

Germany Data Summary

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

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

Qualities of Sample

There were 504 responses to the Germany survey, of which (96%, 486) were judges, (2%, 12) were lawyers, (1%, 3) were experts and (1%, 3) were beneficiaries.

Respondent categories	%	#
Judges	96%	486
Lawyers	2%	12
Experts	1%	3
Beneficiaries	1%	3
Total	100%	504



Country locations

Of the 83%, 420, of respondents who indicated their location (45%, 188) chose 'Other', (12%, 49) indicated 'Berlin' followed by 'Bayern' (4%, 18), 'North Rhine-Westphalia' (4%, 18), 'Lower Saxony' (4%, 16), Potsdam (4%, 15), 'Hannover' (3%, 14), 'Brandenburg' (3%, 12), 'Saxony' (3%, 11), with all the remaining location accounting for 2% or less.

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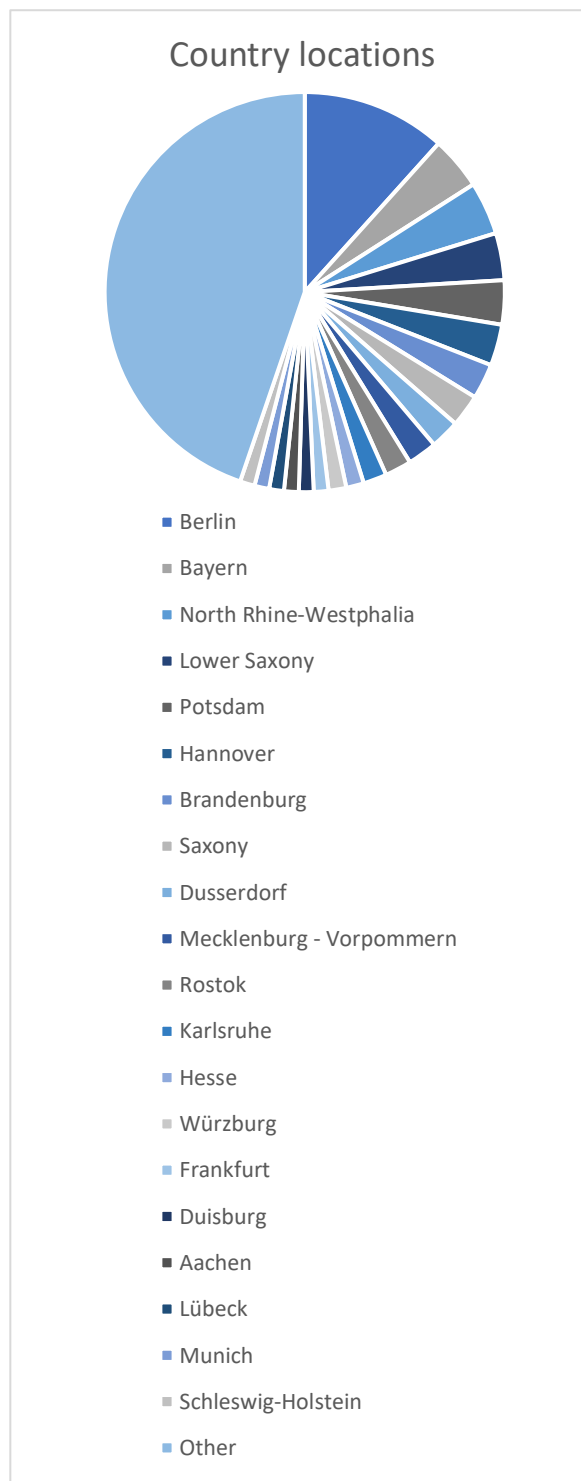
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Country locations	%	#
Berlin	12%	49
Bayern	4%	18
North Rhine-Westphalia	4%	18
Lower Saxony	4%	16
Potsdam	4%	15
Hannover	3%	14
Brandenburg	3%	12
Saxony	3%	11
Dusserdorf	2%	10
Mecklenburg - Vorpommern	2%	10
Rostok	2%	9
Karlsruhe	2%	8
Hesse	1%	6
Würzburg	1%	6
Frankfurt	1%	5
Duisburg	1%	5
Aachen	1%	5
Lübeck	1%	5
Munich	1%	5
Schleswig-Holstein	1%	5
Other	45%	188
Total	100%	420



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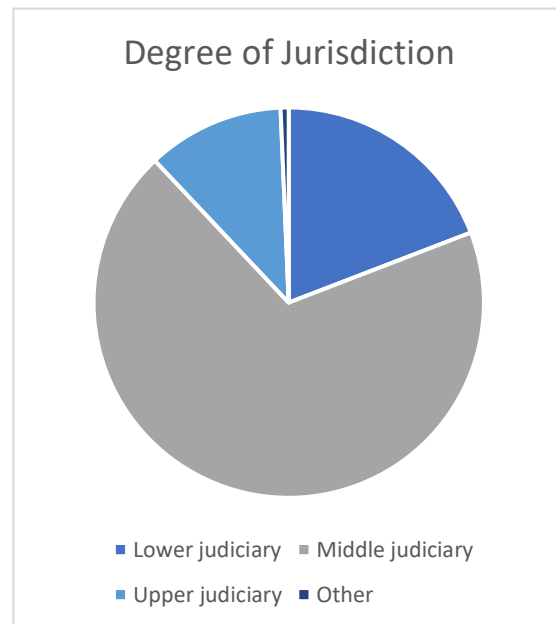
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Judges

The most common degree of jurisdiction for Judges was ‘Lower judiciary’ (67%, 309), followed by the ‘Middle judiciary’ (19%, 86) and ‘Upper judiciary’ (11%, 51). (3%, 13) respondents chose ‘Other’.

