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Sexist drafting and translation of the *Charter of Fundamental Rights of the EU*

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ABSTRACT

The Charter of Fundamental Rights of the EU (adopted in 2000 and legally binding since 2009) was the object of criticism during the drafting process on gender grounds, for the use of sexist language, the lack of gender mainstreaming, and for not taking a clearer stance on the support of equality between women and men, among other issues.

This article lists the main amendments that were submitted in this respect. The final version of the Charter was modified to eliminate sexist language in the original English text but not in other language versions, as we will see in the analysis.

Based on the European Institute for Gender Equality's definition of non-sexist use of language as the avoidance of the ambiguous masculine gender, we will highlight the appearance of the so-called generic masculine in the Charter's English, Spanish, French, Italian and Portuguese versions.

Finally, a proposal for a non-sexist Spanish translation is included with the aim of demonstrating the functional adequacy, simplicity and need to implement non-sexist translation and drafting of EU texts.

Keywords: sexist drafting, translation, Charter of Fundamental Rights of the EU.

1. Sexist language

Feminism has for centuries flown the flag of language as an essential tool for guaranteeing women's rights since Olympe de Gouges' intralinguistic feminist translation of the *Déclaration des droits de l'homme et le citoyen* in 1791. Suffragists later fought for the recognition of women's rights in laws written in ambiguous, purportedly generic masculine.

Sexist language hides, excludes, corners and denigrates women (Bengoechea Bartolomé 2006), and is one of the forms of subtle discrimination in the iceberg of violence against women that culminates in femicide (Amnesty International Spain 2017). It is also an obstacle to gender equality (COE 1990) as it perpetuates an androcentric system whereby men are the epicentre, the model and the genus, while women are a subclass, a subspecies or an exception. In 2019 it became the object of the first international legal instrument according to which language and communication are essential to gender equality and "must not consecrate the hegemony of the masculine model" (COE 2003: 20). The Council of Europe invited its member states to revise all legal, regulatory and policy texts, and replace sexist language with gender-fair alternatives. Other international organisations, like the EU, consider it a tool for gender equality but lack coherence in terms of application.

Sexist language can adopt many forms at the lexical, syntactic and grammatical levels, but its most evident representation is in the use of masculine gender in reference to women. Consequently, non-sexist language techniques focus on the replacement of universal masculine through neutralisation, explicitation or occasionally

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feminisation. In general, these techniques encourage the omission of gender when not relevant (UN 2019) and the avoidance of ambiguous generic masculine (EIGE 2022).

The dissociation of genders in language (or gender pairs) was a result of the creation of the concept of gender mainstreaming at the UN's Nairobi conference in 1985. However, their acceptance varies between languages, from generalised in English (compulsory) singular pronouns to controversial in Spanish. There are other non-sexist language techniques that depend on the specific expression of gender and target from pronouns and suffixes in English to person nouns, pronouns, articles and adjectives in Spanish. Collective, invariable, metonymic and epicene nouns are neutral alternatives in Spanish to the use of masculine gender to refer indistinctively to women and men. Explicitation is the technique whereby both genders are made explicit, as in gender pairs (*he or she*). Lastly, feminisation replaces masculine gender with feminine and is limited to rare exceptions of positions or professions held by women.

The use of gender in language not only affects women's claims to rights and freedoms but also other areas of their life, like employment. According to a study, language impacts the likelihood of people applying to vacancies, as some expressions can attract or drive away each sex and women tend not to apply unless they think they fulfil 100 % of the requirements whereas men who only satisfy 60 % will (LinkedIn 2019). The use of masculine language in job advertisements could be decisive in this respect.

2. The Charter of Fundamental Rights of the EU

The *Charter of Fundamental Rights of the EU* (CFREU) is a primary European Union legal instrument drafted in 2000 that enshrines the basic rights and freedoms of all persons living in the EU. It is structured into the principles of dignity, freedoms, equality, solidarity, citizen's rights, and justice.

After the signature of the Treaty of Lisbon in 2009, the CFREU became legally binding to the European Union itself and to the member states "only when they are implementing Union law" (EU 2012d: 406). The current version can be accessed through EUR-Lex, the EU's official legislation website, and was published in the Official Journal of the European Union on the 26th of October 2012 in 17 pages.

From its drafting stages, the CFREU was subject to criticism on several grounds, including the lack of gender mainstreaming and the use of sexist language. With regard to the latter, several amendments were submitted, mainly affecting the English and German versions.

2.1. Complaints on gender grounds

In March 2000, the Association of Women of Southern Europe (AFEM) proposed a non-sexist drafting of the English version of the CFREU and the addition of a special clause on equality based on sex.

The AFEM asks the Convention to kindly note that the expressions used in the provisions should be sex neutral or should refer to both sexes (see e.g. the proposed formulation of Articles 1, 2, 17, 21, 23, 24). This should apply also to provisions which are taken from the EC Treaty (e.g. Article 141(2): "in respect of his/her employment, from his/her employer"), the ECHR (e.g. Article 2: "his/her life") or any other instrument. (Coghlan & Steiert 2020: 4,166)

Although the AFEM is based in Paris and assembles women's associations from Southern European countries (Andorra, Cyprus, France, Greece, Italy, Spain and Portugal), their gender-neutral proposals for the CFREU did not extend to any other language than English.

