

The translator as social agent: the case of the UN Convention on the Rights of Persons with Disabilities

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ABSTRACT

The paper compares three translations of the UN Convention on the Rights of Persons with Disabilities: the German official translation, a German “shadow” translation done by an association representing people with disabilities, and the Italian official translation. The analysis aims at highlighting the translators’ different choices and, in particular, the solutions proposed by the shadow translation, in order to verify whether they improve the German official translation, but also whether they could serve as a model for a revision of the Italian translation.

KEYWORDS

UN Convention on the Rights of Persons with Disabilities, equivalence, commitment, non-discrimination.

1. INTRODUCTION

After the cultural turn of the 1980s and approximately since the beginning of the new millennium, Translation Studies have experienced a “social turn”: while in 2006 Pym could still state that social and cultural studies were mainly centered on texts rather than on translators, and that a focus on mediators and their social contexts was “perhaps more evident in the field of interpreting than that of written translations” (Pym 2006: 2-3), things have now changed. The translator is no longer seen simply as a communicator, but as a social agent, whose work is influenced by a variety of social factors and, in turn, unavoidably has an impact on society. In the wake of these changes, several translator scholars are now focusing on the one hand on aspects such as the influence of market forces on translation practices or the social constitution of professional organizations (Inghilleri 2009: 279), and, on the other, on the translator’s social responsibility, on social activism and on the relevance of translation ethics (Pym 2001; Inghilleri & Maier 2009; Goodwin 2010; Baker & Maier 2011; Drugan & Tipton 2017). These latter issues acquire an even greater salience when the translations concern matters involving human rights: as Gill and Guzmán (2011: 96) point out, “Translation is closely linked to vulnerability and difference”. In these cases, it is fundamental for the translators to reflect on their own behaviour and to be fully aware of the social implications of their choices, which can often mean going beyond traditional principles such as fidelity, neutrality and invisibility. The present contribution is intended to provide a hint of the complexity of the factors involved in those situations by dealing with the translation of a text which is having and is going to have a profound impact on society: the UN Convention on the Rights of Persons with Disabilities.

2. THE CONVENTION

The Convention on the Rights of Persons with Disabilities is a milestone that marks the shift away from the medical model of disability towards viewing persons with disabilities as subjects with the same rights and freedoms as everyone else. The Convention was adopted by the UN General Assembly on 13 December 2006 and entered into force on 3 May 2008. The text has six authentic versions in the official languages of the UN (Arabic, Chinese, English, French, Russian and Spanish). For the purposes of the present analysis, only the English version will be considered as source text. This will be compared with three target texts, i.e. two German versions and one Italian translation.

Both Italy and Germany ratified the Convention in March 2009. The German official translation (*Übereinkommen der Vereinten Nationen über die Rechte von Menschen mit Behinderung*) is a joint version that was agreed on by the Federal Republic of Germany, Austria, Switzerland and Lichtenstein. The text has been published in Germany by the *Beauftragter der Bundesregierung für die Be-*

lange behinderter Menschen. The booklet contains the translation together with the original English text, but also with a so-called “shadow” translation (*Schattenübersetzung*) and with a version in plain language. Official translation, shadow translation and English source text are presented in three parallel columns, whereas the plain language version occupies the last part of the booklet.

The shadow translation has been done by an association called NETZWERK ARTIKEL 3 (with reference to the article of the German Basic Law that forbids any discrimination and enshrines the principle of equal rights for all people). The name “shadow translation” has been chosen in analogy to the shadow reports which have a long tradition in the United Nations: besides official reports by the Member States on the implementation of a convention, also NGOs can present their own reports containing supplementary or alternative information. In this particular case, the main reason behind the shadow translation (as explicitly stated in the booklet) is the fact that the official translation has been produced almost without involving people with disabilities or their associations. According to NETZWERK ARTIKEL 3, it is absolutely essential to produce a correct translation, as the choice of words contributes to awareness-raising. The association’s declared aim is therefore to present a text that more closely corresponds to the authentic versions. It must be added that in 2013 the Alliance of German Non-Governmental Organizations Regarding the UN Convention on the Rights of Persons with Disabilities published a report on the implementation of the convention in Germany. The report states that “the official translation contains considerable mistakes and is unsuitable for the aim of awareness-raising” (BRK-Allianz 2013: 4). Moreover, it explicitly mentions some critical points and calls for a revision of the text: “The official translation shall be changed in due consideration of the “shadow translation” (BRK-Allianz 2013: 10).

