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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.

# Germany Data Summary

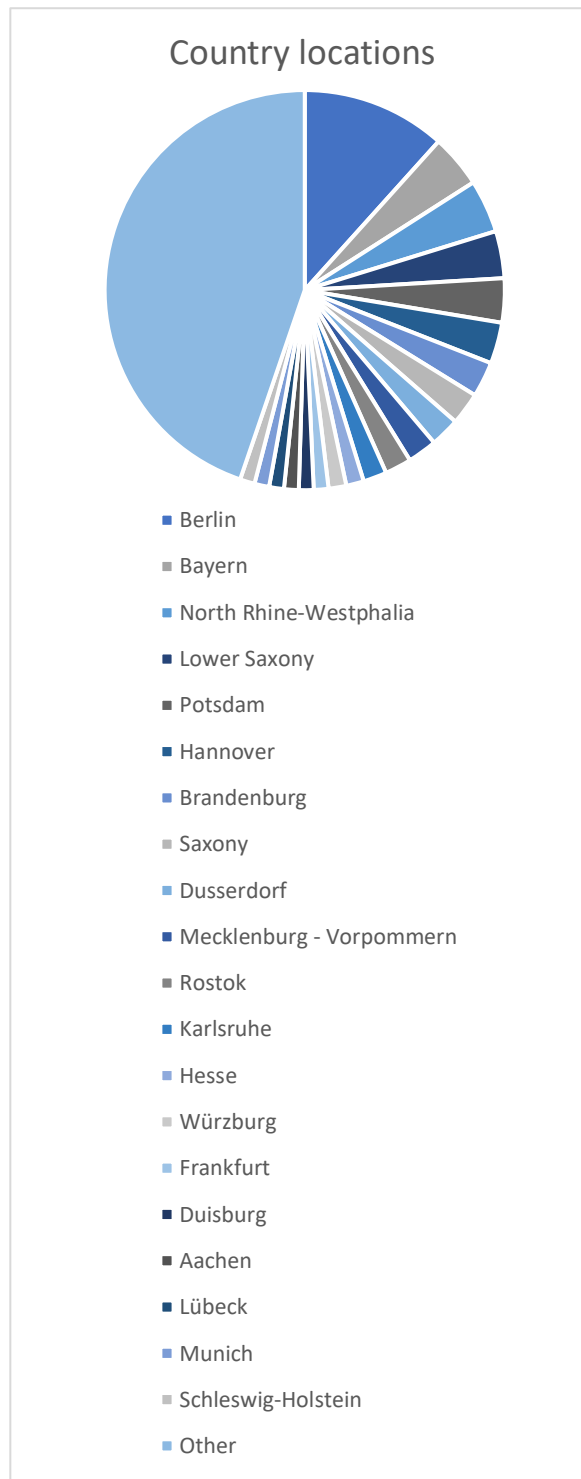
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Country locations	%	#
Berlin	12%	49
Bayern	4%	18
North Rhine-Westphalia	4%	18
Lower Saxony	4%	16
Potsdam	4%	15
Hannover	3%	14
Brandenburg	3%	12
Saxony	3%	11
Dusserdorf	2%	10
Mecklenburg - Vorpommern	2%	10
Rostok	2%	9
Karlsruhe	2%	8
Hesse	1%	6
Würzburg	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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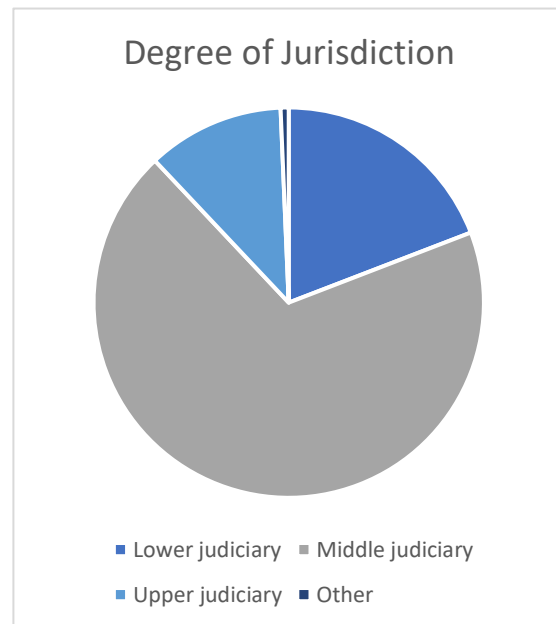
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### Judges

