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EURO-EXPERT: Portugal Data Summary

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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

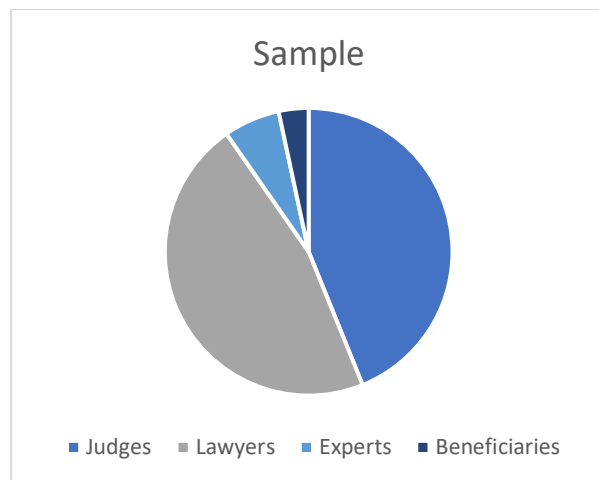
Date of First Publication: 20/07/2019

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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.

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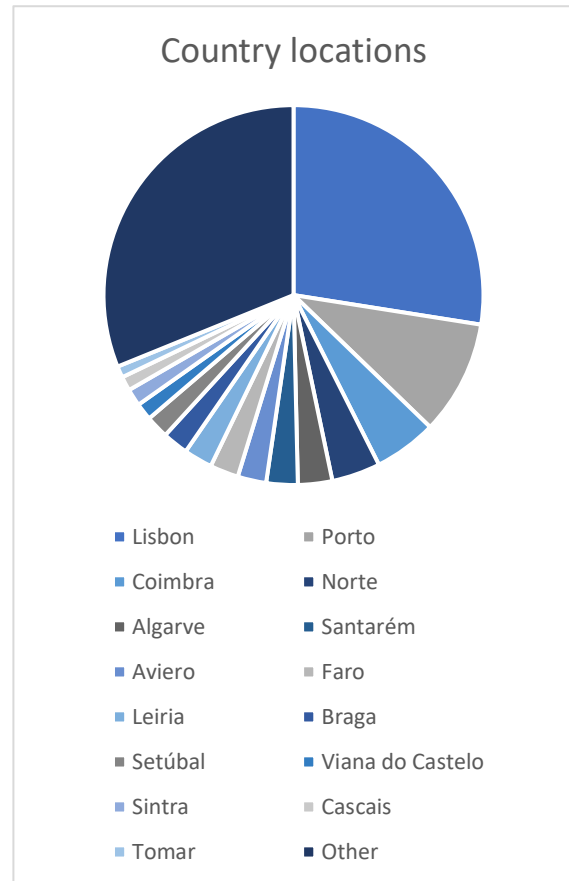
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Country locations	%	#
Lisbon	27%	113
Porto	10%	40
Coimbra	5%	22
Norte	4%	17
Algarve	3%	12
Santarém	3%	11
Aviero	2%	10
Faro	2%	10
Leiria	2%	10
Braga	2%	9
Setúbal	2%	8
Viana do Castelo	1%	6
Sintra	1%	6
Cascais	1%	5
Tomar	1%	4
Other	31%	128
Total	100%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

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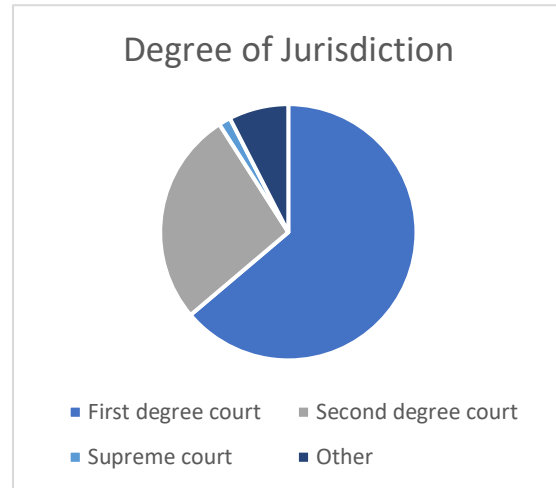
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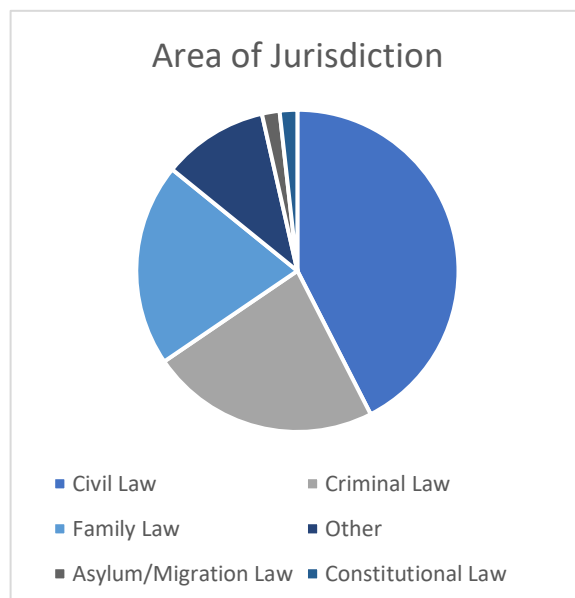
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Degree of Jurisdiction	%	#
First degree court	64%	127
Second degree court	26%	54
Supreme court	2%	3
Other	8%	15
Total	100%	199