The Italian translation was published by the Ministero del Lavoro, della Salute e delle Politiche Sociali under the responsibility of the Direzione Generale della Comunicazione and of the Direzione Generale per l’Inclusione e i diritti sociali e la responsabilità sociale delle imprese. Unfortunately, no information is given on the translators, and there is no evidence provided on the authentic version chosen as the source text. Moreover, no reference is made to any involvement of associations representing people with disabilities. The text is not accompanied by a plain language version.¹

In the following sections of this paper, the four versions (the English authentic version – En; the German official translation – De_off; the German shadow

1 However, a short summary in plain language does exist as a separate document: it was produced by a non-profit organization as a part of a project funded by the same Ministry (<http://www.cpaonline.it/carica/ANFFAS%20-%202009%20-%20Convenzione%20ONU%20facilitata.pdf>). Worth mentioning is also the existence of at least another, unofficial, Italian translation (<https://www.unric.org/html/italian/pdf/Convenzione-disabili-ONU.pdf>): however, it has not been included in the analysis, as – contrary to the German shadow translation – it has not been taken into consideration by governmental sources.

translation – De __sha; and the Italian official translation – It) will be compared in order to highlight the translators' different choices. Particular attention will be paid to the solutions proposed by the shadow translation (also in the light of the recommendations of the above-mentioned report), in order to verify whether they indeed improve the German official translation, but also whether they could serve as a model for a revision of the Italian translation.

3. THE SEARCH FOR EQUIVALENCE

As already stated, the main aim of NETZWERK ARTIKEL 3 was to bring the German text closer to the authentic versions. A detailed comparison of the official translation with the shadow version reveals that the number of changes introduced in the latter is not very high: this leads to the assumption that the intent of the association was not to “rewrite” the official text, but rather to intervene only on words or passages that were considered of crucial importance.

A case in point is the words “inclusion” and “inclusive”, which refer to one of the key concepts underlying the convention. The relevance of this concept is also explicitly highlighted in the foreword to the German booklet. Hubert Hüppe, the Federal Government Commissioner for Matters relating to Disabled Persons, states that:

Die Konvention hat das Leitbild der sogenannten 'Inklusion'. Das bedeutet: Nicht der Mensch mit Behinderung muss sich anpassen, um 'dabei' sein zu können, sondern wir müssen alle gesellschaftlichen Bereiche seinen Bedürfnissen entsprechend anpassen und öffnen. Niemand darf ausgegrenzt werden.

In the German official version, however, the word *Inklusion* has only one occurrence. “Inclusion” has been translated five times with *Einbeziehung* e in one case with *Integration*. The adjectival form “inclusive” has been rendered three times as *integrativ* and has been paraphrased in a fourth occurrence. A similar variation can be found in the Italian translation as well: the lexical choices for “inclusion” range from *inclusione* (1 occurrence) to *integrazione* (3) and *inserimento* (1); in one further occurrence the word has been paraphrased. The adjectival form has been translated only in one case with *inclusivo*; in the other three occurrences it has been paraphrased. The following examples illustrate some of the translation choices:

Article 19

En: Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that: [...]

