

# Italy

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

PI: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: VALERIA VERDOLINI

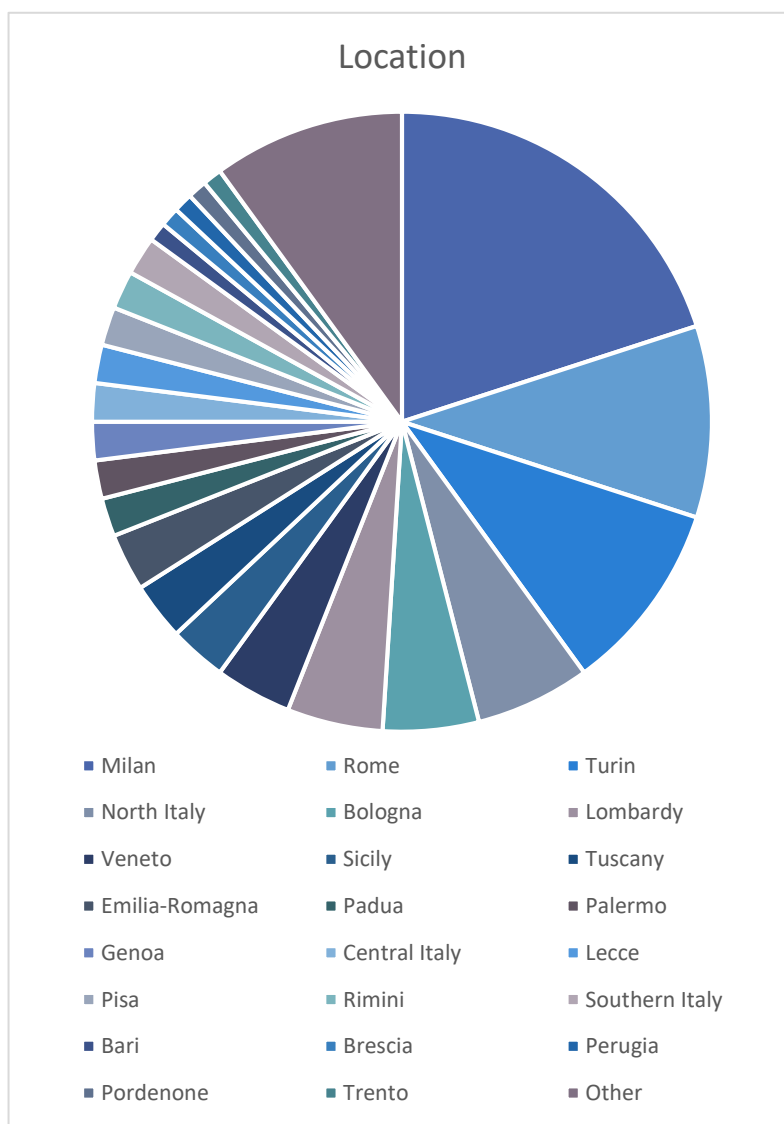
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### Sample

There were 196 responses to the Italian survey, which included 60 Judges (31%), 71 Lawyers (36%), 55 Experts (28%) and 10 Beneficiaries (5%).

Of those who responded, 91% indicated their location, with the most common being Milan (20%, 36), followed by Rome (10%, 18), then Turin (10%, 17), North Italy (6%, 11), Bologna (5%, 9), Lombardy (5%, 9) and Veneto (4%, 7), with all the remaining areas accounting for 3% or less.

Location	%	Count
Milan	20%	36
Rome	10%	18
Turin	10%	17
North Italy	6%	11
Bologna	5%	9
Lombardy	5%	9
Veneto	4%	7
Sicily	3%	6
Tuscany	3%	6
Emilia-Romagna	3%	5
Padua	2%	4
Palermo	2%	4
Genoa	2%	3
Central Italy	2%	3
Lecce	2%	3
Pisa	2%	3
Rimini	2%	3
Southern Italy	2%	3
Bari	1%	2
Brescia	1%	2
Perugia	1%	2
Pordenone	1%	2
Trento	1%	2
Other	10%	18
<b>Total</b>	<b>100%</b>	<b>178</b>



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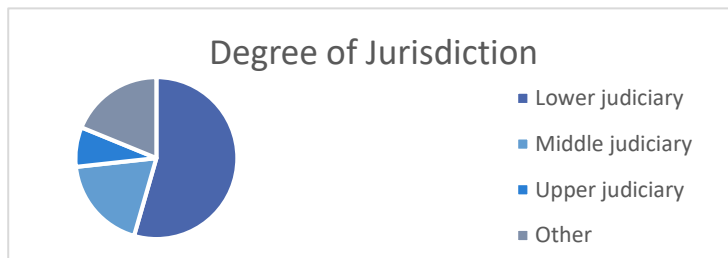
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### Judges

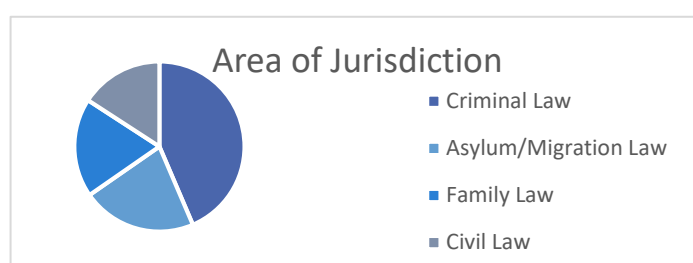
Of the Judges who responded, 55% (29) identified themselves as being from the Lower Judiciary, 19% (10) from the Middle Judiciary, and 8% (4) from the Upper Judiciary. 19% (10) selected 'Other', two specified with one indicating that they had a Supervisory Jurisdiction and another who had a Juvenile Jurisdiction.

Degree of Jurisdiction	%	Count
Lower judiciary	55%	29
Middle judiciary	19%	10
Upper judiciary	8%	4
Other	19%	10
<b>Total</b>	<b>100%</b>	<b>53</b>



The most common area of jurisdiction for Judges was Criminal Law (44%, 28), followed by Asylum/Migration Law (22%, 14), then Family Law (19%, 12) and Civil Law (16%, 10).

