
Translator/interpreter	15%	5
Cultural mediator	0%	0
Total	100%	33



'Other' (43%, 13) was the most common response to the question regarding the specific area of specialisation, followed by 'Minority/Indigenous populations in Europe' (13%, 4), 'the Middle East' (10%, 3), 'East Asia' (10%, 3), 'North Africa' (7%, 2), 'Sub-Saharan Africa' (7%, 2), 'South-East Asia' (7%, 2) and 'South Asia' (3%, 1). Of those who indicated 'Other' and specified, two mentioned religious minorities in Poland, two mentioned the former Soviet republics, one stipulated Europe in general, and three mentioned that the question was not applicable to them.

Area of Specialisation	%	Count
Other	43%	13
Minority/Indigenous populations in Europe	13%	4
Middle East	10%	3
East Asia	10%	3
North Africa	7%	2
Sub-Saharan Africa	7%	2
South East Asia	7%	2
South Asia	3%	1
South and Central America	0%	0
Total	100%	30



### Frequency

#### Numeric Frequency

Overall, 39% (12) of experts, had provided expert evidence for 'less than 5' cases, with 6% (2) indicating that they had provided evidence for 'between 5 and 10' and 'between 10 and 20' cases, 16% (5) selected 'between 20 and 50' and 10% (3) 'between 50 and 100'. 'Other' was selected by 23% (7), of which four respondents specified, with two indicating over 100, one indicating zero and another indicating over 1000, but in the role of an interpreter. The numbers were relatively similar in the 'less than 5 cases' category for both written reports and oral evidence. Overall respondents showed slightly higher numbers for having given written reports. For those who selected 'Other' responding to the question regarding written reports, two indicated zero and two indicated hundreds, and regarding oral evidence, 10 indicated that they had never done so, and one indicated several hundred.

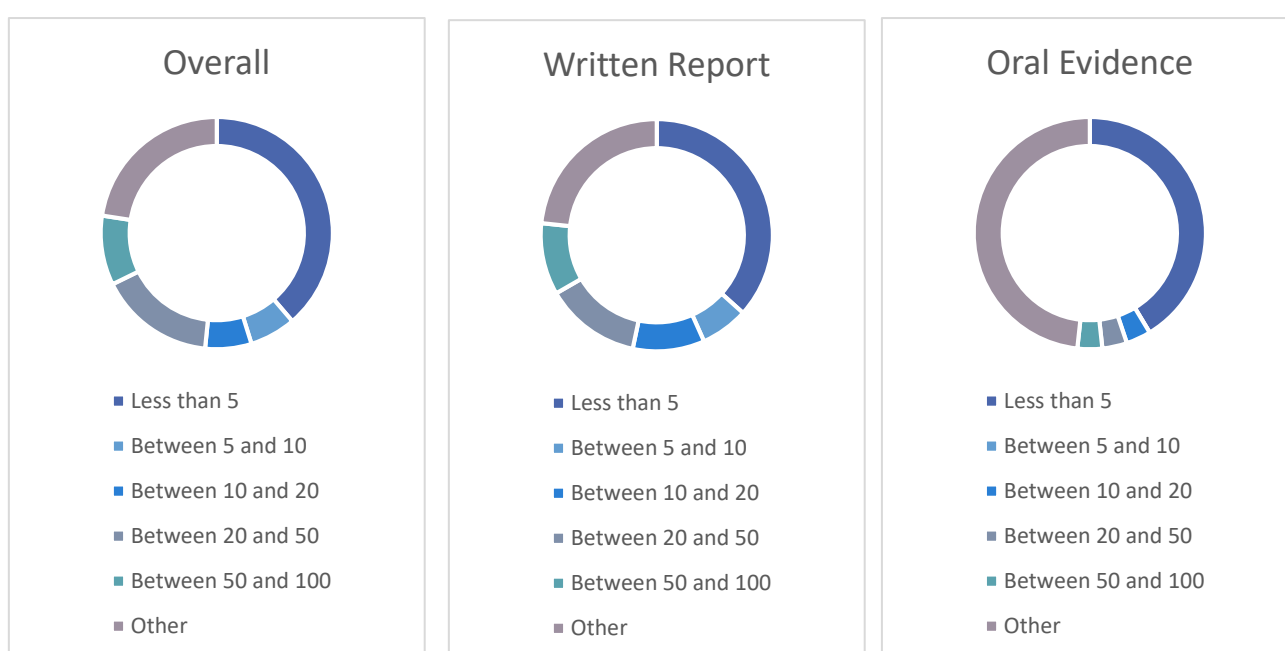


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	How many cases have you provided expert evidence/translation/mediation services for?		For how many cases have you provided only a written report?		For how many cases have you provided only oral evidence?	
Number of cases	%	Count	%	count	%	count
Less than 5	39%	12	37%	11	41%	12
Between 5 and 10	6%	2	7%	2	0%	0
Between 10 and 20	6%	2	10%	3	3%	1
Between 20 and 50	16%	5	13%	4	3%	1
Between 50 and 100	10%	3	10%	3	3%	1
Other	23%	7	23%	7	48%	14
<b>Total</b>	<b>100%</b>	<b>31</b>	<b>100%</b>	<b>30</b>	<b>100%</b>	<b>29</b>