The full-member representative of the Swedish government, Tarschys, wrote in May 2000 that “the entire text of the Charter needs to be gender neutral” (Coghlan & Steiert 2020: 1,645), also suggesting the replacement of all possessive English masculine pronouns *his* for the gender pair *his or her*.

Kaufmann, a full member in representation of the European Parliament, proposed an amendment to article 9(2) where she suggested the non-sexist German translation of *Everyone who has been charged* into *jeder angeklagten Person* (neutral) instead of *jedem Angeklagten* (masculine).

Then, in Amendment 536, Kaufmann proposed a change to article 25 from *Every resident* to *Every person resident* with the goal of “removing the inherent gender differentiation” (Coghlan & Steiert 2020: 2,288) affecting the German translation. The same is suggested by Kaufmann in Amendment 541, with the proposed wording in English being: “Every person with citizenship of the Union and every person resident in the EU” (Coghlan & Steiert 2020: 2,295). In Amendment 549, Kaufmann proposed replacing *Jeder* by *Jeder Person* in article 27(1) and (3). Amendment 566, also by Kaufmann, introduced the female version of *ombudsman* (ombudswoman) in article 28 and the substitution of *Jeder Unionsbürger* by *Jede Unionsbürgerin und jeder Unionsbürger* (in masculine and feminine). This last amendment was submitted too for articles 29 and 30.

Gnauck, a representative of the German national parliament, offered in Amendment 466 an explicit statement on the equality of women and men and suggested that “if no gender-neutral alternative can be found, the feminine form should be added in the wording of all Charter provisions” (Coghlan & Steiert 2020: 2,208).

In August 2000, 15 female members of the Convention submitted amendments to reword the CFREU into non-sexist language and proposed a new formulation of article 22.

In all linguistic versions, the Presidium's draft contains a sex-discriminating wording, which is unacceptable to us having regard to the major changes in the roles of the sexes and the relations between the sexes in our modern societies. The Charter will guarantee fundamental rights in the 21st century, and it must, therefore, address the female population also. For this reason, we appeal to you to change all articles, which are formulated solely in masculine wording such that they are replaced by gender-neutral formulations or by existing linguistic forms for both genders equally. (Coghlan & Steiert 2020: 3,348)

Tarschys then noted “with satisfaction that the Swedish version is now gender neutral and hope that this principle will be observed in the other languages, too” (Coghlan & Steiert 2020: 3,512).

Paciotti, a full member and representative of the Italian PSE in the European Parliament, proposed the addition of equality as a founding principle of the Union and an amendment to article 2 for the change of *the rights of man* to *human rights* since “(T)he language used in the Constitution should not be sexist, but neutral in gender” (Coghlan & Steiert 2020: 7,112).

In August 2000, the European Women’s Lobby (EWL) complained that the Charter did “not introduce the concept of gender equality as a basic unconditional and fundamental principle in the European Union”. The EWL requested that “the provision should not only prohibit discrimination on the grounds of sex, but also make the promotion of equality between men and women mandatory” (EWL 2000a: 3) and regretted that in “the English, German, Spanish and French versions [...], uses sexist language in several articles” (EWL 2000b: 1). The EWL had already written in April 2000 an opinion urging the implementation of gender perspective and the respect of the principle of gender mainstreaming.

The EWL stresses that one form of gender discrimination is the use of sexist language. “The use of sexist language, though sometimes unintentional, is nonetheless damaging in excluding women and in rendering our reality and our experience invisible. In the case of the Charter, the political mistake is very serious. The EWL will mobilise women’s organisations all over Europe to fight against this intentionally regressive text” added the

President of the EWL. (EWL 2000b: 1)

The composition of the convention in charge of drafting the CFREU came under scrutiny too, since only nine of the sixty-two members were women and four of the eight national female representatives were alternate members, and therefore not entitled to speak or vote (EWL 2000a).

In September 2000, the Convention met to examine the complete text set out in CHARTE 4470/00 CONVENT 47, to be “revised by Legal/Linguistic Experts with a view to settling any linguistic questions and making the Charter's language ‘gender-neutral’” (Coghlan & Steiert 2020: 6,062).

The requests on gender grounds were partly answered, and article 23 was created exclusively to recognise equality between women and men instead of the inclusion of women with vulnerable groups and minorities in an article prohibiting their discrimination. Also, gender equality was not anymore restricted to employment and work (Deloche-Gaudez 2001), as in the previous drafts, but extended to all areas of life. Still, there is no mention in the adopted text of serious abuses to women’s rights in the forms of gender violence and sexual exploitation (prostitution and womb rental).

With regard to sexist language, the masculine personal pronoun *his* was replaced by the use of both genders (*his or her*) in the English version. For example, article 7 was rewritten from “Everyone has the right to respect for his private and family life, his home and his correspondence” to “Everyone has the right to respect for his or her private and family life, home and communications” (EU 2012d: 397).

