UNIVERSITÀ
DEGLI STUDI
DI PADOVA

Università degli Studi di Padova

Dipartimento di Studi Linguistici e Letterari

Corso di Laurea Magistrale in
Lingue Moderne per la Comunicazione e la Cooperazione Internazionale
Classe LM-38

Tesi di Laurea

Eighth periodic report submitted by the UK to the CEDAW Committee: Human Rights and Legal Translation

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Anno Accademico 2019 / 2020

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INTRODUCTION

This work revolves around the translation from English into Italian of the eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland to the Committee on the Elimination of Discrimination against Women, under article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, due in 2017. To be more specific, this work concerns the translation of different sections of this report, selected on the basis of the issues covered in those sections and their relevance in today's society or their connection with the legal field. This document was chosen because it is quite recent and it touches on many topics regarding women's rights that are considered very important and discussed all over the world. It was also selected because it is written in British English, considering that it was submitted by the Government of the United Kingdom.

The aim of this work is to spread information and raise awareness about human rights, reaching the Italian general public and Italian lay people who do not have professional knowledge of the field of human rights and who do not speak English or have a very limited knowledge and understanding of the English language. As stated by Garre (1999: 210-212), just because countries are not required by international institutions to translate official human rights documents in their language, it does not mean that it should not be done, especially when taking into account the importance of mainstreaming information about human rights all over the world to promote them and to inform every person of their rights and obligations when it comes to this topic. Professionals and experts might be bilingual, or have the sufficient knowledge of English that allows them to understand a legal text in a language that is not their own, but translation is necessary for people who are not bilingual or who are looking for a deeper understanding of a human rights text that can be provided through their mother-tongue (Garre 1999: 213). In this specific case, the translation of this report and, in general, the translation of any periodic report submitted by other countries can be useful to compare their approach to human rights, in this instance to women's rights, to the approach of the reader's own country. It can also be used to determine whether changes need to be introduced with regard to the implementation of specific rights.

The aim of this work is also to discuss the problematic aspects of translating legal texts and human rights documents from English into Italian through a detailed analysis of the translation process and the strategies adopted by the translator throughout this process. In particular, my analysis focuses on the techniques employed to deal with complex and technical legal terms and culture-bound terms and on the role of research before and during the translation process.

The first two chapters of this work provide a theoretical framework for the translation and the report. Chapter 1 contains a general overview of the characteristics of specialised translation and of legal translation, with references to the history of legal translation and translation theories, the different classifications of legal texts and the issues linked to this type of translation. Section 1.1 focuses on the characteristics of legal language as a language for special purposes and then it discusses the main features of legal English, including its history and the influence of the Plain Language movement, and of legal Italian, including how it evolved during the different centuries and the influence of other European languages. This section also mentions the main characteristics of the legal systems these legal languages are bound to, which are the Common Law system and the Civil Law system. Lastly, Section 1.2 covers the translation of international human rights, with references to the most important aspects and the main issues of human rights documents, the areas of knowledge needed to understand this kind of documents and the role of translators.

Chapter 2 contains a general overview of the history and development of human rights, with focus on the United Nations and the international human rights system, but also on the European, American and African regional human rights systems and on a few controversies linked to the field of human rights. Section 2.1 covers women's rights, their history and evolution and the issues that are still affecting these rights. Moreover, the section focuses on the United Nations Convention on the Elimination of All Forms of Discrimination against Women and on the protection and implementation of women's rights at international and regional level. Section 2.2 includes a brief overview of some cases under the European Convention on Human Rights and under the UN involving specific examples of violations of women's rights. Lastly, Section 2.3 provides an outline of the state of women's rights in Italy and in the UK and of the approach of both countries to the Convention on the Elimination of All Forms of Discrimination against Women.

Chapter 3 contains the translation of the selected sections of the report, while Chapter 4 contains the bilingual glossary of terminology created during the translation process.

Chapter 5 contains a brief overview of the main characteristics of the English text and of the Italian text, with references to the language and the style used in the documents, their structure and the public they are meant to reach. Section 5.1 discusses terminology, with focus on terminological resources and a term-by-term analysis of the translator's choices and of the issues created by British culture-bound terms and institutional terms with no Italian equivalents. Lastly, Section 5.2 lists the main translation techniques employed throughout the translation process with specific examples taken form the text. Finally, the Conclusions summarise the main findings of this work.

1. SPECIALISED TRANSLATION AND LEGAL TRANSLATION

The following chapter is a theoretical introduction to the translation of the Report. It focuses on specialised translation, especially on legal translation and legal language, and specifically compares legal Italian and legal English.

First of all, it is important to point out that the English term 'translation' can have different meanings: it can be used when referring to the general field or phenomenon, the final product of a translation process or the actual process, also called 'translating' (Munday 2016: 8). The process of translation involves a source text (ST), which is the original version of a text written in one language, and a target text (TT), which is the version created by the translator in another language, so the process also requires a shift from a source language (SL) to a target language (TL) (Munday 2016: 8). There are different kinds of translation, generally divided into scientific or technical translation and literary translation (Munday 2016: 11). Technical translation is usually associated with technology and engineering, but when it is applied to any specialised field it is also called specialised translation (Schubert 2010: 350) or specialist translation (Cao 2010: 191). This type of translation deals with documents written using languages for special purposes (LSP) with distinct lexical, morphological and text-linguistic features (Schubert 2010: 352). These features might include the use of specific technical terms, the necessary repetition of these terms without paying attention to stylistic features, the use of long compounds and special verbs not common in general language (Schubert 2010: 352). Moreover, this type of translation is a form of 'mediated communication' because the translator's job is to be able to maintain the communicative intention of the author of the source text in the target text (Schubert 2010: 353). However, the evolution of translation theory also favoured the development of a different point of view where the focus is not on the source text but on the target text, in particular on the public it addresses and on the purpose it has, so the translation is considered receiver-oriented (Šarčević 1997: 18). Nonetheless, the translator's job is not easy. Fedorov had already established in 1953 that translators need an in-depth knowledge of the topic addressed in the source text or the field it is linked to in order to succeed in their job and produce a valid target text (Fedorov 1953: 196-320).

This work focuses on specialised translation because of the connection with the legal field, which is a domain regarded as close to the technical specialities (Schubert 2010: 351). Legal translation works with the language used in the field of law and in the legal process and with legal texts (Cao 2010: 191). It could be considered "an act of communication within the mechanism of the law" (Šarčević 1997: 55).

As pointed out by Šarčević (1997: 23-52), throughout the centuries there has been a constant evolution of translation theories, not specifically focused on legal translation, as it was quite neglected in translation studies (Schneiderová 2016: 347), but related to general translation and applicable to the legal field as well. For example, the general debate over literal or free translation was highly influential and important for legal translation as well, especially because of the authoritative though sensitive nature of legal documents (Šarčević 1997: 23). As a result, legal translation was strictly bound to tradition for a very long time (Schneiderová 2016: 349) and over the years was influenced by traditional theories like the preservation of the Letter of the Law in the Middle Ages (Šarčević 1997: 26), the debate over 'letter' or 'spirit' (Šarčević 1997: 36) and Cesana's literal approach (Šarčević 1997: 37). The evolution from literal translation towards near idiomatic and then idiomatic translation, to finally reach co-drafting, was quite slow (Šarčević 1997: 24). An important turning point was the development of a new approach based on both freedom and constraint of the translator and the strive for 'legal equivalence' (Šarčević 1997: 46-47). In Canada it was established that literal translation represented a violation of the "principle of equal language rights" (Šarčević 1997: 46) and this new approach was created to move towards idiomatic translation and co-drafting (Schneiderová 2016: 349).

According to Pozzo (2012: 1187), the importance of this branch of translation in an international setting has become clear with the 1986 International Academy of Comparative Law Convention in Sydney, where the problem of legal translation was discussed. As a consequence of globalisation, the frequent contact between peoples and cultures, and the rise of international organisations, legal translation has become quite popular and necessary all over the world (Cao 2014: 103) and it is not only studied and analysed by linguists, but also by lawyers (Berteloot 1999: 101). In the last fifty years international trade organisations and international and European institutions have started relying more and more on the work of legal translators when it comes to contracts and

official documents needed in different languages (Grasso 2014: 73). With regard to this kind of translation, until now the focus has been on language and linguistics but not enough on the receiver of the translated text (Šarčević 1997: 56). However, in the field of legal translation, communication between producer and receiver is fundamental and it could even be considered the ultimate goal (Šarčević 1997: 56). Research on this subject is still developing and evolving (Cao 2013). Many think that a theory of legal translation might be very helpful for translators and a practice-oriented theory in particular could also be very useful (Šarčević 1997: 56).

Legal translation has a unique status in the field of translation because of the function of legal texts, considered different from other special-purpose texts (Šarčević 1997: 9). According to Šarčević (1997: 10-11), legal texts do not only have an informative, conative, expressive or directive function but they can actually be divided into three categories based on their function: primarily prescriptive, like laws, contracts and treaties, primarily descriptive and also prescriptive, with hybrid texts like judicial decisions or petitions, and purely descriptive, like law textbooks and articles. Another traditional classification of legal texts that is not based on their function distinguishes between enforceable law and non-enforceable law (Cao 2013). Moreover, as claimed by Šarčević (1997), legal texts can also fall into different categories based on their topic: domestic statutes and international treaties, private legal documents, scholarly texts and finally case law. However, Šarčević considers the language of law as a language only used by specialists in their communication (1997: 9) and according to Cao (2013), this view and these classifications are too formal and merely based on an analysis of the source text. The purpose of the target text is very important in the field of translation and should be taken into consideration when classifying legal translation, as should be the private communication and correspondence between lawyers and clients (Cao 2013). Therefore, Cao (2007: 10) introduces a classification focused on the purpose of the target text, where she identifies three categories: normative purpose, which means that target texts are used to create obligations with the same legal value as source texts, informative purpose, which includes texts like scholarly works and correspondence between experts but also with clients and lay people, and finally general legal or judicial purpose. Cao stresses the importance of this classification because translators have to know the legal status and the purpose of the source and the target texts, considering that these elements can change

from the original document to the translation (Cao 2007: 10). Finally, Alcaraz and Hughes (2002: 101-149) analyse and discuss in greater detail many legal 'genres' or text types, in their case defined as classes of texts with common characteristics in terms of vocabulary, style and socio-pragmatic conventions, with a similar macrostructure and a shared communicative function (Alcaraz and Hughes 2002: 102). Among the numerous genres identified there are certificates, statutes, law reports, judgments, insurance policies, contracts and also popular fiction and oral genres (Alcaraz and Hughes 2002: 101-149).

Legal translation also shares many characteristics and issues with other types of specialised translation, as they have to face linguistic and cultural differences between source and target texts (Cao 2014: 107-108). The legal translation process is also quite complex because most of the time target texts have legal impact (Cao 2014: 107). This means that translation errors might cause serious consequences and even endanger international peace and stability if related to multilingual treaties (Kuner 1991: 953). Therefore, legal translators need to be aware of the characteristics of law and of the different legal systems to avoid mistakes as much as possible (Cao 2014: 109).

When it comes to issues linked specifically to the world of legal translation, one of the sources of these issues is the fact that legal concepts and legal systems are bound to the societies where they have been created and to their culture (Cao 2010: 192). This means that, considering that there are many different societies and cultures in this world, there are also numerous legal systems and different legal languages (Cao 2010: 192). As stated by Šarčević (1997: 229), "legal translation is essentially a process of translating legal systems" and it is definitely not transcoding, which would mean simply substituting terms in the source text with corresponding terms in the target language. This kind of translation does not deal with universal information and the main consequence of the differences between the numerous systems is the lack of equivalent terminology between the languages (Cao 2010: 192), also called terminology incongruency (Šarčević 1997: 229). According to Cao (2007: 55), a concept of the source language can be translated into a concept of the target language only if they are equivalent or similar in the linguistic, referential and conceptual dimensions. However, with regard to legal concepts and technical terms, this rarely happens and even if two terms are equivalent from a linguistic point of view their legal meaning might be only partially equivalent or not equivalent at

all (Cao 2007: 55; Alcaraz and Hughes 2002: 42). This happens quite often with European languages with Latin roots because many terms can be considered 'false friends' (Alcaraz and Hughes 2002: 41, 173), since they seem linguistically similar but when applied to the legal field they are quite different (Cao 2007: 58). Therefore, the translation process also becomes a decision-making process for the translator, who has to choose the right equivalent, if available, or the right technique to compensate for the lack of one (Šarčević 1997: 229), always taking into account "both semantics and contextual issues" (Alcaraz and Hughes 2002: 173). Another important aspect of the work of a legal translator is identifying problematic terms, usually semi-technical terms, with both a legal and an ordinary meaning, such as, for example, 'constructive', 'defence' or 'consideration' (Alcaraz and Hughes 2002: 40-41, 158). These terms are quite difficult to deal with because of their wide semantic range (Alcaraz and Hughes 2002: 35) and the translator must understand which meaning is intended in the source text so that it is conveyed correctly in the target text (Cao 2007: 67). When it comes to technical and semi-technical legal terms, they very rarely have connotative meaning (Alcaraz and Hughes 2002: 32). However, in legal documents there are also many non-technical terms that usually occur in general texts and in everyday speech, that have connotative meaning (Alcaraz and Hughes 2002: 32). These terms, such as, for example, 'develop', 'qualify' or 'argument', are more common in judgments, criminal law documents and in contracts and tend to be bound to the context (Alcaraz and Hughes 2002: 162). It is also possible that a technical term of the source text, if translated literally into the target language, might have connotative meaning in the target text (Alcaraz and Hughes 2002: 33). Another issue the translator must be aware of is caused by legal terms with synonyms, because they might seem similar but have different meaning and value in the legal field (Cao 2007: 70). Moreover, the target language might not have the same amount of synonyms that can be found in the source language and that are used in the source text for a specific term, which means that the translator has to be creative and find a way to differentiate between the terms used and express the nuances of meaning without using synonyms (Cao 2007: 73). Legal synonyms are usually quite approximate and not interchangeable (Alcaraz and Hughes 2002: 39) and they can be problematic for a translator. Finally, even though many believe that there are no figurative elements in the language of law, it is possible to find buried or unburied metaphors in legal documents (Alcaraz and Hughes 2002: 44). They

can be quite difficult to translate because the legal concept has to be conveyed together with a metaphorical image (Vegara Fabregat 2015: 330). Some languages might share common figurative meanings of specific metaphors, which makes the translator's job easier, but if this is not the case, the translator might prefer a plain translation rather than ruining the formal tone of a legal text with elaborate expressions (Alcaraz and Hughes 2002: 44). All of these issues show that legal translators are problem-solvers, not only in relation to linguistic problems but also with regard to sociocultural issues in the translation process (Alcaraz and Hughes 2002: 153). This is why they need to keep their knowledge up to date when it comes to language and legal concepts, as it might help them find the right solutions to translation problems and it might also be useful in dealing with conceptual adaptations and stylistic adjustments, which are necessary in legal translation (Alcaraz and Hughes 2002: 153).

Lastly, it is important to point out that, regardless of the different translation theories, the decision-making power is in the hands of the modern legal translator, who depends less on the source text compared to the past (Šarčević 1997: 112). For example, translators can decide to leave a specific term in the original language, handling it as a technical peculiarity, or use an appropriate equivalent, according to their taste (Alcaraz and Hughes 2002: 155). They can also decide to translate a legal text literally if the intention of the drafter is not clear and there are no other options available (Alcaraz and Hughes 2002: 46). Translators are allowed to be creative as long as the main goal remains conveying the intended legal effect (Šarčević 1997: 119).

1.1 LEGAL LANGUAGE: ITALIAN AND ENGLISH

First of all, legal translation, like other kinds of specialised translation, has to deal with a language for special purposes (LSP), or, to be more specific, a language for legal purposes, since it is applied to the legal context (Cao 2014: 106). As previously mentioned (see Section 1), some people consider the language of law as a language used only "in special-purpose communication between specialists" (Šarčević 1997: 9), while others believe that it should also include the language used, for example, in communication that concerns legal matters between lawyers and clients (Cao 2013). Sometimes the term 'legalese' is also used to refer to the language of law but it has a negative connotation and

negative implications in society, because it is linked to the idea that this language is quite obscure and difficult to understand (Leali 2017).

It is also important to point out that legal language or discourse can also be arranged into different categories, exactly like the previously mentioned classification for legal texts (see Section 1). For example, on the one hand Kurzon (1997: 127-128) draws a distinction between the 'language of the law' and 'legal language'. According to the author (Kurzon 1997: 127-128), the former is the language used to lay down rules of conduct in legal documents, while the latter is the language used to talk about the law. On the other hand, Trosborg (1997: 21) considers the language of the law as part of legal language. The author distinguishes different genres and domains under the "superordinate term" 'legal language' (Trosborg 1997: 21): the language of the law, the language of the courtroom, the language in textbooks, lawyers' communication and people talking about the law (Trosborg 1997: 20). Finally, Bhatia (1987: 227) differentiates between a spoken language of the law and a written language of the law. The former can be pedagogical, academic and professional while the latter can be academic, juridical or legislative (Bhatia 1987: 227).

Regardless of the different classifications, legal language is considered and mostly accepted as a technical language (Cao 2010: 192). There are some people who still believe that it is only "a specialised form of the ordinary language", where everyday language is used for legal purposes (Cao 2007: 15). However, according to Jackson (1985: 47), only legal specialists can access and understand the legal meaning of words that appear as common and ordinary to a lay person. Legal language is also normative, directive and imperative, since it conveys concepts of law used to guide and regulate human behaviour (Cao 2007: 13). In this regard, Šarčević (1997: 133) observes that this kind of language focuses more on 'parole', defined as "how language affects behaviour", compared to 'langue', defined as "the language system". Furthermore, legal language is performative, which is fundamental when it comes to law because it means that the utterance of specific words, terms or phrases in the legal field has immediate legal effect and consequences (Cao 2007: 14-15). Finally, this language is indeterminate, which means that it can be ambiguous, vague and general and, because of these characteristics, it can cause problems and disputes, especially when translated (Cao 2007: 19). Moreover, as mentioned before (see Section 1), there is not only one universal legal language but there are many and they

are bound to the different national legal systems in the world (Gémar 1995). This means that the legal concepts expressed through these languages can only be explained if the system they refer to is taken into account (Weisflog 1987: 203,210).

When it comes to legal English, it is necessary to mention that this language has a very long history that goes back to the Old English period, but after the Norman Conquest of England it was no longer used for four centuries (Claridge 2012: 240). During the Middle Ages the languages of the law in England were Latin and French (Claridge 2012: 240). Latin was used to write specific legal documents until the eighteenth century because compared to the English language, which had many different dialects, it had standardised grammar and spelling (Tiersma 1999: 25). It is important to point out that Latin was eventually adjusted to fit English law and it became what is known as Law Latin (Tiersma 1999: 25). The same happened with French and the development of Law French, a language used exclusively in the legal field and impossible to understand for lay people (Tiersma 1999: 28). Only in the Early Modern English era important legal documents started being translated into English (Claridge 2012: 240). Many characteristics of legal English are the result of its history and its past. For example, this language includes numerous archaic and rare terms or multiword expressions, as well as foreign terms that have been naturalised but come mostly from Latin and French, as a consequence of the Norman domination over England and its government (Williams 2004: 112). Certain areas of law are more influenced than others by these foreign languages: for example, real property terminology is full of French terms, while defamation terminology has a high amount of Latinisms (Tiersma 1999: 27,31). Another characteristic of legal English is the frequent repetition of specific terms and syntactic structures (Williams 2004: 113), which is a trait that it shares with the languages for special purposes. It can be quite redundant, especially when two or three near synonyms are combined consecutively (Alcaraz and Hughes 2002: 9). Legal English rarely uses pronoun references to avoid any chance of ambiguity even if the resulting text sounds quite heavy and odd (Williams 2004: 113). The goal should be to try to find a balance between the need for clarity and the attention to stylistic features (Alcaraz and Hughes 2002: 194). Moreover, legal documents in English are full of long sentences with complex relations of coordination and subordination and a very limited use of punctuation (Williams 2004: 113). In this regard, double conjunctions are quite popular in English legal texts and they usually lead to very

complicated sentences (Alcaraz and Hughes 2002: 189). According to Williams (2004: 114), passive constructions are another element that is used very frequently in legal English and also in other technical languages, together with an impersonal style of writing achieved through the use of the third person to show impartiality. However, in legal documents like wills and constitutions the first person singular and plural is allowed and it is largely used (Williams 2004: 115). In general, legal English tends to be very formal and characterised by dense and old-fashioned constructions, archaic adverbs and prepositional phrases (Alcaraz and Hughes 2002: 7-9). Finally, one last characteristic of the English language of law is nominalisation, which means turning verbs into nouns in a text (Williams 2004: 115).

It is quite clear that legal English is very complex and it seems obscure and difficult to understand, which is why there have been many attempts to simplify it (Williams 2004: 116). Among these attempts, one that stands out for its effort is the Plain Language movement (Williams 2004: 116). In the second half of the eighties, after two decades of small organisations pushing for the abolition of legalese, this movement started growing and reaching the main English-speaking countries in the world (Williams 2004: 116). It has recently reached other countries, too, like Sweden and Italy, and even members of the Translator's Service in the European Union have organised a 'Fight the Fog' campaign (Williams 2004: 116). The idea behind the name of the movement is to support communication in plain language (Adler 2012). According to James (2009: 35), plain language can be defined as a language that helps the audience find what they need, understand it and act appropriately on it or it can also be considered a language that helps with "comprehension, retention, reading speed and persistence". The Plain Language movement does not only focus on law, but also, for example, on medicine, government and finance (Adler 2012: 70). With regard to the legal language, the reform proposal suggests using everyday vocabulary instead of archaic and foreign terms, eliminating excessive wordiness that is unnecessary, shortening sentences and reducing the use of the passive form and of nominalisation, which makes the documents too abstract (Williams 2004: 117-123). In the debate over plain language or legalese, many advantages have been found to support the former (Adler 2012: 71). Plain language is more precise, it has less errors, also because it uses less words, it is quicker and cheaper, more persuasive and more democratic, and finally less tedious and more elegant (Adler 2012: 71-72).

However, some specialists still believe that this kind of language is not appropriate for legal documents and that laypeople would still have problems when interpreting legal texts because of their limited knowledge of the law (Adler 2012: 73). Alcaraz and Hughes (2002: 15) find it hard to believe that this movement could achieve more than simple reassurance of the general public or maybe simplification of the syntax of legal texts, which is quite complex and obscure. Nonetheless, plain legal language has many supporters, not only non-lawyers and laypeople, but also influential judges and practicing lawyers (Adler 2012: 73-74).

When it comes to legal Italian, an important element to take into account is its history, exactly like legal English. There are quite a few common elements in the history of these two languages, especially with regard to the strong influence of Latin and French (Pozzo 2019). Legal Latin was a 'lingua franca' for many centuries, until the development of national languages during medieval times (Pozzo 2019: 67). After that, Latin was gradually replaced by vernacular languages (Pozzo 2019: 68) that were initially used by legal specialists only to explain the content of legal documents in Latin to laypeople (Bambi 2012: 15-16). It took a long time for Latin to be fully replaced, because it was considered the only language of the law until the 14th century, when the integration of Latin and vernacular started developing (Fiorelli 1994: 553-571). Another language that strongly influenced legal Italian is French, especially during the 17th and 18th century (Bambi 2012: 25), but also in the course of the 19th century (Pozzo 2019: 75). The result of this was the creation of many neologisms and the change of meaning of already existing words (Bambi 2012: 25). As mentioned before in relation to legal English, some characteristics of modern legal Italian are the product of its history. For example, both legal English and legal Italian use Latinisms and archaic technical terms that make legal documents quite difficult to understand (Caterina and Rossi 2008: 186). French expressions are also quite common (Caterina and Rossi 2008: 193). According to Mattiello (2010: 144), another common characteristic is the use of nominalisation, which is even more present in Italian than it is in English. Nominalisation is used in both languages to maintain a formal and impersonal style and to avoid ambiguity, but it makes legal texts less accessible for non-specialists (Mattiello 2010: 144). Moreover, both legal Italian and legal English tend to use multiple negatives, which is another element that increases the complexity of legal documents (Ondelli and Pontrandolfo 2016). Legal

Italian also tends to be quite redundant, due to the use of pleonasms and excessive wordiness (Caterina and Rossi 2008: 186; Leali 2017: 7-8). Leali (2017: 10) also points out an excessive use of subordination. When it comes to verbs, the passive form is highly preferred over the active form, and the impersonal form is very common, together with deontic modality (Caterina and Rossi 2008: 187). However, legal Italian, compared to legal English, is not as repetitive, even if this characteristic sometimes makes it difficult for the reader to understand the connection between the different subordinate clauses (Leali 2017: 10). Furthermore, in some cases legal Italian is quite concise, especially when the use of articles is avoided and the present participle and enclitics are used (Leali 2017: 12).

In more recent times, legal Italian has also been strongly influenced by other European languages, like German (Bambi 2012: 28), because of the popularity of the German legal method (Caterina and Rossi 2008: 194), and English (Caterina and Rossi 2008: 186). In the past, before a foreign term or expression could become part of the Italian legal language, it had to go through the process of translation (Caterina and Rossi 2008: 186). However, nowadays, English legal terms are incorporated into the Italian language with no translation at all (Caterina and Rossi 2008: 186). After all, English is now the most important lingua franca in the world, as it reaches many different contexts and genres (House 2013: 59). The influence of English on legal Italian is quite obvious in fields like financial law or insurance law and less obvious in civil procedure (Visconti 2017: 71). According to Visconti (2017: 72-75), English legal terms come into the Italian language from three main sources: Common Law institutions, because of their international prestige, the language of contracts, which has become more and more internationalised, and EU law. Moreover, Gusmani (1986: 219) points out that usually foreign terms become part of legal Italian as loanwords, syntactic calques or semantic calques, but loanwords in particular are becoming very common (Visconti 2017: 79).

Lastly, when discussing legal English and legal Italian it is also useful to take into account the legal systems they are bound to, especially if "legal English is inseparable from Common law", as stated by Triebel (2009: 149). As previously discussed (see Section 1), all legal languages are linked to a legal system and to fully understand the content of a legal document written in a specific language it is necessary to be familiar with the system it is bound to (Triebel 2009: 150). As already mentioned, legal English is linked to the

Common law system, while legal Italian is linked to the Civil Law system (Campanella 1994-1995: 61). Without going into too much detail, it is important to point out a few differences between the two systems. First of all, Civil Law is based on Roman Law while Common law is not (Stein 1991-1992: 1591). However, many features of modern Civil law come from post-Roman Law, like the fact that it is codified or that it distinguishes between private and public law (Stein 1991-1992: 1594,1595). According to Watson (1981: 3), "the successful codification of the civil law systems is a modern phenomenon", therefore it cannot be considered the main difference between Civil law and Common law. The latter developed in Medieval England (Pozzo 2019: 76) from unwritten English tradition (Campanella 1994-1995: 60) and throughout the centuries it has remained quite independent from the systems of the Continent (Pozzo 2019: 76). Watson (1981: 1) states that the main distinctions between the two systems can be found in their general structure, in the classifications and rules of private law, "in the law of procedure and rules of evidence".

The differences mentioned between Civil law and Common law are quite problematic for legal translators, because, besides their linguistic knowledge, they need to know both systems quite well to be able to translate legal documents with references to both (Grasso 2014: 72). According to Grasso (2014: 73), translators very rarely acquire in depth knowledge that covers every aspect of the different legal systems and of the legal field in general, therefore they have to rely on other online and offline sources. These sources could be dictionaries, online terminological resources, which are not always reliable and accurate, and European terminological resources, where one can still find some mistakes and the topics are all related to the European Union (Grasso 2014: 74-77). In a world where English is the international lingua franca, the work of legal translators remains fundamental because for many international organisations and institutions being able to reach a wide range of cultures and languages is very important (Pym 2008: 70,81).

1.2 THE TRANSLATION OF INTERNATIONAL HUMAN RIGHTS

According to Cao (2007: 134), there is a specific area of legal translation that covers the translation of legal documents in international or supranational institutions like the United Nations or the European Union. This type of translation shares the main traits of legal

translation, but it has its own particular characteristics, too (Cao 2007: 134). It deals with multilingual documents, some of which are general in nature, like the different human rights conventions, some of which are highly technical (Cao 2007: 142).

Grutman (2000: 157) defines multilingualism as a situation where two or more languages coexist in written form, in a person or in society, while translation is defined as substituting one language with another. According to Meylaerts (2010: 227), translation is at the heart of multilingualism. This is quite obvious with regard to international organisations, as they are multilingual to be able to reach communities and cultures all over the world and they use translation as a means to communicate with every community (Pym 2008). To be more specific, Pym (2008: 79-81) lists three options for international institutions when it comes to communication strategies: an institution might decide to communicate through only one or two official languages and expect speakers of non-official languages to learn them, an institution might translate all languages into all other languages, which is the approach of the European Union, or an institution might communicate through one or two languages "within the central agencies" (Pym 2008: 80) but use translation to reach client cultures, which is the approach of non-profit organisations and of multinational marketing (Pym 2008: 81). In this case, translation preserves the multilingual aspect of the world (Meylaerts 2010: 227). In the past, it was common to have only one recognised language for diplomacy, while now international agreements have different versions in different languages (Šarčević 1997: 196). Moreover, multilingualism nowadays is also an important part of modern societies, and national authorities have to come up with fair language and translation policies to make sure that multilingual citizens are able to interact and communicate with them (Meylaerts 2010: 228).

This Section focuses specifically on the translation of international and multilingual human rights documents, with particular reference to the work of Marianne Garre in this field (1999). First of all, it is necessary to point out that human rights documents include legal concepts and they are part of an international system (Garre 1999). When countries enter this international multilingual environment, the role of translation and language becomes quite significant (Garre 1999: 212) but it is also important to take into account the legal role of human rights texts and their objectives (Garre 1999: 6). According to Garre (1999: 47) there are three categories of human rights texts, which are similar to the

previously mentioned categories used by Šarčević (1997) to classify legal texts (see Section 1): legislative instruments, like conventions for example, enforceable case law, like judgments from the official bodies, and general literature, like articles and official statements and comments. These categories have some translation issues in common, while others are limited to a specific type of human rights texts (Garre 1999: 47). In general, these issues tend to arise especially when the translation is into languages that are not the official ones adopted by human rights international institutions (Garre 1999; Pic 2007a). First of all, legal texts are sources of official terminology related to specific fields of law (Garre 1999: 48). The main problem is that sometimes there is a lot of inconsistency in translated documents, because for one standard legal expression in English, for example one that defines particular human rights, there are multiple translations in another language, sometimes even within the same text (Garre 1999: 48). These inconsistencies might start in legislative documents, but then they easily end up in other texts, like case law and general literature (Garre 1999: 49). The translated expressions are often taken from the translated text and used in other documents, sometimes even simplified, and the connection to the 'primary expression' is lost (Garre 1999: 49). Human rights are universally fundamental, but for them to be implemented it is necessary to address the linguistic problems at national level and overcome these issues, otherwise legal documents might be undermined by inconsistency (Garre 1999: 49). Human rights texts should be accessible to laypeople all over the world, but if their understanding of these concepts is regulated by the legal expressions or labels used to describe them, then the inconsistency of these expressions is quite problematic (Garre 1999: 49). When it comes to human rights case law specifically, another issue is the fact that these documents are quite volatile and dynamic (Garre 1999: 50). Moreover, they might contain references to national legal systems and in this case the translator would have to work between two different legal systems and not in the field of international law (Garre 1999: 51). With regard to general literature, according to Garre (1999: 52), since it is meant for a broad audience, the fact that it might modify legal texts is acceptable. However, this modification should be limited to linguistic features and it should not involve specific legal expressions, because changing these labels means making it impossible for readers to refer back to other documents or to case law and therefore to learn more about human rights (Garre 1999: 52). Furthermore, another problematic trait

of human rights texts in general is the fact that they intentionally use vague concepts to ensure consensus (Pic 2007a). Instead of imposing one specific explanation of the official human rights documents, the international legal community allows some freedom of interpretation, and then the international monitoring bodies deal with the single questions of interpretation that arise as a consequence of this approach (Garre 1999: 196). Tessuto (2005: 308) states that linguistic indeterminacy in human rights normative texts concerns "the 'substance' of rights, their 'subjects' and their 'scope' and 'specification'" and it is ascribable to the fact that some fundamental abstract concepts of human rights, like 'freedom' for example, are impossible to determine precisely. This makes it very difficult to do any terminological work if one follows the traditional practice of terminology, and a suitable methodology applicable to legal terminology is necessary (Pic 2007a). Finally, according to Merry and her research on a possible middle ground between transnational human rights and local activism (2006), one last issue that is connected to the process of translation of human rights is the fact that translators "are restricted by the discursive fields within which they work" (Merry 2006: 48), therefore sometimes they have to use human rights discourse with references to international standards instead of creating processes of vernacularisation to interact with local cultures (Merry 2006: 49). However, many argue that, in order for human rights to look appealing and legitimate in these cultures, they have to "be translated into local webs of meaning based on religion, ethnicity or place" (Merry 2006: 49).

With regard to the translation of human rights, it is important to point out that legal translators need a considerable awareness of the human rights world to be able to translate human rights documents properly (Garre 1999: 217). According to Garre (1999: 1), historical, legal and linguistic policy filters are needed for a translation to actually be fully considered a legal document. It is also necessary to mention that in the world of international institutions after the process of translation the target texts are not seen as translations anymore but they are considered 'monolingual originals' (Meylaerts 2010: 228). There is no comparison between the source text and the target text because every document is "a collage of many texts in several languages in an often continuous translation chain" (Meylaerts 2010: 228). This happens because of the principle of equal authenticity, which claims that translations are not subordinated but they are equal to the original texts (Šarčević 1997: 64). To be more specific, in the field of multilingual law

this means that all the versions of an international treaty in the official languages, whether they are translations or not, have equal legal force (Cao 2010: 194). Each document is considered independent when interpreted by the courts, even though they all build the common meaning of a specific legal instrument (Šarčević 1999: 64).

In her work, Garre (1999: 217) states that to reach a deep awareness of human rights and to understand human rights documents, translators need to focus on three areas of knowledge. The first one is the legal space, which represents the need to understand the meaning and the objectives of human rights, but also understand their legal and historical context, focusing on extra-textual features that can help in the translation process (Garre 1999: 218). The need for general legal translator training has been discussed quite a lot by different authors (Alcaraz and Hughes 2002: 47; Cao 2014). The general idea is that legal translators are not lawyers but they need knowledge of the legal field for their work (Cao 2014: 109), because to be a competent legal translator training is necessary (Cao 2014: 107), especially considering that legal professionals rely on the work of translators and need it to be accurate (Garre 1999: 4). When it comes to human rights in particular, translators have to deal with problems of interlingual and especially universal meaning all the time, because if a country incorporates an international Convention into its law system this means that a legislative text in one of the official languages of an international organisation should fit into a legal system in a completely different language (Garre 1999: 44). Translation is needed for the people of the country to be able to understand human rights from their perspective (Garre 1999: 44).

The second area of knowledge is the translation space, which represents the idea of translation as a 'tool of understanding' human rights (Garre 1999: 215). If an international human rights text is incorporated into the legal system of a country, the translation of this text into the language of said country should "live up to the standards" of legal documents in that country and reflect their terminology and style (Garre 1999: 213). This is quite a difficult process because the expression and meaning of international human rights is strongly bound to the English language, but new ways to express these concepts in all languages should be found and implemented if human rights are actually considered universal (Garre 1999: 214). According to Garre (1999: 214), translators should not pay too much attention to the idea of equivalence and focus on communicating ideas to spread new concepts instead.

Moreover, when it comes to translation, there is not only one approach possible, and many theories have been developed on the topic, but these classical approaches do not seem to be applicable to human rights translation (Garre 1999; Pic 2007b). For example, Garre (1999: 95) believes that, on the one hand, functional translation, which essentially focuses on the role of text functions, is quite rigid and does not let translators follow their personal initiative or operate outside the established text analysis categories, which is a problem when dealing with human rights concepts that are difficult to define. On the other hand, hermeneutic translation is the opposite and encourages translators to rely too much on their language skills, which sometimes are not enough to understand and then translate human rights concepts (Garre 1999: 95). According to Pic (2007b), these theories fail to guide human rights translators through translation problems, especially terminological problems, because they are not prepared to deal with "essentially contested concepts". However, these concepts, which are part of cognitive science (Pic 2007b), are taken into account in Garre's approach to translation through cognitive linguistics, primarily in relation to human rights (1999). This approach is based on the idea that people's understanding depends on language and culture, but also on personal and direct experience, and that "meaning is at once individual and shared" (Garre 1999: 219). When this perspective is applied to human rights translation, the idea is that, even though some people believe that not all human rights concepts can be fully expressed through all languages because they are bound to official languages like English and French, it is actually possible to find the right expressions to convey these concepts that people will be able to understand in all languages, because most human rights are linked to basic concepts that all individuals have experienced (Garre 1999: 219-220). However, Pic (2007b) believes that this approach provides only partial answers and new theories need to be developed.

Finally, the third area of knowledge is the language policy space, which represents "awareness of and information about language and translation" (Garre 1999: 4) and "willingness to accept an internationalised language in specific fields" (Garre 1999: 5). It is the idea of sharing knowledge related to human rights through concepts instead of focusing on specific labels, but knowing that to discuss concepts it is easier and necessary to go through labels first (Garre 1999: 8).

2. HUMAN RIGHTS

This chapter contains a general overview of the history and development of human rights, of the international and regional human rights systems, of women's rights and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), followed by a shift of focus towards some specific cases under the ECHR and the UN and the implementation of women's rights in the UK and in Italy. As previously mentioned (see Section 1.2), to fully understand human rights and to be able to translate human rights documents properly the historical background and the general context of these rights cannot be ignored, as "history defines, explains and justifies the ideas and reasons behind human rights" (Garre 1999: 11).

