

Pirang

Freedom of Expression in the Platform Society

The Right to Freedom of Expression as a Constraint on Public Authorities' Power to Govern Online Speech Through Platform Companies

The Digital Services Act aims to tackle illegal online speech by delegating content moderation tasks to platform providers. However, this approach is blurring the boundaries between public and private restrictions of platform users' freedom of expression, which raises the question whether platform regulation allows legislators to launder state action through private companies. Alexander Pirang examines how the right to freedom of expression enshrined in the European Union's Charter of Fundamental Rights and the European Convention on Human Rights can function as a constraint on public authority power to regulate online platforms. Specifically, he analyzes how public authorities can be held responsible for speech restrictions enforced by platform providers. He also explores how such restrictions can be justified, with a focus on the necessary safeguards against the over-blocking of lawful content.

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