

# Sweden

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## Contents

Sample .....	2
Judges .....	2
Lawyers .....	3
Experts .....	4
Frequency .....	4
Numeric Frequency .....	4
Sites .....	6
Fields of law .....	7
Typology of Experts .....	8
Modalities .....	9
Appointment of Experts .....	9
Cost of Cultural Expertise .....	12
Impact .....	13
Components of Impact .....	13
Usefulness .....	14
Competitiveness .....	14
Reputation of Experts .....	15
Improved Access .....	15
Database .....	15
Capacity Building .....	16



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

PI: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: LAURA LEHTONEN

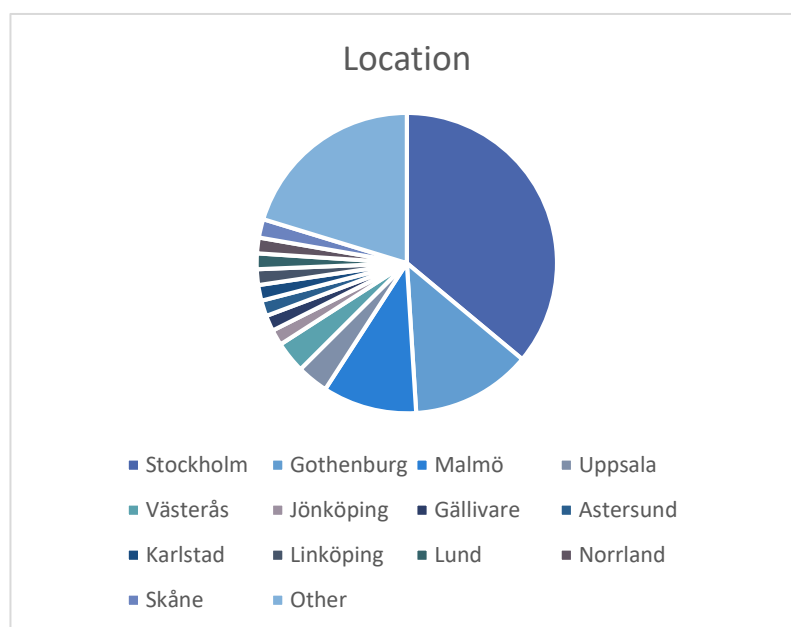
Date of Publication: 05/06/2019 | Page 2

### Sample

There were 214 responses to the Swedish survey, 61 (29%) from Judges, 69 (32%) from Lawyers, 70 (33%) from Experts and (7%) 14 Beneficiaries of Cultural Expertise.

Of these, 177 (83%) indicated their location, with 36% (64) specifying Stockholm, 13% (23) Gothenburg, 10% (18) Malmö, 3% (6) each for Uppsala and Västerås, and all the remaining areas accounting for 2% or less.

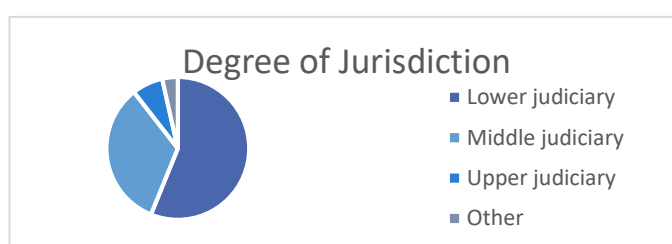
Location	%	Count
Stockholm	36%	64
Gothenburg	13%	23
Malmö	10%	18
Uppsala	3%	6
Västerås	3%	6
Jönköping	2%	3
Gällivare	2%	3
Astersund	2%	3
Karlstad	2%	3
Linköping	2%	3
Lund	2%	3
Norrland	2%	3
Skåne	2%	3
Other	20%	36
Total	100%	177



### Judges

Of the Judges who indicated their degree of jurisdiction, more than half (56%, 32) indicated that they were from the lower judiciary, a third (33%, 19) indicated that they were from the middle judiciary, and 7% (4) indicated that they were from the upper judiciary. Of the two who selected 'other', one specified that they were involved in both the middle and upper judiciary and the other indicated that they were also a prosecutor.

Degree of Jurisdiction	%	Count
Lower judiciary	56%	32
Middle judiciary	33%	19
Upper judiciary	7%	4
Other	4%	2
Total	100%	57



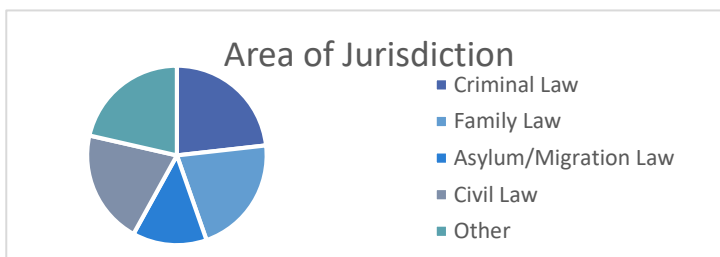
When asked for their areas of jurisdiction, 23% (26) Judges indicated 'Criminal Law', 21% (24) each for 'Other' and 'Family Law', and 21% (23) for 'Civil Law', and 13% for 'Asylum/Migration Law'. Of the 24 individuals who selected 'Other' around half of those specified, with nine indicating administrative law, one for insolvency law, one for land and environmental law and another for the social aspects of law.

