



**HAL**  
open science

## EURO-EXPERT: Belgium Data Summary

Livia Holden, Stefanie Lemke

► **To cite this version:**

Livia Holden, Stefanie Lemke. EURO-EXPERT: Belgium Data Summary. EURO-EXPERT. 2022.  
hal-03853415

**HAL Id: hal-03853415**

**<https://hal.science/hal-03853415v1>**

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.

# Belgium Data Summary

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

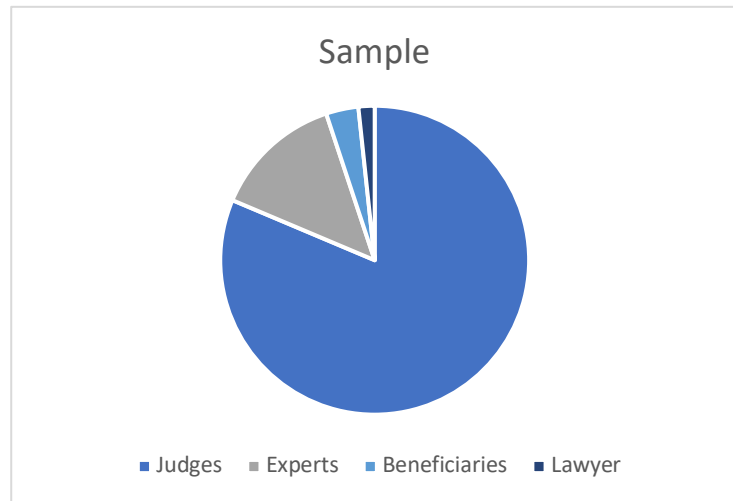
PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

### Quality of Sample

There was a total of 59 responses to the Belgium survey, (81%, 48) were judges, (2%,1) was a lawyer, (14%, 8) were experts, and (3%, 2) were beneficiaries.

Respondent categories	%	#
Judges	81%	48
Experts	14%	8
Beneficiaries	3%	2
Lawyer	2%	1
Total	100%	59



### Country locations

Of the 53 of respondents who indicated their location, (28, 53%) indicated Brussels, (4, 8%) Liège, (4, 8%) Antwerpen, (3, 6%) Charleroi, (3, 6%) Gent, (3, 6%) Mons, (2, 4%) Bruges, (1, 2%) Eupen, (1, 2%) Louvain-la-Neuve, (1, 2%) Namur, (1, 2%) Nivelles, (1, 2%) Vise, (1, 2%) Wavre.

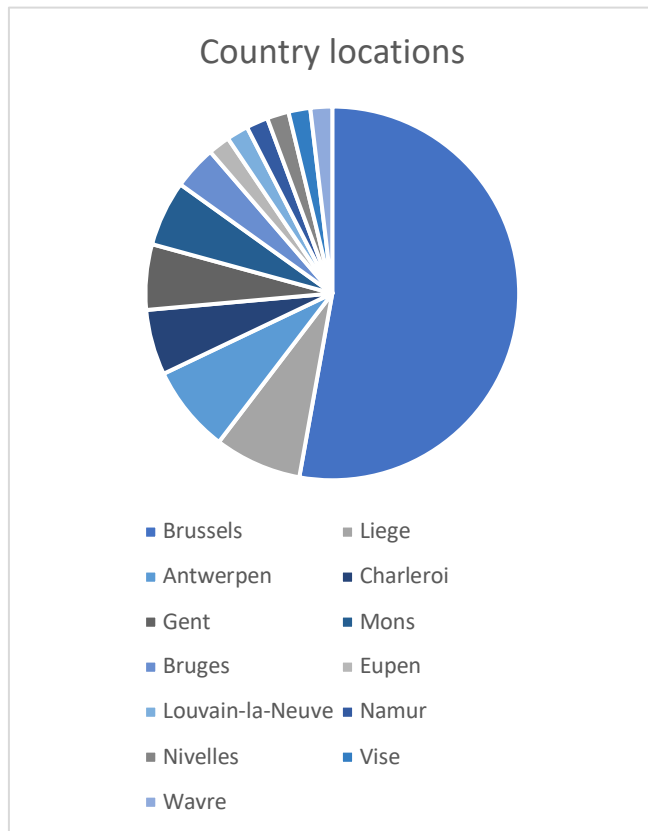
# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

Country locations	%	#
Brussels	53%	28
Liege	8%	4
Antwerpen	8%	4
Charleroi	6%	3
Gent	6%	3
Mons	6%	3
Bruges	4%	2
Eupen	2%	1
Louvain-la-Neuve	2%	1
Namur	2%	1
Nivelles	2%	1
Vise	2%	1
Wavre	2%	1
Total	100%	53



