

Austria Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Stefanie Lemke

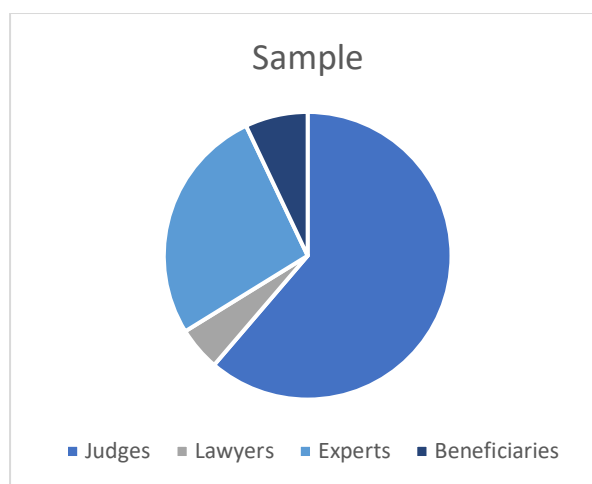
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Qualities of Sample

There were 142 responses to the Austria survey, of which (62%, 87) were judges, (5%, 7) were lawyers, (27%, 38) were experts and (6%, 10) were beneficiaries.

Respondent categories	%	#
Judges	62%	87
Lawyers	5%	7
Experts	27%	38
Beneficiaries	6%	10
Total	100%	142



Of the 84%, 118, of respondents who indicated their location, (36%, 42) were based on Vienna followed by 'other' (14%, 17) then Salzburg (8%, 9), Vorarlberg (6%, 7), Upper Austria (6%, 7), Linz (6%, 7), Welz (5%, 6). The remaining were (3% 3) Innsbruck, Styria, Lower Austria, Klagenfurt, Graz, Burgenland and (2%, 2) Tyrol and Carinthia.

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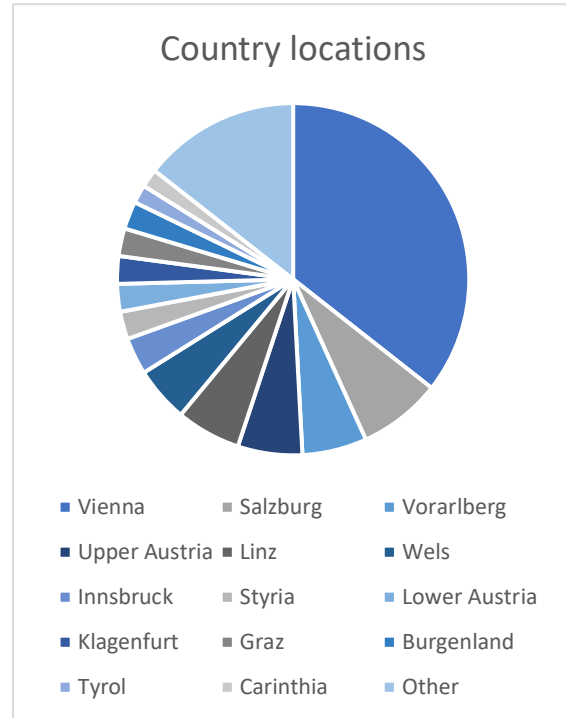
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Country locations	%	#
Vienna	36%	42
Other	14%	17
Salzburg	8%	9
Vorarlberg	6%	7
Upper Austria	6%	7
Linz	6%	7
Wels	5%	6
Innsbruck	3%	4
Styria	3%	3
Lower Austria	3%	3
Klagenfurt	3%	3
Graz	3%	3
Burgenland	3%	3
Tyrol	2%	2
Carinthia	2%	2
Total	100%	118



Judges

The most common degree of jurisdiction for Judges was District Court/Administrative Court (49%, 42), then the State Administrative Court (42%, 36) and the Higher State Courts (4%, 3). Four respondents selected 'other' (5%), with two indicating they were prosecutors, and one that they were based in the Constitutional Court, and another who was based in a provincial court.

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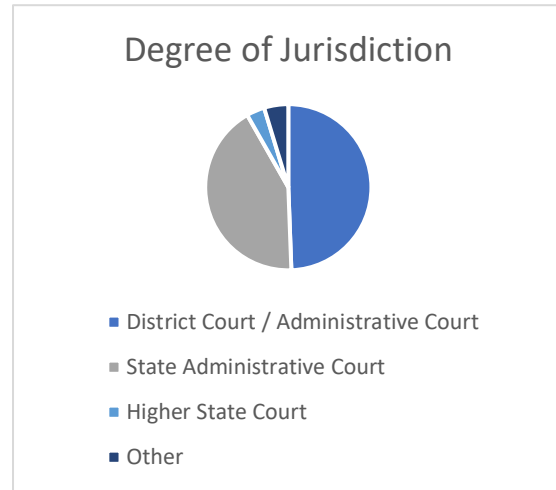
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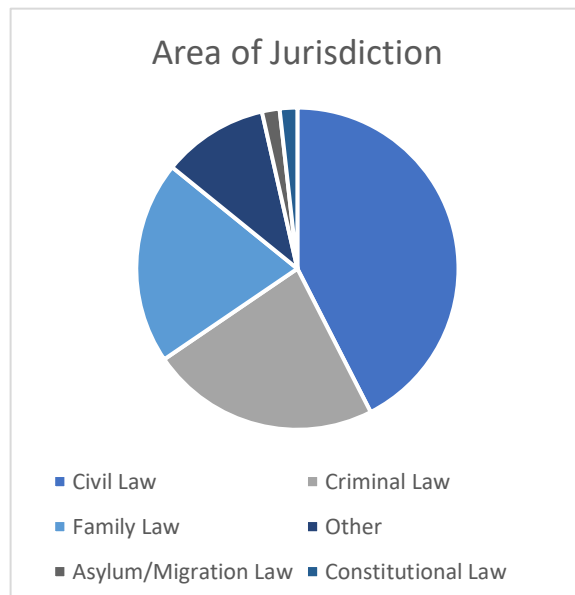
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Degree of Jurisdiction	%	#
District Court / Administrative Court	49%	42
State Administrative Court	42%	36
Higher State Court	4%	3
Other	5%	4
Total	100%	85



The most common area of jurisdiction was civil law (42%, 48) followed by criminal law (23%, 26), then family law (20%, 23), 'other' (11%, 12), with Asylum/Migration Law and Constitutional Law accounting for 2%, 2.

