Guide
for an inclusive language in court and legal documents

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Acknowledgments

Executive summary

The [CULTEXP](#), guide for inclusive language in court and legal documents is an important component of the measures implemented by CULTEXP. As the first multilingual and cross-jurisdictional database on cultural expertise, CULTEXP aims to support inclusive justice, raise awareness among legal professionals and experts about the significance of using inclusive and non-discriminatory language, and prevent potential misuse of data for racial or ethnic profiling and other forms of discrimination.

The guide offers an overview of various sources and trends related to inclusive language. It also presents guidelines to enhance awareness regarding the necessity of adopting an inclusive language. Furthermore, the guide emphasizes the importance of self-generating capacities to develop an inclusive language that takes into account specific contexts, facts, and circumstances.

While the guide primarily focuses on English as the primary language of the CULTEXP Proof of Concept project (ERC Grant 966614), it has the potential to be expanded to other languages. Recognizing the dynamic nature of language and its evolution over time and under different circumstances, the guide proposes an approach of generative knowledge. This approach aims to make existing language more inclusive by incorporating the inputs of affected individuals and communities, in combination with existing laws and regulations.

The CULTEXP guide for inclusive language in court and legal documents is firmly rooted in European Union and international law and conventions on equality, diversity, and non-discrimination. It draws upon European and international policy guides and reports as valuable sources, providing instructions and strategies to avoid racial or ethnic profiling and promote the use of non-discriminatory language.

1. Focus
1.1 Structure

The guide is structured into three sections: *Focus*, *Sources*, and *Concepts*. Each section serves a specific purpose and contributes to the overall understanding and implementation of inclusive language in court and legal documents.

The first section, *Focus*, outlines the objectives of the guide and the specific gap it addresses. It clarifies the target audience and explains what the guide offers and how to utilize it effectively.

Moving on to the second section, *Sources*, this part provides a comprehensive and accessible overview of the key concepts related to inclusive language. It explores topics such as racial or ethnic profiling and examines the legal relevance of race, ethnicity, and belonging as social constructs. Additionally, this section organizes the main sources on inclusive language based on their use and intended audience. To facilitate easy access, boxed bibliographic references are provided.

The third section of the guide, *Concepts*, serves as a knowledge-generative component. This section focuses on presenting various concepts and examples related to inclusive language in court and legal documents. Within the Concepts section, readers will find thematically organized examples that illustrate the reasoning deployed for inclusive language which can be effectively employed in different scenarios and concerning a variety of terms within the legal context. By studying these examples, readers can gain a deeper understanding of the principles and nuances of inclusive language and its generative process. By following this structured approach, the guide aims to provide comprehensive support, guidance, and resources for promoting inclusive language in court and legal documents.

1.2 Aims

The guide for an inclusive language in court and legal documents should be considered as part of CULTEXP's broader efforts to promote access to justice in diverse societies. Using inclusive and non-discriminatory language helps to avoid using words, phrases, or grammar that may consciously or unconsciously exclude individuals or groups or reinforce racial or ethnic profiling. The main purpose of this guide is to increase awareness of the need to use inclusive language in court and legal documents. It aims furthermore to encourage the appreciation of cultural diversity without unintentionally offending individuals or social groups or producing materials that could be misused for racial or ethnic profiling; and the proposal of a generative-knowledge process that requires a conscious effort to avoid unconscious bias.

1.3 Gaps in existing material

CULTEXP guide for inclusive language in court and legal documents starts from the assumption that racial or ethnic profiling is a discriminatory form of classifying individuals and groups on racial and ethnic basis. However, CULTEXP acknowledges that the law requires in certain circumstances to engage with considerations regarding race, ethnicity, belonging, religion, and culture, ideally in the form of expert opinions, for evaluating evidence in matters that are not within the ordinary experience and knowledge of the court. In the above-mentioned cases in particular, but more in general in all interactions that require explicit or inexplicit considerations on elements that are otherwise susceptible to be interpreted as, or risk to be used for ethnic profiling and/ or be perceived as discriminatory, it is necessary to adopt specific precautions.

European and international guides and policy reports contain instructions and strategies to encourage the use of non-discriminatory language in public communication, in the workplace, in educational settings and in social and health services, as well as in written documentation, in line with the fundamental values of the European Union and relevant international organisations that strive for equality, diversity and non-discrimination.

Whilst all existing sources on inclusive language, especially the ones reviewed in this document, have been useful for the formulation of CULTEXP guide on inclusive language in court and legal documents, the majority contribute almost exclusively with prescriptive instructions and static contents, which indicate the terminology to use or to avoid. However, languages and cultures evolve and change with time and circumstances and, if we aim to a truly inclusive language, we need to develop adequate capacities to register these changes and variations. To date there is no guide for the use of an inclusive and non-discriminatory language in court and legal documents that takes into account the inherent flexibility of language and provides tools for the generative knowledge needed to adapt existing language to the specific contexts and needs in which the members of the legal professions work.

1.4 CULTEXP's contribution

Based on European conventions and recommendations against racial or ethnic profiling, the CULTEXP guide for inclusive language in court and legal documents strongly emphasizes racial or ethnic profiling as a discriminatory and illegal practice. The guide aims to raise awareness and develop skills for legal professionals to use appropriate terminology that avoids reinforcing stereotypes, prejudices, or excluding certain individuals or groups.

By drawing information and good practices from existing sources against racial or ethnic profiling and promoting inclusive language, the CULTEXP guide addresses specific issues and concepts within the court and judicial context. The CULTEXP guide offers specific guidelines for establishing case-law summaries, expert reports, treating data for legal databases, and creating court and legal documents in an anti-discriminatory manner.

Unlike existing guides that focus on comparing discriminatory and non-discriminatory terms, the CULTEXP guide takes a contextual awareness approach. It encourages users to identify the most appropriate terminology based on the specific circumstances and respect for their audience, promoting a more inclusive justice. This approach acknowledges the evolving nature of languages and societies and avoids rigid instructions that may quickly become outdated or be perceived as mere commands.

The CULTEXP guide is not proposed as mandatory, even for sections suggesting standardization of terms, capitalization, italics, and citation of case-law for neutral and inclusive language. The guide's suggestions for

inclusive language serve as examples that readers can adapt, monitor, and update to find similar or improved solutions based on their specific contexts and circumstances. The guidelines provided are comprehensive but not exhaustive, and they rely on regular updates and users' feedback to ensure ongoing monitoring and expansion.

1.5 Target audience

The CULTEXP guide for inclusive language in court and legal documents is designed for a wide range of individuals who have an interest in promoting inclusive language practices. While it is intended for everyone, its primary audience includes legal professionals, experts, mediators, translators, NGO actors, and socio-legal scholars. These individuals play significant roles in the legal field and have the opportunity to directly impact the use of language in court and legal documents.

In addition to the aforementioned audience, the CULTEXP guide also extends its reach to policy makers, professional organizations, curriculum developers, training providers, professional schools, and organizations involved in granting quality labels in the education sectors. These stakeholders have the potential to influence and shape the adoption of inclusive language practices through their policies, guidelines, and training programs.

Moreover, the CULTEXP guide recognizes the importance of soliciting feedback and input from the affected individuals and social groups. It acknowledges that their perspectives and voices should serve as the primary reference for anyone seeking to use inclusive language in court and legal documents. By actively involving and incorporating the experiences and insights of those directly impacted, the guide aims to create a more inclusive and representative approach to language use in the legal context.

Overall, the guide welcomes a diverse range of stakeholders and seeks to empower them with the knowledge and tools necessary to implement inclusive language practices. By engaging with legal professionals, experts, policy makers, educators, and the affected individuals and social groups themselves, the guide strives to foster a collaborative and inclusive approach to language use in court and legal documents.

1.6 Limitations

The language used for the guide is English due to it being the primary language of CULTEXP (ERC funded Proof of Concept grant 966614). However, the guide is envisioned as a pioneering resource that can inspire and facilitate discussions on inclusive language in courts and legal documents in other languages too. It is hoped that the guide serves as a catalyst for expanding awareness, promoting sensitivity and education, and stimulating debates on inclusive language in diverse legal contexts.

Recognizing the dynamic nature of language and the evolving needs of different communities, the guide is intended to be a living document that requires constant scrutiny and updates. Users and commentators are strongly encouraged to engage with the guide and provide suggestions, advice, and feedback to enhance its relevance and effectiveness.

If you have any suggestions or advice, or if you would like to contribute to the guide, please do not hesitate to contact us at culturalexpertise@culturalexpertise.net. We value your input and appreciate your participation in the ongoing development and improvement of the guide for inclusive language in court and legal documents.

1.7 Use

The CULTEXP guide for an inclusive language in court and legal documents is structured into various macro-areas, presented in alphabetical order, to provide comprehensive coverage. These macro-areas include:
- Age: Addresses issues related to age discrimination and provides guidance on using respectful and inclusive language when referring to different age groups.
- Cultures and Cultural Concepts: Focuses on promoting cultural sensitivity and awareness, providing instructions on chosing inclusive language when discussing cultures and cultural concepts.
- Gender and Sexual Orientation: Covers terminology and expressions related to gender and sexual orientation, aiming to promote inclusivity and avoid stereotypes or discrimination.
- Health and Disabilities: Offers guidance on using respectful and person-centered language when discussing health, disabilities, and related topics.

- Institutions and Titles: Addresses the use of inclusive language when referring to institutions, organizations, and titles, emphasizing the importance of non-discrimination.
- Legal citations: Provides instructions and examples for using inclusive language in legal citations, ensuring neutrality and respect for diversity.
- Names: Highlights the importance of respecting individuals' preferred names and provides guidelines for handling diverse naming practices and conventions.
- Persons: Focuses on inclusive language when referring to individuals, promoting respectful and non-discriminatory terminology.
- Political Parties and Movements: Offers guidance on using inclusive language when discussing political parties and movements, emphasizing the importance of neutrality and respect.
- Race, Ethnicity, and Belonging: Addresses the challenges of inclusive language regarding race, ethnicity, and belonging, as social constructs and promoting sensitivity and respect for diverse identities.
- Religions and Beliefs: Provides guidance on respectful and inclusive language when discussing religions, beliefs, and spirituality, promoting understanding and tolerance.
- Status: Covers the use of inclusive language when referring to social or legal status, encouraging non-discrimination and neutrality.