# Belgium Data Summary

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

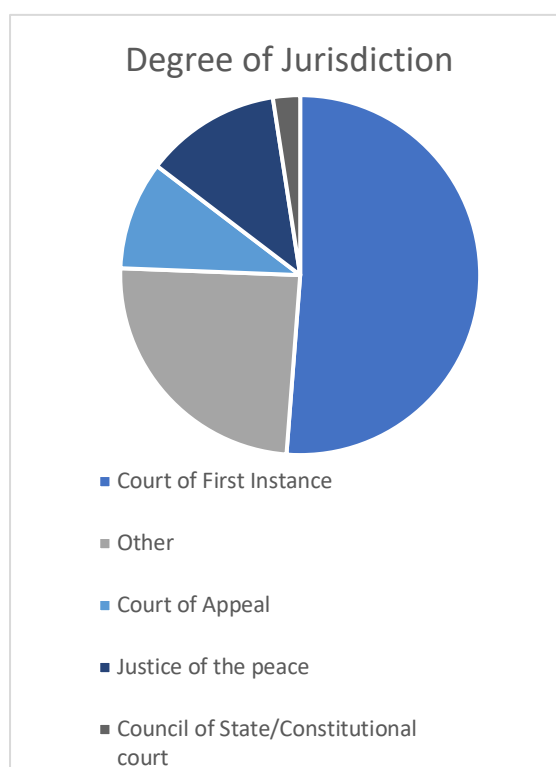
PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

### Judges

Out of the 42 judges who responded to the questionnaire, (21, 51%) indicated 'Court of First Instance', (10, 24%) indicated 'Other', (5, 12%) indicated 'Justice of Peace', (4, 10%) 'Court of Appeal', (1, 2%) and 'Council of State/ Constitutional Court'.

Degree of Jurisdiction	%	#
Court of First Instance	51%	21
Other	24%	10
Justice of the peace	12%	5
Court of appeal	10%	4
Council of State/Constitutional court	2%	1
Total	100%	41



# Belgium Data Summary

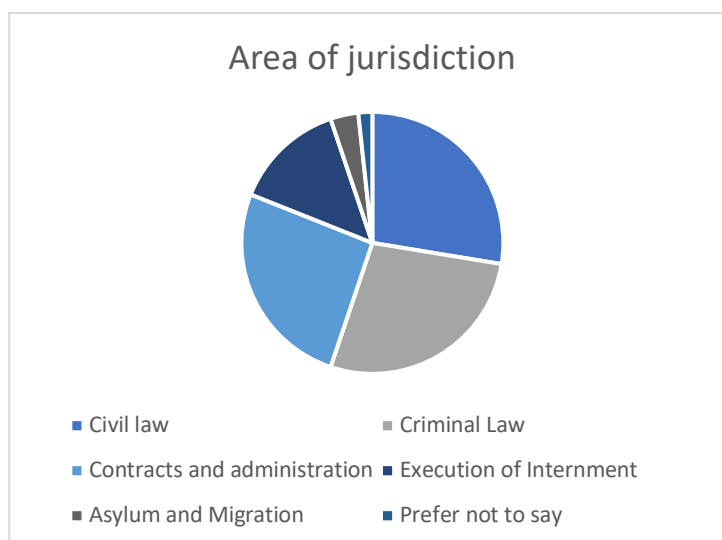
## CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

For the areas of law practiced (16, 28%) indicated ‘Civil law’, (16, 28%) indicated ‘Criminal law’, (15, 26%) indicated ‘Contracts and administration’, (8, 14%) indicated ‘Family law’ and (2, 4%) ‘Asylum and Migration’.

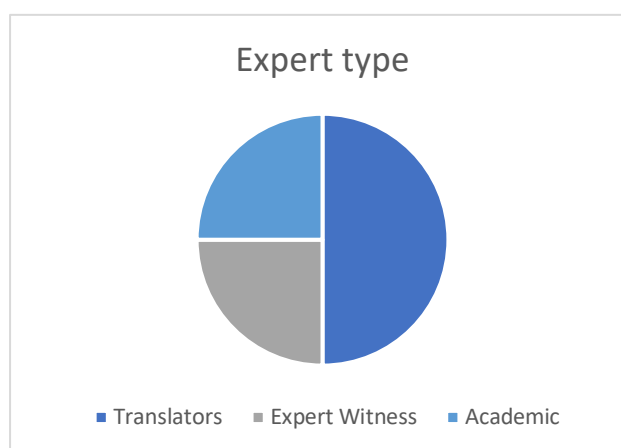
Area of jurisdiction	%	#
Civil law	28%	16
Criminal Law	28%	16
Contracts and administration	26%	15
Family law	14%	8
Asylum and Migration	4%	2
Total	100%	57



## Experts

The most common type of expert selected was ‘Translators’ (2, 40%), followed by ‘Expert witness’ (1, 25%), and then ‘Academic’ (1, 25%).

Expert type	%	#
Translators	50%	2
Expert Witness	25%	1
Academic	25%	1
Total	100%	4



# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

(1, 100%) indicated ‘Minorities and Indigenous populations in Europe’.