Degree of Jurisdiction	%	#
Lower judiciary	67%	309
Middle judiciary	19%	86
Upper judiciary	11%	51
Other	3%	13
Total	100%	459



The most common area of jurisdiction was ‘Civil law’ (30%, 166) followed by ‘Asylum/Migration Law’ (20%, 109), then ‘Criminal law’ (18%, 23), ‘Other’ (16%, 89), and ‘Family law’ (16%, 87).

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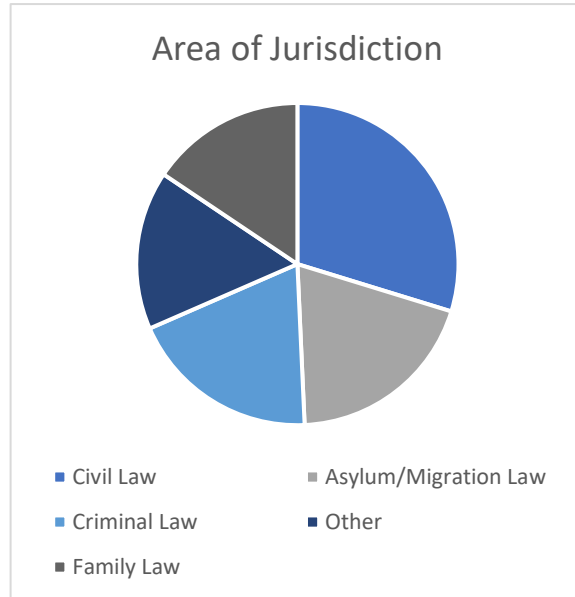
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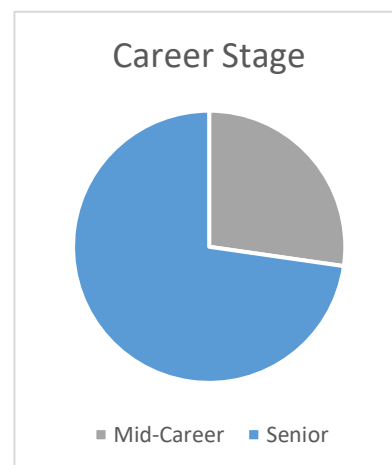
Area of Jurisdiction	%	#
Civil Law	30%	166
Asylum/Migration Law	20%	109
Criminal Law	18%	107
Other	16%	89
Family Law	16%	87
Total	100%	558



Lawyers

Out of the 11 lawyers who responded, (73%, 8) indicated 'Senior' lawyers, followed by 'Mid-career' (27%, 3).

Career Stage	%	#
Mid-career	27%	3
Senior	73%	8
Total	100%	11



For the areas of law practiced, (14%, 5) chose 'Other' followed by 'Family law' and 'Labour Law' (12%, 4) each, 'Contract Law' and 'Medical and Bio Law' (9%, 3) each, 'Commercial law', 'Health law' and 'Inheritance law (6%, 2) each, with all the remaining areas accounting for (3%, 1).

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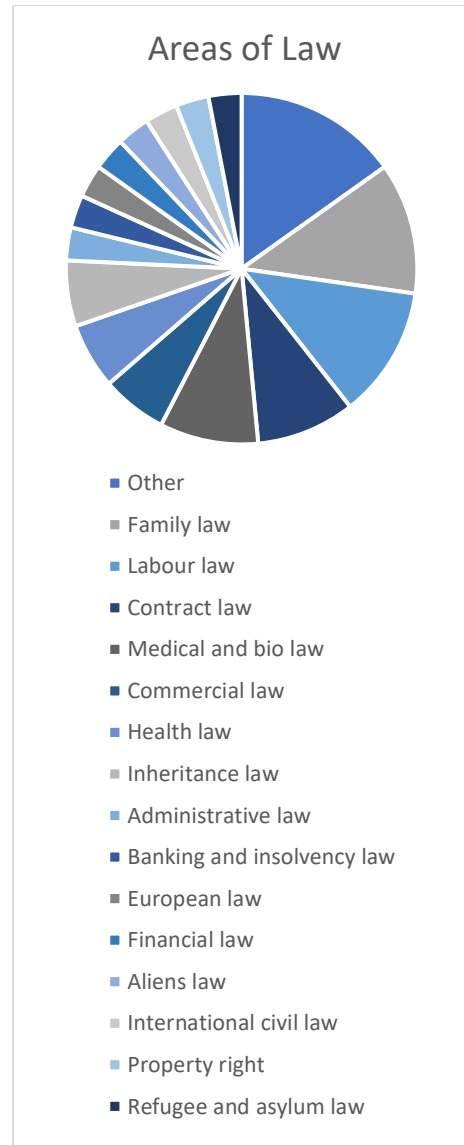
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Areas of Law	%	#
Other	14%	5
Family law	12%	4
Labour law	12%	4
Contract law	9%	3
Medical and bio law	9%	3
Commercial law	6%	2
Health law	6%	2
Inheritance law	6%	2
Administrative law	5%	1
Banking and insolvency law	3%	1
European law	3%	1
Financial law	3%	1
Aliens law	3%	1
International civil law	3%	1
Property right	3%	1
Refugee and asylum law	3%	1
Total	100%	33



