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The Application of Catford's Translation Shifts to the Translation of the UN's Convention on the Rights of the Child from English into Arabic

Ala Bandar Abdulaziz Altwaijri, *Arab Society of English Language Studies*

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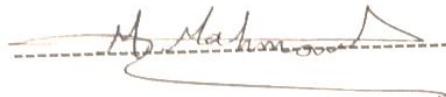
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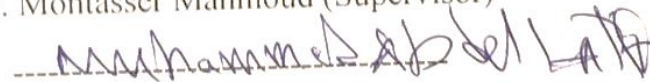
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Abstract

The objectives of this study were to determine the most frequent type of translation shifts according to Catford's model of translation shifts in the translation of the UN's *Convention on the Rights of the Child* (1989) from English into Arabic and to examine the inevitability of resorting to translation shifts in legal texts. To conduct the analysis, the researcher selected a sample covering the preamble and the three main parts of the Convention representing legal texts in general. Throughout the analysis, every translation shift was traced and manually counted to identify the most frequent type of translation shifts. The inevitability of each of the identified shifts was examined to conclude how necessary translation shifts were to preserve the meaning and effect of the source text. The findings indicated that intra-system shifts were the most frequent type of shifts with the frequency of 174 shifts (=26.6%), followed by unit shifts scoring 171 shifts (=26.3%), then structure shifts with the frequency of 161 shifts (=24.6%), then class shifts being identified 128 times (=19.6%), and finally level shifts with the frequency of 19 shifts (=2.9%). Regarding the inevitability of resorting to translation shifts, 80.1% (=523 cases) of identified translation shifts were obligatory due to the linguistic disparities between English and Arabic. Only 19.9% of detected (=130 cases) were optional due to the technicality of legal texts. Finally, exposure of translators to legal texts was recommended to understand the linguistic and stylistic characteristics of English and Arabic legal texts and to maintain the meaning in the TT.

Keywords: Catford's model, translation shifts, legal texts, UN Convention

ملخص الدراسة

تهدف هذه الرسالة إلى تحديد أكثر التغيرات شيوعًا في ترجمة اتفاقية حقوق الطفل الصادرة عن الأمم المتحدة (١٩٨٩) من اللغة الإنجليزية إلى اللغة العربية وفقًا لنموذج كاتفورد للتغيرات أثناء الترجمة، كما تهدف الدراسة إلى البحث في مدى ضرورة اللجوء إلى مثل تلك التغيرات في ترجمة النصوص القانونية. ولأغراض التحليل استخلصت الباحثة عينة نصية تغطي كافة الأجزاء الأربعة من الاتفاقية، وهي الديباجة والأجزاء الثلاثة الأساسية للاتفاقية، مما يمثل النصوص القانونية بصفة عامة. وتم خلال عملية تحليل النص تحديد كافة التغيرات في الترجمة وعدّها يدويًا لتحديد أكثر التغيرات في الترجمة شيوعًا، كما تم اختبار حتمية اللجوء إلى تلك التغيرات لمعرفة مدى ضرورة التغيرات في الترجمة للحفاظ على المعنى والتأثير الخاص بالنص المصدر. أظهرت نتائج الدراسة أن التغيرات في المنظومة اللغوية هي أكثر التغيرات في الترجمة تكرارًا بنسبة ٢٦,٦% (=١٧٤ مرة)، يليها التغيرات في الوحدة بنسبة ٢٦,٣% (=١٧١ مرة)، ثم التغيرات في التركيب بنسبة ٢٤,٦% (=١٦١ مرة)، ثم التغيرات في نوع الكلمة بنسبة ١٩,٦% (=١٢٨ مرة)، وأخيرًا التغيرات في المستوى بنسبة ٢,٩% (=١٩ مرة). أما بالنسبة لحتمية اللجوء للتغيرات في الترجمة فأظهرت النتائج أن ٨٠,١% (=٥٢٣ حالة) من التغيرات التي جرى الكشف عنها كانت إجبارية نظرًا للاختلافات اللغوية بين اللغة الإنجليزية واللغة العربية، وفي المقابل فقط ١٩,٩% (=١٣٠ حالة) من التغيرات في الترجمة كانت اختيارية نظرًا لأن النصوص القانونية ذات طبيعة تقنيّة. وفي الختام، أوصت الباحثة بتعزيز اطلاع المترجمين على النصوص القانونية لإدراك الخصائص اللغوية والأسلوبية التي تمتاز بها النصوص القانونية الإنجليزية والعربية وكيفية الحفاظ على المعنى في النص الهدف.

كلمات البحث: نموذج كاتفورد، التغيرات في الترجمة، النصوص القانونية، اتفاقية حقوق الطفل

Dedication

To my wonderful parents

'Bandar and Aljowharah'

And my supportive husband

'Rakan'

I dedicate this work.

Acknowledgements

First and foremost, I thank Allah, the Almighty, for blessing me with the will and strength to conduct this research and for granting me this invaluable opportunity to obtain the Master's degree.

I also express my gratitude to Dr. Montasser Abdulwahab, whose invaluable remarks and supervision paved the path for me to complete this rich and exciting journey.

My thanks also go to my professors, colleagues, and librarians for helping me when needed.

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List of Abbreviations

SL	Source Language
TL	Target Language
ST	Source Text
TT	Target Text
LS	Level Shift
SS	Structure Shift
US	Unit Shift
CS	Class Shift
IS	Intra-system Shift

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Chapter One: Introduction

1.1 Background of the Study

All living species use different ways to communicate with one another to express feelings and send messages. For human beings, language is the means through which they share emotions and exchange ideas. According to Sapir (1921), "Language is a purely human and non-instinctive method of communicating ideas, emotions, and desires by means of a system of voluntarily produced symbols." So, language is not innate; it is an acquired tool from the surrounding culture to achieve communication within human beings who share the same language. Moreover, unlike other species which use a universal kind of communication, humans across the globe use various distinct languages that characterize each culture to communicate with other people speaking the same language.

Because people around the world speak various languages, miscommunication occurs when two parties speaking different languages attempt to communicate. This highlights the significance of the craft of translation to bridge this communicational gap. Many linguists proposed diverse definitions for the term 'translation'. In his book *Toward a Science of Translating*, Nida (1964) defines translation as "the transference of a message from one language to another" (p.3). He explains that translation is a process of replacing words in a language with words in another language to achieve communication and deliver the intended meaning.

Since ancient times, people speaking various languages from different cultures and backgrounds came into contact through trade, Hajj, immigration, wars, and other reasons. Therefore, translation was needed to explain other people's verbal or written messages. Ever since then, translation became widely employed in all fields and interests such as science, politics, trade, and law. Moreover, each field of translation is characterized by its own properties and stylistic features marking its register.

As concerned in the present research, legal translation is an area that deals with not only two distinct languages but distinct legal systems as well. Šarčević (1997) defines legal translation as "a translation from one legal system into another— from the source legal system into the target legal system" (p. 13). From this definition, legal language is "very much a system-bound language, i.e. a language related to a specific legal system" (Groot & van Laer, 2006, p. 173). Accordingly, English legal language is unique because of its numerous special features reflecting the decisiveness and significance of its content.

The presence of special peculiarities in a specific type of translation poses difficulties on the rendition process from the source into the target language leading to the occurrence of structural and lexical alterations to maintain the meaning. Such alterations are firstly referred to by John Catford (1965) as 'translation shifts.' He defines 'shifts' as the "departures from formal correspondence in the process of going from the SL to the TL" (p. 73). He explains that translation shifts take place in the absence of 'formal correspondence', which he defines as 'any TL category which can be said to occupy, as nearly as possible, the same place in the economy of the TL as the given SL category occupies in the SL" (Catford, 1965, p. 32).

Since this study focuses on English and Arabic languages, formal correspondence between these two languages hardly exists because they belong to different language families. English belongs to the Indo-European family whereas Arabic belongs to the Semitic family (Algeo, 2010). Each language family differs in linguistic structures, making it nearly impossible to find absolute correspondents or 'formal equivalence' to every single word between these two languages. Nida and Taber (2004) argue that "Formal correspondence distorts the grammatical and stylistic patterns of the receptor language, and hence distorts the message, so as to cause the receptor to misunderstand or to labour unduly hard" (p: 201).

To resolve the problem of the absence of formal correspondence between languages belonging to different families, translation shifts can be applied to preserve the meaning and structure while transferring a text from the source language into the target language. In this research, the researcher applied Catford's types of translation shifts, i.e. level shifts and category shifts, to analyze the official translation of the *UN's Convention on the Rights of the Child* (1989) from English into Arabic. The researcher aimed at determining the types of translation shifts applied to resolve the linguistic differences between English and Arabic.

1.2 Statement of the Problem

Legal translation is categorized as 'specialist' translation because it is concerned with the use of a particular register (i.e., law) (Cao, 2007; Stolze, 2013). Accordingly, translation can be challenging when the language used has special peculiarities and properties such as the legal register (Bázlik, 2009). Furthermore, problematic issues arise in translating legal texts because "this type of translation is burdened with both intricacies of literary translations and technicalities of scientific translations" (Sakareva, 2001, p. 133). For that reason, translators are more likely to fail in finding similar equivalents at various levels, particularly the linguistic level as English and Arabic are dissimilar in sentence structure and grammar. This study aimed to address the problem of finding appropriate equivalents on the linguistic level in the translation of legal texts from English into Arabic.

1.3 Objectives of the Study

This study intended to find the most frequently used types of shifts in the translation of the *UN's Convention on the Rights of the Child* to overcome the linguistic differences between English and Arabic. Additionally, this research sought to determine how inevitable resorting to translation shifts in legal texts is.

1.4 Significance of the Study

Many studies on the application of Catford's shifts to the translation of different text types have been conducted. Nevertheless, studies focusing on the application of Catford's shifts to legal contexts are relatively insufficient. Hence, this paper was designed to fill the literature gap in regard to legal translation. Additionally, this study aimed to benefit to translation students, professional translators, and translation scholars alike as it shed light on the different types of shifts that occur in the process of translating legal texts as to solve the problems of non-equivalence and untranslatability.

1.5 Questions of the Study

This paper was intended to answer the following questions:

1. What are the most frequently recurrent types of translation shifts according to Catford's model in translating the *UN's Convention on the Rights of the Child* (1989) from English into Arabic?

2. To what extent is resorting to translation shifts inevitable to maintain the meaning and effect in the translation of the *UN's Convention on the Rights of the Child* (1989) from English into Arabic?

1.6 Scope and Limitation of the Study

This study was limited to the official Arabic translation of the *UN's Convention on the Rights of the Child* (1989) published by the United Nations as a representative of legal texts. The study was also limited to the types of translation shifts proposed by John Catford.

1.7 Methods and Procedures

This study adopted a descriptive content-analysis approach to investigate which types of translation shifts occur in the translation of the *UN's Convention on the Rights of the Child*

(1989), as a representative of legal texts, from English into Arabic. The researcher applied Catford's translation shifts as a research model to be applied to answer the research questions.

The researcher selected a sample of around 400 words from each of the four main parts of *the UN's Convention on the Rights of the Child* (i.e. the preamble and the three sections) due to the limitation of the study. All shifts and alterations on sentence and phrase levels were traced and manually counted to identify the types of Catford's translation shifts taking place in legal texts, in addition to the most frequently recurrent type of translation shifts.

1.8 Definition of terms

Translation shifts

In his book, *A Linguistic Theory to Translation,* Catford (1965) introduced his typology of translation shifts, which was his major contribution to the field of translation theory. For such contribution, Catford is known to be the 'Father of Translation Shifts' (Al-Hamed, 2016). He refers to 'shifts' as the "departures from formal correspondence in the process of going from the SL to the TL" (p. 73). Catford (1965) introduced two major types of translation shifts, namely 'level shifts' and 'category shifts.' Category shifts are subdivided into four types, namely structure shifts, class shifts, unit shifts and intra-system shifts. All are subsequently defined in this section.

Level Shifts

Catford (1965) defined level shifts as the changes that take place when "an SL item at one linguistic level has a TL equivalent at a different level;" i.e., grammar in the source language is expressed using a word in the target language or vice versa.

Structure Shifts

According to Catford (1965), structure shifts are "amongst the most frequent category shifts at all ranks in translation" (p. 77). They are the changes in the grammatical structure, i.e., word order, of a sentence at any linguistic rank (i.e., phrases, clauses, and sentences).

Class Shifts

According to Catford (1965), a class shift occurs "when the translation equivalent of an SL item is a member of a different class from the original item" (p. 78).

Unit Shifts

According to Catford (1965), "By unit-shift we mean changes in rank— that is, departures from formal correspondence in which the translation equivalent of a unit at one rank in the SL is a unit at a different rank in the TL" (p. 79).

Intra-system Shifts

Intra-system shifts are the changes that occur when the "translation involves selection of a non-corresponding term in the TL system," (Catford, 1965, p. 80).

UN's *Convention on the Rights of the Child* (1989)

As cited in Unicef (n. d.),

> The United Nations Convention on the Rights of the Child, or UNCRC, is the basis of all of Unicef's work. It is the most complete statement of children's rights ever produced and is the most widely-ratified international human rights treaty in history. (para. 1-2)

1.9 Study Outline

In this part, the researcher explained the structure of the study. The first chapter presented the framework of the study. The statement of the problem was explained and the objectives to be met are presented. Moreover, the significance of conducting the present study and the limitation of the paper were presented. In addition, the research questions to be answered and the methods and procedures to be followed throughout the study were described and explained. Finally, the definition of key terms and concepts was provided to establish a clear foundation for the study.

In the second chapter, the literature of the study was reviewed and presented to constitute the theoretical part of the study and to provide a comprehensive image of relevant

areas to the present paper. This section tackled the nature of both English and Arabic legal languages, legal translation, problems and difficulties in legal translation, Catford's typology of translation shifts, and previous relevant studies.

The third chapter revolved around the methodology of the study. It mainly discussed the detailed steps followed by the researcher throughout the study to answer the research questions and meet the objectives of the study. It also touched upon the study data and how it was collected and analyzed.

In chapter four, the researcher analyzed the translation of the UN's *Convention on the Rights of the Child*. Each type of translation shifts was discussed solely and supported by examples for explanation.

Last but not least, chapter five provided answers for the research questions based on the analysis of the study. Recommendations and suggestions for future research were also provided for in this chapter.

Chapter Two: Literature Review

2.1 Introduction

In this chapter, the theoretical framework of the study was demonstrated to draw a comprehensive image in regard to the key concepts highlighted in this research. The main topics were the nature of both English and Arabic legal languages, legal translation, problems and difficulties in legal translation, Catford's typology of translation shifts, and previous relevant studies. The literature review section was designed to provide an in-depth review of relevant studies to thesis topic and to reflect an up-to-date status of the abovementioned topics.

2.2   Nature of Legal Language

There is a distinction between the standard daily used language and the legal language that is used in courts and legal documents. According to Cao (2007), legal language is defined as "a variety of language appropriate to the legal situation of use" (p. 9). Legal language is "very much a system-bound language, i.e., a language related to a specific legal system" (Groot & van Laer, 2006, p. 173). Accordingly, legal language, whether English or Arabic, is distinct from any other technical language as it is characterized by various special features reflecting the decisiveness and gravity of its content. Legal language tends to be communicatively restricted; in other words, it is limited in use to the legal jargon and legal specialists (Crystal & Davy, 1969).

2.2.1 English Legal Language

The English language used in legal contexts is different from the daily used English language; it has some special features and characteristics related to its jargon. Regarding the layout and style of English legal texts, Tiersma (1999) highlighted the eloquent and literary nature of legalese as an influence of the Anglo-Saxons. He also shed light on the use of alliteration (i.e., words starting with the same sound) in legal contexts not only for poetic reasons but also to make these words easy to remember.