Area of Specialisation	%	#
Minorities and Indigenous populations in Europe	100%	1
Total	100%	1

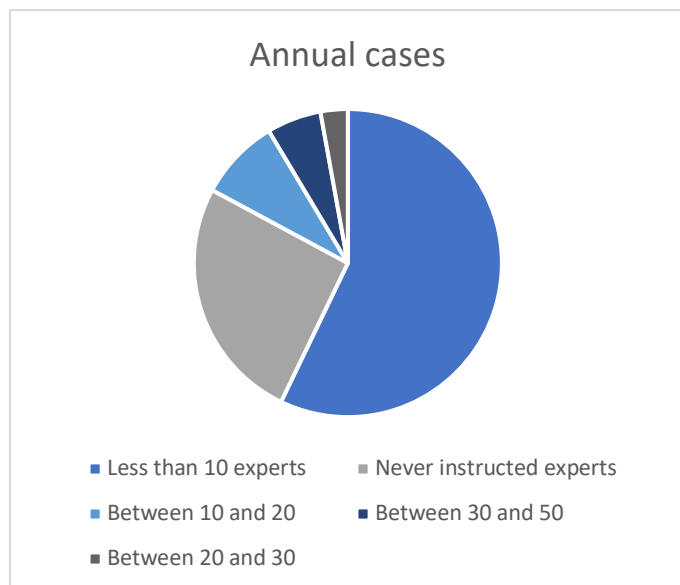


## Frequency

### Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers had instructed experts in less than 10 cases (57%, 20), followed by ‘Never instructed experts’ (9, 26 %) then (3, 9%) between 10 and 20, (2, 6%) between 30 and 50 and (1, 3%) between 20 and 30.

Annual cases	%	#
Less than 10 experts	57%	20
Never instructed experts	25%	9
Between 10 and 20	9%	3
Between 30 and 50	6%	2
Between 20 and 30	3%	1
Total	100%	35



# Belgium Data Summary

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

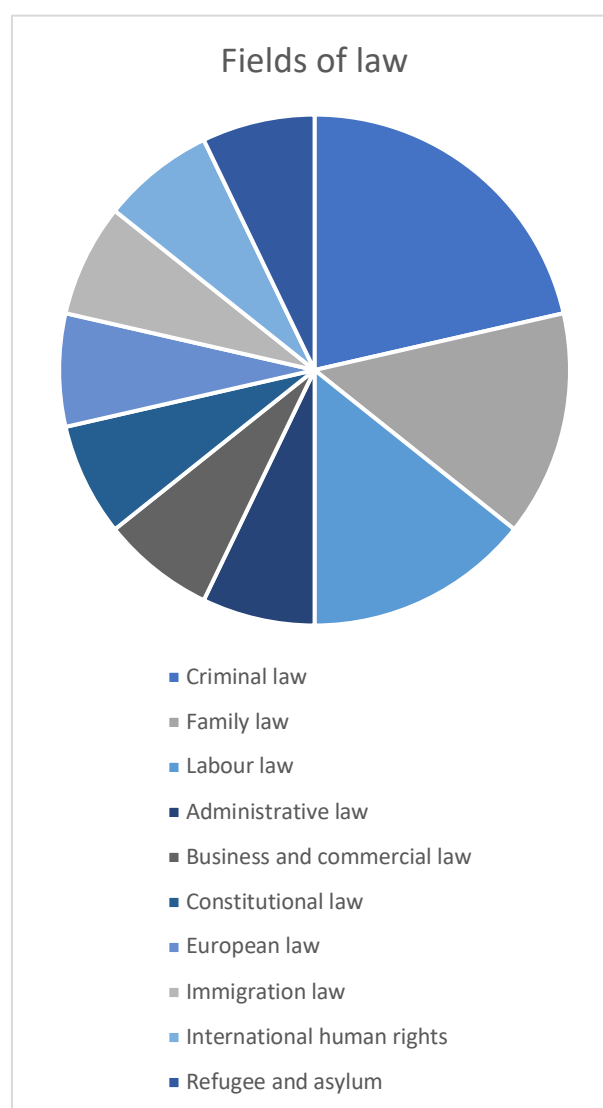
PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

### Fields of law

The most common areas of use of cultural expertise was ‘Criminal law’ (3, 21%), followed by ‘Family law’ (2, 14%), ‘Labour law’ (2, 14%), ‘Administrative law’ (1, 7%), ‘Business and commercial law’ (1, 7%), ‘Constitutional law’ (1, 7%), ‘European law’ (1, 7%), ‘Immigration law’ (1, 7%), ‘International Human Rights’ (1, 7%), and ‘Refugee and asylum law’ (1, 7%).

Fields of Law	%	#
Criminal law	21%	3
Family law	14%	2
Labour law	14%	2
Administrative law	7%	1
Business and commercial law	7%	1
Constitutional law	7%	1
European law	7%	1
Immigration law	7%	1
International human rights	7%	1
Refugee and asylum	7%	1
Total	100%	14



# Belgium Data Summary

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

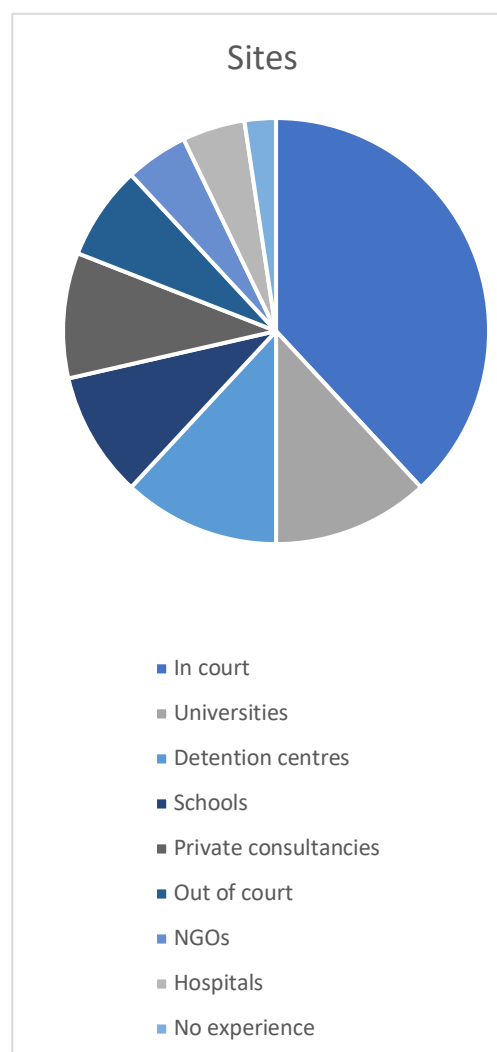
PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

