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EURO-EXPERT: France Data Summary

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France Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Christiane Besnier

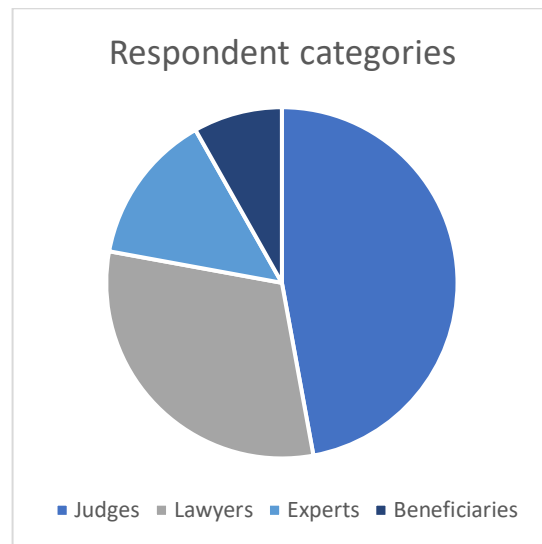
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Qualities of Sample

There were 452 respondents to the French survey, of which (47%, 213) were judges, (31%, 139) were lawyers, (14%, 63) were experts, (8%, 37) were beneficiaries.

| Respondent categories | % | # |
|-----------------------|------|-----|
| Judges | 47% | 213 |
| Lawyers | 31% | 139 |
| Experts | 14% | 63 |
| Beneficiaries | 8% | 37 |
| Total | 100% | 452 |



Country locations

Of the 99.5, 450, of respondents who indicated location, 26% (117) were based in Paris, (7%, 31), followed by 'Other' (20%, 88). Lille, (6%, 26) Nantes, (5%, 24) Marseilles and (5%, 21) Lyon. All of the remaining locations accounted for less than 4% of the respondents.

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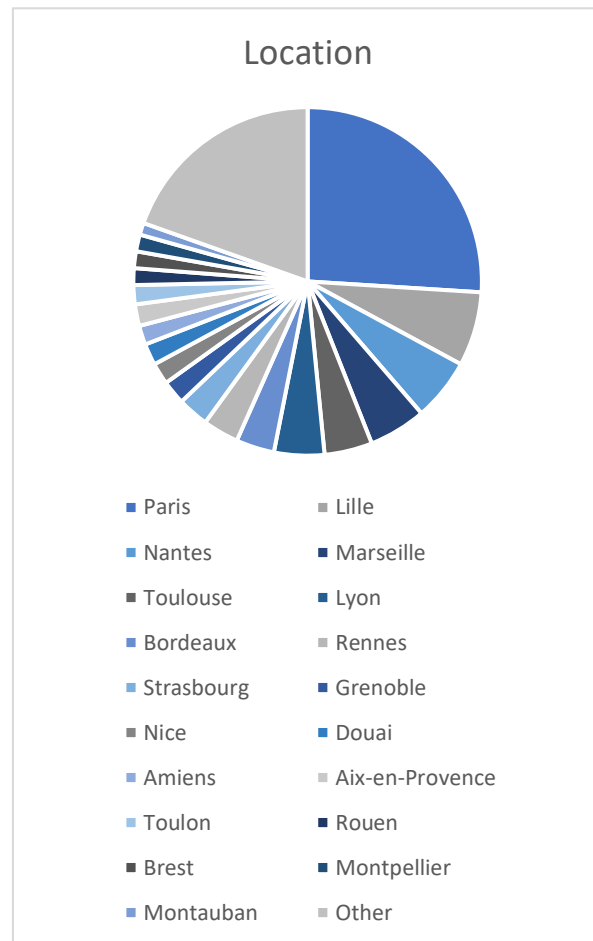
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| Country location | % | # |
|------------------|------|-----|
| Paris | 26% | 117 |
| Lille | 7% | 31 |
| Nantes | 6% | 26 |
| Marseille | 5% | 24 |
| Lyon | 5% | 21 |
| Toulouse | 4% | 20 |
| Bordeaux | 4% | 16 |
| Rennes | 3% | 15 |
| Strasbourg | 3% | 13 |
| Grenoble | 2% | 10 |
| Nice | 2% | 9 |
| Douai | 2% | 9 |
| Amiens | 2% | 8 |
| Aix-en-Provence | 2% | 9 |
| Toulon | 2% | 8 |
| Rouen | 2% | 7 |
| Brest | 2% | 7 |
| Montpellier | 2% | 7 |
| Montauban | 1% | 5 |
| Other | 20% | 88 |
| Total | 100% | 450 |



Judges

The most common degree of jurisdiction for Judges was 'Lower judiciary' (57%, 121), followed 'Middle judiciary' (33%, 70), 'Other' (8%, 17) and 'Upper judiciary' (2%, 4).

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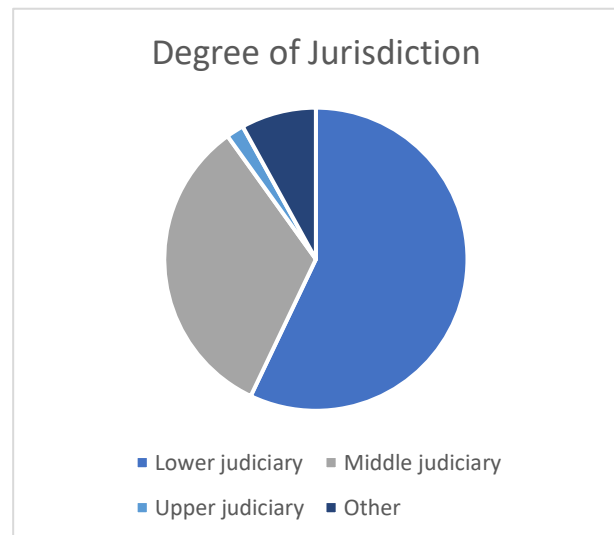
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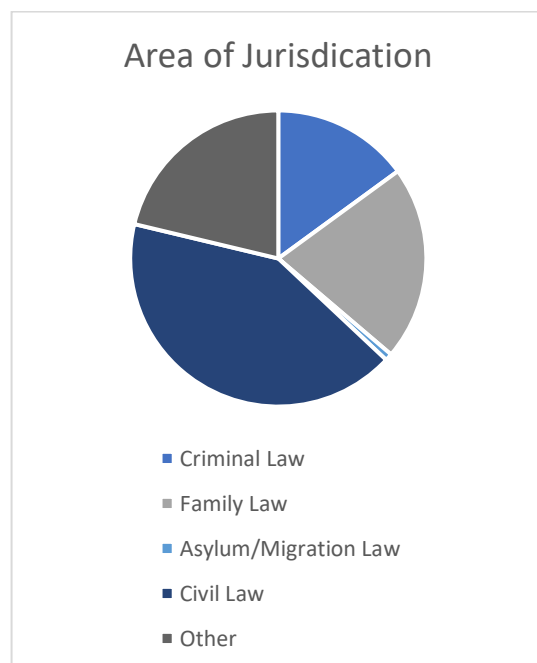
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| Degree of Jurisdiction | % | # |
|------------------------|------|-----|
| Lower judiciary | 57% | 121 |
| Middle judiciary | 33% | 70 |
| Upper judiciary | 2% | 4 |
| Other | 8% | 17 |
| Total | 100% | 212 |