Overall 36% (67) indicated that they had instructed experts in 'less than 10' cases, though this was slightly higher for Judges (40%, 51), than Lawyers (26%, 16). The most common response was 'Other' (overall: 63%, 118). For those who specified, almost all indicated that they had never instructed an expert.

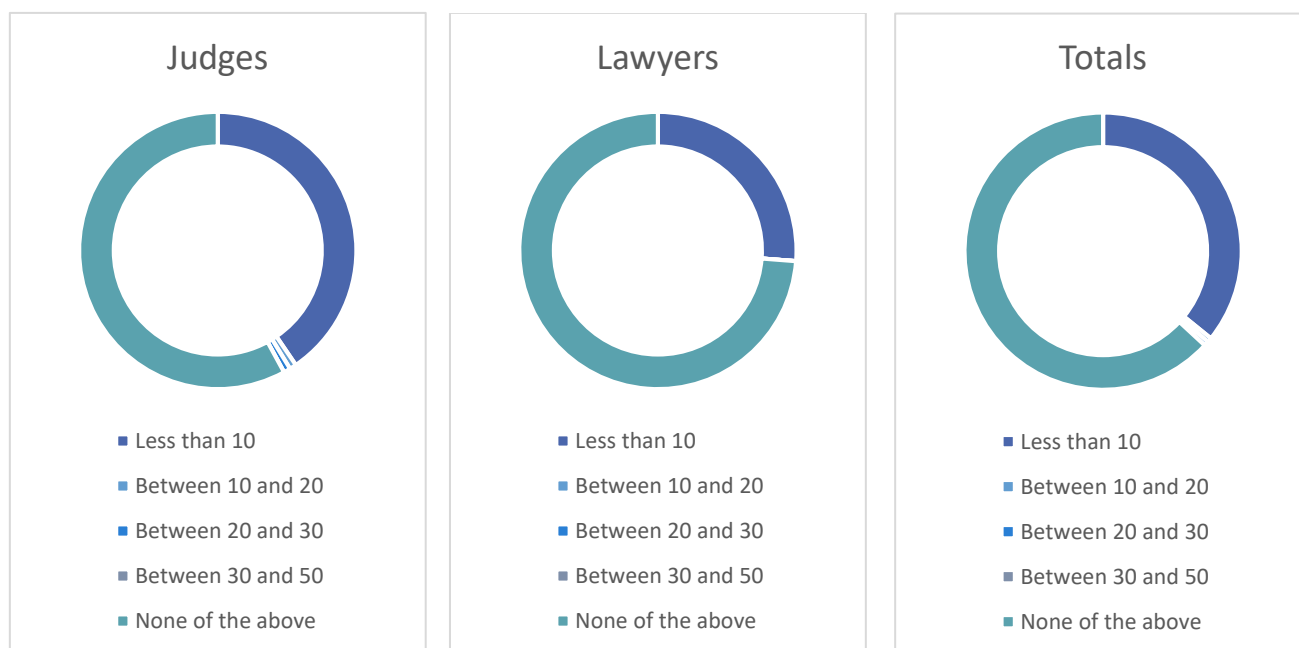
Number of cases	Judges		Lawyers		Totals	
	%	Count	%	Count	%	Count
Less than 10	40%	51	26%	16	36%	67
Between 10 and 20	1%	1	0%	0	1%	1
Between 20 and 30	1%	1	0%	0	1%	1
Between 30 and 50	0%	0	0%	0	0%	0
None of the above	58%	73	74%	45	63%	118
<b>Totals</b>	<b>100%</b>	<b>126</b>	<b>100%</b>	<b>61</b>	<b>100%</b>	<b>187</b>



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Only two beneficiaries responded to the question regarding the frequency of their use of cultural experts. One responded 'Once' and the other responded 'Often'.