De_off: Unabhängige Lebensführung und Einbeziehung in die Gemeinschaft

Die Vertragsstaaten dieses Übereinkommens anerkennen das gleiche Recht aller Menschen mit Behinderungen, mit gleichen Wahlmöglichkeiten wie andere Menschen in der Gemeinschaft zu leben, und treffen wirksame und geeignete Maßnahmen, um Menschen mit Behinderungen den vollen Genuss dieses Rechts und ihre volle Einbeziehung in die Gemeinschaft und Teilhabe an der Gemeinschaft zu erleichtern, indem sie unter anderem gewährleisten, dass: [...]

De_sha: Selbstbestimmt Leben und Einbeziehung in die Gemeinschaft

Die Vertragsstaaten dieses Übereinkommens anerkennen das gleiche Recht aller Menschen mit Behinderungen, mit gleichen Wahlmöglichkeiten wie andere Menschen in der Gemeinschaft zu leben, und treffen wirksame und geeignete Maßnahmen, um Menschen mit Behinderungen den vollen Genuss dieses Rechts und ihre volle Einbeziehung in die Gemeinschaft und Teilhabe an der Gemeinschaft zu ermöglichen, indem sie unter anderem gewährleisten, dass: [...]

It: Vita indipendente ed inclusione nella società

Gli Stati Parti alla presente Convenzione riconoscono il diritto di tutte le persone con disabilità a vivere nella società, con la stessa libertà di scelta delle altre persone, e adottano misure efficaci ed adeguate al fine di facilitare il pieno godimento da parte delle persone con disabilità di tale diritto e la loro piena integrazione e partecipazione nella società, anche assicurando che: [...]

Article 24

En: Education

(1) States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to: [...]

(2) In realizing this right, States Parties shall ensure that: [...]

e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion. [...]

De_off: Bildung

(1) Die Vertragsstaaten anerkennen das Recht von Menschen mit Behinderungen auf Bildung. Um dieses Recht ohne Diskriminierung und auf der Grundlage der Chancengleichheit zu verwirklichen, gewährleisten die Vertragsstaaten ein integratives Bildungssystem auf allen Ebenen und lebenslanges Lernen mit dem Ziel, [...]

(2) Bei der Verwirklichung dieses Rechts stellen die Vertragsstaaten sicher, dass [...]

e) in Übereinstimmung mit dem Ziel der vollständigen Integration wirksame individuell angepasste Unterstützungsmaßnahmen in einem Umfeld, das die bestmögliche schulische und soziale Entwicklung gestattet, angeboten werden. [...]

De_sha: Bildung

(1) Die Vertragsstaaten anerkennen das Recht von Menschen mit Behinderungen auf Bildung. Um dieses Recht ohne Diskriminierung und auf der Grundlage der Chancengleichheit zu verwirklichen, gewährleisten die Vertragsstaaten ein inklusives Bildungssystem auf allen Ebenen und lebenslanges Lernen mit dem Ziel, [...]

(2) Bei der Verwirklichung dieses Rechts stellen die Vertragsstaaten sicher, dass [...] e) in Übereinstimmung mit dem Ziel der vollständigen Inklusion wirksame individuell angepasste Unterstützungsmaßnahmen in einem Umfeld, das die bestmögliche schulische und soziale Entwicklung gestattet, angeboten werden. [...]

It: Educazione

Gli Stati Parti riconoscono il diritto all'istruzione delle persone con disabilità. Allo scopo di realizzare tale diritto senza discriminazioni e su base di pari opportunità, gli Stati Parti garantiscono un sistema di istruzione inclusivo a tutti i livelli ed un apprendimento continuo lungo tutto l'arco della vita, finalizzati: [...]

2. Nell'attuazione di tale diritto, gli Stati Parti devono assicurare che: [...]

(e) siano fornite efficaci misure di sostegno personalizzato in ambienti che ottimizzino il progresso scolastico e la socializzazione, conformemente all'obiettivo della piena integrazione. [...]

The German shadow version accepts and keeps *Einbeziehung* in all instances, but always changes *Integration* and *integrativ* into *Inklusion* and *inklusiv*, respectively. This is the first change strongly supported by the BRK-Allianz report (2013: 51-52): “[...] CRPD Art. 24 was incorrectly translated; ‘inclusive’ was translated as ‘integrative’ [...]. The German education system is only partly integrative, and it is certainly not inclusive”².