Each macro-area begins with an introduction that outlines common challenges and offers instructions on using non-discriminatory language. It includes examples of preferable terms and explanations of culturally relevant terms and concepts. By providing this contextual information, the CULTEXP guide enables users to understand the challenges involved in using inclusive language and offers concrete leads for respectful terminology.

The aim of the CULTEXP guide is to foster cultural awareness and encourage users to choose culturally sensitive terms and expressions. It suggests considering self-identification clues and, when appropriate, seeking the assistance of cultural experts. Users are also encouraged to contribute updates and amendments to the guide through the provided email, ensuring its continuous improvement and relevance.

2. Sources

2.1 What is inclusive language

Language has the potential to perpetuate discrimination, whether it is done consciously or unconsciously. Inclusive language, on the other hand, consciously avoids using words and expressions that reinforce stereotypes, prejudice, and exclusion of certain individuals or groups. It aims to promote equality and respect for all individuals, regardless of their characteristics or backgrounds.

The Council of the European Union, in its 2018 recommendations, highlights the importance of using inclusive and bias-free communication and language. It emphasizes the need to avoid stereotypes and references to irrelevant details. The Council appreciates and values the qualities of individuals from diverse genders, sexual orientations, abilities, ages, backgrounds, religions, and beliefs. By endorsing inclusive language, the Council acknowledges the significance of promoting inclusivity, respect, and equality in communication and language use.

Council of the European Union, General Secretariat. 2018. *Inclusive Communication in the GSC*. Publication Office.

2.2 What is racial or ethnic profiling

Racial or ethnic profiling is the discriminatory practice that identifies and classifies individuals or groups based on the phenotypic characteristics such as skin colour or facial features.

According to law, racial or ethnic profiling may or may not be discriminatory, depending on the purpose of such classification and the use made of this information.[1] However, the use of racial or ethnic characteristics as part of a set of factors systematically associated with specific crimes is a form of discrimination on the ground of race.

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[1] See EU Network of Independent Expert on Fundamental Rights (2006).

Racial or ethnic profiling is prohibited under international and European law as a violation of the right to freedom, security, and protection of personal data. It is illegal because it offends human dignity and contributes to the deterioration of relations between diverse groups in society.[2]

Racial or ethnic profiling is not only relevant in criminal cases, but in all kinds of cases where it is used illegally, because it is contrary to the principles of pluralism and respect for different cultures to differentiate treatment based exclusively or decisively on a person's ethnic origin.[3]

The European Commission Against Racism and Intolerance (ECRI) defines *ethnic profiling* as:

> the use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities.[4]

The European Parliament recommendation 2008/2020(INI) referred to the *ethnic profiling* as:

> the practice of using "race" or ethnic origin, religion, or national origin, as either the sole factor, or one of several factors in law enforcement decisions, on a systematic basic, whether or not concerned individuals are identified by automatic means.[5]

The *General Data Protection Regulation* (GDPR) indicates that the risk of racial or ethnic profiling must be evaluated in combination with an assessment of the potential misuse against the legitimate interest, i.e. access to justice, inclusion and protection of vulnerable groups, access to quality education, and strengthening justice in strong institutions. Although the GDPR does not entail an absolute prohibition of sensitive data such as racial or ethnic profiling when they occur in the context of judiciary activities, it is the consequence of the principle of data minimalization that such use of data must be restricted as much as possible.

Profiling, as general definition, consists of classifying individuals according to their characteristics. It is used in a wide range of contexts, including personal data collection and processing, security, and law enforcement. The profiling addressed in this guide refers to a systematic approach based on predetermined criteria and specific purposes as reflected in court and legal documents. Profiling as such is not prohibited or made illegal, but rather is discriminatory actions (including certain forms of profiling in specific context) that may be illegal, i.e. a violation of specific norms that protect against discrimination.[6] Discriminatory profiling based exclusively or primarily on one or more protected characteristics, such as race, ethnic origin, gender, or religion, amounts to direct or indirect discrimination and therefore violates an individual's rights and freedoms.

Discriminatory profiling means that the profiling itself may discriminate against a specific person or group of persons; the effects/outcomes of the profiling may be used to discriminate against an individual or group of individuals with similar characteristics; and the profiling may be illegal in a particular situation and can stigmatise and discriminate against certain individuals or groups. In particular, the unethical use of protected characteristics for any data collection entails the risk that such categorisations might be socially reproduced and used to ascribe conducts and behaviour to people and social groups, thereby harming, creating or reinforcing discriminations, prejudices or stereotypes.[7]

Council of Europe. 1950. *Convention for the Protection of Human Rights and Fundamental Freedoms*. ECHR, Rome, 4.XI.1950.
Council of Europe. 2000. *Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms*. European Treaty Series No. 177, Rome 4.XI.2000.
ECRI – European Commission against Racism and Intolerance. 2007. *ECRI General Policy Recommendation no. 11 on Combating Racism and Racial Discrimination in Policing*, Adopted on 29 June 2007.
European Court of Human Rights. 2022. *Guide on Article of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention: Prohibition of Discrimination*.

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[2] The illegal and discriminatory use of racial or ethnic profiling is outlined by FRA's guide on preventing discriminatory ethnic profiling (2010).

[3] See ECHR Guide on Article of the European Convention on Human Rights and on Article 1 of Protocol No. 12 to the Convention (2022).

[4] See the EU General Policy Recommendation no. 11 on Combating Racism and Racial Discrimination in Policing, adopted on 29 June 2007.

[5] See the European Parliament Recommendation to the Council of 24 April 2009 on the problem of profiling, notably on the basis of ethnicity and race, in counterterrorism, law enforcement, immigration, customs and border control.

[6] See Article 14 of the *Convention* and Article 1 of *Protocol 12* ECHR (2000). Article 14 of the *Convention* enshrines protection against discrimination in the enjoyment of the rights guaranteed by the *Convention* and Article 1 of *Protocol 12* ECHR prohibits discrimination more generally in the enjoyment of any right under the law.

[7] See the United Nations High Commissioner for Human Rights in *A Human Rights-Based Approach to Data* (2018).

EU Network of Independent Experts on Fundamental Rights. 2006. *Ethnic Profiling*.

European Parliament. 2009. *European Parliament Recommendation to the Council of 24 April 2009 on the Problem of Profiling, Notably on the Basis of Ethnicity and Race, in Counter-Terrorism, Law Enforcement, Immigration, Customs and Border Control (2008/2020(INI))*.

FRA – European Union Agency for Fundamental Rights. 2010. *Towards More Effective Policing. Understanding and Preventing Discriminatory Ethnic Profiling: A Guide*.

United Nations, Human Rights Office of the High Commissioner. 2018. *A Human Rights-Based Approach to Data. Leaving No One Behind in the 2030 Agenda for Sustainable Development*.

General Data Protection Regulation (GDPR). 2016. *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC* (General Data Protection Regulation).

2.3 Race, ethnicity, and belonging

Race and ethnicity are complex and contested social constructs that have evolved and changed in meaning and use over time. The concept of race is rooted in the now-disproved belief that human beings can be classified into distinct subspecies based on physical characteristics. Scientifically, racial categorizations of human beings are incorrect.

In academic scholarship across various fields, there have been different perspectives and discussions regarding the use and understanding of race and ethnicity. Some scholars argue for the complete avoidance of the concept of race and ethnicity, emphasizing that race and ethnicity are socially constructed ideas with no basis in biological reality. Among these, some argue for the use of ethnicity as a preferable term, emphasizing the cultural and social aspects of identity rather than biological differences. They suggest that ethnicity allows for a more nuanced understanding of human diversity while avoiding the problematic connotations associated with race.

On the other hand, some scholars argue for a critical reintegration of the concept of race, acknowledging its historical significance and its link to structural discrimination and power dynamics. They argue that recognizing and analyzing race can be important for understanding and addressing systemic inequalities with adequate measure to fight against those.

All these different perspectives reflect ongoing debates and discussions within academic and intellectual circles regarding the conceptualization and use of race and ethnicity. The CULTEXP guide recognize that opinions and approaches vary, and scholarly understandings continue to evolve in order to challenge racial discrimination, promote equality and social justice, and protect cultural diversity.[8]

The CULTEXP guide aligns with the widely accepted consensus that the notions of race and ethnicity lack any scientific basis. It recognizes that the use of these terms, along with concepts like belonging, may still have legal implications in certain situations. The CULTEXP guide acknowledges that while the notion of race has been rightly discredited in the social sciences, it is important to address situations where rights and responsibilities are associated with these terms.

Based on the freedom and equality of dignity and rights before the law to which every individual is entitled, regardless of race, colour, national or ethnic origin, the Article 1 of the *1965 International Convention* defines *racial discrimination* as:

> any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.[9]

In defining and implementing its policies and activities, the European Union shall aim to combat all discrimination based on sex, race or ethnic origin and, in particular, provides that the European Union may take measures to fight discrimination based on sex, racial or ethnic origin, religion or belief, disability, age, or sexual orientation.[10] In addition, the European Union promotes equal treatment before the law, and equality between men and women in all areas of life, respects for cultural, religious, and linguistic diversity and

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[8] See *Universal Declaration on Cultural Diversity* (2001) and *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005).

[9] See Article 1 of the *International Convention on the Elimination of All Forms of Racial Discrimination* (1965).

[10] See Articles 10 and 19 of the *Treaty on the Functioning of the European Union* (2012).

prohibits any form of discrimination based on sex, colour, ethnic or social origin, genetic characteristics, language, religion, membership of a national minority or nationality.[11]

The greatest majority of cases in which consideration about "race", "ethnicity" and belonging are required concern the ascertainment of the rights of social minority or vulnerable groups, such for international protection and refugee status, family law, and Indigenous and First Nations rights.

