



HAL
open science

EURO-EXPERT: France Data Summary

Livia Holden, Anna Tsalapatani, Christiane Besnier

► **To cite this version:**

Livia Holden, Anna Tsalapatani, Christiane Besnier. EURO-EXPERT: France Data Summary. European Research Council. 2022. hal-03853187

HAL Id: hal-03853187

<https://hal.science/hal-03853187>

Submitted on 15 Nov 2022

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

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

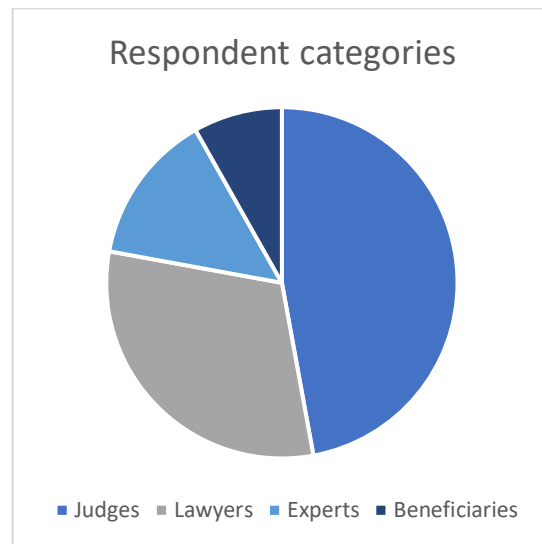
Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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.

France Data Summary

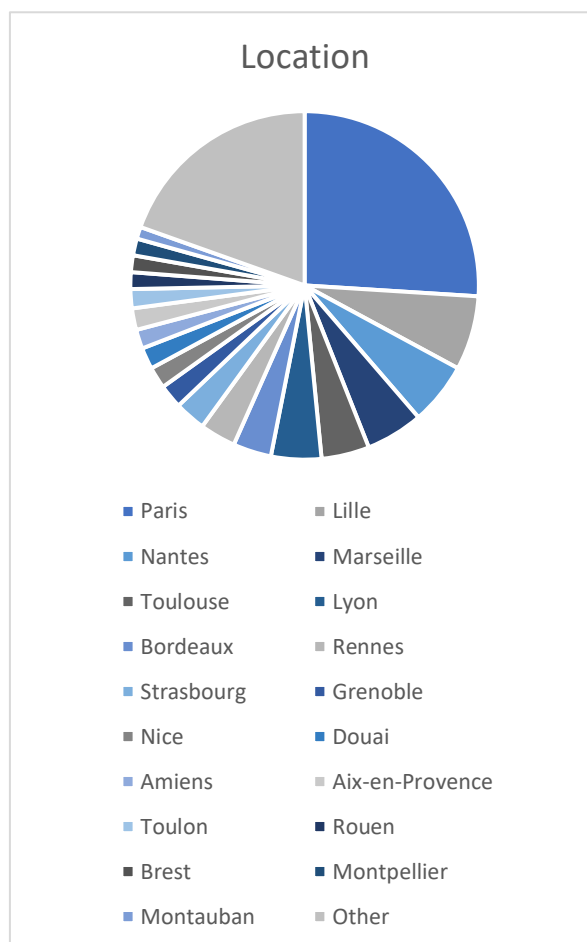
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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).

France Data Summary

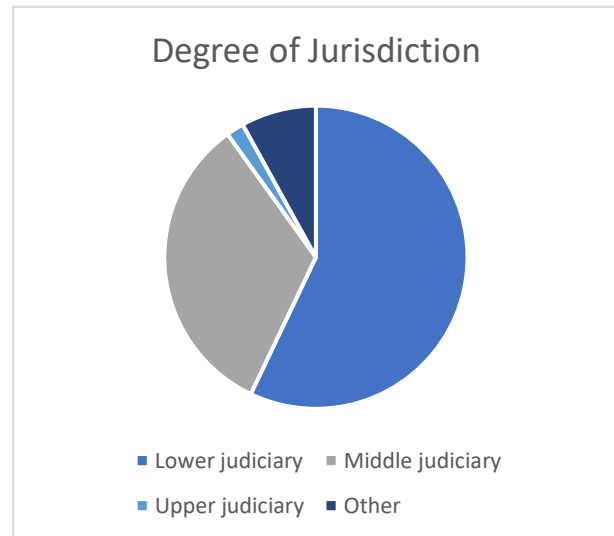
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/05/2019

