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EURO-EXPERT: Malta Data Summary

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Malta Data Summary

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

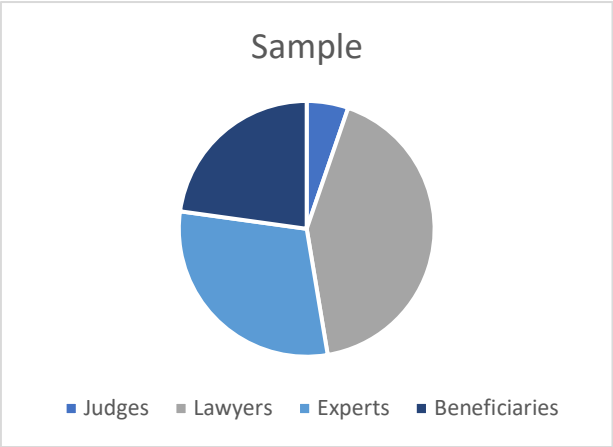
PI: Livia Holden | Data Collector: Ibtisam Sadegh

Date of Publication: 01/02/2022

Qualities of Sample

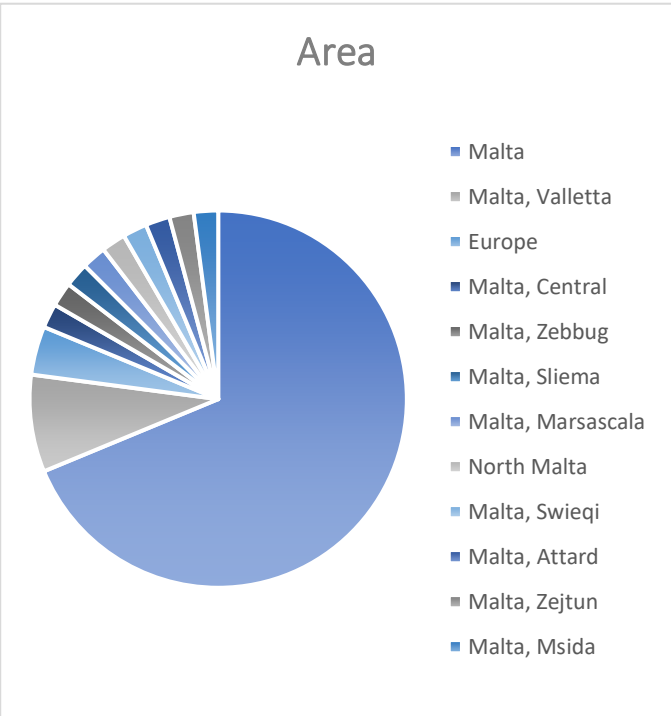
There was a total of 57 responses to the Malta survey, 3 (5 %) were judges, 24 (42 %) were lawyers, 17 (30 %) were experts, and 13 (23 %) beneficiaries.

Respondent categories	%	#
Judges	5%	3
Lawyers	42%	24
Experts	30%	17
Beneficiaries	23%	13
Total	100%	57



Of the 84% (48) of respondents who indicated their location, 71% (34) were based in Malta Central, 8% (4) were based in Malta Valletta, 4% (2) indicated Europe, 2% (1), Malta Zebbug, 2% (1) Malta Sliema, 2% (1), 2% (1) Malta Marsascala, 2% (1) North Malta, 2% (1) Malta, Swieqi, 2% (1) Malta Attard, 2% (1) Malta, Zejtun, 2% (1) Malta, Msida.

Country locations	%	#
Malta	72%	34
Malta, Valletta	8%	4
Europe	4%	2
Malta, Zebbug	2%	1
Malta, Sliema	2%	1
Malta, Marsascala	2%	1
North Malta	2%	1
Malta, Swieqi	2%	1
Malta, Attard	2%	1
Malta, Zejtun	2%	1
Malta, Msida	2%	1
Total	100%	48



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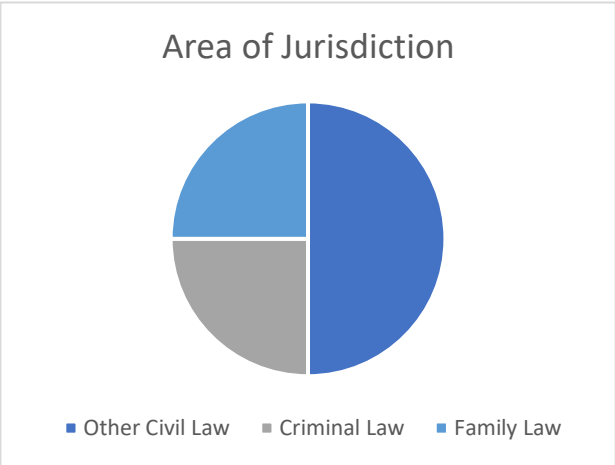
Judges

Out of the three judges who responded to the questionnaire, 2 indicated the upper judiciary as their degree of jurisdiction.
Q62 Criminal Tribunal (1), Family Court (1) and 'Other civil law tribunals' were chosen as areas of jurisdiction.

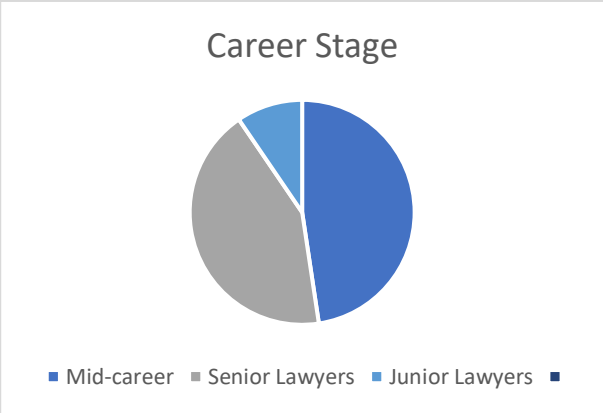
Area of Jurisdiction	%	#
Other Civil Law	50%	2
Criminal Law	25%	1
Family Law	25%	1
Total	100%	4



Lawyers

Out of the 24 lawyers who responded, 21 indicated their career stage. Mid-career was the most common with 10 (48%), followed by Senior lawyers with 9 (43%) and Junior Lawyers with 2 (10 %).

Career Stage	%	Count
Mid-career	48	10
Senior	42	9
Junior	10	2
Total	100%	21



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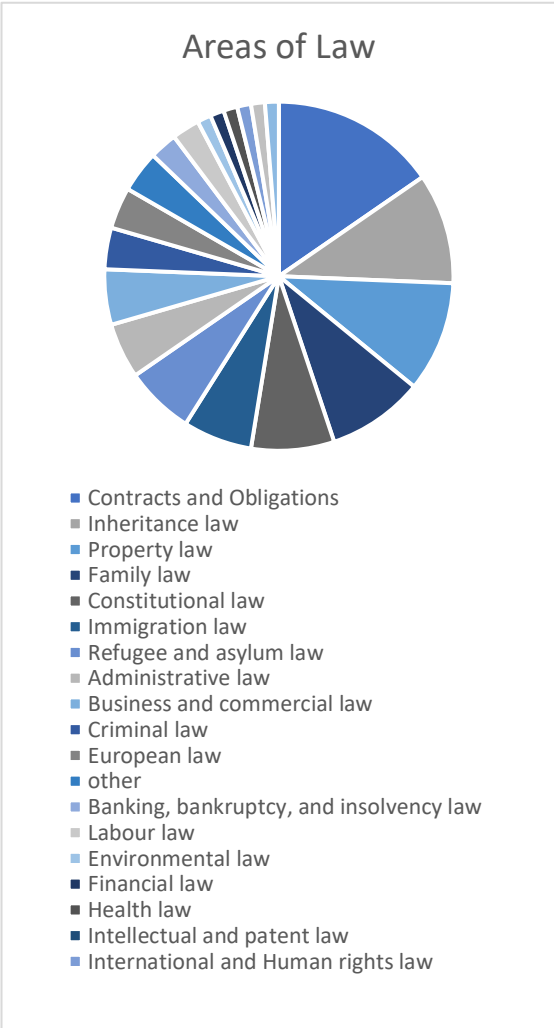
For the areas of law practiced 'Contracts and Obligations' was the most common (15 %, 12), followed by 'Inheritance law' (10%, 8) and 'Property law' (10%, 8), 'Family law' (9%, 7), 'Constitutional law' (8%, 6), 'Immigration law' (6%, 5), 'Refugee and asylum law' (6%, 5), 'Administrative law' (5%, 4), 'Business and commercial law' (5%, 4), 'Criminal law' (4%, 3), 'European law' (4%, 3), and 'other' (4%, 3), 'Banking, bankruptcy, and insolvency law' (3%, 2), 'Labour law' (3%, 2), 'Environmental law' (1%, 1), 'Financial law' (1%, 1), 'Health law' (1%, 1), 'Intellectual and patent law' (1%, 1), 'International and Human rights law' (1%, 1), 'Medical and bio law' (1%, 1), 'Private international law (1%, 1).

