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EURO-EXPERT: Netherlands Data Summary

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Netherlands Data Summary

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

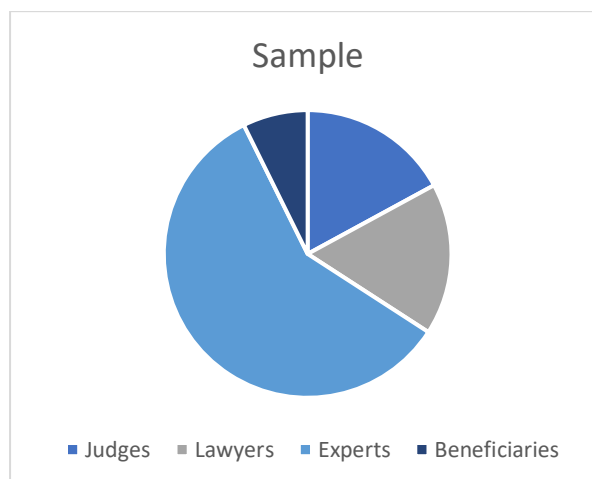
PI: Livia Holden | Post-Doc: Anna Tsalapatani: Data Collector: Stefanie Lemke

Date of First Publication: 30/06/2022

Qualities of Sample

There were 41 responses to the Netherlands survey, of which (17%, 7) were judges, (17%, 7) were lawyers, (59%, 24) were experts and (7%, 3) were beneficiaries.

| Respondent categories | % | # |
|-----------------------|------|----|
| Judges | 17% | 7 |
| Lawyers | 17% | 7 |
| Experts | 59% | 24 |
| Beneficiaries | 7% | 3 |
| Total | 100% | 41 |



Country locations

Of the (70%, 29), of respondents who indicated their location, (24%, 7) were based on Amsterdam, followed by Almere (14%, 4), Utrecht (10%, 3), Other (10%, 3), South Holland (10%, 3), Rotterdam (7%, 2), with all the remaining, Leiden, Purmerend, Tilburg, Friesland, The Hague, Maastricht and Limburg accounting for (3%, 1).

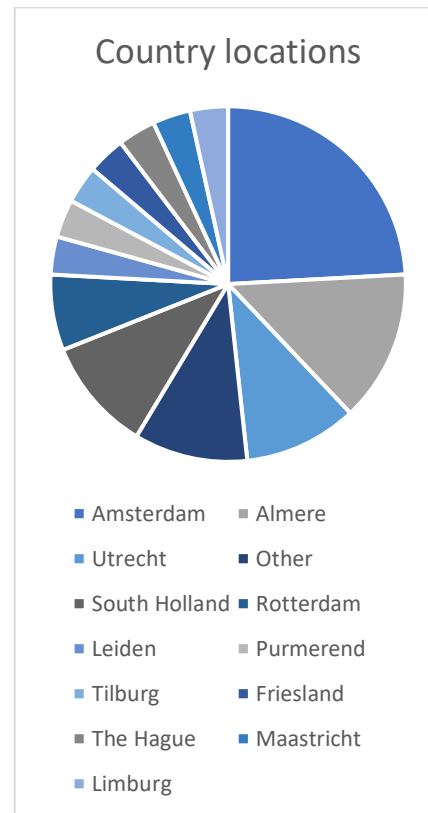
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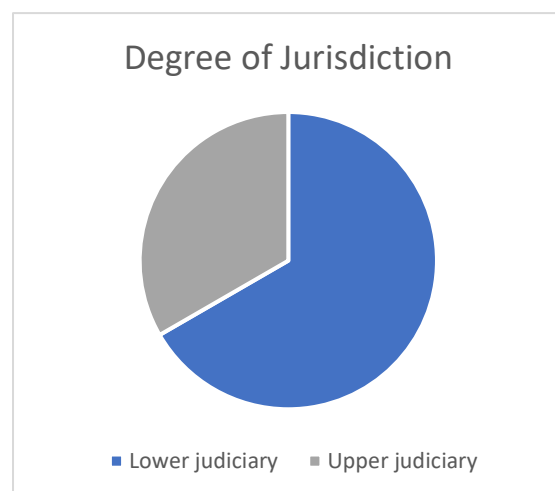
| Country locations | % | # |
|-------------------|------|----|
| Amsterdam | 24% | 7 |
| Almere | 14% | 4 |
| Utrecht | 10% | 3 |
| Other | 10% | 3 |
| South Holland | 10% | 3 |
| Rotterdam | 7% | 2 |
| Leiden | 3% | 1 |
| Purmerend | 3% | 1 |
| Tilburg | 3% | 1 |
| Friesland | 3% | 1 |
| The Hague | 3% | 1 |
| Maastricht | 3% | 1 |
| Limburg | 3% | 1 |
| Total | 100% | 29 |



Judges

The most common degree of jurisdiction for Judges was 'Lower judiciary' (66%, 2), followed by 'Upper judiciary' (33%, 1).

| Degree of Jurisdiction | % | # |
|------------------------|------|---|
| Lower judiciary | 66% | 2 |
| Upper judiciary | 33% | 1 |
| Total | 100% | 3 |



Netherlands Data Summary

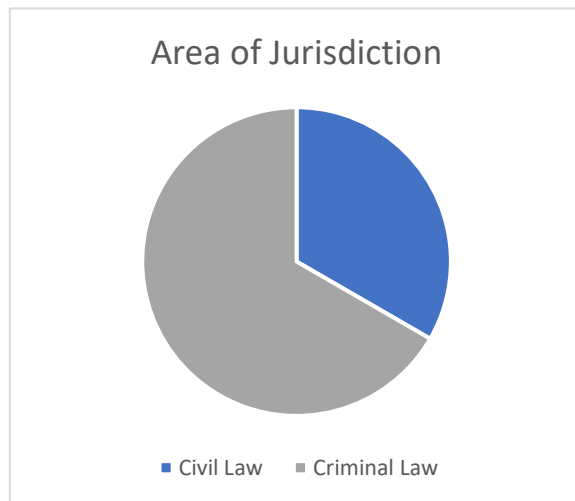
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The most common area of jurisdiction was ‘Criminal law’ (66%, 2), followed by ‘Civil law’ (33%, 1).

