

# Spain

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

PI: LIVIA HOLDEN | Post-Doc: ANNA TSALAPATANIS | Data Collector: BEATRIZ BARREIRO CARRIL

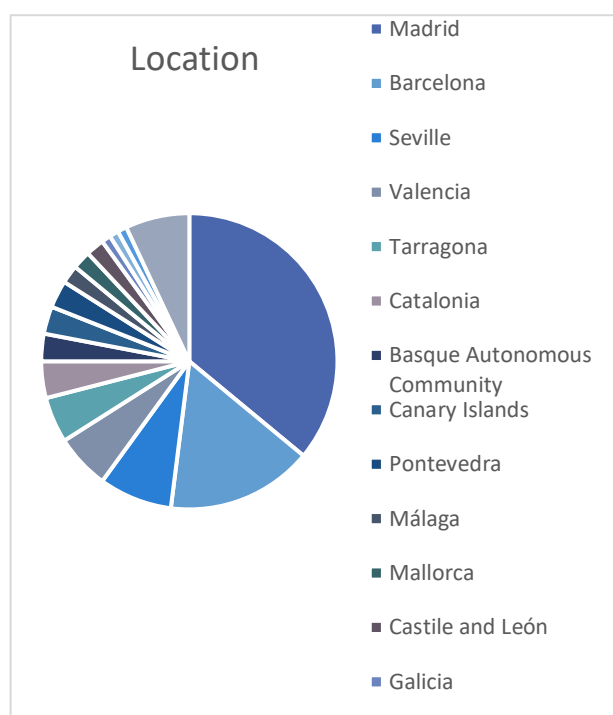
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### Sample

There were 168 responses to the Spanish survey, this included 67 Judges (40%), 56 Lawyers (33%), 38 Experts (23%), and 7 Beneficiaries (4%).

Of the 168 respondents, 152 (90%) indicated their location. A little more than one third were based in Madrid (36%, 55), followed by Barcelona (16%, 24), then Seville (8%, 12), Valencia (6%, 9) and Tarragona (5%, 8) with all remaining areas accounting for 4% or less.

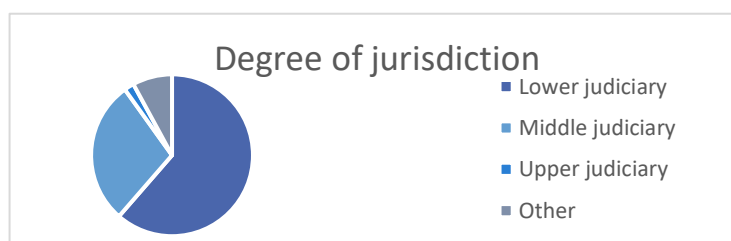
Location	%	Count
Madrid	36%	55
Barcelona	16%	24
Seville	8%	12
Valencia	6%	9
Tarragona	5%	8
Catalonia	4%	6
Basque Autonomous Community	3%	5
Canary Islands	3%	4
Pontevedra	3%	4
Málaga	2%	3
Mallorca	2%	3
Castile and León	2%	3
Galicia	1%	2
Andalusia	1%	2
Murcia	1%	2
Other	7%	10
<b>Total</b>	<b>100%</b>	<b>152</b>



### Judges

The most common degree of jurisdiction for Judges was 'Lower Judiciary' (62%, 40), followed by 'Middle Judiciary' (29%, 19), then 'Other' (8%, 5) and 'Upper Judiciary' (2%, 1). For those who selected 'Other' and specified, one was an advisor to the Ministry of Justice, another was involved in tax law, and finally one worked in the criminal courts of first and second instance.

Degree of Jurisdiction	%	Count
Lower judiciary	62%	40
Middle judiciary	29%	19
Upper judiciary	2%	1
Other	8%	5
<b>Total</b>	<b>100%</b>	<b>65</b>



The most common area of jurisdiction was criminal law (35%, 38) followed by Civil Law (26%, 28), then Family Law (21%, 23), 'Other' (16%, 17) and Asylum/Migration Law (3%, 3). For those who selected other and



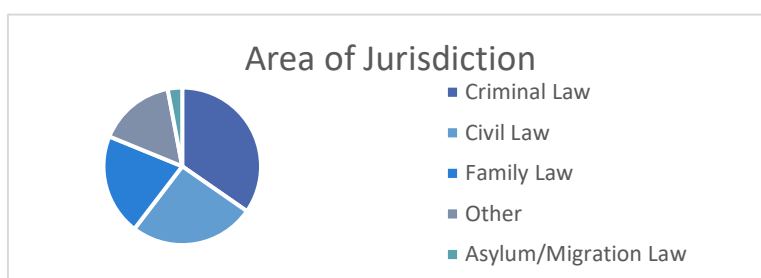
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specified four indicated administrative law, three clarified labour law, two gender violence, and one each for social law, royalty rights and contracts, commercial law, intellectual property, and tax and migration.

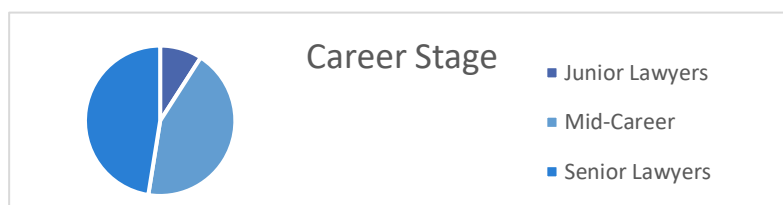
Area of Jurisdiction	%	Count
Criminal Law	35%	38
Civil Law	26%	28
Family Law	21%	23
Other	16%	17
Asylum/Migration Law	3%	3
<b>Total</b>	<b>100%</b>	<b>109</b>



### Lawyers

The most common career stage for lawyers was Senior Lawyers (47%, 25), followed by Mid-Career (43%, 23) and Junior Lawyers (9%, 5).

