

Austria Data Summary

CULTURALEXPERTISEINEUROPE: WHATISITUSEFUL FOR? (EURO-EXPERT)

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

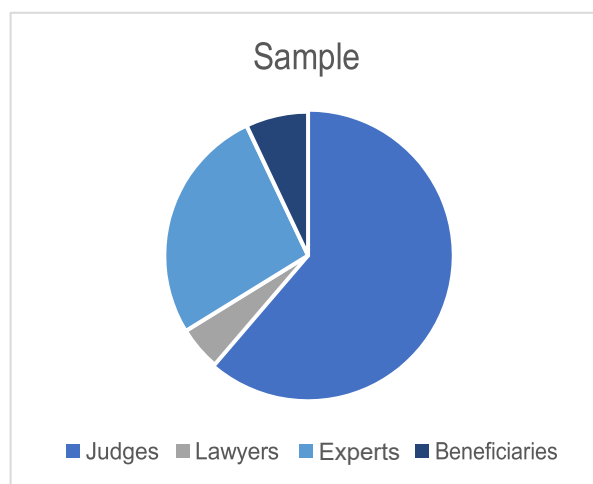
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Qualities of Sample

There were 142 responses to the Austria survey, of which (62%, 87) were judges, (5%, 7) were lawyers, (27%, 38) were experts and (6%, 10) were beneficiaries.

| Respondent categories | % | # |
|-----------------------|------|-----|
| Judges | 62% | 87 |
| Lawyers | 5% | 7 |
| Experts | 27% | 38 |
| Beneficiaries | 6% | 10 |
| Total | 100% | 142 |



Of the 84%, 118, of respondents who indicated their location, (36%, 42) were based on Vienna followed by 'other' (14%, 17) then Salzburg (8%, 9), Vorarlberg (6%, 7), Upper Austria (6%, 7), Linz (6%, 7), Welz (5%, 6). The remaining were (3% 3) Innsbruck, Styria, Lower Austria, Klagenfurt, Graz, Burgenland and (2%, 2) Tyrol and Carinthia.

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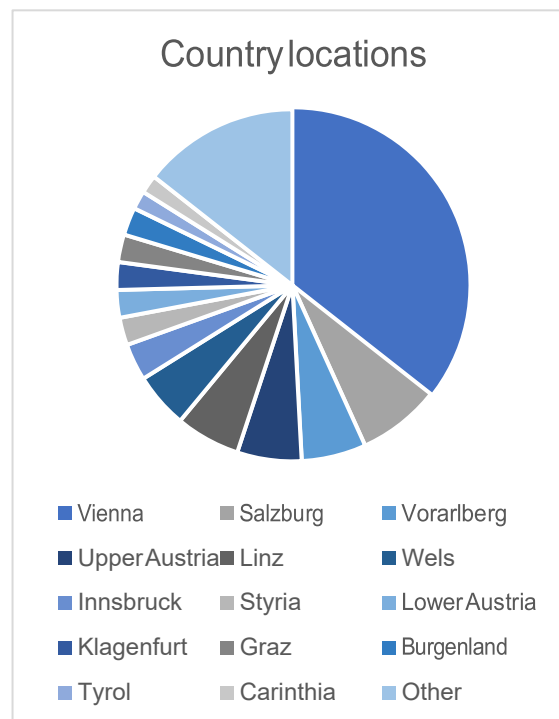
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| Country locations | % | # |
|-------------------|------|-----|
| Vienna | 36% | 42 |
| Other | 14% | 17 |
| Salzburg | 8% | 9 |
| Vorarlberg | 6% | 7 |
| Upper Austria | 6% | 7 |
| Linz | 6% | 7 |
| Wels | 5% | 6 |
| Innsbruck | 3% | 4 |
| Styria | 3% | 3 |
| Lower Austria | 3% | 3 |
| Klagenfurt | 3% | 3 |
| Graz | 3% | 3 |
| Burgenland | 3% | 3 |
| Tyrol | 2% | 2 |
| Carinthia | 2% | 2 |
| Total | 100% | 118 |



Judges

The most common degree of jurisdiction for Judges was District Court/Administrative Court (49%, 42), then the State Administrative Court (42%, 36) and the Higher State Courts (4%, 3). Four respondents selected 'other' (5%), with two indicating they were prosecutors, and one that they were based in the Constitutional Court, and another who was based in a provincial court.

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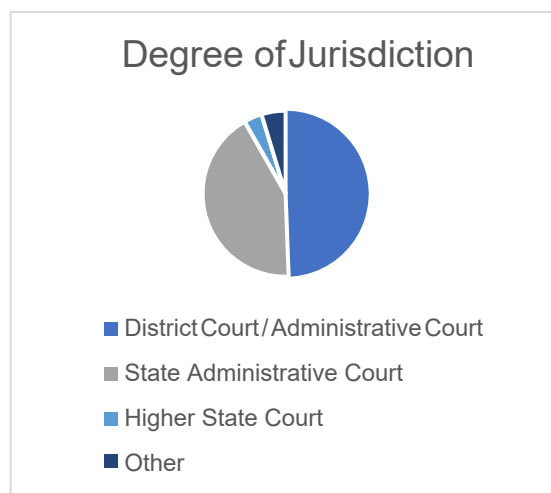
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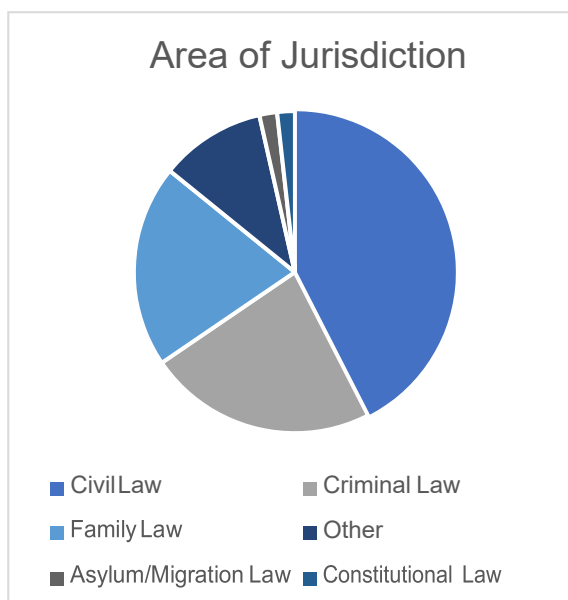
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| Degree of Jurisdiction | % | # |
|---------------------------------------|------|----|
| District Court / Administrative Court | 49% | 42 |
| State Administrative Court | 42% | 36 |
| Higher State Court | 4% | 3 |
| Other | 5% | 4 |
| Total | 100% | 85 |