According to Al-Nakhalah (2013), Slapper and Kelly (2009), and Danet (1985), legal language uses long, complex sentences to provide all necessary information and hence avoid ambiguity or any possible miscomprehension. Moreover, legal texts are characterized by the scarce use of punctuation marks making it not easily understood by non-specialized people in the legal jargon (Muriçi, 2016). Another distinctive feature of English legal language is that it tends to be 'formulaic.' In other words, it comprises "technical terms, common words with uncommon meaning, archaic expressions, doublets, formal items, unusual prepositional phrases, high frequency of *any*" (Trosborg, 1997, p. 13).

On the syntactic level, passive voice is highly used in legalese "to obscure the agent, to focus on a part that the author sees as more prominent, and to foreground a fact by leaving it unspecified" (El-Farahaty, 2015, p. 23). The abundant use of nominalization is also one of the typical features of legal texts. It is "a noun phrase that has a systematic correspondence with a clausal prediction which includes a head noun morphologically related to a corresponding verb" (Quirk, Greenbaum, Leech, & Svartvik, 1985, p. 1288). The utilization of conditional and prepositional phrases such as 'provided that' and 'subject to' are among the distinct syntactic features of legal discourse (Alcaraz & Hughes, 2014; El-Farahaty, 2015).

The English legal language is also characterized by the use the formulaic modal auxiliary verb *shall* in a law-specific sense. In standard English, 'shall' indicates the future sense. In legal discourse, however, it is "used in the imperative sense to impose a duty or obligation on the legal subject to whom it refers" (Bhatia, Candlin, & Gotti, 2003, p.347). The use of the modal auxiliary *shall* dates back to the Roman legal texts (Šarčević, 1997). Triebel (2009) argued that lawyers use *shall* excessively without considering its correct usage in legal contexts, which, indeed, leads to confusion and ambiguity. According to Bhatia, Candlin, and Gotti (2003), the verb *may* is the second most frequently used modal auxiliary verb in legal

texts. In this contexts, Foley (2002) explained that the verb *may* denotes both permission and possibility because "you can only give permission to something possible" (p. 364).

On the lexical level, English legal language is marked by the distinct use of law-specific and technical terms that can only be understood by law specialists. Since the technical terms of the law are system-bound, these terms can be challenging in translation or even untranslatable (Alcaraz & Hughes, 2014). The use of archaic words that are no longer used in daily language also prevails in English legal language. The archaic words such as *hereby* and *aforesaid* date back to Old and Middle English and remain effective today in the legal language (El-Farahty, 2015). A movement towards 'Plain English' calls for simplifying the complex, outdated legal vocabulary to be easily understood by everyone today (Fakhouri, 2008; Tiersma, 1999).

The use foreign words is prominent in English legal language. The rule of the Roman Church in the Middle Ages led to the existence of Latin words such as *ipso facto* and *bona fide* in English legal language as Latin was the language of writing at that time (Alcaraz & Hughes, 2014; Tiersma, 1999). English terms borrowed from French after the Norman Conquest are also used in the legal discourse such as *purchase* and *court* (Alcaraz & Hughes, 2014). The formal register is a typical feature of legalese and is reflected by the use of formal terms and phrases such as *your honor* and *your majesty* (El-Farahty, 2015). Finally, culture-specific words (e.g., Privy Council), religious terms (e.g., in the name of God), doublets (e.g., by and between), and triplets (e.g., obey, observe and comply with) are used as well in English legal language (El-Farahty, 2015).

2.2.2   Arabic Legal Language

Every legal language is influenced by the legislative system it follows and adopts. For the Arabic language, the classical Islamic Law *Sharia* and foreign laws are the two main factors

influencing the legal language (Bostanji, 2010). The *Sharia* is composed of Islamic laws derived from the two basic Islamic sources, the Holy Quran and the Sunnah, and is employed in all living matters ranging from daily habits to economy and trade (Bostanji, 2010). Other international and foreign laws also play a major role in the Arabic legal language and are used to govern global relations and interactions (Bostanji, 2010).

Hatim argued in the Third Conference of the Said Association of Translation and Arabization in 2009 that "there is no well-defined register of legal discourse in Arabic" (as cited in El-Farahaty, 2015). Emery (1989), on the contrary, stated that:

> Arabic legal texts exhibit their own features of structure and style. They make more use of grammatical cohesion (through reference and conjunction) and of finite structures than their English counterparts, and less use of passives. In addition, they are not characterized by the use of archaic vocabulary and morphology. The two languages differ in their patterns of nominisation, creation of binominals and in their use of highlighting and text markers. (p. 10)

In an attempt to better understand the special nature and peculiarities of Arabic legal texts, El-Farahaty (2015) classified the Arabic legal features into three categories: lexical, syntactic, and textual. Bostanji (2010) and Fakhouri (2008) also presented a similar classification of Arabic legal language features as the former classified them into semantic, syntactic, and stylistic while the latter categorized them into syntactic, lexical, and discourse-level.

On the lexical level, culture-specific and religious expressions inspired by the Islamic Law, such as بعون الله, are among the unique features of Arabic legal language (El-Farahaty, 2015). Furthermore, doublets and triplets, such as تعلن وتصرح, are redundant synonyms or antonyms utilized in Arabic legal texts to serve as an emphasis (El-Farahaty, 2015; Fakhouri, 2008). Another similar feature to English legal language is the extensive use of introductory

statements and formal expressions to address high-status persons, such as صاحب السمو (El-Farahaty, 2015). El-Farahaty (2015) also highlighted the use of masculine terms, such as المستأجر, to indicate gender-neutrality in Arabic legal documents.

On the Syntactic level, Arabic legal language, similar to the English legal language, tends to use long, complex sentences by employing both coordinated clauses and embedded and relative clauses to avoid vagueness and misinterpretation (Al-Nakhalah, 2013; Emery, 1989). While written legal tend to be nominal in nature, written legal Arabic is mostly verbal (Bostanji, 2010). Unlike English legal language, Arabic language, in general, favors the use of active voice to avoid 'obscurity of agents' and to provide precision and clarity (El-Farahaty, 2015).

On the textual level, lexical redundancy is one of the typical features of Arabic legal texts. According to Fakhouri (2008), "Arabic legal language displays a larger tendency to serve lexical cohesion in the form of repetition of the same lexical item, much more than English legal language" (p. 28). Another textual feature of Arabic legal language is the use of pronominal reference to achieve textual cohesion (El-Farahaty, 2015; Fakhouri, 2008).

2.3   Legal Translation

Legal translation is increasingly demanded due to globalization and the growing number of international organizations (Bostanji, 2010). Legal translation is a specialized translation as it deals with a particular field of knowledge, i.e., law. Legal translation involves a wide range of legal documents ranging from birth certificates and wills to contracts and international conventions. Many definitions of legal translation have been proposed. Šarčević (1997) defined legal translation as "a translation from one legal system into another─ from the source legal system into the target legal system" (p. 13). Similarly, Brooks (2015) stated that "the term legal translation refers to the translation of any text used within the legal system"

(para. 1). According to Šarčević (1997), "Translations of legal texts lead to legal effects and may even induce peace or prompt a war"(p. 1).

On the significance of legal translation to bridge gaps between not only two different languages but also two different legal systems, Wagner (2003) commented, "In this era of modernisation and globalisation, legal translation plays an essential role as a means of communication enabling the mechanism of the law—i.e., the legal reasoning and drafting—to work in more than one language" (p. 177). Matulewska and Gortych-Michalak (2014) explained that the process of legal translation involves two types of communication: inter-lingual and inter-legal. The former refers to communication between two distinct languages (i.e., SL and TL), and the latter refers to communication between two distinct legal systems (i.e., that of SL and TL).

Joseph (1995) indicated that translation of legal texts is an interdisciplinary practice that combines three theoretical aspects: legal theory, language theory, and translation theory. Such complex and integrated nature of legal translation poses serious difficulty and causes potential translation mistakes. Smith (1995) argued that successful translation of legal texts requires prerequisite knowledge in three aspects: Source Language and Target Language legal systems, legal terminology, and the writing style of the target language. In order for the legal translator to maintain the effect of legal texts in the process of translation, the translator must be able "to understand not only what the words mean and what a sentence means, but also what legal effect it is supposed to have, and how to achieve that legal effect in the other language" (Šarčević, 1997, p. 72).

There is a strong connection between legal translation and culture as laws are derived from the culture of the people these laws apply to. According to Sierocka (2014), "little or no attention is paid to the cultural dimension of legal discourse, which plays a critical role in the

translation and interpretation of legal texts, as well as in the application of law (p. 189). She emphasized on the importance of taking the cultural dimension into consideration while translating legal texts as she comments, "the primary aim of legal translation is to create a set of parallel texts which are equal in legal effect from the source language to the target language in terms of authority, function and legal status of the translated text, legal system and cultural settings within of which the translated text will be read and/or used" (Sierocka, 2014, p. 190).

Translation scholars and researchers have diverse views on the appropriate translation approach, whether literal or free, to be adopted in the translation of legal texts. According to Mohammad, Alawi, & Fakhouri (2010), "the approaches to legal translation have been mostly oriented towards the preservation of the letter than effective rendering in the target language" (p. 1). Sakareva (2001) favored following the literal translation─ 'formal correspondence' according to Catford (1965) ─ approach when dealing with legal texts for the sensitivity of their content. Šarčević (1997), however, argued that translators were "long convinced that all legal translation had to be literal…thus giving the impression that legal translation is a mechanical process of transcoding" (p. 229). Al-Aqad (2014) supported Šarčević's argument and pointed out that literal translation in legal texts could be problematic and may lead to mistranslation.

A shift towards a more flexible, non-literal, recipient-oriented approach to legal translation is gradually increasing (Fakhouri, 2008). Having conducted a Japanese-English translation study on the applicability of free translation in legal texts, Fujii (2013) concluded that both translation approaches (i.e., literal and free) are equally needed in legal translation to achieve successful and meaningful translation taking into consideration the linguistic, cultural, and legal differences between the SL and TL. In this context, Fakhouri (2008) commented that legal translation "stretches over a continuum that includes both literal or formal translation at one end and free or dynamic translation at the other end" (p. 75).

2.4   Problems and Difficulties of Legal Translation

The field of law is considered to be one of the most challenging fields for translators, especially when the SL and the TL have distinct linguistic systems. According to El-Farahaty (2016), "The asymmetry between English and Arabic poses many difficulties for legal translators, be they linguistic-based, culture-specific or system-based" (p. 473). She explained that problematic issues arise in legal translation due to the extremely diverse legal systems between English and Arabic, which, indeed, comprise different cultures and linguistic systems. Al-Tameemi and Farhan (2016) classified the difficulties translators may encounter when translating legal texts into three categories: semantic, syntactic, and cultural difficulties.

On the semantic level, problems encompass the "lack of established terminology, finding functional and lexical equivalence, word for word translation, synonymous and antonymous words, wordiness and redundancy" (Al-Tameemi & Farhan, 2016, p. 1). El-Farahaty (2016) also highlighted the lexical difficulties legal translators encounter in translating archaic terms, Latin terms, technical terms, religious and culture-specific terms, and system-based terms. She justified that these difficulties are due to the lack of one-to-one correspondence between English and Arabic legal discourses. Alcaraz and Hughes (2014) also commented that "the technicalities of legal vocabulary present a serious challenge to the translator or interpreter" (pp. 14-15).

The syntactic difficulties encountered in legal translation include "word order, syntactic arrangement, unusual sentence structure, the use of modal verbs in English, and difference in legal system" (Al-Tameemi & Farhan, 2016, p. 1). Since English and Arabic belong to distinctly different language families, legal translation problems are more likely to exist. Al-Najjar (2011) also highlighted the problems of mistranslation of English modal verbs, incorrect use of capitalization and punctuation marks, and misusing verb tenses. Furthermore, the long,

complex nature of English legal sentences makes the task of decoding, comprehending, and encoding a very challenging task for legal translators (Ali, 2016; Al-Tameemi & Farhan, 2016).

There is a close correlation between legal translation and the cultures of the SL and the TL because "the legal system of the source text (ST) is structured in a way that suits that culture, and this is reflected in the legal language; similarly, the target text (TT) is to be read by someone who is familiar with the other legal system and its language (Al-Tameemi & Farhan, 2016, pp. 1-2). Bostanji (2010) examined the difficulties legal translators face while translating Arabic and English legal texts and found out that the translation of culture-specific terms is the most difficult part in translating legal documents from Arabic into English and vice versa.

The overall translation problems and challenges encountered when translating legal texts can be said to exist due to the unfamiliarity of legal style and terminology, lack of background knowledge of legal documents, and the absence of systematic analysis of legal translation errors (Al-Amri, 2015; Bostanji, 2010). In this regard, Cao (2007) pointed out that "legal translation is not the automatic transposition of a concept from one language into another, but rather it requires thorough knowledge of the two legal systems that interface with another as well as a comparative analysis of the text and the terms to be translated" (p. 54).

Al-Amri (2015) also added that difficulties in legal translation occur due to the translator's incompetency and limited knowledge of translation strategies and techniques that could help overcome translation challenges. Alsaeed (2017) also pointed out that problems in legal translation also occur due to adopting the literal translation approach solely and calls for an integrated approach to legal translation that combines both literal and free translation to avoid translation problems. Finally, drafting legal texts by non-professional legal writers poses more challenges to the translator regarding vagueness and ambiguity (Mohammad, Alawi, & Fakhouri, 2010).

2.5   Catford's Typology of Translation Shifts

In his book, *A Linguistic Theory to Translation,* Catford (1965) tackled the notion of translation from a linguistic-oriented approach. He defined translation as "an operation performed on languages, a process of substituting a text in one language for a text in another" (p. 1). He argued that translation theory is mainly a branch of linguistic theory as he first highlighted the fact that translation mainly deals with languages, then he described how translation happens between two languages. From his definition of translation Catfrod (1965) derived his general linguistic theory to translation. He explains, "any theory of translation must draw upon a theory of language—a general linguistic theory" (p. 1).

Catford (1965) associated translation with three fields of linguistics, namely general linguistics, comparative linguistics, and applied linguistics. He clarified that "General Linguistics is, primary, a theory about how languages work" (p.1). These two fields are relevant because they both have in common the aspect of 'language'. Catford (1965) defined Comparative Linguistics as "an extension of descriptive linguistics which establishes the relation between two or more languages" (p.19). Since translation concerns a relation between two languages, it is relevant to Comparative Linguistics. Finally, translation is also seen by Catford (1965) as a branch of Applied Linguistics since translation is, in fact, a practice of rendering the content of the SL to the TL. He defined Applied Linguistics as "all those applications of the theory and categories of general linguistics which go beyond (i) elucidation of how language work and (ii) the description of a particular language or languages for its/their sake' (p. 19).

During the process of translation, many linguistic changes take place, especially when the source language and the target language belong to different language families and hence have distinct linguistic systems. To trace and analyze such changes, many scholars, including John Catford, Anton Popovič, and Mona Baker, have proposed various types of translation

shifts (Al-Hamed, 2016). Catford (1965) introduced the linguistic-oriented notion of 'translation shifts' and its types, which was his major contribution to the field of translation theory (Leonardi, 2000). For such contribution, Catford is named 'The Father of Translation Shifts' (Al-Hamed, 2016). Catford (1965) defined 'shifts' as the "departures from formal correspondence in the process of going from the SL to the TL" (p. 73). According to Djamila (2010), "Whenever languages exhibit differences, translation shifts are said to occur and be the most required translation strategy in establishing equivalence" (p. 42). These translation shifts are described by Larson (1998) as the process of "reconstructing this same meaning using the lexicon and grammatical structure which are appropriate in the receptor language and its cultural context" (p. 3).