Career Stage	%	Count
Junior Lawyers	9%	5
Mid-Career	43%	23
Senior Lawyers	47%	25
<b>Total</b>	<b>100%</b>	<b>53</b>



The most common areas of law practiced in were Refugee and Asylum Law (26%, 37), followed by Immigration Law (19%, 27), then Administrative Law (12%, 17), Criminal Law (11%, 16), Family Law (9%, 13) and International Human Rights Law (9%, 13) with all remaining areas accounting for 3% or less. Of those who selected 'Other' (3%, 5) and specified, two indicated Human Rights Law, and two clarified Consumer Law.

Areas of Law	%	Count
Refugee and asylum law	26%	37
Immigration law	19%	27
Administrative law	12%	17
Criminal law	11%	16
Family law	9%	13
International human rights law	9%	13
Other	3%	5
Labour law	3%	4
Constitutional law	2%	3
European law	1%	2
Inheritance law	1%	2
Banking, bankruptcy, and insolvency law	1%	1
Contracts and obligations	1%	1
Intellectual and patent law	1%	1
Private international law	1%	1
<b>Total</b>	<b>100%</b>	<b>143</b>



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### Experts

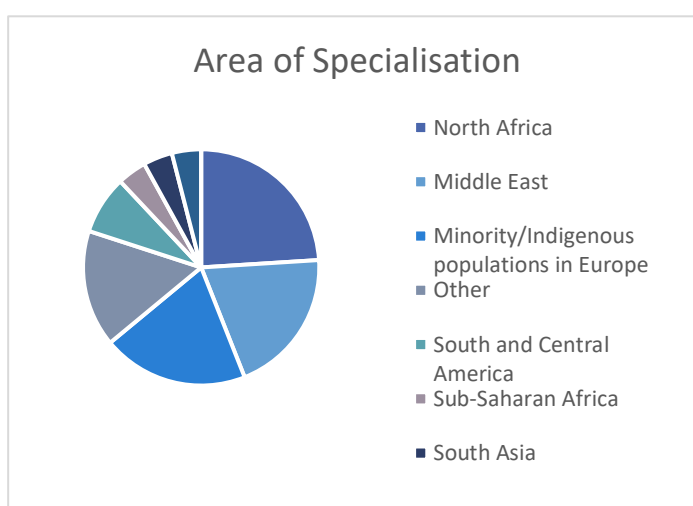
The most common expert type selected was 'Other' (47%, 14), followed by Translator/interpreter (30%, 9), then Expert Witness (13%, 4) and Cultural Mediator (10%, 3). For those who selected other and specified, five indicated that they were Anthropologists, three were involved in victim care, two were educators and one was a criminologist.

Expert Type	%	Count
Other	47%	14
Translator/interpreter	30%	9
Expert Witness	13%	4
Cultural mediator	10%	3
Total	100%	30



The most common area of specialisation was North Africa (24%, 6), followed by the Middle East (20%, 5), Minority/Indigenous populations in Europe (20%, 5), 'Other' (16%, 4) and South and Central America (8%, 2), with all remaining areas accounting for 4% or less. For those who selected other and specified, one indicated mental health, one clarified South America and North Africa, and another worked primarily on Europe and Asia.

Area of Specialisation	%	Count
North Africa	24%	6
Middle East	20%	5
Minority/Indigenous populations in Europe	20%	5
Other	16%	4
South and Central America	8%	2
Sub-Saharan Africa	4%	1
South Asia	4%	1
East Asia	4%	1
South East Asia	0%	0
Total	100%	25



### Frequency

#### Numeric Frequency

The most common number of cases that expert evidence had been provided for was 'Between 20 and 50 cases' (30%, 9), followed closely by 'Other' (27%, 8), then 'Less than 5 cases' (23%, 7), 'Between 10 and 20 cases' (10%, 3), 'Between 5 and 10 cases' (3%, 1). Of those who selected 'other' and specified, three indicated more than 100 and one indicated more than 1000. There were lower numbers for the number of cases that Written Reports had been provided for (with 'Less than 5 cases' accounting for 47%, 14), than there were for Oral Evidence (with 'Less than 5 cases' accounting for 30%, 9). For those that selected 'other' for Written Reports, three indicated none, and two indicated more than 100. For Oral Evidence, one clarified never, one most of the time and another all of the time.

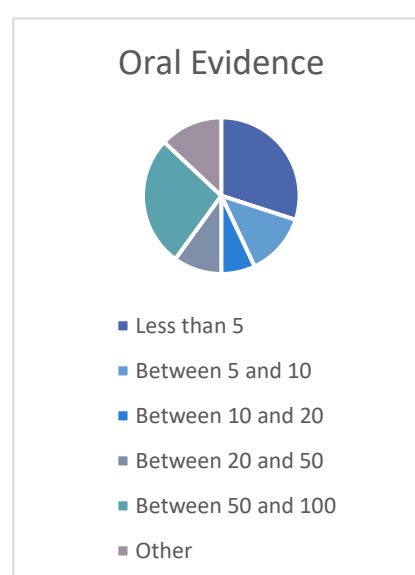
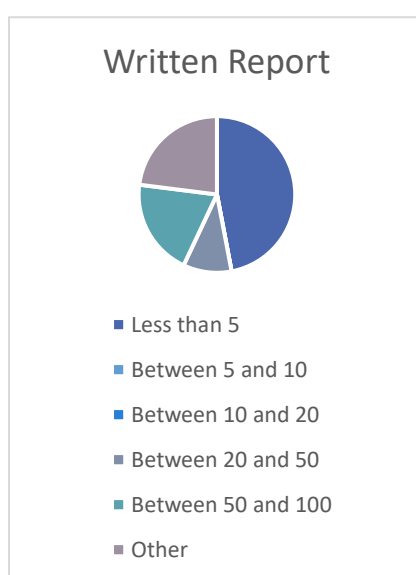
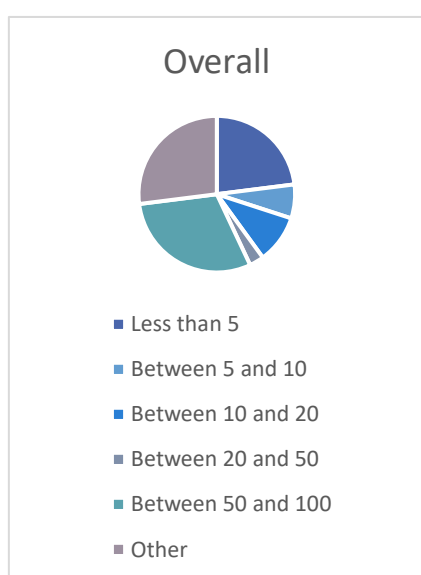