### Sites

The most common site for cultural expertise was 'In court' (16, 38%), followed by in 'Universities' (5, 12%), 'In detention centres' (5, 12%), 'In schools' (4, 9%), 'Through private consultancies' (4, 9%), 'Out of court' (3, 8%), 'Through NGOs' (2, 5%), 'In hospitals' (2, 5%), 'Other' (1, 3%) and specified that they have no experience.

Sites	%	#
In Court	38%	16
Universities	12%	5
Detention centres	12%	5
Schools	9%	4
Private consultancies	9%	4
Out of court	8%	3
NGOs	5%	2
Hospitals	5%	2
No experience	3%	1
Total	100%	42





# Belgium Data Summary

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

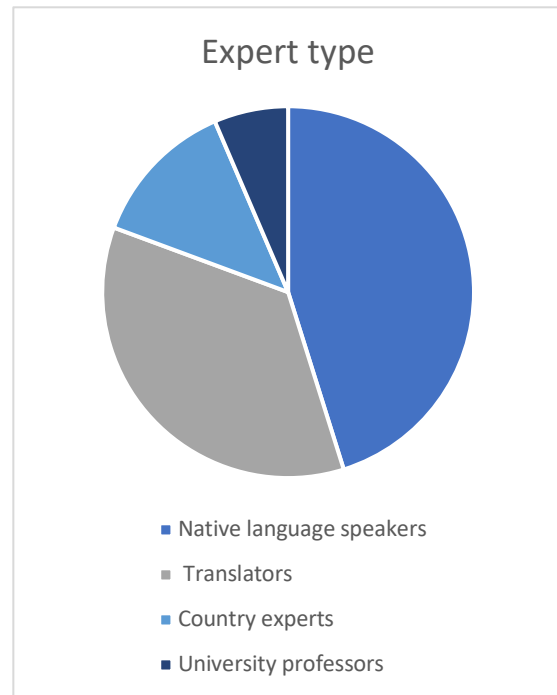
PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

### Typology of Experts

The most common expert type was 'Native language speakers' (14, 46%) followed by 'Other' out of which (11, 34%) specified 'Translators', (7, 19%), 'Country experts' (14%, 4), and 'University professors' (2, 6%).

Expert type	%	#
Native language speakers	46%	14
Translators	34%	11
Country experts	14%	4
University professors	6%	2
Total	100%	31



The two who selected 'university professors' clarified 'sociology as the discipline of the most common type of experts.

# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

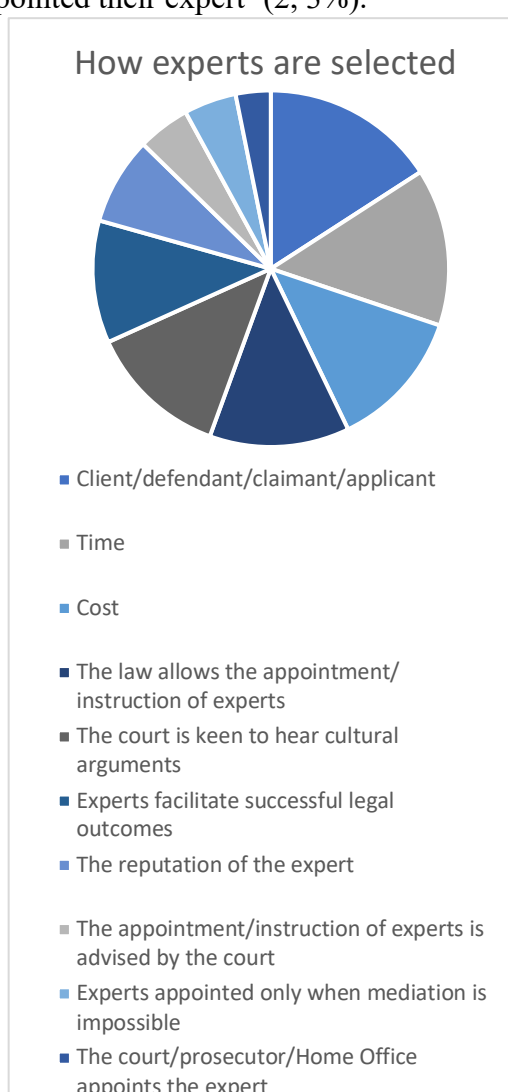
Date of First Publication: 2 February 2022

### Modalities

#### Appointment of Experts

The most commonly factor influencing the decision to appoint was ‘Client/Defendant/Claimant/Applicant’s request’ (10, 16%), followed by ‘Time’ (9, 14%), ‘Cost’ (8, 13%), ‘The law allows the appointment/ instruction of experts’ (8, 13%), ‘The court is keen to hear cultural arguments’ (8, 13%), ‘Experts facilitate successful legal outcomes’ (7, 11%), ‘The reputation of the expert’ (5, 8%), ‘The appointment/instruction of experts is advised by the court’ (3, 5%), ‘Experts are appointed only when mediation is not possible’ (3, 5%) and ‘The court/prosecutor/Home Office have already appointed their expert’ (2, 3%).

