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EURO-EXPERT: Germany Data Summary

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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

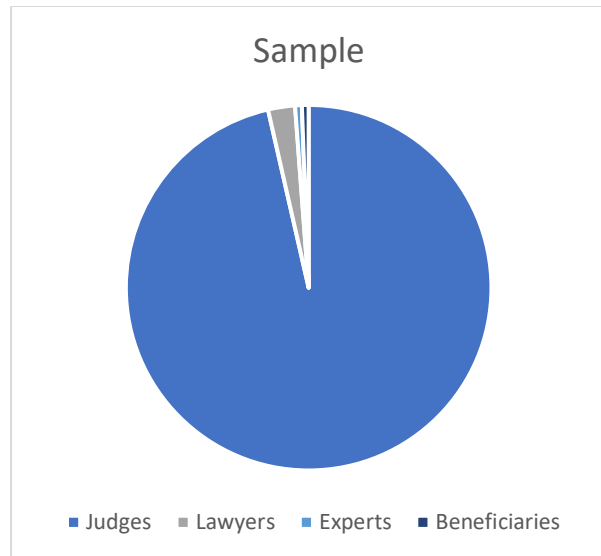
Date of First Publication: 20/05/2019

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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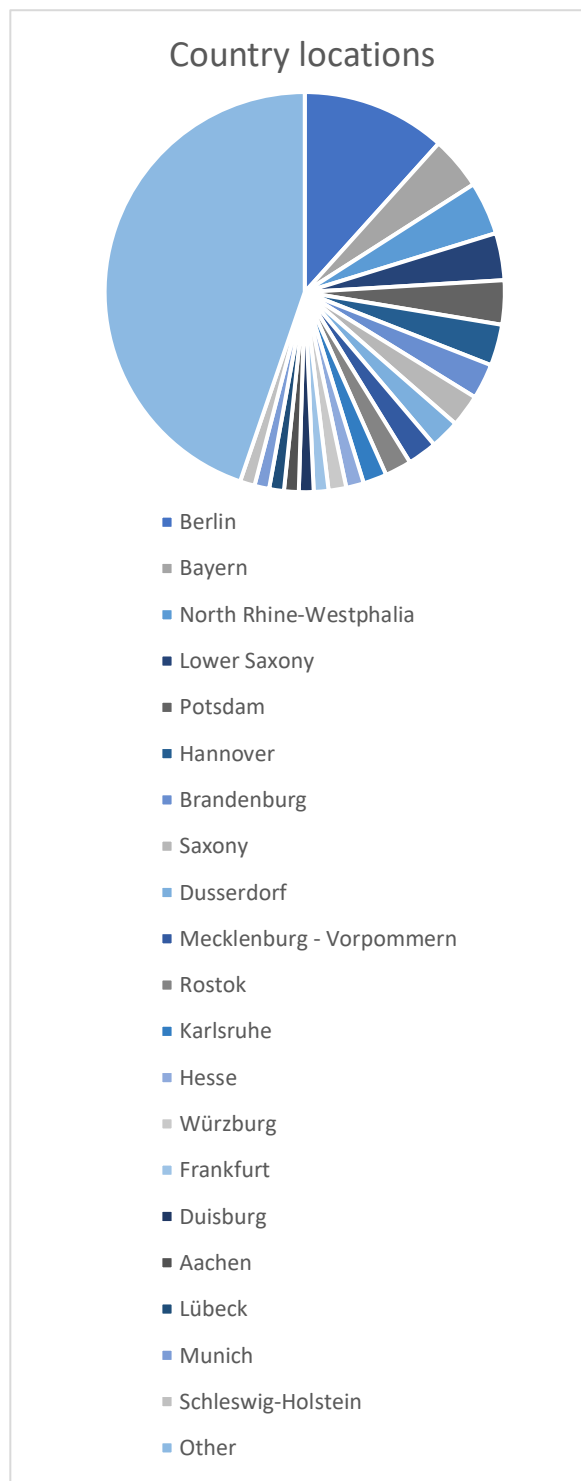
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| Country locations | % | # |
|--------------------------|------|-----|
| Berlin | 12% | 49 |
| Bayern | 4% | 18 |
| North Rhine-Westphalia | 4% | 18 |
| Lower Saxony | 4% | 16 |
| Potsdam | 4% | 15 |
| Hannover | 3% | 14 |
| Brandenburg | 3% | 12 |
| 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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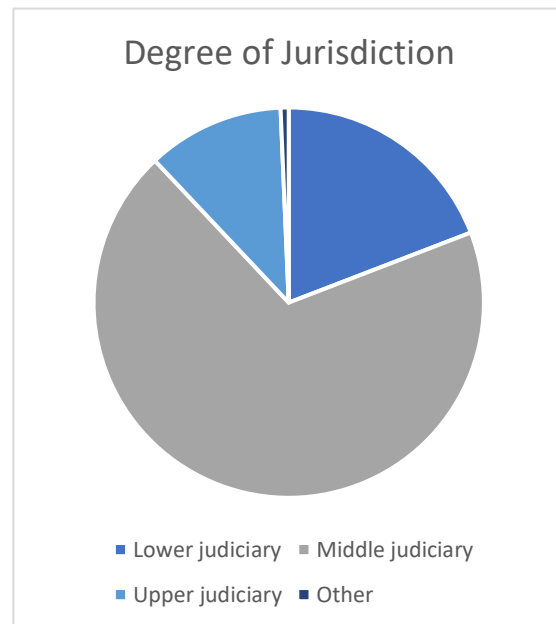
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Judges