### Fields of law

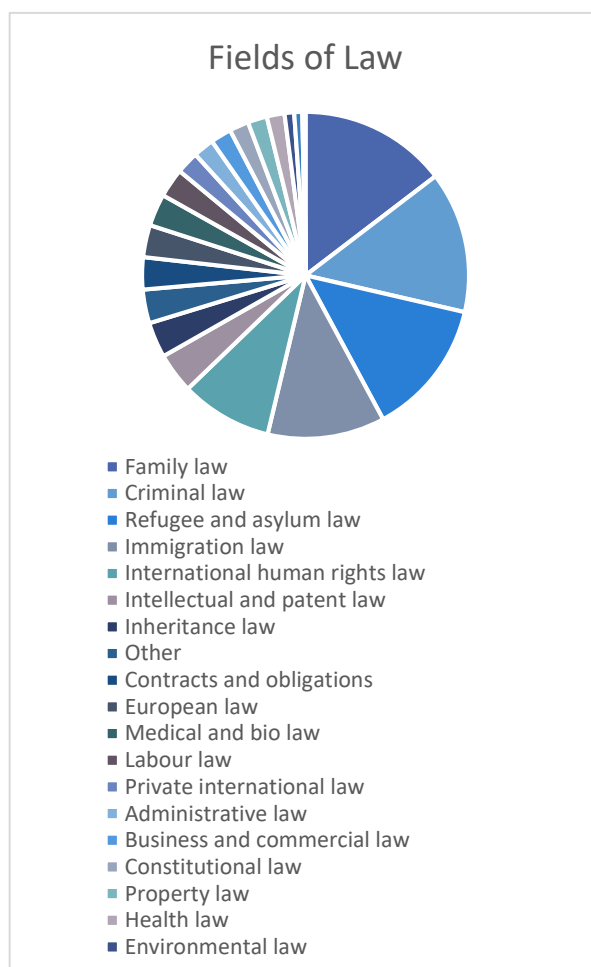
With regards to the fields of law that cultural expertise was used in, the most common response was 'Family Law' (15%, 92), followed by 'Criminal Law' (14%, 88), 'Refugee and Asylum Law' (14%, 85), 'Immigration Law' (12%, 73), 'International Human Rights Law' (9%, 57) and 'Intellectual and Patent Law' (4%, 25). All the remaining areas received 3% or less. Of the 3% (21), who responded 'Other', most indicated that they did not know, four mentioned civil law and one clarified media law.

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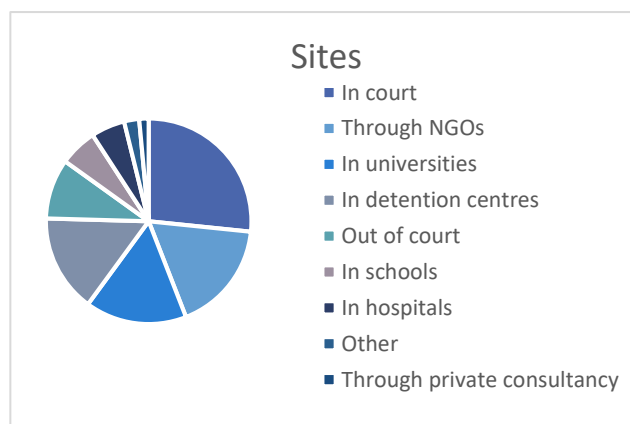
Fields of Law	%	Count
Family law	15%	92
Criminal law	14%	88
Refugee and asylum law	14%	85
Immigration law	12%	73
International human rights law	9%	57
Intellectual and patent law	4%	25
Inheritance law	3%	22
Other	3%	21
Contracts and obligations	3%	20
European law	3%	20
Medical and bio law	3%	20
Labour law	3%	18
Private international law	2%	14
Administrative law	2%	13
Business and commercial law	2%	13
Constitutional law	2%	12
Property law	2%	12
Health law	2%	11
Environmental law	1%	6
Sports law	1%	5
Banking, bankruptcy, and insolvency law	0%	1
Financial law	0%	1
<b>Total</b>	<b>100%</b>	<b>629</b>



## Sites

The most common site for cultural expertise was 'In Court' (27%, 90), followed by 'Through NGO's' (17%, 59), 'In Universities' (16%, 54), 'In Detention Centres' (15%, 52), 'Out of Court' (9%, 32) and 'In Schools' (6%, 20). All the remaining areas received 5% or less. Of the 2% (8) who selected 'Other', all but two indicated that they are unable to answer, one responded 'mass media' and another indicated the 'Office of the Foreigners'.