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



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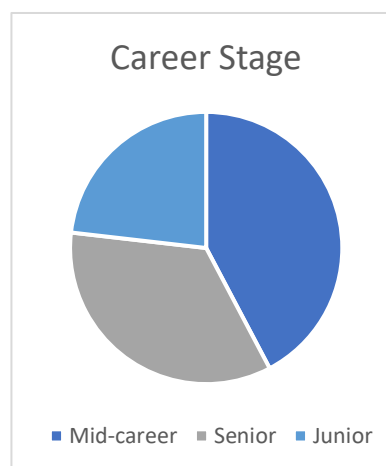
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Lawyers

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.

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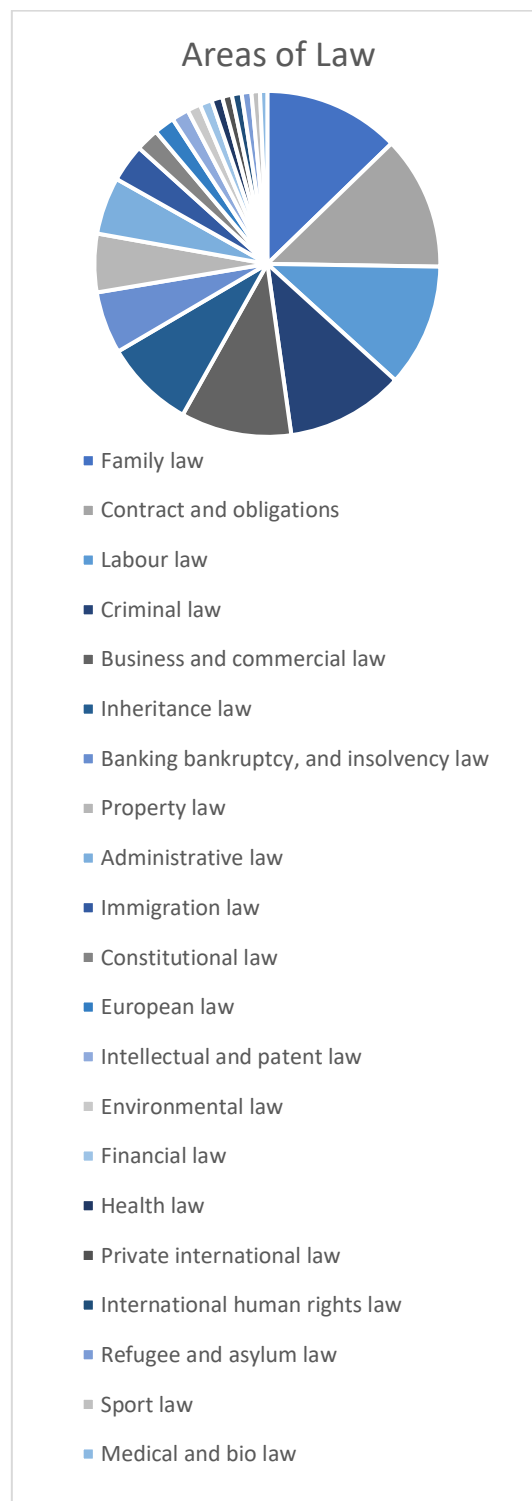
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Areas of Law	%	#
Family law	13%	112
Contract and obligations	13%	110
Labour law	11%	101
Criminal law	11%	97
Business and commercial law	10%	91
Inheritance law	8%	74
Banking bankruptcy, and insolvency law	6%	51
Property law	5%	48
Administrative law	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