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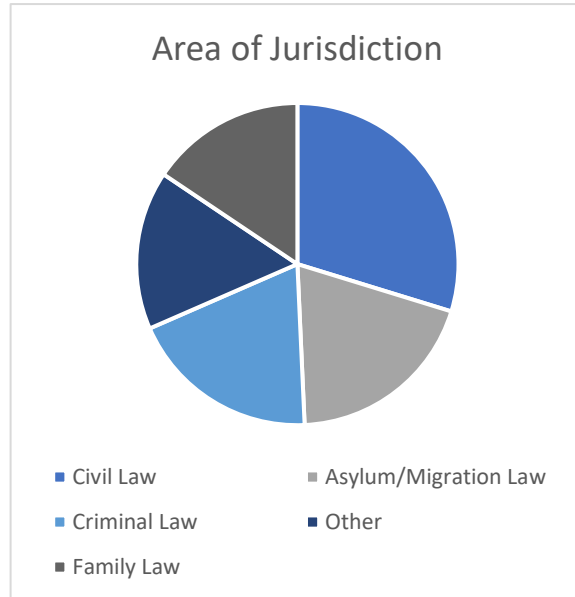
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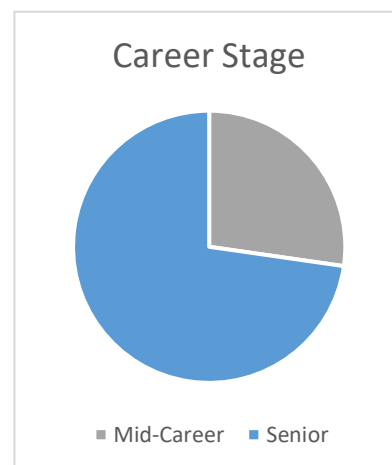
| Area of Jurisdiction | % | # |
|----------------------|------|-----|
| Civil Law | 30% | 166 |
| Asylum/Migration Law | 20% | 109 |
| Criminal Law | 18% | 107 |
| Other | 16% | 89 |
| Family Law | 16% | 87 |
| Total | 100% | 558 |