The most common area of jurisdiction was civil law (42%, 48) followed by criminal law (23%, 26), then family law (20%, 23), 'other' (11%, 12), with Asylum/Migration Law and Constitutional Law accounting for 2%, 2.

| Area of Jurisdiction | % | # |
|----------------------|------|-----|
| Civil Law | 42% | 48 |
| Criminal Law | 23% | 26 |
| Family Law | 20% | 23 |
| Other | 11% | 12 |
| Asylum/Migration Law | 2% | 2 |
| Constitutional Law | 2% | 2 |
| Total | 100% | 113 |



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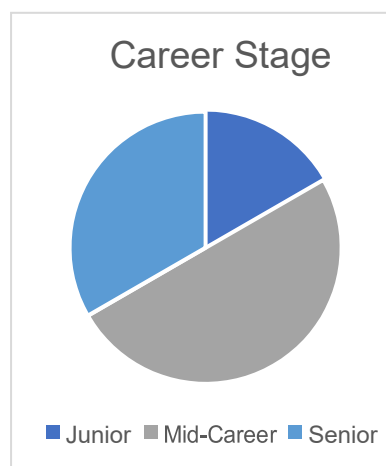
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Lawyers

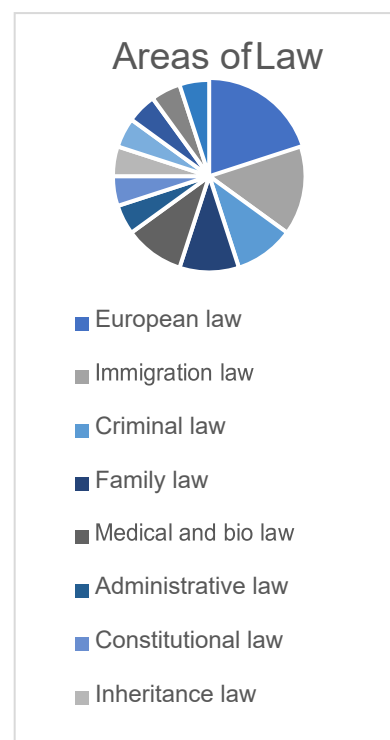
Out of the 6 lawyers who responded, (50%, 3) indicated mid-career, followed by senior lawyers (33%, 2) and junior lawyers (17%, 1).

| Career Stage | % | # |
|--------------|------|---|
| Mid-career | 50% | 3 |
| Senior | 33% | 2 |
| Junior | 17% | 1 |
| Total | 100% | 6 |



For the areas of law practiced, European Law (20%, 4) was the most common, followed by 'Immigration law' (15%, 3), 'Criminal Law' (10%, 2), 'Family Law' (10%, 2) and 'Medical and Bio Law' (10%, 2), with all the remaining areas, 'Administrative law', 'Constitutional law', 'Inheritance law', 'International human rights law', 'Labour law', 'Property law', and 'Refugee and asylum law' each accounting for 5%, 1.

| Areas of Law | % | # |
|--------------------------------|------|----|
| European law | 20% | 4 |
| Immigration law | 15% | 3 |
| Criminal law | 10% | 2 |
| Family law | 10% | 2 |
| Medical and bio law | 10% | 2 |
| Administrative law | 5% | 1 |
| Constitutional law | 5% | 1 |
| Inheritance law | 5% | 1 |
| International human rights law | 5% | 1 |
| Labour law | 5% | 1 |
| Property law | 5% | 1 |
| Refugee and asylum law | 5% | 1 |
| Total | 100% | 20 |



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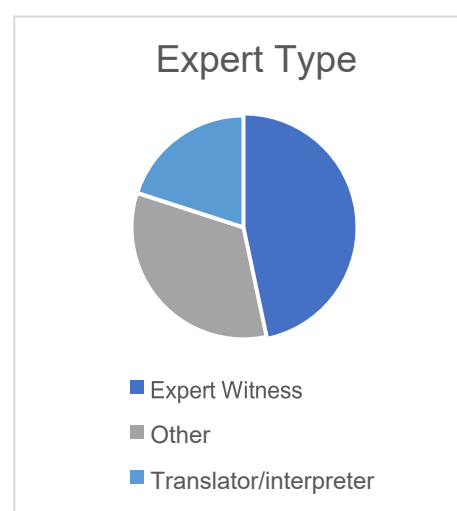
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Experts

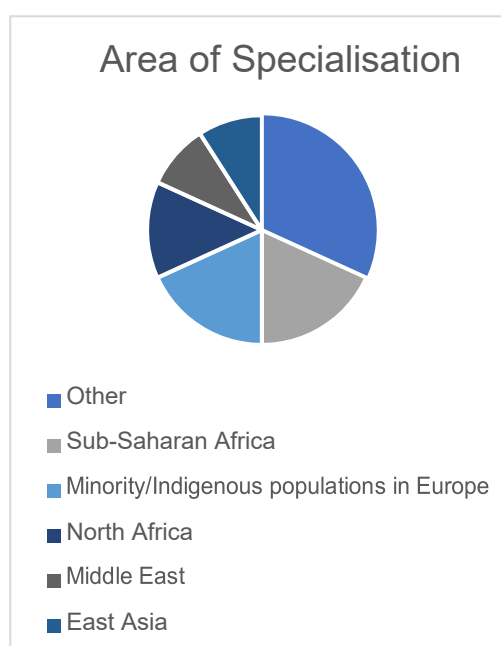
The most common expert type was 'Expert Witness' (47%, 14) followed by 'Other' (33%, 10) then 'Translator/interpreter' (20%, 6).

| Expert Type | % | # |
|------------------------|------|----|
| Expert Witness | 47% | 14 |
| Other | 33% | 10 |
| Translator/interpreter | 20% | 6 |
| Total | 100% | 30 |



The most common response to the question regarding area of specialisation was 'Other' (32%, 7) followed by 'Sub-Saharan Africa' (18%, 4), then 'Minority/Indigenous Populations in Europe' (18%, 4), 'North Africa' (14%, 3), 'Middle East' (9%, 2) and 'East Asia' (9%, 2).

| Area of Specialisation | % | Count |
|---|------|-------|
| Other | 32% | 7 |
| Sub-Saharan Africa | 18% | 4 |
| Minority/Indigenous populations in Europe | 18% | 4 |
| North Africa | 14% | 3 |
| Middle East | 9% | 2 |
| East Asia | 9% | 2 |
| Total | 100% | 25 |



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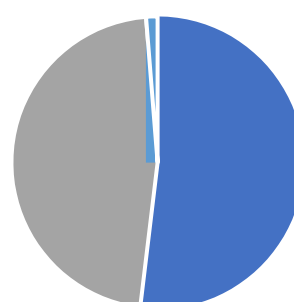
Frequency

Frequency of involvement

To the question of how many experts did they instruct annually, most responding judges and lawyers (52%, 41) choose 'Never appointed experts', followed by 'Less than 10' (47%, 37), and 'Between 20 and 30' (1%, 1).

| Annual cases | % | # |
|-------------------------|------|----|
| Never appointed experts | 52% | 41 |
| Less than 10 | 47% | 37 |
| Between 20 and 50 | 1% | 1 |
| Total | 100% | 82 |

Annual cases



■ Never appointed experts ■ Less than 10
■ Between 20 and 30

(29%, 8) of experts provided between 50 and 100 reports, (25%, 7) indicated a number of written reports between 20 and 50, (21%, 6) indicated a number of written reports between 10 and 20, (18%, 5) choose 'Other', (4%, 1) indicated between 5 and 10 and less than 5.