International protection rights and refugee status. In the legal context race, ethnicity and belonging are relevant when the granting of rights such as international protection and refugee status are dependent on the Applicants' belonging to a specific social group which is discriminated in certain context. Based on the fundamental principle on non-refoulement (according to which a refugee should not be returned to a country where they risk serious threats to their life or freedom), the *1951 Refugee Convention* and the *1967 Protocol* are the key legal documents that define refugee status and rights and outline the legal obligations of the States to protect and respect them.[12] In these cases international protection and refugee status is granted on the basis of the belonging of the Applicants to persecuted or discriminated groups because of the their gender, religion, race, ethnicity, and other specific social group.

Special rights for minority groups. Race, ethnicity, and belonging are relevant when the law provides special rights for specific social groups. For example, the right of the Sámi to self-government,[13] or principles of justice, democracy, respect for human rights and non-discrimination that protect and ensure the survival, dignity and well-being of the world's Indigenous people.[14] Hence the enjoyment of these rights depends on the ascertainment of certain individuals belong to a certain specific social group that qualifies as Indigenous people.

Ascertainment of vulnerable groups. Race, ethnicity, and belonging are also relevant when protection is connected to the ascertainment of a situation of vulnerability. Freedom of religion or belief is guaranteed by Article 18 of the *1948 Universal Declaration of Human Rights* and also reaffirmed by Article 18 of the *1966 International Covenant on Civil and Political Rights* which promotes respect for and observance of human rights and freedom by eliminating all forms of intolerance and discrimination. The protection of migrants' rights is enshrined in the *1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* which considers the vulnerable situation migrant workers and members of their families often find themselves in due to their absence from their state of origin and the difficulties they may face due to their presence in the state of employment.[15] Furthermore, the respect for human rights and fundamental freedoms for all persons, regardless of race, gender, language, or religion is also promoted by the *1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*.[16] In these cases too the ascertainment of the situation of vulnerability is closely connected with the evidence on belonging.

Victims and protected groups. Belonging to a targeted social group can influence the recognition and prosecution of. The identification and recognition of victims belonging to specific groups, such as ethnic or religious minorities, can be crucial in establishing the existence of a widespread or systematic attack against that group, leading to potential criminal charges. The intent to destroy a specific social group, as well as the context in which the crimes are committed, are key elements in determining criminal responsibility for

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[11] See Articles 20-23 of the EU *Charter of Fundamental Rights of the European Union* (2000). See also the *Council Directive 2000/43/EC*, the *Council Directive 2004/113/EC*, and the *Directive 2006/54/EC* that implement respectively the principle of equal treatment between persons irrespective of racial or ethnic origin, the principle of equal treatment between men and women in the access to and supply of goods and services, and the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

[12] Specifically, the term "refugee" is defined in Article 1 of the *Convention*.

[13] See the *Finnish Constitution Act* (1996) found in the equivalent regulation in the 11th chapter of the new *Constitution of Finland 731/1999*, and in particular the Section 121 (Municipal and other regional self-government) about provisions on the linguistic and cultural self-government of the Sami.

[14] See especially Articles 2 and 9 of the UN *Declaration on the Rights of Indigenous Peoples Act* implemented in Canada on 21 June 2021.

[15] See especially Article 7 of the *1990 International Convention*.

[16] See specifically Articles 1, 2, and 3 of the *1992 Declaration*.

genocides and crimes against humanity.[17] The identification and targeting of individuals based on their group membership play a significant role in establishing the intent and discriminatory nature of the crimes.

Belonging and ascertainment of criminal responsibility. Depending on the jurisdictions, belonging to a certain group affects the type of criminal responsibility, such as organised crime, hate crimes, organised crime, terrorism, genocide, and crimes against humanities.[18] The participation in organized crime groups or criminal enterprises, such as mafia syndicates or gangs, can lead to criminal charges and legal responsibility. Membership or active involvement in such groups can result in charges related to racketeering, conspiracy, or other offenses associated with the activities of the group. Membership, support, or affiliation with designated terrorist organizations or groups can lead to criminal charges and legal consequences, including charges of conspiracy to commit acts of terrorism or providing material support to a terrorist organization. In some jurisdictions, hate crime legislation recognizes that criminal acts motivated by bias or prejudice against certain social groups are particularly harmful. Committing a crime against someone based on their race, ethnicity, religion, gender, sexual orientation, or other protected characteristics can result in enhanced penalties or additional criminal charges. Some jurisdictions have specific laws targeting criminal activities associated with gangs. Membership to a gang or participation in gang-related activities can lead to criminal charges, ranging from drug offenses and violent crimes to organized criminal activities. In the context of genocides and crimes against humanity, criminal responsibility can also be affected by belonging to a certain social group. Individuals who actively participate in the planning, organization, or execution of genocidal or crimes against humanity acts based on the specific social group they belong to can be held criminally responsible. For example, if members of a dominant ethnic group engage in systematic killings, persecutions, or other inhumane acts against a targeted minority group due to their ethnic or racial identity, their affiliation with the dominant group may be relevant in determining their criminal responsibility. Leaders, military officials, or individuals in positions of authority who belong to a certain social group can be held accountable for crimes committed by their subordinates if they knew or should have known about the crimes and failed to prevent or punish them. This responsibility extends to superiors who exercise effective control over individuals belonging to specific groups involved in genocidal or crimes against humanity acts.

In all the above-mentioned examples courts, law enforcement agencies, and cultural experts may be appointed to determine the socially constructed race, ethnicity, and affiliation of individuals with specific groups. This process aims to establish not only their rights but also their legal responsibilities. The use of cultural expertise in these cases in which legal responsibility is to be identified, necessitates an even more cautious approach, guided by the highest ethical standards of expert independence in which experts- anthropologists must be guided by the do not harm principles and refuse any collaboration with governments and armies. It also requires legal professionals and experts to carefully choose their words to prevent any form of bias.

Council of the European Union. 2000. *Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin*.

Council of the European Union. 2004. *Council Directive 2004/113/EC of 13 December 2004 Implementing the Principle of Equal Treatment Between Men and Women in the Access to and Supply of Goods and Services*.

Council of the European Union. 2006. *Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation (Recast)*.

European Union. 2000. *Charter of Fundamental Rights of the European Union (2000/C 364/01)*.

European Union. 2012. *Consolidated Version of the Treaty on the Functioning of the European Union*.

Finland's Constitution of 1999 with Amendments through 2021.

United Kingdom. 2021. *Proscribed Terrorist Groups or Organisations*. Policy paper updated 26 November 2021.

UN General Assembly. 1948. *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948. United Nations, Treaty Series, vol. 78.

UNESCO. 2001. *Universal Declaration on Cultural Diversity*, Adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first session on 2 November 2001.

UNESCO. 2005. *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, Adopted on 20 October 2005.

United Nations. 1948. *Universal Declaration of Human Rights*. Paris. 10 December 1948.

United Nations. 1951. *Convention Relating to the Status of Refugees*. Geneva, 28 July 1951.

United Nations. 1965. *International Convention on the Elimination of All Forms of Racial Discrimination*. UN General Assembly Resolution 2106 (XX), 21 December 1965.

United Nations. 1966. *International Covenant on Civil and Political Rights*. General Assembly Resolution 2200A (XXI),16 December 1966.

United Nations. 1967. *Protocol Relating to the Status of Refugees*. New York, 31 January 1967.

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[17] See the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948) and the *Rome Statute of the International Criminal Court* (1998).

[18] See, Article 416-bis of the Italian Penal Code, the UK policy paper (2021) on the proscribed terrorist groups or organisations, and EU legal instruments, conventions and action plans to fight against terrorism, criminal organized crime, violent extremism and radicalization.

United Nations. 1990. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. General Assembly Resolution 45/158, 18 December 1990.

United Nations. 1992. *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*. General Assembly Resolution 47/135, 18 December 1992.

United Nations. 1998. *Rome Statute of the International Criminal Court*, Rome on 17 July 1998, in force on 1 July 2002. United Nations, Treaty Series, vol. 2187.

United Nations Declaration on the Rights of Indigenous People Act, SC 2021, c 14.

2.4 Available material on the use of inclusive language

Available material on the use of inclusive language can be divided into (a) academic book and articles and (b) guides and policy reports and according to their academic or practical approach.

2.4.1 Academic sources

Academic publications that analyse the practice of racial or ethnic profiling, including, but not limited to, the use of inclusive and non-discriminatory language, can be summarised as follows.

Theoretical approaches

Theoretical approaches to the issue of racial or ethnic profiling are mainly based on the debate that arises over potential definitions of race and ethnicity in the history of these concepts. Some of the most discussed topics focus on:
- the definition of racial or ethnic profiling over time;
- the history of racial or ethnic discriminations and, in particular, on the origin and historical background of racial or ethnic profiling as a police technique and practice;
- the ways that racial or ethnic discriminations are encoded into judicial and adjudication processes;
- critical analysis and theories on race that are invested in and up to date on the realities and histories of racial or ethnic profiling, especially in North American literature;
- the debates involving the practice of racial or ethnic profiling, by exploring in particular whether and when racial or ethnic profiling is justifiable, is considered a form of discrimination, is a legal or illegal practice, and what controversies surround it.

Case-studies

The debates on racial or ethnic profiling as a police technique focus on research and analysis of the specific contexts and cases in which it is used in practice. The case studies literature, i.e. in-depth study of specific cases, includes:
- qualitative analysis on the perception of racial discrimination by vulnerable and minority groups;
- analysis and examples of racial inequalities in criminal justice and arrests to investigate whether law enforcement disproportionately arrests citizens from minority groups and whether they are more likely to arrest them once stopped;
- case-studies on racism through discourse analysis in public settings;
- case-studies on racial or ethnic profiling from a social perspective, applying social theories to the practice of racial or ethnic profiling (such as social disorganisation, urban disadvantage/deprivation, marginalisation, social and ethnic inequity and inequality);
- analysis of racial or ethnic profiling as a security technique to recognise and prevent terrorism, in its purportedly efficient form;
- analysis of the role of the media in monitoring racial or ethnic profiling.

Applied studies

Applied studies, i.e. studies aiming to identify and propose practical solutions to social problems, focus mainly on two approaches:
- current approaches and emerging models on racial or ethnic profiling;
- judicial decision-making and case laws.
Current approaches to racial or ethnic profiling propose legislative solutions, reforms, and criminal justice decision-making processes. In particular, European data protection legislation on race or ethnicity sensitive

data analyses and suggests measures that EU Member States could take to more effectively address human rights issues arising from racial or ethnic profiling.

