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EURO-EXPERT: Belgium Data Summary

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

HAL Id: hal-03853415

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Submitted on 15 Nov 2022

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Belgium Data Summary

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

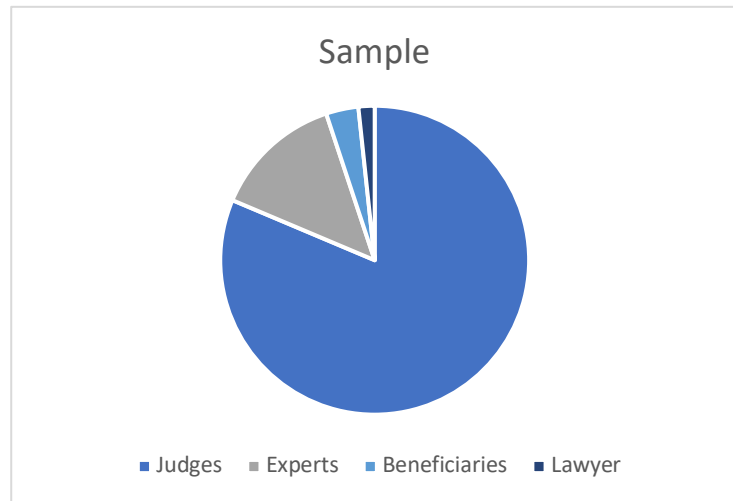
PI: Livia Holden | Data Collector: Stefanie Lemke

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.

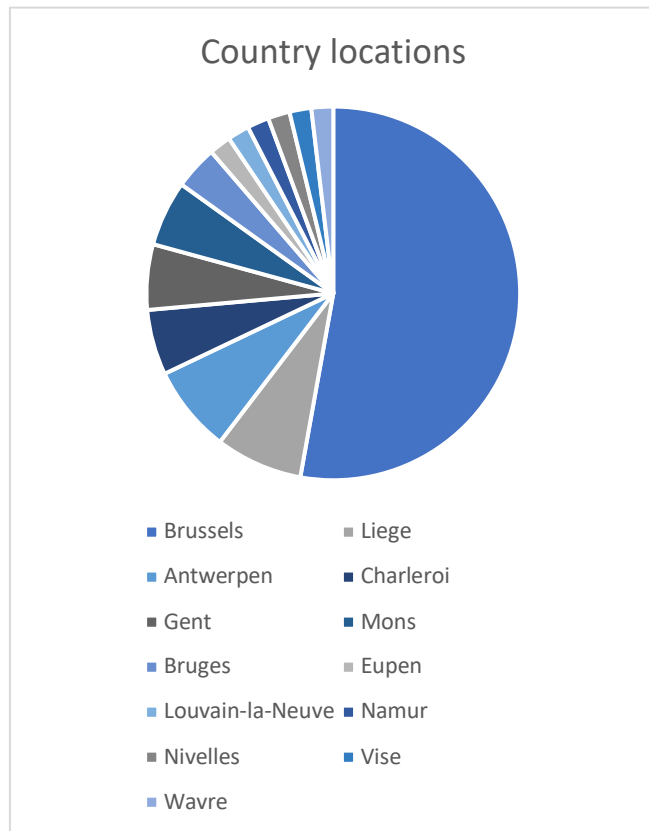
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Country locations	%	#
Brussels	53%	28
Liege	8%	4
Antwerpen	8%	4
Charleroi	6%	3
Gent	6%	3
Mons	6%	3
Bruges	4%	2
Eupen	2%	1
Louvain-la-Neuve	2%	1
Namur	2%	1
Nivelles	2%	1
Vise	2%	1
Wavre	2%	1
Total	100%	53