Indeed, the two concepts cannot be considered as synonyms in this field, as they basically refer to two different approaches to diversity. Integration is the “older” approach, it was “the main issue on the agenda when the international community and national governments discussed how to promote the right of disabled persons to an appropriate education until the end of the 1980s”, while inclusion has gained acceptance during the 1990s (cf. Vislie 2003). To put it simply, in the field of education integration basically means creating the conditions so that children with special needs are able to fit into a classroom; inclusion, on the contrary, starts from the assumption that all children are different and that this diversity is a richness; on these premises, it aims at changing the classroom/school system etc. to the benefit of everyone (cf. Harman). Integration is basically a unidirectional process, inclusion is a bi- or rather a multidirectional process. The same distinction can be applied *mutatis mutandis* to the broader field of society. Moreover, this difference in meaning is not restricted to the English language, but can be found in German and Italian as well.³ Therefore, the changes proposed in the shadow version appear to be absolutely reasonable: not only the German official version, but also the Italian translation could definitely benefit from this suggestion.

In the preceding examples, the translators of the shadow version have given priority to the conceptual differentiation, even if this means using words (such

2 Also, a recent international report (ENIL 2017: 16) points to this questionable choice in the German official version under the heading “Lost in translation”.

3 cf. for instance http://www.jugendsozialarbeit.de/media/raw/hinz__inklusion.pdf, <https://www.orizzontescuola.it/cambio-terminologia-dallintegrazione-allinclusione>.

as the adjective *inklusiv*) that are relatively new in German and could be felt to be calques from English by some people. In other cases, this choice goes so far as to introduce English words in the German text (a practice that is not very usual for this text genre):

En: Preamble

[...] *g*) Emphasizing the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development [...]

De __off: Präambel

[...] *g*) nachdrücklich darauf hinweisend, wie wichtig es ist, die Behinderungsthematik zu einem festen Bestandteil der einschlägigen Strategien der nachhaltigen Entwicklung zu machen, [...]

De __sha: Präambel

[...] *g*) nachdrücklich darauf hinweisend, wie wichtig es ist, disability mainstreaming zu einem festen Bestandteil der einschlägigen Strategien der nachhaltigen Entwicklung zu machen, [...]

It: Preambolo

[...] *g*) Sottolineando l'importanza di integrare i temi della disabilità nelle pertinenti strategie relative allo sviluppo sostenibile, [...]

In this case, the shadow translation does not appear to bring about any substantial improvement: in the English text, “mainstreaming” is not used as part of a noun group, but as the ing-form of the verb “to mainstream”, with the meaning of “to firmly embed”. The solutions of both the German official translation and of the Italian text can be considered correct.

In the following example, on the contrary, “empowerment” designates a rather complex concept that is not completely identical with the idea of “enhancing somebody’s autonomy” (*Stärkung der Autonomie*), expressed in the German official translation. The Italian translation offers another solution, *emancipazione*, which comes closer to the meaning of the original word and at the same time avoids introducing a foreign word in the text.

Article 6

En: Women with disabilities

[...] (2) States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

De __off: Frauen mit Behinderungen

[...] (2) Die Vertragsstaaten treffen alle geeigneten Maßnahmen zur Sicherung der vollen Entfaltung, der Förderung und der Stärkung der Autonomie der Frauen, um zu garantieren, dass sie die in diesem Übereinkommen genannten Menschenrechte und Grundfreiheiten ausüben und genießen können.

De_sha: Frauen mit Behinderungen

[...] (2) Die Vertragsstaaten treffen alle geeigneten Maßnahmen zur Sicherung der vollen Entfaltung, der Förderung und des Empowerments von Frauen, um zu garantieren, dass sie die in diesem Übereinkommen genannten Menschenrechte und Grundfreiheiten ausüben und genießen können.

