

Cyber Challenges to International Human Rights

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Abstract:

Social Network Sites (SNSs) are becoming key players in addressing varied cyber-related conflicts, including terror, incitement to racial or ethnic hatred, cyber-attacks, defamation, and intellectual property. As they tackle these complex tasks, or even deal with everyday dilemmas arising in their platforms, SNSs dramatically influence many of the human rights of their users.

The unique influence obtained by SNSs is partly rooted in their triple-category affiliation (SNSs, social media, online intermediaries), and may be demonstrated as the combination of two dimensions. The first relates to the broad spectrum of rights influenced by SNSs, including civil rights, political rights, and social rights. The second focuses on the sophisticated control SNSs have over these various rights. This control is generated and maintained through diversified information-related practices that are embedded in the SNSs routine operation, each practice distinct in the volume of its impact on user's human rights.

This somewhat holistic influence reflects the emergence of SNSs as a new arena for shaping and allocating human rights, and may indicate that they are not entirely regular private entities. Rather, these salient online platforms may bear some resemblance to the state, in this regard. This can be deduced, *inter alia*, from the notion of the state as a fiduciary, as expressed and viewed in the political-science discourse and in court rulings.

While SNSs often contribute to realization of human rights, they may also narrow them, sometimes in a disproportionate, inappropriate or non-transparent manner. Acknowledging the public aspect of SNSs may justify applying public law duties on them, thus ensuring more responsible, moderate, and accountable decision-making processes on their part.