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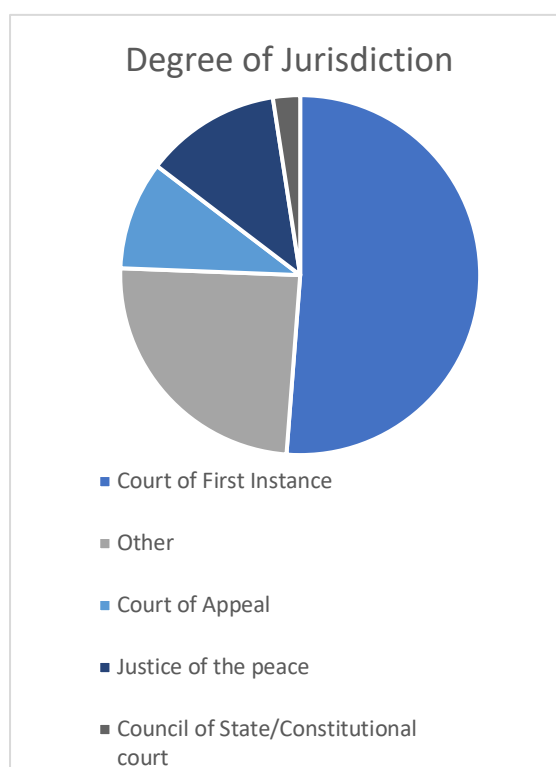
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Judges

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



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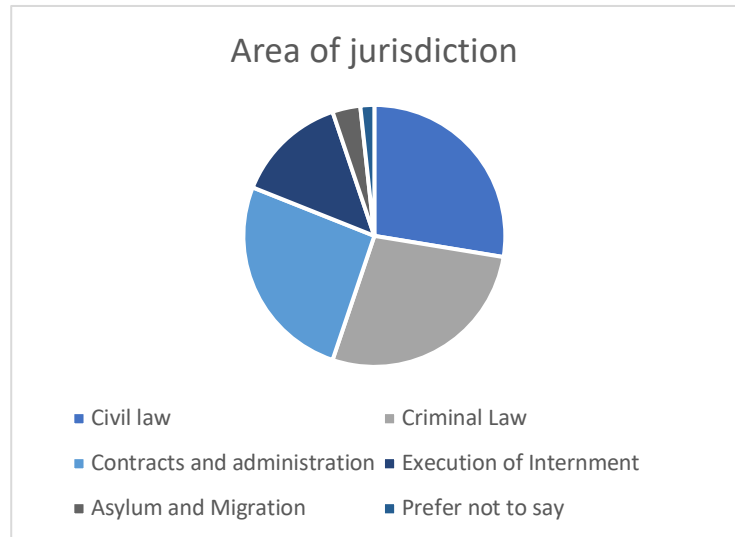
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For the areas of law practiced (16, 28%) indicated ‘Civil law’, (16, 28%) indicated ‘Criminal law’, (15, 26%) indicated ‘Contracts and administration’, (8, 14%) indicated ‘Family law’ and (2, 4%) ‘Asylum and Migration’.

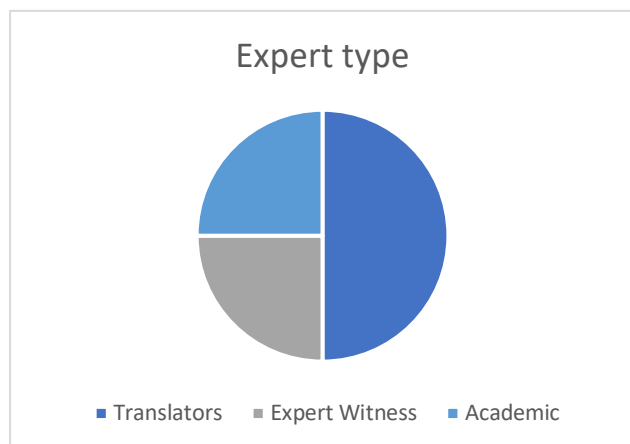
Area of jurisdiction	%	#
Civil law	28%	16
Criminal Law	28%	16
Contracts and administration	26%	15
Family law	14%	8
Asylum and Migration	4%	2
Total	100%	57



