

Abstract

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Could Publication through Platform Providers be Regarded as a Human Right?

Media policy shows a trend in which responsibility is imposed on platform providers which convey third party content. The earlier rule have been "don't shoot the messenger", who was not even obliged to monitor, only to react in case of notification about illegal content.

We are standing at crossroads: should these platform providers be finally similar to traditional media, or should they be neutral transmitters? Media outlets have editorial liability and the average person has no right to publish content through them. Since the internet age, even an average person can publish his or her content to the wide public without gatekeepers. It is worth examining whether this potential should be protected, or whether it is now part of our free speech rights. Could these intermediaries be treated as common carriers, and be subjected to the obligation of neutral transmission? The planned regulation would outsource state censorship on private intermediaries, a private regulation which lacks all legal guarantees that protects fundamental rights from state intervention.

Moreover, responsibility entails rights: if we accept the providers' responsibility for third party content, we also have to take that they would have their own political agenda which they will use to influence public opinion in an intransparent manner, just as traditional media providers did.