Area of Jurisdiction	%	Count
Criminal Law	44%	28
Asylum/Migration Law	22%	14
Family Law	19%	12
Civil Law	16%	10
<b>Total</b>	<b>100%</b>	<b>64</b>



### Lawyers

Of the Lawyers who responded, almost half (47%, 31) indicated that they were Mid-Career, followed by Senior Lawyers (38%, 25) and the remaining 15% (10) were Junior Lawyers.

Career Stage	%	Count
Junior Lawyers	15%	10
Mid-Career	47%	31
Senior Lawyers	38%	25
<b>Total</b>	<b>100%</b>	<b>66</b>



With regards to areas of law practiced in, then most common was Immigration Law (22%, 37) followed by Criminal Law (16%, 27), then Refugee and Asylum Law (13%, 22), Family Law (8%, 14), Labour Law (7%, 12), Contracts and Obligations (6%, 10), International Human Rights Law (6%, 10) and European Law (4%, 6) with all the remaining areas accounting for 3% or less. For those who selected 'other' and specified (1%, 2), one indicated Privacy Law and another clarified Insurance Law.

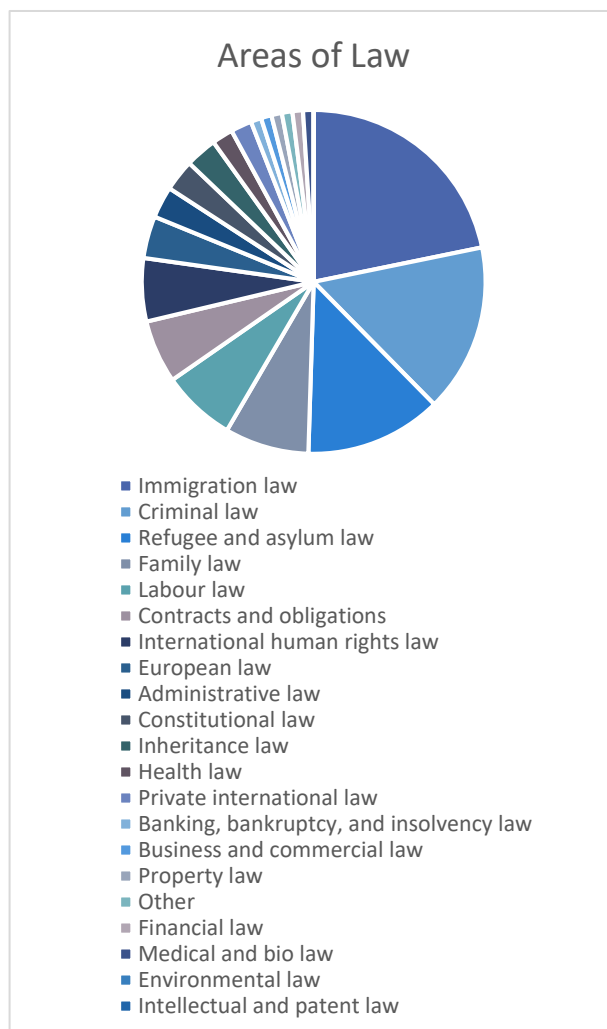


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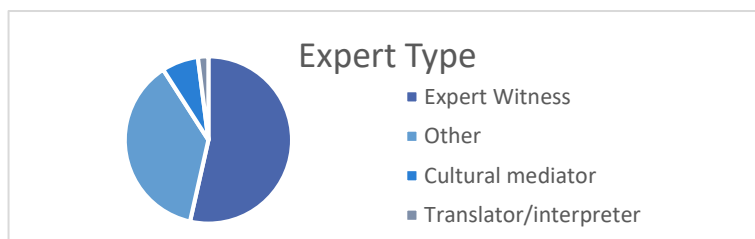
Areas of Law	%	Count
Immigration law	22%	37
Criminal law	16%	27
Refugee and asylum law	13%	22
Family law	8%	14
Labour law	7%	12
Contracts and obligations	6%	10
International human rights law	6%	10
European law	4%	6
Administrative law	3%	5
Constitutional law	3%	5
Inheritance law	3%	5
Health law	2%	3
Private international law	2%	3
Banking, bankruptcy, and insolvency law	1%	2
Business and commercial law	1%	2
Property law	1%	2
Other	1%	2
Financial law	1%	1
Medical and bio law	1%	1
Environmental law	0%	0
Intellectual and patent law	0%	0
Sports law	0%	0
<b>Total</b>	<b>100%</b>	<b>169</b>



## Experts

More than half of the experts indicated that they were Expert Witnesses (53%, 23) followed by 'Other' (37%, 16), then Cultural Mediator (7%, 3) and Translator/Interpreter (2%, 1). For those who selected 'other' and specified, one indicated that they were an Anthropologist, another a Sociologist, one a Psychologist, and finally a University Professor and a Researcher.

Expert Type	%	Count
Expert Witness	53%	23
Other	37%	16
Cultural mediator	7%	3
Translator/interpreter	2%	1
<b>Total</b>	<b>100%</b>	<b>43</b>



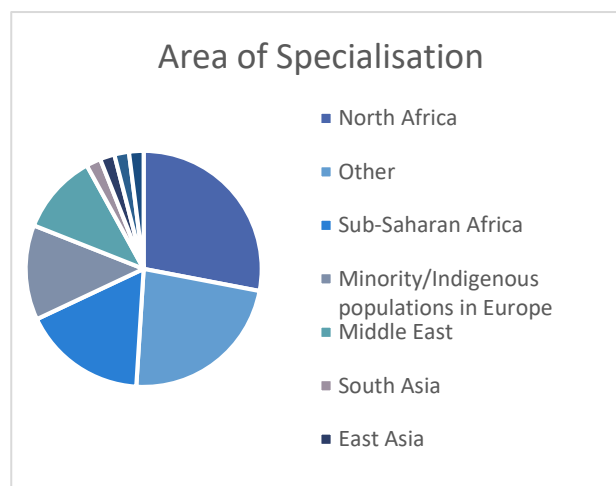
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The most common area of specialisation was North Africa (28%, 13) followed by 'other' (23%, 11), Sub-Saharan Africa (17%, 8), Minority and Indigenous Populations in Europe (13%, 6) and the Middle East (11%, 5) with all remaining categories accounting for 2% or less. For those who selected 'other' and specified, three indicated Italy, one clarified East Africa, another Eastern Europe and finally the Roma.

