Index

Abílio, Ludmila Costhek, 424–8
abuse of rights doctrine, 186–8
access to the internet right, 25, 61, 79–80, 123
Acselrad, Henri, 433
addiction to the internet. *See* internet addiction
adolescents, 113, 116, 118–19, 121–3. *See also* children's welfare protection
advertising control, 75–6, 390–1. *See also* microtargeting
aerial surveillance. *See* drone use control
African Charter on Human and Peoples' Rights 1981, 26, 43
African Declaration on Internet Rights and Freedoms, 53
age-related concerns. *See* children's welfare protection; elderly persons
AI governance and human rights
  AIA. *See* Artificial Intelligence Act (EU)
  algorithmic secrecy problem, 166–7
  Chinese approach, 28
  Council of Europe initiatives, 29–33, 37–9
  drone use control. *See* drone use control
  global initiatives, 28–9
  other EU instruments, 36
  self-regulation by AI industry, 27–8, 253
  specific rights concerns, 24, 26–7, 404
  summary of main arguments, 11–12, 19–20
  US approach, 28
Algorithm Watch (NGO), 35
Alston, Philip, 23
Alvear, Celso Alexandre, 430
Amorim, Felipi Vieira, 435
anonymity online, 121, 141, 143, 185–6
anti-terrorism investigations, 55–6
Antunes, Ricardo, 424, 426
app-based businesses, 88–9, 427–8
Aristotle, 143
armed conflicts, disinformation in, 225
Article 19 (NGO), 105
Artificial Intelligence Act (EU). *See also* AI governance and human rights
  AI transparency duty, 399–400, 405
  background to, 33–5, 394–7
  children's welfare protection under, 394–406
  complementarity with other regimes, 37–8
  generally, 328–9, 383
  global reach and influence (potential), 6, 36
  implementation, 36–7
  platforms, application to, 61
  rights under, 39
  risk management approach, 35–6, 328
Asilomar Principles on Beneficial AI, 27
Australia
  drone use control, 304–5
  smartphone use bans in schools, 134
Austria, linguistic rights initiative, 422

Barclay, Donald A., 210
Bayer, Judit, 319, 322–3
Belmessous, Saliha, 100
Bennett, Colin J., 322
big data, 268–9
Bigliardi, Rossane, 434–6
binge-watching, 117, 119
biometric data processing, 34, 36–8, 289–90, 350
Bitcoin, 87–8
Bjola, Cornelieu, 48
Blasi Casagran, Cristina, 326
blockchain applications, 106, 343, 346
blocking orders (EU), 172–3
Bodo, Balázs, 312–13
Borgesius, F. J. Zuiderveen, 321
Botero Marino, Catalina, 210–11, 231–2
Brandeis, Louis, 105, 201–2
Brazil, technologically-driven labour precarity
  Environmental Education response, 432–7
  forms of resistance, 428–30

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

Brazil, technologically-driven labour precarity (cont.)
labour rights, international law on, 431–2
overview of problem, 425–8
summary of main arguments, 357–8, 424–5, 436–7
Brexit referendum campaign (UK), 80, 200, 308, 311
Brunnée, Jutta, 46