The most common area of jurisdiction was ‘Civil law’ with (42%, 106), followed by ‘Family Law’ and ‘Other’ (21%, 54) each, Criminal Law (15%, 38) and ‘Asylum/Migration Law’ (0%, 1).

| Area of Jurisdiction | % | # |
|----------------------|------|-----|
| Criminal Law | 15% | 38 |
| Family Law | 21% | 54 |
| Asylum/Migration Law | 1% | 2 |
| Civil Law | 42% | 106 |
| Other | 21% | 54 |
| Total | 100% | 254 |



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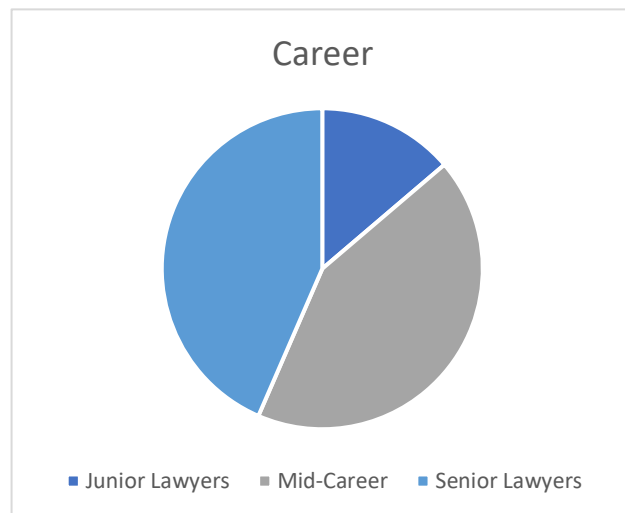
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Lawyers

Of the 138 lawyers who responded, (43%, 60) indicated ‘Senior’, (43%, 59) ‘Mid-Career’, and (14%, 19) ‘Junior’.

| Career Stage | % | # |
|----------------|------|-----|
| Junior Lawyers | 14% | 19 |
| Mid-Career | 43% | 59 |
| Senior Lawyers | 43% | 60 |
| Total | 100% | 138 |



For the areas of law practiced, ‘Family Law’ was the most common (17%, 33), followed by Inheritance Law (12%, 24), Criminal Law (10%, 19), Financial Law (9%, 18), Property Law (7%, 14) and Contracts and Obligations (6%, 12) with all the remaining areas accounting for 5% or less.

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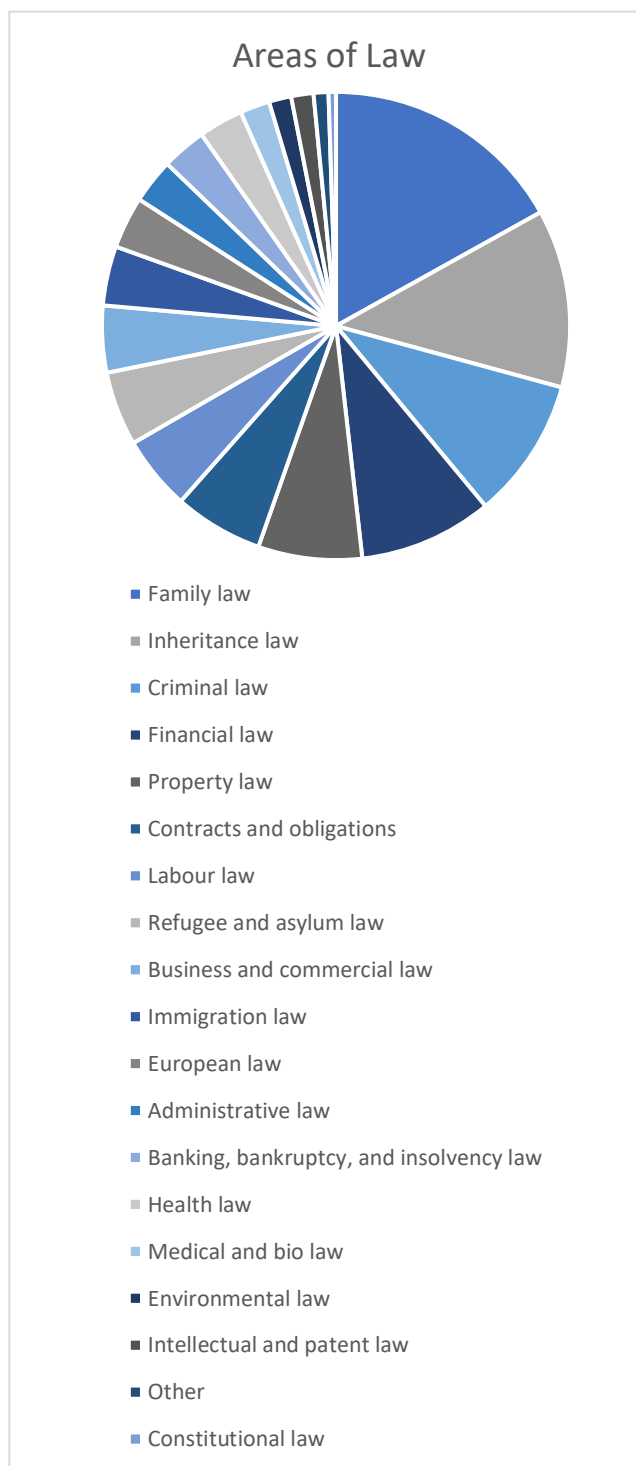
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| Areas of Law | % | # |
|---|-------------|------------|
| Family law | 17% | 33 |
| Inheritance law | 12% | 24 |
| Criminal law | 10% | 19 |
| Financial law | 9% | 18 |
| Property law | 7% | 14 |
| Contracts and obligations | 6% | 12 |
| Labour law | 5% | 10 |
| Refugee and asylum law | 5% | 10 |
| Business and commercial law | 5% | 9 |
| Immigration law | 4% | 8 |
| European law | 4% | 7 |
| Administrative law | 3% | 6 |
| Banking, bankruptcy, and insolvency law | 3% | 6 |
| Health law | 3% | 6 |
| Medical and bio law | 2% | 4 |
| Environmental law | 2% | 3 |
| Intellectual and patent law | 2% | 3 |
| Other | 1% | 2 |
| Constitutional law | 1% | 1 |
| Total | 100% | 276 |