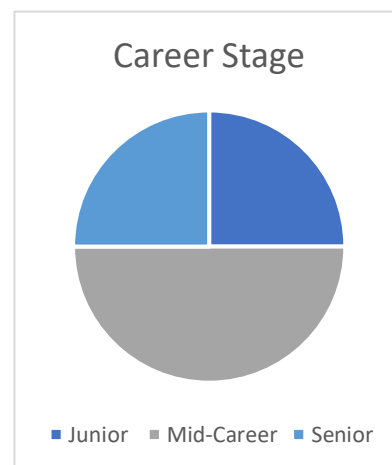
| Area of Jurisdiction | % | # |
|----------------------|------|---|
| Civil Law | 33% | 1 |
| Criminal Law | 66% | 2 |
| Total | 100% | 3 |



Lawyers

Out of the 4 lawyers who responded, (50%, 2) indicated ‘Mid-career’, followed by ‘Senior’ and ‘Junior’ (25%, 1) each.

| Career Stage | % | # |
|--------------|------|---|
| Mid-career | 50% | 2 |
| Senior | 25% | 1 |
| Junior | 25% | 1 |
| Total | 100% | 4 |



For the areas of law practiced, ‘European Law’ and ‘Family law’ (20%, 2) were the most common, followed by ‘Criminal law’, ‘Business and commercial law’, ‘Inheritance law’, ‘Contract and obligation law’, ‘Property law’ and ‘Private international law’ (10%, 1) each.

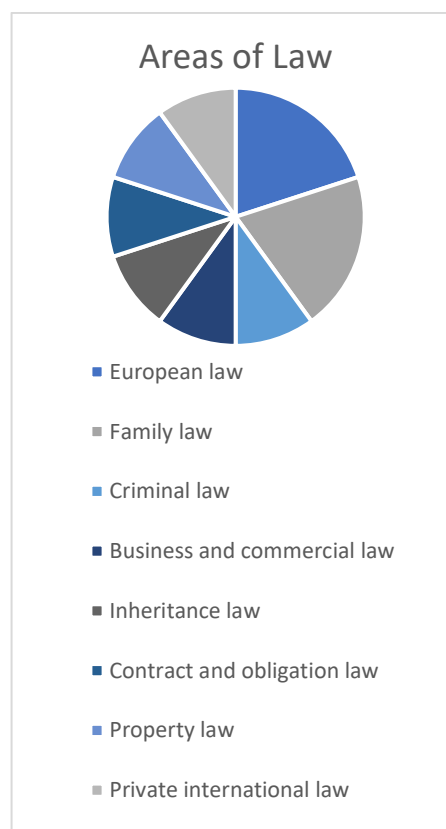
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| Areas of Law | % | # |
|-----------------------------|------|----|
| European law | 20% | 2 |
| Family law | 20% | 2 |
| Criminal law | 10% | 1 |
| Business and commercial law | 10% | 1 |
| Inheritance law | 10% | 1 |
| Contract and obligation law | 10% | 1 |
| Property law | 10% | 1 |
| Private international law | 10% | 1 |
| Total | 100% | 10 |



Experts

The most common expert type was 'Expert Witness' (63%, 12) followed by 'Translator/interpreter' (27%, 5), 'Cultural mediator' and 'Other' (5%, 1) each.

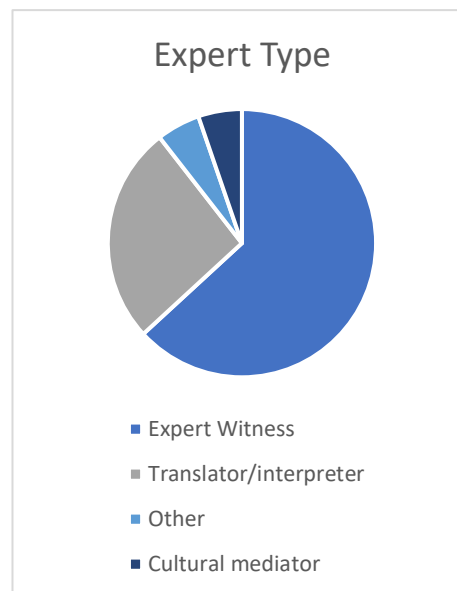
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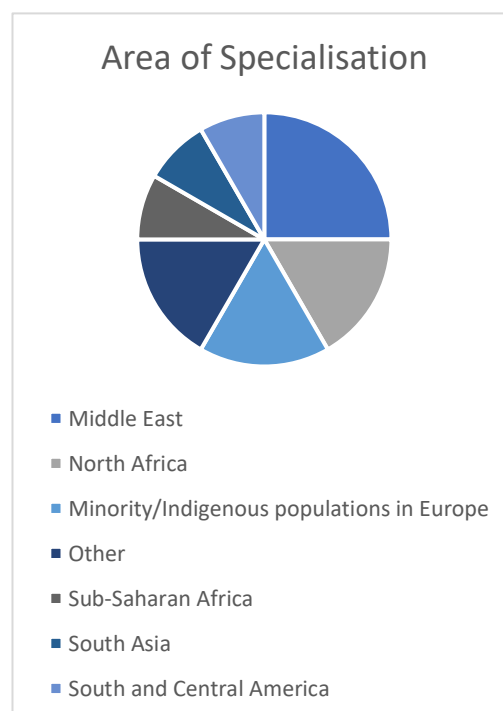
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| Expert Type | % | # |
|------------------------|------|----|
| Expert Witness | 63% | 12 |
| Translator/interpreter | 27% | 5 |
| Other | 5% | 1 |
| Cultural mediator | 5% | 1 |
| Total | 100% | 19 |



