

**FAMILY REGISTER DOCUMENTS
IN THE CZECH REPUBLIC AND UKRAINE.**

Terminology of Family Register Documents and Translation Problems

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Abstract:

Family register documents are one of the most often translated type of documents. The article deals with the documents in terms of their function and basic terminology, which represents the administrative law terms. Above all, the attention is paid to the terminology of “civil partnership”, that has not yet been codified in the Ukrainian language. Another problematic terms, as for the translation from the Czech language to the Ukrainian language, are “personal identification number” and “maiden surname”, because there exist several variants and it is necessary to choose one, which best corresponds to the cultural background.

Key words: terminology, law terminology, documents, translation, Ukrainian language, Czech language

Matriční dokumenty v ČR a na Ukrajině: terminologie a problémy při překladu

Abstrakt:

Matriční dokumenty patří k nejčastěji překládaným dokumentům. Článek rozebírá tyto dokumenty z hlediska jejich funkce a základní terminologie. Terminologie matričních dokumentů patří k té části právníké terminologie, jenž se zabývá správním právem. Pozornost je věnována především terminologii „registrovaného partnerství“, která není na Ukrajině dosud zpracovaná. Dalšími problematickými termíny při překladu z českého jazyka do jazyka ukrajinského jsou termíny „rodné číslo“ a „rodné příjmení“, neboť existuje několik variant, z nichž je potřeba vybrat tu, která nejlépe odpovídá uvedeným realitám.

Klíčová slova: terminologie, právníká terminologie, překlad, ukrajinský jazyk, český jazyk

Introduction

Translations of family register documents belong to translations that are carried out most often. Mainly this is related to the fact that family register documents provide essential and most important information about a person which is often required by various government bodies, institutions and other authorities in order to identify a person.

A family register certificate is not a copy of an entry in the family register book, but it is an extract of the family register book. It is issued from a closed entry on a prescribed form. A copy of the family register certificate is filed in the documentation.

A family register certificate does not include all the data recorded in the family register book. After entering the register event into the family register book, there are

written facts that change and supplement the entries. Data in family register books are not public.

The use of term “метрика” (*register*) has been fixed since the end of the 15th century. In the medieval office administration the term “метрика” corresponds to the term “реєстр” (“*perestr*”, *register* in English). The term “метрика” emerged in medieval offices of the Crown of the Kingdom of Poland and the Grand Duchy of Lithuania. In Latin-speaking medieval office administration, the term corresponds to the term “реєстр”, “регїстр” or “перєстр”. In the pre-revolutionary Russia (prior to 1917), the term “метрика” was used in the meaning of “extract of the family register book of birth, marriage and death”. Another title of these books was “акти метрики”. Later, in the time of existences of the USSR, the term “метричні книги” (*register books*) was replaced by the term “книги запису актів громадянського стану” (*Record of Acts of Citizen Status*) (Бажан, 1962, 98). Nowadays, the term “метрика” mainly represents “свідоцтво про народження” (*birth certificate*) – extract that is issued on the basis of a relevant entry in the family register book.¹ The term “метрика” was the initial word for creation of the following phrases “метричне свідоцтво” (*family register certificate*) and “метрична книга” (*family register book*).

At present as a result of new conception of some terms of the Soviet period, the government administration body keeping the record and entry of acts of civil status uses the following title: “реєстрація актів цивільного стану” (abbreviated as РАЦС, *Register of Acts of Civil Status*). Until the independence of the Ukraine there was the title “запис актів громадянського стану” (abbreviation ЗАГС, *Record of Acts of Citizen Status*) in the manner of the Russian system “загс – запис актов гражданского состояния”.

Family register documents

The basic family register documents include:

- свідоцтво про народження (*birth certificate*)
- свідоцтво про одруження (*marriage certificate*)
- свідоцтво про цивільне партнерство – in the Czech Republic (*civil partnership certificate*)
- свідоцтво про розірвання шлюбу – in the Ukraine (*certificate of divorce*)
- свідоцтво про смерть (*death certificate*)

It is apparent from the information above that the basic Ukrainian term, which is a part of every terminological phrase to label the relevant type of a family register document, is the term “свідоцтво” (*certificate, attestation, licence*). According to official sources, “свідоцтво” is an official document of a given specimen which is issued by a competent state or other authorised body or a person who confirms the given legal reality (such as birth, entry into marriage, divorce, death, registration of a business unit, origin of goods or insurance of property), or it includes brief information on a physical or legal entity. It confirms only such legal reality which is specified by the act or other legal act. A form and requisites of “свідоцтво” as well as its issue are determined by relevant prescriptively-legal acts and not keeping them is a reason for recognition of the document as invalid (Шемшученко, 2007, 802).

