

The Istanbul Convention and its Political, Social and Cultural Reflections in the Danube Space: The Case with Bulgaria

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Abstract: The aim of this paper is to discuss the debate in the Bulgarian society about the acceptance of the so called Istanbul Convention, dedicated to the fight against the domestic violence and interpreting significant gender issues. Exploration of the gender inequalities in the leadership of the universities across Europe. Overview and analysis of Bulgarian media publications about the controversial positions provoked by the acceptance of the Istanbul convention. Conclusions about the political, social and cultural reflections of the debate within the Bulgarian society. The paper can stimulate a larger discussion in the scientific circles of the Danube countries about the value roots and societal restrictions in the attitudes towards significant European documents. The study will contribute to better understanding of the importance of gender issues in contemporary Europe.

Keywords: Istanbul Convention; gender issues

Introduction

One of the most discussed topics in the Bulgarian societal and media space in 2018 is for the ratification of the Convention on Preventing and Combating Violence against Women and Domestic Violence of the Council of Europe (<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210>), popular as Istanbul convention. The public discussions on this case are characterized by strong polarization and extreme points of view expressed by politicians and leaders of public opinion. The media, in turn, also increase the degree of public tension through overexposing the topic and opposing viewpoints. The debate is particularly heated in the period December 2017- March 2018 between the tabling of a bill for Convention's ratification and its withdrawal by the Bulgarian

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Government. In July 2018 the Bulgarian Constitutional Court decided that the document does not conform to the Bulgarian Constitution.

The current paper analyses the reasons for the contradictions in the Bulgarian public opinion in relation to the Istanbul convention, presents the authors' point of view about the role of the media as an active part in the discussions and searches for a linguistic and value argumentation of the public debate.

Status of the Problem with the Signing and Ratification of the Istanbul Convention in Europe

The Convention on Preventing and Combating Violence against Women and Domestic Violence is an international treaty of the Council of Europe which calls for implementation of legally binding standards for prevention of violence against women and domestic violence, as well as for protection of victims and punishment of perpetrators in cases of such violence. The document is offered to be signed on 11 May 2011 in Istanbul, Turkey and this is the reason for the usage of its short popular name Istanbul convention.

According to the website of the Council of Europe (https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=ojbOiHkd) as of August 1, 2019, the document has been ratified in 34 countries and 11 countries, including Bulgaria, have only signed it. The countries, ratified the Convention, are: Albania, Andora, Austria, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Italy, Luxemburg, Malta, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovenia, Spain, Sweden, Switzerland and Turkey which is the first state ratified the convention on 14 March 2012.

The countries, signed the Convention without its ratification yet, are: Armenia, Bulgaria (the country signed the Convention on 21 April 2016), Czech Republic, Hungary, Liechtenstein, Latvia, Lithuania, Moldova, Slovakia, Ukraine and UK.

The only members of the Council of Europe who have not signed the Convention are Azerbaijan and Russia.

In most of the countries where the Convention has been ratified, this has been done with reservations acceptable under article 78 of the document. In some countries these reservations are for a concrete short period of time – 5-6 years (Germany,

Georgia, France and others). In other countries the reservations are retained indefinitely (Croatia, Andora, Cyprus and others).

The declarations of some countries explaining their reservations are very interesting. For example, in its declaration Spain claims that the necessary changes in the national legislation will be made in order to provide the complete implementation of the Convention. In their declarations Lithuania and Latvia, which have not ratified the Convention, state that the document will be applied in accordance with their constitutions. The statement of Poland (which has ratified the Convention) that the document will be applied in accordance with the principles and provisions of the Constitution of Poland, is met with a strong reaction by Switzerland, Sweden, Norway, Netherlands, Finland and Austria. They perceive the Polish reservation as a reluctance to apply the Convention as a whole.

In the declaration of Croatia is stated that the purpose of the Convention is to protect women from all forms of violence and that the document does not in any way imply the introduction of “gender ideology” into the Croatian educational and legal system, nor does it require a change in the constitutional definition of marriage. According to Croatia, the document fully complies with the provisions of the Constitution and will be implemented in accordance with them.