Sites	%	Count
In court	27%	90
Through NGOs	17%	59
In universities	16%	54
In detention centres	15%	52
Out of court	9%	32
In schools	6%	20
In hospitals	5%	18
Other	2%	8
Through private consultancy	1%	5
<b>Total</b>	<b>100%</b>	<b>338</b>





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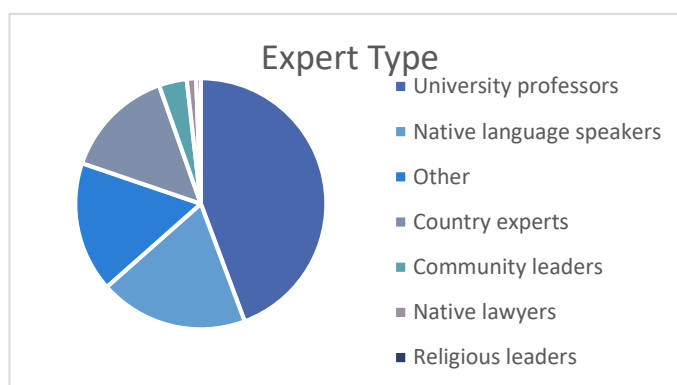
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### Typology of Experts

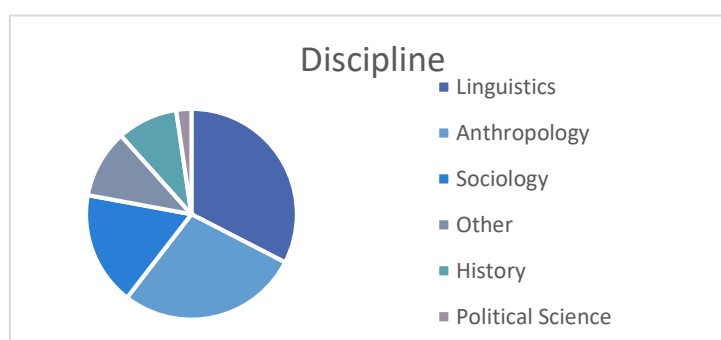
The most common type of expert was university professors (44%, 74), followed by native language speakers (19%, 32), then 'Other' (17%, 28), and country experts (14%, 24). All the remaining areas received 5% or less. Of those who selected 'Other' and specified, 11 indicated that they did not know, two indicated mechanics and two indicated psychologists.

Expert Type	%	Count
University professors	44%	74
Native language speakers	19%	32
Other	17%	28
Country experts	14%	24
Community leaders	4%	6
Native lawyers	1%	2
Religious leaders	1%	1
<b>Total</b>	<b>100%</b>	<b>167</b>



When asked which disciplines these experts came from 33% (28) responded Linguistics, followed by Anthropology (28%, 24), Sociology (17%, 15), 'Other' (10%, 9) and History (9%, 8). For those who selected 'Other' and specified three indicated doctors and one indicated scholars of religious studies.

Discipline	%	Count
Linguistics	33%	28
Anthropology	28%	24
Sociology	17%	15
Other	10%	9
History	9%	8
Political Science	2%	2
<b>Total</b>	<b>100%</b>	<b>86</b>



In terms of the areas of law that expertise had been given in, 20% (12) indicated 'Criminal law' followed by 'Other' (15%, 9), 'Intellectual and Patent Law' (11%, 7), 'Family Law' (10%, 6), 'Refugee and Asylum Law' (10%, 6) and 'Business and Commercial Law' (7%, 4), with all the remaining areas receiving 5% or less. Of those who selected 'Other' and specified, three indicated civil law, two linguistic correctness and one each for terrorism law and lustration.



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Fields of Law	%	Count
Criminal law	20%	12
Other	15%	9
Intellectual and patent law	11%	7
Family law	10%	6
Refugee and asylum law	10%	6
Business and commercial law	7%	4
Administrative law	5%	3
Contracts and obligations	3%	2
Financial law	3%	2
Immigration law	3%	2
International human rights law	3%	2
Labour law	3%	2
Medical and bio law	3%	2
Banking, bankruptcy, and insolvency law	2%	1
Property law	2%	1
Constitutional law	0%	0
Environmental law	0%	0
European law	0%	0
Health law	0%	0
Inheritance law	0%	0
Private international law	0%	0
Sports law	0%	0
<b>Total</b>	<b>100%</b>	<b>61</b>



## Modalities

### Appointment of Experts

The most common factors to influence the appointment of an expert is the client's request (24%, 92), followed by the law allowing the appointment of experts (15%, 59), then that experts facilitate successful legal outcomes (15%, 59), time (9%, 36), that the expertise can then be used for an out of court settlement (9%, 36), the reputation of the expert (8%, 33), cost (6%, 25), other (4%, 17), and the court/prosecutor/Office for Foreigners having already appointed their expert (4%, 15), with all remaining areas accounting for 3% or less. Of those who selected other and specified, twelve indicated that they did not know, two clarified the need for specialist knowledge in the proceedings and one specified to assist in overcoming language barriers.



