



HAL
open science

EURO-EXPERT: Portugal Data Summary

Livia Holden, Anna Tsalapatani, Ekaterina Gorbunova

► **To cite this version:**

Livia Holden, Anna Tsalapatani, Ekaterina Gorbunova. EURO-EXPERT: Portugal Data Summary. EURO-EXPERT. 2022. hal-03853272

HAL Id: hal-03853272

<https://hal.science/hal-03853272v1>

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.

Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

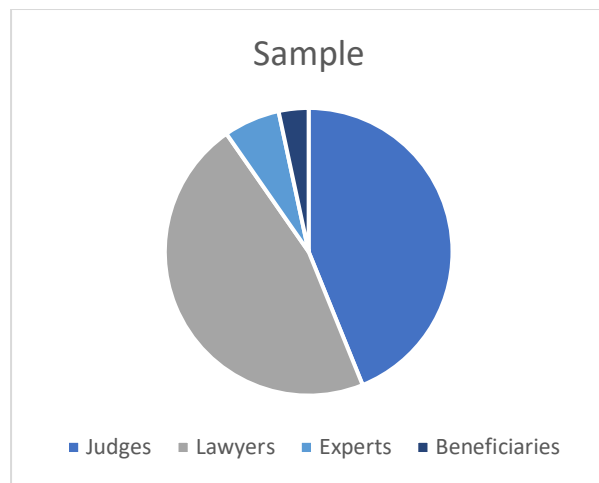
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Qualities of Sample

There were 506 responses to the Portugal survey, of which (44%, 222) were judges, (46%, 235) were lawyers, (6%, 32) were experts and (4%, 17) were beneficiaries.

Respondent categories	%	#
Judges	44%	222
Lawyers	46%	235
Experts	6%	32
Beneficiaries	4%	17
Total	100%	506



Country locations

Of the 81%, 411, of respondents who indicated their location, (27%, 113) were based on Lisbon followed by 'Other' (31%, 128), Porto (10%, 40) Coimbra (5%, 22), Norte (4%, 17), Algarve (3%, 12), Santarém (3%, 11), Aviero, Faro and Leira (2%, 10) each with the remaining locations, Braga, Setúbal, Viana do Castelo, Sintra, Cascais and Tomar accounting for 1% each.

Portugal Data Summary

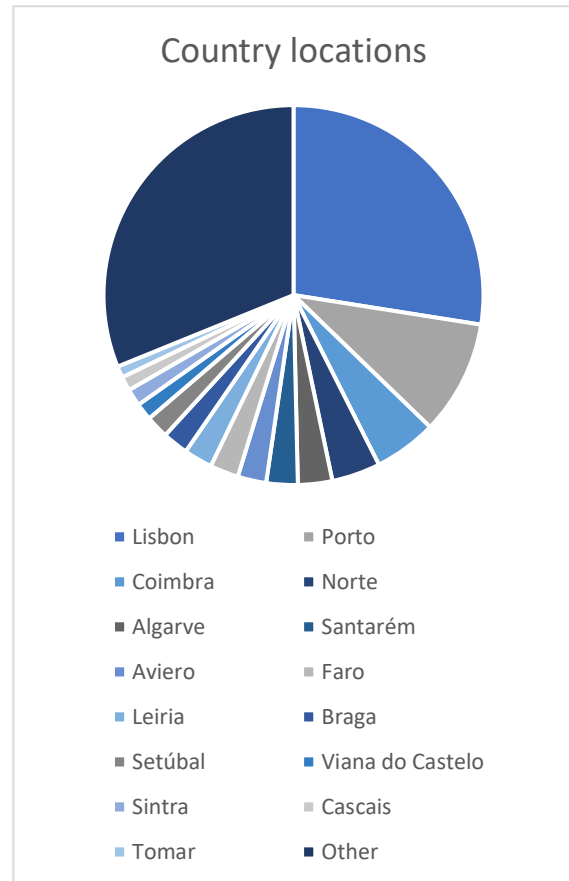
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Country locations	%	#
Lisbon	27%	113
Porto	10%	40
Coimbra	5%	22
Norte	4%	17
Algarve	3%	12
Santarém	3%	11
Aviero	2%	10
Faro	2%	10
Leiria	2%	10
Braga	2%	9
Setúbal	2%	8
Viana do Castelo	1%	6
Sintra	1%	6
Cascais	1%	5
Tomar	1%	4
Other	31%	128
Total	100%	411



Judges

The most common degree of jurisdiction for Judges was 'First degree court' (64%, 127), followed by 'Second degree court' (26%, 54) and 'Supreme court' (2%, 3). (8%, 15) chose 'Other'.

Portugal Data Summary

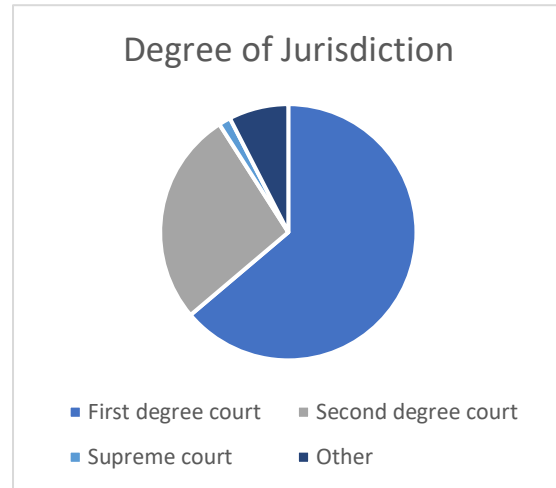
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