In most of the Eastern European countries the Convention’s ratification process is accompanied by strong internal resistance. The societal reactions in these countries are mainly connected with fears about the possible introduction of gender ideology and with the misconception that the Convention opens the door for same-sex marriages. (Dimitrov, 2018).

If we summarize the situation in the Danube countries, which are an object of observation in the current paper, we can say that only few of them (Austria, Germany, Romania and Serbia) demonstrate a strong support of the Convention while the others like Bulgaria, Hungary, Moldova, Slovakia and Ukraine have not claimed yet their positions about the Convention’s ratification.

In April 2019 the European Parliament voted on a document tabled by representatives of the Progressive Alliance of the Socialists and Democrats asking the EU Court for an opinion on whether the Union as a whole could accept the Istanbul Convention and not the states separately. In case of a positive decision on the Convention’s ratification by the EU, it will become binding on the Member States and set a time limit for transposition into the national legislative systems. (Apostolova, 2019).

Media Chronology of the Bulgarian Debate on Ratification of the Istanbul Convention

In the fierce debate within the Bulgarian society on the ratification of the Istanbul Convention the media are particularly active part contributing for sharpening the controversies between the representatives of the political elite as well as among the ordinary citizens.

We can find evidence for this debate in some studies on media publications concentrated in early 2018 when the hottest discussions over the Convention were raised because of the bill for ratification tabled by the Government. One of these studies is carried out by the Company for media analyses “Perceptika”. It includes the publications from 1.12.2017 to 31.01.2018 on the topic “Istanbul Convention” in the most popular Bulgarian online media. The study is published by the Association of the Bulgarian Journalists. (https://clubz.bg/65396-kak_bylgarskite_medii_otrazqvata_istanbulskata_konvenciq_skandalno 15.03.2018)

From the published 7387 articles the research team analyzes in details 10 % or 739 from them. The articles are evaluated according to their attitude to the Istanbul Convention and to the EU. In the evaluation which can be positive, neutral, negative the researches have in mind both the authors’ comments reflecting the point of view of given journalist as well as the approach in exposing the opinions of politicians, political parties, experts and public figures.

A special attention is paid on 20 most popular and active online media in Bulgaria, chosen on the basis of 3 criteria:

- popularity according to alexa.com /SEO and competitive analysis software/;
- popularity by the number of Facebook followers;
- number of articles on the Istanbul Convention, published in the period under review.

To these 20 sources the researchers add 3 websites that are most frequently cited by the online media: glasove.com, bultimes.com, skandalno.net.

According to the indicated analysis, the Istanbul Convention is emerging as a topic in the Bulgarian public space on 14.12.2017 when the Bulgarian National Radio presents an information about public collection of signatures, initiated by the Association “Society and Values”, against the Convention’s ratification. The first negative reactions come on the same day from the sites glasove.com и bultimes.com,

which warn that the Convention is “an attempt to legalize the gay marriages”. A larger wave of publications is coming as a result of the extremely negative reaction of one of the nationalist parties which has emerged as one of the main drivers of the discussions and is mentioned in nearly 10 % of all over 7000 publications. Under the influence of its campaign in the beginning of 2018, a public opinion is emerging that the Government is trying to impose “a third sex”. The usage of this concept is connected with misinterpretation of the administrative order in some countries, where in the civil status documents (e.g. identity documents, birth certificates, etc.) there is a third option for sex: man, woman, other.

Not without the role of the media, the concept “third sex” is gaining a widespread usage both for the transgender and intersex people and in some cases for homosexual and bisexual people. A similar nuance in its usage has the notion “gender”, which in the course of the discussions is almost never used with the meaning embedded in it by the sociological science, but is used as a synonym of the abbreviation LGBTI.

In this way, as a result of the active role of the media and politicization of the problem with the Istanbul Convention, an extremely negative wave of public opinion is emerging in the beginning of 2018. Although the active media reflection of the protests in support of the Convention as well as the media presentations of different points of view explaining the content and the meaning of the document, the public is already concerned that the Government is trying to accept the Convention to the detriment of the societal interest.

Since then there is a little room for neutral opinions in the media. According to the above mentioned study less than 30 % of all media publications are in favour of the Convention and more than half (54 %) are against it.

The study also presents the division of the most popular media in several groups according to their attitude to the Convention.