Areas of Law	%	#
Contracts and Oblig.	16%	12
Inheritance	10%	8
Property	10%	8
Family	9%	7
Constitutional	8%	6
Immigration	6%	5
Refugee and asylum	6%	5
Administrative	5%	4
Business and comm.	5%	4
Criminal	4%	3
European	4%	3
other	4%	3
Banking, bankruptcy	3%	2
Labour	3%	2
Environmental	1%	1
Financial	1%	1
Health	1%	1
Intellectual and pat.	1%	1
HRL	1%	1
Medical and bio	1%	1
Private international	1%	1
Total	100%	78



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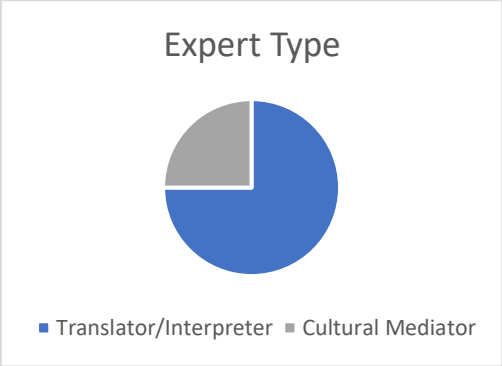
Experts

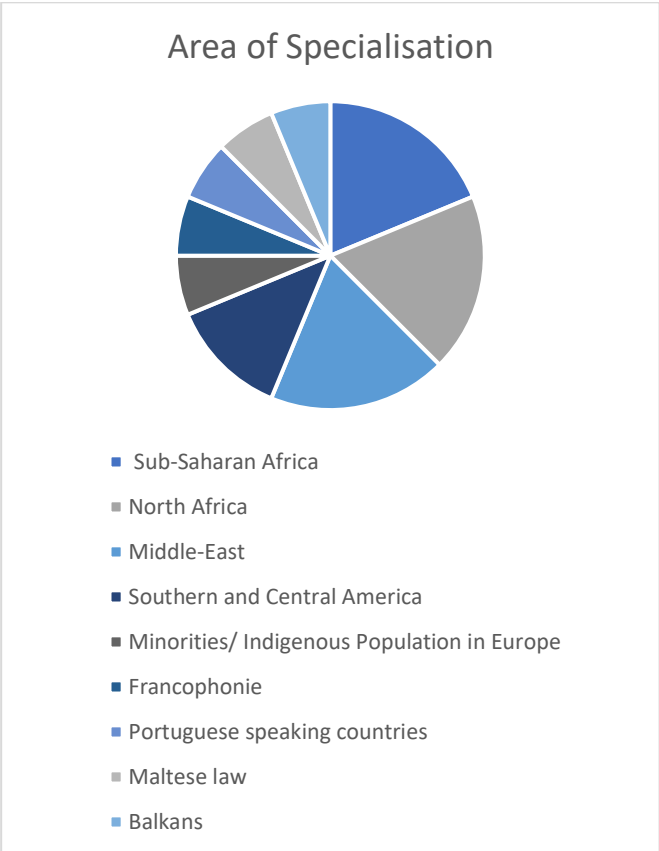
The most common type of expert selected was 'Translator/Interpreter' on 75% (12), and 'Cultural mediator' on 25% (4).

Expert type	%	Count
Translator/Interpreter	75%	12
Cultural Mediator	25%	4
Total	100%	16



The most common areas of specialisation were Sub-Saharan Africa on 19% (3), North Africa on 19 % (3), the Middle East on 19% (3), Southern and Central America on 13% (2), Minorities/ Indigenous Population in Europe on 6% (1). Among the 25% who chose Other, 1 indicated Francophonie, 1 Portuguese speaking countries, 1 Maltese law, and 1 the Balkans.

Area of Specialisation	%	Count
Sub-Saharan Africa	19%	3
North Africa	19%	3
Middle East	19%	3
Southern and Central America	13%	2
Minorities/ Indigenous Population in Europe	6%	1
Francophonie	6%	1
Portuguese speaking countries	6%	1
Maltese law	6%	1
Balkans	6%	1
Total	100%	16



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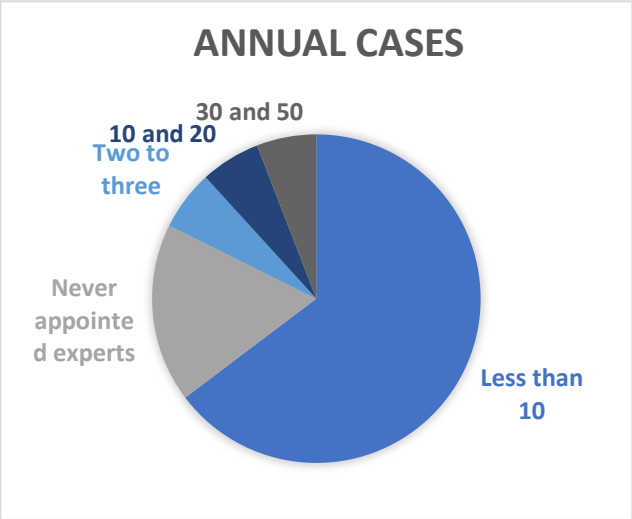
Frequency

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 (65 %, 11), followed by 'none of the above' (24%, 4) out of which 3 indicated to have never appointed experts, and 1 indicated to have acted themselves as experts at the SCCRC of Scotland and to appoint anthropologists two to three times a year as pro-bono experts in Malta. To this followed, instructions between 10 and 20 (6%, 1), and between 30 and 50 (6%, 1).

Annual cases	%	Count
Less than 10	65%	11
Never appointed experts	17%	3
Two to three	6%	1
10 and 20	6%	1
30 and 50	6%	1
Total	100%	17



38% (6) of experts provided a total of less than 5 written report, 19% (3) indicated a number of written reports between 20 and 50, 25% (4) indicated a number of written reports between 50 and 100 cases, and 18% (3) indicated 'other'.
25% (4) of experts provided a total of less than 5 oral reports, 6% (1) indicated a number of oral reports between 5 and 10, 13% (2) indicated a number of oral reports between 10 and 20, 6% (1) indicated a number of oral reports between 20 and 50, 13% (2) indicated a number of oral reports between 50 and 100, 37% (6) indicated 'other'.