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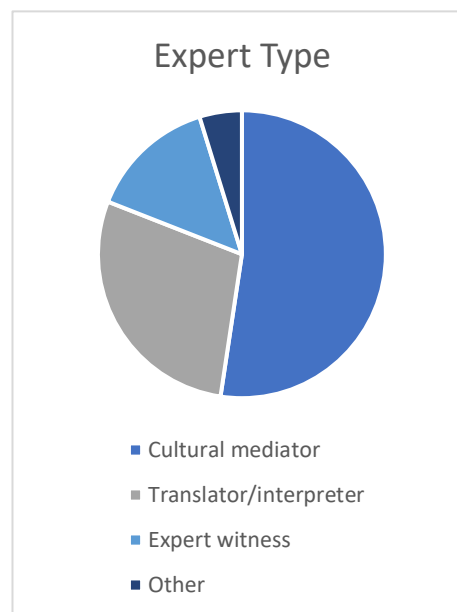
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Experts

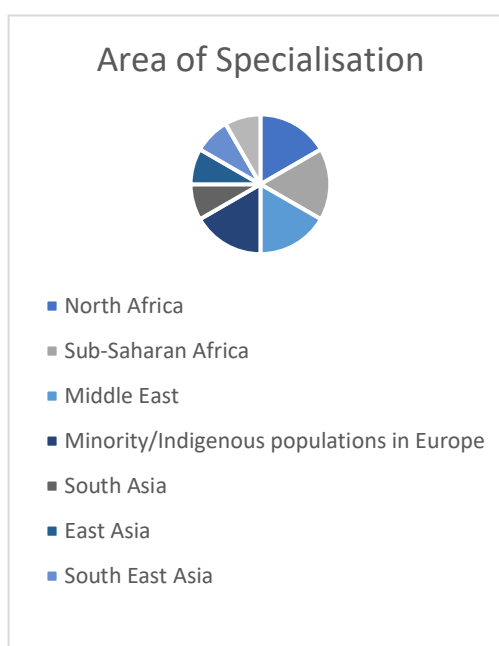
The most common expert type was ‘Cultural mediator’ (52%, 11) followed by ‘Translator/interpreter’ (29%, 6) ‘Expert witness’ (14%, 3) and ‘Other’ (5%, 1).

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



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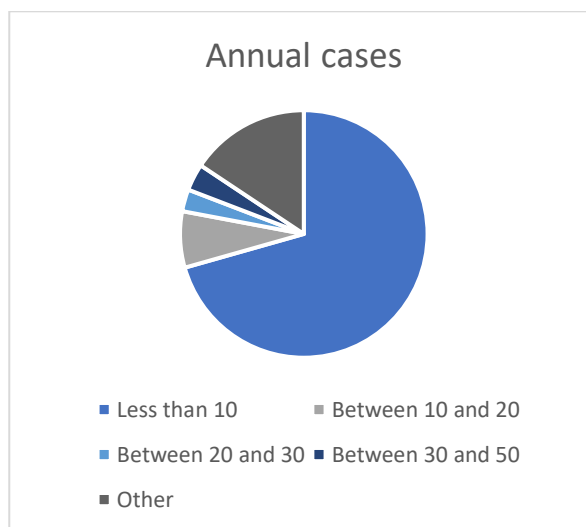
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Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (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).