Several years after the CFREU was adopted, the EU Parliament welcomed the commitment by the president of the Convention responsible for drafting the Treaty establishing a Constitution for Europe (not ratified) “that the entire text of the Constitution will be written in gender-neutral language” and called on the Intergovernmental Conference “to arrange for the necessary editorial changes” (Coghlan & Steiert 2020: 7,580).

As we will see in the analysis, other language versions of the CFREU did not follow suit and are still drafted fully in masculine, even though the Convention had committed to redraft the text in neutral language.

3. Gender analysis of the current text

A gender analysis of five language versions of the current text unveils the different gender choices made in translation and drafting, irrespectively of the existence of gender pairs in the original (*his or her*), although indicative of a non-discriminatory intent. The apparent effort of employing these and other gender-neutral terms, which in this case was a consequence of numerous amendments during the process of drafting the text, was not considered in the translation of the CFREU to all of the EU’s official languages.

Looking at the specific parts of speech (pronouns, person nouns and adjectives) where gender is shown both in English and in Romance languages can allow us to ascertain the choices made in the drafting of the CFREU in terms of gender and its effects, if any, in translation.

3.1. Pronouns

Singular personal and possessive pronouns pose the main problem in English in terms of sexist language since they are gendered and obligatory, unlike in other languages like Spanish, where they are either normally dropped (personal pronouns) or neutral (possessive pronouns). In plural, by contrast, they adopt a genderless form in English (*they*). Despite the use of personal and possessive pronouns being rarer in English in institutional and

legal (formal) texts than in other genres, they can still be found occasionally. As seen before, the omnipresent masculine pronoun (*he, his*) in the first English draft of the CFREU was later replaced by gender pairs: *he or she* (5 times), *him or her* (3 times) and *his or her* (10 times).

3.1.1. Personal pronouns

In French, where the personal pronoun as a subject is necessary for the construction of a sentence, the gender pair *he or she* in the CFREU's English version is always translated by the masculine *il* and the plural *they* becomes *ils*, also masculine. Even in languages where the personal pronoun is not obligatory (Spanish, Italian, Portuguese), it is still possible to find adjectives agreeing in masculine (*absuelto, acquitté, assolto, absolvido*). The plural English personal pronoun *they* can either be dropped in translation (in Spanish and Portuguese) or translated in masculine (*ils* in French and *essi* in Italian).

| EN | ES | FR | IT | PT |
|---|--|--|---|--|
| he or she has already been finally acquitted or convicted | haya sido absuelto o condenado | il a déjà été acquitté ou condamné | è già stato assolto o condannato | já tenha sido absolvido ou pelo qual já tenha sido condenado |
| he or she would be subjected | ser sometido | qu'il soit soumis | essere sottoposto | ser sujeito |
| in the Member State in which he or she resides | en el Estado miembro en que resida | dans l'État membre où il réside | nello Stato membro in cui risiede | no Estado-Membro de residência |
| They may express their views freely. | Podrán expresar su opinión libremente. | Ils peuvent exprimer leur opinion librement. | Essi possono esprimere liberamente la propria opinione. | Podem exprimir livremente a sua opinião |

Table 1. Translation of personal pronouns.

3.1.2. Demonstrative personal pronouns

The two cases of demonstrative personal pronouns in plural in the CFREU (*those*, which is devoid of gender in English), become mostly masculine in the translation to these languages, with the exception of Spanish and Portuguese, where a neutral pronoun has been chosen (*quienes, quem*).

| EN | ES | FR | IT | PT |
|---------------|--------------------|---------------|------------------|-------------------|
| all those who | todos aquellos que | tous ceux qui | tutti coloro che | todos aqueles que |
| to those who | a quienes | à ceux qui | a coloro che | quem |

Table 2. Translation of demonstrative personal pronouns.

3.1.3 Indefinite pronouns

The indefinite English pronoun *no one* has gender-variable equivalents in French and Italian (*nul/nulle, nessuna/nessuno*) and invariable in Spanish and Portuguese (*nadie, ninguém*). In the first two languages, the gender chosen in the CFREU translation is always masculine. In Spanish and Portuguese, despite the existence of a genderless pronoun, the subsequent adjective is agreed in masculine 100 % of the times (*sometido, submetido*).

In a large EU corpus of EUR-Lex documents in Spanish hosted in the online corpus management tool Sketch Engine, none of the 2,498 cases of *nadie* are agreed in feminine, with the vast majority being neutral and 22 % masculine.