Area of Jurisdiction	%	#
Civil Law	42%	48
Criminal Law	23%	26
Family Law	20%	23
Other	11%	12
Asylum/Migration Law	2%	2
Constitutional Law	2%	2
Total	100%	113



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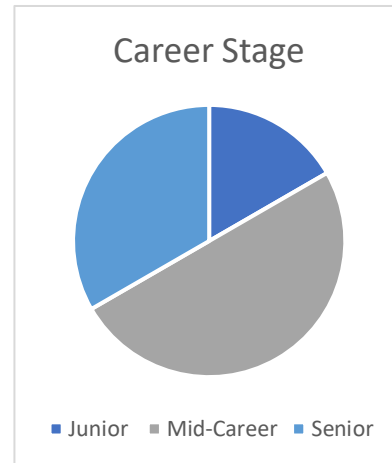
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Lawyers

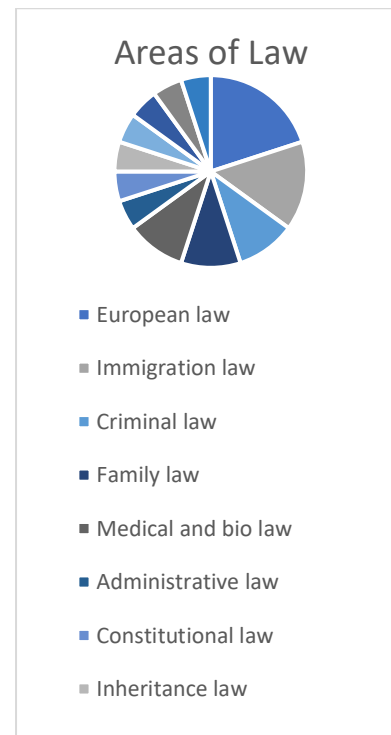
Out of the 6 lawyers who responded, (50%, 3) indicated mid-career, followed by senior lawyers (33%, 2) and junior lawyers (17%, 1).

Career Stage	%	#
Mid-career	50%	3
Senior	33%	2
Junior	17%	1
Total	100%	6



For the areas of law practiced, European Law (20%, 4) was the most common, followed by 'Immigration law' (15%, 3), 'Criminal Law' (10%, 2), 'Family Law' (10%, 2) and 'Medical and Bio Law' (10%, 2), with all the remaining areas, 'Administrative law', 'Constitutional law', 'Inheritance law', 'International human rights law', 'Labour law', 'Property law', and 'Refugee and asylum law' each accounting for 5%, 1.

Areas of Law	%	#
European law	20%	4
Immigration law	15%	3
Criminal law	10%	2
Family law	10%	2
Medical and bio law	10%	2
Administrative law	5%	1
Constitutional law	5%	1
Inheritance law	5%	1
International human rights law	5%	1
Labour law	5%	1
Property law	5%	1
Refugee and asylum law	5%	1
Total	100%	20



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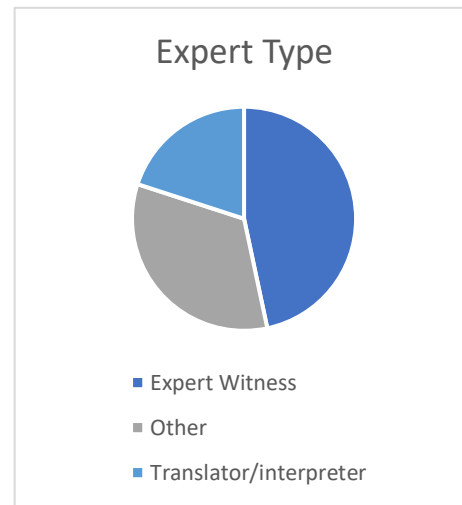
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Experts

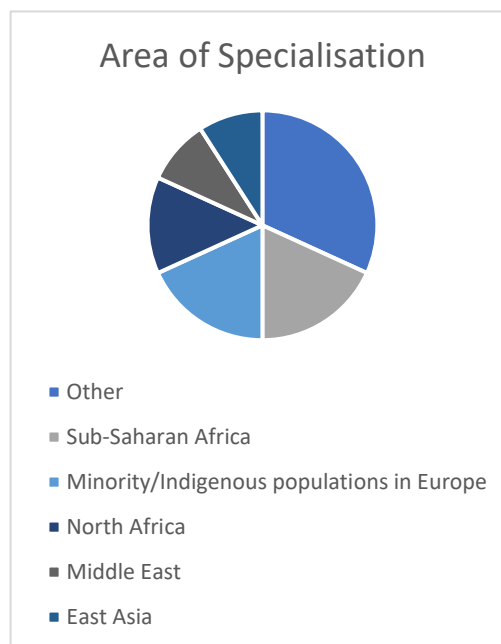
The most common expert type was ‘Expert Witness’ (47%, 14) followed by ‘Other’ (33%, 10) then ‘Translator/interpreter’ (20%, 6).

Expert Type	%	#
Expert Witness	47%	14
Other	33%	10
Translator/interpreter	20%	6
Total	100%	30



The most common response to the question regarding area of specialisation was ‘Other’ (32%, 7) followed by ‘Sub-Saharan Africa’ (18%, 4), then ‘Minority/Indigenous Populations in Europe’ (18%, 4), ‘North Africa’ (14%, 3), ‘Middle East’ (9%, 2) and ‘East Asia’ (9%, 2).

Area of Specialisation	%	Count
Other	32%	7
Sub-Saharan Africa	18%	4
Minority/Indigenous populations in Europe	18%	4
North Africa	14%	3
Middle East	9%	2
East Asia	9%	2
Total	100%	25



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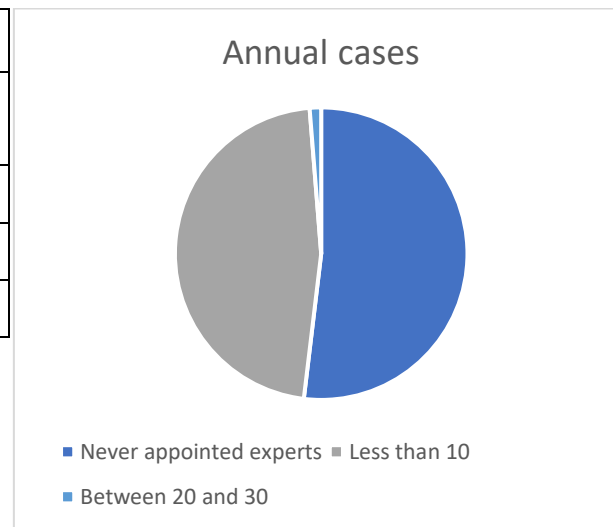
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Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (52%, 41) choose 'Never appointed experts', followed by 'Less than 10' (47%, 37), and 'Between 20 and 30' (1%, 1).

