

Protecting Jews as a National Minority in European States

Research Report ¹

1. The Framework Convention: A Background

1.1. The Framework Convention for the Protection of National Minorities (1995)² was the first comprehensive and legally-binding international instrument designed to protect the rights of persons belonging to national minorities as a specific subgroup within minority rights. More than a quarter of a century after it came into effect (1998), it is currently in force in 39 states. It remains the most authoritative and consequential treaty aimed at promoting and protecting national minority rights in Europe.

1.2. At the international level, CERD protects the rights of racial minorities, including religious minorities when they are racialised.³ Article 27 of the International Covenant on Civil and Political Rights (ICCPR) (1966) mandates that “persons belonging to ethnic, religious, or linguistic minorities shall not be denied the right to enjoy their own culture, practice their religion, or use their language in community with other members of their group.” These two treaties protect individual rights exercised collectively, ensuring distinct cultural existence. All Council of Europe members are party to both treaties.

1.3. In 1992, at a meeting in Helsinki, OSCE States created the Office of the High Commissioner for National Minorities.⁴ This was a direct response to the end of the Cold War, including economic decline, social tension, aggressive nationalism, intolerance, xenophobia and ethnic conflicts threatened stability in the OSCE area. Gross violations of human rights and fundamental freedoms, including those related to national minorities, posed a threat to peaceful development. The OHCNM is a political institution with a mandate focused on conflict prevention and early warning systems.

1.4. The Framework Convention goes further than the OHCNM by providing legal measures that are protective of national minorities rather than protecting against conflicts and wars. It also goes further than the European Charter for Regional or

¹ This summary was prepared by Professor Dr Rosa Freedman for the European Jewish Association, March 2026. Any errors remain the fault of the author.

² Council of Europe, *Framework Convention for the Protection of National Minorities*, 1 February 1995, ETS 157, Article 1

³ Theo Van Boven, ‘Racial and Religious Discrimination’, *Max Planck Encyclopedia of Public International Law* (2007).

⁴ <https://hcnm.osce.org/>

Minority Languages (1992)⁵ by focusing on all rights not only language ones. Article 1 of the Framework Convention sets out that it forms “an integral part of the international protection of human rights”.⁶

1.5. The Framework Convention was born to protect diasporic communities, particularly after the fall of the USSR. It stemmed largely from the concerns tied to ethnic cleansing and human right abuses against minorities viewed as marginal or “disloyal”, as exemplified in the Yugoslav war.

1.6. Distrust between different ethnic groups, and especially between the dominant majority and national minorities, had been used by political leaders to reinforce their positions of power. On occasion, this has resulted in conflict. The Jewish experience has often been as the canary in the coalmine, or as the scapegoat, for violent conflicts in Europe.

1.7. The FCNM was designed to protect national minorities, and to promote tolerance throughout society. The FCNM’s Preamble refers to the protection of national minorities as being essential to stability, democratic security and peace. It emphasizes the components of a pluralist and genuinely democratic society. It also identifies the need for tolerance and dialogue to enrich society.

1.8. The 1995 Explanatory report set out:

“Considering that the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this continent; Considering that a pluralistic and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity [...]” (3)

The same document sets out that its aim is:

“to specify the legal principles which States undertake to respect in order to ensure the protection of national minorities”, it leaves the States “a measure of discretion in the implementation of the objectives which they have undertaken to achieve” and, importantly, “the Framework Convention contains no definition of the notion of ‘national minority’.” (13)

⁵ Council of Europe, *European Charter for Regional or Minority Languages*, 5 November 1992, ETS 148

⁶ Council of Europe, *Framework Convention for the Protection of National Minorities*, 1 February 1995, ETS 157, Article 1

1.9. The Framework Convention takes a pragmatic approach by focusing on States' obligations rather than on rights of minorities. States are expected to recognise and promote rights, giving them far broader scope than the usual "protect, respect and fulfil" duties in international human rights law treaties.⁷

1.10. The word "framework" was included to show that the Convention consists of legally non-binding normative principles to be implemented by States through domestic legislation and policies. The substantive parts of the Convention in Section 2 mostly contains programme-type provisions regarding national minorities' rights.⁸ This means that member States are under a legally binding duty to ensure that their domestic legislation and its practical application are compatible with the Framework Convention's principles.

1.11. The wording of the programmatic requirements gives wide flexibility to governments when it comes to implementation through national legislation and governmental policies.⁹ The Convention and the individual Articles allow for flexible interpretations as to the definition of a national minority,¹⁰ what they are entitled to, and what governments should do to implement those rights. States are encouraged to adopt the approach they find most suitable for local conditions.

2. Definition of a National Minority

2.1. There is no internationally accepted definition of minorities. There are some basic elements generally accepted that can be traced back to a 1979 UN report by Francesco Capotorti.¹¹ The most important is distinctive features between the minority and the majority, such as ethnicity, history, language, culture, religion. The minority must be objectively numerically inferior. It must also not be the dominant

⁷ Alfredsson, Gudmundur. "A Frame an incomplete painting: Comparison of the Framework Convention for the Protection of National Minorities with international standards and monitoring procedures." *Int'l J. on Minority & Group Rts.* 7 (2000): 293

⁸ The exceptions are Article 3(1) that guarantees the right of members of national minorities freely to choose whether or not to be treated as such, and Article 13(1) that guarantees the rights of national minorities to set up and manage their own schools.

⁹ See paragraph 11 of the Explanatory Report to the FC: The programme-type provisions 'leave the States concerned a measure of discretion in the implementation of the objectives which they have undertaken to achieve...'. The Explanatory Report is reproduced in *Framework Convention for the Protection of National Minorities. Collected Texts*, Strasbourg: Council of Europe Publishing, 1999, pp. 17-36.

¹⁰ See section XX

¹¹ Francesco Capotorti, 'Study on the rights of persons belonging to ethnic, religious and linguistic minorities' (1979) UN Doc. [E/CN.4/Sub.2/384/Rev.1](#)

group.¹² Subjectively, there must exist a common will of the group members to preserve their ethnic, religious or linguistic identity.

2.2. The Framework Convention does not clearly define what a national minority is. The definition is left quite open-ended for each country to determine, but the preamble to the explicitly refers to the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority.

2.3. While shying away from a definition, article 1 of the Additional protocol on the rights of minorities to the European Convention on Human Rights (Recommendation 1201, 1993) sets out:

The Assembly now confirms ... the definition of a "national minority" which should refer to

"a group of persons in a state who:

- a. reside on the territory of that state and are citizens thereof;
- b. maintain longstanding, firm and lasting ties with that state;
- c. display distinctive ethnic, cultural, religious or linguistic characteristics;
- d. are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state;
- e. are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language."¹³

2.4. There are two key questions for the current discussions. Does a group need to have resided in a territory for a specific period of time to be considered a national minority? And do members of the group need to hold citizenship of a State in which they and the group live to be considered a national minority? This is known as the difference between "old" and "new" minorities, in terms of traditional ties to the country.

2.5. When applied to Jewish communities this is important as the communities may have longstanding historical ties while the individuals themselves may not hold citizenship or may be relatively new to the country.

¹² For example, the Alawites were a numerically small group in Syria but were the dominant power under the Assad regimes.

¹³ This is of particular importance because Jews are not always citizens of the countries where they reside and they may not be able to show longstanding ties with that state. Note also that in article 1 "ethnicity" is expressly mentioned at point c., but it is replaced by "traditions" at point e.

2.6. Notably, the Advisory Committee's position regarding the status of non-citizens is that this should not be an a priori requirement for the enjoyment of minority rights. It generally recommends states to envisage the inclusion of non-citizens as protected by the FCPNM where they meet the other requirements of being a minority.¹⁴ The Committee justifies this by stating that "the Framework Convention is not an instrument that operates on an "all-or-nothing" basis. This is important when thinking about Jews who move to a country and join the local group without first obtaining citizenship.