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



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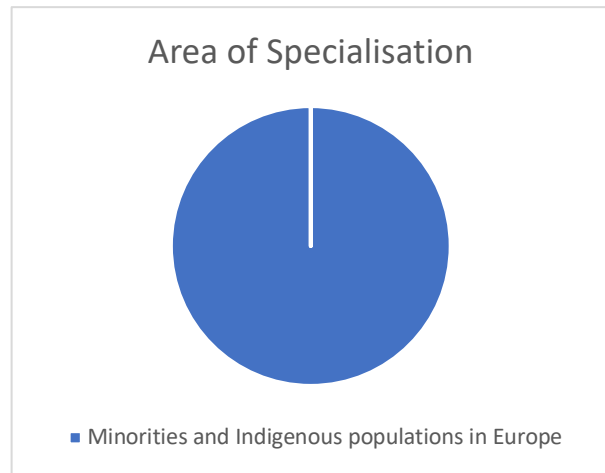
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(1, 100%) indicated ‘Minorities and Indigenous populations in Europe’.

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

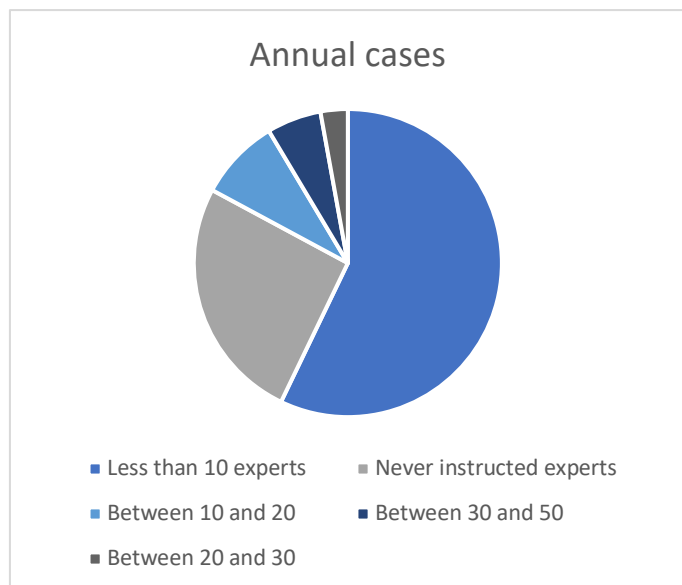


Frequency

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



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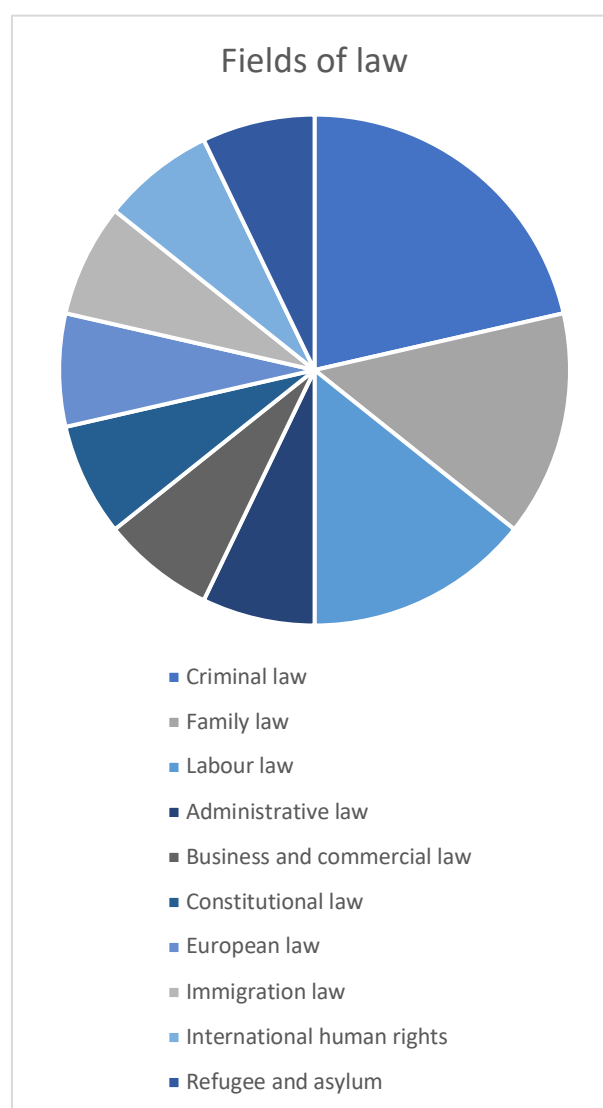
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Fields of law