First of all, what are human rights? Human rights might be commonly considered universal rights derived from reason, therefore not controversial at all (Dembour 2010: 2). However, there are different schools of thought with different interpretations and ideas of what human rights are in practice (Dembour 2010: 2). According to Dembour (2010), on the one hand the natural school represents the common idea of human rights as "the rights that everybody has by virtue of being a human being" (Dembour 2010: 19) and natural scholars see human rights as 'given' (Dembour 2010: 2). On the other hand, the deliberative school views them as 'agreed upon', which means that human rights are created through the agreement of liberal societies and adopted only when they are considered the best standards to rule society with (Dembour 2010: 3). This idea is becoming more and more popular and it might replace the old natural approach (Dembour 2010: 19). There are also protest scholars who believe that human rights are aspirations that people need to relentlessly fight for, especially for the oppressed and the unprivileged (Dembour 2010: 3), and finally discourse scholars, who do not believe in human rights and see them as something that exists only because it is talked about, but they recognize the power of the human rights discourse (Dembour 2010: 4). Regardless of the different interpretations of these rights, it is important to point out their dual function: they are claims based on specific principles, but often they are also entitlements with legal value (Bantekas and Oette 2016: 5). Furthermore, they are developed around questions about the nature and the relations of human beings, focusing especially on specific groups and

their members, the administration of justice, the polis and conditions of dignity and freedom (Bantekas and Oette 2016: 6).

When it comes to human rights, it is necessary to take into account their history and development to have a full picture of their role in the world. While conventional approaches trace the first influences on the modern conceptions of human rights back to Greek philosophy and Christianity, other theories place the origin of the human rights movement in much more recent times (Moyn 2010: 7). According to Ishay (2008: 8), human rights discourse was developed during the European Enlightenment, even though the promotion of these rights during that era was not very successful and many believe it was only "an imperialist masquerade". For a very long time international law was focused only on states and not on single individuals, who fell under the exclusive control of the states (Bantekas and Oette 2016: 7). Societies were concerned with the idea of building a just environment and the rights of individuals were not seen as the main priority (Bantekas and Oette 2016: 7). In 1776 the United States Declaration of Independence was written and adopted, and it was followed by the French Declaration of the Rights of Man and of the Citizen in 1789 (Stinnett 2009: 11). Both declarations had a strong impact on the human rights movement, the former for the articulation of rights such as, for example, the right to life, the right to liberty and to property, the latter for the focus on universal law and equal citizenship (Stinnett 2009: 11). However, these rights were still under the protection of national states (Cmiel 2004: 126). Moreover, the declarations only protected the rights of 'man' and specific class interests and they faced a lot of backlash (Bantekas and Oette 2016: 8). In France, after the Revolution, the goals set in the Declaration were mostly ignored (Garre 1999: 14) and criticised by many writers (Bantekas and Oette 2016: 9). The nineteenth century was marked by the fight against slavery and for the rights of the lower working classes and of women (Stinnett 2009: 11), inspired by the declarations (Bantekas and Oette 2016: 10). During this century the field of international humanitarian law evolved (Bantekas and Oette 2016: 11) and in the following period of time, until the Second World War, human rights became part of the constitutions of many Western countries to protect citizens even against their government (Garre 1999: 15). Furthermore, there was finally a shift from human rights being controlled by national legislation to them belonging to the field of international law (Garre 1999: 15). According to Cmiel (2004: 117), the term 'human rights' was barely used before the 1940s, but after those

years the human rights movement started growing rapidly. The brutality of the Second World War and of the Holocaust was definitely a shock for the whole world and the following years became crucial for the development of international human rights law and of the institutions that implement human rights (Bantekas and Oette 2016: 14). The United Nations were born with the aim of forming "a system of collective security with strong enforcement powers" (Bantekas and Oette 2016: 14), but also to protect human rights (Bantekas and Oette 2016: 15). In 1948 another fundamental document in the history of human rights was created: The United Nations' Universal Declaration of Human Rights (UDHR) (Stinnett 2009: 12). According to Glendon (1998: 1153), this document is "the single most important reference point" when it comes to human freedom in the world. The Declaration recognises that all human beings have the same inalienable rights and it establishes common standards for all nations with regard to human rights (Bantekas and Oette 2016: 17). Even though all member states of the United Nations are supposed to recognise the rights of the Declaration as universal, there are still people who believe they are relative, a symbol of Western imperialism or less important than economic priorities (Glendon 1998: 1154). After the adoption of the Declaration, human rights were initially set aside because of the Cold War and then they became quite politicised (Glendon 1998: 1173), but, during those decades, considerable progress was still made with the creation of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966 (Bantekas and Oette 2016: 19). The former is the main treaty for civil and political rights, like the right to life, the prohibition of torture and freedom of religion, while the latter focuses on economic, social and cultural rights like the right to work, to health and to education (Bantekas and Oette 2016: 19). Furthermore, both Covenants include the right of self-determination (Wellman 2000: 654) and they are considered "the minimum legal and political standards at international law in the field of human rights" (Commonwealth Secretariat 2008: 418). Moreover, the Optional Protocol to the International Covenant on Civil and Political Rights allows individuals whose rights have been violated to file complaints directly with the UN Human Rights Committee, even though the final decision of this Committee cannot be enforced (Garre 1999: 18).

Nowadays, the human rights system at the UN level follows the standards set from the 1970s onwards, with the adoption of binding treaties and declarations to provide

protection for specific individual rights, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), adopted in 1984, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), adopted in 1979, the Convention on the Rights of the Child (CRC), adopted in 1989, or the Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2006 (Bantekas and Oette 2016: 21-22). These Conventions are part of the international system, together with the International Court of Justice and the International Criminal Court (Bantekas and Oette 2016: 22-23). It should be noted that there are monitoring bodies associated with some international human rights treaties, whose role is to scrutinise the conduct of each signatory state, such as the already mentioned Human Rights Committee, the Committee against Torture (CtAT) or the Committee on the Elimination of Discrimination against Women (CtEDAW) (Bantekas and Oette 2016: 194-195). These bodies monitor the different countries and their compliance with the treaty obligations through individual or inter-state complaint procedures and mostly through the periodic reports submitted by the states (Gaer 2007: 118), where they outline the measures they have implemented to protect a specific right and the progress they have made (Bantekas and Oette 2016: 199-200). These reports are followed by the concluding observations of the monitoring committee, which usually include recommendations and warnings about potential issues (Gaer 2007: 128). Moreover, even though the UDHR itself was not binding, during the years many of the provisions found in the Declaration have reached customary status (Bantekas and Oette 2016: 17). This means that they are part of customary international law, which is "a widespread and uniform practice among nations" linked to a "sense of legal obligation", as states conform to a customary norm, sometimes against their interests, because they believe they have to comply with an international norm (Goldsmith and Posner 2000: 641-642). Nonetheless, it is important to mention that not all human rights are implemented in all countries and human rights documents contain goals all signatory countries should aim for (Garre 1999: 22). When it comes to treaties, states can usually enter reservations, which means that they can "limit the scope of their obligations" (Bantekas and Oette 2016: 55). However, states cannot derogate from jus cogens norms or from rights that are considered fundamental in a specific treaty and reservations cannot contradict general principles or be too vague in their wording (Bantekas and Oette 2016: 56). Furthermore, it is necessary to point out the

fundamental role of the Human Rights Council, set up by the UN General Assembly to conduct a Universal Periodic Review of the human rights records of the UN member states, to investigate human rights violations and to coordinate and mainstream human rights entities in the UN (Bantekas and Oette 2016: 161). Finally, the international human rights community exercises moral and political pressure on the nations to make sure that the basic human rights are implemented even in countries where the specific treaties have not been ratified (Garre 1999: 25). However, international human rights institutions cannot interfere in domestic affairs (Garre 1999: 25) and the judgments of the international courts cannot be enforced if states are reluctant to accept them (Garre 1999: 31).

Human rights are not implemented only at international level, but also at regional level (Heyns et al. 2006: 163). There are three regional human rights systems that cover three areas of the world: Europe, the Americas and Africa (Heyns et al. 2006: 163). At first the idea of regional systems seemed problematic, especially because it could undermine the vision of universal human rights, but then the systems turned out to be an essential layer of protection for these rights (Bantekas and Oette 2016: 235). According to Heyns and Killander (2013: 673), these mechanisms are very useful in making the international system "more responsive and more democratic". The structure of the three systems is quite similar, as they all establish the protection of different human rights through a Convention and then have a monitoring body to ensure the enforcement of these rights in the states that are part of the system (Heyns et al. 2006: 164). When it comes to Europe, the European system was developed under the Council of Europe (Heyns and Killander 2013: 675) and it consists of the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) (Bantekas and Oette 2016: 237). The Convention, adopted in 1953, was the only treaty at regional level for more than two decades before the adoption of the American Convention on Human Rights (Buergenthal 1980: 155). In this case, the ECHR is binding for all member states of the Council of Europe (Marguery 2013: 285), the judgments of the ECtHR are considered final (Garre 1999: 31) and every member state is required to accept the jurisdiction of the Court (Heyns and Killander 2013: 682). With regard to the American system, it was created under the Organization of American States (Heyns and Killander 2013: 675) and it consists of the American Convention on Human Rights (ACHR), the Inter-American

Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR) (Bantekas and Oette 2016: 263). In this case, the Commission has a promotional role as it deals with awareness-raising, it conducts country visits but it also submits cases to the IACtHR (Bantekas and Oette 2016: 264-265), since the victims do not have the direct access to the Court that is available in the European system (Bantekas and Oette 2016: 271). Moreover, some member states of the Organization of American States have not ratified the Convention (Heyns and Killander 2013: 682) while others have not accepted the jurisdiction of the Court, they have tried to renounce the system or they have refused to acknowledge the findings of the Commission and of the Court (Heyns and Killander 2013: 679). Finally, the African system was developed under the Organization of African Unity (Heyns and Killander 2013: 675) and it consists of the African Charter on Human and Peoples' Rights (ACHPR), the African Commission on Human and Peoples' Rights (ACmHPR) and the African Court of Human and Peoples' Rights (ACtHPR) (Bantekas and Oette 2016: 275-276). This is the only regional system with a Charter that explicitly recognises people's rights (Heyns et al. 2006: 169). In this case, almost all member states of the Organization of African Unity have ratified the Charter and are monitored by the Commission, but many states have not accepted the jurisdiction of the Court (Heyns and Killander 2013: 682). Moreover, individuals cannot access the Court directly unless it is allowed by the single states (Heyns and Killander 2013: 683).

Over the decades, human rights have also been at the centre of a number of controversies and one of the most enduring and contentious debates focuses on the universality of these rights and the fact that they are believed to be applicable "to everyone, everywhere and anytime" (Bantekas and Oette 2016: 5). To be more specific, this debate involves universalists and cultural relativists (Ishay 2008: 10) and it has also reached the field of human rights translation, as can be deduced from Merry's already mentioned point of view and research (see Section 1.2). Moreover, according to Waldron (1987: 3), the different approaches are linked to the complexity of the concepts behind terms like 'rights' or 'individual'. On one hand, there are scholars who believe that human rights are bound to the ideas of universality and universal protection because all individuals are considered equal (Waldron 1987). On the other hand, there are scholars who criticise the 'presumption of universality' and the absolutistic perspective of many human rights

studies (Renteln 2013). According to Zwart (2013), Renteln's empirical approach to human rights was fundamental to redefine cultural relativism and to question the assumption without justification that human rights are universal. Renteln (2013: 11) believes that it is important to assess whether or not human rights can be universal, and whether all cultures share the Western view of these rights or have structural equivalents. Only if it is empirically proven that all cultures share common human rights standards, then these standards can be adopted and supported globally (Zwart 2013). Another source of controversy in the field of human rights is the tension between these rights and security, especially after 9/11 (Ishay 2008: 12). One of the consequences of the threat of terrorism has been the development of new approaches that consider human rights as "subordinate to security objectives" or "antithetical to security" (Ishay 2008: 12). However, according to Ishay (2008: 13), a security strategy based on human rights is necessary now more than ever. Finally, it is important to mention another aspect of the world of human rights that is considered quite controversial, which is the political use and abuse of the human rights discourse (Bantekas and Oette 2016: 5).

Despite the controversies human rights will continue to grow and expand in the future, but it is necessary to take into account their relationship with globalisation, because the move from the public dimension of human rights politics to the Internet, for example, might help promote but also undermine these rights (Ishay 2008: 12-13).

2.1 WOMEN'S RIGHTS

When discussing women's rights, it is first necessary to point out that they can be interpreted in many ways, but women from very different backgrounds have been able to reach international understandings when it comes to their rights (Walter 2001: xiv). However, there are still discrepancies between the goals of women's rights movements in prosperous and in poor countries because of the differences in economic opportunity (Walter 2001: xv). According to Wollstonecraft and Mill (Botting 2016: 1), women's human rights represent the idea that "women are entitled to equal rights with men" because of their nature as human beings. For human rights to be considered universal, therefore applied to every individual, they need to include women (Botting 2016: 1). It is also important to mention that men and women can be considered both different and

equal, since gender differences cannot be ignored, but they can be employed to advance equality instead of rationalising inequality (Walter 2001: xvi). Women's rights cover civil, political and social rights (Walter 2001: xv). Furthermore, they are not only associated with the public aspect of women's life, but also with family life, and this creates a conflict between the idea of women as individuals and the patriarchal model of family (Walter 2001: xv).

With regard to the history of women's rights, according to Walter (2001: xvii), the first women's rights to be recognised were those linked to the publish sphere, such as the right to vote, and they were developed starting from the eighteenth until the twentieth century. During the nineteenth century and even before then, many feminists fought against discrimination (Bantekas and Oette 2016: 10) and demanded political rights and equality, especially during the French Revolution (Scott 1989: 7). For example, the French activist Olympe de Gouges wrote many texts and speeches about this topic, including the Declaration of the Rights of Woman and Citizen, which was meant as an addition to the French Declaration of the Rights of Man and Citizen and became a reference point for the revolution (Scott 1989: 7). Her Declaration was also the inspiration for many feminist objections until the first half of the twentieth century (Scott 1989: 17). After that, in 1948 the Universal Declaration of Human Rights was adopted by the United Nations and the equality of rights for men and women was mentioned in its preamble (Botting 2016: 2). Furthermore, in Article 2 the Declaration prohibited discrimination on the basis of sex (Walter 2001: xix). However, women were mentioned only one more time in the Declaration and it was in association "with their traditional reproductive roles within marriage and the family" (Botting 2016: 2). The UDHR was followed by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1966 and both stated that all men and women were to enjoy the rights protected by the covenants (Hellum and Aasen 2013: 1). In 1979 the United Nations General Assembly adopted the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which reiterated the need for gender equality and equal rights for men and women (Hellum and Aasen 2013: 2), recognised the issues women had to deal with and the fact that they required 'special attention' and demanded that the different states find efficient ways to address every form of inequality (Walter 2001: xx). A specific Convention and a monitoring body associated with it were necessary

to fight the discrimination against women that the gender-neutral approaches of other international treaties had not been able to acknowledge sufficiently (Hellum and Aasen 2013: 2). In the following years, women's rights became a fundamental part of many United Nations programs and of many movements all over the world (Botting 2016: 3). However, they were still marginalised and ignored by the main human rights entities within the international system and gross violations of these rights were not addressed at international level (Van Leeuwen 2013: 249). In 1993, exponents of the women's rights movement used the slogan "Women's rights are human rights!" at the World Conference on Human Rights held in Vienna (Van Leeuwen 2013: 242). After that, in the Vienna Declaration and Programme of Action it was recognised that women's rights are part of universal human rights and of the international human rights system (Van Leeuwen 2013: 243). Moreover, the investigation of issues regarding women's rights was included in the tasks of the monitoring bodies of the international human rights treaties (Van Leeuwen 2013: 243). Finally, in 1995, after the 1976-1985 United Nations Decade for Women, the Fourth World Conference took place in Beijing, followed by the adoption of the Beijing Declaration and Platform of Action (Bantekas and Oette 2016: 492). During these years many issues linked to women's rights were discussed, such as health, education, violence against women and political rights, but these rights remain quite controversial and not fully protected, mostly because the violations often occur in the private sphere, while international human rights law has been focused on the public sphere for a very long time (Bantekas and Oette 2016: 493).

Nowadays, women's rights are protected and implemented at international level through the work of the United Nations and an approach based on non-discrimination and equality (Bantekas and Oette 2016: 493). Direct and indirect discrimination on the basis of sex are prohibited in Articles 3 and 26 of the ICCPR (Bantekas and Oette 2016: 493). Furthermore, the Convention on the Elimination of All Forms of Discrimination against Women is the only fundamental international human rights instrument focused entirely on women's rights (Chinkin and Freeman 2012: 2). The Convention condemns discrimination as a violation of human rights because of the negative impact it has on "women's equal enjoyment of their human rights and fundamental freedoms" through gender-based exclusions and stereotypes (Chinkin and Freeman 2012: 2). This treaty can be applied to the public sphere, but also to the private one (Hellum and Aasen 2013: 2),

since it denounces discrimination by organisations and also by private actors and it aims for the abolition of discriminatory customs and practices (United Nations Office of the High Commissioner for Human Rights 2014: 26). The idea behind the Convention is that specific instruments and remedies are needed in case of abuse towards certain vulnerable groups like women (Bantekas and Oette 2016: 494). According to Hellum and Aasen (2013: 2), the CEDAW has three main approaches with regard to women's rights: a transformative approach, concerning social support and the socio-cultural sphere, a holistic approach, concerning not only civil and political but also social and economic rights and their interdependence and lastly a gender-specific approach when it comes to non-discrimination. The first approach helps in dealing with legal and socio-cultural barriers to equality, the second approach is useful for managing the correlation between the marginalisation of women, their social rights and lack of equality and the third approach assists women and women's organisations in making sure that states comply with their obligations regarding women's rights (Hellum and Aasen 2013: 3). When considering the structure of the Convention, it is important to mention that it has a Preamble, where it is noted that women still do not have equal rights to men (United Nations Office of the High Commissioner for Human Rights 2014: 5), and then it can be divided into six different parts (Chinkin and Freeman 2012: 8). The first part includes the first six Articles, it addresses states' obligations under the Convention and it provides an 'interpretive framework' for the following articles (Chinkin and Freeman 2012: 8). The second part includes Articles 7, 8 and 9, which concern civil and political rights (Chinkin and Freeman 2012: 8), such as the right to vote and to participate in public life or equality before the law (United Nations Office of the High Commissioner for Human Rights 2014: 5). By contrast, the third part includes Articles 10, 11, 12, 13 and 14, which are about economic and social rights (Chinkin and Freeman 2012: 8), such as the right to education, to health and to work (United Nations Office of the High Commissioner for Human Rights 2014: 5). Part four includes Articles 15 and 16 and it concerns women's legal status (Chinkin and Freeman 2012: 8), maternity and family relations (Bantekas and Oette 2016: 495). Part five reaches Article 22 and deals with the CEDAW Committee and its tasks. The last part, which ends with Article 30, is about the final provisions (Chinkin and Freeman 2012: 8). Moreover, the Convention gives directions to states regarding how to tackle discrimination and improve the status of women through new legislation or the

abolition of old discriminatory legislation, positive action and special measures to keep in place until equality is achieved (United Nations Office of the High Commissioner for Human Rights 2014: 6). The CEDAW also addresses specific issues, like human trafficking, problematic marriages and the risk for certain groups, such as rural women (United Nations Office of the High Commissioner for Human Rights 2014: 5). The monitoring body associated with this Convention is the Committee on the Elimination of Discrimination against Women (CtEDAW) (Bantekas and Oette 2016: 224). This Committee has mostly dealt with positive obligations associated with the protection from domestic and sexual violence, but it has also dealt with other cases, such as those concerning combined racial and gender-based discrimination, reproductive rights or maternity benefits (Bantekas and Oette 2016: 225). In 1999 the UN General Assembly adopted the Optional Protocol to the CEDAW for a better protection of women's rights (Sokhi-Bulley 2006: 143). With this protocol, enforcement through the 'communication procedure' and the 'inquiry procedure' was added to the previous forms of enforcement of the Convention, which were reports and inter-state disputes (Sokhi-Bulley 2006: 144). The first procedure mentioned allows the CtEDAW to hear individual complaints, while the second procedure allows the Committee to investigate gross violations of women's rights (Sokhi-Bulley 2006: 144). On the whole, when analysing the international impact of the Convention, according to Byrnes and Freeman (2012: 52) it is possible to conclude that, even though the CEDAW is improving the condition of women all over the world, change is quite slow, especially because after the ratification it takes quite some time for states to follow the recommendations and comply with the obligations. Domestic NGOs definitely play a very important role in this process through their campaigns and reports, and the same can be said for the Universal Periodic Reviews of the Human Rights Council (Byrnes and Freeman 2012: 52-53). Moreover, Cho (2010: 21-22) found that the Convention has a stronger influence on the protection of women's rights in democratic countries, as collaboration between the domestic institutions and the international system is fundamental to achieve improvements, and that this influence is more effective in the public sphere compared to the private sphere of women's lives. However, it is necessary to acknowledge that the CEDAW has also been criticised over the years for its flaws, such as the fact that it does not include a clause on violence against women, on the right to life and on the prohibition of torture, creating a 'normative gap' regarding these topics,

although violence on women is addressed in the General Recommendation 19 of the CtEDAW (Bantekas and Oette 2016: 498-500).

At international level, women's rights are also implemented through the work of the Special Rapporteur on Violence against Women (Sokhi-Bulley 2006: 144) and of the Human Rights Council, which does not include only Universal Periodic Reviews but also special panels and procedures to examine violations of these rights (United Nations Office of the High Commissioner for Human Rights 2014: 19). In addition to this, there are the Security Council, with specific resolutions about women and peace, and the Commission on the Status of Women, created by the Economic and Social Council of the United Nations to promote women's rights and make recommendations with regard to violations of these rights (United Nations Office of the High Commissioner for Human Rights 2014: 21-22).

At regional level, women's rights are protected through the European Convention on Human Rights, the American Convention on Human Rights and the African Charter on Human and Peoples' Rights (Ali 2002: 62). First of all, the European Union has had an important role in the development of women's rights, especially when it comes to issues such as maternity and childcare (Walter 2001: xx), and Article 14 of the ECHR prohibits discrimination on the basis of sex (United Nations Office of the High Commissioner for Human Rights 2014: 8). In 1952 an additional protocol to the ECHR was adopted to recognise equality between men and women regarding the right to vote (Lovecy 2002: 276). In 2011 the Istanbul Convention, created by the Council of Europe, entered into force (United Nations Office of the High Commissioner for Human Rights 2014: 8). This Convention, focused on tackling gender-based violence, includes many different kinds of violence, such as psychological and domestic violence, forced marriages and female genital mutilation (Bantekas and Oette 2016: 500). However, the ECtHR has not covered many cases involving women's rights and their protection (Buquicchio-de Boer 1995). Moreover, Article 1 of the ACHR prohibits discrimination and in 1994 the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, created by the Organisation of American States, entered into force (United Nations Office of the High Commissioner for Human Rights 2014: 8). This Convention takes into account violence against women in both private and public spheres of life and protects many civil, political, economic, social and cultural rights of women (Bantekas

and Oette 2016: 499). Lastly, Article 2 of the ACtHPR prohibits discrimination on the basis of sex and Article 18 requires states to eliminate gender-based discrimination and protect women's rights (United Nations Office of the High Commissioner for Human Rights 2014: 8). In 2003 the Protocol to the ACtHPR on the Rights of Women in Africa, focused on the rights of women in situations of economic harm or war, entered into force (Bantekas and Oette 2016: 500).

Finally, it is necessary to point out that women's rights have also been involved in the different controversies that have to do with human rights, especially with regard to the debate on universalism versus relativism (Renteln 2013). According to Renteln (2013: 12-13) "the practices of child labor and female circumcision give some indication of how divergent moral perspectives can be" and the fact that women's rights might not be recognised and supported everywhere in the world shows that it is not possible to ignore cultural diversity in order to promote universal human rights (Renteln 2013: 13). However, many states have tried to use this argument to justify violations of the rights of women, such as female genital mutilation or the impossibility to access education, without taking into account the view that culture can change overtime (United Nations Office of the High Commissioner for Human Rights 2014: 28). As stated by Walter (2001: xxi), it is crucial to avoid "cultural relativist excuses for oppression, as well as ethnocentric forms of universalism".

2.2 CASES UNDER THE ECHR AND THE UN

When it comes to women's rights, the range of cases under the ECHR and the UN is quite varied, as it covers different categories of individuals and different systems of implementation of these rights. The following section of this chapter includes a brief overview of some cases that apply to a specific category of people or deal with the protection of specific rights.

A very important case under the Committee on the Elimination of Discrimination against Women was *Vertido v The Philippines* (CtEDAW 2010), which is considered one of the most significant decisions of the Committee on the subject of wrongful gender stereotyping (Cusack and Timmer 2011: 330). This case concerned a woman, Karen

Tayag Vertido, who alleged that the former President of the Davao City Chamber of Commerce and Industry in the Philippines had raped her in 1996 (Cusack and Timmer 2011: 331). Her case remained pending until 2005, when the accused was acquitted, and after that it was found admissible by the CtEDAW (Bantekas and Oette 2016: 226). The Committee held that the State Court had relied on gender-based stereotypes about rape in assessing the credibility of the woman's recount of the events (Cusack and Timmer 2011: 331) and it also recommended that the state modify its legislation on rape (Bantekas and Oette 2016: 226). This case highlighted many issues related to how states and legal systems fail in responding to rape allegations and also related to gender stereotyping (Bantekas and Oette 2016: 227). However, the Committee did not address the "systemic stereotyping of rape victims in the Philippines judiciary", which means that it did not fully acknowledge "the structural discrimination of women in general" (Cusack and Timmer 2011: 342). Many other cases both at international and at regional level have drawn attention to the failures of states towards rape victims, among which there is *M.C. v Bulgaria*, a case under the ECHR (Bantekas and Oette 2016: 227). This is another case where a state did not comply with international human right standards and was found guilty of not dealing adequately with a rape investigation, in this specific instance under the European Court of Human Rights (ECtHR 2004).

Another problematic violation of women's rights is domestic violence, which involves the private sphere of women's lives and is usually committed by private actors, therefore it is rare for states to be held accountable in these cases (Bantekas and Oette 2016: 505). However, in *A.T. v Hungary* (CtEDAW 2005) the Committee found that the state had failed in implementing measures to tackle domestic violence and in efficiently protecting a woman's rights from a private actor (Sokhi-Bulley 2006: 147). Moreover, in *Talpis v Italy* (ECtHR 2017), a case of domestic violence that resulted in the attempted murder of a woman and the murder of her son, the European Court of Human Rights found a violation of Article 14, which prohibits discrimination on the basis of sex, together with violations of the right to life and the prohibition of inhuman or degrading treatment, because the Italian authorities had neglected to protect the woman against domestic violence and had discriminated against her, underestimating the situation (European Court of Human Rights 2019a: 3). The inadequacy of states' response to domestic

violence is highlighted and condemned in other cases under the ECHR, such as *E.M. v Romania* (ECtHR 2012) or *Valiulienė v. Lithuania* (ECtHR 2013).

Violence against women can also include psychological abuse, which has been at the centre of different cases under the European Court of Human Rights, such as *Kalucza v Hungary* (ECtHR 2012) or *Hajduovà v. Slovakia* (ECtHR 2011). In both cases the Court found that the state had not intervened effectively to protect the women's psychological well-being (European Court of Human Rights 2019a: 9).

Finally, when it comes to female genital mutilation, in *Omeredo v. Austria* (ECtHR 2011) and in *Collins and Akaziebie v. Sweden* (ECtHR 2007) the ECtHR stated that this practice represents torture or inhuman and degrading treatment, therefore a violation of Article 3 of the Convention. However, in both cases and in others, such as *Izevbekhai and Others v. Ireland* (ECtHR 2011), the Court held that, when a state returns a woman to a country, a violation of Article 3 happens only if the risk of becoming a victim of female genital mutilation is real and concrete and the applicant does not have any means to protect herself in that country (European Court of Human Rights 2019b: 10-11).

The cases under the ECHR and the UN do not concern only a wide variety of rights, but also different categories of people or, in this instance, of women. For example, the case *N.S.F. v. United Kingdom* (CtEDAW 2007 para 7.3), where the applicant was a Pakistani asylum seeker who was living in the UK with her children to escape from a violent and abusive husband, drew the attention of the Committee towards the situation of many women who have to leave their country of origin because of domestic violence. The European Court of Human Rights has also dealt with this kind of issue regarding women deported to their country of origin and their fear of becoming a victim of domestic violence there (European Court of Human Rights 2019a: 6), in cases such as *N. v Sweden* (ECtHR 2010). Lastly, there are many cases involving the protection of the rights of women in detention or held in custody, among which the leading one is *Aydin v Turkey* (ECtHR 1997). In this case, the applicant was raped and abused while held in custody by the authorities, and the Court found that the torture she had to go through represented a violation of Article 3 of the ECHR (Bantekas and Oette 2016: 504). There are many similar cases under the European Court of Human Rights, like *Y.F. v Turkey* (ECtHR 2003), *B.S. v Spain* (ECtHR 2012) or *Maslova and Nalbandov v. Russia* (ECtHR 2008),

where the applicants suffered different forms of abuse at the hand of police officers and the Court found violations of the prohibition of torture and inhuman treatment (European Court of Human Rights 2019b: 2, 5-6).

2.3 WOMEN'S RIGHTS IN THE UK AND IN ITALY

The last section of this chapter consists of a general and concise outline of the state of women's rights in Italy and in the UK. Since this work focuses on the translation from English into Italian of the official Report submitted by the UK to the CEDAW Committee in 2017, it is necessary to take into account the condition of women's rights and the approach to the Convention in both countries.

When it comes to the UK, the state signed the Convention on the Elimination of All Forms of Discrimination against Women in 1981, but it was ratified only in 1986 (Fredman 2013: 511). According to Fredman (2013: 511), the Convention was met with lack of interest in the UK and this approach has not changed with time and with the different governments. Therborn (1993) saw in the strong patriarchy and in the dominance of men in society the reason for the difficult establishment and slow development of women's rights and children's rights in the United Kingdom. Nowadays, as stated by Thomson (2017: 88), the CEDAW still "plays a very minor role in the current UK political and human rights landscape". Moreover, the general public in the UK is not familiar with the Convention and its Optional Protocol, and the same could be said for some government officials (Fredman 2013: 516). This means that the government does not always put the provisions of the Convention into practice and women activists, women's rights organisations and NGOs sometimes are not even aware of the existence and availability of the reporting procedure (Fredman 2013). Fredman (2013) also finds that the EU has had more influence on the UK than the CEDAW with regard to women's rights issues, because on one hand the government is quite reluctant to change in case of non-compliance with the obligations of the Convention, on the other hand the Convention itself is not successful in handling issues and violations specific to the United Kingdom. According to Lee (2012: 1), "women's rights in the UK have come to a standstill and in some cases are being reversed" because of government policies and austerity measures. Women's unemployment has risen, women's NGOs receive less support from the

government and the value of Child Benefit has been cut (Lee 2012: 1). Furthermore, there are ever-present issues such as the gender pay gap and expensive childcare (Lee 2012: 1), which in most cases is still a responsibility of women (Fredman 2013). As determined by Fredman (2013), EU legislation should focus more on the CEDAW and its provisions to help the Convention become more visible and effective in the UK.

When it comes to Italy, the state signed the Convention on the Elimination of All Forms of Discrimination against Women in 1980 and then it was ratified without reservations in 1985 (Donà 2018: 227). In Italy, like in the UK, the "innovative content of the Convention" and of its domestic implications failed to generate much interest and was not met with many preparatory initiatives, as the ratification of the Convention was seen as a formal act (Donà 2018: 228). After the ratification, the first report should have been submitted by the state within one year, but it was delayed (Donà 2018: 228). According to Donà (2018: 228) this is a common trait that characterises Italian periodic reports in general, as they have an average delay of three years past the deadline. The second and the third reports were praised by the CEDAW Committee in 1997, while the fourth and the fifth reports were highly criticised for the lack of information about the condition of women and the insufficient implementation of the previous recommendations (McQuigg 2007: 471-472). On the whole, the Committee was concerned about the small amount of measures implemented to raise awareness among the general public, the police, the judiciary and in the healthcare system with regard to women's rights, especially domestic violence (McQuigg 2007: 472). Moreover, Italy was criticised for the lack of strategies to tackle violations of women's rights (McQuigg 2007: 472). In 2011 Italy was not able to provide the data on femicides requested by the CEDAW Committee because it had not been collected by the authorities, but different women's organisations and associations worked together to create a 'Shadow report' regarding the implementation of the Convention in the country (Del Re 2013: 23). This report brought to light many inconsistencies in different Italian policies about male violence against women (Del Re 2013: 24). It is important to point out that only in 1996 in Italy the law reclassified sexual assault as a criminal felony against an individual and not a moral offense against the victim's family (Del Re 2013: 24; Stanley 1999). Even now, Italy's gender equality index is "far below" the European average since women's employment rate is not up to standards and the women who have a job often have to retire because of maternity (Donà

2018: 226). However, according to Donà (2018: 226), progress has been registered when it comes to education and representation in Parliament. Furthermore, as a result of the work of many NGOs, in recent years Italy has been paying more and more attention to women's rights international standards and provisions (Degani 2010: 15).

3. TRANSLATION

Nazioni Unite CEDAW/C/GBR/8

Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne

Distr.: Generale
18 dicembre 2017

Originale: inglese

Comitato per l'eliminazione della discriminazione contro le donne

Ottavo rapporto periodico presentato dal Regno Unito di Gran Bretagna e Irlanda del Nord ai sensi dell'articolo 18 della Convenzione, previsto per il 2017*

[Data di ricezione: 16 novembre 2017]

Nota: il presente documento è distribuito solo in inglese, francese e spagnolo.
* Il presente documento viene rilasciato senza revisione formale.

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Prefazione

Il presente documento costituisce l'ottavo rapporto periodico che il Regno Unito è tenuto a presentare al Segretario Generale delle Nazioni Unite ai sensi dell'articolo 18 della Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne (CEDAW). Il rapporto riguarda il periodo dal 2011 al 2017.

Durante questo periodo, il Regno Unito è stato guidato da un governo di coalizione tra il 2010 e il 2015 e da un governo di maggioranza conservatrice dal 2015 ad oggi. Attualmente sono ancora in corso i negoziati sulla ripartizione del potere[1] tra i principali partiti politici dell'Irlanda del Nord e, in assenza di un governo decentrato operativo, i riferimenti a questa regione del Regno Unito contenuti in questo rapporto restano subordinati alla revisione e al consenso dei futuri Ministri responsabili delle questioni in esame.

Il 23 giugno 2016, il popolo del Regno Unito ha votato per uscire dall'UE. Tuttavia, il Regno Unito resta fedele all'impegno di mantenere il proprio solido ruolo globale in relazione ai diritti umani e continua a rispettare i suoi obblighi in materia di diritti umani a livello internazionale.

Il documento è stato in gran parte elaborato in risposta alle *Osservazioni conclusive* e alle *Raccomandazioni* del 2013[2] del Comitato delle Nazioni Unite per l'eliminazione della discriminazione contro le donne, formulate a seguito della valutazione del settimo rapporto periodico del Regno Unito, e prende in esame articolo per articolo l'implementazione della Convenzione nel Regno Unito. Nel rapporto sono state indicate con una nota di chiusura le sezioni dove il testo risulta attinente a una Raccomandazione.

È inoltre necessario fare riferimento al *Documento di base comune 2014*[3] del Regno Unito, che fornisce una panoramica delle caratteristiche del paese e delle strutture politiche e giuridiche istituite per garantire la promozione e la protezione dei diritti umani all'interno del Regno Unito.

Il rapporto utilizza dati statistici e informazioni fornite dai Dipartimenti del governo centrale del Regno Unito, dalle Amministrazioni decentrate di Scozia, Galles e Irlanda del Nord, dai governi dei Territori britannici d'oltremare e dall'Isola di Man, Dipendenza della Corona.

Nel redigere questo rapporto, l'Ufficio governativo per l'uguaglianza del Regno Unito (Government Equalities Office, GEO), con il sostegno dei governi del Galles e della Scozia, ha condotto un'attività mirata di coinvolgimento con un campione rappresentativo di associazioni femminili. Il processo di consultazione si è basato in gran parte sulle seguenti tavole rotonde con i portatori di interesse: in Galles il 19 giugno 2017, a Londra il 26 giugno 2017 e in Scozia il 14 luglio 2017. Vedi allegato tre.

[1] https://www.gov.uk/government/news/restoration-of-devolution-a-priority-says-secretary-of-state.

[2] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en.

[3] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=HRI%2fCORE%2fGBR%2f2014&Lang=en.

Introduzione

1. Questo rapporto illustra l'approccio globale del governo britannico alla promozione della parità di genere e all'eliminazione della discriminazione. L'Onorevole parlamentare Justine Greening, Segretario di Stato per l'istruzione e Ministro per i diritti delle donne e le pari opportunità, guida la realizzazione del progetto per la parità di genere del governo britannico. Al suo fianco l'Onorevole parlamentare Anne Milton, Ministro responsabile degli apprendistati, delle competenze e della condizione femminile, e il parlamentare Nick Gibb, Ministro responsabile degli standard scolastici e dell'uguaglianza.

Meccanismi istituzionali

2. L'Ufficio governativo per l'uguaglianza guida gli interventi sulle politiche relative alle donne, all'orientamento sessuale e all'uguaglianza transgender ed è responsabile della più ampia prospettiva egualitaria promossa all'interno del governo. Si occupa degli obblighi internazionali del governo in materia di parità di genere e costituisce il "Machinery nazionale per l'avanzamento delle donne", il meccanismo istituzionale che ha il ruolo di supervisionare e di promuovere l'attuazione degli impegni del Regno Unito in conformità con la Convenzione (CEDAW). Nel settembre 2015, questo Ufficio è entrato a far parte del Ministero dell'istruzione del Regno Unito, mantenendo le medesime funzioni.