How experts are selected	%	#
Client/Defendant/Claimant/Applicant’s request	16%	10
Time	14%	9
Cost	13%	8
The law allows	13%	8
The court is keen to hear cultural arguments	11%	8
Experts facilitate successful legal outcomes	11%	7
The reputation of the expert	8%	5
Advised by the court	5%	3
Experts appointed only when mediation is impossible	5%	3
The court/prosecutor/Home Office appoints the expert	3%	2
Total	100%	63



# Belgium Data Summary

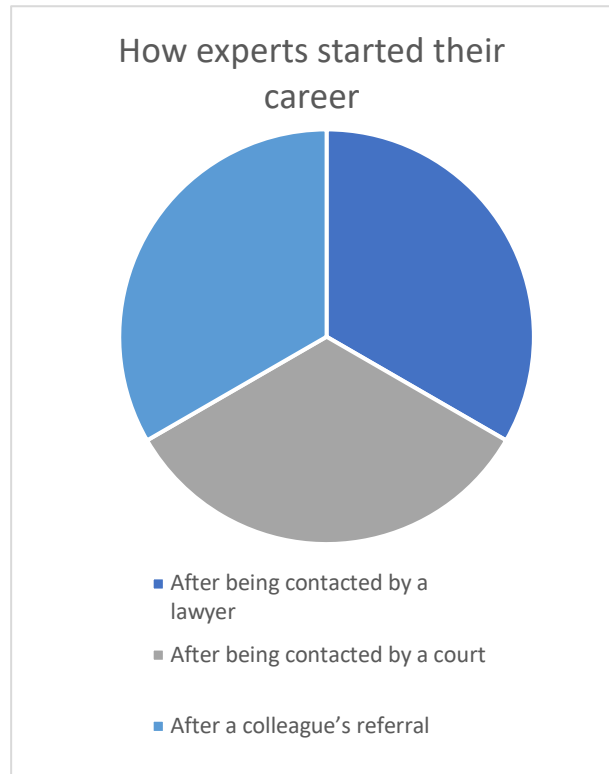
## CULTURAL EXPERTISE IN EUROPE: WHAT IS IT USEFUL FOR? (EURO-EXPERT)

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

Experts started giving expert opinions ‘After being contacted by a lawyer’ (1, 33%), ‘By a court’ (1, 33%), ‘On a colleague’s referral’ 1, (33%).

How experts started their career	%	#
Contacted by a lawyer	33%	1
Contacted by a court	33%	1
Referred by a colleague	33%	1
Total	100%	3



Experts were ‘Instructed by lawyers’ (33%,1), ‘Instructed by courts’ (33%,1), ‘Referred by a colleague’ (33%,1).

# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

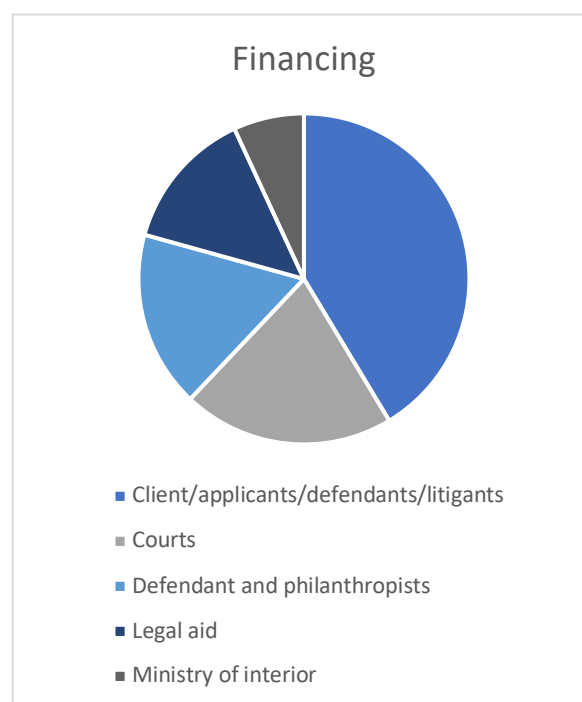
Who instructs the experts	%	#
Instructed by lawyers as need arises	33%	1
Instructed by courts	33%	1
Colleague's reference	33%	1
Total	100%	3



## Cost of cultural expertise

Cultural expertise is most commonly financed 'By the clients' (41%,12), followed by 'Courts' (21%, 6), (17%, 5) 'Philanthropists', (14%, 4), 'Legal aid' and (7%, 2) 'Ministry of interior'.