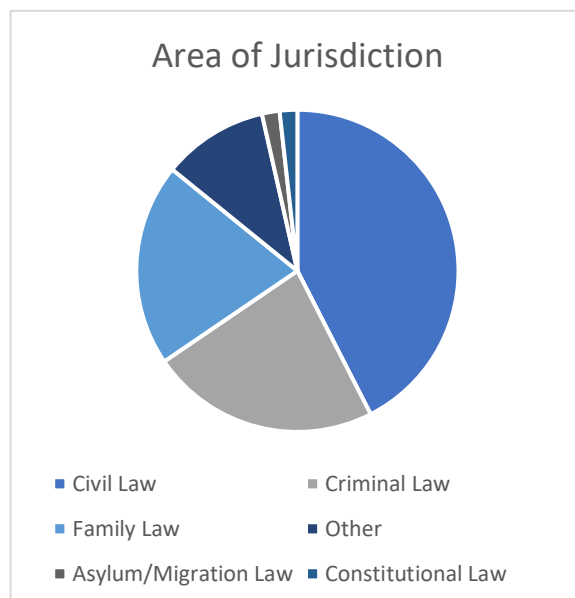
Date of Revision: 01/02/2022

Degree of Jurisdiction	%	#
First degree court	64%	127
Second degree court	26%	54
Supreme court	2%	3
Other	8%	15
Total	100%	199



The most common area of jurisdiction was ‘Civil law’ (47%, 92), followed by ‘Criminal law’ (36%, 70), then ‘Family law’ (14%, 28), and ‘Asylum/Migration Law’ (3%, 4).

Area of Jurisdiction	%	#
Civil Law	47%	92
Criminal Law	36%	70
Family Law	14%	28
Asylum/Migration Law	3%	4
Total	100%	194



Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Ekaterina Gorbunova

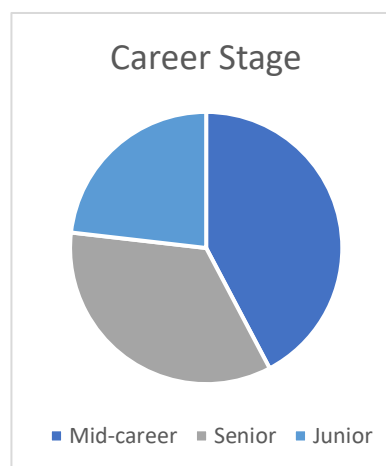
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Lawyers

Out of the 220 lawyers who responded, (42%, 93) indicated 'Mid-career', followed by 'Senior' (35%, 76) and 'Junior' (23%, 51).

Career Stage	%	#
Mid-career	42%	93
Senior	35%	76
Junior	23%	51
Total	100%	220



For the areas of law practiced, 'Family law' (13%, 112) was the most common, followed by 'Contract and obligations' (13%, 110), 'Labour law' (11%, 101), 'Criminal Law' (11%, 97) and 'Business and commercial law' (10%, 91), 'Inheritance law' (8%, 74), 'Banking bankruptcy, and insolvency law' (6%, 51), Property law (5%, 48), 'Administrative law' (5%, 47) with all the remaining areas accounting for 4%, or less.

Portugal Data Summary

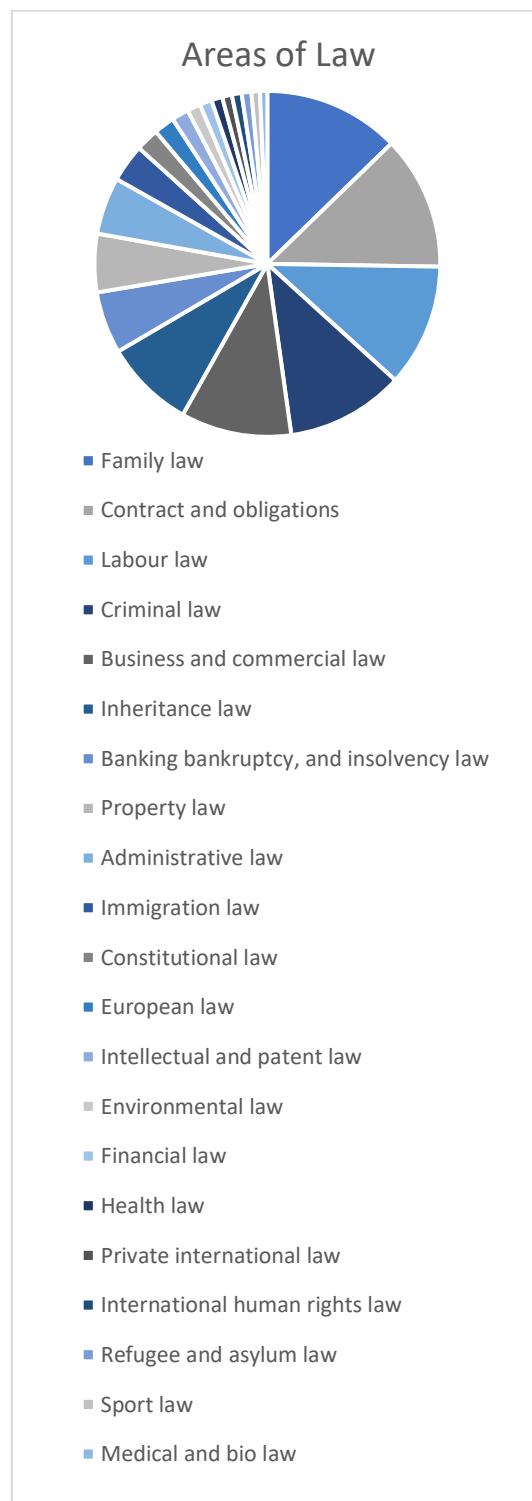
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Areas of Law	%	#
Family law	13%	112
Contract and obligations	13%	110
Labour law	11%	101
Criminal law	11%	97
Business and commercial law	10%	91
Inheritance law	8%	74
Banking bankruptcy, and insolvency law	6%	51
Property law	5%	48
Administrative law	5%	47
Immigration law	4%	31
Constitutional law	2%	19
European law	2%	17
Intellectual and patent law	2%	14
Environmental law	1%	11
Financial law	1%	10
Health law	1%	9
Private international law	1%	8
International human rights law	1%	8
Refugee and asylum law	1%	8
Sport law	1%	7
Medical and bio law	1%	6
Total	100%	879



Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

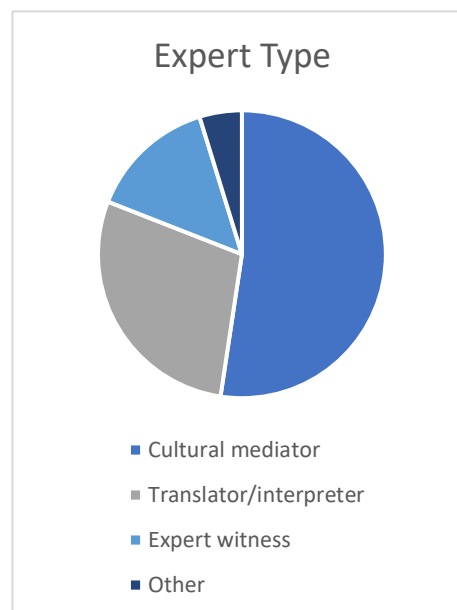
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Experts

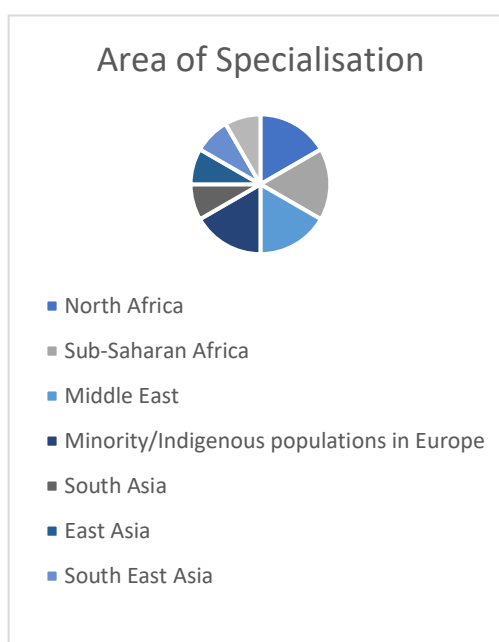
The most common expert type was 'Cultural mediator' (52%, 11) followed by 'Translator/interpreter' (29%, 6) 'Expert witness' (14%, 3) and 'Other' (5%, 1).

Expert Type	%	#
Cultural mediator	52%	11
Translator/interpreter	29%	6
Expert witness	14%	3
Other	5%	1
Total	100%	21



The most common responses to the question regarding area of specialisation were 'North Africa, Sub-Saharan Africa, Middle East, Minority/Indigenous populations in Europe' (17%, 2) each, followed by 'South Asia', 'East Asia', 'South East Asia' and 'Central and South America' (8%, 1) each.

Area of Specialisation	%	#
North Africa	17%	2
Sub-Saharan Africa	17%	2
Middle East	17%	2
Minority/Indigenous populations in Europe	17%	2
South Asia	8%	1
East Asia	8%	1
South East Asia	8%	1
Central and South America	8%	1
Total	100%	12



Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

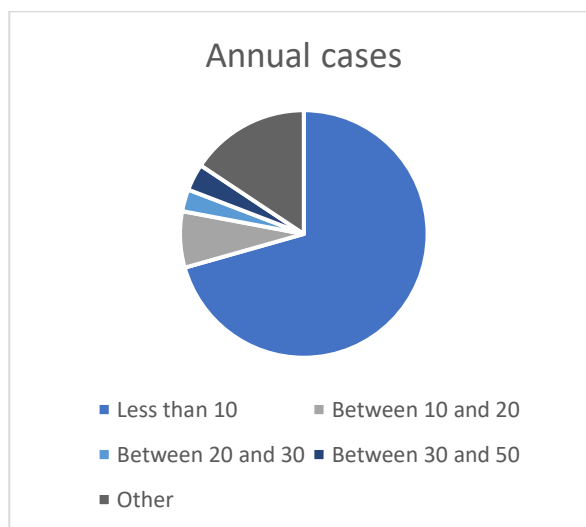
Date of Revision: 01/02/2022

Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (70%, 221) chose 'Less than 10', followed by 'Other' (16%, 49), 'Between 10 and 20' (7%, 23), 'Between 30 and 50' (4%, 11) and 'Between 20 and 30' (3%, 9).

Annual cases	%	#
Less than 10	70%	221
Between 10 and 20	7%	23
Between 20 and 30	3%	9
Between 30 and 50	4%	11
Other	16%	49
Total	100%	313



(65%, 11) of experts provided 'Less than 5' written reports, (12%, 2) indicated 'Between 5 and 10' and 'Other', (6%, 1) indicated 'Between 10 and 20' and 'Between 50 and 100'.

(67%, 12) of experts provided 'Less than 5' oral reports, (17%, 3) choose 'Other', followed by 'Between 10 and 20' (11%, 2) and 'Between 50 and 100' (6%, 1).