The most common response to the question regarding area of specialisation was 'Middle East' (25%, 3) followed by 'North Africa', 'Minority/Indigenous Populations in Europe', 'Other' (17%, 2) each and 'Sub-Saharan Africa', 'South Asia', 'South and Central America' (8%, 1) each.

| Area of Specialisation | % | # |
|---|------|----|
| Middle East | 25% | 3 |
| North Africa | 17% | 2 |
| Minority/Indigenous populations in Europe | 17% | 2 |
| Other | 17% | 2 |
| Sub-Saharan Africa | 8% | 1 |
| South Asia | 8% | 1 |
| South and Central America | 8% | 1 |
| Total | 100% | 12 |



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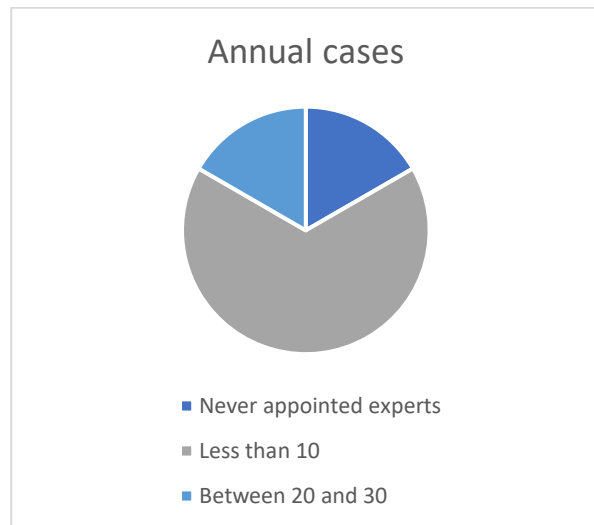
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Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (66%, 4) chose 'Less than 10' followed by 'Between 20 and 30' and 'Never appointed experts' (17%, 1) each.

| Annual cases | % | # |
|-------------------------|------|---|
| Never appointed experts | 17% | 1 |
| Less than 10 | 66% | 4 |
| Between 20 and 30 | 17% | 1 |
| Total | 100% | 6 |



(41%, 7) of experts provided written reports in 'Less than 5 cases', (24%, 4) indicated a number of written reports between 50 and 100, (18%, 3) choose 'Other' and (6%, 1) indicated between 10 and 20.

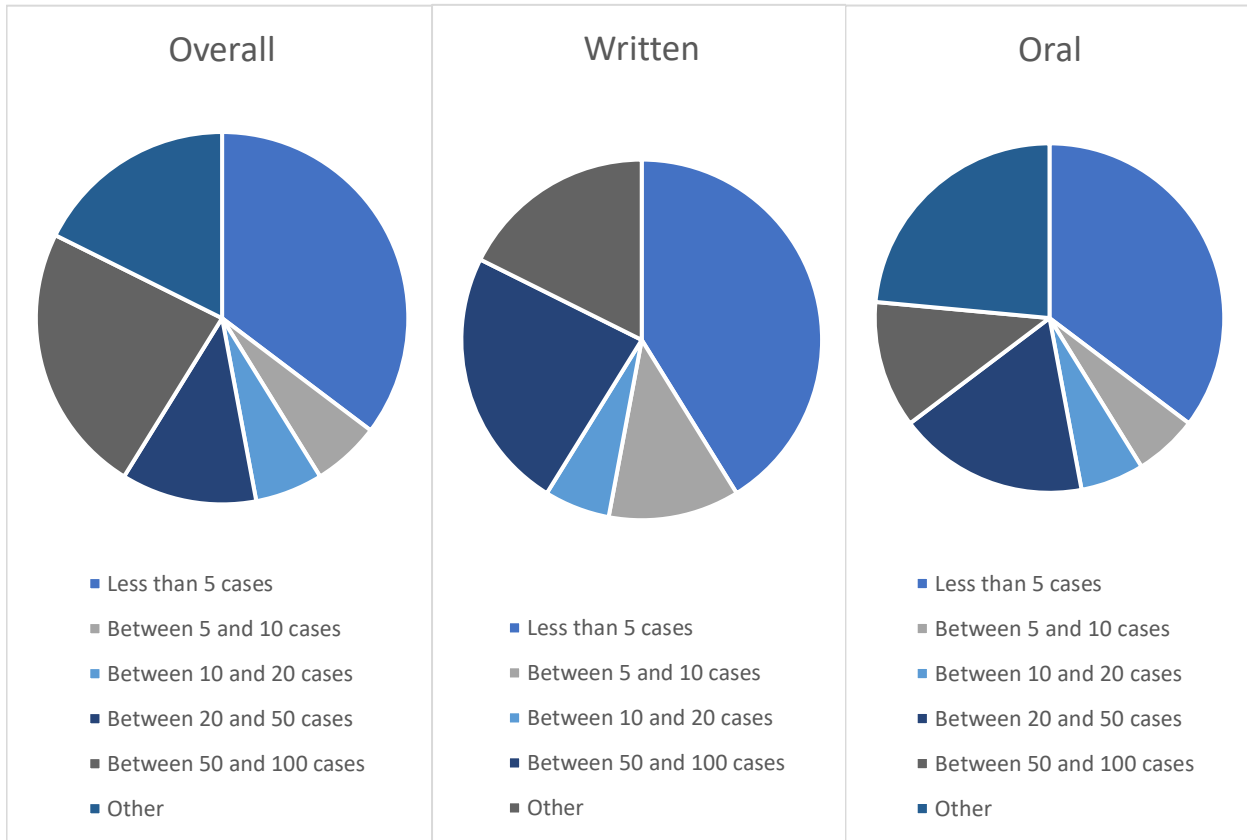
(35%, 6) of experts provided 'Less than 5' oral reports, (24%, 4) choose 'Other', (18%, 3) 'Between 20 and 50', (12%, 2) indicated 'Between 50 and 100' and (6%, 1) indicated a number of oral reports 'Between 5 and 10' and 'Between 10 and 20'.