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Date of Publication: 05/06/2019 | Page 3

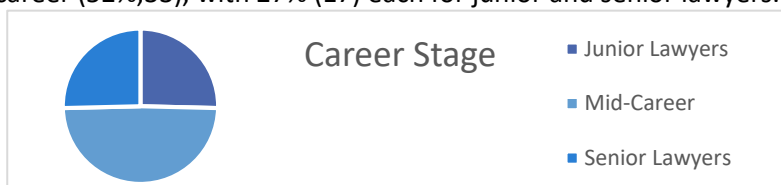
Area of Jurisdiction	%	Count
Criminal Law	23%	26
Family Law	21%	24
Asylum/Migration Law	13%	15
Civil Law	21%	23
Other	21%	24
<b>Total</b>	<b>100%</b>	<b>112</b>



### Lawyers

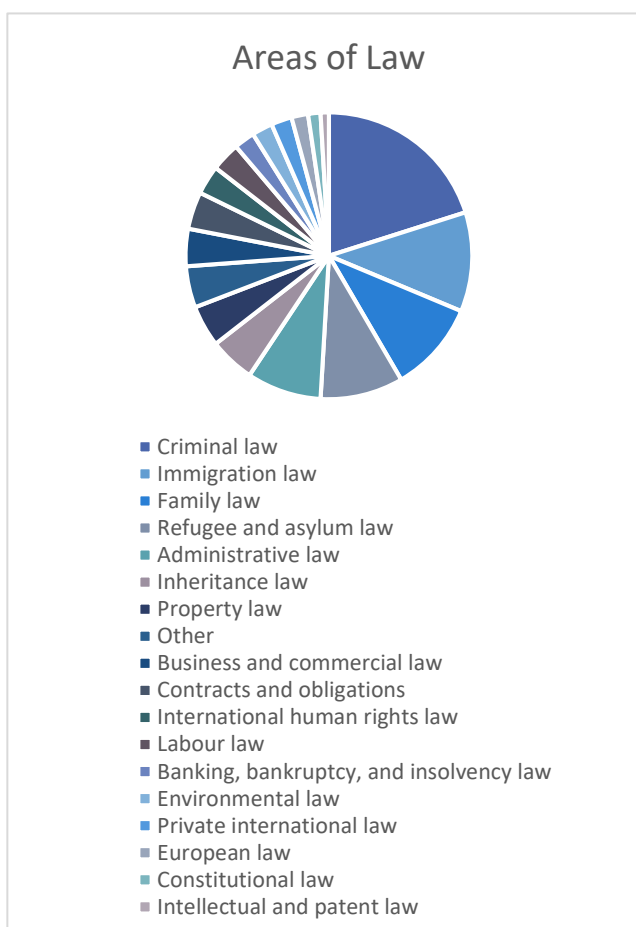
About half of lawyers identified as mid-career (52%,33), with 27% (17) each for junior and senior lawyers.

Career Stage	%	Count
Junior Lawyers	27%	17
Mid-Career	52%	33
Senior Lawyers	27%	17
<b>Total</b>	<b>100%</b>	<b>63</b>



The most common area of law selected was Criminal Law (20%, 43), followed by Immigration Law (11%,24), Family Law (10%,22), Refugee and Asylum Law (9%,20), and Administrative Law (8%, 18). Inheritance Law, Property Law and 'Other' each received 5% with all remaining areas receiving 4% or less. The 10 who selected 'other' specified areas such as indigenous law, minority rights, discrimination law and negotiation and mediation.

Areas of Law	%	Count
Criminal law	20%	43
Immigration law	11%	24
Family law	10%	22
Refugee and asylum law	9%	20
Administrative law	8%	18
Inheritance law	5%	11
Property law	5%	10
Other	5%	10
Business and commercial law	4%	9
Contracts and obligations	4%	9
International human rights law	3%	7
Labour law	3%	7
Banking, bankruptcy, and insolvency law	2%	5
Environmental law	2%	5
Private international law	2%	5
European law	2%	4
Constitutional law	1%	3
Intellectual and patent law	1%	2
Financial law	0%	0
Health law	0%	0
Medical and bio law	0%	0
Sports law	0%	0
<b>Total</b>	<b>100%</b>	<b>214</b>



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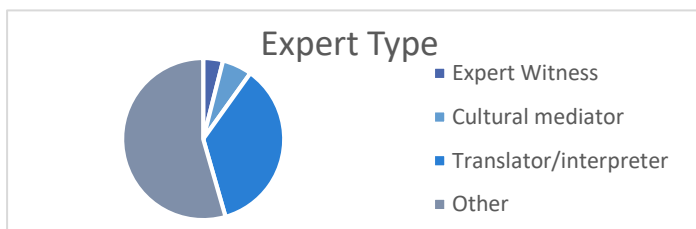
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Date of Publication: 05/06/2019 | Page 4

### Experts

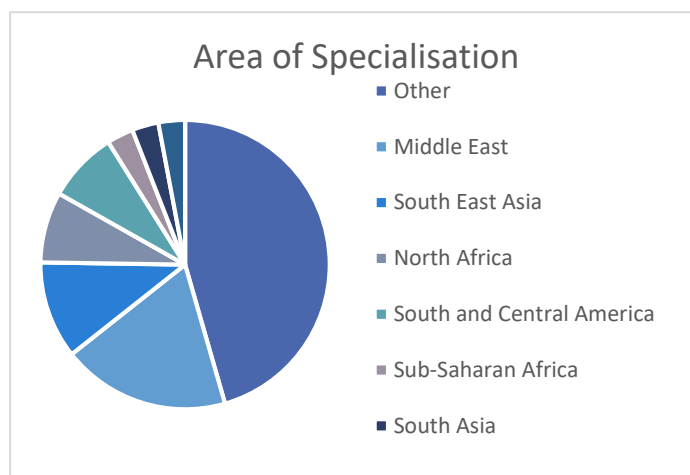
A total of 53 experts indicated their expert type, with over half (55%, 29), selecting 'Other', followed by Translators/Interpreters at 36% (19), Cultural Mediators at 6% (3) and Expert Witnesses at 4% (2). Of those who selected other and specified, 19 clarified that they were interpreters, two were teachers, two were psychologists and one was an expert on migration policy.

Expert Type	%	Count
Expert Witness	4%	2
Cultural mediator	6%	3
Translator/interpreter	36%	19
Other	55%	29
Total	100%	53



In terms of area of specialisation, once again, 'Other' was the largest at almost half (46%, 17), followed by the Middle East (19%, 7), South East Asia (11%, 4), North Africa (8%,3), South and Central America (8%,3), with all the remaining regions being chosen by one participant or less. Of those who selected 'Other', three selected regions of Eastern Europe, three indicated languages and regions from Western Europe, two indicated the Balkans, one each indicated East Africa and West Africa, Nepal and minority populations in Sweden.