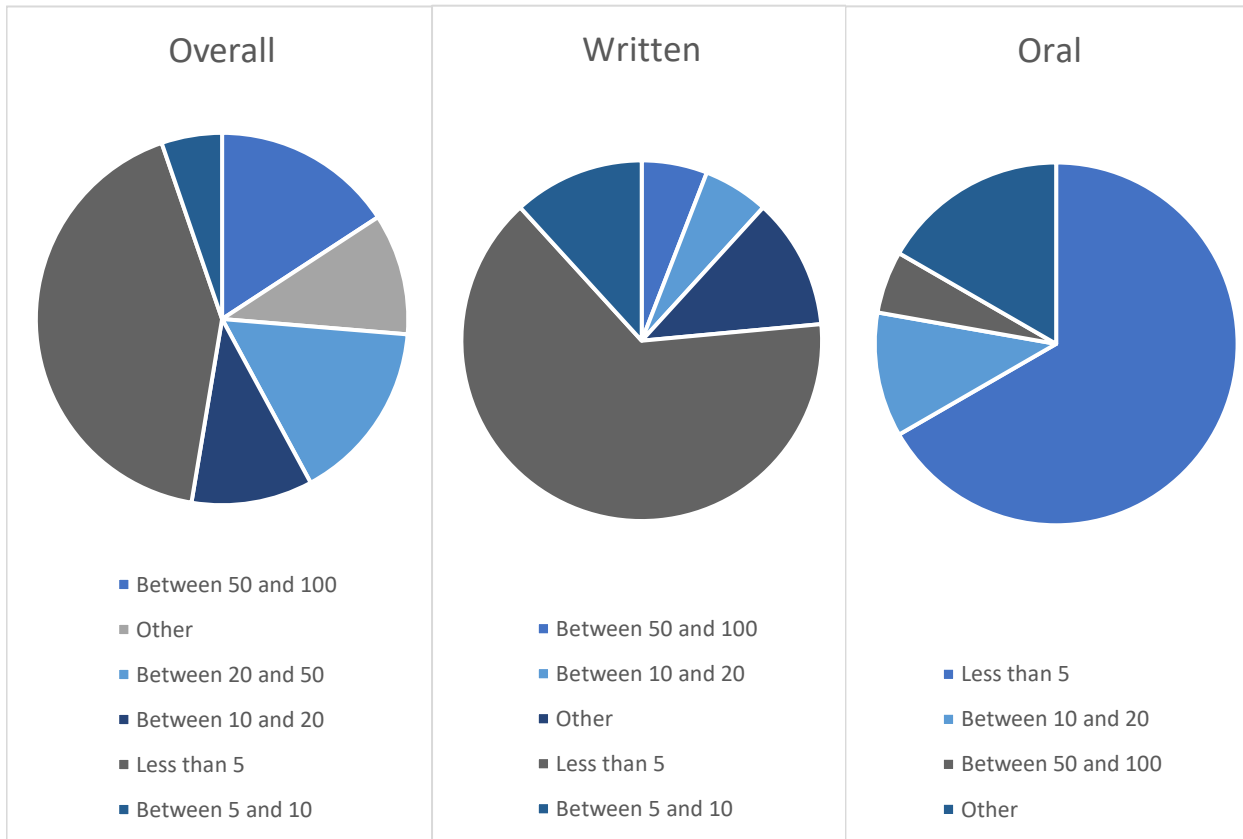
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Fields of law

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.

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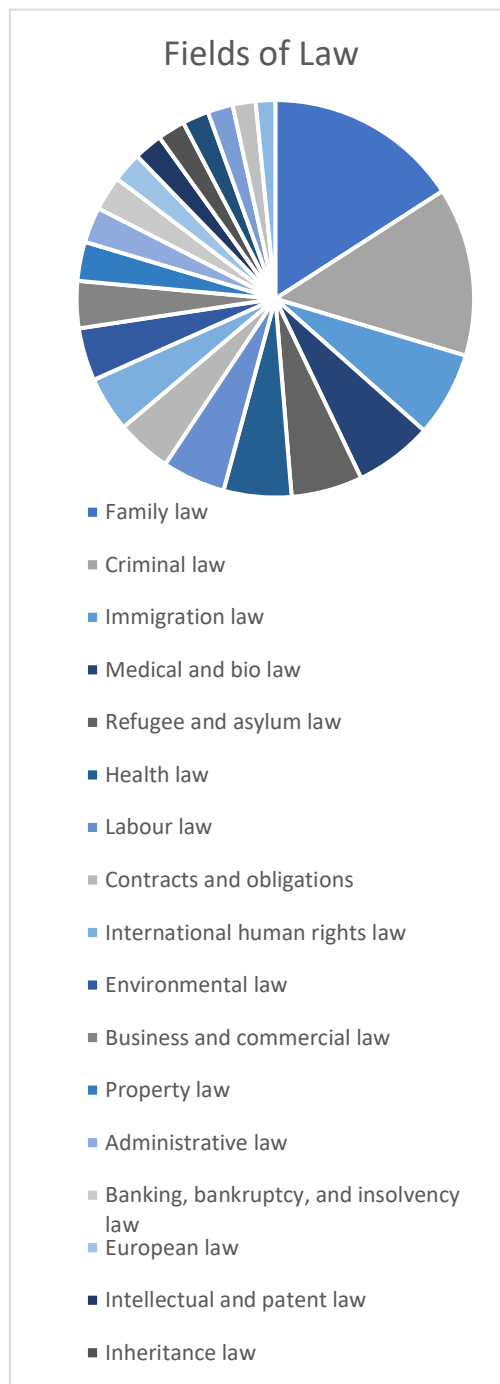
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Fields of Law	%	#
Family law	16%	170
Criminal law	14%	147
Immigration law	7%	74
Medical and bio law	6%	68
Refugee and asylum law	6%	62
Health law	6%	59
Labour law	5%	55
Contracts and obligations	4%	48
International human rights law	4%	48
Environmental 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.

