

UDC: 341.231.14:342.7:070:061.1EU

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THE ROLE OF THE MEDIA IN THE PROTECTION OF HUMAN RIGHTS: THE EUROPEAN UNION PERSPECTIVE

The article is devoted to the study of the role of the media in the protection of human rights. It is noted that in the context of digitalization and the growing importance of information, the media are becoming an important tool for the realization and protection of human rights.

The article examines scholarly views on the role of the media in the field of human rights protection. In particular, approaches are considered that distinguish two main aspects: coverage and protection, which are well grounded.

Attention is drawn to the fact that the media ensure the realization by citizens of the right of access to information, which is a prerequisite for the exercise of a wide range of other human rights, including the right to participate in public affairs, the right to a fair trial, and the right to peaceful assembly. It is emphasized that without access to reliable and complete information, the effective realization of most human rights is impossible. The media possess the necessary resources and capabilities. In this regard, particular importance is attached to guarantees of the independence of media activity and their real ability to obtain information.

It is concluded that the media, among other functions, play a role in identifying and publicizing human rights violations. This leads to responses from the state, civil society, and the international community. The media facilitate interaction in the field of human rights protection at both the national and international levels and may also contribute to the collection of evidence for the activities of international organizations and judicial bodies.

The provisions of European Union law in the field of media regulation and human rights protection are analyzed. First of all, the Charter of Fundamental Rights of the European Union is examined, with particular attention paid to Article 11, which enshrines media pluralism and is especially important in the context of this study. The Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their Member States, on the other part, is also considered.

It is established that media activity is integrated into the system of fundamental rights, in particular through the principle of media freedom and pluralism enshrined in the Charter of Fundamental Rights of the European Union. The need to ensure a balance between media freedom and other fundamental rights, including the right to privacy, the protection of personal data, non-discrimination, and the rights of the child, is emphasized.

The legislation of the Member States of the European Union is examined using the example of France, which confirms the importance of ensuring pluralism, independence, and impartiality of the media as necessary conditions for the functioning of a democratic society.

It is proved that the role of the media in the field of human rights protection is complex and is not limited to an informational function. It is substantiated that the media should be regarded as a structurally integrated element of the modern system of human rights protection. The need to ensure an appropriate balance between media freedom and the protection of other fundamental rights in the context of digital development is essential. The case-law of the Court of Justice of the European Union is also examined.

The complex and system-forming nature of the role of the media in the protection of

human rights is confirmed. Their key role in ensuring the realization of the right of access to information is demonstrated.

Key words: *international law, human rights, international human rights law, international norms on human rights, protection of human rights, regional norms on human rights, regional human rights protection systems, right of access to information, freedom of expression, international organizations, European Union law, Charter of Fundamental Rights of the European Union, personal data protection, case-law of the Court of Justice of the European Union, media.*

DOI 10.34079/2518-1319 -2026-16-31-109-119

Introduction. The special role of the media in the protection of human rights is evident. At the same time, this role encompasses several dimensions that merit further examination. One may speak of the media's contribution to ensuring individuals' right of access to information, their role in protecting other human rights, the rights of media institutions themselves, as well as the limitations imposed on media activities in the context of human rights protection.

Given the potential risks and dangers faced by journalists and media actors when reporting on the activities of political and public officials, transnational corporations, criminal organisations, and other powerful actors, the media and journalists must be afforded effective guarantees of their own rights. Indeed, the protection of media rights and their ability to perform their functions effectively and independently constitute an essential safeguard for the functioning of civil society and for the realisation and protection of human rights.

Review of Recent Research and Publications. The relationship between media activity and the protection of human rights has attracted significant attention in contemporary legal and communication studies. Scholars emphasize that the media play a crucial role in ensuring the realization of fundamental freedoms, particularly the right to freedom of expression and the right of access to information.

The study by D. Devi examines the role of mass media as a mechanism for the promotion and protection of human rights (Devi, 2023). The work by R. Hardyansah, R. Saputra and H. Udjari addresses the contribution of media to raising human rights awareness (Hardyansah, Saputra, Udjari, 2022). S. Yadav and S. Tiwari analyze the role of global media in highlighting human rights violations (Yadav, Tiwari, 2025). R. Cruft explores journalism and press freedom in the context of human rights (Cruft, 2021).