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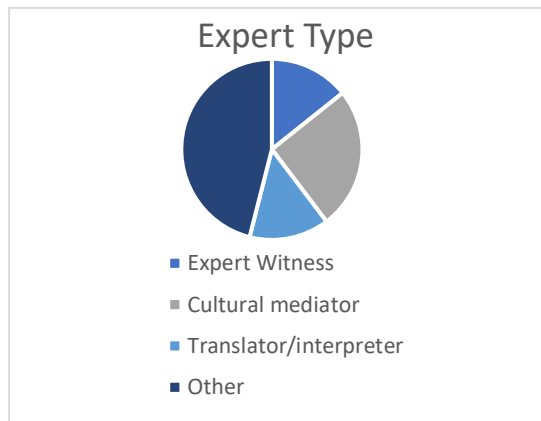
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Experts

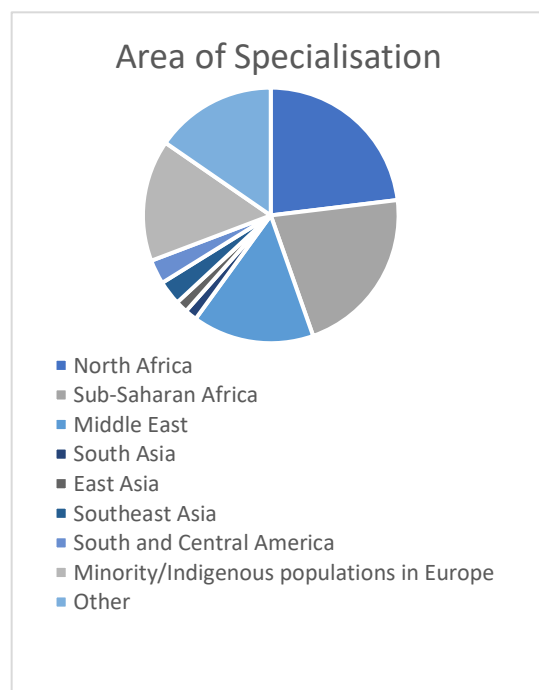
(46%, 14) of the experts chose ‘Other’ as expert type, followed by ‘Cultural mediator’ (25%, 16), and ‘Translator/ interpreter’ and Expert witness’ (14%, 9) each.

| Expert Type | % | Count |
|------------------------|-------------|-----------|
| Expert Witness | 14% | 9 |
| Cultural mediator | 25% | 16 |
| Translator/interpreter | 14% | 9 |
| Other | 46% | 29 |
| Total | 100% | 63 |



The most common response to the question regarding area of specialisation was ‘North Africa’ (23%, 15), followed by ‘Sub-Saharan Africa’ (22%, 14) and ‘Middle East’, ‘Minority/Indigenous Populations in Europe’ and Other (15%, 10) each, with all the remaining areas accounting for 3% or less.

| Area of Specialisation | % | # |
|---|-------------|-----------|
| North Africa | 23% | 15 |
| Sub-Saharan Africa | 22% | 14 |
| Middle East | 15% | 10 |
| Minority/Indigenous populations in Europe | 15% | 10 |
| South and Central America | 3% | 2 |
| Southeast Asia | 3% | 2 |
| East Asia | 2% | 1 |
| South Asia | 2% | 1 |
| Other | 15% | 10 |
| Total | 100% | 65 |



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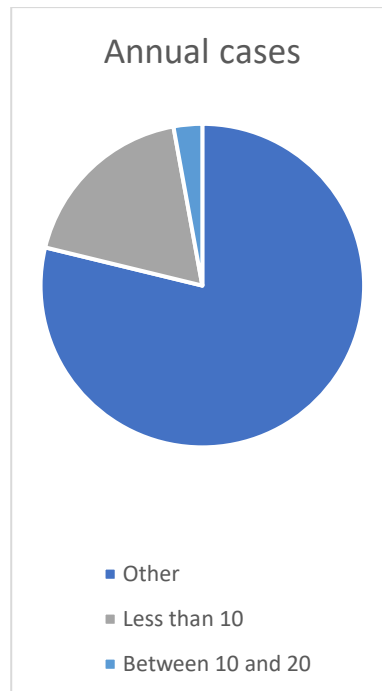
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Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (78%, 275) chose 'Other', followed by 'Less than 10' (19%, 64), and 'Between 10 and 20' (3%, 10).

| Annual cases | % | # |
|-------------------|------|-----|
| Other | 78% | 275 |
| Less than 10 | 19% | 64 |
| Between 10 and 20 | 3% | 10 |
| Total | 100% | 349 |



To the question about the number of written reports produced, (44%, 28) experts chose 'Other', (29%, 18) indicated 'Less than 5', (11%, 7) each indicated 'Between 5 and 10' and 'Between 10 and 20' and (5%, 3) 'Between 20 and 50'.

(35%, 22) of experts provided 'Between 10 and 20' oral reports, (22%, 14) indicated 'Between 20 and 50', followed by 'Less than 5' (19%, 12), 'Between 5 and 10' (14%, 9), 'Other' (8%, 5) and 'Between 50 and 100' (2%, 1).

