

**ICANN**  
COMMUNITY FORUM

64

**KOBE**

9-14 March 2019



# GAC Human Rights & International Law WG (HRIL WG) Meeting

**10 March 2019**  
**09:30 a.m - 10:15 a.m**

Jorge Cancio (HRIL WG Co-Chair)  
Suada Hadzovic (HRIL WG Co-Chair)

ICANN64 Governance and Accountability Processes - Agenda Item 4.2

**ICANN | GAC**  
Governmental Advisory Committee



1. **Updated HRIL WG Work Plan: 5 minutes**
  - a. Quick overview of updated work plan; and
  - b. Asking for volunteers for different items within work plan
2. **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 questionnaire results from HRIL WG regarding implementation options; and
  - b. Discussion of implementation options
3. **Discussion on proposal for a Cross Community Session or High Interest Session on Human Rights in a forthcoming ICANN Meeting: 5 minutes**
4. **ICANN Org briefing on Human Rights Impacts Assessment (details [here](#)): 15 minutes**
5. **AOB: 5 minutes**

# 1. HRIL WG Work Plan

	What (Task Name and Description)	Who	By When	Stakeholders	Output (i.e. Decision or Document of some type)
1	Develop work plan 2019-2020	Co-Chairs	February 2019	HRIL-WG members	Document endorsed by GAC leadership
2	Participation of WG Members in <b>new gTLDs PDP</b> (GNSO)	Co-Chairs +TBD	Ongoing task	GAC Other PDP participants	Inform regularly the WG, and propose inputs to HRIL-WG on HRIL aspects which could be brought before the GAC if needed
3	Participation of WG Members in <b>WHOIS related EPDP</b> (GNSO)	Co-Chairs +TBD	Ongoing task	GAC Other PDP participants	Inform regularly the WG, and propose inputs to HRIL-WG on HRIL aspects which could be brought before the GAC if needed
4	Participation of WG Members in Review of <b>Right Protection Mechanism PDP</b> (GNSO)	Co-Chairs +TBD	Ongoing task	GAC Other PDP participants	Inform regularly the WG, and propose inputs to HRIL-WG on HRIL aspects which could be brought before the GAC if needed
5	Discussion and preparation of GAC decisions on <b>implementation of CCWG Accountability recommendations</b> (primarily Human Rights Core Value)	Co-Chairs +TBD	Ongoing task	GAC Other CCWG participants	Inform regularly the WG, and propose inputs to HRIL-WG on HRIL aspects which could be brought before the GAC if needed

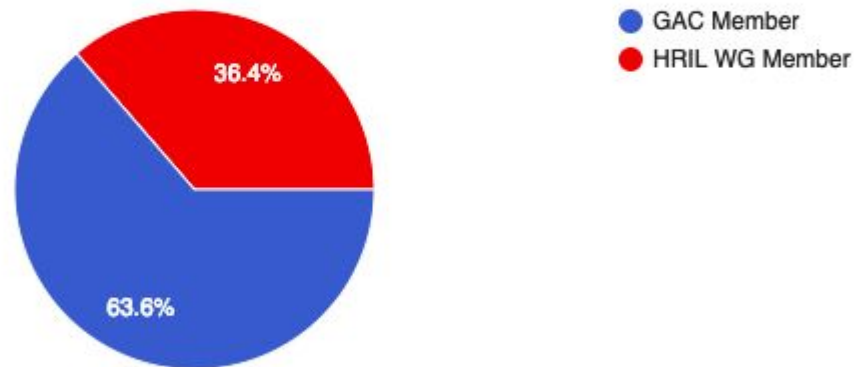
# 1. HRIL WG Work Plan

6	Liaison with <b>CCWP on CSR and Human Rights</b>	Co-Chairs	Ongoing task	GAC CCWP participants	Exchange of information and convening of joint sessions with the CCWP
7	<b>Liaison with other GAC WG</b> on issues of common interest	Co-Chairs	Ongoing task	Other GAC WGs GAC GAC Leadership Team	Exchange of information and coordination of inputs
8	<b>Diversity issue (primarily gender issue)</b>	Co-Chairs +TBD	Ongoing task	GAC GAC Leadership Team	Inform the WG and the GAC about the state of diversity, and potentially highlight any gaps and areas for improvement
9	Other issues				

### A. Co-Chair Presentation of Questionnaire Results:

Membership:

11 responses



### B. Implementation Options:

- **Option 1:** Establish a standing item/question to be considered during the Communique drafting? (e.g. "does the subject-matter Communique have Human Rights impact and/or relevance?")
- **Option 2:** Establish a standing item/question to be considered for other GAC communications where a position is conveyed (e.g. "does the issue/topic have Human Rights impact and/or relevance?")
- **Option 3:** Create the position of a GAC HR rapporteur – responsible for flagging issues and to lead in Options 1 and 2
- **Option 4:** Provide for the participation of the GAC in Human Rights Implementation Assessments or similar procedural steps established for Policy Development Processes (see work from CCWP CRS-HR)