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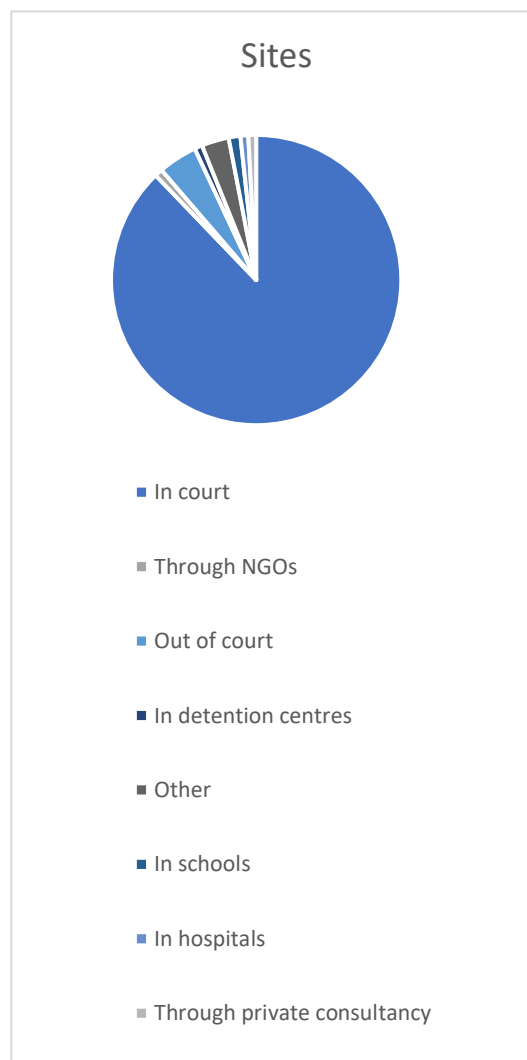
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Sites	%	#
In court	88%	202
Through NGOs	1%	2
Out of court	4%	10
In detention centres	1%	2
Other	3%	7
In schools	1%	3
In hospitals	1%	2
Through private consultancy	1%	2
Total	100%	230



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).

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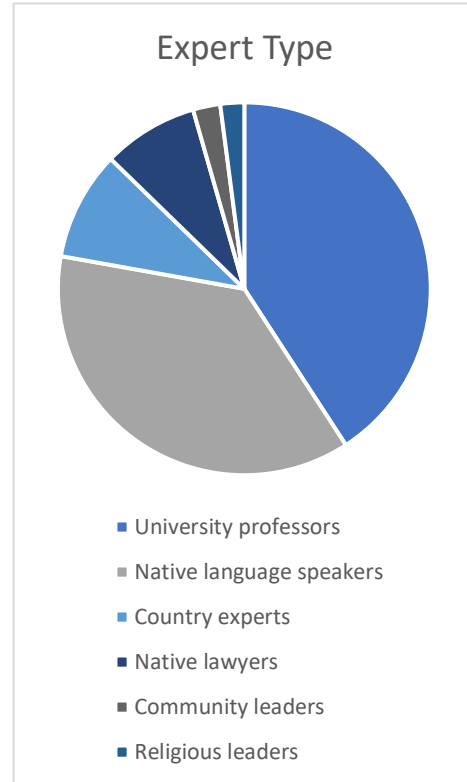
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Expert Type	%	#
University professors	41%	138
Native language speakers	38%	125
Country experts	9%	32
Native lawyers	8%	28
Community leaders	2%	8
Religious leaders	2%	7
Total	100%	338



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).

