

Malta Data Summary

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

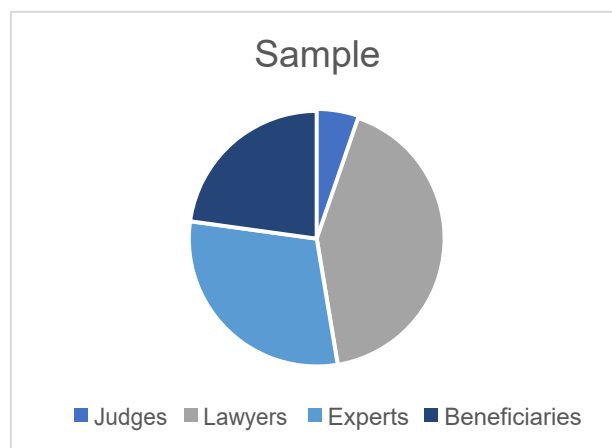
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Qualities of Sample

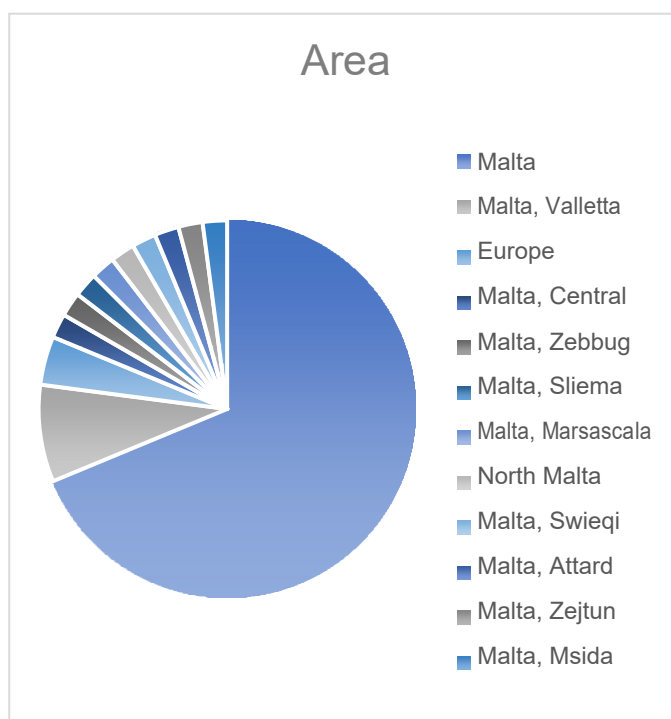
There was a total of 57 responses to the Malta survey, 3 (5 %) were judges, 24 (42 %) were lawyers, 17 (30 %) were experts, and 13 (23 %) beneficiaries.

| 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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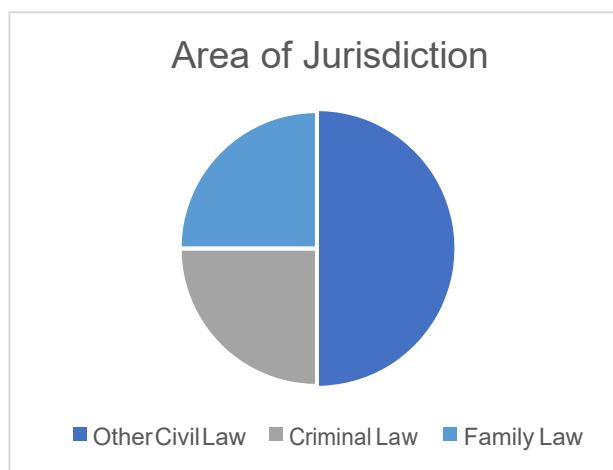
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Judges

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.

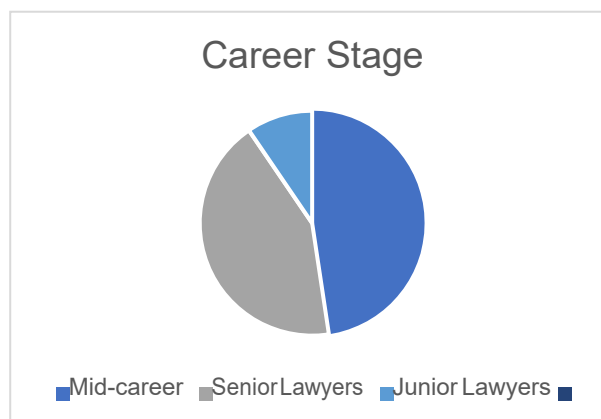
| Area of Jurisdiction | % | # |
|----------------------|------|---|
| Other Civil Law | 50% | 2 |
| Criminal Law | 25% | 1 |
| Family Law | 25% | 1 |
| Total | 100% | 4 |