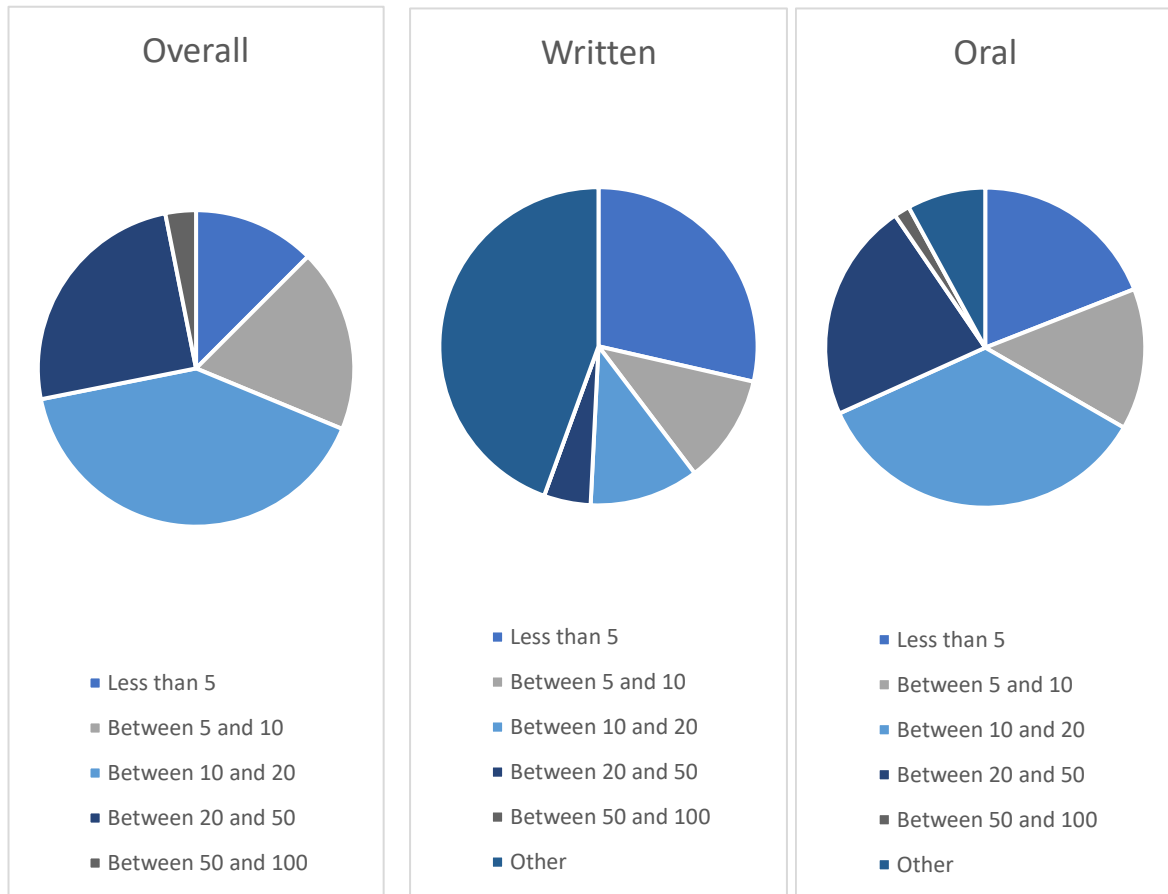
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Fields of law

The most common area of use of cultural expertise was 'Immigration Law' (32%, 235), followed by 'Refugee and Asylum Law' (29%, 213), 'Criminal Law' (12%, 85), 'Family Law' (10%, 77), 'International Human Right Law' (6%, 45) and European Law (4%, 32) with all the remaining areas accounting for 3% or less.

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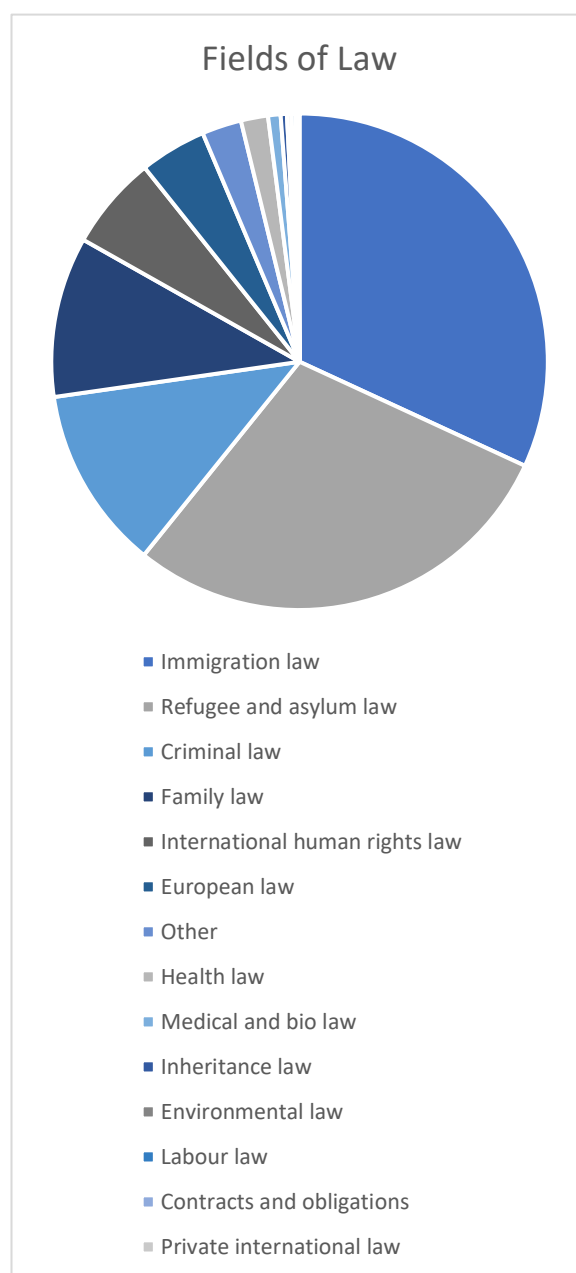
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| Fields of Law | % | # |
|--------------------------------|------|-----|
| Immigration law | 33% | 235 |
| Refugee and asylum law | 29% | 213 |
| Criminal law | 12% | 88 |
| Family law | 10% | 77 |
| International human rights law | 6% | 45 |
| European law | 4% | 32 |
| Other | 3% | 19 |
| Health law | 2% | 13 |
| Medical and bio law | 1% | 6 |
| Inheritance law | 0% | 3 |
| Environmental law | 0% | 2 |
| Labour law | 0% | 2 |
| Contracts and obligations | 0% | 1 |
| Private international law | 0% | 1 |
| Total | 100% | 737 |