Annual cases	%	#
Never appointed experts	52%	41
Less than 10	47%	37
Between 20 and 50	1%	1
Total	100%	82



(29%, 8) of experts provided between 50 and 100 reports, (25%, 7) indicated a number of written reports between 20 and 50, (21%, 6) indicated a number of written reports between 10 and 20, (18%,5) choose 'Other', (4%, 1) indicated between 5 and 10 and less that 5.

(34%, 10) of experts provided a total of less than 5 oral reports, (17%, 5) choose 'Other', (13%, 4) a number of oral reports between 5 and 10, (14%, 4) indicated a number of oral reports between 50 and 100 and (10%, 3) indicated a number of oral reports between 20 and 50 and 10 and 20.

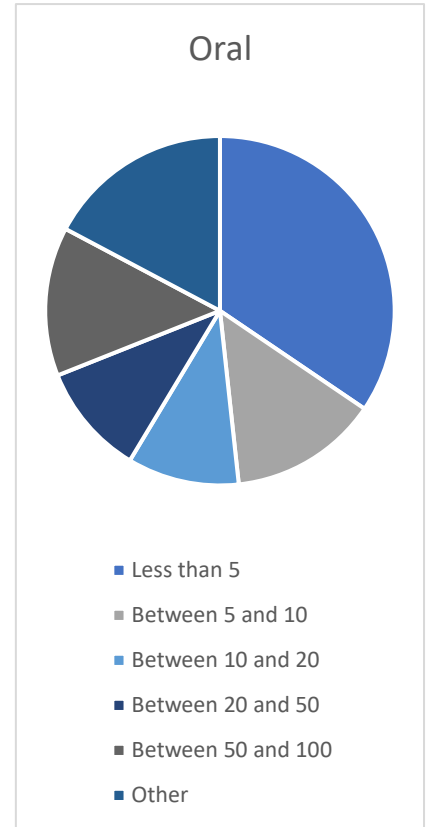
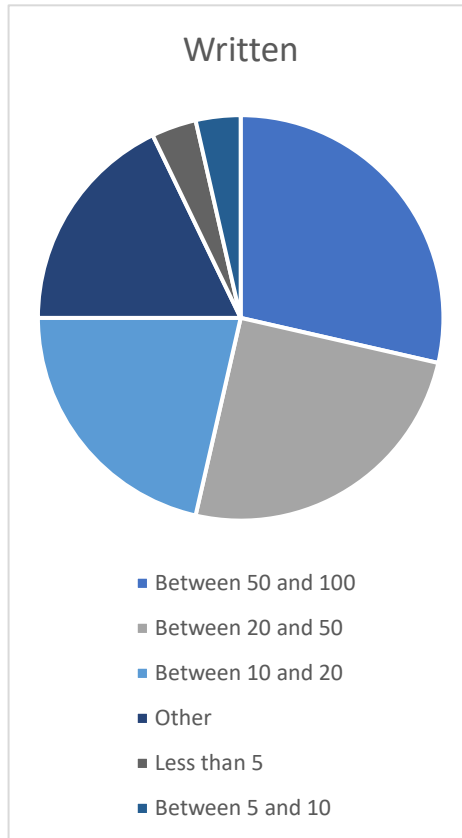
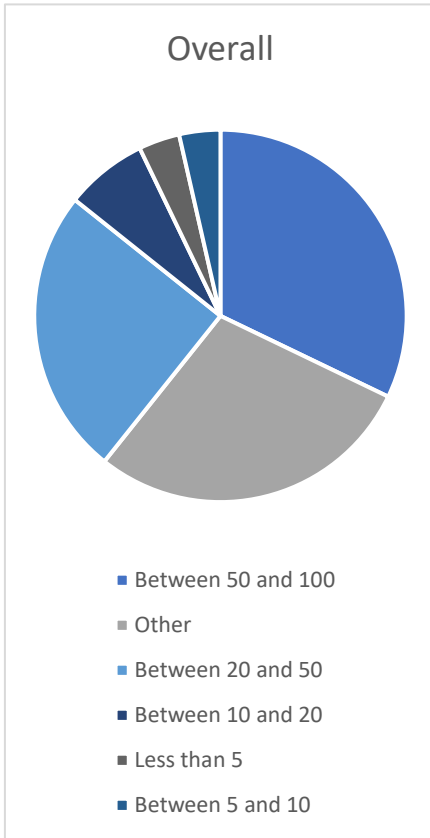
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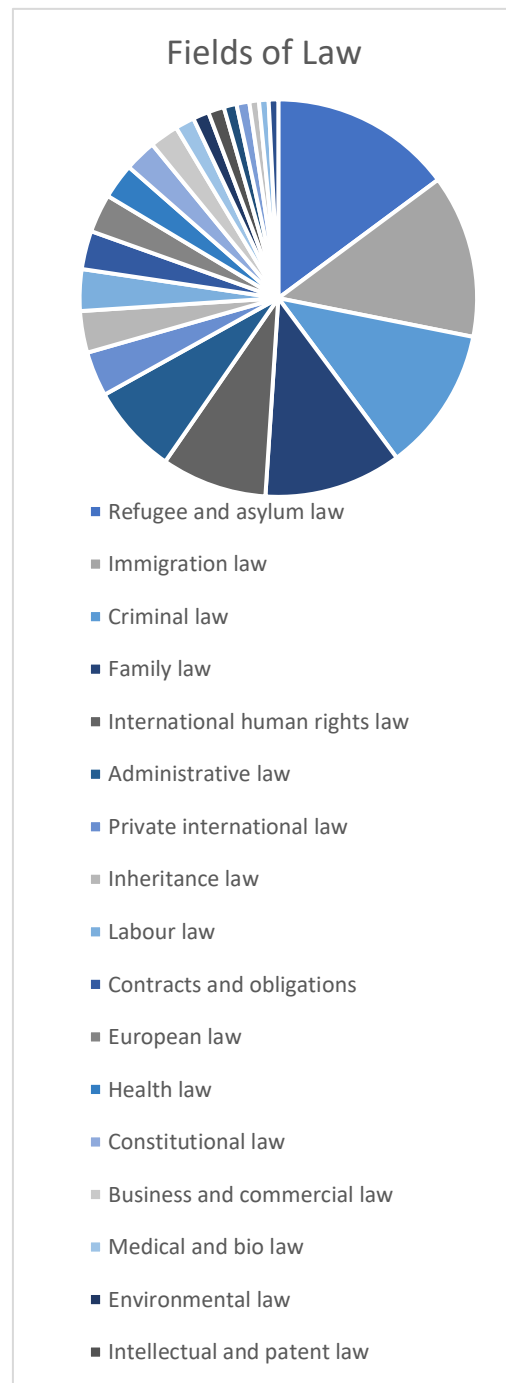
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Fields of law