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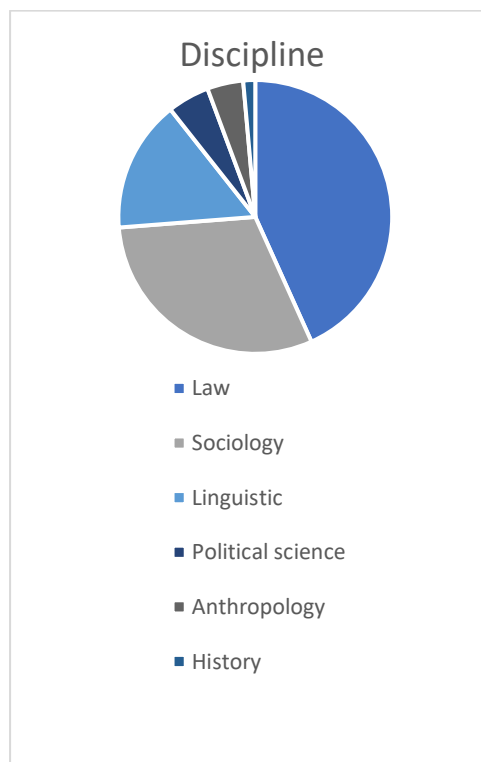
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Discipline	%	#
Law	43%	61
Sociology	30%	43
Linguistic	16%	22
Political science	5%	7
Anthropology	4%	6
History	2%	2
Total	100%	141



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).

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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).

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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



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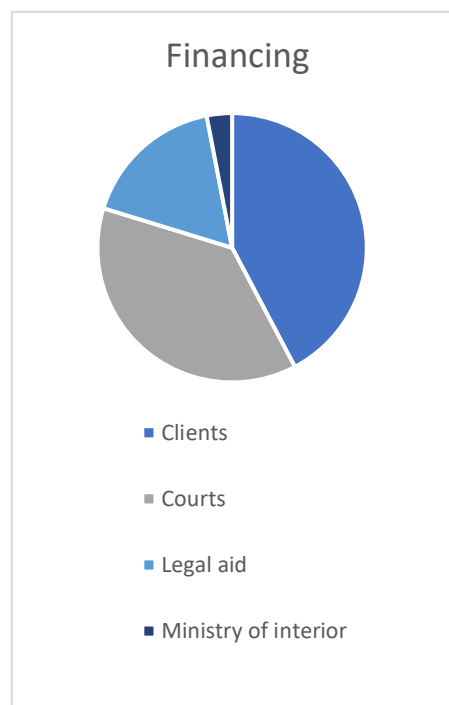
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Cost of Cultural Expertise

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).

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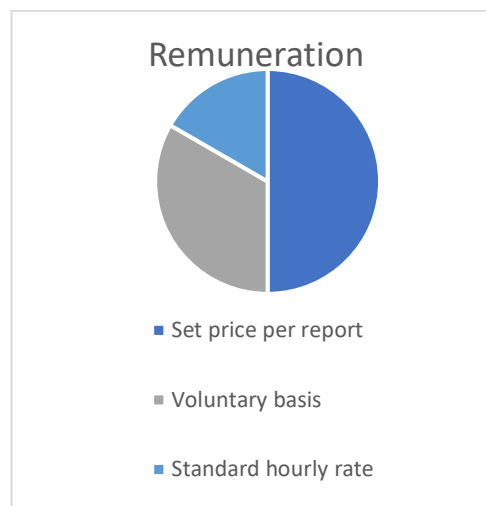
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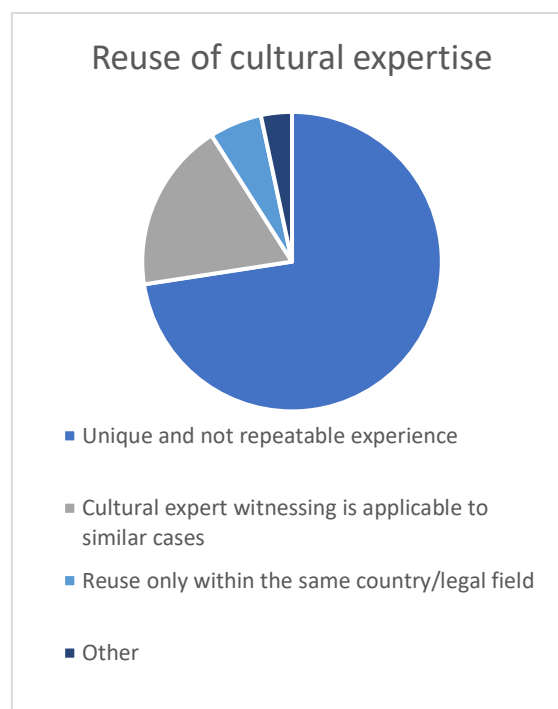
Remuneration of experts	%	#
Set price per report	50%	3
Voluntary basis	33%	2
Standard hourly rate	17%	1
Total	100%	6