2.7. Article 6 FCPNM is drafted in such a way – "all persons living on their territory" – that ensures States can determine whether to include "old" or "new", or both, – and indeed all people in society as a whole – within their domestic legislation on national minorities. There are some articles that only apply to peoples in areas traditionally inhabited, which means "old" minorities.¹⁵

2.8. This led to some States adding a declaration to their ratification of the FCPNM limiting the scope of their obligations to "old" or "traditional" minorities with longstanding ties to the land and who hold citizenship of the State.¹⁶

2.9. The Advisory Committee has taken the view that the assessment of what constitutes a minority cannot be left entirely to the discretion of states parties. While recognising that they have a margin of appreciation, the Committee considers itself entitled to review their determination, based on general principles of international law and on the fundamental norms set out in Article 3(1) FCPNM.¹⁷

2.10. The difference between national minorities and immigrants has been set out, for example by Kymlicka.¹⁸ He says that national minorities possess a "societal culture" to preserve their distinct identity, whereas immigrants voluntarily abandon their societal culture and are only able to access formal equality rights and poly-ethnic rights aimed at promoting their integration into society.

¹⁴ See ACFC, First Opinion on Austria, 16 May 2002, ACFC/INF/OP/I(2002)009 at para. 20; First Opinion on Slovenia, 14, March 2005, ACFC/INF/OP/I(2005)002 at para. 25; First Opinion on Spain, 27 November 2003, ACFC/INF/OP/I(2004)004 at para. 24; and First Opinion on the Czech Republic, 6 April 2001, ACFC/INF/OP/I(2002)002 at para. 23.

¹⁵ Articles 10(2), 11(3), and 14(2)

¹⁶ Malloy, Tove H., ed. *Minority issues in Europe: rights, concepts, policy*. Vol. 1. Frank & Timme GmbH, 2013.

¹⁷ Similarly, the UN Human Rights Committee was able to make good the lack of a definition of 'minorities' in Article 27 ICCPR. See, Human Rights Committee, General Comment No. 23: The rights of minorities (art. 27), 8 April 1994, CCPR/C/21/Rev.1/Add.5; 1-3 IHRR 1 (1994) at para. 5.2.

¹⁸ Kymlicka, *Multicultural Citizenship, A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995)

2.11. The broad scope afforded to States to define national minorities has led to very different classifiers across Europe. As we will see in Section 4 this results in very different numbers of national minorities in different States. Three States Party to FCPNM made a declaration upon ratification that they have no national minorities.¹⁹ Some States, for example Denmark and Netherlands, say they only have one national minority.²⁰

2.12. It is important to look at how national minorities are identified and classified by EU Member States, on their own terms in the Framework Convention. Three broad classifiers emerge: (a) “ethnicity” (minorities identified in “ethnic” terms, even though the term might be employed differently by various States), (b) “language”, and (c) “religion”.

2.13. Notably, not all States have chosen to explicitly identify the minorities that they consider to fall under the scope of the FCPNM in unequivocal ways. Some countries have broadened their scope over time, and some country reports also refer to additional elements or classifiers such as tradition, indigeneity or race.

2.14. All countries, however, include at least one of the three elements (ethnic, linguistic, religious) —and often more than one— as their main criteria for affording recognition and protection to their national minorities, even where they are not explicitly recognised as such.

2.15. Two minorities in particular, the Roma and the Jews, are more often identified as an “ethnic minority” than others. Their ethnicity is one that at times is framed and officially recognized also as a linguistic trait (often for the Roma and, less often, for the Jews when they are identified with Yiddish or Hebrew) or a religious one (the Jews).

2.16. These two minorities both defy the element of territoriality and dispersion, which plays an important role for many governments, obliging a positive response to the question of whether an individual can be ethnically identified without a reference to territorial community.

¹⁹ Liechtenstein, Malta and Portugal

²⁰ Similar declarations have been issued by Germany (stating that only the Danes and Sorbians with German citizenship are national minorities but that the Convention will also be applied to the Frisians, the Sinti and Roma with German citizenship), Slovenia (stating that only the Italian and Hungarian communities are national minorities but that the Convention will also be applied to the Roma), Sweden (which considers as national minorities the Sami, Swedish Finns, Tornedalers, Roma and Jews), and the former Yugoslav Republic of Macedonia.

3. Framework Rights

3.1. The FCNM covers a wide range of issues: the right to self-identification; development of culture; full and effective equality; tolerance and inter-cultural dialogue; freedom of association; right to religious belief and practice; access to the media; use of minority languages; use of minority names; inter-cultural education; minority education establishments; learning of and in minority languages; effective participation in public affairs; effective participation in economic, social and cultural life; prohibition against altering proportions of population; cross-frontier contacts; bilateral treaties.

3.2. The only clearly expressed right, rather than area for States to develop their own context-specific laws, is in Article 3. That article makes clear the right for every person to freely choose whether or not to be treated as a national minority

3.3. The provisions substantive are worded in general terms and contain qualifications that give broad scope to States. These include phrases such as “substantial numbers”;²¹ “sufficient demand”;²² “a real need”;²³ “where necessary”;²⁴ “where appropriate”;²⁵ and “as far as possible”.²⁶

3.4. Rights under the Framework Convention are held individually although most can only be exercised as part of the collective group. The I Explanatory Report makes it clear that no collective rights of minorities are envisaged. However, most of the Convention’s Articles have a collective dimension²⁷ and, in practice, can only be enjoyed as a joint exercise by persons belonging to a national minority.

3.5. The right to, and respect for, a minority’s distinct identity is the most fundamental in the minority rights field. The main problem, as discussed above, is determining who constitutes a national minority for the purposes of the FCPNM. The right freely to identify oneself with a minority group, or to choose not to do so, is also fundamental to this area of law, as reflected in Article 3(1) of the Framework Convention.

²¹ Articles 10(2), 11(3) and 14(3)

²² Articles 11(3) and 14(2)

²³ Article 10(2)

²⁴ Article 4(2), 18(1) and 19

²⁵ Articles 11(3) and 12(1)

²⁶ Articles 9(3), 10(2) and 14(2)

²⁷ e.g. Article 5 on culture or Article 15 on participation

- 3.6. In Europe, States are under the obligation to protect and promote the distinct identity of a minority. This is reflected in Articles 4(2) and 5(1) of FCPNM. This includes a requirement for non-discrimination laws and available remedies for any breaches, as well as positive obligations to implement State programmes aimed at ensuring equality of minorities in society.
- 3.7. Article 6 on non-discrimination also includes positive obligations on States to take measures to combat anti-minority acts and sentiments, to support measures aimed at accurate balanced media reporting on minority issues, and to address under-representation of minorities in higher education and in public life.
- 3.8. Freedom of religion is protected in Article 9 European Convention on Human Rights, and national minorities received further protection in this regard in Articles 6-8 FCPNM. This is particularly important, for example, where it comes to political parties of minorities being established and operating. It also extends to practices that specific minorities require to uphold their distinct religious identity.
- 3.9. Media rights under Article 9 of the Framework Convention covers national minorities' rights to have their own media and also representation in public radio and television. The obligations on States also include ensuring that minorities are not discriminated against in the ways they are represented by the media.
- 3.10. Language rights are essential for most minorities to protect and promote their distinctive identities. These rights are guaranteed in Articles 10-11, including to use one's own language in the private and public sphere, and sometimes even in communication with State or public officials. These rights do not prevent the existence of an official State language, but ensure that there are obligations on a State to ensure safeguarding of the linguistic rights of national minorities.
- 3.11. Educational rights (Articles 12-14) are closely linked with language rights, but may also be necessary for religious and ethnic rights. Educational rights and obligations may also involve ensuring that the dominant majority – in schools and the general public – are educated about the national minorities.
- 3.12. Effective participation in cultural, social, and economic life, and in public affairs, is reflected in Article 15 guaranteeing political participation to national minorities. These rights range from representation to addressing unemployment.
- 3.13. Travel rights to meet with other members of the group (Article 17) are important for some national minorities. Visa requirements should not unduly restrict or discriminate

against these national minorities, whilst at the same time not undermining the sovereignty of member States.