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



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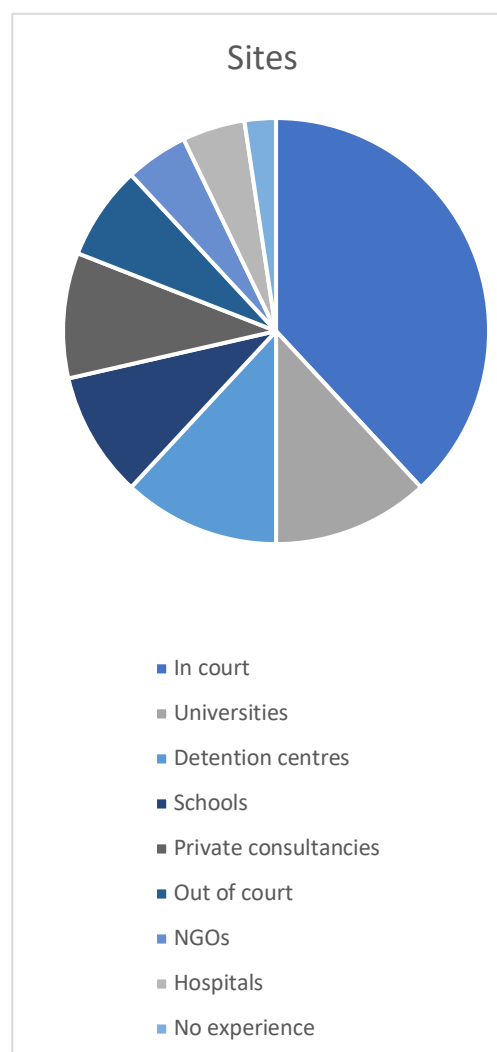
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Sites

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



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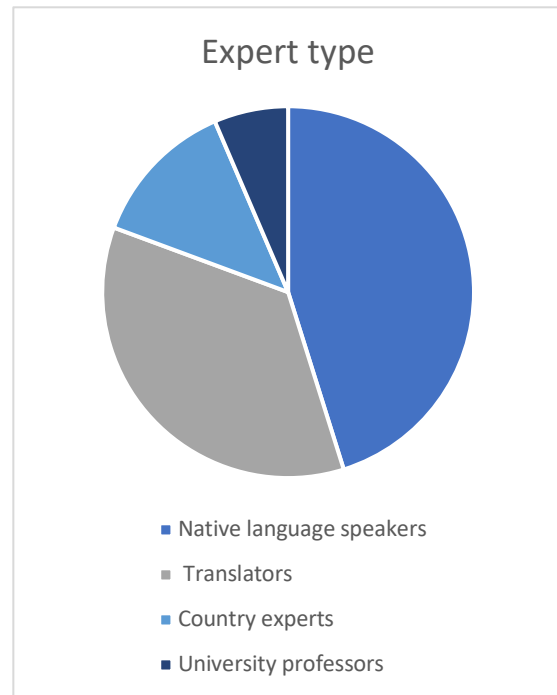
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Typology of Experts

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.