It: Donne con disabilità

[...] 2. Gli Stati Parti adottano ogni misura idonea ad assicurare il pieno sviluppo, progresso ed emancipazione delle donne, allo scopo di garantire loro l'esercizio ed il godimento dei diritti umani e delle libertà fondamentali enunciati nella presente Convenzione.

Another key concept in the Convention is accessibility: every environment, both physical and virtual, must be accessible to everybody, irrespective of the different physical and intellectual conditions. To reach this goal and to enable persons with disabilities to live independently and participate fully in all aspects of life, any obstacle and barrier must be identified and eliminated (Article 9 of the Convention).

In the English text, the noun "accessibility" occurs eight times, the adjectival form "accessible" 16 times. In the German official version, the noun has been rendered with *Zugänglichkeit*, the adjective with *zugänglich* or sometimes with *leicht zugänglich*; the Italian translation uses *accessibilità* and *accessibile*, respectively.

Article 9

En: Accessibility

[...] (2) State Parties shall also take appropriate measures:
To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
[...]

De_off: Zugänglichkeit

[...] (2) Die Vertragsstaaten treffen außerdem geeignete Maßnahmen, um Mindeststandards und Leitlinien für die Zugänglichkeit von Einrichtungen und Diensten, die der Öffentlichkeit offenstehen oder für sie bereitgestellt werden, auszuarbeiten und zu erlassen und ihre Anwendung zu überwachen; [...]

De_sha: Barrierefreiheit

[...] (2) Die Vertragsstaaten treffen außerdem geeignete Maßnahmen, um Mindeststandards und Leitlinien für die Barrierefreiheit von Einrichtungen und Diensten, die der Öffentlichkeit offenstehen oder für sie bereitgestellt werden, auszuarbeiten und zu erlassen und ihre Anwendung zu überwachen; [...]

It: Accessibilità

[...] (2) Gli Stati Parti inoltre adottano misure adeguate per:
(a) sviluppare ed emanare norme nazionali minime e linee guida per l'accessibilità alle strutture ed ai servizi aperti o forniti al pubblico e verificarne l'applicazione; [...].

The German shadow translation systematically changes the terms *Zugänglichkeit* and *zugänglich* into *Barrierefreiheit* (sometimes *barrierefreier Zugang*) and *barrierefrei*. Also these changes have been endorsed by the report issued by the Alliance of German Non-Governmental Organizations, which states as follows:

In the official German translation of the UN CRPD as well as in their first State report, the Federal Government refers to “approachability” [*Zugänglichkeit*] instead of “accessibility” [*Barrierefreiheit*] with regard to Article 9 (see also introduction). However, as stated in § 4 BGG, “accessibility” is a more comprehensive notion, since it does not only include “approachability”, but also usability. According to this definition, all “constructed facilities and places [...] must be accessible and usable for disabled persons just like for all other persons, that is, without any special difficulties and, as a matter of principle, without support from others”. This definition must be considered to be a legal stipulation that must be substantiated in other regulations, determinations of standards and contractual agreements. (BRK-Allianz 2013: 25).

Although the argumentation with reference to the word “approachability” is not fully convincing, it is a matter of fact that in German *Barrierefreiheit* is the appropriate legal term, having been the object of a stipulative definition. The corresponding adjective *barrierefrei* is now also very widespread in the standard language, where it has gradually substituted the synonym *behindertengerecht*. The reason is, again, that *barrierefrei* encompasses accessibility for everybody (just think of small children or elderly people) and is therefore in line with the goals of an inclusive society, whereas *behindertengerecht* is focused on the special needs of people with disabilities.

To sum up, the proposal of the shadow translation is very sensible: however, it must be stressed that it only applies to the German language and cannot be transferred to the Italian version, where *accessibilità* and *accessibile* represent the right choices.