4. States Party and Scope of Application –

- 4.1. The differences between States Party to FCPNM is vast in terms of how they define national minorities, whether this exists in specific or general legislation, and the practical implementation of those rights.
- 4.2. Three of the six EU Founding Members (Belgium, France, and Luxemburg) never ratified the Framework Convention (France never even signed it), and the other three Founding Members (Germany, Italy and the Netherlands) have been extremely narrow in their interpretation of the Convention's scope.
- 4.3. It is important to note that of the eight CoE States are not party to the FCPNM, Andorra, Iceland, Luxemburg and Monaco may have territories so small that they do not have national minorities in them.²⁸ There are different considerations for Belgium,²⁹ France, Greece and Turkey.
- 4.4. States that have not ratified the FCPNM say that the principle of non-discrimination is a sufficient legal and practical instrument to protect minorities. This fails to take into account the shared view of all international actors in Europe³⁰ that there needs to be specific protections for minorities to ensure peaceful relations between the majority and minority. In particular this is needed for national minorities to maintain and develop their own distinct identity and not to be assimilated into the majority against their will.
- 4.5. The Southern European countries that joined the EU in the 1980s (Greece, Portugal and Spain) also have either not ratified the FCPNM (Greece) or claim that they do

²⁸ Note that Lichtenstein, Malta and San Marino have nonetheless ratified the FCPNM as an expression of solidarity with European efforts to protect national minorities

²⁹ Belgium has created a comprehensive set of protections for its German-speaking minority, including territorial autonomy for Deutschsprachige Gemeinschaft that has a parliament and a prime minister. Its non-ratification of the Framework Convention means that other linguistic minorities or the Belgian Sinti and Roma, let alone Jews or others, without specific protections. Greece and Turkey have similar situations to Belgium, whereas France refuses altogether to recognise any national minorities on its territory.

³⁰ Toggenburg, Gabriel N. "The protection of minority rights by the European Union: The European citizens' initiative as a test case." *The Framework Convention for the Protection of National Minorities*. Brill Nijhoff, 2018.

not have any “national” minorities (Portugal), limiting the Framework’s scope, in practice, to the Roma (in the case of Portugal and Spain), following pressure from the Advisory Committee, albeit without recognizing them as a national minority.

4.6. On the whole, Western European countries that joined the EU before the 1990s have approached the issue of minority rights with diffidence and caution, if not outright hostility.

4.7. In general, “new” member-states tend to have more detailed regulations regarding minority rights compared to EU “old” member-states. This can be seen as both a product of the time (since the attention given to minority recognition and representation has increased in recent years) and of the legal and political requirements that have been imposed on Central and Eastern European countries in order to access the EU

4.8. The purpose of this section is to provide information on each State party about (a) whether/ how they approach protected national minorities in domestic legislation, (b) other protections for minorities, and (c) the status of Jews as a (national or non-national) minority.

4.9. **Albania** passed Law no. 96/2017 on Protection of National Minorities in the Republic of Albania in 2017. It eliminated previous differences between national and linguistic minorities and acknowledges the following groups as national minorities in Albania: Aromanians, Bosniaks, Bulgarians, Egyptians, Greeks, Macedonians, Montenegrins, Roma and Serbs.³¹

4.10. The law enacts directly the FCPNM into national law. Alongside listing the groups with protected national minority status, Article 3 requires them to be citizens of Albania.

4.11. Albania law³² prohibit discrimination on the grounds of political/religious beliefs, age, family/marital status, and economic or social condition. citizenship, sex characteristics, living with HIV/AIDS, amongst others. Jews are protected under these laws but not explicitly as a national minority in Law no/96/2017.

³¹ <https://rm.coe.int/law-on-protection-of-national-minorities-in-albania-english/1680a0c256#:~:text=Preservation%20of%20the%20cultural%20identity,of%20their%20distinct%20cultural%20identity>

³² Law no. 10 221, dated 4.2.2010 “*On Protection from Discrimination*” as amended by the Law no. 124/2020 “*For some additions and amendments to law no. 10221, dated 4.2.2010 “On protection from discrimination*”, which was approved on October 15, 2020.

- 4.12. **Armenia** has a draft law³³ on national minorities that directly enacts the FCPNM. Article 3 of the draft law sets out that “Persons belonging to the national minority are members of the national minority, i.e. a group with their inherent national or ethnic identity, historically formed in the Republic of Armenia.” It then lists those national minorities as: Assyrians, Belarusians, Germans, Yezidis, Poles, Jews, Greeks, Russians, Georgians, Ukrainians, Kurds.
- 4.13. Article 29 of the Constitution prohibits discrimination on the basis of national minority, property status, birth, disability, age, or other personal or social circumstances.³⁴ Article 56 of the Constitution sets out the “Right to Preserve National and Ethnic Identity: (1) Everyone shall have the right to preserve his or her national and ethnic identity. (2) Persons belonging to national minorities shall have the right to preserve and develop their traditions, religion, language and culture. (3) Exercise of the rights prescribed in this Article shall be regulated by law.
- 4.14. **Austria** protects six recognised national minorities under the Federal National Minorities Act of 1976.³⁵ Those minorities are Croats, Slovenes, Hungarians, Czechs, Slovaks and Roma. A national minority is defined by the National Minorities Act as a group that comprises Austrian citizens with a non-German mother tongue and a common autonomous cultural heritage who have their residence in a part of Austrian territory. The Act provides for specific measures to ensure the continuing existence of the protected national minorities by means of financial contribution, education and assistance.³⁶
- 4.15. Austria has federal³⁷ and state³⁸ legislation on Equal Treatment that covers sex, ethnic affiliation,³⁹ religion, belief, age, and sexual orientation. Other laws establishing equality before the law include Article 2 of the Basic Law of the State 1867 and Article 7 of the Federal Constitutional Act 1929. Austrian constitutional law has specific provisions banning discrimination on the basis of race, language or

³³ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2024\)010](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2024)010)

³⁴ <https://www.president.am/en/constitution-2015/>

³⁵ Federal National Minorities Act (Bundesgesetz über die Rechtsstellung von Volksgruppen in Österreich), 5 August 1976

³⁶ Article 8(f)

³⁷ Bundesgesetz über die Gleichbehandlung, BGBl I No. 66/2004

³⁸ Bundesgesetz über die Gleichbehandlung im Bereich des Bundes, BGBl I No. 66/2004

³⁹ The notion of ‘race’ was removed from the text in the federal legislation and ‘race and ethnic origin’ are now both represented by the term ‘ethnic affiliation’ (ethnische Zugehörigkeit). This was strongly supported by many NGOs, as the German term Rasse was one of the most misused expressions under the Nazi regime. This does not change the scope but is an expression of sensitivity regarding language. Nevertheless, a legal definition of these terms does not exist in national law.

religion⁴⁰ and race, colour, descent or national or ethnic origin.⁴¹ Jews are protected under these laws but not as a protected national minority.

4.16. **Azerbaijan** does not have comprehensive legislation on the protection of minority rights, including in the areas of non-discrimination, language rights and education.⁴² It has been widely and regularly criticised by the Advisory Committee on the FCPNM for its failures to implement protection of – or even consultation with – national minorities despite Presidential Decrees and action plans.

4.17. The Constitution guarantees rights and freedoms to all people regardless of race, nationality, religion, ethnicity or beliefs. Article 44 secures the preservation of a national identity, while Article 45 guarantees the right to use one's native language in one's upbringing, education and creative activity. Yet in practice these protections are only weakly implemented, and minorities have limited recourse to justice from official channels in the event of discrimination.⁴³

4.18. **Bosnia and Herzegovina** has three constituent peoples (Bosniaks, Croats and Serbs) in its constitution. As per the Dayton Agreement, there are 17 officially recognized national minorities in Bosnia and Herzegovina: Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenes, Turks and Ukrainians. This is also set out in the Law on the Rights of National Minorities Article 3.⁴⁴ That law enacts the FCPNM into national law.

4.19. There are other specific laws on non-discrimination. The 2009 Law on Prohibition of Discrimination (amended 2016) bans direct/indirect discrimination on grounds such as race, religion, ethnic affiliation, and sexual orientation/gender identity. Despite this, the Constitution continues to discriminate directly against protected national minorities.

4.20. As part of the 1995 Dayton Peace Agreement, prohibits anyone not identifying as Bosniak, Croat, or Serb from running for the Presidency or the House of Peoples. In

⁴⁰ Articles 66 and 67 of the Treaty of St. Germain, 1919

⁴¹ Article I of the Federal Constitutional Act for the Implementation of the Convention on the Elimination of all Forms of Racial Discrimination, 1973

⁴² <https://rm.coe.int/5th-op-azerbaijan-en/1680b267a1#:~:text=1..human%20rights%2C%20including%20minority%20rights>

⁴³ <https://minorityrights.org/country/azerbaijan/>

⁴⁴ <https://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/008%20-%20HUMAN%20RIGHTS%20OMBUDSMAN%20OF%20BOSNIA%20AND%20HERZEGOVINA/BH%20Law%20on%20Rights%20of%20National%20Minorities%2012-03.pdf>

2009, the European Court of Human Rights ruled in the landmark *Sejdić and Finci v. Bosnia and Herzegovina* case that this exclusion is discriminatory. Despite this binding ruling and others that followed (e.g., *Zornić, Pilav*), Bosnian authorities have not amended the Constitution.