Area of Specialisation	%	Count
North Africa	28%	13
Other	23%	11
Sub-Saharan Africa	17%	8
Minority/Indigenous populations in Europe	13%	6
Middle East	11%	5
South Asia	2%	1
East Asia	2%	1
South East Asia	2%	1
South and Central America	2%	1
<b>Total</b>	<b>100%</b>	<b>47</b>



## Frequency

### Numeric Frequency

The most common overall frequency was 'less than 5' cases (36%, 16), followed by 'between 50 and 100' (20%, 9), then 'between 20 and 50' (16%, 7), 'between 5 and 10' (9%, 4) and 'between 20 and 50' (9%, 4). For those who selected 'other' and specified, two indicated more than 100. For written reports, close to half (45%, 20) had provided only a written report for 'less than 5 cases', with the second most common being 'other' (18%, 8), where four indicated that they had never provided a written report, and two specified that they had provided written reports in more than 100 cases. For oral evidence, 63% (25) of respondents had provided oral evidence in 'less than 5 cases' followed by 33% (13) who selected 'other' and all of those who specified, indicated that they had never provided oral evidence.

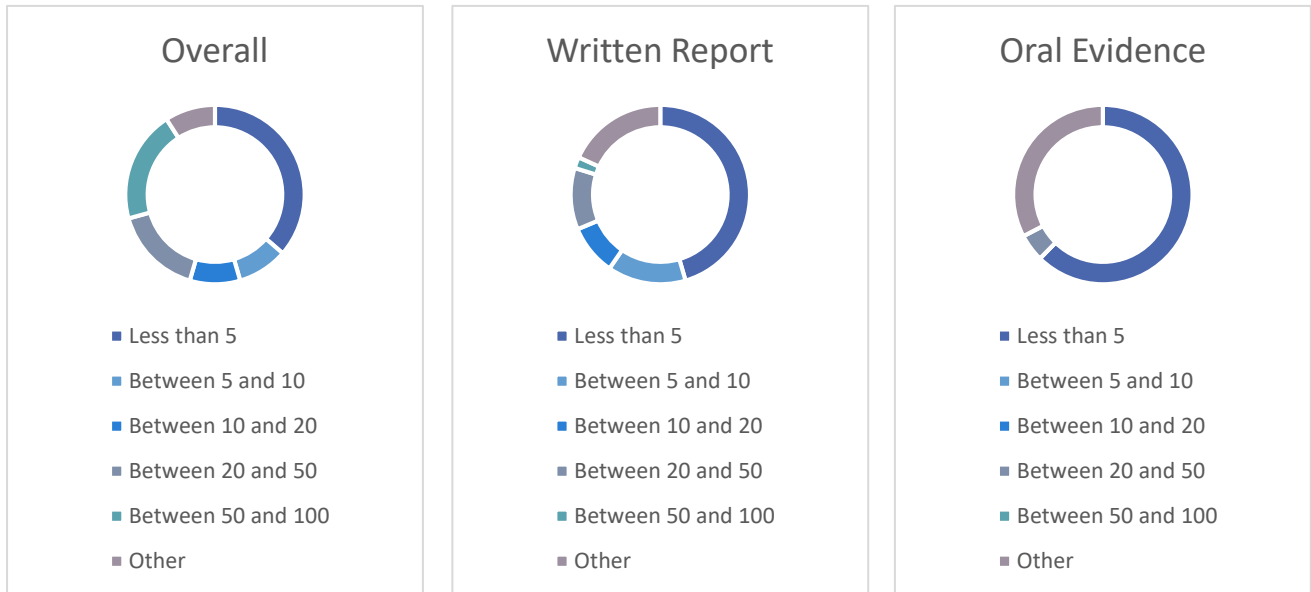
Number of cases	How many cases have you provided expert evidence/translation/mediation services for?		For how many cases have you provided only a written report?		For how many cases have you provided only oral evidence?	
	%	Count	%	count	%	count
Less than 5	36%	16	45%	20	63%	25
Between 5 and 10	9%	4	14%	6	0%	0
Between 10 and 20	9%	4	9%	4	0%	0
Between 20 and 50	16%	7	11%	5	5%	2
Between 50 and 100	20%	9	2%	1	0%	0
Other	9%	4	18%	8	33%	13
<b>Total</b>	<b>100%</b>	<b>44</b>	<b>100%</b>	<b>44</b>	<b>100%</b>	<b>40</b>



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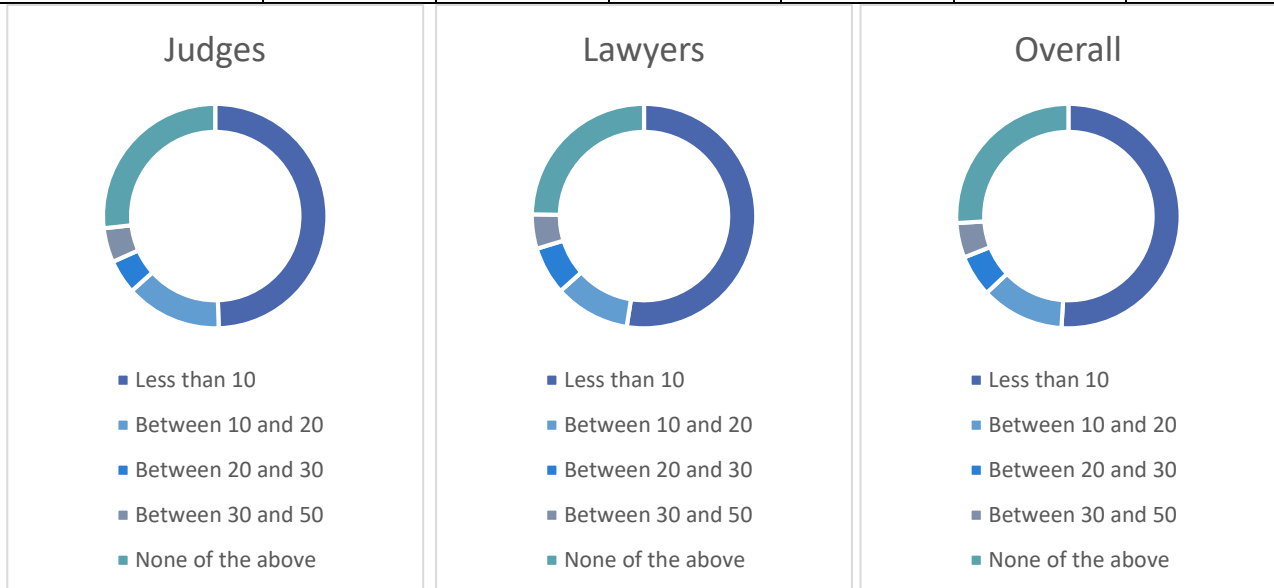
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The number of cases where Judges and Lawyers had instructed experts were relatively the same, with the most frequent answer overall being 'less than 10' (51%, 52), followed by 'none of the above' (26%, 26), then 'between 10 and 20' (12%, 12), 'between 20 and 30' (6%, 6) and 'between 30 and 50' (5%, 5). Of those who selected 'none of the above' and specified, all indicated that they had never instructed an expert.