Catford (1965) pointed out that translation shifts occur in the case of the absence of 'formal correspondence' in the target text. He defined formal correspondence as "any TL category which can be said to occupy, as nearly as possible, the same place in the economy of the TL as the given SL category occupies in the SL" (Catford, 1965, p. 32). In other words, 'formal correspondence is a word-for-word rendition from the SL to TL. Catford (1965) explained that each language is unique in its nature and grammatical rules; hence, finding "formal correspondence is nearly always approximate" (p. 27). As opposed to formal correspondence, Catford (1965) also discussed the concept of textual equivalence, which is "any TL text or portion of text which is observed on a particular occasion… to be the equivalent of a given SL text or portion of text" (Catford, 1965, p. 27). From this definition, it can be said that translation shifts occur in the absence of formal correspondence to achieve functional equivalence.

Djamila (2010) combined Catford's two major types of translation shifts, i.e., level shifts and category shifts, with Mona Baker's translation changes to form a comprehensive diagram of changes that take place in the process of translation. As shown in the diagram below,

Baker's broader classification includes shifts of omission, shifts of addition, semantic shifts, and grammatical shifts. Whereas semantic shifts are "those elements which are said to be changed in their meaning" (Djamila, 2010, p. 51), grammatical shifts occur because "differences between the grammatical systems between languages necessarily entail shifts in textual aspects. This involves a change of word class, structure, unit, number, etc." (Djamila, 2010, p. 62). Djamila (2010) placed Catford's types of translation shifts under Baker's grammatical shifts.

Djamila's attempt to join Catford's efforts with Mona's in a single diagram provides a more comprehensive approach towards the changes that take place in the process of translating the ST into the TT. Catford's translation shifts overlooked the shifts of addition and omission and the changes on the semantic level, such as explicitation and generalization, and are specific to the changes on the linguistic level. Mona's model, however, covered these changes in a more general perspective without providing detailed subcategorization of her main translation shifts. Hence, integrating these two models better serves the understanding and observance of the changes and shifts occurring in the process of translation, whether to maintain the meaning or for aesthetic purposes and personal choices.
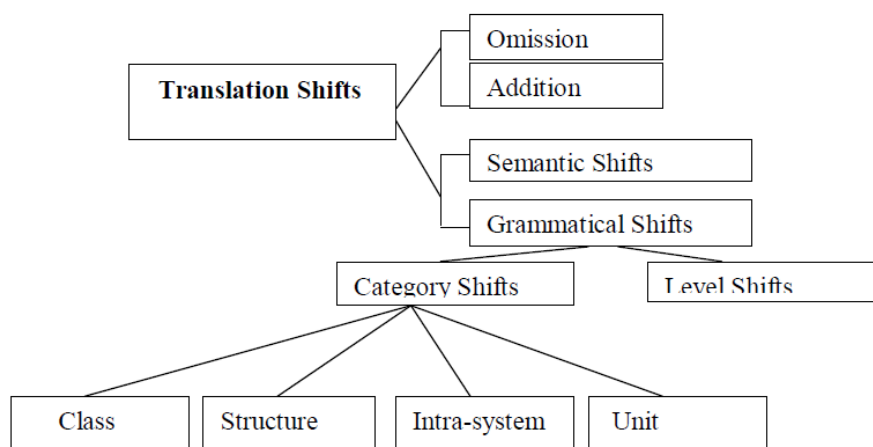
Figure1: Types of Translation Shifts (Djamila, 2010, p. 53)

2.5.1   Level Shifts

Catford (1965) defined 'level shifts' as the change that takes place when "an SL item at one linguistic level has a TL equivalent at a different level" (p. 73). He explained that shifts from 'grammar to lexis' are "the only possible level-shifts in translation; and such shifts are, of course, quite common" (p. 73). In other words, a grammatical item in the source language is expressed using a word in the target language or vice versa. An example of level shifts is the translation of "أفعالي كلها مقدرة عنده" into "all my actions have been preordained by him." The lexis 'مقدرة' has been translated into grammar 'have been preordained' (Al-Hamed, 2016, p. 33).

2.5.2   Category Shifts

The other type of Catford's translation shifts— category shifts— is subdivided into four types: structure shifts, class shifts, unit shifts, and intra-system shifts.

2.5.2.1 Structure Shifts

Structure shifts are the changes in the grammatical structure (word order) of a sentence at any linguistic rank (i.e., phrases, clauses, and sentences). For example, the Arabic sentence "قال صديقي في شماتة" is translated into "My friend spoke gloatingly" where the Verb-Subject order in Arabic is reversed into Subject-Verb in English (Al-Hamed, 2016, p. 37).

2.5.2.2 Class Shifts

Class shifts are the change from one part of speech to another without affecting the meaning. This shift corresponds to Vinay and Darbelnet's 'transposition' translation procedure (Vinay & Darbelnet, 1995). An example of class shifts is found in the translation of "صديقي رجل يحب الجدل ويهوى الكلام" into "My friend is a man who likes to argue and delights in talking." The Arabic noun 'الجدل' is translated into a verb in English. In spite of the change in part of speech, the meaning is still the same (Al-Hamed, 2016, p. 37).

2.5.2.3 Unit Shifts

Another type of category shifts is unit shifts— also referred to as 'rank-change.' Catford (1965) defined unit shifts as "departures from formal correspondence in which the translation equivalent of a unit at one rank in the SL is a unit at a different rank in the TL" (p. 79). They are changes in the units of language (i.e., words, phrases, clauses, sentences…etc.). For example, the Arabic sentence "كيف يخلق الكراهية والقبح والشر؟" is translated into "how then did it come that he created hatred, ugliness, and evil?" The Arabic word 'كيف' is translated into the clause 'how then did it come that' (Al-Hamed, 2016, p. 45).

2.5.2.4 Intra-system Shifts

The last type of category shifts is intra-system shifts. This kind occurs when the "translation involves selection of a non-corresponding term in the TL system," (Catford, 1965, p. 80). Intra-system shifts usually take place in the cases of plural and singular, definite and indefinite, and neutral and gender-specific (Al-Hamed, 2016). An example of this type of shifts is found the translation of the Arabic "لنا على ذلك براهين تؤيدنا وتشجب كلامكم" into "We have evidence to support our view and refute yours." The Arabic plural word 'براهين' is translated into a singular word in English 'evidence' (Al-Hamed, 2016, p. 48).

2.6   Translation Shifts and Transposition

Many studies by linguistic and translation scholars are centered on the changes and alterations that take place at different levels in the process of translation to preserve the meaning. This phenomenon is given various terms by many scholars and theorists and seen as translation changes or strategies and procedures. In spite of the difference in terminology between translation changes and translation strategies, they both eventually aim at preserving the meaning of the ST in the TT. Catford (1965) tagged this phenomenon with the term 'shifts' and is known for this pioneering contribution to the field of translation theory. He introduced

his taxonomy of translation shifts, mainly level shifts and category shifts, which is subdivided into structure shifts, unit shifts, class shifts, and intra-system shifts. His shifts were defined as 'the departures from formal correspondence in the process of going from the SL to the TL' (Catford, 1965, p. 73).

Vinay and Darbelnet (1995), on the other hand, introduced seven translation procedures describing the same phenomenon of translation changes. The first three translation procedures, namely borrowing, calque, and literal translation, are direct translation methods and the remaining four translation procedures, namely transposition, modulation, equivalence, and adaptation are oblique translation methods.

Even though both Catford and Vinay and Darbelnet's tackled different translation changes, they only agreed on the change that takes place on the part of speech from the ST into the TT as Vinay and Darbelnet's translation procedures 'transposition' corresponds to Catford's 'class shifts'. Vinay and Darbelnet (1995) defined 'transposition' as a translation method that "consists of replacing one class of words by another without changing the meaning of the message" (p. 94). Catford (1965), on the other hand, defined class shifts as a change that "occurs when the translation equivalent of an SL item is a member of a different class from the original item" (p. 78). Both definitions described the change in the grammar, mainly the change on the class level, between the ST and the TT. Moreover, both transposition and class shifts can be either obligatory or optional depending on the ability to transfer the meaning in the TT as closely as possible to that of the ST.

2.7   Previous Studies on Catford's Translation Shifts

In this part, the researcher reviewed the previous studies that applied Catford's typology of translation shifts on a variety of text types. The researcher arranged the previous studies chronologically, from recent studies to older ones to portray an up-to-date image of the

literature status with regards to Catford's notion of translation shifts. Moreover, previous studies tackling translation in the field of law were also observed in this section.

Al-Majed (2017) designed the study to investigate the frequency of translation shifts in the English-Arabic translation of a literary text with special focus on category shifts structure shifts, unit shifts, class shifts, and intra-system shifts). Catford's model of translation shifts was employed as an instrument for analysis. To meet the objective of the study, the researcher conducted a comparative analysis on two Arabic translation versions of the first and second chapters of the novel *Animal Farm* by George Orwell. The results of the analysis indicated that all four types of category shifts were detected in both translation versions. It was also demonstrated that unit shifts (35%) were the most frequently employed type of shifts in both Arabic translation versions. The second most frequent type of category shifts in the two translation versions was structure shifts (33%), followed by class shifts (18%), and finally intra-system shifts (14%).

Salemi and Lotfi (2017) investigated the frequency of structural shifts in humor translation from English into Persian. The researchers applied Catford's model of translation shifts to pinpoint the changes that take place in the translation process. The method used to answer the research question on the frequency of structural shifts was comparative content-analysis. To conduct the analysis, two volumes of Horrible History Books for children and their Persian translation were selected to trace the structural shifts based on Catford's theory. The results demonstrated that structural shifts occurred in the cases of addition and omission, word order re-arrangements, shifts of voice, shifts of tense, and negative/positive. The results also indicated that structural shifts of addition and omission were the most frequent type of shifts (45.85%), followed by shifts of arrangement (25.76%), shifts of voice (21.83%), and finally shifts of tense (15.28%). It was also concluded that both SL and TL must be taken into consideration to achieve successful translation.

Al-Dulaimi (2016) investigated the frequency of Catford's category shifts (structure shifts, unit shifts, class shifts, and intra-system shifts) in a literary text and to see how satisfactory resorting to these shifts is to produce equivalents in the TT. The researcher selected three chapters from the classic American novel *The Wonderful Wizard of Oz* by L. Frank Baum and compared the original text with two Arabic translation versions by Alsaidi and Hasan. After tracing the shifts in both translation versions, the results indicated that unit shifts were the highest in frequency (42%) immediately followed by structure shifts (41%), then class shifts (9%), and finally intra-system shifts. The researcher also concluded that optional shifts were used for aesthetic reasons while obligatory shifts were resorted to preserve the meaning.

Al-Hamed (2016) conducted a descriptive content-analysis study on an Islamic philosophical text by means of applying Catford's typology of translation shifts. The researched selected nineteen Arabic texts from Mostafa Mahmoud's book *Dialogue with an Atheist* and their published English translation as a sample for analysis. The study was carried out to determine the most recurrent type of translation shifts in Islamic translation from Arabic into English. It also aimed at investigating the role of translation shifts in maintaining the meaning of the target text. Finally, the study was conducted to see how applicable Catford's translation shifts to trace the linguistic changes that take place in the translation of Islamic philosophical texts from Arabic into English. The researcher concluded that all four types of Catford's translation shifts occurred in the translation with unit shifts being the most frequent type (28.6%), followed by structure shifts (26.5%), then class shifts (20.1%), then intra-system shifts (18.2%), and finally level shifts (6.6%). The results also indicated that Catford's translation shifts were useful to bridge the linguistic and cultural gap between Arabic and English; however, the researcher concluded that Catford's translation shifts are not comprehensive as there were other shifts such as shifts of omission and addition.

Diena (2015) employed a descriptive qualitative approach aiming at discovering the frequency of translation shifts according to Catford's model, with focus on category shifts, in the translation of 15 randomly selected sentences from two *Strawberry Shortcake* English-Indonesian bilingual children books. The researcher compared each ST phrase or sentence with its equivalence in the TT and traced the changes that took place in the process of translation. The results of the analysis showed that all four types of category shifts (structure shifts, unit shifts, class shifts, and intra-system shifts) were found in the translation children books from English into Indonesian. Unit shifts were the most frequently employed type of shifts (6 cases), followed by structure shifts and class shifts scoring the same number of frequency (4 cases), and finally intra-system shifts (3 cases).

Herman (2014) conducted a descriptive study revolving around discovering Catford's shift types that occur in the translation of movie subtitles from English into Indonesian and determining the most dominant type among these shifts. To achieve that, the researcher applied Catford's notion of translation shifts to 50% of the translation of the subtitles of the movie *Harry Potter and The Philosopher's Stone* from English into Indonesian as a sample for analysis. Every sentence clause, phrase, and word in the TT was compared to its original in the ST. From the analysis, it was demonstrated that all four category shift types (structure shifts, unit shifts, class shifts, and intra-system shifts) were found in the English-Indonesian translation of the movie subtitles. Moreover, it was concluded that unit shifts were the most frequently applied type of category shifts based on Catford's model.

In their descriptive study, Khanmohammad and Mousavanasab (2014) applied Catford's model of translation shifts to the translation of medical texts from English into Persian. The objective of the study was to determine how frequent Catford's translation shifts occurred in the process of translating medical texts from English into Persian. To achieve this objective, the researchers collected 320 sentences extracted from five books, each belongs to a

distinct medical branch. The researchers then analyzed the Persian translation of this sample of medical texts by applying Catford's categorization of translation shifts. The results of the analysis showed that structural shifts were the most frequently used type of translation shifts in the English-Persian translation of medical texts as it existed in all 320 sampled sentences (100%). With the huge difference between the frequency of structure shifts in comparison with the other types of linguistic shifts, Intra-system shifts were the second mostly employed type of shifts (7.81%), then unit shifts (5.31%), and finally class shifts (4.06%). The researchers concluded that Catford's model of translation shifts is not appropriate for the assessment of English-Persian translation of medical texts due to transliterating most medical jargon terms instead of translating them, which, indeed, affected the result of the analysis.

In a comparative study concerning Islamic texts, the Holy Quran in particular, Rezvani and Nouraey (2014) adopted Catford's notion of translation shift as a model for the analysis. The study aimed to determine the frequency of translation shifts in the translation of the Holy Quran from Arabic into English. For that aim, the researcher selected the first thirty verses of the Chapter 'Yusuf' as a sample of the Quran. To conduct the analysis, the researcher selected seven English translation versions of the selected sample by Sarwar, Arberry, Irring, Pickthall, Saffarzade, Shakir and Yusef Ali. Each of these translation versions was compared to the original text to detect the frequency of the translation shifts in each version. Moreover, frequencies of translation shifts in the seven English translation versions were compared to one another to identify the version that top-scored in the frequency of translation shifts. The results proved that all five types of translation shifts according to Catford's model (level shifts, structure shifts, unit shifts, class shifts, and intra-system shifts) occurred in all seven translation versions with unit shifts being the most frequently employed type of shifts. The results also showed that Shakir's translation scored the highest frequency of translation shifts.