Judicial decision-making processes and case laws analyse racial biases in legal language and the courts; factors influencing marginalised and vulnerable groups or people in the courts and court responses to social rights claims (i.e. how race, ethnicity and gender can structure or influence decision-making); implicit biases of key actors in justice systems (such as the judge and jury) and strategies to counter implicit biases in the courts.

De Schutter, O. and Ringelheim, J. 2008. «Ethnic Profiling: A Rising Challenge for European Human Rights Law», *The Modern Law Review*, Vol. 71, No. 3, pp. 358-384. https://doi.org/10.1111/j.1468-2230.2008.00697.x

Etienne, M. 2011. «Making Sense of the Ethnic Profiling Debate», *Mississippi Law Journal*, Vol. 80, No. 4, pp. 1523-1538.

Fagan, J. 2002. «Law, Social Science, and Racial Profiling», *Justice Research and Policy*, Vol. 4, Special Issue, pp. 103-129. https://doi.org/10.3818/JRP.4.1.2002.103

Gabbidon, S. L., Marzette, L. N., and Peterson, S. A. 2007. «Racial Profiling and the Courts. An Empirical Analysis of Federal Litigation, 1991 to 2006», *Journal of Contemporary Criminal Justice*, Vol. 23, No. 3, pp. 226-238. https://doi.org/10.1177/1043986207306864

Goldini, M. 2013. «Profiles of Discrimination: A Critical Argument Against Racial Profiling», *Sortuz. Oñati Journal of Emergent Socio-legal Studies*, Vol. 5, Issue 1, pp. 19-35.

González Fuster, G., Gutwirth, S. and Ellyne, E. 2010. «Profiling in the European Union: A High-Risk Practice», *INEX Policy Brief*, No. 10, pp. 1-11.

Hettrich, A. 2018. «Racial Profiling in Europe: How Well Equipped is National, International and Supranational Human Rights Law to Counter It?», *ZEuS Zeitschrift für Europarechtliche Studien*, Vol. 1, pp. 111-141. DOI: 10.5771/1435-439X-2018-1-111

Ingram, J. D. 2003. «Racial and Ethnic Profiling», *Thurgood Marshall Law Review*, Vol. 29, No. 1, pp. 55-88.

Mossman, M. J. 1994. «The Use of Non-Discriminatory Language in the Law», *Canadian Bar Review*, Vol. 73, No. 3, pp. 347-371.

Open Society Institute. 2009. *Ethnic Profiling in the European Union: Pervasive, Ineffective, and Discriminatory*.

Russell-Brown, K. 2001. «Racial Profiling: A Status Report of the Legal, Legislative, and Empirical Literature», *Rutgers Race and Law Review*, Vol. 3, pp. 61-81.

Smith, M. R., and Alpert, G. P. 2002. «Searching for Direction: Courts, Social Science, and the Adjudication of Racial Profiling Claims», *Justice Quarterly*, Vol. 19, No. 4, pp. 673-703. https://doi.org/10.1080/07418820200095391

Van Dijk, T. A. 1993. «Analyzing Racism Through Discourse Analysis: Some Methodological Reflections», in J. H. Stanfield II and R. M. Dennis (Eds.), *Race and Ethnicity in Research Methods*, Sage Publications, pp. 92-134.

2.4.2 Existing guidelines and policy reports

Since the early 2000s, international organisations (such as the United Nations, WHO, UNESCO, etc.), European institutions (such as the European Parliament and the European Commission), as well as national institutions, professional associations (health, education, journalism, law enforcement, lawyers, etc.), universities, press agencies and publishers have developed and implemented guidelines for the use of inclusive and bias-free language that avoids any form of discrimination. These organisations, associations and institutes have produced policies on equity and respect for human rights, guides/plans to avoid racial or ethnic profiling (usually the two adjectives are used interchangeably), generic guidelines on the use of inclusive language or recommendations on specific topics related to inclusive language, with a focus on gender-neutral language.

It is therefore possible to distinguish sources on racial or ethnic profiling, with specific reference to the use of inclusive language, into *guides* and *policy reports*. While academic sources contribute to social problem solving primarily with theoretical approaches on the concept and phenomenon of racial or ethnic profiling in all its manifestations, and in some disciplines, also include in-depth considerations on what is inclusive language and how this impacts people, guides and policy reports instead provide practical guidance and instructions on the use of inclusive specific terminology or strategies to avoid any form of discrimination specifically in language and communication.

General guidelines

The purpose of the guidelines on inclusive language is to provide instructions and practical procedures for the use of non-discriminatory, bias-free, neutral, and standardised language in the workplace, school and university, and in the delivery of services. Guidelines on inclusive language raise awareness, foster culturally sensitive terms and expressions, explain the origin and meaning of problematic terms, and suggest more up-to-date alternatives.

Style guides for writers and communicators, unlike those produced by national or international organisations, are intended for the general use of oral and writing language where the users can find any information useful for their own purposes.

Not all guides on inclusive language are accessible to a wide audience and are often aimed at specific types of professional users, mainly researchers and research institutes in specific fields. Since these guidelines tend to be very specialised they may not stand scrutiny out of context. In some cases, the recommended or advisable

language may be at odds with the specific needs of the individuals or groups on main grounds for discrimination, or may even risk in turn to label certain individuals for whom, the perception of belonging do not match with the criteria of the guide.

The guidelines on inclusive language provide instructions on six macro-areas based on the main grounds for discrimination: *Age*, *Disability*, *Ethnic/Racial Identity*, *Gender*, *Sexual Orientation*, and *Socio-Cultural Status*. Few guidelines identify other more specific and targeted forms of discrimination that can be included (as subsections) in these macro-areas, particularly those concerning Ethnic/Racial Identity and Socio-Cultural Status.

For each of these macro-areas, the guidelines on inclusive language usually (a) identify terms to be avoided, (b) suggest alternative terms or expressions, (c) explain the origin and meaning of specific terms or expressions, (d) provide short vocabularies or glossaries, (e) include practical examples or tests, and (f) conclude with a bibliography or list of resources.

The macro-area are as follows.

Age

The guidelines explain how to avoid terms or expressions that could be perceived as manifestations of *ageism*, i.e. the application of age-based group characteristics to an individual, regardless of their actual personal characteristics. More specifically, the guidelines indicate how to avoid connotations that refer to age; how to avoid terms, phrases or expressions that may stereotype individuals or groups or convey negative connotations based on age; how to avoid the use of stereotypical language implying that a particular age group is more or less capable than another.

> APA – American Psychological Association. 2020. *Bias-Free Language Guidelines for Writing About Age*.

Disability

The guidelines recommend using language that focuses on the individual and not on their physical or mental disabilities and to avoid defining an individual or group by their status. Recent empirical studies show that there is no consensus on the preferred terminology. More specifically, the instructions focus on two aspects of language: (a) "person-oriented language", a guiding principle that places the person first in the sentence structure, before the status of the group or individual (this is widely used to refer to health conditions, but it is also considered good practice for other descriptors); (b) "identity-oriented language", which, on the other hand, places status before the person in the sentence structure and is preferred by some groups, such as the deaf and deaf-mute community and persons with autism.

> APA – American Psychological Association. 2020. *Bias-Free Language Guidelines for Writing About Disability*.
> NCDJ – National Center on Disability and Journalism. 2021. *Disability Language Style Guide*.

Ethnic/Racial Identity

The guidelines provide instructions on how to write about cultural minorities and different ethnic groups (words, phrases and expressions to use and avoid), define the concepts of race and ethnicity and the commonly used terms associated with them, often provide a list of ethnic groups and recommend avoiding the use of terms that mask inequalities between different ethnic groups and may create misleading interpretations, the use of capitalisation (the circumstances in which it may or may not be appropriate to use capital letters) and abbreviations, and avoiding microaggressions, exclusionary expressions and indirect discriminations by using culturally appropriate language that is not pejorative or violent. They also provide instructions and examples on how to indicate geographical origin.

The guidelines on inclusive language for journalists, publishers and law enforcement often focus in more detail on the following subsections.

- Culture and Ancestry: the guidelines indicate how to avoid cultural appropriation of language (decontextualising or depriving some words of their local or native cultural meaning). Cultural appropriation refers to the misuse of cultural knowledge, terminology, and practices by those who do not belong to that cultural group and to the ways in which cultural terms and expressions are used against specific groups by those who do not belong to that cultural group and who profess to hold expertise and authority over their use. It includes sacred and exclusive terminology. Ancestry refers to a cultural identification based on a person's place-based and socio-cultural origin in respect of their belonging and how they prefer to be identified. It is based on cultural attachments, family belonging, linguistic heritage, religious affiliations, claimed kinship, or physical traits. The guidelines also indicate how to use cultural labels, names and expressions to avoid

describing some groups as inferior or superior to others and to respect a group's or individual's preferences on how they wish to be recognised.

- Indigenous peoples: the guidelines suggest the use of language that includes and accurately represents different groups of Indigenous peoples, in order to develop forms of reconciliation. However, reconciliation per se may not be always the primary target. Depending on the context and time, the request of Indigenous people might be rather be for the white people's acknowledgement of wrong-doing and acceptance of responsibility.

- In-Group terms: the guidelines indicate how to appropriately, non-offensively and respectfully use in-group terms, i.e. those terms (often formed as an act of resilience and re-appropriation) accepted and used by members of the same group but inappropriately used by people outside the group.

APA – American Psychological Association. 2020. *Bias-Free Language Guidelines for Writing About Racial and Ethnic Identity*.
Gov.uk. 2021. *Writing about Ethnicity*.
Indigenous Foundations – The University of British Columbia. *Terminology*.
Library and Archives Canada. 2012. *Terminology Guide: Research on Aboriginal Heritage*.
NYC Health. RACE to JUSTICE – Advancing Racial Equity & Social Justice. *Language Use Guide*.
Office for National Statistics. 2015. *Language and Spelling. Guidance on Grammar, Language and Spelling*.
UBC – The University of British Columbia. 2021a. *Indigenous Peoples: Language Guidelines*.