Number of cases	Judges		Lawyers		Totals	
	%	Count	%	Count	%	Count
Less than 10	50%	22	53%	30	51%	52
Between 10 and 20	14%	6	11%	6	12%	12
Between 20 and 30	5%	2	7%	4	6%	6
Between 30 and 50	5%	2	5%	3	5%	5
None of the above	27%	12	25%	14	26%	26
<b>Totals</b>	<b>100%</b>	<b>44</b>	<b>100%</b>	<b>57</b>	<b>100%</b>	<b>101</b>



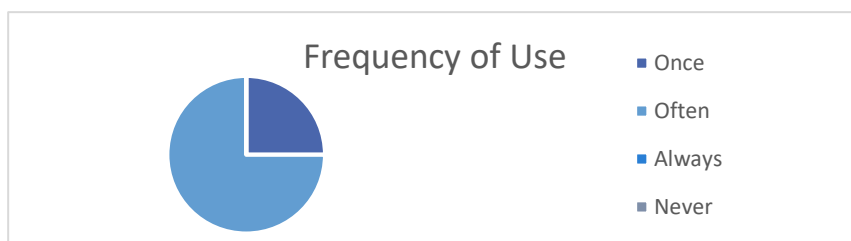
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There were four responses to the question regarding beneficiaries' frequency of use with three beneficiaries indicating often, and one indicating once.

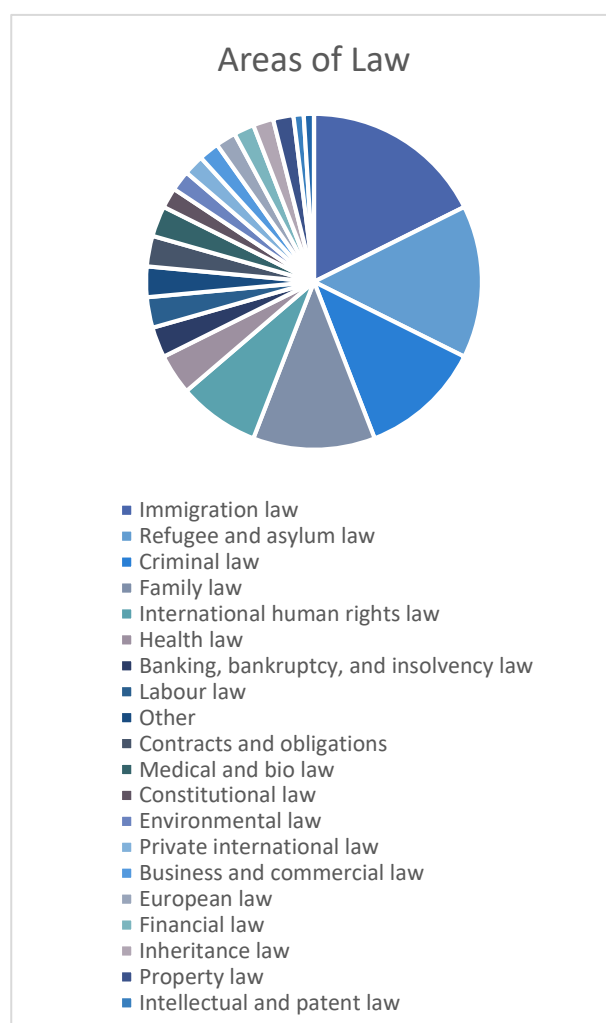
Frequency	%	Count
Once	25%	1
Often	75%	3
Always	0%	0
Never	0%	0
<b>Total</b>	<b>100%</b>	<b>4</b>



### Fields of law

The most common field of law where cultural expertise is used is Immigration Law (18%, 63) followed by Refugee and Asylum Law (15%, 51), then Criminal Law (12%, 41), Family Law (12%, 40), International Human Rights Law (8%, 27), with all remaining areas of law receiving 4% or less. Of those who selected 'other' (3%, 10) and specified, two indicated that they did not know, one clarified all areas of law and one stipulated Prison Law.

Fields of Law	%	Count
Immigration law	18%	63
Refugee and asylum law	15%	51
Criminal law	12%	41
Family law	12%	40
International human rights law	8%	27
Health law	4%	13
Banking, bankruptcy, and insolvency law	3%	12
Labour law	3%	10
Other	3%	10
Contracts and obligations	3%	9
Medical and bio law	3%	9
Constitutional law	2%	8
Environmental law	2%	7
Private international law	2%	7
Business and commercial law	2%	6
European law	2%	6
Financial law	2%	6
Inheritance law	2%	6
Property law	2%	6
Intellectual and patent law	1%	4
Administrative law	1%	3
Sports law	0%	1
<b>Total</b>	<b>100%</b>	<b>345</b>





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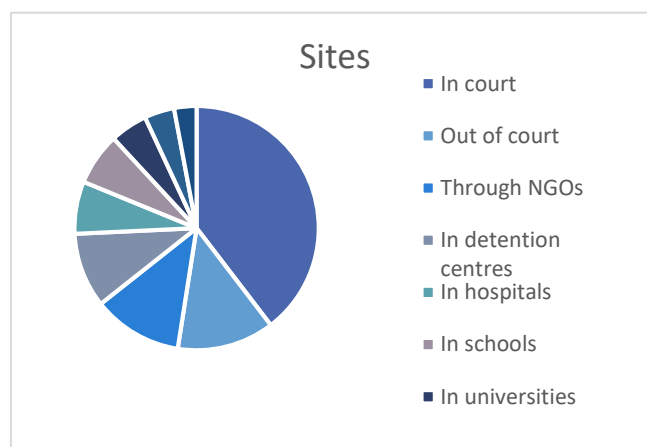
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### Sites

The most common site of cultural expertise is 'In Court' (40%, 74) followed by 'Out of Court' (13%, 24), then 'Through NGOs' (12%, 22), 'In Detention Centres' (10%, 19), 'In Hospitals' (7%, 13) and 'In Schools' (7%, 13), with all remaining categories receiving 5% or less. For those who selected 'other' (3%, 5) and specified, one indicated that they did not know, one expressed the need for it in all of the areas, but that it was not used in their experiences and finally one indicated that it was used in Human Rights Organisations.