3. Lo status delle Amministrazioni decentrate (DA) di Irlanda del Nord, Scozia e Galles e i rapporti del Regno Unito con le Dipendenze della corona (CD) e i Territori d'oltremare (OT) sono illustrati negli allegati da uno a tre del settimo rapporto periodico del Regno Unito.

Riserve

4. Il governo del Regno Unito ha riesaminato le attuali riserve alla Convenzione (allegate) e ha concluso che non dovrebbero essere ritirate[1].

Estensione della ratifica della Convenzione da parte del Regno Unito

5. Prendendo atto della raccomandazione del Comitato, l'Ufficio governativo per l'uguaglianza del Regno Unito in collaborazione con il Ministero per gli affari esteri e il Commonwealth ha sviluppato un piano di lavoro per estendere la ratifica della Convenzione da parte del Regno Unito ai territori britannici d'oltremare che non ne erano già firmatari. A partire dal 2017, il governo del Regno Unito ha esteso l'applicazione territoriale della Convenzione da tre a sette territori d'oltremare, includendo Anguilla, le Isole Cayman, le Bermude e le isole di Sant'Elena, Tristan da Cunha e Ascensione. L'obiettivo del governo è estendere la ratifica del Regno Unito ai restanti Territori d'oltremare e alle Dipendenze della Corona di Jersey e Guernsey.[2]

Articoli 1-4: Approccio adottato dal Regno Unito per combattere la discriminazione e promuovere la parità di genere

Approccio globale[3]

6. Il governo del Regno Unito riconosce l'importanza di un efficace coordinamento e monitoraggio dell'implementazione della CEDAW e delle Osservazioni conclusive del Comitato CEDAW, comprese le sue raccomandazioni, in tutto il Regno Unito e nei suoi CD e OT. È stata istituita una rete di funzionari provenienti da tutti i Dipartimenti del governo centrale e nelle DA come evidenziato nel settimo rapporto periodico del Regno Unito. A seguito della valutazione di questo rapporto, le Osservazioni conclusive e le Raccomandazioni del 2013[4] sono state inviate ai Ministeri di tutto il Regno Unito per far conoscere le raccomandazioni del Comitato.

[4] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en.

È stato istituito un gruppo di lavoro interministeriale di funzionari guidati dall'Ufficio governativo per l'uguaglianza per monitorare l'implementazione delle raccomandazioni. La rete di alto livello formata dai responsabili della parità di genere (Gender Directors' Network) e presieduta dal Direttore per la parità di genere del GEO, che comprende le controparti delle DA, rimane un forum importante per lo scambio delle migliori pratiche per l'implementazione della CEDAW.

7. Il governo del Regno Unito e le DA hanno incluso varie strategie per diffondere e far conoscere la CEDAW, le Osservazioni conclusive e il Protocollo facoltativo durante il periodo di riferimento, tra cui:

- L'inserimento di informazioni sulla CEDAW e il Protocollo facoltativo sul sito Web dell' Ufficio governativo per l'uguaglianza;
- Il finanziamento e l'organizzazione di nove eventi di consultazione in occasione del 20° anniversario della Dichiarazione e della Piattaforma d'azione di Pechino per far conoscere la CEDAW;
- L'adesione a gruppi di monitoraggio dei trattati del Regno Unito (per es. il GEO è rappresentato all'interno del Gruppo di lavoro per il monitoraggio dei trattati della Commissione per l'uguaglianza e i diritti umani);
- La collaborazione con il Ministero per gli affari esteri e il Commonwealth per ospitare la prima conferenza del Regno Unito sui diritti umani nei Territori d'oltremare per le commissioni sui diritti umani degli OT, che ha incluso la condivisione dell'approccio del Regno Unito all'implementazione della CEDAW.

Approccio legislativo

Disposizioni di attuazione della Legge sull'uguaglianza del 2010 (Equality Act 2010)

8. La Legge sull'uguaglianza (2010)[5] vieta la discriminazione diretta e indiretta, le molestie, la vittimizzazione e altri comportamenti specifici, con alcune eccezioni ritenute lecite ove appropriato. Prendendo atto della raccomandazione del Comitato, il governo del Regno Unito non concorda sul fatto che la Legge sull'uguaglianza del 2010 debba incorporare tutte le disposizioni della Convenzione. Ciò la renderebbe sproporzionata in termini di genere, offrendo alle donne più diritti di altri, come ad esempio le persone disabili o le persone appartenenti alle diverse minoranze etniche. Questo indebolirebbe il fondamento logico della legislazione, che offre protezione a coloro che hanno una delle nove caratteristiche tutelate; pertanto la Legge sull'uguaglianza del 2010 impedisce la discriminazione sulla base di una serie di caratteristiche tutelate in modo equo e senza creare un'uguaglianza gerarchica[4].

Obbligo di uguaglianza nel settore pubblico (Public Sector Equality Duty, PSED)

9. L'Obbligo di uguaglianza nel settore pubblico dovrebbe essere interpretato in modo coerente con il resto della Legge sull'uguaglianza del 2010. Il governo del Regno Unito approva le linee guida contenute nel *Codice di prassi della Legge sull'uguaglianza del 2010 della Commissione sull'uguaglianza e sui diritti umani*[6], che agevola l'interpretazione del PSED. È inoltre disponibile una guida non normativa per aiutare le autorità pubbliche a comprendere e adempiere ai loro doveri. Il governo del Regno Unito si impegna a rendere il paese più equo per tutti e sta lavorando per identificare e affrontare le cause della disuguaglianza socio-economica.[5] L'articolo 75 della Legge sull'Irlanda del Nord del 1998 (Northern Ireland Act 1998) stabilisce l'obbligo statutario nei confronti delle autorità pubbliche nell'esercizio delle loro funzioni di tenere debitamente conto della necessità di promuovere le pari opportunità tra uomini e donne in generale.

[5] http://www.legislation.gov.uk/ukpga/2010/15/contents.

[6] https://www.equalityhumanrights.com/sites/default/files/employercode.pdf.

Formazione relativa all'Obbligo di uguaglianza nel settore pubblico

10. La maggior parte dei dipartimenti del governo del Regno Unito ha avvocati che forniscono formazione nell'ambito del PSED e/o della discriminazione ai propri funzionari politici in modo che il personale di prima linea capisca ciò che l'obbligo comporta. I dipartimenti possono quindi garantire la conformità con il PSED nel processo di formazione della politica e decisionale. Saranno poi in grado di valutare l'impatto delle loro politiche su gruppi con caratteristiche tutelate, comprese le donne, e questo consentirà loro di tenere in debita considerazione la promozione delle pari opportunità per le donne e di promuovere buoni rapporti tra queste ultime e gli altri gruppi con caratteristiche protette.

11. In Scozia, le norme del 2012 relative alla Legge sull'uguaglianza del 2010 (sugli obblighi specifici della Scozia) impongono alle autorità pubbliche scozzesi di intraprendere una serie di attività che consentano una migliore esecuzione dell'obbligo di uguaglianza nel settore pubblico contenuto nella Legge sull'uguaglianza del 2010. Queste attività comprendono: fornire relazioni sulla diffusione dell'uguaglianza; stabilire obiettivi in ambito di uguaglianza e riferire sui progressi; svolgere valutazioni sull'impatto in termini di parità; raccogliere, utilizzare e pubblicare informazioni sui dipendenti; rendere pubblici il loro divario retributivo di genere e una dichiarazione sulla parità retributiva che stabilisca una politica di retribuzione equa e dettagli sulla segregazione professionale.

Relazioni sul divario retributivo di genere

12. Il governo del Regno Unito ha espresso la raccomandazione del Comitato di imporre alle grandi organizzazioni la pubblicazione dei loro dati sul divario retributivo di genere. Le norme del 2017 della Legge sull'uguaglianza del 2010 (sulle informazioni relative al divario retributivo di genere) sono state introdotte ai sensi dell'articolo 78 della Legge in questione e si applicano ai grandi datori di lavoro nel settore privato e nel terzo settore. Le norme del 2017 della Legge sull'uguaglianza (sugli obblighi specifici e le autorità pubbliche), introdotte ai sensi dell'articolo 153 di questa Legge, sostituiscono i precedenti regolamenti sugli obblighi specifici in Inghilterra che sono alla base dell'Obbligo di uguaglianza nel settore pubblico.

13. Prendendo atto delle riserve del Comitato, l'articolo 19 della Legge sull'occupazione (Employment Act, NI) del 2016 dell'Irlanda del Nord prevede che i datori di lavoro debbano, in conformità con le norme stabilite dall'Ufficio Esecutivo, divulgare informazioni che possano dimostrare l'esistenza di disparità retributive di genere tra i dipendenti. Le informazioni devono essere presentate con riferimento a una serie di fattori prescritti dalla normativa. Laddove vengano identificate differenze retributive di genere, un datore di lavoro deve comunicare un piano d'azione per eliminarle e fornire una copia di suddetto piano ai dipendenti e ai sindacati riconosciuti. La dimensione dei datori di lavoro a cui si applicano i requisiti (determinata dal numero di dipendenti di ogni organizzazione) deve essere stabilita dalla normativa. Le norme ai sensi dell'articolo 19 della Legge del 2016 devono ancora essere definite. L'articolo 19 della Legge del 2016 prevede anche la pubblicazione di una strategia e di un piano d'azione per eliminare le differenze retributive di genere[6].

14. In Scozia, le norme del 2012 relative alla Legge sull'uguaglianza del 2010 (sugli obblighi specifici della Scozia) impongono alle autorità pubbliche scozzesi di divulgare il proprio divario retributivo di genere e una dichiarazione sulla parità di retribuzione che stabilisca una politica di retribuzione equa e dettagli sulla segregazione professionale.

Il ritiro del Regno Unito dall'Unione Europea e le pari opportunità

15. Il Regno Unito si sta preparando a lasciare l'UE nelle migliori condizioni possibili per l'interesse nazionale e si impegna a garantire che il paese emerga da questo periodo di cambiamento più forte, più equo, più unito e più aperto che mai. Il Regno Unito ha una delle più forti legislazioni del mondo in materia di uguaglianza e garantirà che le solide protezioni previste dalle leggi sull'uguaglianza continuino ad essere applicate. Il governo britannico rivedrà inoltre tutti gli attuali sistemi di finanziamento dell'UE nei prossimi mesi e si consulterà con tutte le parti interessate, al fine di garantire che eventuali impegni in corso in materia di finanziamento servano al meglio gli interessi nazionali del Regno Unito.

Attuazione degli Obiettivi di Sviluppo Sostenibile (OSS/SDGs) delle Nazioni Unite7

16. Prendendo atto della raccomandazione del Comitato, il governo del Regno Unito si è occupato di garantire un Obiettivo di sviluppo sostenibile indipendente sulla parità di genere. Nel rapporto dal titolo "Agenda 2030: Delivering the GlobalGoals"[7], pubblicato dal Ministero per lo sviluppo internazionale del Regno Unito nel marzo 2017, ciascuno dei 17 obiettivi viene preso in esame e si pianifica il modo in cui il governo li raggiungerà a livello nazionale e internazionale. Il governo ha inoltre pubblicato una risposta all'indagine del Comitato speciale per le donne e le pari opportunità (Women and Equalities Select Committee, WESC) sull'attuazione a livello nazionale dell'Obiettivo 5 degli OSS. In Scozia, prima della revisione dei risultati nazionali del Modello di prestazione nazionale (National Performance Framework, NPF), i funzionari hanno individuato nel NPF il miglior meccanismo attraverso il quale l'Obiettivo dovrebbe essere implementato in Scozia. Gli obiettivi e le ambizioni della Scozia, come affrontare la disuguaglianza e garantire l'accesso a un'istruzione e a un'assistenza sanitaria di alta qualità, si riflettono negli OSS.

Provvedimenti per eliminare la discriminazione nei confronti di gruppi specifici:

Donne nere, asiatiche e di minoranze etniche[8]

17. Nell'agosto 2016, il governo del Regno Unito ha avviato una valutazione[8] dei servizi pubblici per portare alla luce le disparità razziali e contribuire a porre fine alle ingiustizie subite da molte persone, tra cui le donne delle categorie sopracitate. Sono compresi il sostegno all'occupazione, l'istruzione e l'assistenza sanitaria. Si tratta di un controllo globale dell'erogazione dei servizi pubblici, che comprende i dati salienti che i dipartimenti e i servizi pubblici attualmente detengono, nonché l'identificazione di nuove informazioni da raccogliere. I risultati, pubblicati nell'ottobre 2017, indirizzeranno la politica del governo a livello locale e nazionale. Per migliorare l'accesso all'occupazione, il governo del Regno Unito ha rafforzato le competenze del personale nelle agenzie per il lavoro per aiutare queste donne a superare gli ostacoli che potrebbero incontrare nel trovare un impiego. È stata condotta una ricerca sul campo per comprendere meglio quali interventi possano essere efficaci e le agenzie per il lavoro stanno condividendo la corretta prassi con una rete di agenzie più ampia.

18. In Scozia, un nuovo Fondo per l'uguaglianza sul posto di lavoro (Workplace Equality Fund) da 500.000 sterline mira ad affrontare i problemi che da tempo ostacolano l'accesso al mercato del lavoro. È probabile che si concentri sul reclutamento e la progressione di carriera di donne, disabili, minoranze etniche e lavoratori anziani.

Donne con disabilità

19. Il governo del Regno Unito vuole salvaguardare i diritti delle persone con disabilità, comprese le donne, garantendo che le politiche del governo e le politiche di genere:

- Incorporino l'uso del modello sociale della disabilità per eliminare gli ostacoli e soddisfare i bisogni delle persone disabili;
- Tengano conto della Convenzione delle Nazioni Unite sui diritti delle persone con disabilità (UNCRDP).

20. Le disposizioni in materia di azioni positive consentono anche azioni mirate ad aiutare le persone disabili a superare le condizioni di svantaggio, aumentare la partecipazione o soddisfare esigenze specifiche. *La Dichiarazione nazionale di aspettative rispetto alla violenza contro donne, ragazze e bambine (The Violence Against Women and Girls: National Statement of Expectations)*[9] esige che le unità locali forniscano un'ampia varietà di servizi, tenendo conto di come questi saranno resi accessibili alle donne con disabilità e fornendo servizi specifici per gestire i disturbi di apprendimento.

[7] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/603500/Agenda -2030-Report4.pdf.

[8] https://www.gov.uk/government/news/prime-minister-orders-government-audit-to-tackle-racial-disparities-in-public-service-outcomes.

[9] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574665/VAWG _National_Statement_of_Expectations _-_ FINAL.PDF.

21. Nel 2016, il governo scozzese ha pubblicato un Piano d'azione per la disabilità (Disability Delivery Plan, DDP) dal titolo "A Fairer Scotland for Disabled People" che si occuperà della rimozione degli ostacoli che le persone disabili possono dover affrontare nel trovare e mantenere un lavoro e sviluppare la propria carriera.

Donne che hanno commesso reati[9]

22. Dalla *relazione Corston*[10] del 2007 sono stati compiuti progressi significativi, inclusa la fine delle perquisizioni complete obbligatorie sulle donne all'ingresso in carcere e il passaggio a un approccio basato sul rischio che incorpora standard di genere per le donne in tutti i settori dei regimi carcerari. Inoltre, nel maggio 2013 è stato istituito un comitato consultivo sulle donne che hanno commesso reati, che riunisce i principali portatori di interesse di tutto il governo britannico per fornire leadership e consulenza specializzata nella realizzazione del programma per le donne in questione.

23. Il governo del Regno Unito sta sviluppando una strategia per le donne che hanno commesso reati che sarà definita a tempo debito, al fine di migliorare le condizioni per le donne nella comunità e in custodia. Le decisioni circa le pene detentive sono di competenza della magistratura indipendente. Il governo si impegna a garantire che tutti gli indagati e i trasgressori ricevano un trattamento equo nel sistema di giustizia penale, indipendentemente dalla loro origine etnica. Il 31 gennaio 2016 è stata organizzata una revisione indipendente per comprendere i fattori che influenzano il trattamento e le condizioni degli individui neri, asiatici e appartenenti a minoranze etniche, al fine di identificare le aree da riformare e formulare raccomandazioni per il progresso, con l'obiettivo finale di ridurre la percentuale di suddetti individui nel sistema penitenziario.[1011]

24. Nell'Irlanda del Nord, il Dipartimento di Giustizia sta attualmente collaborando con i partner ufficiali, il terzo settore e a livello comunitario per sviluppare una nuova strategia incentrata sulla riduzione dei reati commessi da donne. La strategia mira a presentare un approccio basato su una prospettiva di genere che favorisca la desistenza e migliori le condizioni delle donne in contatto con il sistema di giustizia penale. Il governo scozzese ha annunciato la decisione di costruire una nuova prigione femminile nazionale e fino a cinque piccoli centri di custodia a livello comunitario in tutta la Scozia.

Uguaglianza per persone lesbiche, gay, bisessuali e transgender

25. Il Regno Unito continua ad essere riconosciuto da ILGA-Europe come uno dei paesi più progressisti in Europa per quanto riguarda i diritti LGBT. Dall'ultimo rapporto periodico, il Regno Unito ha compiuto progressi significativi verso la parità dei diritti, come la celebrazione di 15.098 matrimoni tra coppie omosessuali in Inghilterra e in Galles nei 15 mesi successivi all'estensione del diritto al matrimonio alle coppie dello stesso sesso, e l'aumento di coppie omosessuali che sono diventate genitori adottivi.[11] Dall'entrata in vigore della Legge sul riconoscimento del genere (Gender Recognition Act) del 2004, nel Regno Unito sono stati rilasciati 4.626 certificati di riconoscimento del genere.

26. Il governo del Regno Unito ha inoltre adottato misure per ridurre le discriminazioni subite dalle persone LGBT, tra cui: l'aumento della durata delle condanne per crimini di odio contro le persone transgender, la pubblicazione di linee guida per i datori di lavoro sull'assunzione e il mantenimento di dipendenti transgender e di linee guida per gli assistenti sociali per trattare di orientamento sessuale e questioni di identità di genere in materia di richieste di asilo. Nel 2016 il governo britannico ha annunciato un investimento di 3 milioni di sterline per un programma per prevenire e affrontare in modo sostenibile il bullismo omofobico, bifobico e transfobico nelle scuole.

27. Il governo del Regno Unito ha commissionato e pubblicato una revisione delle prove della disuguaglianza tra i gruppi LGBT nel Regno Unito e ha lanciato un sondaggio nazionale in ambito LGBT per valutare se i servizi pubblici del paese tengono conto delle esigenze

[10] http://www.justice.gov.uk/publications/docs/corston -report-march-2007.pdf.

[11] https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014-to-2015.

specifiche delle persone LGBT e comprendono i modi in cui queste persone possono subire discriminazioni durante la loro vita.

Il sondaggio si è chiuso il 15 ottobre 2017 e i risultati saranno analizzati e utilizzati per formare i piani del governo del Regno Unito per sviluppare l'uguaglianza delle persone LGBT.

28. L'approccio del governo dell'Irlanda del Nord è soggetto all'articolo 75 della Legge sull'Irlanda del Nord del 1998 che impone alle autorità pubbliche, nell'esercizio delle loro funzioni relative al paese, di tenere debitamente conto della necessità di promuovere le pari opportunità tra uomini e donne in generale, e tra persone di diverso orientamento sessuale.

29. Il governo scozzese ha ottenuto risultati validi per quanto riguarda il mondo LGBTI. Ad esempio, ha previsto attraverso la Legge sul matrimonio e le unioni civili (Marriage and Civil Partnership Act) (della Scozia) del 2014 che le coppie omosessuali si possano sposare, utilizza una definizione inclusiva di identità di genere nella sua legislazione sui crimini d'odio, ha aggiunto l'uguaglianza delle persone intersessuali al suo approccio all'orientamento sessuale e all'identità di genere e ora utilizza l'acronimo LGBTI per sostenere l'inclusione di queste persone in Scozia. Al fine di continuare a promuovere l'uguaglianza per la comunità LGBTI, il governo scozzese si è impegnato, nel suo Programma di governo 2016-17, a "rivedere e riformare la legge sul riconoscimento del genere, in modo che sia in linea con le migliori pratiche internazionali per le persone transgender o intersessuali.

Enti pubblici non dipartimentali

30. La Commissione per l'uguaglianza e i diritti umani rimane l'organo statutario indipendente con la responsabilità di eliminare la discriminazione, promuovere e monitorare i diritti umani e promuovere l'uguaglianza. È sponsorizzata dall'Ufficio governativo per l'uguaglianza e applica la Legge sull'uguaglianza del 2010. La Commissione per l'uguaglianza per l'Irlanda del Nord ha la funzione statutaria di monitorare l'implementazione dell'articolo 75 della Legge sull'Irlanda del Nord del 1998.

Servizio di consulenza e supporto per l'uguaglianza

31. Il GEO sponsorizza il Servizio di consulenza e supporto per l'uguaglianza che fornisce informazioni, consulenza e supporto di esperti di alto livello per le persone che hanno problemi di discriminazione. Si concentra in particolare sulla ricerca di soluzioni precoci e informali e sull'assistenza per i problemi di discriminazione più complessi per clienti vulnerabili, fornendo un supporto intensivo per coloro che ne hanno più bisogno.

Comitato speciale per le donne e le pari opportunità

32. Il Comitato speciale per le donne e le pari opportunità è un comitato della Camera dei comuni del Parlamento del Regno Unito. È stato istituito a seguito delle elezioni generali del 2015 per esaminare le spese, l'amministrazione e la politica dell'l'Ufficio governativo per l'uguaglianza in materia di problemi legati alle pari opportunità (genere, età, razza, orientamento sessuale, disabilità e identità transgender / di genere).

Organizzazioni non governative [12]

33. L'evento annuale di consultazione delle ONG nazionali, tenutosi nel periodo precedente alla Commissione sullo status delle donne (CSW), è uno dei principali tramiti per la collaborazione del governo del Regno Unito con le donne e le organizzazioni femminili. Nell'ottobre 2014, il GEO ha lanciato una campagna itinerante sul coinvolgimento delle donne e un sondaggio online per celebrare il ventesimo anniversario della Piattaforma d'azione di Pechino. Le organizzazioni femminili di tutto il Regno Unito sono state invitate a condividere le loro opinioni su quali progressi siano stati compiuti verso la parità di genere e le priorità per futuri provvedimenti. Il governo scozzese finanzia una varietà di organizzazioni e progetti che promuovono le pari opportunità per donne e uomini in Scozia, tra cui Engender e la Convenzione delle donne scozzesi (Scottish Women's Convention). Il Programma di finanziamento per l'uguaglianza e l'inclusione del governo gallese 2017-20 supporta la Rete per l'uguaglianza delle donne (Women’s Equality Network, WEN) del Galles per garantire che i responsabili decisionali del paese prestino attenzione alle opinioni di donne, ragazze e bambine.

Riceveranno una sovvenzione di 120mila sterline all'anno durante i tre anni di durata del programma.

Provvedimenti speciali per accelerare il raggiungimento dell'uguaglianza

34. La legge sull'uguaglianza del 2010 consente l'adozione di provvedimenti rivolti alle donne, ad esempio per consentire loro di trovare lavoro o accedere ai servizi sanitari. Tali provvedimenti possono essere adottati solo se sono un mezzo adeguato per raggiungere un obiettivo legittimo. Non si tratta di discriminazione positiva, cioè di favorire un individuo o un gruppo solo perché hanno una caratteristica protetta indipendentemente da altri fattori rilevanti. La legge sull'uguaglianza del 2010 ha esteso il periodo durante il quale sono consentiti gli elenchi ristretti di sole donne al fine di contribuire ad aumentare la rappresentanza delle donne in Parlamento e in determinati organi elettivi. Saranno consentiti fino al 2030.

35. Il governo scozzese ha preso provvedimenti per affrontare la disuguaglianza che le donne sperimentano in relazione al mondo del lavoro, come la scarsa rappresentanza in ruoli di alto livello e decisionali, lo squilibrio di genere nel mondo delle discipline scientifico-tecologiche (STEM) e la violenza contro donne, ragazze e bambine. Il governo scozzese si è anche impegnato a istituire un Consiglio di consulenza per donne, ragazze e bambine per difendere i loro diritti e promuovere i cambiamenti che possono essere messi in atto nella società per garantire l'uguaglianza.

Accelerazione del raggiungimento della parità di genere nei Territori d'oltremare britannici e nell'Isola di Man

36. Ad Anguilla è entrata in vigore la Legge sulla violenza domestica (Domestic Violence Act) (2014) che offre una maggiore protezione alle vittime di violenza domestica autorizzando la Corte a concedere un ordine protettivo e ad intervenire in altre situazioni correlate. Nel 2012, la legislazione sulla parità di genere è stata introdotta nelle Isole Cayman e proibisce la discriminazione sia diretta che indiretta sulla base del sesso, dello stato civile, in gravidanza o di genere nel mondo del lavoro e in situazioni correlate.

37. La Legge sull'uguaglianza del 2017[12] è stata recentemente approvata e il governo dell'isola di Man ha iniziato a prepararsi per la fase di attuazione di questa legislazione. Ai sensi di questa legge, le autorità pubbliche saranno soggette all'Obbligo di uguaglianza nel settore pubblico. L'implementazione della legge è un risultato specifico nell'ambito dell'Obiettivo strategico per una società inclusiva e solidale (Inclusive and Caring Society) del programma di governo 2016-2021[13] dell'Isola di Man. L'attuale tutela contro la discriminazione in ambito lavorativo prevista dalla legislazione dell'Isola di Man sarà ampliata dalla Legge sull'uguaglianza per includere anche la discriminazione nella fornitura di beni e servizi. Inoltre la Legge attuerà pienamente la parità di retribuzione per un lavoro di pari valore.

Articolo 5 - Ruoli e stereotipi legati al sesso[13]

38. Il governo del Regno Unito sta collaborando con le industrie dei media per promuovere la diversità sullo schermo e nella realtà. Ad esempio, il Ministero per il digitale, la cultura, i media e lo sport del Regno Unito sostiene Project Diamond, un ambizioso sistema di monitoraggio della diversità a livello di settore creato dalle emittenti BBC, Channel 4, ITV e Sky e supportato dall'associazione di categoria Pact e l'ente di formazione Creative Skillset, attraverso la rete Creative Diversity Network. Alle persone che lavorano davanti o dietro la cinepresa in tutte le produzioni del Regno Unito verrà chiesto di inserire informazioni sul loro genere, identità di genere, età, appartenenza etnica, orientamento sessuale e disabilità nel sistema di monitoraggio Diamond.

[12] https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2017/2017-0005/EqualityAct2017_1.pdf.

[13] https://www.gov.im/about-the-government/government/the-council-of-ministers/programme-for-government/.

La lotta agli stereotipi di genere nella pubblicità

39. Il governo ha accolto con favore il recente rapporto[14] dal titolo "*Depictions, Perceptions and Harm*" da parte dell'ente regolatore della pubblicità del Regno Unito (Advertising Standards Authority), che ha esaminato l'effetto degli stereotipi di genere nella pubblicità. Il rapporto fornisce prove per dimostrare che le pubblicità che includono ruoli o caratteristiche di genere stereotipati potrebbero effettivamente causare danni. Il governo del Regno Unito sta valutando diverse opzioni su come può collaborare con il settore per garantire che le pubblicità rappresentino sia le donne che gli uomini in modo positivo.

Cultura, pratiche ed etica della stampa[14]

40. Sir Brian Leveson ha pubblicato il suo rapporto[15] sulla prima parte della sua inchiesta il 29 novembre 2012. Conteneva 92 raccomandazioni relative ad ambiti quali l'autoregolamentazione della stampa, la polizia, i rapporti tra stampa e politici, la protezione dei dati, la pluralità e la proprietà dei media. È stato dato seguito alla maggior parte di queste raccomandazioni e si stanno mettendo in pratica. Il Comitato per il riconoscimento della stampa (Press Recognition Panel, PRP) è stato istituito tramite Concessione reale per creare un nuovo sistema di autoregolamentazione volontaria della stampa. Il PRP è indipendente dal governo e la sua funzione è quella di valutare se un ente autoregolatore della stampa soddisfa i criteri stabiliti nella Concessione reale. In questo sistema può esistere più di un ente autoregolatore e gli editori sono liberi di aderire o meno.

41. Il governo del Regno Unito si impegna a difendere libertà conquistate a fatica e l'attività di una stampa libera. L'approccio del Regno Unito all'autoregolamentazione della stampa garantisce la salvaguardia della libertà di espressione e l'impegno a prevenire problemi come la discriminazione. Tuttavia, il governo del Regno Unito riconosce che rimangono sfide da affrontare.

42. La *Concessione reale per l'autoregolamentazione della stampa*[16] è stata concordata dal governo scozzese e da quello britannico ed è stata approvata all'unanimità dal parlamento scozzese e da tutti i principali partiti di Westminster. La Concessione attua un processo per implementare le raccomandazioni del Rapporto Leveson. La strategia per l'uguaglianza in materia di sicurezza "*Equally Safe*" del governo scozzese prevede interventi per prevenire ed eliminare la violenza contro donne, ragazze e bambine e contiene un impegno a collaborare con i media per quanto riguarda la discriminazione di genere.

Le donne e le discipline scientifiche, tecnologiche, di ingegneria e matematica (STEM)[15]

43. Nel Regno Unito, le ragazze hanno le stesse probabilità dei ragazzi di passare gli esami finali della scuola secondaria (GCSE) con buoni risultati nell'ambito delle discipline STEM. Il governo ha preso provvedimenti per aumentare la diffusione delle materie STEM tra ragazze e ragazzi, ma riconosce che c'è ancora molto lavoro da fare.

44. Il numero di ragazze che portano discipline STEM alla maturità è aumentato del 20% dal 2010 al 2017. Per la prima volta dal 2004 ci sono più immatricolazioni femminili che maschili a Chimica. Le carriere in ambito STEM beneficiano di un premio del 19% e il governo britannico spende oltre 12 milioni di sterline all'anno in programmi per scuole e università per:

- Aumentare la diffusione di matematica e fisica;[17]
- Supportare un migliore insegnamento di queste materie nelle scuole;

[14] https://www.asa.org.uk/resource/depictions-perceptions-and-harm.html.

[15] https://www.gov.uk/government/publications/leveson -inquiry-report-into-the-culture-practice-and-ethics-of- the-press.

[16] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf .

[17] http://stimulatingphysics.org/.

- Aumentare la consapevolezza della gamma di carriere messe a disposizione dalle qualifiche in ambito STEM, attraverso programmi come quello degli ambasciatori STEM, composto per il 42% da donne.

45. Il governo del Regno Unito sta investendo 16 milioni di sterline nel corso di due anni nel *Nuovo programma di sostegno alla matematica di livello 3 (New Level 3 Maths Support Programme)*[18]per aumentare la partecipazione delle ragazze ai corsi di matematica per la maturità e di matematica avanzata. Sta inoltre investendo mezzo miliardo di sterline nello sviluppo delle competenze tecniche dei giovani di 16-19 anni che ottengono il nuovo certificato di livello T[19]. Alcuni certificati di livello T (una nuova qualifica in ambito tecnico) includeranno materie come ingegneria, manifattura e tecnologia digitale. Incoraggiare le ragazze a iscriversi a questi corsi e sfruttare al massimo le preziose competenze ed esperienze che offrono, è una priorità fondamentale. Il governo del Regno Unito sta inoltre investendo in programmi per migliorare la qualità dell'insegnamento delle materie STEM attraverso la formazione e il miglioramento delle competenze degli insegnanti e attirando verso l'insegnamento i migliori laureati in scienze e matematica, ad esempio, attraverso borse di studio per la formazione iniziale.

46. *La Strategia per il successo tramite le discipline STEM (Success through STEM)* delinea come, in Irlanda del Nord, i dipartimenti governativi competenti intendano portare avanti le raccomandazioni contenute nel Rapporto del 2009 sulla revisione in ambito STEM (2009 Report of the STEM Review)[20], affrontando anche i pregiudizi di genere.

47. L'agenzia Skills Development Scotland (SDS) ha pubblicato un Piano d'azione quinquennale per l'uguaglianza negli apprendistati moderni in Scozia. Delinea le azioni che SDS e i suoi partner intraprenderanno per migliorare la partecipazione dei gruppi sottorappresentati al programma di apprendistati. Il piano d'azione include attività per affrontare lo squilibrio di genere in alcuni contesti lavorativi degli apprendistati moderni (ad esempio le donne negli apprendistati in ambito STEM). La Strategia del governo scozzese per questo ambito sarà pubblicata nell'autunno 2017 e propone un piano completo per migliorare l'apprendimento e l'insegnamento delle materie STEM nel curriculum scolastico.

48. Il governo gallese ha accettato tutte e 33 le raccomandazioni contenute nel rapporto dal titolo "*Talented Women for a Successful Wales*". Il rapporto affronta la scarsa rappresentanza e il basso tasso di permanenza delle donne nelle carriere in ambito STEM in Galles.

Dress code

49. Per il governo del Regno Unito è evidente che i codici di abbigliamento discriminatori sono illegali, obsoleti e sessisti e non possono essere tollerati sul posto di lavoro. I datori di lavoro devono adempiere ai propri obblighi legali nei confronti dei propri dipendenti e il governo li sosterrà e pretenderà che lo facciano. La Commissione per l'uguaglianza e i diritti umani e il Servizio di consulenza, conciliazione e arbitrato forniscono già indicazioni per evitare la discriminazione durante la creazione dei codici di abbigliamento. Il governo del Regno Unito ha lavorato a stretto contatto con entrambe le organizzazioni e il Comitato esecutivo per la salute e la sicurezza per elaborare nuove linee guida sui codici di abbigliamento sul posto di lavoro che saranno presto pubblicate.

Gli uomini come agenti di cambiamento

50. Il GEO ha avviato un programma di lavoro per rafforzare l'impegno degli uomini nell'elaborazione di politiche e nella realizzazione di attività che promuovano la parità di genere. Questo programma includeva eventi di dialogo e consultazione con accademici e organizzazioni della società civile, nonché il coordinamento con altri dipartimenti del governo per massimizzare l'apprendimento e le opportunità di collaborazione.

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[18] http://furthermaths.org.uk/2017.

[19] https://www.gov.uk/government/news/education-secretary-announces-first-new-t-levels.

[20] https://www.educationni.gov.uk/sites/default/files/publications/de/Report%20of% 20the% 20STEM% 20Review% 202009_1.PDF.

Articolo 6 - Sfruttamento delle donne

Abuso di genere online

51. Il governo del Regno Unito vuole eliminare il bullismo, le intimidazioni, la violenza e le molestie sia online che offline. Donne, ragazze e bambine possono subire abusi estremi online, da commenti inaccettabili sul loro aspetto e le loro opinioni, a foto intime condivise senza il loro consenso, persino stupri e minacce di morte. Esiste una solida normativa vigente che si occupa dei troll di Internet, del cyber-stalking, delle molestie e dei responsabili di comportamenti gravemente offensivi, osceni o minacciosi. La Legge sull'economia digitale (Digital Economy Act) contribuirà a garantire che l'abuso online sia affrontato efficacemente attraverso un solido codice di prassi per le società di social media.

La lotta alla vendetta porno

52. Il governo del Regno Unito si impegna a sostenere le vittime della pornovendetta e ha erogato 178.000 sterline negli ultimi due anni per finanziare il servizio di supporto telefonico per questi casi (*Revenge Porn Helpline*)[21], che ha ricevuto oltre 6.000 chiamate da quando è stato inaugurato nel febbraio 2015. Quest'anno sono state destinate altre 80.000 sterline a questo servizio per garantire che le vittime della vendetta porno continuino a ricevere il sostegno di cui hanno bisogno. Dal 2015 è in vigore una legislazione che si occupa in particolare della pornovendetta. I tribunali in Inghilterra e Galles possono ora imporre pene detentive immediate ai trasgressori per un massimo di due anni.

53. Il governo scozzese ha introdotto la *Legge sul comportamento violento e l'abuso sessuale (Abusive Behavior and Sexual Harm) (della Scozia)* nel 2016. Ha istituito un reato specifico relativo alla condivisione di immagini intime private senza consenso con una pena massima di cinque anni di reclusione, entrato in vigore il 3 luglio 2017.

La lotta alla tratta di esseri umani e alla schiavitù

54. Il governo del Regno Unito ha introdotto la Legge sulla schiavitù moderna (Modern Slavery Act) nel 2015, che stabilisce la condanna all'ergastolo per i colpevoli e un supporto e una protezione maggiori per le vittime. La *Strategia per la schiavitù moderna del 2014 (Modern Slavery Strategy)*[22] stabilisce un approccio globale per affrontare questa schiavitù. Nel luglio 2016, il Primo Ministro ha annunciato la nascita di una nuova task force per accelerare i progressi nella lotta alla schiavitù e ha promesso un finanziamento di 33,5 milioni di sterline destinato allo sviluppo della prevenzione della schiavitù, incluso un Fondo per l'innovazione da 11 milioni di sterline a supporto dei nuovi metodi per combattere la schiavitù e un Fondo per la protezione contro la tratta di minori da 3 milioni di sterline. Il governo britannico ha destinato 8,5 milioni di sterline al rinnovamento dell'approccio della polizia in risposta a questo crimine complesso e vario, ha sostenuto con successo l'istituzione dell'Obiettivo di Sviluppo Sostenibile 8.7 delle Nazioni Unite per porre fine alla schiavitù moderna e ha ratificato il Protocollo dell'Organizzazione internazionale del lavoro (ILO) alla Convenzione sul lavoro forzato.

55. In Irlanda del Nord è ora in vigore un nuovo quadro legislativo incentrato sulla Legge sulla tratta di esseri umani e lo sfruttamento (giustizia penale e supporto alle vittime) (dell'Irlanda del Nord) del 2015 (Human Trafficking and Exploitation (Criminal Justice and Support Victims) Act). L'articolo 12 della legge prevede l'obbligo di elaborare una strategia annuale per i reati indicati dagli articoli 1 e 2 della suddetta legge (schiavitù, servitù, lavoro forzato o obbligatorio e tratta di esseri umani). Lo scopo della strategia è far conoscere il problema della tratta di esseri umani e i reati di schiavitù moderna e contribuire a ridurre il numero di tali reati.

