

Portugal - Data Summary

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

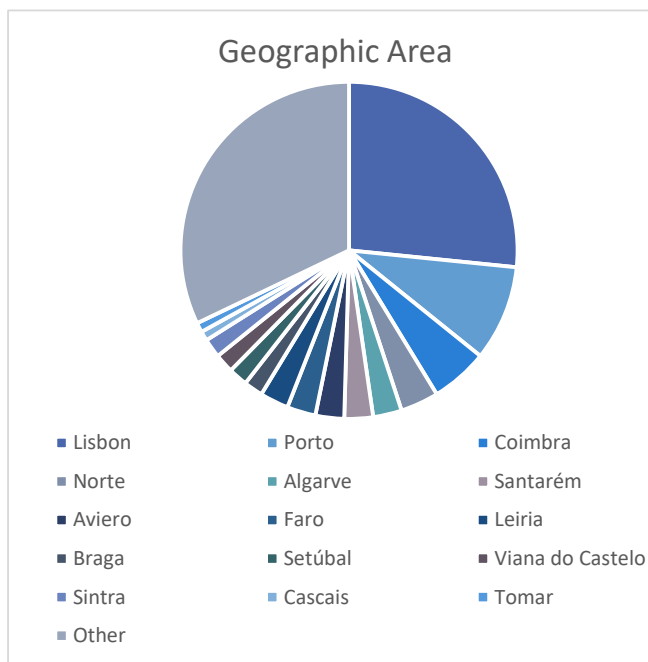
PI: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: EKATERINA GORBUNOVA

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Sample

There were 499 respondents to the Portuguese survey, 217 (43%) were Judges, 228 (46%) were Lawyers, 29 (6%) were Experts and 25 (5%) Beneficiaries. Of these respondents 484 (97%) responded using the Portuguese language version of the survey, and 15 (3%), mostly beneficiaries, used the English language version. Of the 78% of respondents (390) who indicated a location, 29% (113) indicated Lisbon, 10% (40) Porto, 6% (22) Coimbra, 4% (17) Norte. Algarve, Santarém, Aviero, and Faro accounted for roughly 3% each. The remaining cities/regions accounted for 2% or less of the respondents.

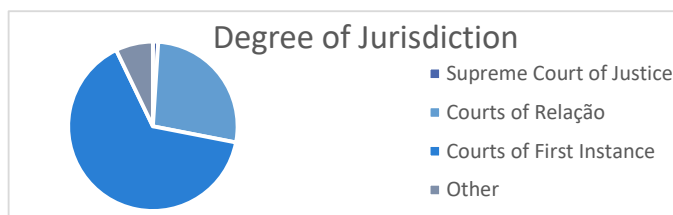
Region	%	Count
Lisbon	29%	113
Porto	10%	40
Coimbra	6%	22
Norte	4%	17
Algarve	3%	12
Santarém	3%	11
Aviero	3%	10
Faro	3%	10
Leiria	3%	10
Braga	2%	9
Setúbal	2%	8
Viana do Castelo	2%	6
Sintra	2%	6
Cascais	1%	5
Tomar	1%	4
Other (less than 1% each)	35%	140
Total	100%	390



Judges

Of the 217 judges that responded, 196 (90%) provided their degree of jurisdiction. The vast majority (65%) were from the Courts of First Instance, with 27% from the Courts of Relação, and two respondents from the Supreme Court of Justice. Of the 14 who selected 'Other', 9 clarified that they were a Julgado de Paz.

Degree of Jurisdiction	%	Count
Supreme Court of Justice	1%	2
Courts of Relação	27%	53
Courts of First Instance	65%	127
Other	7%	14
Total	100%	196



When asked for their areas of jurisdiction, 39% of Judges responded with Civil Law, 29% with Criminal Law, 12% Family Law, and 2% Asylum and Migration Law. Of the 37 respondents who selected other (16%), 12 specified Taxation Law, 8 Administrative Law, 5 Labour Law and 5 Commercial Law.

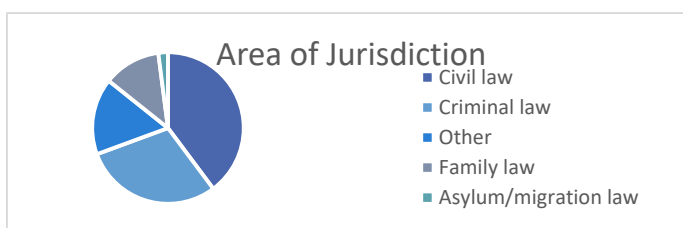


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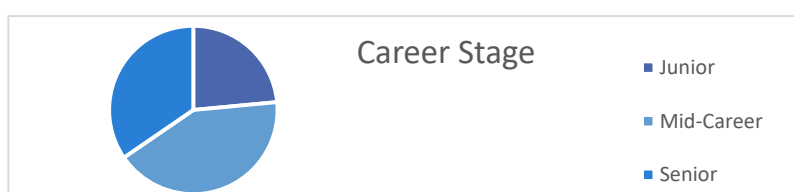
Area of Jurisdiction	%	Count
Civil law	39%	92
Criminal law	29%	68
Other	16%	37
Family law	12%	28
Asylum/migration law	2%	4
Total	100%	234