Gender

The guidelines focus on the use of gender-neutral language and terms, going beyond the male/female binomial, recognising the differences between gender, gender identity, and sexual orientation, and suggesting alternatives to avoid the use of gender-specific language. This is the macro-area that has received most attention and consideration: there are specific and targeted toolkits on gender-sensitive communication, provided in particular by the European Union and other international organisations, for the use of gender-neutral language in all official communications and materials. The instructions focus on the use of pronouns (especially third person pronouns and the plural/neutral gender pronoun "they") and provide a set of terms and expressions (and related explanations and definitions) emphasising the complexity of gender and some practical techniques for gender inclusion on the use of gender exemplifications, job/professional titles, courtesy titles, naming conventions, the use of word hierarchy and patronising language.

APA – American Psychological Association. 2020. *Bias-Free Language Guidelines for Writing About Gender*.
United Nations. 2022. *Guidelines for Gender-Inclusive Language in English*.
UNESCWA. *Gender-Sensitive Language. Guidelines*.

Sexual Orientation

The guidelines provide a set of terms (and corresponding explanations and definitions) that aim to recognise differences between sexual orientation and gender identity, avoiding expressions that unnecessarily differentiate between women and men or that exclude, trivialise, or devalue either gender.

APA – American Psychological Association. 2020. *Bias-Free Language Guidelines for Writing About Sexual Orientation*.
GLAAD. *GLAAD Media Reference Guide* (11th Edition).
MAP – Movement Advanced Project. 2020. *An Ally's Guide to Terminology. Talking About LGBTQ People & Equality*. 2020 Edition.

Socio-Cultural Status

The guidelines provide instructions on how to avoid reinforcing or conveying prejudices and stereotypes based on informal language commonly used to talk about people of low social, economic or cultural status, and discriminating on the basis of social identity due to place of origin, citizenship status, marital status, religion, etc.

Some guidelines on inclusive language focus in more detail on the following subsections.

- Immigration status: the guidelines provide instructions on how to avoid focusing on immigrant status by dehumanising, criminalising, or defaming non-citizens. They usually include a glossary or a list of terms related to immigration and immigrant status. Press and media guidelines, which may include the subsection on immigration status, are motivated by the need to create a correct narrative of immigration controversies and therefore provide detailed instructions on how to describe actions and not people and how to avoid inaccurate terminology related to the migrant and their illegal status. Similarly, the press and media guidelines provide appropriate terminology to identify and describe persons involved in crime and violence, as they have a responsibility to provide appropriate context to events and to explain the criminal justice system to the public in accessible language.

- Marital or Family status: the guidelines concern the linguistic use of a range of formal and informal family forms, marital status titles, and how a person is identified by the type of family and social relationships they have.

- <u>Political beliefs</u>: the guidelines provide instructions for the use of language that prevents persons' political beliefs from determining the way they are viewed and described by others.

- <u>Religion</u>: the guidelines provide instructions for the use of language that prevents a person's religion and beliefs from determining the way they are seen and described by others.

APA – American Psychological Association. 2020. *Bias-Free Language Guidelines for Writing About Socioeconomic Status*.
NAHJ – National Association of Hispanic Journalists. 2020. *Cultural Competence Handbook*.

Inclusive language guidelines in the legal field

The guides that provide specific instructions on legal writing include gender-neutral legal writing, guides for interpreters and translators, and guides on accessible language in court.

Gender-neutral legal writing

These guides indicate in particular how to recognise and use personal pronouns, how to grammatically structure sentences, how to use the passive voice, how to avoid gender-specific pronouns, adjective and nouns that may appear to imply that a person of a certain gender performs a certain job or role, and the use of alternative words or phrases in legal writing.

Guides for interpreters and translators

These guides indicate how the interpreter should mediate between individual and the court, how the interpreter should use direct speech in translation and corresponding examples, how the interpreter should translate and interpret the individual's message, how to reduce errors during the interpretation process, and when it is appropriate to use third person.

Guides on accessible language in court

These guides provide instructions on the use of plain language in court forms, signs, websites, and other court materials, indicating how to make courts information understandable, how to use comprehensible expressions, how to translate into non-English languages, and how to eliminate legalese.

British Columbia Law Institute. 1998. *Gender-Free Legal Writing. Managing the Personal Pronouns*.
Judicial Council of California. 2019. *Language Access in Court-Ordered Services. Informational Materials for Courts, Justice Partners and Litigants*.
NACM – National Association for Court Management. 2019. *Plain Language Guide. How to Incorporate Plain Language into Court Forms, Websites, and Other Materials*.
Stellenbosch University – Faculty of Law. 2021. *Legal Writing Guide*.
The Texas Supreme Court, The Gender Bias Reform Implementation Committee. 2004. *Guideline for Practicing Gender Neutral Courtroom Procedures*.

2.4.3 Existing policy reports

The main types of policies can be identified as *inclusive language policies*, *ethnic profiling policies* and *data collection policies*.

Inclusive language policies

Inclusive language policies, whether produced on ad hoc basis or included in policy reports on human rights, equity and/or inclusion, provide communication standards (including speeches, press releases, social media posts, and other formal and informal documents, whether oral, written, visual and audio) for people in workplaces, educational and university institutions, service providers and users, and policy makers, to ensure respect and avoid any form of discrimination. They include plans and recommendations for appropriate and non-discriminatory use of language and frameworks for national and international actions to include and protect all citizens while respecting their diversity.

These policy reports focus on the use of inclusive language that overcomes prejudice, lays the foundations for greater equality (with a special focus on gender equality), and raises awareness of how language affects behaviour and attitudes. Policy reports on inclusive language aim to develop and implement equal treatment and respect, equal opportunities, and clarity of expression, avoiding the use of discriminatory and prejudicial words.

In general, many policy reports contain specific sections explaining how to apply the principles of inclusive language to written and oral documents as well as audio and video materials.

Many policy reports provide specific guidelines on gender-sensitive communication and gender-free bias. They aim to raise awareness of the importance of gender-sensitive language. They also provide guidelines, tools and practical solutions for the use of gender-sensitive language (particularly in writing and for English language, but generally applicable to the use of other languages as well) and provide practical examples for policy makers, legislators, writers, editors and media, and all those involved in writing documents for the public, on what gender-sensitive communication is and how to avoid discriminatory language based on the use of stereotypes (assignment of gender when gender is unknown or irrelevant as a result of stereotyping), omissions (use of language that focuses on the male as a generic norm and prevents women for being visible in public life) and trivialisation (use of language that describes a gender as inferior or devalues it).

ADAA – Anxiety and Depression Association of America. 2021. *Diversity, Equity and Inclusion Resources. Inclusive Language Guide*.

AMA Manual of Style Committee. 2020. *AMA Manual of Style: A Guide for Authors and Editors* (11th Edition). Oxford University Press. https://doi.org/10.1093/jama/9780190246556.001.0001

AP – The Associated Press. 2019. *The Associated Press Book 2019: and Briefing on Media Law*. Basic Books.

APA – American Psychological Association. 2020. *Publication Manual of the American Psychological Association* (7th Edition). American Psychological Association.

APA – American Psychological Association. 2021. *Equity, Diversity, and Inclusion. Inclusive Language Guidelines*.

BC (British Columbia) Public Service Agency. 2018. *Words Matter: Guidelines on Using Inclusive Language in the Workplace*.

BMA – British Medical Association. 2016. *A Guide to Effective Communication: Inclusive Language in the Workplace*.

Center for Equity, Gender and Leadership at the Haas School of Business. *Advancing Language for Racial Equity and Inclusion: An Equity Fluent Leadership Playbook*. University of California, Berkeley.

CII – Chartered Insurance Institute. 2018. *Inclusive Language Guidelines*.

CIPE – Center for Women's Economic Empowerment. 2022. *Inclusive Communication. Gender-Sensitive, Inclusive and Accessible Language*.

EIGE – European Institute for Gender Equality. 2019. *Toolkit on Gender-Sensitive Communication. A Resource for Policymakers, Legislators, Media and Anyone Else with an Interest in Making Their Communication More Inclusive*.

European Parliament. 2018. *Gender-Neutral Language in the European Parliament*.

Ferguson, Jackie, Kaela Kovach-Galton, and Roxanne Bellamy. 2021. *Say This, Not That: Activating Workplace Diversity Through Inclusive Language Practice*. The Diversity Movement and RELIAS.

GBH. 2020. *Inclusive Language Guidelines*.

Lane, Julia. 2022. *Inclusive and Antiracist Writing: Overview*. Simon Fraser University.

Office of NATO Secretary General's Special Representative for Women, Peace and Security. 2021. *NATO Gender-Inclusive Language Manual*.

OHSU (Oregon Health & Science University), Center for Diversity and Inclusion. 2021. *Inclusive Language Guide. An Evolving Tool to Help OHSU Members Learn About and Use Inclusive Language*.

NICE – National Institute for Health and Care Excellence. 2016. *NICE Style Guide*.

Publications Office of the European Union. 2022. *Interinstitutional Style Guide*.

Society of Editors, Home Office. Race, Cohesion and Faiths Directorate. 2005. *Reporting Diversity. How Journalists Can Contribute to Community Cohesion*.

UBC – The University of British Columbia. 2021b. *Editorial Style Guide for UBC Communicators*.

WHO – World Health Organization. 2013. *WHO Style Guide* (2nd Edition).

WIPO – World Intellectual Property Organization. 2022. *WIPO Guidelines on Inclusive Language*.

Policies against ethnic profiling

Policies against ethnic profiling provide guidance for recognising, understanding, preventing, and countering discriminatory racial or ethnic profiling. They define the history and local contexts of racial or ethnic profiling and provide suggestions on how to avoid this form of discrimination.

In general, ethnic profiling policies provide measures against racial or ethnic profiling, legal standards and institutional policies addressing racial or ethnic discrimination, recommendations for training (especially for law enforcement officers), guidelines for non-discriminatory law enforcement, strategies for community involvement, and data collections. Policies against ethnic profiling are designed to facilitate the implementation of the law and usually receive special attention and critical analysis because they are considered as likely to have a greater social impact.