(34%, 10) of experts provided a total of less than 5 oral reports, (17%, 5) choose 'Other', (13%, 4) a number of oral reports between 5 and 10, (14%, 4) indicated a number of oral reports between 50 and 100 and (10%, 3) indicated a number of oral reports between 20 and 50 and 10 and 20.

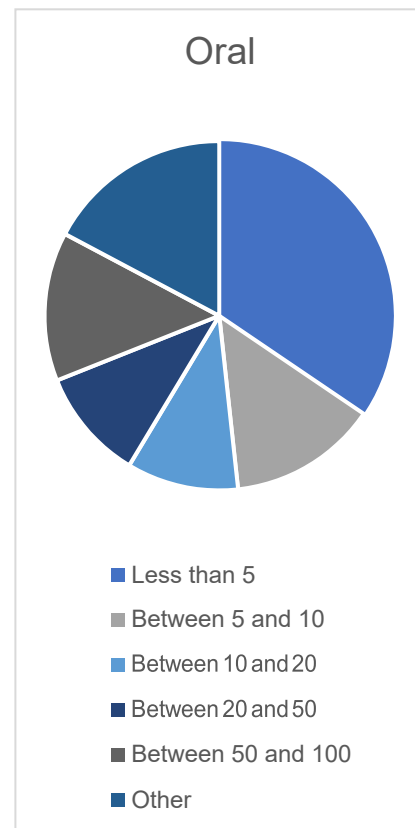
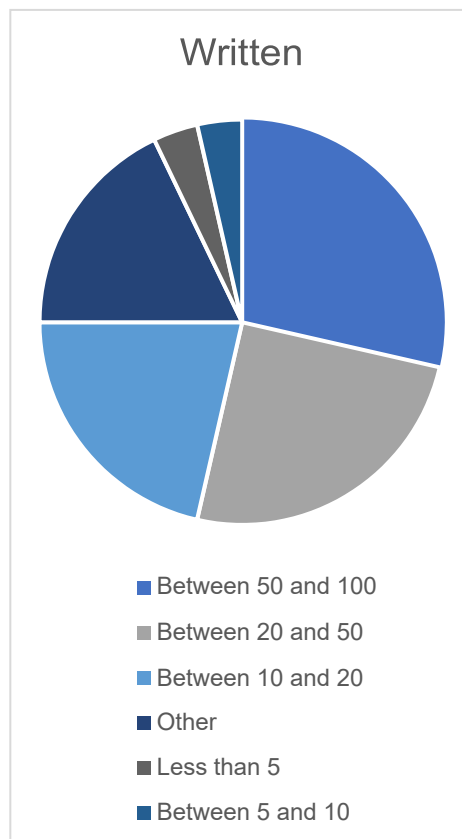
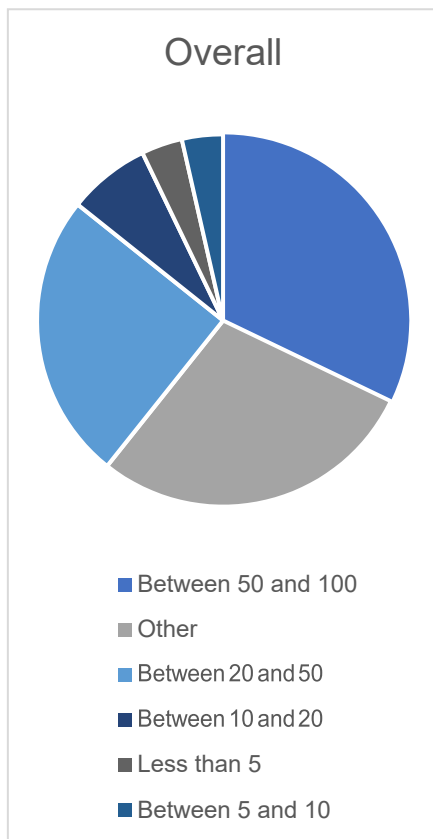
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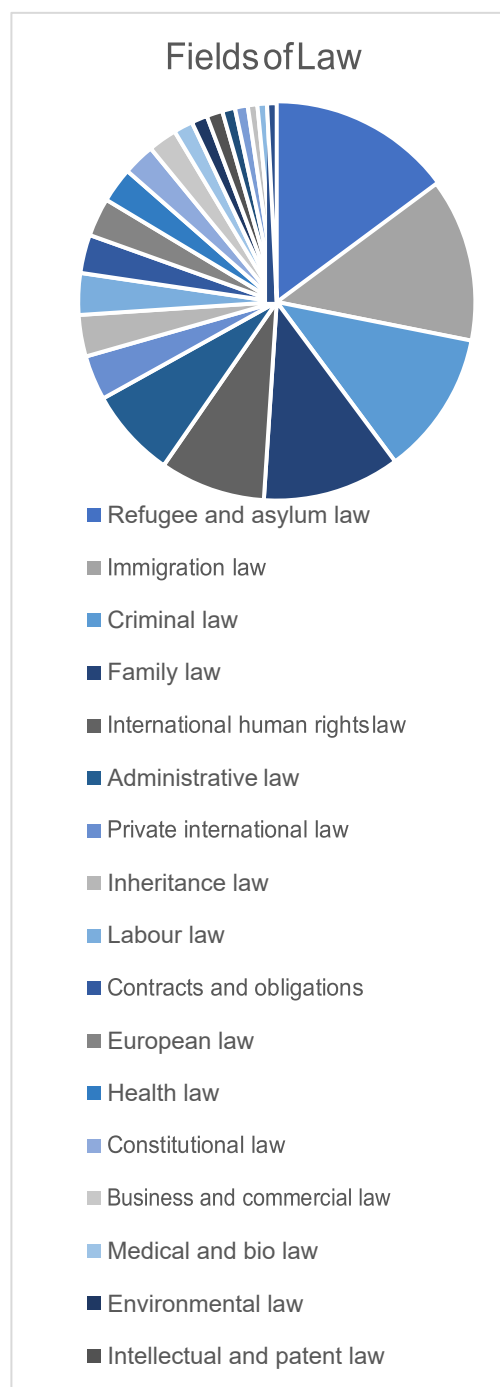
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Fields of law