Cambridge Analytica scandal, 200, 209, 320
Canada
disability discrimination protection, 135–6
disconnection right for workers, 132
drone use control, 304–5
horizontal effect of constitutional rights, 69, 75–6
smartphone use bans in schools, 134
Cannie, Hannes, 187
Carvalho, Maria de, 433–4
cell phones. *See* smartphones
censorship. *See also* freedom of expression
blocking orders (EU), 172–3, 243
self-censorship risks, 189–91, 288, 296, 299
social harms of, 49, 53–4
state policies of, 54, 255
Charter of Digital Fundamental Rights of the European Union (proposal), 21–2
Charter of Digital Rights (EDRi), 24
Charter of Fundamental Rights of the European Union
AI governance and, 37
digital rights proposals inspired by, 21–2
on general interest limitations, 40
generally, 136
horizontal application, 77–9
positive obligations under, 160
preamble, 40
specific rights under, 286–7, 298, 373–4, 381, 392, 398
Charter of Human Rights and Principles for the Internet (Internet Rights and Principles Coalition), 20–1
Charter on Digital Rights (Spain), 23
ChatGPT, 19, 26–7, 34, 110–12, 253
Cheng, Helen H. L., 50
children's welfare protection
adolescents, 113, 116, 118–19, 121–3
Artificial Intelligence Act (EU) on, 394–406
best interests principle, 135, 392, 405, 407
child sexual exploitation initiatives, 247–8
children's experiences in digital domain, 383–5
Council of Europe guidelines on, 128–9, 136, 381
digital ethics education, 146–8
Digital Services Act (EU) on, 385–94, 405–6
EU regime, children's rights perspective, 405–8
freedom of expression, tension with, 72, 96, 247–8, 404
minority language users. *See* linguistic marginalisation in online education
screen time restrictions, 127–9, 390
smartphone use bans, 133–4
summary of main arguments, 356–7, 381–3, 408
China
AI governance in, 28
internet governance in, 254–5, 350
social behaviour monitoring in, 26
Citron, Danielle, 58, 292
civil society
disinformation control by, 214, 233, 236
Fairwork initiative, 426–7, 432
independent regulatory bodies, 52–5
NGO activity restrictions, 186, 197
public watchdog role, 193–4
collective versus individual human rights, 25–6, 40, 42–7
Collingridge, David, 306
Common Good Constitutionalism, 41–4
Communications Decency Act (US), 72–4
constitutional rights, horizontal application. *See also* human rights in digital domain
democratic legitimacy rationale, 79–81
EU online privacy regulation, 76–9
horizontal effect theories, 64–7
offline context, comparative approaches, 67–70
online speech regulation, comparative approaches, 71–6, 256–7
public/private law distinction, 62–4, 280, 282
summary of main arguments, 12–13, 58–62, 81–2
contact-tracing apps in COVID-19 pandemic
EU and Council of Europe juridical framework, 273–4
health sector technology generally, 271–2, 374
lessons offered from failure, 275–82
summary of main arguments, 262, 267–8, 282
vaccines compared, 274–5
Convention 108+ (Council of Europe), 25, 32
Convention Against Discrimination in Education 1960, 411
Convention on the Rights of Persons with Disabilities 2007, 136, 411–12
Convention on the Rights of the Child 1989 (UNCRC), 20, 381–2, 387, 392, 398, 407, 411
Cooper, M. N., 362
copyright law
cached copies of copyright material, 88
EU law, freedom of expression implications, 242–3
new rule creation for online context, 86
Costhek Abílio, Ludmila, 424, 426–8

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

Council of Europe
AI governance initiatives, 29–33, 37–9
children's welfare measures, 128–9, 381
Convention 108+, 25, 32
Cybercrime Convention 2001, 33
ECHR. *See* European Convention on Human Rights 1950 (ECHR)
internet and human rights initiatives, 21, 61–2, 107–8, 254
linguistic rights initiatives, 413–17
COVID-19 pandemic
constitutional problems posed by, 272–3
contact-tracing apps in. *See* contact-tracing apps in COVID-19 pandemic
disinformation in, 48–9, 200, 208, 311
responses, 202, 222, 234, 236–40
drone use in, 284
labour market changes in, 132, 425–6
lockdown of schools in, 419–22
Ofqual algorithm controversy (UK), 404
telemedicine in, 374
vulnerable groups, impact on, 359, 417–19, 425–6, 433–4
criminal law enforcement
anti-terrorism investigations, 55–6, 73–4
ethics promotion alternative. *See* digital ethics
hate speech control. *See* hate speech control
internet addiction as potential defence, 116
motivations for crime in online context, 143–6
new rule creation for online context, 85–6, 138–41
summary of main arguments, 15, 55–6, 148–9
surveillance for, 142–3
Croatia, linguistic rights initiatives, 419, 421
Cruz, Ricardo, 435–6
cryptocurrencies, 87–8
cyberbullying. *See* online harassment
cybercrime. *See* criminal law enforcement
Cybercrime Convention 2001 (Council of Europe), 33

Dagnino, Renato, 424, 429
data protection. *See* privacy and data protection rights
Declaration on Digital Rights and Principles for the Digital Decade 2023 (European Commission), 33–4, 38, 131, 253, 256, 324, 370–1
Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (UN), 410
deepfakes, 201, 311, 399
defamatory content control
anonymity problem, 185–6
hyperlinks to defamatory content, 86–7
injunctions, 244
removal right, 95–6
deletion of personal information right. *See* right to be forgotten
democracy protection. *See also* freedom of expression
civil society actors. *See* civil society
COVID-19 pandemic and, 272–3
democracy argumentation in Europe, 177–9, 196, 250
digital divide undermining, 373–4
disinformation control. *See* disinformation control
dissolution of political parties, 184–5, 191–2
election manipulation concerns, 80, 91–3, 140, 199–200, 210, 223–4, 308, 311, 322
established doctrines on, 179–82
hate speech control. *See* hate speech control
horizontal effect of constitutional rights for, 79–81
press freedom and media pluralism, 182–4, 192–7, 298, 316
self-regulation by tech industry and, 81, 107–8
summary of main arguments, 154, 175–6, 196–8
trust as prerequisite for, 279, 281–2
Dewey, John, 58
Digital Compass (European Commission policy targets for 2030), 324, 371, 376, 379
digital context, legal effects. *See* online context, legal effects
digital divide. *See also* vulnerable groups
age gap, 372–5
law and policy responses, 375–8
contributory factors, 363–4
gender gap, 364–8, 378
law and policy responses, 368–72
in online education. *See* linguistic marginalisation in online education
summary of main arguments, 356, 361–3, 378–80
Digital Economy Partnership Agreement, 338, 348–9
digital ethics
education on, 146–8
ethical uses of AI, 32–3
individual responsibility-taking, 133, 144–5, 274–5
digital human rights. *See also* human rights in digital domain
AI governance context. *See* AI governance and human rights
concerns about, 22–6
content removal, procedural rights, 169–72
digital self-determination right, 22, 24, 38
disconnection right, 129–34, 136
erasure of personal data right, 106
explanation of decisions right, 35, 61
internet access right, 25, 61, 79–80, 123, 341