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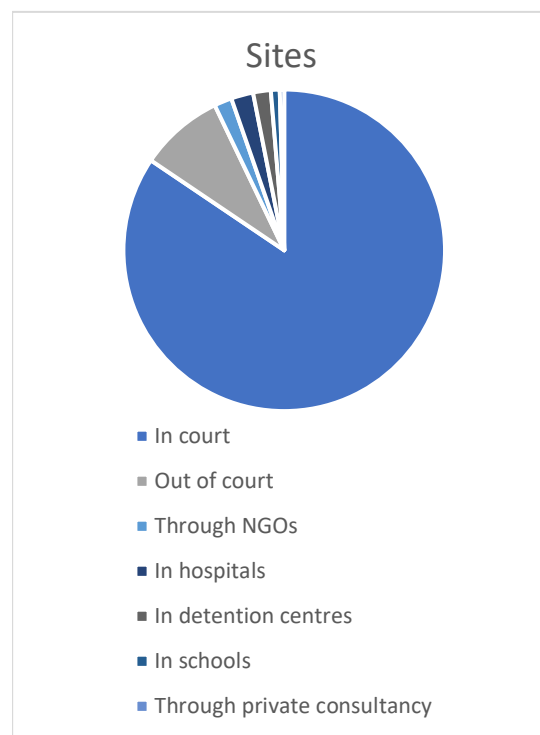
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Sites

The most common site of cultural expertise was ‘In court’ (84%, 380), followed by ‘Out of court’ (8%, 38), ‘In hospitals’ (2%, 10), ‘Through NGOs’ and ‘In detention centres’ (2%, 8) each and ‘Through private consultancy’ (1%, 2).

| Sites | % | # |
|-----------------------------|------|-----|
| In court | 84% | 380 |
| Out of court | 8% | 38 |
| In hospitals | 2% | 10 |
| Through NGOs | 2% | 8 |
| In detention centres | 2% | 8 |
| In schools | 1% | 4 |
| Through private consultancy | 1% | 2 |
| Total | 100% | 451 |



Typology of Experts

The most common response to the question regarding the expert type was ‘Native Language Speakers’ (34%, 41), followed by ‘Other’ (26%, 31), then ‘Country Experts’ (14%, 17), ‘University Professors’ (12%, 14), and ‘Religious Leaders’ (9%, 11).

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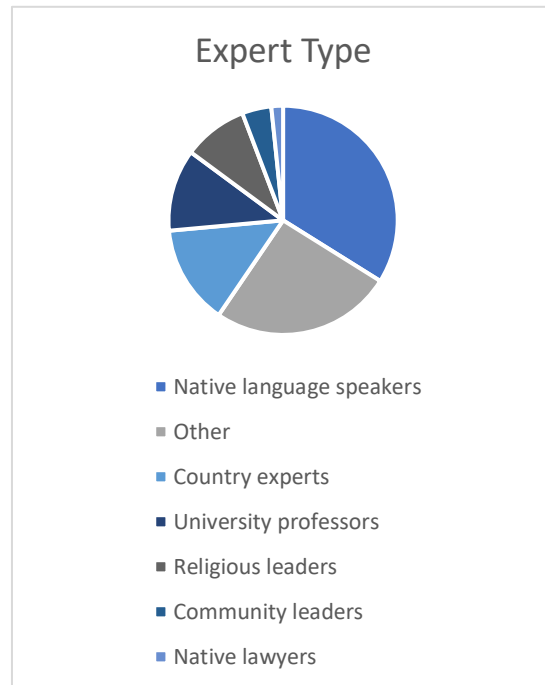
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| Expert Type | % | # |
|--------------------------|------|-----|
| Native language speakers | 34% | 41 |
| Other | 26% | 31 |
| Country experts | 14% | 17 |
| University professors | 12% | 14 |
| Religious leaders | 9% | 11 |
| Community leaders | 4% | 5 |
| Native lawyers | 2% | 2 |
| Total | 100% | 121 |



Discipline

The (12%, 14) who selected 'University professors' were asked to specify the disciplines of those professors. The most common responses were 'Sociology' and 'History' (32%, 12) each, followed by 'Other' (13%, 5), Anthropology (11%, 4), 'Linguistics' and 'Political Science', (5%, 2) each and Law (3%, 1).

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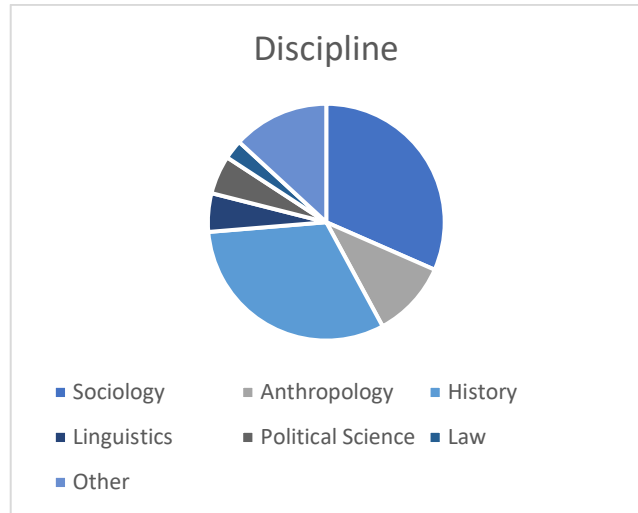
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| Discipline | % | # |
|-------------------|------|----|
| Sociology | 32% | 12 |
| History | 32% | 12 |
| Other | 13% | 5 |
| Anthropology | 11% | 4 |
| Linguistics | 5% | 2 |
| Political Science | 5% | 2 |
| Law | 3% | 1 |
| Total | 100% | 38 |



Modalities

Appointment of Experts

The most common factor which influenced the decision to appoint was 'Experts facilitate successful legal outcomes' (27%, 158), followed by 'The court is keen to hear cultural arguments' (25%, 148), 'The reputation of the expert' (15%, 92), 'Time' (11%, 66), 'Cost' (8%, 48) 'The law allows' (7%, 40), with all remaining responses accounting for 3% or less.