The most common areas of use of cultural expertise was 'Refugee and Asylum Law' (15%, 57), followed by 'Immigration Law' (13%, 51), 'Criminal Law' (12%, 45), 'Family Law' (11%, 43), 'International Human Rights Law' (9%, 33) and 'Administrative Law' (7%, 28), with all the remaining areas accounting for 4% or less.

| Fields of Law | % | Count |
|---|-------------|------------|
| Refugee and asylum law | 15% | 57 |
| Immigration law | 13% | 51 |
| Criminal law | 12% | 45 |
| Family law | 11% | 43 |
| International human rights law | 9% | 33 |
| Administrative law | 7% | 28 |
| Private international law | 4% | 14 |
| Inheritance law | 3% | 13 |
| Labour law | 3% | 13 |
| Contracts and obligations | 3% | 12 |
| European law | 3% | 12 |
| Health law | 3% | 11 |
| Constitutional law | 3% | 10 |
| Business and commercial law | 2% | 9 |
| Medical and bio law | 2% | 6 |
| Environmental law | 1% | 5 |
| Intellectual and patent law | 1% | 5 |
| Financial law | 1% | 4 |
| Other | 1% | 4 |
| Banking, bankruptcy, and insolvency law | 1% | 3 |
| Property law | 1% | 3 |
| Sports law | 1% | 3 |
| Total | 100% | 388 |



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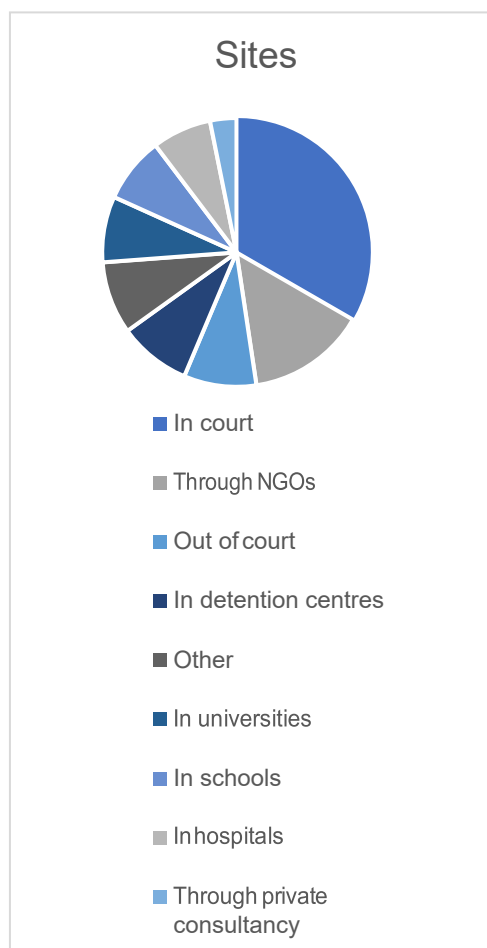
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Sites

The most common site of cultural expertise is 'In court' (33%, 42), followed by 'Through NGOs' (14%, 18) then 'Out of Court', 'In detention Centres' and 'Other' (9%, 11 each), 'In Universities' and 'In Schools' each received (7%, 10), with all remaining categories receiving 7% or less.

| Sites | % | # |
|-----------------------------|------|-----|
| In court | 33% | 42 |
| Through NGOs | 14% | 18 |
| Out of court | 9% | 11 |
| In detention centres | 9% | 11 |
| Other | 9% | 11 |
| In universities | 8% | 10 |
| In schools | 8% | 10 |
| In hospitals | 7% | 9 |
| Through private consultancy | 3% | 4 |
| Total | 100% | 126 |



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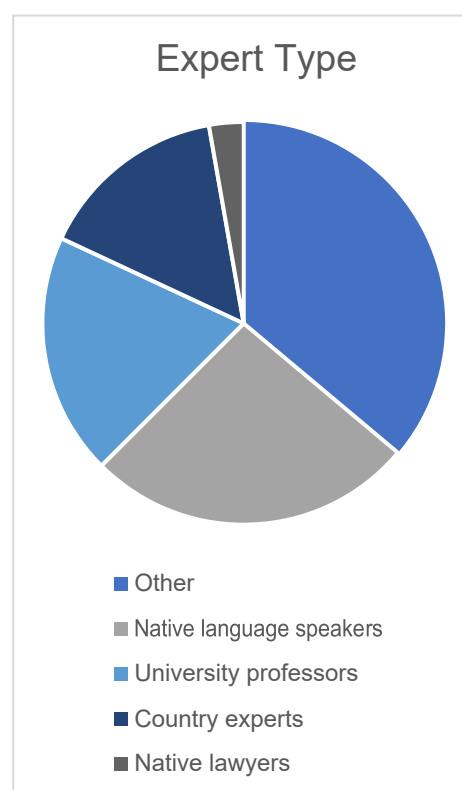
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Typology of Experts

The most common response to the question regarding their expert type was 'Other' (36%, 26), followed by 'Native language speakers' (26%, 19) then 'University professors' (19%, 14), 'Country experts' (15%, 11) and Native lawyers (3%, 2).

| Expert Type | % | # |
|--------------------------|------|----|
| Other | 36% | 26 |
| Native language speakers | 26% | 19 |
| University professors | 19% | 14 |
| Country experts | 15% | 11 |
| Native lawyers | 3% | 2 |
| Total | 100% | 72 |



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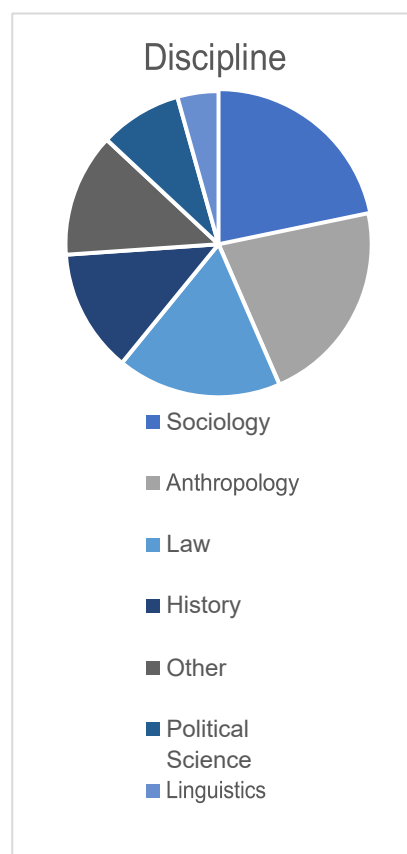
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The (15%, 14) who selected University Professors were asked to specify the disciplines of those professors. The most common responses were 'Sociology and Anthropology' (both 22%, 5) followed by 'Law' (17%, 4), then 'History' and 'Other' (13%, 3 each), 'Political Science' (9%, 2) and 'Linguistics' (4%, 1). For those who selected 'Other' and specified, one indicated doctors and another psychologists and psychiatrists.