How are experts paid?	%	#
Clients/ Applicants/ Defendants/ Litigants	41%	12
Courts	21%	6
Philanthropists/ NGOs/ Relatives/ Community	17%	5
Legal aid	14%	4
Ministry of the Interior	7%	2
Total	100%	29



# Belgium Data Summary

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

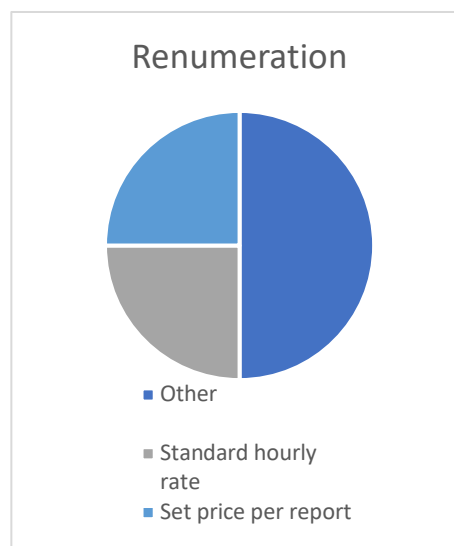
PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

### Remuneration of experts

Regarding the question of remuneration, (50%, 2) choose 'Other', (25%,1) 'Standard hourly rate' and (25%, 1) 'Set price per report'.

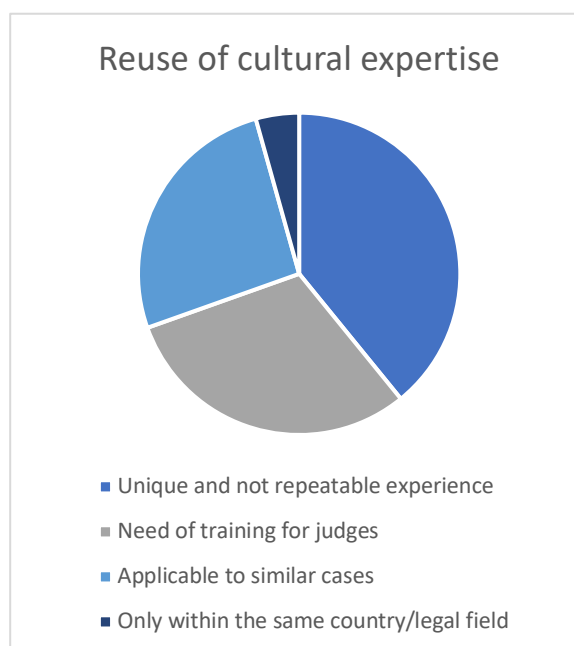
Remuneration Of experts	%	#
Other	50%	2
Standard hourly rate	25%	1
Set price per report	25%	1
Total	100%	4



### Reuse of cultural expertise

The most frequent responses to the question of the reuse of cultural expertise was 'Unique and not repeatable experience' (39%, 9), 'Need of training for judges' (23%,7), 'Cultural expertise being applicable in similar cases' (26%, 6) and 'Can only be reproduced in the same country/legal field' (4%, 1).

Reuse of cultural expertise	%	#
Unique and not repeatable experience	39%	9
Need of training for judges	31%	7
Applicable to similar cases	26%	6
Re-use only within the same country/legal field	4%	1
Total	100%	23



# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

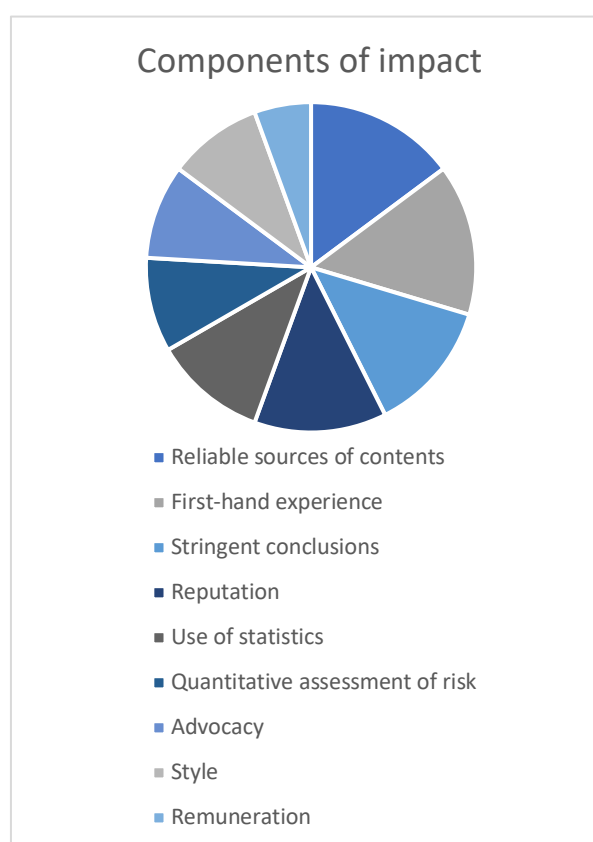
Date of First Publication: 2 February 2022

### Impact

#### Components of impact

The most common components of impact include ‘Reliable sources of contents’ (14%, 8), followed by ‘First-hand experience’ (14%, 8), then ‘Stringent conclusions’ (13%, 7), ‘Reputation’ (13%, 7), ‘Use of statistics’ (11%, 6), ‘Quantitative assessment of risk’ (10%, 5), ‘Style’ (9%, 5) and ‘Advocacy’ (9%, 5) and ‘Remuneration’ (7%, 3).