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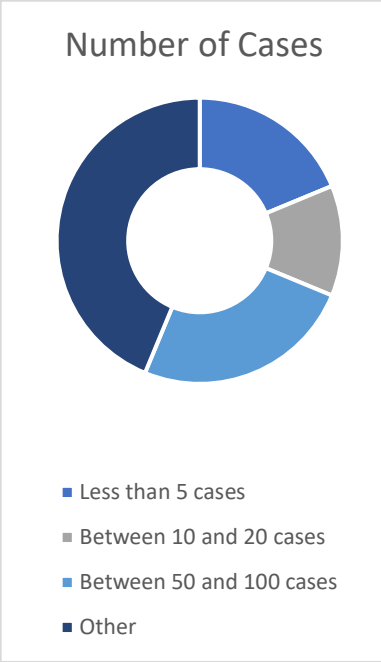
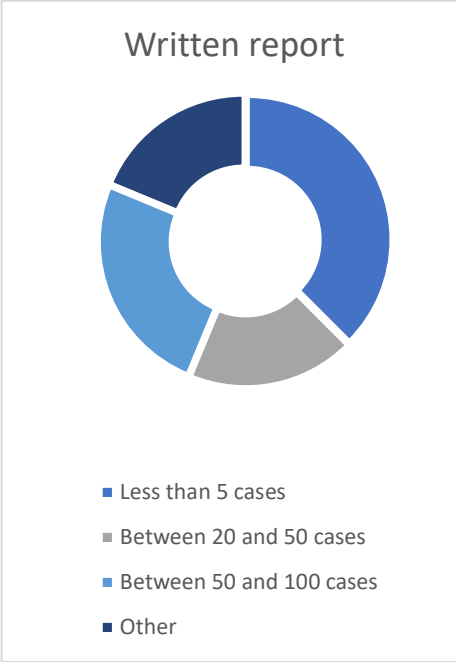
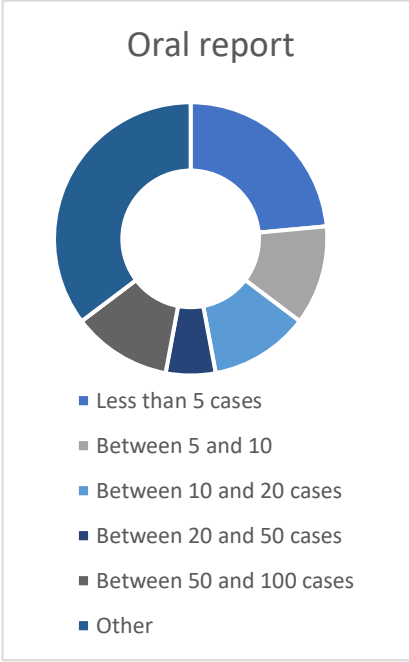
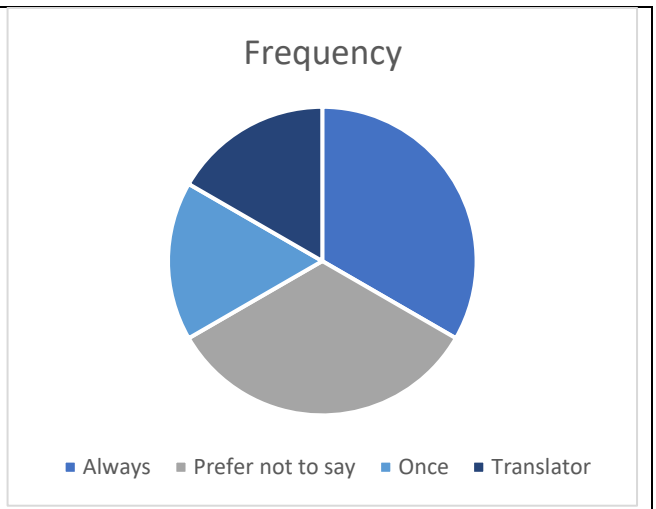






Out of the 6 beneficiaries who responded to the questionnaire, 2 (33 %) said that they had 'always' used cultural expertise, followed by 'prefer not to say' 2 (33 %), followed by 1 (17%) who indicated 'once', followed by 'Other' (17 %, 1) who indicated 'Translator'.

Frequency	%	Count
Always	33%	2
Prefer not to say	33%	2
Once	17%	1
Translator	17%	1
Total	100%	6



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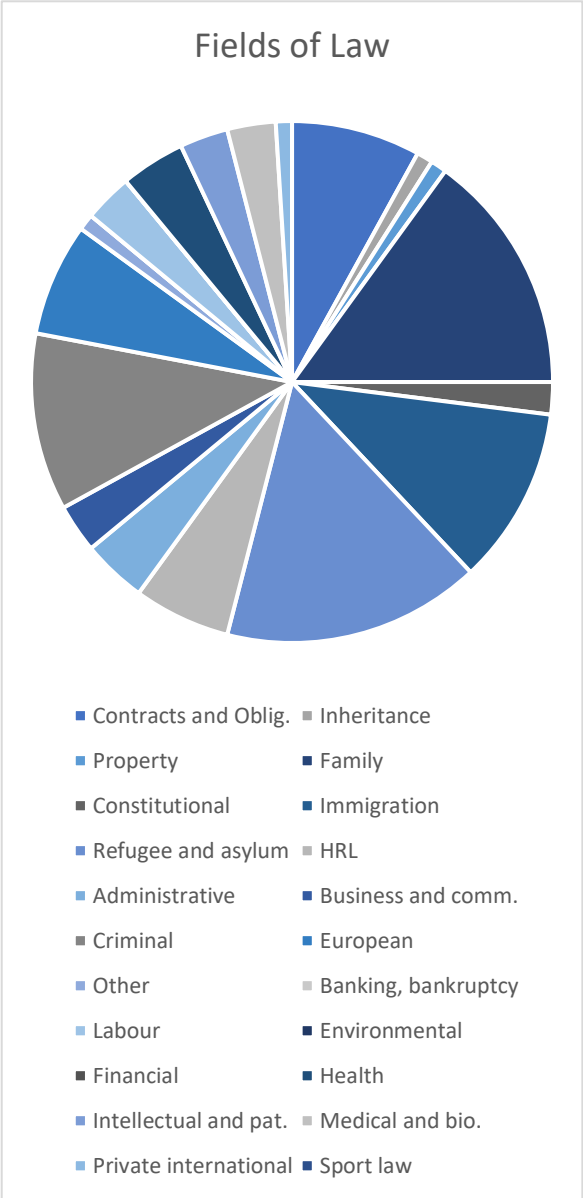
Fields of law

The most common areas of use of cultural expertise were Refugee and Asylum law 16% (12), Family law 15% (11), immigration and Criminal law both at 11% (8), Contract and Obligation law 8% (6), European law 7% (5), Human Right Law 6% (4), Administrative law and Health law 4% (3), Constitutional, Business and commercial, Labour, Intellectual and Patents, Medical and Biological, all at 3% (2), 1% (1) Inheritance, Property, Private International law and Other.