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[21] https://www.gov.uk/government/news/revenge-porn-helpline-launched-by-government.

[22] https://www.gov.uk/government/publications/modern-slavery-strategy.

La revisione del 2014 del *Meccanismo nazionale di Referral* (NRM)[23] ha formulato una serie di raccomandazioni per le riforme che mirano a migliorare il processo decisionale in relazione ai casi e a migliorare l'efficacia complessiva del NRM in termini di risultati per le vittime. Numerosi progetti pilota in Inghilterra sono terminati alla fine del marzo 2017 e ha avuto inizio un periodo di valutazione. Il Dipartimento di giustizia dell'Irlanda del Nord continua a impegnarsi con il Ministero dell'Interno del Regno Unito per determinare le modalità di attuazione di eventuali modifiche in Irlanda del Nord. Il Dipartimento di giustizia ha inoltre organizzato un evento di consultazione sul futuro del NRM il 20 marzo 2017, in Irlanda del Nord, per il Commissario indipendente anti-schiavitù.

56. In Scozia, la *Legge sulla tratta di esseri umani e lo sfruttamento (della Scozia) del 2015* consolida e rafforza il diritto penale contro la tratta e lo sfruttamento di esseri umani. I reati stabiliti dalla legge ora comportano la pena massima dell'ergastolo. La legge introduce anche disposizioni per la prevenzione e il rischio della tratta e dello sfruttamento. Il governo scozzese sta lavorando con diversi partner per attuare la sua *Strategia contro la tratta e lo sfruttamento di esseri umani (Human Tafficking and Exploitation Strategy)*[24] pubblicata nel maggio 2017.

57. Il Leadership Group anti-schiavitù del Galles fornisce una guida strategica per combattere la schiavitù nel paese. Il Leadership Group coordina la collaborazione tra diversi partner per pianificare e supportare l'esecuzione della strategia, massimizzando così le opportunità di contrastare la schiavitù attraverso soluzioni interistituzionali.

La lotta alla prostituzione[16]

58. Il governo del Regno Unito si impegna a combattere i danni e lo sfruttamento che possono essere associati al mondo della prostituzione e ritiene che coloro che vogliono abbandonare questo mondo debbano avere tutte le possibilità di trovare una via d'uscita. Il Ministero dell'Interno continua a lavorare a stretto contatto con la polizia, il Servizio della procura della corona (Crown Prosecution Service, CPS), altre agenzie in prima linea e altri partner per garantire che la legislazione raggiunga questi obiettivi. Nella risposta del Ministero dell'Interno alla relazione interlocutoria sulla prostituzione del Comitato per *gli affari interni (Home Affairs Select Committee, HASC)*[25], il governo riconosce la necessità di raccogliere una solida base di prove sulla natura e la diffusione della prostituzione in Inghilterra e Galles e ritiene che non si possa valutare adeguatamente l'impatto delle altre raccomandazioni fino al completamento di questa ricerca.

59. Il governo scozzese ha commissionato uno studio esplorativo a livello nazionale dei servizi di patrocinio relativi al sistema di giustizia penale per le vittime di violenza contro donne, ragazze e bambine.[26] Lo studio comprendeva i servizi di patrocinio per le vittime di prostituzione, tratta di esseri umani, stupro e violenza sessuale.

60. Una sovvenzione da 150mila sterline è stata concessa al Commissario di polizia e della lotta al crimine (Police and Crime Commissioner) del Galles del Sud per commissionare questa ricerca. Accademici e ricercatori saranno invitati a presentare un'offerta per l'incarico di sviluppare una comprensione globale e imparziale della natura, della diffusione e della composizione della prostituzione e del mondo del sesso a pagamento in Inghilterra e Galles.

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[23] http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism.

[24] https://beta.gov.scot/publications/trafficking-exploitation-strategy/.

[25] https://www.gov.uk/government/publications/prostitution -government-response-to-the-third-hasc-report-2016-to-2017.

[26] https://beta.gov.scot/publications/national-scoping-exercise-advocacy-services-victims-violence-against-women-girls/documents/00523297.pdf?inline=true.

Articolo 9 - Nazionalità

Sostenere le donne rifugiate e richiedenti asilo[2122]

83. Il governo del Regno Unito si impegna a garantire che il processo di asilo tenga conto delle questioni di genere e ha attuato un piano d'azione specifico in materia di genere per i casi di asilo. Questo piano include una serie di iniziative progettate per aiutare le donne ad affrontare meglio il processo di asilo e per prevenire la discriminazione. Esiste un programma di formazione per tutti gli assistenti sociali che si occupano di domande di asilo, che tratta in particolare dei danni per motivi di genere e di approcci di genere a problemi come traumi e perdita di memoria, in modo che i colloqui siano condotti in modo appropriato e rispettoso. Le linee guida per la politica in materia di asilo relativamente alle questioni di genere e alla violenza domestica del Ministero dell'Interno sono attualmente in fase di aggiornamento. Continuano a essere condotti controlli di garanzia per monitorare la qualità dei colloqui di richiesta d'asilo e delle decisioni al fine di garantire l'attenzione verso le questioni di genere, l'adesione alla politica attuale e promuovere un continuo miglioramento.

84. La strategia per l'integrazione dal nome "*The New Scots: Integrating Refugees in Scotland's Communities*"[38] ha fornito un sistema di riferimento chiaro dal 2014 al 2017 per tutti coloro che lavorano per l'integrazione dei rifugiati in Scozia. Questa strategia ha aiutato a coordinare il lavoro del governo scozzese, delle sue organizzazioni associate e di altri enti nei settori pubblico, privato e terzo. Una strategia "New Scots" rinnovata è in fase di sviluppo. Il sistema sanitario scozzese (NHS Scotland) fornisce servizi sanitari a tutti i richiedenti asilo in Scozia, compresi quelli le cui domande sono state respinte, e questi hanno accesso a servizi legali e assistenza legale per consentire loro di difendere i propri casi. Il governo scozzese ritiene che i richiedenti asilo debbano essere in grado di lavorare mentre le loro richieste vengono valutate.

85. Il *Piano di azione per i richiedenti asilo e i rifugiati (Refugee and Asylum Seeker Delivery Plan)* del governo gallese è stato pubblicato nel marzo 2016. L'obiettivo del piano è consentire ai richiedenti asilo e ai rifugiati di avere l'opportunità di apprendere, prosperare e contribuire alla sfera economica, ambientale, sociale e culturale del Galles. Attraverso la sua Sovvenzione del 2014-2017 per l'uguaglianza e l'inclusione, il governo gallese ha inoltre fornito finanziamenti per il Programma di sostegno alle donne rifugiate della Croce rossa britannica del sud-est del Galles, per consentire a queste donne in condizioni vulnerabili di esercitare autonomamente i propri diritti e accedere ai servizi di supporto locali. A partire dall'aprile 2017, il Consiglio per i rifugiati del Galles fornirà un nuovo Servizio di supporto in tutto il paese per rifugiati, richiedenti asilo e migranti, finanziato dal governo gallese.

La violenza domestica e *la politica di divieto di ricorso ai fondi pubblici*[23]

86. Chi desidera costruire la propria vita familiare nel Regno Unito deve farlo in modo da evitare oneri a carico del contribuente e promuovere l'integrazione. La condizione relativa al divieto di ricorso ai fondi pubblici si applica a coloro che hanno un permesso limitato al di fuori delle aree di protezione, a meno che non sia rispettata la politica contro l'indigenza pubblicata. Laddove un richiedente possa dimostrare che vi sono ragioni particolarmente convincenti relative al benessere di un figlio a causa del reddito molto basso del genitore, o in presenza di circostanze eccezionali relative alla situazione finanziaria del richiedente, la concessione del permesso non sarà soggetta al divieto di ricorso. Una volta concesso il permesso, coloro che sono soggetti a questo divieto possono chiedere che venga revocato in caso di cambiamenti significativi delle loro condizioni, tali da renderli indigenti.

87. La politica contro l'indigenza viene applicata caso per caso, tenendo conto degli elementi specifici della richiesta. Non tutte le donne vittime di violenza e sfruttamento di genere soddisferanno i criteri della politica contro l'indigenza e non sarebbe opportuno applicarla in modo generico.

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[38] http://www.gov.scot/Publications/2013/12/4581.

Per altre richieste in materia di diritti umani, si terrà conto anche di motivazioni come la violenza e lo sfruttamento di genere nel considerare se garantire o meno un permesso senza tenere in considerazione le Norme sull'immigrazione. Il governo scozzese ha accolto con favore il rapporto del Comitato per l'uguaglianza e i diritti umani del Parlamento scozzese sull'indigenza e lo stato incerto degli immigrati in Scozia dal titolo "*Hidden Lives – New Beginnings: Destitution, asylum and insecure immigration status in Scotland*".[39] Il rapporto raccomanda di estendere il campo di applicazione della Concessione per indigenza per le vittime di violenza domestica (Destitute Domestic Violence Concession) a tutte le donne immigrate con uno status irregolare, comprese le richiedenti asilo.

Articolo 15 - Uguaglianza davanti alla legge e materie civili

Assistenza legale per famiglie - Violenza domestica[43]

165. In Inghilterra e in Galles, l'assistenza legale è disponibile per coloro che cercano protezione da un aggressore in casi di violenza domestica ed è stata concessa in oltre 12.000 casi l'anno scorso. L'assistenza legale è disponibile anche per le vittime di violenza domestica con problemi legati al diritto di famiglia quando sono fornite prove oggettive.

166. In Scozia, l'assistenza legale è resa disponibile alle vittime di violenza domestica e di genere che cercano protezione attraverso azioni civili, quando soddisfano i criteri di ammissibilità previsti dalla legge. Non è richiesto un test di residenza e nessun requisito per dimostrare che l'abuso domestico si è verificato. Nei casi penali, lo stato indaga sui reati e persegue i presunti autori dei reati. Le vittime di violenza domestica e di genere godono dello status di "ricorrente" e possono ricevere consulenza e assistenza sul processo penale. Tramite il Consiglio di assistenza legale scozzese (Scottish Legal Aid Board, SLAB)[72], il governo della Scozia ha fornito finanziamenti per sostenere il Centro scozzese per i diritti delle donne, che offre informazioni legali gratuite e consulenza alle donne che hanno subito violenza di genere, compreso un servizio di supporto telefonico nazionale. Il governo scozzese ha anche reso disponibile l'assistenza legale finanziata con fondi pubblici per coloro che cercano rappresentanza legale in procedimenti di recupero in cui sono richiesti documenti con dati sensibili, a seguito della sentenza del caso *WF v Scottish Ministers [2016] CSOH* 27.[73]

Revisione della Legge sull'assistenza legale, la condanna e la pena dei criminali del 2012 (Legal Aid, Sentencing and Punishment of Offenders Act, LASPO)

167. I ministri della giustizia precedenti hanno concordato di presentare al Parlamento un memorandum post-legislativo per la Legge sull'assistenza legale, la condanna e la pena dei criminali e di avviare poco dopo una revisione post-implementazione delle recenti riforme sull'assistenza legale. Il governo ha assunto da tempo l'impegno di effettuare questa revisione e pubblicarla entro l'aprile 2018. Il Lord Cancelliere e Ministro della Giustizia sta valutando gli argomenti a favore della revisione e farà un annuncio a tempo debito.

168. Il governo scozzese ha annunciato una revisione indipendente dell'assistenza legale il 1° febbraio 2017 per adempiere all'impegno di mantenere l'accesso ai finanziamenti pubblici per la consulenza e la rappresentanza legale sia in cause civili che penali insieme a misure per aumentare l'accesso a metodi alternativi di risoluzione delle dispute74. Tenendo conto di una legislazione che in Scozia risale a quasi 30 anni fa, la revisione esplorerà il modo migliore in cui il sistema di assistenza legale possa contribuire a migliorare la vita delle persone oggi e in futuro.

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[39] http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/103215.aspx.

[71] Women in Farming and the Agricultural Sector Research Report 2017: https://beta.gov.scot/publications/women-farming-agriculture-sector/pages/2/.

[72] http://www.slab.org.uk/.

[73] http://www.scotcourts.gov.uk/search-judgments/judgment?id=2af906a7-8980-69d2-b500-ff0000d74aa7.

[74] http://www.gov.scot/About/Review/legal-aid-review.

La protezione delle donne dai sistemi informali di arbitrato comunitario

169. L'intervento del governo del Regno Unito per proteggere le donne dai sistemi informali di arbitrato comunitario è illustrato nella relazione di verifica presentata nel novembre 2015[75].

Costi dei tribunali del lavoro[44]

170. Il 26 luglio 2017, la Corte Suprema ha emesso la sentenza nel caso *R (Unison) v Lord Chancellor*,[76] in cui ha ritenuto illegale il regime dei costi dei tribunali del lavoro e ha annullato la relativa Ordinanza sui costi. Il governo del Regno Unito ha preso provvedimenti immediati per smettere di addebitare i costi e si sta organizzando per rimborsare coloro che hanno pagato in passato. La sentenza è in fase di ulteriore valutazione e le eventuali proposte per i costi futuri saranno presentate a tempo debito.

171. Il programma di governo del 2015 si è impegnato ad abolire i costi in Scozia quando la gestione e il funzionamento dei tribunali del lavoro sono stati delegati. Il governo scozzese continuerà a lavorare con le parti interessate per garantire che il nuovo sistema di tribunali del lavoro in Scozia consenta l'accesso alla giustizia.

Affrontare gli abusi istituzionali del passato[45]

172. Come richiesto dal suo mandato, l'Inchiesta dell'Esecutivo dell'Irlanda del Nord sugli *abusi istituzionali del passato*[77] ha esaminato se ci fossero state carenze sistemiche da parte delle istituzioni o dello stato nei loro doveri nei confronti dei bambini a loro affidati negli anni 1922-1995. Il rapporto dell'Inchiesta è stato pubblicato ufficialmente il 20 gennaio 2017 ed elenca le conclusioni e le raccomandazioni del comitato di inchiesta ufficiale, come richiesto dal mandato dell'indagine. La pubblicazione del rapporto ha portato a conclusione l'Inchiesta sugli abusi istituzionali del passato. Prendendo atto delle preoccupazioni del Comitato, l'Esecutivo dell'Irlanda del Nord ha concordato nell'ottobre 2016 di istituire un gruppo di lavoro interdipartimentale con presidenza indipendente per esaminare ulteriormente sia le Case della Madre e del Bambino/ Case Magdalene (Lavanderie) sia l'abuso clericale di minori. *L'Inchiesta scozzese sugli abusi sui minori*[78] sta esaminando gli abusi sui bambini in tutela e dovrebbe presentare un rapporto entro quattro anni dalla data di inizio del lavoro, il 1° ottobre 2015.

Periodo di prescrizione nei casi civili[46]

173. Il governo scozzese ha introdotto il Progetto di legge sulla prescrizione (Limitation Bill) (per abusi su minori) (della Scozia) nel 2016, eliminando il periodo di prescrizione di tre anni per le cause per danni alla persona derivanti dall'abuso su minori. Nel disegno di legge, la definizione di "abuso" include l'abuso sessuale, fisico ed emotivo. La rimozione del periodo di prescrizione si applicherà indipendentemente dal fatto che l'abuso si sia verificato prima o dopo l'avvio delle nuove disposizioni e consente di riesaminare un caso precedentemente sollevato se il motivo del suo rigetto è stato il periodo di prescrizione.

Riforma della corroborazione[47]

174. In Scozia, il futuro esame della riforma della corroborazione delle prove dovrà attendere le conclusioni della ricerca sulla giuria (una delle raccomandazioni della revisione dei controlli post-corroborazione di Lord Bonomy) ed essere considerato nel contesto più ampio di questa raccomandazione e delle altre formulate dal gruppo di Lord Bonomy, e di qualsiasi altra riforma correlata. Il progetto di ricerca sulla giuria è iniziato nell'autunno 2017 e dovrebbe essere completato in 2 anni.

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[75] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en.

[76] https://www.supremecourt.uk/cases/docs/uksc-2015-0233-judgment.pdf.

[77] https://www.hiainquiry.org/.

[78] https://www.childabuseinquiry.scot/.

Formazione giudiziaria in materia di diversità e trattamento equo

175. Il Lord Giudice capo (Chief Justice) è responsabile della formazione della magistratura in Inghilterra e in Galles ed esercita questa funzione attraverso il Collegio giudiziario (Judicial College). L'offerta formativa è destinata ai titolari di cariche giudiziarie presso corti di giustizia (compresi i magistrati e i loro consulenti legali), tribunali e tribunali dei Coroner. Sono previsti corsi sia di avviamento che di formazione continua e il contesto sociale delle decisioni giudiziarie (che comprende questioni relative al trattamento equo e alla diversità) è inserito in tutti i seminari in linea con la Strategia del Collegio giudiziario. Il Collegio giudiziario continua a fornire una Guida giudiziaria sul trattamento equo (Equal Treatment Bench Book, ETBB) [79] che viene periodicamente rivista e aggiornata. Il suo contenuto supporta tutti i titolari di cariche giudiziarie perché adempiano al loro giuramento e garantiscano che tutti coloro che compaiono in aula siano trattati equamente. Il Consiglio per gli studi giudiziari dell'Irlanda del Nord (Judicial Studies Board for Northern Ireland, JSBNI) e il Comitato per gli studi giudiziari in Scozia (Judicial Studies Committee in Scotland, JSC) sono responsabili separatamente della formazione della magistratura professionale e della magistratura laica nei rispettivi paesi. Entrambi gli organi adottano lo stesso ampio approccio alla diversità e all'uguaglianza del Collegio giudiziario, con il quale mantengono stretti rapporti lavorativi.

Articolo 16 - Uguaglianza nel diritto matrimoniale e di famiglia

Il rafforzamento della legislazione sui matrimoni forzati[48]

176. Il governo del Regno Unito ha introdotto l'anonimato per le vittime e ordini di protezione per i matrimoni forzati. Sono stati inoltre elaborati diversi materiali per supportare i professionisti nella comprensione di questi problemi, tra cui linee guida interistituzionali e un corso e-learning gratuito per i professionisti in prima linea. Le Unità contro il matrimonio forzato stanno portando avanti programmi di sensibilizzazione per supportare professionisti e comunità.

177. La Legge sui matrimoni forzati ecc. (Protezione e giurisdizione) della Scozia (Forced Marriage etc (Protection and Jurisdiction) Scotland Act) del 2011 ha introdotto un Ordine di protezione civile contro i matrimoni forzati, la cui violazione costituisce reato. Dal 30 settembre 2014, l'articolo 122 della Legge sui comportamenti antisociali, il crimine e il mantenimento dell'ordine del 2014[80] ha reso l'atto di obbligare una persona a sposarsi un reato penale.

Pari protezione dei diritti di proprietà degli uomini e delle donne[49]

178. La legge sui diritti di proprietà è neutra in termini di genere e pertanto esiste una pari tutela dei diritti di proprietà delle donne e degli uomini ai sensi della legge applicabile a una particolare relazione (diritto di famiglia in materia di divorzio o scioglimento di un'unione civile e diritto civile in materia di proprietà, contratti e fondi fiduciari quando le coppie hanno convissuto ma senza fare parte di un'unione legalmente riconosciuta). Il governo del Regno Unito sta valutando la necessità di ulteriori riforme del sistema di giustizia familiare in Inghilterra e Galles per assicurarsi che stia offrendo i risultati migliori a bambini e famiglie e che stia proteggendo gli utenti più vulnerabili del sistema. Il governo scozzese sta valutando se simili cambiamenti siano necessari in Scozia.

Punizioni corporali[50]

179. In Inghilterra e in Galles, la violenza contro i bambini non è tollerata ed esistono leggi precise per affrontarla. La difesa del "castigo ragionevole" è utilizzabile solo quando l'accusa riguarda una comune aggressione; non può essere usata quando qualcuno viene accusato di un'aggressione che ha causato danni fisici reali o gravi o se è coinvolto un bambino. In Irlanda del Nord la legge sulle punizioni corporali è in linea con l'Inghilterra e il Galles dal settembre 2006.

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[79] https://www.judiciary.gov.uk/publications/equal -treatment-bench-book /.

[80] http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted .

La legislazione e gli standard sono inoltre in atto per garantire che le punizioni corporali siano proibite nelle case dei bambini, all'asilo e nelle strutture di affido. La legislazione esistente in Scozia rende illegale punire i bambini scuotendoli, colpendoli alla testa o usando un oggetto. Il governo scozzese si oppone alle punizioni corporali dei bambini e intende sostenere una proposta di legge di un membro al parlamento scozzese. Questo eliminerebbe l'attuale difesa che i genitori e gli accompagnatori possono usare e avrebbe l'effetto di vietare tutte le forme di punizione fisica dei bambini.

Eliminare la violenza contro donne, ragazze e bambine:

Strategia per eliminare la violenza *contro donne, ragazze e bambine*[51]

180. La *strategia del 2016-2020 del governo britannico per porre fine alla violenza contro donne, ragazze e bambine* è stata pubblicata nel marzo 2016 e fornisce una panoramica dell'ampia gamma di interventi che il governo intraprenderà per eliminare la violenza contro donne, ragazze e bambine. Descrive inoltre come il governo intenda basarsi sul precedente piano d'azione per porre fine alla violenza. È stata anche pubblicata una nuova *Dichiarazione nazionale di aspettative*[81] che stabilisce, per la prima volta, un modello chiaro per gli interventi locali contro la violenza su donne, ragazze e bambine. Dal 2012, il governo del Regno Unito ha introdotto nuove leggi e strumenti per proteggere le vittime di violenza, tra cui: la criminalizzazione dei matrimoni forzati, due nuove leggi sullo stalking, il lancio a livello nazionale di Ordini protettivi contro la violenza domestica e del Piano di divulgazione di informazioni sulla violenza domestica (Domestic Violence Disclosure Scheme) e un nuovo reato di abuso domestico che include comportamenti dominanti e coercitivi.

181. Per sostenere l'impegno del governo nella lotta contro la violenza sulle donne, sono stati stanziati finanziamenti da 100 milioni di sterline da qui al 2020. Ciò contribuirà al raggiungimento dell'obiettivo del governo del Regno Unito di lavorare con i commissari locali per offrire un futuro sicuro ai centri di supporto alle vittime di stupro, alle case rifugio e alle Unità contro le mutilazioni genitali femminili e il matrimonio forzato. La campagna del governo del Regno Unito dal nome "*This is Abuse*"[82] incoraggia gli adolescenti a riesaminare la loro idea di violenza, abuso, comportamento dominante e consenso. Il servizio di supporto telefonico dal nome "*National Respect Helpline*"[83] riceve finanziamenti per sostenere uomini e donne colpevoli nell'affrontare il loro comportamento violento.

182. Il governo del Regno Unito sta inoltre adottando delle misure per introdurre un nuovo ordine di protezione civile contro lo stalking al fine di supportare le vittime di stalking nella fase iniziale e affrontare il comportamento dell'aggressore prima che si consolidi. Un nuovo disegno di legge sugli abusi domestici proteggerà e sosterrà le vittime, riconoscerà l'impatto a lungo termine degli abusi domestici sui minori e si assicurerà che le organizzazioni coinvolte rispondano agli abusi in modo efficace. Includerà provvedimenti per consolidare gli ordini di prevenzione e di protezione civili e penali al fine di creare un percorso più chiaro per la tutela delle vittime[52].

L'implementazione della legislazione per *eliminare la mutilazione genitale femminile (MGF)*[53]

183. Nel 2015 il governo del Regno Unito ha introdotto una serie di disposizioni per rafforzare la legge sulle MGF al fine di abbattere gli ostacoli al perseguimento penale. Queste disposizioni includevano:

- estendere la portata dei reati extraterritoriali nella Legge sulle mutilazioni genitali femminili (Female Genital Mutilation Act) del 2003 ai residenti abituali (e permanenti) del Regno Unito;
- Fornire l'anonimato a vita alle vittime di presunti reati di MGF;

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[81] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574665/VAWG _National_Statement_of_Expectations _-_ FINAL.PDF.

[82] https://www.gov.uk/government/collections/this-is-abuse-campaign.

[83] http://respect.uk.net/.

- Stabilire un nuovo reato per la mancata protezione di una ragazza dal rischio di MGF. Ciò implica che le persone responsabili di una ragazza debbano rendere conto davanti alla legge di come è avvenuta la MGF e si può ridurre la necessità che la ragazza fornisca prove in tribunale, cosa che le vittime giovani e vulnerabili possono essere riluttanti o spaventate a fare;

- L'introduzione di un nuovo provvedimento di protezione civile - gli Ordini di protezione contro le MGF - che offre strumenti legali specifici per proteggere e salvaguardare le vittime e le potenziali vittime delle MGF;

- L'introduzione di un obbligo di segnalazione che impone ai professionisti di assistenza sanitaria e sociale regolamentati e agli insegnanti di denunciare alla polizia casi "noti" di MGF su minori di 18 anni.

184. L'Esecutivo dell'Irlanda del Nord ha pubblicato delle Linee guida di pratica interistituzionale sulla mutilazione genitale femminile che forniscono consulenza e supporto ai professionisti in prima linea che sono responsabili della tutela dei bambini e della protezione degli adulti dagli abusi associati alla mutilazione genitale femminile. La Legge sulle mutilazioni genitali femminili (della Scozia) del 2005 ha rievocato la Legge sulla proibizione della circoncisione femminile (Prohibition of Female Circumcision Act) del 1985 e ne ha esteso la protezione rendendo reato penale la pratica delle MGF in Scozia o all'estero, conferendo a tali reati una portata extra-territoriale. La legge ha anche aumentato la pena da 5 a 14 anni di reclusione a seguito di condanna successiva a incriminazione.

Il supporto ai gruppi vulnerabili[54]

185. La strategia contro la violenza su donne, ragazze e bambine del governo del Regno Unito riconosce che alcuni settori della società possono sperimentare molteplici forme di discriminazione e svantaggio o ulteriori ostacoli all'accesso al sostegno. Ciò include donne, ragazze e bambine delle comunità nere, asiatiche e di minoranze etniche, disabili e vittime LGBT. L'aumento del finanziamento a 100 milioni di sterline e il sostegno ai diversi settori per migliorare la messa in atto dei servizi contribuiranno a garantire che le loro esigenze siano soddisfatte attraverso il supporto specialistico. La Dichiarazione nazionale di aspettative illustra ai partenariati locali le caratteristiche di una messa in atto e una fornitura di servizi soddisfacenti. Stabilisce inoltre che i Commissari dovrebbero avere accesso a un'ampia gamma di disposizioni, considerando che i servizi saranno resi accessibili alle comunità nere e asiatiche e alle minoranze etniche, alle persone disabili, alla comunità LGBT e alle vittime e ai superstiti più anziani.

Amministrazioni decentrate

186. Nel marzo 2016 l'Esecutivo dell'Irlanda del Nord ha pubblicato una strategia della durata di sette anni per *fermare la violenza e gli abusi sessuali e domestici in Irlanda del Nord*. La Legge sulle mutilazioni genitali femminili del 2003 rende illegale la MGF. La Legge sui reati gravi (Serious Crime Act) del 2015 prevede Ordini protettivi contro le MGF. I professionisti della sanità e dell'assistenza sociale operano in conformità con le Linee guida di pratica interistituzionale sulle MGF, pubblicate nel luglio 2014. Il Programma di supporto dal nome "Supporting People" offre 13 case rifugio in tutta l'Irlanda del Nord; il finanziamento totale è di oltre 4,6 milioni di sterline all'anno. Un servizio di supporto telefonico per le vittime di violenza domestica e sessuale è attivo 24 ore su 24.

187. Il Piano d'azione nazionale scozzese per prevenire ed eliminare le MGF, pubblicato il 4 febbraio 2016, stabilisce una serie concordata di interventi e attività associate che devono essere portati avanti dal governo scozzese e dai suoi collaboratori per prevenire e infine eliminare le MGF.

188. Il governo scozzese sta destinando finanziamenti significativi alla lotta contro la violenza su donne, ragazze e bambine, compresi circa 30 milioni di sterline nel periodo 2017/2020 provenienti dal budget per l'uguaglianza per sostenere una serie di progetti e iniziative per affrontare questo tipo di violenza.

Questi includono l'erogazione diretta di servizi in prima linea contro l'abuso domestico e la violenza sessuale, nonché finanziamenti per i servizi nazionali di supporto telefonico per le vittime di abusi domestici, matrimoni forzati e stupro. Il governo ha investito altri 20 milioni di sterline provenienti dai budget destinati alla giustizia nel periodo 2015-18, e il finanziamento prevede un maggiore supporto per l'erogazione di patrocinio. Attualmente sono presenti 477 case rifugio in Scozia per le donne vittime di abusi domestici e i loro bambini. Il Disegno di legge sugli abusi domestici (della Scozia) prevede un reato specifico di abuso domestico e rafforza la legge, introducendo un nuovo reato che criminalizza il susseguirsi di comportamenti violenti nei confronti di un partner o un ex-partner e che criminalizzerà in modo adeguato ed efficace il tipo di comportamento pericolosamente coercitivo e dominante che può costituire abuso domestico. La Legge sul comportamento violento e l'abuso sessuale (della Scozia) del 2016 modernizza la legge sugli abusi domestici e sessuali.

189. In Galles, la Legge sulla violenza contro le donne, l'abuso domestico e la violenza sessuale (Violence against Women, Domestic Abuse and Sexual Violence Act) (del Galles) del 2015 intende concentrare l'attenzione del settore pubblico sulla prevenzione di questi problemi. Il governo gallese ha creato il Sistema di riferimento nazionale di formazione (National Training Framework) sulla violenza contro donne, ragazze e bambine per il Galles e la *Strategia nazionale contro la violenza sulle donne, gli abusi domestici e la violenza sessuale - 2016 - 2021*[84] è stata pubblicata nel novembre 2016.

La *Convenzione sulla prevenzione e la lotta contro la violenza nei confronti delle donne e la violenza domestica o* "Convenzione *di Istanbul*"[55]

190. Il governo di coalizione ha firmato la Convenzione di Istanbul l'8 giugno 2012 segnalando il suo forte impegno nella lotta contro la violenza nei confronti di donne, ragazze e bambine e questo governo ribadisce l'impegno a ratificare la Convenzione. La Legge del 2017 sulla prevenzione e la lotta contro la violenza nei confronti delle donne e la violenza domestica (Ratifica della Convenzione) impone al governo di presentare in Parlamento relazioni annuali sui provvedimenti adottati per consentire al Regno Unito di ratificare la Convenzione. Il governo del Regno Unito presenterà la prima relazione entro il 1° novembre 2017. Sotto molti aspetti, il Regno Unito rispetta già o va oltre quanto richiesto dalla Convenzione. Tuttavia, il Governo non può ratificare la Convenzione fino a quando il Regno Unito non la rispetterà pienamente, e rimangono delle questioni in sospeso, anche in relazione alla giurisdizione extraterritoriale, che devono essere affrontate prima che si possa stabilire che il Regno Unito rispetta la Convenzione. Il governo del Regno Unito introdurrà i provvedimenti di giurisdizione extraterritoriale necessari per la conformità in Inghilterra e Galles nel Disegno di legge sugli abusi domestici e si sta impegnando con le Amministrazioni decentrate per quanto riguarda i provvedimenti necessari per garantire la conformità in Scozia e in Irlanda del Nord.

La lotta alla violenza contro donne, ragazze e bambine a livello internazionale

191. Il Regno Unito ha contribuito a garantire obiettivi specifici nell'ambito degli Obiettivi di Sviluppo Sostenibile per porre fine a tutte le forme di violenza contro donne, ragazze e bambine. Il Dipartimento per lo sviluppo internazionale ha quasi raddoppiato i suoi programmi sulla violenza contro donne, ragazze e bambine, passando da 64 programmi nel 2012 a 127 nel 2016. L'intervento del dipartimento dal valore di 8 milioni di sterline a favore del Fondo fiduciario delle Nazioni Unite per porre fine alla violenza contro le donne fornisce sovvenzioni alle organizzazioni per i diritti delle donne e ad altre organizzazioni popolari. Il supporto del dipartimento sta già aiutando il fondo a contribuire a oltre 110 iniziative in tutto il mondo. Solo nel 2015 il Fondo ha raggiunto più di 1 milione di persone. Nel 2013, il Regno Unito ha assunto il suo più grande impegno come benefattore nella lotta contro le MGF, con 35 milioni di sterline stanziati a sostegno del movimento guidato dall'Africa per porre fine alle MGF entro cinque anni.

[84] http://gov.wales/docs/dsjlg/publications/commsafety/161104 -national-strategy-en.pdf.

192. **Note di chiusura: Raccomandazioni per il Regno Unito formulate dal Comitato CEDAW nel 2013.**

Note

[1] Raccomandazione del 2013, par. 11: *il Comitato esorta lo Stato Parte a ritirare e ridurre le attuali riserve*.

[2] Raccomandazione del 2013, par. 15: il Comitato esorta lo Stato Parte a estendere la ratifica della Convenzione per includere tutti i suoi territori, incluse Guernsey e Jersey.

[3] Raccomandazione del 2013, par. 29: il Comitato esorta lo Stato Parte a garantire che l'Ufficio governativo per l'uguaglianza disponga di una sezione dedicata al coordinamento delle questioni relative alla parità di genere in tutto il territorio dello Stato. Il Comitato esorta anche a sviluppare e adottare una strategia comune, completa e globale per l'implementazione della Convenzione in tutto il territorio dello Stato.

[4] Raccomandazione del 2013, par. 13: il Comitato esorta lo Stato Parte a rivedere continuamente la propria legislazione al fine di incorporarvi tutte le disposizioni della Convenzione.

[5] Raccomandazione del 2013, par. 17: il Comitato esorta lo Stato Parte ad avvalersi della revisione dell'Obbligo di uguaglianza per garantire che la componente di parità di genere dell'Obbligo sia stabilita correttamente per le autorità pubbliche.

[6] Raccomandazione del 2013, par. 19: il Comitato esorta lo Stato Parte a rivedere la propria legislazione in Irlanda del Nord per garantire che offra protezione alle donne su un piano di parità con le donne nelle altre Amministrazioni dello Stato.

[7] Raccomandazione del 2013, par. 67: il Comitato chiede l'integrazione di una prospettiva di genere, in conformità con le disposizioni della Convenzione, in tutti gli interventi volti al raggiungimento degli Obiettivi di Sviluppo del Millennio e nello schema di sviluppo post 2015.

[8] Raccomandazione del 2013, par. 61 a): il Comitato esorta lo Stato Parte a intensificare gli sforzi per eliminare la discriminazione nei confronti delle donne appartenenti a minoranze etniche e a migliorare l'accesso ai servizi sociali, compresi l'assistenza sanitaria, l'istruzione e l'impiego.

[9] Raccomandazione del 2013, par. 55 a): il Comitato esorta lo Stato Parte a continuare con decisione gli interventi per attuare le raccomandazioni formulate nel Rapporto Corston, comprese quelle contenute nel rapporto del Comitato di Giustizia della Camera dei Comuni pubblicato il 15 luglio 2013.

[10] Raccomandazione del 2013, par. 55 b): il Comitato esorta lo Stato Parte a continuare a sviluppare strategie alternative di condanna e di detenzione, compresi interventi e lavori socialmente utili per le donne condannate per reati minori.

[11] Raccomandazione del 2013, par. 55 d): il Comitato esorta lo Stato Parte a introdurre provvedimenti volti ad affrontare le cause alla radice della presenza eccessiva di donne nere e appartenenti a minoranze etniche in carcere.

[12] Raccomandazione del 2013, par. 29: il Comitato esorta anche lo Stato Parte a valutare l'impatto del nuovo approccio alla collaborazione con le organizzazioni femminili e a introdurre provvedimenti per mitigare l'impatto negativo di questo approccio sulla capacità delle donne di impegnarsi in modo adeguato.

[13] Raccomandazione del 2013, par. 33 a): il Comitato esorta lo Stato Parte a collaborare con i media per eliminare la rappresentazione stereotipata delle donne e la loro oggettificazione nei media, specialmente nella pubblicità.

[14] Raccomandazione del 2013, par. 33 b): il Comitato esorta lo Stato Parte ad attuare le raccomandazioni dell'Inchiesta Leveson, comprese quelle che mirano a conferire poteri a un ente di controllo per intervenire in materia di segnalazione di discriminazione.

[15] Raccomandazione del 2013, par. 45 d): il Comitato esorta lo Stato Parte ad adottare provvedimenti coordinati per incoraggiare una maggiore partecipazione delle ragazze al mondo della scienza, della tecnologia, dell'ingegneria e della matematica e agli apprendistati.

[16] Raccomandazione del 2013, par. 39: il Comitato esorta lo Stato Parte a emendare la propria legislazione spostando l'onere della prova dall'accusa all'acquirente di servizi sessuali. Il Comitato raccomanda che, una volta che l'accusa ha dimostrato che il minore aveva più di 13 anni e meno di 18 e che l'imputato ha acquistato servizi sessuali dal minore, l'acquirente debba essere tenuto a dimostrare che non aveva ragione di credere che il bambino avesse meno di 18 anni.

[21] Raccomandazione del 2013, par. 57 b): il Comitato esorta lo Stato Parte a fornire l'accesso alla giustizia e all'assistenza sanitaria a tutte le donne immigrate con uno status irregolare, comprese le richiedenti asilo fino al loro ritorno nei loro paesi di origine.

[22] Raccomandazione del 2013, par. 59 a): il Comitato esorta lo Stato Parte a continuare a fornire formazione sugli approcci che tengono conto del genere nel trattamento delle vittime di violenza agli agenti responsabili dell'immigrazione e delle domande di asilo.

[23] Raccomandazione del 2013, par. 57 a): il Comitato esorta lo Stato Parte a prorogare le concessioni nell'ambito della politica di divieto di ricorso ai fondi pubblici.