Implementation Options for Human Rights Core Values by the GAC:		
Options:	#	Comments
<b>Option 1:</b> Establish a standing item/question to be considered during the Communique drafting? (e.g. "does the subject-matter Communique have Human Rights impact and/or relevance?")	4	
<b>Option 2:</b> Establish a tanding item/question to be considered for other GAC communications where a position is conveyed (e.g. "does the issue/topic have Human Rights impact and/or relevance?")	6	
<b>Option 3:</b> Create the position of a GAC HR rapporteur – responsible for flagging issues and to lead in Options 1 and 2	5	
<b>Option 4:</b> Provide for the participation of the GAC in Human Rights Implementation Assessments or similar procedural steps established for Policy Development Processes (see work from CCWP CRS-HR)	5	
<b>Other:</b>	2	1. The U.S. is open to the GAC continuing to follow and engage in cross-community discussions on human rights. However, the U.S. does not consider ICANN or the GAC in particular as an appropriate forum to negotiate any new human rights instruments or interpretations of states' obligations or commitments under existing instruments. In particular, the GAC does not have the expertise, nor the capacity, to review its consensus advice for how it comports with binding international human rights law. While private actors can evaluate their actions through the lens of human rights, as contemplated by the Bylaw, such an exercise among governments in a formal negotiation on GAC advice would be a fraught exercise bearing on legal determinations negotiated in other fora.
		Do not necessarily support any of these options and are reserving judgment on the issue at this time



Please share any additional feedback/input on the above options, which are not mutually exclusive. Please use this space to submit any further ideas on ways to implement the Human Rights Core Value

4 responses

None for the time being

I think Option 1 is too formal and heavy, bearing in mind how we are lagging behind the agenda while writing GAC communiques and it might be too time consuming for one person to cover the issue. Establishing separate position of HR rapporteur within the GAC (but outside HRIL WG) could create two parallel different in scope opinions from rapporteur and HRIL WG. In order to avoid such dual situation we could have someone (or group of people) within HRIL WG dealing with the question „does the issue/topic have Human Rights impact and/or relevance?“, sometimes the given issue/topic could be also related to GAC communique, but not necessarily every time.

In considering options, it is pertinent for GAC to adopt a way forward that is most consistent with both its role, and modus operandi. Having said that, Option 4 constitutes the most effective way forward for GAC on this matter. Participation of GAC in Human Rights Implementation Assessments and similar procedural steps established for PDPs, as in Option 4, is key and is properly consistent with how GAC organizes its work and draws on its resources.

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- Discussions at the recent IGF Meeting in Paris indicated that there was widespread multistakeholder interest in organizing a Cross Community Session or High Interest Topic on the subject of **human rights** at a future ICANN public meeting.
- This could be an opportunity to showcase the Cross Community Working Party Human Rights' progress on designing and testing impact assessment geared toward ICANN policy development processes.
- The HRIL WG Co-Chairs presented this idea to the GAC Leadership last January and the GAC Chair noted that the idea of a Cross Community Session on human rights was a good one and clarified that the earliest that could likely be suggested was during the ICANN65 meeting in Marrakech.
- Would the HRIL WG support such a Cross-Community or High Interest Topic session being organized in the near future?

# ICANN Org Human Rights Impact Assessment

(HRIA)

Ergys Ramaj

Governmental Advisory Committee

10 March 2019



# ICANN Org HRIA Background

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- Internal to ICANN Org with focus on daily operations
- Proactive exercise, designed to
  - identify and prioritize the human rights impacts of ICANN org
  - analyze how effectively these impacts are managed
  - develop actions for improvement

# How were human rights defined?

## Human rights are rights inherent to all human beings

- Human rights are universal legal guarantees
  - protecting individuals and groups against actions which interfere with fundamental freedoms and human dignity
- Human rights are equal and non-discriminatory
  - enjoyed by everyone equally, irrespective of nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status

## Examples of human rights instruments used for this assessment

- The Universal Declaration of Human Rights
- United Nations Core International Human Rights Instruments
- International Labor Organization (Fundamental and Technical) Conventions
- Danish Institute for Human Rights, Human Rights Impact Assessment: Guidance and Toolbox
- United Nations Guiding Principles on Business and Human Rights

# Scope

This exercise maps internal org **policies and procedures** in four key areas to their impacts on human rights.

Functional Areas	
•	Human Resources
•	Procurement
•	Meetings/Event Planning
•	Security Operations



# Process

Markus Löning - Human Rights & Responsible Business conducted the HRIA and provided **actionable recommendations** to improve the impacts of our daily business operations.

## Project Phases

1. Preparation
2. Data Collection and Engagement
3. Analysis, Mapping, and Prioritizing Impacts
4. Developing Recommendations and Reports

# Examples of Topics Assessed

Topics	Examples of Questions Asked
<ul style="list-style-type: none"><li>• Equal and Fair Treatment</li><li>• Harassment</li><li>• Grievance Mechanisms</li></ul>	<ul style="list-style-type: none"><li>• What measures are in place to prevent discrimination?</li><li>• What policies are in place to prevent harassment?</li><li>• Can workers report suspected violations without fear of retaliation?</li></ul>
<ul style="list-style-type: none"><li>• Expectations for Vendors</li><li>• Training Policies for Staff and/or Suppliers</li></ul>	<ul style="list-style-type: none"><li>• Do existing procurement practices integrate human rights considerations?</li><li>• What training policies are in place for staff who are involved with procurement?</li></ul>
<ul style="list-style-type: none"><li>• Accessibility Features</li><li>• Local Communities</li></ul>	<ul style="list-style-type: none"><li>• What measures are taken by ICANN org to ensure equal and effective access?</li><li>• What impact does an ICANN event have on local communities?</li></ul>
<ul style="list-style-type: none"><li>• Physical Security of ICANN Staff</li><li>• Security Protocols at Events</li></ul>	<ul style="list-style-type: none"><li>• What emergency procedures are in place?</li><li>• Is there an adequate and accessible mechanism available to report security concerns?</li></ul>

# Opportunities

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- ICANN has policies in place to mitigate potential negative human rights impacts
- Opportunity to formalize good practices into policies
- Increase training and awareness raising across all four areas of scope

# What is Next?

## Final report

Report is currently being finalized and will be published following ICANN64.

# Engage with ICANN



## Thank You and Questions

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