| EN | ES | FR | IT | PT |
|--|--|--|---|---|
| No one may be removed, expelled or extradited | Nadie podrá ser devuelto, expulsado o extraditado | Nul ne peut être éloigné, expulsé ou extradé | Nessuno può essere allontanato, espulso o estradato | Ninguém pode ser afastado, expulso ou extraditado |
| No one shall be condemned to the death penalty, or executed. | Nadie podrá ser condenado a la pena de muerte ni ejecutado. | Nul ne peut être condamné à la peine de mort, ni exécuté. | Nessuno può essere condannato alla pena di morte, né giustiziato. | Ninguém pode ser condenado à pena de morte, nem executado. |
| No one shall be held guilty | Nadie podrá ser condenado | Nul ne peut être condamné | Nessuno può essere condannato | Ninguém pode ser condenado |
| No one shall be held in slavery or servitude. | Nadie podrá ser sometido a esclavitud o servidumbre. | Nul ne peut être tenu en esclavage ni en servitude. | Nessuno può essere tenuto in condizioni di schiavitù o di servitù. | Ninguém pode ser sujeito a escravidão nem a servidão. |
| No one shall be required to perform forced or compulsory labour. | Nadie podrá ser constreñido a realizar un trabajo forzado u obligatorio. | Nul ne peut être astreint à accomplir un travail forcé ou obligatoire. | Nessuno può essere costretto a compiere un lavoro forzato o obbligatorio. | Ninguém pode ser constringido a realizar trabalho forçado ou obrigatório. |
| No one shall be subjected to torture | Nadie podrá ser sometido a tortura | Nul ne peut être soumis à la torture | Nessuno può essere sottoposto a tortura | Ninguém pode ser submetido a tortura |

Table 3. Translation of no one.

The indefinite English pronoun *everyone* does not have a single-word equivalent in the languages of this study. Instead, the epicene *person* can be used with the indefinite pronoun *toda, toute, tutte/ogni, toda*, both in singular and plural. The gender of an epicene noun is grammatical and therefore cannot be considered sexist.

Nevertheless, another translation possibility involves using the indefinite pronoun without an epicene. In this case, the gender adopted is always masculine (*todo acusado, tout accusé, ogni imputato, todo o arguido*).

| EN | ES | FR | IT | PT |
|--|-----------------------------------|---------------------------------------|---------------------------------------|------------------------------------|
| Everyone | Toda persona / Todas las personas | Toute personne / Toutes les personnes | Ogni persona / Tutte le persone | Toda a pessoa / Todas as pessoas |
| Everyone who has been charged shall be presumed innocent | Todo acusado se presume inocente | Tout accusé est présumé innocent | Ogni imputato è considerato innocente | Todo o arguido se presume inocente |

Table 4. Translation of everyone.

3.1.4. Possessive pronouns

In English, possessive pronouns refer to a thing owned by someone and agree in number and gender with the person who owns it, posing a problem in terms of non-sexist drafting in third person singular only (*his or her interests*). On the contrary, possessive pronouns in the Romance languages of the study agree in gender and number with the thing that is owned. In consequence, the sex of the person is unknown both in singular and plural (*sus intereses* in Spanish corresponds to both *his or her interests* and *their interests* or even *your interests* if using the formal second person, *usted*).

This form of gender marking is apparent only in English. The current version of the CFREU has adopted the gender pair *his or her*, with the masculine gender always preceding the feminine. The translation of English

possessive pronouns into four Romance languages, as previously mentioned, is gender neutral due to the possessive pronoun agreeing with the object. Another gender-neutral alternative is to use a definite article in place of the possessive pronoun (*his or her possessions* > *della proprietà*).

| EN | ES | FR | IT | PT |
|--|--|---------------------------------------|--------------------------------------|-------------------------------------|
| the protection of his or her interests | la defensa de sus intereses | la défense de ses intérêts | la difesa dei propri interessi | a defesa dos seus interesses |
| his or her lawfully acquired possessions | los bienes que haya adquirido legalmente | des biens qu'elle a acquis légalement | dei beni che ha acquisito legalmente | dos seus bens legalmente adquiridos |
| his or her possessions | su propiedad | sa propriété | della proprietà | sua propriedade |

Table 5. Translation of possessive pronouns.

The addition of the feminine form in English to the previously male-only option in the first drafts of the CFREU alternates with the omission of possessive pronouns, as seen in Table 6. Translation into certain Romance languages remains gender-free due to the gender agreeing with the object possessed, whose grammatical gender is not related to the sex of a person.

| EN | ES | FR | IT | PT |
|---|---|---|---|--|
| manifest religion or belief | manifestar su religión o sus convicciones | manifestar sa religion ou sa conviction | manifestare la propria religione o la propria convinzione | manifestar a sua religião ou a sua convicção |
| Everyone has the right to respect for his or her physical and mental integrity. | Toda persona tiene derecho a su integridad física y psíquica. | Toute personne a droit à son intégrité physique et mentale. | Ogni persona ha diritto alla propria integrità fisica e psichica. | Todas as pessoas têm direito ao respeito pela sua integridade física e mental. |

Table 6. Translation of omitted possessive pronouns and gender pairs.

A third non-sexist option is the pluralisation of personal and possessive pronouns, as the English plural pronouns *they* and *their* are devoid of gender. This technique can also be used with a singular antecedent in less formal texts. In many cases, simply by rewording in plural, both personal and possessive pronouns lose their gender traits in English. Nevertheless, this is not a problem for non-sexist translation into Romance languages that either drop the personal pronouns or where the possessive pronouns agree with the number of the object but are gender-invariable, such as Spanish (*su integridad* in feminine, *su domicilio* in masculine).

3.2. Person nouns

In the sample versions analysed (EN, ES, FR, IT, PT), the epicene *person* is invariably translated into the equivalent term in the target language, as part of the demand of literality and formal correspondence that characterises EU institutional translation (Koskinen 2008). The feminine gender of *person* in Romance languages is only grammatical, not referring to the sex of a person.