4. THE DRIVE OF COMMITMENT

Not all differences between the two German versions can be traced back to a search for greater adherence to the source text. In some cases, the authors of the shadow version seem to have opted for a more “committed” translation, discarding the most direct equivalent in favour of other choices which reflect a particular stance. This appears to be the case in the translation of the noun “independence” and of the corresponding adjective “independent”. The German official version always translates the noun by its most direct equivalent, i.e. *Unabhängigkeit*; the same applies to the adjectival form (“independent”-*unabhängig*). Also the Italian translation mainly uses *indipendenza-indipendente*, although in one instance it opts for *autonomia*. The German shadow version keeps *Unabhängigkeit* in all cases where the concept refers to independent bodies, but consistently substitutes it with *Selbstbestimmung* or *selbstbestimmtes Leben* when it designates a

goal for people with disabilities. The meanings of the two words, however, do not fully coincide: *Selbstbestimmung* means the freedom to make one's own choices without external influence or compulsion and thus corresponds to the English word "self-determination". Also this word plays an important role in many texts and debates concerning disability issues (see for instance Wehmeyer 1998). In the Convention, however, it is never mentioned: rather the concept is expressed through the formulation "freedom to make one's own choices". In this case, therefore, the shadow version choice cannot be seen as a change towards a higher degree of fidelity to the source text, but perhaps rather as a subjective interpretation aiming to foreground the relevance of this concept.

Article 9

En: Accessibility

(1) To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications [...].

De __off: Zugänglichkeit

(1) Um Menschen mit Behinderungen eine unabhängige Lebensführung und die volle Teilhabe in allen Lebensbereichen zu ermöglichen, treffen die Vertragsstaaten geeignete Maßnahmen mit dem Ziel, für Menschen mit Behinderungen den gleichberechtigten Zugang zur physischen Umwelt, zu Transportmitteln, Information und Kommunikation [...].

De __sha: Barrierefreiheit

Menschen mit Behinderungen ein selbstbestimmtes Leben und die volle Teilhabe in allen Lebensbereichen zu ermöglichen, treffen die Vertragsstaaten geeignete Maßnahmen mit dem Ziel, für Menschen mit Behinderungen gleichberechtigt mit anderen Zugang zur physischen Umwelt, zu Transportmitteln, Information und Kommunikation [...].

It: Accessibilità

1. Al fine di consentire alle persone con disabilità di vivere in maniera indipendente e di partecipare pienamente a tutti gli aspetti della vita, gli Stati Parti adottano misure adeguate a garantire alle persone con disabilità, su base di uguaglianza con gli altri, l'accesso all'ambiente fisico, ai trasporti, all'informazione e alla comunicazione [...].

At a first glance, *Selbstbestimmung* could be considered as a hyponym of *Unabhängigkeit*. The following example, however, clearly shows that this conceptual relation does not hold, at least for the Convention, which distinguishes "independence" from "autonomy" and relates the freedom of choice to this latter concept.

Article 3

En: General principles

The principles of the present Convention shall be:

Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; [...].

De_off: Allgemeine Grundsätze

Die Grundsätze dieses Übereinkommens sind:

Die Achtung der dem Menschen innewohnenden Würde, seiner individuellen Autonomie, einschließlich der Freiheit, eigene Entscheidungen zu treffen, sowie seiner Unabhängigkeit; [...].

De_sha: Allgemeine Grundsätze

Die Grundsätze dieses Übereinkommens sind:

Die Achtung der dem Menschen innewohnenden Würde, seiner individuellen Autonomie, einschließlich der Freiheit, eigene Entscheidungen zu treffen, sowie seiner Selbstbestimmung; [...].

It: Principi generali

I principi della presente Convenzione sono:

(a) il rispetto per la dignità intrinseca, l'autonomia individuale, compresa la libertà di compiere le proprie scelte, e l'indipendenza delle persone; [...].