4.21. **Bulgaria** does not formally recognise the existence of national minorities within its territory, defining itself instead as a nation-state with a "one-nation" concept, according to the declaration made upon ratifying the FCPNM.⁴⁵

4.22. The Bulgarian Constitution Article 6 prohibits discrimination based on race, national origin, ethnicity, sex, origin, religion, education, beliefs, political affiliation, personal and social status, and property status. The Constitution later sets out that "everyone shall have the right to avail himself of the national and universal human cultural values and to develop his own culture in accordance with his ethnic self-identification, which shall be recognised and guaranteed by the law."⁴⁶

4.23. The Bulgarian authorities support the preservation and development of national minority cultures mainly through the National Council for Co-operation on Ethnic and Integration Issues. Funding for cultural purposes has benefited associations representing the Jewish community amongst others.⁴⁷

4.24. **Croatia** passed the Constitutional Law on the Rights of National Minorities in 2002.⁴⁸ Article 3 enshrines "the rights and freedoms of persons who belong to national minorities, as basic human rights and freedoms, shall be an inseparable part of the democratic system of the Republic of Croatia and shall enjoy necessary support and protection, including positive measures to the benefit of national minorities."

4.25. Jews are specifically mentioned in the Constitutional preamble: "The Republic of Croatia is established as the national state of the Croatian nation and the state of the members of autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians and Ruthenians and the others

⁴⁵ Bulgaria, Reservations and Declarations for Treaty No.157 - Framework Convention for the Protection of National Minorities (ETS No. 157), available at <https://www.coe.int/en/web/conventions/full-list?module=declarations-bytreaty&numSte=157&codeNature=10&codePays=BUL>

⁴⁶ Article 54.1 of the Constitution of Bulgaria

⁴⁷ <https://rm.coe.int/fourth-report-submitted-by-bulgaria-pursuant-to-article-25-paragraph-2/168077d970> pp29-31

⁴⁸ <https://www.refworld.org/legal/legislation/natlegbod/2002/77841>

who are citizens, and who are guaranteed equality with citizens of Croatian nationality and the realization of national rights.”⁴⁹

4.26. **Cyprus** provides protection to listed national minorities of the Armenian, Latin and Maronite religious groups, who appear in the 1960 Constitution. It also now applies the FCPNM on an Article-by-Article basis to persons belonging to the Cyprus Roma.⁵⁰

4.27. Jews only have protection under the general legal framework for preventing discrimination, which is based on the Constitution of the Republic of Cyprus⁵¹ and anti-discrimination legislation. These laws prohibit discrimination on the grounds of one’s community affiliation, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, age, disability and sexual orientation or any other grounds.

4.28. **Czechia** enacted the National Minorities Act in 2001.⁵² It does not list officially recognised national minorities, but does make citizenship a criterion for being a ‘member of a national minority’. In practice, those officially recognized as such belong to groups represented on the Council for National Minorities are: Bulgarians, Croats, Hungarians, Germans, Poles, Roma, Ruthenians, Russians, Greeks, Slovaks and Ukrainians, as well as more recently Serbs.⁵³

4.29. Jews are covered by the state support programmes for national minorities, despite the fact that most of them regard themselves as a cultural or religious community, rather than a national minority.⁵⁴

4.30. **Denmark** has declared that the provisions of the Framework Convention apply only to the German population of South Jutland and have no wider application. This position has been criticized by the Advisory Committee of the Framework Convention

⁴⁹ <https://constitutionnet.org/sites/default/files/Croatia%20Constitution.pdf>

⁵⁰ <https://rm.coe.int/6th-opinion-cyprus-en/4880294c55>

⁵¹ Article 28(2) of the Constitution of the Republic of Cyprus

⁵² https://www.svi-bz.org/uploads/tx_bh/205/on_rights_of_members_of_national_minorities_and_amendment_of_some_acts.pdf

⁵³ <https://minorityrights.org/country/czech-republic/#:~:text=In%20advance%20of%20the%20separation,thus%20increasing%20their%20social%20marginalization>

⁵⁴ <https://rm.coe.int/6th-opinion-czechia-en/4880294c4c>

who are concerned by its exclusion of Greenland Inuit, Faroese and Roma minorities.⁵⁵

4.31. In 2003, Denmark passed the Act on Ethnic Equal Treatment. This legislation, reflecting the principles of Articles 4 and 6 of the Framework Convention, provided additional safeguards against discrimination on the grounds of race or ethnic origin in a number of social settings.

4.32. Jews are protected under general law and do not want to be considered as national minorities. They have, however, expressed concerns about threats to their religious and cultural identity by national laws and practices.⁵⁶

4.33. **Estonia** explicitly recognises German, Russian, Swedish and Jewish national minorities under Article 2 the Law of 1993 on Cultural Autonomy for National Minorities.⁵⁷ The law enacts the FCPNM in a context-specific manner.

4.34. Only citizens are allowed to access non-discrimination laws. The Constitution prohibits discrimination based on nationality, race, colour, sex, language, origin, religion, political or other beliefs.⁵⁸

4.35. **Finland** officially recognises the Sámi as an indigenous people in the Constitution, as well as recognising their right to cultural autonomy. This is the only explicitly listed group, and this is under indigenous minority rights.

4.36. Section 6 of the Constitution provides for equality and prohibits discrimination.⁵⁹ The Non-Discrimination Act prohibits discrimination in all public and private activities (excluding private life, family life and the practice of religion) on 14 different grounds.⁶⁰ Jews access national minority status under these laws.

⁵⁵ <https://rm.coe.int/16801cdeca#:~:text=Denmark%20has%20maintained%20a%20consistent,concerns%20in%20their%20minority%20language.>

⁵⁶ <https://rm.coe.int/16801cdeca#:~:text=Denmark%20has%20maintained%20a%20consistent,concerns%20in%20their%20minority%20language.>

⁵⁷ <https://www.refworld.org/legal/legislation/natlegbod/1993/en/14254>

⁵⁸ Article 12

⁵⁹ Constitution (Perustuslaki), 731/1999. <https://www.finlex.fi/fi/laki/ajantasa/1999/19990731>

⁶⁰ Non-Discrimination Act (Yhdenvertaisuuslaki), 1325/2014. <https://www.finlex.fi/fi/laki/ajantasa/2014/20141325>

4.37. **Georgia** does not explicitly list national minorities for the purposes of FCPNM.⁶¹ In 2005 the Council of National Minorities was established, bringing together most minority organizations operating in the country. It is the main platform for consultation and cooperation between minority organizations and governmental structures.

4.38. Jews are protected as a national minority under general laws. The Constitution guarantees the right to maintain cultural identity and use native languages in public and private life.⁶² Article 11 also prohibits discrimination on various grounds, including religion and ethnicity, and guarantees equality for all residents. The 2014 anti-discrimination law prohibits discrimination based on race, ethnicity, or religion.

4.39. **Germany** incorporated the FCPNM into national law by The Federal Act of 22 July 1997. Upon ratification (deposited 10 September 1997), Germany declared that the convention applies to the following national minorities/ethnic groups of German citizenship: Danes, Sorbs, the Frisians, the Sinti and Roma. This goes beyond the Constitution (Basic Law) Article 3 that prohibits discrimination on the basis of sex, parentage, race, language, homeland and origin, faith, religious or political opinions, or disability.

4.40. Germany takes a narrow approach to national minorities, requiring (a) they are German nationals, (b) they differ from the majority population in having their own language, culture and history and thus their own distinct identity; (c) they wish to maintain this identity; (d) they have traditionally been resident in Germany (usually for centuries); (e) they live in Germany within traditional settlement area. Germany distinguishes these national minorities from immigrants, who have not traditionally resided in Germany.⁶³

4.41. In line with the principle of self-identification, Germany does not officially recognise the Jewish community as a national minority because the Jewish community does not consider itself to be one, but rather to be a religious community. Jews are afforded specific rights and protections at the state level beyond those of other groups that are also not national minorities.