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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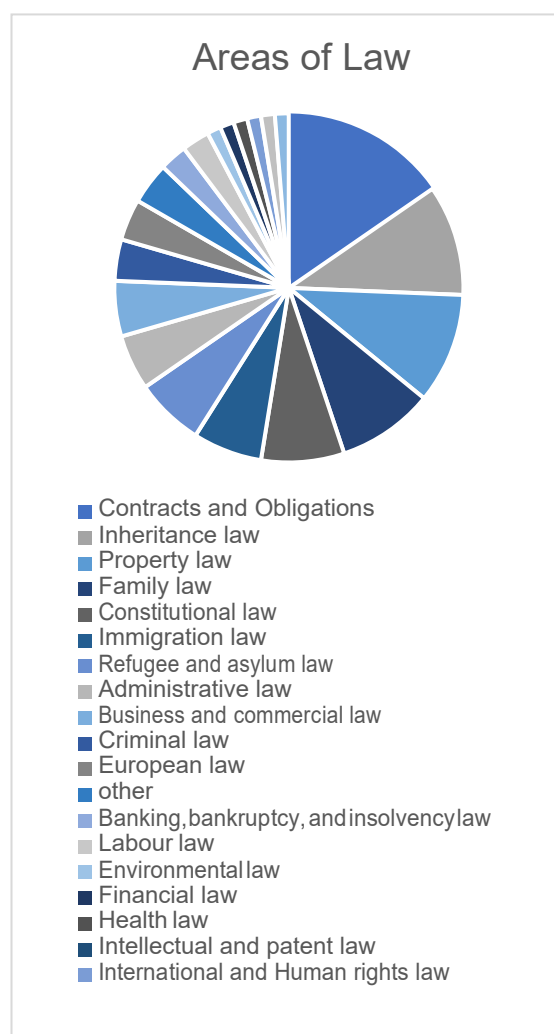
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For the areas of law practiced 'Contracts and Obligations' was the most common (15 %, 12), followed by 'Inheritance law' (10%, 8) and 'Property law' (10%, 8), 'Family law' (9%, 7), 'Constitutional law' (8%, 6), 'Immigration law' (6%, 5), 'Refugee and 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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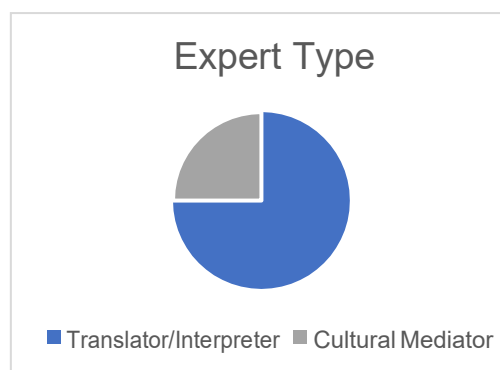
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Experts

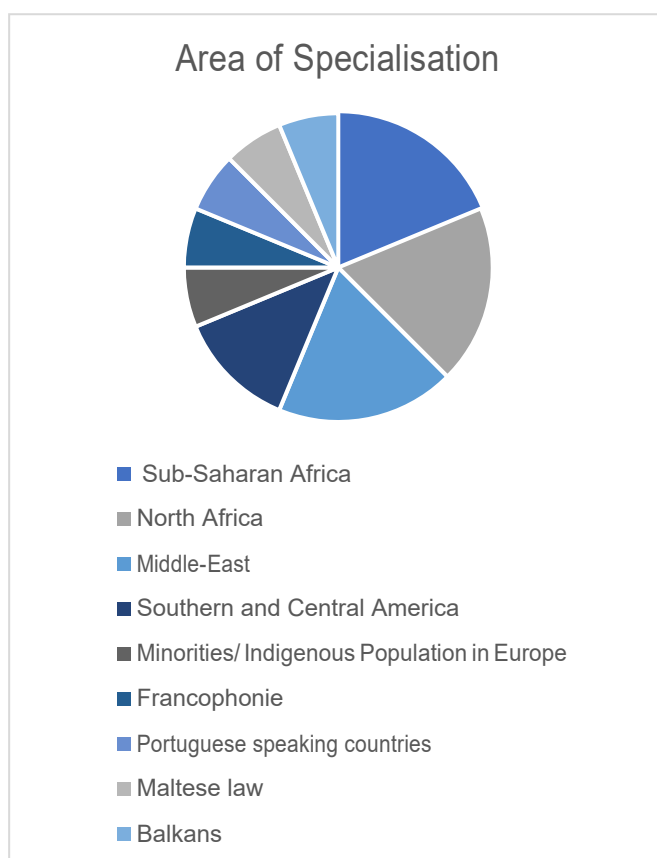
The most common type of expert selected was 'Translator/Interpreter' on 75% (12), and 'Cultural mediator' on 25% (4).

| 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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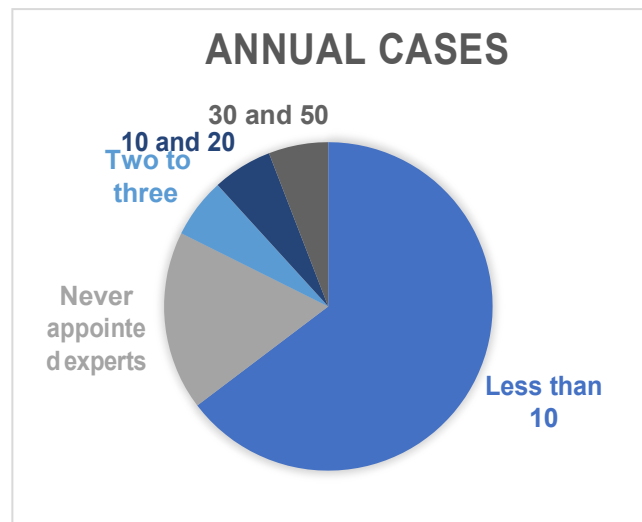
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Frequency

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’.