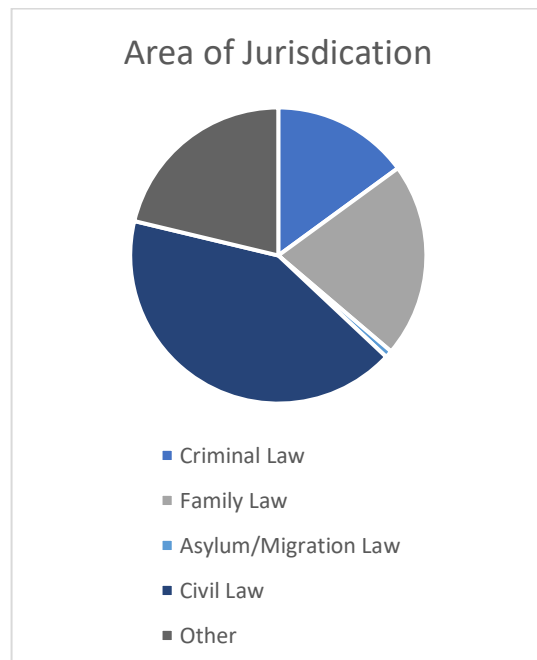
Date of Revision: 01/02/2022

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



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

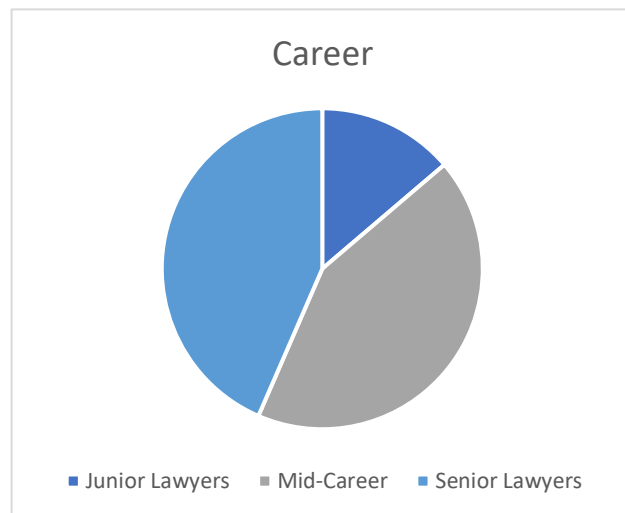
Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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.

France Data Summary

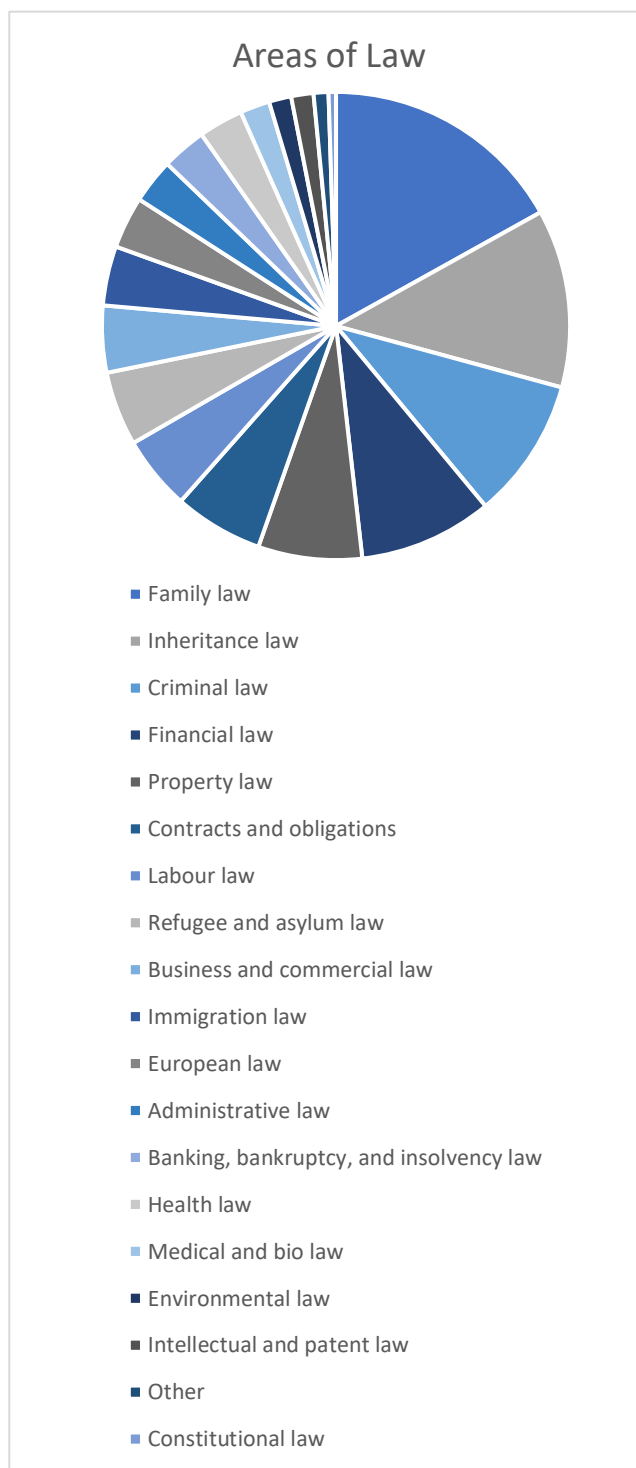
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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