⁶¹ [https://rm.coe.int/3rd-op-georgia-en/1680969b56#:~:text=Anti%2DDiscrimination%20legislative%20and%20institutional%20framework&text=31..on%20any%20ground%20of%20discrimination.&text=Higher%20Education%2C%20the%20Law%20on,on%20Local%20Self%2DGovernance%20Code.&text=ethnic%20origin/nationality\)%2C%20and,2017%2C%20pages%205%2D9](https://rm.coe.int/3rd-op-georgia-en/1680969b56#:~:text=Anti%2DDiscrimination%20legislative%20and%20institutional%20framework&text=31..on%20any%20ground%20of%20discrimination.&text=Higher%20Education%2C%20the%20Law%20on,on%20Local%20Self%2DGovernance%20Code.&text=ethnic%20origin/nationality)%2C%20and,2017%2C%20pages%205%2D9) para 23

⁶² Article 38 of the Constitution

⁶³ <https://www.bmi.bund.de/EN/topics/community-and-integration/national-minorities/national-minorities-node.html>

4.42. **Hungary** recognises 13 nationalities (Bulgarian, Greek, Croatian, Polish, German, Armenian, Roma, Romanian, Ruthenian, Serbian, Slovak, Slovene and Ukrainian) in the Act on the Rights of Nationalities of Hungary (2011)⁶⁴ and provides them with both individual and collective rights. A condition for recognition is that the relevant minority has to have been present in Hungary for at least a century.

4.43. Jews are not recognised as a national minority. They are protected by general laws. They also exist the Equal Treatment Authority, an autonomous, independent quasi-judicial body, established in 2005 to combat racism, xenophobia, anti-Semitism and intolerance at the national level. It has the power to adopt legally binding decisions concerning violations of the Act on Equal Treatment and Promotion of Equal Opportunities.

4.44. **Ireland** does not have an explicit list of national minorities, although it does place specific focus on the Irish Traveller community in its legislation⁶⁵ and reporting to the monitoring body of the PCPNM.⁶⁶

4.45. Irish law does not use a "national minority" classification for Jews, but they are protected under the Equal Status Acts (2000–2018), which prohibit discrimination on the grounds of religion, race, and ethnicity.

4.46. **Italy** protects specific national minorities primarily through a linguistic framework, focusing on "historical linguistic minorities" rather than broader ethnic classifications. The legal basis for this is Article 6 of the Italian Constitution, which mandates the protection of linguistic minorities, implemented through Law No. 482 of December 15, 1999. The 12 official ethnic linguistic minorities are Albanians, Catalans, Germans, Greeks, Slovenes, Croatians, Ladins, French, Franco-Provençal, Occitans, Friuli and Sardinians.

4.47. Jews are not recognised as a linguistic minority. Jewish life in Italy is protected through a special legal framework governing religious communities and direct state recognition of the Union of Italian Jewish Communities (UCEI).⁶⁷ They are also protected through general equality and anti-discrimination laws relating to all minority groups.

⁶⁴ [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2012\)014-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2012)014-e)

⁶⁵ Including it in prohibited grounds of discrimination in general legislation. Also, see the Equal Status Act 2020 (p. 7) where it defines the Traveller community as "the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture, traditions including, historically, a nomadic way of life on the island of Ireland."

⁶⁶ <https://rm.coe.int/5th-op-ireland-en/1680b4868b> paras 32-34

⁶⁷ <https://rm.coe.int/5th-op-italy-en/1680aa21a7#:~:text=1.,under%20the%20State%20Law%20No.>

4.48. **Latvia** opts for a flexible approach to national minorities, including citizens and non-citizens.⁶⁸ Latvia guarantees the rights of national minorities to preserve and develop their language and cultural identity. The 1991 Law "On the Unrestricted Development and Right to Cultural Autonomy of Latvia's National and Ethnic Groups" provides for state support in preserving culture and language.

4.49. Jews are protected as a national minority under general equality and non-discrimination laws. The Jewish community is one of eight "traditional" religious groups recognized in Latvia. This status grants specific rights, including the ability to perform marriages with legal recognition and the provision of religious education in public schools.⁶⁹

4.50. **Liechtenstein** has declared that there are no national minorities in the State.⁷⁰ The Criminal Code (Section 283) prohibits public incitement to hatred or discrimination based on race, language, nationality, ethnicity, religion, or sexual orientation.

4.51. **Lithuania** adopts a flexible approach to the definition of national minorities. In 2024 it passed Law on National Minorities of the Republic of Lithuania No. XIV-3079 that defines a national minority as Lithuanian citizens with a distinct national identity and strong, lasting ties to Lithuania. The Law includes an illustrative list of Jews, Roma, Tatars, Poles and Karaim.⁷¹

4.52. **Malta** declared that no national minorities in the sense of the Framework Convention exist on its territory upon ratification of FCPNM.⁷² Malta considers its ratification of the Framework Convention as an act of solidarity with its objectives. Instead of minority-specific laws, protection for all persons in Malta is provided through the Constitution and the European Convention on Human Rights, which prohibit discrimination on the basis of specific characteristics or minority group status.

⁶⁸ Declaration contained in the instrument of ratification of 6 June 2005.

⁶⁹ <https://www.refworld.org/reference/annualreport/usdos/2016/111682>

⁷⁰ <https://rm.coe.int/6th-sr-liechtenstein-en/1680aa6899#:~:text=The%20Principality%20of%20Liechtenstein%20has,assurance%20of%20my%20highest%20consideration>

⁷¹ [https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%220900001680b3f981%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%220900001680b3f981%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

⁷² <https://rm.coe.int/6th-opinion-malta-en/4880294c6a#:~:text=1..objectives%20of%20the%20Framework%20Convention.>

- 4.53. **Moldova** does not explicitly list national minorities. Instead it sets out that the rights of national minorities “shall be governed by the Constitution of the Republic of Moldova, the Law of the Republic of Moldova on the Rights of Persons Belonging to National Minorities and the Legal Status of their Organizations,⁷³ and other legislative acts including international treaties to which the Republic of Moldova is a party.
- 4.54. Jews are protected as a national minority by general laws such as the Law on Ensuring Equality (2012), Article 10 of the Constitution guarantees the right to preserve, develop, and express ethnic, cultural, linguistic, and religious identity, and Law no. 78/2021 addressing racism, xenophobia, and Holocaust denial.
- 4.55. **Montenegro** applies the FCPNM to Albanians, Bosniaks, Croats, Muslims, Serbs,² who are recognised in the Constitution and Law on National Minorities, which remain the principal pieces of legislation governing the implementation of the Framework Convention in Montenegro. The Roma are covered by Article 2. No other group has sought national minority status.
- 4.56. Jews are covered by general law principles. The Constitution includes the principle of equality before the law, provides for official use of minority languages in municipalities where minorities form a substantial proportion of the population, freedom to practice one’s own religion, equality of religions, and a provision on mother-tongue education. The Law on the Prohibition of Discrimination (LPD) provides the legal basis for protection against discrimination. The grounds covered by the LPD are, among others, race, skin colour, national affiliation, social or ethnic origin, affiliation to a minority nation or minority national community, language, religion or belief.
- 4.57. **Netherlands** recognizes Frisians, Low Saxon, Limburgish, Yiddish and Romany as minority languages in the Charter for Regional and Minority Languages, but it is adamant that Roma, Sinti and Travellers do not fall within the scope of the Framework Convention, nor do Jews, but only Frisians.
- 4.58. **North Macedonia** applies the Framework Convention primarily to the national minorities listed in the preamble to the Constitution (Albanians, Bosniaks, Roma, Serbs, Turks, and Vlachs), though some flexibility is applied with regard to non-recognised groups.

⁷³ https://legislationline.org/sites/default/files/2025-06/MOLDOVA_Law%20382%20on%20the%20rights%20of%20persos%20belonging%20to%20national%20minorities%20and%20the%20legal%20status%20of%20their%20organizations.pdf#:~:text=Art..of%20a%20different%20ethnical%20origin.

4.59. Jews is protected by the Constitution as one of five religious groups mentioned specifically⁷⁴ (albeit not as national minorities). Jews are also covered by general equality laws. For example, the Law on the Prevention and Protection against Discrimination (2020)⁷⁵ covers a comprehensive set of grounds including race, skin colour, national or ethnic origin, language and citizenship. The new anti-discrimination law also provides for the establishment of a Commission on Prevention and Protection against Discrimination (CPPD).