Area of Specialisation	%	Count
Other	46%	17
Middle East	19%	7
South East Asia	11%	4
North Africa	8%	3
South and Central America	8%	3
Sub-Saharan Africa	3%	1
South Asia	3%	1
Minority/Indigenous populations in Europe	3%	1
East Asia	0%	0
Total	100%	37



### Frequency

#### Numeric Frequency

There were roughly 50 responses to the questions put to experts regarding frequency. Overall, 44% (23) respondents selected 'other', 31% (16) selected 'between 50 and 100', 12% (6) 'between 20 and 50', and 4% (2) for 'less than 5'. Those who selected 'other' clarified by largely indicating much higher numbers, 9 indicated that this number was above 100, 2 indicated more than 500, 3 more than 1,000, 2 several thousand, and one as high as 20,000.

These figures were quite similar to the responses to the questions regarding oral evidence, with those who selected 'other' (43%, 20) selecting similarly high numbers. The responses regarding written reports were vastly different, with 36% (18) selecting 'less than 5', and 32% (16) selected other, but this time the vast majority specified that they had not been involved in cases for which they provided only a written report.

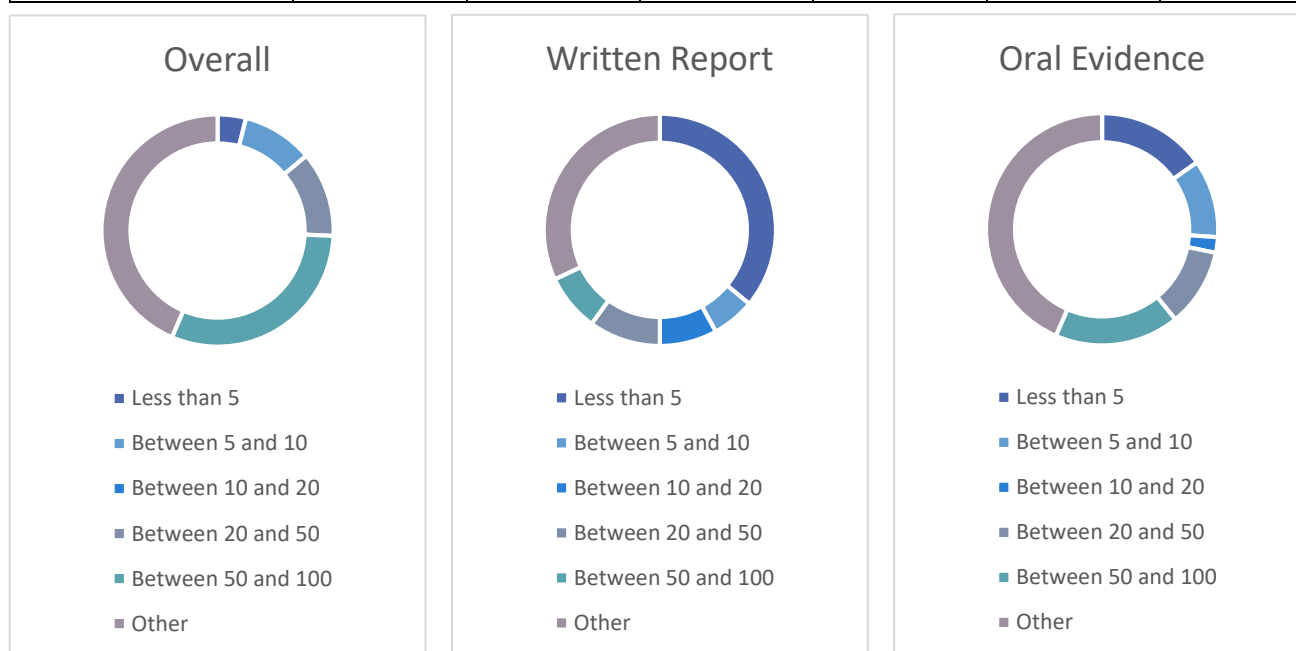


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Date of Publication: 05/06/2019 | Page 5

	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	4%	2	36%	18	15%	7
Between 5 and 10	10%	5	6%	3	11%	5
Between 10 and 20	0%	0	8%	4	2%	1
Between 20 and 50	12%	6	10%	5	11%	5
Between 50 and 100	31%	16	8%	4	17%	8
Other	44%	23	32%	16	43%	20
<b>Total</b>	<b>100%</b>	<b>52</b>	<b>100%</b>	<b>50</b>	<b>100%</b>	<b>46</b>



Overall, most of the responding Judges and Lawyers had instructed cultural experts in less than 10 cases (62%, 69). The second highest response overall was 'none of the above' which accounted for 32% (35), which for those who specified almost exclusively indicated 'none' or clarified that in their role they are not in a position to instruct cultural experts.