Fields of Law	%	#
Contracts and Oblig.	8%	6
Inheritance	1%	1
Property	1%	1
Family	15%	11
Constitutional	2%	2
Immigration	11%	8
Refugee and asylum	16%	12
HRL	6%	4
Administrative	4%	3
Business and comm.	3%	2
Criminal	11%	8
European	7%	5
Other	1%	1
Labour	3%	2
Health	4.%	3
Intellectual and pat.	3%	2
Medical and bio.	3%	2
Private international	1%	1
Total	100%	74



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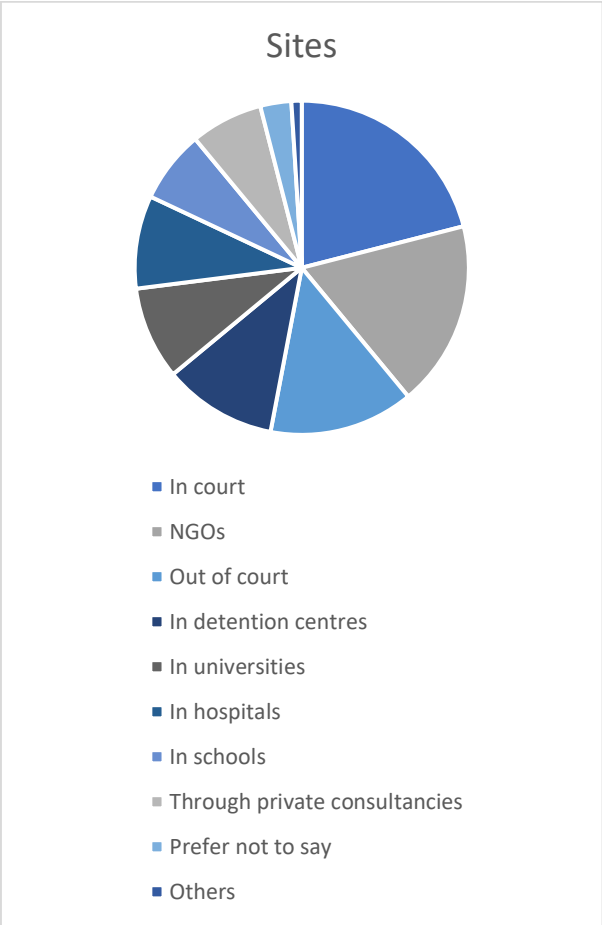
Sites

The most common site for cultural expertise was 'In court' accounting for 21% (12), followed by NGOs 18% (10), 'Out of Court' 14% (8), 'In detention centers' 11% (6), 'In universities 9% (5), 'In hospitals' 9% (5), 'In schools' 7% (4), 'through private consultancies' 7% (4), 'prefer not to say' 4% (2), and 'others' 2% (1) who indicated the police.

Sites	%	Count
In court	21%	12
NGOs	18%	10
Out of court	14%	8
In detention centres	11%	6
In universities	9%	5
In hospitals	9%	5
In schools	7%	4
Through private consultancies	7%	4
Prefer not to say	3%	2
Others	1%	1
Total	100%	54



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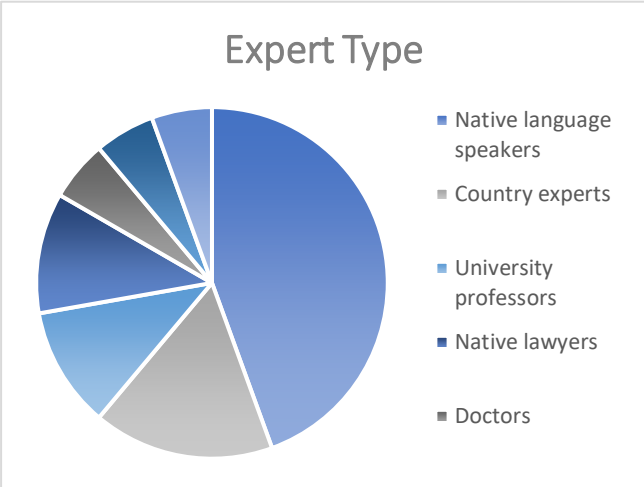
Typology of Experts

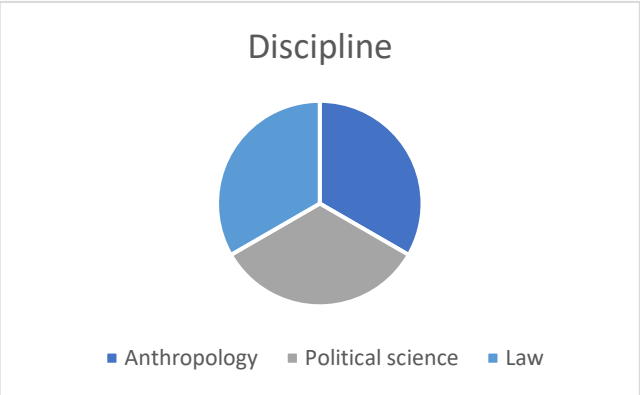
The most common expert type was 'Native language speakers' (33 %, 8), followed by 'Other' out which 1 indicated 'doctors', then 'country experts' (13%, 3), 'university professors (8%, 2), 'Native lawyers' (8%, 2), 'Community leaders' (4%, 1), and 'Religious leaders' (4%, 1).

Expert type	%	Count
Native language speakers	44%	8
Country experts	16%	3
University professors	11%	2
Native lawyers	11%	2
Doctors	6%	1
Community leaders	6%	1
Religious leaders	6%	1
Total	100%	18



The 3 (8%) who selected 'university professors' were asked to clarify the disciplines of these professors, to which 1 responded 'anthropology', 1 'Political science', and 1 'Law'.

Discipline	%	Count
Anthropology	33%	1
Political science	33%	1
Law	33%	1
Total	100%	3



Modalities

Appointment of Experts

Lawyers and judges said that experts were selected due to Client/Defendant/Claimant/Applicant's request (14%, 11), followed by the reputation of the expert (14%, 11), then experts facilitate successful legal outcomes (14%, 11), the appointment is advised by the court (11%, 9) time (10%, 8), the law allows the appointment of experts (10%, 8), cost (9%, 7), the court is keen to hear cultural arguments (6%, 5), the court/prosecutor/Home Office have already appointed their expert (6%, 5), expertise can also be used as an out of court settlement (4%, 3), and prefer not to say (1%, 1).

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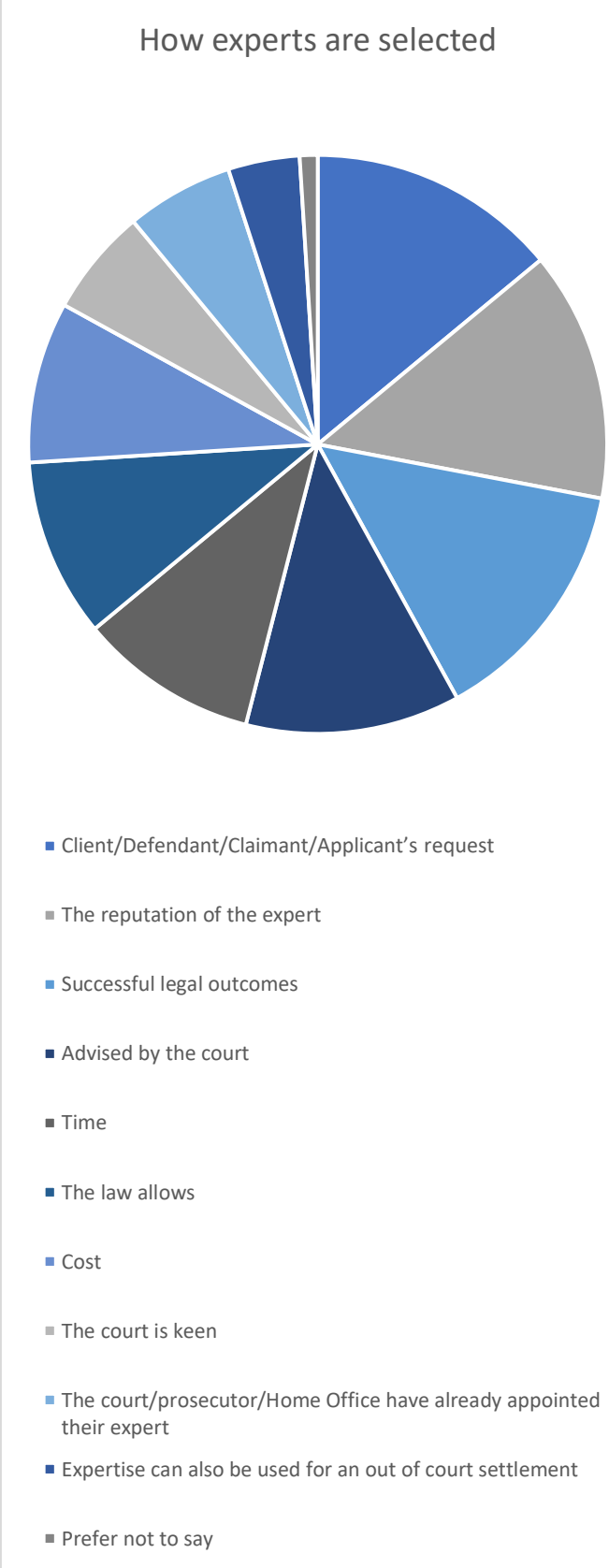
How experts are selected	%	Count
Client/Defendant/Claimant/ Applicant's request	14%	11
The reputation of the expert	14%	11
Successful legal outcomes	14%	11
Advised by the court	12%	9
Time	10%	8
The law allows	10%	8
Cost	9%	7
The court is keen	6%	5
The court/prosecutor/Home Office have already appointed their expert	6%	5
Expertise can also be used for an out of court settlement	4%	3
Prefer not to say	1%	1
Total	100%	79