4.60. **Norway** did not make a declaration upon ratification of FCPNM as to which groups it considers the treaty to apply to, and the term “national minority” is not defined in the Norwegian legislation. In its first report to the Advisory Committee the State set out that Jews, Kvens, Romanies, Roma,⁷⁶ and Skogfinns fall within the scope of the Framework Convention and that the Sami are also a national minority “in the terms of international law”.⁷⁷

4.61. There are reports that in 2022 an amendment to the law set out that members of national minorities needed to live in Norway in 1950. This disadvantages Jews, many of whom only were able to move back to Norway after the Holocaust in the 1960s owing to various obstacles and challenges. In 2025 it was reported that this amendment had been altered to enable Jewish minorities to continue to access protected minority status.⁷⁸

4.62. **Poland** explicitly lists its national minorities: Byelorussians, Czechs, Lithuanians, Germans, Armenians, Russians, Slovaks, and Ukrainians, and Jews.⁷⁹ It also sets out that there are four recognised ethnic minorities: the Karaim, Lemko, Roma, and

⁷⁴ <https://2021-2025.state.gov/reports/2023-report-on-international-religious-freedom/north-macedonia/#:~:text=Religious%20Demography&text=Other%20religious%20groups%20that%20together,largely%20divided%20along%20ethnic%20lines>.

⁷⁵ The English version of the law is available on the website of the Venice Commission: [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2019\)040-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2019)040-e)

⁷⁶ “A group of Roma who have lived in the Oslo area since the 1960s, and who have ancestral ties to Norway further back in time, were recognised as a national minority. No requirement was set for each individual in the group to have Norwegian citizenship. The key factor was actual residence in Norway over a long period of time. A new entitlement was also introduced whereby individuals recruited into the group from other countries, for example through marriage, could be covered by measures such as language training programmes aimed at the group as a whole. Beyond this, it is not relevant to allow any of the articles of the Framework Convention to apply to non-Norwegian Roma.” State report 2025 <https://rm.coe.int/6th-sr-norway-en/1680b68e3d> p.13

⁷⁷ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008bd23> p7

⁷⁸ <https://www.jpost.com/diaspora/article-866792>

⁷⁹ Act of 6 January 2005 on national and ethnic minorities and on the regional languages, Article 2(2)

Tartar.⁸⁰ The difference in law between a national minority and an ethnic minority is that the former “identifies itself with a nation organized in its own state” and the latter does not. All provisions of the Act apply to both sets of minorities.

4.63. The Jewish community is represented in the Joint Commission of the Government and National and Ethnic Minorities, which focuses on protecting and developing the cultural identity of minority groups. Hebrew and Yiddish are recognized under the European Charter for Regional or Minority Languages as languages supported within Poland.⁸¹

4.64. **Portugal** declared that there are no national minorities in the country when it ratified the FCPNM. The Portuguese Constitution emphasizes a homogeneous national identity, which has historically led to a lack of prioritization for minority support measures. The 1976 Constitution bans discrimination and provides legal protection against discriminatory acts and practices. This protection covers discrimination on the grounds of ancestry, sex, race, age, disability, language, territory of origin, religion, political or ideological convictions, education, economic situation, social condition or sexual orientation and any other reason.

4.65. The main anti-discrimination Law No. 93/2017 was passed by the Portuguese parliament in July 2017. Religious freedom and equal treatment of religions and beliefs are regulated in Law No. 16/2001. There are specific protections for Jews, for example US Reports on International Religious Freedom for Portugal show that the state prohibits discrimination against Jewish practices and for example mandates reasonable accommodation for the Sabbath and religious holidays.⁸²

4.66. **Romania** recognises 20 national minorities, which are invited to be represented in the Council of National Minorities: Albanians, Armenians, Bulgarians, Croats, Czechs, Germans, Greeks, Hungarians, Italians, Jews, Lipovan Russians, Macedonians, Poles, Roma, Ruthenians, Serbs, Slovaks, Tatars, Turks, and Ukrainians.⁸³ The Federation of Jewish Communities in Romania (Federația Comunităților Evreiești Din România - FCER) is the official organization representing

⁸⁰ Act of 6 January 2005 on national and ethnic minorities and on the regional languages, Article 3(4)

⁸¹ Dyduch, J., & Skorek, A. (2025). Politicization of the Jewish and Muslim minorities in Poland. *Ethnicities*, 25(2), 293-317

⁸² <https://www.state.gov/wp-content/uploads/2024/04/547499-PORTUGAL-2023-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf>

⁸³ Government Decree No.17 on the Creation, Organisation and Functioning of the Department for the Protection of National Minorities (1997) Article 8, [https://legislationline.org/sites/default/files/2025-06/MINELRES%20-%20Minority%20related%20national%20legislation%20-%20Romania%20-%20Minority%20Department.pdf#:~:text=\(1\)%20Within%20the%20Department%20for,the%20Council%20for%20National%20Minorities.](https://legislationline.org/sites/default/files/2025-06/MINELRES%20-%20Minority%20related%20national%20legislation%20-%20Romania%20-%20Minority%20Department.pdf#:~:text=(1)%20Within%20the%20Department%20for,the%20Council%20for%20National%20Minorities.)

this minority, and it is part of the Council of Minorities, which works with the Romanian government.⁸⁴

4.67. Article 6 of the Romanian Constitution guarantees the right to preserve, develop, and express ethnic, cultural, linguistic, and religious identity.⁸⁵ There exist criminal and civil laws protecting Jews as a national minority in terms of the right to practice religion, to preserve distinct culture and identity, and to have their rights protected.⁸⁶

4.68. **San Marino** does not have any recognized national minorities within its territory, and as such, does not have specific, dedicated legislation for their protection. Despite this, the Republic of San Marino ratified the Council of Europe's Framework Convention for the Protection of National Minorities on December 5, 1996, with the convention entering into force on February 1, 1998 out of solidarity with the efforts for protecting national minorities across Europe. Its declaration upon ratification explicitly excluded foreign residents from the scope of its obligations.⁸⁷

4.69. The lack of specific minority legislation is due to the homogenous nature of the population and the general principle of equality enshrined in Article 4 of the "Declaration of Citizens' Rights and Fundamental Principles of San Marino Legal Order," which bans discrimination based on race, gender, language, or social status.

4.70. **Serbia** does not list its national minorities. It defines a national minority as "any group of citizens of the Republic of Serbia which, though constituting a minority in the Republic of Serbia's territory, is numerically sufficiently representative, belongs to a population group whose members have a long term and firm bond with the territory of the Republic of Serbia, and possesses characteristics such as language, culture, national or ethnic affiliation, origin or confession, differentiating them from the majority population, and whose members are characterised by care to collectively

⁸⁴ [https://2021-2025.state.gov/reports/just-act-report-to-congress/romania/#:~:text=The%20main%20organization%20representing%20the%20country's%20Jewish,Rom%C3%A2nia%20\(Federation%20of%20Jewish%20Communities%20in%20Romania\).](https://2021-2025.state.gov/reports/just-act-report-to-congress/romania/#:~:text=The%20main%20organization%20representing%20the%20country's%20Jewish,Rom%C3%A2nia%20(Federation%20of%20Jewish%20Communities%20in%20Romania).)

⁸⁵ <https://fra.europa.eu/en/law-reference/constitution-romania-19>

⁸⁶ <https://holocaustremembrance.com/countries/romania#:~:text=In%202010%2C%20the%20discovery%20of,definition%20on%2025%20May%202017.>

⁸⁷ <https://rm.coe.int/168008f54d#:~:text=With%20regard%20to%20the%20scope,the%20Republic%20of%20San%20Marino.&text=San%20Marino%20Government%20acknowledges%20the,foreigners%20in%20San%20Marino%20society.>

maintain their common identity, including their culture, tradition, language or religion.”⁸⁸

4.71. There are 24 national councils of national minorities⁸⁹ in Serbia: the National Minority Councils of the Albanian, Ashkali, Bosniak, Bulgarian, Bunjevac, Croat, Czech, Egyptian, German, Gorani, Greek, Hungarian, Jewish, Macedonian, Montenegrin, Polish, Roma, Romanian, Russian, Ruthenian, Slovak, Slovene, Ukrainian and Vlach minorities. The Federation of Jewish Communities is granted the character of a national council, allowing it to represent the community in matters of culture, education, and information, without needing to fulfil the same direct election requirements as larger minority groups.⁹⁰

4.72. **Slovakia** protects national minority rights through its 1992 Constitution, guaranteeing rights to cultural development, education in the mother tongue, and use of minority languages in official communications.⁹¹ No single, comprehensive law defines recognition, although since 2025 there has been a new Minorities Council representing 14 minorities.⁹²

4.73. Jews in Slovakia constitute is an officially recognised religious community. While they hold recognized status and are protected under Slovak anti-discrimination laws and religious freedom laws, they are not typically listed among the major national minorities (such as Hungarian or Roma) that hold extensive language and educational rights. The Central Union of Jewish Religious Communities in Slovakia (UZZNO) is one of the registered religious organizations in the country.