Hosseini-Maasoum and Shahbaiki (2013) investigated the frequency of translation shifts in the translation of Charles Dickens' novel *Tale of Two Cities* from English into Persian and examined the translator's faithfulness to the ST. To conduct the analysis, the researchers randomly selected forty sentences from the first six chapters of the novel and compared them with their translated equivalents into Persian to pinpoint the translation shifts. The results showed that all four types of category shifts (structure shifts, unit shifts, class shifts, and intra-system shifts) occurred in the translation and unit shifts were the most frequent type (37.5%), followed by class shifts (30%), intra-system shifts (27.5%), and structure shifts (12.5%). The researchers also concluded that translation shifts are sometimes inevitable to maintain the meaning when the SL and the TL are different in nature as in the case of translation from English into Persian.

Hijjo (2013) conducted a master's applying Catford's model of translation shifts to the Arabic translation of 40 English texts obtained from the website of the British Broadcasting Company (BBC) channel. The study aimed at identifying the types of translation shifts according to Catford's model that occur in the translation of media news from English into Arabic. It also sought to investigate the quality of rendered messages in the TT in comparison to those in the ST. The researcher analyzed the translation of the 40 texts and concluded that all types of translation shifts (structure shifts, unit shifts, class shifts, and intra-system shifts) occurred with unit shifts being the most frequently employed type of shifts in the translation of the media news texts from English into Arabic and structure shifts come second. The finding also indicated that both level shifts and structural shifts of agent rarely existed in the English-Arabic translation of BBC news. Moreover, the researcher found out that both optional and obligatory translation shifts occurred to avoid meaning loss in the TL and to preserve the quality of the ST in the TT. However, it was found that meaning and quality were not achieved

by applying in the structure shifts from passive voice to active voice and in a few cases of unit-shifts.

Kalantari and Karimnia (2011) examined what types of translation shifts in accordance with Catford's taxonomy of translation shifts (level shifts, structure shifts, unit shifts, class shifts, and intra-system shifts) take place in the process of translating a play from English into Persian. For the purpose of the analysis, twenty sentences were randomly selected from *Death Knocks* play by Woody Allen and compared with their Persian translations. The findings of the analysis of the twenty sentences showed that the frequency of structural shifts was the highest (13 cases), followed by unit shifts (5 cases), class shifts (2 cases), and level shifts (1 case). It was also found that intra-system shifts did not take place in the process of translating the play from English into Arabic. The researchers concluded that the high frequency of structure shifts in comparison with the other types of shifts is attributable to the difference in structure between English and Persian.

Djamila (2010) conducted a qualitative and quantitative master's study to examine the occurrence of translation shifts to preserve lexical cohesion from Arabic into English and to investigate the resulted semantic and textual implications from the translation. The researcher selected thirty English language students in the first master year of Applied Language Studies at the Mentouri University of Constantine as a population for the study. The selected students were asked to translate a text about self-confidence and psychology taken from 'Aususu Al-tarjama' (أسس الترجمة) by Az-aldine Najib without consulting dictionaries. The text was analyzed based on four types of translation shifts: grammatical shifts, semantic shifts, shifts of addition, and shifts of omission. Having compared the students' translation with the original text, the researcher found out that grammatical shifts are the highest in occurrence (54.02%), followed by semantic shifts (29.81%), then shifts by omission (9.29%), and finally shifts by addition (6.88%). Grammatical shifts were further analyzed into five types: unit shifts

(38.67%), level shifts (22.41%), intra-system shifts (15.80), class shifts (12.03%), and finally structure shifts (11.09%). In conclusion, the researcher pointed out that students' shifts did not achieve equivalence in all cases because they focus on the lexical level and neglect the functional (grammatical or textual) level.

2.8 Previous Studies on Legal Translation

This section overviewed the previous studies related to legal translation. Numerous translation studies have been conducted in the field of law, some of which focused on the problems and difficulties encountered in the process of translating legal texts, the strategies used in legal translation, functional equivalence in legal translation, the translation of specific lexical categories, such as collocation, in legal texts, etc. The reviewed studies were arranged chronologically, recent studies first.

Al-Saeed (2017) examined Nida's dichotomy of functional and dynamic translation approaches in the translation of legal contracts from Arabic into English. It also sought to identify the translation problems as well as the translation procedures adopted by translators in translating legal contracts. To meet the objectives of the study, the researcher selected five legal contracts to be translated from Arabic into English by two certified translators to compare between the two versions regarding the applicability of Nida's formal or dynamic translation approaches. Moreover, interviews were carried on with the translators to pinpoint the difficulties they faced and to suggest solutions for such translation problems. The study findings showed that applying formal equivalence solely resulted in translation problems. The researcher called for integrating both approaches, i.e., formal and dynamic, when translating to overcome legal translation problems.

On her research, Arwa Al-Abdullatif (2016) identified the problems and challenges of translating lease contracts from English into Arabic. The researcher selected fifteen female MA

students majoring in translation at Al-Imam University to undergo the translation test of a lease contract. A qualitative approach was adopted to analyze the translated lease contract based on error analysis. From the error analysis, numerous translation issues and difficulties were identified. The study findings showed that the difficulties encountered by Al-Imam University MA female translation students were either related to form or content. Form-related issues included problems in punctuation, capitalization, legal drafting, sentence structure, and finally grammar. Content-related issues, on the other hand, covered problems in the use of modal verbs, such as the verb 'shall', and the use of archaic terms. To overcome such difficulties in translating legal texts, particularly lease contracts, the researcher recommended offering courses specialized in legal translation for MA students to promote their knowledge and familiarity with legal terms, structure, and style.

In a similar study, Ali (2016) investigated the difficulties faced by professional translators in Sudan in the translation of legal contracts from Arabic into English and vice versa. To meet the objectives of the study, the researcher adopted a quantitative approach by designing a questionnaire to be answered by thirty-three randomly selected Sudanese professional translators sharing the same background and educational level. The collected data showed that there were many translation challenges in translating legal contracts between English and Arabic. Most challenges were linguistic, then stylistic, cultural, and stylistic. It was also found that these challenges were attributed to the poor exposure to legal language and the unfamiliarity with its style. Finally, it was recommended that legal texts be translated by experienced translators. Moreover, holding legal translation workshops and courses is advised.

Al-Tameemi and Farhan (2016) also investigated the difficulties of legal translation. The researchers analyzed the translation of different forms of marriage and divorce contracts, translated from Arabic into English. They categorized the translation difficulties into syntactic, semantic, and cultural difficulties. Examples of syntactic difficulties involved word order,

syntactic arrangements, legal sentence structures, English modal verbs, dissimilar legal Arabic and English systems. Semantic difficulties included lack of established terminology, difficulty in finding functional and lexical equivalence, word for word translation, synonymous and antonymous words, wordiness and redundancy, loan words, neologisms, and paraphrasing. Finally, cultural difficulties covered dissimilarity in norms, traditions, faiths, and doctrines, in addition to the unfamiliarity with religious and social terminology. The researchers attributed such legal translation difficulties to the difference in legal systems between Arabic and English and to the absence of equivalence to some terms in the TL.

Henka (2014) focused on the lexical category of collocations in legal texts. The researcher extracted nine English collocations from the Algerian Constitution and compared their Arabic translation with The Dictionary of Collocations by Hasan Ghazala. From the analysis, it was found that collocations pose translation difficulties, such as generalization and variability of collocations, due to their arbitrary nature. It was also found that such difficulties arise from the linguistic and cultural disparities between English and Arabic. The researcher suggested a number of solutions to overcome the challenges of translating legal collocation from English into Arabic. Firstly, identical collocations in Arabic must be looked for at first. Secondly, in case of the absence of identical collocations in Arabic, a close collocation has to be demonstrated. Thirdly, direct meanings should be rendered into direct meanings and indirect meanings should be rendered into indirect meanings as well. Fourthly, the level of formality of the ST must be maintained in the TT. Lastly, in case all previous solutions failed to solve the problem, it is suggested to translate the collocation directly and literally.

Al-Shehab (2013) investigated the applicability of machine translation in the translation of legal texts from English into Arabic. The six English articles were translated by Google Translate into Arabic and evaluated in comparison with two Arabic translation versions by legal professionals from the Departments of Translation at Yarmouk and Jordanian

Universities. The qualitative analysis showed that showed that Google Translate adopted the word-for-word approach, which resulted in odd and unacceptable Arabic translations. There were issues in translating archaic terms, modal verbs, and passive voice structures via Google Translate. It was concluded that Google Translate under-performed in legal translation and that human translation skills outperform the abilities of machine translation.

2.9 Commentary

In this chapter, the researcher presented the theoretical framework of the study. Moreover, the researcher tackled the notions and topics related to the present study, such as the nature of English and Arabic legal languages, the notion of legal translation, the problems and difficulties encountered in the process of translating legal texts, Catford's model of translation shifts, and previous studies on the application of Catford's typology of translation shifts to different texts types.

In the previous studies section, the researcher attempted to review studies applying Catford's model of translation shifts to various fields as well as studies focusing on legal translation. Moreover, Catford's taxonomy of translation shifts has been employed in many fields such as Islam, literature, medicine, media, and psychology; however, employing Catford's model of translation shifts to legal text is overlooked and under-discussed. Thus, the researcher attempted to fill such gap in literature by conducting the current study.

With regard to the review of previous studies conducted on the field of legal translation, the majority of studies focused on investigating the errors and difficulties encountered in the translation of legal texts of different types. Little attention was paid to other topics, such as collocations and cultural terms, or the application of different translation theories. Such lack of diversity of research topics in the field of legal translation highlights the fact that this field of research is insufficiently investigated and necessitates conducting further research in this area of specialized translation, especially between Arabic and English.

It is worth mentioning that most translation studies on the application of Catford's model of translation shifts, including Al-Majed's (2017), Al-Dulaimi's (2016), Diena's (2015), Herman's (2014), and many others, mainly focused on category shifts and overlooked level shifts. Studies including level shifts, on the other hand, were limited in number, including the current study, Alhamed's (2016), Revani and Nouraey's (2014), and Kalantari and Karimnia's (2011).

By comparing between the studies on the application of Catford's translation shifts on different text genres from English into Arabic, it was noticed that the frequency of translation shifts varies from one text genre to another. In the present study in the legal field, intra-system shifts ranked top in frequency. However, unit shifts were the highest in frequency in both Al-Majed's (2017) study in the field of literature and Hijjo's (2013) in media news.

Chapter Three: Methodology

3.1 Introduction

The aim of this chapter was to shed light on the systematic methods and procedures applied by the researcher to meet the study objectives and answer the research questions. This chapter discussed the methodology of the study in detail. The procedures and steps followed by the researcher for the purpose of answering the research questions were presented in this section. Furthermore, the sample English and Arabic texts used for analysis were described and the purpose of choosing the data source and Catford's model of translation shifts was justified.

3.2 Method of the Study

The current study adopted a descriptive quantitative approach on the official Arabic translation of the UN's *Convention on the Rights of the Child* (1989) as a representative to legal texts. The researcher employed Catford's model of translations shifts (level and category) as an instrument to conduct the analysis. Using Catford's taxonomy of translation shifts, the researcher compared every SL text segment with its equivalent in the TL and traced all the changes made in the process of translation. Then, every alteration detected was categorized according to Catford's translation shifts to determine which types occur in translating legal texts from English into Arabic.

The frequency of each type of translation shifts was counted manually and listed in a table to specify the most frequently employed type of translation shifts. During the analysis of the TT, the researcher examined every translation shift in the translation of the UN's *Convention on the Rights of the Child* (1989) from English into Arabic to decide whether each shift is obligatory or optional. This procedure was done to eventually identify the inevitability of resorting to translation shifts to maintain the meaning of the ST in the TT.

3.3 Sample of the Study

3.3.1 Sample Texts

The sample used for the descriptive analysis in this study was extracted from the UN's *Convention on the Rights of the Child* (1989) as a representative to legal texts. Since the Convention seemed very long to be analyzed for the present study, the preamble and a number of articles from the three parts of the Convention were selected to represent the entire Convention. The criterion for selecting the articles from the three parts of the Convention was the approximate word count of 400 words (almost equal to the preamble of the convention) from each part of the Convention. The published Arabic translation of this sample was obtained from the official website of the United Nations.

Table 1: Properties of ST and TT Samples

	Number of sentences	Number of words
ST (English)	43	1875
TT (Arabic)	64	1432

As shown in the table above, the English text sample from the UN's *Convention on the Rights of the Child* (1989) was composed of 1875 words (counted using word count in Microsoft Word) forming only 43 sentences (counted manually). These statistics, in fact, highlight the special feature of the extensive use of long, complex sentences in English legal language. The Arabic text, on the other hand, consisted of 1432 words (counted using word count in Microsoft Word) forming 64 sentences (counted manually). Even though the number of words in the English text (=1875) was greatly higher than that of the Arabic text (=1432), the English text, still, formed a smaller number of sentences than the Arabic text. This, indeed, highlights the fact that the feature of long, complex sentences prevails in English legal language more than Arabic legal language.

3.3.2 Procedures of Data Collection

This part explained the procedures used in the process of data collection to prepare the sample text for analysis. The UN's *Convention on the Rights of the Child* (1989) is large legal document arranged in four sections, namely the Preamble, Part I, Part II, and Part III, consisting of 7610 words in total. To cover all four sections, the researcher selected a sample of about 400 words from the beginning of each of these sections. The number of words in each of the four selected samples varied slightly due to the difference in length of the last sentence in each selected sample. If all four extracted samples were exactly 400 words long, some sentences are meaningless and incomplete as they were cut in the middle.

The corresponding Arabic sample was extracted from the official Arabic translation published in the UN's website. Whereas the English extracted sample was composed of 1875 words, the corresponding Arabic samples consisted of 1432 words. The English and Arabic selected data were analyzed in terms of word count and sentence numbers manually and using word count to provide insight into dissimilar natures of English and Arabic. This basic analysis showed that the English ST was composed of 43 sentences (=1875 words) while the Arabic TT consisted of 64 sentences (=1432 words). This asserted that long, complex sentences consisting of many words prevailed in English legal texts rather than Arabic legal texts.

The English and Arabic extracted samples were aligned sentence by sentence in a word document to analyze each of these sentences according to Catford's taxonomy of translation shifts. The researcher tracked all linguistic changes and tagged each with its type as per Catford's model. Moreover, each observed shift was examined to determine which shifts were obligatory and which were optional. The frequency of each type of Catford's was counted manually, in addition to the frequency of optional and obligatory shifts. These procedures were adopted to meet the objectives of the study and to answer the research questions.

3.3.3 Data Source: the UN's Convention on the Rights of the Child

The UN's *Convention on the Rights of the Child* (1989) is a legal document declared by the UN General Assembly on November 20, 1989, to protect the child's civil, economic, social, health and cultural rights all around the world (UNCRC, n.d.). The Convention is composed of the preamble and 54 articles sorted into three parts. The preamble is the introduction that lays down the foundation for the convention. The first part (articles 1-41) defines the rights of the child and stipulates the obligations of the State Parties. The second part (articles 42-45) specifies the measures for carrying out the provisions of the Convention. Finally, the third part (articles 46-54) describes the miscellaneous provisions which govern the Convention's commencement and entry into force.

The UN's official website published the *Convention on the Rights of the Child* (1989) in numerous languages such as Spanish, French, Arabic, Russian, and Chinses to be accessible to all nations. The official Arabic translation of the UN's *Convention on the Rights of the Child* (1989) (اتفاقية حقوق الطفل) was obtained from the UN's official website to be analyzed in comparison with the original English text. The Arabic translation was relatively shorter than the English one as proven in Table1 above due to the linguistic disparities between English and Arabic languages.

3.3.4 Justification for Selecting the Data Source and Catford's Model

The researcher deliberately decided on the UN's *Convention on the Rights of the Child* for the present research. The justification for such selection was that many studies heavily focused on analyzing different types of contracts when discussing legal texts and overlooked the other forms of legal texts, such as international conventions. Hence, the researcher aimed at providing more insight concerning a different form of legal texts.