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| How experts are selected | % | # |
|---|------|-----|
| Experts facilitate successful legal outcomes | 27% | 158 |
| The court is keen to hear cultural arguments | 25% | 148 |
| The reputation of the expert | 15% | 92 |
| Time | 11% | 66 |
| Cost | 8% | 48 |
| The law allows | 7% | 40 |
| Client request | 3% | 20 |
| Advised by the court | 2% | 13 |
| Useful for an out of court settlement | 1% | 4 |
| Other | 1% | 3 |
| The court/ prosecutor/ Ministry of the interior have already appointed their expert | 0% | 2 |
| Total | 100% | 594 |



The most common response to how experts started giving opinions was ‘Other’ (31%, 19), followed by ‘Contacted by a lawyer’ (29%, 18), ‘Contacted by a court’ (25%, 16), ‘Referred by a colleague’ (13%, 8), with all remaining responses accounting for 3% or less.

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| How experts started their career | % | # |
|--|-------------|-----------|
| Other | 31% | 19 |
| Contacted by a lawyer | 29% | 18 |
| Contacted by a court | 25% | 16 |
| Referred by a colleague | 13% | 8 |
| Contacted by litigants/ applicants/ defendants/ complainants | 3% | 2 |
| Total | 100% | 63 |



To the question of how experts were appointed, (36%, 25) chose 'Other', followed by 'Instructed by courts' (17%, 19), 'Instructed by lawyers as need arises' (21%, 15), 'Work as an expert for NGOs' and 'Contacted directly by clients' (6%, 4) each, and 'Instructed by the Ministry of the Interior' (4%, 3).

| Who instructs the experts | % | # |
|--|-------------|-----------|
| Other | 36% | 25 |
| Instructed by courts | 27% | 19 |
| Instructed by lawyers as need arises | 21% | 15 |
| Work as an expert for NGOs | 6% | 4 |
| Contacted directly by clients | 6% | 4 |
| Instructed by the Ministry of the Interior | 4% | 3 |
| Total | 100% | 70 |



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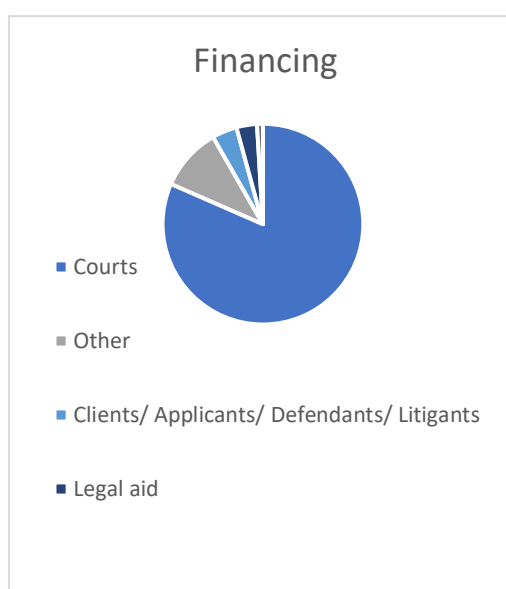
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Cost of Cultural Expertise

Cultural expertise is most commonly financed by ‘Courts’ (82%, 345), followed by ‘Other’ (10%, 43), ‘Clients/ Applicants/ Defendants/ Litigants’ (4% 17), ‘Legal aid’ (3%, 14) and ‘Philanthropists/ NGOs/ Relatives/ Community’ (1%, 4).

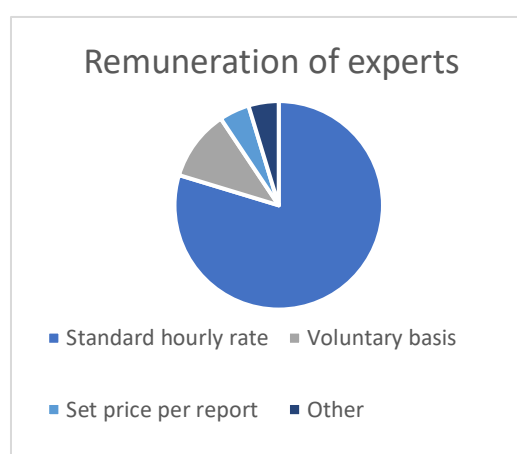
| How are experts paid? | % | # |
|---|-------------|------------|
| Courts | 82% | 345 |
| Other | 10% | 43 |
| Clients/ Applicants/ Defendants/ Litigants | 4% | 17 |
| Legal aid | 3% | 14 |
| Philanthropists/ NGOs/ Relatives/ Community | 1% | 4 |
| Total | 100% | 423 |



Remuneration of cultural expertise

(80%, 51), indicated that experts were paid at a ‘Standard hourly rate’, followed by ‘Voluntary basis’ (11%, 7), ‘Set price per report’ (5%, 3) and other (5%, 3).

| Remuneration of experts | % | # |
|-------------------------|-------------|-----------|
| Standard hourly rate | 80% | 51 |
| Voluntary basis | 11% | 7 |
| Set price per report | 5% | 3 |
| Other | 5% | 3 |
| Total | 100% | 64 |



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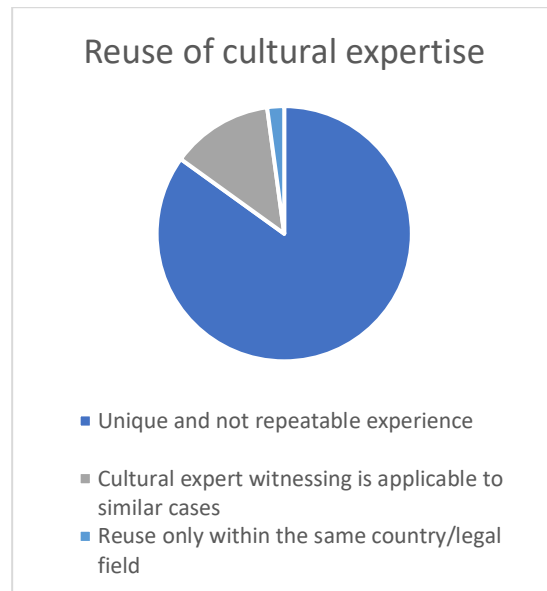
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Reuse of cultural expertise

The most frequent response to the question of the reuse of cultural expertise was ‘Unique and not repeatable experience’ (85%, 79), followed by ‘Cultural expert witnessing is applicable to similar cases’ (13%, 12), and ‘Reuse only within the same country/legal field’ (2%, 2).

| Reuse of cultural expertise | % | # |
|---|------|----|
| Unique and not repeatable experience | 85% | 79 |
| Cultural expert witnessing is applicable to similar cases | 13% | 12 |
| Reuse only within the same country/legal field | 2% | 2 |
| Total | 100% | 93 |



Impact

Components of Impact

The most common components of impact include ‘Stringent conclusions (28%, 219), followed by ‘Reliable sources of contents’ (26%, 200), ‘First-hand experience’ (20%, 159), ‘Reputation of the expert’s (14%, 107), ‘Advocacy’ (7%, 57) and ‘Remuneration of experts’ with all remaining areas accounting for 1%.