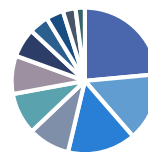
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Factor	%	Count
Client/ Defendant/ Claimant/ Applicant's request	24%	92
The law allows the appointment/ instruction of experts	15%	59
Experts facilitate successful legal outcomes	15%	59
Time	9%	36
Expertise can also be used for an out of court settlement	9%	36
The reputation of the expert	8%	33
Cost	6%	25
Other	4%	17
The court/ prosecutor/ Office for Foreigners have already appointed their expert	4%	15
The appointment/ instruction of experts is advised by the court	3%	11
The court is keen to hear cultural arguments	2%	8
<b>Total</b>	<b>100%</b>	<b>391</b>

### Factors influencing decision to appoint an expert



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

The most appropriate expert was chosen due to their competence (34%, 109), followed by from expert registers at law courts (26%, 82), then the reputation of the expert (14%, 44), from professional expert registers (6%, 19), other (6%, 19), and the litigant's choice (5%, 16), with all remaining categories accounting for 4% or less. Of those who selected other and specified, three clarified the availability of the expert, two indicated that they did not know, one specified finding an expert that was willing to work free of charge, and finally one respondent that indicated that it depends on the particular regulations.

Reason	%	Count
Competence	34%	109
From expert registers at law courts	26%	82
Reputation of expert	14%	44
From professional expert registers	6%	19
Other	6%	19
Litigant/ Applicant/ Defendant/ Claimant's choice	5%	16
Balance between competence and cost	4%	14
Convenient hourly quote	4%	13
<b>Total</b>	<b>100%</b>	<b>316</b>

### Factors in choosing the appropriate expert



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

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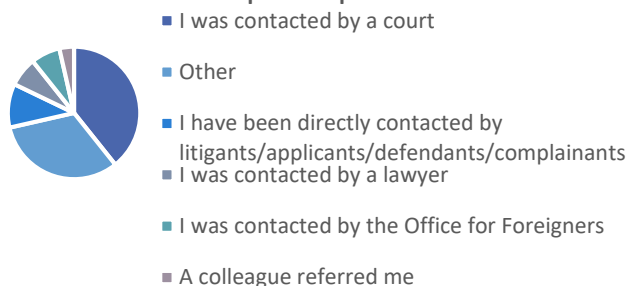
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Experts most commonly started giving expert opinions by being contacted by a court (39%, 11), followed by other (32%, 9), then by being directly contacted by litigants (11%, 3), being contacted by a lawyer (7%, 2), being contacted by the Office for Foreigners (7%, 2) and one expert that was referred by a colleague. Of those who selected other and specified, two were contacted by the Internal Security Agency, two clarified that it is part of their professional duties, one indicated the police and finally one clarified that they had volunteered themselves.

Answer	%	Count
I was contacted by a court	39%	11
Other	32%	9
I have been directly contacted by litigants/ applicants/ defendants/ complainants	11%	3
I was contacted by a lawyer	7%	2
I was contacted by the Office for Foreigners	7%	2
A colleague referred me	4%	1
Total	100%	28

### How experts started providing expert opinions



Experts were most commonly appointed by courts (30%, 18), followed by being contacted directly by litigants (23%, 14), then being appointed by lawyers who contact them as the need arises (16%, 10), other (13%, 8), being appointed by the Office for Foreigners (10%, 6), and finally working as an expert for an NGO. Of those who selected other and specified, two indicated that they were appointed by the Prosecutor's Office, two work for institutions whose work it is to provide expert opinions, one clarified that they were appointed by the police and one by the Internal Security Agency, and finally, one volunteered to help.

Field	%	Count
I have been instructed/appointed by courts	30%	18
I was contacted directly by the litigants/ applicants/ defendants/ complainants	23%	14
I have been instructed/appointed as expert by several lawyers who contact me as the need arises	16%	10
Other	13%	8
I have been instructed/appointed by the Office for Foreigners or other equivalent authority	10%	6
I work as an expert for an NGO	8%	5
Total	100%	61

### How experts are appointed



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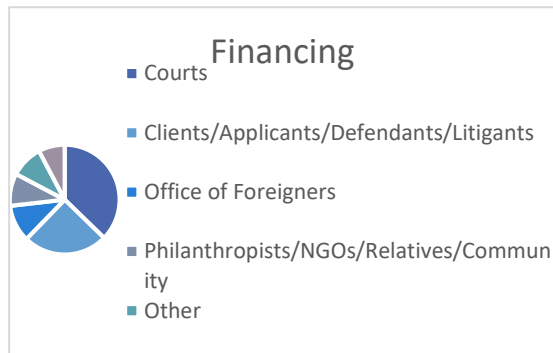
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### Cost of Cultural Expertise