¹ <http://cyclop.com.ua/content/view/1179/58/1/1/#55>.

Свідоцтво про народження – Birth certificate

One of the basic documents, or it might be said, the core family register document is “свідоцтво про народження” (*birth certificate*) that confirms the legal reality of birth of a child. The relevant family register to provide the entry of birth is the one in whose administrative district the physical entity was born. The child’s birth certificate is issued by a state body, i. e. family register. (Шемшученко, 2007, 802).

Just as in the Ukraine, also in the Czech Republic **the birth certificate** is the basic document to confirm the child’s birth. An entry into the family register book of birth is carried out on the basis of a written statement about the child’s birth provided by the medical facility, or possibly on the basis of oral statement about the child’s birth outside a medical facility, if medical help was not provided to the mother.

Historically, it developed from the baptismal certificate (for Christians), which at first was just a document about baptism (including data about parents and godfathers), but later it also included data about birth of the person baptised. In certain times the given document was called the birth and baptismal certificate (approximately in the 1930’s and 1940’s).

Forms have been changing their appearance, in the past the Czech forms included more data than nowadays (such as date and place of birth of parents and their occupation). Until 1991, that means until the independence of the Ukraine, forms of Ukrainian birth certificates were written in two languages – Russian and Ukrainian, as the Ukraine was a part of the USSR (Union of Soviet Socialist Republics). A similar situation was in the Czech Republic, to be precise in Czechoslovakia between the two world wars when the majority of population along the borders were of German origin. The situation happened as a result of formation of a new state, Czechoslovakia, and of new allocation of borders after the World War I. In these regions, family register documents were issued in German, even if the citizenship of the born child was Czech.

Свідоцтво про одруження – Marriage certificate

“Свідоцтво про одруження” (*marriage certificate*) – is a family register certificate confirming the entry into marriage and stating basic information about it.

In both the Czech and Ukrainian family law, marriage is seen as a permanent partnership of a man and woman, whose main purpose is to start a family and to properly raise children. There are two ways how to enter into a marriage – civil and religious, that are of equal positions from the legal point of view, but the religious marriage receives more respect, the sacrament of marriage is understood in a more consistent way than in civil marriages.

The engaged couple ask to enter into a marriage directly in that family register, in whose administrative district the marriage is to be entered. The application is submitted on a prescribed form “Questionnaire to enter into a marriage”, which is to be filled in and signed by both fiances. If one of the fiances is a citizen of another country, all the certificates necessary for the marriage issued by bodies and courts of a foreign country also have probative force of an official document in the Czech Republic, if they are signed with prescribed verifications, which are specified by the registrar according to the relevant state. Such foreign documents shall be officially translated into Czech (the same procedure applies when a Czech citizens enters into a marriage in the Ukraine). Moreover, if a Czech citizen wishes to enter into a marriage abroad, s/he shall submit a “Vysvědčení o první

způsobilosti k uzavření manželství“ (*Certificate of legal capacity to enter into a marriage*), which confirms that the bridegroom or bride has not entered into a marriage with another person. In the Ukraine, the document is called “Довідка про сімейний стан” (*Statement of marital status*). A Ukrainian citizen living on the territory of the Czech Republic may ask to have the document issued at an embassy of his/her country abroad, i. e. the Consular Department of the Ukrainian Embassy in Prague or the Ukrainian Consulate in Brno which will arrange for the documents to be provided from the Ukraine.

If the foreigner does not know the Czech language, there must be an interpreter present at the time of proclamation of the marriage.

Recently, it is ever more important to agree on property relations before the marriage is entered. For such purpose, so-called “шлюбний договір” (*marriage agreement*) is written and signed. The term “шлюбний договір” is understood as a contract between the persons who have applied for entering into a marriage, it is written according to law and it shall be verified by a notary public. The contract specifies property rights and obligations of the married couple and does not relate to their personal relationships or relationships between the married couple and children. Any of the parties may supplement the “шлюбний договір” by any conditions relating to rights and property if they are not in disagreement with good morals of the society. The contract also specified the distribution of the property in case of divorce. If “шлюбний договір” is signed before the marriage is entered, it comes into force on the day when the marriage is entered, and if it is signed during the marriage, it comes into force on the day when it is verified by a notary public. (Шемшученко, 2007, 974). In the Czech Republic the term used for the document described above is “svatební” nebo “předmanželská smlouva” (*wedding or pre-marriage contract*), which we consider a better term as the contract is mostly signed prior to entering into a marriage with the purpose to specify future common property relations.