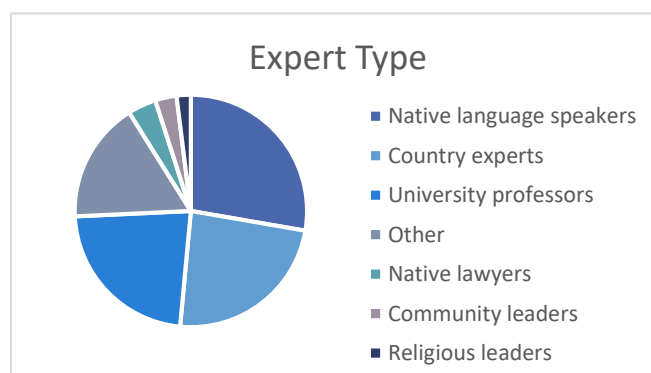
Sites	%	Total
In court	40%	74
Out of court	13%	24
Through NGOs	12%	22
In detention centres	10%	19
In hospitals	7%	13
In schools	7%	13
In universities	5%	9
Through private consultancy	4%	8
Other	3%	5
<b>Total</b>	<b>100%</b>	<b>187</b>



### Typology of Experts

The most common type of experts were Native Language Speakers (28%, 36), followed by Country Experts (24%, 30), then University Professors (23%, 29) and 'other' (17%, 21), with all remaining responses receiving 4% or less. For those that selected 'other' and specified, five indicated that they did not know, three indicated Anthropologists, two Cultural Mediators, one Psychologists and one Doctors.

Expert Type	%	Count
Native language speakers	28%	36
Country experts	24%	30
University professors	23%	29
Other	17%	21
Native lawyers	4%	5
Community leaders	3%	4
Religious leaders	2%	2
<b>Total</b>	<b>100%</b>	<b>127</b>



The most common discipline was Sociology (27%, 12) followed by Anthropology (20%, 9), Linguistics (16%, 7), Law (16%, 7) and 'other' (16%, 7) with all remaining areas receiving 2% or less. Of those who selected 'other' and specified, three indicated Psychologists, one Doctors and another Urban Planners.



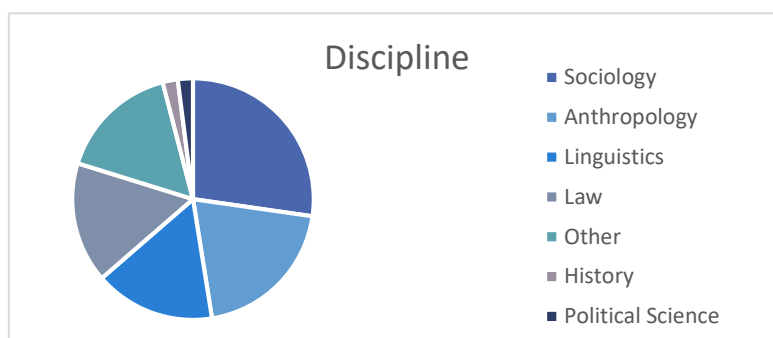


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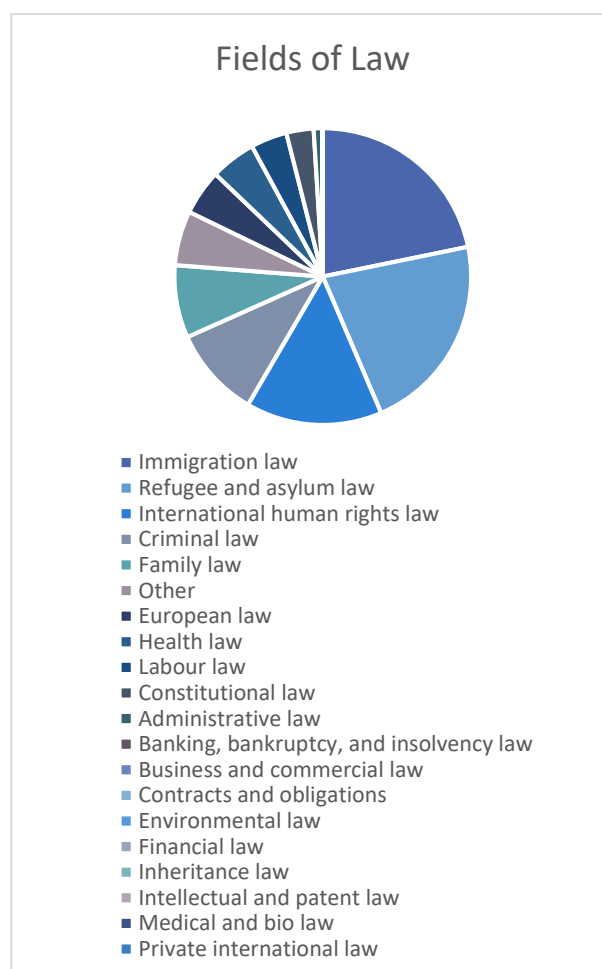
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Discipline	%	Count
Sociology	27%	12
Anthropology	20%	9
Linguistics	16%	7
Law	16%	7
Other	16%	7
History	2%	1
Political Science	2%	1
<b>Total</b>	<b>100%</b>	<b>44</b>



The most common fields of law that experts have provided cultural expertise in are Immigration Law (22%, 17) and Refugee and Asylum Law (22%, 17), followed by International Human Rights Law (15%, 12), then Criminal Law (10%, 8), Family Law (8%, 6), 'other' (6%, 5) and European Law and Health Law (each 5%, 4), with all remaining fields receiving 4% or less. For those who selected 'other' and specified, one indicated the Law of the Sea, with other indicating Prison Law, Forensic Medicine and Integration.