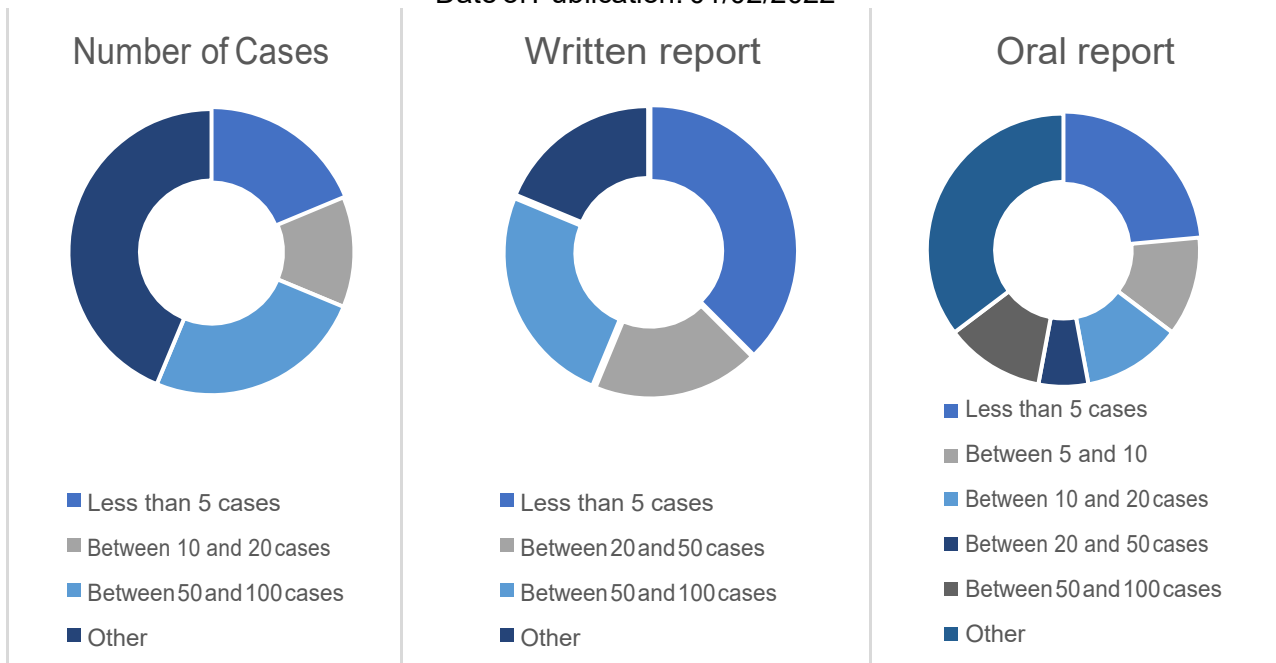
25% (4) of experts provided a total of less than 5 oral reports, 6% (1) indicated a number of oral reports between 5 and 10, 13% (2) indicated a number of oral reports between 10 and 20, 6% (1) indicated a number of oral reports between 20 and 50, 13% (2) indicated a number of oral reports between 50 and 100, 37% (6) indicated ‘other’.

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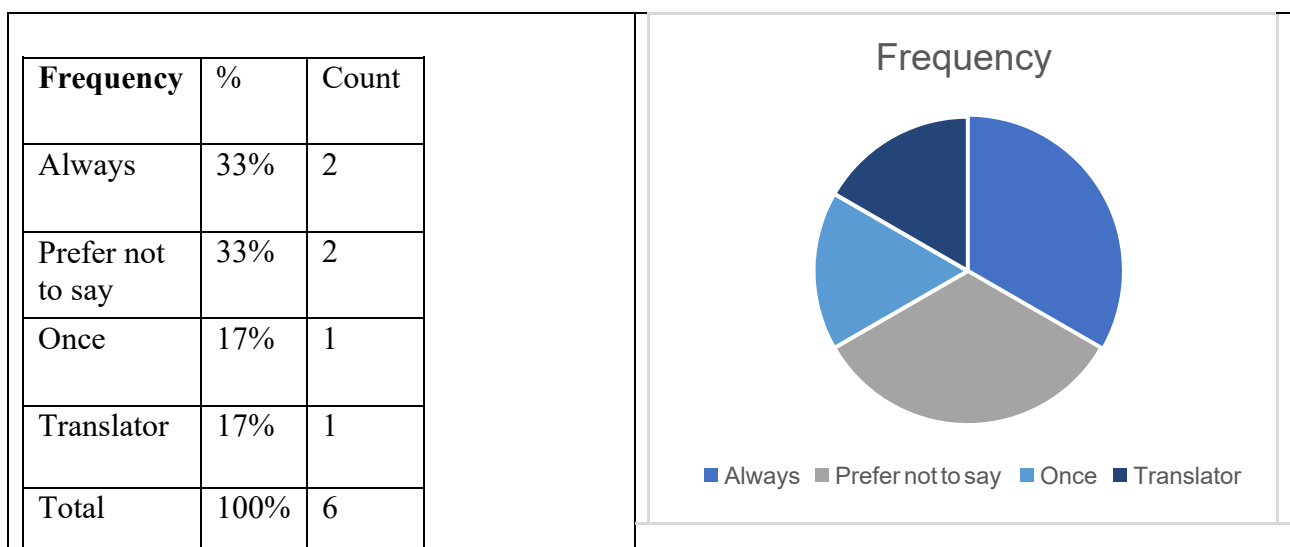
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Out of the 6 beneficiaries who responded to the questionnaire, 2 (33 %) said that they had ‘always’ used cultural expertise, followed by ‘prefer not to say’ 2 (33 %), followed by 1 (17%) who indicated ‘once’, followed by ‘Other’ (17 %, 1) who indicated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