The first group includes the pro-European media like *dnevnik.bg*, *clubz.bg*, *btvnovinite.bg*, *dnes.dir.bg* and *offnews.bg*, which held a clear position in support of the Convention.

In the second group are the media *24chasa.bg* and *novini.bg*, which publish almost all for the Convention (both positive and negative) but remain pro-European. Two more media can be related to this group - *dnes.bg* and the site of the Bulgarian National Television (*bnt.bg*), which are almost completely neutral both to the EU and the Convention.

At the negative end of the spectrum are the aforementioned three sites skandalno.net, bultimes.com and glasove.com. They offer materials which are close to the definition for fake news and speak about “homo dictatorship”, “gender organizations raging at schools” and so on.

The last group of the media includes sites like pik.bg and epicentre.bg which are against the Convention but don’t demonstrate anti-European focus on a specific topic. They often cite other sites and re-publish negative materials. Particularly active is epicentre.bg with 274 publications on the topic. (https://clubz.bg/65396-kak_bylgarskite_medii_otrazqvata_istanbulskata_konvenciq_skandalno 15.03.2018).

As a summary of the presented study we can say that the main distinguishing feature of the media coverage of the case with the Istanbul Convention in Bulgaria is the fact that the negativism and extreme opinions outweigh the positive messages, the stories of victims of violence and the attempts of politicians and experts to clarify the situation.

The role of the media in the public debate in Bulgaria on the Istanbul Convention is discussed in one more study of students in European Studies from Sofia University under the scientific supervision of Prof. DSc Snezhana Popova. (The Debate around the Istanbul Convention, 2018, pp. 260-292).

The purpose of the study is to explore the position of different media in the debate, to present the participating social subjects and their point of view and to draw conclusions about the political and other usages of the Istanbul convention. The survey covers the period December 15, 2017 – March 15, 2018, namely the time between the tabling a bill for Convention’s ratification and its withdrawal by the Bulgarian government. An object of observation in the study are 16 media: the televisions BTV, Alfa, Bulgaria 24, the newspapers 24 chasa, Dnevnik.bg, Trud, Cultura, Capital, the journal a-specto.bg, the internet sites Blitz, Bulgarian women’s fund, Glasove, Club Z, Mayko mila, Pravoslavie, Terminal 3. The analyzed texts are extracted by entering key words in the search engines of the media. All texts in which a position is stated with regard to the Convention and its ratification are registered.

Although the student team has refrained from drawing summary conclusions, it is argued that in the period under review the Bulgarian media have overexposed the topic with the Istanbul Convention and in this way have contributed to exacerbating the controversies and social tension in the Bulgarian society.

An added value of the indicated study is the survey on youth attitudes to the Convention and the problems it treats. 98 respondents take part in this survey and 78 persons from them are in the age group of 18 to 30 years. Nearly 72 % of the respondents support the adoption of the Convention. 74 % of the respondents determine the lack of sufficient information as a reason for the controversies in the society. A key question in the survey is about the evaluation of the debates on the Convention: 38,5 % of the respondents think that the debates are not connected with the nature and purpose of the document; 17,7% share the opinion, that the debate is seeking political dividends; 15,6 % argue that the debates show fears and prejudices. 69,5 % of the respondents think that Bulgaria must ratify the Convention. (The Debate around the Istanbul Convention, 2018, pp. 260-292)

The student study demonstrates that the young Bulgarians support the Convention's ratification and this is a very positive fact. The reasons, indicated by the respondents, for the public tension surrounding the debates on the document, reflect the reality but need more profound analysis which will be presented in the next paragraph.

Analysis of the Reasons for the Debate in the Bulgarian Society Regarding the Ratification of the Istanbul Convention

Except the reasons, indicated in the student study about the Bulgarian debates on Istanbul Convention, namely: lack of sufficient understanding of its content, politicization of the issue and the prejudgment of the part of society, some linguistic and value arguments can be outlined.