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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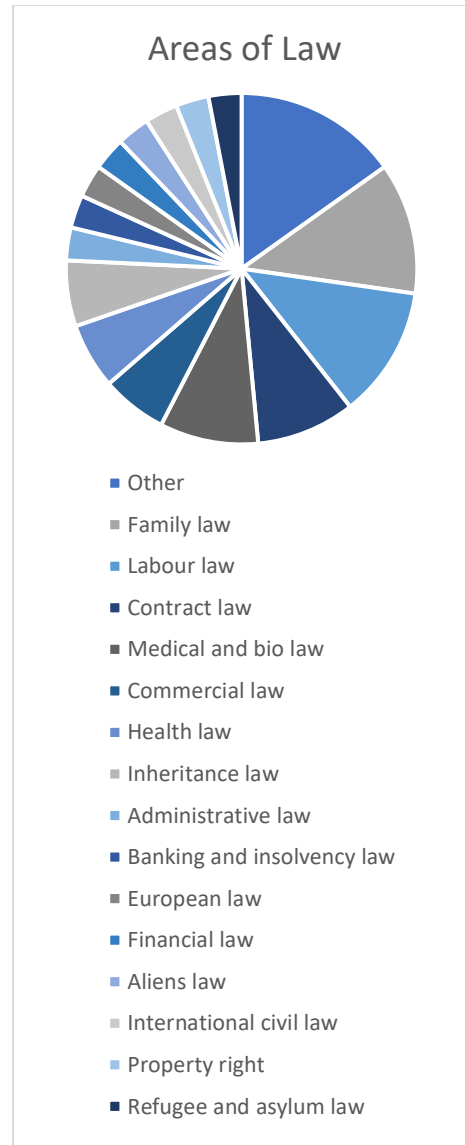
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| Areas of Law | % | # |
|----------------------------|------|----|
| Other | 14% | 5 |
| Family law | 12% | 4 |
| Labour law | 12% | 4 |
| Contract law | 9% | 3 |
| Medical and bio law | 9% | 3 |
| Commercial law | 6% | 2 |
| Health law | 6% | 2 |
| 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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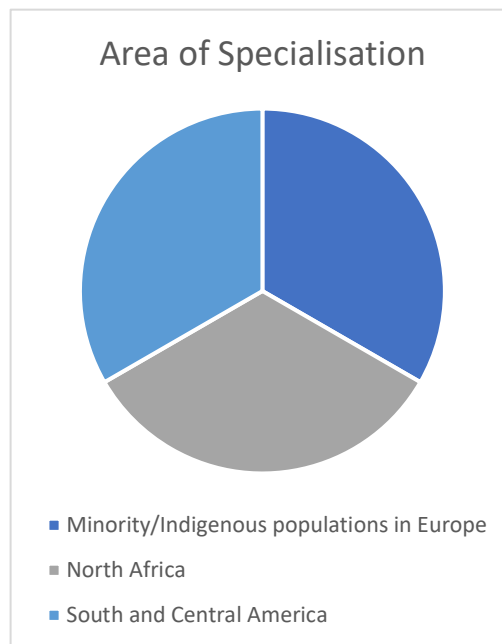
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Experts

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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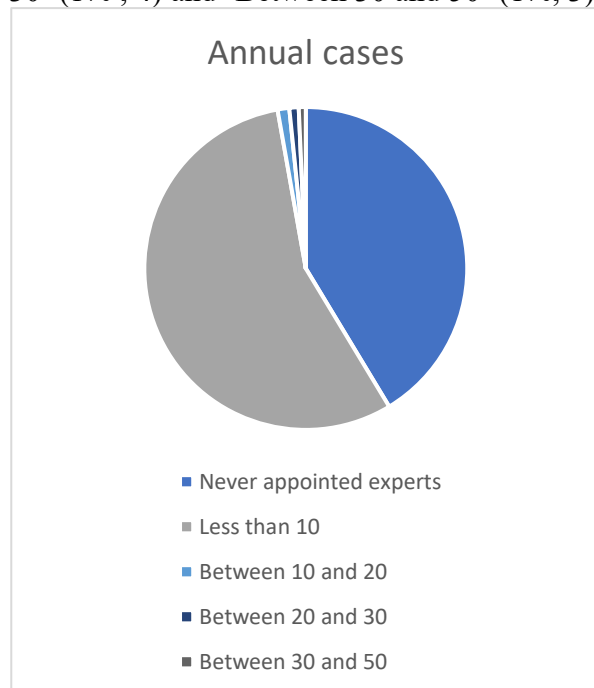
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Frequency