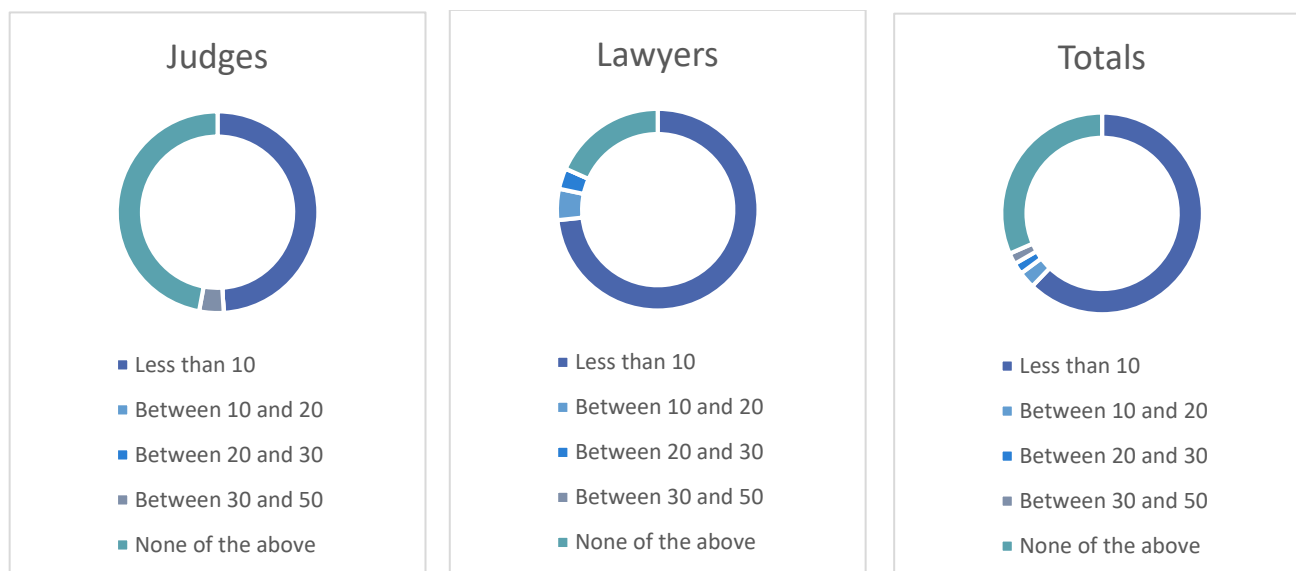
Number of cases	Judges		Lawyers		Totals	
	%	Count	%	Count	%	Count
Less than 10	49%	25	73%	44	62%	69
Between 10 and 20	0%	0	5%	3	3%	3
Between 20 and 30	0%	0	3%	2	2%	2
Between 30 and 50	4%	2	0%	0	2%	2
None of the above	47%	24	18%	11	32%	35
<b>Totals</b>	<b>100%</b>	<b>51</b>	<b>100%</b>	<b>60</b>	<b>100%</b>	<b>111</b>



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Date of Publication: 05/06/2019 | Page 6

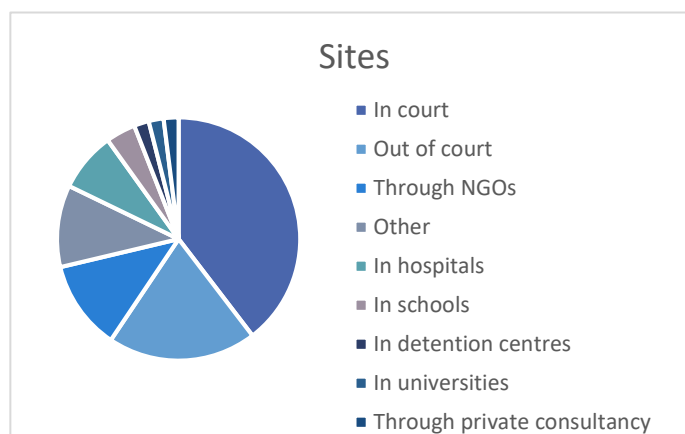


Only two Beneficiaries responded to the question regarding the frequency of their use of an expert witness or country expert, and both responded 'Often'.

### Sites

The most common site in which cultural expertise is used was 'In Court' (40%, 75), followed by 'Out of Court' (20%, 37), 'Through NGOs' (12%, 23), 'Other' (11%, 20), and 'In Hospitals' (8%, 15). All the remaining categories received 4% or less. Those who selected 'Other' and clarified almost exclusively indicated that cultural experts are not used in their understanding or experience.

Sites	%	Total
In court	40%	75
Out of court	20%	37
Through NGOs	12%	23
Other	11%	20
In hospitals	8%	15
In schools	4%	7
In detention centres	2%	4
In universities	2%	3
Through private consultancy	2%	3
<b>Total</b>	<b>100%</b>	<b>187</b>



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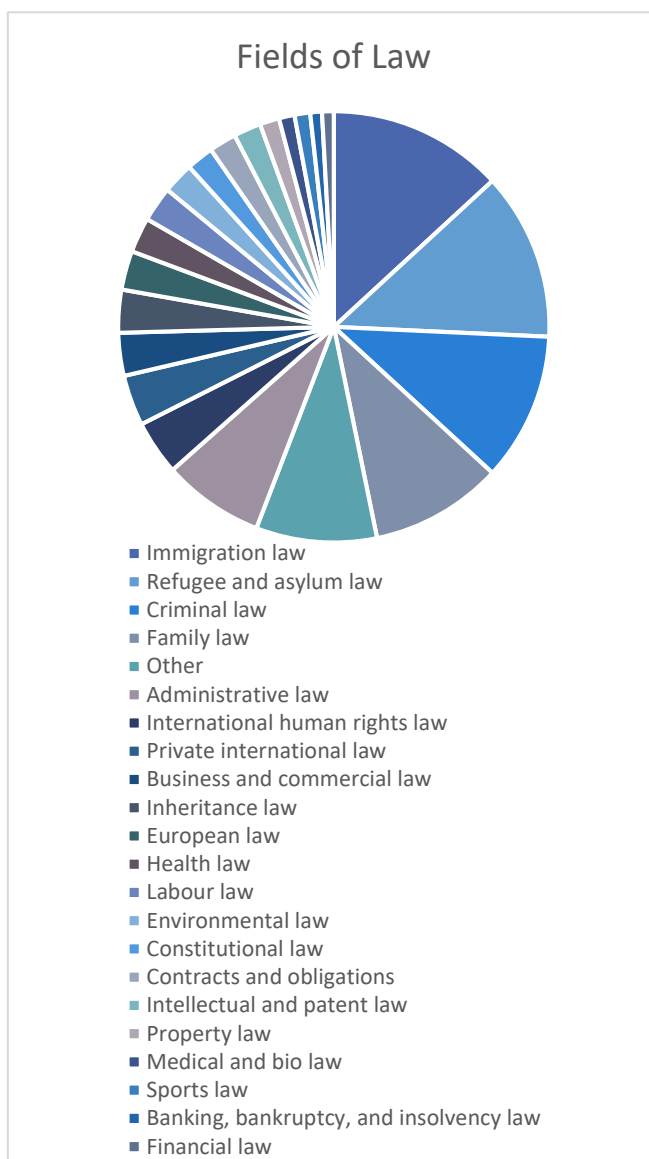
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Date of Publication: 05/06/2019 | Page 7

### Fields of law

The most common field of law in which cultural expertise is used is 'Immigration Law' (13%, 45), followed closely by 'Refugee and Asylum Law' (13%, 43), then 'Criminal Law' (11%, 38), 'Family Law' (10%, 34), 'Other' (9%, 31), 'Administrative Law' (8%, 26), with all the remaining areas receiving 4% or less. For those who selected 'Other' and specified, 12 clarified areas of administrative law, four management law, three areas of environmental law, and one each for insolvency law, tax law and social law.