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

digital human rights (cont.)
non-coherence theory. *See* non-coherence theory of digital human rights
proposals for, 21–2, 38–9
right to be forgotten. *See* right to be forgotten
translation right, 61
universal acceptance not required, 23, 38–9, 104–5
digital humanism, 21
digital identity creation, 106, 143
digital investments. *See* investment practices in digital domain
Digital Market Act (EU), 61
digital self-determination right, 22, 24, 38. *See also* right to be forgotten
Digital Services Act (EU)
children's welfare protection under, 385–94, 405–6
complaint and redress mechanism, 167, 172, 388
disinformation control under, 252
freedom of expression implications. *See* EU law, freedom of expression implications
generally, 36, 61, 168, 327–8, 385
global reach and impact (potential), 244–5, 252
hate speech control under, 246
liability exemption rules, 164–5
'notice and action' rules, 170
digitalisation, public law perspective on, 268–71
disability rights protection, 135–6, 298, 377, 405, 411–12
disconnection right, 129–34, 136
disinformation control
algorithms for, 19, 26–7, 232, 234, 314
for children's welfare protection, 394, 399
'disinformation' term, 204–6, 312
emerging rules, 230–3
European Commission Communication on, 225–30
fake news phenomenon. *See* fake news
four top-level responses, 214–16
freedom of expression, tension with, 202, 251–2, 315–19
generally, 24, 185, 312–15
by Inter-American Court of Human Rights, 220–3
joint declarations by international bodies, 216–20, 224–5
by media and civil society actors, 214, 233, 236
microtargeted online disinformation, 323–31
social harms of disinformation, 47–9, 184, 195, 199–202
state responses, 213, 223–4
summary of main arguments, 155, 202–3, 240, 263, 308–10, 331–2
by tech industry, 213–14, 234–40
Drittwirkung doctrine (Germany), 68–9, 74–5
drone use control
balancing competing rights, 297–9, 305–6
EU law and policy, 299–304
in non-EU jurisdictions, 304–5
privacy concerns about drones, 286–97
summary of main arguments, 262–3, 283–6, 307
Dror-Shpoliansky, Dafna, 104
DSA. *See* Digital Services Act (EU)

ECHR. *See* European Convention on Human Rights 1950 (ECHR)
e-commerce, addiction to, 116, 121
EDRi (European Digital Rights network), 24, 35
education initiatives
on digital ethics, 146–8
digital literacy for vulnerable groups, 368–9, 371, 375–9, 402
Environmental Education, 432–7
on fake news spotting, 212–13, 216, 227
for minority language users. *See* linguistic marginalisation in online education
Edwards, Lillian, 313
elderly persons
digital access problems, 372–5
law and policy responses, 375–8
internet addiction risk, 122
rights protection, UN initiatives, 347
election manipulation concerns, 80, 91–3, 140, 199–200, 210, 223–4, 308, 311, 322
Environmental Education, 432–7
erasure of personal data right, 106. *See also* right to be forgotten
ethics in digital domain. *See* digital ethics
EU law and policy
AIA. *See* Artificial Intelligence Act (EU)
Charter. *See* Charter of Fundamental Rights of the European Union
children's welfare protection. *See* children's welfare protection
Declaration on Digital Rights and Principles for the Digital Decade 2023, 33–4, 38, 131, 253, 256, 324, 370–1
digital divide, policies on, 370–1, 376–7, 379
Digital Market Act, 61
disinformation control initiative, 225–30
drone use control, 299–304
DSA. *See* Digital Services Act (EU)
freedom of expression implications. *See* EU law, freedom of expression implications
GDPR. *See* General Data Protection Regulation (GDPR)
horizontal effect of EU law, 76–9

