
Human Rights and International Law Working Group (HRIL WG) Meeting

Block 3 - GAC Governance & Accountability Processes

Session 3.1 - HRIL WG Plenary Meeting

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Session Objectives

- Discuss next steps relative to the GAC's role in the implementation of the Human Rights Core Value as per recommendations in the WS2 Final Report,
- Review the options paper drafted from GAC Members' input on the four potential options initially under consideration and review next steps.
- Continue preparation and discussion of a potential Cross Community Engagement at ICANN66 on the topic of Human Rights.

Background

Formed in February 2015, the GAC Working Group on Human Rights and International Law (HRIL WG) focuses on aspects of ICANN's policies and procedures which relate to human rights and relevant international law.

The GAC's HRIL WG [objectives](#) include, but are not limited to, the following:

1. Considering any appropriate steps that ICANN could take to help ensure that its technical coordination of the domain name system (DNS) is managed in a manner which respects human rights and relevant international law pursuant to and consistent with, among other legal instruments, ICANN's Articles of Incorporation, in particular Article 4;
2. Cooperating with ICANN's advisory committees, supporting organisations, and communities, in particular the Cross-Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights, to encourage and facilitate multi-stakeholder support and cooperation in advancing human rights related policies, recommendations, and advice;
3. Participating in applicable ICANN work streams, policies, and studies to promote a shared understanding of human rights and relevant international law.

The Working Group Co-Chairs are Jorge Cancio (Switzerland) and Suada Hadzovic (Bosnia Herzegovina).

Agenda

1. **Implementation of ICANN Human Rights Core Values discussion** based on the CCWG-Accountability WS2 Human Rights Framework of Interpretation (FOI) – 15 Minutes
 - a. Co-Chair Presentation of Options Paper for Human Rights Core Values Implementation
 - b. Discussion on proposal for an ICANN66 Cross Community Session or High Interest Session on Human Rights
2. **ICANN Org briefing** on the [Human Rights Impacts Assessment](#) – 15 Minutes
3. **Diversity** - 10 Minutes
 - a. Gender Diversity
 - b. Web accessibility
4. **AOB** - 5 minutes

Leadership Proposal for GAC Action

1. Review GAC HRIL WG Options Paper on implementation options for the Human Rights Core Values following the [WS2 Final Report](#) and confirm next steps;
2. HRIL WG to confirm whether to participate in the organization of a Cross-Community Session or High Interest Topic Session on the topic of human rights to be organized for ICANN66 in Montreal.

Relevant Developments

Options Paper

At ICANN64, the HRIL WG discussed the role of the GAC in implementation options for the Human Rights Core Values following the [WS2 Final Report](#), and as a result agreed to work on an options paper drawing from GAC Members' input on the four potential options initially under consideration. The HRIL WG Co-Chairs finalized the [options paper](#) which was circulated to GAC HRIL WG and GAC Members for input on the 13th of May 2019. One response was received, in support of the current direction of the HRIL WG as outlined in the [options paper](#).

The [options paper](#) outlined GAC membership preference based on questionnaire results prior to ICANN64 (11 respondents), discussions held at ICANN64 during the HRIL WG Meeting, and feedback received after ICANN64. Based upon these results, [options 2, 3 and 4](#) appear to be the most supported by respondents. Option 1 received negative feedback by a GAC member flagging the difficulty of compiling the GAC Communique adding a portion on Human Rights. Throughout the discussion at ICANN64 it became clear that [option 1](#) would therefore not be brought forward by the HRIL WG without any objections, since the survey results showcase 11 responses with close results for [options 2, 3 and 4](#), while the HRIL WG session was attended by GAC members and GAC HRIL WG members, representing a higher number of attendees and participants compared to respondents to the questionnaire.

The HRIL WG Co-Chairs flagged that the implementation options are currently in exploratory and broad stages, but that consultation with GAC Membership was helpful to identify interest or any objections towards any of the four options presented by the Working Group. Based on the discussions, [option 1](#) will therefore potentially not be pursued due to objections presented on the questionnaire results, and no other options will be discarded initially by the Working Group.

Based on the questionnaire results outlined above, and the face-to-face discussion which took place at ICANN64 in Kobe on March 10th, 2019, [option 4](#) is currently the approach to implement Human Rights Core Values where consensus in the GAC may be most probable, while not discarding [options 2 and 3](#).

Proposed Implementation Options:

1. **Option 1 (NOT TO BE PURSUED):** Standing item/question in Communique drafting? (e.g. "does the subject-matter Communique have Human Rights impact and/or relevance?")
2. **Option 2 (NOT DISCARDED):** Standing item/question for other GAC communications where a position is conveyed (e.g. "does the issue/topic have Human Rights impact and/or relevance?")
3. **Option 3 (NOT DISCARDED):** GAC HR rapporteur – responsible for flagging issues and to lead in Options 1 and 2
4. **Option 4 (FOR IMPLEMENTATION):** GAC participation in Human Rights Implementation Assessment during Policy Development Processes (see work from CCWP CRS-HR)

Possible cross-community session in ICANN66

The HRIL WG co-chairs continue to be in touch with the Cross Community Working Party on Human Rights on a potential cross community engagement during ICANN66 in Montreal setting up a Cross Community Session or High Interest Topic, pending ICANN Board consideration of the CCWG Accountability Workstream 2 recommendations.

ICANN Org Human Rights Impact Assessment (HRIA)

ICANN engaged a third-party vendor to conduct an independent internal Human Rights Impact Assessment ([HRIA](#)) of ICANN's organizational operations. [ICANN Org's Human Rights Impact Assessment report](#) was published on 15 May 2019, and the HRIL WG is looking forward to GAC review and input, following a presentation on this topic by ICANN Org. at ICANN65.

Diversity in ICANN

As of ICANN64, the topic of diversity is included in the HRIL WG's [Work plan](#), following confirmation from HRIL WG Members, GAC Members and GAC Leadership. ICANN organization conducted the [Gender Diversity and Participation Survey](#) with the ICANN community from 9 June – 8 July 2017. The ICANN organization conducted the Gender Diversity and Participation Survey to gain insight into current perceptions of gender diversity within the ICANN community, to identify potential barriers to participation, and to gather data to help inform ongoing community discussions on diversity.

Recent Attendee Profile by Gender ICANN 64: Male: 64%, Female: 27%, Undisclosed: 9%; ICANN 63: Male: 53%, Female: 20%, Undisclosed: 27% and ICANN 62: Male: 61%, Female: 25%, Undisclosed: 14%

Accessibility of GAC materials

During ICANN64, the HRIL WG co-chairs propose to ensure that all GAC materials, especially the GAC Communiqué, abide by accessibility standards.

The HRIL WG is looking forward to GAC review and input, following a presentation on diversity topic at ICANN65.

Key Reference Documents

[HRIL WG Page](#)

[Terms of References](#)

[Work plan](#)

[HRIL WG Options Paper - May 2019](#)

Further Information

[ICANN Org's Human Rights Impact Assessment report](#)

[Work Stream 2 Final Report](#)

[HRIL WG - Consolidated Information Document](#)

[HRIL WG Questionnaire - February 2019](#)

[ICANN Gender Diversity and Participation Survey](#)

[ICANN Meeting "By the Numbers" & Technical Data Reports](#)

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