Fields of Law	%	Count
Immigration law	22%	17
Refugee and asylum law	22%	17
International human rights law	15%	12
Criminal law	10%	8
Family law	8%	6
Other	6%	5
European law	5%	4
Health law	5%	4
Labour law	4%	3
Constitutional law	3%	2
Administrative law	1%	1
Banking, bankruptcy, and insolvency law	0%	0
Business and commercial law	0%	0
Contracts and obligations	0%	0
Environmental law	0%	0
Financial law	0%	0
Inheritance law	0%	0
Intellectual and patent law	0%	0
Medical and bio law	0%	0
Private international law	0%	0
Property law	0%	0
Sports law	0%	0
<b>Total</b>	<b>100%</b>	<b>79</b>



## Modalities

### Appointment of Experts

Factors influencing the decision to instruct or appoint an expert include the client's request (20%, 63), followed by that experts facilitate successful legal outcomes (14%, 44), then cost (11%, 35), then that the law allows the appointment of experts (10%, 31), that the court is keen to hear cultural arguments (10%, 31), time (8%, 24), the reputation of the expert (7%, 23), that the appointment of the expert is advised by the court (7%, 22), that expertise can also be used for an out of court settlement (7%, 22) and finally that the authorities have already appointed their expert.

Factor	%	Count
Client/ Defendant/ Claimant/ Applicant's request	20%	63
Experts facilitate successful legal outcomes	14%	44
Cost	11%	35
The law allows the appointment/ instruction of experts	10%	31
The court is keen to hear cultural arguments	10%	31
Time	8%	24
The reputation of the expert	7%	23
The appointment/ instruction of experts is advised by the court	7%	22
Expertise can also be used for an out of court settlement	7%	22
The court/ prosecutor/ Ministry of the Interior have already appointed their expert	5%	14
Other	0%	0
<b>Total</b>	<b>100%</b>	<b>309</b>



Experts are chosen primarily due to their competence (21%, 29), followed by from expert registers at law courts (19%, 26), then by the litigant's choice (18%, 24), due to the reputation of the expert (14%, 19), other (12%, 16), through the balance between competence and cost (10%, 13), from professional expert registers (4%, 6) and due to their convenient hourly quote. Of those who selected other and specified, six indicated that they did not know, one clarified that they have to choose within the limitations of the structures, and another specified that availability was a key consideration.

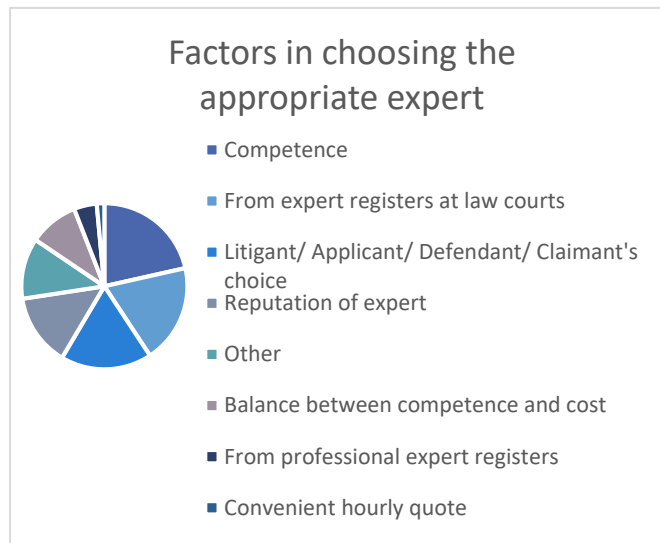


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Reason	%	Count
Competence	21%	29
From expert registers at law courts	19%	26
Litigant/ Applicant/ Defendant/ Claimant's choice	18%	24
Reputation of expert	14%	19
Other	12%	16
Balance between competence and cost	10%	13
From professional expert registers	4%	6
Convenient hourly quote	1%	2
<b>Total</b>	<b>100%</b>	<b>135</b>



The most common response to the question of how experts started providing opinions was other (42%, 16), followed by having been contacted directly by litigants (26%, 10), then by being referred by a colleague (16%, 6), being contacted by a lawyer (11%, 4) and then one response each for being contacted by a court and being contacted by the Ministry of the Interior. Of those who selected other and specified, four indicated that it was through their work with NGOs, four indicated that it was through their employment, and finally one specified that it was through personal interest.

Answer	%	Count
Other	42%	16
I have been directly contacted by litigants/ applicants/ defendants/ complainants	26%	10
A colleague referred me	16%	6
I was contacted by a lawyer	11%	4
I was contacted by a court	3%	1
I was contacted by the Ministry of the Interior	3%	1
<b>Total</b>	<b>100%</b>	<b>38</b>



Experts are appointed most commonly through their work as experts in an NGO followed by being appointed by lawyers who contact them as the need arises (24%, 20), then by being contacted directly by litigants (22%, 18), then by being appointed by the Ministry of the Interior (16%, 13), then having been appointed by courts (9%, 7) and other (4%, 3). Of those who selected other and specified, one was appointed through their work in a legal clinic, and another is appointed through their work in associations.

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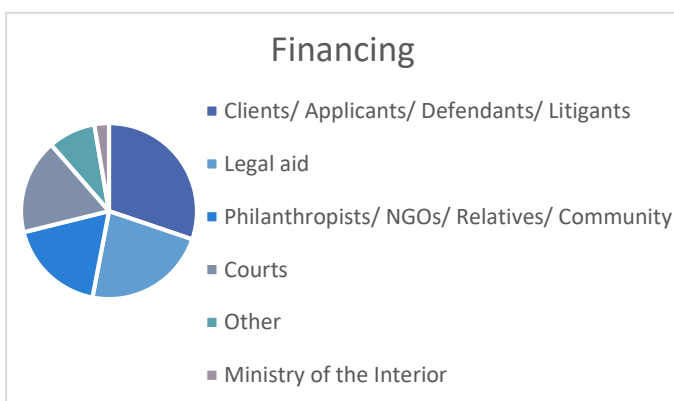
Field	%	Count
I work as an expert in an NGO	26%	21
I have been instructed/ appointed as expert by several lawyers who contact me as the need arises	24%	20
I was contacted directly by the litigants/ applicants/ defendants/ complainants	22%	18
I have been instructed/ appointed by the Ministry of the Interior or other equivalent authority	16%	13
I have been instructed/ appointed by courts	9%	7
Other	4%	3
<b>Total</b>	<b>100%</b>	<b>82</b>



### Cost of Cultural Expertise

Cultural expertise is financed by clients (30%, 45), followed by legal aid (23%, 34) then philanthropists/ NGOs/ relatives/ community (18%, 27), courts (17%, 26), other (9%, 13) and the Ministry of the Interior (3%, 4). Of those who selected other and specified, three did not know, two specified NGOs, and another two the state, one clarified that they are usually paid for by EU funds and another through legal aid.