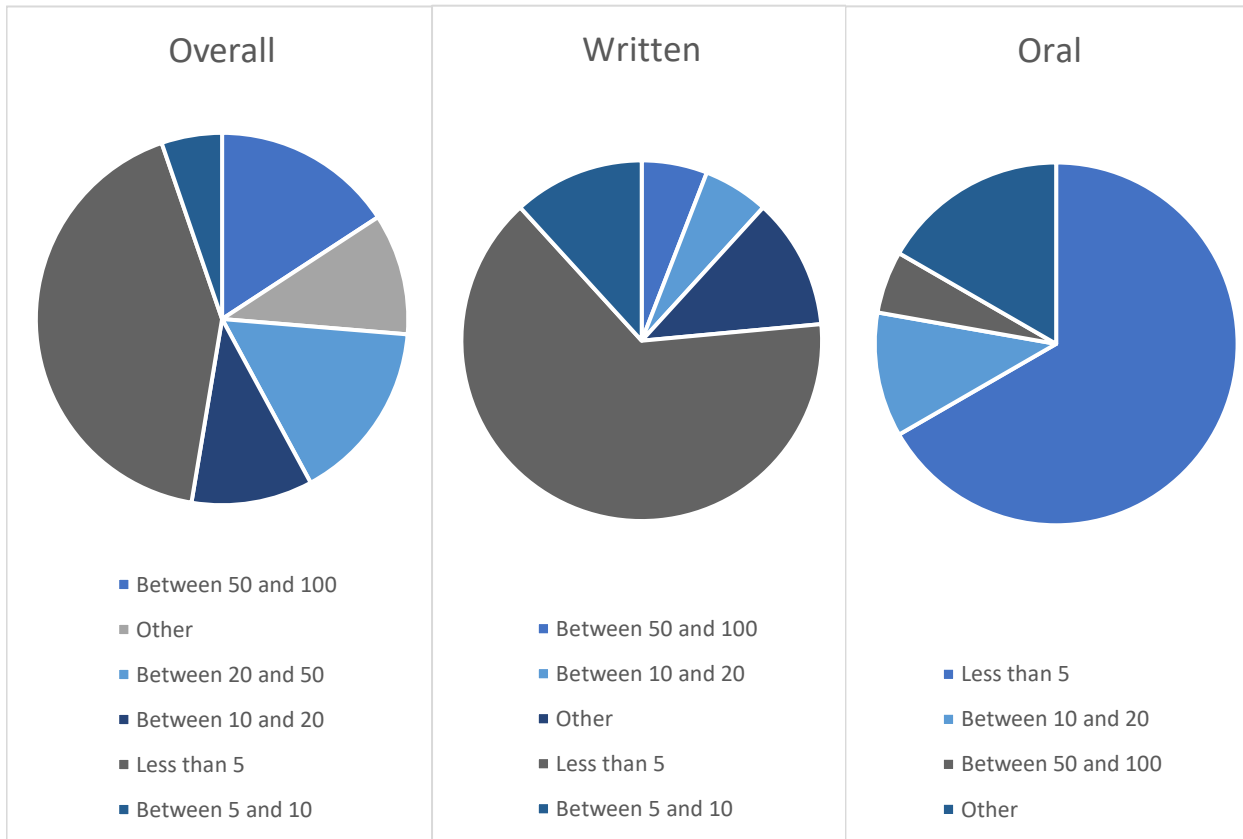
Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022



Fields of law

The most common area of use of cultural expertise was ‘Family law’ (16%, 170), followed by ‘Criminal law’ (14%, 147), ‘Immigration law’ (7%, 64), ‘Medical and bio law’ (6%, 68), ‘Refugee and asylum law’ (6%, 62), ‘Health law’ (6%, 59) and Labour law (5%, 55) with all the remaining areas accounting for 4% or less.

Portugal Data Summary

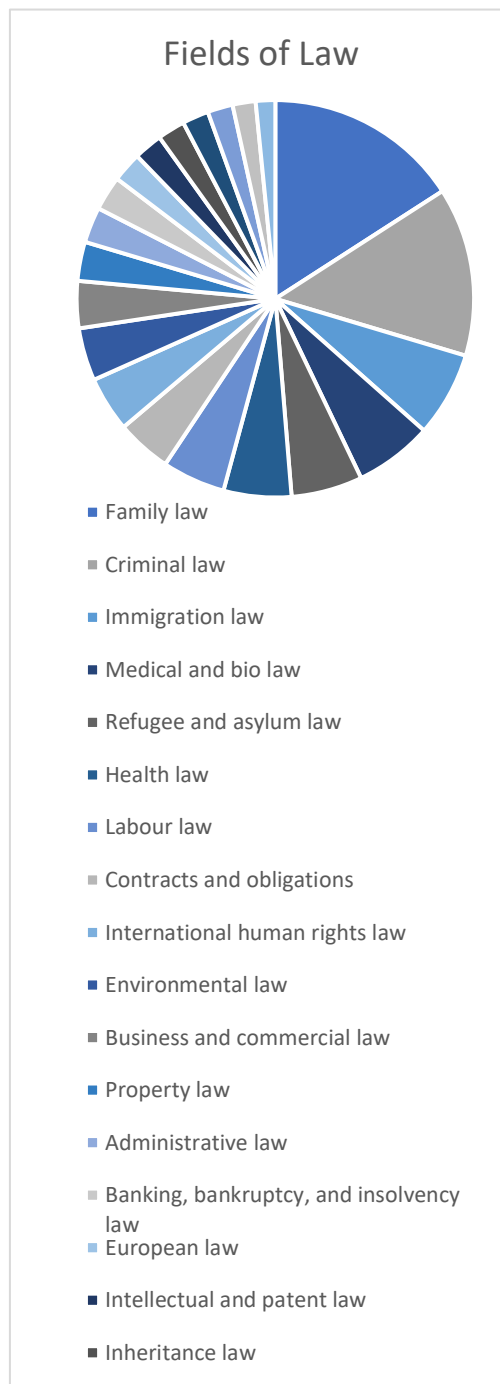
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Fields of Law	%	#
Family law	16%	170
Criminal law	14%	147
Immigration law	7%	74
Medical and bio law	6%	68
Refugee and asylum law	6%	62
Health law	6%	59
Labour law	5%	55
Contracts and obligations	4%	48
International human rights law	4%	48
Environmental law	4%	46
Business and commercial law	4%	41
Property law	3%	34
Administrative law	3%	31
Banking, bankruptcy, and insolvency law	3%	30
European law	2%	26
Intellectual and patent law	2%	25
Inheritance law	2%	24
Financial law	2%	23
Constitutional law	2%	22
Private international law	2%	20
Sports law	2%	17
Total	100%	1070



Sites

The most common site of cultural expertise was 'In court' (88%, 202), followed by 'Out of Court' (4% 10), 'Other' (3%, 7), 'In school' (1%, 3), 'Through NGOs', 'In detention Centres', 'In hospital' and 'Through private consultancy' (1%, 2) each.