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

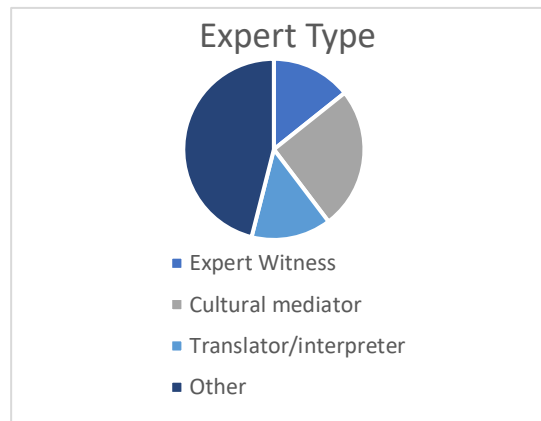
Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

Experts

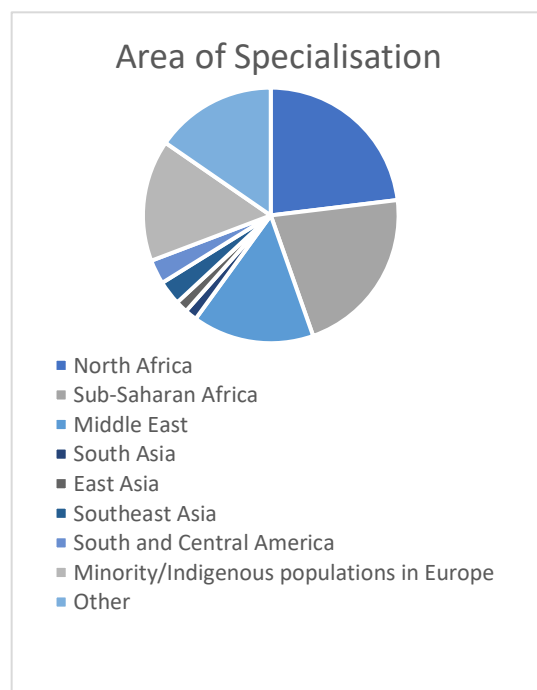
(46%, 14) of the experts chose ‘Other’ as expert type, followed by ‘Cultural mediator’ (25%, 16), and ‘Translator/ interpreter’ and Expert witness’ (14%, 9) each.

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



France Data Summary

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

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

Date of First Publication: 20/05/2019

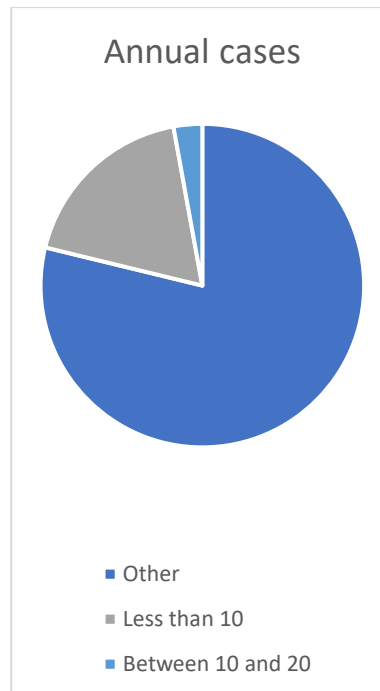
Date of Revision: 01/02/2022

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).