In this particular passage, the German shadow version inadvertently introduces a redundancy (*Freiheit, eigene Entscheidungen zu treffen-Selbstbestimmung*) and at the same time omits the reference to independence as a condition of not having to rely on others. In the light of these considerations, also the Italian choice of translating “independence” with *autonomia* in the following example does not seem to be the best solution.

Article 20

En: Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by: [...]

De_off: Persönliche Mobilität

Die Vertragsstaaten treffen wirksame Maßnahmen, um für Menschen mit Behinderungen persönliche Mobilität mit größtmöglicher Unabhängigkeit sicherzustellen, indem sie unter anderem [...]

De_sha: Persönliche Mobilität

Die Vertragsstaaten treffen wirksame Maßnahmen, um für Menschen mit Behinderungen persönliche Mobilität mit größtmöglicher Selbstbestimmung sicher zu stellen, indem sie unter anderem [...]

It: Mobilità personale

Gli Stati Parti adottano misure efficaci a garantire alle persone con disabilità la mobilità personale con la maggiore autonomia possibile, provvedendo in particolare a: [...].

Another, although less evident intervention regards the verb “to facilitate”. The German official version consistently renders it with *erleichtern*, which can be considered a direct equivalent; the Italian translation uses *facilitare* (8 times) and *agevolare* (10 times), two synonymous verbs that also fully correspond to the Eng-

lish word. The German shadow version, however, always substitutes *erleichtern* with two other verbs: *ermöglichen* ('to enable, to make possible') and *fördern* ('to promote, to foster').

Article 13

En: Access to justice

States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

De __off: Zugang zur Justiz

Die Vertragsstaaten gewährleisten Menschen mit Behinderungen gleichberechtigt mit anderen wirksamen Zugang zur Justiz, unter anderem durch verfahrensbezogene und altersgemäße Vorkehrungen, um ihre wirksame unmittelbare und mittelbare Teilnahme, einschließlich als Zeugen und Zeuginnen, an allen Gerichtsverfahren, auch in der Ermittlungsphase und in anderen Vorverfahrensphasen, zu erleichtern.

De __Sha: Zugang zur Justiz

Die Vertragsstaaten stellen sicher, dass Menschen mit Behinderungen gleichberechtigt mit anderen wirksamen Zugang zur Justiz haben, unter anderem durch verfahrensbezogene und altersgemäße Vorkehrungen, um ihre wirksame unmittelbare und mittelbare Teilnahme, einschließlich als Zeugen und Zeuginnen, an allen Gerichtsverfahren, auch in der Ermittlungsphase und in anderen Vorverfahrensphasen, zu ermöglichen.

It: Accesso alla giustizia

Gli Stati Parti garantiscono l'accesso effettivo alla giustizia per le persone con disabilità, su base di uguaglianza con gli altri, anche attraverso la previsione di idonei accomodamenti procedurali e accomodamenti in funzione dell'età, allo scopo di facilitare la loro partecipazione effettiva, diretta e indiretta, anche in qualità di testimoni, in tutte le fasi del procedimento giudiziario, inclusa la fase investigativa e le altre fasi preliminari.

Both *ermöglichen* and *fördern* are possible, although less direct equivalents of “facilitate”: the latter is also used in the Convention to translate the verb “to promote”. However, what is noteworthy here is the fact that *erleichtern* has been systematically avoided. One possible explanation could be the desire to prevent any possible association with forms of “reverse discrimination”, i.e. of measures that could favour people of disabilities at the expense of others.

5. THE PRINCIPLE OF NON-DISCRIMINATION

As was seen in the concluding part of the last section, the desire to avoid reverse discrimination is just a hypothesis to account for a lexical choice made by the translators of the German shadow version: a hypothesis that cannot be easily verified.