Portugal Data Summary

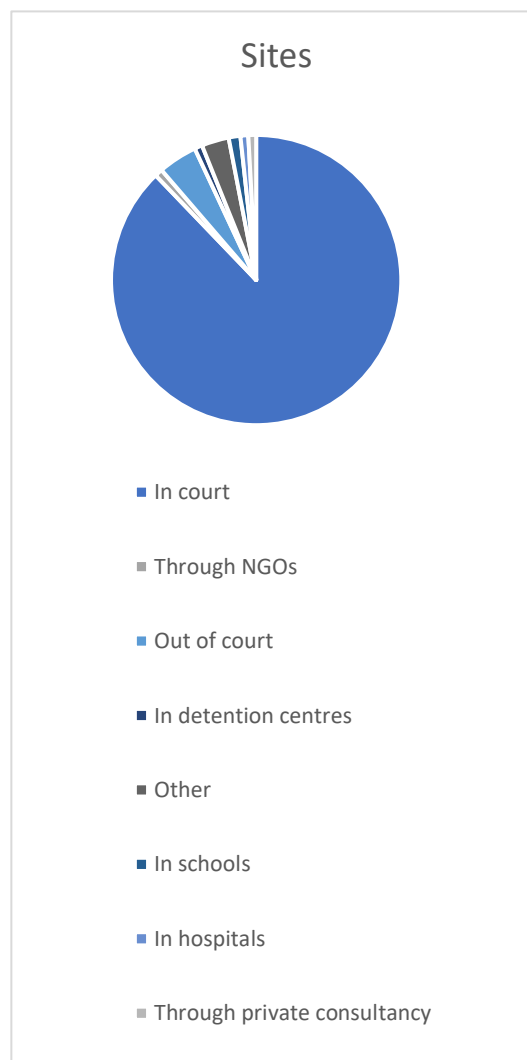
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Sites	%	#
In court	88%	202
Through NGOs	1%	2
Out of court	4%	10
In detention centres	1%	2
Other	3%	7
In schools	1%	3
In hospitals	1%	2
Through private consultancy	1%	2
Total	100%	230



Typology of Experts

The most common response to the question regarding the expert type was ‘University professors’ (41%, 138), followed by ‘Native language speakers’ (38%, 125) then ‘Country experts’ (9%, 32), ‘Native lawyers’ (8%, 28), ‘Community leaders’ (2%, 8) and ‘Religious leaders’ (2%, 7).

Portugal Data Summary

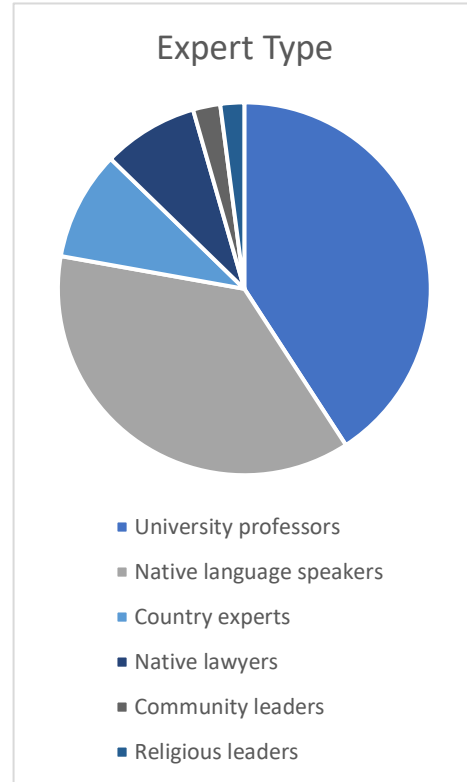
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Expert Type	%	#
University professors	41%	138
Native language speakers	38%	125
Country experts	9%	32
Native lawyers	8%	28
Community leaders	2%	8
Religious leaders	2%	7
Total	100%	338



Discipline

The respondent who selected ‘University professors’ were asked to specify the disciplines of those professors. The most common response was ‘Law’ (43%, 61) followed by ‘Sociology’ (30%, 43), ‘Linguistic’ (16%, 22), ‘Political science’ (5%, 7), ‘Anthropology’ (4%, 6) and ‘History’ (2%, 2).

Portugal Data Summary

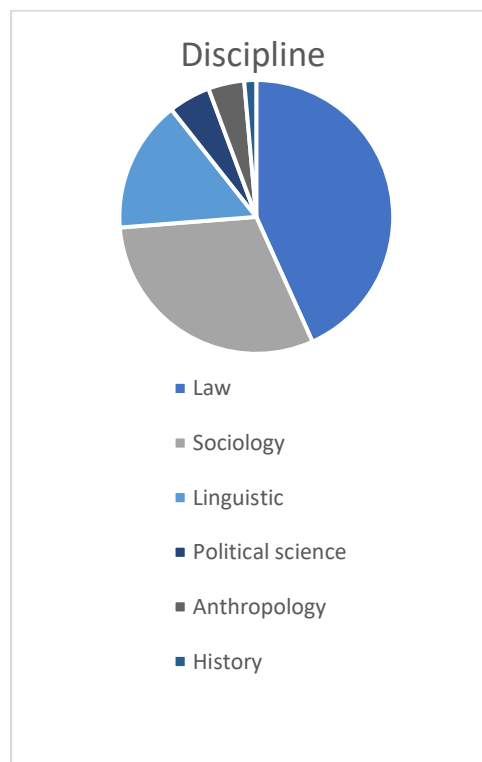
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Discipline	%	#
Law	43%	61
Sociology	30%	43
Linguistic	16%	22
Political science	5%	7
Anthropology	4%	6
History	2%	2
Total	100%	141



Modalities

Appointment of Experts

The most common factor influencing the decision to appoint was 'Client request' (22%, 169), followed by 'Experts facilitate successful legal outcomes' (19%, 149), 'The law allows' (16%, 125), 'Advised by the court' (8%, 63), 'The court is keen to hear cultural arguments' (7%, 56), 'The reputation of the expert' (7%, 51), 'Useful for an out of court settlement' (6%, 48), 'Cost' (6%, 46), 'The court/ prosecutor/ Home Office have already appointed their expert' (5%, 37) and 'Time' (4%, 32).

Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

How experts are selected	%	#
Client request	22%	169
Experts facilitate successful legal outcomes	19%	149
The law allows	16%	125
Advised by the court	8%	63
The court is keen to hear cultural arguments	7%	56
The reputation of the expert	7%	51
Useful for an out of court settlement	6%	48
Cost	6%	46
The court/ prosecutor/ Home Office have already appointed their expert	5%	37
Time	4%	32
Total	100%	776



Most experts, when asked how they started giving expert opinions, chose ‘Other’ (67%, 6), followed by ‘Referred by a colleague’ (22%, 2), and ‘Contacted directly by clients’ (11%, 1).

Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

How experts started their career	%	#
Other	67%	6
Referred by a colleague	22%	2
Contacted directly by clients	11%	1
Total	100%	9



Experts most frequently ‘Work as an expert for NGOs’ (22%, 5), also (22%, 5) chose ‘Contacted directly by clients’ followed by ‘Instructed by lawyers as need arises’ (17%, 4), ‘Other’ (17%, 4), ‘Instructed by courts’ (13%, 3), and ‘Instructed by the Ministry of the Interior’ (9%, 2).

Who instructs the experts	%	#
Work as an expert for NGOs	22%	5
Contacted directly by clients	22%	5
Instructed by lawyers as need arises	17%	4
Other	17%	4
Instructed by courts	13%	3
Instructed by the Ministry of the Interior	9%	2
Total	100%	23



Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Ekaterina Gorbunova

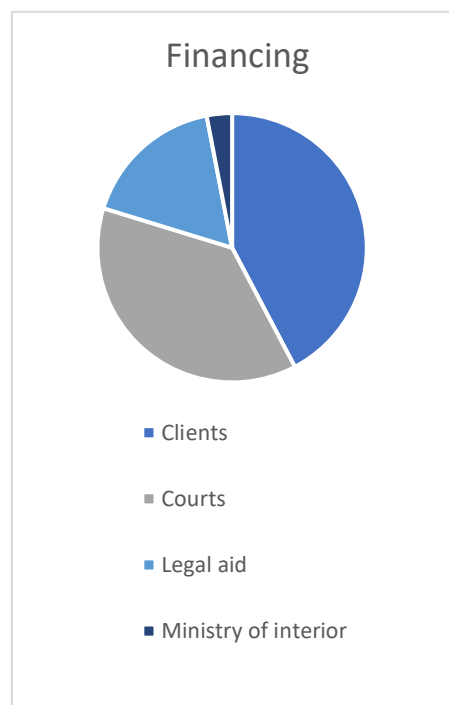
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Cost of Cultural Expertise

Cultural expertise is most commonly financed by 'Clients' (42%, 167), followed by 'Courts' (37%, 148), by 'Legal aid' (17%, 68), and 'Ministry of interior' (3%, 12).

How are experts paid?	%	#
Clients	42%	167
Courts	37%	148
Legal aid	17%	68
Ministry of interior	3%	12
Total	100%	395



Remuneration of cultural expertise

Over half of responses indicated that experts were paid at a 'Set price per report' (50%, 3), followed by 'Voluntary basis' (33%, 2) and 'Standard hourly rate' (17%, 1).

Portugal Data Summary

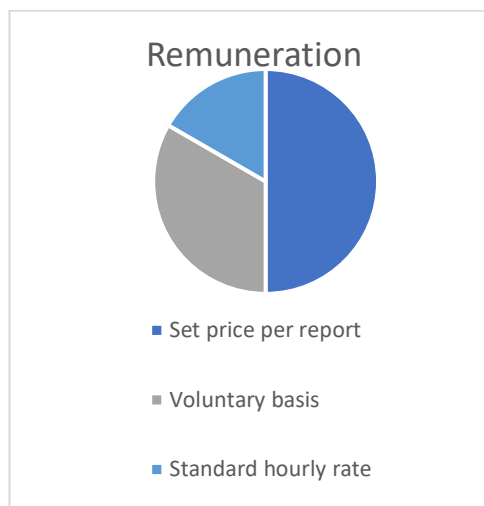
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

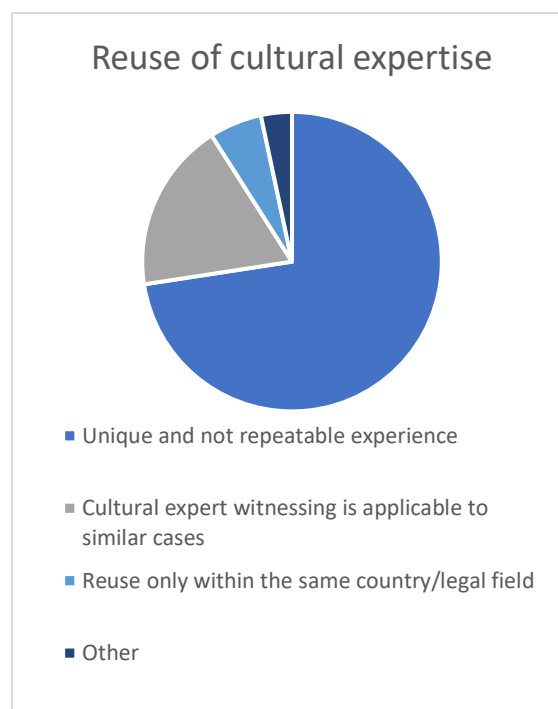
Remuneration of experts	%	#
Set price per report	50%	3
Voluntary basis	33%	2
Standard hourly rate	17%	1
Total	100%	6



Reuse of cultural expertise

The most frequent response to the question of the reuse of cultural expertise was 'Unique and not repeatable experience' (73%, 217) followed by 'Cultural expert witnessing is applicable in similar cases' (18%, 55), 'Reuse only within the same country/legal field' (6%, 17). (3%, 10) choose 'Other'.