The aim of the article is to clarify the nature and specific features of the role of the media in the field of human rights protection by examining their influence on the realization of the right of access to information, the exercise of public oversight, and participation in human rights processes, as well as to identify key approaches to the legal regulation of media activities within the framework of European Union law and the legislation of its Member States. The scientific novelty of the study lies in the comprehensive analysis of the role of the media as a structurally integrated element of the human rights protection system within the European Union legal framework, as well as in substantiating the interdependence between media activity and the realization of fundamental rights. The methodological basis of the study includes general scientific and special legal methods, in particular analysis, synthesis, comparative legal method, and formal legal method.

Presentation of the Main Material. Previous research has shown that public access to information implies that citizens and the mass media have the right to obtain information concerning laws as well as the activities of state and municipal authorities. From a theoretical perspective, this principle is closely linked to the principle of freedom of the press, which

entails the right to freely disseminate reliable information; accordingly, information may be withheld from the public only where this is necessary to prevent harm to the legitimate interests of individuals and the state (Fedorov, Fedorova, Dronov, 2023, p. 324-332).

First, this demonstrates that the media indeed facilitate citizens' access to information regarding legislation, their rights and obligations, and the activities of public authorities and local self-government bodies. We have also noted the impact of technological development on the content and the possibilities for the exercise of information rights. Undoubtedly, such developments influence legal regulation at both the international and national levels, including within the Member States of the European Union.

Today, technological development enables citizens not only to access information from the media easily and in a convenient format, but also to independently search for, process, and use information, as well as to disseminate it to a mass audience — a function traditionally associated with the media or mass communication institutions.

Nevertheless, the reach of such alternative resources remains more limited than that of established media outlets; they often do not enjoy a high level of public trust, and the risk of misinformation is significant. Therefore, we argue that, at present, it is primarily the media that enable citizens to effectively exercise their right of access to information. Media institutions possess the necessary resources and a distinct legal status to fulfil this role.

This legal status varies across the Member States of the European Union, a matter that we have previously examined in part in the context of analysing the legal regulation of media institutions within EU countries (Dronov, 2025, p. 231-237.).

At the same time, the analysis should not be confined to the right of access to information and freedom of expression alone. As we have previously argued, the exercise of the right of access to information serves as a prerequisite for the realisation of a wide range of other human rights, including, *inter alia*, the right to participate in the conduct of public affairs (Dronov, 2023, p. 183-216.). Moreover, the protection of the right of access to information is often closely connected with the protection of other fundamental rights, such as the right to respect for private and family life, home and correspondence, the right to a fair trial, and the right to an effective remedy. This interrelationship is confirmed by the case-law of the European Court of Human Rights (Dronov, 2023b, p. 477-481; Dronov, 2023a, p. 314-319).

Devi D. Underlines the role of the mass media in expanding the discourse and modern concepts like human rights, democracy and peace. The mass media as information highways and as effective communication means on the public opinion and on the civil society watchdog plays an important role in informing people, strengthening the social cultural-thinking basis and expanding the human rights discourse etc. The author also highlights the impact of the media on the activities of the government. New media cut across geographical borders with the least cost and target minds (Devi, 2023).

Some scholars argue that the media play a crucial role in enhancing public awareness of human rights by relying primarily on two key instruments: reporting and advocacy (Hardyansah, Saputra, Udjari, 2022). This fully corresponds to the ideas of our research. We have already drawn interim conclusions that the media helps citizens obtain information, thereby enabling the exercise of the right of access to information, which is also closely linked to the realization and protection of other human rights. Attention is also drawn to the fact that, thanks to modern technologies, the media disseminates information that educates the public about the basic rights of every individual, as well as issues of human rights violations that occur at home and abroad. Indeed, the media not only contributes to the protection of rights by providing information that enables the exercise of the right of access to information, but also informs the public about violations of human rights.

This, in turn, facilitates the formation and functioning of civil society and draws the

attention of both society and the international community to such violations, including international governmental and non-governmental organizations, as well as the governments of other states. It can help people understand the complexity of human rights issues so that they are better able to identify violations and participate in efforts to protect human rights. This is, in fact, a crucial aspect, as individuals are not always able to correctly assess a situation or detect a violation, or at least to suspect its existence. A strong media committed to the dissemination of accurate information can increase public participation in efforts to protect and fight for human rights (Hardyansah, Saputra, Udjari, 2022).