Lawyers

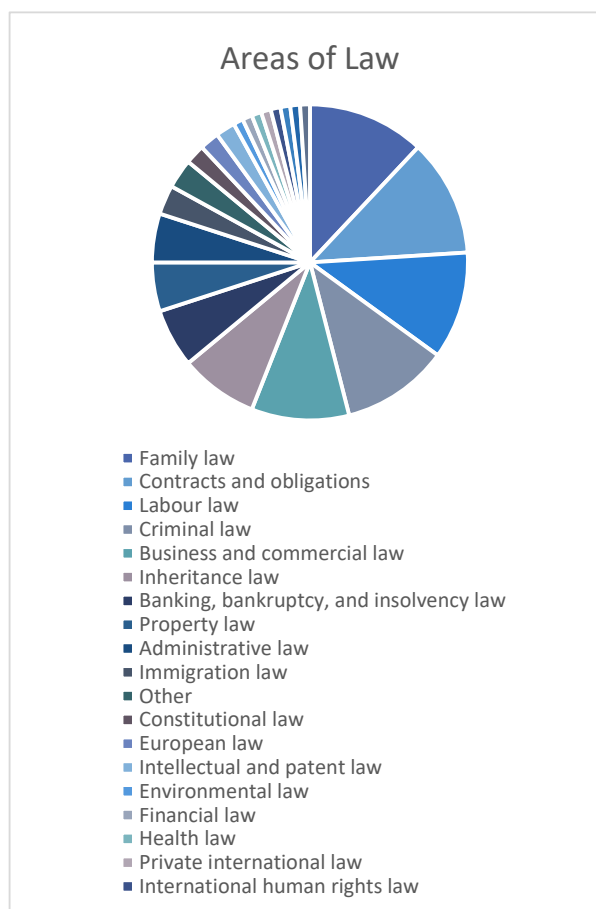
Of the 228 lawyers who responded, 217 (95%) indicated their career stage. Mid-Career was the most common response with 42%, followed by Senior Lawyer with 35% and Junior Lawyer with 24%.

Career Stage	%	Count
Junior	24%	51
Mid-Career	42%	91
Senior	35%	75
Total	100%	217



For the areas of law practiced in, Family Law was the most common, chosen by 111 respondents (12%), followed closely by Contracts and Obligations (109, also 12%). Labour Law and Criminal Law came next on 11% each, followed by Business and Commercial Law on 10%.

Area of Law	%	Count
Family law	12%	111
Contracts and obligations	12%	109
Labour law	11%	101
Criminal law	11%	97
Business and commercial law	10%	90
Inheritance law	8%	73
Banking, bankruptcy, and insolvency law	6%	51
Property law	5%	48
Administrative law	5%	47
Immigration law	3%	31
Other	3%	30
Constitutional law	2%	19
European law	2%	17
Intellectual and patent law	2%	14
Environmental law	1%	11
Financial law	1%	10
Health law	1%	9
Private international law	1%	9
International human rights law	1%	8
Refugee and asylum law	1%	8
Sports law	1%	7
Medical and bio law	1%	6
Total	100%	906



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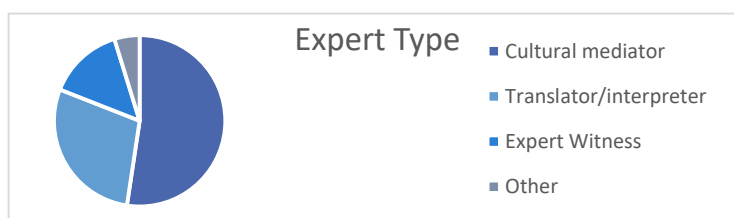
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Experts

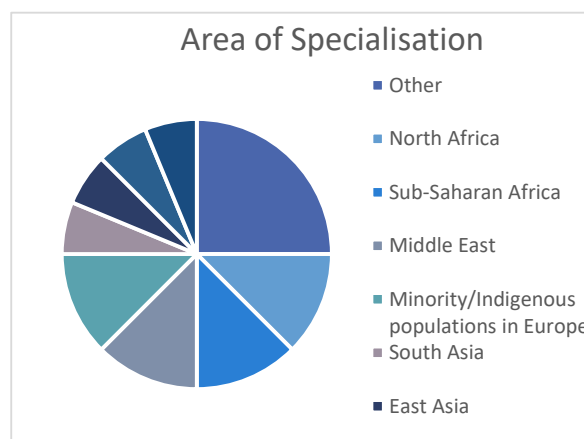
In total 21 experts indicated their expert type with over half clarifying that they were a cultural mediator, around a third were a translator/interpreter, with the remaining indicating either expert witness or other.

Expert Type	%	Count
Cultural mediator	52%	11
Translator/interpreter	29%	6
Expert Witness	14%	3
Other	5%	1
Total	100%	21



In terms of area of specialisation, four respondents selected other with one clarifying Eastern Europe, and the other indicating that they were involved in all of the categories above. North Africa, Sub-Saharan Africa, Middle East and Minority/Indigenous Populations all received two responses each.