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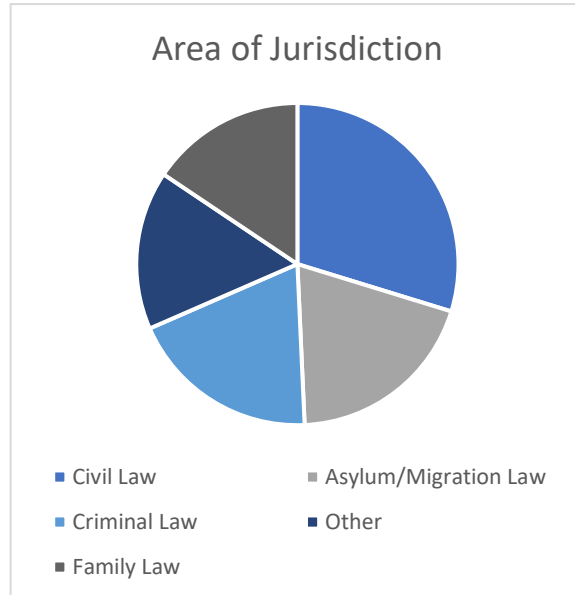
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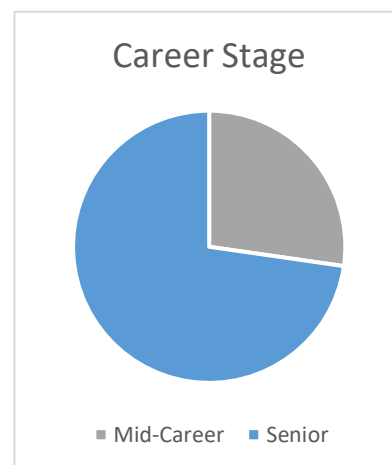
Area of Jurisdiction	%	#
Civil Law	30%	166
Asylum/Migration Law	20%	109
Criminal Law	18%	107
Other	16%	89
Family Law	16%	87
Total	100%	558



## 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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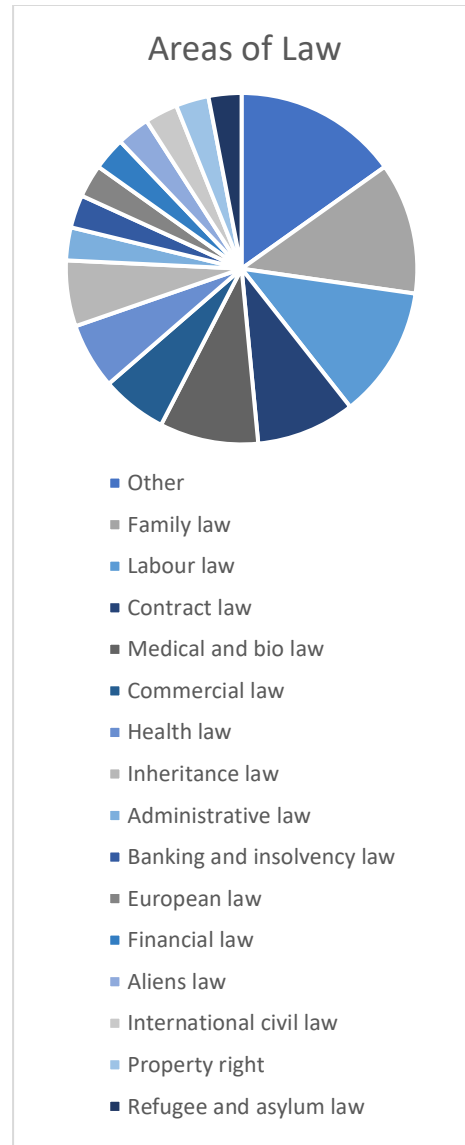
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Areas of Law	%	#
Other	14%	5
Family law	12%	4
Labour law	12%	4
Contract law	9%	3
Medical and bio law	9%	3
Commercial law	6%	2
Health law	6%	2
Inheritance law	6%	2
Administrative law	5%	1
Banking and insolvency law	3%	1
European law	3%	1
Financial law	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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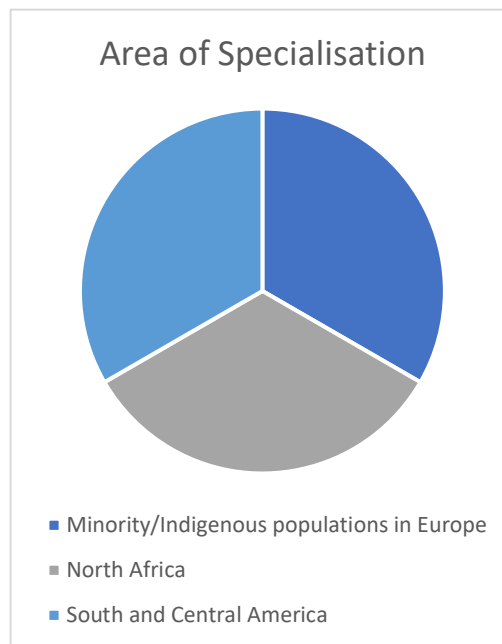
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### Experts