At the outset of this study, we will examine the fundamental principles of human rights protection within the legal system of the European Union, with particular attention to provisions related to the activities of the media. The legal system of the European Union provides a particularly illustrative framework for such analysis due to its developed system of fundamental rights protection and detailed regulation of media activity.

The first such document is the Charter of Fundamental Rights of the European Union (Charter of Fundamental Rights of the European Union). According to Article 7 Everyone has the right to respect for his or her private and family life, home and communications. Article 8 (Protection of personal data) is also important. It provides that everyone has the right to the protection of personal data concerning him or her. Article 10 (Freedom of thought, conscience and religion) is of particular importance because the media may significantly influence the realization of this right, for example by providing broadcasts of religious services. Undoubtedly, the most relevant provision for the purposes of this study is Article 11 (Freedom of expression and information). Its unique feature is the provision stating that the freedom and pluralism of the media shall be respected. The inclusion of this provision within the article on freedom of expression demonstrates the special role of the media in the realization of this right. In our view, this provision constitutes one of the key elements for understanding the role of the media in the protection of human rights within the legal system of the European Union.

Considering this issue in the context of Ukraine's Euro-Atlantic course, it is also necessary to refer to the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part (hereinafter – the Agreement). Considerable attention to human rights issues is already reflected in the preamble of the Agreement. In particular, the preamble of this document states that the Parties are committed to implementing all the principles and provisions of the United Nations Charter, the Organization for Security and Cooperation in Europe (OSCE), in particular the Helsinki Final Act of 1975 of the Conference on Security and Cooperation in Europe, the concluding documents of the Madrid and Vienna Conferences of 1991 and 1992 respectively, the Charter of Paris for a New Europe of 1990, the United Nations Universal Declaration on Human Rights of 1948 and the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. Respect for human rights and fundamental freedoms is recognized as one of the common values on which the European Union is founded and as one of the key elements of this Agreement.

In fact, the document contains not only declaratory provisions concerning human rights, but also sets out specific commitments between the parties to the Agreement. In particular, it provides for enhanced cooperation in the fields of justice, freedom and security with the aim of ensuring the rule of law and respect for human rights and fundamental freedoms. Of particular interest for the purposes of this study are Article 14 (The rule of law and respect for human rights and fundamental freedoms) and Article 15 (Protection of personal data). In addition, a separate chapter of the Agreement addresses audio-visual policy. The allocation of a distinct chapter to this policy area demonstrates the importance attached to the activities of the media.

Undoubtedly, our study would be incomplete without an analysis of the Treaty on European Union itself. Although it is not a document specifically devoted to human rights, it nevertheless contains a number of provisions related to them (Consolidated version of the Treaty on European Union, 2012). The preamble to the Treaty on European Union states that the parties confirmed their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms. Article 2 provides that The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. The Union shall contribute to the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. This document has already been analysed earlier in this study.

Of course, when addressing the protection of human rights within the framework of the European Union, primary attention is paid to the Charter of Fundamental Rights of the European Union. The Treaty on European Union also states that The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Accordingly, the provisions of this Convention are also relevant for the purposes of this study and have been analysed earlier (Dronov, 2023; Dronov, 2022; Dronov, 2023b). The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

An important document regulating the activities of the media is the Audiovisual Media Services Directive (AVMSD, 2018). Human rights are repeatedly mentioned in this document and addressed in various contexts. For example, they are referred to in relation to the transparency of media ownership, which is closely linked to the freedom of expression, a cornerstone of democratic systems. Ensuring the accessibility of audiovisual content is an essential requirement in the context of the commitments taken under the United Nations Convention on the Rights of Persons with Disabilities. In particular and as the case may be, the right to respect for private and family life and the protection of personal data, the freedom of expression and information, the freedom to conduct a business, the prohibition of discrimination and the rights of the child. This provision reflects the principle of balancing fundamental rights in the field of EU media regulation. Measures aimed at protecting minors and combating content that incites violence, hatred or terrorism cannot automatically restrict other fundamental rights. As one of the purposes of audiovisual media services is to serve the interests of individuals and shape public opinion, it is essential that such services are able to inform individuals and society as completely as possible and with the highest level of variety. The importance of editorial independence in decision-making is emphasized. (AVMSD, 2018). Thus, this document illustrates the close interconnection between the media and human rights.