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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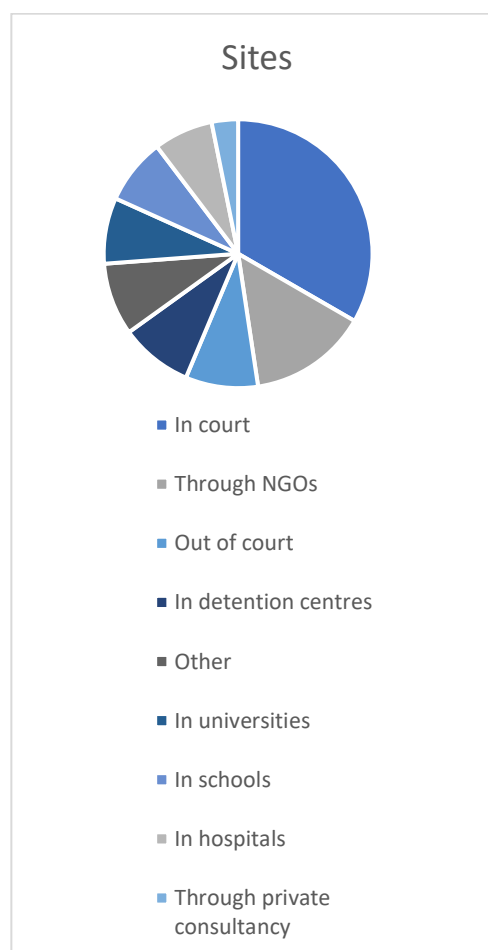
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Sites

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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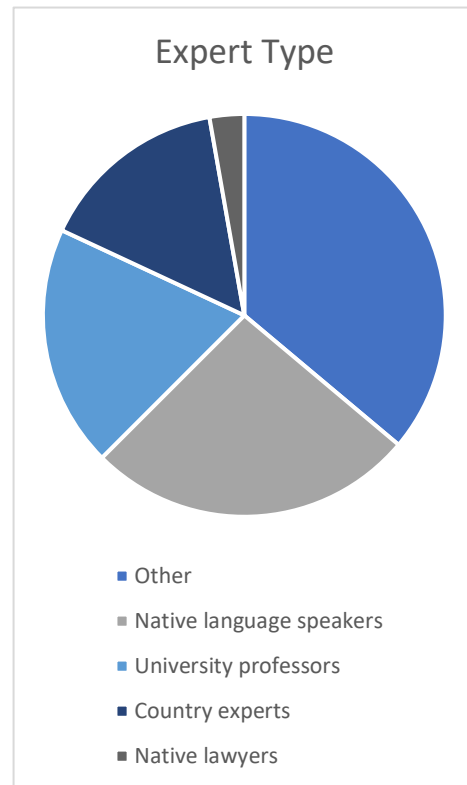
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Typology of Experts

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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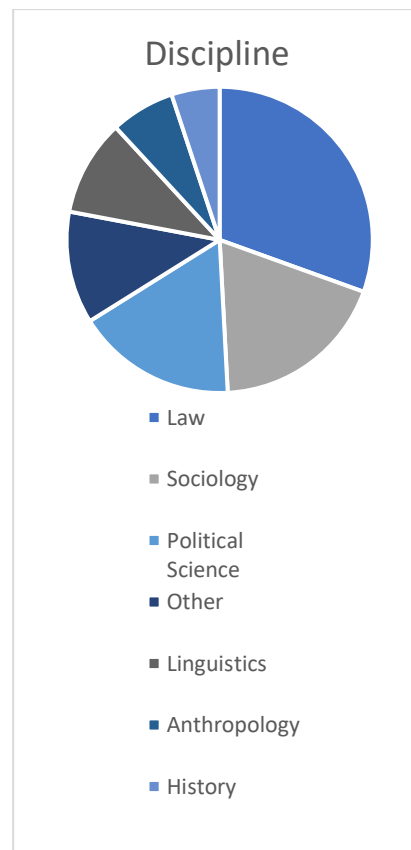
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Discipline