Свідоцтво про смерть – Death certificate

The “свідоцтво про смерть” (*death certificate*) is a public document verifying the death of a citizen. The Ukrainian document includes the following data about the deceased: name and surname, date of death, at what age the person died, number of family register entry in the Register of Deaths, place of registration, authority issuing the document and date of issue. The Czech document includes the name and surname of the deceased, date and place of death as well as the date and place of birth, marital status, personal ID number, sex, address and name, surname and birth certificate of the living partner.

So far we have discussed documents which are family register documents in both countries – in the Czech Republic as well as in the Ukraine – and they have similar forms and they usually state the same data about a person. The last two documents – “свідоцтво про цивільне партнерство” (*civil partnership certificate*) and “свідоцтво про розірвання шлюбу” (*a certificate of divorce*) – are official family register documents only in one of the stated countries.

Свідоцтво про розірвання шлюбу – Certificate of divorce

“Свідоцтво про розірвання шлюбу” (*certificate of divorce*) is a Ukrainian official document confirming that the marriage was divorced. From the legal point of view we may characterize divorce as: dissolution of marriage during the lives of the married couple out

of their will or out of the will of one of them. (Шемшученко, 2007, 787). It should be stated that the day of dissolution of marriage is not the day of the court decision on the marriage but the date of registration of the divorce.

It is stated above that “the certificate of divorce is a Ukrainian official document”. It confirms the fact that there is no such official family register document in the Czech Republic. A confirmation of the fact that the marriage was divorced is the court resolution or “confirmation of divorce of marriage”, which is issued by the court that decided on the divorce of the marriage.

In the past, in the Czech family legislation there was a term “rozluka” (*separation*) which originated on the basis of the Law No. 320/1919 of the Collection – so called “separation law”. The law mainly made the religious and civil marriages equal. For today’s Czech legislation it is a question of an old-fashioned issue as it actually corresponds to the term of divorce. However, in some other states, such as in Poland, the term is of a different meaning and is used as one of possible variations of dissolution of marriage. The main difference between the divorce and separation (*separacja małżonków*) is that it is possible to renew the marriage after it was separated.²

Свідцтво про цивільне партнерство – Civil partnership certificate

“Registrované partnerství” (*civil partnership*) is a partnership that has been registered in an official or other way. Since about the end of the 20th century, the Czech term has been used as a fixed term for an officially made union of two cohabiting same-sex people, similar to the marriage.

The Czech word “partner” came from English which adopted the word from the French term “partenaire”. The root of all these words is Latin “pars”, meaning “a part”. The word “partner” means participant, associate in all languages.

In a few countries there is the same legal institution for same-sex couple unions as the marriage. In the Czech Republic, the bill on civil partnership was approved by the House of Commons on 16 December 2005, but the president Václav Klaus vetoed the bill. In the end, his veto was outvoted by the House of Commons on 15 March 2006 at 6.17 p. m. with the rate of votes 101 : 57. The civil partnership law came into force on 1 July 2006.³

The civil partnership has not been codified in the Ukraine yet, and thus there is no fixed or officially used terminology. Translators who come across translations of such documents into Ukrainian have to create new terminology that would reflect language possibilities of the Ukraine as much as possible. Based on the existing experience with translations of family register documents, the following terms have been proposed. We shall note that these are proposals, not officially accepted terminology. It will be the question of time whether these terms correspond to the reality and whether they are accepted not only by linguists and lawyers but also by the public.

There are several possibilities of translation of the term “registrované partnerství” (*civil partnership*) itself, out of which the best equivalent seems to be “цивільне партнерство” (*civil partnership*). Court appointed translators who attended the Fourth

² http://www.law.muni.cz/sborniky/dny_prava_2009/files/prispevky/sblizovani/Petr_Pavel_1334_.pdf.

³ http://cs.wikipedia.org/wiki/Registrované_partnerství.

Ukrainian-Czech Terminological Seminar organized by the Chamber of Court Appointed Interpreters in Prague on 5 June 2011 were inclined to use the term “одностатевий шлюб” (*same-sex marriage*), which already implies the information that it is a union of two people of the same sex. However, we do not like this term as the term includes the word “шлюб” (*marriage*). And from the legal point of view, people in this type of union do not have the same rights and obligations as the husband and wife do. Another possible term is “зарєєстрованї партнерськї вїдносини” (*registered partner relations*), or a literal translation proposed by students in seminars – “реєєстроване партнерство”.