4.74. **Slovenia** applies the Framework Convention to persons belonging to the Italian and Hungarian national minorities as autochthonous groups in ethnically mixed areas, as well as to the Roma.⁹³

4.75. Other minorities in Slovenia, such as the German-speaking ethnic community and the so-called “new national communities” (Albanians, Bosniaks, Montenegrins,

⁸⁸ Article 2 of the Law on the Protection of Rights and Freedoms of National Minorities, Official Gazette of the Republic of Serbia, No. 11/2002, No. 1/2003, No. 172/2009, No. 97/2013, No. 47/2018.

⁸⁹ Article 15 of the Law on the Protection of Rights and Freedoms of National Minorities

⁹⁰ <https://www.world-autonomies.info/non-territorial-autonomies/serbia>

⁹¹ [https://fra.europa.eu/en/law-reference/constitution-slovak-republic-20#:~:text=\(2\)%20In%20addition%20to%20the,Agency%20and%20its%20work%20here.](https://fra.europa.eu/en/law-reference/constitution-slovak-republic-20#:~:text=(2)%20In%20addition%20to%20the,Agency%20and%20its%20work%20here.)

⁹² <https://hhrf.org/2025/01/27/the-new-minority-council-in-slovakia-holds-its-first-session/>

⁹³ Article 64 of the Constitution

Croats, Macedonians and Serbs)⁹⁴ benefit, as individuals, from constitutionally protected rights and some support in culture, media and language education, but are not officially national minorities and therefore not covered by the Framework Convention. Article 61 of the Constitution guarantees human rights regardless of “national origin, race, sex, language, religion”. It includes right to self-identification with an ethnic group, and right to preserve culture and language.

4.76. All persons belonging to minorities are also given legal protection through the general equality framework, which prohibits discrimination. The Jewish Community of Slovenia (JCS) is an officially recognised religious organisation and Jews are protected under religious freedom laws and rights.

4.77. **Spain** ratified the Council of Europe’s Framework Convention for the Protection of National Minorities in 1995, and since then the Spanish government has consistently interpreted this to mean no specific national minority groups exist within its territory. Spain applies the convention mainly to the Roma community (comunidad gitana) but explicitly states it does not recognise them or any other national minority.⁹⁵ The 1978 Constitution recognizes and guarantees the right to autonomy of the "nationalities and regions" that make up the Spanish Nation, specifically referencing regions like Catalonia, the Basque Country, and Galicia. However, these are viewed under constitutional law as autonomous regions rather than national minorities protected under international treaties.

4.78. The Comprehensive Law for Equal Treatment and Non-Discrimination (12 July 2022) is used to protect minority groups. In 1992, Spain signed a cooperation agreement with the Federation of Jewish Communities of Spain (FCJE), legally recognizing the Jewish community's presence and providing for the protection of synagogues, cemeteries, and religious freedom.

⁹⁴ These formulations are used by the National Assembly, Declaration of the Republic of Slovenia on the situation of national communities of persons belonging to nations of the former SFRY in the Republic of Slovenia, adopted on 1 February 2011, (Official Gazette No. 7/2011), available at <https://www.uradni-list.si/glasilo-uradni-listrs/vsebina?urlid=20117&stevilka=210>. Unofficial translation.

⁹⁵ Note Verbale from the Permanent Representation of Spain to the Council of Europe, dated 14 November 2016, states: “[...] Spain reiterates that, in line with its constitutional provisions, it has consistently interpreted the Framework Convention in the sense that no national minority exists in its territory. The Framework Convention applies to the Spanish citizens of the “comunidad gitana” (roma, gypsies) although these citizens do not constitute a national minority.” https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157/declarations?p_auth=sc3dIIpQ&coeconventions_WAR_coeconventionsportlet_enVigueur=false&coeconventions_WAR_coeconventionsportlet_searchBy=state&coeconventions_WAR_coeconventionsportlet_codePays=SPA&coeconventions_WAR_coeconventionsportlet_codeNature=5

4.79. **Sweden**: In Sweden there are five protected groups: Sámi (also recognized as an indigenous people), Swedish Finns, Tornedalians, Roma, Jews.⁹⁶ They have rights to cultural preservation, education, linguistic rights⁹⁷ including rights in designated areas for Sámi, Finnish, and Meänkieli when communicating with government agencies or in education, and influence on public life through consultation and dialogue.

4.80. As an indigenous people, the Sami hold unique rights, including the existence of the Sami Parliament (Sametinget), which acts as both a government agency and an elected body. The Parliament works on matters related to reindeer herding, Sami language, and culture.

4.81. In Sweden, there are other non-discrimination laws beyond those for the specific protected national minorities. For example, the Constitution stipulates that no law or regulation may disadvantage a minority group based on ethnic origin, colour, or language.

4.82. **Switzerland** recognised the following groups of people as national minorities when it ratified the FCPNM: those who (i) number less than the rest of the population of the country or canton, (ii) are Swiss nationals, (iii) have long-standing, solid and lasting links with Switzerland, and (iv) are committed to preserving their common identity together, particularly their culture, traditions, religion or language.

4.83. Under national law the following are recognised as Swiss national minorities: national linguistic minorities; members of the Swiss Jewish community; and members of the Yenish and Sinti/Manouche communities. Groups such as Muslims are not recognised as national minorities at the federal level, though they are protected under general constitutional religious freedoms.

4.84. While the Swiss Federal Council has acknowledged Roma as an integral part of Swiss society, it has rejected applications for them to be officially recognised as a national minority

4.85. **Ukraine** guarantees equal rights, educational opportunities in minority languages, and protection from discrimination for citizens with distinct ethnic, cultural, or religious identities under the 2022 Law on National Minorities (effective July 2023) and

⁹⁶ National Minorities and National Minorities Act (2010) https://www.riksdagen.se/sv/dokument-och-lagar/dokument/svensk-forfattningssamling/lag-2009724-om-nationella-minoriteter-och_sfs-2009-724/

⁹⁷ To qualify as an official national minority language in Sweden, the language must meet two conditions: it must be a language, not a dialect, and people must have spoken it without interruption for at least three successive generations or 100 years.

Constitution.⁹⁸ The law focuses on protecting ethnic communities while aligning with European standards and protecting the state language. This law guarantees minority rights, including the right to self-identification, the use of minority languages, and the preservation of cultural heritage.

4.86. United Kingdom: The UK maintains an open scope of application to the Framework Convention, affirming in its state report that the Government “does not consider it necessary for minority groups to be named and recognised under the Framework Convention to benefit from support.”⁹⁹ From the outset it has adopted a broad conception of a ‘national minority’, relying on the definition of ‘racial group’ as set out in domestic legislation: ‘a group of persons defined by colour, race, nationality (including citizenship) or ethnic or national origins’.¹⁰⁰

4.87. The UK recognises the Scots, the Welsh, the Irish, and the Cornish¹⁰¹ as national minorities for the purposes of the FCPNM.¹⁰² This grants them specific linguistic rights,¹⁰³ particularly relating to education¹⁰⁴ and to public language rights within designated areas.

4.88. Under the Equality Act 2010, Jews are protected both as a religious group and as an ethnic group¹⁰⁵ (under the broad banner of race). This provides dual protections in relation to specific ethnic, language, education, and religious rights. There also exists other legal protections under non-discrimination, criminal, and religious freedom laws.

5. Protected Minority Status in Practice for Jews

⁹⁸ Articles 10 and 11

⁹⁹ See Fifth state report submitted by the United Kingdom, 7 November 2021, pp.14, 23-24

¹⁰⁰ Originally from the Race Relations Act, now in the Equality Act 2010

¹⁰¹ <https://www.gov.uk/government/news/cornish-granted-minority-status-within-the-uk#:~:text=The%20government%20formally%20recognises%20the,history%20and%20a%20distinct%20identity.>

¹⁰² This is without prejudice to whether these groups are racial groups for the purposes of the Equality Act 2010, which the government explicitly states can only be determined by a Court.