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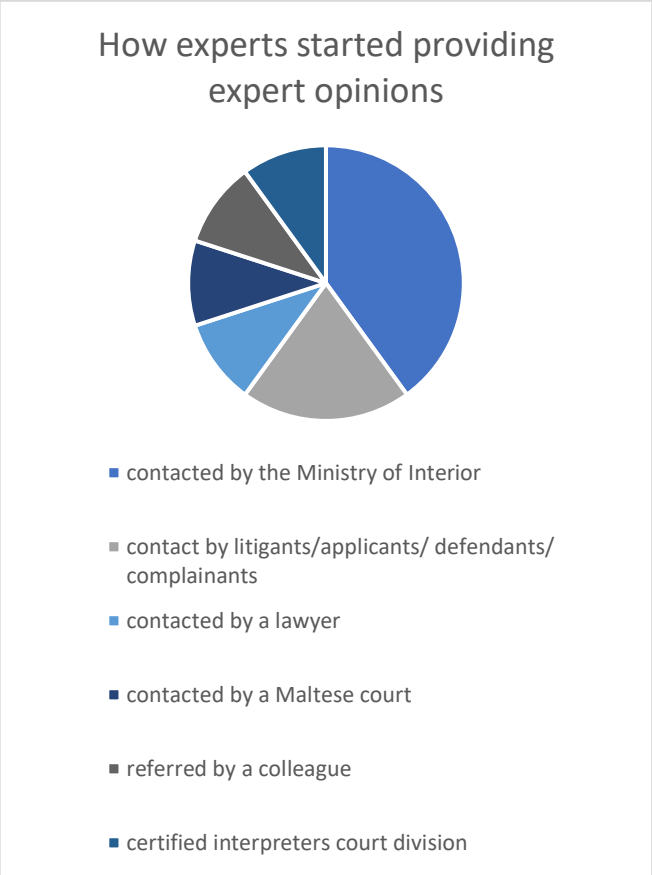
Experts started giving expert opinions after being 'contacted by the Ministry of Interior' (40%, 4), following 'contact by litigants/applicants/ defendants/ complainants' (20%, 2), 'contacted by a lawyer' (10%, 1), 'contacted by a Maltese court' (10%, 1), 'referred by a colleague' (10%, 1), and 'other' who indicated the certified interpreters court division.

How experts started their career	%	Count
contacted by the Ministry of Interior	40%	4
contact by litigants/applicants/ defendants/ complainants	20%	2
contacted by a lawyer	10%	1
contacted by a Maltese court	10%	1
referred by a colleague	10%	1
certified interpreters court division	10%	1
Total	100%	10



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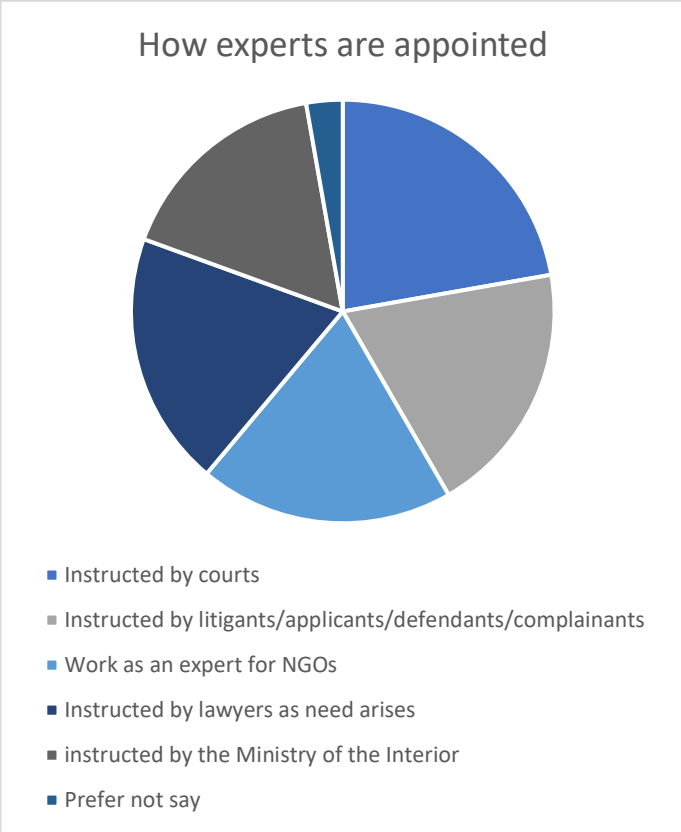
Experts were most commonly appointed by courts (22%, 8) followed by 'instructed by litigants/ applicants/ defendants/complainants' (19%, 7), experts for NGOs (19%, 7), by lawyers as need arises (19%, 7), by the Ministry of Interior (17%, 6) and prefer not to say (3%, 1).

Who instructs the experts	%	Count
Instructed by courts	22%	8
Instructed by litigants/applicants/defendants/complainants	19%	7
Work as an expert for NGOs	19%	7
Instructed by lawyers as need arises	19%	7
instructed by the Ministry of the Interior	17%	6
Prefer not say	3%	1
Total	100 %	36



Cost of cultural expertise

Cultural expertise is usually financed by the clients (31%, 11), followed by the courts (22%, 8), philanthropists/ NGOs/ Relatives/ Community (17%, 6), Ministry of Interior (17 %, 6), Legal Aid (8%, 3), Prefer not to say (3%), Other (3%) who indicated the UNHCR and the Sudanese community, and pro-bono expertise.