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Fields of law

The most common area of use of cultural expertise was 'Criminal law' (26%, 11), followed by 'Family law' (12%, 5), 'Immigration law', 'Private international law', 'Refugee and asylum law' (7%, 3) each, 'Inheritance law', 'International human rights law' (5%, 2) each, with all the remaining areas accounting for 2%.

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| Fields of Law | % | # |
|--------------------------------|------|----|
| Criminal law | 26% | 11 |
| Family law | 12% | 5 |
| Immigration law | 7% | 3 |
| Private international law | 7% | 3 |
| Refugee and asylum law | 7% | 3 |
| Inheritance law | 5% | 2 |
| International human rights law | 5% | 2 |
| Administrative law | 2% | 1 |
| Business and commercial law | 2% | 1 |
| Constitutional law | 2% | 1 |
| Contracts and obligations | 2% | 1 |
| European law | 2% | 1 |
| Financial law | 2% | 1 |
| Health law | 2% | 1 |
| Intellectual and patent law | 2% | 1 |
| Labour law | 2% | 1 |
| Property law | 2% | 1 |
| Medical and bio law | 2% | 1 |
| Environmental law | 2% | 1 |
| Sports law | 2% | 1 |
| Other | 2% | 1 |
| Total | 100% | 43 |



Sites

The most common site of cultural expertise was 'In court' (29%, 8), followed by 'Out of Court' (18%, 5), 'In detention Centres' (14%, 4), 'In universities' and 'In hospitals' (11%, 3) each, 'In schools' (7%, 2), 'Through NGOs', 'Through private consultancy' and 'Other' (4%, 1) each.

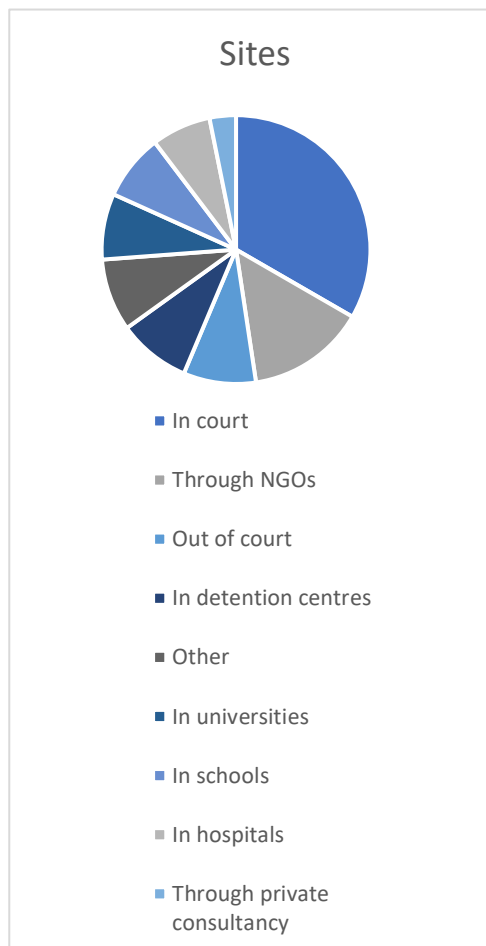
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| Sites | % | # |
|-----------------------------|------|----|
| In court | 29% | 8 |
| Out of court | 18% | 5 |
| In detention centres | 14% | 4 |
| In universities | 11% | 3 |
| In hospitals | 11% | 3 |
| In schools | 7% | 2 |
| Through NGOs | 4% | 1 |
| Through private consultancy | 4% | 1 |
| Other | 4% | 1 |
| Total | 100% | 28 |



Typology of Experts

The most common response to the question regarding the expert type was 'Native lawyers' (50%, 4) followed by 'Other' (38%, 3) and 'University professors' (12%, 1).

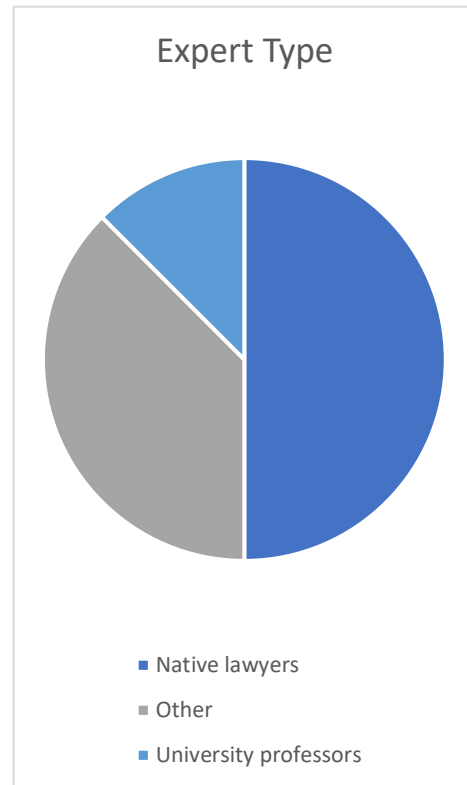
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| Expert Type | % | # |
|-----------------------|------|---|
| Native lawyers | 50% | 4 |
| Other | 38% | 3 |
| University professors | 12% | 1 |
| Total | 100% | 8 |



Discipline

The respondent who selected 'University professors' chose 'Other'.