[43] Raccomandazione del 2013, par. 23: il Comitato esorta lo Stato Parte a: a) garantire l'accesso effettivo delle donne, in particolare delle donne vittime di violenza, alle corti di giustizia e ai tribunali; b) valutare costantemente l'impatto delle riforme dell'assistenza legale sulla protezione dei diritti delle donne; c) proteggere le donne dai sistemi informali di arbitrato comunitario, in particolare quelli che violano i loro diritti ai sensi della Convenzione.

[44] Raccomandazione del 2013, par. 47 e): il Comitato esorta lo Stato Parte a garantire alle donne l'accesso alla giustizia nei casi legati al mondo del lavoro, compresi quelli che riguardano la discriminazione per gravidanza e maternità.

[45] Raccomandazione del 2013, par. 25: il Comitato esorta lo Stato Parte a: a) estendere il mandato dell'Inchiesta sugli abusi istituzionali del passato per includere le donne che sono entrate nelle Lavanderie Magdalene all'età di 18 anni e oltre; b) fornire un risarcimento adeguato a tutte le vittime di abusi detenute nelle Lavanderie e in istituzioni analoghe.

[46] Raccomandazione del 2013, par. 27: il Comitato esorta lo Stato Parte a: a) considerare le raccomandazioni formulate da Lord Carloway in merito alla rimozione dell'obbligo di corroborazione nei casi penali relativi a reati sessuali.

[47] Raccomandazione del 2013, par. 27: b) prorogare il periodo di prescrizione per la presentazione di cause civili riguardanti abusi sessuali, in particolare di ragazze, in modo che le vittime possano ancora avviare il procedimento quando sono in età adulta.

[48] Raccomandazione del 2013, par. 35 a): il Comitato esorta lo Stato Parte a criminalizzare i matrimoni forzati.

[49] Raccomandazione del 2013, par. 65: il Comitato esorta lo Stato Parte ad accelerare gli sforzi per avviare riforme al fine di proteggere i diritti di proprietà delle donne in caso di rottura del matrimonio o dell'unione civile, in linea con le raccomandazioni generali n. 29 sulle conseguenze economiche del matrimonio, i rapporti familiari e la loro rottura e l'articolo 16 della Convenzione.

[50] Raccomandazione del 2013, par. 35 e): il Comitato esorta lo Stato Parte a rivedere la propria legislazione per proibire le punizioni corporali dei bambini in casa.

[51] Raccomandazione del 2013, par. 35 c): il Comitato esorta a proseguire le campagne di informazione per far conoscere tutte le forme di violenza contro le donne, comprese le donne nere e appartenenti a minoranze etniche.

[52] Raccomandazione del 2013, par. 35 d): il Comitato esorta a intensificare gli sforzi per la formazione degli agenti di polizia al fine di eliminare i pregiudizi riguardanti la credibilità delle vittime di violenza domestica

[53] Raccomandazione del 2013, par. 37: il Comitato esorta lo Stato Parte a garantire la piena attuazione della sua legislazione sulla mutilazione genitale femminile. Il Comitato raccomanda allo Stato Parte di garantire che il Servizio della procura della corona riceva il supporto necessario per perseguire efficacemente i responsabili di questo reato, anche sostenendo il piano d'azione per migliorare i perseguimenti penali per le mutilazioni genitali femminili rilasciato dal Direttore del pubblico ministero nel novembre 2012.

[54] Raccomandazione del 2013, par. 35 b): il Comitato esorta lo Stato Parte a intensificare gli sforzi per proteggere le donne, comprese le donne nere e appartenenti a minoranze etniche, da ogni forma di violenza, compresa la violenza domestica e i cosiddetti "delitti d'onore".

[55] Raccomandazione del 2013, par. 35 a): il Comitato esorta lo Stato Parte a ratificare la Convenzione di Istanbul.

4. GLOSSARY

In the field of translation, terminology is considered an instrument to solve specific problems as it is used to develop terminological resources such as glossaries, dictionaries and vocabularies (Cabré 2010: 356-357). It is very useful because it provides information necessary to find out the meaning of a term in the source text, to find appropriate equivalents in the target language and to select the right term among many alternatives (Cabré 2010: 358). The following bilingual glossary of terminology was created during the translation process and used to ensure consistency. These terms and collocations cover different topics, from the legal and political fields to the education system and the prison system.

en-GB	it-IT
A cross-section	Un campione rappresentativo
Abusive Behaviour and Sexual Harm Act	Legge sul comportamento violento e l'abuso sessuale
Access to employment	Accesso all'occupazione
Advertising regulator	Ente regolatore della pubblicità
Advisory Board	Comitato consultivo
Advisory Council	Consiglio di consulenza
Advisory, Conciliation and Arbitration Service	Servizio di consulenza, conciliazione e arbitrato
Advocacy service	Servizio di patrocinio
Asylum process	Processo di asilo
Asylum seeking women	Donne richiedenti asilo
Attend court	Comparire in aula
Audit	Valutazione
BAME groups	Minoranze etniche
Beijing Declaration and Platform for Action	Dichiarazione e Piattaforma d'azione di Pechino
Best practice	Migliori pratiche

Burdens on the taxpayer	Oneri a carico del contribuente
Central Government Departments	Dipartimenti del governo centrale
Change Agent	Agente di cambiamento
Child Trafficking Protection Fund	Fondo per la protezione contro la tratta di minori
Civil matters	Materie civili
Civil partnership	Unione civile
Civil society organisation	Organizzazione della società civile
Code of Practice	Codice di prassi
Commission on the Status of Women	Commissione sullo status delle donne
Committee on the Elimination of Discrimination against Women	Comitato per l'eliminazione della discriminazione contro le donne
Community service	Lavoro socialmente utile
Community arbitration	Arbitrato comunitario
Comply with its obligations	Rispettare i suoi obblighi
Compulsory labour	Lavoro obbligatorio
Concluding Observations	Osservazioni conclusive
Consultation event	Evento di consultazione
Contents	Indice
Convention on preventing and combating violence against women and domestic violence	Convenzione sulla prevenzione e la lotta contro la violenza nei confronti delle donne e la violenza domestica
Convention on the Elimination of All Forms of Discrimination against Women	Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne
Conviction on indictment	Condanna successiva a incriminazione
Coroner	Coroner
Corporal punishment	Punizioni corporali
Corroboration reform	Riforma della corroborazione
Criminal justice system	Sistema di giustizia penale
Criminal law	Diritto penale
Criminal offence	Reato penale
Cross-government	Interministeriale

Crown Dependencies	Dipendenze della corona
Crown Prosecution Service	Servizio della procura della corona
Custodial sentence	Pena detentiva
Custodial unit	Centro di custodia
Decision maker	Responsabile decisionale
Department for Digital, Culture, Media and Sport	Ministero per la tecnologia digitale, la cultura, i media e lo sport
Department For International Development (DFID)	Ministero per lo sviluppo internazionale
Department of Justice	Ministero della Giustizia
Desistance	Desistenza
Destitute Domestic Violence Concession	Concessione per indigenza per le vittime di violenza domestica
Destitution policy	Politica contro l'indigenza
Devolved Administrations	Amministrazioni decentrate
Devolved government	Governo decentrato
Digital	Tecnologia digitale
Disability Delivery Plan	Piano d'azione per la disabilità
Domestic Violence Act	Legge sulla violenza domestica
Dress code	Dress code, codice di abbigliamento
Elected bodies	Organi elettivi
Eligibility criteria	Criteri di ammissibilità
Employment Act	Legge sull'occupazione
Employment support	Sostegno all'occupazione
Employment Tribunal	Tribunale del lavoro
Engagement event	Evento di dialogo
Equality advisory and Support Service	Servizio di consulenza e supporto per l'uguaglianza
Equal pay	Parità di retribuzione
Equal pay policy	Politica di retribuzione equa
Equal rights	Parità dei diritti
Equal Treatment Bench Book	Guida giudiziaria sul trattamento equo

Equality	Uguaglianza
Equality Act 2010	Legge sull'uguaglianza del 2010
Equality and Inclusion Funding Programme	Programma di finanziamento per l'uguaglianza e l'inclusione
Equality Duty	Obbligo di uguaglianza
Equality of opportunity	Pari opportunità
Ethnicity	Appartenenza etnica
Exploitation	Sfruttamento
Family law	Diritto di famiglia
Fees Order	Ordinanza sui costi
Fees regime	Regime dei costi
Female genital mutilation	Mutilazione genitale femminile
Forced Labour Convention	Convenzione sul lavoro forzato
Forced marriage	Matrimonio forzato
Formal editing	Revisione formale
Fostering	Affido
Funding scheme	Sistema di finanziamento
Gain employment	Trovare lavoro
GCSEs	Esami finali della scuola secondaria
Gender bias	Pregiudizi di genere
Gender Directors' Network	Rete di alto livello formata dai responsabili della parità di genere
Gender equality	Parità di genere
Gender identity	Identità di genere
Gender imbalance	Squilibrio di genere
Gender pay differences	Differenze retributive di genere
Gender pay gap	Divario retributivo di genere
Gender Recognition Act	Legge sul riconoscimento del genere
Gender Recognition Certificate	Certificato di riconoscimento del genere
Gender stereotyping	Stereotipi di genere
Gender-informed	Basato su una prospettiva di genere
Gender-specific policies	Politiche di genere

Gender-specific standards	Standard di genere
General election	Elezioni generali
Government Equalities Office	Ufficio governativo per l'uguaglianza
Grant	Sovvenzione
Grassroots organisation	Organizzazione popolare
Hate crimes	Crimini di odio
Head of Gender Equality	Direttore per la parità di genere
Health and Safety Executive	Comitato esecutivo per la salute e la sicurezza
Helpline	Servizio di supporto telefonico
Home Office	Ministero dell'Interno
Honour killing	Delitto d'onore
House of Commons Justice Committee	Comitato di giustizia della Camera dei Comuni
Human trafficking	Tratta di esseri umani
Immigration Rules	Norme sull'immigrazione
Implementation	Implementazione
Implementing provisions	Disposizioni di attuazione
In care	In tutela
In custody	In custodia
Independent Anti-Slavery Commissioner	Commissario indipendente anti-schiavitù
Independent judiciary	Magistratura indipendente
Independent review	Revisione indipendente
Industry-wide	A livello di settore
Innovation Fund	Fondo per l'innovazione
Interim report	Relazione interlocutoria
International Labour Organisation	Organizzazione internazionale del lavoro
Judicial training	Formazione giudiziaria
Judicial college	Collegio giudiziario
Key priority	Priorità fondamentale
Lay magistracy	Magistratura laica
Learning disabilities	Disturbi di apprendimento

Legal Adviser	Consulente legale
Legal aid	Assistenza legale
Legal means	Strumenti legali
Legislation in place	Normativa vigente
Legislative framework	Quadro legislativo
Limitation Bill	Progetto di legge sulla prescrizione
Limitation period	Periodo di prescrizione
Lord Chief Justice	Lord Giudice capo
Magdalene Asylums	Case Magdalene
Mandatory reporting duty	Obbligo di segnalazione
Marital status	Stato civile
Marriage law	Diritto matrimoniale
Measures	Provvedimenti
Media ownership	Proprietà dei media
Media plurality	Pluralità dei media
Millennium Development Goals	Obiettivi di Sviluppo del Millennio
Ministerial Departments	Dipartimenti ministeriali
Modern Apprenticeships	Apprendistati moderni
Modern Slavery Act	Legge sulla schiavitù moderna
Mother and Baby Homes	Case della Madre e del Bambino
Multi-agency	Interistituzionale
Multi-agency solutions	Soluzioni interistituzionali
National Machinery for Women	Machinery nazionale per l'avanzamento delle donne
National Performance Framework	Modello di prestazione nazionale
National Statement of Expectations	Dichiarazione nazionale di aspettative
NHS	Sistema sanitario
Non-Governmental Organisation	Organizzazione non governativa
Occupation framework	Contesto lavorativo
Occupational segregation	Segregazione professionale
On a blanket basis	In modo generico
On- and off-screen	Sullo schermo e nella realtà

Optional Protocol	Protocollo facoltativo
Overseas Territories	Territori d'oltremare
Partner organisation	Organizzazione associata
Periodic report	Rapporto periodico
Personal injury	Danni alla persona
Pilot project	Progetto pilota
Police and Crime Commissioner	Commissario di polizia e della lotta al crimine
Positive action provisions	Disposizioni in materia di azioni positive
Positive discrimination	Discriminazione positiva
Prescribed by regulations	Prescritti dalla normativa
Press Recognition Panel	Comitato per il riconoscimento della stampa
Professional judiciary	Magistratura professionale
Programme for Government	Programma di governo
Progression	Progressione di carriera
Property rights	Diritti di proprietà
Prosecution	Perseguimento penale
Protected characteristic	Caratteristica protetta
Protection order	Ordine protettivo
Protection routes	Aree di protezione
Provision of public services	Erogazione dei servizi pubblici
Public campaign	Campagna di informazione
Racial disparities	Disparità razziali
Rape support centre	Centro di supporto alle vittime di stupro
Reasonable chastisement	Castigo ragionevole
Recommendations	Raccomandazioni
Recovery proceedings	Procedimenti di recupero
Recruitment	Reclutamento
Redress	Risarcimento
Refuge	Casa rifugio

Refugee and Asylum Seeker Delivery Plan	Piano di azione per i richiedenti asilo e i rifugiati
Refugee Council	Consiglio per i rifugiati
Refugee women	Donne rifugiate
Regulator	Ente di controllo
Representation	Rappresentanza
Reservations	Riserve
Residency test	Test di residenza
Retention rate	Tasso di permanenza
Review of evidence	Revisione delle prove
Roadshow	Campagna itinerante
Royal Charter	Concessione reale
Rural Women	Donne rurali
See annex	Vedi allegato
Sentence	Condanna
Sentencing	Condanna
Serious Crime Act	Legge sui reati gravi
Sex work	Sesso a pagamento
Sexual orientation	Orientamento sessuale
Shortlists	Elenchi ristretti
Slavery offence	Reato di schiavitù
Social model of disability	Modello sociale della disabilità
Stakeholder roundtables	Tavole rotonde con i portatori di interesse
Statutory duty	Obbligo statutario
STEM	Discipline scientifico-tecnologiche
Suspect	Indagato
Sustainable Development Goal	Obiettivo di Sviluppo Sostenibile
Systemic failings	Carenze sistemiche
Targeted engagement exercise	Un’attività mirata di coinvolgimento
Technical skills	Competenze tecniche
Terms of reference	Mandato
The delivery of commitments	L’attuazione degli impegni

The Equality and Human Rights Commission	Commissione per l'uguaglianza e i diritti umani
The Northern Ireland Act 1998	Legge sull'Irlanda del Nord del 1998
The power-sharing negotiations	I negoziati riguardanti la ripartizione del potere
The United Kingdom of Great Britain and Northern Ireland	Regno Unito di Gran Bretagna e Irlanda del Nord
The Violence Against Women and Girls: National Statement of Expectations	Dichiarazione nazionale di aspettative rispetto alla violenza contro donne, ragazze e bambine
T-level certificate	Certificato di livello T
To be treated equally	Ricevere un trattamento equo
Training programme	Programma di formazione
Training provision	Offerta formativa
Treaty Monitoring groups	Gruppi di monitoraggio dei trattati
Trust	Fondo fiduciario
UN Secretary-General	Segretario Generale delle Nazioni Unite
Under article	Ai sensi dell'articolo
United Nations Convention on the Rights of Disabled People	Convenzione delle Nazioni Unite sui diritti delle Persone con disabilità
Voluntary sector	Terzo settore
Women and Equalities Select Committee	Comitato speciale per le donne e le pari opportunità
Women's Equality Network	Rete per l'uguaglianza delle donne
Workplace Equality Fund	Fondo per l'uguaglianza sul posto di lavoro

5. TRANSLATION ANALYSIS

This chapter contains a brief overview of the main characteristics of the source text and the target text, followed by an analysis of terminology, of the translator's strategies and the techniques used.

First and foremost, it is essential to mention that the source text is the eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland to the Committee on the Elimination of Discrimination against Women, under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, due in 2017 (see Appendix). To be more specific, the source text consists of selected sections of this report, covering Articles 1-6, Articles 9, 15 and 16 of the Convention. As already mentioned (see Section 2), reports are official documents submitted by the governments of the signatory states to the monitoring bodies associated to the different Conventions, where they discuss the implementation of the treaty obligations in their countries. This means that the source text is a legal text, and a human rights document more precisely. Moreover, taking into account the already discussed classifications of legal texts (see Section 1), this document does not appear to have a prescriptive function, but it has a descriptive function and an informative purpose, since it lists all the measures implemented by the UK to protect women's rights. With regard to Garre's classification of human rights documents (see Section 1.2), the source text cannot be considered a legislative instrument or enforceable case law, therefore it belongs to the category of general literature. The report is written in British English, as suggested by the country it refers to and the spelling conventions used throughout the text. For example, the word 'organisation' spelled with the letter 's' is used much more frequently than the alternative 'organization', as the first spelling option is preferred in British English (Cambridge Dictionary, 2020a). The same point applies to the use of verbs such as 'maximise' or 'realise'. Furthermore, the word 'centre', spelled according to British English rules (Cambridge Dictionary, 2020b), is used more than once in the document, while the American alternative 'center' is absent. The language used is quite formal, as can be deduced from the fact that contractions like 'can't' or 'isn't' are avoided and full forms are preferred, and it has some of the typical characteristics of legal English, even though it is not strict language of law because of the nature and the function of the document. To

be more specific, the English used in the report resembles the neutral and descriptive English used at international level and at European level for communication (Pozzo 2014: 42) and it is not completely similar to the language of Common Law, even though it is possible to identify common features. For example, in the report there are a lot of repetitions that make it sound quite redundant, as evident in the sentence

> Reference should also be made to the **United Kingdom**'s Common Core Document 2014, which provides an overview of the characteristics of the **United Kingdom** and of the political and legal structures that are in place to ensure the promotion and protection of human rights within the **United Kingdom**[18]

where 'United Kingdom' is repeated three times instead of possible alternatives, such as 'the country' or 'the state'. In the source text there are also long sentences with a limited use of punctuation, such as

> For example, Scottish Government made provision through the Marriage and Civil Partnership (Scotland) Act 2014 for same sex couples to marry, uses an inclusive definition of gender identity in its hate crime legislation, and added intersex equality to its approach to sexual orientation and gender identity equality and now uses the acronym LGBTI to support the inclusion of intersex people in Scotland.

In addition, passive constructions and impersonal expressions, such as 'reference should be made', are present in the document, but since it is a report about the different measures implemented by the UK Government, active verbs and constructions, such as 'UK Government introduced' or 'The Northern Ireland Executive has issued', are more frequent. It is also important to point out that the first person plural has been used throughout the text, mostly when referring to the government, in sentences like

> In addition, an Advisory Board on Female Offenders was established in May 2013, which brings together key stakeholders from across the British Government to provide leadership and expert advice as **we** deliver the female offenders' programme

or

> the Government recognises the need to gather a robust evidence base on the nature and prevalence of sex work in England and Wales, and believes that **we** cannot properly assess the impact of the other recommendations until this research has been completed.

Lastly, the source text is full of technical terms linked to women's rights, such as 'Female Genital Mutilation' or 'Revenge Porn', and legal terms linked to the Common Law system, such as 'corroboration' or 'Coroners', but there are also many references to

[18] In the sentences taken from the source text and the target text and used as examples throughout this chapter, all the relevant elements are highlighted in bold.

official institutions in the UK, government offices and departments, acts, action plans and strategies related to the British Government system, like 'the Marriage and Civil Partnership (Scotland) Act 2014' or 'the Government Equalities Office'. With regard to the structure of the document, it is quite simple and straightforward. The foreword and the introduction are followed by different sections identified by the CEDAW Articles they refer to. In each section there are different subsections with specific subheadings that include a few paragraphs numbered in sequential order and cover specific topics within the range of the Articles discussed in the section. Finally, it seems that the source text is meant for an international readership of experts and specialists in the field of human rights, but it could also be read by educated English-speaking people interested in deepening their knowledge in this field.

The source text was translated from British English into Italian with MateCat, a free online CAT Tool that helped with the process of segmenting the document and creating and using a glossary and a Translation Memory, which were very useful to preserve consistency throughout the text while translating.

The main goal in the target text was to keep the legal nature of the source text as a human rights document. However, in this case a change of legal status had to occur when moving from the source text to the target text, considering that the former is an official report for a United Nations Committee, while the latter is not an official document. The target text has kept the informative purpose that the original text was characterised by. With regard to the readership, it is important to point out that the aim of the target text is to reach the Italian general public, which means mostly educated lay people who are looking for more information about the status of human rights, and of women's rights in particular, in other countries but do not speak English at all or do not have the sufficient knowledge of the English language that would allow them to fully understand the original report. On the whole, during the translation process it was necessary to find the right balance between creating a target text that is understandable for the target public and avoiding any misrepresentation of the source text. Keeping this balance throughout the text was quite difficult, especially because the report is full not only of human rights terms, but also of references to the British legal system and to the British government system, which the Italian readership might not be very familiar with. As a result, this work did not involve only an international point of view but also a translation between two different legal

systems. In addition, the tone of the target text was kept formal, in line with the source text and the characteristics of legal language, and the general structure of the document, divided into sections and subsections, remained the same. Nominalisation, expressions such as 'è necessario fare riferimento a' and passive constructions were used to maintain an impersonal style, even though active verbs are more present in the target text, exactly like in the source text. However, considering that, as previously mentioned, legal Italian is less repetitive than legal English (see Section 1.1), the amount of repetitions in the target text was reduced compared to the source text. Moreover, the target text was kept more formal and impersonal, following the features of Italian legal language, by removing the use of the first person plural in sentences such as

> il governo riconosce la necessità di raccogliere una solida base di prove sulla natura e la diffusione della prostituzione in Inghilterra e Galles e ritiene che **non si possa valutare adeguatamente** l'impatto delle altre raccomandazioni fino al completamento di questa ricerca

where the 'we cannot properly assess' expression used in the original text, as mentioned before, is replaced by the impersonal construction 'non si possa valutare adeguatamente'.

5.1 TERMINOLOGY

First of all, when discussing terminology, it is important to mention the online and offline terminological resources used during the translation process. In this case, the only offline source consulted was an Italian-English and English-Italian law dictionary, called "Dizionario Giuridico Italiano-Inglese, Inglese-Italiano" (De Franchis 1984). Overall, online resources were preferred because they were more accessible, easier and quicker to use when conducting research on a specific term. However, as previously pointed out (see Section 1.1), these sources are not always accurate and they are not properly checked, so they can contain mistakes. The first online resources used and the most useful ones were the European Union's IATE database (IATE 2020) and the EUR-Lex website, which provides access to EU law documents in the official languages of the European Union, including English and Italian (EUR-Lex 2020). The former is a terminology database, while with the latter a translator can compare the exact same document in two different languages, in this instance Italian and English, to find the perfect equivalent for a specific term. During the translation process this technique was used with other multilingual

websites as well, such as the official European Parliament website (European Parliament 2020) or websites of other institutions and legal aid offices where the same document or page can be displayed in both Italian and English. Moreover, other resources that were consulted were Italian documents from reliable sources that covered the topics mentioned in the report, such as the "Annuario italiano dei diritti umani 2018" (Centro Diritti Umani Università di Padova 2018), published by the Human Rights Centre of the University of Padua, and translations into Italian of other reports and concluding observations under different Conventions, to study the language used and the translation of the conventional sentences found in every official report. The last online resources that were considered very useful during the translation process were the official UN versions of the UK report in Spanish and French, as these languages are closer to Italian and both France and Spain are Civil Law countries (Dietz 1994).

Even though in many cases the resources mentioned were useful to find perfect equivalents for different terms, it is necessary to point out that this is not always possible in the field of translation, especially when it comes to legal translation (see Section 1), since it involves communicative equivalence but also legal equivalence (Cheng and Sin 2008: 37). The meaning of a specific term is shaped by many factors, such as legislation and case law, and facts and consequences can be very different in distinct legal systems, therefore equivalence becomes difficult to reach (Biel 2008: 24). Legal translation in multilingual contexts is quite problematic and complex, especially when considering that in institutions such as the European Union the same rule, translated into many different languages, should have the same result in each national legal system (Pozzo 2014: 38). On the whole, the main goal during the translation process was to find, when possible, a term in the target language that refers to an institution or concept of the target legal system with the same functions as the corresponding concept of the source legal system (Šarčević 1997: 236), to help the Italian readership "access the unfamiliar through the familiar" (Biel 2008: 26). However, in different occasions for one specific term there were either many possible equivalents or none, as analysed in the last part of this section. In the first case, the strategy adopted was usually to select the more productive candidate, which means the term with a "wider semantic web" (Cheng and Sin 2008: 43), while in the second case, as the terms involved were generally quite culture-specific like the names of British Government departments and institutions or acts and action plans, the overall

strategy was to lean towards a literal translation. This strategy was adopted to improve readability because the target text is not meant for specialists with a decent knowledge of the English language, but for lay people with a limited knowledge, and the literal translation of the different names, in certain cases together with the use of explicitation (see Section 5.2), was necessary to help the general public understand the purpose and the range of action of the departments and acts they might not be familiar with. Throughout the translation process, it was important to maintain the right balance between a smooth communication, avoiding a foreign-sounding final text, and the correct representation of the source text.

As a result, the most complex aspect of the translation was not represented by the language of the report, since it was, as mentioned before, quite neutral because of its use at international level, but it was represented by the specific terms linked to the Common Law and the British Government systems and by the culture-specific components with no exact equivalents in the Italian system. What follows is a term-by-term analysis of some of the translator's choices maintained throughout the translation process and of the issues created by many complex terms present in the source text and the lack of equivalents or the research needed to find them.

First of all, it is important to discuss a few choices concerning fundamental and recurring terms in the document. For example, based on a research of occurrences through Google, it was decided that the 'Convention on the Elimination of All Forms of Discrimination Against Women' in Italian would be 'la Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne', preferring 'contro le donne' over 'delle donne' or 'della donna' and 'tutte le forme' over 'ogni forma', in accordance with the official versions in Spanish and French. The abbreviation 'CEDAW' was placed next to the full name of the Convention in the first few sentences of the target text to make sure that the relation between the two terms is clear for the Italian public, even though it is based on the English language and on the English version of the name of the Convention. Moreover, the 'Committee on the Elimination of Discrimination against Women' in the target text is 'Comitato per l'eliminazione della discriminazione contro le donne'. Furthermore, 'periodic report' could become 'relazione' or 'rapporto' in Italian, and in the end the options 'rapporto' and 'rapport periodico' were chosen because, looking at the occurrences through Google, it seemed that the term 'rapport periodico' was preferred

with regard to the United Nations and it was used in many reliable Italian websites covering human rights topics (Università degli Studi di Padova- Centro di Ateneo per i Diritti Umani 2019). Lastly, 'implementation' was mostly rendered as 'implementazione', which is quite used in Italian even though it seems to be a naturalisation of its English equivalent (Treccani 2020a). On the subject of recurring terms in the document and the choices of the translator, it is also necessary to briefly mention the use of capital letters throughout the report. Overall, the terms referring to the official roles of people in different institutions have maintained the initial capital letter in Italian and in specific cases, such as 'Secretary-General' and the equivalent 'Segretario Generale', there are two capital letters in both the English and the Italian version. In addition, the names of conventions, acts or strategies and action plans begin with a capital letter in Italian, but only for the first word of the name, while in the English text in some instances almost all the words that make up the more complex names are capitalised, as seen in 'Convention on the Elimination of All Forms of Discrimination Against Women'. Finally, with words such as 'obiettivo' in Italian, capital letters were needed to distinguish between the times when it is used with its general meaning of 'goal, aim' or when it is referring to the 'Obiettivi di Sviluppo Sostenibile', in English 'Sustainable Development Goals', where the initial letter is capitalised.

When it comes to other less frequent but quite relevant terms in the source text, it must be noted that Italian equivalents could be found through research in most cases when the names of specific institutions or action plans at national level were not involved. For example:

- 'formal editing' is not a term related to the legal field or to the world of human rights, but research was needed in this specific case to find out if the Italian term 'revision formale' could be considered the right equivalent in relation to legal documents. In the end the term was used in the target text because it can be found in documents concerning the field of printing and the legal field, for example with regard to draft laws (Camera dei deputati 2020).

- Similar terms with no relation to the legal field or to the British culture specifically but that required some research were, for example, 'targeted engagement exercise' and 'stakeholder roundtables'. In both cases finding an equivalent in Italian was quite difficult

because many websites where these terms could be found were clearly translated from English or they were international websites. However, in the end the equivalents ‘attività mirata di coinvolgimento’ and ‘tavole rotonde con i portatori di interesse’ were found through Italian websites (Ministero dell’Istruzione - Ufficio Scolastico Regionale per la Lombardia 2010).

- The term ‘United Nation’s Sustainable Development Goals (SDGs)’ was rendered as ‘Obiettivi di Sviluppo Sostenibile (OSS/SDGs) delle Nazioni Unite’. In this case, this term refers to specific goals adopted at international level, so it is not linked to the British system specifically. As a result, finding its equivalent in Italian was possible through some research. Moreover, in the target text the term was accompanied by two abbreviations, one associated with the Italian term ‘Obiettivi di Sviluppo Sostenibile’, which is ‘OSS’, and one associated with the English term ‘Sustainable Development Goals’, which is ‘SDGs’, because both abbreviations can be found on different Italian websites (Agenzia italiana per la cooperazione allo sviluppo 2020).

- Other terms used at international level, such as ‘United Nations Convention on the Rights of Disabled People (UNCRDP)’ and ‘Commission on the Status of Women (CSW)’, were rendered with the Italian equivalents ‘Convenzione delle Nazioni Unite sui diritti delle persone con disabilità (UNCRDP)’ and ‘Commissione sullo status delle donne (CSW)’. In both cases the Italian equivalents were easily found because the terms are not bound to a specific culture or a specific nation. Moreover, both English abbreviations were included in the target text because they are also used in Italian documents (Aidos 2020). The same strategy was adopted with the term ‘International Labour Organisation (ILO)’ and its equivalent ‘Organizzazione internazionale del lavoro’ in Italian. On the Italian website of the Organisation both the English abbreviation ‘ILO’ and the Italian abbreviation ‘OIL’ are used (Ilo 2020), but the former seems much more present than the latter, therefore it is the abbreviation included in the target text.

- Furthermore, the term ‘Female Genital Mutilation (FGM)’, which is linked to women’s rights all over the world, has the Italian equivalent ‘Mutilazione Genitale Femminile’ and in this specific case there is also an abbreviation in Italian, which is ‘MGF’ and it was placed in the target text next to the term it refers to.

- ‘Devolved government’ is a term bound to the British culture and the United Kingdom, but according to Bianchi (2003: 471) ‘devoluzione’ is becoming more and more popular in Italian as well. However, the Italian term used with this reference background has always been ‘decentramento’ (Bianchi 2003: 471), therefore ‘governo decentrato’ was the option chosen as equivalent in the target text. A similar term used in the source text is ‘Devolved Administrations’, whose Italian equivalent was found in the term ‘Amministrazioni decentrate’ (Giambrone 2013: 206).

- Together with ‘Devolved Administrations (DAs)’, other British culture-bound terms whose Italian equivalents could be easily found through some research were ‘Crown Dependencies (CDs)’ and ‘Overseas Territories (OTs)’, rendered as ‘Dipendenze della corona (CD)’ and ‘Territori d'oltremare (OT)’. In this case the English abbreviations were kept in the Italian target text because they could be necessary to avoid repetition throughout the document and, even though they refer to the English names, their meaning can be easily understood by the Italian readership.

- Another example of a term specific to the British culture is ‘Royal Charter’, which has an established Italian equivalent, ‘Concessione reale’.

- Another term bound to the British world and British history and found in the source text is ‘Commonwealth’. However, this term has become part of the Italian language as well (Treccani 2020b), therefore it was also used in the target text.

- The term ‘BAME groups’ is also quite relevant in the report and for this analysis. In this term the abbreviation ‘BAME’ is used to refer to ‘Black, Asian, and minority ethnic’ people in the United Kingdom (Cambridge Dictionary 2020c). However, in Italian this abbreviation does not mean anything and it would be quite confusing and difficult to understand for an Italian reader. For this reason, in the target text the term was rendered as ‘minoranze etniche’. The abbreviation was used in other sections of the text and it was linked to other words besides ‘groups’, as seen, for example, in “Black, Asian and Minority Ethnic (**BAME**) women”. In this case the Italian version in the target text is “Donne nere, asiatiche e di minoranze etniche” without the abbreviation. When ‘BAME women’ are mentioned throughout the report, in the Italian document different techniques were used to avoid the constant repetition of the same words but also the use of the English abbreviation. For example, “the UK Government has built capability in

Jobcentres, which helps staff to support **BAME women** to overcome barriers they may face to gaining work" in Italian is "il governo del Regno Unito ha rafforzato le competenze del personale nelle agenzie per il lavoro per aiutare **queste donne** a superare gli ostacoli che potrebbero incontrare nel trovare un impiego", and 'queste donne' refers to the subheading of that specific subsection, where 'BAME women', or 'Donne nere, asiatiche e di minoranze etniche' are mentioned.

- Another example of English abbreviations that were impossible to use in the target text without separating them into specific words is 'STEM'. This abbreviation is used in the English language to refer to Science, Technology, Engineering, and Mathematics, intended as subjects of study (Cambridge Dictionary 2020d). In the source text the meaning of the abbreviation is not explained the first time it is mentioned, in the sentence

> Scottish Government has taken action to address the inequalities that women experience in relation to work; representation of women in senior and decision-making roles; gender imbalance in **STEM**; and violence against women and girls.

Nonetheless, rendering the term as 'mondo delle discipline scientifico-tecologiche (STEM)' in the target text was necessary to avoid issues in the comprehension of the content of the report. The English abbreviation was included in the Italian text for further reference throughout the document, since it can be found in different Italian websites (Riboldi 2018).

- Terms such as 'Corroboration' or 'Coroners' were more difficult to deal with because they are bound to the British legal system and the Common Law system. 'Corroboration' is used, for example, in 'Corroboration reform' and it was rendered as 'Riforma della corroborazione' and 'riforma della corroborazione delle prove' in Italian, to remain as neutral as possible while trying to find a clear equivalent for the Italian readership. In this case, research was important to make sure that the concept of corroboration has been imported into the Italian language (Visconti 2017: 73) and that the term 'corroborazione' is used in Italian legal documents, through the comparison of the same texts in Italian and in English (The Court of Justice of the European Union 2020). When it comes to the term 'Coroners', used in the sentence "The training provision is for judicial office holders in Courts (including magistrates and their Legal Advisers), Tribunals and **Coroners**", in Italian it was rendered as 'Coroner', or, to be more specific, the whole sentence was rendered as "L'offerta formativa è destinata ai titolari di cariche

giudiziarie presso corti di giustizia (compresi i magistrati e i loro consulenti legali), tribunali e tribunali dei **Coroner**." In this case, this term refers to specific government officials in the United Kingdom and it is borrowed from English into Italian (Dizionario Repubblica, 2020).

- Other terms that are culture-bound, related to the British Government system and quite difficult to render in Italian refer to specific officers of state, such as the 'Lord Chancellor' and the 'Lord Chief Justice'. On one hand, in the first case, the Italian term 'Lord Cancelliere e Ministro della Giustizia' can be found in many Italian documents on this topic (Portale storico della Presidenza della Repubblica 2009) and it was preferred over the separate options 'Lord Cancelliere' or 'Ministro della giustizia', since both terms together maintain a reference to the British culture while also adding familiarity to the role for the Italian public. On the other hand, in the second case, the term 'Lord Chief Justice' was much more complicated to deal with, since in many Italian documents it is not translated at all (Rolla 2010: 46). However, in this instance, taking into account the limited knowledge of the target public and trying to preserve consistency, the term was rendered literally as 'Lord Giudice capo (Chief Justice)' with the English name in brackets.

- It should also be noted that the culture-bound terms found in the source text were not related only to the British Government system, but also to the British education system. To be more specific, in the report the 'GCSEs' and the 'A-levels' are mentioned. The GCSE is the General Certificate of Secondary Education, usually obtained by British students at age 16 (Collins Dictionary 2020a), while the A-levels are subject-based exams usually taken at age 18 and necessary to access university admissions (Collins Dictionary 2020b). For both terms there are no exact equivalents in the Italian system, since it is completely different. As a result, the first term, 'GCSEs', was rendered with the general 'esami finali della scuola secondaria (GCSE)'in Italian, based on the definition of the term, while the second term, 'A-levels', was rendered as 'maturità' in Italian, since these exams are considered quite similar (Collins Dictionary 2020b). The abbreviation GCSE was included in the target text because the Italian term used in this case is very general, while the term 'A-levels' was not because it is much closer to the Italian system.

- Lastly, when it comes to the departments mentioned in the source text, it is important to point out that the Government of the United Kingdom has Ministerial and Non-Ministerial Departments, as well as other agencies and public bodies (Gov.UK 2020). The general terms 'Ministerial Departments' or 'Departments' in the target text are 'Ministeri' or 'Dipartimenti'. In general, all Ministerial Departments have been rendered as 'Ministeri' to add an element of familiarity to the text for the Italian readership, while Non-Ministerial Departments have been rendered as 'Dipartimenti' or 'Uffici', to maintain the distinction that is present in the British system, as analysed in the next part of this analysis, which is focused on specific Departments.

As already mentioned, with regard to the names of specific institutions, organisations, departments and acts or action plans bound to the British culture and more precisely to the British Government, finding equivalent institutions or concepts in the Italian culture or Government was quite difficult, therefore different strategies were adopted to deal with the most problematic and complex terms.