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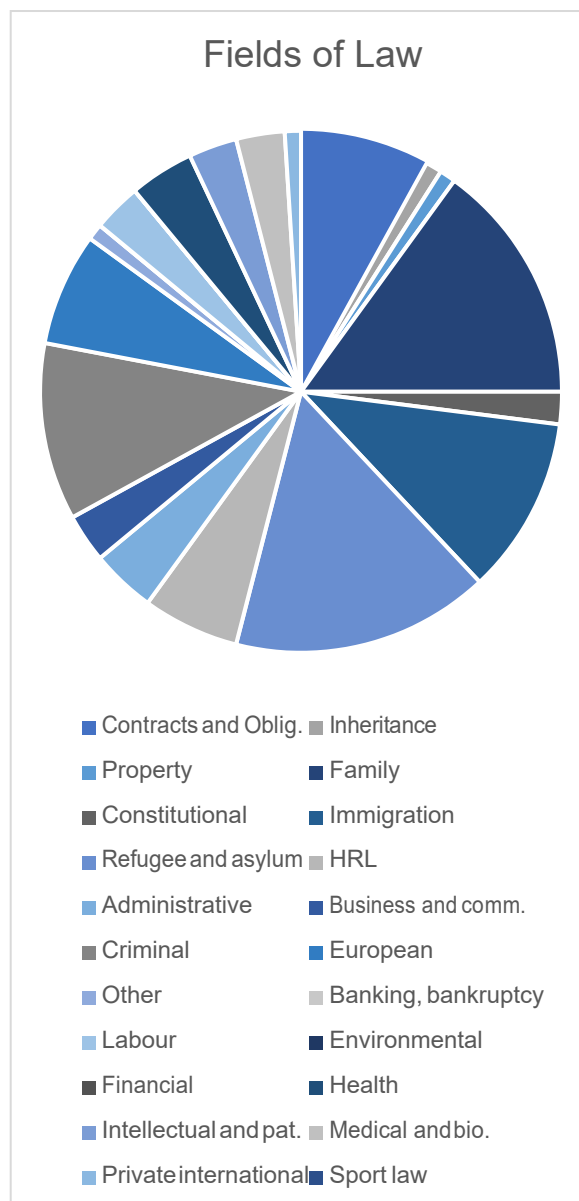
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Fields of law

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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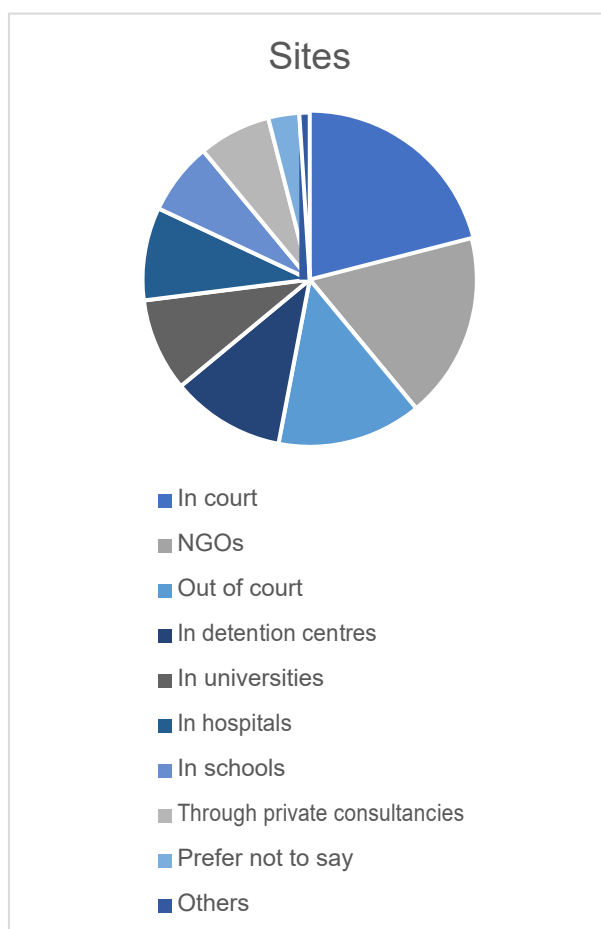
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Sites

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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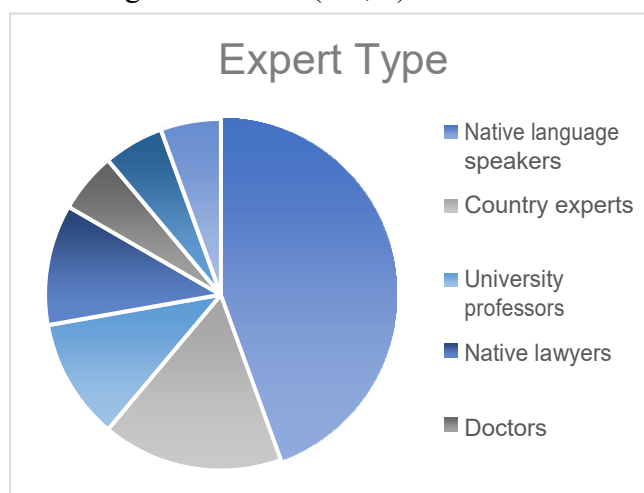
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Typology of Experts