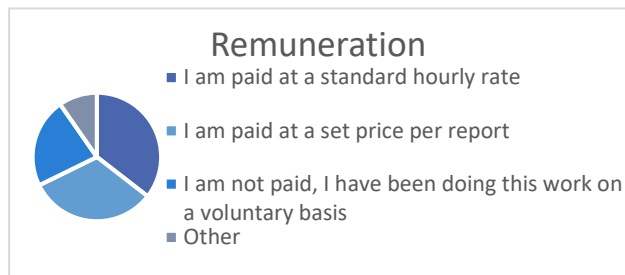
Cultural expertise is usually financed by courts (37%, 82), followed by being financed by clients (25%, 55), then by the office of Foreigners (11%, 24), by philanthropists/ NGOs/ Relatives/ Community (10%, 21), other (10%, 21) and legal aid (8%, 17). Of those who selected other and specified, eight clarified that they did not know, three indicated the Prosecutor's Office, two specified the police, and one clarified that there is no funding available for these services.

Answer	%	Count
Courts	37%	82
Clients/ Applicants/ Defendants/ Litigants	25%	55
Office of Foreigners	11%	24
Philanthropists/ NGOs/ Relatives/ Community	10%	21
Other	10%	21
Legal aid	8%	17
<b>Total</b>	<b>100%</b>	<b>220</b>



Experts were most frequently remunerated by being paid at a standard hourly rate (35%, 11), followed by being paid a set price per report (32%, 10), then by not being paid and working on a voluntary basis (23%, 7) and other (10%, 3). Of those who selected other and specified, two indicated that they were not paid, and one clarified that they completed this task as part of their regular work for which they received a salary.

Answer	%	Count
I am paid at a standard hourly rate	35%	11
I am paid at a set price per report	32%	10
I am not paid, I have been doing this work on a voluntary basis	23%	7
Other	10%	3
<b>Total</b>	<b>100%</b>	<b>31</b>



With regards to the possible reuse of cultural expertise, the most common response was that cultural expertise is a unique and not repeatable experience (41%, 58), followed by cultural expertise being applicable in similar cases (27%, 38), then other (17%, 24), and cultural expertise can only be reproduced in the same country/legal field. Of those who selected other and specified, nine clarified that reuse is only possible when it is related to the same matter and five indicated that they did not know.

Answer	%	Count
Cultural expertise/expert witnessing is a unique and not repeatable experience	41%	58
Cultural expert witnessing is applicable to similar cases	27%	38
Other	17%	24
Cultural expertise can only be reproduced within the same country/legal field	14%	20
<b>Total</b>	<b>100%</b>	<b>140</b>

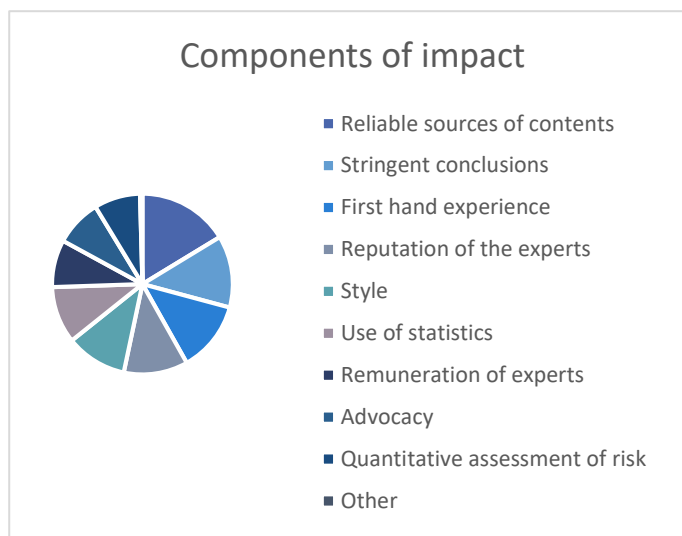


## Impact

### Components of Impact

The elements of expert opinions that were most likely to have an impact on their addresses were reliable sources of contents (16%, 152), followed by stringent conclusions (13%, 120), then first-hand experience (13%, 118), the reputation of experts (11%, 107), style (11%, 102), the use of statistics (10%, 95), remuneration of experts (8%, 79), advocacy (8%, 78), quantitative assessment of risk (8%, 77) and other (0%, 4). Of those who selected other and specified, three indicated that they did not know and one indicated that concise opinions are the most valid.