- For example, finding the perfect equivalent for the 'Government Equalities Office (GEO)' was impossible, considering that the Italian 'Dipartimento per le pari opportunità' does not seem to have the exact same functions as the GEO (Dipartimento per le Pari Opportunità, 2020), therefore this Italian term would have given a misleading account of the nature of the British Office. Moreover, the name of the Office in English could not be used in the target text, since it is meant for lay people with a very limited knowledge of the English language and, taking into account the high amount of names of Offices and Departments mentioned in the report, adopting this strategy would have meant creating a target text full of English names. As a result, this would have affected negatively the readability of the document and it would have prevented the general public from understanding the purpose of these Offices and Departments. Furthermore, using notes to explain the role and the functions of the Office was also impossible because the original report is already full of footnotes and adding even more would have resulted in a complicated and confusing target text. In the end, the 'Government Equalities Office (GEO)' was rendered as 'Ufficio governativo per l'uguaglianza', with a literal translation that could be understandable for the Italian public but also close to the source text. However, the literal version in Italian is also accompanied by the English name and its abbreviation in brackets, to make sure that the Italian readers with a sufficient knowledge

of English could research the topic through the original name of the Office and have access to further information. The abbreviation 'GEO' was also useful throughout the document to avoid repetition.

- A similar strategy was adopted with the term 'Women and Equalities Select Committee (WESC)', rendered as 'Comitato speciale per le donne e le pari opportunità (Women and Equalities Select Committee, WESC)' in the target text. Word for word translation was used in this case as well, and the original English name with its abbreviation was written in brackets, too. With this term, 'Equalities' was rendered as 'pari opportunità' while with the previous term it was rendered as 'uguaglianza'. This distinction is necessary because the term 'pari opportunità' in Italian seems to be mostly bound to the idea of equality between men and women (Camere di Commercio d'Italia, 2020), so it can be used when referring to the WESC, but in the case of the GEO the term 'uguaglianza' is more appropriate, as it also covers sexual orientation, for example, and transgender people.

- Moreover, other examples of terms translated word for word in the target text and accompanied by the English term in brackets are 'the Press Recognition Panel (PRP)', which became 'Il Comitato per il riconoscimento della stampa (Press Recognition Panel, PRP)' in Italian, and the 'Workplace Equality Fund', which became 'Fondo per l'uguaglianza sul posto di lavoro (Workplace Equality Fund)' in Italian.

- However, the strategy adopted with the names of other Offices or Departments was quite different. To be more specific, for example, the 'Foreign and Commonwealth Office (FCO)' was rendered as 'Ministero per gli affari esteri e il Commonwealth' in Italian. In this case, unlike the GEO, 'Office' became 'Ministero' in the target text, because the Foreign and Commonwealth Office is part of the Ministerial Departments of the UK Government, while the Government Equalities Office is part of the agencies and public bodies (Gov.UK 2020). Moreover, other Departments, such as the 'Department For International Development (DFID)', the 'Department for Education (DFE)' and the 'Department for Digital, Culture, Media and Sport' were rendered as 'Ministeri' in Italian. To be more specific, in the target text they are 'Ministero per lo sviluppo internazionale', 'Ministero dell'istruzione' and 'Ministero per il digitale, la cultura, i media e lo sport'. Some of these Ministerial Departments have equivalent institutions in the Italian system,

such as the Department for Education or the Department of Justice, while the roles of the other Departments are covered by Italian institutions but they are organised differently, therefore their functions do not overlap. However, the word 'Ministero' was used to help the target public understand the role of unfamiliar government bodies through what is familiar. In these instances, the English name of the Departments and the English abbreviations were not included in the target text, since the Italian terms used seemed quite straightforward and clear on their own.

- Furthermore, the term 'UK Home Office' has the established equivalent 'Ministero dell'Interno' (Badocco 2006: 11) and it is part of the Ministerial Departments of the Government of the United Kingdom (Gov.UK 2020). This is another reason why the Departments and Offices that are considered Ministerial Departments and that are mentioned in the source text were rendered as 'Ministeri'. In general, some authors believe that institutional titles should be translated literally and, for example, terms like 'The Foreign Office' should be translated as 'il Foreign Office' (Badocco 2006: 11). Nonetheless, in this specific case, as already mentioned, the source text is full of names of institutions, official documents and acts and following this strategy would have meant obtaining a target text filled with unfamiliar and difficult to understand English terms.

- With regard to specific Departments, in the source text the 'Department of Justice' is mentioned when discussing Northern Ireland. In this case, the term was rendered as 'Dipartimento di giustizia' and not as 'Ministero della Giustizia', as the latter is called 'Ministry of Justice' at UK level (Gov.UK 2020).

- Together with the names of specific Offices and Departments, it is also necessary to acknowledge the strategy adopted with regard to the roles of specific Ministers. For example, in the source text the 'Minister for Apprenticeships, Skills and Women' and the 'Minister for School Standards and Equalities' are mentioned. Ministers with the exact same roles cannot be found in the Italian system, therefore in the target text the strategy adopted was to use the word 'responsabile', as in 'Ministro responsabile degli apprendistati, delle competenze e della condizione femminile' and 'Ministro responsabile degli standard scolastici e dell'uguaglianza'.

- Furthermore, in the source text a lot of British organisations were mentioned while reporting about specific human rights and the implementation of different measures to protect them. For example, in the sentence

> Scottish Government provides funding to a variety of organizations and projects that promote equality of opportunity for women and men in Scotland including **Engender**, and Scottish Women's Convention

the name 'Engender' represents Scotland's feminist membership organisation (Engender 2020). Moreover, in the sentence

> the UK Department for Digital, Culture, Media and Sport is supporting **Project Diamond** which is an ambitious industry-wide diversity monitoring system created by broadcasters **BBC**, **Channel 4**, **ITV** and Sky, and supported by **Pact** and **Creative Skillset**, through the Creative Diversity Network

there are the names of two organisations, 'Pact' and 'Creative Skillset', but also the names of British broadcasters such as 'BBC', 'Channel 4' and 'ITV' and of a specific project called 'Project Diamond'. These names remained exactly the same in the target text, since they are proper nouns and represent specific elements that are bound to the British culture and that exist in the United Kingdom. The same strategy was also adopted in the case of European organisations with English names, such as 'ILGA-Europe', whose name was kept identical in the target text.

- The names of official British documents, acts or action plans were as problematic as the names of the different Offices and Departments. For example, the terms 'Disability Delivery Plan (DDP)', which is 'Piano di azione per la disabilità (Disability Delivery Plan, DDP)' in Italian, and 'Refugee and Asylum Seeker Delivery Plan', rendered as 'Piano di azione per i richiedenti asilo e i rifugiati (Refugee and Asylum Seeker Delivery Plan)', did not have exact equivalents in the Italian system, therefore they were translated word for word and then the official English name was written in brackets next to the translation in the target text, adopting the same strategy used for previous terms.

- A similar problem occurred when dealing with the names of specific Acts of the British Government. Acts such as the 'Equality Act 2010', the 'Marriage and Civil Partnership (Scotland) Act 2014', the 'Domestic Violence Act (2014)' or the 'The Digital Economy Act' do not have exact equivalents in the Italian system. As a result, they were translated respectively as 'Legge sull'uguaglianza del 2010 (Equality Act 2010)', 'Legge sul matrimonio e le unioni civili (Marriage and Civil Partnership Act) (della Scozia) del

2014', 'Legge sulla violenza domestica (Domestic Violence Act) (2014)' and 'Legge sull'economia digitale (Digital Economy Act)'. It is important to mention that the English name of the Act was placed next to the literal translation only when the related Act is introduced in the text for the first time. If the name is repeated throughout the document, only the literal translation in Italian was used.

- In the case of the term 'Gender Recognition Act 2004', rendered as 'Legge sul riconoscimento del genere' in the target text, in some Italian documents found during the research on this topic the Act was mentioned using a word for word translation and without the English name (Vettori 2009: 45), while in others it was mentioned using the original English term exclusively (Gusmano 2015: 91). In the end, in the target text the English name was included in brackets for research purposes and to preserve consistency throughout the report.

- The same strategy was used with the term 'The high level Gender Directors' Network', which is 'La rete di alto livello formata dai direttori responsabili della parità di genere (Gender Directors' Network)' in the target text. The Italian version is much longer than the English version, but, since an Italian equivalent was impossible to find, the only option was to translate the English name literally while paying attention to the stylistic features and the rules of the Italian language. Moreover, researching the role of the Gender Director's Network through the book "Politics in Scotland" (Fyfe and Johnston, 2016) was also very important to choose the strategy and the approach to the translation of the name. A similar term translated with this strategy is 'Women's Equality Network (WEN) Wales', rendered as 'Rete per l'uguaglianza delle donne (Women's Equality Network, WEN) del Galles' in Italian, since there is not an equivalent network in Italy. In both cases the original English name can be found in the target text enclosed in brackets, together with its abbreviation, for research purposes.

- The names of specific reports were quite problematic as well. In the end, report titles such as 'Agenda 2030: Delivering the Global Goals', 'A Fairer Scotland for Disabled People', 'Depictions, Perceptions and Harm' or 'Talented Women for a Successful Wales' were not translated word for word but they were included in the target text in English. This strategy was adopted almost exclusively in the case of report titles to avoid having too many English terms in a target text meant for Italian readers.

Furthermore, in most cases the content of the reports is explained in the paragraph that concerns said reports, therefore not understanding the meaning of the title in this limited amount of cases might not affect negatively the overall comprehension of the Italian public.

- However, there are some documents mentioned in the source text with Italian equivalents. For example, the 'Common Core Document' was rendered as 'Documento di base comune', since this type of document is not specific to the British Government but each country has to provide one to the treaty monitoring bodies of the UN (Freeman 2008), therefore this term can be found in documents in Italian (Unicef 2020). Moreover, the term 'Optional Protocol (OP)' was rendered with the Italian equivalent 'Protocollo facoltativo', as seen in different documents in Italian on the topic of human rights (Centro Diritti Umani Università di Padova 2018). In this case, the English abbreviation 'OP' was not maintained in the target text, since it was not directly linked to the Italian equivalent, therefore each time it was used in the source text the whole term 'Protocollo facoltativo' had to be repeated in the target text. Lastly, the 'Beijing Declaration and Platform for Action (BpFA)' has the Italian equivalent 'Dichiarazione e Piattaforma d'azione di Pechino', since it is an international agenda for universal commitment (Rodriguez-Trias 1996: 305) and it is not bound only to the British Government system. In this case, as seen with the previous term, the English abbreviation is only used in the source text but it cannot be found in the target text, because it has no relation to the Italian term and the Italian term itself does not have an abbreviation.

- When it comes to Government Programmes, the general 'Programme for Government' has the equivalent 'Programma di governo' in Italian. However, when going into detail about specific Programmes created by the Government of the United Kingdom, such as the 'Welsh Government's Equality and Inclusion Funding Programme 2017-20' or the 'New Level 3 Maths Support Programme', finding equivalents in the Italian system becomes quite problematic. On one hand, in the first case, the name of the programme is quite straightforward and easy to understand, therefore it was translated word for word as 'Programma di finanziamento per l'uguaglianza e l'inclusione del governo gallese 2017-20' without the English version in brackets. On the other hand, in the second case the name of the programme is less clear when translated literally as 'Nuovo programma di sostegno alla matematica di livello 3', since there is not a similar

programme in Italy with a comparable level of reference. As a result, the literal translation is followed by the English name of the programme, not only for research purposes but also to highlight the deep connection to the British system.

Finally, it is also important to point out that, in some instances, the Italian terms used in the target text might have more than one meaning or more than one interpretation in the Italian culture, and the context is fundamental to understand the meaning intended in the report. For example, in the sentence "custodial sentences are a matter for the **independent judiciary**" the term 'independent judiciary' was rendered as 'magistratura indipendente' in Italian. However, in Italy this term is also used to refer to an official association of Italian magistrates. In this case, the term was used because the context helps understand its meaning and the name of the association is usually written with capital letters (Magistratura Indipendente 2020). Moreover, in the sentence

> prior to the review of the **National Performance Framework's (NPF)** national outcomes, officials identified the NPF as the best mechanism through which the SDG should be implemented in Scotland

the term 'National Performance Framework's (NPF)' was rendered as 'Modello di prestazione nazionale (National Performance Framework, NPF)' in Italian. The term 'modello di prestazione' is also used in the sports community, but other options, such as 'sistema di riferimento di prestazione nazionale' or 'quadro di prestazione nazionale' were not as clear and quite complicated, therefore 'Modello di prestazione nazionale' was used in the target text, considering once again that the context makes the meaning intended in the text quite explicit.

5.2 TRANSLATION TECHNIQUES

This section focuses on the analysis of the different techniques that were used throughout the translation process when dealing with specific aspects and issues related to the source text and on the way they were employed to facilitate the translator's work.

First of all, one technique that was used quite frequently during the translation process is simplification. This technique can be defined as "the tendency to simplify the language used in translation" (Baker 1996: 181-182). It can be used by translators when trying to

create shorter sentences, avoid ambiguity or modify uncommon punctuation in the target text (Baker 1996: 182- 183) and it means that the language of the translation should be simpler and more readable from a lexical but also stylistic and syntactic point of view (Laviosa 1998).

- For example, the sentence "UK Government and the DAs have embedded various strategies to **disseminate information on** and raise awareness of CEDAW" was rendered as "Il governo del Regno Unito e le DA hanno incorporato varie strategie per **diffondere** e far conoscere la CEDAW" in Italian. In this case, in the target text the option 'diffondere' was preferred over 'diffondere informazioni su' because the latter does not sound as natural, especially in this specific sentence where it is followed by another verb. The overall meaning does not change but the sentence is shorter and simpler in Italian.

- Moreover, the sentence "Scottish Government has also committed to establish an Advisory Council for Women and Girls to champion the rights of women and girls, and **act as an advocate** for changes" has become "Il governo scozzese si è anche impegnato a istituire un Consiglio di consulenza per donne, ragazze e bambine per difendere i loro diritti e **promuovere** i cambiamenti" in the target text. In this case, instead of translating 'act as an advocate' with 'fungere da promotore', the final version was simplified as 'promuovere' in Italian.

- In addition, the sentence

> UK Government has increased the territorial application of the Convention from three to seven Overseas Territories with Anguilla, Cayman Islands, Bermuda and the territory grouping of St Helena, Tristan da Cunha and Ascension Islands **attaining CEDAW's coverage**

and the translation

> il governo del Regno Unito ha esteso l'applicazione territoriale della Convenzione da tre a sette territori d'oltremare, **includendo** Anguilla, le Isole Cayman, le Bermude e le isole di Sant'Elena, Tristan da Cunha e Ascensione

represent another simplification. To be more specific, the verb 'includendo' in the target text was used to avoid the repetition of 'attaining CEDAW's coverage', as the concept had already been explained in the previous sentence with the words "has increased the territorial application of the Convention".

- Another example can be analysed from a lexical point of view. The sentence

> UK Government has also taken steps to reduce discrimination faced by LGBT people including: increasing the length of sentences for transgender hate crimes, publishing guidance for employers on recruiting and retaining transgender employees and **guidance** for caseworkers to deal with sexual orientation and gender identity issues in asylum claims

was rendered as

> Il governo del Regno Unito ha inoltre adottato misure per ridurre le discriminazioni subite dalle persone LGBT, tra cui: l'aumento della durata delle condanne per crimini di odio contro le persone transgender, la pubblicazione di linee guida per i datori di lavoro sull'assunzione e il mantenimento di dipendenti transgender e di **linee guida** per gli assistenti sociali per trattare di orientamento sessuale e questioni di identità di genere in materia di richieste di asilo

in Italian. The term 'guidance' can generally be rendered as 'assistenza', but in this case it was not possible, since it is followed by 'per gli assistenti sociali' and the two terms placed so close to one another would be too redundant. As a result, the simpler term 'linee guida' was chosen in the target text to avoid unnecessary repetition.

- Furthermore, the expression 'on a blanket basis', found in the sentence "Not all women who are subjected to gender based violence and exploitation will meet the destitution policy and it would not be appropriate to apply it **on a blanket basis**", does not have an equivalent expression in Italian that conjures up the same image. Therefore, the expression was simplified in the target text and the sentence was rendered as "Non tutte le donne vittime di violenza e sfruttamento di genere soddisferanno i criteri della politica di indigenza e non sarebbe opportuno applicarla **in modo generico**".

- Other examples of simplification can be found when analysing the sentence "However, UK Government recognises that challenges remain **which must be addressed**" and its translation "Tuttavia, il governo del Regno Unito riconosce che rimangono sfide **da affrontare**" or the sentence "The report provides evidence to show that adverts that include stereotypical gender roles or characteristics **have the potential to cause harm**" and the translation "Il rapporto fornisce prove per dimostrare che le pubblicità che includono ruoli o caratteristiche di genere stereotipati **potrebbero effettivamente causare danni**". In the second case, the expression 'potrebbero effettivamente causare danni' used in the Italian text is simpler than the English 'have the potential to cause harm' but it has the same meaning, since it conveys the idea of possibility that is also linked to 'potential' or 'potenziale' (Treccani 2020c).

- There are also specific instances where what might seem like an intentional use of simplification is actually not a choice of the translator but it is the inevitable consequence of specific characteristics of the source language and the target language. For example, the sentence

> UK Government is also investing in programmes to improve the quality of teaching of STEM subjects by training and upskilling these teachers and attracting the best science and mathematics graduates into teaching for example, through **initial teaching training bursaries and scholarships**

was rendered as

> Il governo del Regno Unito sta inoltre investendo in programmi per migliorare la qualità dell'insegnamento delle materie STEM attraverso la formazione e il miglioramento delle competenze degli insegnanti e attirando verso l'insegnamento i migliori laureati in scienze e matematica, ad esempio, attraverso **borse di studio per la formazione iniziale**

in Italian. In this case, 'initial teaching training bursaries and scholarships' became 'borse di studio per la formazione iniziale' in the target text. The reason is that, although English distinguishes between 'bursaries' and 'scholarships', as the former are granted to students because of their financial situation, while the latter are granted on the basis of excellence in a person's studies or sporting career (The Careers Portal 2018), the Italian system does not make this distinction (Diritto allo studio 2020).

- It is also necessary to point out that in many cases simplification was used to avoid repetition, since, as already discussed, legal Italian is less repetitive than legal English (see Section 5). For example, the sentence "UK Government wants to protect the rights of disabled people, including **women with disabilities**" was rendered as "Il governo del Regno Unito vuole salvaguardare i diritti delle persone con disabilità, comprese **le donne**". The Italian text was simplified and it does not include the words 'with disabilities' when referring to women, since the previous sentence already mentions 'disabled people'. Moreover, the sentence "The Women and Equalities Select Committee is a **select committee** of the House of Commons of the Parliament of the United Kingdom" and its translation "Il Comitato speciale per le donne e le pari opportunità è un **comitato** della Camera dei comuni del Parlamento del Regno Unito" are another example of the use of simplification to avoid repetition. In this case, including 'comitato speciale' twice in the same sentence would have been quite redundant, and it would have resulted in unnecessary and excessive wordiness.

- Overall, the elimination of repetition was not achieved only through the use of simplification. For example, in the sentence

> **UK** Government commissioned and published a review of evidence on the inequality among LGBT groups in the **UK**, and launched a national **LGBT** survey to assess whether public services in the **UK** are providing for the specific needs of the **LGBT** people and understand the ways in which **LGBT** individuals may face discrimination throughout their lives

the word 'UK' is repeated three times and the abbreviation 'LGBT' is repeated four times. However, in the Italian translation

> Il governo del Regno Unito ha commissionato e pubblicato una revisione delle prove della disuguaglianza tra i gruppi LGBT nel Regno Unito e ha lanciato un sondaggio nazionale in ambito LGBT per valutare se i servizi pubblici del **paese** tengono conto delle esigenze specifiche delle persone LGBT e comprendono i modi in cui **queste persone** possono subire discriminazioni durante la loro vita

the repetition was avoided through the use of legitimate alternatives such as 'paese' for 'UK' and 'queste persone' for 'LGBT individulas'. Furthermore, in the sentence

> Scottish Government is investing significant levels of funding to tackle violence against women and girls including nearly £30 million over 2017/2020 from the equality budget to support a range of projects and initiatives to tackle **VAWG**

the repetition of 'violence against women and girls' is avoided through the use of the abbreviation 'VAWG'. However, this abbreviation would mean nothing in Italian, therefore a different strategy had to be employed in the target text. In the end, the sentence was rendered as

> Il governo scozzese sta destinando finanziamenti significativi alla lotta contro la violenza su donne, ragazze e bambine, compresi circa 30 milioni di sterline nel periodo 2017/2020 provenienti dal budget per l'uguaglianza per sostenere una serie di progetti e iniziative per affrontare **questo tipo di violenza**.

One more example can be found in the sentence

> Reference should also be made to the **United Kingdom**'s Common Core Document 2014, which provides an overview of the characteristics of the **United Kingdom** and of the political and legal structures that are in place to ensure the promotion and protection of human rights within the **United Kingdom**

and its translation

> È inoltre necessario fare riferimento al Documento di base comune 2014 del Regno Unito, che fornisce una panoramica delle caratteristiche del **paese** e delle strutture politiche e giuridiche istituite per garantire la promozione e la protezione dei diritti umani all'interno del Regno Unito.

In the source text ‘United Kingdom’ is repeated three times, while in the target text it has been replaced by ‘paese’ the second time.

Another technique frequently employed during the translation process is transposition. According to Alcaraz and Hughes (2002: 181), transposition is “the substitution of one grammatical category for another, on the basis that both may be fairly said to possess the same semantic weight or equivalent semic density”. This means that there are many kinds of transpositions, since it can be applied to different grammatical categories (Alcaraz and Hughes 2002: 181).

- For example, there are many cases of transposition involving a verb in the source text becoming a noun in the target text. The subheading “**Extending** the UK’s ratification of the Convention” was rendered as “**Estensione** della ratifica della Convenzione da parte del Regno Unito” in Italian. Moreover, another example of this type of transposition can be found in the sentence

> The high level Gender Directors’ Network chaired by the GEO Head of Gender Equality and comprising the counterparts from the DAs remains an important forum for **exchanging** best practice on the implementation of CEDAW

and its translation

> La rete di alto livello formata dai responsabili della parità di genere (Gender Directors’ Network) e presieduta dal Direttore per la parità di genere del GEO, che comprende le controparti delle DA, rimane un forum importante per **lo scambio** delle migliori pratiche per l'implementazione della CEDAW.

To be more specific, the English verb ‘exchanging’ became ‘lo scambio’ in Italian. Similar examples can also be found in the sentences “**Placing** information about CEDAW and the Optional Protocol on the GEO website” and “**Funding** and **hosting** nine consultation events to mark the 20th anniversary of the Beijing Declaration and Platform for Action (BpFA)” with the respective translations “**L'inserimento** di informazioni sulla CEDAW e il Protocollo facoltativo sul sito Web dell'Ufficio governativo per l'uguaglianza” and “**Il finanziamento** e **l'organizzazione** di nove eventi di consultazione in occasione del 20°anniversario della Dichiarazione e della Piattaforma d'azione di Pechino”.

- In other cases, transposition can also involve a noun in the source text becoming an adjective in the target text. For example, the sentence “the Equality Act 2010 prevents

discrimination on the grounds of a number of protected characteristics equitably and without creating a **hierarchy** of equality" was rendered as "la Legge sull'uguaglianza del 2010 impedisce la discriminazione sulla base di una serie di caratteristiche tutelate in modo equo e senza creare un'uguaglianza **gerarchica**" and 'hierarchy' became 'gerarchica'.

- Furthermore, in different instances transposition was used when changing an active verb form into a passive verb form or vice versa, to achieve a more natural sounding target text (Alcaraz and Hughes 2002: 182). For example, the sentence "to ensure that the voices of women and girls **are heard** by decision makers in Wales" became "per garantire che i responsabili decisionali del paese **prestino attenzione** alle opinioni di donne, ragazze e bambine" in Italian, because the active voice makes the text more direct and more natural. There are also examples of transposition from the active to the passive voice, such as "**It has established** a network of officials from across central Government Departments and in the DAs" and its translation "**E' stata istituita** una rete di funzionari provenienti da tutti i Dipartimenti del governo centrale e nelle DA".

- Lastly, there are a few cases of transposition from singular number to plural number. For example, it can be found in the sentence "They will then be able to assess **impacts** of their policies on groups" and in the Italian translation "Saranno poi in grado di valutare **l'impatto** delle loro politiche su gruppi", where the singular 'impatto' sounds more natural compared to the plural alternative. Another example is evident in the sentence "**This** will now be permissible up to 2030", rendered as "**Saranno consentiti** fino al 2030" in Italian because in the target text the use of the plural is linked to the previous sentence, which is "La legge sull'uguaglianza del 2010 ha esteso il periodo durante il quale sono consentiti gli elenchi ristretti di sole donne".

In addition, throughout the text there are different examples of another translation technique, called explicitation. The general definition of explicitation is "a shift in translation from what is implicit in the source text to what is explicit in the target text" (Murtisari 2016: 64). To be more specific, with this technique the different grammatical and lexical elements that are not present in the source text are used to create an unambiguous target text (Ippolito 2013: 10).

- For example, the sentence

> the UK Department for Digital, Culture, Media and Sport is supporting Project Diamond which is an ambitious industry-wide diversity monitoring system created by broadcasters BBC, Channel 4, ITV and Sky, and supported by Pact and Creative Skillset, through the Creative Diversity Network

was rendered as

> il Dipartimento per il digitale, la cultura, i media e lo sport del Regno Unito sostiene Project Diamond, un ambizioso sistema di monitoraggio della diversità a livello di settore creato dalle emittenti BBC, Channel 4, ITV e Sky e supportato dall'**associazione di categoria** Pact e l'**ente di formazione** Creative Skillset, attraverso la **rete** Creative Diversity Network.

In this case, elements such as 'associazione di categoria', 'ente di formazione' and 'rete' were added to make the target text more precise and clearer, considering that the Italian public is probably not aware of the existence of these British organisations and of their different roles, which were left implicit in the source text.

- Another example can be found in the sentence "Skills Development Scotland (SDS) published a five-year Equalities Action Plan for Modern Apprenticeships (MA) in Scotland" and the Italian translation "**L'agenzia** Skills Development Scotland (SDS) ha pubblicato un Piano d'azione quinquennale per l'uguaglianza negli apprendistati moderni in Scozia", where 'l'agenzia' was added to the target text to clarify the role of a specific Scottish organisation for the target public.

- Moreover, the sentence "NHS Scotland provides health services to all asylum seekers in Scotland" was rendered as "**Il sistema sanitario scozzese** (NHS Scotland) fornisce servizi sanitari a tutti i richiedenti asilo in Scozia". In this case, 'NHS Scotland' became 'Il sistema sanitario scozzese (NHS Scotland)' to once again make a reference to a specific element of the British culture, in this instance the British healthcare system, more comprehensible for the Italian readership.

- One final example is included in the sentence "Funding is provided for the National Respect Helpline to support male and female perpetrators to address their abusive behaviour" and its translation "**Il servizio di supporto telefonico dal nome** 'National Respect Helpline' riceve finanziamenti per sostenere uomini e donne colpevoli nell'affrontare il loro comportamento violento". In the target text explicitation was used to explain what the 'Natonal Respct Helpline' is to the Italian readers.

Three translation techniques that are also worth mentioning and that were used when dealing with specific issues throughout the translation process are borrowing, calque and adaptation. Borrowing is defined as "the process of importing linguistic items from one linguistic system into another" and it can involve vocabulary, phonology and grammar (Hoffer 2002: 1). Moreover, according to Vinay and Darbelnet (1995: 340), it is "a word or expression borrowed directly from another language, in its form and meaning" and it is the simplest translation method (Vinay and Darbelnet 1995: 31). Calque is considered "a special kind of borrowing, whereby a language borrows an expression form of another, but then translates literally each of its elements" (Vinay and Darbelnet 1995: 32). Vinay and Darbelnet (1995: 32) have identified two types of calque: a lexical calque, used when the syntactic structure of the target language is respected, and a structural calque, used when a new construction is introduced into the target language. Finally, adaptation is a complex technique used when a specific element of the source text is unknown in the target culture and the translator has to come up with a new element that can be considered equivalent (Vinay and Darbelnet 1995: 32).

- An example of borrowing is represented by the subheading "Dress codes", rendered as "Dress code" in Italian. In this case, the term 'dress code' is considered a neologism in Italian (Treccani 2004) and it was imported from the English language. Another example can be found in the sentence "There is strong legislation in place to deal with internet trolls, **cyber-stalking** and harassment" and its translation "Esiste una solida normativa vigente che si occupa dei troll di Internet, del **cyber-stalking**, delle molestie". This is another instance where a term, 'cyber-stalking' to be more specific, was imported from English into Italian and it became a neologism (Treccani 2007). Lastly, the technique of borrowing was also employed when translating the sentence "the Prime Minister announced a new **taskforce** to accelerate progress in tackling slavery" into "il Primo Ministro ha annunciato la nascita di una nuova **task force** per accelerare i progressi nella lotta alla schiavitù" because the word 'taskforce' was borrowed from English.

- When it comes to calque, there are many different examples of this kind of borrowing in the target text. In general, this technique, in particular the lexical calque, was used very often when dealing with the names of specific British institutions or Acts and action plans developed by the British Government. A few examples of calque are the 'Welsh Government's Equality and Inclusion Funding Programme 2017-20', translated

word for word as ‘Programma di finanziamento per l'uguaglianza e l'inclusione del governo gallese 2017-20’, the ‘The Digital Economy Act’ rendered as ‘Legge sull’economia digitale’ and the ‘Government Equalities Office (GEO)’ translated literally as ‘Ufficio governativo per l'uguaglianza’.

- Finally, a very clear example of adaptation can be found in the sentence “The number of girls taking STEM **A-levels** increased by 20% from 2010 to 2017” and the Italian version “Il numero di ragazze che portano discipline STEM alla **maturità** è aumentato del 20% dal 2010 al 2017”. In this case, as already mentioned (see Section 5.1), A-levels are unknown to the Italian public, since they are part of the British education system, but Italian readers are very familiar with the term ‘maturità’, which refers to specific exams in the Italian education system. Therefore, the term ‘maturità’, which is very close to the term ‘A-levels’, was introduced in the target text as a more familiar element for the target public.

Lastly, it is necessary to look at syntactic peculiarities and punctuation. According to Alcaraz and Hughes (2002: 190), it is the translator’s duty to naturalise the syntax in the target text while preserving the ‘syntactic spirit’ of the source text.

- An example of this process is represented in the sentence “Significant progress has been made since the Corston Report of 2007” and its Italian translation “Dalla relazione Corston del 2007 sono stati compiuti progressi significativi”. In this case, the words were arranged differently in the target text to make the sentence sound more natural, but the sense of the syntactic order of the source text was preserved. The same can be said for the sentence “The existing protection under Isle of Man law against discrimination in the field of employment will be expanded” and the translation “L'attuale tutela contro la discriminazione in ambito lavorativo prevista dalla legislazione dell'Isola di Man sarà ampliata”.

- Furthermore, the sentence “UK Government is developing a strategy for female offenders to improve outcomes for women in the community and custody, which will be set out in due course” was rendered as “Il governo del Regno Unito sta sviluppando una strategia per le donne che hanno commesso reati che sarà definita a tempo debito, al fine di migliorare le condizioni per le donne nella comunità e in custodia”. In the target text the structure of the sentences was changed to once again create a more natural-sounding

and clearer result in Italian. However, the syntactic spirit of the source text was not altered.

- The last example can be found in the sentence “To put in place a new system of voluntary press self-regulation, the Press Recognition Panel (PRP) was established by Royal Charter” and the Italian version “Il Comitato per il riconoscimento della stampa (Press Recognition Panel, PRP) è stato istituito tramite Concessione reale per creare un nuovo sistema di autoregolamentazione volontaria della stampa”. This is another instance where the order of the sentences was changed in the target text to make it more clear and direct.

With regard to punctuation, it is the final aspect to take into account while analysing the different strategies and techniques employed during the translation process. On the whole, not a lot of changes were made when it comes to punctuation. However, there are some examples that show how the few changes that were made were dealt with.

- The first example is the sentence

> Scottish Government has taken action to address the inequalities that women experience in relation to work**;** representation of women in senior and decision-making roles**;** gender imbalance in STEM**;** and violence against women and girls

rendered as

> Il governo scozzese ha preso provvedimenti per affrontare la disuguaglianza che le donne sperimentano in relazione al mondo del lavoro**,** come la scarsa rappresentanza in ruoli di alto livello e decisionali**,** lo squilibrio di genere nel mondo delle discipline scientifico-tecologiche (STEM) e la violenza contro donne, ragazze e bambine.

In this case, the elements listed in the target text were separated by commas, since it is more natural in Italian, while in the source text they were separated by semicolons.

- The second example can be found in the sentence

> UK Government has committed £8.5m to transform the police response to this complex, multi-faceted crime**;** successfully argued for the establishment of UN Sustainable Development Goal 8.7 to end modern slavery, and ratified the International Labour Organisation (ILO) Protocol to the Forced Labour Convention

with its translation

> Il governo britannico ha destinato 8,5 milioni di sterline al rinnovamento dell’approccio della polizia in risposta a questo crimine complesso e vario**,** ha sostenuto con successo l'istituzione dell'Obiettivo di Sviluppo Sostenibile 8.7 delle Nazioni Unite per porre fine alla schiavitù

moderna e ha ratificato il Protocollo dell'Organizzazione internazionale del lavoro (ILO) alla Convenzione sul lavoro forzato.

In the target text the semicolon was replaced by a comma to create a more uniform structure, where the sentences are all separated by commas.

- The final example is part of the sentence "The Scottish Child Abuse Inquiry**,** is looking into abuse of children in care" and of the Italian version "L'Inchiesta scozzese sugli abusi sui minori sta esaminando gli abusi sui bambini in tutela". In the Italian language separating the subject and the verb of a sentence is not possible, therefore the comma was removed in the target text.

In conclusion, it is important to mention that the source text was quite difficult to translate, especially when it comes to the more obscure parts of it, and it was complex overall, considering that the method of interpretation adopted had to be as close as possible to that of a legal professional (Garre 1999: 3) but the report was not translated by one nor by a translator with legal training. In the end, a lot of time was spent researching most terms to compensate for the lack of knowledge regarding the legal field. Moreover, the most difficult aspect was the constant reference to the legal and political system of the United Kingdom and the use of institutional terms and official names of organisations or documents with no Italian equivalents. In some instances, when it comes to topics that are largely discussed in the media, such as gender and work equality, finding equivalents in the Italian language or useful material for researching translation options was quite easy. However, in many other cases the translation process was quite complicated. Overall, borrowing English terms might have been the easiest option, but in this case it would not have worked, especially when taking into account the target public, which consists of lay people with a very limited knowledge of the English language that would have made it impossible for them to understand the content of the original document. Furthermore, the process was even more complex because adding footnotes to clarify the specific roles and functions of British organisations and officials was not possible, considering that the report is already full of footnotes and the result would have been too confusing for the Italian readership. In the end, a few explanations were included in the text through the use of explicitation, but they had to be kept to a minimum to avoid over-explaining and also to avoid creating a target text much longer than the source text. It should also be noted that, in general, employing the different translation techniques

contributed to making the Italian text longer, but it was necessary to develop a readable document. On the whole, as previously mentioned (see Section 5), finding the right balance between representing the source text and the culture it is linked to in the best way possible and making the target text as easy to understand and as smooth as possible for the Italian public was quite difficult and challenging.

CONCLUSION

In this work the translation from English into Italian of selected sections of the eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland to the Committee on the Elimination of Discrimination against Women has been at the centre of an in-depth analysis of the translation process and of the choices made and the strategies adopted by the translator.

In conclusion, it is important to point out that the result of this process was a target text that can be considered accessible and readable for the Italian lay public and that can contribute to raising awareness about human rights and in particular the protection and the implementation of women's rights, especially in a country like Italy where, as seen throughout this work, these rights are not as strong as they are in other countries.

The translation process has also brought to light many issues and distinct aspects of the translation of legal texts and international human rights documents. To be more specific, this work has highlighted the fundamental role of research, which was essential and quite time-consuming in this case, since it was necessary to compensate for the lack of legal training of the translator. This aspect of the translation process demonstrates the importance of legal knowledge when dealing with the language of law and legal documents and it could help demonstrate how useful legal translator training is to reduce research time and to create accurate target texts. Legal knowledge is necessary to be able to quickly determine when common everyday language is incorporated into legal language and used with a specific legal meaning and to be able to operate within different legal systems. Furthermore, this work has emphasised the problems created by culture-bound terms, institutional terms and the translation between two distinct legal systems that are linked to very different cultures. Overall, as stated many times throughout this work, the main strategy adopted was trying to find and maintain the right balance between the need for clarity and for smooth communication in the target text and the correct representation of the content and the culture of the source text.

In the future, further analysis could be focused on the role of research and legal translator training in the field of legal translation and human rights translation to understand how it can affect the work of translators. Moreover, more research could be conducted to examine in depth the translation of international human rights documents into non official

languages and the effect it has on mainstreaming these rights and reaching the general public.

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Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
18 December 2017

Original: English

Committee on the Elimination of Discrimination against Women

Eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 18 of the Convention, due in 2017*

[Date received: 16 November 2017]

Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

Foreword

The document is the eighth periodic report, which the United Kingdom is required to submit to the UN Secretary-General under the article 18 of the Convention on the Elimination of all Forms of Discrimination against Women. The Report covers the period of 2011 to 2017.

During this period, the United Kingdom was led by a Coalition Government between 2010 and 2015, and a Conservative majority Government from 2015 to the present day. Currently the power-sharing negotiations[1] between the main political parties in Northern Ireland remain ongoing, and in the absence of a functioning devolved government, references to Northern Ireland contained in this report remain subject to review and agreement by future Ministers with responsibility for the issues concerned.

On 23 June 2016, the people of the UK voted to leave the EU. However, the UK remains committed to maintaining its strong global role in relation to human rights and continues to comply with its international human rights obligations.

The document was prepared largely in response to the 2013 *Concluding Observations and Recommendations* [2] of the UN Committee on the Elimination of Discrimination against Women following its consideration of the United Kingdom's seventh periodic report and provides an article by article review of the implementation of CEDAW in the United Kingdom. Where text, throughout the report is relevant to a Recommendation, it has been indicated with an endnote.