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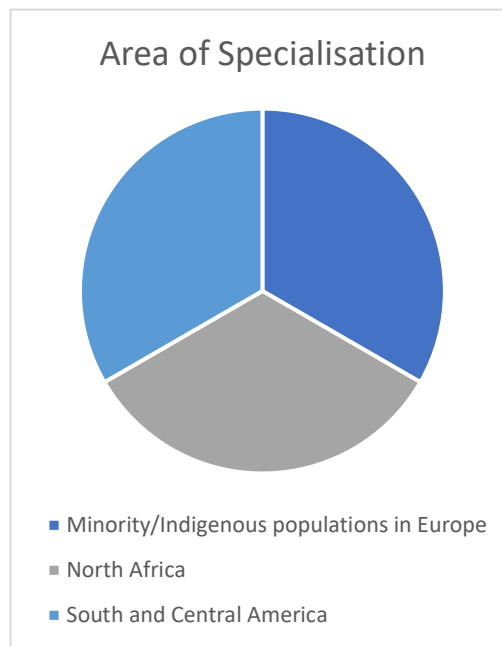
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Experts

Only one of the three experts that responded to the survey indicated that he was a translator. The experts' area of expertise were 'North Africa', 'Minorities/Indigenous Populations in Europe' and South and 'Central America' (1, 33%) each.

Area of Specialisation	%	#
Minority/Indigenous populations in Europe	33%	1
North Africa	33%	1
South and Central America	33%	1
Total	100%	3



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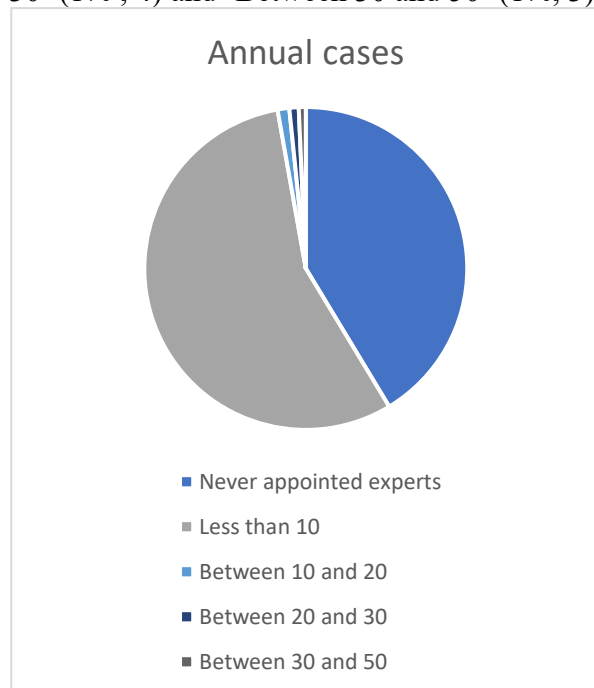
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Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (56%, 239) chose 'Less than 10', followed by 'Never appointed experts' (41%, 177), 'Between 10 and 20' (1%, 5), 'Between 20 and 30' (1%, 4) and 'Between 30 and 50' (1%, 3).

Annual cases	%	#
Never appointed experts	41%	177
Less than 10	56%	239
Between 10 and 20	1%	5
Between 20 and 30	1%	4
Between 30 and 50	1%	3
Total	100%	428



Two experts indicated that they had provided expert evidence in both written and oral format for between 20 and 50 cases.

Fields of law

The most common area of use of cultural expertise was 'Refugee and Asylum Law' (16%, 204), followed by 'Family law' (14%, 185), 'Immigration Law' (13%, 173), 'Criminal Law' (11%, 138), 'Administrative law' (9%, 120), 'International human rights law' (7%, 93), 'Inheritance law' (5%, 65) with all the remaining areas accounting for 3% or less.

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Fields of Law	%	#
Refugee and asylum law	16%	204
Family law	14%	185
Immigration law	13%	173
Criminal law	11%	138
Administrative law	9%	120
International human rights law	7%	93
Inheritance law	5%	65
International civil law	5%	58
European law	3%	41
Constitutional law	3%	40
Contracts and obligations	3%	33
Other	2%	26
Labour law	2%	23
Business and commercial law	1%	18
Intellectual and patent law	1%	17
Health law	1%	15
Medical and bio law	1%	12
Banking, bankruptcy, and insolvency law	1%	9
Financial law	0%	6
Property law	0%	6
Sports law	0%	6
Total	100%	1288