Components of impact	%	#
Reliable sources of contents	14%	8
First-hand experience	14%	8
Stringent conclusions	13%	7
Reputation	13%	7
Use of statistics	11%	6
Quantitative assessment of risk	10%	5
Advocacy	9%	5
Style	9%	5
Remuneration	7%	3
Total	100%	54



#### Usefulness

The most common response to the question regarding the usefulness of cultural expertise was ‘Very useful’ (38%, 9), ‘Moderately useful’ (38%, 9), ‘Slightly useful’ (13%, 3), ‘Extremely useful’ (8%, 2), and ‘Not at all useful’ (4%, 1).

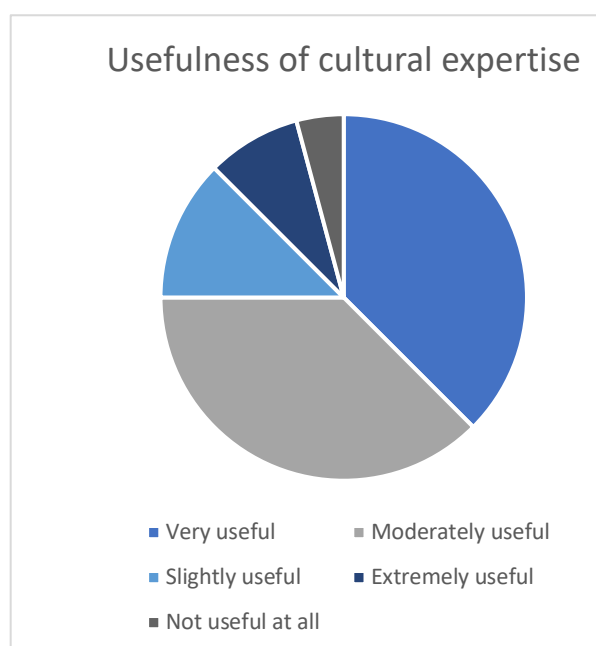
# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

Usefulness of cultural expertise	%	#
Very useful	38%	9
Moderately useful	38%	9
Slightly useful	13%	3
Extremely useful	8%	2
Not useful at all	4%	1
Total	100%	24



### Usefulness: fields

Cultural expertise is most useful in 'Any legal specialization' (30%, 7), followed by, 'Migration law' (26%, 6), 'More useful in civil law than in criminal law' (22%, 5) and 'More useful in criminal law than in civil law' (22%, 5).

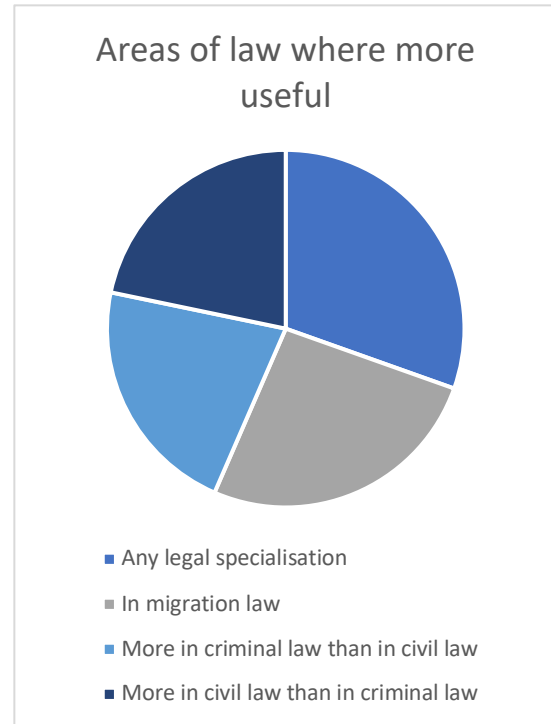
# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

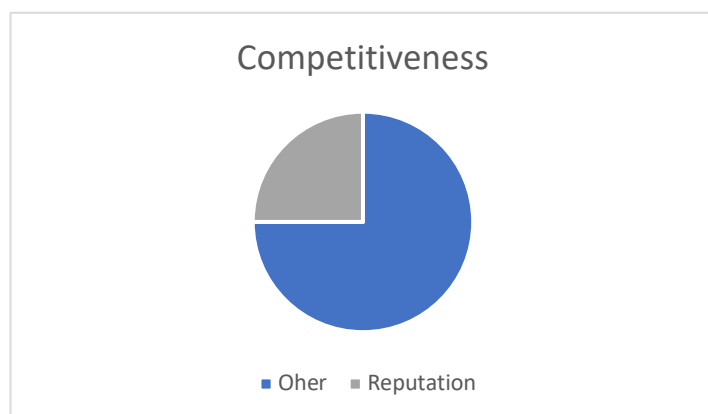
Areas of law where cultural expertise is more useful	%	#
Any legal specialisation	30%	7
In migration law	26%	6
More in criminal law than in civil law	22%	5
More in civil law than in criminal law	22%	5
Total	100%	23



## Competitiveness

(75%, 3) of the experts said 'Other' and (25%, 1) indicated 'Reputation'.

Competitiveness	%	#
Other	75%	3
Reputation	25%	1
Total	100%	4





# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

### Reputation of experts

(25%, 1) of experts said to have been ‘Regularly appointed/ instructed as expert for many years’, (25%, 1) said that ‘The cases in which they have provided an expert opinion have been successful’, (25%, 1) choose ‘Other’ and (25%, 1) said ‘Through training’.