Area of Specialisation	%	Count
Other	25%	4
North Africa	13%	2
Sub-Saharan Africa	13%	2
Middle East	13%	2
Minority/Indigenous populations in Europe	13%	2
South Asia	6%	1
East Asia	6%	1
South East Asia	6%	1
South and Central America	6%	1
Total	100%	16



Frequency

Numeric Frequency

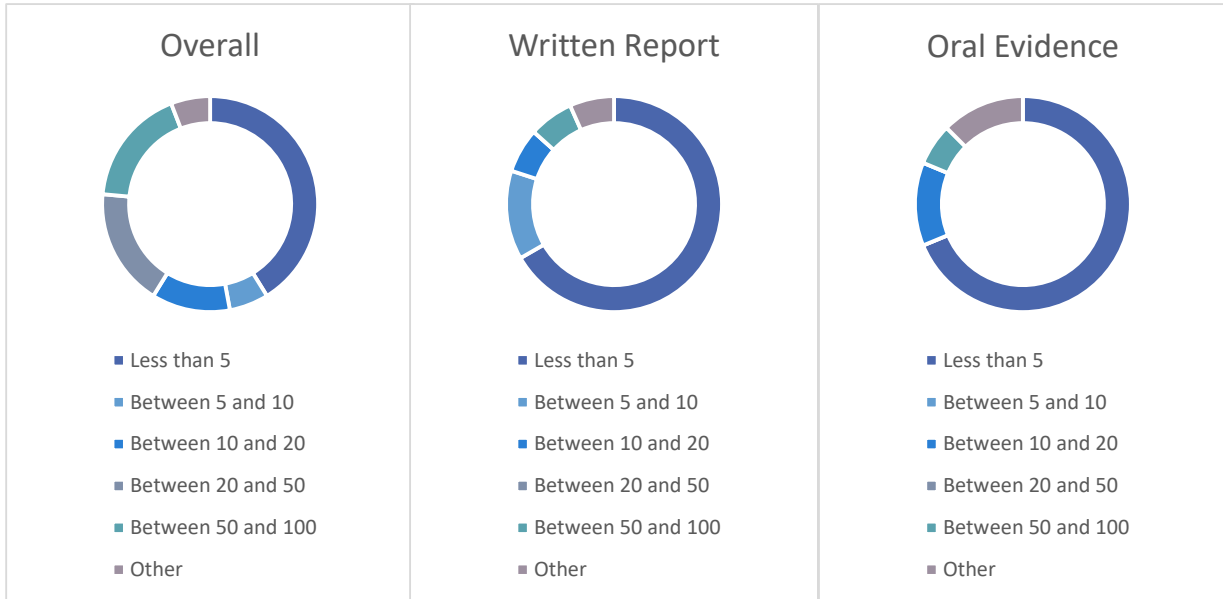
There were between 15 and 17 responses to the questions put to experts regarding frequency. Overall, 41% (7) of Experts had provided their expert services in 'Less than 5 cases'. One respondent indicated 'Between 5 and 10 cases', two respondents 'Between 10 and 20' and three respondents for 'Between 20 and 50' and 'Between 50 and 100'. When clarifying, almost 70% had provided a written report or oral evidence in 'Less than 5' cases.

Number of cases	How many cases have you provided expert 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	41%	7	67%	10	69%	11
Between 5 and 10	6%	1	13%	2	0%	0
Between 10 and 20	12%	2	7%	1	13%	2
Between 20 and 50	18%	3	0%	0	0%	0
Between 50 and 100	18%	3	7%	1	6%	1
Other	6%	1	7%	1	13%	2
Total	100%	17	100%	15	100%	16

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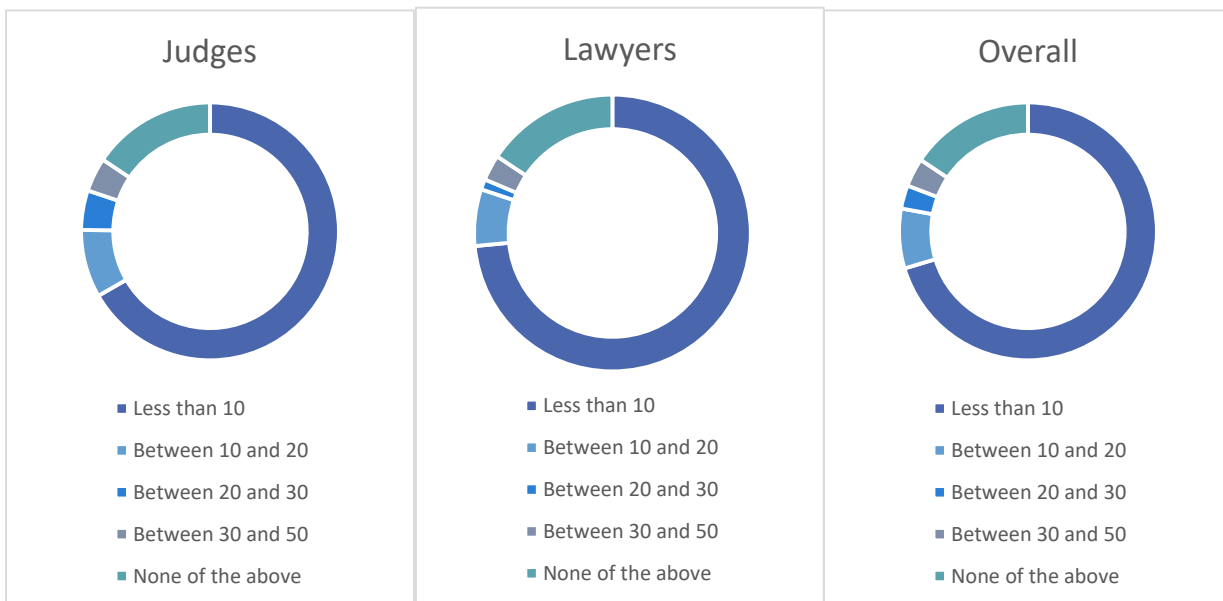
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Overall, most of the responding judges and lawyers had instructed cultural experts in less than 10 cases (70%). The second most common response selected was ‘other’ (16%), and those that selected it almost universally clarified that they had never instructed a cultural expert. Comparing the responses of Judges and Lawyers, showed that overall Judges had instructed cultural experts in a slightly higher number of cases.