¹⁰³ See, e.g., Welsh Language Act (1993) <https://www.legislation.gov.uk/ukpga/1993/38/contents> and Welsh Language (Wales) Measures 2011 <https://www.legislation.gov.uk/mwa/2011/1/contents>

¹⁰⁴ Children of national minorities have the right to learn and use their national minority language.

¹⁰⁵ [https://hansard.parliament.uk/commons/2024-12-04/debates/818FA7AD-047C-4A32-818A-544C8BC98521/PublicBodyEthnicityData\(InclusionOfJewishAndSikhCategories\)](https://hansard.parliament.uk/commons/2024-12-04/debates/818FA7AD-047C-4A32-818A-544C8BC98521/PublicBodyEthnicityData(InclusionOfJewishAndSikhCategories)) Note that only Jews and Sikhs are in the position of being both a religion and an ethnicity.

5.1. Currently there are five models for Jewish inclusion across the FCPNM States Party:

- (i) A specific piece of legislation sets out a list of the State's National Minorities. Jews are explicitly recognised as a National Minority and afforded FCPNM rights.
- (ii) A specific piece of legislation sets out a list of the State's National Minorities. Jews are not explicitly recognised as a National Minority in that list. They only have protections and rights under general laws on protecting minorities.
- (iii) The State does not have a specific list of National Minorities. Instead they are protected as National Minorities under general laws on protecting ethnic/ racial, religious, or linguistic minorities. Jews are recognised as an ethnic/ racial minority as well as religious or linguistic or both.
- (iv) The State does not have a specific list of National Minorities. Instead they are protected as National Minorities under general laws on protecting ethnic/ racial, religious, or linguistic minorities. Jews are recognised as religious or linguistic minority or both, but not an ethnic/racial one.
- (v) The State explicitly declares that it does not have any National Minorities. Jews have protections and rights under general laws on protecting minorities.

5.2. The aim for Jewish Inclusion as a protected National Minority requires a three-pronged approach.

5.3. The first part of this approach is for Jews to have specific status as a National Minority as either named in specific lists or as protected in general law as ethnic/racial group as well as religious and linguistic.

5.4. Jews are a religious group, a linguistic group, and an ethnic/racial group. This must be recognised in all European States where Jews live. This can be done either by explicitly including Jews on the list of National Minorities, where such a list exists, or by protecting Jews under all three categories under general laws on protecting minorities. This is crucial to recognising Jews as a National Minority as opposed to simply a minority group.

5.5. Jews have longstanding ties across all European countries. Jews have lived in Europe for more than 2000 years. Many countries have had Jews living in their lands for centuries.

- 5.6. Good practice in this area includes ensuring that descendants of Jews previously expelled or persecuted are able to access citizenship rights, recognising the longstanding relationship with the country.
- 5.7. Spain's 2015 Sephardic citizenship law (Law 12/2015) allowed descendants of expelled Spanish Jews to gain citizenship without residing in Spain, though the deadline for direct applications ended in 2019. Applicants had to prove Sephardic status, special links to Spain, and pass language/culture tests.
- 5.8. Descendants of Lithuanian Jews who left before 1990 (including those fleeing the Holocaust) can, in many cases, apply for reinstatement of Lithuanian citizenship (and an EU passport).
- 5.9. Jews are more than a religious group or a linguistic minority. Jews have been recognised explicitly as an ethnic or racial group so that it is protected as a National Minority in all three areas.
- 5.10. Good practice in this area can be seen in the United Kingdom law, established in *Mandla v. Dowell Lee* (1983) and reinforced by the Equality Act 2010, which protects Jews as a racial group.
- 5.11. The United Nations has consistently treated antisemitism as a form of racism,¹⁰⁶ in general¹⁰⁷ and specific¹⁰⁸ mechanisms. This is despite initial attempts to prevent it being included in the Convention on the Elimination of Racial Discrimination. The Council of Europe should adopt this same approach.
- 5.12. The second part is for protection of specific rights needed for Jew as a National Minority to preserve their distinct culture and identity.**
- 5.13. Protection for participation in public life including by addressing antisemitism in criminal and civil law, and in practice.

¹⁰⁶ <https://www.ohchr.org/en/topic/racism-xenophobia-intolerance#:~:text=Special%20Rapporteur%20on%20contemporary%20forms,that%20they%20may%20result%20in.>

¹⁰⁷ <https://www.ohchr.org/en/special-procedures/sr-religion-or-belief/antisemitism>

¹⁰⁸ <https://www.unaoc.org/2025/01/remarks-action-plan-antisemitism-launch/>

- 5.14. Good practice in this area includes having specific and specific criminal and civil laws on antisemitism. These may, but do not need to be, based on State adoption of IHRA. It should include definitions of antisemitism, and specific criminal and civil penalties for publicly promoting antisemitic ideas and doctrines, manufacturing and disseminating antisemitic symbols, incitement to antisemitic violence, or establishing antisemitic organisations, amongst others.
- 5.15. Good practice in this area includes consulting with the Jewish community when combatting antisemitism. In Bulgaria the National Coordinator on combatting anti-Semitism works through a Contact Group comprising relevant authorities, including the police and the Organisation of Jews in Bulgaria (Shalom).
- 5.16. Participation in public life also includes political participation. Under Romanian law, national minority organizations that do not pass the threshold for parliamentary representation are still eligible for one seat in the Chamber of Deputies. The Jewish community has traditionally held such a seat.
- 5.17. Jews have specific practices that require protection for them to preserve their cultural identity. Religious practices in this regard include brit milah, which is crucial to a male Jewish child's identity. Similarly marriage and death rituals are crucial to maintain the group's distinct identity and culture.
- 5.18. Protections in this area currently exists as protections of these rights as part of religious freedoms. As has been seen, there have been challenges to these rights across many European States. Good practice would be to protect these rights as part of preserving distinct culture and identity of Jews.
- 5.19. Education is also a central part not only of Jews' ability to preserve their distinct identity. This extends beyond religion and language, and enables culture, history and tradition to be passed on and absorbed by Jewish children
- 5.20. In 2013 Portugal opened a learning centre in Trancoso about the country's Jewish heritage; the town had previously been home to a thriving Jewish community. The centre conducts outreach towards the '*anusim*', descendants of those who were forcibly converted to Catholicism.
- 5.21. Education also includes preservation and access to Jewish cultural heritage sites and history. This is a crucial element that extends beyond schools and formal classrooms.

5.22. Poland, Germany, Czech, Ukraine, and other countries preservation Jewish heritage, including synagogues, the commemoration of the Holocaust. and the Jewish Quarters, amongst others, with some actively returning property previously confiscated by the State.

5.23. The third part is for practical mechanisms as models for that promotion and protection of rights.

5.24. The key areas for practical mechanisms are consultation, collaboration, funding, resources, and security services. There are many examples of best practice from across States Party to the FCPNM. The following are an illustrative example of areas to consider, but will best be added to by representatives from European Jewish communities at the EJA Annual Conference.

5.25. The European Commission against Racism and Intolerance (ECRI) is the primary CoE body monitoring antisemitism. It issues country-specific recommendations and general policy recommendations (such as GPR No. 9 on preventing and combating antisemitism) to member states. Best practice would be for States Party to the FCPNM should ensure that their laws, policies and mechanisms implement these recommendations.

5.26. Best practice is for States to consult with Jewish community groups through bilateral dialogues and through inviting them to be presented on national minority committees. Official recognition of communal representatives (organisations and/or individuals) of the Jewish community facilitates ongoing dialogue. Fostering those relationship enables States to call upon their partners during times of crises.

5.27. Collaborative activities include State representatives (politicians, police officers, teachers, amongst others) working on joint initiatives with Jewish communities to implement the FCPNM objectives. This ensures trust from the community and, as has been seen in the recent surge of antisemitism, that trust is crucial for Jewish communities to be protected from violence and discrimination.

5.28. Funding and resources can be for programmatic, educational, security, religious, historic preservation, or other activities. There are many examples of these across Europe. In particular these need to be flexible and responsive, particularly in the area of providing security or protection for Jews, Jewish buildings, and Jewish historical sites during surges of antisemitism.