Reference should also be made to the United Kingdom's *Common Core Document 2014*[3], which provides an overview of the characteristics of the United Kingdom and of the political and legal structures that are in place to ensure the promotion and protection of human rights within the United Kingdom.

The report uses statistics and information provided by the UK's Central Government Departments, the Devolved Administrations of Scotland, Wales and Northern Ireland, the governments of the British Overseas Territories and the Crown Dependency of the Isle of Man.

In preparing this report, the UK Government Equalities Office (GEO) with support from the Welsh and Scottish Governments conducted a targeted engagement exercise with a cross-section of women's organisations. The consultation process was largely based on the following stakeholder roundtables: in Wales on 19 June 2017, in London on 26 June 2017 and in Scotland on 14 July 2017. See annex three.

[1] https://www.gov.uk/government/news/restoration-of-devolution-a-priority-says-secretary-of-state.

[2] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en.

[3] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=HRI%2fCORE%2fGBR%2f2014&Lang=en.

Introduction

1. This report sets out the UK Government's overarching approach to advancing gender equality and eliminating discrimination. The Right Honourable Justine Greening MP, Secretary of State for Education and Minister for Women and Equalities, leads on delivering the UK Government's gender equality strategy. She is supported by The Right Honourable Anne Milton MP, Minister for Apprenticeships, Skills and Women, and Nick Gibb MP, Minister for School Standards and Equalities.

Institutional mechanisms

2. The Government Equalities Office (GEO) leads work on policy relating to women, sexual orientation and transgender equality, and is responsible for the wider equality framework across government. It leads on the government's international obligations on gender equality and is the "National Machinery for Women", the institutional mechanism responsible for overseeing and promoting the delivery of UK commitments under CEDAW. On September 2015, GEO became part of the Department for Education (DFE), retaining its existing functions.

3. The status of the Devolved Administrations in Northern Ireland, Scotland and Wales (DAs) and the UK's relationship with the Crown Dependencies (CDs) and Overseas Territories (OTs) is explained in annexes one to three of the UK's seventh periodic report.

Reservations to CEDAW

4. The UK Government has reviewed the current reservations (annexed) and concluded that they should not be withdrawn[1].

Extending the UK's ratification of the Convention

5. Noting the Committee's recommendation, the UK Government Equalities Office in partnership with the Foreign and Commonwealth Office led a programme of work to extend the UK's ratification of the Convention to the British Overseas Territories who were not already signatory. As of 2017, UK Government has increased the territorial application of the Convention from three to seven Overseas Territories with Anguilla, Cayman Islands, Bermuda and the territory grouping of St Helena, Tristan da Cunha and Ascension Islands attaining CEDAW's coverage. It is the Government's ambition that the UK's ratification will soon be extended to the remaining Overseas Territories and the Crown Dependencies of Jersey and Guernsey.[2]

Articles 1-4: United Kingdom approach to tackling discrimination and advancing gender equality

Overarching approach[3]

6. UK Government recognises the importance of effective coordination and monitoring of the implementation of CEDAW and the CEDAW Committee's Concluding Observations, including its recommendations, across the UK and in its CDs and OTs. It has established a network of officials from across central Government Departments and in the DAs as highlighted in the UK's seventh Periodic Report. Following the examination of this report, the 2013 Concluding Observations and Recommendations[4] were sent to Ministerial Departments across the UK to raise awareness of the Committee's recommendations. A cross-government officials working group led by the GEO was established to monitor implementation of the

[4] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f7&Lang=en.

recommendations. The high level Gender Directors' Network chaired by the GEO Head of Gender Equality and comprising the counterparts from the DAs remains an important forum for exchanging best practice on the implementation of CEDAW.

7. UK Government and the DAs have embedded various strategies to disseminate information on and raise awareness of CEDAW, the Concluding Observations and the Optional Protocol (OP) during the reporting period, including:

- Placing information about CEDAW and the Optional Protocol on the GEO website;
- Funding and hosting nine consultation events to mark the 20th anniversary of the Beijing Declaration and Platform for Action (BpFA) and to raise awareness of CEDAW;
- Membership of UK Treaty Monitoring groups (e.g GEO is represented on the Equality and Human Rights Commission's Treaty Monitoring Working Group);
- Working with the FCO to host the UK's first Overseas Territories human rights conference for OT human rights commissions which included sharing the UK's approach to implementing CEDAW.

Legislative approach

Implementing provisions in the Equality Act 2010

8. The Equality Act (2010) [5] prohibits direct and indirect discrimination, harassment, victimisation and other specified conduct, with certain exceptions permitted as lawful where appropriate. Noting the Committee's recommendation, UK Government does not agree that the Equality Act 2010 should incorporate all the provisions of the Convention. This would make it disproportionate in terms of gender, giving women more rights than others, for example disabled people or people from different BAME groups. This would undermine the rationale for legislation which provides protection to those who have one of the nine protected characteristics; thus the Equality Act 2010 prevents discrimination on the grounds of a number of protected characteristics equitably and without creating a hierarchy of equality[4].

Public Sector Equality Duty

9. The Public Sector Equality Duty (PSED) should be interpreted consistently with the rest of the Equality Act 2010. UK Government endorses the guidelines contained in the *Equality and Human Rights Commission's Equality Act 2010 Statutory Code of Practice*[6], which aids in the interpretation of the PSED. Non-statutory guidance is also available to help public authorities understand and comply with their duties. UK Government is committed to making the UK fairer for all and is working to identify and tackle the reasons for socio-economic inequality.[5] The Northern Ireland Act 1998, Section 75, places a statutory duty on public authorities when carrying out their functions to have due regard to the need to promote equality of opportunity between men and women generally.

Public Sector Equality Duty Training

10. Most UK Government departments have lawyers who provide PSED and/or discrimination training to their policy officials so that the front-line staff understand what the duty requires. Departments can then ensure they comply with the PSED in the policy and decision-making process. They will then be able to assess impacts of their policies on groups with protected characteristics, including women, which will enable them to have due regard to advancing equality of opportunity for women and to foster good relations between women and others with protected characteristics.

[5] http://www.legislation.gov.uk/ukpga/2010/15/contents.

[6] https://www.equalityhumanrights.com/sites/default/files/employercode.pdf.

11. In Scotland, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 require Scottish public authorities to undertake a range of activities enable the better performance of the public sector equality duty in the Equality Act 2010. These activities include: reporting on mainstreaming equality; setting equality outcomes and reporting on progress; carrying out equality impact assessment; gathering, using and publishing employee information; publishing their gender pay gap and an equal pay statement setting out equal pay policy and details of occupational segregation.

Gender Pay Gap Reporting

12. UK Government has delivered the Committee's recommendation to require large organisations to publish their gender pay gap data. The Equality Act 2010 (Gender Pay Gap Information Regulations) 2017 has been introduced under section 78 of the Equality Act 2010 and apply to large employers in the private and voluntary sectors. The Equality Act (Specific Duties and Public Authorities) Regulations 2017, introduced under section 153 of the Equality Act 2010, replace the previous Specific Duties regulations in England that underpin the Public Sector Equality Duty.

13. Noting the Committee's concerns, Section 19 of the Employment Act (NI) 2016 in Northern Ireland provides that employers should, in accordance with regulations made by Executive Office, publish information showing whether gender pay disparities exist between employees. The information is to be presented by reference to a series of factors prescribed by regulations. Where gender pay differences are identified, an employer must publish an action plan to eliminate them and provide a copy of the action plan to employees and any recognised trade union. The size of employer to which the requirements apply (determined by the number of employees in the organisation) is to be established by regulations. Regulations under section 19 of the 2016 Act have still to be made. Section 19 of the 2016 Act also provides for the publication of a Strategy and an Action Plan for eliminating gender pay differences[6].

14. In Scotland, the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 require Scottish public authorities to publish their gender pay gap and an equal pay statement setting out equal pay policy and details of occupational segregation.

The United Kingdom's withdrawal from the European Union and Equalities

15. The UK is preparing to leave the EU in the best possible way for the UK's national interest and is committed to ensuring the United Kingdom emerges from this period of change stronger, fairer, more united and more outward looking than ever before. The UK has some of the strongest equalities legislation in the world, and will ensure that robust protections provided by the equalities acts continue to apply. UK Government will also review all existing EU funding schemes in the coming months and consult with all appropriate stakeholders, to ensure any ongoing funding commitments best serve the UK's national interests.

Implementing the United Nation's Sustainable Development Goals (SDGs)[7]

16. Noting the Committee's recommendation, UK Government led on securing a standalone Sustainable Development Goal on gender. In the report *Agenda 2030: Delivering the Global Goals*[7], published by the UK's Department For International Development (DFID) in March 2017, each of the 17 goals is addressed and plans for how the Government is going to deliver them at home and globally. The Government has also published a response to the Women and Equalities Select Committee's (WESC) inquiry into the domestic implementation of Goal five of the SDGs. In Scotland, prior to the review of the National Performance Framework's (NPF) national outcomes, officials identified the NPF as the best mechanism through which the SDG should be implemented in Scotland. Scotland's aims and ambitions,

[7] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/603500/Agenda-2030-Report4.pdf.

such as tackling inequality and ensuring access to high quality education and healthcare, are reflected in the SDGs.

Measures to eliminate discrimination targeting specific groups:

Black, Asian and Minority Ethnic (BAME) women[8]

17. In August 2016, UK Government launched an audit[8] of public services to reveal racial disparities and to help end the injustices that many people, including BAME women, experience. Employment support, education and healthcare are in scope. It is a comprehensive audit of the provision of public services, including relevant data that departments and public services currently hold, as well as identifying new information to collect. The findings published in October 2017 will influence government policy at a local and national level. To improve access to employment, the UK Government has built capability in Jobcentres, which helps staff to support BAME women to overcome barriers they may face to gaining work. Fieldwork has been carried out to gain a stronger understanding of what interventions can be effective and Jobcentres are sharing good practices with the wider Jobcentre network.

18. In Scotland, a new £500,000 Workplace Equality Fund aims to address longstanding barriers to accessing the labour market. It is likely to focus on recruitment and progression for women, disabled people, ethnic minority people and older workers.

Women with disabilities

19. UK Government wants to protect the rights of disabled people, including women with disabilities, by ensuring that government policies and gender-specific policies:

- Incorporate the use of the social model of disability to break down barriers and meet the needs of disabled people;
- Take account of the United Nations Convention on the Rights of Disabled People (UNCRDP).

20. Positive action provisions also enable targeted action to help disabled people overcome disadvantage, increase participation or meet specific needs. *The Violence Against Women and Girls: National Statement of Expectations*[9] requires local areas to provide a broad diversity of provision - considering how services will be accessible to disabled women, and providing specific services to manage learning disabilities.

21. In 2016, Scottish Government published a Disability Delivery Plan (DDP), *A Fairer Scotland for Disabled Peopl*e, which will work to remove the barriers disabled people can face when it comes to finding and sustaining employment, and developing their careers.

Women Offenders[9]

22. Significant progress has been made since the *Corston Report*[10] of 2007, including the end of mandatory full searching of women in reception, and a move to a risk-based approach that embeds gender-specific standards for women in all areas of prison regimes. In addition, an Advisory Board on Female Offenders was established in May 2013, which brings together key stakeholders from across the British Government to provide leadership and expert advice as we deliver the female offenders' programme.

23. UK Government is developing a strategy for female offenders to improve outcomes for women in the community and custody, which will be set out in due course. Decisions about

[8] https://www.gov.uk/government/news/prime-minister-orders-government-audit-to-tackle-racial-disparities-in-public-service-outcomes.

[9] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574665/VAWG_National_Statement_of_Expectations_-_FINAL.PDF.

[10] http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf.

custodial sentences are a matter for the independent judiciary. The Government is committed to ensuring all suspects and offenders in the criminal justice system are treated equally, whatever their ethnicity. On 31 January 2016, an independent review was set up to understand factors affecting the treatment of, and outcomes, for BAME individuals to identify areas for reform, and make recommendations for improvement, with the ultimate aim of reducing the proportion of BAME individuals in the system.[1011]

24. In Northern Ireland, the Department of Justice is current working with statutory partners, and the voluntary and community sector, to develop a new strategy focusing on reducing offending among women. The strategy aims to deliver a gender-informed approach which supports desistance and improves outcomes for women in contact with the criminal justice system. Scottish Government announced the decision to build a new national prison for women and up to five small community based custodial units across Scotland.

Lesbian, Gay, Bisexual and Transgender Equality

25. The UK continues to be recognised as one of the most progressive countries in Europe for LGBT rights by ILGA-Europe. Since the last periodic report, the UK has made significant progress towards equal rights with 15,098 marriages celebrated between same sex couples in England and Wales in the 15 months after extending marriage to same sex couples, and more same sex couples becoming adoptive parents. [11] Since the enactment of the Gender Recognition Act 2004, 4,626 Gender Recognition Certificates have been granted in the UK.

26. UK Government has also taken steps to reduce discrimination faced by LGBT people including: increasing the length of sentences for transgender hate crimes, publishing guidance for employers on recruiting and retaining transgender employees and guidance for caseworkers to deal with sexual orientation and gender identity issues in asylum claims. In 2016, UK Government announced a £3 million investment in a programme to prevent and address homophobic, biphobic and transphobic bullying in schools in a sustainable way.

27. UK Government commissioned and published a review of evidence on the inequality among LGBT groups in the UK, and launched a national LGBT survey to assess whether public services in the UK are providing for the specific needs of the LGBT people and understand the ways in which LGBT individuals may face discrimination throughout their lives. The survey closed on October 15th 2017, and the results will be analysed and used to inform UK Government's plans to improve LGBT equality.

28. Northern Ireland Government's approach is subject to Section 75 of the Northern Ireland Act 1998 which requires public authorities, in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between men and women generally, and between persons of differing sexual orientation.

29. Scottish Government has a very strong record on LGBTI. For example, Scottish Government made provision through the Marriage and Civil Partnership (Scotland) Act 2014 for same sex couples to marry, uses an inclusive definition of gender identity in its hate crime legislation, and added intersex equality to its approach to sexual orientation and gender identity equality and now uses the acronym LGBTI to support the inclusion of intersex people in Scotland. In order to continue to progress LGBTI equality, the Scottish Government committed in its Programme for Government 2016-17 to "review and reform gender recognition law so it is in line with international best practice for people who are transgender or intersex.

[11] https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2014- to-2015.

Non-Departmental Public Bodies

30. The Equality and Human Rights Commission remains the independent statutory body with responsibility to eliminate discrimination, promote and monitor human rights and promote equality. Sponsored by the Government Equalities Office and enforces the Equality Act 2010. The Equality Commission for Northern Ireland has a statutory role in monitoring the implementation of Section 75 of the Northern Ireland Act 1998.

Equality Advisory and Support Service

31. The GEO sponsors the Equality Advisory and Support Service which provides high quality expert information, advice and support for individuals who have problems with discrimination. It has a particular focus on finding early and informal solutions and helping with the most complex discrimination problems for vulnerable clients, providing intensive support for those that need it most.

Women and Equalities Select Committee

32. The Women and Equalities Select Committee is a select committee of the House of Commons of the Parliament of the United Kingdom. It was established following the 2015 general election to examine the expenditure, administration and policy of the Government Equalities Office on equalities (gender, age, race, sexual orientation, disability and transgender/gender identity) issues.

Non-Governmental Organisations [12]

33. The annual national NGO consultation event, held in the run up to the Commission on the Status of Women (CSW) serves as one of the main vehicles for UK Government's engagement with women and women's organizations. In October 2014, GEO launched a women's engagement roadshow and an online survey to mark the twentieth anniversary of the Beijing Platform for Action. Women's organizations across the UK were invited to share their views on what progress has been made towards gender equality and priorities for future action. Scottish Government provides funding to a variety of organizations and projects that promote equality of opportunity for women and men in Scotland including- Engender, and Scottish Women's Convention. Welsh Government's Equality and Inclusion Funding Programme 2017-20 is supporting Women's Equality Network (WEN) Wales to ensure that the voices of women and girls are heard by decision makers in Wales. They will be awarded a grant of £120k per year, over the three-year programme period.

Special measures to accelerate equality

34. The Equality Act 2010 allows measures to be targeted at women, for example to enable them to gain employment or access health services. Such measures can only be taken if they are a proportionate means of achieving a legitimate aim. This is not positive discrimination, which would be favouring someone or a group solely because they have a protected characteristic regardless of other relevant factors. The Equality Act 2010 extended the period during which women-only shortlists are permitted in order to help increase the representation of women in Parliament and specified elected bodies. This will now be permissible up to 2030.

35. Scottish Government has taken action to address the inequalities that women experience in relation to work; representation of women in senior and decision-making roles; gender imbalance in STEM; and violence against women and girls. Scottish Government has also committed to establish an Advisory Council for Women and Girls to champion the rights of women and girls, and act as an advocate for changes that can be made across society to deliver equality.

Accelerating gender equality in the British Overseas Territories and in the Isle of Man

36. In Anguilla, the Domestic Violence Act (2014) came into force providing greater protection for victims of domestic violence by empowering the Court to grant a protection order and for other related matters. In 2012, Gender Equality legislation was introduced in the Cayman Islands and prohibits both direct and indirect discrimination on the basis of sex, marital status, pregnancy or gender in employment and related matters.

37. The Equality Act 2017[12] has recently been passed and the Isle of Man Government has started to prepare for the implementation phase of this legislation. Under the Equality Act, public authorities will be subject to a Public Sector Equality Duty. Implementation of the legislation Act is a specific outcome within the "Inclusive and Caring Society" Strategic Objective of the Isle of Man Programme for Government 2016-2021[13].The existing protection under Isle of Man law against discrimination in the field of employment will be expanded by the Equality Act to also cover discrimination in the provision of goods and services. The Act will also fully implement equal pay for work of equal value.

Article 5 – Sex Roles and Stereotyping[13]

38. UK Government is working in partnership with media industries to drive up on- and off-screen diversity. For example, the UK Department for Digital, Culture, Media and Sport is supporting Project Diamond which is an ambitious industry-wide diversity monitoring system created by broadcasters BBC, Channel 4, ITV and Sky, and supported by Pact and Creative Skillset, through the Creative Diversity Network. People working on or off screen on all UK-originated productions will be asked to enter information on their gender, gender identity, age, ethnicity, sexual orientation and disability into the Diamond monitoring system.

Combatting gender stereotyping in advertising

39. The Government welcomed the recent report[14]: *Depictions, Perceptions and Harm* from the UK's advertising regulator (the Advertising Standards Authority), which examined the effect of gender stereotypes in advertising. The report provides evidence to show that adverts that include stereotypical gender roles or characteristics have the potential to cause harm. The Government is considering options for how UK Government can work with the sector to ensure that adverts depict both women and men in a positive way.

Culture, practices and ethics of the press[14]

40. Sir Brian Leveson published his report[15] on Part 1 of his Inquiry on 29 November 2012. It contained 92 recommendations on areas including press self-regulation, the police, relationships between the press and politicians, data protection, media plurality and media ownership. The majority of these recommendations have been acted upon and are being delivered. To put in place a new system of voluntary press self-regulation, the Press Recognition Panel (PRP) was established by Royal Charter. The PRP is independent from government and its function is to assess if a press self-regulator meets the criteria set out in the Royal Charter. More than one self-regulator can exist under this system and publishers are free to join or not join a self-regulator.

[12] https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2017/2017-0005/EqualityAct2017_1.pdf.

[13] https://www.gov.im/about-the-government/government/the-council-of-ministers/programme-for-government/.

[14] https://www.asa.org.uk/resource/depictions-perceptions-and-harm.html.

[15] https://www.gov.uk/government/publications/leveson-inquiry-report-into-the-culture-practices-and-ethics-of-the-press.

41. UK Government is committed to defending hard-won liberties and the operation of a free press. The UK's approach to press self-regulation ensures safeguarding both freedom of expression and striving to prevent issues like discrimination. However, UK Government recognises that challenges remain which must be addressed.

42. The *Royal Charter on Self-Regulation of the Press*[16] was agreed by the Scottish and UK Governments, and was unanimously passed in the Scottish Parliament and by all the major parties at Westminster. The Royal Charter puts in place a process to implement the recommendations of the Leveson Report. Scottish Government's *Equally Safe* strategy, sets out actions to prevent and eradicate violence against women and girls, contains a commitment to engage with the media on gender discrimination.

Women in Science Technology, Engineering and Mathematics (STEM)[15]

43. In the UK, girls are just as likely to do well in STEM GCSEs as boys. The Government has taken action to increase the take-up of STEM subjects amongst girls as well as boys, but recognises there is more to do.

44. The number of girls taking STEM A-levels increased by 20% from 2010 to 2017. There are more female entries in chemistry than male for the first time since 2004. STEM careers have a 19% pay premium and the UK Government is spending over £12 million per year on programmes in schools and colleges:

- To increase the take-up of maths and physics;[17]
- To support better teaching of these subjects in schools;
- To raise awareness of the range of careers that STEM qualifications offer, through programmes such as STEM ambassadors – and 42% of the ambassadors are women.

45. UK Government is investing £16million over two years on the *New Level 3 Maths Support Programme*[18] to raise the participation of girls in A-level Maths and Further Maths. Additionally, investing half a billion pounds into developing the technical skills of 16-19 year olds taking the new T-level certificate[19]. Some T levels (a new technical qualification) will be in subjects such as engineering, manufacturing and digital. Encouraging girls to enroll in these courses and make the most of the valuable skills and experience they offer, is a key priority. UK Government is also investing in programmes to improve the quality of teaching of STEM subjects by training and upskilling these teachers and attracting the best science and mathematics graduates into teaching for example, through initial teaching training bursaries and scholarships.

46. *The Strategy Success through STEM* outlines how in Northern Ireland, the relevant Government Departments intend to take forward the recommendations in the 2009 Report of the STEM Review[20] - including addressing gender bias.

47. Skills Development Scotland (SDS) published a five-year Equalities Action Plan for Modern Apprenticeships (MA) in Scotland. It outlines the actions that SDS and its partners will take to improve underrepresented groups' participation in the MA programme. The Action Plan includes activity to address gender imbalance within some MA occupation frameworks (e.g. females in STEM related apprenticeships). Scottish Government's STEM Strategy will be published Autumn 2017 and offers a comprehensive plan to improve STEM learning and teaching in the school curriculum.

[16] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254116/Final_Royal_Charter_25_October_2013_clean__Final_.pdf.
[17] http://stimulatingphysics.org/.
[18] http://furthermaths.org.uk/2017.
[19] https://www.gov.uk/government/news/education-secretary-announces-first-new-t-levels.
[20] https://www.educationni.gov.uk/sites/default/files/publications/de/Report%20of%20the%20STEM%20Review%202009_1.PDF.

48. Welsh Government has accepted all 33 recommendations in the *Talented Women for a Successful Wales* report. The report addresses the under-representation and poor retention of women in STEM careers in Wales.

Dress codes

49. UK Government is clear that discriminatory dress codes are unlawful, outdated and sexist, and cannot be tolerated in the workplace. Employers must meet their legal obligations towards their employees, and the Government will support and challenge them to do so. The EHRC and the Advisory, Conciliation and Arbitration Service already provide guidance on avoiding discrimination when setting dress codes. UK Government has worked closely with both organisations and the Health and Safety Executive to produce new guidance on workplace dress codes which will soon be published.

Men As Change Agents

50. The GEO has initiated a programme of work to strengthen the engagement of men in policy-making and the delivery of activities promoting gender equality. This included engagement and consultation events with academics and civil society organisations as well as coordination with other Government departments to maximise learning and opportunities for collaboration.

Article 6 – Exploitation of Women

Gendered online abuse

51. UK Government wants to eliminate bullying, intimidation, violence and harassment both on and offline. Women and girls can suffer extreme online abuse, from unacceptable comments about their appearance and views, to intimate pictures shared without their consent, even rape and death threats. There is strong legislation in place to deal with internet trolls, cyber-stalking and harassment, and perpetrators of grossly offensive, obscene or menacing behaviour. The Digital Economy Act will help to ensure that online abuse is effectively tackled through a robust code of practice for social media companies.

Tackling Revenge Pornography

52. UK Government is committed to supporting victims of revenge porn, and has given £178,000 over the last two years to fund the *Revenge Porn Helpline*[21] which has received over 6,000 calls since it opened in February 2015. A further £80,000 has been awarded this financial year to ensure victims of revenge porn continue to receive the support they need. Since 2015, there has been legislation in place specifically addressing revenge pornography. Courts in England and Wales can now impose immediate custodial sentences on offenders for up to two years.

53. Scottish Government introduced the *Abusive Behaviour and Sexual Harm (Scotland) Act 2016*. It created a specific offence of sharing private intimate images without consent with a maximum penalty of five years' imprisonment, which came into force on 3 July 2017.

Combatting human trafficking and slavery

54. UK Government has introduced the Modern Slavery Act 2015, which introduces a maximum life sentence for perpetrators and enhanced support and protection for victims. The *Modern Slavery Strategy 2014*[22] sets out a comprehensive approach to tackling modern slavery. In July 2016, the Prime Minister announced a new taskforce to accelerate progress in

[21] https://www.gov.uk/government/news/revenge-porn-helpline-launched-by-government.
[22] https://www.gov.uk/government/publications/modern-slavery-strategy.

tackling slavery and pledged £33.5m development funding to prevent slavery, including an £11m Innovation Fund to support new approaches to tackling slavery and a £3m Child Trafficking Protection Fund. UK Government has committed £8.5m to transform the police response to this complex, multi-faceted crime; successfully argued for the establishment of UN Sustainable Development Goal 8.7 to end modern slavery, and ratified the International Labour Organisation (ILO) Protocol to the Forced Labour Convention.

55. In Northern Ireland, a new legislative framework is now in place centred around the Human Trafficking and Exploitation (Criminal Justice and Support Victims) Act (Northern Ireland) 2015 ("the Act"). Section 12 of the Act places a requirement to produce an annual strategy on offences under section 1 and 2 of the Act (slavery, servitude and forced or compulsory labour and human trafficking). The purpose of the strategy is to raise awareness of human trafficking and modern slavery offences and to contribute to a reduction in the number of such offences. The 2014 review of the *National Referral Mechanism* (NRM)[23] made a number of recommendations for reforms which are aimed at improving the decision- making process in respect of cases and enhancing the overall effectiveness of the NRM in terms of outcomes for victims. A number of pilot projects in England finished at the end of March 2017 and an evaluation period began. The Department of Justice Northern Ireland (DOJNI) is continuing to engage with the UK Home Office to determine how any changes would be implemented in Northern Ireland. DOJNI also facilitated a consultation event, in Northern Ireland, for the Independent Anti-Slavery Commissioner on 20 March 2017 on the future of the NRM.

56. In Scotland, the *Human Trafficking and Exploitation (Scotland) Act 2015* consolidates and strengthens criminal law against human trafficking and exploitation. The offences in the Act now carry a maximum sentence of life imprisonment. It also introduces trafficking and exploitation prevention and risk orders. Scottish Government is working with partners to implement its *Human Tafficking and Exploitation Strategy*[24] published in May 2017.

57. The Wales Anti-Slavery Leadership Group provides strategic leadership for tackling slavery in Wales. The Leadership Group co-ordinates collaboration across partners to plan and support delivery, thereby maximising the opportunities for multi-agency solutions to tackle slavery.

Tackling Prostitution[16]

58. UK Government is committed to tackling the harm and exploitation that can be associated with prostitution, and believes that people who want to leave prostitution should be given every opportunity to find routes out. The Home Office continues to work closely with the police, Crown Prosecution Service (CPS), other front-line agencies and wider partners to ensure that legislation achieves these aims. In the Home Office's response to the *Home Affairs Select Committee (HASC) interim report on prostitution*[25], the Government recognises the need to gather a robust evidence base on the nature and prevalence of sex work in England and Wales, and believes that we cannot properly assess the impact of the other recommendations until this research has been completed.

59. Scottish Government commissioned a national scoping exercise of advocacy services relating to the criminal justice system for victims of violence against women and girls.[26] The exercise included advocacy services for victims of prostitution, human trafficking, rape and sexual assault.

[23] http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism.

[24] https://beta.gov.scot/publications/trafficking-exploitation-strategy/.

[25] https://www.gov.uk/government/publications/prostitution-government-response-to-the-third-hasc-report-2016-to-2017.

[26] https://beta.gov.scot/publications/national-scoping-exercise-advocacy-services-victims-violence-against-women-girls/documents/00523297.pdf?inline=true.

60. A grant of £150k has been given to the South Wales Police and Crime Commissioner to commission this research. Academics and researchers will be invited to bid to develop a comprehensive, impartial understanding of the nature, prevalence and composition of prostitution and sex work in England and Wales.

Article 9- Nationality

Supporting refugee and asylum seeking women[2122]

83. UK Government is committed to ensuring that the asylum process is gender sensitive and have implemented an asylum specific gender action plan. This covers a range of initiatives designed to support women to better engage with the asylum process and prevent discrimination. There is a training programme for all asylum caseworkers, which specifically includes gender based harm and gender sensitive approaches to issues such as trauma and memory loss so that interviews are conducted in an appropriate and sensitive way. Home Office asylum policy guidance on gender issues and domestic violence is currently being updated. Assurance reviews continue to be carried out to monitor the quality of asylum interviews and decisions to ensure gender sensitivity, adherence to current policy and promote continuous improvement.

84. The *New Scots: Integrating Refugees in Scotland's Communities*[38] provided a clear framework from 2014 to 2017 for all those working towards refugee integration in Scotland. The strategy has assisted in co-ordinating the work of the Scottish Government, its partner organisations and others in the public, private and third sectors. A refreshed New Scots strategy is in development. NHS Scotland provides health services to all asylum seekers in Scotland, including those whose claims have been refused, and asylum seekers in Scotland have access to legal services and legal aid to enable them to pursue their cases. Scottish Government believes that asylum seekers should be able to work while their claims are under consideration.

85. Welsh Government's *Refugee and Asylum Seeker Delivery Plan* was published in March 2016. The aim of the plan is to enable asylum seekers and refugees to have the opportunities to learn, thrive and contribute to the economic, environmental, social and cultural life of Wales. Welsh Government has also provided, via its Equality and Inclusion Grant 2014 – 2017, funding for the British Red Cross South East Wales Refugee Women Support Programme to enable vulnerable refugee women to independently exercise their rights and access local support services. From April 2017, a new, all Wales Support Service for refugees, asylum seekers and migrants, funded by Welsh Government, will be delivered by the Welsh Refugee Council.

Domestic violence and the *No recourse to public funds* policy[23]

86. Those seeking to establish their family life in the UK must do so on a basis that prevents burdens on the taxpayer and promotes integration. The no recourse to public funds condition applies to those granted limited leave outside of the protection routes, unless the published destitution policy is met. Where an applicant can show that there are particularly compelling reasons relating to the welfare of a child on account of the child's parent's very low income; or where there are exceptional circumstances relating to the applicant's finances, the grant of leave will not be subject to a condition of no recourse. Once granted, those subject to this condition can apply for it to be lifted where there is a significant change in circumstances such that they become destitute.

[38] http://www.gov.scot/Publications/2013/12/4581.

87. The destitution policy is applied on a case-by-case basis, taking into account the individual facts of the application. Not all women who are subjected to gender based violence and exploitation will meet the destitution policy and it would not be appropriate to apply it on a blanket basis. In other human rights applications, raising grounds such as gender based violence and exploitation will also be taken into account when considering whether a grant of leave outside of the Immigration Rules is warranted. Scottish Government welcomed the Scottish Parliament's Equalities and Human Rights Committee's (EHRiC) report, *Hidden Lives – New Beginnings: Destitution, asylum and insecure immigration status in Scotland*.[39] The report recommends that the scope of the Destitute Domestic Violence Concession should be extended to cover all women with insecure immigration status, including asylum seekers.

Article 15- Equality before the law and civil matters

Family Legal Aid - Domestic Violence[43]

165. In England and Wales, legal aid is available to those seeking protection from an abuser in domestic violence cases, and was granted in over 12,000 cases last year. Legal aid is also available to domestic violence victims with family law problems where objective evidence is provided.

166. In Scotland, legal aid is available to victims of domestic and gender-based violence seeking protection through civil actions, where they meet the statutory eligibility criteria. There is no residency test and no requirement to demonstrate that domestic abuse has taken place. In criminal cases, the state investigates offences and prosecutes alleged offenders. Victims of domestic and gender-based violence have the status of 'complainer' and can access advice and assistance on the criminal process. Scottish Government has provided funding, through the Scottish Legal Aid Board (SLAB)[72], to support the Scottish Women's Rights Centre, which offers free legal information and advice to women who have experienced gender-based violence, including a national helpline. Scottish Government has also made available publicly funded legal assistance for those seeking representation in recovery proceedings where sensitive records are sought, following the judgment in *WF v Scottish Ministers [2016] CSOH* 27.[73]

Review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)

167. Previous Justice Ministers agreed to submit a post-legislative memorandum for the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act to Parliament and to begin a post-implementation review of recent legal aid reforms shortly afterward. The Government has had a long-standing commitment to doing this review and publishing it by April 2018. The Lord Chancellor is considering the case for a review and will make an announcement in due course.

168. Scottish Government announced an, independent review of legal aid on 1 February 2017 to fulfil the commitment to maintaining access to public funding for legal advice and representation in both civil and criminal cases alongside measures to expand access to alternative methods of resolving disputes[74]. With legislation in Scotland dating back nearly 30 years, the review will explore how best the legal aid system can contribute to improving people's lives now and in the future.

[39] http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/103215.aspx.

[71] Women in Farming and the Agricultural Sector Research Report 2017: https://beta.gov.scot/publications/women-farming-agriculture-sector/pages/2/.

[72] http://www.slab.org.uk/.

[73] http://www.scotcourts.gov.uk/search-judgments/judgment?id=2af906a7-8980-69d2-b500-ff0000d74aa7.

[74] http://www.gov.scot/About/Review/legal-aid-review.

Protecting women from informal community arbitration systems

169. UK Government action to protect women from informal community arbitration systems is set out in the follow-up report submitted in November 2015[75].

Employment Tribunal Fees[44]

170. On 26 July 2017, the Supreme Court handed down judgment in the case of *R (Unison) v Lord Chancellor*,[76] in which they found the Employment Tribunals fees regime was unlawful and quashed the relevant fees Order. UK Government took immediate steps to stop charging fees and are making arrangements to refund those who have paid the fees in the past. The judgment is being considered further and any proposals for futures fees will be set out in due course.

171. The 2015 Programme for Government committed to abolishing the fees in Scotland when the management and operation of employment tribunals were devolved. Scottish Government will continue to work with stakeholders, to ensure that the new employment tribunal system in Scotland provides access to justice.

Addressing historical institutional abuses[45]

172. As required by its terms of reference, the NI Executive's Inquiry into *Historical Institutional Abuse*[77] examined if there were systemic failings by institutions or the state in their duties towards those children in their care between the years of 1922-1995. The Inquiry Report was formally published on 20 January 2017, detailing the findings of the statutory inquiry panel and its recommendations, as required by the Inquiry's terms of reference. The publication of the Report brought to a conclusion the Inquiry's investigation into historical institutional abuse. Noting the Committee's concerns, the NI Executive agreed in October 2016 to establish an independently chaired inter-departmental working group to look further into both Mother and Baby Homes/Magdalene Asylums (Laundries) and clerical child abuse. *The Scottish Child Abuse Inquiry*[78], is looking into abuse of children in care and is expected to report within four years of starting work on 1 October 2015.

Limitation Period in Civil Cases[46]

173. Scottish Government introduced the Limitation (Childhood Abuse) (Scotland) Bill in 2016, removing the three year limitation period for personal injury actions arising out of childhood abuse. In the Bill, "abuse" is defined to include sexual, physical, and emotional abuse. The removal of the limitation period will apply whether the abuse occurred before or after commencement of the new provisions and it allows a previously raised case to be re-raised if the reason for its disposal was the limitation period.

Corroboration Reform[47]

174. In Scotland, future consideration of corroboration reform needs to await the findings of jury research (one of the recommendations of Lord Bonomy's post corroboration safeguards review) and be considered in the wider context of that and the other recommendations of Lord Bonomy's group and any other related reforms. The Jury Research project started in Autumn 2017 and is expected to take 2 years to complete.

[75] http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en.
[76] https://www.supremecourt.uk/cases/docs/uksc-2015-0233-judgment.pdf.
[77] https://www.hiainquiry.org/.
[78] https://www.childabuseinquiry.scot/.

Judicial training on diversity and fair treatment issues

175. The Lord Chief Justice is responsible for the training of the judiciary in England and Wales and this is exercised through the Judicial College. The training provision is for judicial office holders in Courts (including magistrates and their Legal Advisers), Tribunals and Coroners. Both induction and continuation training are provided and the social context of judging (which includes equal treatment and diversity issues) is woven into all seminars in line with the Judicial College Strategy. The Judicial College continues to provide an Equal Treatment Bench Book[79] (ETBB) which is periodically reviewed and updated. Its contents support all judicial office holders to fulfil their judicial oath and ensure that all those who attend court are treated equally. The Judicial Studies Board for Northern Ireland (JSBNI) and the Judicial Studies Committee in Scotland (JSC) are separately responsible for training the professional judiciary and the lay magistracy in those countries. Both Bodies adopt the same broad approach to diversity and equality as the Judicial College, with which they maintain a close working relationship.

Article 16- Equality in marriage and family law

Strengthening legislation on forced marriage[48]

176. UK Government has introduced anonymity for victims and forced marriage protection orders. A range of materials to support professionals in understanding these issues have also been developed, including multi-agency guidance and free e-learning for frontline professionals. The Forced Marriage Units are carrying out ongoing programmes of outreach to support professionals and communities.

177. The Forced Marriage etc. (Protection and Jurisdiction) Scotland Act 2011introduced a civil Forced Marriage Protection Order, breach of which is a criminal offence. From 30 September 2014, section 122 of the Anti-Social Behaviour, Crime and Policing Act 2014[80] made it a criminal offence to force a person into marriage.