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	How many cases have you provided expert evidence/translation/mediation services for?		For how many cases have you provided only a written report?		For how many cases have you provided only oral evidence?	
Number of cases	%	Count	%	count	%	count
Less than 5	23%	7	47%	14	30%	9
Between 5 and 10	7%	2	0%	0	13%	4
Between 10 and 20	10%	3	0%	0	7%	2
Between 20 and 50	3%	1	10%	3	10%	3
Between 50 and 100	30%	9	20%	6	27%	8
Other	27%	8	23%	7	13%	4
<b>Total</b>	<b>100%</b>	<b>30</b>	<b>100%</b>	<b>30</b>	<b>100%</b>	<b>30</b>



Both Judges and Lawyers had most frequently instructed experts in 'Less than 10 cases' (61%, 64 Overall; 19%, 35 for Judges; and 63%, 29 for lawyers). In both cases this was then followed by 'None of the above' (Judges: 25%, 15; Lawyers: 26%, 12), and then 'Between 30 and 50 cases' (Judges: 8%, 5; Lawyers: 26%, 12). For those that selected 'None of the above' and specified, 17 clarified that they had never instructed a cultural expert, one indicated one, and another 150.

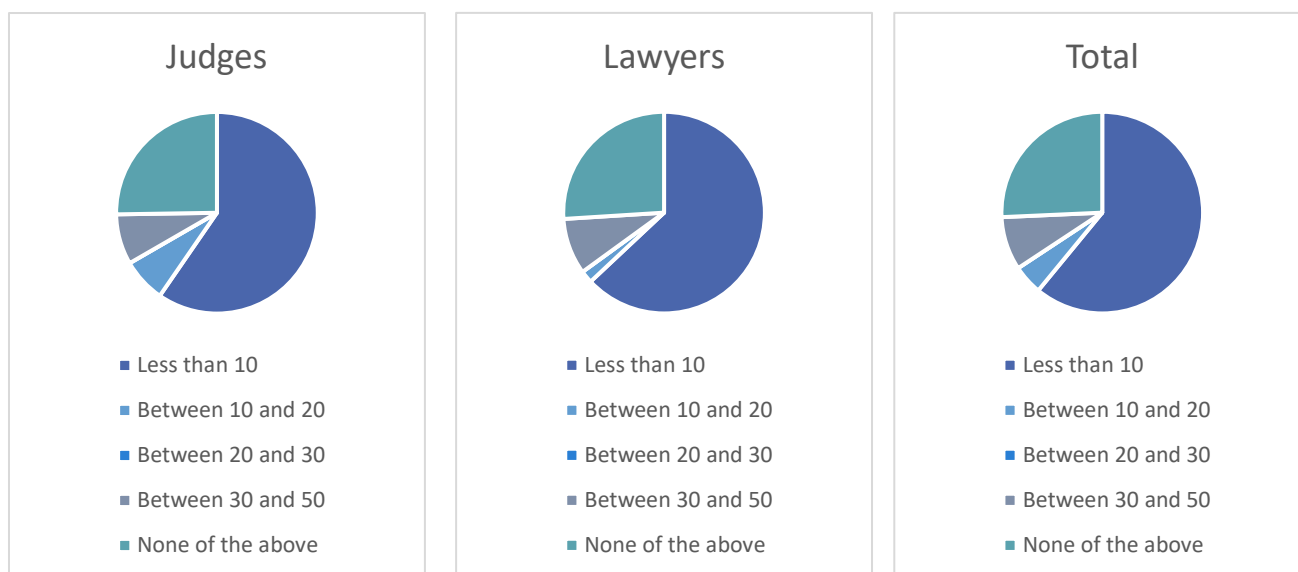
Number of cases	Judges		Lawyers		Totals	
	%	Count	%	Count	%	Count
Less than 10	59%	35	63%	29	61%	64
Between 10 and 20	7%	4	2%	1	5%	5
Between 20 and 30	0%	0	0%	0	0%	0
Between 30 and 50	8%	5	9%	4	9%	9
None of the above	25%	15	26%	12	26%	27
<b>Totals</b>	<b>100%</b>	<b>59</b>	<b>100%</b>	<b>46</b>	<b>100%</b>	<b>105</b>



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To the question which considered the use of cultural experts by beneficiaries there were three responses, one selected 'often', another 'always' and finally 'other' was selected where the respondent clarified that they were the intercultural mediator.

### Fields of law

The most common fields of law where cultural expertise is used is 'Refugee and Asylum Law' (12%, 52), followed by 'Immigration Law' (12%, 49), then 'Family Law' (11%, 48), 'Criminal law' (8%, 35) and 'International Human Rights Law' (7%, 29), with all the remaining areas accounting for 5% or less. Of those who selected 'Other' (4%, 16) and specified, five indicated that they did not know, four clarified cultural heritage and two indicated rights.



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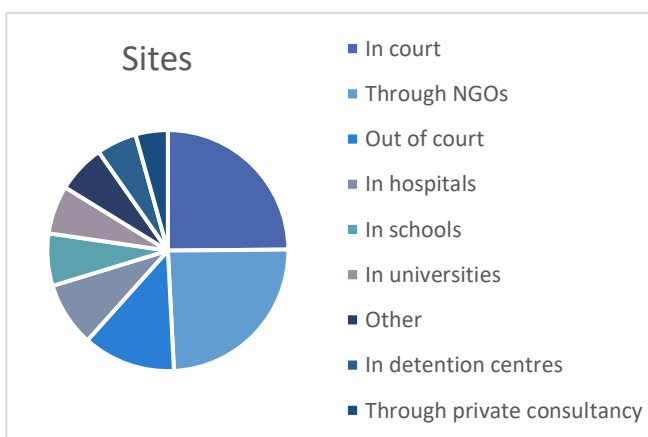
Fields of Law	%	Count
Refugee and asylum law	12%	52
Immigration law	12%	49
Family law	11%	48
Criminal law	8%	35
International human rights law	7%	29
Medical and bio law	5%	21
Labour law	4%	19
Health law	4%	17
Other	4%	16
Administrative law	4%	15
Constitutional law	4%	15
Private international law	4%	15
Inheritance law	3%	14
European law	3%	12
Environmental law	3%	11
Contracts and obligations	2%	10
Intellectual and patent law	2%	10
Property law	2%	10
Business and commercial law	2%	9
Banking, bankruptcy, and insolvency law	1%	6
Financial law	1%	6
Sports law	1%	5
<b>Total</b>	<b>100%</b>	<b>424</b>