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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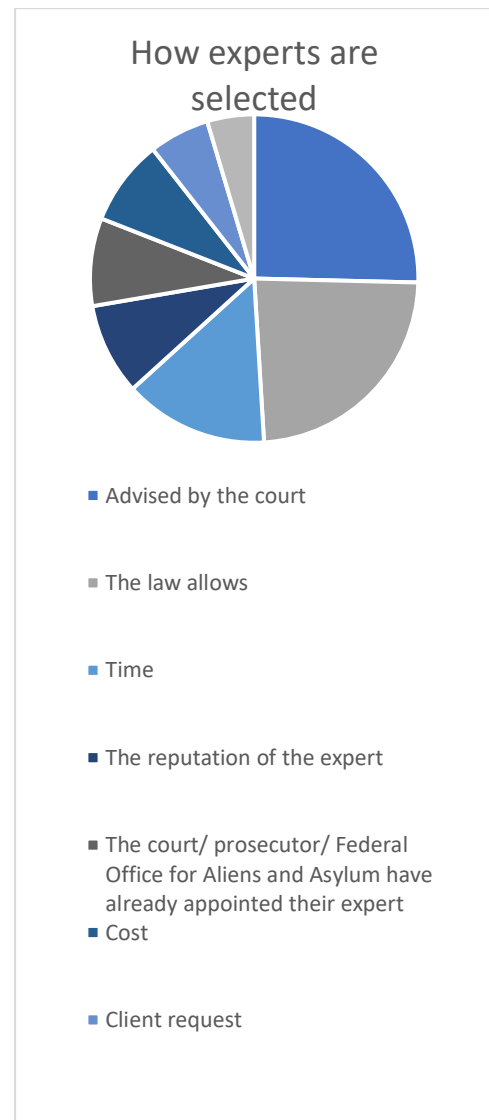
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Modalities