As a main reason for the societal reactions we can indicate the fact that there is no adequate translation of the concept “gender” in the Bulgarian language. In the Bulgarian text of the Convention it is translated once as “sex” and for the second time as “social sex”. We can see this in some original texts of the Convention (https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?p_auth=ojbOiHkd) and their translation bellow:

Article 3 – Definitions/ Член 3 — Определения

c - “gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;

Превод /Translation

в - “пол“ означава социално изградени роли, поведения, дейности и характеристики, които определено общество смята за подходящи за жените и за мъжете

Article 4 – Fundamental rights, equality and non-discrimination/ Член 4 — Основни права, равнопоставеност и недискриминиране

3 - The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground **such as sex, gender**, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, **gender identity**, age, state of health, disability, marital status, migrant or refugee status, or other status.

Превод/Translation

3- Прилагането на разпоредбите на настоящата Конвенция от страните, по-специално мерките за защита на правата на жертвите, трябва да бъде осигурено **без всякаква дискриминация, основана на пол, социален пол**, раса, цвят на кожата, език, религия, политически или други убеждения, национален или социален произход, принадлежност към национално малцинство, имуществено състояние, рождение, сексуална ориентация, **идентичност, основана на пола**, възраст, здравословно състояние, увреждания, семейно положение, статут на мигрант или на бежанец, или друг статут.”

Because of the indicated above bi-directionality in the translation of “gender”, in the Bulgarian society is spread the opinion that the Convention introduces a third or social sex, different from the biological one, and this fact, according to the public audience, creates prerequisites for the introduction of “gender ideology”.

This linguistic confusion justifies the statement of the famous Bulgarian social anthropologist Haralan Alexandrov that in the case with the Istanbul Convention we have lost in the interpretation, but not in the translation. He also says that there are always myths and conspiracies but they are in the minds, not in the texts. The big debate is for the identity of the bodies, for our sexuality and our relationships – to what extent a person is an author of his/her identity and where are the borders of the freedom.... This is not a motive to interpret the Convention as a cunning attempt to change our biological identity. And it is a bad message if Bulgaria does not ratify it. (Aleksandrov, 2018 <https://www.faktor.bg/bg/articles/haralan-aleksandrov-ako-ne-podpishem-istanbulskata-konventsia-shte-bade-losho-poslanie-kam-evropa>).

There are numerous papers of Bulgarian linguists and translation specialists seeking scientific argumentation about the adequate translation of “gender”. The concept is introduced in Bulgaria around the mid-1990s with the translation “genus”. (Kirova & Slavova, 2001) The term is etymologically connected with the old French “gendre” (in contemporary French language “genre”), which stems from the Latin “genus”. In the book “Theory through the borders. Introduction into the studies of the genus” Kirova and Slavova for the first time familiarize the audience with “gender studies” or “theory of the genus”. In the same book Daskalova and Kotseva present the attempt of some Bulgarian historians and sociologists to reject the translation “genus”, replacing it with the descriptive phrase “social sex” or sociosex and recently with the most established term “sex”. (Kirova & Slavova, 2001).

Similar difficulties with the exact translation of “gender” exist also in other languages. For example, in Hungary is used one and same word both for “sex” and “gender” – “nem.” But ”nem” is also a negation particle which leads to linguistic misunderstandings. In Finnish “gender” is translated as sukupuoli, which means half of the genus/family and always carries the subtext of social relationships. In German language “gender” is connected with the concept “Geschlecht”, which means “of the same origin” and is close to the Bulgarian word “genus”. Today “Geschlecht” has several meanings: it simultaneously means grammatical genus, binary classification of masculine/feminine and gender differences. (Slavova, 2018).

Within the context of these philological discussions for the correct translation of “gender”, the Dutch approach to not translate the concept seems reasonable. (Stoeva, 2005). A similar practice of not translating the concept is adopted in Russia where the term “гендерные исследования” (gender studies) is used. (Kirova & Slavova, 2001, p. 7) Recently this approach finds more and more followers in Bulgaria, too. For example, “gender” is included as foreign language loan in Thesaurus Model of Linguocultural Terms (Dimitrova, 2008). In support of the approach to not translate “gender” Veronika Azarova argues that the foreign word “gender” already exists while the menthols like sociosex do not exist anywhere, in other words they are no less “foreign” for the Bulgarian language. Gender is a complex phenomenon and let us, instead of creating new words, just to say that in the Bulgarian language there is not such a word simply because until recently there was not such a way of thinking. The incompatibility between the biological sex and the sex as social construct creates the necessity of introducing “gender” as a separate category. (Azarova, 2005).