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



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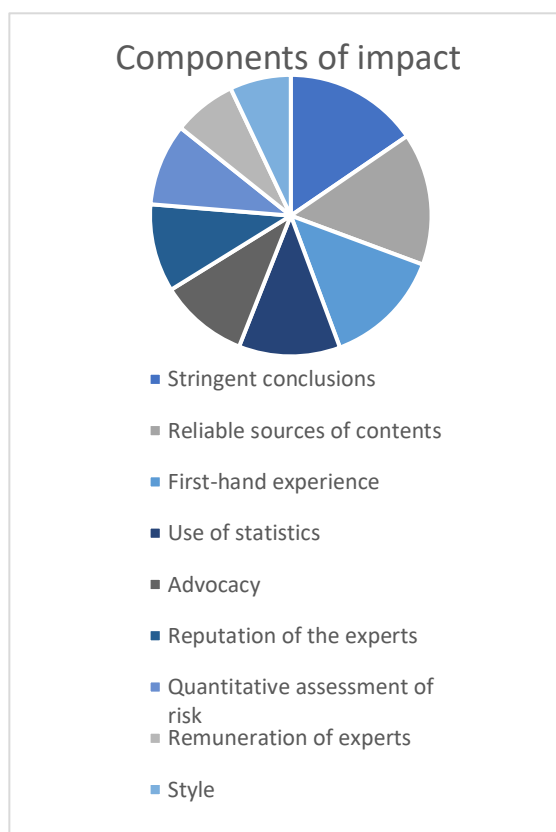
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Impact

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).

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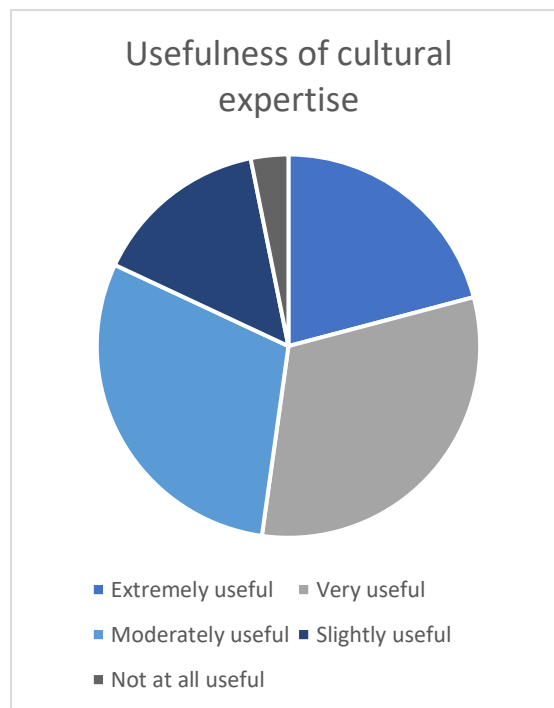
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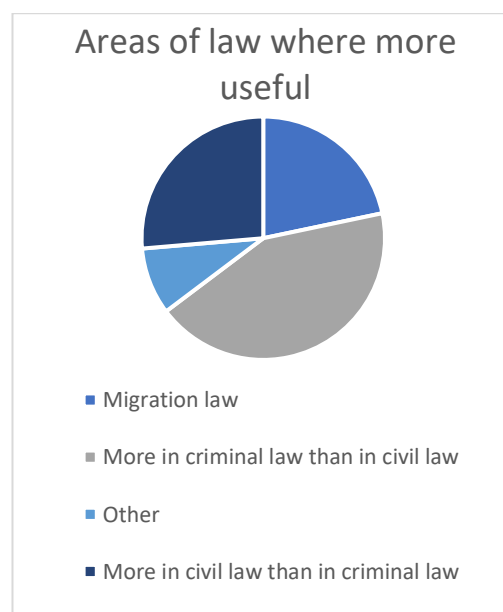
Usefulness of cultural expertise	%	#
Extremely useful	21%	66
Very useful	31%	99
Moderately useful	30%	94
Slightly useful	15%	47
Not at all useful	3%	10
Total	100%	316