Number of cases	Judges		Lawyers		Overall	
	%	Count	%	Count	%	Count
Less than 10	67%	94	73%	122	70%	216
Between 10 and 20	9%	12	7%	11	7%	23
Between 20 and 30	5%	7	1%	2	3%	9
Between 30 and 50	4%	6	3%	5	4%	11
None of the above	16%	22	16%	26	16%	48
Totals	100%	141	100%	166	100%	307



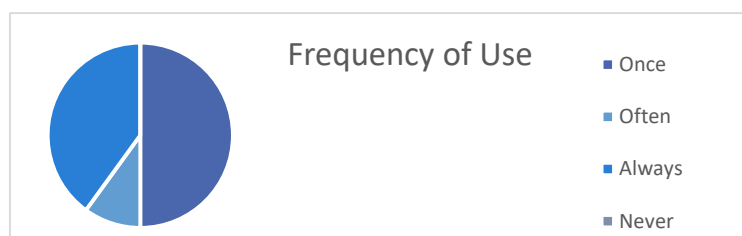
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Half of the 20 beneficiaries responded that they had used the services of a cultural expert once, and 40% (8) indicated that they had always used a cultural expert. The remaining 10% (2) claimed to have used them often.

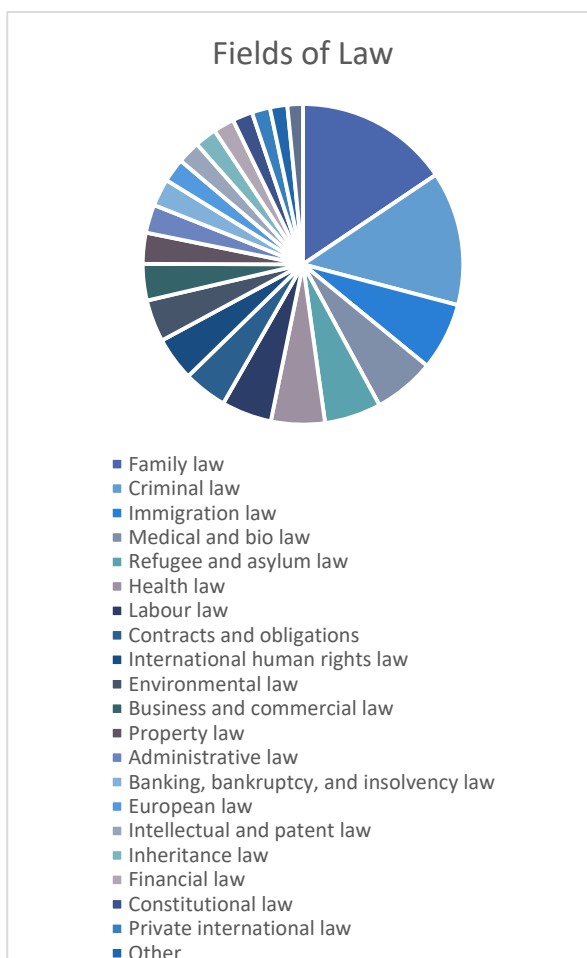
Frequency	%	Count
Once	50%	10
Often	10%	2
Always	40%	8
Never	0%	0
Total	100%	20



Fields of law

The most common field of law in which cultural expertise is used in Portugal is 'Family Law' (16%) followed closely by 'Criminal Law' (14%). 'Immigration Law', 'Medical and Bio Law', and 'Refugee Law' all received 6-7%, with all of the remaining categories receiving 5% or less.

Fields of Law	%	Count
Family law	16%	169
Criminal law	14%	147
Immigration law	7%	74
Medical and bio law	6%	67
Refugee and asylum law	6%	62
Health law	5%	59
Labour law	5%	55
Contracts and obligations	4%	48
International human rights law	4%	48
Environmental law	4%	46
Business and commercial law	4%	40
Property law	3%	34
Administrative law	3%	31
Banking, bankruptcy, and insolvency law	3%	30
European law	2%	26
Intellectual and patent law	2%	25
Inheritance law	2%	24
Financial law	2%	23
Constitutional law	2%	22
Private international law	2%	20
Other	2%	19
Sports law	2%	17
Total	100%	1086



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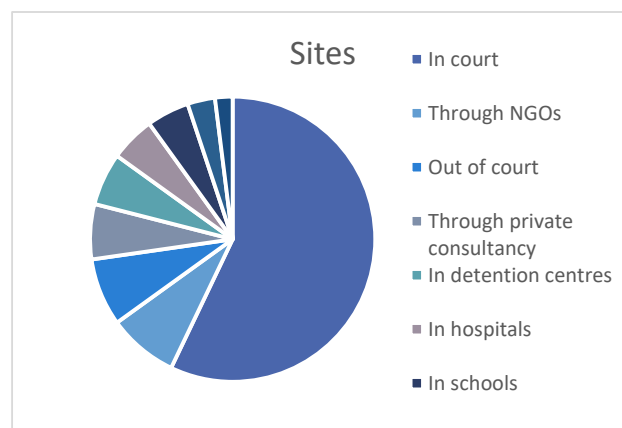
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Sites

The most common site in which cultural expertise is used was 'in court' which accounted for 201 responses (57%). The next most common responses were 'Through NGOs' and 'Out of court', with 28 (8%) and 27 (8%) respectively.