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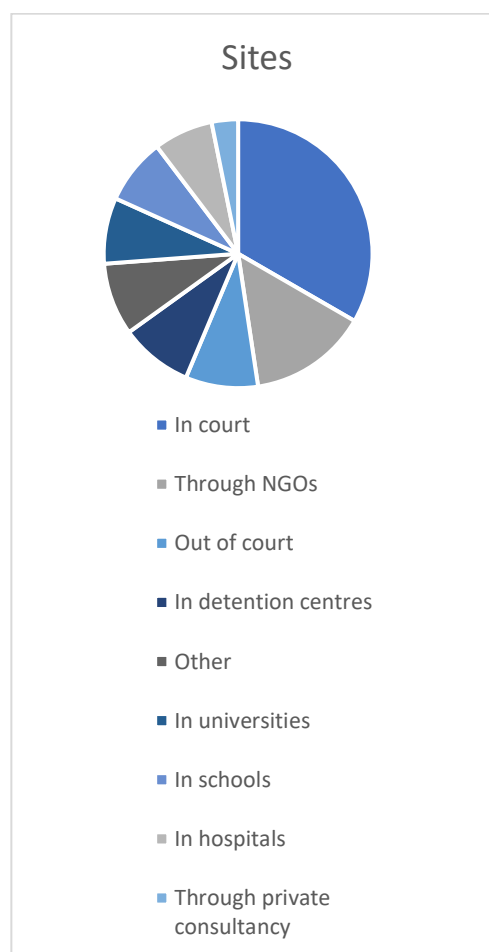
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Sites

The most common site of cultural expertise was 'In court' (43%, 143), followed by 'Other' (14%, 45), 'Through NGOs' (11%, 36), 'Out of Court' (8%, 27), 'In detention Centres' (6%, 21), 'In university' (6%, 20), 'In school' (5%, 16) and 'In hospital' and 'Through private consultancy' (3%, 11).

Sites	%	#
In court	43%	143
Other	14%	45
Through NGOs	11%	36
Out of court	8%	27
In detention centres	6%	21
In universities	6%	20
In schools	5%	16
In hospitals	3%	11
Through private consultancy	3%	11
Total	100%	330



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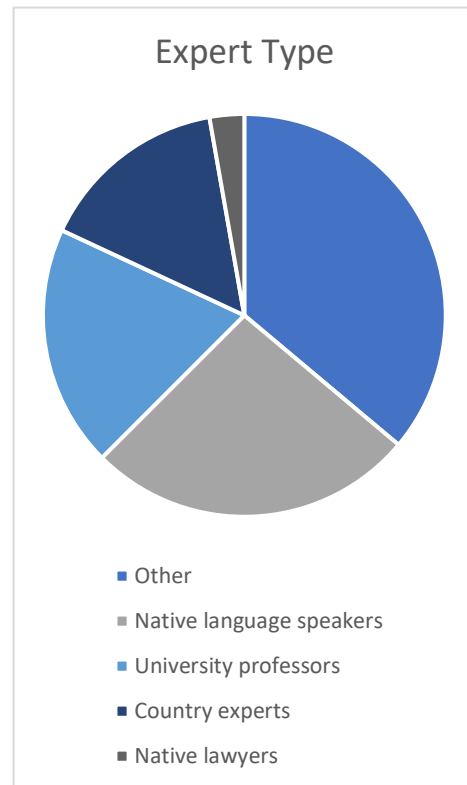
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Typology of Experts

The most common response to the question regarding the expert type was 'Other' (43%, 132), followed by 'Country experts' (25%, 77), 'Native language speakers' (14%, 43) then 'University professors' (13%, 41), 'Native lawyers' (4%, 12), 'Community leaders' and 'Religious leaders' (1%, 2) each.

Expert Type	%	#
Other	43%	132
Country experts	25%	77
Native language speakers	14%	43
University professors	13%	41
Native lawyers	4%	12
Community leaders	1%	2
Religious leaders	1%	2
Total	100%	72



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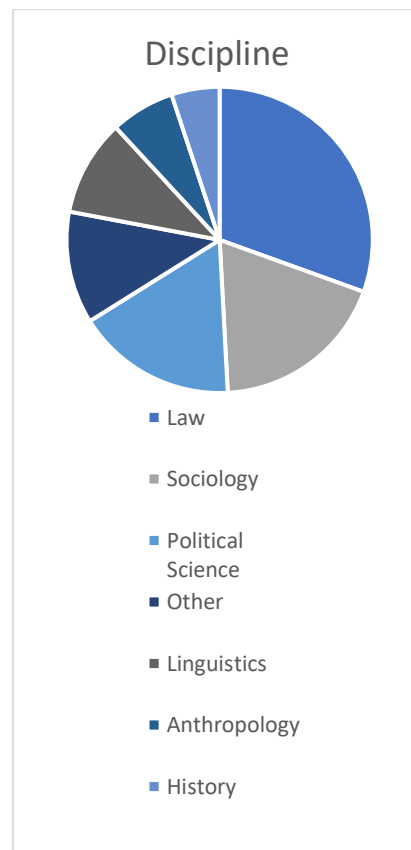
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Discipline

The respondents who selected 'University professors' were asked to specify the disciplines of those professors. The most common response was 'Law' (30%, 18), followed by 'Sociology' (19%, 11), 'Political Science' (17%, 10), 'Other' (12%, 7), 'Linguistics' (10%, 6), 'Anthropology' (7%, 4) and 'History' (5%, 3).