Answer	%	Count
Clients/ Applicants/ Defendants/ Litigants	30%	45
Legal aid	23%	34
Philanthropists/ NGOs/ Relatives/ Community	18%	27
Courts	17%	26
Other	9%	13
Ministry of the Interior	3%	4
<b>Total</b>	<b>100%</b>	<b>149</b>



The most common response to the question of remuneration was other (40%, 14), followed by doing the work on a voluntary basis (26%, 9), then being paid at a standard hourly rate (20%, 7), and then being paid at a set price per report (14%, 5). Of those who selected other and specified, three indicated that they are remunerated as part of their standard salary, two clarified that they mostly work on a voluntary basis, and finally one specified that they don't have set tariffs, but negotiate the price with the client.



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Answer	%	Count
Other	40%	14
I am not paid, I have been doing this work on a voluntary basis	26%	9
I am paid at a standard hourly rate	20%	7
I am paid at a set price per report	14%	5
<b>Total</b>	<b>100%</b>	<b>35</b>



When asked about the reuse of cultural expertise, respondents indicated that cultural expertise can only be reproduced in the same country/legal field (44%, 37), followed by that it is a unique and not repeatable experience (31%, 26), then that cultural expert witnessing is applicable in similar cases (13%, 11) and other (12%, 10). Of those that selected other and specified, three did not know, two indicated that it depends on the type of expertise as well as the topics covered, and finally one that specified that it can be reused as long as the specificities of the case are kept in mind.

Answer	%	Count
Cultural expertise can only be reproduced within the same country/legal field	44%	37
Cultural expertise/expert witnessing is a unique and not repeatable experience	31%	26
Cultural expert witnessing is applicable to similar cases	13%	11
Other	12%	10
<b>Total</b>	<b>100%</b>	<b>84</b>



## Impact

### Components of Impact

The factors most likely to have an impact on their addressees are reliable sources of contents (22%, 82), followed by first-hand experience (15%, 58), then the use of statistics (13%, 51), the reputation of the experts (13%, 48), stringent conclusions (12%, 45), quantitative assessment of risk (8%, 29), advocacy (7%, 28), style (6%, 23), the remuneration of experts (4%, 14) and other (1%, 3). Of those who selected other and specified, one indicated that they did not feel experienced enough to comment, another clarified their very specific skills, and finally one specified their specific area of knowledge.

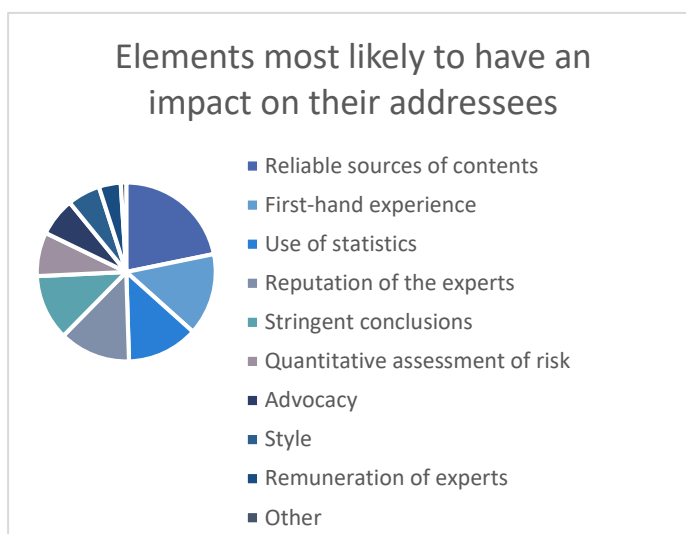


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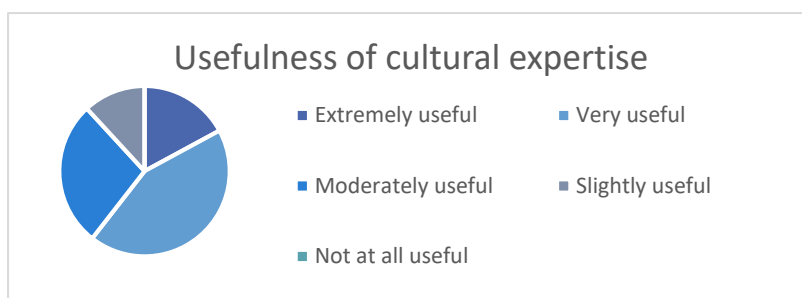
Field	%	Count
Reliable sources of contents	22%	82
First-hand experience	15%	58
Use of statistics	13%	51
Reputation of the experts	13%	48
Stringent conclusions	12%	45
Quantitative assessment of risk	8%	29
Advocacy	7%	28
Style	6%	23
Remuneration of experts	4%	14
Other	1%	3
<b>Total</b>	<b>100%</b>	<b>381</b>



### Usefulness

When asked about the usefulness of cultural expertise, the most common response was very useful (43%, 33), followed by moderately useful (28%, 21), then extremely useful (17%, 13), and slightly useful (12%, 9).

Answer	%	Count
Extremely useful	17%	13
Very useful	43%	33
Moderately useful	28%	21
Slightly useful	12%	9
Not at all useful	0%	0
<b>Total</b>	<b>100%</b>	<b>76</b>



More than half of respondents indicated that cultural expertise is most useful in immigration law (62%, 66), followed by being more useful in criminal law rather than civil law (15%, 16), then in other fields (13%, 14) and finally more useful in criminal law rather than civil law (10%, 11). Of those who selected other and specified, six indicated family law, another six clarified migration or asylum law, one mentioned both civil and criminal law, and finally one indicated welfare.