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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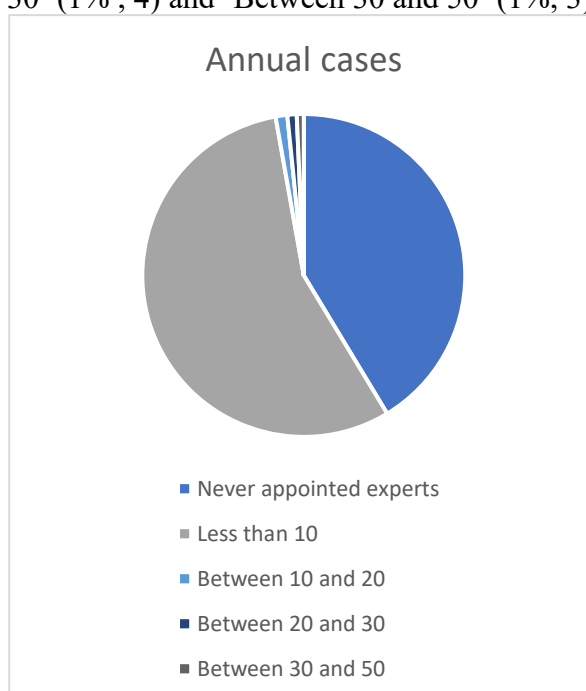
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## Frequency

### 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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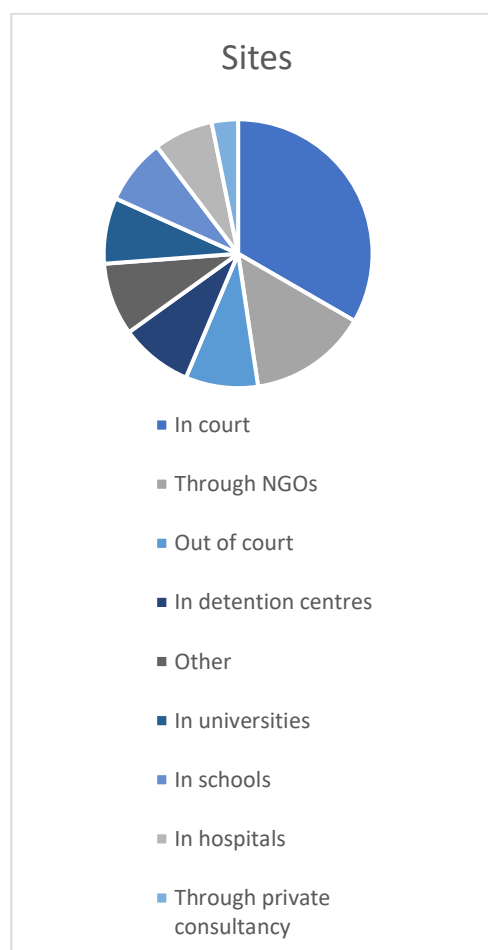
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### Sites

