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INTERVENING THROUGH THE SCREEN

Russian mass media from the perspective of human rights and
international law

Author: Alisa Vekeman

Supervisor: Lauri Mälksoo

ABSTRACT

This text adopts an interdisciplinary approach to qualify Russian state controlled mass media as a propaganda tool and to determine the impact on inter-state relations and the rights of individuals. Legal analysis is provided of international and human rights law to uncover available remedies to prevent and address the negative effects. The examples of Ukraine and Estonia are used to demonstrate that establishing the illegality of Russian propaganda depends on the specific contextual situation. It is maintained that states can invoke Russia's responsibility under international law, and should focus on minority integration and enhancing media pluralism. As a last resort, proportional measures to ban harmful broadcasts from their territory can be taken. It is argued that the recipients of propaganda hold a weak position under human rights law. The doctrine concerning extraterritorial human rights obligations does not allow Russian minorities of other states to hold Russia accountable. In addition, unlike hate speech and war propaganda, 'ordinary' propaganda is not illegal under human rights law. This text suggests to consider state propaganda disseminated by mass media a violation of the freedom to hold opinions. A definition of 'state propaganda' is proposed, based on academic writings and existing human rights obligations.

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