Discipline	%	#
Law	30%	18
Sociology	19%	11
Political Science	17%	10
Other	12%	7
Linguistics	10%	6
Anthropology	7%	4
History	5%	3
Total	100%	59



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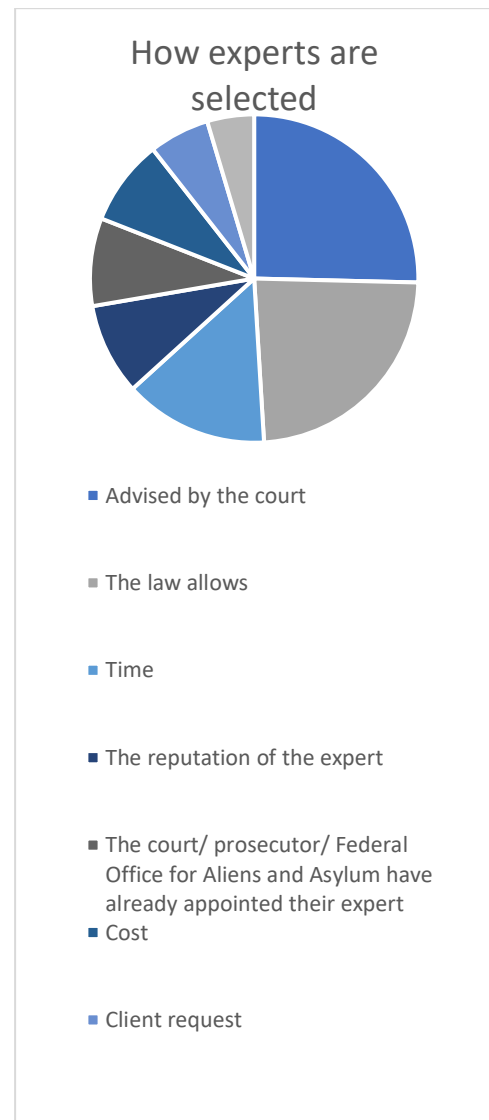
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Modalities

Appointment of Experts

The most common factor influencing the decision to appoint was that the appointment of experts was ‘Advised by the court’ (25%, 132), followed by ‘The law allows the appointment of experts’ (24%, 123), ‘Time’ (14%, 74), ‘The reputation of the expert’ (9%, 47), ‘The court/prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert’ (9%, 45), ‘Cost’ (8%, 44), ‘Client request’ (6%, 31) and ‘Other’ (5%, 24).

How experts are selected	%	#
Advised by the court	25%	132
The law allows	24%	123
Time	14%	74
The reputation of the expert	9%	47
The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert	9%	45
Cost	8%	44
Client request	6%	31
Other	5%	24
Total	100%	154



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To the question on how experts started their career, one respondent answered ‘Contacted by a court’ and the other ‘Referred by a colleague’.

How experts started their career	%	#
Contacted by a court	50%	1
Referred by a colleague	50%	1
Total	100%	2



Who instructs the experts

One expert answered that he/she was appointed by the court.

Cost of Cultural Expertise

Cultural expertise is most commonly financed by ‘Courts’ (41%, 134), followed by ‘Legal aid’ (17%, 55), ‘Clients/ Applicants/ Defendants/ Litigants’ (15%, 47), ‘Other’ (13%, 43) ‘Home Office/Federal Office for Migration and Refugees’ (11%, 36) and ‘Philanthropists/NGOs/Relative/Community’ (3%, 9).

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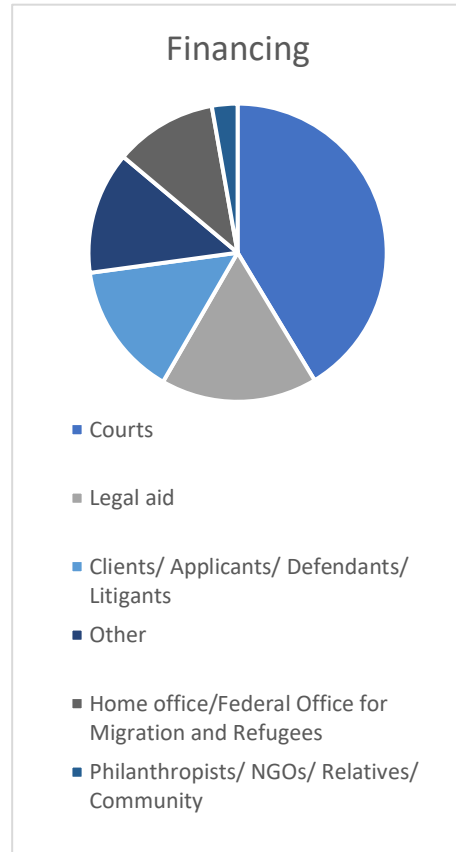
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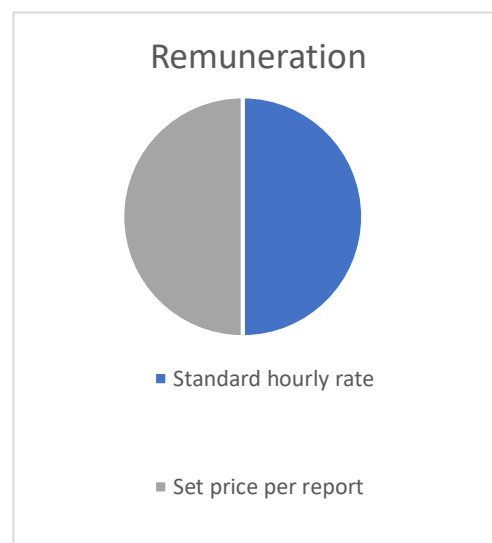
How are experts paid?	%	#
Courts	41%	134
Legal aid	17%	55
Clients/ Applicants/ Defendants/ Litigants	15%	47
Other	13%	43
Home office/Federal Office for Migration and Refugees	11%	36
Philanthropists/ NGOs/ Relatives/ Community	3%	9
Total	100%	324