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

internet addiction, policy responses, 125–7, 130–2, 136–7
on microtargeting, 323–31
EU law, freedom of expression implications
balancing of interests entrusted to tech industry, 163–7, 172–3
children's welfare protection, tension with, 247–8, 404
copyright law, 242–3
defamatory content control, 244
fragmented internet concern, 252–4
hate speech control, 245–6
international law regime alternative, 254–7
platforms' risk assessment duties, 244–5
right to be forgotten. *See* right to be forgotten
summary of main arguments, 155–6, 241–2, 258
US freedom of speech law compared, 248–52
European Charter for Regional and Minority Languages 1992 (Council of Europe), 416–17, 422
European Convention on Human Rights 1950 (ECHR)
democracy protection under. *See* democracy protection
freedom of expression rights, 175, 315–19
horizontal application, 60, 68
linguistic rights protection under, 413–16
positive obligations under, 160–1
right to effective remedy, 38, 160
right to respect for private and family life, 287–9
European Declaration on Digital Rights and Principles for the Digital Decade 2023 (European Commission), 33–4, 38, 131, 253, 324, 370–1
European Digital Rights network (EDRi), 24, 35
European Union. *See* EU law and policy
explanation right, 35, 61

Facebook/Meta
bans of accounts, 59, 170, 231–2, 256–7
Cambridge Analytica scandal, 200, 209, 320
disclosure order application against, 84–5
disinformation control, 235–7
EU law, pushback against, 254
hate speech control, 73–5, 188–92
Human Rights Oversight Board generally, 23, 81, 196–7
uploading of infringing content to, 58–9
facial recognition technology, 142, 290, 295, 350
Fairwork initiative, 426–7, 432
fake news. *See also* disinformation control
control of. *See* disinformation control
in COVID-19 pandemic, 48, 200, 208, 311
responses, 202, 222, 234, 236–40
deepfakes, 201, 311, 399
'disinformation' term preferred, 312
education initiatives on, 212–13, 216, 227, 229
false news distinguished, 207–12
historical examples, 311–12
'real' news distinguished, 206–7
socio-affective mechanism, 201, 209–10
fantasy sports games, 117
Fernandes de Oliveira Miranda, Májory, 208–9
financial technology (FinTech), 342
First Amendment (US), 58, 71–4, 96, 248–51
Foran, Michael, 42
foreign investments. *See* investment practices in digital domain
Framework Convention for the Protection of National Minorities 1995 (Council of Europe), 416–17
Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law 2024 (Council of Europe), 31–3, 37–9
France
disconnection right for workers, 130, 132
hate crime control, 71–2, 74–5
horizontal effect of constitutional rights, 67–8, 257
smartphone use bans in schools, 133–4
freedom of expression
censorship. *See* censorship
children's welfare protection, tension with, 72, 96, 247–8, 404
defamatory content control. *See* defamatory content control
democracy protection rationale. *See* democracy protection
digital divide undermining. *See* digital divide
digital identity creation, 106, 143
disinformation control. *See* disinformation control
ECHR Article 10, 175, 315–19
EU law, implications for. *See* EU law, freedom of expression implications
hate speech control. *See* hate speech control
horizontal application. *See* constitutional rights, horizontal application
internet access right, 25, 61, 79–80, 123, 341
online speech regulation, comparative approaches, 71–6
political expression, 91–3, 317–18
positive obligations. *See* freedom of expression, positive state obligations
press freedom and media pluralism, 182–4, 192–7, 298, 316
right to be forgotten, tension with, 25
summary of main arguments, 4–5, 153–7

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

freedom of expression, positive state obligations
effective remedies and procedural safeguards, 169–72
justificatory arguments, 167–9
liability laws for platforms, 163–9, 172–3
offline context, 161–2
positive obligations generally, 160–1
scope of, 162–3
summary of main arguments, 154, 159–60, 173–4
Fuller, Lon L., 41, 44–7, 50–1, 56

gaming and gambling online, 116–17, 120–1, 126–7. *See also* internet addiction
Gardbaum, Stephen, 70
GDHRNet (Global Digital Human Rights Network), 2–3
GDPR. *See* General Data Protection Regulation (GDPR)
gender digital divide. *See also* digital divide
analysis of, 364–8, 378
law and policy responses, 368–72
General Data Protection Regulation (GDPR)
AI governance under, 36
freedom of expression implications. *See* EU law, freedom of expression implications
generally, 325–6
global reach and influence, 6, 241–2, 253, 310
health sector technology application, 271
microtargeting control under, 325–7, 391
right to be forgotten. *See* right to be forgotten
other mentions, 24, 406–7
Germany
civil servants' political loyalty duty, 177
disconnection right for workers, 130
hate speech control, 74–5
horizontal effect of constitutional rights, 68–9, 257
informational self-determination right, 22, 24
internet addiction, policy responses, 127
gig economy workers. *See* Brazil, technologically-driven labour precarity
Global Digital Compact (UN), 21, 29
Global Digital Human Rights Network (GDHRNet), 2–3
Goldberg, Ivan, 114
Goodhart, Arthur L., 83
Google
hate speech on, 73–4
right to be forgotten on, 25, 77–9, 93, 246–7
Gray, David, 292
Griffiths, Mark, 114
Grohmann, Rafael, 424, 426–7
Guiding Principles on Business and Human Rights (UN), 60, 168, 346–7
Guterres, António, 1, 261, 355, 362, 378