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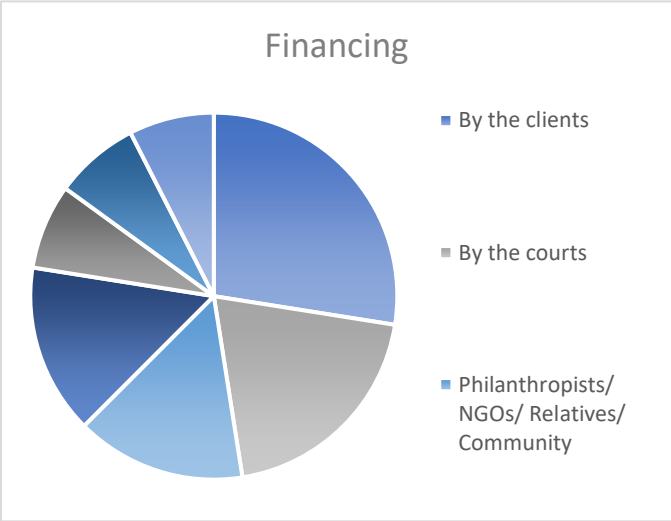
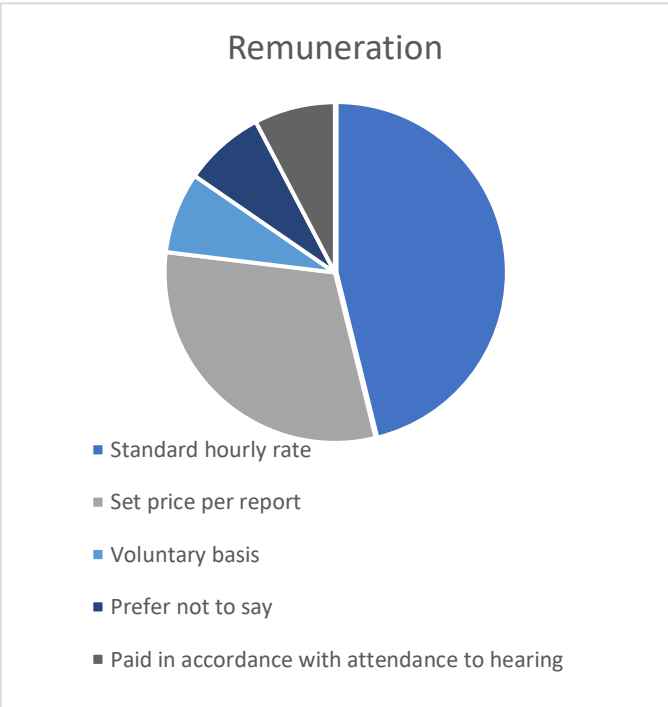
How are experts paid?	%	Count
By the clients	31%	11
By the courts	22%	8
Philanthropists/ NGOs/ Relatives/ Community	17%	6
Ministry of Interior	17%	6
Legal Aid	8%	3
Prefer not to say	8%	3
UNHCR and the Sudanese community, and pro-bono expertise	8%	3
Total	100%	40



Regarding the question of remuneration, the most common response of the experts was 'standard hourly rate' (46 %, 6), followed by 'set price per report' (31 %, 4), then 'voluntary basis' (8%, 1), 'prefer not to say' (8%, 1), 'other' (8%, 1) who indicated 'paid in accordance to attendance to hearing'.

Remuneration of experts	%	Count
Standard hourly rate	46%	6
Set price per report	31%	4
Voluntary basis	8%	1
Prefer not to say	8%	1
Paid in accordance with attendance to hearing	8%	1
Total	100%	13



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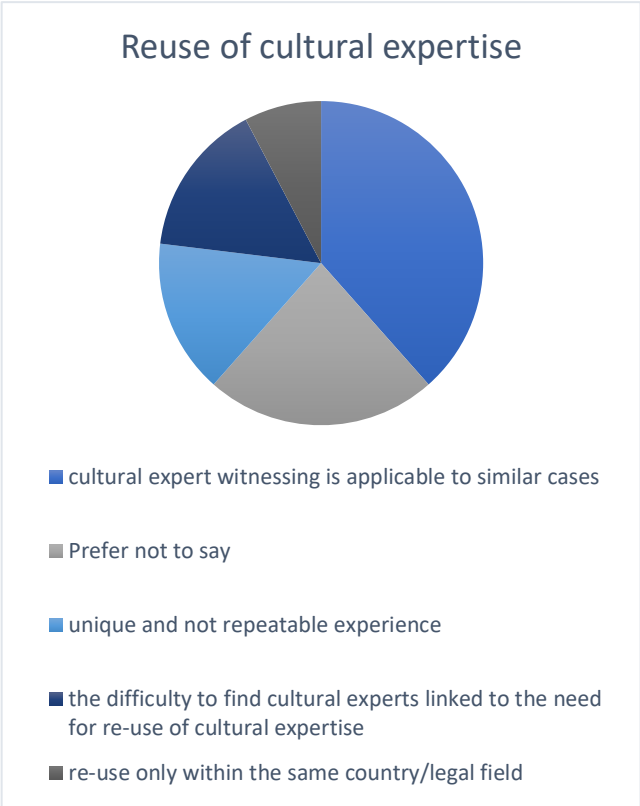
The most common response to the question regarding the reuse of cultural expertise was that cultural expert witnessing is applicable to similar cases (38 %, 5), followed by 'prefer not to say' (23 %, 3), 'unique and not repeatable experience' (15%, 2), 'Other' (15%, 2) who indicated the difficulty to find cultural experts linked to the need for re-use of cultural expertise, and 're-use only within the same country/legal field' (8%, 1).

Reuse of cultural expertise	%	Count
cultural expert witnessing is applicable to similar cases	38%	5
Prefer not to say	23%	3
unique and not repeatable experience	15%	2
Other: the difficulty to find cultural experts linked to the need for re-use of cultural expertise	15%	2
re-use only within the same country/legal field	8%	1
Total	100%	13



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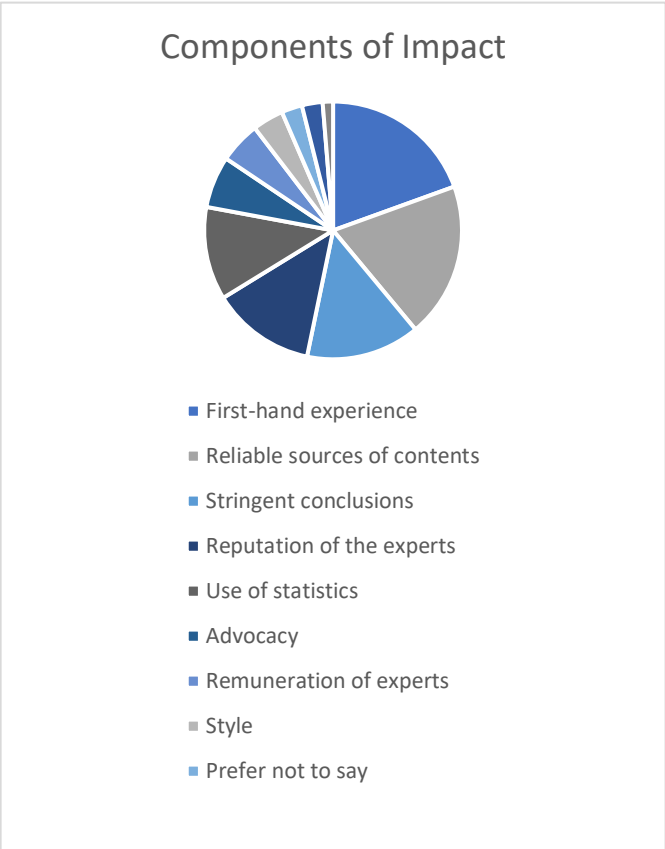
Impact

Components of Impact

The factors most likely to have an impact on their addresses includes the use of first-hand data (19%, 15), reliable sources of contents (19%, 15), stringent conclusions (14%, 11), reputation of the experts (13%, 10), use of statistics (12%, 9), advocacy (6%, 5), remuneration of experts (5%, 4), style (4%, 3), prefer not to say (3%, 2), numerical assessment of risk (3%, 2), other (1%, 1).