The most common areas of use of cultural expertise was ‘Refugee and Asylum Law’ (15%, 57), followed by ‘Immigration Law’ (13%, 51), ‘Criminal Law’ (12%, 45), ‘Family Law’ (11%, 43), ‘International Human Rights Law’ (9%, 33) and ‘Administrative Law’ (7%, 28), with all the remaining areas accounting for 4% or less.

Fields of Law	%	Count
Refugee and asylum law	15%	57
Immigration law	13%	51
Criminal law	12%	45
Family law	11%	43
International human rights law	9%	33
Administrative law	7%	28
Private international law	4%	14
Inheritance law	3%	13
Labour law	3%	13
Contracts and obligations	3%	12
European law	3%	12
Health law	3%	11
Constitutional law	3%	10
Business and commercial law	2%	9
Medical and bio law	2%	6
Environmental law	1%	5
Intellectual and patent law	1%	5
Financial law	1%	4
Other	1%	4
Banking, bankruptcy, and insolvency law	1%	3
Property law	1%	3
Sports law	1%	3
Total	100%	388



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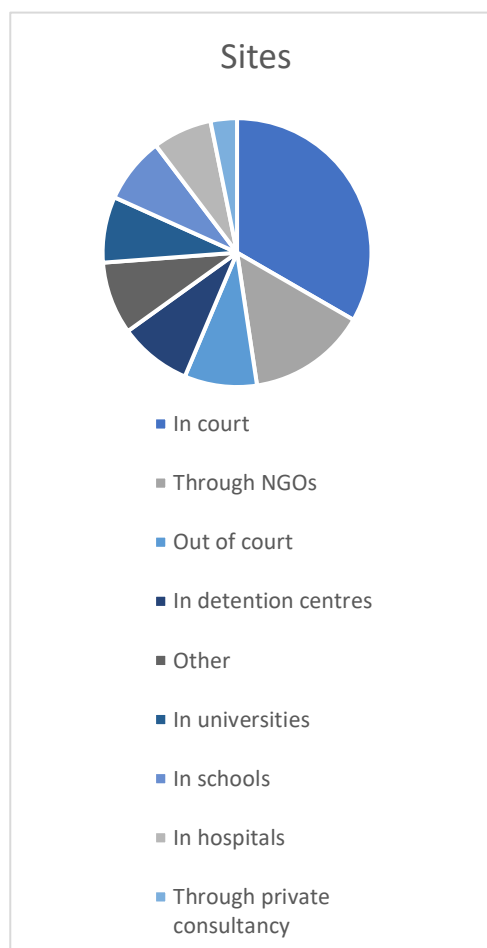
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Sites

The most common site of cultural expertise is 'In court' (33%, 42), followed by 'Through NGOs' (14%, 18) then 'Out of Court', 'In detention Centres' and 'Other' (9%, 11 each), 'In Universities' and 'In Schools' each received (7%, 10), with all remaining categories receiving 7% or less.

Sites	%	#
In court	33%	42
Through NGOs	14%	18
Out of court	9%	11
In detention centres	9%	11
Other	9%	11
In universities	8%	10
In schools	8%	10
In hospitals	7%	9
Through private consultancy	3%	4
Total	100%	126



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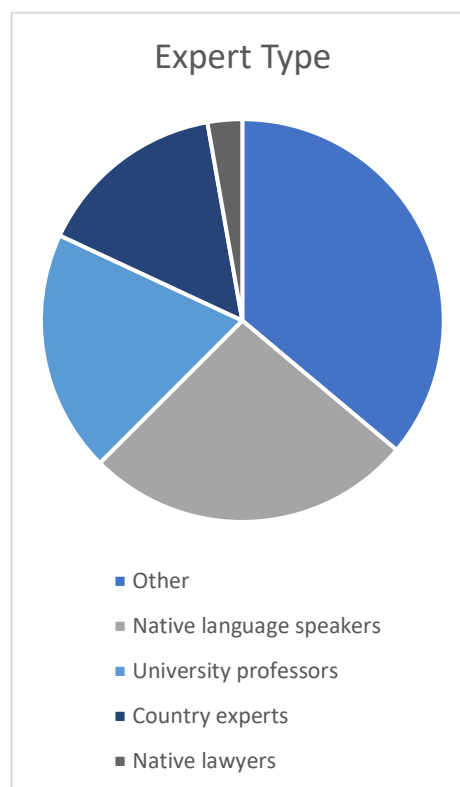
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Typology of Experts

The most common response to the question regarding their expert type was 'Other' (36%, 26), followed by 'Native language speakers' (26%, 19) then 'University professors' (19%, 14), 'Country experts' (15%, 11) and Native lawyers (3%, 2).

Expert Type	%	#
Other	36%	26
Native language speakers	26%	19
University professors	19%	14
Country experts	15%	11
Native lawyers	3%	2
Total	100%	72



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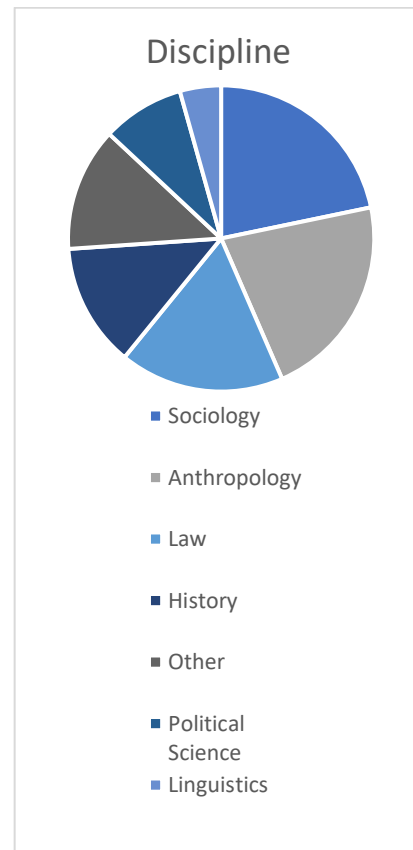
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The (15%, 14) who selected University Professors were asked to specify the disciplines of those professors. The most common responses were ‘Sociology and Anthropology’ (both 22%, 5) followed by ‘Law’ (17%, 4), then ‘History’ and ‘Other’ (13%, 3 each), ‘Political Science’ (9%, 2) and ‘Linguistics’ (4%, 1). For those who selected ‘Other’ and specified, one indicated doctors and another psychologists and psychiatrists.