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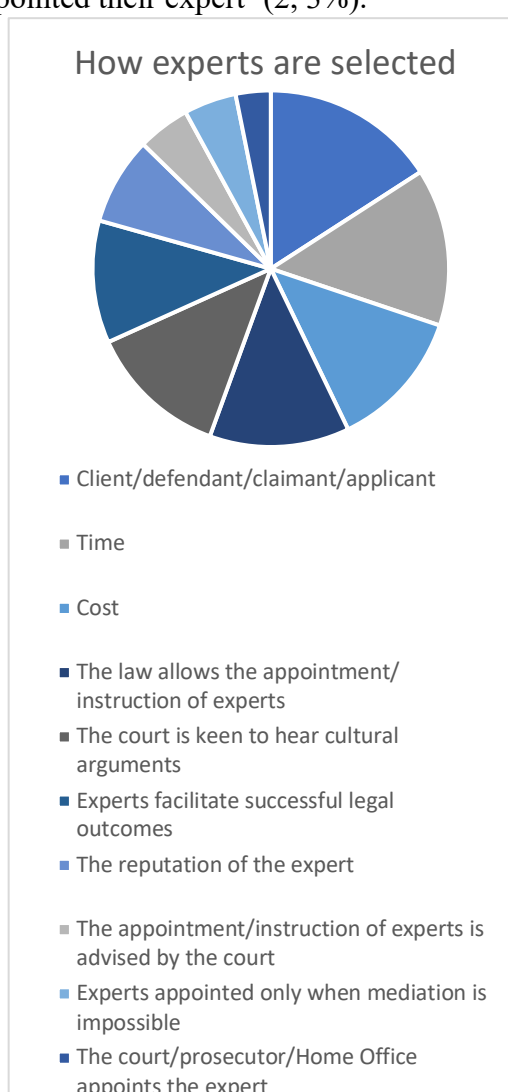
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Modalities

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



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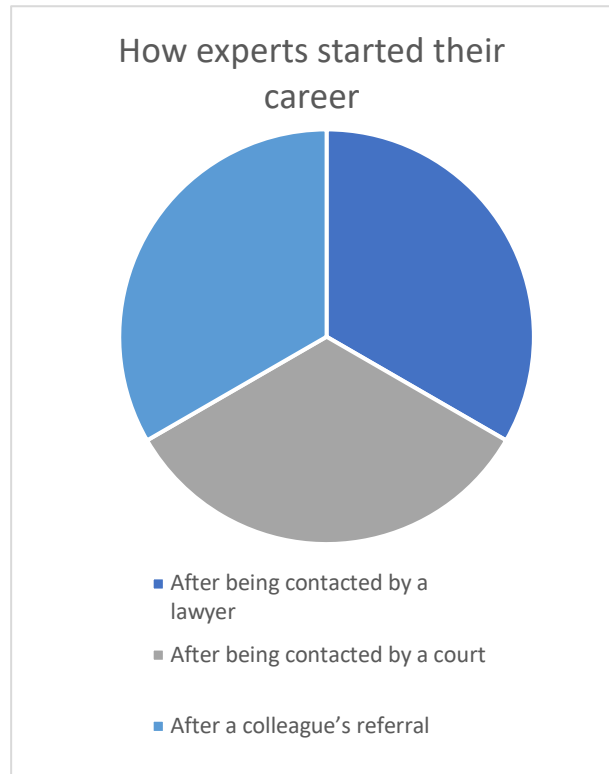
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Experts started giving expert opinions ‘After being contacted by a lawyer’ (1, 33%), ‘By a court’ (1, 33%), ‘On a colleague’s referral’ 1, (33%).

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).

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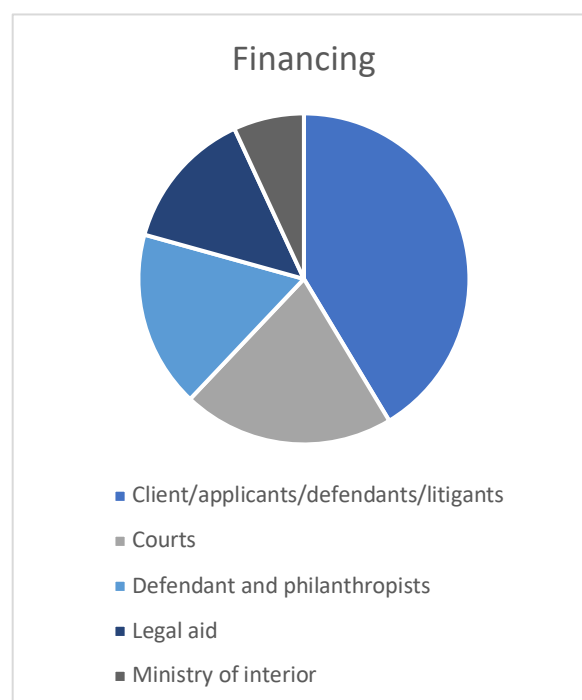
Who instructs the experts	%	#
Instructed by lawyers as need arises	33%	1
Instructed by courts	33%	1
Colleague's reference	33%	1
Total	100%	3