The indicated necessity of distinguishing the concepts “sex” and “gender” explains the decision of the Constitutional Court of Republic of Bulgaria to consider the Istanbul Convention as controversial to the Bulgarian Constitution.

According to the Bulgarian constitutional judges the concept “gender”/”genre“ (with translation “sex”) is presented in the Convention as a separate category, different from the sex as a biological entity. The Convention divides the biological and social dimensions of the sex and goes beyond the view about the sexual binary of the human kind.

With the indicated in art. 3c content “gender”/”genre“ (“sex“) is transforming into a main concept, which determines as well the sense of the other phrases in the Convention, based on this concept (e.g. “gender equality“, “gender-based violence“, “gender identity“, etc.). These expressions, depending on their interpretation, can lead to contradictory understanding of the Convention’s philosophy.

The concept “sex” is used by the constitutional legislator as a unity of biologically determined and socially constructed. The social dimension in the Constitution does not create a social sex (gender) as it is envisaged in the Convention. (<http://www.constcourt.bg/bg/Acts/GetHtmlContent/f278a156-9d25-412d-a064-6ffd6f997310>).

The motives of the Bulgarian constitutional judges outlined above have their legal basis, but we can see that their argumentation is mainly around the semantics of the concept “gender” what is also the argumentation of the debate in the Bulgarian society.

The same conclusions are drawn in a study on how Bulgarian respondents associate the meaning of “gender”. Most often they attribute to the concept the following meanings: transgender, third sex, homosexuality, homosexual individual. The listed terms are stylistically marked by pejorative connotations, indicative for a change in the meaning of “gender” to something bad and shameful. This means that in Bulgarian speech and media practice the concept “gender” has been determinologized and has acquired the character of dysphemism, reflecting the hostility and prejudices of the individual using it. (Slavova, 2018)

As a summary of the indicated above, we can say that the sex as a social construct (gender) is not necessarily linked with the sex as biological entity but rather is based on a system of sustainable notions, formed during the centuries, about what is inherently typical for the men and women. The distribution of the roles between the

men and women depends on these perpetual perceptions constructed in every society and giving rise in some cases to prejudice and discrimination. /Popova, 2014/.

In this sense we can argue that the reactions in the Bulgarian society towards the concept “gender” and its frequent association with people having different sexual orientation have not only linguistic but also value explanation.

We can find the roots of this negative attitude towards the gender otherness in the conservatism of the Bulgarians regarding sexual issues. Some cultural anthropologists from the past like Ivan Hadzhiyski have noted that the Bulgarians have a knack for talking about sexual issues and have locked in the fortress of the patriarchal values. It is not accidental that in a 2008 Eurobarometer survey the Bulgarians register low levels of comfort in the presence of a neighbor or person in a power position with different sexual orientation (5,3 in the first case and 3,5 – in the other at a scale of 10). The highest scores - over 9 – are registered by respondents from Sweden, Netherlands and Denmark. /Special Eurobarometer 296, 2008/.

To be honest, similar results are registered not only for the Bulgarians but also for the representatives of other countries with collectivistic value orientation (Hofsede, 2004) where the people distance themselves from the Otherness. It is not exiting for them in a great extent because the Others are not from their own close circle (family, relatives, friends). (Popova, 2014) But in some cases, like the discussed one with “gender”, the Otherness could be threatening and distrusting and could provoke unfavourable societal reactions.

The same argumentation is valid for all countries which have not ratified yet the Convention, including the mentioned above Danube countries. This means that we have to interpret the issue with the Istanbul convention not only in its political sense, but mainly in the light of the linguistic explanations, value orientations and cultural reflections.

Conclusions

As we can see from the indicated above, the debate about the ratification of the Istanbul Convention has not only linguistic, but also value argumentation. However, the main reason for the public reactions is the lack of sufficient information about the content and the goals of the document which gave space to media manipulations and political speculations.

It is more than certain that the Convention will be ratified by all countries supporting the European values and democratic principles. What is needed is the voice of leaders of public opinion and competent experts in the area of sociology, cultural studies, linguistic, etc. who can dispel the public distrust and shift the focus of the discussion to the very sensitive topics of the convention deserving the public attention.

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