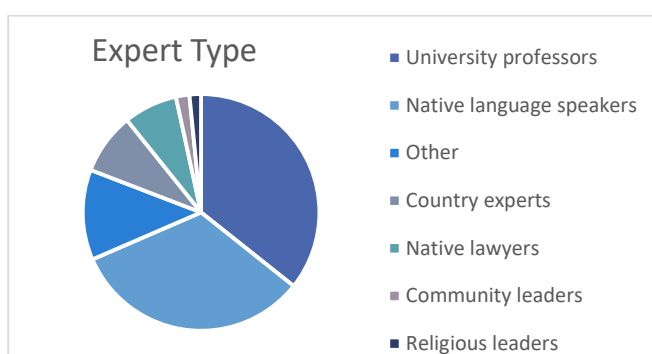
Sites	%	Total
In court	57%	201
Through NGOs	8%	28
Out of court	8%	27
Through private consultancy	6%	22
In detention centres	6%	21
In hospitals	5%	18
In schools	5%	17
In universities	3%	11
Other	2%	7
Total	100%	352



Typology of Experts

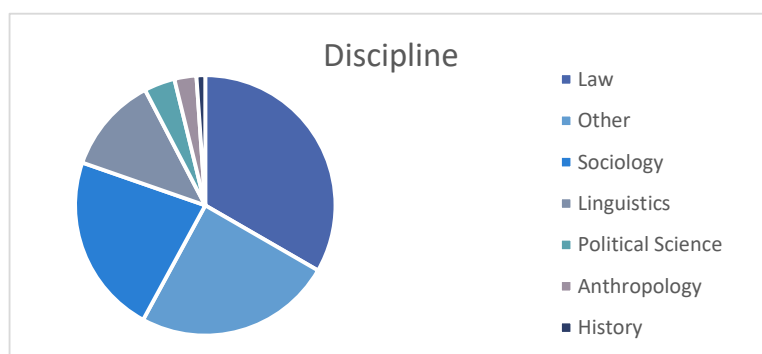
University Professors accounted for the most common type of expert instructed (36%) closely followed by Native Language speakers (33%). For the 12% who selected the 'other' category and clarified, there were several common responses: 8 indicated that experts were not used in their experience, 8 listed Social Workers, 7 indicated Psychologists and 5 clarified Medical Professionals.

Expert Type	%	Count
University professors	36%	136
Native language speakers	33%	125
Other	12%	47
Country experts	8%	32
Native lawyers	7%	28
Community leaders	2%	7
Religious leaders	2%	6
Total	100%	381



When asked to clarify which sorts of Professors these were, the most common response was Law with 33% followed by 'other' with 25%, Sociology with 22% and Linguistics with 12%. Of the 25% who clarified using the 'Other' category, 17 indicated Engineering, 11 Psychology, 8 Medicine, 5 Social Work and 4 Economics.

Discipline	%	Count
Law	33%	61
Other	25%	45
Sociology	22%	41
Linguistics	12%	22
Political Science	4%	7
Anthropology	3%	5
History	1%	2
Total	100%	183



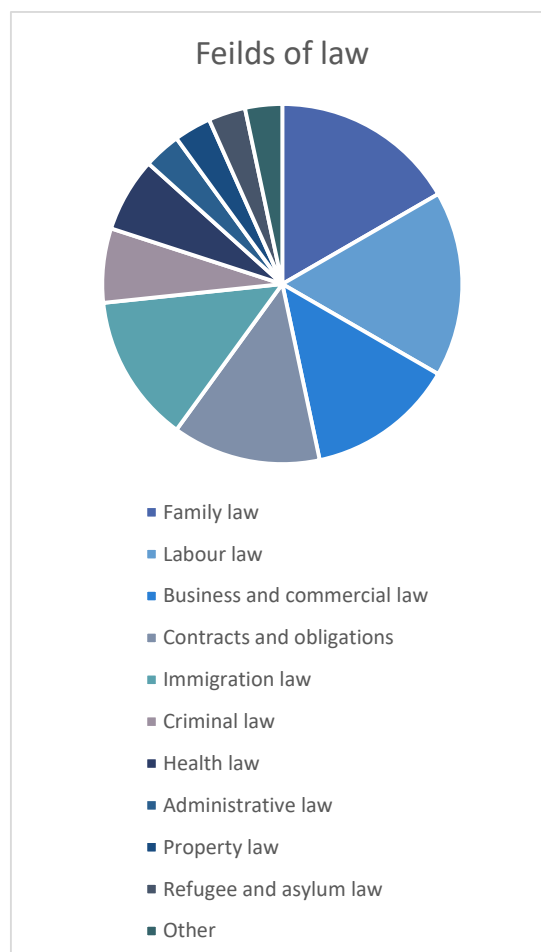
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Experts indicated that the fields of law that they have given expertise in were most commonly Family Law and Labour Law (17% each), followed by Business and Commercial Law, Contracts and Obligations, and Immigration Law (13% each).