Discipline	%	#
Sociology	22%	5
Anthropology	22%	5
Law	17%	4
History	13%	3
Other	13%	3
Political Science	9%	2
Linguistics	4%	1
Total	100%	23



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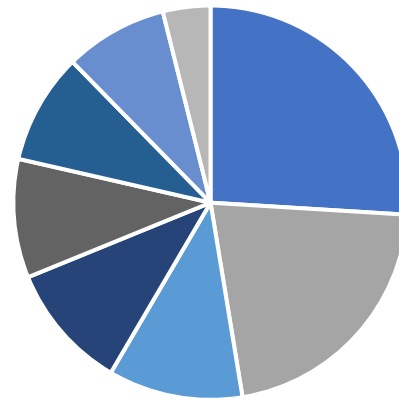
Modalities

Appointment of Experts

The most commonly factor influencing the decision to appoint was that the appointment of experts was ‘Advised by the court’ (26%, 40), followed by ‘The law allows the appointment of experts’ (21%, 33), then ‘Client request’ (11%, 17), ‘Time’ (11%, 16), ‘The reputation of the expert’ (10%, 15), ‘Cost’ (9%, 14), ‘The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert’ (8%, 13) and ‘Other’ (4%, 6).

How experts are selected	%	#
Advised by the court	26%	40
The law allows	21%	33
Client request	11%	17
Time	11%	16
The reputation of the expert	10%	15
Cost	9%	14
The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert	8%	13
Other	4%	6
Total	100%	154

How experts are selected



- Advised by the court
- The law allows
- Client's request
- Time
- The reputation of the expert
- Cost
- The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert
- Other

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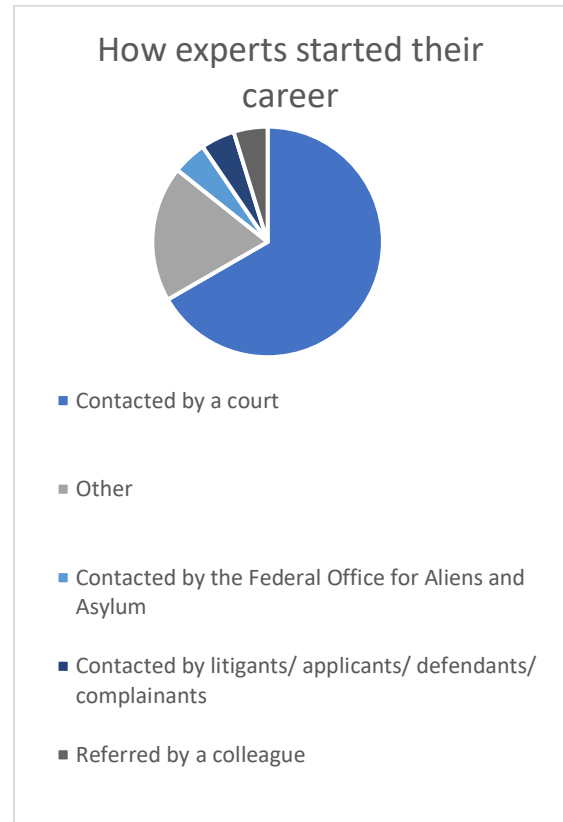
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Most experts started giving opinions after being ‘Contacted by a court’ (67%, 14), followed by ‘Other’ (19%, 4), (9%, 2), with all the remaining options being selected by a single respondent, 5%.

How experts started their career	%	#
Contacted by a court	67%	14
Other	19%	4
Contacted by the Federal Office for Aliens and Asylum	5%	1
Contacted by litigants/ applicants/ defendants/ complainants	5%	1
Referred by a colleague	5%	1
Total	100%	21



Experts were most frequently appointed by Lawyers (27%, 11), followed by The Ministry of the Interior (24%, 10), then having been contacted directly by Clients (21%, 9), Other (17%, 7), Instructed by courts (4%, 2), (4%, 2) choose Prefer not to say and one respondent worked for an NGO.

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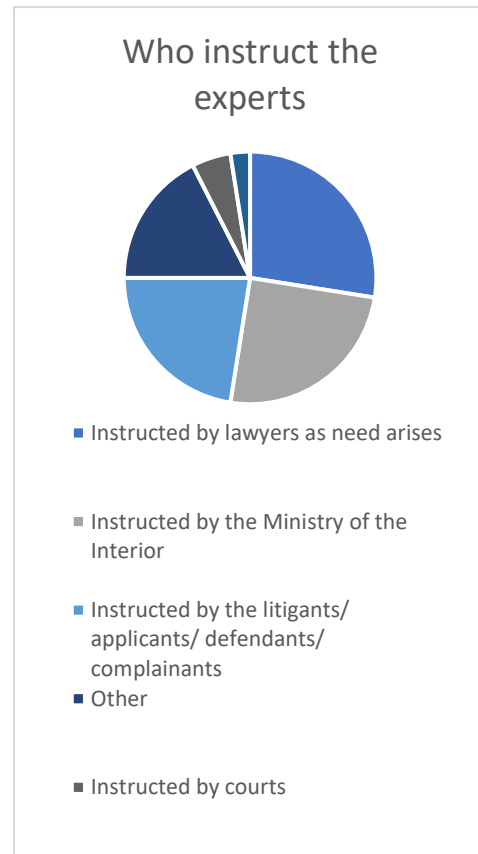
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Who instructs the experts	%	#
Instructed by lawyers as need arises	28%	11
Instructed by the Ministry of the Interior	25%	10
Instructed by the litigants/ applicants/ defendants/ complainants	23%	9
Other	18%	7
Instructed by courts	5%	2
Work as an expert for NGOs	3%	1
Total	100%	42



Cost of Cultural Expertise

Cultural expertise is most commonly financed by courts (23%, 27), followed by clients (22%, 25), then by legal aid (21%, 24), by the Federal Office for Aliens and Asylum (18%, 21), other (11%, 13) and finally by Philanthropists/NGOs/Relative/Community.