Policies against ethnic profiling make reference to:

- definitions of racial or ethnic profiling and related concepts and terms;

- existing case law, legislation and regulations on racial or ethnic profiling that are mandatory and have a direct impact on national policies (policy reports usually provide an overview of national, European and international provisions, documents and treaties that are relevant to the formulation of arguments challenging racial or ethnic profiling practices, such as the right to non-discrimination, personal security, freedom of movement and privacy);

- case studies;

- qualitative research and surveys on the impact of racial or ethnic profiling conducted by national or international bodies;

- data protections and factors influencing the data collection of racial or ethnic profiling;

- reports on the discriminatory treatment of non-citizens by law enforcement agencies, especially in the context of anti-immigration and anti-terrorism operations.

Amnesty International and the Open Society Foundations. 2021. *A Human Rights Guide for Researching Racial and Religious Discrimination in Counter-Terrorism in Europe*.

APA – American Psychological Association. 2012. *Ethnic and Racial Disparities in Education: Psychology's Contributions to Understanding and Reducing Disparities*.

CRED – Commission on Race and Ethnic Disparities. 2021. *Commission on Race and Ethnic Disparities: The Report*.

EPRS (European Parliament Research Service), De Groot, D. 2022. *EU Legislation and Policies to Address Racial and Ethnic Discrimination*.

European Commission, Directorate-General for Justice and Consumers, Farkas, L. 2017. *The Meaning of Racial or Ethnic Origin in EU Law: Between Stereotypes and Identities*. Publications Office.

FRA – European Union Agency for Fundamental Rights and Council of Europe. 2018a. *Handbook on European Non-Discrimination Law*. 2018 Edition.

FRA – European Union Agency for Fundamental Rights. 2018b. *Preventing Unlawful Profiling Today and in the Future: A Guide*.

Klaas, J., Beets, R., and Hendrickx, M. 2020. *Guide on Strategic Litigation to Combat Ethnic Profiling in the European Union*.

ENAR (European Network Against Racism) and Open Society Justice Initiative. 2009. *Ethnic Profiling*.

Open Society Justice Initiative. 2012. *Reducing Ethnic Profiling in the European Union. A Handbook of Good Practice*.

United Nations Human Rights, Office of the High Commissioner. 2019. *Preventing and Countering Racial Profiling of People of African Descent. Good Practices and Challenges*.

Data collection policies

Data collection policies guide the collection and use of equality data on race or ethnic origin. They provide recommendations and instructions to avoid creating or reinforcing discrimination, prejudice, or stereotypes, and to prevent the risk that data collected on the socio-economic and cultural status of people for analysis, processing and official statistics are used to misclassify and mislabel vulnerable people groups.

In response to the EU Action Plan Against Racism and other international and national bodies to improve the availability of equality data, data collection policies aim to identify difficulties in collecting data on ethnic origin; implement a more standardised approach and procedures; provide practical guidance on effective ways to produce comprehensive, reliable, and comparable data; support public sector institutions and other stakeholders in identifying inequalities based on race and ethnic origin and efficiently combating racism and structural discrimination.

European Commission, Directorate-General for Justice and Consumers, Farkas, L. 2020. *Analysis and Comparative Review of Equality Data Collection Practices in the European Union: Data Collection in the Field of Ethnicity*. Publications Office.

European Commission. 2021. *Guidance Note on the Collection and Use of Equality Data Based on Racial or Ethnic Origin*.

European Union. 2016. *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the Protection of Natural Persons with Regard to the Processing of Personal Data and on the Free Movement of Such Data, and Repealing Directive 95/46/EC* (General Data Protection Regulation).

European Commission, Directorate-General for Justice and Consumers, Makkonen, T. 2016. *European Handbook on Equality Data*. Publications Office.

UNECE – United Nations Economic Commission for Europe. 2020. *Poverty Measurement Guide to Data Disaggregation*.

3. CULTEXP practical examples

3.1 General instructions

- do not include information that is not strictly necessary, remove personal and sensitive information as not to emphasise irrelevant differences;
- avoid identifying a person's country of origin, ethnic group, skin colour or religion unless absolutely necessary;
- prefer the terms and expressions that people use to describe themselves;
- use appropriate, clear, and non-discriminatory terms and expressions, free of prejudicial connotations and stereotypes;
- treat culture-specific issues in a respectful and appropriate manner, avoiding pejorative or discriminatory labels;
- use adjectival forms or descriptive phrases to define personal characteristics, avoiding the use of adjectives as nouns that label people in a discriminatory manner or labels that equate people with their status or condition;
- do not use italics, capitalisation, or commas unless specified;
- if the identification of belonging to a certain social group is necessary to the case, ask people what are the terms that they prefer to use for self-identification;
- if the identification of belonging to a certain social group is necessary to the case, refer to the affected persons in priority and appoint a cultural expert to explain the challenges of identification and belonging to a particular social group. Cultural experts should try as much as possible to use non-binary terms and explain that the perception of age is an important factor that often in combination

with other factors, such as class, education, finances, and so on have an impact on access to basic services and rights;

- preferred terminology should be dependent on the self-identification of the affected persons. However, languages and their social usage evolve and in this aspect the evolution has been very constant and fast in the last years. The effort to use terms that reflect self-identification must be balanced with the need to ensure that legal language has a stable, precise and widely accepted meaning.

3.2 Thematic categories
3.2.1 Age

Use appropriate and non-discriminatory terms and expressions to describe the age of a person and avoid suggesting exclusion or belonging to a separate group.

Be specific by using an age group or average age to avoid descriptive terms that isolate specific age groups or persons from the general population or that suggest prejudices or stereotypes about age-related abilities.

Avoid generic terms that do not recognise the individuality of people and imply that people of specific age groups or generations are a homogeneous group.

Avoid age cut-off points that exclude population groups and are relative because, depending on the social environment and culture, people can be considered adults at different ages.

Prefer young person, young adult, older adults, older people, persons 65 years and over, and the older population or aged/aging population. The use of the term "old" is considered derogatory.

PLEASE NOTE: the notion of younger and older are impacted by the context and in some context is preferable to use specific age groups than to apply an age category. For example, individuals who are perceived as adults in a context may be perceived as children in other contexts. If perception of belonging to a certain age group is relevant for the case, please ask the affected persons about self-identification and appoint a cultural expert to explain the challenges and criteria of belonging in that specific context.

3.2.2 Cultures and Cultural Concepts

Be aware of the meaning people attach to local terms and cultural expressions and practices. Research on the origin of the term is recommended if this is relevant for the assessment of facts.

Avoid labels, names and cultural expressions that can be used to describe some groups as inferior or superior to others.

Use italics for local terms or cultural practices in the original language. If possible, include a brief explanation.

Check with the affected persons for using recognised and accepted terminology that is culturally sensitive and for expressions that are perceived as a standard form to convey respect to all cultural groups.

Some terms that have entered everyday language can be written in a regular style.

The following are just examples of how certain temps may need cultural contextualisation:

Elder *Elders*	"Elder/s" is not necessarily related to age. It is a term that in some cultures refers to people who are respected and consulted for their wisdom.
Female Genital Mutilations/Female Circumcision (FGM/FC)	"Female Genital Mutilations/Female Circumcision (FGM/FC)" is a definition that comprises a variety of practices which, depending on the country or ethnic group and geographical area, involve the partial or complete removal of the female genitals. The expression "Female Genital Mutilation"

stresses the connotation of these practices as criminal offences. The expression "Female Circumcision" stresses the cultural connotation of these practices. This distinction between legal and cultural connotations may seem to be irrelevant from a legal perspective. However, for the affected persons the use of a certain terminology can have a significant impact on how they perceive themselves. It is recommended to verify with the affected persons and to appoint a cultural expert if the consideration of these practices are likely to generate rights and/or responsibilities.

hijab   Hijab, derived from the Arabic term "ḥijāb", is commonly used to refer to the veil worn by some Muslim women and has entered the everyday language. Hence it can be written in regular style.

juju   *Juju* is a term that refers to a range of practices, rituals and objects usually related to traditional West African spiritual belief systems deeply rooted in the colonial past. In order not to reinforce or convey stereotypes about thought and belief systems of some African populations, the meaning of *juju* should be explained and contextualised on a case-by-case basis.

kafalah   *Kafalah* is an Arabic term that literally means guarantee and refers to forms of contracts involving the debtor and their creditors in different ways. A brief explanation is necessary to put it in context, if it is relevant to the understanding of the facts.

3.2.4 Gender and Sexual Orientation

Use gender-neutral language to avoid stereotyping, trivialising, and subordinating people according to their gender.

Use gender-neutral terms instead of terms identifying a specific gender as representative of all types, as a neutral term or to refer to people in general.

Avoid irrelevant and inappropriate gender descriptions and assigning gender to describe inanimate objects or events.

Avoid using expressions that assume that a person's sexual orientation is a choice.

Avoid gender pronouns, terms, and expressions that assign all persons to the masculine or binary gender male/female.

Try to structure the sentence to omit the gender pronoun altogether without compromising clarity.

Prefer humanity, human beings, people, individual, person, human fellowship, huma kinship.

The following terms are examples of the need to engage in some reflection whenever gender and sexuality are relevant to the facts and are likely to generate rights and/or responsibilities. Social perceptions as well as legal provisions concerning gender, sex and sexuality are significantly diverse at a global level and greatly impact the lives of persons. The voice of the affected persons should be always considered in priority. Additionally whenever, rights and responsibilities are connected with considerations about gender, sex, and sexuality, the appointment of an expert will facilitate the use and the explanation of adequate terminology.

assigned female at birth (AFAB)
assigned male at birth (AMAB)   "Assigned female/male at birth" refers to the gender that is assigned to the child at birth. However, contextualization is needed to help confirm when such an introduction to individuals and their sex/gender is required.