Components of impact	%	Count
First-hand experience	19%	15
Reliable sources	19%	15
Stringent conclusions	14%	11
Reputation of the experts	13%	10
Use of statistics	12%	9
Advocacy	6%	5
Remuneration of experts	5%	4
Style	4%	3
Prefer not to say	3%	2
Numerical assessment of risk	3%	2
Other	1%	1
Total	100%	77



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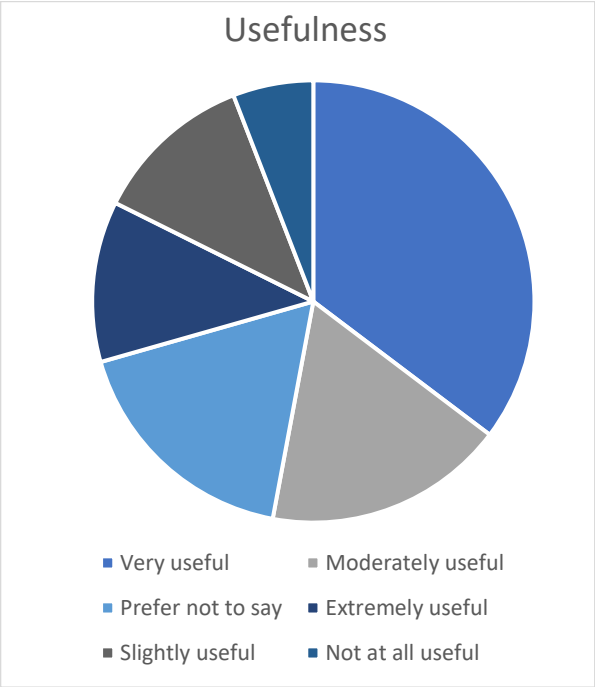
Usefulness

The most common response to the question regarding the usefulness of cultural expertise was 'very useful' (35%, 6), followed by 'moderately useful' (18%, 3), 'prefer not to say' (18%, 3), 'extremely useful' (12%, 2), 'slightly useful' 12%, 2), 'not at all useful' (6%, 1).

Usefulness of cultural expertise	**%**	**Count**
Very useful	34%	6
Moderately useful	18%	3
Prefer not to say	18%	3
Extremely useful	12%	2
Slightly useful	12%	2
Not at all useful	6%	1
Total	100%	17



Most respondents indicated that cultural expertise is most useful in migration law (38%, 8), followed by 'more useful in criminal law than in civil law' (29%, 6), 'more useful in civil law than in criminal law' (10%, 2), useful in all areas of law (10%, 2), in family law (5%, 1), civil and criminal law (5%, 1), asylum, immigration and criminal law (5%, 1).

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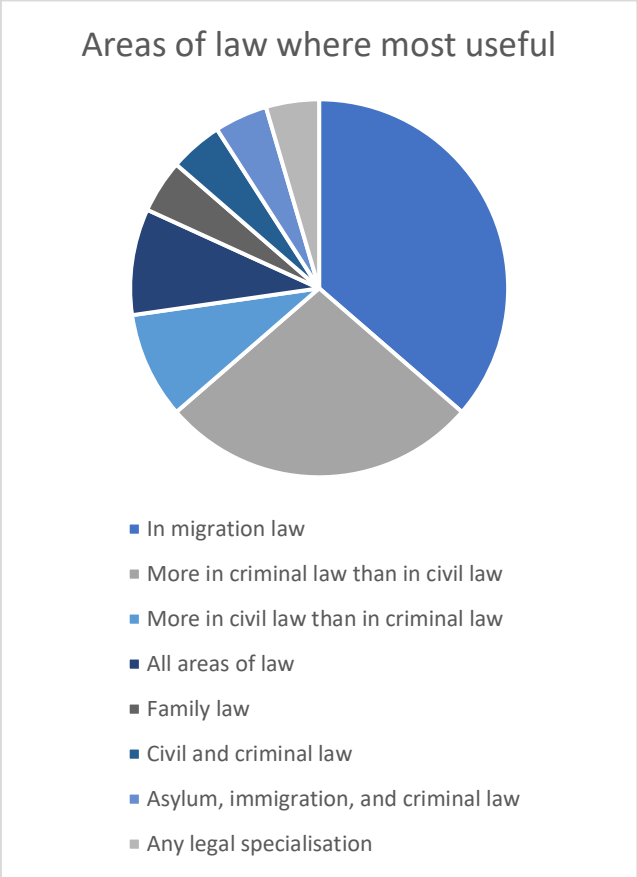
Areas of law where cultural expertise is more useful	%	Count
In migration law	37%	8
More in criminal law than in civil law	28%	6
More in civil law than in criminal law	10%	2
All areas of law	5%	2
Family law	5%	1
Civil and criminal law	5%	1
Asylum, immigration, and criminal law	5%	1
Any legal specialisation	5%	1
Total	100%	21



Competitiveness

Experts thought that their expertise was competitive because of their 'competence' (33%, 8), 'reputation' (33%, 8), 'balance between competence and costs' (21%, 5), and 'convenient hourly quote' (13%, 3).

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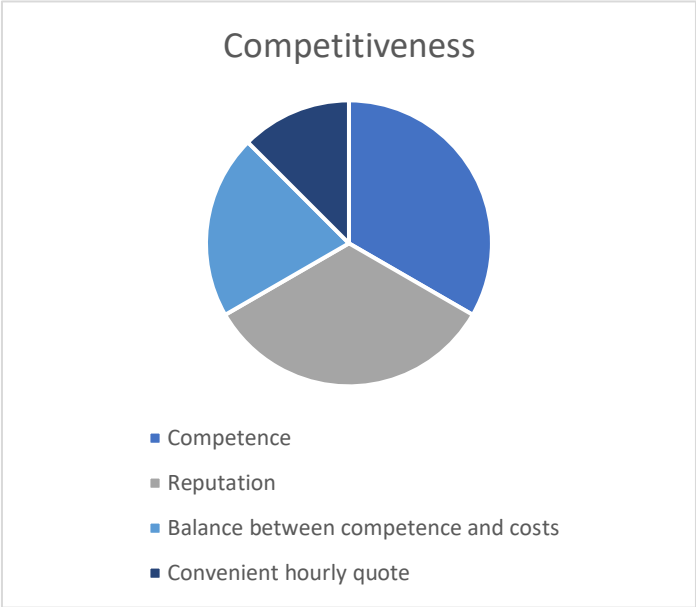
Competitiveness	%	Count
Competence	33%	8
Reputation	33%	8
Balance between competence and costs	21%	5
Convenient hourly quote	13%	3
Total	100%	24



Reputation of experts

The majority of experts said that they had been regularly instructed/ appointed as expert for many years (60%, 6), followed by 'other' (20%, 2) who indicated to have been recommended by people, and to be fully qualified as court/conference interpreter, then 'the cases in which expert opinion was provided were successful' (10%, 1), and 'I don't know' (10%, 1).

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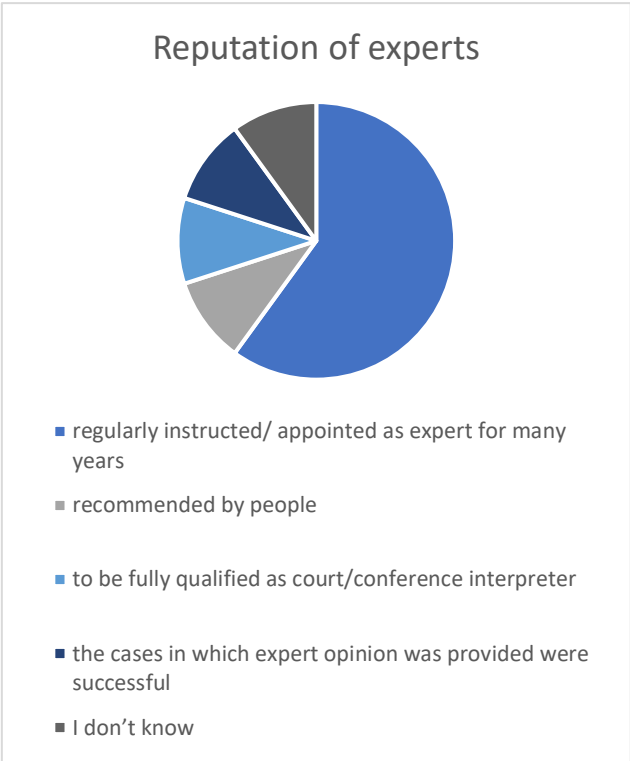
Reputation of experts	%	#
regularly instructed/ appointed as expert for many years	60%	6
recommended by people	10%	1
to be fully qualified as court/conference interpreter	10%	1
the cases in which expert opinion was provided were successful	10%	1
I don't know	10%	1
Total	100 %	10



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 (65%, 13), followed by being somewhat useful (15%, 3), of no use (10%, 2), prefer not to say (10%, 2).