As for the justification for choosing Catford's model of translation shifts, the current study was focused on the linguistic changes that take place in the process of translating legal texts from English into Arabic to bridge the cultural and linguistic gaps between the two languages. To track linguistic changes in translation, a suitable had to be employed. Since Catford's translation shifts were demonstrated to identify the translation changes, it was practical and feasible to meet the study's objectives.

Chapter Four: Discussion and Results

In this chapter, the researcher presented a descriptive quantitative analysis of the Arabic translation of the UN's *Convention on the Rights of the Child* (1989), which represents legal texts in general. Each type of Catford's translation shifts is discussed solely in the following subsections. Examples covering all four parts of the Convention, i.e. the preamble and the three main parts, were also provided for each type of Catford's translation shifts as applicable for support and clarification. The analysis sought to answer the research questions and provide statistics on the frequency of translation shifts and to determine the inevitability of resorting to such translation shifts in the process of translating legal texts from English into Arabic.

4.1 Data Analysis and Discussion

4.1.1 Level Shifts

According to Catford, level shifts occur when there is a change of linguistic levels from grammar to lexis or vice versa. In other words, it is the transference of a grammatical item in the ST into a word in the TT or the transference of a word in the ST into a grammatical item in the TT. The following are examples of both types of level shifts.

4.1.1.1 Shifts from grammar to lexis

This subcategory of level shifts constitutes a change from a grammatical item in the ST to a lexical item (i.e. word) in the TT. The following examples provide further explanation:

Example1:

ST: Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that <u>everyone</u> is entitled to all the rights and freedoms set forth therein.

TT: وإذا تدرك أن الأمم المتحدة قد أعلنت، في الإعلان العالمي لحقوق الإنسان وفى العهدين الدوليين الخاصين بحقوق الإنسان، أن لكل <u>إنسان</u> حق التمتع بجميع الحقوق والحريات الواردة في تلك الصكوك،

In the example above, an obligatory level shift from grammar to lexis was observed. The translator changed the English function word, which is the pronoun (everyone), into the Arabic content word (إنسان). To preserve the meaning of the English function word, an obligatory shift had to take place by changing the word 'everyone' into its textual equivalent in Arabic, which is the content word (إنسان).

Example2:

ST: Recalling the provisions of the Declaration <u>on</u> Social and Legal Principles relating to the Protection and Welfare of Children,

TT: وإذ تشير إلى أحكام الإعلان <u>المتعلق</u> بالمبادئ الاجتماعية والقانونية المتصلة بحماية الأطفال ورعايتهم

This example includes a level shift from a grammatical item in the ST into a lexical item in the TT. A function word in the ST, which is the preposition (on), was translated into the content (المتعلق) in the TT. This shift is optional because the English function word 'on' could simply be dropped in the TL and the meaning will be preserved.

4.1.1.2 Shifts from lexis to grammar

This subcategory of level shifts constitutes a change from a lexical item (word) in the ST to a grammatical item (i.e. part of the linguistic structure) in the TT. The following examples provide further explanation:

Example1:

ST: Taking due account of the importance of the traditions and cultural values of each <u>people</u> for the protection and harmonious development of the <u>child</u>,

TT: وإذ تأخذ في الاعتبار الواجب أهمية تقاليد كل شعب وقيمِ<u>ه</u> الثقافية لحماية الطفل وترعرعِ<u>ه</u> ترعرعا متناسقا،

In this example, two level shifts from lexis to grammar were detected. The first level shift took place when the translator rendered the lexical item (people) in the of-genitive phrase in the ST into a grammatical item in the word (قيمه), which is the underlined genitive bound pronoun referring to the word (people). Similarly, the second shift occurred when the lexis (child) in the of-genitive phrase was transferred into a genitive bound pronoun as underlined in (ترعرعه) to refer to the word (child). Both level shifts from lexis to grammar were obligatory because the Arabic language tends to use bound pronouns to reflect the genitive case.

Example2:

ST: For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the <u>child</u>, majority is attained earlier.

TT: لأغراض هذه الاتفاقية، يعنى الطفل كل إنسان لم يتجاوز الثامنة عشرة، ما لم يبلغ سن الرشد قبل ذلك بموجب القانون المنطبق علي<u>ه</u>.

In the above example, there is a level shift from lexis to grammar. The lexical item (child) in the ST was translated into a grammatical item in the TT, which is the underline bound pronoun in (عليه). This is because the word (الطفل), which is the translation of the word (child), was already mentioned before in the Arabic sentence, making it inadvisable to repeat the word

in Arabic. This shift was obligatory because sound Arabic uses bound pronouns instead of repeating the word they refer to.

Example3:

ST: States Parties shall respect and ensure the <u>rights</u> set forth in the present

Convention to each child within their jurisdiction

TT: تحترم الدول الأطراف الحقوق الموضحة في هذه الاتفاقية وتضمن<u>ها</u> لكل طفل يخضع لولايتها

There is a level shift from lexis to grammar in this sentence. The lexical item (rights) is the object of two verbs: respect and ensure. The lexis (rights) was translated into lexis with the former verb (تحترم الدول الأطراف الحقوق). With the latter verb, however, the lexis (rights) was rendered into a bound pronoun as underlined in (تضمنها). This shift was obligatory because Arabic tends to avoid repetition; instead, bound pronouns are used extensively in Arabic. The following table listed the statistics of all observed level shifts:

Table 2: Level shift statistics

	Number of shifts	Obligatory	Optional
Grammar to lexis	9	8	1
Lexis to grammar	10	9	1
Total	19	17	2
Percentage	100%	89.5%	10.5%

4.1.2 Category Shifts

4.1.2.1 Structure Shifts

Structure shifts are defined by Catford (1965) as the changes in the grammatical structure of a sentence at any linguistic rank (i.e., phrases, clauses and sentences). Structure shifts can be changes in word order, nominal-verbal sentence structure, and passive-active

voice shifts. Below, the researcher elaborates each type of structure shifts supported by examples.

4.1.2.1.1 Shifts in word order

This type of structure shifts takes place when there is a change in the organization of words in a sentence between the ST and the TT. The following examples provide further explanation:

Example1:

ST: Bearing in mind that the need to extend <u>particular care</u> to the child has been stated in the <u>Geneva Declaration</u> of the Rights of the Child of 1924

TT: وإذ تضع في اعتبارها أن الحاجة إلى توفير <u>رعاية خاصة</u> للطفل قد ذكرت في <u>إعلان جنيف</u> لحقوق
الطفل لعام ١٩٢٤

In this example, two obligatory structure shifts in word order occurred. The first one is a structure shift in head-modifier word order. As underlined, the modifier+head structure in the ST (particular care) was reversed to a head+modifier structure in the TT (رعاية خاصة). The second structural shift is a shift in word order from noun premodifier+noun structure as in the underlined ST phrase (Geneva Declaration) to noun+noun premodifier in the TT (إعلان جنيف). Both obligatory shifts were attributed to the structural disparities between English and Arabic.

Example2:

ST: <u>States Parties undertake</u> to ensure the child such protection and care

TT: <u>تتعهد الدول الأطراف</u> بأن تضمن للطفل الحماية والرعاية

This example contains a structure shift in subject-verb sentence order. The translator rendered the subject+verb order in the English ST (States Parties undertake) into verb+subject

in the Arabic TT (تتعهد الدول الأطراف). This structure shift was obligatory as the English sentence structure starts with the subject (subject+verb+object) whereas the Arabic structure starts with the verb (verb+subject+object).

Example3:

ST: <u>States Parties undertake</u> to make the principles and provisions of the Convention widely known, by <u>appropriate and active means,</u> to adults and children alike.

TT: <u>تتعهد الدول الأطراف</u> بأن تنشر مبادئ الاتفاقية وأحكامها على نطاق واسع <u>بالوسائل الملائمة والفعالة،</u> بين الكبار والأطفال على السواء.

This example includes two structure shifts in word order. The first structure shift occurred in the subject-verb sentence structure. The English subject+verb word order in (States Parties undertake) was reversed into verb+subject in Arabic (تتعهد الدول الأطراف). This structure shift was obligatory as the English sentence structure starts with the subject (subject+verb+object) whereas the Arabic structure starts with the verb (verb+subject+object).

The second structure shift occurred in the modifier+head word order as the English phrase (appropriate and active means), containing two modifiers and a head, was rendered into a head followed by the two modifiers (الوسائل الملائمة والفعالة). This shift was obligatory because of the structural disparities between English and Arabic.

Example4:

ST: <u>Instruments of ratification shall be deposited</u> with the Secretary-General of the <u>United Nations</u>.

TT: <u>وتودع صكوك التصديق لدى الأمين العام للأمم المتحدة.</u>

In this example, two structure shifts were identified. The first one is a shift in subject-verb sentence structure. The subject+verb order in (Instruments of ratification {noun phrase} shall be deposited {verb phrase}) was reversed into a verb+subject order in Arabic (تودع صكوك التصديق). The second shift took place when the modifier+head word order in English (United Nations) was changed into a head+ modifier in Arabic (للأمم المتحدة). The first shift was obligatory as the English sentence structure starts with the subject (subject+verb+object) whereas the Arabic structure starts with the verb (verb+subject+object). The second shift was obligatory too because of the structural differences between English and Arabic.

4.1.2.1.2   Shifts in Verbal-nominal Sentence Structure

This subcategory of structure shifts refers to the change in the sentence structure from a verbal sentence in the ST to a nominal (i.e. verbless) sentence in the TT. The following examples provide further explanation:

Example1:

ST: Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that <u>everyone is entitled to</u> all the rights and freedoms set forth therein,

TT:
وإذا تدرك أن الأمم المتحدة قد أعلنت، في الإعلان العالمي لحقوق الإنسان وفى العهدين الدوليين الخاصين بحقوق الإنسان، أن <u>لكل إنسان حق التمتع</u> بجميع الحقوق والحريات الواردة في تلك الصكوك،

As underlined in this example, there is a shift in sentence structure from verbal to nominal case. English sentences are always verbal and cannot be meaningful without a verb. Arabic sentences, however, have two sentence structures, verbal and nominal, and both can similarly convey a meaningful message. In this example, the English sentence (everyone is

entitled to all the rights and freedoms set forth therein) contains the verb 'is'. The translator shifted this verbal sentence into a nominal sentence in Arabic as in (....لكل إنسان حق التمتع). This shift was optional as the meaning can also be conveyed through the following verbal sentence in Arabic (...يحق لكل إنسان التمتع).

Example2:

ST: Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that <u>childhood is entitled to</u> special care and assistance,

TT: وإذ تشير إلى أن الأمم المتحدة قد أعلنت في الإعلان العالمي لحقوق الإنسان أن <u>للطفولة الحق</u> في رعاية ومساعدة خاصتين،

In this example, there is a shift in the verbal-nominal sentence structure. The translator changed the English verbal sentence (childhood is entitled to...), which contains the verb 'is', into a nominal sentence in Arabic (للطفولة الحق). This shift was optional as the translator can transfer the same meaning using the following verbal sentence Arabic (...يحق للطفولة تلقي).

Example3:

ST: Recognizing that, in all countries in the world, <u>there are children</u> living in exceptionally difficult conditions, and that such children need special consideration,

TT: وإذ تسلم بأن <u>ثمة</u>، في جميع بلدان العالم، <u>أطفالا</u> يعيشون في ظروف صعبة للغاية،

In the above example, a verbal-nominal sentence structure shift occurred. The English verbal sentence (there are children), containing the verb 'are', was translated into a nominal sentence in Arabic (ثمة أطفالًا). This shift was optional because the same message can be conveyed in a verbal sentence in Arabic, such as (...يوجد أطفال).

4.1.2.1.3 Passive-active Voice shifts

In this subcategory of structure shifts, a change from the passive voice in the ST to the active voice in the TT, and vice versa, takes place. The following examples provide further explanation:

Example1:

ST: States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards <u>established by competent authorities</u>,

TT: تكفل الدول الأطراف أن تتقيد المؤسسات والإدارات والمرافق المسؤولة عن رعاية أو حماية الأطفال بالمعايير التي <u>وضعتها السلطات المختصة</u>،

This example includes a structure shift from passive to active voice. The translator changed the sentence voice from passive in the ST (established by competent authorities) to active in the TT (وضعتها السلطات المختصة). In this sentence, the English passive structure (V^3+by+agent) was transferred into an Arabic active structure (verb+agent). This shift was obligatory because the agent is mentioned in the ST sentence, which makes it preferable to use the active voice in Arabic.

Example2:

ST: The members of the Committee shall be <u>elected by States Parties</u> from among their nationals and shall serve in their personal capacity,

TT: <u>وتنتخب الدول الأطراف</u> أعضاء اللجنة من بين رعاياها ويعمل هؤلاء الأعضاء بصفتهم الشخصية،

As observed in the example above, there is a structure shift in sentence voice from passive into active. The passive voice in the ST (elected by States Parties) was changed to the active voice in the TT (وتنتخب الدول الأطراف). In this sentence, the English passive structure

(V³+by+agent) was transferred into an Arabic active structure (verb+agent). The translator changed the voice from passive to active because the performer of the action is mentioned in the ST, i.e. 'States Parties'. Hence, this shift was obligatory as the Arabic language has preference for the use of active voice if the agent is known.

Example3:

ST: Any amendment <u>adopted by a majority of States Parties</u> present and voting at the conference shall be submitted to the General Assembly for approval.

TT: ويقدم أي تعديل <u>تعتمده أغلبية من الدول الأطراف</u> الحاضرة والمصوتة في المؤتمر إلى الجمعية العامة لإقراره.

In this example, a structure shift in sentence voice from passive into active was observed. The passive sentence (adopted by a majority of States Parties) in the ST was transferred into an active sentence in the TT (تعتمده أغلبية من الدول الأطراف). In this sentence, the English passive structure (V³+by+agent) was transferred into an Arabic active structure (verb+agent). This shift was obligatory since the agent is known and the Arabic language favors using the active voice in this case. The following table listed the statistics of all observed structure shifts:

Table 3: Structure shift statistics

	Number of shifts	Obligatory	Optional
Word order	142	122	20
Sentence structure	3	0	3
Sentence voice	16	16	0
Total	161	138	23
Percentage	100%	85.7%	14.3%

4.1.2.2 Unit Shifts

Catford (1965) refers to unit shifts as the changes in the unit of language. This kind of shifts constitutes altering the SL rank into another different TL rank. For instance, a word in the ST can be changed into a morpheme, phrase, clause, or sentence in the TT. Each of these ranks can be changed into the other for the purpose of achieving textual equivalence. To clarify this type of shifts, the following examples were provided.

4.1.2.2.1 Word to morpheme

This type of unit shifts constitutes a change from a word in the ST to a bound morpheme in the TT. The following examples provide further explanation:

Example1:

ST: Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of <u>his</u> physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

TT: وإذ تضع في اعتبارها "أن الطفل، بسبب عدم نضجِه البدني والعقلي، يحتاج إلى إجراءات وقاية ورعاية خاصة، بما في ذلك حماية قانونية مناسبة، قبل الولادة وبعدها" وذلك كما جاء في إعلان حقوق الطفل،

In this example, a unit shift from a word in the ST to a morpheme in the TT was identified. As underlined, the word (his) in the ST was shifted into a bound morpheme 'هـ' at the end of the word (نضجِه) in the TT. This shift was obligatory because the equivalent of the masculine pronoun (his) in Arabic is the bound morpheme (هـ).