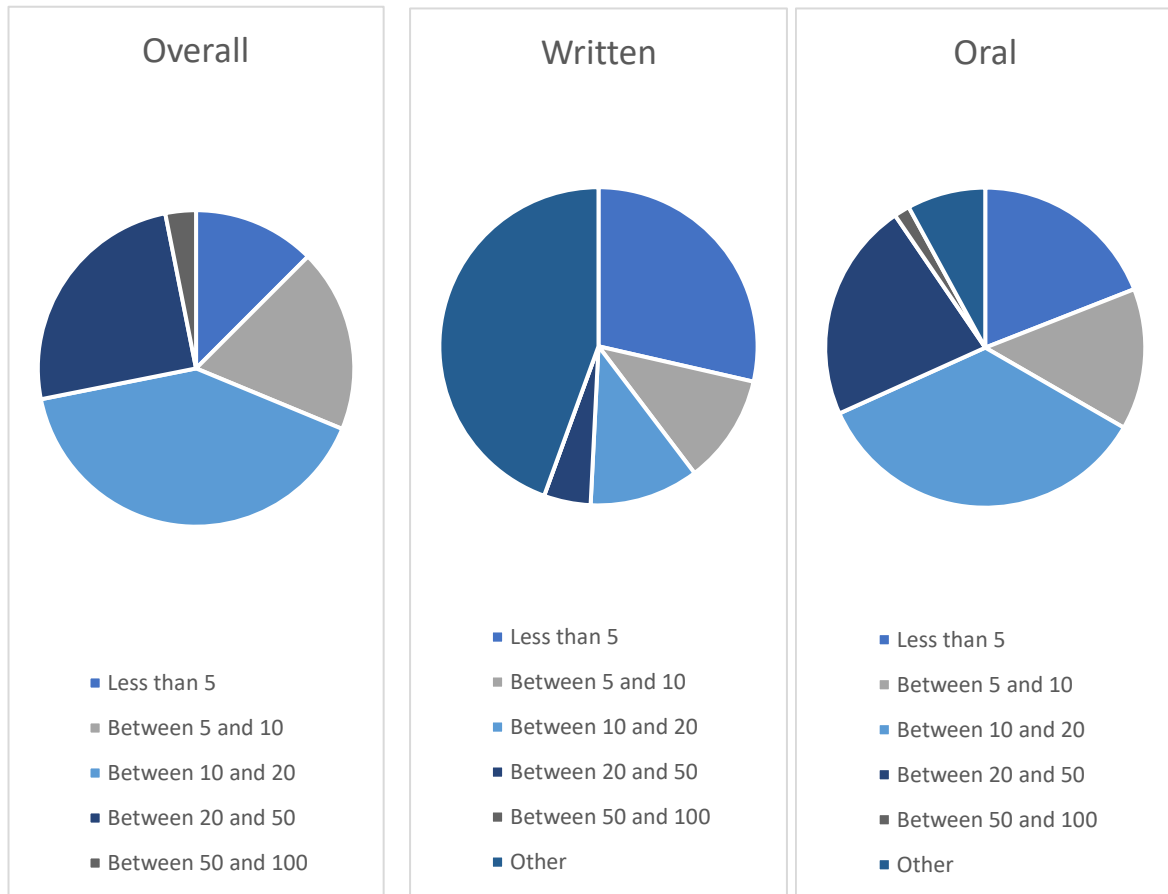
France Data Summary

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

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022



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.