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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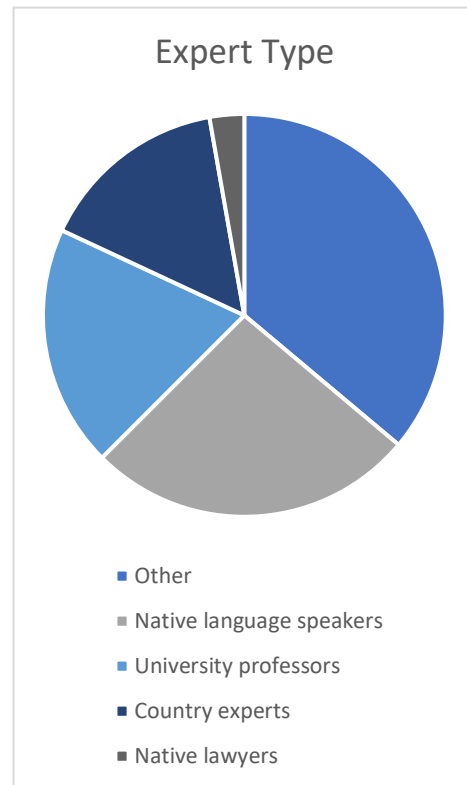
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### Typology of Experts

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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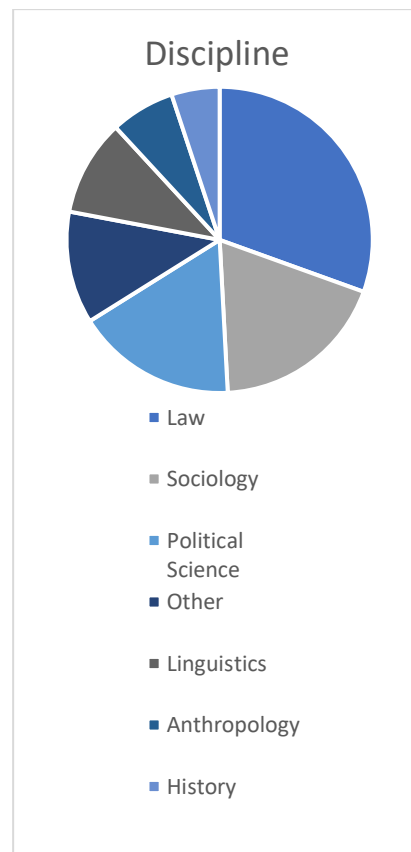
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### Discipline

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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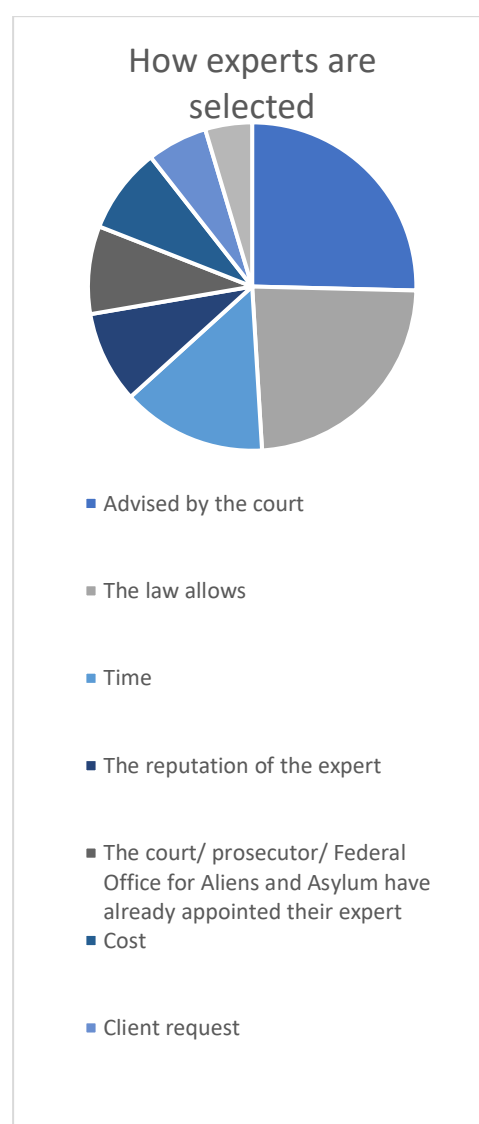
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## Modalities