Example2:

ST: <u>For</u> the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

TT: لأغراض هذه الاتفاقية، يعنى الطفل كل إنسان لم يتجاوز الثامنة عشرة، ما لم يبلغ سن الرشد قبل
ذلك بموجب القانون المنطبق عليه.

This example includes a unit shift from a word in the ST to a morpheme in the TT. The translator changed the word (for) in the ST to the bound morpheme 'لـ' in the word (لأغراض) in the TT. This shift was obligatory because the Arabic equivalent of the preposition (for) in this context is the bound morpheme 'لـ'.

Example3:

ST: The members of the Committee shall be elected <u>by</u> secret ballot from a list of persons nominated by States Parties.

TT: ينتخب أعضاء اللجنة بالاقتراع السري من قائمة أشخاص ترشحهم الدول الأطراف،

In this example, a unit shift from a word in the ST into a morpheme in the TT was detected. As underlined in the example above, the word (by) in the ST was rendered into the bound morpheme 'بـ' in (بالاقتراع) in the TT. In this case, the shift was optional because the word (by) can also be translated using a word such as 'عبر' or a phrase such as 'من خلال' and ' عن طريق'.

Example4:

ST: The present Convention is subject <u>to</u> ratification.

TT: تخضع هذه الاتفاقية للتصديق.

This example includes a unit shift from a word in the ST to a morpheme in the TT. The word (to) in the ST was rendered into the bound morpheme 'لـ' in (للتصديق) in the TT. The shift in this case was obligatory because the meaning of the preposition 'to' in this context can only be transferred using the bound preposition 'لـ' in Arabic.

4.1.2.2.2 Word to phrase

This type of unit shifts refers to the change from a word in the ST to a phrase (i.e. more than one word) in the TT. The following examples provide further explanation:

Example1:

ST: Considering that the child should be <u>fully</u> prepared to live an individual life in society, and brought up in the spirit of the <u>ideals</u> proclaimed in the Charter of the United Nations,

TT: وإذ ترى أنه ينبغي إعداد الطفل <u>إعدادا كاملا</u> ليحيا حياة فردية في المجتمع وتربيته بروح <u>المثل العليا</u> المعلنة في ميثاق الأمم المتحدة،

This example includes two unit shifts from a word in the ST into a phrase in the TT. In the first case, the word (fully), which is an adverb, in the ST was translated into the noun phrase (إعدادًا كاملًا) in the TT. The second unit shift took place in the translation of the SL word (ideals), which is a noun, into the TL noun phrase (المثل العليا). Both unit shifts were optional as they both can be translated using single words in Arabic, such as 'كُلِّيًّا' for (fully) and 'المثاليات' for ideals, but the translator preferred to render them into phrases.

Example2:

ST: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, <u>irrespective</u> of the child's or his or her parent's or legal guardian's race

TT: تحترم الدول الأطراف الحقوق الموضحة في هذه الاتفاقية وتضمنها لكل طفل يخضع لولايتها دون أي
نوع من أنواع التمييز، <u>بغض النظر</u> عن عنصر الطفل أو والديه

In this pair of sentences, a unit shift from a word in the ST to a phrase in the TT was discovered. The English word (irrespective), which is an adjective, was translated into the prepositional phrase (بغض النظر) in Arabic. This shift was obligatory because the meaning of the English word (irrespective) can only be translated using a phrase in Arabic as there is no Arabic word containing the same meaning.

Example3:

ST: States Parties undertake to make the principles and provisions of the Convention <u>widely</u> known, by appropriate and active means, to adults and children <u>alike</u>.

TT: تتعهد الدول الأطراف بأن تنشر مبادئ الاتفاقية وأحكامها <u>على نطاق واسع</u> بالوسائل الملائمة والفعالة،
بين الكبار والأطفال <u>على السواء</u>.

This example includes two unit shifts from a word in the ST into a phrase in the TT. The first one was a shift from the word (widely), which is an adverb, in the ST into the prepositional phrase (على نطاق واسع) in the TT. The second one was a shift from the word (alike), which is an adverb, in the ST into the prepositional phrase (على السواء) in the TT. Both unit shifts were obligatory because both English adverbs can only be rendered into Arabic using phrases.

Example4:

ST: In the event that, <u>within</u> four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.

TT: وفى حالة تأييد ثلث الدول الأطراف على الأقل، <u>في غضون</u> أربعة أشهر من تاريخ هذا التبليغ، عقد
هذا المؤتمر، يدعو الأمين العام إلى عقده تحت رعاية الأمم المتحدة.

This pair of sentences contains a unit shift from a word in the ST into a phrase in the TT. The English word (within), which is a preposition, in the ST was rendered into the Arabic prepositional phase (في غضون) in the TT. This shift was optional because the English preposition (within) can be correctly translated into one word, such 'خلال'.

4.1.2.2.3 Word to clause

This type of unit shifts constitutes a change from a word in the ST to a clause (i.e a grammatical unit consisting of a subject and predicate) in the TT. The following examples provide further explanation:

Example:

ST: Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child <u>adopted</u> by the General Assembly on 20 November 1959

TT: وإذ تضع في اعتبارها أن الحاجة إلى توفير رعاية خاصة للطفل قد ذكرت في إعلان جنيف لحقوق الطفل لعام ١٩٢٤ وفى إعلان حقوق الطفل <u>الذي اعتمدته</u> الجمعية العامة في ٢٠ تشرين الثاني/نوفمبر ١٩٥٩

There is a unit shift from a word to a clause in this example. The SL word (adopted) was translated into the TL clause (الذي اعتمدته). This unit shift from a word to a clause was optional since the word (adopted) can be translated and still be meaningful using other structures, such as 'المعتمد'.

4.1.2.2.4 Word to sentence

This type of unit shifts constitutes a change from a word in the ST to a sentence in the TT. The following examples provide further explanation:

Example1:

ST: They shall be eligible for re-election if <u>renominated</u>.

TT: ويجوز إعادة انتخابهم إذا <u>جرى ترشيحهم من جديد</u>.

This pair of sentences includes a unit shift from a word in the ST into a sentence in the TT. The translator changed the English word (renominated) in the ST to the Arabic sentence (جرى ترشيحهم من جديد) in the TT. This shift was obligatory because the English word (renominated) is a past participle forming the passive tense and also consists of the prefix 're-', which means 'to do again'. These implied meanings can only be rendered by a sentence in Arabic.

4.1.2.2.5 Phrase to word

This type of unit shifts constitutes a change from a phrase (i.e. more than one word) in the ST to a single word in the TT. The following examples provide further explanation:

Example1:

ST: Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of <u>the human person</u>,

TT: وإذا تضع في اعتبارها أن شعوب الأمم المتحدة قد أكدت من جديد في الميثاق إيمانها بالحقوق الأساسية للإنسان وبكرامة <u>الفرد</u> وقدره،

This example contains a structure shift in which a phrase in the ST was changed into a word in the TT. As underlined, the noun phrase (the human person) in the ST was translated into the word (الفرد) in the TT. This shift was obligatory because literal translation of this noun phrase (الشخص البشري) is meaningless in Arabic.

Example2:

ST: States Parties <u>shall respect</u> the responsibilities, rights and duties of parents,

TT: تحترم الدول الأطراف مسؤوليات وحقوق وواجبات الوالدين

In the above example, a structure shift from a phrase in the ST to a word in the TT was discovered. The English verb phrase (shall respect) in the ST was translated into the word (تحترم) in the TT. This shift was optional as the use of shall in legal texts is not to indicate the future tense but to impose legal obligation. So, the verb 'shall' in legal texts can be either dropped in translation or translated into verbs conveying obligation such as 'تلتزم'.

Example3:

ST: Each State Party may nominate one person from among <u>its own nationals</u>.

TT: ولكل دولة طرف أن ترشح شخصا واحدا من بين <u>رعاياها</u>.

This pair of sentences contain a unit shift from a phrase in the ST into a word in the TT. The noun phrase (its own nationals) in the TT was rendered into a single word (رعاياها) in the TT. This shift was obligatory because the Arabic language uses bound morphemes, such as the bound morpheme 'ها' in (رعاياها) to refer to possessiveness as in 'its own'.

Example4:

ST: In the event that, within four months from the date of such communication, at least <u>one third</u> of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.

TT: وفى حالة تأييد <u>ثلث</u> الدول الأطراف على الأقل، في غضون أربعة أشهر من تاريخ هذا التبليغ، عقد
هذا المؤتمر، يدعو الأمين العام إلى عقده تحت رعاية الأمم المتحدة.

In this example, a unit shift from a phrase in the ST into a word in the TT was identified. The English noun phrase (one third) was translated into a single word (ثلث) in Arabic. This shift was obligatory as the equivalent meaning of this English noun phrase is a single word in Arabic.

4.1.2.2.6 Sentence to word

This type of unit shifts constitutes a change from a sentence in the ST to a single word in the TT. The following examples provide further explanation:

Example1:

ST: An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when <u>it has been approved</u> by the General Assembly of the United Nations and accepted by a two thirds majority of States Parties.

TT: يبدأ نفاذ أي تعديل يتم اعتماده وفقا للفقرة ١ من هذه المادة عندما <u>تقره</u> الجمعية العامة للأمم المتحدة

وتقبله الدول الأطراف في هذه الاتفاقية بأغلبية الثلثين.

In this example, a unit shift from a sentence in the ST into a word in the TT occurred. The translator changed the sentence (it has been approved) in the English text into a single word (تقره) in the Arabic text. This shift was obligatory because the Arabic grammar implies the subject and verb tense in a single word. The following table listed the statistics of all observed unit shifts:

Table 4: Unit shift statistics

	Number of shifts	Obligatory	Optional
Word to morpheme	52	43	9
Word to phrase	45	32	13
Word to clause	1	0	1
Word to sentence	1	1	0
Phrase to word	71	27	44
Sentence to word	1	1	0
Total	171	104	67
Percentage	100%	٦٠,٨%	39.2%

4.1.2.3 Class Shifts

Class shifts occur when there is a change from one part of speech in the ST to another in the TT (Catford, 1965). This kind of shifts constitutes an alteration in the word class, including verbs, nouns, adjectives, adverbs, …etc., between the ST and the TT. The following are examples covering different types of class shifts.

Example1:

ST: Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and <u>better</u> standards of life in larger freedom,

TT: وإذا تضع في اعتبارها أن شعوب الأمم المتحدة قد أكدت من جديد في الميثاق إيمانها بالحقوق الأساسية للإنسان وبكرامة الفرد وقدره، وعقدت العزم على أن تدفع بالرقى الاجتماعي قدما <u>وترفع</u> مستوى الحياة في جو من الحرية أفسح،

This pair of sentences includes a class shift from the adjective (better) in the ST to the verb (ترفع) in the TT. This shift was optional as the meaning of the ST words can be fulfilled using a word belonging to the same class in the TT such as the adjective 'أفضل' in " وتحقق مستويات معيشية أفضل".

Example2:

ST: States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals <u>legally</u> responsible for him or her, and, to this end, shall take <u>all</u> appropriate legislative and administrative measures.

TT: تتعهد الدول الأطراف بأن تضمن للطفل الحماية والرعاية اللازمتين لرفاهه، مراعية حقوق وواجبات والديه أو أوصيائه أو غيرهم من الأفراد المسؤولين <u>قانونا</u> عنه، وتتخذ، تحقيقا لهذا الغرض، <u>جميع</u> التدابير التشريعية والإدارية الملائمة.

In this example, two class shifts were identified. The first class shift constitutes a change from the adverb (legally) in the ST to the noun (قانونا) in the TT. This shift was obligatory due to the grammatical differences between English and Arabic in the use of adverbs. In English, adverbs can be used to modify adjectives; nevertheless, adverbs are used in Arabic to modify verbs only. The second class shift occurred in the translation of the adjective (all) in the ST to the noun (جميع) in the TT. This shift was obligatory because an adjective textual equivalent of 'all' in Arabic does not exist.

Example3:

ST: For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the <u>present</u> Convention, there shall be <u>established</u> a Committee <u>on</u> the Rights of the Child, which shall carry out the functions hereinafter provided.

TT: <u>تنشأ</u> لغرض دراسة التقدم الذي أحرزته الدول الأطراف في استيفاء تنفيذ الالتزامات التي تعهدت بها في <u>هذه</u> الاتفاقية لجنة <u>معنية</u> بحقوق الطفل تضطلع بالوظائف المنصوص عليها <u>فيما يلي.</u>

In this example, three different class shifts were observed. The first shift occurred when the translator changed the part of speech of the word (present) from an adjective in the ST to a pronoun the TT, which is (هذه). This shift was optional because the ST adjective can be translated into an Arabic adjective such as 'الاتفاقيّة الحاليّة'.

The second class shift was the shift from a past participle (established) functioning as an adjective in the ST into the verb (تنشأ) in the TT. This shift was obligatory as the structure of an auxiliary verb followed by a past participle functioning as an adjective does not exist in Arabic. Hence, it had to be changed into a verb to fit the Arabic structure.

In the third case as underlined, the preposition (on) in the ST was rendered into the adjective (معنية) in the TT. This shift was obligatory because the English uses prepositions to mean 'concerning' or 'regarding'; this, however, does not apply to Arabic. Thus, it was obligatory to resort to a class shift to maintain the meaning.

Example4:

ST: The <u>present</u> Convention shall be <u>open</u> for signature by <u>all</u> States.

TT: يُفتح باب التوقيع على <u>هذه</u> الاتفاقية <u>لجميع</u> الدول.

This pair of sentences includes three different types of class shifts. The first class shift took place in the translation of the adjective (present) in the ST into the pronoun (هذه) in the TT. This shift was optional because the ST adjective can be translated into an Arabic adjective such as 'الاتفاقيّة الحاليّة'.

The second shift occurred in the translation of the adjective (open) in the ST into the verb (يفتح) in the TT. This shift was optional because the translator preferred to omit the verbal phrase (shall be) and replace it with the verb (to open) from the adjective (open) in Arabic instead of maintaining the same part of speech of (open) as in the Arabic adjectives 'متاحًا/مفتوحًا' in 'يلزم أن يكون باب التوقيع على هذه الاتفاقية متاحًا/مفتوحًا'.

The third class shift in this pair of sentences occurred in the translation of the adjective (all) in the ST to the noun (جميع) in the TT. This shift was obligatory because an adjective textual equivalent of 'all' in Arabic does not exist. The following table listed the statistics of all observed classed shifts:

Table5: Class shift statistics

	Number of shifts	Obligatory	Optional
Adjective to verb	21	16	5
Adjective to pronoun	14	14	0
Adjective to noun	38	19	19
Conjunction to verb	12	12	0
Verb to noun	10	8	2
Noun to adjective	1	1	0
Preposition to adjective	6	3	3
Preposition to noun	10	9	1
Preposition to verb	2	2	0
Adverb to noun	8	8	0
Adverb to adjective	4	4	0
Adverb to preposition	2	2	0
Total	128	98	30
Percentage	100%	76.5%	23.5%

4.1.2.4 Intra-System Shifts

Intra-system translation shifts occur when there is no equivalence for a source language term in the target language system (Catford, 1965). This kind of Catford's shift usually occur when the ST and the TT have somewhat similar linguistic systems; however, there is a preference for the use of the systematically different term in the TL. For example, both English and Arabic use singular and plural forms; however, sometimes a plural noun in English is textually used in the singular form in Arabic and vice versa. This also applies to definite vs.

indefinite words and possessive vs. genitive forms. The following examples present an explanation for this type of translation shifts.