### Sites

The most common site of cultural expertise was 'In Court' (25%, 46), followed closely by 'Through NGOs' (24%, 45), 'Out of Court' (12%, 23), 'In hospitals' (9%, 16), 'In Schools' (7%, 13), 'In Universities' (6%, 12) and 'Other' (6%, 12), with all remaining areas accounting for 5% or less. Of those who selected other and specified, eight indicated that they either did not know or did not have any experience in this area, one indicated domestic violence associations and another indicated social services.

Sites	%	Total
In court	25%	46
Through NGOs	24%	45
Out of court	12%	23
In hospitals	9%	16
In schools	7%	13
In universities	6%	12
Other	6%	12
In detention centres	5%	10
Through private consultancy	4%	8
<b>Total</b>	<b>100%</b>	<b>185</b>



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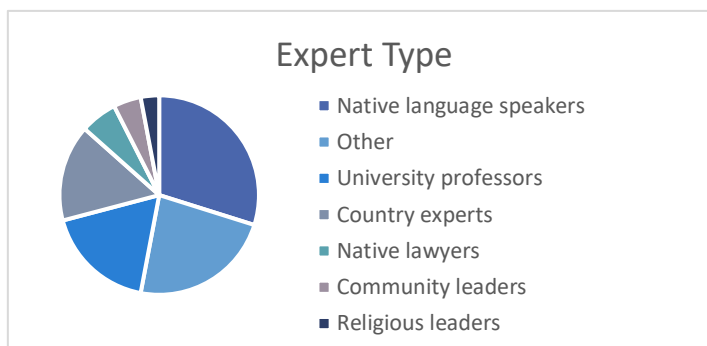
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### Typology of Experts

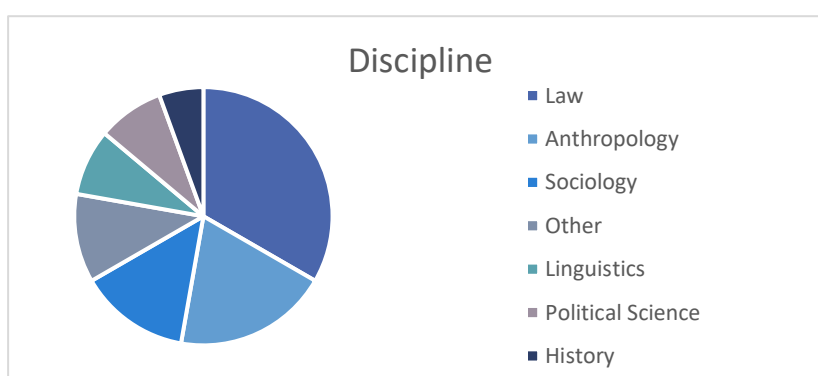
The most common expert type was 'Native Language Speakers' (30%, 40), followed by 'Other' (23%, 31), then 'University Professors' (18%, 24), 'Country Experts' (16%, 21) with all remaining categories accounting for 6% or less. Of those who selected other and specified, 16 indicated that they did not know, three clarified doctors and two psychiatrists.

Expert Type	%	Count
Native language speakers	30%	40
Other	23%	31
University professors	18%	24
Country experts	16%	21
Native lawyers	6%	8
Community leaders	4%	6
Religious leaders	3%	4
<b>Total</b>	<b>100%</b>	<b>134</b>



Those who selected 'University Professors' were asked to clarify which disciplines they were from, with the most common being 'Law' (33%, 12), followed by 'Anthropology' (19%, 7), then 'Sociology' (14%, 5), 'Other' (11%, 4), 'Linguistics' (8%, 3), 'Political Science' (8%, 3) and 'History' (6%, 2). Of those who selected 'other' and clarified, one indicated doctors, another art historians and one technicians.

Discipline	%	Count
Law	33%	12
Anthropology	19%	7
Sociology	14%	5
Other	11%	4
Linguistics	8%	3
Political Science	8%	3
History	6%	2
<b>Total</b>	<b>100%</b>	<b>36</b>



Experts had most commonly provided cultural expertise in 'Criminal Law' (17%, 10), followed by 'Immigration Law' (12%, 7), then 'Family Law' (10%, 6), 'Other' (10%, 6) and 'Refugee and Asylum Law' (8%, 5), with all remaining areas accounting for 5% or less. Of those who selected other and specified, three indicated gender violence, one clarified cultural heritage, another social and cultural anthropology, and one for cultural diplomacy.