Let us analyze the legislation of certain EU countries with regard to the mention of human rights. For the purposes of this study, France has been selected as an example. France is selected as a representative example of a developed EU legal system with a strong tradition of media regulation. According to the article 34 of the Constitution of France Statutes shall

determine the rules concerning civic rights and the fundamental guarantees granted to citizens for the exercise of their civil liberties; freedom, pluralism and the independence of the media; the obligations imposed for the purposes of national defence upon the person and property of citizens (Constitution du 4 octobre 1958 relative à la République française, 1958).

As an example of national legislation within the European Union, it is useful to consider the French Law on Freedom of Communication of 30 September 1986 (Loi Léotard, 1881), which constitutes one of the key legal acts regulating the media sector in France. In particular, Article 43-11 of the Law (as amended by Law No. 2021-1382 of 25 October 2021) provides that the companies listed in Articles 44 and 45 perform public service missions in the general interest. These companies offer the public, taking into account all segments of society, a range of programmes and services characterized by diversity and pluralism, requirements of quality and innovation, as well as respect for human rights and constitutionally defined democratic principles (Loi Léotard). The Regulatory Authority for Audiovisual and Digital Communication ensures respect for the pluralistic expression of currents of thought and opinions in the programmes of radio and television services, in particular in political and general information broadcasts. This provision demonstrates the importance attached in French legislation to safeguarding media pluralism and ensuring that diverse viewpoints are represented in the public sphere, especially in programmes addressing political and socially significant issues.

The companies ensure the fairness, independence and pluralism of information, as well as the pluralistic expression of opinions and views, in accordance with the principle of equal treatment and the recommendations of the Regulatory Authority for Audiovisual and Digital Communication. This provision further demonstrates that French media legislation places particular emphasis on ensuring diversity of viewpoints and maintaining standards of independence and fairness in the dissemination of information.

Our analysis of the case-law of the Court of Justice of the European Union demonstrates that many cases are related either to the protection of the rights of the media themselves or to the protection of rights in the field of information.

For example, in Case *Bodil Lindqvist v Åklagarkammaren i Jönköping*, the Court considered the applicability of EU data protection rules to the publication of personal data on the Internet. The Court held that the posting of personal data on a website constitutes the processing of personal data within the meaning of the relevant data protection legislation. At the same time, the case highlighted the need to balance the protection of personal data with freedom of expression and the public's interest in access to information (Case C-101/01 *Bodil Lindqvist v Åklagarkammaren i Jönköping*, 2003).

Conclusions. The role of the media in the protection of human rights is complex in nature. They act as a channel for the dissemination of information, a mechanism of public oversight, and an independent participant in the system of human rights protection.

The media play a key role in ensuring the realization of the right of access to information, which, in turn, serves as a prerequisite for the effective exercise of a wide range of other human rights. These include, in particular, the right to participate in public affairs, the right to a fair trial, and the right to peaceful assembly. In practice, the realization of most human rights is not possible without access to reliable and complete information. By also performing an educational function, the media enable individuals to navigate legal, political and social processes and to make informed decisions. This is important in various areas of life and across different types of activities.

The media also contribute to the identification and publicisation of human rights violations. This draws the attention of the state, civil society and the international community. Today, the media have the capacity to exert influence both at the national and international

levels. They also assist in the collection of evidence that may be used by international organisations and judicial bodies. This further highlights the need to ensure guarantees for media activity.

The analysis of European Union law makes it possible to conclude that media activity is integrated into the system of human rights. This is confirmed by the principle of media pluralism enshrined in the Charter of Fundamental Rights of the European Union. At the same time, EU law emphasises the need to ensure a balance between media freedom and other fundamental rights, including the right to privacy, the protection of personal data, non-discrimination and the rights of the child.

The national legislation of EU Member States, as illustrated by the example of France, confirms the importance of ensuring pluralism, independence and impartiality of media activity as essential conditions for the functioning of a democratic society.