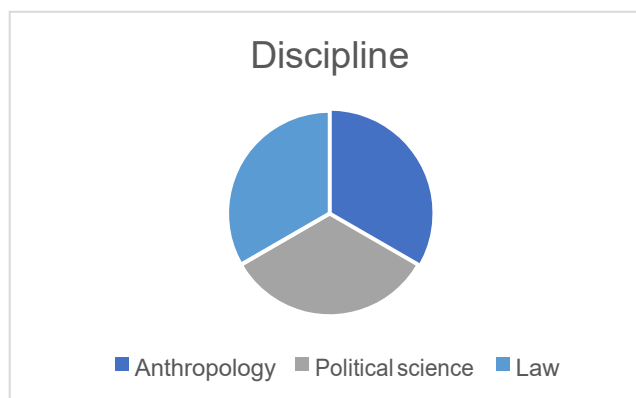
The most common expert type was 'Native language speakers' (33 %, 8), followed by 'Other' out which 1 indicated 'doctors', then 'country experts' (13%, 3), 'university professors' (8%, 2), 'Native lawyers' (8%, 2), 'Community leaders' (4%, 1), and 'Religious leaders' (4%, 1).

| 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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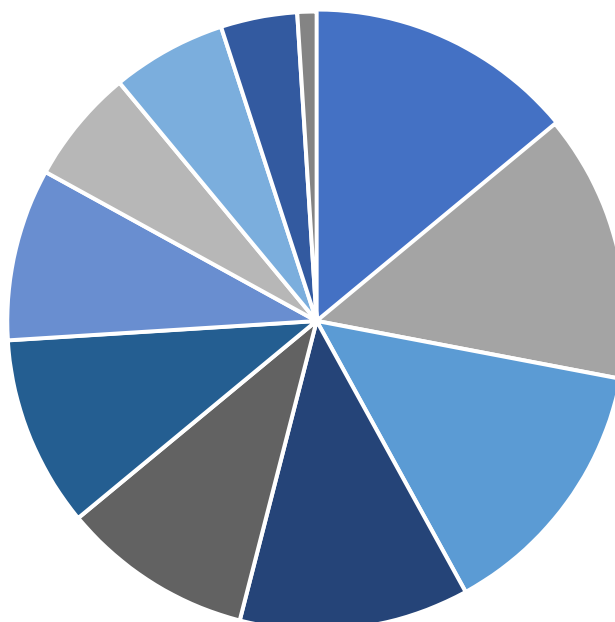
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| How experts are selected | % | Count |
|--|------|-------|
| Client/Defendant/Claimant/Applicant's request | 14% | 11 |
| The reputation of the expert | 14% | 11 |
| Successful legal outcomes | 14% | 11 |
| Advised by the court | 12% | 9 |
| Time | 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 |

How experts are selected



- Client/Defendant/Claimant/Applicant's request
- The reputation of the expert
- Successful legal outcomes
- Advised by the court
- Time
- The law allows
- Cost
- The court is keen
- The court/prosecutor/Home Office have already appointed their expert
- Expertise can also be used for an out of court settlement
- Prefer not to say

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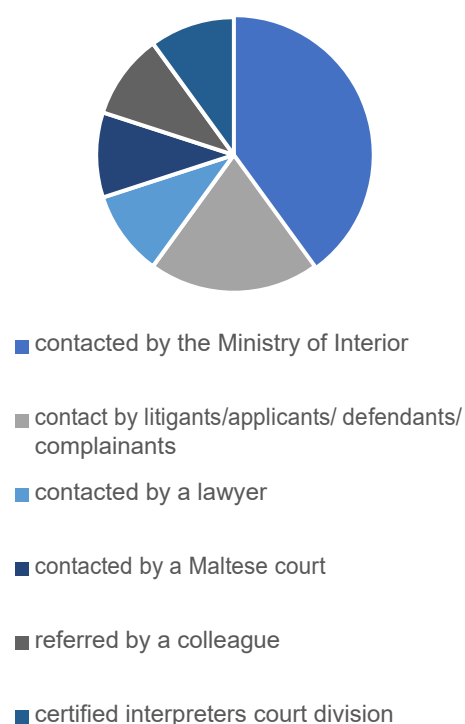
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Experts started giving expert opinions after being ‘contacted by the Ministry of Interior’ (40%, 4), following ‘contact by litigants/applicants/ defendants/ complainants’ (20%, 2), ‘contacted by a lawyer’ (10%, 1), ‘contacted by a Maltese court’ (10%, 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 |

How experts started providing expert opinions



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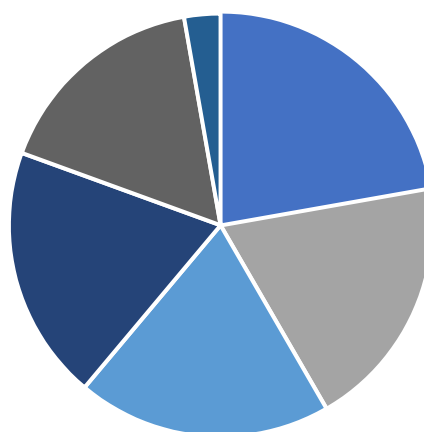
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Experts were most commonly appointed by courts (22%, 8) followed by 'instructed by litigants/ applicants/ defendants/complainants' (19%, 7), experts for NGOs (19%, 7), by lawyers as need arises (19%, 7), by the Ministry of Interior (17%, 6) and prefer 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 |

How experts are appointed



- Instructed by courts
- Instructed by litigants/applicants/defendants/complainants
- Work as an expert for NGOs
- Instructed by lawyers as need arises
- instructed by the Ministry of the Interior
- Prefer not say

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.