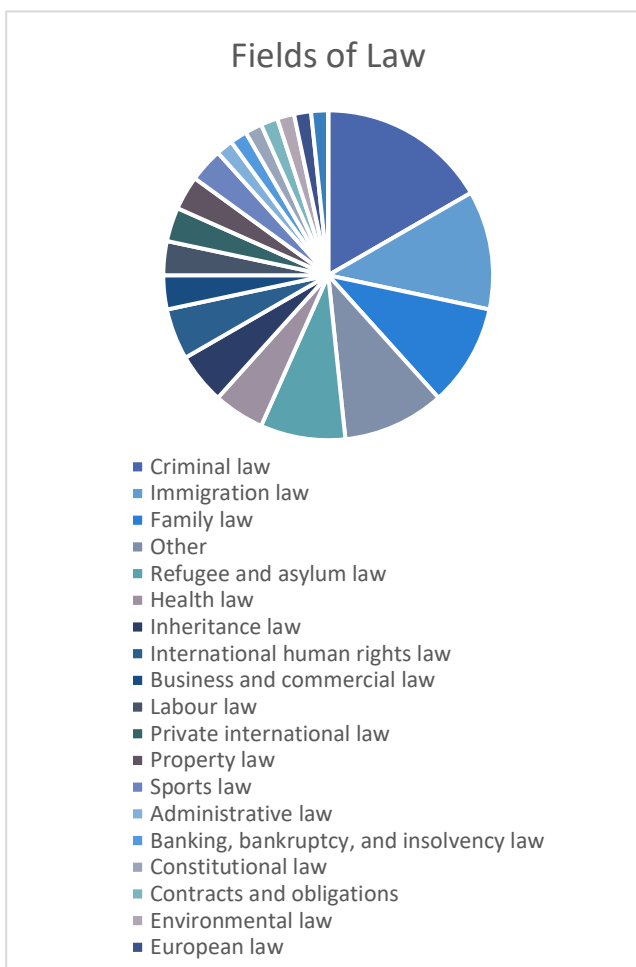


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Fields of Law	%	Count
Criminal law	17%	10
Immigration law	12%	7
Family law	10%	6
Other	10%	6
Refugee and asylum law	8%	5
Health law	5%	3
Inheritance law	5%	3
International human rights law	5%	3
Business and commercial law	3%	2
Labour law	3%	2
Private international law	3%	2
Property law	3%	2
Sports law	3%	2
Administrative law	2%	1
Banking, bankruptcy, and insolvency law	2%	1
Constitutional law	2%	1
Contracts and obligations	2%	1
Environmental law	2%	1
European law	2%	1
Financial law	2%	1
Intellectual and patent law	0%	0
Medical and bio law	0%	0
<b>Total</b>	<b>100%</b>	<b>60</b>



## Modalities

### Appointment of Experts

The most common factor which led to the decision to appoint an expert was 'the client's request' (20%, 58), followed by 'the law allowing for the instruction of experts' (18%, 47), then 'the court is keen to hear cultural arguments' (15%, 45), 'expertise can also be used for an out of court settlement' (9%, 26), 'time' (7%, 22), 'experts facilitate successful legal outcomes' (7%, 22), and 'cost' (7%, 21), with all remaining areas accounting for 6% or less. Of those who selected 'other' (3%, 8) and specified, two did not know, one mentioned in cases where it is supported by the administrative area and another indicated when the assessment of fact requires special technical or scientific knowledge.



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Factor	%	Count
Client/ Defendant/ Claimant/ Applicant's request	20%	58
The law allows the appointment/ instruction of experts	16%	47
The court is keen to hear cultural arguments	15%	45
Expertise can also be used for an out of court settlement	9%	26
Time	7%	22
Experts facilitate successful legal outcomes	7%	22
Cost	7%	21
The appointment/ instruction of experts is advised by the court	6%	19
The reputation of the expert	5%	16
The court/ prosecutor/ Ministry of the Interior have already appointed their expert	4%	12
Other	3%	8
<b>Total</b>	<b>100%</b>	<b>296</b>



The most common response on the question about how to choose the most appropriate expert was 'other' (31%, 39), followed by 'from expert registers at law courts' (19%, 24), then 'from professional expert registers' (15%, 18), 'applicant's choice' (12%, 15), 'competence' (10%, 12), 'balance between competence and cost' (7%, 9) and 'reputation of the expert' (6%, 7). Of those who selected 'other' and specified, twelve indicated that they did not know, five specified by various courts, and four each for by the parties and by the ministry.

Reason	%	Count
Other	31%	39
From expert registers at law courts	19%	24
From professional expert registers	15%	18
Litigant/ Applicant/ Defendant/ Claimant's choice	12%	15
Competence	10%	12
Balance between competence and cost	7%	9
Reputation of expert	6%	7
Convenient hourly quote	0%	0
<b>Total</b>	<b>100%</b>	<b>124</b>



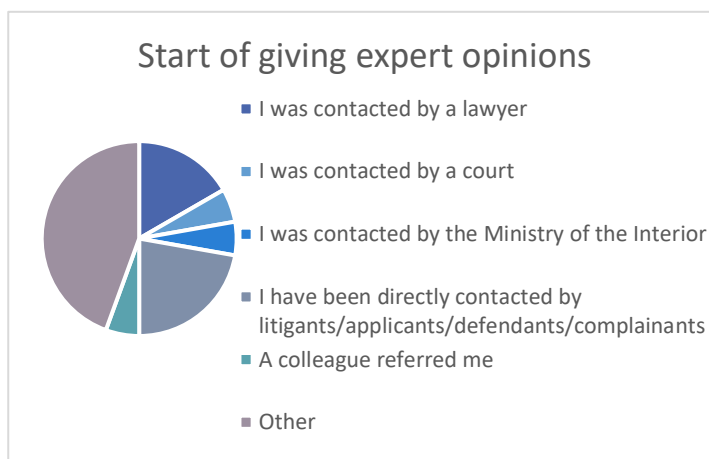
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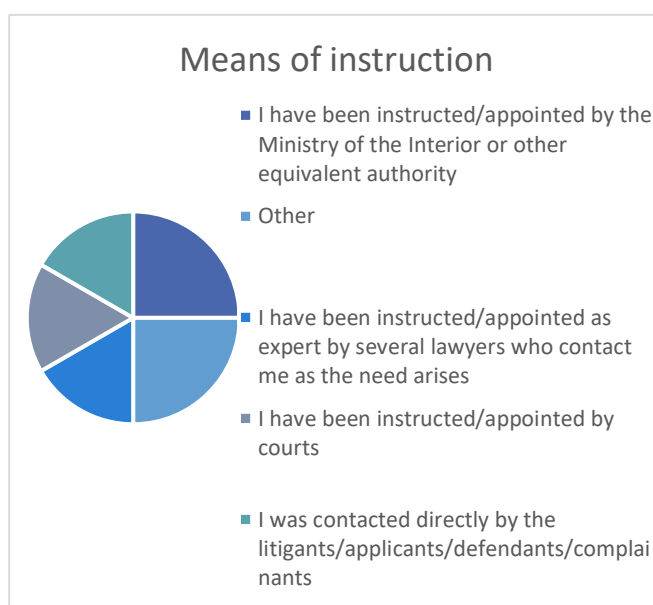
The most common response to the question regarding how experts started giving their opinions was 'other' (44%, 8), followed by being directly contacted by the clients (22%, 4), then by a lawyer (17%, 3), then one response each for being contacted by the court, contacted by the Ministry of the Interior and being referred by a colleague. Of those who selected 'other' and specified, two mentioned being outsourced by other companies, one was contacted by an embassy and another by a public institution.