At the same time, the development of digital technologies significantly transforms the role of the media, expanding their capabilities while also creating new risks, including the spread of misinformation, the manipulation of public opinion and the decline in trust in information sources.

Therefore, the protection of human rights in contemporary conditions increasingly depends on the ability to ensure an appropriate balance between media freedom and the protection of other fundamental rights. In this context, the media should be regarded not only as an instrument, but also as a structurally integrated element of the modern system of human rights protection.

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РОЛЬ МЕДІА У ЗАХИСТІ ПРАВ ЛЮДИНИ В ПРАВІ ЄВРОПЕЙСЬКОГО СОЮЗУ

Стаття присвячена дослідженню ролі медіа в захисті прав людини. Відзначено, що в умовах цифровізації та зростання значення інформації медіа перетворюються на важливий інструмент реалізації та захисту прав людини.

У статті досліджено погляди вчених на роль засобів масової інформації у сфері захисту прав людини. Зокрема, розглянуто підходи, відповідно до яких виділяються два основні аспекти: висвітлення та захист, що є обґрунтованим.

Звертається увага на те, що медіа забезпечують реалізацію громадянами права на доступ до інформації, яке є передумовою здійснення широкого кола інших прав людини, зокрема права на участь в управлінні публічними справами, права на справедливий суд та права на мирні зібрання. Наголошено, що без доступу до достовірної та повної інформації ефективна реалізація більшості прав людини є неможливою. Саме медіа мають відповідні ресурси та можливості. У зв'язку з цим особливого значення набувають гарантії незалежності діяльності самих медіа, реальна їхня можливість отримувати інформацію.

Зроблено висновок, що медіа, зокрема, виконують функцію виявлення та оприлюднення порушень прав людини. Це зумовлює реакцію з боку держави, громадянського суспільства та міжнародної спільноти. Медіа сприяють взаємодії у сфері захисту прав людини на національному та міжнародному рівнях, а також можуть сприяти збору доказової бази для діяльності міжнародних організацій і судових інституцій.

Проаналізовано положення права Європейського Союзу у сфері регулювання діяльності медіа та захисту прав людини. Насамперед досліджено Хартію основоположних прав Європейського Союзу та звернуто окрему увагу на статтю 11, що закріплює плюралізм медіа, який є особливо важливим у контексті цього дослідження. Також опрацьовано Угоду про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським співтовариством з атомної енергії і їхніми державами-членами, з іншої сторони.

Встановлено, що діяльність медіа інтегрована у систему основоположних прав, зокрема через принцип свободи та плюралізму медіа, закріплений у Хартії основоположних прав Європейського Союзу. Підкреслено необхідність забезпечення балансу між свободою медіа та іншими основоположними правами, зокрема правом на приватність, захист персональних даних, недискримінацію та правами дитини.

Досліджено положення законодавства держав-членів Європейського Союзу на прикладі Франції, що підтверджує важливість забезпечення плюралізму, незалежності та неупередженості медіа як необхідних умов функціонування демократичного суспільства.

Доведено, що роль медіа у сфері захисту прав людини має комплексний характер і не обмежується лише інформаційною функцією. Обґрунтовано, що медіа слід розглядати як структурно інтегрований елемент сучасної системи захисту прав людини. Наголошено на необхідності забезпечення належного балансу між свободою медіа та захистом інших основоположних прав в умовах розвитку цифрових технологій. Окремо досліджено практику Суду Європейського Союзу.

Підтверджено комплексний та системоутворюючий характер ролі медіа у захисті прав людини. Доведено їхню ключову роль у забезпеченні реалізації права на доступ до інформації.

Ключові слова: міжнародне право, права людини, міжнародне право прав людини, захист прав людини, міжнародні норми у сфері прав людини, регіональні норми у сфері прав людини, регіональні системи захисту прав людини, право на доступ до інформації, свобода вираження поглядів, міжнародні організації, право Європейського Союзу, Хартія основоположних прав Європейського Союзу, захист персональних даних, практика Суду ЄС, медіа.

Статтю було подано / The article was submitted	05.04.2026
Статтю було прийнято / The article was accepted	21.04.2026