Habermas, Jürgen, 47, 79, 280
Harari, Yuval Noah, 268
harassment. *See* online harassment
hate speech control
abuse of rights doctrine application, 186–8
actual harm assessments, 90–1
anonymity problem, 185–6
COVID-19 pandemic, hate speech in, 418
in election campaigns, 190
by Facebook, 188–92
generally, 24, 313
in Germany, 74–5
identification of hate speech problem, 190
journalistic reports of hate speech, 182
as positive state obligation, 186
self-regulation by tech industry, 165
state regulation. *See* state regulation of the internet
in US, 73–4
health sector technology, 271–2, 374. *See also* contact-tracing apps in COVID-19 pandemic
heckler's veto, 181
Holmes, Oliver Wendell, 71, 249, 323
Holmes, Stephen, 80
horizontal application of constitutional rights. *See* constitutional rights, horizontal application
human dignity right, 27, 31, 43, 46, 68, 109, 173
Human Rights Council (UN), 20, 27, 79, 104, 376
human rights in digital domain. *See also* constitutional rights, horizontal application
children's rights. *See* children's welfare protection
core questions. *See* human rights in digital domain, core questions
digitalisation, public law perspective on, 268–71
early initiatives, 20–1
horizontal application. *See* constitutional rights, horizontal application
legal effects of online context. *See* online context, legal effects
methodology and structure of study, 3–5
new rights. *See* digital human rights
non-coherence theory. *See* non-coherence theory of digital human rights
scope of study, 6–7
state regulation. *See* state regulation of the internet
human rights in digital domain, core questions
what difference does it make to move online?, 11–18
how should freedom of expression be applied?, 153–7

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

how should human rights law respond to challenges?, 261–5
what additional challenges are faced by vulnerable groups?, 355–9
Hume, David, 96
hyperlinks to defamatory content, 86–7

Iceland, drone use control, 305
identity creation online, 106, 143
inadequacy of protection thesis, 101–2. *See also* non-coherence theory of digital human rights
indecent material, 72, 96, 116, 121, 247–8
independent regulatory bodies, 52–5
India, digital divide in, 363, 366
indirect horizontal effect theory, 66–7
individual responsibility-taking, 133, 144–5, 274–5
individual versus collective human rights, 25–6, 40, 42–7
International Covenant on Civil and Political Rights 1966, 20, 160, 347, 410
International Covenant on Economic, Social and Cultural Rights 1966, 20, 135, 347, 410–11
international investments. *See* investment practices in digital domain
internet access right, 25, 61, 79–80, 123, 341
internet addiction
consumer safety responses, 126–7
disconnection right recognition for, 129–34, 136
international norm development on, 135–7
internet-specific challenges posed by, 123–4
internet-specific features contributing to, 120–3
medico-legal perspective, 114–16
negative consequences, 118–19
public health policy responses, 124–6
screen time restrictions for children, 127–9, 390
summary of main arguments, 14–15, 113–14, 137
types, 116–18
internet context, legal effects. *See* online context, legal effects
Internet Governance Forum (UN), 255
internet intermediaries. *See* platforms
Internet of Things (IoT), 24, 293–4
internet regulation. *See* state regulation of the internet
investment practices in digital domain
international agreements on, 348–51
investment types, 340–2
pillars of rights and obligations, 342–6
summary of main arguments, 263–4, 333–5, 351–2
UN instruments on, 346–8
unified human rights theory, scope for, 335–40
virtual currencies, 87–8
IoT (Internet of Things), 24, 293–4
Ireland
disclosure order application against Facebook, 84–5
horizontal effect of constitutional rights, 67
iRobot, 58–9

Johnstone, Ian, 48
Jordan, gender digital divide in, 365
journalistic freedom, 182–4, 192–7, 298, 316
judicial precedents theory, 83–4

Kelsen, Hans, 64
Kettemann, Matthias C., 109
Khan, Irene, 199–200, 225
Kohlberg, Lawrence, 146
Königs, Peter, 140, 142
Kulesza, Joanna, 102
Kumm, Mattias, 66