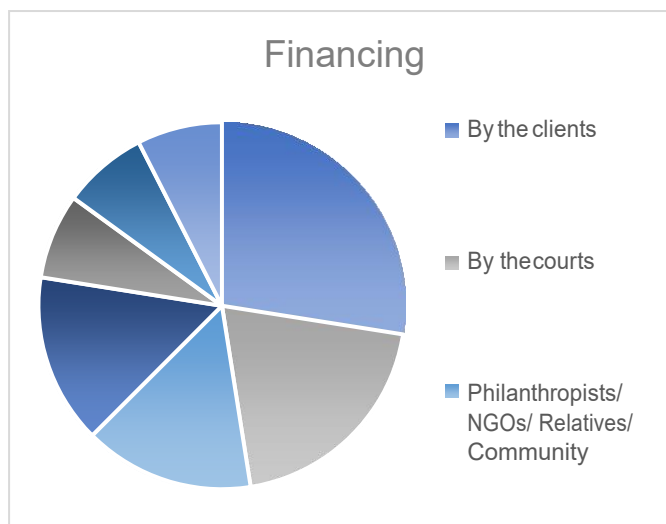
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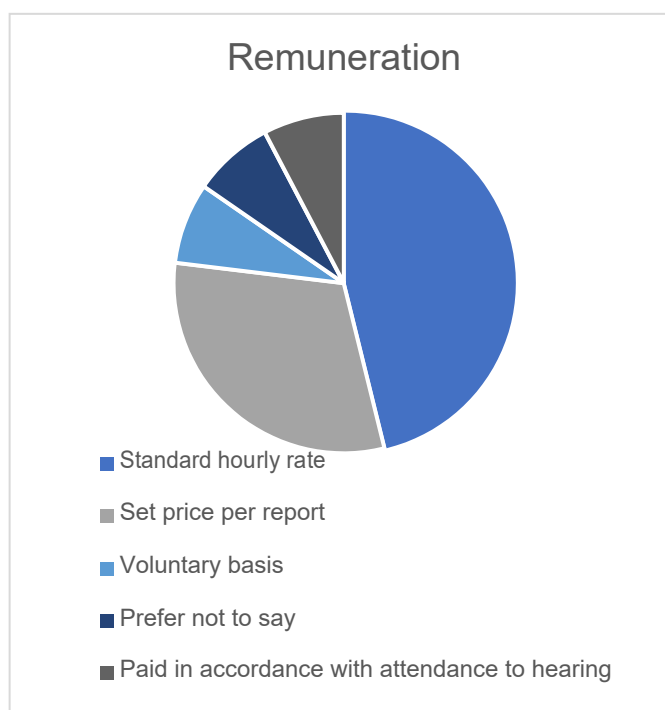
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| How are experts paid? | % | Count |
|--|------|-------|
| By the clients | 31% | 11 |
| By the courts | 22% | 8 |
| Philanthropists/ NGOs/ Relatives/ Community | 17% | 6 |
| Ministry of Interior | 17% | 6 |
| Legal Aid | 8% | 3 |
| Prefer not to 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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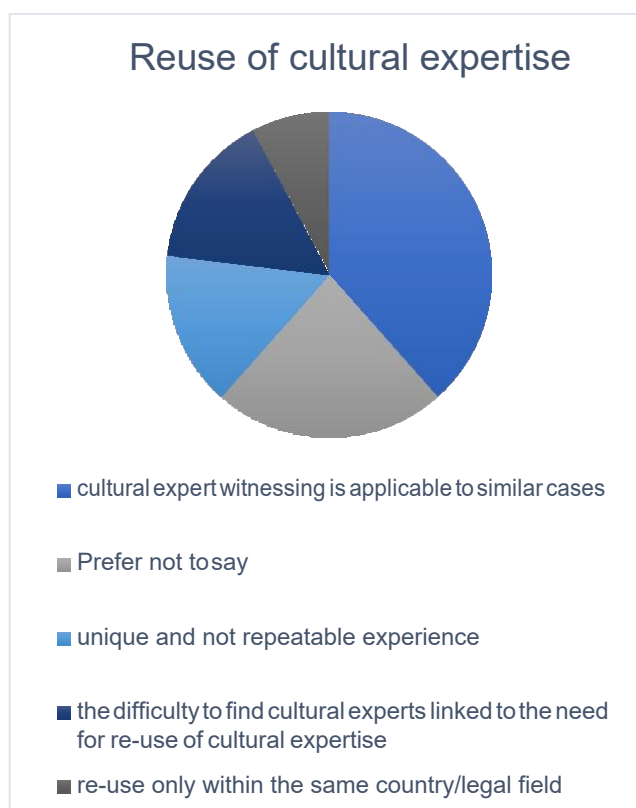
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The most common response to the question regarding the reuse of cultural expertise was that cultural expert witnessing is applicable to similar cases (38 %, 5), followed by ‘prefer not to say’ (23 %, 3), ‘unique and not repeatable experience’ (15%, 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 |

Components of Impact



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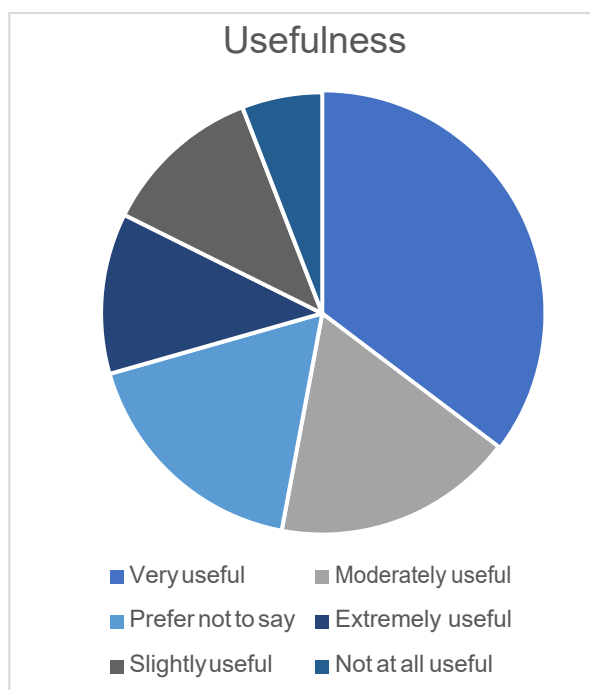
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Usefulness

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).