| Discipline | % | # |
|-------------------|------|----|
| Sociology | 22% | 5 |
| Anthropology | 22% | 5 |
| Law | 17% | 4 |
| History | 13% | 3 |
| Other | 13% | 3 |
| Political Science | 9% | 2 |
| Linguistics | 4% | 1 |
| Total | 100% | 23 |



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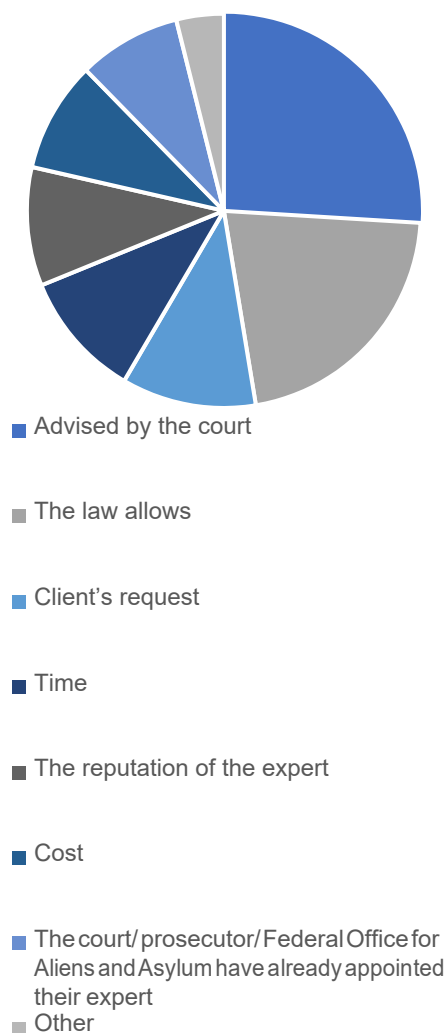
Modalities

Appointment of Experts

The most commonly factor influencing the decision to appoint was that the appointment of experts was 'Advised by the court' (26%, 40), followed by 'The law allows the appointment of experts' (21%, 33), then 'Client request' (11%, 17), 'Time' (11%, 16), 'The reputation of the expert' (10%, 15), 'Cost' (9%, 14), 'The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert' (8%, 13) and 'Other' (4%, 6).

| How experts are selected | % | # |
|---|------|-----|
| Advised by the court | 26% | 40 |
| The law allows | 21% | 33 |
| Client request | 11% | 17 |
| Time | 11% | 16 |
| The reputation of the expert | 10% | 15 |
| Cost | 9% | 14 |
| The court/ prosecutor/ Federal Office for Aliens and Asylum have already appointed their expert | 8% | 13 |
| Other | 4% | 6 |
| Total | 100% | 154 |

How experts are selected



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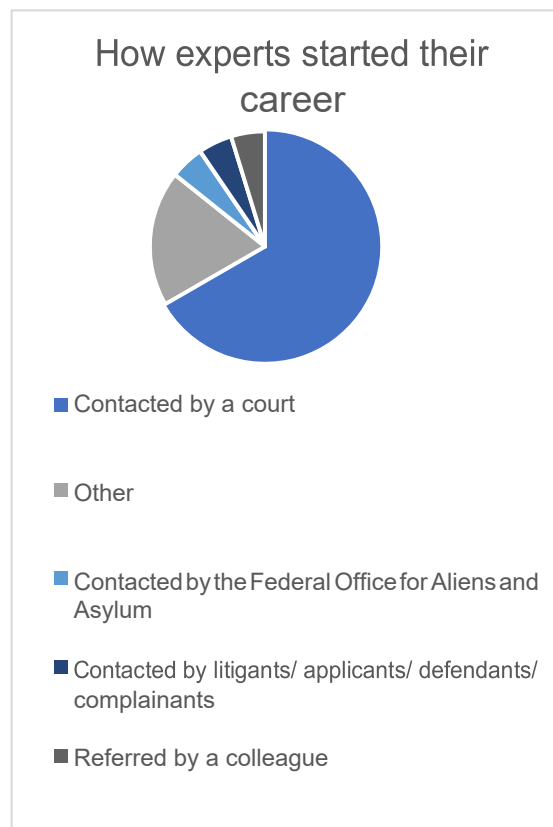
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Most experts started giving opinions after being ‘Contacted by a court’ (67%, 14), followed by ‘Other’ (19%, 4), (9%, 2), with all the remaining options being selected by a single respondent, 5%.

| How experts started their career | % | # |
|--|------|----|
| Contacted by a court | 67% | 14 |
| Other | 19% | 4 |
| Contacted by the Federal Office for Aliens and Asylum | 5% | 1 |
| Contacted by litigants/ applicants/ defendants/ complainants | 5% | 1 |
| Referred by a colleague | 5% | 1 |
| Total | 100% | 21 |



Experts were most frequently appointed by Lawyers (27%, 11), followed by The Ministry of the Interior (24%, 10), then having been contacted directly by Clients (21%, 9), Other (17%, 7), Instructed by courts (4%, 2), (4%, 2) choose Prefer not to say and one respondent worked for an NGO.

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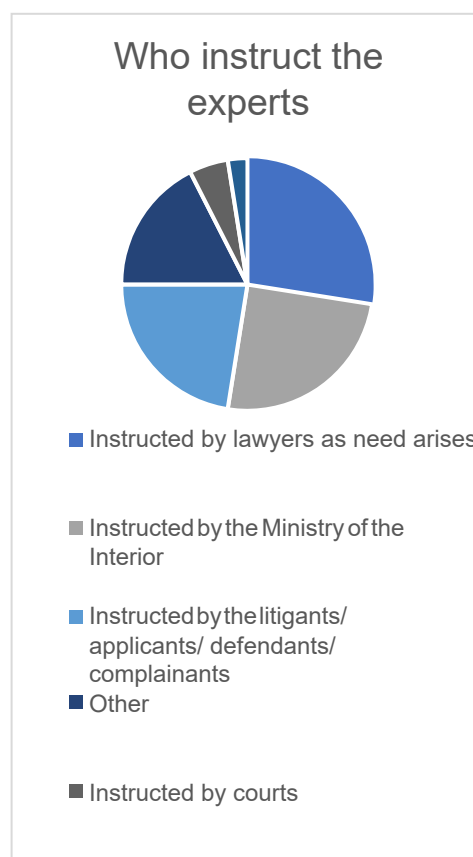
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| Who instructs the experts | % | # |
|---|------|----|
| Instructed by lawyers as need arises | 28% | 11 |
| Instructed by the Ministry of the Interior | 25% | 10 |
| Instructed by the litigants/ applicants/ defendants/ complainants | 23% | 9 |
| Other | 18% | 7 |
| Instructed by courts | 5% | 2 |
| Work as an expert for NGOs | 3% | 1 |
| Total | 100% | 42 |



Cost of Cultural Expertise

Cultural expertise is most commonly financed by courts (23%, 27), followed by clients (22%, 25), then by legal aid (21%, 24), by the Federal Office for Aliens and Asylum (18%, 21), other (11%, 13) and finally by Philanthropists/NGOs/Relative/Community.