Fields of Law	%	Count
Family law	17%	5
Labour law	17%	5
Business and commercial law	13%	4
Contracts and obligations	13%	4
Immigration law	13%	4
Criminal law	7%	2
Health law	7%	2
Administrative law	3%	1
Property law	3%	1
Refugee and asylum law	3%	1
Other	3%	1
Banking, bankruptcy, and insolvency law	0%	0
Constitutional law	0%	0
Environmental law	0%	0
European law	0%	0
Financial law	0%	0
Inheritance law	0%	0
Intellectual and patent law	0%	0
International human rights law	0%	0
Medical and bio law	0%	0
Private international law	0%	0
Sports law	0%	0
Total	100%	30



Modalities

Appointment of Experts

The most common factors that influence the decision to instruct or appoint an expert are client's choice (22%, 168), followed by that experts facilitate successful legal outcomes (19%, 149), then that the law allows the appointment of experts (16%, 125), that the appointment of experts is advised by the court (8%, 63), that the court is keen to hear cultural arguments (7%, 56), the reputation of the expert (7%, 51), that expertise can be used for an out of court settlement (6%, 48), and cost (6%, 46), with all remaining categories receiving 5% or less. Of those who selected other (1%, 5), and specified, two indicated that they did not know, two clarified that experts are used when there is a need to show cause, and one specified that they are used only if the law permits the appointment of experts.



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Factor	%	Count
Client/ Defendant/ Claimant/ Applicant's request	22%	168
Experts facilitate successful legal outcomes	19%	149
The law allows the appointment/instruction of experts	16%	125
The appointment/instruction of experts is advised by the court	8%	63
The court is keen to hear cultural arguments	7%	56
The reputation of the expert	7%	51
Expertise can also be used for an out of court settlement	6%	48
Cost	6%	46
The court/prosecutor/Ministry of the Interior have already appointed their expert	5%	37
Time	4%	32
Other	1%	5
Total	100%	780

Factors influencing decision to instruct an expert



The appropriate expert is chosen due to their competence (25%, 129), followed by from expert registers at law courts (23%, 120), then the balance between competence and cost (13%, 66), the litigant's choice (12%, 63), the reputation of the expert (11%, 57), and from professional expert registers with all other responses accounting for 4% or less. Of those who selected other (4%, 21) and specified, eight clarified that they had never selected experts, four indicated that they did not know and others indicated other factors including the personal knowledge of the expert, through recommendations and that many of these experts are state professionals and not chosen by the judge.

Reason	%	Count
Competence	25%	129
From expert registers at law courts	23%	120
Balance between competence and cost	13%	66
Litigant/ Applicant/ Defendant/ Claimant's choice	12%	63
Reputation of expert	11%	57
From professional expert registers	7%	37
Other	4%	21
Convenient hourly quote	4%	20
Total	100%	513

Factors influencing choice of expert



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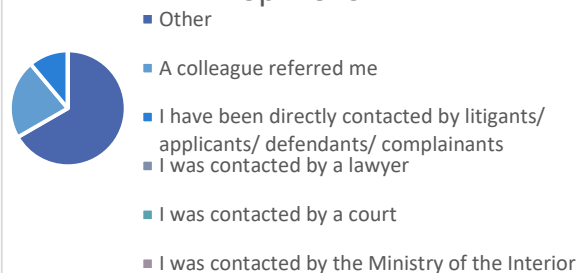
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The most common response to the question asking how experts started giving expert opinions was other (67%, 6), followed by being referred by a colleague (22%, 2) and one person who was contacted directly by the litigants. Of those who selected other and specified, two indicated that it was through their work with NGOs, one clarified that it was through their engagement in courts and another through their own initiative.

Answer	%	Count
Other	67%	6
A colleague referred me	22%	2
I have been directly contacted by litigants/ applicants/ defendants/ complainants	11%	1
I was contacted by a lawyer	0%	0
I was contacted by a court	0%	0
I was contacted by the Ministry of the Interior	0%	0
Total	100%	9

How experts started giving expert opinions



Experts are most commonly appointed through their work as an expert in an NGO (25%, 5) and by being contacted directly by litigants (25%, 5), followed by being contacted by lawyers as the need arises (15%, 3), being appointed by courts (15%, 3), other (15%, 3) and being appointed by the Ministry of the Interior (5%, 1). Of those who selected other and specified, one clarified that they work for the national immigrant support centre and another who worked as a socio-cultural mediator.

Field	%	Count
I work as an expert for an NGO	25%	5
I was contacted directly by the litigants/ applicants/ defendants/ complainants	25%	5
I have been instructed/appointed as expert by several lawyers who contact me as the need arises	15%	3
I have been instructed/appointed by courts	15%	3
Other	15%	3
I have been instructed/appointed by the Ministry of the Interior or other equivalent authority	5%	1
Total	100%	20

How experts were instructed/appointed



Cost of Cultural Expertise

Cultural expertise is most commonly financed by clients (40%, 167), followed by courts (35%, 146), then legal aid (16%, 67), other (3%, 13), the Ministry of the Interior (3%, 12) and finally philanthropists/ NGOs/ relatives/ community (2%, 8). Of those who selected other and specified, five did not know, two clarified that it is financed by the state, and one by the justice ministry, one indicated that there is no funding for cultural expertise and another that it is paid for by the parties.