La Rue, Frank, 20, 108, 190
labour precarity in Brazil. *See* Brazil, technologically-driven labour precarity
labour rights, 367, 431–2
legal principles, 96–7
legal reasoning in online context. *See* online context, legal effects
libel. *See* defamatory content control
limitation clauses in human rights treaties, 40, 42
linguistic marginalisation in online education. *See also* COVID-19 pandemic
Council of Europe, linguistic rights initiatives, 413–17
in COVID-19 pandemic, 419–22
summary of main arguments, 357, 409, 422–3
UN linguistic rights initiatives, 409–12
Liu, Alan, 107
Llewellyn, Karl N., 84
Locke, John, 64, 139
Loureiro, Carlos Frederico, 434, 436
Lyon, David, 322

Magarin, Gregory P., 109
Malgieri, Gianclaudio, 401
Mantelero, Alessandro, 30
marginalised people. *See* vulnerable groups
Marique, Enguerrand, 108
Marique, Yseult, 108
Marsden, Chris, 313, 332
media pluralism, 194–7
Melo, Verónica E., 201
mentally disordered persons, 117–18, 122–3, 135–6
Meta. *See* Facebook/Meta
Meyer, Trisha, 313, 332

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

Michalkiewicz-Kadziela, Ewa, 106
microtargeting. *See also* disinformation control; fake news
  EU law and policy on, 323–31, 390–1
  human rights and democracy implications, 319–23
Milczarek, Ewa, 106
minority language users. *See* linguistic marginalisation in online education
misinformation. *See* disinformation control
mobile phones. *See* smartphones
Molina, Maria D., 206–7, 209–12
multistakeholderist veil thesis, 102–3. *See also* non-coherence theory of digital human rights
Musk, Elon, 19, 239, 251–2

natural law theory, 41–4, 64–5
NGOs. *See* civil society
non-coherence theory of digital human rights. *See also* online context, legal effects
  additional theses, 109–10
  dual nature of human rights thesis, 102
  inadequacy of protection thesis, 101–2
  multistakeholderist veil thesis, limitations of, 102–3
  normative transformation scenarios, 99–101
  privacy law application, 105–7
  sameness of rights doctrine, limitations of, 103–5
  summary of main arguments (by ChatGPT), 14, 24–5, 99, 110–12
  time-related concerns, 107–9
Norway, drone use control, 305

obscene material, 72, 96, 116, 121, 247–8
Office of the High Commissioner for Human Rights (OHCHR), 27
Ofqual algorithm controversy (UK), 404
OHCHR (Office of the High Commissioner for Human Rights), 27
old people. *See* elderly persons
online context, legal effects
  academic debate on, 93–5
  actual harm assessments, 89–93
  balancing of human rights cases, 84–5
  differences that vanish, 95–6
  horizontal application of constitutional rights. *See* constitutional rights, horizontal application
  internet addiction as human rights issue. *See* internet addiction
  judicial precedents theory, 83–4
  jurisprudential implications, 96–7
  new human rights. *See* digital human rights
  new rule creation by courts, 85–6
  non-coherence theory. *See* non-coherence theory of digital human rights
  purpose and function assessments, 86–9
  summary of main arguments, 13, 15–18, 83, 97–8
online gaming and gambling, 116–17, 120–1, 126–7. *See also* internet addiction
online harassment
  addiction to, 116
  adolescents at increased risk, 119, 122, 383–4
  on disability grounds, 136
  generally, 24
  women at increased risk, 366
online marketplace businesses, 88–9, 427–8
online platforms. *See* platforms
online shopping, addiction to, 116, 121
Ortega y Gasset, José, 433–4

phishing, 209
platforms
  advertising on, 75–6, 390–1
  children's welfare protection duties. *See* children's welfare protection
  constitutional rights application to. *See* constitutional rights, horizontal application
  labour precarity and. *See* Brazil, technologically-driven labour precarity
  liabilities, 116, 163–9, 172–3
  online marketplace businesses, 88–9, 427–8
  power of, 49–50, 121, 174
  self-regulation by. *See* self-regulation by tech industry
  social media platforms. *See* social media
  social technology initiatives on, 429–30
  tasks performed by, 163
  See also names of particular platforms.
Political Advertising Regulation (EU), 329–31
political parties, dissolution of, 184–5, 191–2
pornographic material, 72, 116, 121, 247–8
positive state obligations
  freedom of expression protection. *See* freedom of expression, positive state obligations
  generally, 160–1
  for hate speech control, 186
precarious workers in Brazil. *See* Brazil, technologically-driven labour precarity
precedents theory, 83–4
press freedom, 182–4, 192–7, 316
principles of law, 96–7
privacy and data protection rights
  biometric data processing, 34, 36–8, 289–90, 350
  Cambridge Analytica scandal, 200, 209
  Convention 108+ (Council of Europe), 25, 32