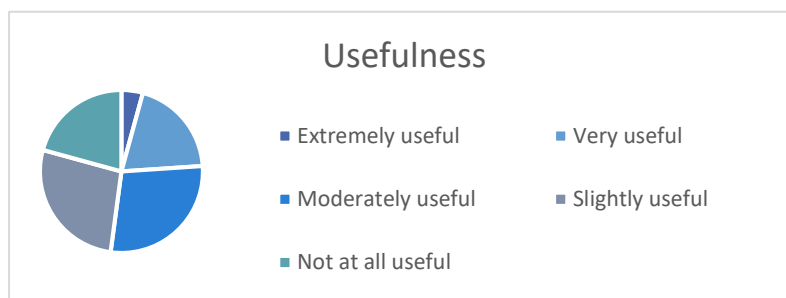
Field	%	Count
Reliable sources of contents	16%	152
Stringent conclusions	13%	120
First-hand experience	13%	118
Reputation of the experts	11%	107
Style	11%	102
Use of statistics	10%	95
Remuneration of experts	8%	79
Advocacy	8%	78
Quantitative assessment of risk	8%	77
Other	0%	4
<b>Total</b>	<b>100%</b>	<b>932</b>



## Usefulness

With regards to the usefulness of cultural expertise, most respondents thought that it was moderately useful (28%, 53), followed by slightly useful (27%, 51), then not useful at all (21%, 39), followed by very useful (20%, 37) and finally extremely useful (4%, 8).

Answer	%	Count
Extremely useful	4%	8
Very useful	20%	37
Moderately useful	28%	53
Slightly useful	27%	51
Not at all useful	21%	39
<b>Total</b>	<b>100%</b>	<b>188</b>



Concerning the areas of law cultural expertise is most useful in, participants most frequently responded with immigration law (39%, 63), followed by cultural expertise being more useful in civil law rather than criminal law (29%, 47), then being more useful in criminal law than civil law (19%, 31) and finally those who felt cultural expertise was useful in other areas (12%, 20). Of those who selected other and specified, five indicated that they did not know, and nine specified other areas of law including family law, administrative law, asylum law and intellectual property law.



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Answer	%	Count
Cultural expertise is most useful in immigration law	39%	63
Cultural expertise is more useful in civil law than in criminal law	29%	47
Cultural expertise is more useful in criminal law than in civil law	19%	31
Cultural expertise is most useful in...	12%	20
<b>Total</b>	<b>100%</b>	<b>161</b>

### Areas of law most useful



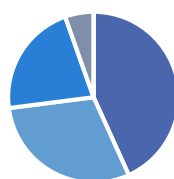
- Cultural expertise is most useful in immigration law
- Cultural expertise is more useful in civil law than in criminal law
- Cultural expertise is more useful in criminal law than in civil law
- Cultural expertise is most useful in...

## Competitiveness

Experts believed their services to be competitive due to their competence (43%, 16), followed by their reputation (30%, 11), then other (22%, 8), and the balance between competence and cost (5%, 2). Of those who selected other and specified, two indicated that it is not up to them to decide if their services are competitive or not, one clarified that they enjoy a high level of trust with their clients, another indicated their responsibility, and finally the institution that they work in.

Answer	%	Count
Competence	43%	16
My reputation	30%	11
Other	22%	8
Balance between competence and cost	5%	2
Convenient hourly quote	0%	0
<b>Total</b>	<b>100%</b>	<b>37</b>

### Reasons services are competitive



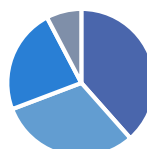
- Competence
- My reputation
- Other
- Balance between competence and cost
- Convenient hourly quote

## Reputation of Experts

The most common response to the question of how experts built their reputation was other (38%, 10), followed by having regularly been instructed/ appointed for many years (31%, 8), then not knowing (23%, 6) and finally having the cases in which they were involved being successful (8%, 2). Of those who selected other and specified, three indicated their qualifications, two clarified their research track record, and then individuals indicated the trust of the communities involved, their experience in the field, and being uncertain as to whether they have yet built a reputation.