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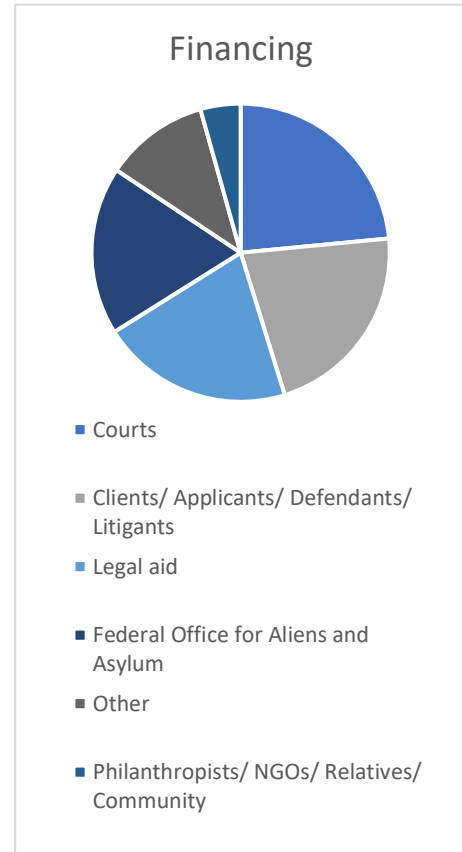
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How are experts paid?	%	#
Courts	23%	27
Clients/ Applicants/ Defendants/ Litigants	22%	25
Legal aid	21%	24
Federal Office for Aliens and Asylum	18%	21
Other	11%	13
Philanthropists/ NGOs/ Relatives/ Community	4%	5
Total	100%	115



Remuneration of cultural expertise

Over half of responses indicated that experts were paid at a standard hourly rate (55%, 12), followed by other (23%, 6), then being paid at a set price per report (17%, 4), with one respondent working on a voluntary basis.

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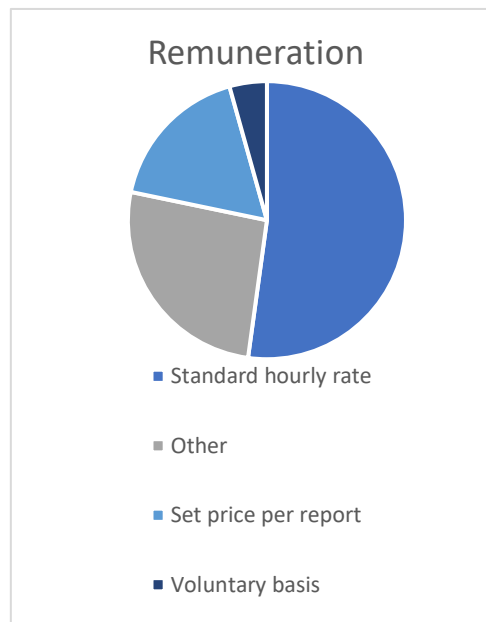
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Remuneration of experts	%	#
Standard hourly rate	55%	12
Other	23%	6
Set price per report	17%	4
Voluntary basis	5%	1
Total	100%	23



Reuse of cultural expertise

The two most frequent responses to the question of the reuse of cultural expertise were 'Unique and not repeatable experience' (30%, 17) and 'Can only be reproduced in the same country/legal field' (30%, 17), followed by 'Cultural expertise being applicable in similar cases' (21%, 12). (18%, 10) choose 'Other'.

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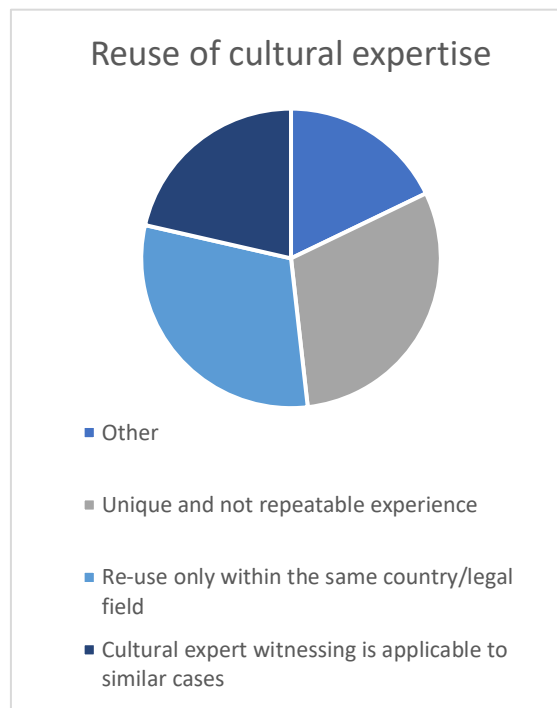
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Reuse of cultural expertise	%	#
Unique and not repeatable experience	30%	17
Re-use only within the same country/legal field	30%	17
Cultural expert witnessing is applicable to similar cases	21%	12
Other	18%	10
Total	100%	56



Impact

Components of Impact

The most common components of impact include stringent conclusions (20%, 57), followed by reliable sources of contents (19%, 55), then use of statistics (14%, 37), first-hand experience (13%, 36), reputation of experts (11%, 30), quantitative assessment of risk (8%, 23), style (7%, 19) and advocacy (5%, 13), with all the remaining categories accounting for 4% or less.