Answer	%	Count
I was contacted by a lawyer	17%	3
I was contacted by a court	6%	1
I was contacted by the Ministry of the Interior	6%	1
I have been directly contacted by litigants/ applicants/ defendants/ complainants	22%	4
A colleague referred me	6%	1
Other	44%	8
<b>Total</b>	<b>100%</b>	<b>18</b>



The most common means of instruction was both the Ministry of Interior and 'other' (each 25%, 9), with the remaining three responses, instructed/appointed by lawyers, instructed/appointed by courts and instructed/appointed by clients, each received 17% (6). Of those who selected 'other' and specified, one was appointed by an agency, another works as a subcontractor and another is appointed by associations.

Field	%	Count
I have been instructed/ appointed by the Ministry of the Interior or other equivalent authority	25%	9
Other	25%	9
I have been instructed/ appointed as expert by several lawyers who contact me as the need arises	17%	6
I have been instructed/ appointed by courts	17%	6
I was contacted directly by the litigants/ applicants/ defendants/ complainants	17%	6
<b>Total</b>	<b>100%</b>	<b>36</b>



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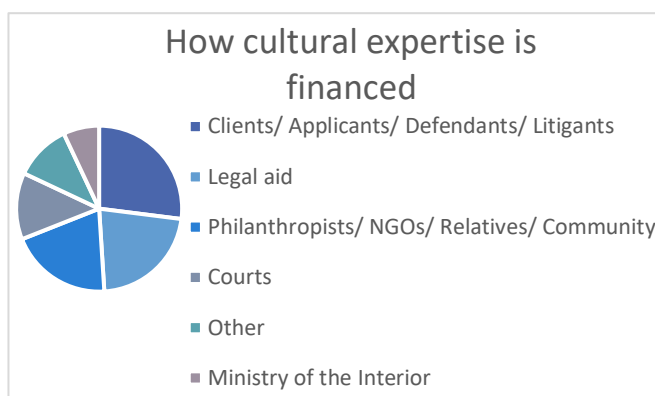
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### Cost of Cultural Expertise

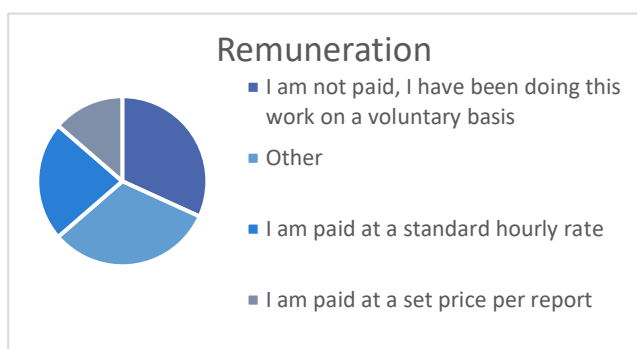
Cultural expertise is most commonly financed by the clients (27%, 38) followed by legal aid (22%, 31), then philanthropists/NGOs/Relatives/Community (20%, 28), courts (13%, 29), 'other' (11%, 15) and finally the Ministry of the Interior (7%, 10). Of those who selected 'other' and specified, four did not know, three indicated autonomous communities financed cultural expertise, two indicated that financing did not exist, one clarified that it was financed through cultural budgets, and another that it was financed for those under international protection.

Answer	%	Count
Clients/ Applicants/ Defendants/ Litigants	27%	38
Legal aid	22%	31
Philanthropists/ NGOs/ Relatives/ Community	20%	28
Courts	13%	19
Other	11%	15
Ministry of the Interior	7%	10
<b>Total</b>	<b>100%</b>	<b>141</b>



With regards to remuneration, the most common responses were working on a voluntary basis and 'other' (both 32%, 7), followed by being paid at a standard hourly rate (23%, 5) and then being paid at a set price per report (14%, 3). Of those who selected 'other' and specified, three indicated that they are paid as part of their salary, one that it is free for those with limited financial means and another that they get paid for a few hours work, but the work that they complete goes far beyond the hours indicated.

Answer	%	Count
I am not paid, I have been doing this work on a voluntary basis	32%	7
Other	32%	7
I am paid at a standard hourly rate	23%	5
I am paid at a set price per report	14%	3
<b>Total</b>	<b>100%</b>	<b>22</b>



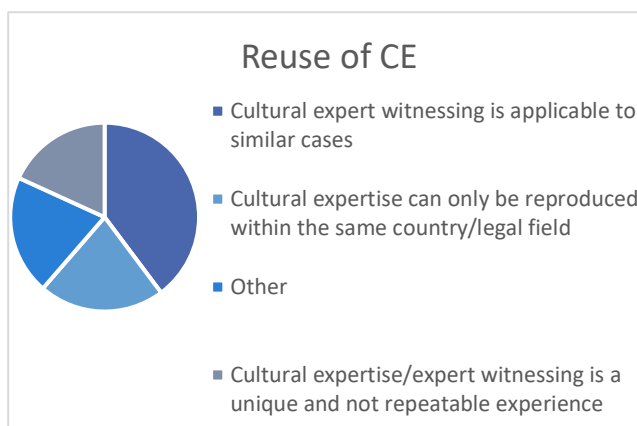
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With regards to the re-use of cultural expertise, the most common response was that cultural expertise is applicable in similar cases (40%, 35), followed by that cultural expertise can only be reproduced in the same country/legal field (22%, 19), then 'other' (20%, 18) and finally that cultural expertise is a unique and not repeatable experience (18%, 16). Of those who selected 'other' and specified, six indicated that they did not know, one that it can be reused, but generally is not, another that it cannot be reused in criminal law, and finally that it can be reused, but that it needs some adaptation.