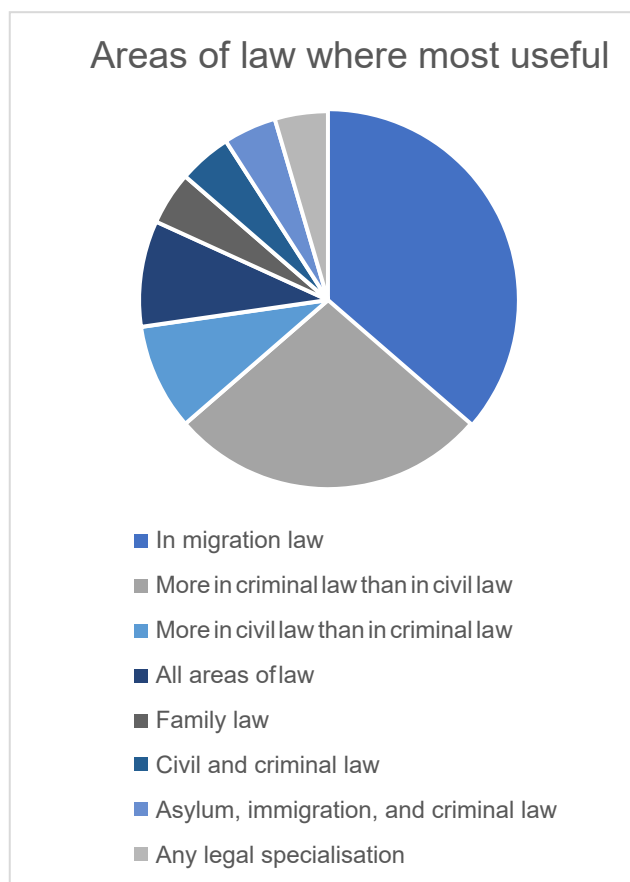
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| Areas of law where cultural expertise is more useful | % | Count |
|--|------|-------|
| In migration law | 37% | 8 |
| More in criminal law than in civil law | 28% | 6 |
| More in civil law than in criminal law | 10% | 2 |
| All areas of law | 5% | 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).

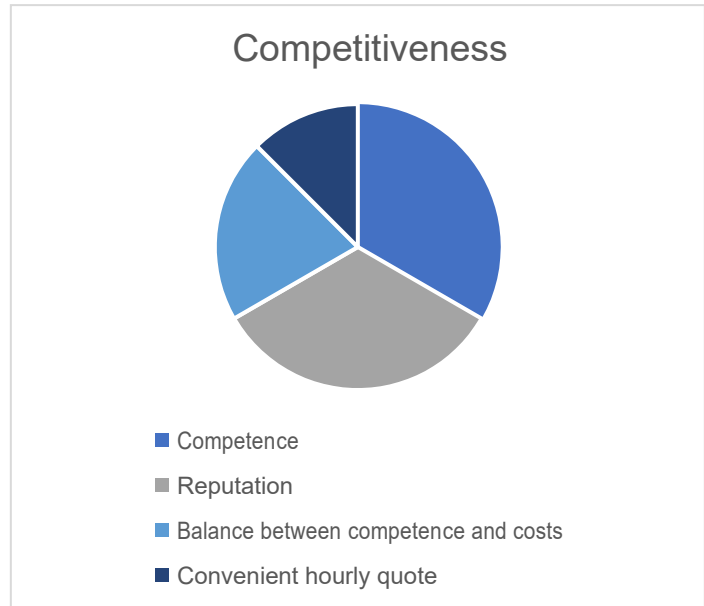
Malta Data Summary

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

PI: Livia Holden | Data Collector: Ibtisam Sadegh

Date of Publication: 01/02/2022

| 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).

Malta Data Summary

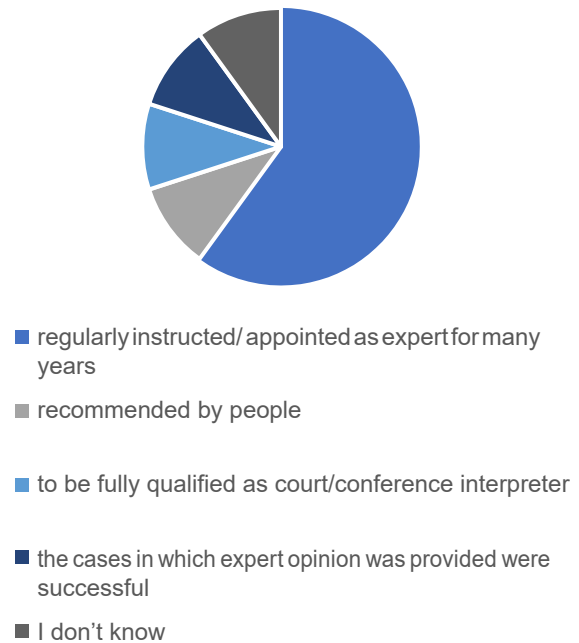
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| Reputation of experts | % | # |
|--|-------|----|
| regularly instructed/ appointed as expert for many years | 60% | 6 |
| recommended by people | 10% | 1 |
| to be fully qualified as court/conference interpreter | 10% | 1 |
| the cases in which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

Reputation of experts



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).