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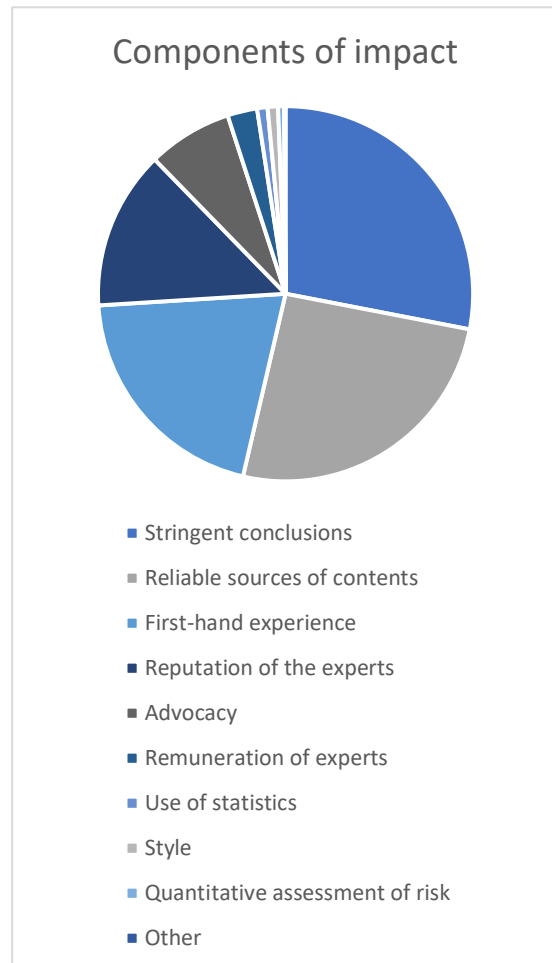
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| Components of impact | % | # |
|---------------------------------|-------------|------------|
| Stringent conclusions | 28% | 219 |
| Reliable sources of contents | 26% | 200 |
| First-hand experience | 20% | 159 |
| Reputation of the experts | 14% | 107 |
| Advocacy | 7% | 57 |
| Remuneration of experts | 3% | 20 |
| Use of statistics | 1% | 7 |
| Style | 1% | 7 |
| Quantitative assessment of risk | 1% | 4 |
| Other | 0% | 1 |
| Total | 100% | 781 |



Usefulness

The most common response to the question regarding the usefulness of cultural expertise was 'Very useful' (49%, 37), followed by 'Extremely useful' (45%, 34), 'Moderately useful' (5%, 4). (1%, 1) indicated 'Not at all useful'.

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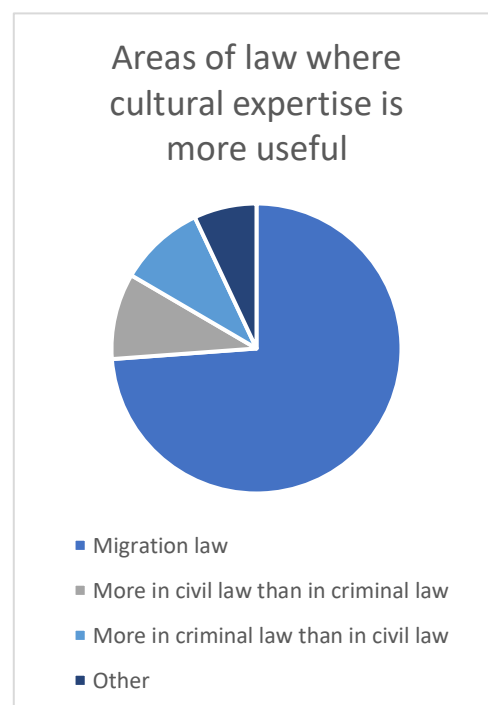
| Usefulness of cultural expertise | % | # |
|----------------------------------|------|----|
| Extremely useful | 45% | 34 |
| Very useful | 49% | 37 |
| Moderately useful | 5% | 4 |
| Not at all useful | 1% | 1 |
| Total | 100% | 76 |



Usefulness: fields

Cultural expertise is most useful in 'Migration law' (74%, 285), followed by 'More in civil law than in criminal law' and 'More useful in criminal law than in civil law' (10%, 37) each. (7%, 27) chose 'Other'.

| Areas of law where cultural expertise is more useful | % | # |
|--|------|-----|
| Migration law | 74% | 285 |
| More in criminal law than in civil law | 10% | 37 |
| Other | 10% | 37 |
| More in civil law than in criminal law | 7% | 27 |
| Total | 100% | 386 |



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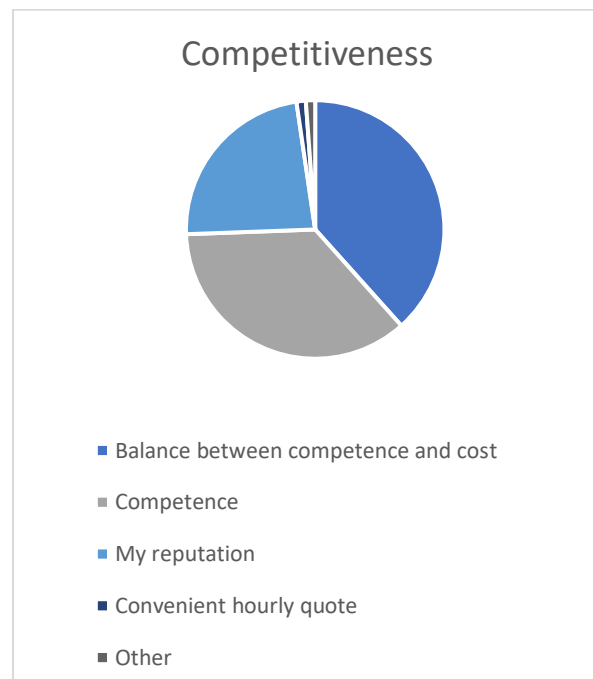
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Competitiveness