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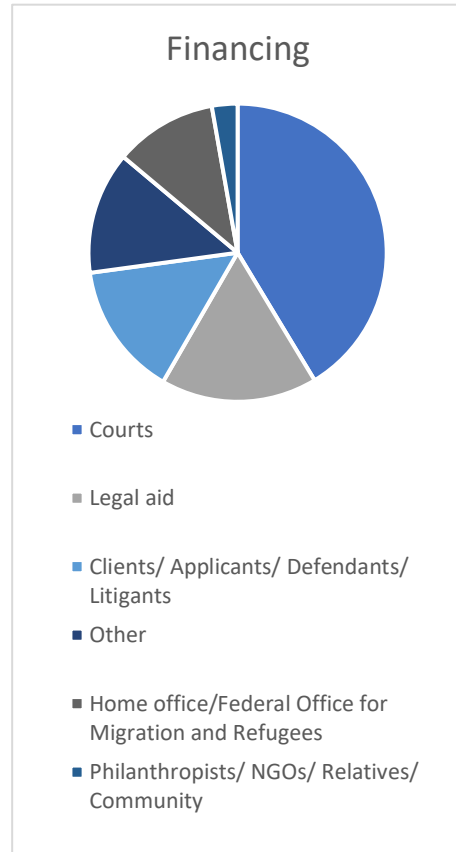
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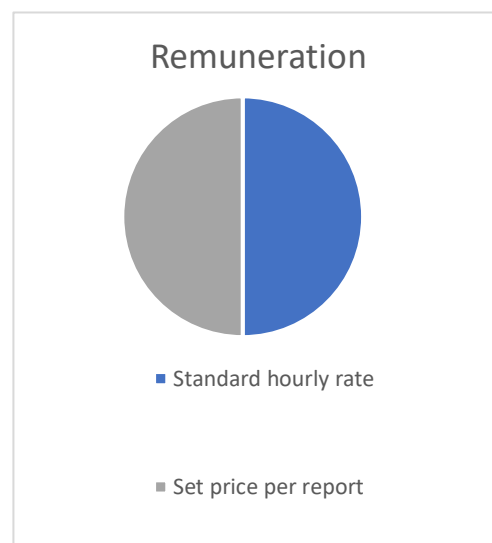
How are experts paid?	%	#
Courts	41%	134
Legal aid	17%	55
Clients/ Applicants/ Defendants/ Litigants	15%	47
Other	13%	43
Home office/Federal Office for Migration and Refugees	11%	36
Philanthropists/ NGOs/ Relatives/ Community	3%	9
Total	100%	324



## 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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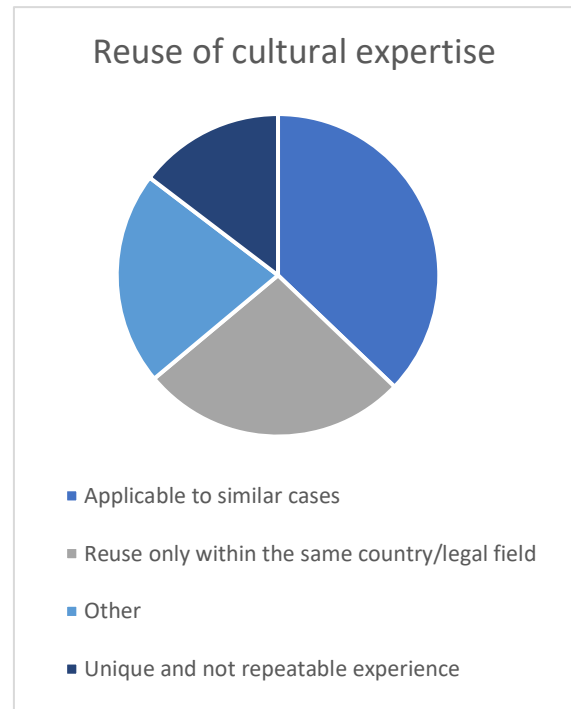
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### Reuse of cultural expertise