Remuneration of cultural expertise

To the question on how experts are remunerated one expert indicated ‘Standard hourly rate’ and another expert chose ‘Set price per report’.

Remuneration of experts	%	#
Standard hourly rate	50%	1
Set price per report	50%	1
Total	100%	2



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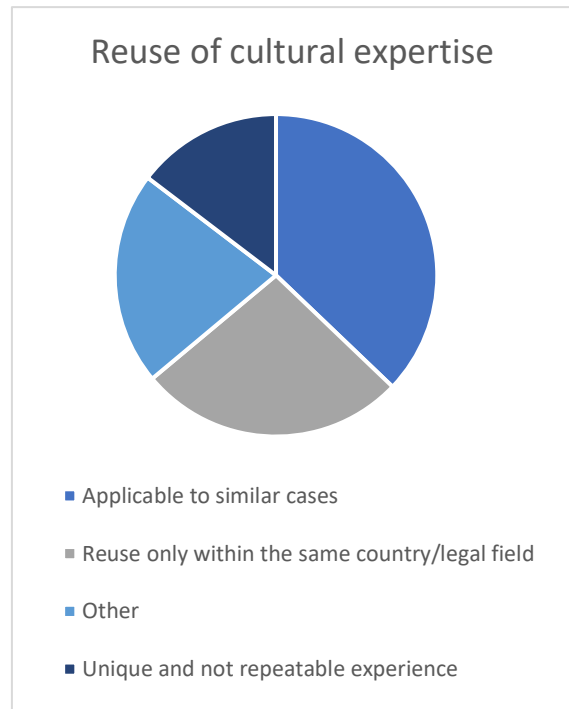
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Reuse of cultural expertise

The most frequent response to the question of the reuse of cultural expertise was ‘Applicable to similar cases’ (37%, 104) followed by ‘Reuse only within the same country/legal field’ (27%, 75), ‘Other’ (21%, 60) and ‘Unique and not repeatable experience’ (15%, 21).

Reuse of cultural expertise	%	#
Applicable to similar cases	37%	104
Reuse only within the same country/legal field	27%	75
Other	21%	60
Unique and not repeatable experience	15%	41
Total	100%	280



Impact

Components of Impact

The most common components of impact include ‘Stringent conclusions’ (18%, 206), followed by ‘Reliable sources of contents’ (17%, 198), ‘First-hand experience’ (15%, 168), ‘Use of statistics’ (13%, 149), ‘Reputation of experts’ (11%, 126), ‘Style’ (8%, 87) ‘Quantitative assessment of risk’ (7%, 80), ‘Remuneration of experts’ (5%, 58), ‘Advocacy’ (5%, 54) and ‘Other’ (1%, 11).

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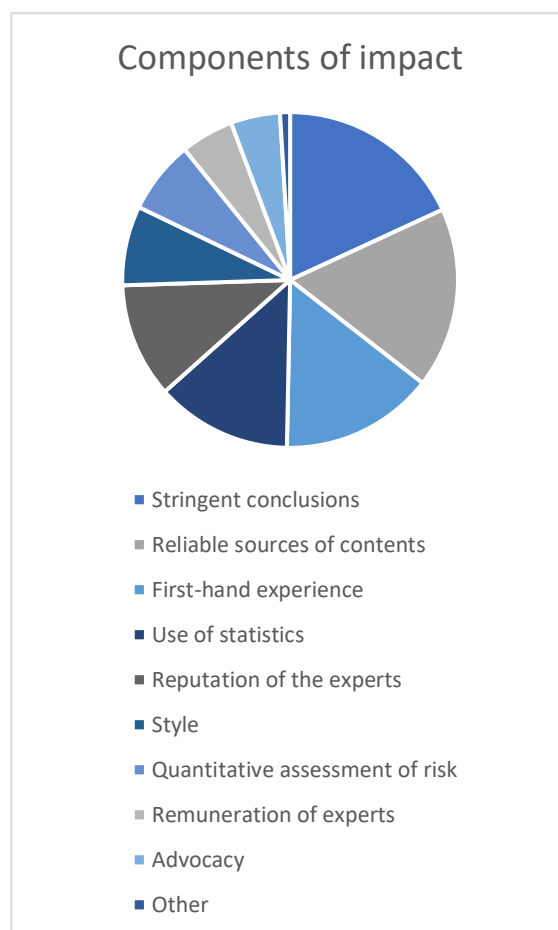
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Components of impact	%	#
Stringent conclusions	18%	206
Reliable sources of contents	17%	198
First-hand experience	15%	168
Use of statistics	13%	149
Reputation of the experts	11%	126
Style	8%	87
Quantitative assessment of risk	7%	80
Remuneration of experts	5%	58
Advocacy	5%	54
Other	1%	11
Total	100%	1137