Fields of Law	%	Count
Immigration law	13%	45
Refugee and asylum law	13%	43
Criminal law	11%	38
Family law	10%	34
Other	9%	31
Administrative law	8%	26
International human rights law	4%	14
Private international law	4%	13
Business and commercial law	3%	11
Inheritance law	3%	11
European law	3%	10
Health law	3%	9
Labour law	3%	9
Environmental law	2%	8
Constitutional law	2%	7
Contracts and obligations	2%	7
Intellectual and patent law	2%	7
Property law	1%	5
Medical and bio law	1%	4
Sports law	1%	4
Banking, bankruptcy, and insolvency law	1%	3
Financial law	1%	3
<b>Total</b>	<b>100%</b>	<b>342</b>





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

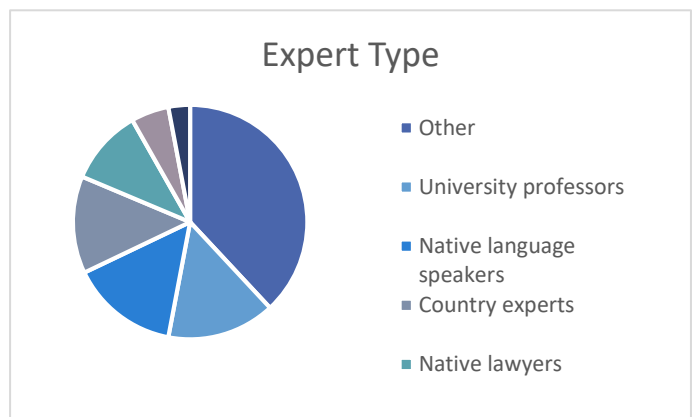
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Date of Publication: 05/06/2019 | Page 8

### Typology of Experts

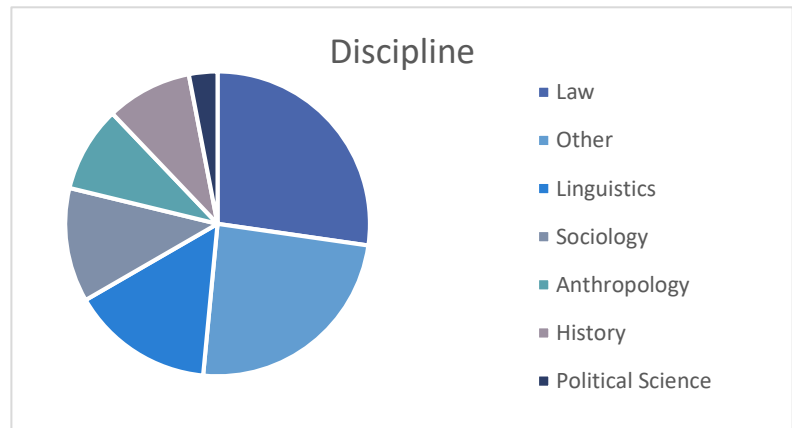
In response to a question regarding types of experts, 38% selected 'Other', this was followed by University Professors and Native Language Speakers, both on 15% (20), then Country Experts (13%, 18), Native Lawyers (10%, 14), Religious Leaders (5%, 7) and Community Leaders (3%, 4). For those that selected other and specified, 18 indicated that they did not use any type of cultural expert, five stipulated interpreters, and another three clarified interpreters only, two psychiatrists, one surveyor, one engineer, and one environmental expert.

Expert Type	%	Count
Other	38%	51
University professors	15%	20
Native language speakers	15%	20
Country experts	13%	18
Native lawyers	10%	14
Religious leaders	5%	7
Community leaders	3%	4
<b>Total</b>	<b>100%</b>	<b>134</b>



The most common discipline cited was Law with 27% (9), followed by 'Other' (24%, 8), Linguistics (15%, 5), Sociology (12%, 4), then Anthropology and History both on 9% (3) each. Of those who selected 'Other', two specified medicine, and one each for veterinary medicine, religious studies, architecture/surveying and Sami history.

Discipline	%	Count
Law	27%	9
Other	24%	8
Linguistics	15%	5
Sociology	12%	4
Anthropology	9%	3
History	9%	3
Political Science	3%	1
<b>Total</b>	<b>100%</b>	<b>33</b>





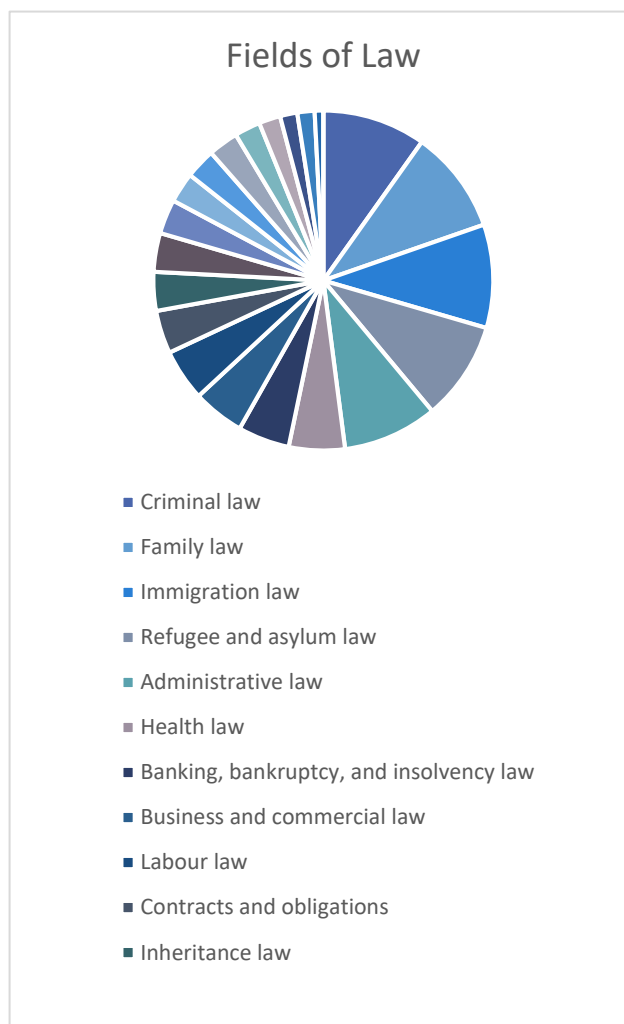
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Date of Publication: 05/06/2019 | Page 9