In this text, the appearance of *person* in English guarantees a non-sexist translation 100 % of the time, as the four Romance languages opt for the corresponding epicene.

| EN | ES | FR | IT | PT |
|---------------------------|-----------------------------|---------------------------|---------------------------|--------------------------|
| person | persona | personne | persona | peessoa |
| the person concerned | la persona afectada | la personne concernée | della persona interessata | da pessoa interessada |
| persons with disabilities | las personas discapacitadas | des personnes handicapées | persone con disabilità | peessoas com deficiência |

Table 7. Translation of person.

Other person nouns (genderless in English) are mostly translated into masculine plural forms (*parents* > *los padres*, *refugees* > *refugiés*, *children* > *minori*, *nationals* > *nacionais*), with limited exceptions such as the occasional addition of *person* (*elderly* > *des personnes âgées*) which replaces semantic with grammatical gender.

Some differences can be found between Romance languages, like in *human rights* > *derechos humanos/droits de l'homme/diritti de l'uomo/direitos do homem*, where the Spanish translation is the only one not in masculine. Instead, the noun *hombre* has been adjectivised into *humanos*, as in the original English version (*man/human*).

The EUROPARL7 corpus in Sketch Engine shows a similar view of the use of the term *human rights* in English and Romance languages. In English, Spanish, Italian and Portuguese, the form containing the adjective *human*, not exclusive of women, is pervasive especially in English and Spanish. In plural, the noun phrase *rights of men* tends to refer only to the male sex, as seen in the noun phrases *rights of men and women* and *rights of men, women and children*. The female version *rights of women* is present 259 times (as opposed to 17 in singular masculine and 43 in plural masculine) and tends to be accompanied by *children*. The prevailing form in this corpus is *human rights*, with 33,561 hits.

| Language | Human rights | Hits | Rights of man | Hits | Rights of men | Hits |
|----------|------------------|--------|---------------------|-------|-------------------------|------|
| EN | human rights | 33,561 | rights of man | 43 | rights of men | 17 |
| ES | derechos humanos | 32,290 | derechos del hombre | 58 | derechos de los hombres | 7 |
| FR | droits humains | 958 | droits de l'homme | 7,929 | droits des hommes | 18 |
| IT | diritti umani | 23,284 | diritti dell' uomo | 6,568 | diritti degli uomini | 12 |
| PT | direitos humanos | 25,152 | direitos do homem | 7,806 | direitos dos homens | 10 |

Table 8. Appearance in the EUROPARL7 corpus of human rights, rights of man and their equivalents in the languages of study.

This is a specific example of the success of the elimination of *man/hombre* to refer to humans in these languages. On the contrary, French still employs *homme* instead of *humain* even though in 2018, when the *Universal Declaration of Human Rights* turned 70, the *Haut Conseil à l'Égalité entre les femmes et les hommes* (HCE) called for an extensive use of the expression *droits humains* instead of *droits de l'homme*. Nevertheless, the HCE did not suggest modifying the title of the Declaration itself.

En effet, l'utilisation du mot «homme», même avec une majuscule, n'est pas neutre. Il exclut les femmes et participe de l'idée erronée selon lequel le masculin serait le neutre. Cela ne permet pas aux femmes de s'identifier à ces droits humains, qui constituent pourtant le socle de la République. (HCE 2018: 21)

Also, in the case of *elderly*, the Italian text opts for a masculine plural noun (*anziani*) instead of using the epicene *person* like in the remaining languages (*personas mayores*, *personnes âgées*, *peessoas idosas*). The plural *parents* is sometimes translated in plural masculine (*padres/genitoril/pais*) and other times with a gender singular pair (*con su padre y con su madre*).

Some person nouns are genderless in Romance languages, like the Spanish *representantes* that can be neutral if not accompanied by a gendered element, like an article or an adjective.

Translation rephrasing with gender-neutral effects is also used in the drafting of the CFREU, perhaps inadvertently, as in the case of *Right to vote and to stand as a candidate* > *Derecho de sufragio activo y pasivo/Droit de vote et d'éligibilité/Diritto di voto e di eleggibilità/Direito de eleger e de ser eleito*, where only the Portuguese version includes a masculine adjective.

A metonym can be translated literally (devoid of gender) or converted into a masculine person noun (in Spanish and Italian, *juez* and *giudice*, respectively): *an independent and impartial tribunal* > *un juez independiente e imparcial/un tribunal indépendant et impartial/un giudice imparziale/um tribunal imparcial*. Metonyms are a popular option to avoid specifying the sex of a person by referring to one of their features, like their place of work (here, *tribunal* for *judge*).

Although *ombudsman* is mentioned in the amendments as needing a non-sexist alternative (especially since this position in the EU is currently held by a woman), the term is nevertheless drafted and translated in masculine in the CFREU: *European Ombudsman* > *El defensor del pueblo europeo/Médiateur européen/Mediatore europeo/Provedor de Justiça Europeu*.

