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Implementing the Human Rights Core Value in ICANN's Bylaws

ICANN | GAC
Governmental Advisory Committee

6 November 2019
8:30 a.m - 9:30 a.m

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ICANN66 HRIL WG Plenary with CCWP HR
Agenda Item 27

Agenda

1. **Welcome/Session Objectives** - 2 minutes

2. **Introduction: ICANN Human Rights Core Value** - 5 minutes
   a. How did we get here?

3. **GNSO Policy Development Processes and Human Rights, the work and experiences so far** - **"Designing a Human Rights Impact Assessment for ICANN's Policy Development Process" Presentation** 15 minutes
   a. Highlights;
   b. Specific lessons learned;
   c. Way forward

4. **Community views on the Implementation of ICANN Human Rights Core Value** - 25 minutes

5. **Reactions from the floor: open mic** - 10 minutes
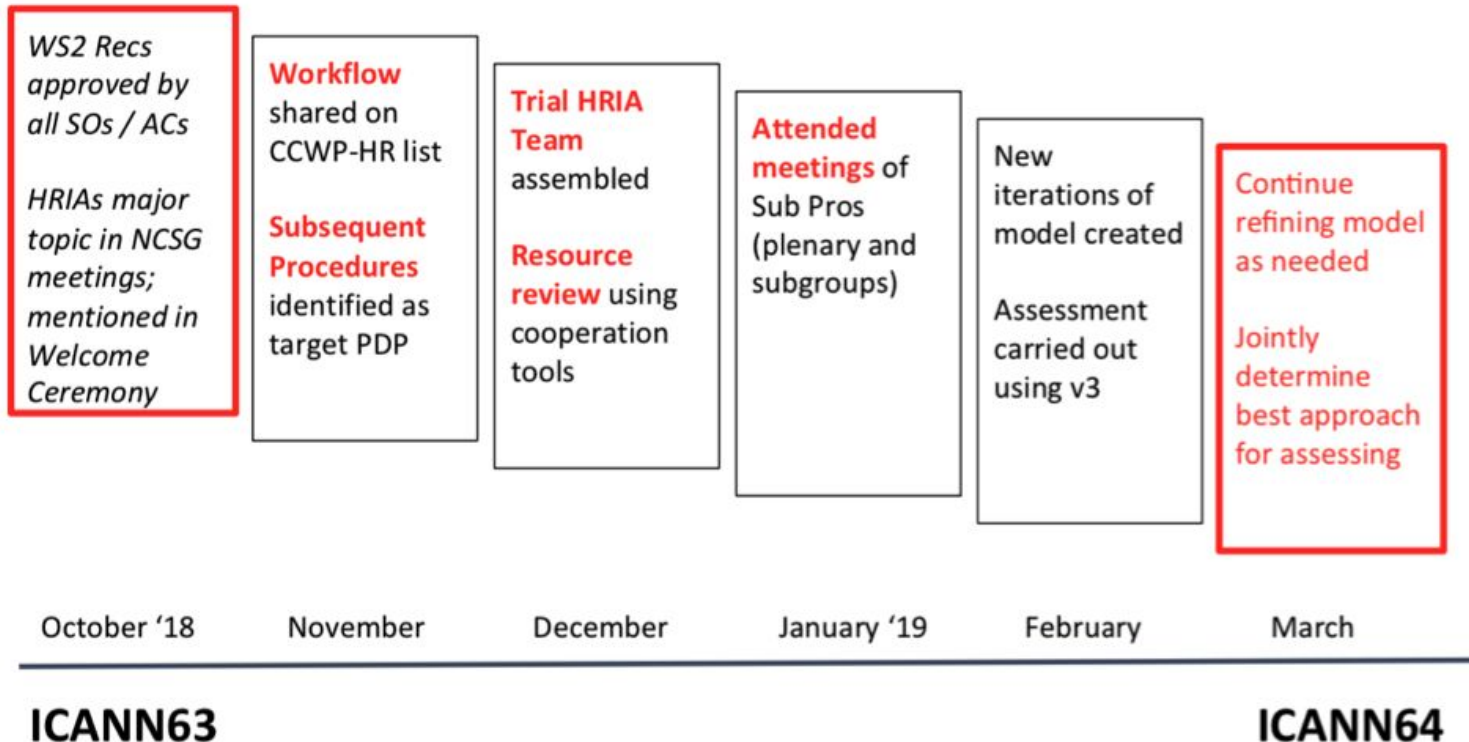
6. **Session takeaways** - 3 minutes

1. Raise awareness on HR Core Value

2. Exchange info on work towards implementation

3. Exchange views and converge on common future steps in implementation

Human Rights Framework of Interpretation (HR-FOI)

- A Framework of Interpretation was developed by the WS2 for ICANN Bylaws relating to Human Rights which clarified that Human Rights are not a Commitment for the organization but is a Core Value. The former being an obligation while the latter are *"not necessarily intended to apply consistently and comprehensively to ICANN's activities"*.
- To summarize the FOI, if the applicable law i.e. the law practiced in the jurisdiction where ICANN is operating, does not mandate certain human rights then they do not raise issues under the core value. As such, there can be no enforcement of human rights obligations by ICANN or any other party against any other party.
- Thus, contingent on the seat of the operations the law can vary though by in large ICANN recognizes and can be guided by significant internationally respected human rights such as those enumerated in the Universal Declaration of Human Rights

GNSO Policy Development Processes and Human Rights, the work and experiences so far - **"Designing a Human Rights Impact Assessment for ICANN's Policy Development Process" Presentation**

Key learnings from the HRIA

Public Interest

- Consolidate ICANN's various Public Interest Commitments and ensure that they're in-line with international human rights standards and best practices;
- Update "Spec 11" to reflect ICANN's Human Rights Core Value; and
- Use tools such as impact assessments to document and justify the balance of legitimate interests.

Dispute Resolution

- Delineate which party holds ultimate responsibility in dispute resolution (ICANN or third-party provider);
- Ensure that a single dispute resolution center exists for both substantive and procedural grounds;
- Develop / enforce guidelines for consistent documentation of proceedings; and
- Create a streamlined and transparent appeals mechanism.

Community Priority Evaluation

- Introduce a binding obligation that panelists' background and affiliations be published and kept up-to-date;
- Require that panelists sign off on ICANN's Public Interest Commitments prior to making decisions;
- Include panelists with human rights expertise in the pool of evaluators.

Views from the panel:

- Open exchange on how ICANN as a community and its component parts (ICANN Org, SO/ACs) approach the implementation of the Human Rights Core Value;
- Reactions to the HRIA and how can it be refined?
- Potential engagement; how can we continue to monitor human rights at ICANN?
- Any other comments