Answer	%	Count
Other	38%	10
I have been regularly instructed/ appointed as an expert for many years	31%	8
I don't know	23%	6
The cases in which I provided an expert opinion have been successful	8%	2
<b>Total</b>	<b>100%</b>	<b>26</b>

### How reputation was built



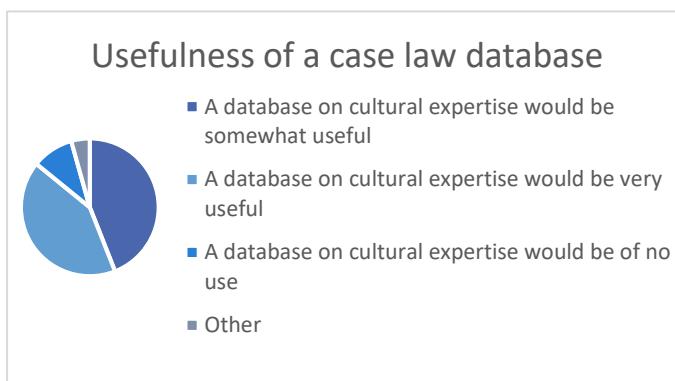
- Other
- I have been regularly instructed/appointed as an expert for many years
- I don't know
- The cases in which I provided an expert opinion have been successful

## Improved Access

### Database

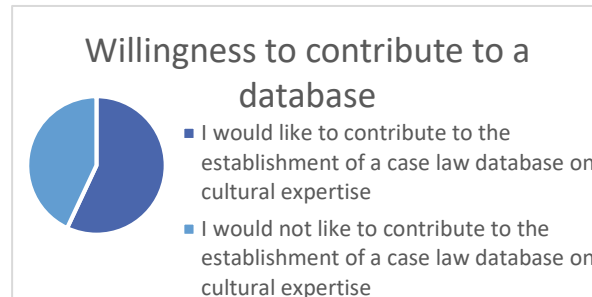
Respondents most frequently indicated that a database on cultural expertise would be somewhat useful (44%, 81), followed by very useful (42%, 77), then of no use (10%, 18) and other (4%, 8). Of those who selected other and specified, four indicated that they did not know, one clarified that expert opinions need to be specific to the particular case and one specified that it would depend on who managed the database.

Answer	%	Count
A database on cultural expertise would be somewhat useful	44%	81
A database on cultural expertise would be very useful	42%	77
A database on cultural expertise would be of no use	10%	18
Other	4%	8
<b>Total</b>	<b>100%</b>	<b>184</b>



Over half of respondents indicated that they would like to contribute to the establishment of a case law database on cultural expertise (57%, 49), followed by the remainder who indicated that they would not (43%, 37).

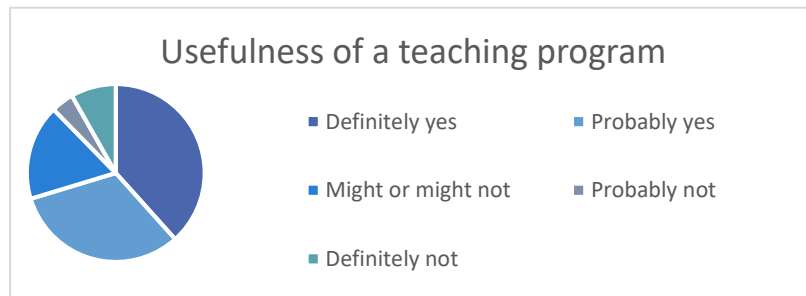
Answer	%	Count
I would like to contribute to the establishment of a case law database on cultural expertise	57%	49
I would not like to contribute to the establishment of a case law database on cultural expertise	43%	37
<b>Total</b>	<b>100%</b>	<b>86</b>



## Capacity Building

In regards to the usefulness of a teaching program on cultural expertise, the most common response was definitely yes (38%, 84), followed by probably yes (32%, 70), then might or might not (17%, 38), definitely not (8%, 18) and probably not (4%, 9).

Answer	%	Count
Definitely yes	38%	84
Probably yes	32%	70
Might or might not	17%	38
Probably not	4%	9
Definitely not	8%	18
<b>Total</b>	<b>100%</b>	<b>219</b>





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In response to the question of whether respondents knew of organisations that may be interested in teaching cultural expertise, the most frequent response was other (73%, 76), followed by that they knew of educational institutions interested in cultural expertise (13%, 14), then that they would be interested in teaching cultural expertise (12%, 12), and finally those who knew of professional organisations that may be interested (2%, 2). Of those who selected other and specified, 25 indicated that they would like to know more about it themselves, ten did not know, and one clarified that experts can't be taught, but rather need to learn these skills in practice.

Answer	%	Count
Other	73%	76
I know of schools, universities or organisations that may be interested in teaching cultural expertise	13%	14
I would be interested in teaching cultural expertise	12%	12
I know of professional organisations that may be interested in capacity building on the use of cultural expertise	2%	2
<b>Total</b>	<b>100%</b>	<b>104</b>