Answer	%	Count
Cultural expert witnessing is applicable to similar cases	40%	35
Cultural expertise can only be reproduced within the same country/legal field	22%	19
Other	20%	18
Cultural expertise/expert witnessing is a unique and not repeatable experience	18%	16
<b>Total</b>	<b>100%</b>	<b>88</b>

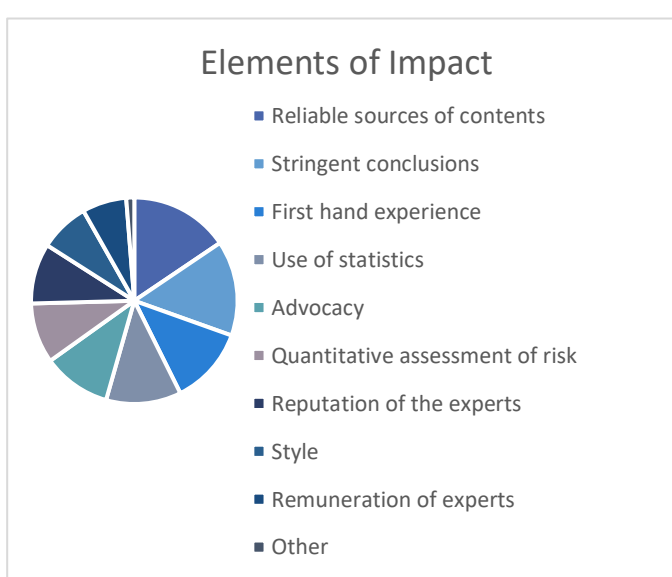


## Impact

### Components of Impact

The element that was most likely to have an impact was the use of reliable sources of contents (16%, 74), followed by stringent conclusions (15%, 71), then first-hand experience (12%, 58), use of statistics (12%, 56), advocacy (11%, 51), quantitative assessment of risk (9%, 45), reputation of experts (9%, 45), style (8%, 37), remuneration of experts (7%, 33) and 'other' (1%, 6). For those who selected other and specified, one indicated that as translators their ability to impart cultural knowledge to officials makes them better in their role, another clarified that in their experience, cultural expertise is not formally recognised in Spain, and the individual's presentation and how they disseminate the information.

Field	%	Count
Reliable sources of contents	16%	74
Stringent conclusions	15%	71
First-hand experience	12%	58
Use of statistics	12%	56
Advocacy	11%	51
Quantitative assessment of risk	9%	45
Reputation of the experts	9%	45
Style	8%	37
Remuneration of experts	7%	33
Other	1%	6
<b>Total</b>	<b>100%</b>	<b>476</b>



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

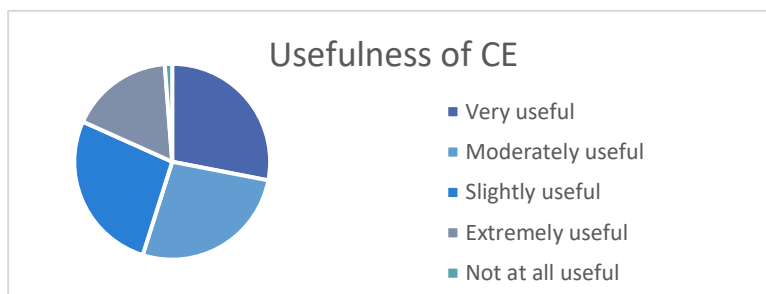
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### Usefulness

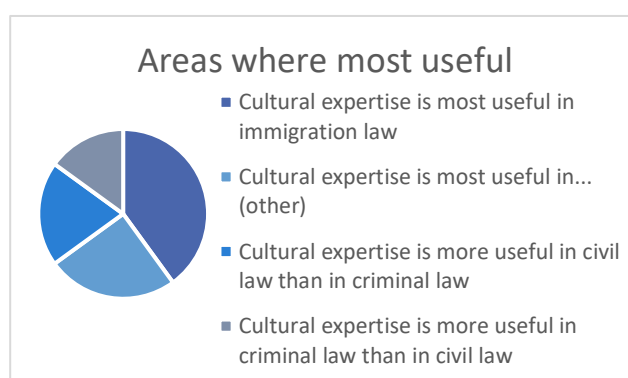
Over one quarter of respondents found cultural expertise very useful (28%, 23), followed by moderately useful (27%, 22), slightly useful (27%, 22), then extremely useful (17%, 14), and finally not useful at all (1%, 1).

Answer	%	Count
Very useful	28%	23
Moderately useful	27%	22
Slightly useful	27%	22
Extremely useful	17%	14
Not at all useful	1%	1
<b>Total</b>	<b>100%</b>	<b>82</b>



Respondents indicated that cultural expertise is most useful in immigration law (40%, 36), followed by other (25%, 23), then more useful in civil law than criminal law (20%, 18) and more useful in criminal law than civil law (15%, 14). Of those who selected 'other' and specified, three indicated asylum law, three for family law, and another one for child custody, two in all areas of law, two in both civil and criminal law, three indicated multiple areas of law, and one each for, intellectual property law, cases involving foreigners, cultural policies, and finally depending on the specific case.

Answer	%	Count
Cultural expertise is most useful in immigration law	40%	36
Cultural expertise is most useful in... (other)	25%	23
Cultural expertise is more useful in civil law than in criminal law	20%	18
Cultural expertise is more useful in criminal law than in civil law	15%	14
<b>Total</b>	<b>100%</b>	<b>91</b>



### Competitiveness

The most common reason given for the competitiveness of service was competence (38%, 10), followed by 'other' (19%, 5), then the balance between competence and cost (15%, 4), reputation (15%, 4) and convenient hourly quote (12%, 3). Of those who selected 'other' and specified, one clarified that it was their combination of psychological and anthropological knowledge, another their strong connections with the communities, one indicated their communication, and another indicated that they did not know.