Modalities

Appointment of Experts

The most common factors influencing the decision to appoint were 'Client request', 'The law allows the appointment of experts' (16%, 5) and 'The court is keen to hear cultural arguments' (16%, 5) each, followed by 'Useful for an out of court settlement' (13%, 4), 'Experts facilitate successful legal outcomes' (9%, 3), 'Cost', 'The reputation of the expert', 'Advised by the court', 'The court/prosecutor/Home Office have already appointed their expert' (6%, 2) each and 'Time' and 'Other' (3%, 1) each.

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| How experts are selected | % | # |
|--|------|----|
| Client request | 16% | 5 |
| The law allows | 16% | 5 |
| The court is keen to hear cultural arguments | 16% | 5 |
| Useful for an out of court settlement | 13% | 4 |
| Experts facilitate successful legal outcomes | 9% | 3 |
| Cost | 6% | 2 |
| The reputation of the expert | 6% | 2 |
| Advised by the court | 6% | 2 |
| The court/prosecutor/Home Office have already appointed their expert | 6% | 2 |
| Time | 3% | 1 |
| Other | 3% | 1 |
| Total | 100% | 32 |



Most experts started giving opinions after being ‘Contacted by a court’ (50%, 5), followed by ‘Referred by a colleague’ (30%, 3), with the two remaining options being selected by a single respondent, 10% each.

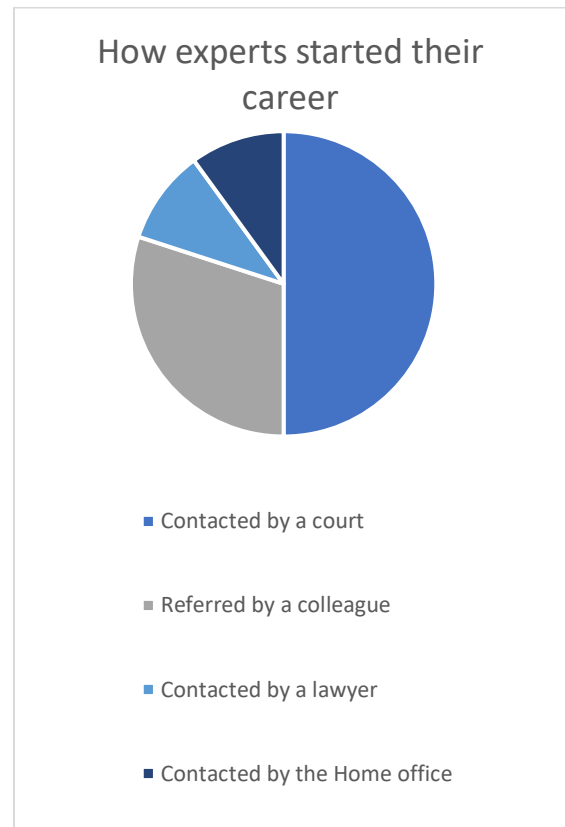
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| How experts started their career | % | # |
|----------------------------------|------|----|
| Contacted by a court | 50% | 5 |
| Referred by a colleague | 30% | 3 |
| Contacted by a lawyer | 10% | 1 |
| Contacted by the Home office | 10% | 1 |
| Total | 100% | 10 |



Experts were most frequently ‘Instructed by courts’ (38%, 9), followed by ‘Contacted directly by clients’ and ‘Instructed by lawyers as need arises clients’ (17%, 4) each, ‘Instructed by the Ministry of the Interior’ (13%, 3), ‘Work as an expert for NGOs’ and ‘Other’ (4%, 1) each.

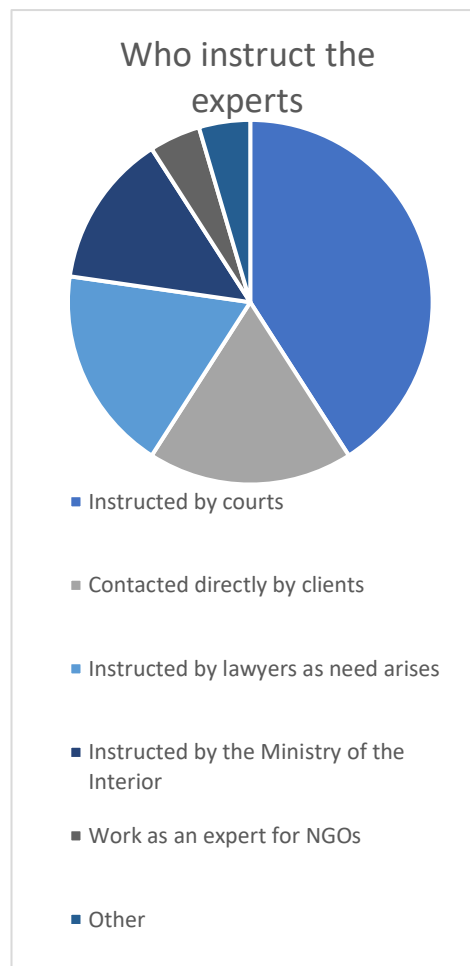
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| Who instructs the experts | % | # |
|--|-------------|-----------|
| Instructed by courts | 38% | 9 |
| Contacted directly by clients | 17% | 4 |
| Instructed by lawyers as need arises | 17% | 4 |
| Instructed by the Ministry of the Interior | 13% | 3 |
| Work as an expert for NGOs | 4% | 1 |
| Other | 4% | 1 |
| Total | 100% | 24 |



Cost of Cultural Expertise

Cultural expertise is most commonly financed by ‘Courts’ (26%, 5), followed by ‘Legal aid’ ‘Clients’, ‘Home office’ (21%, 4) each and ‘Other’ (11%, 2).