There is, however, another concern that much more likely has guided all translators of the convention: the avoidance of direct discrimination. The Convention is not only a milestone in providing principles for non-discrimination of persons with disabilities: it can also serve as a model for its linguistic choices in addressing these persons. The English text substantially adheres to the recommendations of the People First movement and uses “persons with disabilities”, “women with disabilities”, “children with disabilities” etc. According to the People First movement, these choices are to be considered as the most correct ones, because they preserve the dignity of the persons without equating them with their disabilities: in this sense, they are preferred even to the forms “disabled persons”, “disabled women” etc. Also in the German-speaking countries and in Italy, the preference for expressions beginning with *Person/Mensch/persona* etc. has gained ground, but other formulations are still fully acceptable. In the guidelines for non-discriminatory language published by the Austrian Bundesministerium für Wirtschaft und Arbeit (2008), for instance, both *Menschen mit einer Behinderung* und *behinderte Menschen* are recommended forms. For Italian, a similar suggestion can be found in a document by the Federazione per il Sociale e la Sanità (2010), where *persone con disabilità* and *persone disabili* are treated as synonyms of equal value.

In any case, the translators of the Convention have always opted for a strict adherence to the lexical choices of the English text, using *Menschen/Frauen/Kinder mit Behinderung* and *persone/donne/minori con disabilità*, respectively. In only one instance, the English text and the translations depart from this line:

Article 24

En: Education

[...]

b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community; [...]

De_off: Bildung

[...]

erleichtern sie das Erlernen der Gebärdensprache und die Förderung der sprachlichen Identität der Gehörlosen; [...]

De_sha: Bildung

[...]

ermöglichen sie das Erlernen der Gebärdensprache und die Förderung der sprachlichen Identität der gehörlosen Menschen;

It: Educazione

[...]

(b) agevolare l'apprendimento della lingua dei segni e la promozione dell'identità linguistica della comunità dei sordi; [...]

The use of “deaf community” instead of “persons with deafness” or similar expressions, although apparently divergent from the general principles adopted in the

Convention, is by no means wrong. In fact, not all disabled people support the recommendations of the People First movement. Deaf people in particular often dislike these terms, as they judge them to be either euphemistic or too much bound to a medical/pathological model of deafness. Therefore, most of them prefer the adjective Deaf (with capital letter) and speak of “Deaf culture” and “Deaf community”.⁴

We may therefore suppose that in the convention the term “deaf community” has been used specifically to take into account the orientation of this group of subjects. In other words: the “People First” language has been adopted for the “umbrella words”, as it seems to be widely endorsed by many interested parties, but at the same time room was left for motivated exceptions. Also the German official version and the Italian translation seem to follow the same principles: in fact, *die Gehörlosen* und *la comunità dei sordi* are both names that are used by those immediately involved. From this perspective, the alternative form *die gehörlosen Menschen* proposed by the German shadow version must not be seen as an objectively necessary correction.

6. CONCLUDING REMARKS

The analysis of the three target versions has given an insight into the complex interplay between the different factors involved in the translation of a text of such social relevance. In particular, some changes introduced in the shadow version clearly indicate the translators’ concern between aiming at the highest possible degree of equivalence to the source text and expressing their own values and beliefs. This latter tendency, which runs counter to the general principles of the translator’s neutrality and invisibility and which should better be contained in many situations, is quite reasonable in this particular context: the United Nations attached great importance to the involvement of persons with disabilities and their organizations during the process of drawing up the Convention (the international CRPD slogan was “Nothing about us without us!”, see BRK-Allianz 2013: 9), and the same principle can be applied to the production of its translations. Many of the proposed changes show a deep knowledge of the contents of the Convention and a full awareness of the implications of some lexical choices. In at least one instance, however, the drive of commitment has “taken the upper hand” over other considerations: the translation of “independence” with *Selbstbestimmung* gives some passages a different meaning and introduces a redundancy that was not present in the source text. This example stresses the importance for the translators to weigh all possible options and reflect on the social impact of their choices while at the same time carefully analyzing the source text: only this kind of comprehensive awareness will enable them to thoroughly fulfill their role of communicators and social agents.

4 See for instance <http://www.disabled-world.com/disability/types/>.

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