Reuse of cultural expertise	%	#
Unique and not repeatable experience	73%	217
Cultural expert witnessing is applicable to similar cases	18%	55
Reuse only within the same country/legal field	6%	17
Other	3%	10
Total	100%	299



Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Impact

Components of Impact

The most common components of impact include ‘Stringent conclusions’ (15%, 200), followed by ‘Reliable sources of contents’ (15%, 197), ‘First-hand experience’ (14%, 177), ‘Use of statistics’ (12%, 151), ‘Advocacy’ (10%, 132), ‘Quantitative assessment of risk’ (9%, 122), ‘Remuneration of experts’ (7%, 94) and ‘Style’ (7%, 91).

Components of impact	%	#
Stringent conclusions	15%	200
Reliable sources of contents	15%	197
First-hand experience	14%	177
Use of statistics	12%	151
Advocacy	10%	132
Reputation of the experts	10%	131
Quantitative assessment of risk	9%	122
Remuneration of experts	7%	94
Style	7%	91
Total	100%	1295



Usefulness

The most common response to the question regarding the usefulness of cultural expertise was ‘Very useful’ (31%, 99), followed by ‘Moderately useful’ (30%, 94), ‘Extremely useful’ (21%, 66), ‘Slightly useful’ (15%, 47) and ‘Not at all useful’ (3%, 10).

Portugal Data Summary

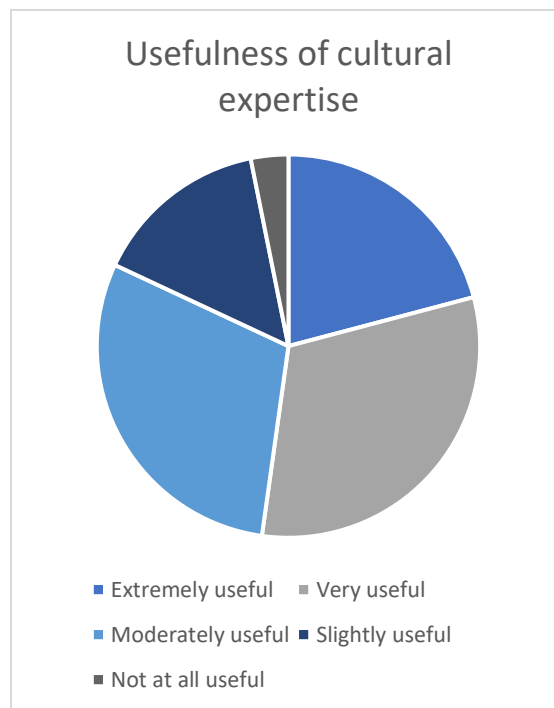
CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

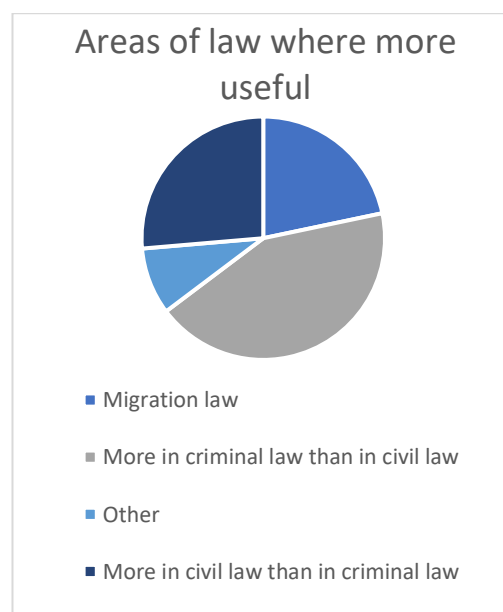
Usefulness of cultural expertise	%	#
Extremely useful	21%	66
Very useful	31%	99
Moderately useful	30%	94
Slightly useful	15%	47
Not at all useful	3%	10
Total	100%	316



Usefulness: fields

Cultural expertise is most useful in 'Migration law' (22%, 56), followed by 'More useful in criminal law rather than civil law' (43%, 111), 'Other' (9%, 23) and 'More useful in civil law than criminal law' (26%, 68).

Areas of law where cultural expertise is more useful	%	#
Migration law	22%	56
More in criminal law than in civil law	43%	111
Other	9%	23
More in civil law than in criminal law	26%	68
Total	100%	258



Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

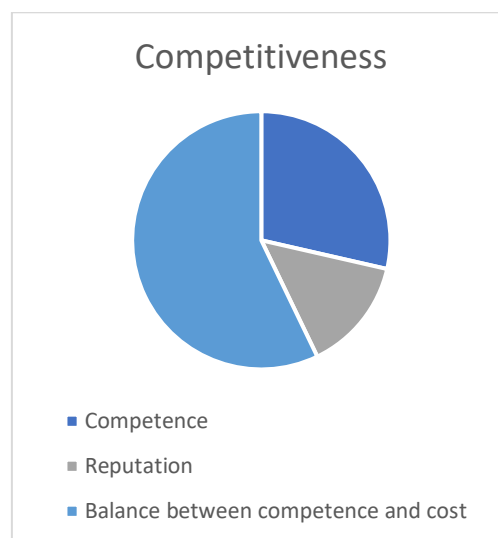
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Competitiveness

Experts thought that their expertise was competitive because of 'Balance between competence and cost' (57%, 4), followed by 'Competence' (29%, 2) and 'Reputation' (14%, 1).