Experts thought that their expertise was competitive because of ‘Balance between competence and cost’ (38%, 33), followed by ‘Competence’ (36%, 31), ‘Reputation’ (23%, 20) and ‘Convenient hourly quote’ (1%, 1). (1%, 1) also chose ‘Other’.

| Competitiveness | % | # |
|-------------------------------------|------|----|
| Balance between competence and cost | 38% | 33 |
| Competence | 36% | 31 |
| Reputation | 23% | 20 |
| Convenient hourly quote | 1% | 1 |
| Other | 1% | 1 |
| Total | 100% | 86 |



Reputation of Experts

The majority of experts chose ‘Expert opinions have been successful’ (71%, 45), followed by ‘Regularly instructed/appointed as an expert for many years’ (14%, 9) and ‘Other’ (15%, 9) and I don t know (5%, 3).

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Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

| Reputation of experts | % | # |
|--|------|----|
| Expert opinions have been successful | 71% | 45 |
| Regularly instructed/appointed as an expert for many years | 14% | 9 |
| Other | 15% | 9 |
| Total | 100% | 63 |

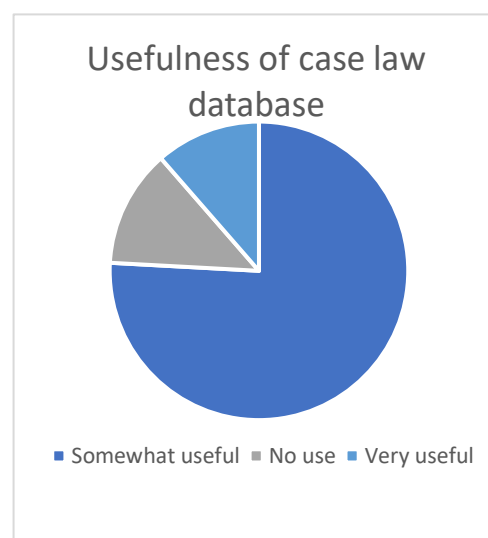


Improved Access

Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be 'Somewhat useful' (76%, 286), followed by 'No use' (13%, 48), and (11% 43) chose 'Very useful'.

| Usefulness of case law database | % | # |
|---------------------------------|------|-----|
| Somewhat useful | 76% | 286 |
| No use | 13% | 48 |
| Very useful | 11% | 43 |
| Total | 100% | 377 |



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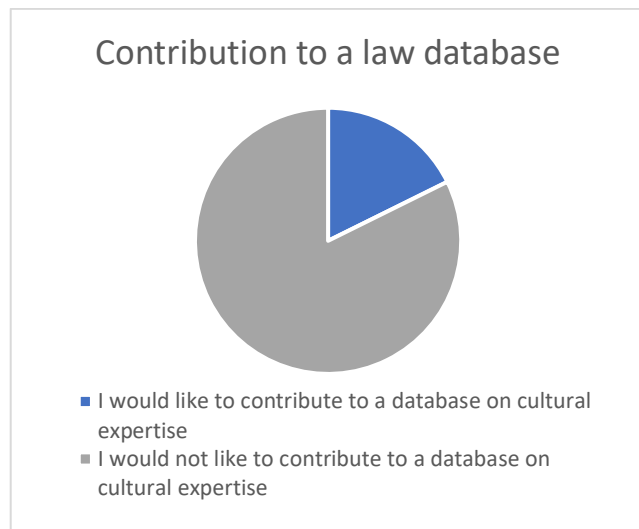
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Contribution to law database

Most respondents did not wish to contribute to the establishment of a case law database (82%, 270), while (18%, 58) indicated that they did.

| Contribution to a law database | % | # |
|--|-------------|------------|
| I would like to contribute to a database on cultural expertise | 18% | 58 |
| I would not like to contribute to a database on cultural expertise | 82% | 270 |
| Total | 100% | 328 |



Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was 'Probably yes (54%, 218) followed by 'Might or might not' (30%, 121), 'Definitely yes' (12%, 50), 'Probably not' (3%, 12) and 'Definitely not' (0%, 1).

France Data Summary

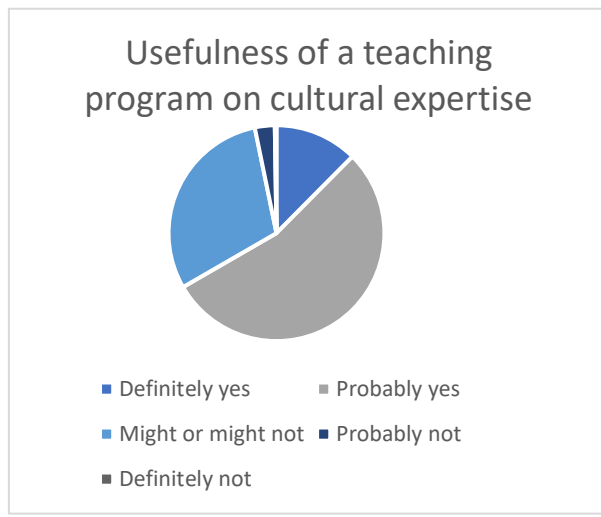
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| Usefulness of a teaching program on cultural expertise | % | # |
|--|-------------|------------|
| Definitely yes | 12% | 50 |
| Probably yes | 54% | 218 |
| Might or might not | 30% | 121 |
| Probably not | 3% | 12 |
| Definitely not | 0% | 1 |
| Total | 100% | 402 |



Organisations interested in a teaching program

(41%, 34) chose 'Interested in teaching themselves', (35%, 29) indicated 'Know professional organisations interested in teaching' and (22%, 18) 'Know educational institutions interested in teaching'. One respondent, 1%, chose 'Other'.

| Organisations interested in a teaching program | % | # |
|--|-------------|-----------|
| I would be interested in teaching cultural expertise | 41% | 34 |
| Know professional organisations interested in teaching | 35% | 29 |
| Know educational institutions interested in teaching | 22% | 18 |
| Other | 1% | 1 |
| Total | 100% | 82 |



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