We translate the family register document confirming the act of registration of partners – Certificate of civil partnership registration – as “Свїдоцтво про реєєстрацїю цивїльного партнерства”. We think that in this way the unified general name of all the family register documents is kept – “свїдоцтво” (свїдоцтво про народження, свїдоцтво про одруження, свїдоцтво про розривання шлюбу, свїдоцтво про смерть). Some students’ papers propose the term “довїдка про цивїльне партнерство” (*statement of civil partnership*). However, we think that the Ukrainian term “довїдка” (*statement*) does not have the corresponding meaning in order to become a part of name of official family register document.

For the equivalent of the act of concluding the registered partnership or, of entering the registered partnership in Ukrainian the following term was used: “вступ до цивїльного партнерства”, “вступити у цивїльне партнерство” (*entry into the civil partnership, to enter the civil partnership*), by analogy to the Ukrainian term “вступити в шлюб” (*to enter the marriage*).

There is an essential piece of information in Czech family register documents – “rodné číslo” (*personal identification number*) comprising of two parts – the first has 6 digits and is the date of birth, the latter part following the slash and including 4 digits – serial number and check digit. The combination of 10 digits has been used in the Czech Republic since 1 January 1954. There is no such form of “identification number” in the Ukraine. Therefore, the translation of the Czech term “rodné číslo” is difficult. The first term that comes to our minds is the Ukrainian term “їдентифїкацїйний номер” (*identification number*). However, it does not quite reflect the reality because the term means 10-digit individual identification number of a taxpayer. Thus we think that a better term would be “особистий номер” or “персональний номер” (*personal number*).

Another piece of information that is only found in Czech family register documents is “rodné příjmení” (*maiden surname*). Translation of the term is not easy either, as there are several variations, out of which none has been accepted as a standardized term for this fact. The Czech-Ukrainian Legal Dictionary (Myronova, Gazdošová, 2009, 205) also states several possible translations into Ukrainian, namely: “прїзвище при народженнї” (*surname when born*), “уроджена/уроджений” (*born*), “дївоче прїзвище” (*maiden surname*), “дошлюбне прїзвище” (*surname prior to marriage*) and “первїсне прїзвище” (*original surname*). We found another possibility – “прїзвище до реєєстрацїї шлюбу” (*surname prior to registration of marriage*). We think that terms most reflecting the reality are these: “прїзвище при народженнї” (*surname when born*) and “уроджена/уроджений” (*born*), because surname may also be changed during the childhood, not only by entering the marriage (such as by accepting the surname of a stepfather and by adopting a child).

Although at first sight we could think that process of translating family register documents from one language to another (from Czech to Ukrainian and vice versa in this case) is nothing complicated, the opposite is true, as we could see in the above-stated example of translation of family register act of civil partnership. There are many equivalents that differ from the legal point of view in both countries and thus, it is essential for the translators to learn not only the relevant terminology in both languages, but also legal issues relating to translations of family register documents.

Works cited:

MYRONOVA, H., GAZDOŠOVÁ, O.: Česko-ukrajinský právnícký slovník. Brno: Masarykova univerzita, 2009. 374 s.

Великий енциклопедичний юридичний словник. За редакцією академіка НАН України Ю. С. Шемшученка. Київ, Юридична думка, 2007.

Українська радянська енциклопедія. Том 9. Головний редактор М. П. Бажан. Київ, Академія наук Української радянської соціалістичної Республіки, 1962.

Internet sources:

Cyclop.com.ua [online]. Updated 2014 [cit.2014-01-04]. Available from: <http://cyclop.com.ua/content/view/1179/58/1/1/#55>

Registrované partnerství [online], updated 1. 2. 2014 20:48 [cit. 2014-01-04], Wikipedie. Available from: http://cs.wikipedia.org/wiki/Registrovan%C3%A9_partnerstv%C3%AD

Dny práva. Rozluka manželství – zapomenutý institut?? [online]. 2009, issue 1, vol. 358, [cit. 2014-01-04]. Available from: http://www.law.muni.cz/sborniky/dny_prava_2009/files/prispevky/sblizovani/Petr_Pavel__1334_.pdf> ISBN 978-80-210-4990-1