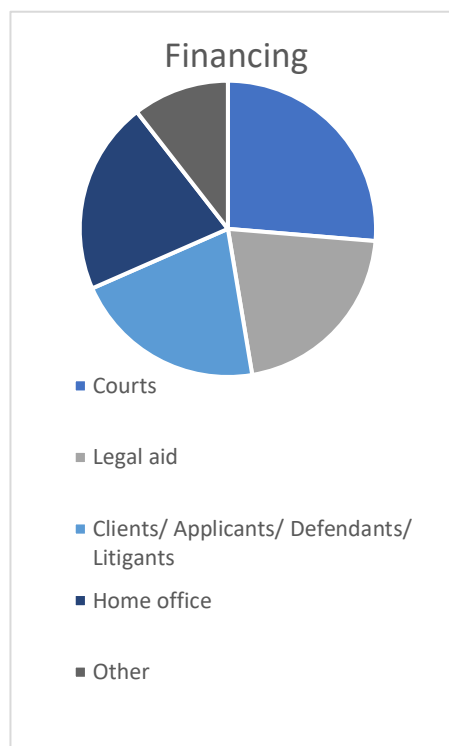
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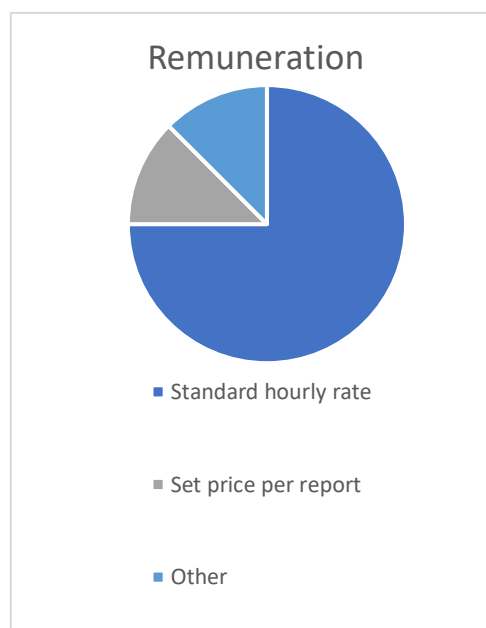
| How are experts paid? | % | # |
|---|------|----|
| Courts | 26% | 5 |
| Legal aid | 21% | 4 |
| Clients/ Applicants/ Defendants/ Litigants | 21% | 4 |
| Home office | 21% | 4 |
| Other | 11% | 2 |
| Total | 100% | 19 |



Remuneration of cultural expertise

Over half of responses indicated that experts were paid at a 'Standard hourly rate' (74%, 6), followed by 'Set price per report' and 'Other' (13%, 1) each.

| Remuneration of experts | % | # |
|-------------------------|------|---|
| Standard hourly rate | 74% | 6 |
| Set price per report | 13% | 1 |
| Other | 13% | 1 |
| Total | 100% | 8 |



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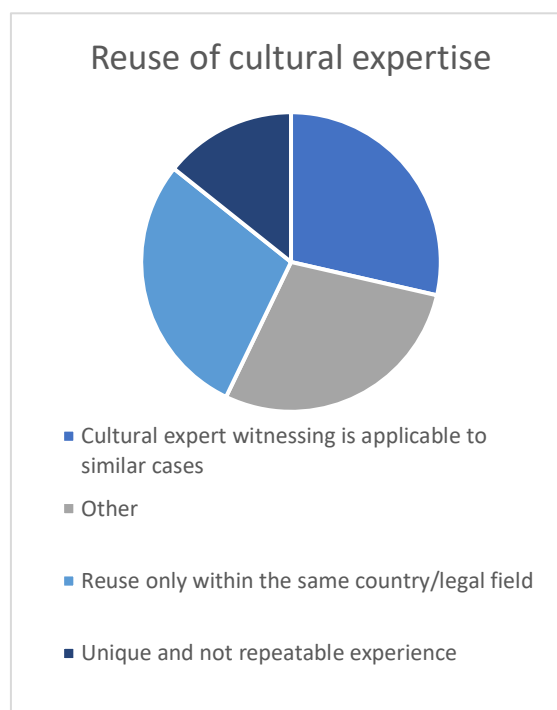
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Reuse of cultural expertise

The three most frequent responses to the question of the reuse of cultural expertise were 'Cultural expert witnessing is applicable to similar cases', 'Reuse only within the same country/legal field' and 'Other' (29%, 2) each, followed by 'Unique and not repeatable experience' (13%, 1).

| Reuse of cultural expertise | % | # |
|---|------|---|
| Cultural expert witnessing is applicable to similar cases | 29% | 2 |
| Other | 29% | 2 |
| Reuse only within the same country/legal field | 29% | 2 |
| Unique and not repeatable experience | 13% | 1 |
| Total | 100% | 7 |



Impact

Components of Impact

The most common components of impact include 'Reliable sources of contents' (31%, 10), followed by 'Use of statistics', 'First-hand experience', 'Style' (13%, 4) each, 'Stringent conclusions' (9%, 3), 'Quantitative assessment of risk', 'Advocacy', 'Reputation of the experts' (6%, 2) each and 'Remuneration of experts' (3%, 1).