France Data Summary

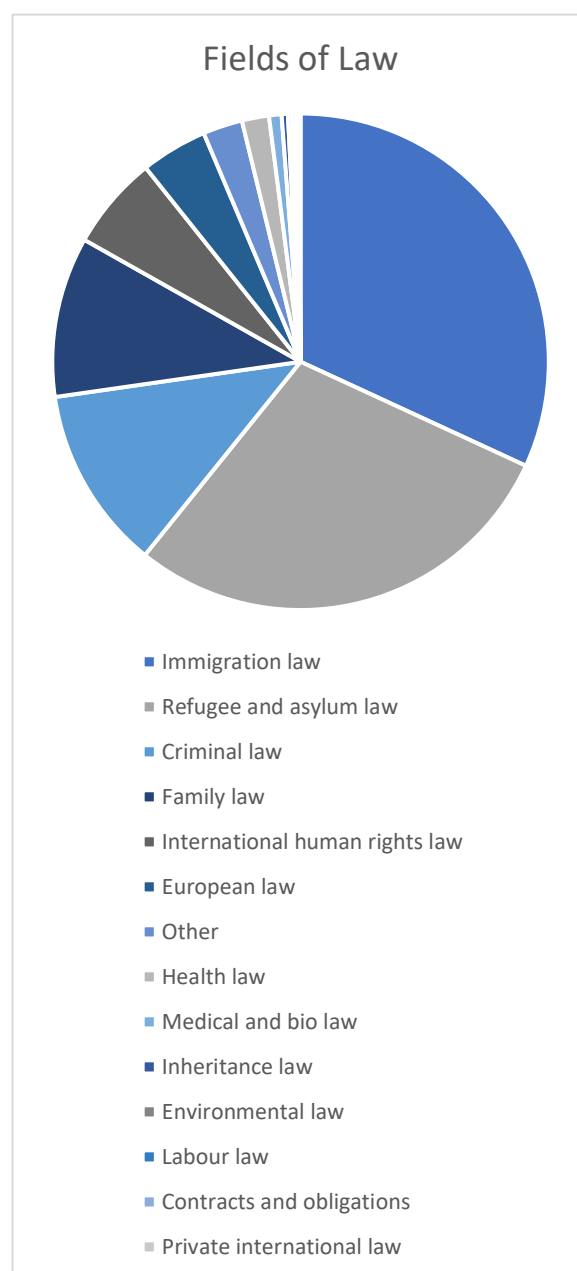
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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



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

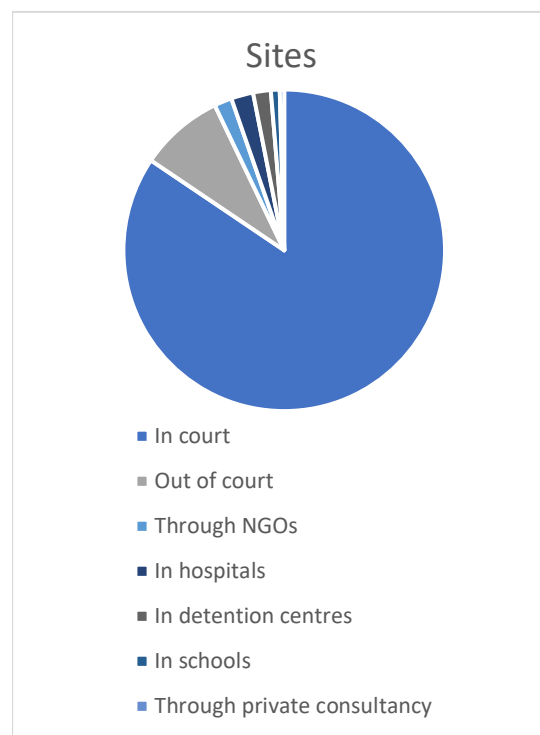
Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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).

France Data Summary

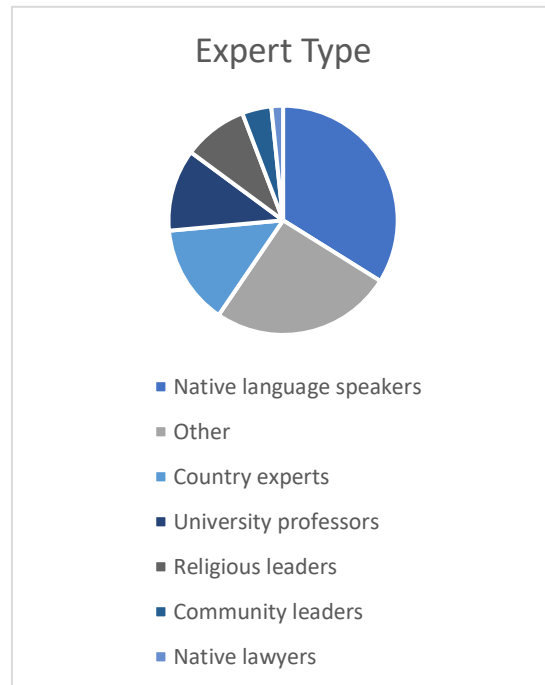
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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).