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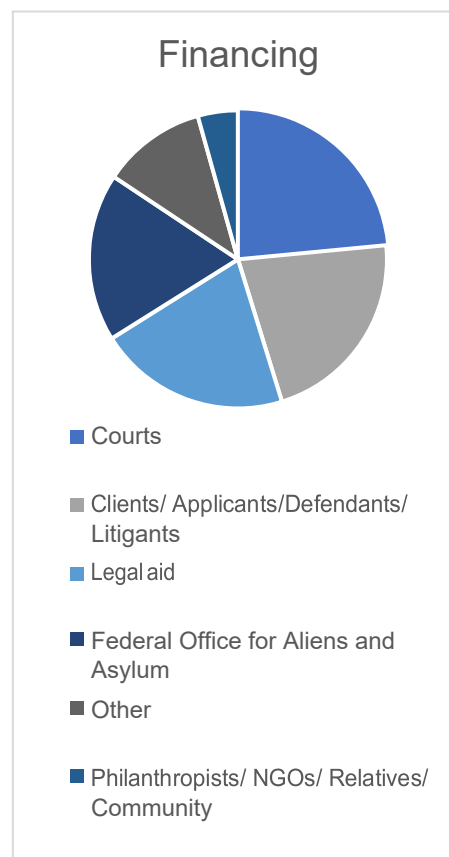
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| How are experts paid? | % | # |
|--|-------------|------------|
| Courts | 23% | 27 |
| Clients/ Applicants/ Defendants/ Litigants | 22% | 25 |
| Legal aid | 21% | 24 |
| Federal Office for Aliens and Asylum | 18% | 21 |
| Other | 11% | 13 |
| Philanthropists/ NGOs/ Relatives/ Community | 4% | 5 |
| Total | 100% | 115 |



Remuneration of cultural expertise

Over half of responses indicated that experts were paid at a standard hourly rate (55%, 12), followed by other (23%, 6), then being paid at a set price per report (17%, 4), with one respondent working on a voluntary basis.

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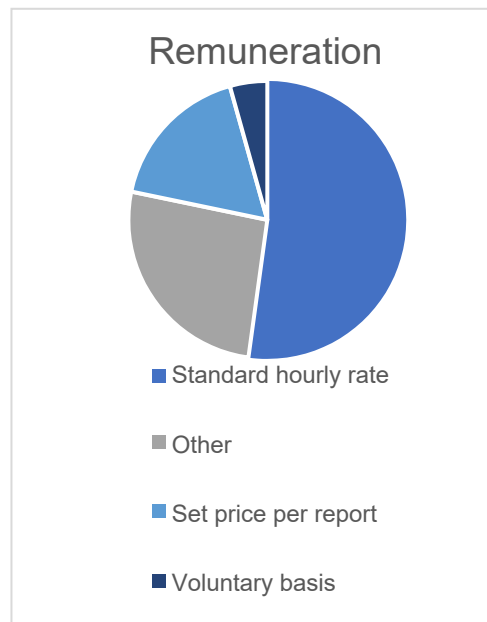
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| Remuneration of experts | % | # |
|-------------------------|-------------|-----------|
| Standard hourly rate | 55% | 12 |
| Other | 23% | 6 |
| Set price per report | 17% | 4 |
| Voluntary basis | 5% | 1 |
| Total | 100% | 23 |



Reuse of cultural expertise

The two most frequent responses to the question of the reuse of cultural expertise were 'Unique and not repeatable experience' (30%, 17) and 'Can only be reproduced in the same country/legal field' (30%, 17), followed by 'Cultural expertise being applicable in similar cases' (21%, 12). (18%, 10) choose 'Other'.

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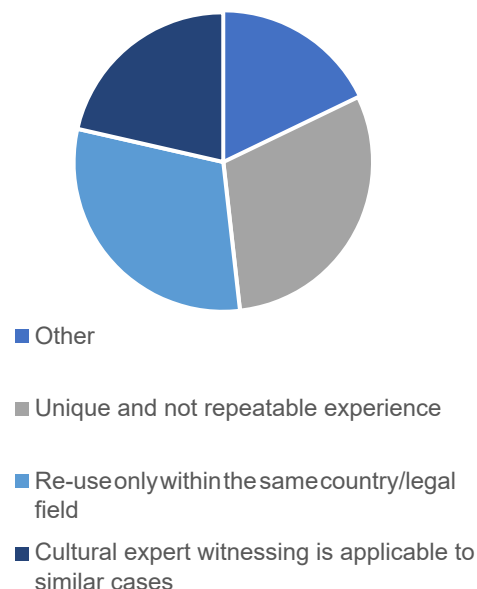
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| Reuse of cultural expertise | % | # |
|---|------|----|
| Unique and not repeatable experience | 30% | 17 |
| Re-use only within the same country/legal field | 30% | 17 |
| Cultural expert witnessing is applicable to similar cases | 21% | 12 |
| Other | 18% | 10 |
| Total | 100% | 56 |

Reuse of cultural expertise



Impact

Components of Impact

The most common components of impact include stringent conclusions (20%, 57), followed by reliable sources of contents (19%, 55), then use of statistics (14%, 37), first-hand experience (13%, 36), reputation of experts (11%, 30), quantitative assessment of risk (8%, 23), style (7%, 19) and advocacy (5%, 13), with all the remaining categories accounting for 4% or less.