Answer	%	Count
Cultural expertise is most useful in immigration law	62%	66
Cultural expertise is more useful in criminal law than in civil law	15%	16
Cultural expertise is most useful in...	13%	14
Cultural expertise is more useful in civil law than in criminal law	10%	11
<b>Total</b>	<b>100%</b>	<b>107</b>





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### Competitiveness

Experts believed their services were competitive due to their competence (61%, 19), followed by their reputation (19%, 6), then the balance between competence and cost (10%, 3) and other (10%, 3). Of those who selected other and specified, two questioned the notion of competitiveness, and the other suggested that this was the case due to their success and the attention given to them by the judges.

Answer	%	Count
Competence	61%	19
My reputation	19%	6
Balance between competence and cost	10%	3
Other	10%	3
Convenient hourly quote	0%	0
<b>Total</b>	<b>100%</b>	<b>31</b>



### Reputation of Experts

The most common response to the question of how experts built their reputation was other (41%, 15), followed by 'I don't know' (30%, 11), then the cases for which they have provided an expert opinion have been successful (16%, 6) and then having regularly been instructed or appointed for many years (14%, 5). Of those who selected other and specified, three clarified their academic qualifications, another three indicated that their reputation has been built through their work, two mentioned their qualifications, two their expertise on the subject in question, and finally one due to their relationship with lawyers and asylum seekers.

Answer	%	Count
Other	41%	15
I don't know	30%	11
The cases in which I provided an expert opinion have been successful	16%	6
I have been regularly instructed/appointed as an expert for many years	14%	5
<b>Total</b>	<b>100%</b>	<b>37</b>



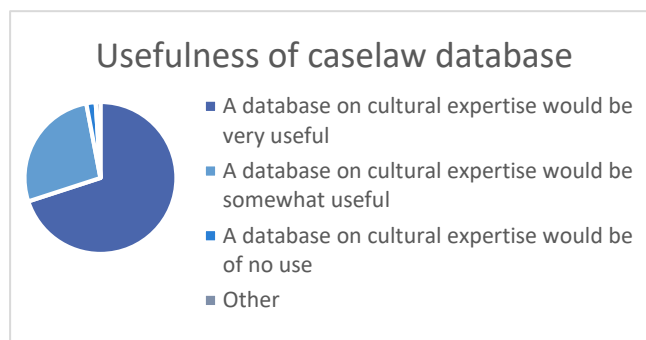


## Improved Access

### Database

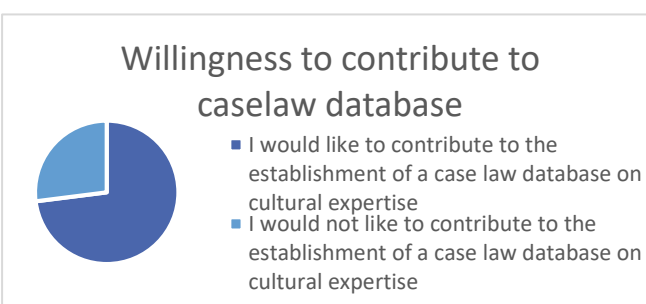
The most common response to the question of the usefulness of a case law database was that it would be very useful (70%, 80), followed by somewhat useful (27%, 31), then of no use (2%, 2), as well as one person who selected other, and specified that a database would not be useful as each case needed to be dealt with individually.

Answer	%	Count
A database on cultural expertise would be very useful	70%	80
A database on cultural expertise would be somewhat useful	27%	31
A database on cultural expertise would be of no use	2%	2
Other	1%	1
<b>Total</b>	<b>100%</b>	<b>114</b>



Almost three quarters of respondents indicated that they would be willing to contribute to the establishment of a case law database on cultural expertise (73%, 55), with the remainder indicating that they would not be willing to contribute (27%, 20).

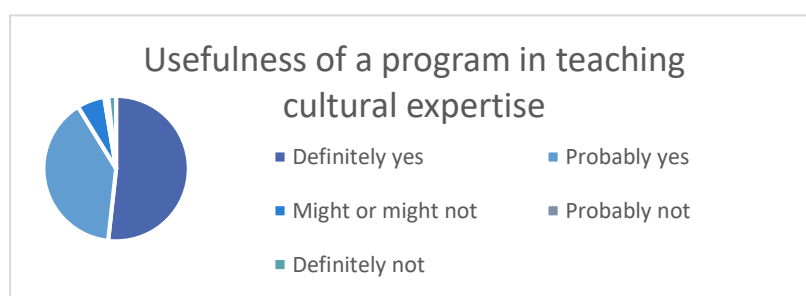
Answer	%	Count
I would like to contribute to the establishment of a case law database on cultural expertise	73%	55
I would not like to contribute to the establishment of a case law database on cultural expertise	27%	20
<b>Total</b>	<b>100%</b>	<b>75</b>



## Capacity Building

The most common response to the question regarding the usefulness of a program teaching cultural expertise was definitely yes (52%, 59), followed by probably yes (39%, 45), then might or might not (6%, 7), probably not (1%, 1) and definitely not (2%, 2).

Answer	%	Count
Definitely yes	52%	59
Probably yes	39%	45
Might or might not	6%	7
Probably not	1%	1
Definitely not	2%	2
<b>Total</b>	<b>100%</b>	<b>114</b>



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When asked whether respondents knew of organisations that might be interested teaching cultural expertise, the most common response was that they knew of educational institutions that may be interested in teaching cultural expertise (38%, 20), followed by that they would be interested in teaching cultural expertise (25%, 13), then that they knew of professional organisations that might be interested (19%, 10), and then other (17%, 9). Of those who selected other and specified, eight indicated that they did not know, and one clarified that they would be interested in teaching cultural expertise, but on specific topics only.

Answer	%	Count
I know of schools, universities or organisations that may be interested in teaching cultural expertise	38%	20
I would be interested in teaching cultural expertise	25%	13
I know of professional organisations that may be interested in capacity building on the use of cultural expertise	19%	10
Other	17%	9
<b>Total</b>	<b>100%</b>	<b>52</b>