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



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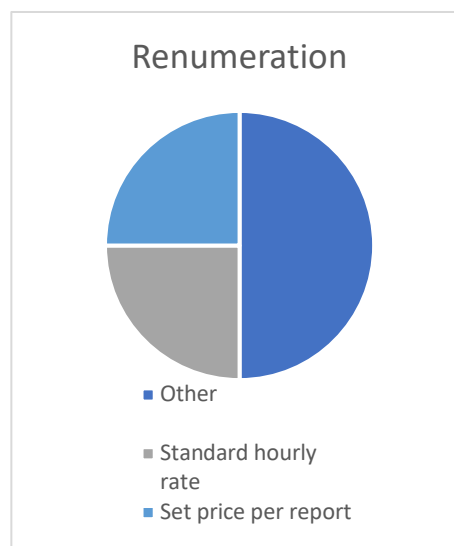
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Remuneration of experts

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

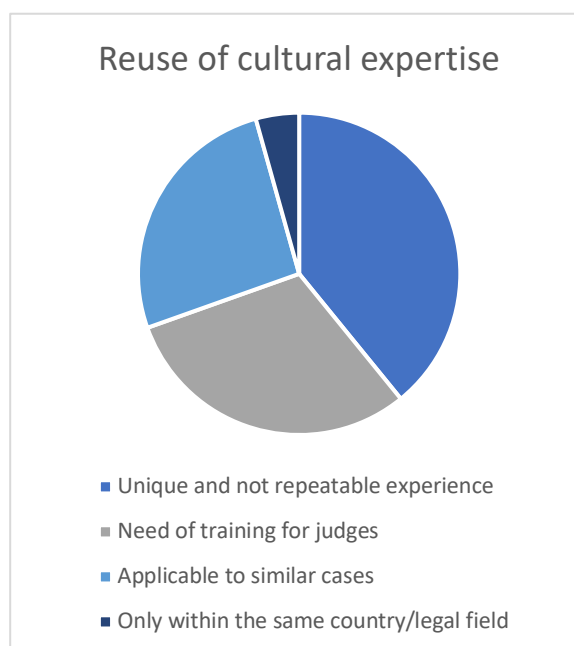
Remuneration Of experts	%	#
Other	50%	2
Standard hourly rate	25%	1
Set price per report	25%	1
Total	100%	4



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



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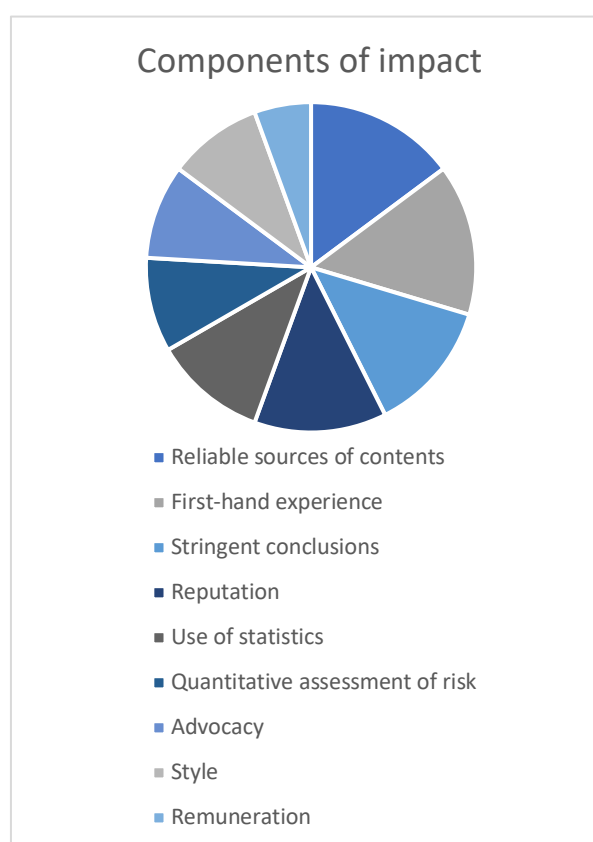
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Impact

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).