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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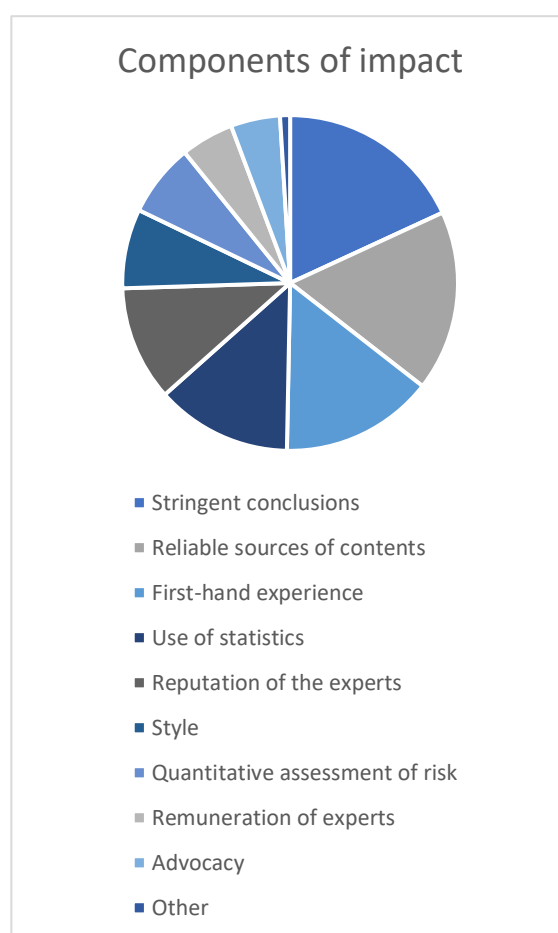
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Components of impact	%	#
Stringent conclusions	18%	206
Reliable sources of contents	17%	198
First-hand experience	15%	168
Use of statistics	13%	149
Reputation of the experts	11%	126
Style	8%	87
Quantitative assessment of risk	7%	80
Remuneration of 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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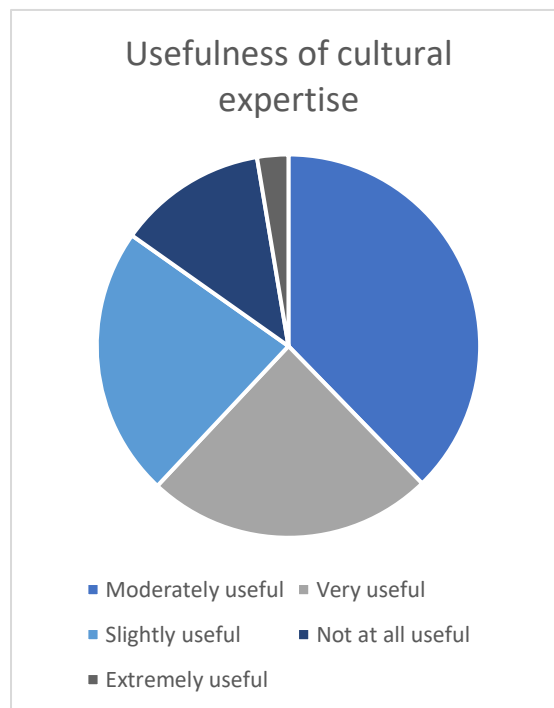
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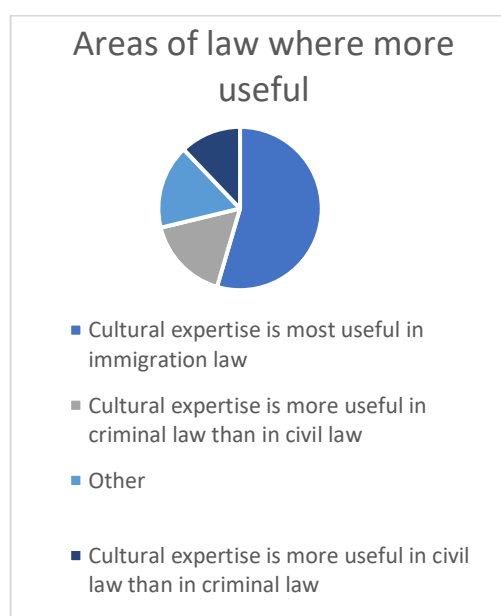
Usefulness of cultural expertise	%	#
Moderately useful	38%	129
Very useful	24%	83
Slightly useful	23%	78
Not at all useful	13%	43
Extremely useful	3%	9
Total	100%	342



## 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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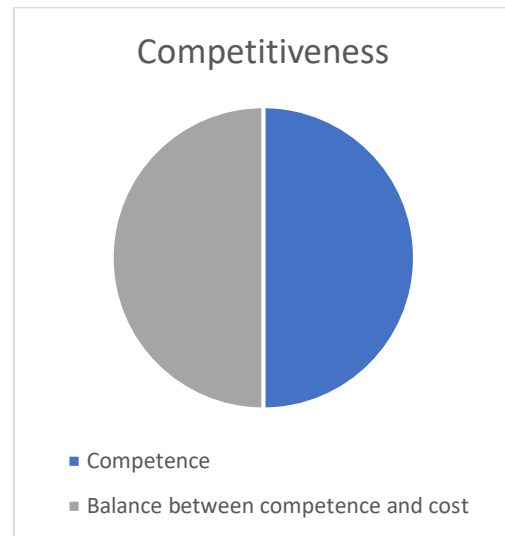
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### Competitiveness