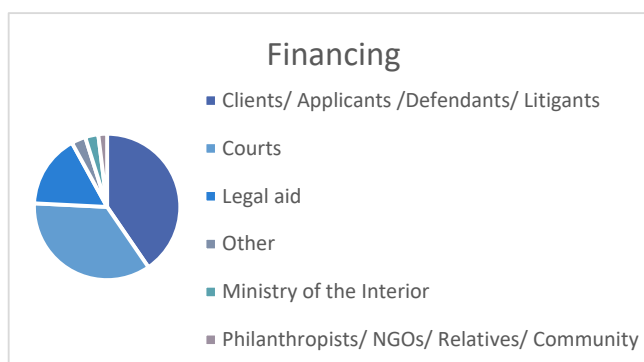


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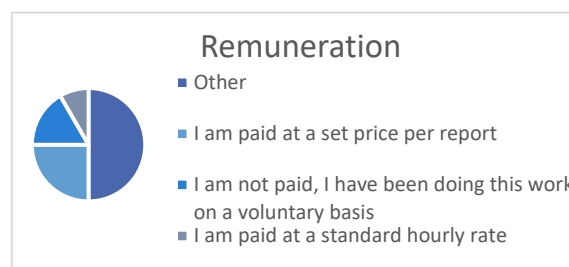
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Answer	%	Count
Clients/ Applicants /Defendants/ Litigants	40%	167
Courts	35%	146
Legal aid	16%	67
Other	3%	13
Ministry of the Interior	3%	12
Philanthropists/ NGOs/ Relatives/ Community	2%	8
Total	100%	413



In response to the question regarding how experts are remunerated, the most common response was other (50%, 6), followed by being paid a set price per report (25%, 3), then working on a voluntary basis (17%, 2) and then being paid at a standard hourly rate (8%, 1). Of those who selected other and specified, three indicated that they complete these tasks as part of their work and therefore are paid as part of a standard salary, one worked pro bono and finally one clarified the rates for their interpreting services.

Answer	%	Count
Other	50%	6
I am paid at a set price per report	25%	3
I am not paid, I have been doing this work on a voluntary basis	17%	2
I am paid at a standard hourly rate	8%	1
Total	100%	12



With regard to the reuse of cultural expertise, the most common response was that cultural expertise is a unique and not repeatable experience (73%, 215), this is followed by that cultural expertise is applicable to similar cases (18%, 54), then that cultural expertise can only be reproduced in the same country or legal field (5%, 15) and other (3%, 10). Of those who selected other and specified, five indicated that it depends on the specific circumstances of that particular case and three clarified that they did not know.

Answer	%	Count
Cultural expertise/expert witnessing is a unique and not repeatable experience	73%	215
Cultural expert witnessing is applicable to similar cases	18%	54
Cultural expertise can only be reproduced within the same country/ legal field	5%	15
Other	3%	10
Total	100%	294



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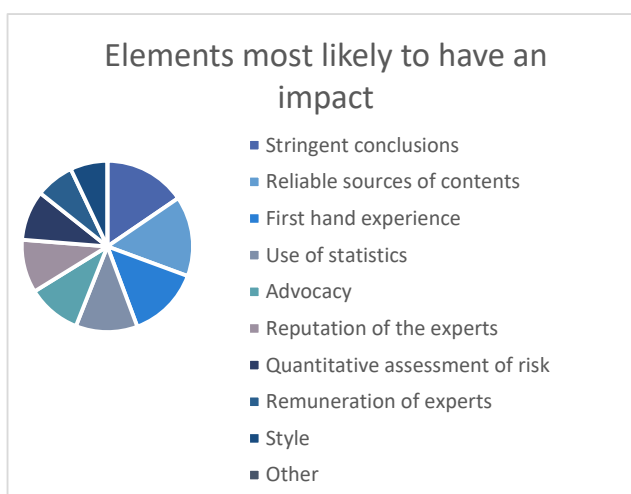
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Impact

Components of Impact

The components most likely to have an impact on their addressees are stringent conclusions (15%, 200), followed by reliable sources of contents (15%, 196), then first-hand experience (14%, 177), the use of statistics (12%, 151), advocacy (10%, 132), the reputation of the experts (10%, 130), a quantitative assessment of risk (9%, 122), the remuneration of experts (7%, 94) and style (7%, 91).

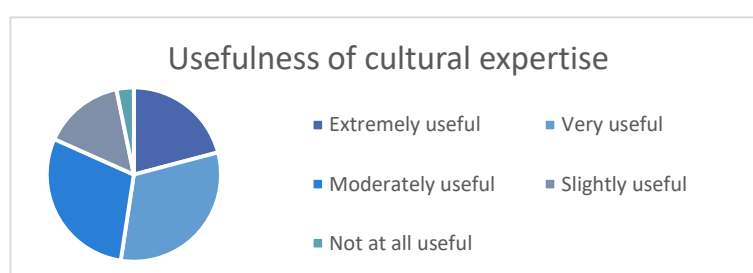
Field	%	Count
Stringent conclusions	15%	200
Reliable sources of contents	15%	196
First-hand experience	14%	177
Use of statistics	12%	151
Advocacy	10%	132
Reputation of the experts	10%	130
Quantitative assessment of risk	9%	122
Remuneration of experts	7%	94
Style	7%	91
Other	0%	0
Total	100%	1293



Usefulness

With regards to the usefulness of cultural expertise, the most common response was that it was very useful (32%, 98), followed by moderately useful (29%, 91), then extremely useful (21%, 65), slightly useful (15%, 57), and finally not useful at all (3%, 10).

Answer	%	Count
Extremely useful	21%	65
Very useful	32%	98
Moderately useful	29%	91
Slightly useful	15%	47
Not at all useful	3%	10
Total	100%	311



Respondents indicated that cultural expertise is more useful in criminal law than in civil law (43%, 110), followed by being more useful in civil law than criminal law (26%, 67), then most useful in migration law (21%, 54), with a small number indicating that it was useful in other areas (9%, 23). Of those who selected other and specified, five indicated both family law and cases involving minors, four clarified it was most useful in the area of family law, two that it is useful in all areas of law, and single mentions of taxation, administrative law, banking and environmental law.