The noun *child/children* is translated into an epicene or an invariable noun in French, Italian and Portuguese (*enfant/s*, *minore/li* and *criança/s*) but with a masculine-ending noun in Spanish (*niño/s*). Its adjectivisation in English offers a gender-neutral alternative in the translation (*child labour* > *trabajo infantil, lavoro minorile, trabalho infantil*). The French version, on the contrary, maintains the plural invariable noun (*travail des enfants*) and the addition of a definite article does not affect gender wise.

Lastly, *citizen* is translated in masculine 10 out of 11 times, both in singular and plural, and once into the collective noun *ciudadanía/citoyenneté/cittadinanza/cidadania* in Title V, translated from *citizen's rights*.

3.3. Adjectives

As already seen in the section about pronouns, adjectives referring to people are translated in the CFREU's Romance language versions in masculine gender. In fact, the presence of a gender pair that specifically denotes a non-sexist intention (*he or she*) does not have any effect in the translation to these languages in terms of gender, which is always masculine.

Other times, a masculine adjective is created from nowhere in the translation process, in a technique called transposition, like in the case of *addressed to* > *destinatários* in Portuguese.

| EN | ES | FR | IT | PT |
|--|--|--|--|---|
| Right not to be tried or punished | Derecho a no ser juzgado o condenado | Droit ne pas être jugé ou puni | Diritto di non essere giudicato o punito | Direito a não ser julgado ou punido |
| an offence for which he or she has already been finally acquitted or convicted | una infracción respecto de la cual ya haya sido absuelto o condenado | une infraction pour laquelle il a déjà été acquitté ou condamné | un reato per il quale è già stato assolto o condannato | um delito do qual já tenha sido absolvido ou pelo qual já tenha sido condenado |
| The provisions of this Charter are addressed to the institutions, bodies, offices and agencies | Las disposiciones de la presente Carta están dirigidas a las instituciones, órganos y organismos | Les dispositions de la présente Charte s'adressent aux institutions, organes et organismes | Le disposizioni della presente Carta si applicano alle istituzioni, organi e organismi | As disposições da presente Carta têm por destinatários as instituições, órgãos e organismos |

Table 9. Gender of translated personal adjectives.

4. Non-sexist Spanish proposal

The universal use of masculine gender in language reflects the dominant mindset where men are the norm, women are either invisible or subordinate, and a person is male by default. Based on the European Institute for Gender Equality's (EIGE) definition of non-sexist use of language, we will suggest a non-sexist Spanish version of the CFREU that avoids the use of generic masculine to refer indistinctly to men, women or both.

Avoidance of both an ambiguous generic masculine gender in the grammatical forms of nouns and discriminatory expressions which describe women and men in terms of their physical appearance or the qualities and gender roles attributed to their sex. (EIGE (2022))

This non-sexist proposal is intended to be functionally adequate, grammatically correct, and economical in words. The techniques used to neutralise masculine gender correspond to the examples seen in the previous section.

For the non-sexist translation of EN-ES pronouns, the following techniques have been chosen:

- replacement by a neutral pronoun: *all those* > *todos aquellos* > *quienes*;
- replacement of the accompanying noun by a collective noun: *every citizen* > *todo ciudadano* > *la ciudadanía*; and
- addition of an epicene: *everyone who has been charged* > *todo acusado* > *las personas acusadas* and *no one* > *nadie* > *ninguna persona*.

As mentioned before, the Spanish pronoun *nadie* might not be masculine per se but tends to be used with masculine adjectives almost always and, for that reason, we suggest its replacement with an epicene.

| EN | Official ES translation | Non-sexist technique | Non-sexist ES proposal |
|-------------------------------|-------------------------|----------------------|--|
| all those | todos aquellos | neutral pronoun | [...] garantizar una existencia digna a <i>quienes</i> no dispongan de recursos suficientes [...]. |
| every citizen | todo ciudadano | collective noun | <i>La ciudadanía</i> de la Unión tiene libertad para buscar un empleo, trabajar, establecerse o prestar servicios en cualquier Estado miembro. |
| Everyone who has been charged | Todo acusado | epicene | <i>Las personas acusadas</i> se presumen inocentes mientras su culpabilidad no haya sido declarada legalmente. |
| No one | Nadie | epicene | <i>Ninguna persona</i> podrá ser condenada a la pena de muerte ni ejecutada. |

Table 10. Non-sexist Spanish translation of pronouns.

Spanish person nouns can be grouped based on their gender traits into grammatical and semantic gender. Grammatical gender does not refer to the sex of a person and therefore does not pose a problem in terms of sexist language. It is found in collective nouns (*ciudadanía*), common ending single-form nouns (*miembro*), epicenes (*persona*) and metonyms (*presidencia*). On the contrary, semantic gender is related to the sex of a person and, as seen in the text of this study, it invariably adopts the masculine. In Spanish, it is shown in heteronym nouns (*hombre*), variable-ending nouns (*ciudadano*) and homonyms (*secretario*).

The techniques used to substitute semantic-gender nouns (which refer to the sex of a person) in this proposal are:

- replacement with a collective noun: *citizens* > *los ciudadanos* > *la ciudadanía*;
- use of a metonym: *employers* > *los empresarios* > *las empresas*;

- feminisation of a position held by a woman: *ombudsman* > *el defensor* > *la defensora*;
- replacement with a gender pair: *members of the European Parliament* > *los diputados al Parlamento Europeo* > *las diputadas y diputados al Parlamento Europeo*; and
- addition of an epicene: *refugees* > *los refugiados* > *las personas refugiadas*.