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

COVID apps. *See* contact-tracing apps in COVID-19 pandemic
digital self-determination right, 22, 24, 38
drone use control. *See* drone use control
European law framework, 286–9, 324–5
GDPR. *See* General Data Protection Regulation (GDPR)
horizontal effect of EU law, 76–9
microtargeting and. *See* microtargeting
non-coherence theory applied to, 105–7
personal data as good, 268–9
right to be forgotten. *See* right to be forgotten
right to explanation of decisions, 35, 61
surveillance by law enforcement agents, 142–3
private/public law distinction, 62–4
problematic use of the internet. *See* internet addiction
procedural natural law (Fuller), 44–5
profiling. *See* microtargeting
proportionality principle
disinformation control context, 48–9
generally, 264–5, 306
hate speech control context, 189–92
limitation clauses and, 40
orders to block or remove content, 218, 246, 253–4
political speech restrictions and, 181, 183–4, 192–3, 196
public order control, 55–6
public/private law distinction, 62–4, 280, 282

Raz, Joseph, 62
Reed, Chris, 94–5
Reigota, Marcos, 432
right to be forgotten
balancing with competing rights, 165, 246–7
Google Spain case (CJEU), 77–9, 93, 246–7
in South Korea, 52
status of, 25, 95–6
rights specific to digital domain. *See* digital human rights
Roma and Traveller communities, 418–19, 421
Rosa, Hartmut, 431–2
rule of law theories, 45–6, 50–1, 56, 278
Russia
disinformation dissemination by, 185
NGO activity restrictions, 186, 197
suppression of free speech in, 191

sameness of rights doctrine, 103–5. *See also* non-coherence theory of digital human rights
Santos-D'Amorim, Karen, 208–9
Sartre, Jean-Paul, 105
Schirach, Ferdinand von, 22
Scholz, Trebor, 424, 428–9
science and technology education for women and girls, 371
Sciulii, David, 59
self-censorship risks, 189–91, 288, 296, 299
self-regulation by tech industry
AI developers, 27–8, 253
democratic legitimacy concerns, 81, 107–8
disinformation control, 213–14, 234–40
drivers of, 59–60
by Facebook. *See* Facebook/Meta
freedom of expression concerns, 165–7, 171, 173–4
hate speech control, 165
state intervention in, 51–2
Shany, Yuval, 104
Singapore
political censorship in, 54
self-regulation by tech industry, 52
Singer, Paul, 424, 429–30
Slovakia, linguistic rights initiative, 421–2
Smartphones. *See also* internet addiction
addiction to, 113, 115, 118, 120
app-based businesses, 88–9, 427–8
COVID apps on. *See* contact-tracing apps in COVID-19 pandemic
school use bans, 133–4
Snowden, Edward, 142
social media. *See also* Facebook/Meta; X (formerly Twitter)
addiction to, 117–19
anonymity on, 185–6
bans of accounts, 58–60, 165, 170, 231–2, 256–7
children's experiences on, 383–4
digital exclusion from, 374–5
disinformation on. *See* disinformation control; fake news
fake news on. *See* disinformation control
journalistic uses of, 182–4
'Likes' expressed on, 236, 316
positive state obligations respecting. *See* freedom of expression, positive state obligations
targeted communications on. *See* microtargeting
social platforms. *See* platforms
solidarity economy/social technology initiatives, 429–30
South Africa
Film and Publications Board, 54, 56
horizontal effect of constitutional rights, 67
riots (June 2021), 56

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

South Korea
internet addiction, public health response, 125
political censorship in, 54
right to be forgotten in, 52
Spain, Charter on Digital Rights, 23
state action doctrine (US), 69–70. *See also* constitutional rights, horizontal application
state regulation of the internet
in collaboration with non-state actors, 49–51
criminal law enforcement. *See* criminal law enforcement
design elements of healthy system, 51–6
disinformation, state responses, 213, 223–4
positive obligations. *See* positive state obligations
states' unpreparedness for, 59
summary of main arguments, 12, 40–1
theoretical rationale, 42–7, 56–7
trust rationale, 47–9, 275–82
Stefano, Valerio de, 428
Stengers, Isabelle, 433
Stone, Julius, 83
Sturm, Douglas, 46–7
Sullivan, Clare, 106
Sunstein, Cass R., 80, 224
surveillance, aerial. *See* drone use control
surveillance by law enforcement agents, 142–3
Susi, Mart, 24–5, 232. *See also* non-coherence theory of digital human rights