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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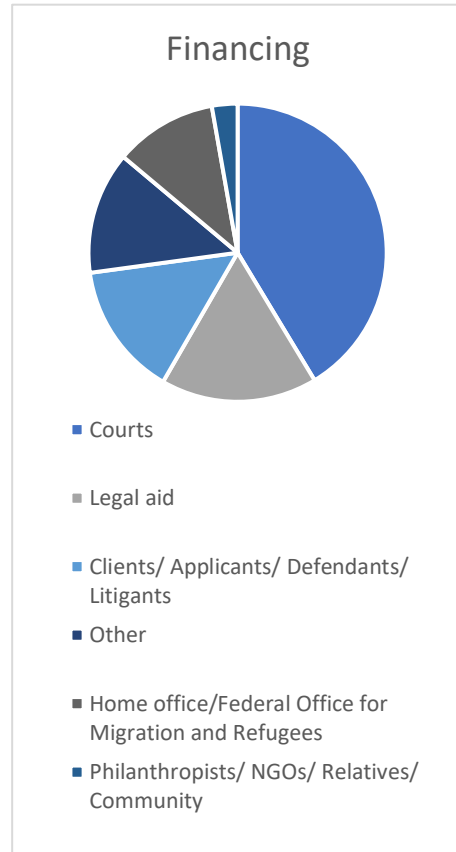
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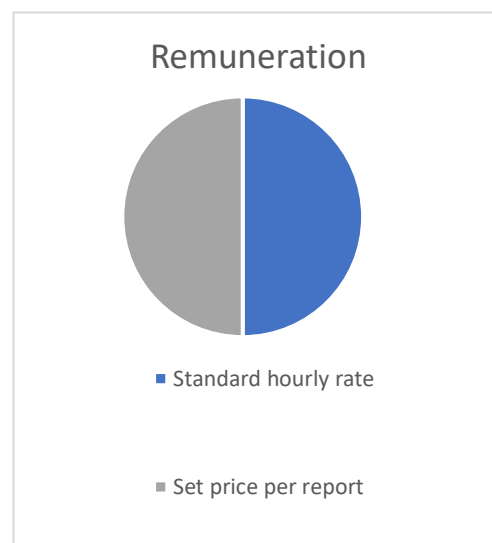
| How are experts paid? | % | # |
|-------------------------------------------------------------|-------------|------------|
| Courts | 41% | 134 |
| Legal aid | 17% | 55 |
| Clients/ Applicants/ Defendants/ Litigants | 15% | 47 |
| Other | 13% | 43 |
| Home office/Federal Office for Migration and Refugees | 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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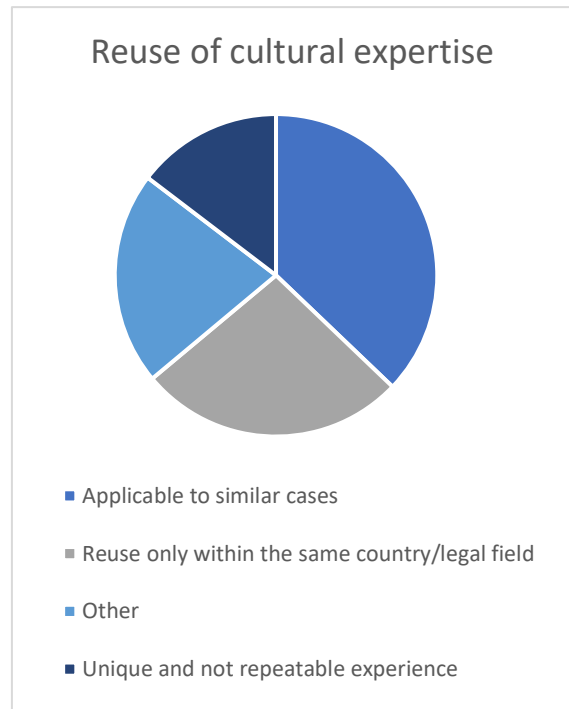
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Reuse of cultural expertise