France Data Summary

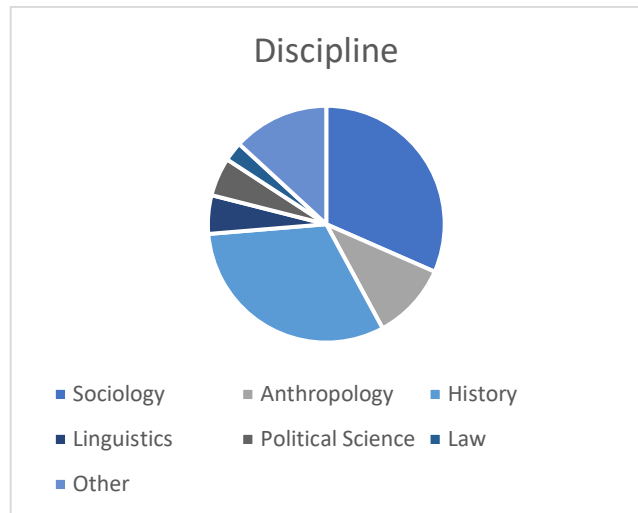
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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.

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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.

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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



France Data Summary

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

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

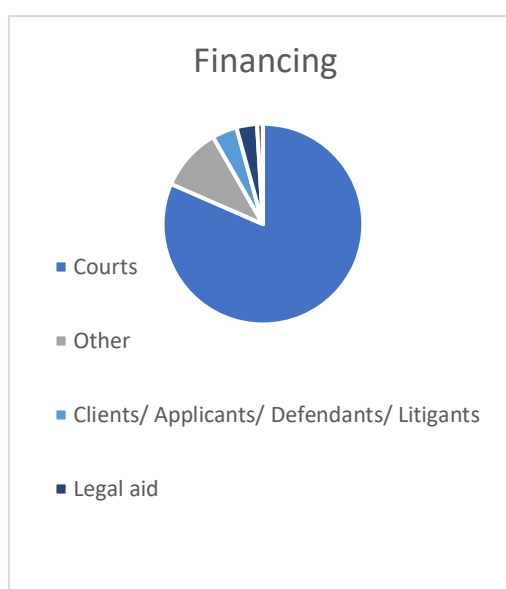
Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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).

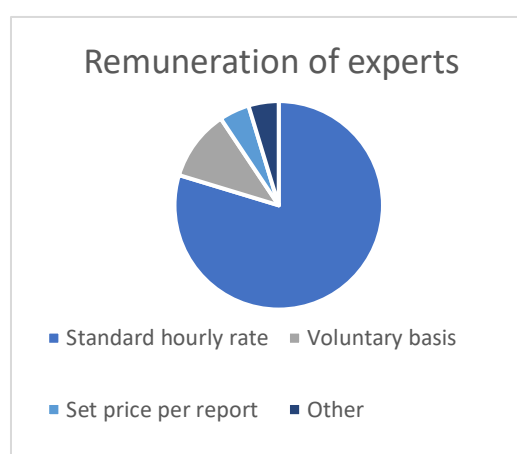
How are experts paid?	%	#
Courts	82%	345
Other	10%	43
Clients/ Applicants/ Defendants/ Litigants	4%	17
Legal aid	3%	14
Philanthropists/ NGOs/ Relatives/ Community	1%	4
Total	100%	423