Usefulness

The most common response to the question regarding the usefulness of cultural expertise was 'Moderately useful' (38%, 129), followed by 'Very useful' (24%, 83), then 'Slightly useful' (23%, 78), 'Not useful at all' (13%, 43) and 'Extremely useful' (3%, 9).

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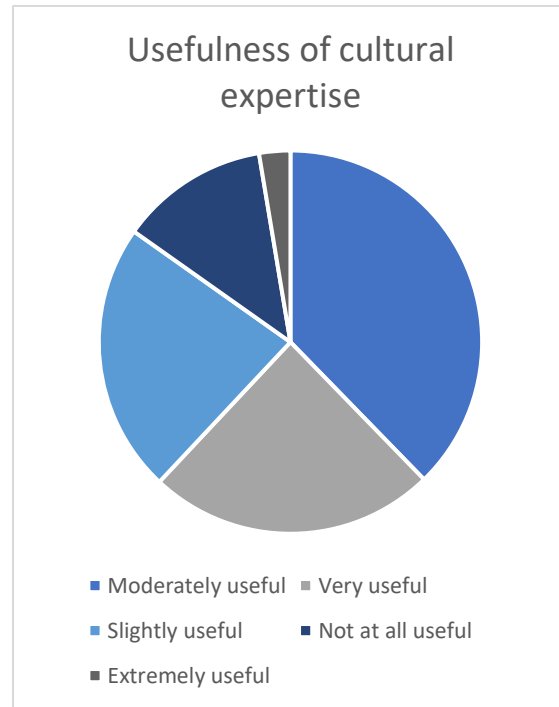
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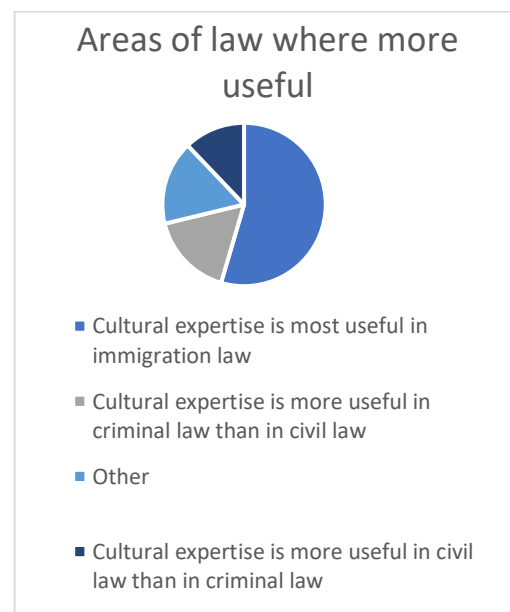
Usefulness of cultural expertise	%	#
Moderately useful	38%	129
Very useful	24%	83
Slightly useful	23%	78
Not at all useful	13%	43
Extremely useful	3%	9
Total	100%	342



Usefulness: fields

Cultural expertise is most useful in 'Migration law' (58%, 136), followed by 'More useful in criminal law rather than civil law' (25%, 59), 'Other' (12%, 29), and 'More useful in civil law than criminal law' (5%, 11).

Areas of law where cultural expertise is more useful	%	#
Migration law	58%	136
More in criminal law than in civil law	25%	59
Other	12%	29
More in civil law than in criminal law	5%	11
Total	100%	235



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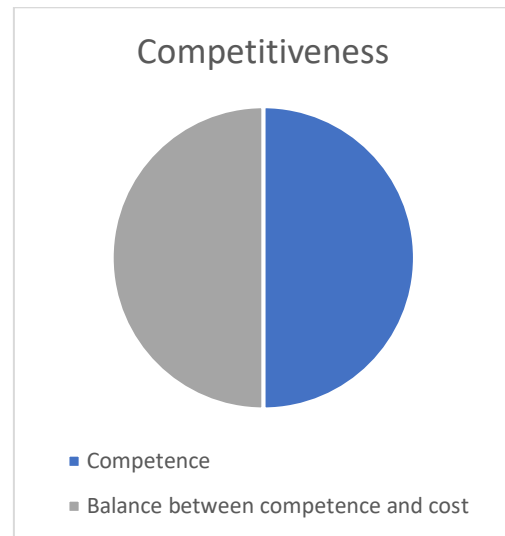
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Competitiveness

The two respondents indicated that their expertise was competitive because of their 'Competence' (50%, 1), and 'Balance between competence and cost' (50%, 1).

Competitiveness	%	#
Competence	50%	1
Balance between competence and cost	50%	1
Total	100%	2



Reputation of Experts

One expert indicated that she/he had been 'Regularly instructed/ appointed as expert for many years'.