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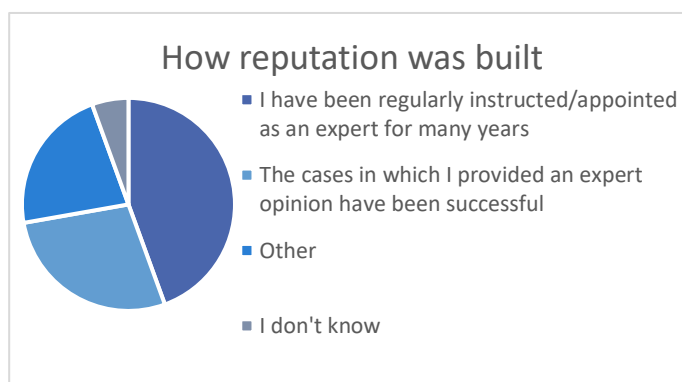
Answer	%	Count
Competence	38%	10
Other	19%	5
Balance between competence and cost	15%	4
My reputation	15%	4
Convenient hourly quote	12%	3
<b>Total</b>	<b>100%</b>	<b>26</b>



### Reputation of Experts

Experts had most commonly gained their reputation by being instructed/appointed for many years (44%, 8), followed by the success of the cases for which they had given an expert opinion (28%, 5), then 'other' (22%, 4) and they did not know (6%, 1). Of those who selected 'other' and specified, one clarified word of mouth, another that their reputation was built through books and magazine articles, and one final response which indicated their favourable results.

Answer	%	Count
I have been regularly instructed/appointed as an expert for many years	44%	8
The cases in which I provided an expert opinion have been successful	28%	5
Other	22%	4
I don't know	6%	1
<b>Total</b>	<b>100%</b>	<b>18</b>

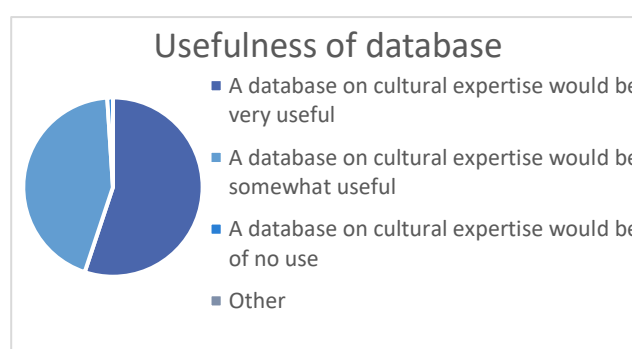


### Improved Access

#### Database

Over half of all respondents thought that a database on cultural expertise would be very useful (55%, 54), followed by somewhat useful (44%, 43), with one respondent indicating that they felt that it would be of no use (1%).

Answer	%	Count
A database on cultural expertise would be very useful	55%	54
A database on cultural expertise would be somewhat useful	44%	43
A database on cultural expertise would be of no use	1%	1
Other	0%	0
<b>Total</b>	<b>100%</b>	<b>98</b>



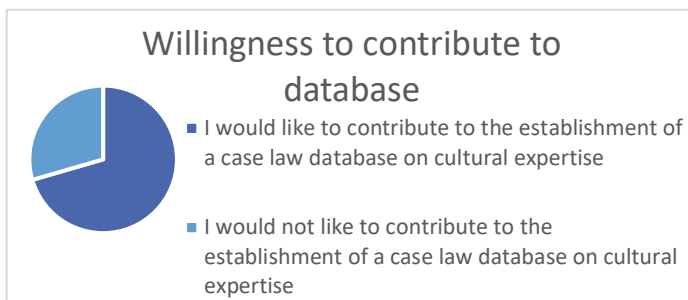
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Well over half of respondents (71%, 55) indicated that they would like to contribute to the establishment of a case law database, with the remaining 29% (23) clarifying that they would not.

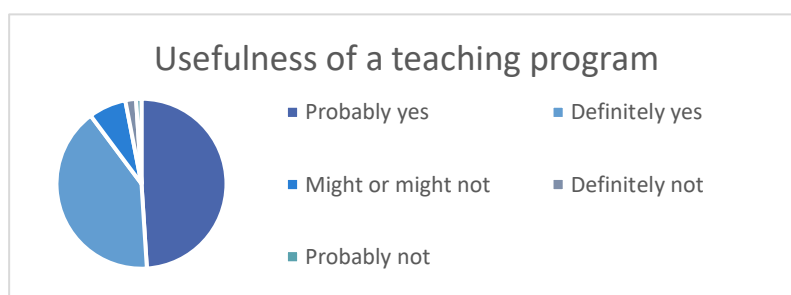
Answer	%	Count
I would like to contribute to the establishment of a case law database on cultural expertise	71%	55
I would not like to contribute to the establishment of a case law database on cultural expertise	29%	23
<b>Total</b>	<b>100%</b>	<b>78</b>



### Capacity Building

The most common response to the question regarding whether a program regarding the teaching of cultural expertise would be useful was 'probably yes' (49%, 48) followed by 'definitely yes' (41%, 40), then 'might or might not' (7%, 7), 'definitely not' (2%, 2) and 'probably not' (1%, 1).

Answer	%	Count
Probably yes	49%	48
Definitely yes	41%	40
Might or might not	7%	7
Definitely not	2%	2
Probably not	1%	1
<b>Total</b>	<b>100%</b>	<b>98</b>



With regards to interest in teaching cultural expertise, 29% (19) indicated that they knew of educational organisations that may be interested in teaching cultural expertise, followed by 'other' (29%, 19), then 21% (14) who knew of professional organisations, and another 21% (14) who were interested in teaching it themselves. Of those who selected 'other' and specified, 14 indicated that they did not know of any, two indicated that they did not know, but would be interested in learning more themselves, and two suggested particular organisations that may be interested.

Answer	%	Count
I know of schools, universities or organisations that may be interested in teaching cultural expertise	29%	19
Other	29%	19
I know of professional organisations that may be interested in capacity building on the use of cultural expertise	21%	14
I would be interested in teaching cultural expertise	21%	14
<b>Total</b>	<b>100%</b>	<b>66</b>