The case of *ombudsman* joins a series of positions and profession nouns that have not been subjected to non-sexist language rules in English EU texts, one of them being the suppression of the *man* particle. Several EU drafting guidelines suggest using masculine as default and when referring to an office or position, and feminine if the holder is known to be a woman, and she wants to be referred as such. As an exception, these rules are applied more widely, although randomly, in Spanish than English (with gendered nouns). In the case of *ombudsman*, Spanish does occasionally use the feminine form *defensora* in other contexts, such as the EU ombudswoman's Spanish website (as opposed to the English version of the web).

A search in Sketch Engine of the EUR-Lex Spanish 2016 corpus offers 570 hits of *ombudsman* and none of *ombudswoman*. The feminine term is not found either in the British National Corpus but appears 734 times in the English Web 2020 corpus (enTenTen20) as opposed to *ombudsman*, with 132,898 cases. In the EUROPARL7 English corpus there are 3,431 cases of *ombudsman* and none of *ombudswoman*. Finally, the Open Access Journals (DOAJ English) corpus contains 1,748 cases of *ombudsman* and one of *ombudswoman*, and the Timestamped JSI web English corpus (2014-2016) shows 83,271 hits of *ombudsman* and 701 of *ombudswoman*.

Another term in the profession and position group that is controversial in terms of gender is *member of the European Parliament*, which is invariably translated into Spanish in masculine (*diputado*). Nevertheless, the visibility in language of female MEPs (currently over a third of the total) is essential to provide a reference to girls and young women and showcase the professional accomplishment of adult women who have attained the status of MEP. Therefore, the chosen non-sexist translation technique used here is the replacement of the masculine noun (*diputados*) with a gender pair in alphabetical order (*diputadas y diputados*). The subsequent adjective is agreed in gender with the noun at the end (masculine in this case).

Another alternative to irrespectively translating MEPs into plural masculine gender is the omission of the person noun (*member*) and the use of European Parliament as a metonym, whereby a reference to a person is made through mentioning their place of work. However, this technique still hides the existence of women behind a neutral, instead of a masculine option. In this respect, several studies have found that gender-neutral terms (like *chair* instead of *chairman* or *chairwoman*) are more likely to be applied to women, while men are still referred to predominantly in masculine (Hodel, Formanowicz, Sczesny et al. 2017).

The substitution of individual masculine nouns for collective ones, if available, is another common technique included in Spanish neutral-language guidelines (*ciudadanía, juventud*). Also, in Spanish we find an equivalent epicene like the Portuguese *criança* for *child* (*criatura*), although it can only be applied to young children according to the dictionary of the Spanish Academy.

| EN | Official ES translation | Non-sexist technique | Non-sexist ES proposal |
|--------------------|--------------------------------|----------------------------|--|
| citizens | los ciudadanos | collective noun | Los partidos políticos a escala de la Unión contribuyen a expresar la voluntad política de <i>la ciudadanía</i> de la Unión. |
| employers | los empresarios | metonym | Las plantillas y <i>las empresas</i> [...]. |
| European Ombudsman | El defensor del pueblo europeo | feminisation of a position | [...] someter a <i>la Defensora</i> del Pueblo Europeo los casos de mala administración en |

| EN | Official ES translation | Non-sexist technique | Non-sexist ES proposal |
|------------------------------------|-------------------------------------|----------------------|--|
| | | | la actuación de las instituciones [...]. |
| Members of the European Parliament | los diputados al Parlamento Europeo | gender pair | <i>Las diputadas y diputados</i> al Parlamento Europeo serán elegidos por sufragio universal libre, directo y secreto. |
| nationals | los nacionales | collective noun | <i>La ciudadanía</i> de terceros países que esté autorizada a trabajar en el territorio de los Estados miembros [...]. |
| refugees | los refugiados | epicene | [...] el Estatuto de <i>las Personas Refugiadas</i> [...]. |
| the child | el niño | collective noun | Derechos de <i>la infancia</i> |
| workers | los trabajadores | collective noun | Derecho a la información y consulta de <i>la plantilla</i> en la empresa |
| young people | los jóvenes | collective noun | Prohibición del trabajo infantil y protección de <i>la juventud</i> en el trabajo. |

Table 11. Non-sexist Spanish translation of person nouns.

5. Conclusions

The CFREU was drafted amidst a process of participation that included several petitions of use of non-sexist language. Despite a commitment to its redrafting and the successful elimination of sexist language in English through the systematic addition of the feminine pronoun, other language versions did not do the same. As a result, they are still written in masculine.

The present study has tried to show that the non-sexist redrafting of the CFREU did not affect its translation to French, Italian, Portuguese and Spanish. These language versions have remained the same even if the changes in the second original are as evident as the use of pronoun gender pairs. In fact, the revision of the CFREU clearly shows a non-sexist intent which was nonetheless not transferred to the target languages.

