

## Protecting Jews as a National Minority in European States

### Factsheet for EJA<sup>1</sup>

1. The Framework Convention for the Protection of National Minorities enshrines existing rights held by individuals and provides complementary obligations to be respected by states.
2. The word “Framework” is used to provide scope for states parties to implement the Convention’s (legally binding) provisions in a context-specific manner through national legislation and government policy.
3. The Framework Convention does not clearly define what a national minority is. The preamble explicitly refers to the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority.
4. 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."

5. States have different approaches to the definition of a national minority. Some take a restrictive approach, for example having a set list of such groups. Others take a more open approach, applying the articles of the convention flexibly to a broad spectrum of groups.
6. The principle of “free self-identification” is central to minority rights. Individuals have the right to decide whether they wish to be identified as belonging to a national minority, and which one(s). Their decision must be based on objective criteria connected with their identity, such as their religion, language, traditions and cultural heritage.
7. The Framework Convention sets out rights enjoyed by individuals belonging to national minorities and complementary obligations to be respected by the States:
  - Rights enjoyed by individuals belonging to national minorities include:

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

- (i) Freely expressing ethnic, cultural, linguistic and religious identities
  - (ii) Not being discriminated against
  - (iii) Enjoying freedom of assembly, association, expression, thought, conscience and religion
  - (iv) Using minority languages in contact with the authorities in areas inhabited traditionally or in substantial numbers by national minorities
  - (v) Being able to influence public decision making for issues affecting persons belonging to national minorities
  - (vi) Participating in cultural, social and economic life
- Complementary obligations to be respected by the States include:
- (a) Promoting effective equality
  - (b) Preserving and developing minority cultures, religions and languages
  - (c) Promoting intercultural dialogue and protecting persons belonging to minorities from hostility or violence
  - (d) Promoting a diverse media space with broadcasting in minority languages and support to minority media
  - (e) Displaying personal names, place names and other topographical indications in minority languages
  - (f) Making education accessible to all and fostering intercultural knowledge
  - (g) Teaching of and in minority languages, in private and public school
  - (h) Refraining from gerrymandering to restrict minority rights
  - (i) Promoting minority rights through bilateral, multilateral and crossborder co-operation