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News Item

But Facebook's Not a Country: How to Interpret Human Rights Law for Social Media Companies | Yale Journal on Regulation

By Susan Benesch
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> Private social media companies regulate much more speech than any government does, and their platforms are being used to bring about serious harm. Yet companies govern largely on their own, and in secret.
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> To correct this, advocates have proposed that companies follow international human-rights law. That law–by far the world's best-known rules for governing speech–could improve regulation itself, and would also allow for better transparency and oversight on behalf of billions of people who use social media.
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> This paper argues that for this to work, the law must first be interpreted to clarify how (and whether) each of its provisions are suited to this new purpose. For example, the law provides that speech may be restricted to protect national security, as one of only five permissible bases for limiting speech. Governments, for which international law was written, may regulate on that basis, but not private companies which have no national security to protect.
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> To fill some of the gap, the paper explains and interprets the most relevant provisions of international human-rights law–Articles 19 and 20 of the International Covenant on Civil and Political Rights, which pertain to freedom of expression–for use by social media companies, in novel detail.
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