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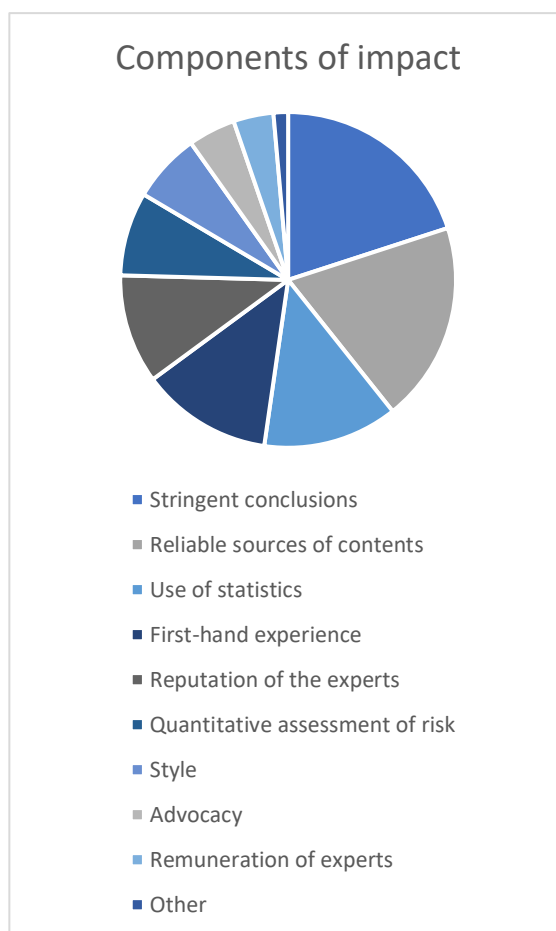
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Components of impact	%	#
Stringent conclusions	20%	57
Reliable sources of contents	19%	55
Use of statistics	14%	37
First-hand experience	13%	36
Reputation of the experts	11%	30
Quantitative assessment of risk	8%	23
Style	7%	19
Advocacy	5%	13
Remuneration of experts	4%	11
Other	1%	4
Total	100%	285



Usefulness

The most common response to the question regarding the usefulness of cultural expertise was Moderately useful (36%, 27), followed by very useful (28%, 22), then slightly useful (16%, 12), not useful at all (16%, 12) and finally extremely useful (4%, 3).

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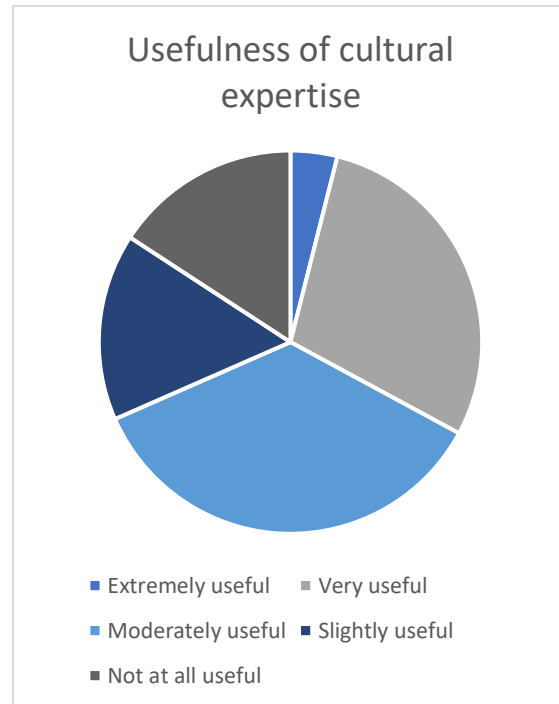
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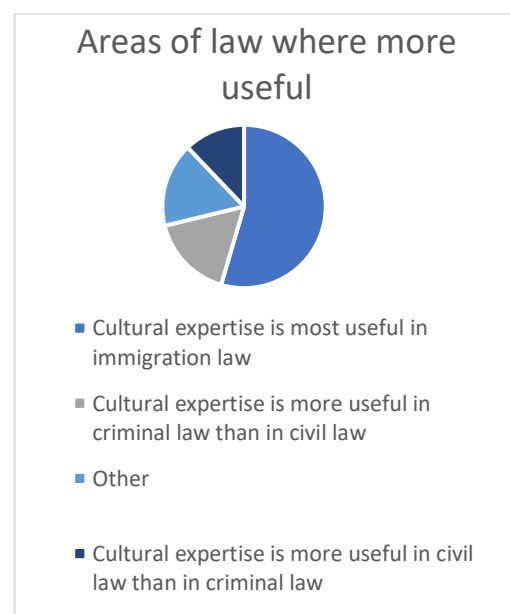
Usefulness of cultural expertise	%	#
Moderately useful	36%	27
Very useful	28%	22
Slightly useful	16%	12
Not at all useful	16%	12
Extremely useful	4%	3
Total	100%	76



Usefulness: fields

Cultural expertise is most useful in migration law (55%, 36), followed by more useful in criminal law rather than civil law (17%, 11), then other (17%, 11), then more useful in civil law than criminal law (12%, 8).

Areas of law where cultural expertise is more useful	%	#
Migration law	55%	36
More in criminal law than in civil law	17%	11
Other	17%	11
More in civil law than in criminal law	12%	8
Total	100%	66



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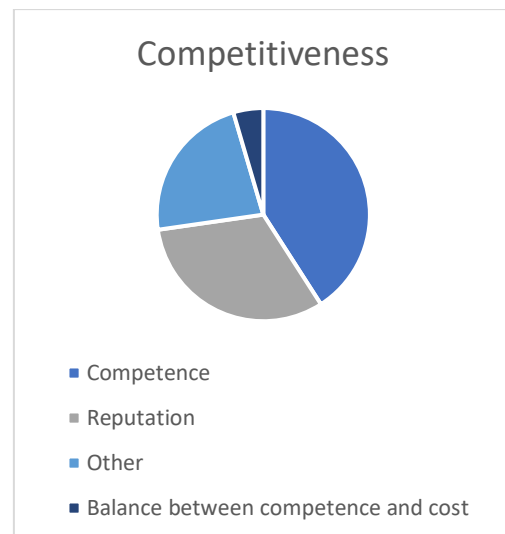
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Competitiveness

Experts thought that their expertise was competitive because of their ‘competence’ (41%, 9), reputation (31%, 7), then other (23%, 5) and finally one respondent indicating the balance between competence and cost.

Competitiveness	%	#
Competence	41%	9
Reputation	32%	7
Other	23%	5
Balance between competence and cost	5%	1
Total	100%	22



Reputation of Experts

The majority of experts said that they had been regularly instructed/ appointed as expert for many years (58%, 11), followed by other (32%, 6), and then ‘the cases in which expert opinion was provided were successful’ (11%, 2).