Equal protection for women and men's property rights[49]

178. The law on property rights is gender-neutral, and there is therefore equal protection for women's and men's property rights under the law that applies to a particular relationship (family law on divorce or the dissolution of a civil partnership, and civil law on property, contracts and trusts where couples had cohabited but were not in a legal union). UK Government is considering whether further reform to the family justice system in England and Wales is needed to make sure it is delivering the best outcomes for children and families, and protecting the most vulnerable users of the system. The Scottish Government is considering whether similar changes are required in Scotland.

Corporal punishment[50]

179. In England and Wales, violence towards children is not condoned and there are clear laws to deal with it. The "reasonable chastisement" defence is only available when the charge is one of common assault; it cannot be used when someone is charged with assault causing actual or grievous bodily harm, or with a child. In Northern Ireland, the law on physical punishment has been in line with England and Wales since September 2006. Legislation and standards are also in place to ensure that corporal punishment is prohibited in children's homes, day-care and fostering settings.

[79] https://www.judiciary.gov.uk/publications/equal-treatment-bench-book/.
[80] http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted.

The existing legislation in Scotland makes it illegal to punish children by shaking, hitting on the head or using an implement. Scottish Government is opposed to physical punishment of children and intends to support a proposed member's Bill in the Scottish Parliament. This would remove an existing defence which parents and carers can use, and would have the effect of banning all forms of physical punishment of children.

Eliminating violence against women and girls:

Violence against women and girls strategy[51]

180. UK Government's *Ending violence against women and girls 2016-2020 strategy* was published in March 2016 and provides an overview of the wide range of actions the government will be taking towards eliminating violence against women and girls. It also details how the government intends to build on the previous action plan to end violence against women and girls. A new *National Statement of Expectations*[81] which sets out, for the first time, a clear blueprint for local action on VAWG" has also been published. Since 2012, UK Government has introduced new laws and tools to protect victims of VAWG including: the criminalisation of forced marriage, two new stalking laws, and the national roll-out of Domestic Violence Protection Orders and the Domestic Violence Disclosure Scheme, and a new offence of domestic abuse covering controlling and coercive behaviour.

181. To support the Government's commitment to tackling VAWG, £100 million in funding has been pledged between now and 2020. This will help to deliver the UK Government's goal to work with local commissioners to deliver a secure future for rape support centres, refuges and female genital mutilation and Forced Marriage Units. UK Government's *This is Abuse*[82] campaign encourages teens to rethink their views of violence, abuse, controlling behaviour and consent. Funding is provided for the *National Respect Helpline*[83] to support male and female perpetrators to address their abusive behaviour.

182. UK Government is also taking steps to introduce a new civil stalking protection order to support victims of stalking at an earlier stage and address the perpetrator's behaviours before they become entrenched. A new Domestic Abuse Bill will protect and support victims, recognise the life-long impact domestic abuse has on children and make sure agencies effectively respond to domestic abuse. It will include measures to consolidate civil and criminal prevention and protection orders to create a clearer pathway of protection for victims[52].

Implementing legislation to eliminate Female Genital Mutilation (FGM)[53]

183. In 2015, UK Government introduced a number of provisions to strengthen the law on FGM to help break down barriers to prosecution. These provisions included:

- extending the reach of the extra-territorial offences in the Female Genital Mutilation Act 2003 (the 2003 Act) to habitual (as well as permanent) UK residents;
    - Providing life-long anonymity for victims of alleged offences of FGM;
    - Creating a new offence of failing to protect a girl from the risk of FGM. This makes those responsible for a girl answerable in law for how the FGM happened and may reduce the need for the girl to give evidence in court - something which young and vulnerable victims may be reluctant or scared to do;

[81] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/574665/VAWG_National_Statement_of_Expectations_-_FINAL.PDF.
[82] https://www.gov.uk/government/collections/this-is-abuse-campaign.
[83] http://respect.uk.net/.

- The introduction of a new civil protection measure – FGM Protection Orders (FGMPOs) - which offer a specific legal means to protect and safeguard victims and potential victims of FGM;
- The introduction of a mandatory reporting duty which requires regulated health and social care professionals and teachers to report 'known' cases of FGM in under 18s to the police.

184. The Northern Ireland Executive has issued Multi-Agency Practice Guidelines on Female Genital Mutilation which provide advice and support to frontline professionals who are responsible for safeguarding children and protecting adults from the abuses associated with female genital mutilation. The Female Genital Mutilation (Scotland) Act 2005 re-enacted the Prohibition of Female Circumcision Act 1985 and extended protection by making it a criminal offence to have FGM carried out either in Scotland or abroad by giving those offences extra-territorial powers. The Act also increased the penalty on conviction on indictment from 5 to 14 years' imprisonment.

Supporting vulnerable groups[54]

185. UK Government's VAWG strategy identifies that some sectors of society can experience multiple forms of discrimination and disadvantage or additional barriers to accessing support. This includes women and girls from BAME communities, disabled and LGBT victims. The increased funding of £100m and support for areas to improve commissioning will help ensure their needs are met through specialist support. The National Statement of Expectations (NSE) makes clear to local partnerships what good commissioning and service provision looks like. It also sets out that Commissioners should have access to a broad diversity of provision, considering how services will be accessible to BAME, disabled, LGBT and older victims and survivors.

Devolved Administrations

186. The NI Executive published in March 2016 a seven-year strategy *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland*. The Female Genital Mutilation Act 2003 makes FGM illegal. The Serious Crime Act 2015 provides for FGM Protection Orders. Health and Social Care professionals operate in accordance with the Multi-agency Practice Guidelines on FGM, published in July 2014. The Supporting People Programme provides 13 refuges throughout Northern Ireland; total funding is over £4.6 million per year. A 24-hour Domestic and Sexual Violence Helpline is in operation.

187. Scotland's National Action Plan, published 04 February 2016, to prevent and eradicate FGM, sets out an agreed range of actions and associated activities to be taken forward by Scottish Government and its partners to prevent and ultimately eradicate FGM.

188. Scottish Government is investing significant levels of funding to tackle violence against women and girls including nearly £30 million over 2017/2020 from the equality budget to support a range of projects and initiatives to tackle VAWG. This includes direct provision for front line domestic abuse and sexual assault services, as well as funding for the National Domestic Abuse, Forced Marriage and Rape Crisis Helplines. Invested an additional £20 million over 2015-18 from Justice budgets, which includes increased support for advocacy provision. There are currently 477 refuge spaces in Scotland for women and their children affected by domestic abuse. The Domestic Abuse (Scotland) Bill will, provide for a specific offence of domestic abuse and strengthen the law, introducing a new offence criminalising a course of abusive behaviour towards a partner or ex-partner which will appropriately and effectively criminalise the type of pernicious coercive and controlling behaviour that can constitute domestic abuse. Abusive Behaviour and Sexual Harm (Scotland) Act 2016 modernises the law on domestic and sexual abuse.

189. In Wales, the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 is intended to focus the public sector on the prevention of these issues. The Welsh Government has created the National Training Framework for Wales on VAWG and a *National Strategy on Violence against Women, Domestic Abuse and Sexual Violence - 2016 – 2021*[84] was published in November 2016.

Convention on preventing and combating violence against women and domestic violence "Istanbul Convention"[55]

190. The Coalition Government signed the Istanbul Convention on 8 June 2012 signalling its strong commitment to tackling VAWG and this Government remains committed to ratifying the Convention. The Preventing and Combating Violence Against Women and Domestic Violence (Ratification of Convention) Act 2017 which requires the Government to lay annual reports in Parliament on the measures being taken to enable the UK to ratify the Convention. The UK Government will lay the first report by 1 November 2017. In most respects, the UK already complies with, or goes further than the Convention requires. However, the Government cannot ratify the Convention until the UK is fully compliant with it, and there remains outstanding issues, including in relation to extra-territorial jurisdiction (ETJ), which must be addressed before the UK can be considered to be. UK Government will introduce the ETJ measures necessary for compliance in England and Wales as part of the Domestic Abuse Bill and is engaging with the Devolved Administrations on the measures necessary to ensure compliance in Scotland and Northern Ireland.

Tackling VAWG internationally

191. The UK was instrumental in securing dedicated targets within the Sustainable Development Goals on ending all forms of violence against women and girls. DFID nearly doubled its programmes on violence against women and girls, from 64 programmes in 2012 to 127 in 2016. DFID's £8 million commitment to the UN Trust Fund to End Violence Against Women provides grants to women's rights organisations and other small grassroots organisations. DFID support is already helping the fund to reach over 110 initiatives around the world. In 2015 alone, the Fund reached over 1 million people. In 2013, the UK made the largest ever donor commitment to tackling FGM, with £35 million to support the Africa-led movement to end FGM over five years.

[84] http://gov.wales/docs/dsjlg/publications/commsafety/161104-national-strategy-en.pdf.

192. Endnotes: Recommendations made to the United Kingdom by the CEDAW Committee in 2013.

Notes

[1] 2013 recommendation, Para 11: *State Party withdraw and narrow current reservations*.
[2] 2013 recommendation, Para 15: State Party extends its ratification of the Convention to include all its territories, including Guernsey and Jersey.
[3] 2013 recommendation, Para 29: State Party ensure that the Government Equalities Office has a dedicated section for the co-ordination of gender equality matters in all parts of the State Party. That the State Party develop and adopt a unified, comprehensive and overarching strategy for the implementation of the Convention throughout its territory.
[4] 2013 recommendation, Para 13: State Party to continuously review its legislation with a view to incorporating all the provisions of the Convention therein.
[5] 2013 recommendation, Para 17: State Party take advantage of the review of the Equality Duty to ensure that the gender equality component of the Duty is properly prescribed for public authorities.
[6] 2013 recommendation, Para 19: State Party revise its legislation in Northern Ireland to ensure that it affords protection to women on an equal footing with other women in the State Party's Administrations.
[7] 2013 recommendation, Para 67: Calls for the integration of a gender-perspective, in accordance with the provisions of the Convention, into all efforts aimed at the achievement of the Millennium Development Goals and into the post-2015 development framework.
[8] 2013 recommendation, Para 61 a): State Party to step up efforts to eliminate discrimination against ethnic minority women and improve access to social services, including health care, education and employment.
[9] 2013 recommendation, Para 55 a): State Party to vigorously pursue efforts to implement the recommendations made in the Corston Report, including those contained in the report of the House of Commons Justice Committee published on 15 July 2013.
[10] 2013 recommendation, Para 55 b): State Party to continue to develop alternative sentencing and custodial strategies, including community interventions and services for women convicted of minor offences.
[11] 2013 recommendation, Para 55 d): State Party to introduce measures aimed at tackling the root causes of the overrepresentation of black and ethnic minority women in prison.
[12] 2013 recommendation, Para 29: State Party should also assess the impact of the new approach to engaging with women's organisations and introduce measures to mitigate the negative impact on women's ability to engage adequately.
[13] 2013 recommendation, Para 33 a): State Party to engage with the media to eliminate stereotypical imaging of women and their objectification in the media, especially in advertising.
[14] 2013 recommendation, Para 33 b): State Party to implement the recommendations of the Leveson Inquiry, including those that seek to give powers to a regulator to intervene in matters of discriminatory reporting.
[15] 2013 recommendation, para 45 d): State Party to take co-ordinated measures to encourage increased participation by girls in science, technology, engineering and mathematics and in apprenticeships.
[16] 2013 recommendation, Para 39: State Party to advise its legislation by shifting the burden of proof from the prosecution to the purchaser of sexual services. The Committee recommends that, once the prosecution proves that the child was over 13 years of age and under 18 years of age, and that the accused purchased sexual services from the child, the purchaser should be required to establish that he or she did not reasonably believe that the child was under 18 years of age.
[21] 2013 recommendation, Para 57 b): State Party to provide access to justice and health care to all women with insecure immigration status, including asylum seekers until their return to their countries of origin.
[22] 2013 recommendation, Para 59 a): State Party to continue to provide training on gender-sensitive approaches in the treatment of victims of violence to officers who are in charge of immigration and asylum applications.
[23] 2013 recommendation, Para 57 a): State Party to extend the concession under the 'no recourse to public funds' policy.

[43] 2013 recommendation, Para 23: State Party: a) To ensure effective access by women, in particular women victims of violence, to courts and tribunals; b) To continuously assess the impact of the reforms of legal aid on the protection of women's rights; c) To protect women from informal community arbitration systems, especially those that violate their rights under the Convention.

[44] 2013 recommendation, Para 47 e): State Party to ensure access by women to justice in employment-related cases, including those pertaining to discrimination on the grounds of pregnancy and motherhood.

[45] 2013 recommendation, Para 25: State Party: a) To extend the mandate of the Historical Institutional Abuse Inquiry to include women who entered the Magdalene Laundries at the age of 18 years and above; b) To provide adequate redress to all victims of abuse who were detained i n the Magdalene Laundries and similar institutions.

[46] 2013 recommendation, Para 27: State Party to: a) To consider the recommendations made by Lord Carloway regarding the removal of the corroboration requirement in criminal cases relating to sexual offences.

[47] 2013 recommendation, Para 27: b) To extend the limitation period for filing civil claims involving sexual abuse, especially of girls, so that victims can still initiate proceedings when they are adults.

[48] 2013 recommendation, Para 35 a): State Party to criminalise forced marriage.

[49] 2013 recommendation, Para 65: State Party to expedite efforts to undertake reforms with a view to protecting the property rights of women upon the breakdown of marriage or of de facto unions, in line with general recommendations No. 29 on the economic consequences of marriage, family relations and their dissolution, and article 16 of the Convention.

[50] 2013 recommendation, Para 35 e): State Party to revise its legislation to prohibit corporal punishment of children in the home.

[51] 2013 recommendation, Para 35 c): To continue public campaigns to raise awareness of all forms of violence against women, including black and ethnic minority women.

[52] 2013 recommendation, Para 35 d): To step up efforts to train police officers in order to eliminate prejudices concerning the credibility of victims of domestic violence

[53] 2013 recommendation, Para 37: State Party should ensure the full implementation of its legislation on female genital mutilation. The Committee recommends that the State party ensure that the Crown Prosecution service is provided with support necessary to effectively prosecute perpetrators of this offence, including by supporting the action plan on improving prosecutions for female genital mutilation released by the Director of Public Prosecutions in November 2012.

[54] 2013 recommendation, Para 35 b): State Party to increase its efforts to protect women, including black and ethnic minority women, against all forms of violence, including domestic violence and so-called 'honour killings'.

[55] 2013 recommendation, Para 35 a): State Party to ratify the Istanbul Convention.

RIASSUNTO IN ITALIANO

Questo lavoro è incentrato sulla traduzione dall'inglese all'italiano dell'ottavo rapporto periodico presentato dal Regno Unito di Gran Bretagna e Irlanda del Nord al Comitato per l'eliminazione della discriminazione contro le donne ai sensi dell'articolo 18 della Convenzione delle Nazioni Unite sull'eliminazione di tutte le forme di discriminazione contro le donne, previsto per il 2017. Si tratta precisamente della traduzione di diverse sezioni del rapporto che sono state selezionate in base agli argomenti trattati nelle sezioni stesse e anche in base alla loro rilevanza nella società moderna e al loro legame con il settore giuridico. Effettivamente il documento è stato scelto per essere tradotto proprio perché fa riferimento a numerosi aspetti dei diritti delle donne di cui al giorno d'oggi si discute molto in tutto il mondo e perché è stato presentato in data piuttosto recente. Il rapporto è stato selezionato anche perché la versione originale è stata scritta in inglese britannico e contiene molti riferimenti al mondo anglosassone, come si può dedurre dal fatto che il documento sia stato redatto e consegnato al Comitato delle Nazioni Unite dal governo del Regno Unito.

Il primo obiettivo di questo lavoro è diffondere informazioni sui diritti umani, precisamente sui diritti delle donne, e farne conoscere diversi aspetti al pubblico italiano, in particolare a non professionisti e non esperti in questo campo che non sono informati su questi diritti e che non conoscono la lingua inglese o ne hanno una conoscenza limitata, dunque non possono consultare il testo originale in inglese. Come sostenuto da Garre (1999), anche se le istituzioni internazionali che si occupano di diritti umani non pretendono che i singoli stati traducano i documenti ufficiali nella propria lingua, qualora si tratti di una lingua diversa da quelle ufficialmente riconosciute per la comunicazione a livello internazionale, questo non significa che la traduzione di questi documenti non sia utile. Essa è infatti fondamentale per promuovere e pubblicizzare i diritti umani in tutto il mondo e per far conoscere a ciascun individuo i propri diritti e i propri doveri in questo ambito. Inoltre si può supporre che, a differenza dei professionisti e degli esperti di diritti umani che in molti casi parlano la lingua inglese e la conoscono a fondo, il pubblico composto da persone comuni che vogliono approfondire la conoscenza di questi diritti faccia un uso limitato dell'inglese e quindi possa comprendere nei dettagli il contenuto dei documenti ufficiali soltanto nella propria lingua (Garre 1999). Nel caso di questo

rapporto e in generale di tutti i rapporti periodici, la traduzione di questi testi può servire a qualsiasi individuo per conoscere le condizioni dei diritti umani, in questo caso dei diritti delle donne, in altri stati e per mettere a confronto la situazione del proprio paese con quella di altri, così da avere a disposizione un quadro più ampio e poter capire se è necessario impegnarsi per ottenere dei cambiamenti nel proprio stato.

Il secondo obiettivo di questo lavoro è approfondire gli aspetti più problematici della traduzione di testi giuridici e di documenti relativi ai diritti umani dall'inglese all'italiano attraverso un'analisi dettagliata del processo traduttivo e delle strategie adottate dal traduttore durante questo processo. Quest'analisi è focalizzata in particolare sulle tecniche utilizzate per affrontare la traduzione di termini tecnici giuridici e di realia, cioè termini legati esclusivamente a una specifica cultura, in questo caso quella britannica, e sul ruolo della ricerca prima e durante il processo traduttivo.

All'inizio di questo testo si trova un'introduzione generale al lavoro, alle tematiche affrontate e agli obiettivi prestabiliti.

I due capitoli seguenti rappresentano un'introduzione e un approfondimento a livello teorico dell'ambito e dei contenuti del rapporto e della traduzione. Il primo capitolo contiene una panoramica generale relativa alle caratteristiche della traduzione specializzata e della traduzione giuridica in particolare, agli elementi che contraddistinguono il linguaggio giuridico, principalmente quello inglese e quello italiano, e alla traduzione di documenti relativi ai diritti umani. Nella prima parte l'approfondimento iniziale sulle diverse interpretazioni del termine "traduzione" è seguito da una descrizione della traduzione specializzata, diversa dalla traduzione letteraria e definita come la traduzione che si occupa di testi specialistici, cioè testi tecnici relativi a precisi settori professionali. Questi testi utilizzano linguaggi specialistici, caratterizzati dall'uso e dalla ripetizione di termini tecnici e di forme verbali che non sono presenti nel linguaggio comune. Questi elementi rendono il lavoro del traduttore piuttosto complicato e inoltre rendono fondamentale la conoscenza del settore a cui il testo fa riferimento. La traduzione giuridica può essere considerata traduzione specializzata e opera nel settore giuridico. Come qualsiasi altra forma di traduzione, nella storia la traduzione giuridica è stata influenzata da diverse teorie, e con il passare del tempo si è assistito a un'evoluzione da un forte legame con la tradizione e la traduzione letterale a

un giusto equilibrio tra libertà e limiti del traduttore, tenendo conto dell'equivalenza traduttiva e giuridica. La prima parte del primo capitolo spiega anche il ruolo fondamentale che la traduzione giuridica ricopre al giorno d'oggi, soprattutto a livello internazionale, e si sofferma su diverse classificazioni dei testi giuridici in base alle funzioni che vengono loro riconosciute. Queste classificazioni sono incentrate in alcuni casi sull'analisi dei testi di partenza, in altri sull'analisi dei testi di arrivo, del loro pubblico e dei loro obiettivi. Infine, questa sezione del capitolo sottolinea gli aspetti più problematici della traduzione giuridica, a partire dal fatto che i concetti giuridici utilizzati nei diversi sistemi giuridici sono strettamente legati alla società e alla cultura dove si sono sviluppati, quindi in molti casi è difficile trovare termini equivalenti in diverse lingue, per arrivare ad aspetti più specifici come la presenza di termini semi-tecnici, con un significato giuridico e uno comune, oppure l'uso di sinonimi con significati diversi a livello giuridico.

La seconda parte del primo capitolo riguarda le caratteristiche del linguaggio giuridico, considerato lingua specialistica e chiamato anche "giuridichese" con accezione negativa, in riferimento alla complessità di questo linguaggio. Dopo una breve panoramica delle diverse classificazioni del linguaggio giuridico e degli elementi più generali che lo contraddistinguono, come il legame con i diversi sistemi giuridici e la sua performatività, questa sezione analizza le caratteristiche di due linguaggi giuridici in particolare, cioè quello inglese e quello italiano. Per quanto riguarda il primo, ne viene descritta l'evoluzione nel corso della storia a partire dalla lingua inglese antica, soffermandosi sull'influenza del latino e del francese, che spiega la presenza di termini provenienti da queste lingue nell'inglese giuridico moderno. Oltre a questo, vengono elencati diversi elementi che contraddistinguono questo linguaggio, come la costante ripetizione di termini e strutture sintattiche, un uso limitato della punteggiatura che comporta la presenza di frasi lunghe e complesse, un uso frequente del passivo, di espressioni impersonali e di formule e costrutti formali e arcaici. Infine, viene menzionato un movimento, il Plain Language movement, che si è sviluppato nella seconda metà degli anni '80 e lotta per ottenere una semplificazione del linguaggio giuridico e il passaggio a un linguaggio più chiaro anche in altri settori, come quello medico o quello politico. Per quanto riguarda l'ambito giuridico, secondo questo movimento si dovrebbero utilizzare espressioni appartenenti al linguaggio comune ed evitare formule arcaiche e ridondanti o

provenienti da altre lingue, accorciare le frasi e ridurre l'uso del passivo. In generale, questo linguaggio risulta essere più semplice e chiaro, più elegante, veloce e democratico, ed è apprezzato e sostenuto da molti professionisti in ambito giuridico; sono però molti anche coloro che ritengono che un linguaggio di questo tipo non sia adatto a documenti giuridici ufficiali. Per quanto riguarda il linguaggio giuridico italiano, anche in questo caso ne viene descritta l'evoluzione nel corso della storia, a partire dall'uso del latino come lingua franca in ambito giuridico fino ai contatti con la lingua francese tra il diciassettesimo e il diciannovesimo secolo. Proprio come l'inglese, anche l'italiano giuridico utilizza termini ed espressioni provenienti da queste lingue, così come utilizza uno stile impersonale e formale, il passivo e la nominalizzazione. Tuttavia, a differenza dell'inglese, l'italiano è meno ripetitivo e risulta persino conciso attraverso, per esempio, l'utilizzo del participio presente o dell'enclisi del –si. Inoltre, il linguaggio giuridico italiano subisce anche l'influenza di altre lingue europee, come il tedesco e soprattutto l'inglese, e molti termini inglesi entrano a far parte dell'italiano sotto forma di prestiti, calchi strutturali o calchi semantici. L'ultimo aspetto del linguaggio giuridico che viene esaminato in questa parte del capitolo è relativo al legame con i sistemi giuridici, in particolare il sistema di Common Law per l'inglese e il sistema di Civil Law per l'italiano, le cui differenze strutturali possono creare molte difficoltà per un traduttore, che deve quindi essere a conoscenza di queste differenze e degli aspetti fondamentali dei due sistemi per poter tradurre documenti con riferimenti a entrambi.

La terza parte del primo capitolo riguarda la traduzione di documenti relativi ai diritti umani ed è fortemente basata sul lavoro di Marianne Garre (1999) in questo ambito. In questa parte, un'introduzione generale sul multilinguismo nelle società moderne e nelle istituzioni internazionali e sull'importanza della traduzione, che permette a queste organizzazioni di raggiungere popoli e culture in tutto il mondo, è seguita da una classificazione dei documenti sui diritti umani e da una descrizione delle principali difficoltà che si possono incontrare durante la traduzione di questi stessi. Tra queste difficoltà ci sono le contraddizioni a livello terminologico in testi diversi o nello stesso testo, oppure l'uso di termini intenzionalmente vaghi per ottenere il supporto universale di un particolare diritto o documento, o ancora il riferimento obbligatorio da parte dei traduttori a standard internazionali che può compromettere la comunicazione e l'interazione con le diverse realtà locali. Inoltre, questa sezione analizza il ruolo dei testi

di arrivo nella traduzione a livello internazionale, dove questi testi non sono considerati traduzioni ma documenti al pari dell'originale, con lo stesso valore e le medesime funzioni. Viene inoltre sottolineata l'importanza della conoscenza del settore dei diritti umani da parte del traduttore, che secondo Garre (1999) può essere raggiunta attraverso tre ambiti specifici. Il primo è l'ambito giuridico, che rappresenta la necessità di comprendere il significato e gli obiettivi dei diritti umani, ma anche il loro contesto giuridico e storico, attraverso la ricerca e soprattutto la formazione dei traduttori. Il secondo ambito è quello della traduzione, che è piuttosto complicata in questo settore perché quest'ultimo è fortemente vincolato alla lingua inglese. Tuttavia, partendo dal presupposto che i diritti umani sono universali, è possibile trovare un modo per esprimere qualsiasi concetto legato a essi in qualsiasi lingua. Questo approccio è stato sviluppato all'interno di una particolare teoria della traduzione, basata sulla linguistica cognitiva e sostenuta da Garre (1999), che ritiene che la comprensione di un concetto da parte di un individuo dipenda anche dalle sue esperienze personali; è quindi possibile trovare un modo per esprimere i concetti relativi ai diritti umani in lingue diverse dall'inglese, poiché questi diritti fanno riferimento a elementi di base di cui ogni individuo ha fatto esperienza. Infine, il terzo e ultimo ambito riguarda il linguaggio, e più precisamente la consapevolezza che, per quanto i termini legati ai diritti umani non siano importanti quanto i concetti che rappresentano, sia comunque necessario utilizzare questi termini per diffondere i concetti.

Il secondo capitolo contiene una panoramica generale relativa ai diritti umani e alla loro evoluzione, ai diritti delle donne e alle condizioni di questi diritti in Italia e nel Regno Unito. Nella prima parte di questo capitolo, la descrizione iniziale delle principali definizioni di diritti umani e dei diversi approcci a questo settore da parte di varie scuole di pensiero è seguita da una delineazione della storia dei diritti umani e del loro sviluppo nel corso dei secoli. Questo sviluppo è tracciato a partire dall'Illuminismo e dall'epoca in cui il diritto internazionale non considerava il singolo individuo bensì i diversi stati, ritenuti responsabili degli individui, attraverso momenti fondamentali come la creazione della Dichiarazione d'indipendenza degli Stati Uniti d'America nel 1776 e della Dichiarazione dei diritti dell'uomo e del cittadino in Francia nel 1789, o anche gli anni successivi alla Seconda Guerra Mondiale e l'inclusione di provvedimenti per salvaguardare i diritti umani nelle costituzioni di numerosi paesi occidentali e nel diritto

internazionale, fino ad arrivare alla nascita delle Nazioni Unite, alla Dichiarazione universale dei diritti umani del 1948 e alla Convenzione internazionale sui diritti civili e politici e alla Convenzione internazionale sui diritti economici, sociali e culturali del 1966. In seguito, questa sezione del testo analizza le misure di difesa e implementazione dei diritti umani a livello internazionale e regionale al giorno d'oggi. A livello internazionale, viene esaminato il sistema delle Nazioni Unite, basato in gran parte sulla creazione di convenzioni per la protezione di diritti specifici e di comitati legati a questi trattati che ricoprono il ruolo di organi di controllo e monitoraggio del comportamento dei diversi stati che hanno aderito alle diverse convenzioni o le hanno ratificate. Tra le diverse procedure messe in atto per monitorare gli stati, una delle più utilizzate è l'obbligo da parte dei diversi governi di presentare rapporti periodici in cui delineano le condizioni di un particolare diritto nel proprio paese e i provvedimenti implementati per migliorare la situazione e continuare a proteggere il diritto in questione. Viene anche sottolineato il ruolo fondamentale del Consiglio per i diritti umani delle Nazioni Unite e vengono evidenziati alcuni limiti del sistema internazionale. A livello regionale, vengono esaminati i tre sistemi sviluppati per la promozione e la difesa dei diritti umani, che sono quello europeo, quello americano e quello africano. In tutti e tre i casi vengono menzionate le convenzioni che rappresentano il punto di riferimento dei vari sistemi regionali, cioè la Convenzione europea per la salvaguardia dei diritti dell'uomo e delle libertà fondamentali, la Convenzione americana dei diritti dell'uomo e la Carta africana dei diritti dell'uomo e dei popoli, e le corti per i diritti umani che svolgono il ruolo di organi di controllo a livello regionale, facendo particolare attenzione agli elementi comuni e alle differenze tra i diversi sistemi. Infine, la prima parte del secondo capitolo si conclude con una breve descrizione degli aspetti più discussi dei diritti umani, in particolare per quanto riguarda il confronto tra l'universalismo e il relativismo culturale in questo ambito.

La seconda parte del secondo capitolo riguarda i diritti delle donne e le loro diverse interpretazioni. Innanzitutto, viene descritta l'evoluzione dei diritti delle donne nel corso della storia, a partire dal diciottesimo secolo con la rivoluzione francese e la figura dell'attivista francese Olympe de Gouges fino ad arrivare alla Dichiarazione universale dei diritti umani del 1948 e alle diverse convenzioni delle Nazioni Unite, tra cui fondamentale è la Convenzione sull'eliminazione di tutte le forme di discriminazione

contro le donne, adottata nel 1979. Tuttavia, viene sottolineato il fatto che, nonostante la creazione di documenti come le Dichiarazioni e Piattaforme d'azione di Vienna e di Pechino, i diritti delle donne risultino ancora solo parzialmente salvaguardati nel mondo, soprattutto perché le violazioni di questi diritti spesso avvengono nella sfera privata e non riguardano la vita pubblica. In seguito, in questa sezione del capitolo viene esaminata nel dettaglio la Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne delle Nazioni Unite, prestando particolare attenzione alla struttura e ai contenuti della convenzione, all'approccio di questo trattato alla protezione e implementazione dei diritti delle donne e al ruolo svolto dal Comitato per l'eliminazione della discriminazione contro le donne, che rappresenta l'organo di controllo e monitoraggio associato alla convenzione. Vengono anche menzionati altri organi internazionali che si occupano della difesa dei diritti delle donne, tra cui per esempio il Consiglio per i diritti umani e il Consiglio di sicurezza delle Nazioni Unite. In questa sezione sono anche elencati i diversi articoli delle convenzioni adottate dai sistemi regionali che riguardano la protezione di questi diritti, così come ulteriori documenti ufficiali che si occupano di questo ambito, tra cui, per esempio, la Convenzione del Consiglio d'Europa sulla prevenzione e la lotta contro la violenza nei confronti delle donne e la violenza domestica. Infine, viene evidenziato come proprio l'ambito dei diritti delle donne sia coinvolto nel dibattito che riguarda l'universalismo e il relativismo culturale.

La terza parte del secondo capitolo include diversi esempi di casi esaminati dai comitati delle Nazioni Unite o dalla Corte europea dei diritti dell'uomo e riguardanti violazioni dei diritti delle donne, come casi di violenza fisica e stupro, di donne vittime di stereotipi di genere, di violenza domestica e psicologica, di mutilazione genitale femminile o di violenza subita da donne immigrate o detenute.

La quarta e ultima parte del secondo capitolo fornisce un quadro generale della condizione dei diritti delle donne nel Regno Unito e in Italia. Nel primo caso, viene sottolineato lo scarso interesse nutrito dalla popolazione e dal governo britannico nei confronti della Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne delle Nazioni Unite, che è stata adottata e ratificata dal paese, così come la limitata diffusione di informazioni riguardanti i diritti delle donne e anche le procedure delle organizzazioni internazionali che si occupano di questi diritti. In generale, viene evidenziato uno stallo nel processo di sviluppo dei diritti delle donne nel Regno Unito, con un aumento della

disoccupazione femminile e la presenza costante del divario retributivo di genere. Nel caso dell'Italia, la Convenzione sull'eliminazione di tutte le forme di discriminazione contro le donne delle Nazioni Unite è stata adottata nel 1980 e ratificata nel 1985, ma, esattamente come nel Regno Unito, non ha riscosso molto successo e, nel corso degli anni, molti provvedimenti per il sostegno e la salvaguardia dei diritti delle donne non sono stati implementati a sufficienza o del tutto dal governo italiano. In generale, l'indice di parità di genere dell'Italia è al di sotto della media europea, anche se recentemente lo stato ha iniziato a interessarsi sempre di più alle problematiche legate ai diritti delle donne e sono stati ottenuti diversi miglioramenti in questo ambito.

Il terzo capitolo contiene la traduzione dall'inglese all'italiano dell'ottavo rapporto periodico presentato dal Regno Unito di Gran Bretagna e Irlanda del Nord al Comitato per l'eliminazione della discriminazione contro le donne.

Il quarto capitolo include un glossario bilingue inglese-italiano che contiene termini riguardanti l'ambito giuridico, l'ambito politico ma anche il sistema di istruzione e il sistema carcerario e che è stato creato durante la traduzione per agevolare il lavoro e per mantenere coesione e coerenza nel testo di arrivo.

Il quinto capitolo contiene il commento alla traduzione. Nella prima parte è inclusa una panoramica generale delle caratteristiche principali del testo di partenza e del testo di arrivo. Nel primo caso, vengono analizzati gli elementi principali che contraddistinguono il documento dal punto di vista della funzione e dello scopo, principalmente informativo, e del linguaggio utilizzato, che non è strettamente giuridico ma presenta anche aspetti tipici dell'inglese neutrale usato spesso a livello internazionale. Si tratta comunque di un linguaggio formale, ricco di termini tecnici e legati alla cultura britannica. Vengono anche descritti la struttura del testo di partenza, che risulta essere piuttosto semplice e chiara, e il pubblico a cui è destinato il documento, formato principalmente da esperti di diritti umani o da madrelingua inglesi interessati ad approfondire le proprie conoscenze in questo ambito. Nel caso del testo di arrivo, è stato analizzato in rapporto alle caratteristiche del testo originale, di cui ha mantenuto la struttura, lo scopo informativo e il linguaggio formale. Il pubblico è cambiato, perché nel caso del testo italiano è rappresentato da non professionisti e non esperti che non conoscono la lingua inglese e che non sono informati sui diritti umani, ma vogliono informarsi.

La seconda parte del quinto capitolo riguarda la terminologia. In particolare, inizialmente vengono menzionate le principali risorse terminologiche utilizzate durante il processo di traduzione, sia online sia offline, come IATE, la banca dati terminologica dell'Unione Europea, o EUR-Lex, un sito che permette di visualizzare diversi documenti giuridici dell'Unione Europea in tutte le lingue dell'UE. In seguito, questa sezione del capitolo si concentra su un'analisi delle scelte traduttive e delle difficoltà affrontate durante la traduzione dal punto di vista terminologico, dovute soprattutto all'assenza di equivalenti italiani per molti termini tecnici inglesi o per termini riferiti alla cultura britannica. In generale, la strategia seguita nel corso della traduzione è basata sull'idea di aiutare il pubblico italiano a comprendere ciò che non è familiare attraverso riferimenti a ciò che lo è. Tuttavia, nei casi in cui questo non sia stato possibile, come per esempio con i nomi di dipartimenti e ministeri specifici del governo britannico, o con i nomi di leggi e di piani implementati a livello nazionale dal governo del Regno Unito, la scelta del traduttore è stata quella di tendere verso una traduzione più letterale, per evitare di lasciare questi termini in lingua inglese e creare un testo di arrivo incomprensibile per il pubblico italiano, dal momento che questi nomi specifici abbondano nel documento originale. L'obiettivo principale è stato trovare e mantenere il giusto equilibrio tra la corretta rappresentazione del testo di partenza e la creazione di un testo di arrivo comprensibile e facile da leggere.

La terza e ultima parte del quinto capitolo riguarda le strategie di traduzione adottate ed esempi specifici di come siano state messe in pratica, tratti dal testo di partenza e dal testo di arrivo. Tra queste strategie vengono menzionate la semplificazione, utilizzata per ottenere un testo più semplice e chiaro e per eliminare eccessive ripetizioni di termini o strutture sintattiche, la trasposizione, cioè la sostituzione di una categoria grammaticale con un'altra che non modifichi il contenuto del testo, e l'esplicitazione, che rende esplicito un elemento lasciato implicito nel testo di partenza. Inoltre, vengono menzionati anche il prestito, che consiste nel lasciare un termine nella lingua di origine, il calco, che consiste nella traduzione letterale di ciascun elemento facente parte di un'espressione della lingua d'origine, e l'adattamento, cioè la sostituzione di un elemento legato alla cultura di origine con un elemento della cultura di arrivo che può esserne considerato un equivalente. In conclusione, in questa sezione vengono anche prese in esame la punteggiatura e le strutture sintattiche modificate nel testo di arrivo.

Infine, le conclusioni di questo lavoro confermano il raggiungimento degli obiettivi prefissati per quanto riguarda la creazione di un testo di arrivo comprensibile per il pubblico italiano e utile per la diffusione di informazioni riguardanti i diritti umani. Inoltre, vengono sottolineati aspetti precisi della traduzione di documenti giuridici e relativi ai diritti umani emersi durante il processo di traduzione, quali il ruolo fondamentale della ricerca, soprattutto per sopperire alla mancanza di conoscenze in ambito giuridico, e l'importanza di queste conoscenze e della formazione dei traduttori di testi giuridici. Un ultimo aspetto che viene menzionato riguarda le difficoltà dovute alla presenza di termini tecnici e soprattutto termini legati a una determinata cultura. In futuro, ulteriori approfondimenti potrebbero riguardare il ruolo della ricerca e della formazione nella traduzione giuridica, oppure la traduzione di documenti internazionali relativi ai diritti umani in lingue non ufficiali e gli effetti che questa ha sulla diffusione dei diritti in questione in tutto il mondo.