Experts indicated that the fields of law that they have given expert evidence in, were most commonly Criminal Law, Family Law, Immigration Law (each with 10%, 24), followed by Refugee and Asylum Law and Administrative Law (each with 9%, 23), then Health Law, Banking, Bankruptcy and Insolvency Law and Labour Law (each with 5%, 12). All the remaining areas received 4% or less.

Fields of Law	%	Count
Criminal law	10%	24
Family law	10%	24
Immigration law	10%	24
Refugee and asylum law	9%	23
Administrative law	9%	22
Health law	5%	13
Banking, bankruptcy, and insolvency law	5%	12
Business and commercial law	5%	12
Labour law	5%	12
Contracts and obligations	4%	10
Inheritance law	4%	9
International human rights law	4%	9
European law	3%	8
Environmental law	3%	7
Intellectual and patent law	3%	7
Medical and bio law	3%	7
Property law	2%	6
Other	2%	5
Constitutional law	2%	4
Financial law	2%	4
Private international law	1%	2
Sports law	0%	0
<b>Total</b>	<b>100%</b>	<b>244</b>



## Modalities

### Appointment of Experts

The most common factor influencing the decision to instruct/appoint an expert is the client's choice (21%, 52), followed by the law allowing the instruction/appointment of experts (18%, 43), then that experts facilitate successful legal outcomes (14%, 34), that the court is keen to hear cultural arguments (9%, 21), the reputation of the expert (7%, 18), and the cost (7%, 16), with all remaining areas accounting for 6% or less. Of those who selected 'other' and specified, three indicated that they did not use experts, three that they did not know, two indicated in situations where additional information is necessary, and finally one indicated that it depends on the role of the court.

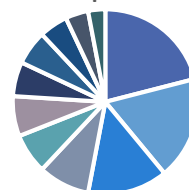
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Date of Publication: 05/06/2019 | Page 10

Factor	%	Count
Client/ Defendant/ Claimant/ Applicant's request	21%	52
The law allows the appointment/instruction of experts	18%	43
Experts facilitate successful legal outcomes	14%	34
The court is keen to hear cultural arguments	9%	21
The reputation of the expert	7%	18
Cost	7%	16
Time	6%	15
The court/prosecutor/Home Office have already appointed their expert	6%	15
Other	5%	13
The appointment/instruction of experts is advised by the court	4%	10
Expertise can also be used for an out of court settlement	3%	7
<b>Total</b>	<b>100%</b>	<b>244</b>

### Decision to instruct/appoint expert



- Client/Defendant/Claimant/Applicant's request
- The law allows the appointment/instruction of experts
- Experts facilitate successful legal outcomes
- The court is keen to hear cultural arguments
- The reputation of the expert
- Cost
- Time
- The court/prosecutor/Home Office have already appointed their expert
- Other

Experts were most commonly chosen due to their competence (32%, 41), followed by 'other' (25%, 32), then from professional expert registers (11%, 14), Litigant's choice (10%, 13), reputation of the expert (9%, 11), balance between competence and cost (7%, 9) and finally from expert registers at law courts (7%, 9). Of those who selected 'other' and specified, nine indicated that they had never hired an expert, one clarified from the recommendations of others, another as a combination of cost competence and claimant's choice, and finally the choice of those are well experienced and recognised.

Reason	%	Count
Competence	32%	41
Other	25%	32
From professional expert registers	11%	14
Litigant/ Applicant/ Defendant/ Claimant's choice	10%	13
Reputation of expert	9%	11
Balance between competence and cost	7%	9
From expert registers at law courts	7%	9
Convenient hourly quote	0%	0
<b>Total</b>	<b>100%</b>	<b>129</b>

### Factors in choosing appropriate expert



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Date of Publication: 05/06/2019 | Page 11

More than half of all experts surveyed selected 'other' when asked how they started giving expert opinions, followed by being contacted by a court (22%, 7), then having been directly contacted by applicants (16%, 5), and finally by being referred by a colleague. Of those who selected 'other' and specified, ten indicated that they were interpreters, two indicated that they did it as part of their job, one clarified that it was outsourced to them, and another that indicated that they had been appointed in all the ways listed, other than being referred by a colleague.

Answer	%	Count
Other	56%	18
I was contacted by a court	22%	7
I have been directly contacted by litigants/ applicants/ defendants/ complainants	16%	5
A colleague referred me	6%	2
I was contacted by a lawyer	0%	0
I was contacted by the Home Office	0%	0
Total	100%	32



Experts are most commonly instructed/appointed by courts (28%, 25), followed by lawyers (25%, 22), then by having worked as an expert for NGOs (17%, 15), by being contacted directly by applicants (15%, 13), by being instructed by the Home Office (8%, 7), and other (8%, 7). Of those who selected 'other' and specified, four indicated that they were interpreters, one was employed by the prosecutor's office, another by the EU and finally one was appointed via mediation.