The study of gendered parts of speech in five language versions of this text (pronouns, person nouns and adjectives) reveals the choices made and their effects in terms of non-sexist language. Some languages can be more prone than others to the implementation of gender-fair techniques, like English, which has undergone an evolution in this respect, especially in institutional texts. For instance, current texts tend to use gender pairs in pronouns (*he or she*) instead of only the singular masculine pronoun, and replace nouns ended in *-man* with neutral alternatives (*chair* for *chairman*).

In this analysis, we have observed numerous expressions of masculine gender in the Spanish, French, Italian and Portuguese versions of the CFREU, and their relationship with each other and with the original English text. Also, the use of certain terms in English has proven relevant in terms of non-sexist translation to these Romance languages, while other choices did not seem to make any difference. In the case of German, some amendments asked for specific drafting in English only with a view to the gender-fair effects in translation.

In particular, the use of gender pairs of third person singular English pronouns (*he or she*) as a non-sexist language technique, even when added deliberately after a process of gender-related amendments of the CFREU, did not result in modifications in this respect in the French, Italian, Spanish and Portuguese versions, whether in the pronouns or in other parts of speech. Even genderless elements like the demonstrative personal pronoun *those* is mostly translated in masculine in these languages. The indefinite pronoun *no one* is either translated in masculine or as an invariable pronoun but with the addition of masculine adjectives. On the contrary, *everyone*

is sometimes translated adding the epicene *person*, which lacks semantic gender (in Spanish *persona* is feminine but applied to both women and men).

Some elements are gendered in English and genderless in the languages of the study, such as possessive pronouns, as they refer to the owner instead of the thing owned. Here as well, the change in the original from *his* to *his or her* did not have any effects in the translation of the element or as a transposition in another part of the text. Other non-sexist modifications of the English original were the omission of the possessive pronoun and its pluralisation.

The epicene *person* in English is always translated literally with the corresponding epicene in French, Italian, Portuguese and Spanish, and therefore its use guarantees the avoidance of masculine gender. This is not the case with other person nouns (*parents, refugees, children, nationals, elderly*), which are almost always translated in masculine unless the target language has a genderless equivalent, either as an invariable noun (*enfant*), as an epicene (*criança*), or as an adjective (*infantil, minorile*).

Metonyms do not guarantee a literal translation either but are transferred into masculine person nouns in some languages and as metonyms in others (*tribunal > juez, tribunal, giudice*). The use of an individual person noun (*citizen*) is translated in masculine unless used as an adjective in English, in which case the translation uses a collective noun (a non-sexist language technique).

The target languages show differences in terms of gender, like in the translation of *human rights* as *derechos humanos* (grammatical masculine) or *droits de l'homme* (semantic masculine).

All in all, the incoherent approach to non-sexist language in the drafting and translation of an EU text to the five languages of the study is shocking in an environment that encourages homogeneity. In truth, the EU lacks a firm positioning on the need of eradicating sexist language in its texts, and the guidelines in this respect vary tremendously from one language department to another and between institutions but are nonetheless not compulsory. English is the only language with a specific section on non-sexist language in the *Institutional Style Guide* but, as we have seen, the neutralisation of original texts in English does not necessarily pervade their translated versions in the remaining languages.

Despite the obvious differences in scope, powers and language policies between organisations, the Council of Europe's *Recommendation on the elimination of sexism from language* stands as a case in point. It clearly states that the prevalence of masculine over feminine in language "is hindering the establishment of equality between women and men, since it obscures the existence of women as half of humanity, while denying the equality of women and men" (COE 1990: 1).

Another example that is suggested is the simple and universal set of rules of non-sexist language adopted by the UN that call for the use of non-discriminatory language and making gender visible when relevant. In the case of the EU, these rules would necessarily have to apply to the entire organisation and its 24 official languages.

An unequivocal statement on the necessity of eliminating sexist language together with a concise set of rules like those adopted by the UN could perhaps serve as a start for the generalisation of its practice in the EU. Even if specific language guidelines would be necessary given the differences in the representation of semantic gender and the gender-fair techniques particular to each language and language combination, a core set of common instructions could agree on the need of using masculine only for men, neutral gender when references to the sex are not necessary or appropriate, and feminine to make women visible in higher roles and help to close the gender gap. Although the suggestion to avoid the masculine *ombudsman* in the original version was not accepted (even

if the current holder is a woman), our non-sexist proposal contains the feminine *defensora*, the term used on the official EU website.

For this text we propose a non-sexist Spanish translation that respects the intention of the original and aspires to be functional. The techniques used focus on neutralising masculine gender through the replacement with genderless equivalents in the target language (neutral pronouns, collective nouns, epicenes, metonyms, gender pairs).

Having hopefully demonstrated that a non-sexist EN-ES translation of an EU text is adequate and necessary, the scope of this paper aims to transcend and be of practical use in the institutional translation practice, especially of administrative and legal texts, where gender-language revision can become a part of the EU's strict processes of quality in translation. The non-sexist translation of a non-sexist text is not needless or superfluous but common sense (Castro & Melly 2010).

A legal text such as CFREU that enshrines people's rights cannot afford to exclude half of the population through its drafting in sexist language. This is a form of subtle discrimination and an obstacle to gender equality as a perpetuation of the superiority of men.

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