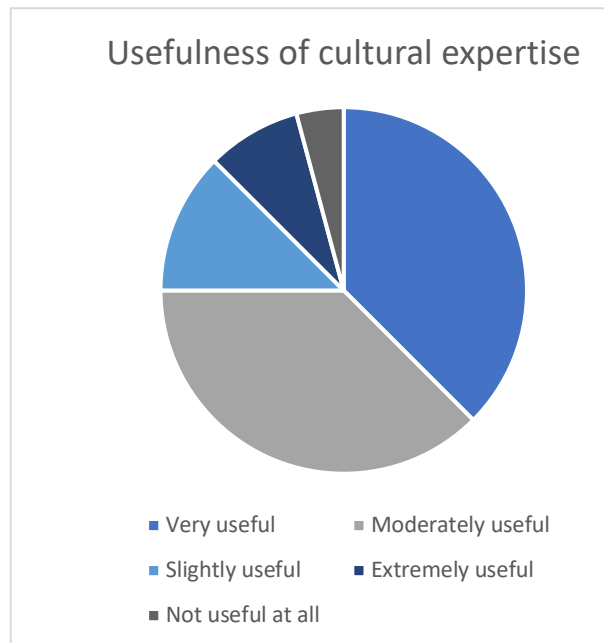
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Usefulness of cultural expertise	%	#
Very useful	38%	9
Moderately useful	38%	9
Slightly useful	13%	3
Extremely useful	8%	2
Not useful at all	4%	1
Total	100%	24



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).

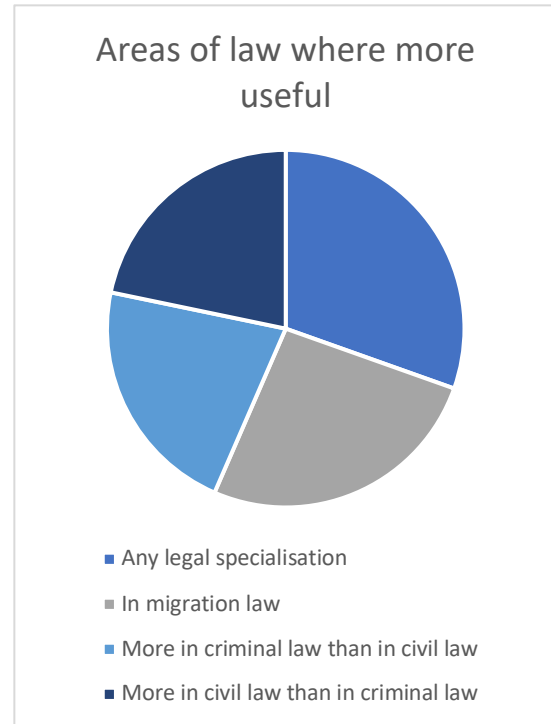
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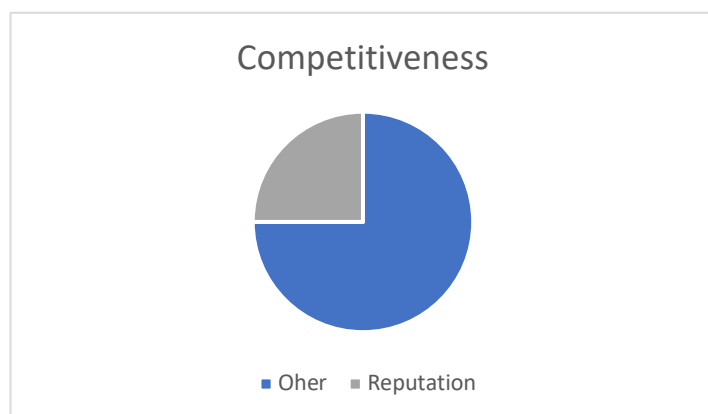
Areas of law where cultural expertise is more useful	%	#
Any legal specialisation	30%	7
In migration law	26%	6
More in criminal law than in civil law	22%	5
More in civil law than in criminal law	22%	5
Total	100%	23



Competitiveness

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

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



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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).