Reputation of experts	%	#
Regularly appointed/instructed as expert for many years	25%	1
Expert opinions have been successful	25%	1
Through training	25%	1
Other	25%	1
Total	100%	3



### Improved access

#### Database

Regarding the question of the usefulness of a case law database on cultural expertise, the most common response was that it would be ‘Very useful’ (43%, 10), followed by ‘Somewhat useful’ (39%, 9) and ‘Of no use’ (15%, 4).

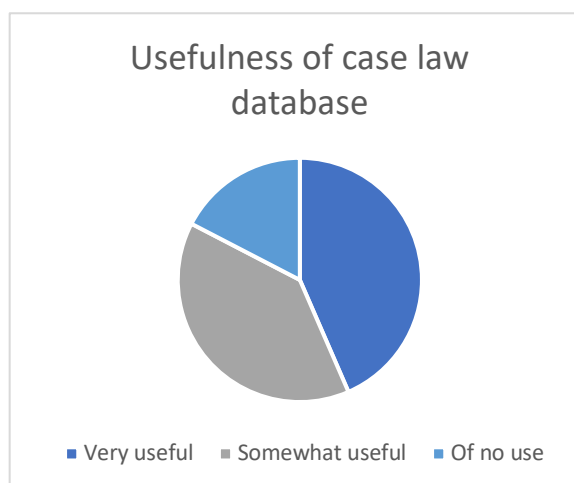
# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

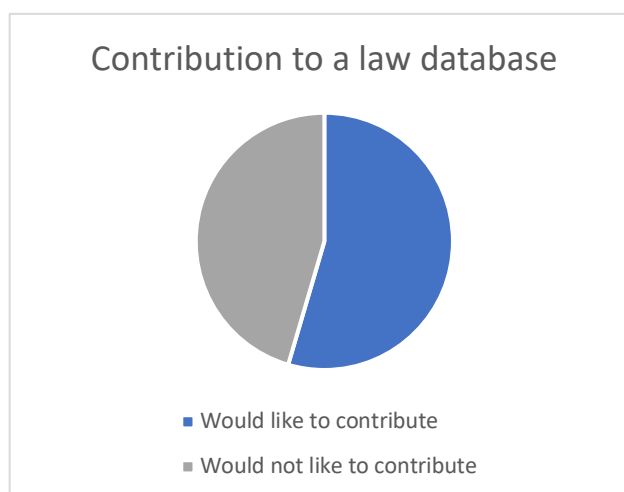
Usefulness of a case law database	%	#
Very useful	43%	10
Somewhat useful	40%	9
Of no use	17%	4
Total	100%	23



## Contribution to law database

On whether the respondents would like to contribute to a database on cultural expertise, (32%, 6) choose 'Would like to contribute', and 26% (5) choose they 'Would not like to contribute'.

Contribution to a law database	%	#
Would like to contribute	55%	6
Would not like to contribute	45%	5
Total	100%	11



## Capacity building

Well over the half of the respondents indicated that they thought a teaching program on cultural expertise would be 'Probably useful' (44%, 12), followed by 'Definitively useful' (30%, 8), 'Might or might not be useful' (15%, 4) and 'Probably not useful' (4%, 1).

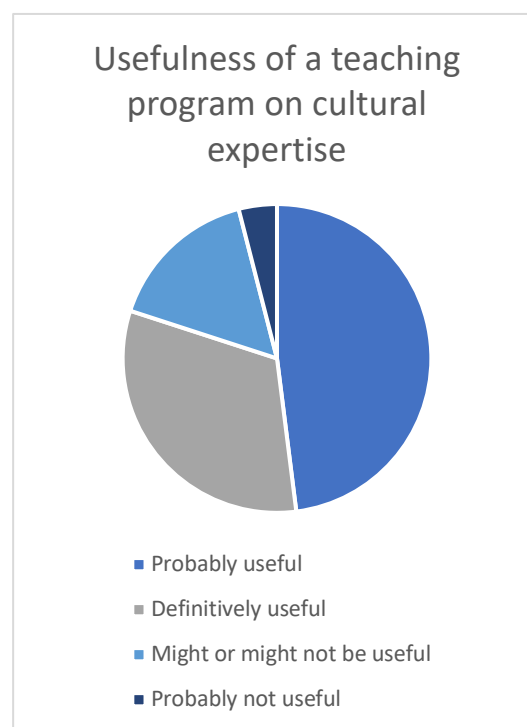
# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

Usefulness of a teaching program on cultural expertise	%	#
Probably yes	48%	12
Definitively yes	32%	8
Might or might not	16%	4
Probably not	4%	1
Total	100%	25



## Organisations interested in a teaching program

With regards to the question on interest in the teaching program, (29%, 2) said they 'Know of educational institutions interested', (29%, 2) said they 'Know professional organisations that may be interested', (29%, 2) choose 'Other' and (13% (1) are 'Interested in teaching themselves'.

# Belgium Data Summary

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

PI: Livia Holden | Data Collector: Stefanie Lemke

Date of First Publication: 2 February 2022

Organisations interested in a teaching program	%	#
Know educational institutions interested in teaching	29%	2
Know professional organisations interested in teaching	29%	2
Other	29%	2
Interested in teaching themselves	13%	1
Total	100%	7