	The scientific community considers sex to be different from gender. Sex is assigned at birth based on the physical and biological characteristics of the new-born child. Generally, the sex of an infant is assigned to either a male or a female, although some states and countries provide a third option for intersex persons (such as for example the *hijras* in South Asia and *Two Spirit* people in North America).
Gay	"Gay", as an adjective, is the preferred way to describe non-heterodox men and is also a generic term for lesbian and Gay sexuality.
Gender	Gender refers to socially constructed ideas about the behaviour, actions, and roles of a particular gender. The male/female distinction is changing to make way for the idea that this binomial coexists with a spectrum approach to gender.
gender identity gender expression	Gender identity refers to the component of gender that describes a person's experience and perception of their sex and that does not necessarily coincide with the sex assigned at birth. Gender identity and gender expression (how a person outwardly expresses that gender) are not interchangeable.
LGBTQ, LGBTQ+, LGBTQIA, LGBTQIA+	The use of abbreviations, such as LGBTQ and LGBTQ+ or LGBTQIA and LGBTQIA+, is preferable because it specifies which groups are defined, while allowing the inclusion of words used to describe themselves that are constantly changing and evolving. The first four letters stand for lesbian, gay, bisexual and transgender. The Q can stand for questioning (as if still exploring one's sexuality) or for queer, or sometimes both. Once considered an insult, queer has been reclaimed by some as an umbrella term of self-affirmation, especially among those who consider other labels restrictive. Some still consider it a homophobic insult, so it is preferable to ask how a person prefers to talk about themselves. The addition of IA stands for intersex and asexual communities.
Sexual orientation	Sexual orientation refers to a person's sexual and emotional attraction to another person and the behaviour and/or socialisation that may result from this attraction. Sexual orientation is distinct from and not interchangeable with gender, gender identity, or sex.
they them their theirs themselves	Use the singular "they" to describe a person whose gender is irrelevant to the context, avoiding the use of pronouns that assume gender.

3.2.5 Health and disabilities

Do not include health information that is not strictly necessary. If it is necessary to describe facts, focus on what a person has, not on what a person is.

Choose appropriately one of the following two approaches to describe a person with health problems or disability, avoiding using negative or prejudiced terms and expressions:
- *Person-First Language* that focuses on the person rather than their disability;
- *Identity-First Language* that focuses on the person's disability.
Both approaches are considered appropriate, unless it is known that a group clearly prefers one approach, in which case the preferred approach should be used.

Choose the term or expression with the understanding that the preferences expressed by persons with disabilities regarding identification take precedence over matters of style.

Use correct terms for the impairment or disability, avoiding terms that could be considered offensive, condescending or patronising.

Use adjectives, rather than nouns, when it is necessary to identify the disability of a person.

Avoid the use of medical labels reinforcing stereotypes of victimisation or suffering as part of any disease, disorder, or disability.

Avoid the use of pictorial metaphors, negativistic terms, and slurs that insult or discriminate a particular group.

Avoid terms and expressions that may victimise people.

Prefer person with a disability, person who has a disability, disabled person, people with intellectual disabilities, person with a physical disability, person with a mental disorder, person with a mental illness, person diagnosed with a psychiatric disability, person with depression, person with AIDS, person with alcohol use disorder, person with substance use disorder.

The following are some health and disabilities related terms and expressions that deserve contextualisation, if contextually relevant:

accessibility	When talking about facilities, it is preferable to use the term "accessible" instead of focusing on disability.
Deaf person **blind person** **person who is blind** **Deaf-Blind person**	Use the appropriate term or expression for the community or person described. Many people in the Deaf community prefer the use of the lower case "d" to refer to hearing people and the use of the upper case "D" for those who identify themselves as members of the deaf community. The National Association of the Deaf has not taken a definitive position on this issue. "Deaf" describes a person with a profound or complete hearing loss and should be used as an adjective, not a noun. The legal terms normally used are "visually impaired person and person with hearing impairment".
suicide **died by suicide**	Suicide and assisted suicide are controversial issues. Consciously choose the language to be used to describe death, in all its expressions and meanings. It should be neutral and not describe under a moral, religious, or medical perspective. The World Health Organisation recommends avoiding language that sensationalises or normalises suicide, that presents it as a solution to problems or that frames it as a crime which implies a judgement on suicidality.
victim or survivor	Consciously use the terms "victim" or "survivor", privileging the way people define themselves or according to the most appropriate usage or situation. Although both terms are appropriate, they meet different needs and create disagreement. "Victim" is a necessary legal definition within the justice system, while "survivor" can be used to communicate that a person has begun the healing process. A person who identifies themselves as a survivor may not consider themselves a victim and vice versa.

3.2.6 Institutions and Titles

Capitalise on institutional office titles, offices and institutional bodies.

Whenever possible use gender-neutral job titles, which can be used regardless of gender.

Do not use italics for job titles, offices, and bodies.

Prefer Judge, Lawyer, President, Prime Minister, Public Prosecutor, Court, Ministry, Municipality. Capitalise Chief or Elder when is a part of person's title.

3.2.7 Legal citations

To respect the privacy and personal information, anonymise personal names in legal citations in open access court and legal documents when needed.

Prefer initials in the legal citation instead of full names (for example, A.L. and P.G. v. Italy), but well-known cases may be cited with full name, as for example Lautsi v. Italy.[19]

3.2.8 Names

Do not use people's personal names, date, or place of birth in open access court and legal documents. If strictly necessary, indicate initials only.

Do not enter the name of streets or places identifying a person.

Do not include the personal names of famous or popular persons if they are still alive and replace them with their profession or role.

Include the full name of historical figures and do not use italics.

Cite in original language the names of monuments or streets entitled to historical or illustrious persons, avoiding the use of italics or quotation marks.

Capitalise formal titles and keep consistent, use local names if necessary or justified but always balance with the need to protect the privacy of the affected persons.

Prefer the following formulations: the President of [name of country/organisation/etc.], and a street or monument called [name in original language].

3.2.9 Persons

Do not use people's personal names, date, or place of birth.

Avoid the masculine version of functions and professions by using gender-neutral terminology. If the language is gendered (provides different forms for female and male professions), use both forms.

Use standardised terms for parties involved in legal proceedings. Do not capitalise or italicise unless it depends on the local legal tradition or a specific grammatical rule.

Prefer chair, chairperson, ombudsperson, police officer.

Person/People	Persons is commonly used as the plural of person, but in legal texts it indicates a separate and specific national or ethnic group. Person is the most inclusive and legally accurate noun. Recent empirical studies show that there is no complete consensus in the community on the most appropriate terminology. For this reason, the issue needs further research if it is to be used appropriately.

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[19] See EURO-EXPERT guidelines for the anonymisation of legal documents.

3.2.10 Political parties and movements

The following are examples of the need to engage in some reflection whenever citing political parties or movements is relevant to the facts:

fascism **nazism** **National Socialism**	Do not capitalise general, historical of philosophical terms describing political movements and their adherents. Use capital letters when referring to the specific name of a political party or movement.
fascist (adj.) **nazi (adj.)**	Use adjectives to describe the corresponding political movements or parties but do not use capital letters or commas.
jihad	Some terms such as jihad have entered everyday language and can be written in a regular style. This term is often used incorrectly and inappropriately by English non-Muslim speakers and writers. For this reason, a little research into the origin of the term is recommended if this is relevant to the assessment of the facts. For example, the term "jihad" is derived from the ancient Arabic word *jihad* and its meaning in English remains related to that in Arabic. However, it is a debated term and there are different positions between those who, on the one hand, argue that the term refers to religiously obligatory campaigns of conquest directed against non-Muslims, and those, on the other, who argue that the term denotes any commendable effort made for a good cause or very basic and quotidian forms of struggle.

3.2.11 Race, Ethnicity and Belonging

Race, ethnicity and citizenship are social constructs that imply modes of belonging that change meaning over time, i.e. relational, dynamic and modifiable categories. Indicate belonging or origin in the way a person prefers to self-identify.

Language that essentialises or reifies race is inappropriate.

In general, avoid referring to a person's race, ethnicity, or country of origin unless it is relevant to the description.

Avoid using citizen as a generic term for people living in a particular country. Capitalise the proper names of nationalities.

Use adjectives, rather than nouns, when it is necessary to indicate the race or ethnicity of a person according to circumstances and context.

In general, the use of skin colour as a classificatory label is generally equally appropriate and controversial, as well as pejorative and discriminatory in certain contexts. Even the use of specific origin should not replace ethnicity, if this is relevant, because it perpetuates the idea of the correlation between country and ethnicity and leads to discrimination against minorities.

If the race, ethnicity, and country of origin are relevant, be as specific as possible and choose the terms or expressions that people use to describe themselves avoiding obsolete or pejorative terms and labels.

Social groups are indicated by their recognised and accepted names in capital letters.

Avoid terms and expressions derived from derogatory names or stereotypes of a certain group.

The following are examples of how certain terms require reflection and cultural contextualisation:

Aborigines	"Aborigines" is the name used for Indigenous Peoples in Australia.
Alaska Native	In Alaska, Indigenous Peoples identify themselves as "Alaska Natives". Indigenous peoples of Alaska, Canada, Siberia and Greenland may identify themselves as a specific nation (e.g. Inuit, Iñupiat).
Asian origin	The expression "Asian origin" is appropriate, and it is preferable to be as specific as possible about origin (e.g. Pakistani, Nepalese, Japanese, etc.).
Black people	The term "Black" usually replaces the term "African American", which should not be used as an umbrella term for people of African descent worldwide, because it would conceal other ethnic or national origins that are relevant for self-identification.
citizen	Citizenship or nationality are social constructs of belonging to a particular country or nation that implies a set of rights and duties. Citizenship is often connected with a document of identification released by the country of citizenship. Nationality may not be defined by political or geographic boundaries or the possession of a passport. Some argue that identity derives from "objective belongings", such as place of birth, ethnicity, class, race, religion, culture, nationality, gender, age, etc. Others argue that identity should not be considered as a static concept that ignores the active role of individuals and the social processes involved in the formation of personal identity. The way a person identifies themselves is relevant in the sense that labels and adjectives should be avoided in legal writing. The sense of belonging to a certain community may or may not correspond to the legal status and, unless relevant in the specific case, should be avoided also for privacy reasons. "Person with Italian citizenship" is often considered as a neutral legal descriptor and preferable to "Italian person", which implies a sense of belonging that may or may not be accurate. Depending on the context and the facts of the case a person belonging to a linguistic minority in Italy might resent the insistence of their interlocutors to identify them as Italian citizens.
Indigenous **Indigenous People**	Historically, "Indigenous Peoples" are the original inhabitants of a territory classified as "Indigenous" by international law. There is no official definition of "Indigenous", but the United Nations developed a conception of the term based on self-identification, historical continuity with pre-colonial and/or resettled societies, links to territories and resources, distinct social, economic, and political systems, and the possession of distinct languages, cultures, and beliefs. Capitalise "Indigenous" and "Indigenous People" when referring to a specific group and use the names that they call themselves, referring to an indigenous group as "people" or "nation".
ethnic minority **racial minority** **linguistic minority**	The term "minority" should be used with specifications. If it is necessary to distinguish between dominant and non-dominant groups, terms such as "ethnic minority", ""racial" minority" or "linguistic minority", "racialised" and "minorized" persons or groups are preferred. In the North American context the concept of racial minority seems to be widely accepted in connection with the ascertainment of rights whilst in the European context the use of the term race is often connected with racism and therefore might be better avoided, unless necessary by law.
Muslim	Muslim is a person whose religion is Islam. Do not use geographical descriptors interchangeably with religious or other terms to describe specific groups of people. For example, "Italian" refers to a person

originating from Italy and Christian is a person whose religion is Christianism.