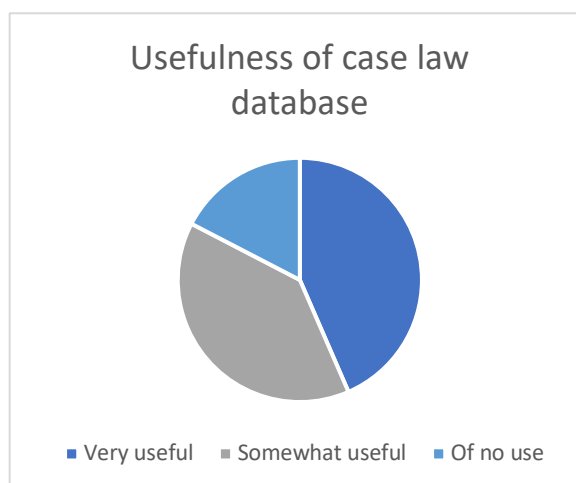
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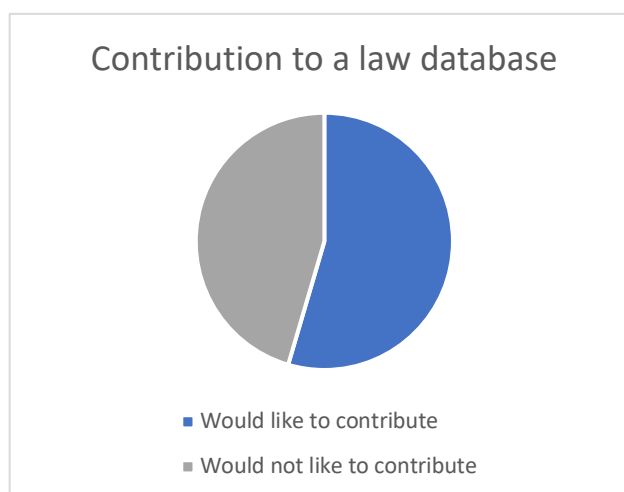
Usefulness of a case law database	%	#
Very useful	43%	10
Somewhat useful	40%	9
Of no use	17%	4
Total	100%	23



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).

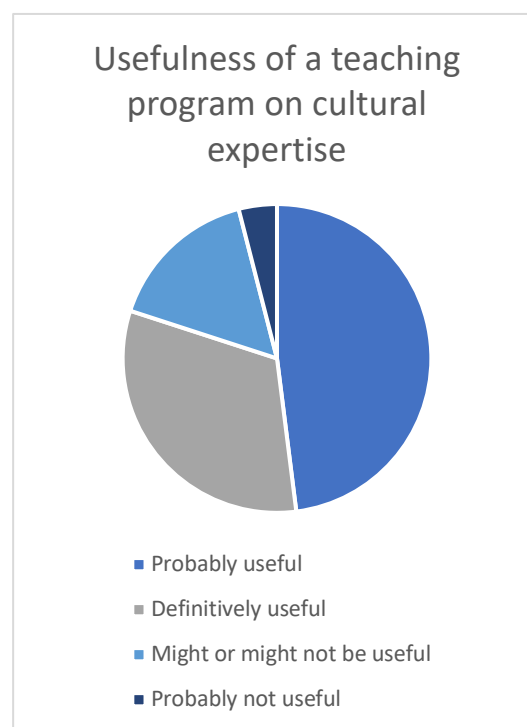
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Usefulness of a teaching program on cultural expertise	%	#
Probably yes	48%	12
Definitively yes	32%	8
Might or might not	16%	4
Probably not	4%	1
Total	100%	25



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'.

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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