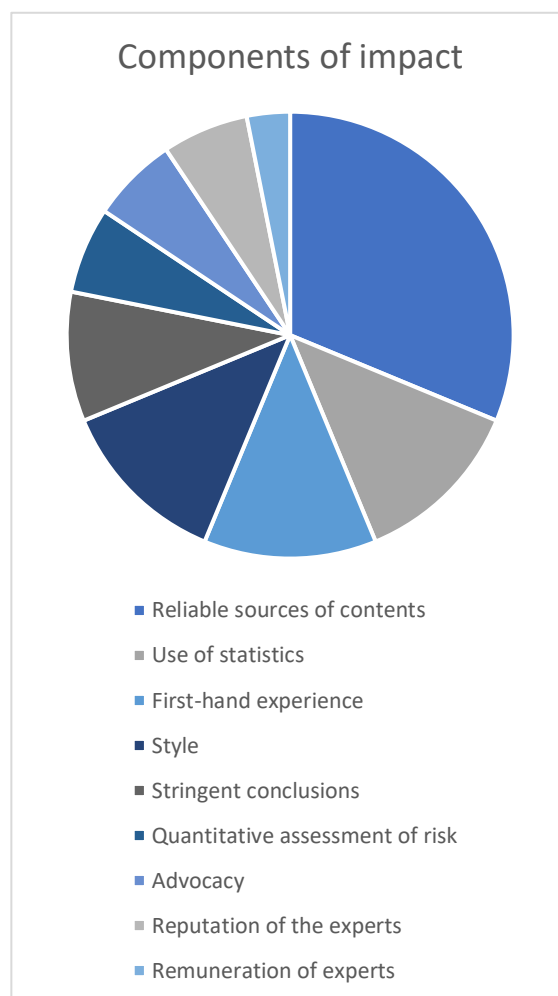
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| Components of impact | % | # |
|---------------------------------|------|----|
| Reliable sources of contents | 31% | 10 |
| Use of statistics | 13% | 4 |
| First-hand experience | 13% | 4 |
| Style | 13% | 4 |
| Stringent conclusions | 9% | 3 |
| Quantitative assessment of risk | 6% | 2 |
| Advocacy | 6% | 2 |
| Reputation of the experts | 6% | 2 |
| Remuneration of experts | 3% | 1 |
| Total | 100% | 32 |



Usefulness

The most common responses to the question regarding the usefulness of cultural expertise were 'Very useful' and 'Slightly useful' (29%, 2) each, followed by 'Moderately useful', 'Extremely useful' and 'Not at all useful' (14%, 1) each.

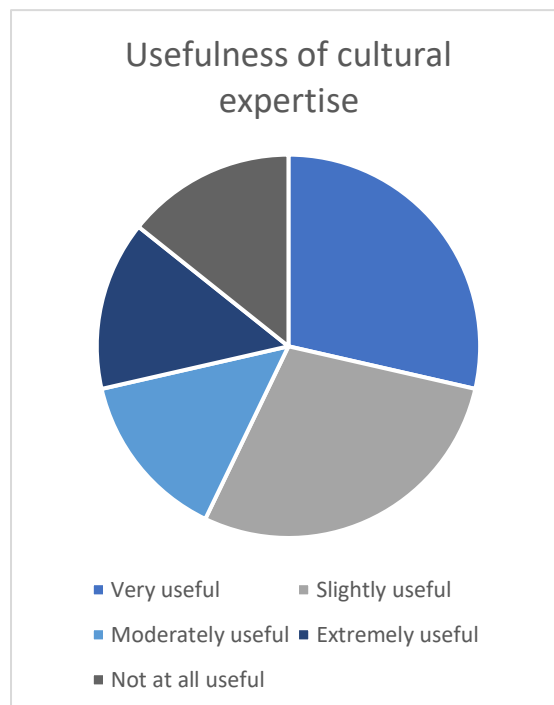
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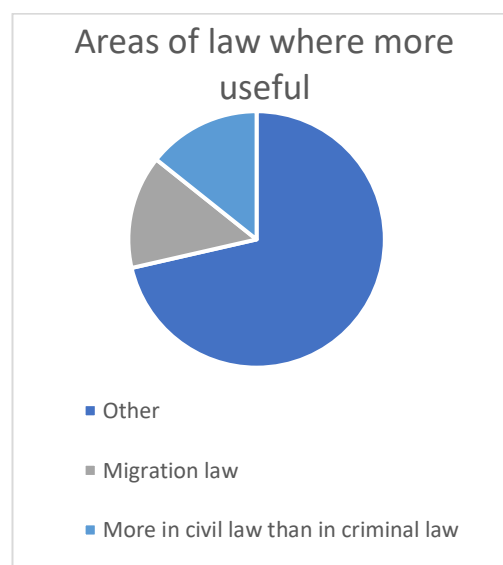
| Usefulness of cultural expertise | % | # |
|----------------------------------|------|---|
| Very useful | 29% | 2 |
| Slightly useful | 29% | 2 |
| Moderately useful | 14% | 1 |
| Extremely useful | 14% | 1 |
| Not at all useful | 14% | 1 |
| Total | 100% | 7 |



Usefulness: fields

Most respondent chose 'Other' (72%, 5) to the question of most useful fields for cultural expertise, followed by 'Migration law' and 'More in civil law than in criminal law (14%, 1) each.

| Areas of law where cultural expertise is more useful | % | # |
|--|------|----|
| Other | 72% | 5 |
| Migration law | 14% | 1 |
| More in civil law than in criminal law | 14% | 1 |
| Total | 100% | 66 |



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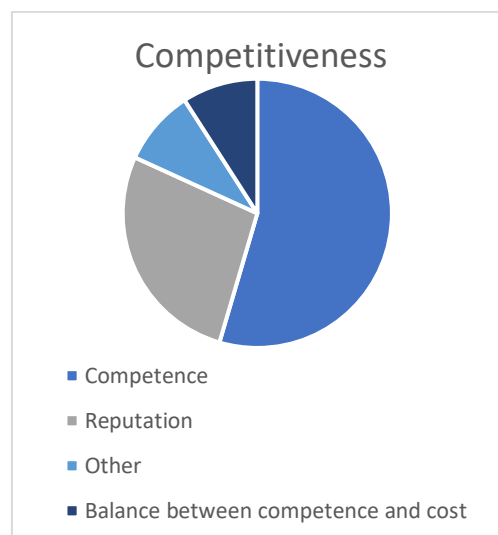
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Competitiveness