native (adj.)	The adjective "native" is used to describe styles (e.g. native art) and not as synonym of nationality or belonging. In the United States "native" refers to members of federally recognized Native American tribes.
oriental	The term "oriental" is used to refer to objects but is pejorative when used to refer to people.
Roma people **Romani people** **Roma ethnic group**	Roma peoples include several ethnic groups which comprise the biggest ethnic and linguistic minority in Europe. To refer to Roma peoples, non-Roma speakers often use other terms that are perceived by most Roma as offensive and discriminatory. If necessary, distinguish the specific ethnic group as it is generally recognised by its members.
tribe	"Tribe" is a federal classifier referring to Native American culture-ethnic groups in the United States. However, the word "tribe" could be interpreted as racially charged because historically it has been used in a discriminatory way against Indigenous peoples.
underrepresented people **underrepresented communities** **underserved people** **unserved communities** **marginalised people** **marginalised communities**	When appropriate, use "people of colour" or "communities of colour" to refer to non-white racial or ethnic groups. However, these terms are often perceived as unfair and inaccurate labels in Europe. Depending on the context it is preferable to use the terms "unserved", "underrepresented" or "marginalised" people or communities. Whenever possible, choose the term people use to define themselves, and embrace instead of erasing whenever possible and legal.
white **white people**	The term "white" refers to people who share a lineage traceable directly or indirectly to Europe. Debates have arisen from some Black rights activists asking for "white" to be capitalised. To date it appears as preferable not capitalise "white" and do not use any terminology that may be associated with white supremacy. It is always preferable to be more specific about regional or national origin whenever possible and provided that this information is necessary. Similarly, the term "European" could be used if the descent is relevant, e.g. "European-American" and "European-Australian" for people of European descent living in the United States and Australia respectively. Some reject the double connotation that stresses on the descent of people as opposed to their current citizenship. Some others see the descent as a necessary connotation in connection with rights and responsibilities. In Canada, for example the current preferred terminology is "colonial-settler" to refer to persons of European descent.

3.2.12 Religions and beliefs

Use the capital letter to indicate both the name of the religion or religious group and the corresponding adjective.

Avoid using terms that may offend people's religious sensibilities carefully choosing terms and expressions that recognise and respect people with different religions and beliefs.

Use italics if you are mentioning the name of Gods, Saints, Prophets, and people or entities that have a spiritual significance a deity or spirit in the original language and, if in doubt, inquiry on any corresponding courtesy formulas, epithets, or abbreviations.

Use capital letters for objects considered sacred or religious. If using the original language, use italics and include a brief explanation of the term or object.

Cite the names of sacred or religious texts, if they can be named, without specifying editions or formats, in regular style, avoiding translations, italics and quotation marks.

The following are examples of some religion and beliefs related terms and formulations that need reflection:

belief **cult** **religion**	Preferably use the terms "religion", "belief" or "cult" instead of the terms indicating faith in general.
the Prophet of Islam **PBUH**	When writing the name of the Prophet Muhammad, Muslims often follow it with the abbreviation PBUH, meaning "peace be upon him", as a sign of respect. It is also abbreviated to SAWS, which stands for the Arabic word of similar meaning "sallallahu alayhi wa salaam". The use of these abbreviations is much debated between those who think the abbreviation is offensive, those who think it is useful to use it only once at the beginning of a speech or text, those who think it should always be used, and those who reject it in the name of the separation between state and religion. Reference to any person or entity with religious or spiritual meaning specifically in court and legal documents should be respectful and should denote an objective and impartial perspective. Respect for religious freedom and diversity should not be confused with adherence to or acceptance of religious practices, nor may the law attribute recognition, precedence, or deference to any religion over another.

3.2.13 Status

Accurately describe a person's socio-economic status to avoid stereotyping or prejudice, as it includes numerous factors such as education, employment, social class, income, family situation, etc.

Uses appropriate technical expressions to indicate the condition of people.

Avoid negative, discriminatory, or pejorative terms or expressions that focus on what people lack.

Use gender-neutral terms to identify a person as married, in a relationship, registered civil union or partnership, or in a kinship relationship.

Use neutral terminology to indicate the status of a legal relationship, avoiding titles (Mr., Mrs and Ms.).

Avoid terms or expressions that diminish a family member by implying that a parent or a family is unnatural or not real.

Use phrases or expressions that highlight what a person does and not what a person is.

Prefer people who have not graduated primary/middle school, people whose incomes are below, people whose self-reported incomes, people who are homeless to indicate the condition of people.
Prefer spouse, partner, sibling, parent, birth parent, birth mother, birth father, biological parent, person/individual who was adopted, to indicate a person in a relationship or in a kinship relationship.
Prefer single, married or civil partner, divorced or dissolved civil partnership, widow/widower or surviving civil partner, same-sex marital couple, opposite-sex cohabiting partner, same-sex cohabitating partner to indicate the status of a legal relationship.

The following terms related to the status of migrant need particular attention and appropriate use:

asylum seeker	Use the label "asylum seeker" appropriately, i.e. a person seeking international protection. "Asylum seeker" is not a synonym for "refugee". Not all "asylum seekers" will be recognised as "refugees", but every recognised "refugee" is initially an "asylum seeker".
migrant	"Migrant" is a generic term, not defined by international law, reflecting the commonly used meaning of a person who moves away from their place of habitual residence, either within a country or across an international border, temporarily or permanently, and for a variety of reasons. Use "migrant" rather than discriminatory and judgmental terms or specify legal categories of persons.
undocumented immigrant	Using the term "undocumented" rather than discriminatory and dehumanising terms, such as the term "illegal".

Further reading

Holden, Livia (ed.) *Cultural Expertise, Law, and Rights: A Comprehensive Guide*. Routledge, 2023. https://doi.org/10.4324/9781003167075

> This edited textbook is intended for social sciences students, members of the legal profession and social workers who engage or plan to engage with cultural expertise in dispute resolution and the development of cultural arguments for the protection of human rights. It proposes an overview of theoretical and practical skills useful in acknowledging, implementing, and advancing cultural expert knowledge.

Holden, Livia (ed.) *Cultural Expertise and the Legal Professions*. Special issue in NAVEIÑ REET: Nordic Journal of Law and Social Research, No. 11, 2021.

> The special issue offers a selected sample of first-hand experiences about the use and usefulness of cultural expertise by a pool of legal professionals and expert witnesses in various jurisdictions ranging from immigration and asylum to Indigenous rights and including family law, international human rights and criminal law.

Bishay, Joshua Isaac *Cultural Experts at the International Criminal Court (ICC)* in Special issue in NAVEIÑ REET: Nordic Journal of Law and Social Research, No. 11, 2021.

> This article suggests to bridge the gap between the western lawyers who currently are the most prevalent in international courts, and the members of post-conflict communities who usually appear on the docket. This article suggests that by including cultural expertise, the ICC can take one more step toward becoming a truly international court.

Arajärvi, Noora and Livia Holden. 2022. *EURO-EXPERT Policymaking for Cultural Expertise*.

> Based on quantitative and qualitative data collected by EURO-EXPERT, this policy offers practical, evidence-based guidelines to policymakers and stakeholders who want to adopt cultural expertise in European countries.

Arajärvi, Noora and Livia Holden. 2022. *Policy for Cultural Expertise: EURO-EXPERT milestones*.

> This document is the roadmap of cultural expertise, which includes six milestones identifiable with the acronym AAIIDD (Awareness, Access, Implementation, Integrity, Development, and Digitalisation).

Arajärvi, Noora and Livia Holden (with the assistance of Anna Ziliotto and Joshua Bishay). 2021. *GDPR compliant guidelines for processing personal data in legal documents*.

> This document is one of the primary outputs of EURO-EXPERT, European Research Council funded project led by Livia Holden, and it is protected by copyright laws. It was developed for the treatment of personal data contained in documents archived on CULTEXP

Ziliotto, Anna *Cultural Expertise in Italian Criminal Justice: From Criminal Anthropology to Anthropological Expert Witnessing* in LAWS (Special Issue Cultural Expertise: An Emergent Concept and Evolving Practices), 8(2), 13, 2019.

> This article traces the rise and fall of psychiatric expertise in criminal trials from the late 19th century School of Criminal Anthropology to the current Italian justice system. The article argues that cultural anthropology is particularly suited as an instrument capable of disclosing the cultural

implications of the legal process and encourages the use of cultural expertise as an important tool for the inclusiveness and understanding of diversity.

List of EURO-EXPERT publications: https://culturalexpertise.net/#publications
https://hal.archives-ouvertes.fr/CULTURALEXPERTISE

EURO-EXPERT in-court and out of-court maps
CULTEXP: the first cross-jurisdictional and multilingual database on cultural expertise
K-EXP: online register of experts and assessment of impact of expert report

EURO-EXPERT podcasts:

EURO-EXPERT in social media:

EURO-EXPERT mailing list: JISCM@il