Tache, Cristina Popa, 337
targeted communications. *See* microtargeting
telemedicine, 374
terrorism control, 55–6, 73–4
Teubner, Gunther, 59
third party effects of constitutional rights. *See* constitutional rights, horizontal application
Tiani, Vincenzo, 401
time-related concerns, 107–9. *See also* non-coherence theory of digital human rights
Toope, Stephen J., 46
transdisciplinary approach to human rights, 335–6
translation right, 61
Transparency and Targeting of Political Advertising Regulation (EU), 329–31
Traveller and Roma communities, 418–19, 421
Trump, Donald
'fake news' allegations by, 210, 310
Presidential election (2016), 80, 200, 210, 308
social media accounts, 58–60, 165, 170, 231–2, 238
trust rationale for technology regulation, 47–9, 275–82
Twitter. *See* X (formerly Twitter)

Ubuntu philosophy, 43
UNCRC (Convention on the Rights of the Child 1989), 20, 381–2, 387, 392, 398, 407, 411
UNESCO, 27, 32, 270, 371, 411
UNICEF, 53, 385
United Kingdom
Brexit referendum campaign, 80, 200, 308, 311
cybercrime in, 138
drone use control, 305
linguistic rights initiatives, 422
Ofqual algorithm controversy, 404
smartphone use bans in schools, 134
United Nations, 168
children's welfare measures, 128, 135
digital divide, policies on, 368–72, 375–6, 379
Guiding Principles on Business and Human Rights, 60, 168, 346–7
Human Rights Council, 20, 27, 79, 104, 376
internet and human rights initiatives, 20–1, 29
Internet Governance Forum, 255
internet regulation by, 53
investment practices, instruments on, 346–8
linguistic rights initiatives, 409–12
United States
AI governance in, 28
Bill of Rights, 64
Capitol Hill riots (January 2021), 55, 59, 231–2
drone use control, 304–5
election manipulation concerns, 80, 200, 210, 308, 311, 322
'EU law imperialism' responses, 253–4
freedom of expression in online context, 58, 71–4, 96, 173, 248–52
hate speech control, 246
horizontal effect of constitutional rights, 69–70
Hurricane Katrina disaster, 433
smartphone addiction in, 113
smartphone use bans in schools, 134
United States–Mexico–Canada Agreement 2020, 75
Universal Declaration of Human Rights 1948
generally, 339, 347
international instruments inspired by, 20, 179
specific rights under, 298, 366–7, 431–2
unmanned aerial vehicles. *See* drone use control
user profiling. *See* microtargeting

Varennes, Fernand de, 423
Verma, Vijay, 207–8
Vermeulen, Mathias, 326
video game addiction, 116–17, 126–8, 136. *See also* internet addiction
virtual currencies, 87–8
VLOPS. *See* platforms

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030

voice recognition technology, 289
Voorhof, Dirk, 187
vulnerable groups. *See also* digital divide
  all internet users as, 121
  children. *See* children's welfare protection
  in COVID-19 pandemic, 359, 417–19, 425–6, 433–4
  disabled persons, 135–6, 298, 377, 405, 411–12
  elderly persons. *See* elderly persons
  harassment of. *See* online harassment
  hate speech against. *See* hate speech control
  intersectional vulnerabilities, 378
  mentally disordered persons, 117–18, 122–3, 135–6
  minority language users. *See* linguistic marginalisation in online education
  precarious workers. *See* Brazil, technologically-driven labour precarity
  summary of main arguments, 5, 355–9
  UN instruments on, 347–8
  women. *See* women

Wardle, Claire, 210
Warren, Samuel D., 105, 201–2
WeMoveEurope Foundation, 22, 34
WhatsApp, 314
whistleblower protection, 195
Wilson, Edward O., 336–7
women
  digital access problems, 364–8, 378
    law and policy responses, 368–72
  hate speech against. *See* hate speech control
  online harassment of. *See* online harassment
work, right to, 367, 431–2
workers, disconnection right for, 129–34
World Health Organization, 128, 272–73
World Trade Organization, 255

X (formerly Twitter)
  advertising on, 75–6
  disinformation control, 237–9
  hate speech on, 73–4, 237
  policy changes at, 171, 239, 251–2
  Trump's account, 58, 238

young persons, 113, 116, 118–19, 121–3, 383–4. *See also* children's welfare protection
YouTube
  disinformation control, 239–40
  EU blocking order addressed to, 243
  hate speech on, 73–4

Zanatta, Rafael, 428–9
Zittrain, Jonathan, 322
Zuboff, Shoshana, 285, 296
Zuckerberg, Mark, 235–6
Zufall, Frederike, 108

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 16 Nov 2026 at 08:00:28, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009606295.030