Experts thought that their expertise was competitive because of their 'Competence' (55%, 6) followed by 'Reputation' (27%, 3), 'Balance between competence and cost' and 'Other' (9%, 1) each.

| Competitiveness | % | # |
|-------------------------------------|------|----|
| Competence | 55% | 6 |
| Reputation | 27% | 3 |
| Other | 9% | 1 |
| Balance between competence and cost | 9% | 1 |
| Total | 100% | 11 |



Reputation of Experts

The majority of experts said that they had been 'Regularly instructed/ appointed as expert for many years' (50%, 5), followed by 'Other' (40%, 4) and 'The cases in which expert opinion was provided were successful' (10%, 1).

| Reputation of experts | % | # |
|--|------|----|
| Regularly instructed/appointed as an expert for many years | 50% | 5 |
| Other | 40% | 4 |
| Expert opinions have been successful | 10% | 1 |
| Total | 100% | 10 |



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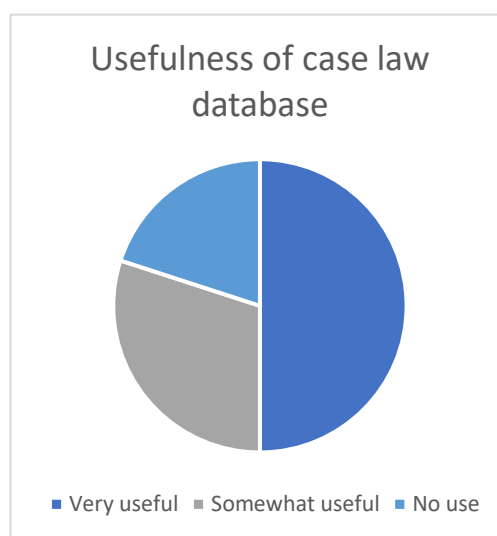
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Improved Access

Database

Regarding the question of the usefulness of a case law database, the most common response was that it would be 'Very useful' (50%, 5), followed by 'Somewhat useful' (30%, 3), and of 'No use' (20%, 2).

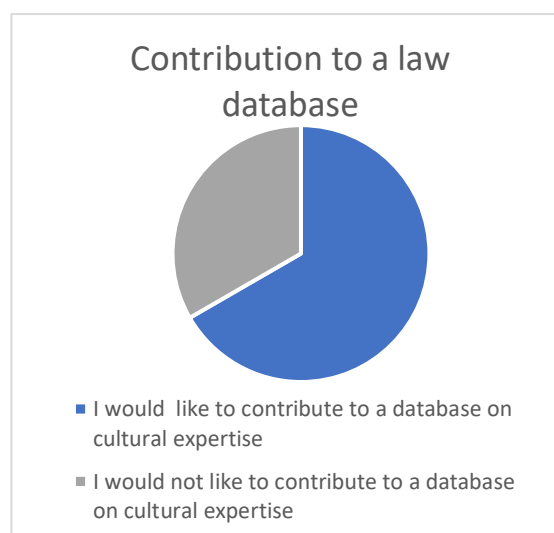
| Usefulness of case law database | % | # |
|---------------------------------|------|----|
| Very useful | 50% | 5 |
| Somewhat useful | 30% | 3 |
| No use | 20% | 2 |
| Total | 100% | 10 |



Contribution to law database

Most respondents did wish to contribute to the establishment of a case law database (67%, 4), while one third of respondents did not wish (33%, 2).

| Contribution to a law database | % | # |
|--|------|---|
| I would not like to contribute to a database on cultural expertise | 33% | 2 |
| I would like to contribute to a database on cultural expertise | 67% | 4 |
| Total | 100% | 6 |



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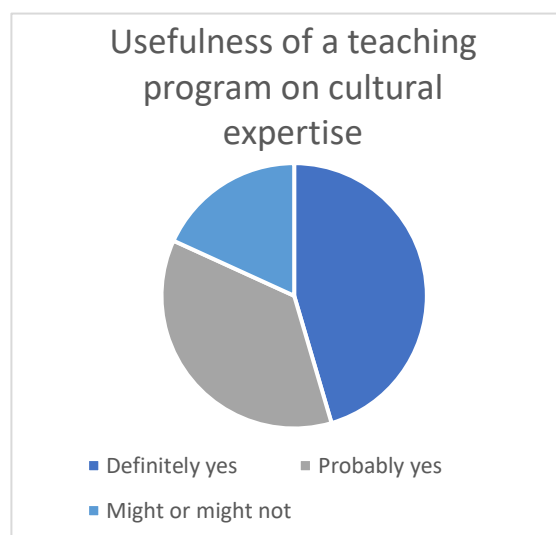
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Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was 'Definitely yes' (46%, 5), followed by 'Probably yes' (36%, 4) and 'Might or might not' (18%, 2).

| Usefulness of a teaching program on cultural expertise | % | # |
|--|------|----|
| Definitely yes | 46% | 5 |
| Probably yes | 36% | 4 |
| Might or might not | 18% | 2 |
| Total | 100% | 11 |



Organisations interested in a teaching program

With regards to the question on interest in the teaching program, the most common response was 'Know professional organisations that may be interested' (50%, 5) and 'Interested in teaching cultural expertise themselves' (50%, 5).

| Organisations interested in a teaching program | % | # |
|--|------|----|
| Know professional organisations interested in teaching | 50% | 5 |
| Interested in teaching themselves | 50% | 5 |
| Total | 100% | 10 |