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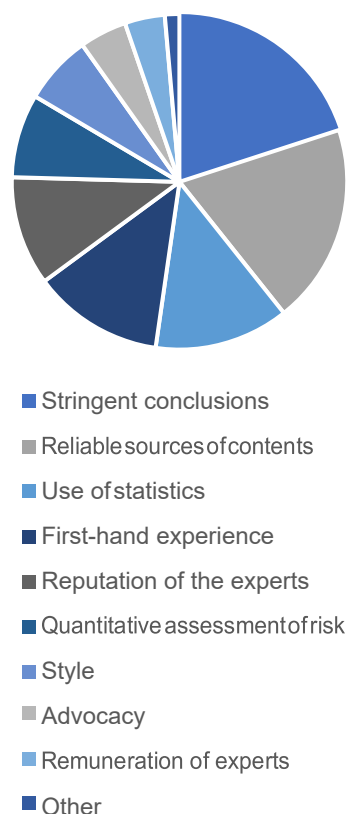
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| Components of impact | % | # |
|---------------------------------|------|-----|
| Stringent conclusions | 20% | 57 |
| Reliable sources of contents | 19% | 55 |
| Use of statistics | 14% | 37 |
| First-hand experience | 13% | 36 |
| Reputation of the experts | 11% | 30 |
| Quantitative assessment of risk | 8% | 23 |
| Style | 7% | 19 |
| Advocacy | 5% | 13 |
| Remuneration of experts | 4% | 11 |
| Other | 1% | 4 |
| Total | 100% | 285 |

Components of impact



Usefulness

The most common response to the question regarding the usefulness of cultural expertise was Moderately useful (36%, 27), followed by very useful (28%, 22), then slightly useful (16%, 12), not useful at all (16%, 12) and finally extremely useful (4%, 3).

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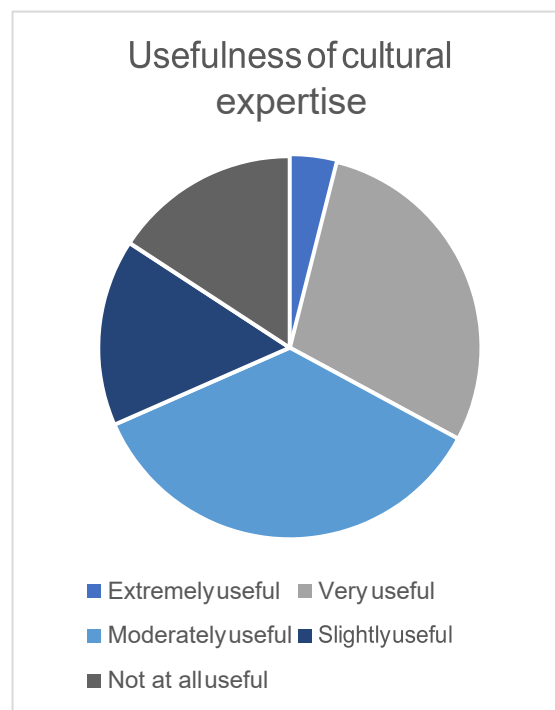
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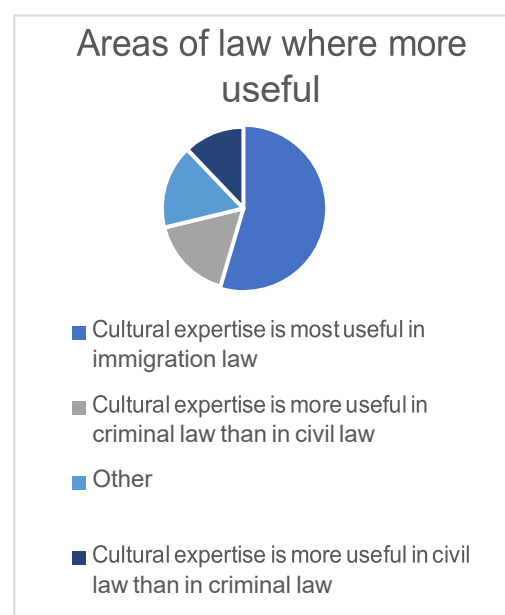
| Usefulness of cultural expertise | % | # |
|----------------------------------|------|----|
| Moderately useful | 36% | 27 |
| Very useful | 28% | 22 |
| Slightly useful | 16% | 12 |
| Not at all useful | 16% | 12 |
| Extremely useful | 4% | 3 |
| Total | 100% | 76 |



Usefulness: fields

Cultural expertise is most useful in migration law (55%, 36), followed by more useful in criminal law rather than civil law (17%, 11), then other (17%, 11), then more useful in civil law than criminal law (12%, 8).

| Areas of law where cultural expertise is more useful | % | # |
|--|------|----|
| Migration law | 55% | 36 |
| More in criminal law than in civil law | 17% | 11 |
| Other | 17% | 11 |
| More in civil law than in criminal law | 12% | 8 |
| Total | 100% | 66 |



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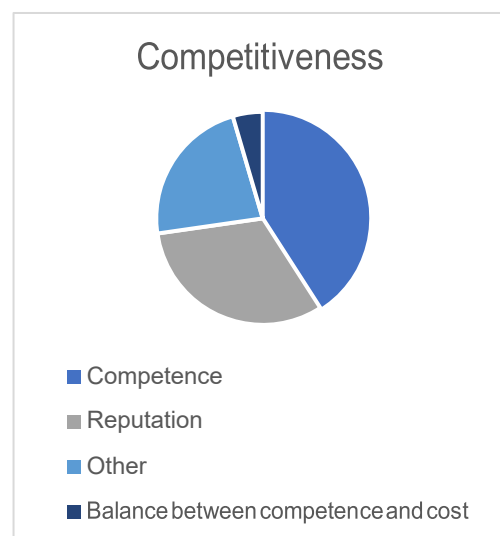
Date of First Publication: 20/07/2019

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Competitiveness

Experts thought that their expertise was competitive because of their 'competence' (41%, 9), reputation (31%, 7), then other (23%, 5) and finally one respondent indicating the balance between competence and cost.

| Competitiveness | % | # |
|-------------------------------------|------|----|
| Competence | 41% | 9 |
| Reputation | 32% | 7 |
| Other | 23% | 5 |
| Balance between competence and cost | 5% | 1 |
| 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 then 'the cases in which expert opinion was provided were successful' (11%, 2).

Austria Data Summary

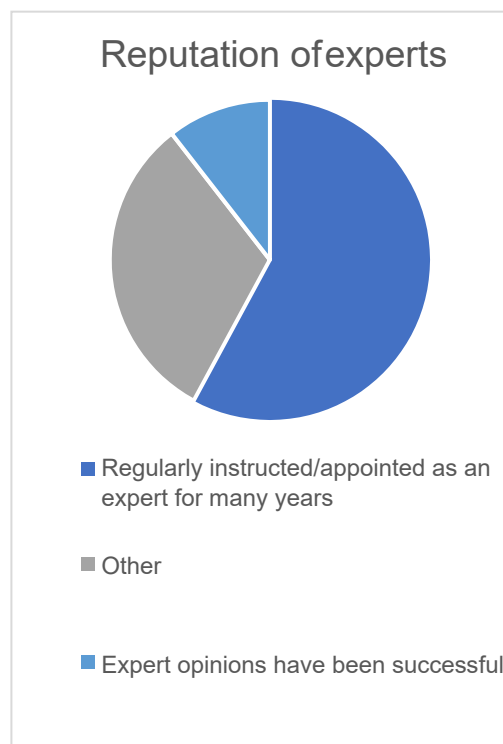
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| Reputation of experts | % | # |
|--|------|----|
| Regularly instructed/appointed as an expert for many years | 58% | 11 |
| Other | 32% | 6 |
| Expert opinions have been successful | 11% | 2 |
| Total | 100% | 19 |



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' (45%, 31), followed by 'Somewhat useful' (36%, 25), of 'No use' (16%, 11), 3%, 2 choose 'Other'.