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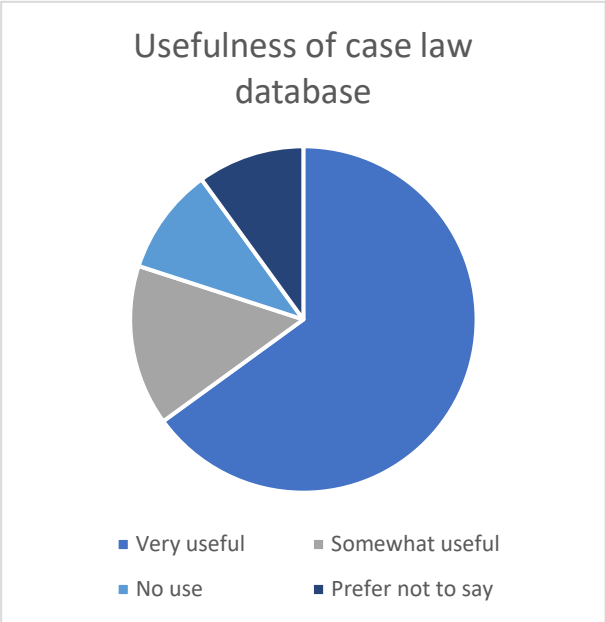
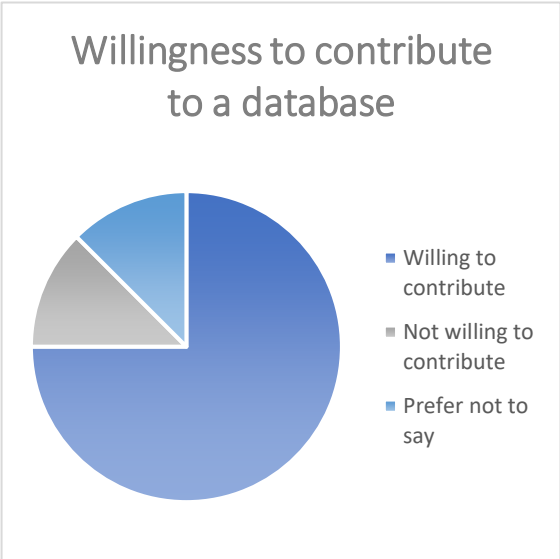
Usefulness of case law database	%	#
Very useful	65%	13
Somewhat useful	15%	3
No use	10%	2
Prefer not to say	10%	2
Total	100%	20



Well over half of the respondents indicated that they would like to contribute to the establishment of a case law database (75%, 12), with the remainder divided between not willing to contribute (13%, 2) not willing to contribute, and prefer not to say (13%, 2).

Contribution to law database	%	Count
Willing to contribute	75%	12
Not willing to contribute	13%	2
Prefer not to say	12%	2
Total	100%	16



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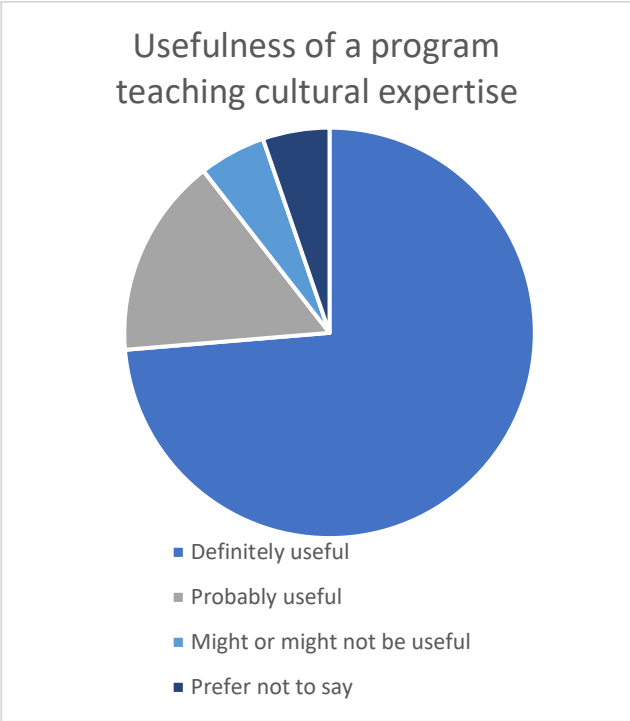
Capacity building

Well over the half of the respondents indicated that they thought a teaching program on cultural expertise would be definitely useful (74%, 14), followed by probably useful (16%, 3), might or might not (5%, 1), and prefer not to say (5%, 1).

Usefulness of teaching program on cultural expertise	%	#
Definitely useful	74%	14
Probably useful	16%	3
Might or might not be useful	5%	1
Prefer not to say	5%	1
Total	100%	19



To the question regarding the interest in a teaching program about cultural expertise, 36% (8) said to know schools, universities and organisations that may be interested in teaching cultural expertise, followed by those interested in teaching cultural expertise themselves (27%, 6), then prefer not to say (27%, 6), then knowing professional organisation being interested in the teaching of cultural expertise (5%, 1), and 'other' (5%, 1).

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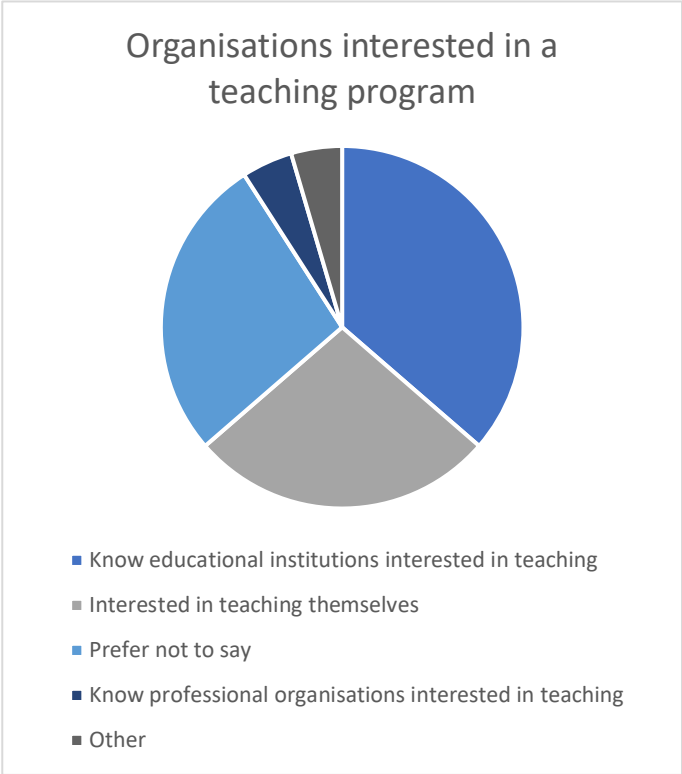
Organisations interested in a teaching program	%	#
Know educational institutions interested in teaching	36%	8
Interested in teaching themselves	27%	6
Prefer not to say	27%	6
Know professional organisations interested in teaching	5%	1
Other	5%	1
Total	100%	22