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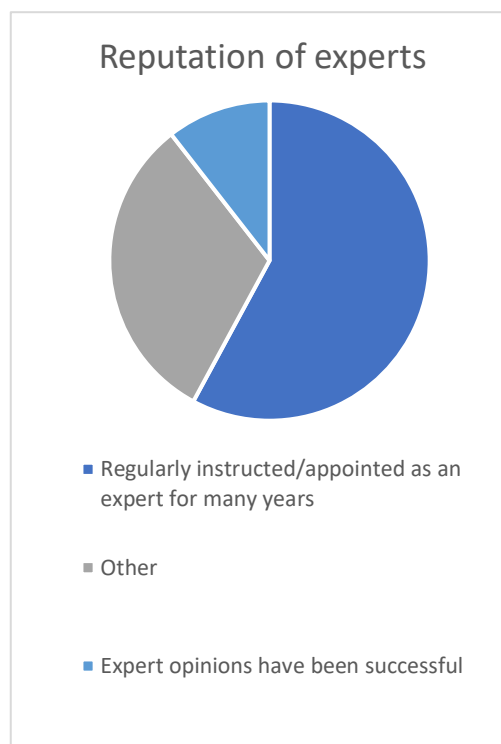
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Reputation of experts	%	#
Regularly instructed/appointed as an expert for many years	58%	11
Other	32%	6
Expert opinions have been successful	11%	2
Total	100%	19



Improved Access

Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be 'Very useful' (45%, 31), followed by 'Somewhat useful' (36%, 25), of 'No use' (16%, 11), 3%, 2 choose 'Other'.

Austria Data Summary

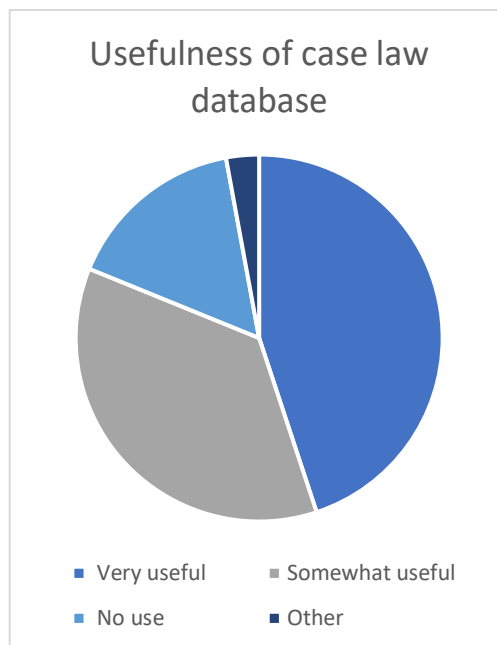
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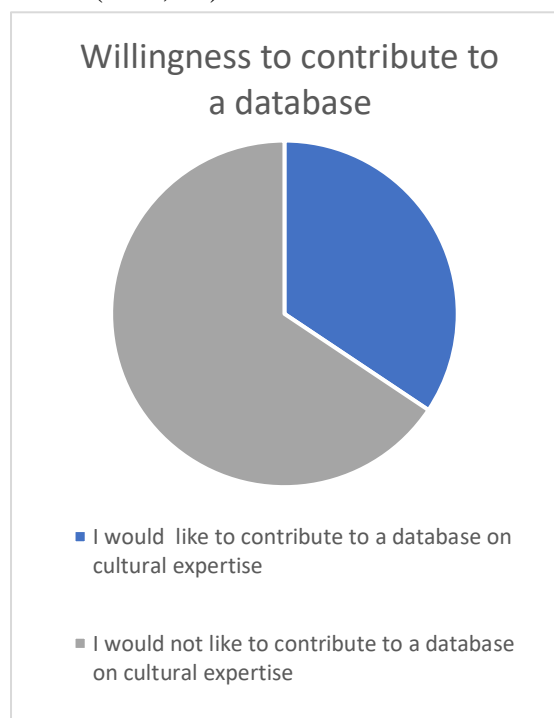
Usefulness of case law database	%	#
Very useful	45%	31
Somewhat useful	36%	25
No use	16%	11
Other	3%	2
Total	100%	69



Contribution to law database

Most respondents did not wish to contribute to the establishment of a case law database (66%, 21), while close to one third of respondents did (34%, 11).

Contribution to law database	%	#
I would not like to contribute to a database on cultural expertise	66%	21
I would like to contribute to a database on cultural expertise	34%	11
Total	100%	32



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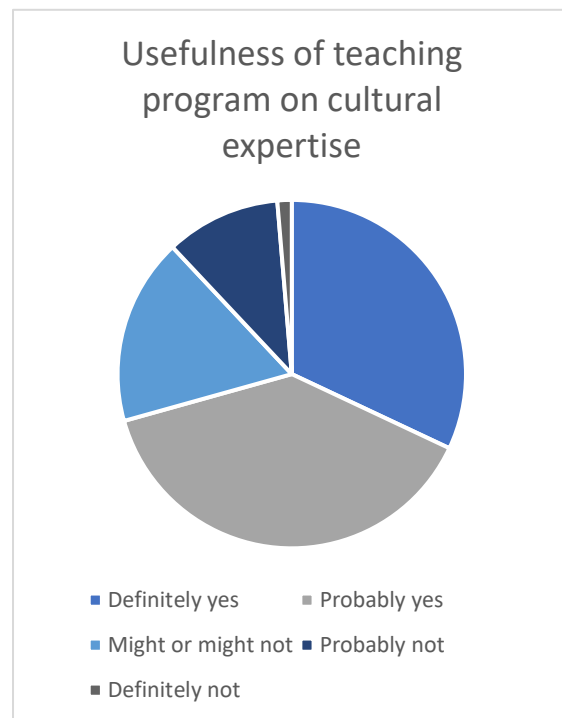
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Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was probably yes (39%, 29), followed by definitely yes (32%, 24), then might or might not (17%, 13), probably not (11%, 8) and definitely not (1%, 1).

Usefulness of a teaching program on cultural expertise	%	#
Probably yes	39%	29
Definitely yes	32%	24
Might or might not	17%	13
Probably not	11%	8
Definitely not	1%	1
Total	100%	75



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Organisations interested in a teaching program

With regards to the question on interest in the teaching program, the most common response was other (59%, 30), followed by knowing educational organisations which may be interested (22%, 9), then knowing professional organisations that may be interested (18%, 9) and finally one respondent who would be interested in teaching cultural expertise themselves (2%).

Organisations interested in a teaching program	%	#
Know educational institutions interested in teaching	22%	11
Know professional organisations interested in teaching	18%	9
Interested in teaching themselves	2%	1
Other	59%	30
Total	100%	51