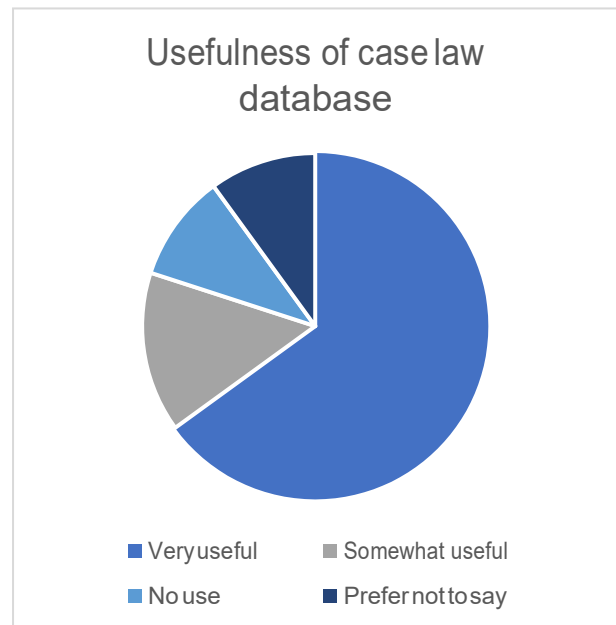
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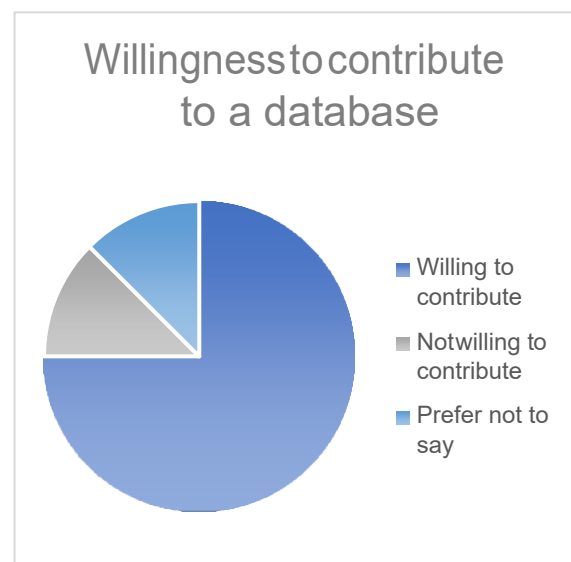
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| Usefulness of case law database | % | # |
|---------------------------------|------|----|
| Very useful | 65% | 13 |
| Somewhat useful | 15% | 3 |
| No use | 10% | 2 |
| Prefer not to say | 10% | 2 |
| Total | 100% | 20 |



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 |



Malta Data Summary

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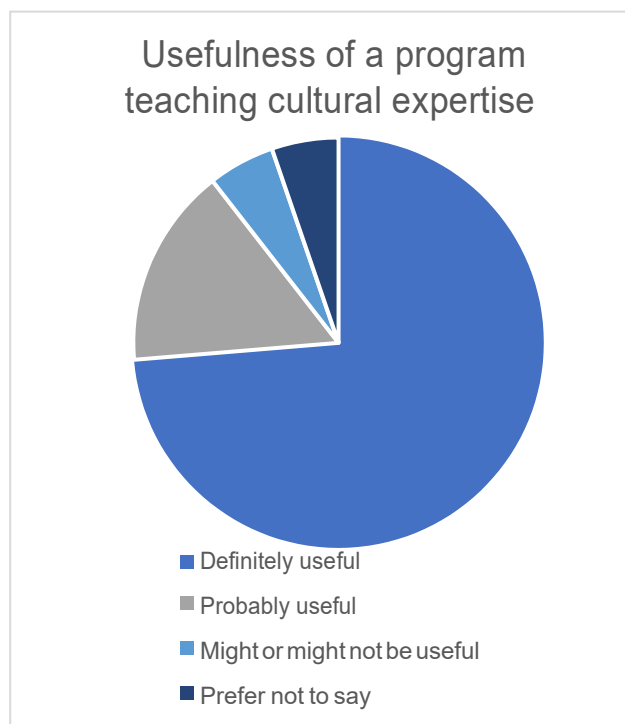
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Capacity building

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 be useful (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).

Malta Data Summary

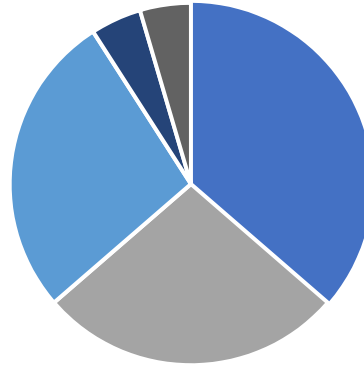
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| Organisations interested in a teaching program | % | # |
|--|------|----|
| Know educational institutions interested in teaching | 36% | 8 |
| Interested in teaching themselves | 27% | 6 |
| Prefer not to say | 27% | 6 |
| Know professional organisations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

Organisations interested in a teaching program



- Know educational institutions interested in teaching
- Interested in teaching themselves
- Prefer not to say
- Know professional organisations interested in teaching
- Other