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Answer	%	Count
Cultural expertise is more useful in criminal law than in civil law	43%	110
Cultural expertise is more useful in civil law than in criminal law	26%	67
Cultural expertise is most useful in immigration law	21%	54
Cultural expertise is most useful in...	9%	23
Total	100%	254



Competitiveness

Experts indicated that their services were competitive due to the balance between competence and cost (36%, 4) and other (36%, 4), followed by competence (18%, 2) and their reputation (18%, 2). Of those who selected other and specified, two indicated that this is not applicable as they work for public organisations.

Answer	%	Count
Balance between competence and cost	36%	4
Other	36%	4
Competence	18%	2
My reputation	9%	1
Convenient hourly quote	0%	0
Total	100%	11



Reputation of Experts

Experts built their reputation by being regularly appointed (40%, 4), followed by those that did not know (30%, 3), then other (20%, 2) and that the cases that they had provided expert opinions for being successful (10%, 1). Of those who selected other, only one specified indicating that their reputation was not relevant as their work was voluntary.

Answer	%	Count
I have been regularly instructed/appointed as an expert for many years	40%	4
I don't know	30%	3
Other	20%	2
The cases in which I provided an expert opinion have been successful	10%	1
Total	100%	10



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

PI: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: EKATERINA GORBUNOVA

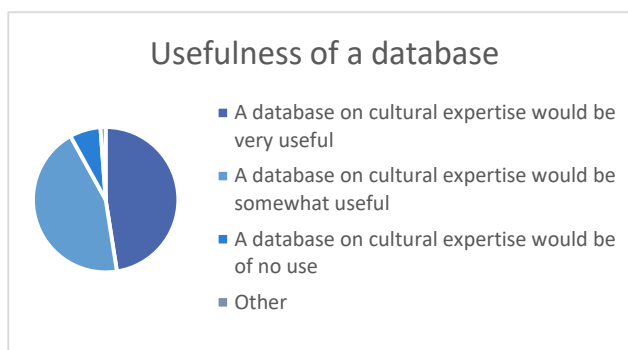
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Improved Access

Database

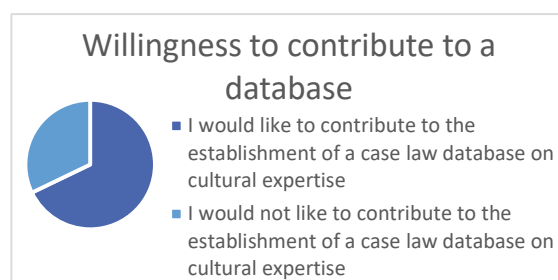
When asked as to whether a case law database would be useful, almost half indicated that it would be very useful (48%, 124), followed by somewhat useful (44%, 116), then of no use (7%, 18) and other (1%, 3). Of those who selected other and specified, two indicated that they did not know, and one clarified that they did not believe that cultural experts were used in Portugal.

Answer	%	Count
A database on cultural expertise would be very useful	48%	124
A database on cultural expertise would be somewhat useful	44%	116
A database on cultural expertise would be of no use	7%	18
Other	1%	3
Total	100%	261



When asked whether they would be interested in contributing to a case law database on cultural expertise, more than half of respondents indicated that they would (68%, 114), with the remainder indicating that they would not (32%, 54).

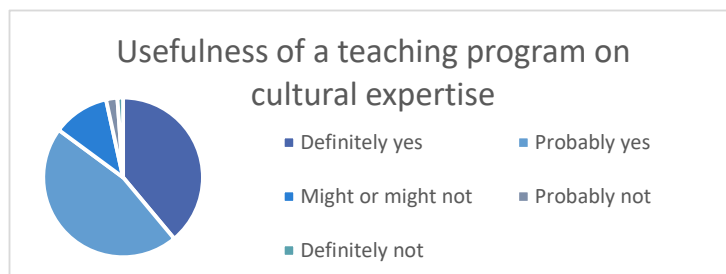
Answer	%	Count
I would like to contribute to the establishment of a case law database on cultural expertise	68%	114
I would not like to contribute to the establishment of a case law database on cultural expertise	32%	54
Total	100%	168



Capacity Building

When asked whether a program teaching cultural expertise would be useful, the most common response was probably yes (46%, 121), followed by definitely yes (39%, 102), then might or might not (11%, 30), probably not (2%, 6) and definitely not (1%, 3).

Answer	%	Count
Definitely yes	39%	102
Probably yes	46%	121
Might or might not	11%	30
Probably not	2%	6
Definitely not	1%	3
Total	100%	262



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When asked whether they knew of organisations interested in teaching cultural expertise, the most common response was that the respondents themselves would be interested in teaching cultural expertise (41%, 36), followed by knowing of educational institutions that may be interested (23%, 20), then other (18%, 16) and finally knowing of professional organisations that may be interested (17%, 15). Of those who selected other and specified, 13 indicated that they didn't know and one stated that they would be interested in receiving the training.

Answer	%	Count
I would be interested in teaching cultural expertise	41%	36
I know of schools, universities or organisations that may be interested in teaching cultural expertise	23%	20
Other	18%	16
I know of professional organisations that may be interested in capacity building on the use of cultural expertise	17%	15
Total	100%	87