Competitiveness	%	#
Competence	29%	2
Reputation	14%	1
Balance between competence and cost	57%	4
Total	100%	22



Reputation of Experts

The majority of experts said that they had been 'Regularly instructed/ appointed as expert for many years' (58%, 11), followed by 'Other' (32%, 6), and 'The cases in which expert opinion was provided were successful' (10%, 2).

Reputation of experts	%	#
Regularly instructed/appointed as an expert for many years	42%	5
Other	50%	6
Expert opinions have been successful	8%	1
Total	100%	12



Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

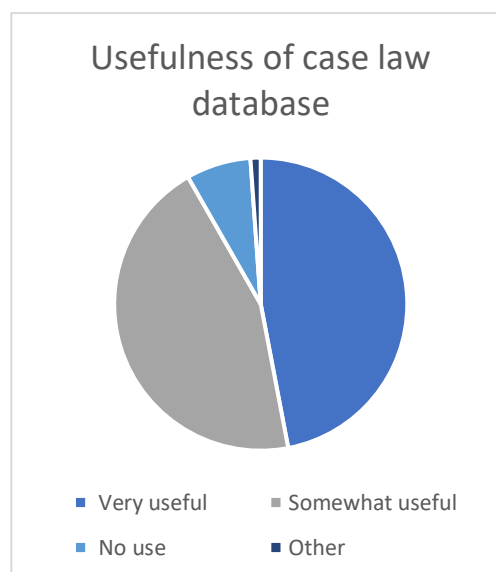
Date of Revision: 01/02/2022

Improved Access

Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be 'Very useful' (47%, 125), followed by 'Somewhat useful' (45%, 119), of 'No use' (7%, 19). (1%, 2) chose 'Other'.

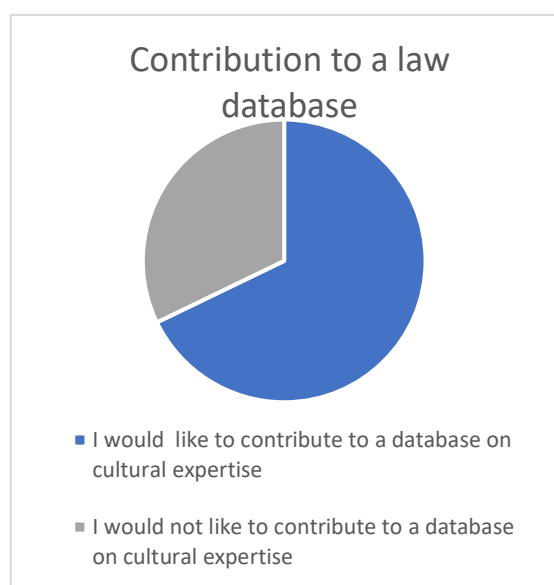
Usefulness of case law database	%	#
Very useful	47%	125
Somewhat useful	45%	119
No use	7%	19
Other	1%	3
Total	100%	266



Contribution to law database

Most respondents did wish to contribute to the establishment of a case law database (68%, 116), while close to one third of respondents did not (32%, 55).

Contribution to a law database	%	#
I would like to contribute to a database on cultural expertise	68%	116
I would not like to contribute to a database on cultural expertise	32%	55
Total	100%	171



Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Ekaterina Gorbunova

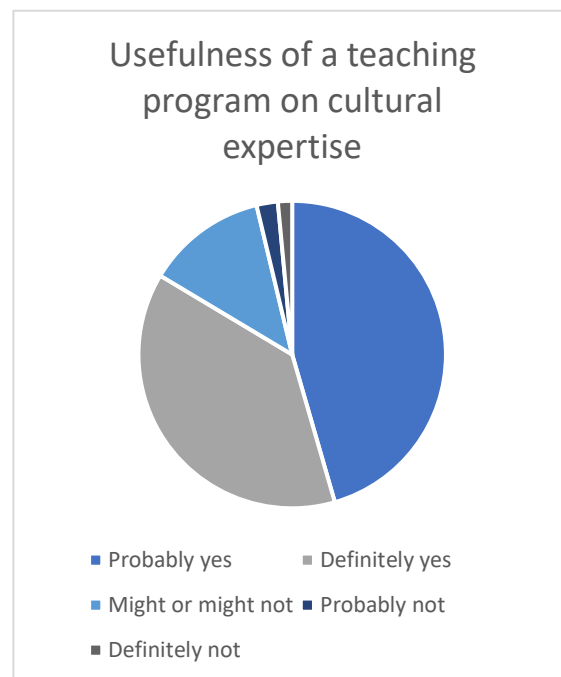
Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was ‘Probably yes’ (46%, 122), followed by ‘Definitely yes’ (38%, 102), ‘Might or might not’ (13%, 34), ‘Probably not’ (2%, 6) and ‘Definitely not’ (1%, 4).

Usefulness of a teaching program on cultural expertise	%	#
Probably yes	46%	122
Definitely yes	38%	102
Might or might not	13%	34
Probably not	2%	6
Definitely not	1%	4
Total	100%	268



Organisations interested in a teaching program

With regards to the question on interest in the teaching program, the most common response was ‘Interested in teaching cultural expertise themselves’ (63%, 36), followed by ‘Know educational organisations which may be interested’ (23%, 13) and ‘Know professional organisations that may be interested’ (14%, 8).

Portugal Data Summary

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

PI: Livia Holden | Post-Doc: Anna Tsalapatanis: Data Collector: Ekaterina Gorbunova

Date of First Publication: 20/07/2019

Date of Revision: 01/02/2022

Organisations interested in a teaching program	%	#
Know educational institutions interested in teaching	23%	13
Know professional organisations interested in teaching	14%	8
Interested in teaching themselves	63%	36
Total	100%	57