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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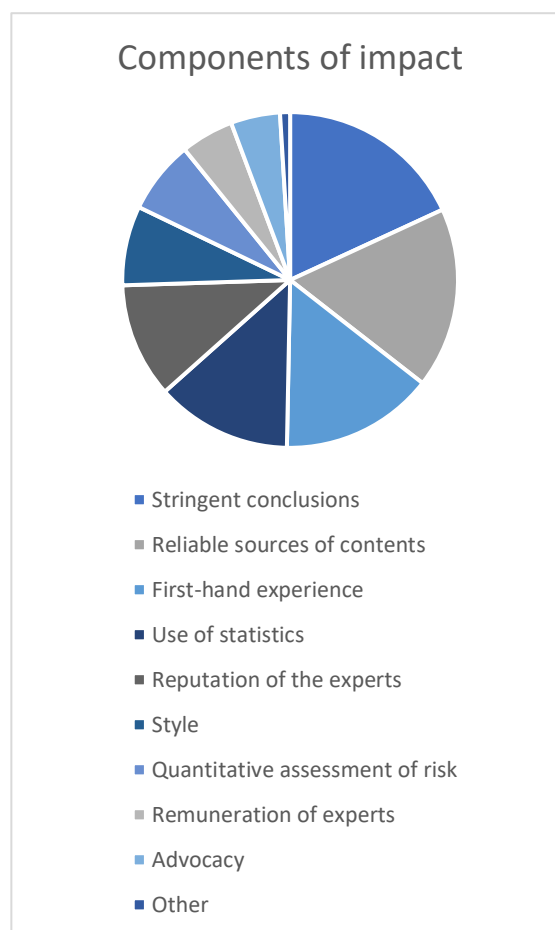
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| Components of impact | % | # |
|---------------------------------|------|------|
| Stringent conclusions | 18% | 206 |
| Reliable sources of contents | 17% | 198 |
| First-hand experience | 15% | 168 |
| Use of statistics | 13% | 149 |
| Reputation 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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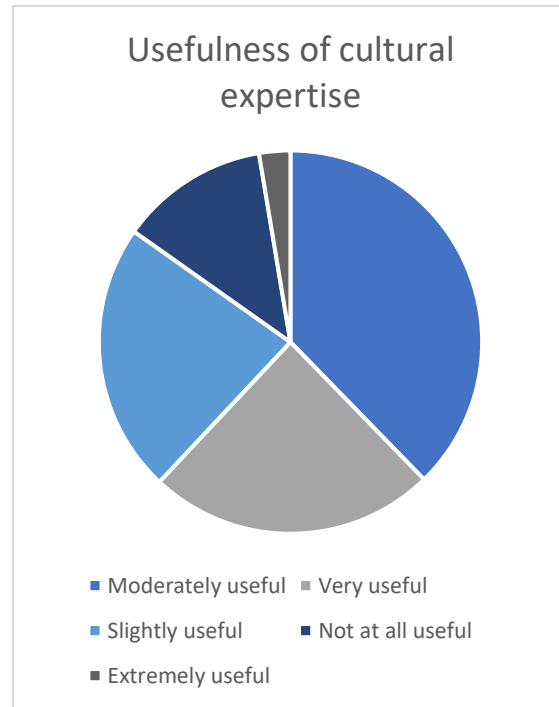
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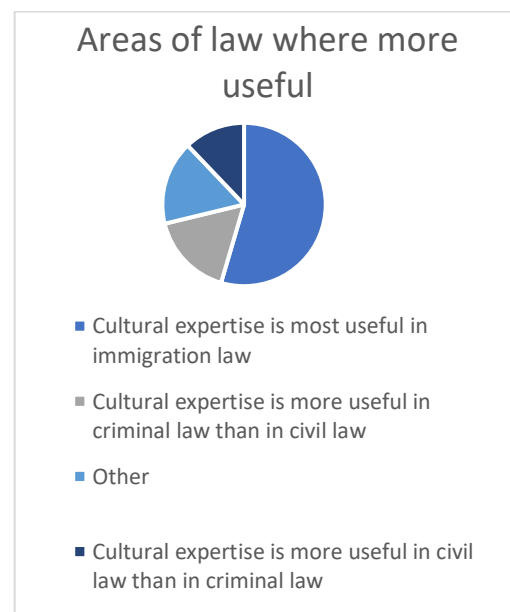
| Usefulness of cultural expertise | % | # |
|----------------------------------|------|-----|
| Moderately useful | 38% | 129 |
| Very useful | 24% | 83 |
| Slightly useful | 23% | 78 |
| Not at all useful | 13% | 43 |
| Extremely useful | 3% | 9 |
| Total | 100% | 342 |



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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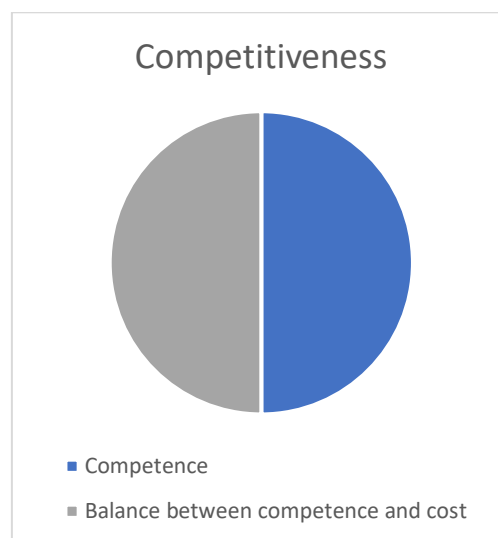
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Competitiveness