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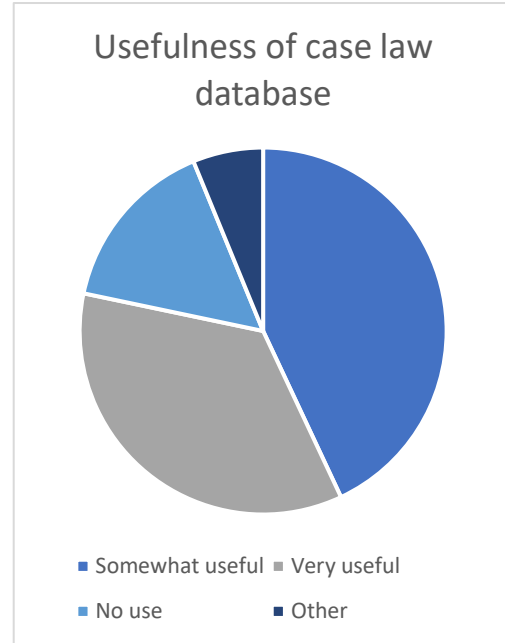
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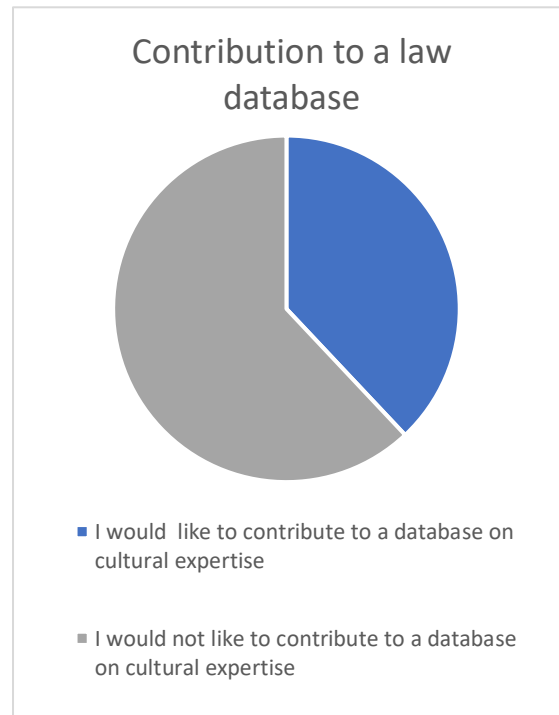
Usefulness of case law database	%	#
Somewhat useful	43%	111
Very useful	35%	91
No use	16%	40
Other	6%	16
<b>Total</b>	<b>100%</b>	<b>258</b>



## 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
<b>Total</b>	<b>100%</b>	<b>129</b>



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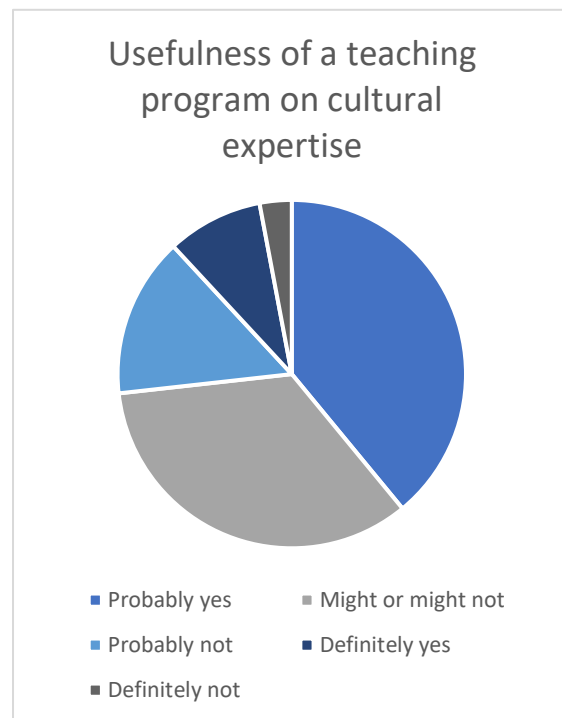
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### Capacity Building

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).

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