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



France Data Summary

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

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

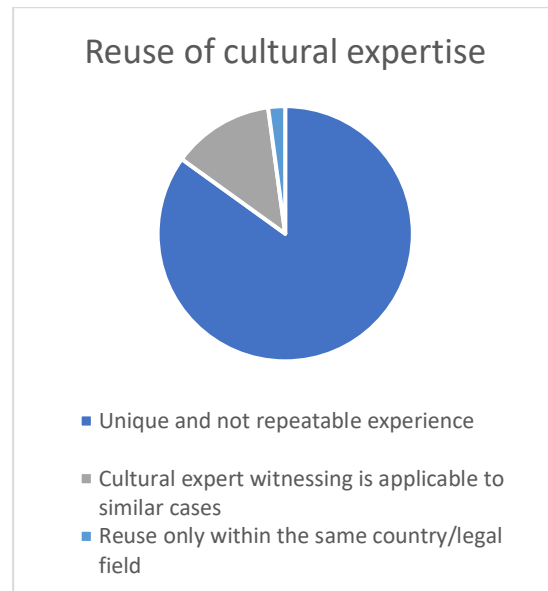
Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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 in 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%.

France Data Summary

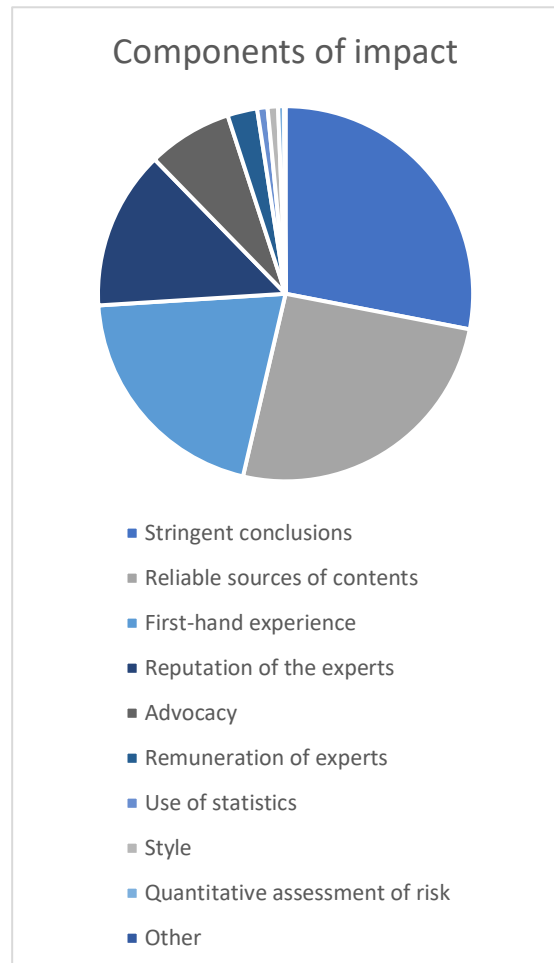
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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'.

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

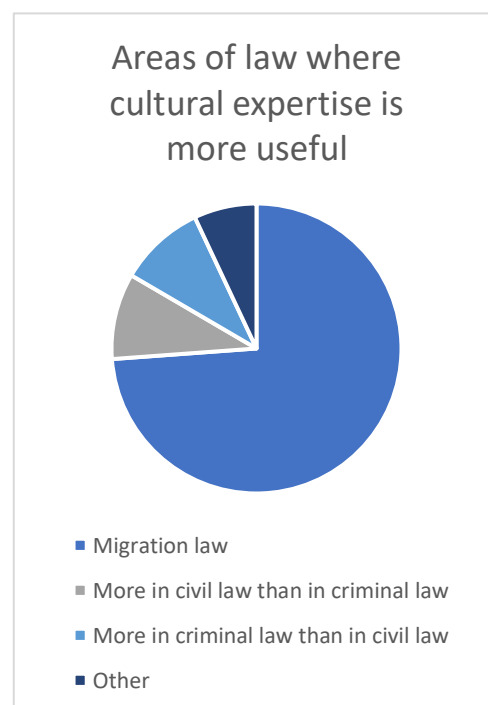
Usefulness of cultural expertise	%	#
Extremely useful	45%	34
Very useful	49%	37
Moderately useful	5%	4
Not at all useful	1%	1
Total	100%	76