Austria Data Summary

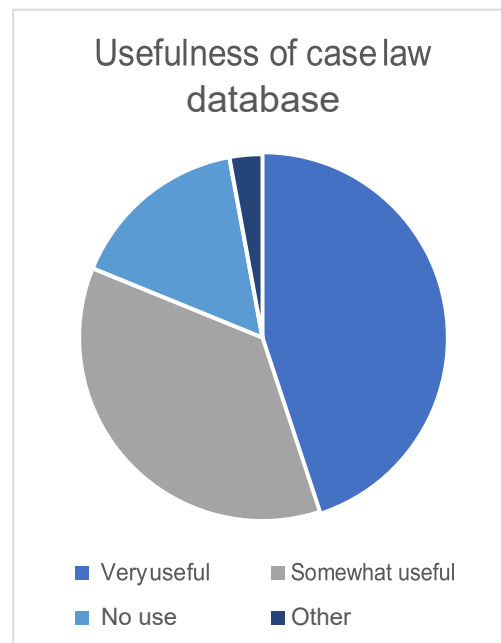
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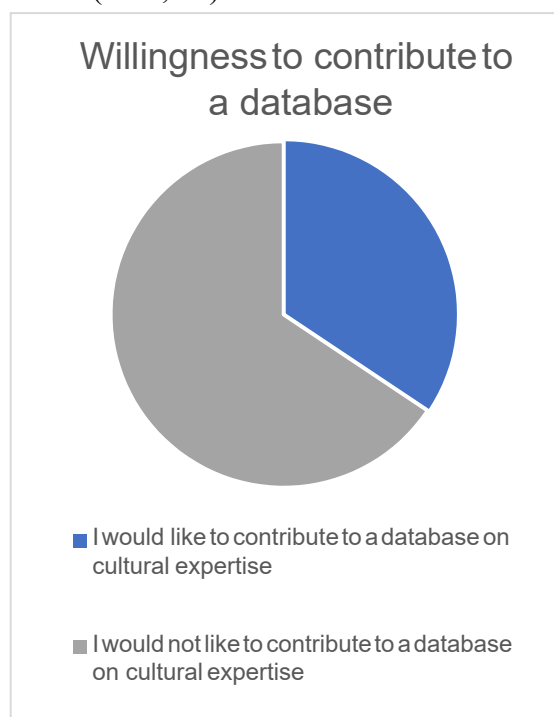
| Usefulness of case law database | % | # |
|---------------------------------|------|----|
| Very useful | 45% | 31 |
| Somewhat useful | 36% | 25 |
| No use | 16% | 11 |
| Other | 3% | 2 |
| Total | 100% | 69 |



Contribution to law database

Most respondents did not wish to contribute to the establishment of a case law database (66%, 21), while close to one third of respondents did (34%, 11).

| Contribution to law database | % | # |
|--|------|----|
| I would not like to contribute to a database on cultural expertise | 66% | 21 |
| I would like to contribute to a database on cultural expertise | 34% | 11 |
| Total | 100% | 32 |



Austria Data Summary

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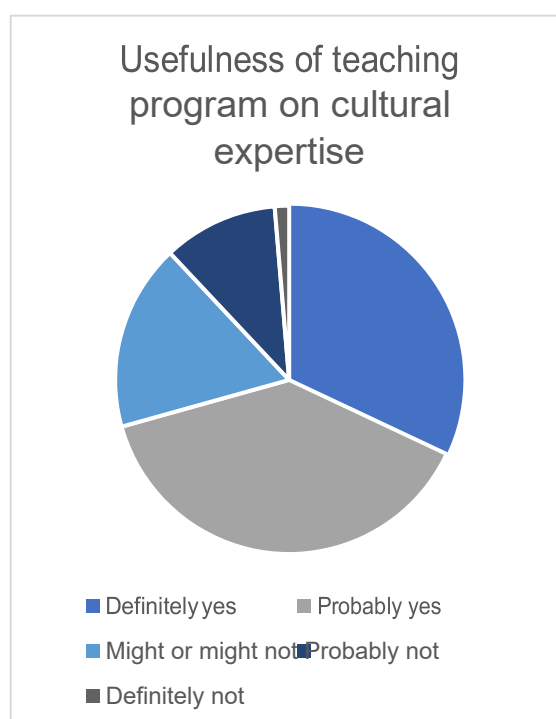
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Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was probably yes (39%, 29), followed by definitely yes (32%, 24), then might or might not (17%, 13), probably not (11%, 8) and definitely not (1%, 1).

| Usefulness of a teaching program on cultural expertise | % | # |
|--|------|----|
| Probably yes | 39% | 29 |
| Definitely yes | 32% | 24 |
| Might or might not | 17% | 13 |
| Probably not | 11% | 8 |
| Definitely not | 1% | 1 |
| Total | 100% | 75 |



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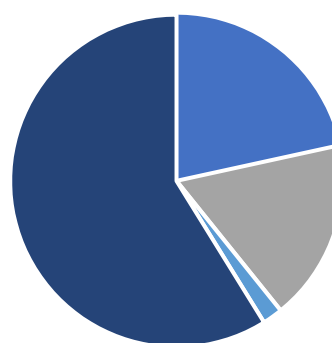
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Organisations interested in a teaching program

With regards to the question on interest in the teaching program, the most common response was other (59%, 30), followed by knowing educational organisations which may be interested (22%, 9), then knowing professional organisations that may be interested (18%, 9) and finally one respondent who would be interested in teaching cultural expertise themselves (2%).

| Organisations interested in a teaching program | % | # |
|--|------|----|
| Know educational institutions interested in teaching | 22% | 11 |
| Know professional organisations interested in teaching | 18% | 9 |
| Interested in teaching themselves | 2% | 1 |
| Other | 59% | 30 |
| Total | 100% | 51 |

Organisations interested in a teaching program



- I know of schools, universities or organisations that may be interested in teaching cultural expertise
- I know of professional organisations that may be interested in capacity building on the use of cultural expertise
- I would be interested in teaching cultural expertise
- Other