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



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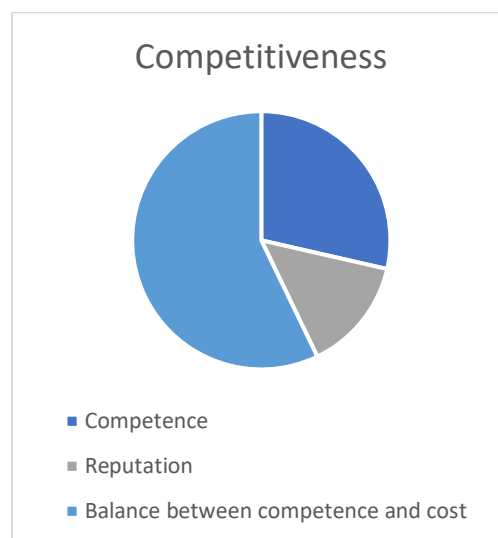
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Competitiveness

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



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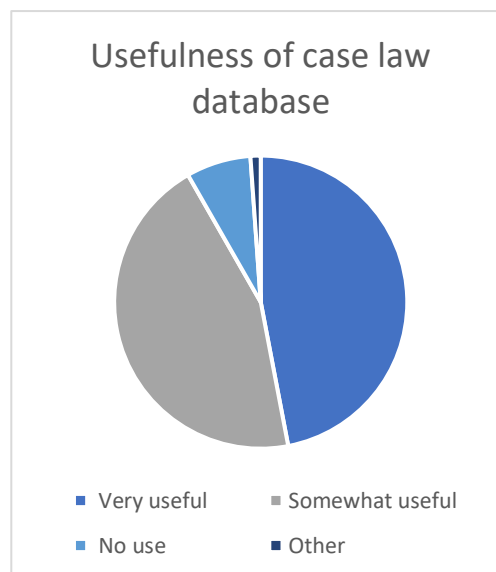
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Improved Access

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'.

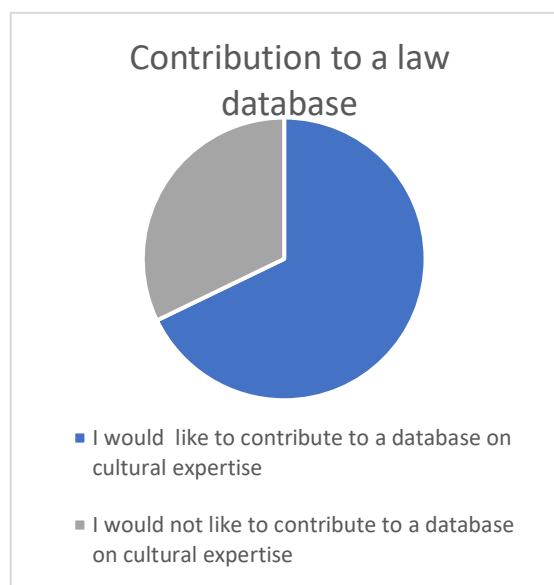
Usefulness of case law database	%	#
Very useful	47%	125
Somewhat useful	45%	119
No use	7%	19
Other	1%	3
Total	100%	266



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

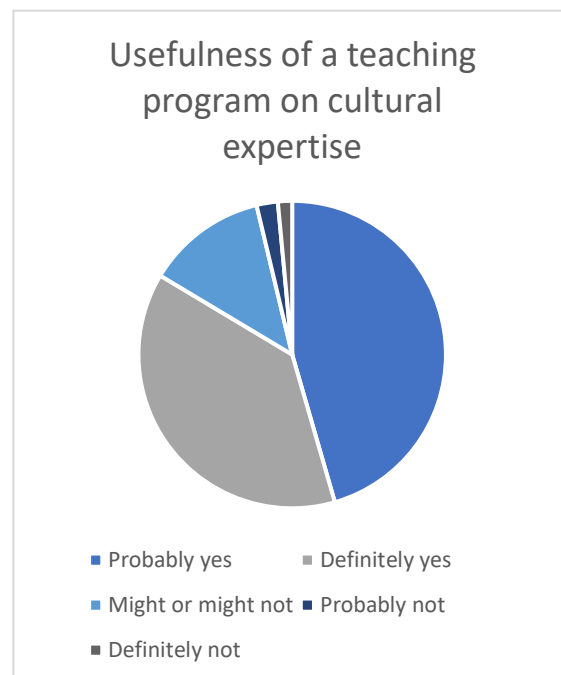
Date of First Publication: 20/07/2019

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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’ (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).

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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