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



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

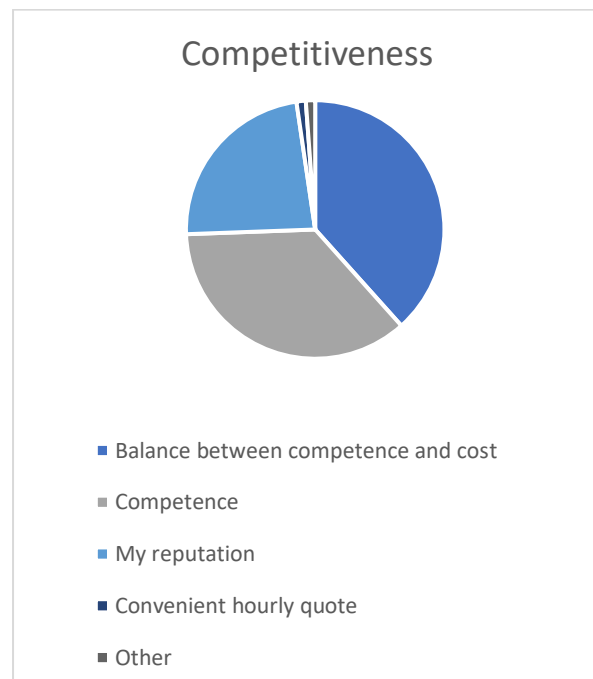
Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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).

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

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

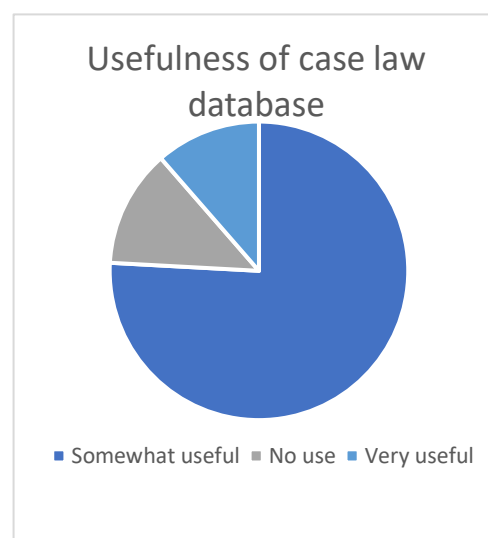


Improved Access

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



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

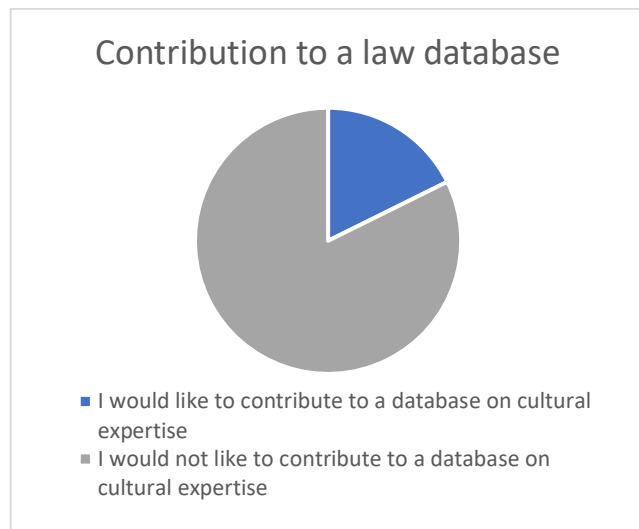
Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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

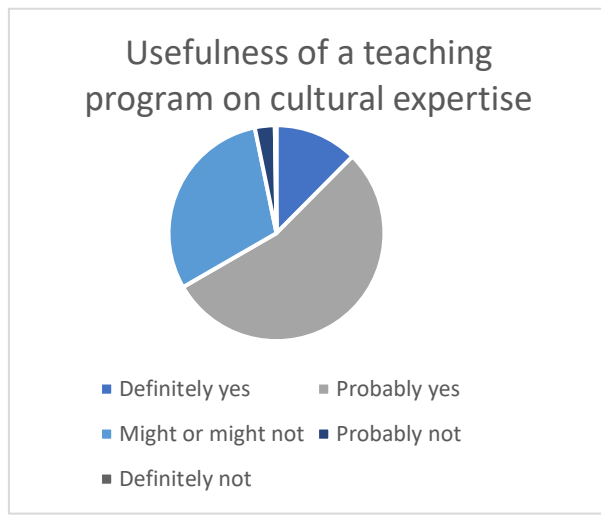
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

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



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

Date of First Publication: 20/05/2019

Date of Revision: 01/02/2022