Field	%	Count
I have been instructed/ appointed by courts	28%	25
I have been instructed/ appointed as expert by several lawyers who contact me as the need arises	25%	22
I worked as an expert for an NGO	17%	15
I was contacted directly by the litigants/ applicants/ defendants/ complainants	15%	13
I have been instructed/appointed by the Home Office or other equivalent authority	8%	7
Other	8%	7
Total	100%	89



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

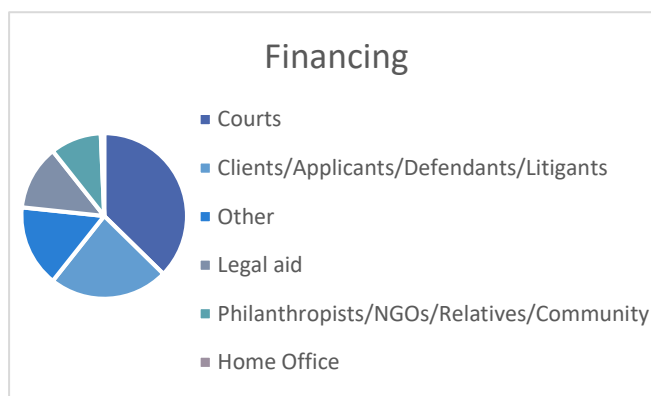
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Date of Publication: 05/06/2019 | Page 12

### Cost of Cultural Expertise

Cultural expertise is most commonly financed by courts (37%, 56), followed by clients (23%, 35), then other (16%, 24), followed by legal aid (13%, 19), philanthropists/NGOs/Relatives/Community (10%, 15) and the Home Office (1%, 1). Of those who selected other and specified, seven did not know, four indicated the police, four clarified the state, two mentioned specific NGOs, and one each for the migration board, the municipality and various agencies.

Answer	%	Count
Courts	37%	56
Clients/ Applicants/ Defendants/ Litigants	23%	35
Other	16%	24
Legal aid	13%	19
Philanthropists/ NGOs/ Relatives/ Community	10%	15
Home Office	1%	1
<b>Total</b>	<b>100%</b>	<b>150</b>



Experts are most commonly remunerated by being paid at a standard hourly rate (74%, 26), followed by other (14%, 5), then by being paid a set price per report (6%, 2) and working on a voluntary basis (6%, 2). Of those who selected other and specified, three indicated that they do this work as part of their salary, and one that their organisation subsidises the costs.

Answer	%	Count
I am paid at a standard hourly rate	74%	26
Other	14%	5
I am paid at a set price per report	6%	2
I am not paid, I have been doing this work on a voluntary basis	6%	2
<b>Total</b>	<b>100%</b>	<b>35</b>



The most common response to the question regarding whether cultural expertise could be reused was 'other' (37%, 31), followed by that it can only be reproduced in the same legal field (24%, 20), then that it is a unique and not repeatable experience (22%, 18) and finally that it is applicable to similar cases (17%, 14). Of those who selected other and specified, sixteen did not know, five indicated that it depends on the context, and one that this is only possible in very specific cases.

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Date of Publication: 05/06/2019 | Page 13

Answer	%	Count
Other	37%	31
Cultural expertise can only be reproduced within the same country/legal field	24%	20
Cultural expertise/expert witnessing is a unique and not repeatable experience	22%	18
Cultural expert witnessing is applicable to similar cases	17%	14
<b>Total</b>	<b>100%</b>	<b>83</b>

### Reuse of CE



## Impact

### Components of Impact

The elements most likely to have an impact on their addressees are reliable sources of contents (20%, 64), followed by first-hand experience (15%, 47), then use of statistics (13%, 42), stringent conclusions (12%, 38), reputation of experts (12%, 37), quantitative assessment of risk (11%, 34), advocacy (5%, 16), style (5%, 15), remuneration of experts (4%, 12) and other (3%, 11). Of those who selected other and specified, nine indicated that they did not know, one indicated that linguistic competence was important, and another that it depends on the particular case or context.

Field	%	Count
Reliable sources of contents	20%	64
First-hand experience	15%	47
Use of statistics	13%	42
Stringent conclusions	12%	38
Reputation of the experts	12%	37
Quantitative assessment of risk	11%	34
Advocacy	5%	16
Style	5%	15
Remuneration of experts	4%	12
Other	3%	11
<b>Total</b>	<b>100%</b>	<b>316</b>

### Components of Impact



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

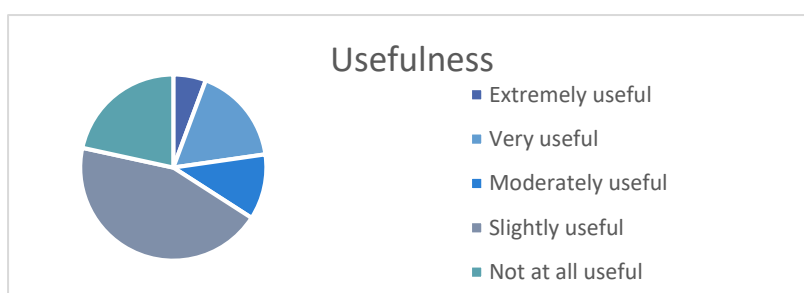
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Date of Publication: 05/06/2019 | Page 14

### Usefulness

Most commonly respondents found cultural expertise 'slightly useful' (44%, 39), followed by 'not useful at all' (22%, 19), then 'very useful' (17%, 15), 'moderately useful' (11%, 10), and 'extremely useful' (6%, 5).

Answer	%	Count
Extremely useful	6%	5
Very useful	17%	15
Moderately useful	11%	10
Slightly useful	44%	39
Not at all useful	22%	19
<b>Total</b>	<b>100%</b>	<b>88</b>



Respondents indicated that cultural expertise is most useful in immigration law (45%, 40), followed by other (30%, 26), then is more useful in civil law more than criminal law (15%, 13) and criminal law more than civil law (10%, 9). Of those who selected other and specified, six indicated that they did not know, three clarified that it depended on the specific case, others indicated Sami law, migration and asylum law, family law, minority rights, administrative law and criminal law.

Answer	%	Count
Cultural expertise is most useful in immigration law	45%	40
Cultural expertise is most useful in... (other)	30%	26
Cultural expertise is more useful in civil law than in criminal law	15%	13
Cultural expertise is more useful in criminal law than in civil law	10%	9
<b>Total</b>	<b>100%</b>	<b>88</b>



### Competitiveness

Experts believed their services were competitive mainly due to their competence (50%, 24), followed by their reputation (27%, 13), the balance between competence and cost (19%, 9).

