

RESUME

Oszkár GORCSA

The Geneva and Hague Conventions and the Case of First World War Serbian POWs in Hungary

The study gives a brief introduction to the evolution of the international laws of war between 1864–1907, focusing on the first multilateral treaties addressing the conduct of warfare. The major concerns of these treaties focused on the applicable rules in case of armed conflicts (*jus in bello*), eventually contributing to the creation of the first POW camp institutions alongside with their bureaucratic management processes.

In the case of Hungary, professional research on the prisoners of war has begun only in the vicinity of the First World War centenary, therefore a number of misconceptions regarding the topic have not yet been readdressed. Hence, the study puts an emphasize on the legislation regarding Serbian prisoners of war in Austria–Hungary and expounds on the situation of POW camps, putting special emphasis on the arrival of the Serbian POWs to the country. The study assesses the everyday life of the prisoner labor force, examines and addresses the criticisms raised by Serbian historians in regard to their (mis)management and (mal)treatment.

The paper concludes with the analyses of the difficulties and complications relating to the adherence of the conventions. The sources of this article are based on the records of the Military History Archives in Budapest, data retrieved from the National Archives of Hungary, and the relevant literature.

Napsugár Ágnes ORBÁNNÉ SZÉL

The Protection of Minority Children, as an Element of Child-friendly Justice, under Act No. CXXX of 2016 on the Code of Civil Procedure of Hungary

National minorities are constituent parts of the state and have adequate protection according to the Fundamental Law of Hungary. This protection includes the right to use their language before the Courts. The implementation of child-centered justice, which aims to protect minors, has been a priority in Hungary since 2012. This article seeks answers to that question, whether minors belonging to a national minority community are given extra protection under the Hungarian Code of Civil Procedure? Is there a specific regulation for them within the domestic legal system of the country? Do the two different protections (protection of minors and protection of national minorities) cumulate? Are the legal provisions currently in force effective enough or is there room for improvement? Is there relevant case law? The study points out that the Hungarian Code of Civil Procedure does not contain any specific provisions on the procedural rights of minors belong to national minorities. The provisions on minors' rights can be found throughout the procedural rules, however, they are fragmented, focusing mainly on the technical rules of the hearing. Furthermore, the right of national minorities to use their languages is regulated in a provision separated from provisions on minors. Despite the fact that, the legal provisions provide effective protection, the implementation of these provisions is burdened by numerous obstacles.

János FIALA-BUTORA

Place-names in Minority Languages: The Case of the Referendum in Pered / Tesedikovo

The article explores the international human rights obligations and possible international legal remedies protecting the official names of municipalities in minority languages through the example of the Slovakian village of Tesedikovo/Pered. The municipality, which has a Hungarian-speaking majority, was called Pered both in Hungarian and Slovak until 1947, when it was renamed Tesedikov. On 12 March 2012, the residents decided in a local referendum to change the name back to Pered. However, the government did not approve the change.

The article argues that international treaties on minority protection are of little help in situations like this. They provide protection to names in minority languages, which are displayed in addition to official names in the majority language. The case of Pered was brought before the Council of Europe's Advisory Committee on the Framework Convention on the Protection of National Minorities, but they did not express concern.

On the other hand, mainstream human rights treaties could be relevant in certain situations. The International Covenant on Civil and Political Rights protects the right to participate in public affairs, which covers local referenda. In this case, the results of the referendum were frustrated by the government, which created at least an interference with this right. By examining the government's reasoning, we can conclude that the only justification raised by the state relate to anti-Hungarian sentiments. Discriminatory treatment can be accepted if it follows a legitimate aim, is based on objective criteria, and is proportionate to that aim, but should never be accepted as an end in itself. Therefore, the article concludes that the UN Human Rights Committee should be able to protect official names in minority languages in situations like Pered, where residents express their will in referendums properly under domestic laws. It does not apply to names that got accepted by the local residents and who therefore do not oppose them, at least not in substantial numbers.

Tamás ORBÁN

Diplomatic Disputes Regarding the Language of Instruction in the Ukrainian Law on Education

The 2017 Law on Education in Ukraine declared that the language of instruction shall be the state language. This decision affected nearly half a million students speaking minority languages, and has impacted, in particular, the life and future prospects of the Hungarian community living in Transcarpathia in a significant way.

In response, the Hungarian government, along with other governments and international organisations, have launched a comprehensive diplomatic debate with Kyiv in order to protect the rights of minorities living in Ukraine. After recognizing the infringement of basic rights, the Venice Commission issued an Opinion, containing suggestions for amendment of domestic laws in force, all of which have still not been fully implemented by Ukraine. The Hungarian government (and its partners) therefore have raised awareness on every appropriate international fora in order to place pressure on Kyiv and to protect the interests of the minorities in Ukraine.

What were the most crucial points that influenced the outcome of these debates? What were the specific interests of the different actors and what tools did they utilise to pursue these? What concessions have been made so far and what challenges lie ahead in the future of this diplomatic dispute? The study primarily focuses on these questions.

Furthermore, by looking at the story of this diplomatic dispute as a case study, we can draw wider conclusions as well, regarding the nature and *modus operandi* of the functioning of states and international organizations they are included in.

Veronika ILLÉS

**Prologue for the Protection of Minorities: Excerpts
from the History of Polish and Hungarian Minorities
in Ukraine**

Studies regarding minorities and their rights is abundant, yet we continue to revisit some fundamental issues that remain unclear. Given there are no universally accepted guidelines on the definition of national minorities, how can these communities be classified, and where are the limits of their legal protection? Are collective rights more effective in the protection of national minorities than individual rights? Does one exist without the other at all? In the present study, I intend to gauge these questions on the examples of the Hungarian and Polish minorities living in Ukraine. The history of these communities demonstrates, in many ways, the contradictions of minority politics in Central and Eastern Europe, while also providing some possible answers thereto.