Improved Access

Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be 'Somewhat useful' (43%, 111), followed by 'Very useful' (35%, 91), of 'No use' (16%, 40). (6%, 16) choose 'Other'.

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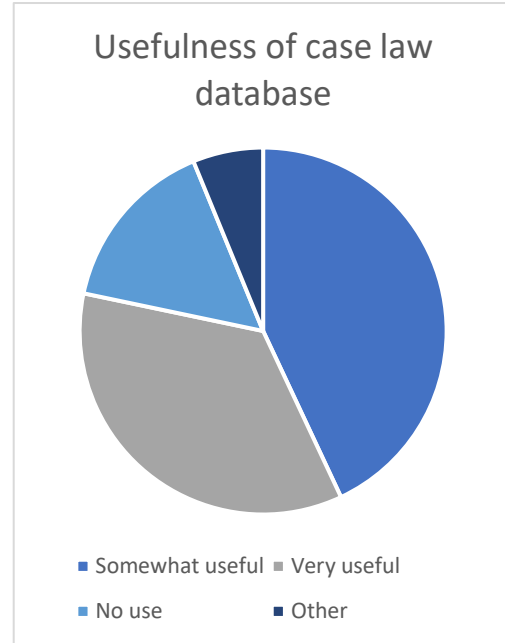
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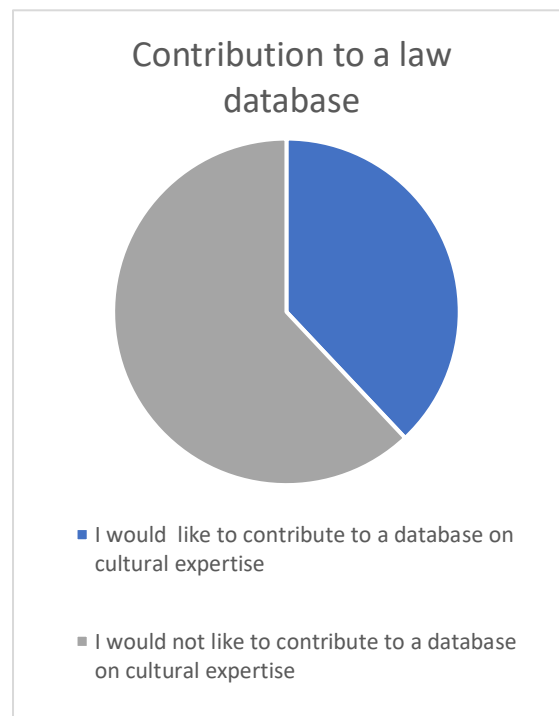
Usefulness of case law database	%	#
Somewhat useful	43%	111
Very useful	35%	91
No use	16%	40
Other	6%	16
Total	100%	258



Contribution to law database

Most respondents did not wish to contribute to the establishment of a case law database (62%, 80), while (38%, 49) did wish to contribute.

Contribution to a law database	%	#
I would not like to contribute to a database on cultural expertise	62%	80
I would like to contribute to a database on cultural expertise	38%	49
Total	100%	129



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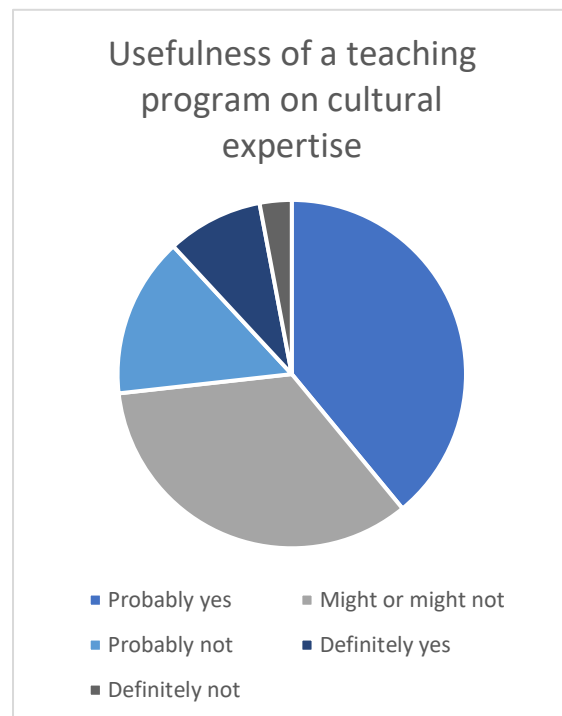
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Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was 'Probably yes' (39%, 105), followed by 'Might or might not' (34%, 92), 'Probably not' (15%, 40), 'Definitely yes' (9%, 24), and 'Definitely not' (3%, 8).

Usefulness of a teaching program on cultural expertise	%	#
Probably yes	39%	105
Might or might not	34%	92
Probably not	15%	40
Definitely yes	9%	24
Definitely not	3%	8
Total	100%	269



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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' (81%, 21), followed by 'Know educational organisations which may be interested' (15%, 4), and 'Know professional organisations that may be interested' (4%, 1).

Organisations interested in a teaching program	%	#
Know educational institutions interested in teaching	15%	4
Know professional organisations interested in teaching	4%	1
Other	81%	21
Total	100%	26