Answer	%	Count
Competence	50%	24
My reputation	27%	13
Balance between competence and cost	19%	9
Convenient hourly quote	2%	1
Other	2%	1
<b>Total</b>	<b>100%</b>	<b>48</b>





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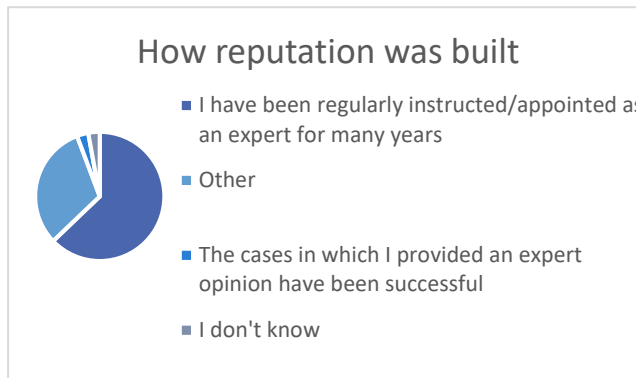
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Date of Publication: 05/06/2019 | Page 15

### Reputation of Experts

Experts primarily built their reputations by being regularly appointed for many years (63%, 22), followed by other (31%, 11). Of those who selected 'other' and specified, four clarified their role as accredited court interpreters, two indicated through the reputation of their organisation and two did not know.

Answer	%	Count
I have been regularly instructed/appointed as an expert for many years	63%	22
Other	31%	11
The cases in which I provided an expert opinion have been successful	3%	1
I don't know	3%	1
<b>Total</b>	<b>100%</b>	<b>35</b>

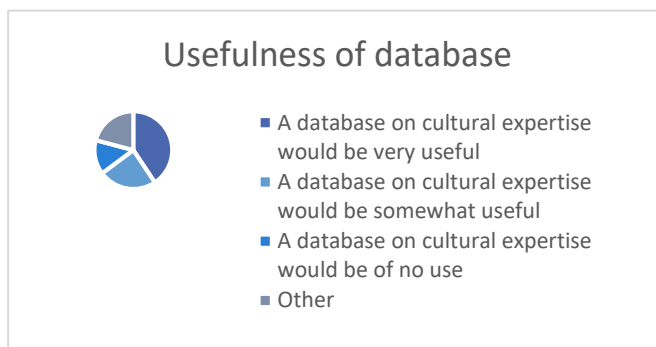


### Improved Access

#### Database

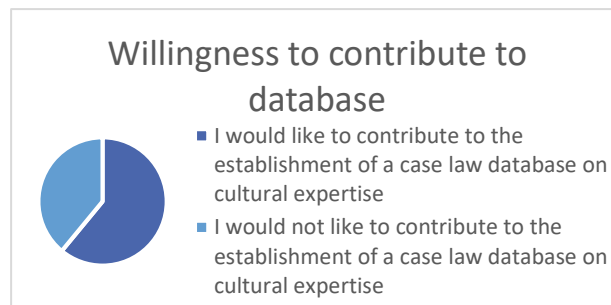
Most respondents thought that a database on cultural expertise would be useful, with 41% (37) indicating that they would find it very useful, 24% (22) that it would be somewhat useful and 14% that it would be of no use. Of those who selected other (21%, 19) and specified, eight did not know, three indicated that it would depend on the quality of the content, and two indicated that it would depend on the area of law.

Answer	%	Count
A database on cultural expertise would be very useful	41%	37
A database on cultural expertise would be somewhat useful	24%	22
A database on cultural expertise would be of no use	14%	13
Other	21%	19
<b>Total</b>	<b>100%</b>	<b>91</b>



Most respondents indicated that they would like to contribute to the establishment of a case law database on cultural expertise (61%, 25), and the remaining 39% (16), indicated that they would not.

Answer	%	Count
I would like to contribute to the establishment of a case law database on cultural expertise	61%	25
I would not like to contribute to the establishment of a case law database on cultural expertise	39%	16
<b>Total</b>	<b>100%</b>	<b>41</b>





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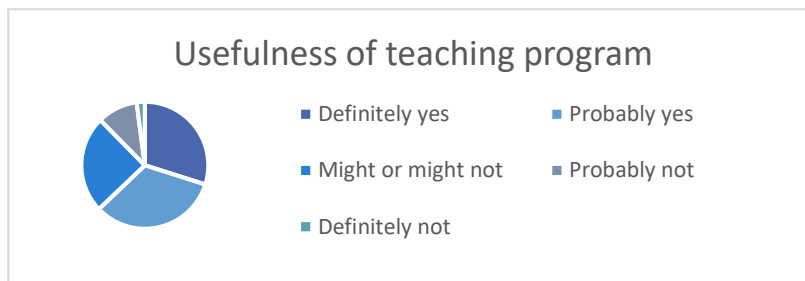
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Date of Publication: 05/06/2019 | Page 16

### Capacity Building

Most respondents suggested that a teaching program on cultural expertise would be useful, with a third selecting 'probably yes' (33%, 32), followed by 'definitely yes' (30%, 29), then 'might or might not' (25%, 24), 'probably not' (10%, 10) and 'definitely not' (2%, 2).

Answer	%	Count
Definitely yes	30%	29
Probably yes	33%	32
Might or might not	25%	24
Probably not	10%	10
Definitely not	2%	2
<b>Total</b>	<b>100%</b>	<b>97</b>



The most common response to the question asking if respondents knew of organisations interested in CE was 'other' (44%, 22), followed by the respondent being interested in teaching cultural expertise (32%, 16), then knowing educational organisations interested (12%, 6) and knowing professional organisations that may be interested (12%, 6). For those who selected 'other' and specified, five indicated that they did not know, two thought it was valuable, but did not know of organisations that may be interested, and one mentioned a specific organisation.

Answer	%	Count
I know of schools, universities or organisations that may be interested in teaching cultural expertise	12%	6
I know of professional organisations that may be interested in capacity building on the use of cultural expertise	12%	6
I would be interested in teaching cultural expertise	32%	16
Other	44%	22
<b>Total</b>	<b>100%</b>	<b>50</b>