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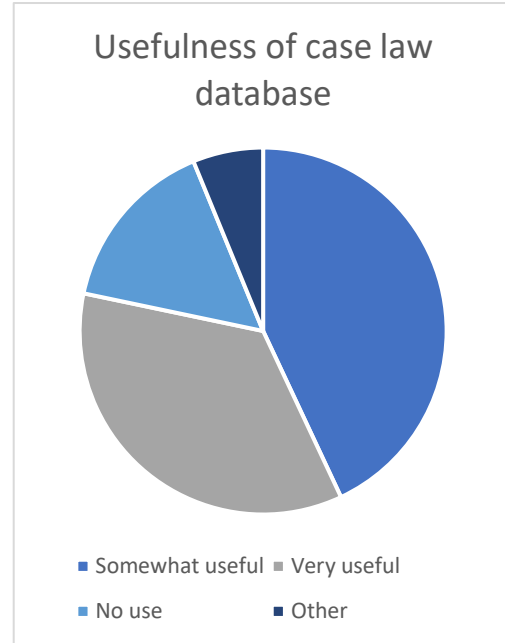
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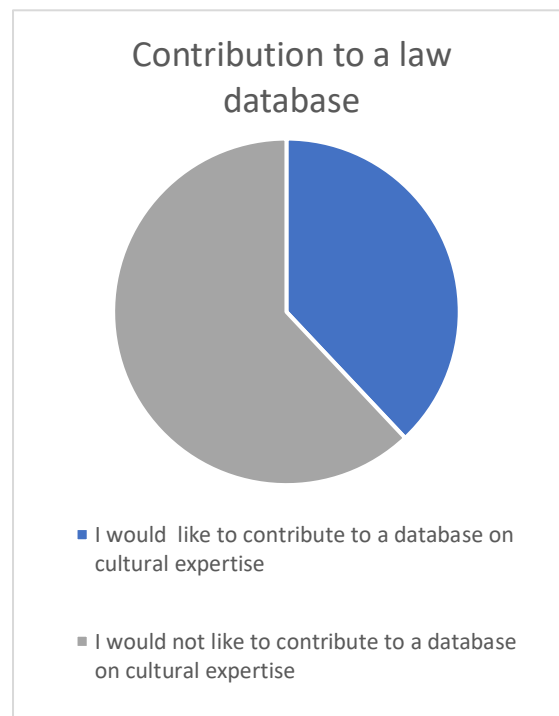
| Usefulness of case law database | % | # |
|---------------------------------|-------------|------------|
| Somewhat useful | 43% | 111 |
| Very useful | 35% | 91 |
| No use | 16% | 40 |
| Other | 6% | 16 |
| Total | 100% | 258 |



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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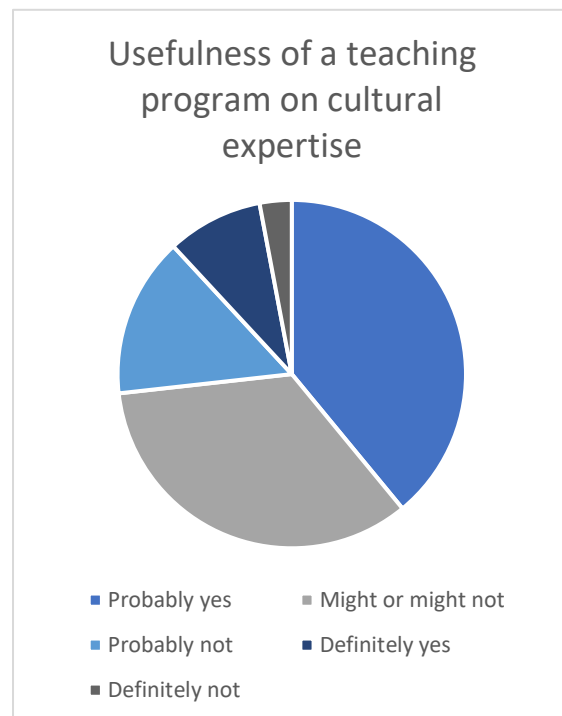
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Capacity Building

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 |



Germany Data Summary

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

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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 |