4.1.2.4.1 Definite-indefinite

This type of intra-system shifts constitutes a change from a definite word in the ST to an indefinite word in the TT and vice versa. The following examples provide further explanation:

Example1:

ST: Adopted and opened for <u>signature</u>, <u>ratification</u> and <u>accession</u> by General Assembly resolution 44/25 of 20 November 1989

TT: اعتمدت وعرضت <u>للتوقيع والتصديق والانضمام</u> بموجب قرار الجمعية العامة للأمم المتحدة رقم ٢٥/٤٤ للأمم المتحدة المؤرخ في ٢٠ تشرين الثاني/نوفمبر ١٩٨٩

This example includes a sequence of intra-system shifts from indefinite nouns in the ST (signature, ratification and accession) to definite nouns in the TT (للتوقيع والتصديق والانضمام). In the English abstract words, definite articles were not used due to grammatical rules and the reflection of a generic reference. Nonetheless, the definite Arabic article (ال) was attached to the three Arabic equivalents of the indefinite English words. This shift was obligatory due to the differences in linguistic systems between English and Arabic.

Example2:

ST: States Parties recognize that every child has <u>the inherent right</u> to <u>life</u>.

TT: تعترف الدول الأطراف بأن لكل طفل <u>حقا أصيلا</u> في <u>الحياة</u>.

In this example, two intra-system shifts were observed. The first one is a shift from a definite phrase in the ST (the inherent right) to an indefinite phrase in the TT (حقا أصيلا). This shift was optional as both definite and indefinite forms are acceptable in this context and would

not affect the meaning. The second intra-system shift is the shift from an indefinite word in the ST (life) to a definite phrase in the TT (الحياة), which is preceded by the bound Arabic article (الـ). This shift was obligatory as the English word 'life' is abstract and does not require to be preceded by a definite article while the Arabic linguistic system uses the definite article (الـ) before the word 'حياة' because it refers to a certain notion. The following are similar examples of intra-system shifts from indefinite words in in the ST into definite words in the TT:

Example3:

ST: The term of five of the members <u>elected</u> at the first election shall expire at the end of two years; immediately after the first election, the names of these <u>five</u> <u>members</u> shall be chosen by <u>lot</u> by the Chairman of the meeting.

TT: غير أن مدة ولاية خمسة من الأعضاء <u>المنتخبين</u> في الانتخاب الأول تنقضي بانقضاء سنتين، وبعد الانتخاب الأول مباشرة يقوم رئيس الاجتماع باختيار أسماء هؤلاء <u>الأعضاء الخمسة بالقرعة</u>.

Example4:

ST: The instruments of <u>accession</u> shall be deposited with the Secretary-General of the United Nations.

TT: وتودع صكوك <u>الانضمام</u> لدى الأمين العام للأمم المتحدة.

4.1.2.4.2 Grammatical Number Categories

This type of intra-system shifts constitutes a change in the grammatical number categories (i.e. singular, dual, and plural) between the ST and the TT. The following examples provide further explanation:

Example1:

ST: Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, …. the United Nations Standard Minimum

Rules for the Administration of <u>Juvenile</u> Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in <u>Emergency</u> and Armed <u>Conflict</u>,

TT: وإذ تشير إلى أحكام الإعلان المتعلق بالمبادئ الاجتماعية والقانونية المتصلة بحماية الأطفال ورعايتهم، ....وإلى قواعد الأمم المتحدة الدنيا النموذجية لإدارة شئون قضاء <u>الأحداث</u> (قواعد بكين)، وإلى الإعلان بشأن حماية النساء والأطفال أثناء <u>الطوارئ</u> <u>والمنازعات</u> المسلحة،

In this example, three intra-system shifts from words in the singular form in the ST into words in the plural form in the TT were detected. The first one is a shift from the singular ST word (Juvenile) to the plural TT word (الأحداث). The second shift occurred in the translation of the singular ST word (Emergency) to the plural TT word (الطوارئ). The third one is a shift from the singular ST word (Conflict) to the plural TT word (المنازعات).

The first intra-system shift from singular to plural was obligatory as the English noun 'Juvenile' is functioning as an adjective and hence is used in the singular form. In Arabic, however, the meaning is fulfilled in the use of the plural form. The second intra-system shift was obligatory too in order to maintain the meaning. The third intra-system shift was optional as both TT singular and plural forms preserve the same meaning and effect.

Example2:

ST: States Parties shall respect the responsibilities, rights and duties of <u>parents</u>,

TT: تحترم الدول الأطراف مسؤوليات وحقوق وواجبات <u>الوالدين</u>

In the example above, an intra-system shift from plural to dual was observed. The translator changed the ST word (parents) from the plural form to the dual form in the TT word (الوالدين). This shift was obligatory because the plural 's' refers to the two parents and while the dual form is absent in English, it is used in Arabic.

Example3:

ST: The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus <u>nominated</u>, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

TT: ثم يعد الأمين العام قائمة مرتبة ترتيبا ألفبائيا بجميع الأشخاص <u>المرشحين</u> على هذا النحو مبينا الدول الأطراف التي رشحتهم، ويبلغها إلى الدول الأطراف في هذه الاتفاقية.

In this example, an intra-system shift from a singular word in the ST into a plural one in the TT was observed. The English singular word (nominated) was rendered into the word (المرشحين) in the plural form in Arabic. In English, adjectives, such as (nominated) are always used in the singular form even if the noun they modify is plural. Adjectives in Arabic, however, follow the noun they modify in number, definiteness or indefiniteness, and gender. Therefore, this shift was obligatory to suit the Arabic grammar.

Example4:

ST: the Secretary-General shall convene the conference under the <u>auspices</u> of the United Nations.

TT: يدعو الأمين العام إلى عقده تحت <u>رعاية</u> الأمم المتحدة.

This pair of sentences includes an intra-system shift from a plural word in the ST into a singular one in the TT. The English plural word (auspices) was rendered into the singular word (رعاية) in Arabic. This shift was obligatory because the textual equivalence of the English plural noun is used in Arabic in the singular form.

4.1.2.4.3 Possessive-genitive case

This type of intra-system shifts constitutes a change from the possessive case (i.e. Noun+'s) in the ST to the genitive case in the TT. The following examples provide further explanation:

Example1:

ST: States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the <u>child's or his or her parent's or legal guardian's race</u>, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

TT: تحترم الدول الأطراف الحقوق الموضحة في هذه الاتفاقية وتضمنها لكل طفل يخضع لولايتها دون أي

نوع من أنواع التمييز، بغض النظر عن <u>عنصر الطفل أو والديه أو الوصي القانوني عليه</u> أو <u>لونهم</u> أو

<u>جنسهم</u> أو <u>لغتهم</u> أو <u>دينهم</u> أو <u>رأيهم السياسي</u> أو غيره أو <u>أصلهم القومي أو الإثني أو الاجتماعي</u>، أو

<u>ثروتهم</u>، أو <u>عجزهم</u>، أو <u>مولدهم</u>، أو أي وضع آخر.

This pair of sentences includes a series of intra-system shifts from the possessive form in the ST to the genitive form in the TT as underlined in the above example. The possessive phrase (the child's or his or her parent's or legal guardian's race) in the ST was translated into the genitive form (عنصر الطفل أو والديه أو الوصي القانوني عليه). This is followed by a number of other similar intra-system shifts such as the translation of the possessive form in (the child's or his or her parent's or legal guardian's…, colour) into the genitive form in (لونهم) in the TT. The possessive nouns 'the child's or his or her parent's or legal guardian's' were translated into the genitive bound morpheme 'هم' in 'لونهم'. These shifts are obligatory due to differences in the English and Arabic grammatical systems.

Example2:

ST: States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the <u>child's parents</u>, legal guardians, or family members.

TT: تتخذ الدول الأطراف جميع التدابير المناسبة لتكفل للطفل الحماية من جميع أشكال التمييز أو العقاب القائمة على أساس مركز <u>والدي الطفل</u> أو الأوصياء القانونيين عليه أو أعضاء الأسرة، أو أنشطتهم أو آرائهم المعبر عنها أو معتقداتهم .

In this example, an intra-system shift from the possessive form in the ST to the genitive form in the TT has occurred. The translator changed the possessive phrase (child's parents) in the ST to the genitive phrase (والدي الطفل) in the TT. This shift is obligatory due to the grammatical differences between English and Arabic as the possessive form in English is expressed using the genitive form in the TT. The following table listed the statistics of all observed intra-system shifts:

Table 6: Intra-system Shift Statistics

	Number of shifts	Obligatory	Optional
Definite-indefinite	139	135	4
Grammatical Number Categories	24	20	4
Possessive-genitive Case	11	11	0
Total	174	166	8
Percentage	100%	95.4%	4.6%

4.2 Study Findings

4.2.1 Findings regarding the first research question

In this paper, the researcher analyzed the Arabic translation of the *UN's Convention on the Rights of the Child* from English (1989) adopting a descriptive quantitative approach. The model of Catford's translation shifts was applied to the Arabic translated text in comparison with its original English text. All translation shifts in line with Catford's model were traced and manually counted as shown in the table below.

Table 7: Frequency of Catford's shifts

	LS	SS	US	CS	IS	Total
Frequency	19	161	171	128	174	653
Percentage	2.9%	24.6%	26.3%	19.6%	26.6%	100%
Rank	5	3	2	4	1	

According to the table above, all five types of Catford's translation shifts were observed in the translation of the *UN's Convention on the Rights of the Child* (1989) from English into Arabic scoring a total of 653 shifts. The most frequent type of Catford's shifts was intra-system shifts with the frequency of 174 shifts, representing 26.6% of all observed translation shifts. Among intra-system shifts, definite-indefinite shifts were the most frequent (=139 shifts) as indicated in Table6. This was followed by shifts of grammatical numbers with the frequency of 24 shifts. Possessive-genitive shifts were the least frequent among intra-system shifts (=11 shifts).

The second most frequent type of translation shifts was unit shifts scoring 26.3% (=171 shifts) of total translation shifts with a very slight difference (=0.3% difference) from intra-system shifts. As illustrated in Table4, shifts from phrases to words were the most frequent among unit shifts with the frequency of 71 shifts. Shifts from words to morphemes were the

second in frequency among unit shifts scoring 52 shifts. This was followed by shifts from words to phrases with the frequency of 45 shifts. Finally, shifts from words to clauses, shifts from words to sentences, and shifts from sentences to words were the least frequent sub-categories among unit shifts with the frequency of one time each.

The third most frequent type of translation shifts was structure shifts with the percenyage of 24.6% (=161 shifts). As indicated in Table3, structure shifts in word order were the most frequent with 142 observed shifts. Structure shifts in passive-active sentence voice occurred only 16 times being second in place among structure shifts. Lastly, verbal-nominal sentence structure shifts rarely occurred with the frequency of 3 shifts only.

The fourth most frequent type of translation shifts was class shifts which were identified 128 times (=19.6%). As provided in Table5, twelve sub-category of class shifts were observed in the Arabic translation of the *UN's Convention on the Rights of the Child* (1989). The most frequent sub-category of class shifts was shifts from adjectives in the ST to nouns in the TT with the frequency of 38 shifts. In the contrary, the least frequent subcategory of class shifts was shifts from nouns to adjectives occurring only once.

Finally, the least frequent type of translation shifts was level shifts with the frequency of 19 shifts (=2.9%). According to Table2, both level shifts from grammar to lexis and from lexis to grammar were almost similar in frequency with the former occurring for 9 times and the latter being observed 10 times.

To sum up, all five types of Catford's translation shifts were observed in the Arabic translation of the *UN's Convention on the Rights of the Child* (1989). The first two most frequent translation shifts, namely intra-system shifts (=26.6%), unit shifts (=26.3%), were highly close in percentage, with a slight difference of 0.3% only. These were followed by

structure shifts (=24.6%), then class shifts (=19.6%). Finally, there was a dramatic drop in the frequency of translation shifts of level shifts with the percentage of 2.9% only.

4.2.2 Findings regarding the second research Question

In the present study, the researcher investigated whether each observed shift throughout the analysis of the translation of the *UN's Convention on the Rights of the Child* (1989) from English into Arabic was obligatory or optional. The collected data on the frequency of both obligatory and optional translation shifts were presented in the table below.

Table 8: Frequency of obligatory and optional shifts

	LS	SS	US	CS	IS	Total	Percentage
Obligatory	17	138	104	98	166	523	80.1%
Optional	2	23	67	30	8	130	19.9%

Based on the statistics presented in the table above, it was concluded that resorting to translation shifts in the translation of legal texts, represented by the UN's *Convention on the Rights of the Child* (1989), from English into Arabic was mostly obligatory with the percentage of 80.1% (=523 shifts). On the other hand, only 19.9% (=130 shifts) of translation shifts were optional as the translator made the choice to reflect these changes due to their preference.

Regarding the detailed specification of the inevitability of resorting to each type of Catford's shifts in the study sample, 16 cases (=84.2%) of level shifts were obligatory whereas only 3 cases (=15.8%) were optional. As for structure shifts, 138 shifts (=85.7%) were obligatory and only 23 (=14.3%) were optional. Regarding unit shifts, 105 (=61.4%) of observed shifts were obligatory and 66 (=38.6%) were optional. For Class shifts, 98 (=76.5%) of detected shifts were obligatory and 30 (=23.5%) were optional. Finally, 166 (=95.4%) of observed intra-system shifts were obligatory and only 8 (=4.6%) were optional.

From this analysis, it can be demonstrated that translation shifts were predominantly inevitable in the absence of formal correspondence in the translation of legal texts from English into Arabic due to the grammatical and cultural gaps between English and Arabic. Such obligatory shifts were applied to maintain the meaning and effect of the ST in the TT. Furthermore, it can be observed that, in legal translation, the translator does not have the luxury to change and apply personal touches; instead, one has to adhere to the straightforward nature of legal texts.

Chapter Five: Conclusions and Recommendations

This chapter is composed of two sections: the conclusion and recommendations. The conclusion section aims at providing a summary for the study on the application of Catford's translation shifts to the translation of the *UN's Convention on the Rights of the Child* (1989) from English into Arabic and shedding light on the study findings. The second section, the recommendations, presents suggestions and recommendations for future research on relevant topics based on the findings of the study.

5.1 Conclusions

This research was conducted to investigate the translation shifts that occur in the translation of legal texts from English into Arabic. Catford's model of translation shift taxonomy was applied to the translation of the *UN's Convention on the Rights of the Child* (1989) from English into Arabic. The objectives of the study were discovering the frequency of Catford's translation shifts in the Arabic translation of the *UN's Convention on the Rights of the Child* (1989) and the inevitability of resorting to such shifts. To meet the study objectives, the researcher analyzed the Arabic translation and identified the translation shifts, then manually counted the frequency of each. The researcher also examined whether each shift was obligatory or optional.

In spite of the small number of TT sentences, it was noticed that, in the majority of sentences, all the five types of Catford's translation shifts occurred. This large number, in fact, highlighted the linguistic and cultural disparities between English and Arabic. Based upon the results of the analysis, it was demonstrated that 653 translation shifts occurred in the Arabic translation with intra-system shifts being the most frequent translation shift scoring 26.6% (=174 shifts). Unit shifts came second in rank with the percentage of 26.3% (=171 shifts). This

was followed by structure shifts 24.6% (=161 shifts), then class shifts 19.6% (=128 shifts), and finally level shifts 2.9% (=19 shifts).

The other significant finding was related to the inevitability of resorting to translation shifts in the translation of the *UN's Convention on the Rights of the Child* (1989) from English into Arabic. From the analysis, it was concluded that 80.1% (=523 shifts) of identified translation shifts were obligatory to preserve the meaning and effect of the ST in the TT due to the absence of formal correspondence. These obligatory translation shifts took place due to the gap in language and culture between English and Arabic. On the other hand, only 19.9% (=130 shifts) of all translation shifts were optional. This small number of optional shifts underlines the technical and strict nature of legal texts, in addition to the limited space for personal preferences in translating this type of texts.

In conclusion, this research was designed to be a descriptive content-analysis study focusing on the linguistic changes that take place in the translation of legal texts from English into Arabic. To trace these changes, Catford's model of translation shifts was applied to the translation of the *UN's Convention on the Rights of the Child* (1989). Since English and Arabic belong to distinct language families, a large number of obligatory translation shifts were observed to bridge the linguistic and cultural gaps between these two languages. Optional shifts were limited in number due to the technicality of legal texts and the lack of aesthetic function in this type of texts.

5.2 Recommendations

Based on the analysis and findings of the study, it is recommended that translators get more exposed to legal texts and familiarize themselves with the strict nature of legal language, especially in English, whether through university courses or specialized workshops. The purpose is promoting linguistic understanding of legal texts in the field of translation and how

linguistic changes are made to fulfill the ultimate purpose of translation, which is meaningful communication. Last but not least, further research on the application of Catford's translation shifts to all text types in general and in legal texts in particular from English and Arabic and vice versa is highly recommended.

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Appendix A

The Source Text

Convention on the Rights of the Child

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

entry into force 2 September 1990, in accordance with article 49

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption

Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Conflict, Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child, Recognizing the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent

with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

Appendix B

The Arabic Target Text

اتفاقية حقوق الطفل

اعتمدت وعرضت للتوقيع والتصديق والانضمام بموجب قرار الجمعية العامة للأمم المتحدة رقم ٤٤/٢٥

المؤرخ في ٢٠ تشرين الثاني/نوفمبر ١٩٨٩

تاريخ بدء النفاذ :٢ أيلول/سبتمبر ١٩٩٠ ، وفقا للمادة ٤٩

الديباجة

إن الدول الأطراف في هذه الاتفاقية،

إذ ترى أنه وفقا للمبادئ المعلنة في ميثاق الأمم المتحدة، يشكل الاعتراف بالكرامة المتأصلة لجميع أعضاء الأسرة البشرية وبحقوقهم المتساوية وغير القابلة للتصرف، أساس الحرية والعدالة والسلم في العالم، وإذا تضع في اعتبارها أن شعوب الأمم المتحدة قد أكدت من جديد في الميثاق إيمانها بالحقوق الأساسية للإنسان وبكرامة الفرد وقدره، وعقدت العزم على أن تدفع بالرقى الاجتماعي قدما وترفع مستوى الحياة في جو من الحرية أفسح، وإذا تدرك أن الأمم المتحدة قد أعلنت، في الإعلان العالمي لحقوق الإنسان وفى العهدين الدوليين الخاصين بحقوق الإنسان، أن لكل إنسان حق التمتع بجميع الحقوق والحريات الواردة في تلك الصكوك، دون أي نوع من أنواع التمييز كالتمييز بسبب العنصر أو اللون أو الجنس أو اللغة أو الدين أو الرأي السياسي أو غيره أو الأصل القومي أو الاجتماعي أو الثروة أو المولد أو أي وضع آخر، واتفقت على ذلك،

وإذ تشير إلى أن الأمم المتحدة قد أعلنت في الإعلان العالمي لحقوق الإنسان أن للطفولة الحق في رعاية ومساعدة خاصتين،

واقتناعا منها بأن الأسرة، باعتبارها الوحدة الأساسية للمجتمع والبيئة الطبيعية لنمو ورفاهية جميع أفرادها وبخاصة الأطفال، ينبغي أن تولى الحماية والمساعدة اللازمتين لتتمكن من الاضطلاع الكامل بمسؤولياتها داخل المجتمع،

وإذ تقر بأن الطفل، كي تترعرع شخصيته ترعرعا كاملا ومتناسقا، ينبغي أن ينشأ في بيئة عائلية في جو من السعادة والمحبة والتفاهم،

وإذ ترى أنه ينبغي إعداد الطفل إعدادا كاملا ليحيا حياة فردية في المجتمع وتربيته بروح المثل العليا المعلنة في ميثاق الأمم المتحدة، وخصوصا بروح السلم والكرامة والتسامح والحرية والمساواة والإخاء،

وإذ تضع في اعتبارها أن الحاجة إلى توفير رعاية خاصة للطفل قد ذكرت في إعلان جنيف لحقوق الطفل لعام ١٩٢٤ وفى إعلان حقوق الطفل الذي اعتمدته الجمعية العامة في ٢٠ تشرين الثاني/نوفمبر ١٩٥٩ والمعترف به في الإعلان العالمي لحقوق الإنسان وفي العهد الدولي الخاص بالحقوق المدنية والسياسية (ولاسيما في المادتين ٢٣ و ٢٤) وفي العهد الدولي الخاص بالحقوق الاقتصادية والاجتماعية والثقافية (ولاسيما في المادة ١٠) وفي النظم الأساسية والصكوك ذات الصلة للوكالات المتخصصة والمنظمات الدولية المعنية بخير الطفل،

وإذ تضع في اعتبارها "أن الطفل، بسبب عدم نضجه البدني والعقلي، يحتاج إلى إجراءات وقاية ورعاية خاصة، بما في ذلك حماية قانونية مناسبة، قبل الولادة وبعدها" وذلك كما جاء في إعلان حقوق الطفل،

وإذ تشير إلى أحكام الإعلان المتعلق بالمبادئ الاجتماعية والقانونية المتصلة بحماية الأطفال ورعايتهم، مع الاهتمام الخاص بالحضانة والتبني على الصعيدين الوطني والدولي، وإلى قواعد الأمم المتحدة الدنيا النموذجية لإدارة شئون قضاء الأحداث (قواعد بكين)، وإلى الإعلان بشأن حماية النساء والأطفال أثناء الطوارئ والمنازعات المسلحة،

وإذ تسلم بأن ثمة، في جميع بلدان العالم، أطفالا يعيشون في ظروف صعبة للغاية، وبأن هؤلاء الأطفال يحتاجون إلى مراعاة خاصة،

وإذ تأخذ في الاعتبار الواجب أهمية تقاليد كل شعب وقيمه الثقافية لحماية الطفل وترعرعه ترعرعا متناسقا،

وإذا تدرك أهمية التعاون الدولي لتحسين ظروف معيشة الأطفال في كل بلد، ولا سيما في البلدان النامية،

قد اتفقت على ما يلي:

الجزء الأول

المادة ١

لأغراض هذه الاتفاقية، يعني الطفل كل إنسان لم يتجاوز الثامنة عشرة، ما لم يبلغ سن الرشد قبل ذلك بموجب القانون المنطبق عليه.

المادة ٢

١. تحترم الدول الأطراف الحقوق الموضحة في هذه الاتفاقية وتضمنها لكل طفل يخضع لولايتها دون أي نوع من أنواع التمييز، بغض النظر عن عنصر الطفل أو والديه أو الوصي القانوني عليه أو لونهم أو جنسهم أو لغتهم أو دينهم أو رأيهم السياسي أو غيره أو أصلهم القومي أو الإثني أو الاجتماعي، أو ثروتهم، أو عجزهم، أو مولدهم، أو أي وضع آخر.

٢. تتخذ الدول الأطراف جميع التدابير المناسبة لتكفل للطفل الحماية من جميع أشكال التمييز أو العقاب القائمة على أساس مركز والدي الطفل أو الأوصياء القانونيين عليه أو أعضاء الأسرة، أو أنشطتهم أو آرائهم المعبر عنها أو معتقداتهم.

المادة ٣

١. في جميع الإجراءات التي تتعلق بالأطفال، سواء قامت بها مؤسسات الرعاية الاجتماعية العامة أو الخاصة، أو المحاكم أو السلطات الإدارية أو الهيئات التشريعية، يولي الاعتبار الأول لمصالح الطفل الفضلى.

٢. تتعهد الدول الأطراف بأن تضمن للطفل الحماية والرعاية اللازمتين لرفاهه، مراعية حقوق وواجبات والديه أو أوصيائه أو غيرهم من الأفراد المسؤولين قانونا عنه، وتتخذ، تحقيقا لهذا الغرض، جميع التدابير التشريعية والإدارية الملائمة.

٣. تكفل الدول الأطراف أن تتقيد المؤسسات والإدارات والمرافق المسؤولة عن رعاية أو حماية الأطفال بالمعايير التي وضعتها السلطات المختصة، ولا سيما في مجالي السلامة والصحة وفى عدد موظفيها وصلاحيتهم للعمل، وكذلك من ناحية كفاءة الإشراف.

المادة ٤

تتخذ الدول الأطراف كل التدابير التشريعية والإدارية وغيرها من التدابير الملائمة لإعمال الحقوق المعترف بها في هذه الاتفاقية. وفيما يتعلق بالحقوق الاقتصادية والاجتماعية والثقافية، تتخذ الدول الأطراف هذه التدابير إلى أقصى حدود مواردها المتاحة، وحيثما يلزم، في إطار التعاون الدولي.

المادة ٥

تحترم الدول الأطراف مسؤوليات وحقوق وواجبات الوالدين أو، عند الاقتضاء، أعضاء الأسرة الموسعة أو الجماعة حسبما ينص عليه العرف المحلي، أو الأوصياء أو غيرهم من الأشخاص المسؤولين قانونا عن الطفل، في أن يوفروا بطريقة تتفق مع قدرات الطفل المتطورة، التوجيه والإرشاد الملائمين عند ممارسة الطفل الحقوق المعترف بها في هذه الاتفاقية.

المادة ٦

١. تعترف الدول الأطراف بأن لكل طفل حقا أصيلا في الحياة.

٢. تكفل الدول الأطراف إلى أقصى حد ممكن بقاء الطفل ونموه.

الجزء الثاني

المادة ٤٢

تتعهد الدول الأطراف بأن تنشر مبادئ الاتفاقية وأحكامها على نطاق واسع بالوسائل الملائمة والفعالة، بين الكبار والأطفال على السواء.

المادة ٤٣

١. تنشأ لغرض دراسة التقدم الذي أحرزته الدول الأطراف في استيفاء تنفيذ الالتزامات التي تعهدت بها في هذه الاتفاقية لجنة معنية بحقوق الطفل تضطلع بالوظائف المنصوص عليها فيما يلي.

٢. تتألف اللجنة من عشرة خبراء من ذوى المكانة الخلقية الرفيعة والكفاءة المعترف بها في الميدان الذي تغطيه هذه الاتفاقية. وتنتخب الدول الأطراف أعضاء اللجنة من بين رعاياها ويعمل هؤلاء الأعضاء بصفتهم الشخصية، ويولى الاعتبار للتوزيع الجغرافي العادل وكذلك للنظم القانونية الرئيسية.

٣. ينتخب أعضاء اللجنة بالاقتراع السري من قائمة أشخاص ترشحهم الدول الأطراف، ولكل دولة طرف أن ترشح شخصا واحدا من بين رعاياها.

٤. يجرى الانتخاب الأول لعضوية اللجنة بعد ستة أشهر على الأثر من تاريخ بدء نفاذ هذه الاتفاقية وبعد ذلك مرة كل سنتين. ويوجه الأمين العام للأمم المتحدة قبل أربعة أشهر على الأقل من تاريخ كل انتخاب رسالة إلى الدول الأطراف يدعوها فيها

إلى تقديم ترشيحاتها في غضون شهرين. ثم يعد الأمين العام قائمة مرتبة ترتيبا ألفبائيا بجميع الأشخاص المرشحين على هذا النحو مبينا الدول الأطراف التي رشحتهم، ويبلغها إلى الدول الأطراف في هذه الاتفاقية.

٥. تجرى الانتخابات في اجتماعات للدول الأطراف يدعو الأمين العام إلي عقدها في مقر الأمم المتحدة. وفى هذه الاجتماعات، التي يشكل حضور ثلثي الدول الأطراف فيها نصابا قانونيا لها، يكون الأشخاص المنتخبون لعضوية اللجنة هم الذين يحصلون على أكبر عدد من الأصوات وعلى الأغلبية المطلقة لأصوات ممثلي الدول الأطراف الحاضرين المصوتين.

٦. ينتخب أعضاء اللجنة لمدة أربع سنوات. ويجوز إعادة انتخابهم إذا جرى ترشيحهم من جديد. غير أن مدة ولاية خمسة من الأعضاء المنتخبين في الانتخاب الأول تنقضي بانقضاء سنتين، وبعد الانتخاب الأول مباشرة يقوم رئيس الاجتماع باختيار أسماء هؤلاء الأعضاء الخمسة بالقرعة.

الجزء الثالث

المادة ٤٦

يفتح باب التوقيع على هذه الاتفاقية لجميع الدول.

المادة ٤٧

تخضع هذه الاتفاقية للتصديق. وتودع صكوك التصديق لدى الأمين العام للأمم المتحدة.

المادة ٤٨

يظل باب الانضمام إلى هذه الاتفاقية مفتوحا لجميع الدول. وتودع صكوك الانضمام لدى الأمين العام للأمم المتحدة.

المادة ٤٩

١. يبدأ نفاذ هذه الاتفاقية في اليوم الثلاثين الذي يلي تاريخ إيداع صك التصديق أو الانضمام العشرين لدي الأمين العام الأمم المتحدة.

٢. الدول التي تصدق علي هذه الاتفاقية أو تنضم إليها بعد إيداع صك التصديق أو الانضمام العشرين، يبدأ نفاذ الاتفاقية إزاءها في اليوم الثلاثين الذي يلي تاريخ إيداع هذه الدولة صك تصديقها أو انضمامها.

المادة ٥٠

١. يجوز لأي دولة طرف أن تقترح إدخال تعديل وأن تقدمه إلى الأمين العام للأمم المتحدة. ويقوم الأمين العام عندئذ بإبلاغ الدول الأطراف بالتعديل المقترح مع طلب بإخطاره بما إذا كانت هذه الدول تحبذ عقد مؤتمر للدول الأطراف للنظر في الاقتراحات والتصويت عليها. وفى حالة تأييد ثلث الدول الأطراف على الأقل، في غضون أربعة أشهر من تاريخ هذا التبليغ، عقد هذا المؤتمر، يدعو الأمين العام إلى عقده تحت رعاية الأمم المتحدة. ويقدم أي تعديل تعتمده أغلبية من الدول الأطراف الحاضرة والمصوتة في المؤتمر إلى الجمعية العامة لإقراره.

٢. يبدأ نفاذ أي تعديل يتم اعتماده وفقا للفقرة ١ من هذه المادة عندما تقره الجمعية العامة للأمم المتحدة وتقبله الدول الأطراف في هذه الاتفاقية بأغلبية الثلثين.

٣. تكون التعديلات، عند بدء نفاذها، ملزمة للدول الأطراف التي قبلتها وتبقى الدول الأطراف الأخرى ملزمة بأحكام هذه الاتفاقية وبأية تعديلات سابقة تكون قد قبلتها.

المادة ٥١

١. يتلقى الأمين للأمم المتحدة نص التحفظات التي تبديها الدول وقت التصديق أو الانضمام، ويقوم بتعميمها على جميع الدول.

٢. لا يجوز إبداء أي تحفظ يكون منافيا لهدف هذه الاتفاقية وغرضها.

٣. يجوز سحب التحفظات في أي وقت بتوجيه إشعار بهذا المعنى إلى الأمين العام للأمم المتحدة، الذي يقوم عندئذ بإبلاغ جميع الدول به. ويصبح هذا الإشعار نافذ المفعول اعتبارا من تاريخ تلقيه من قبل الأمين العام.