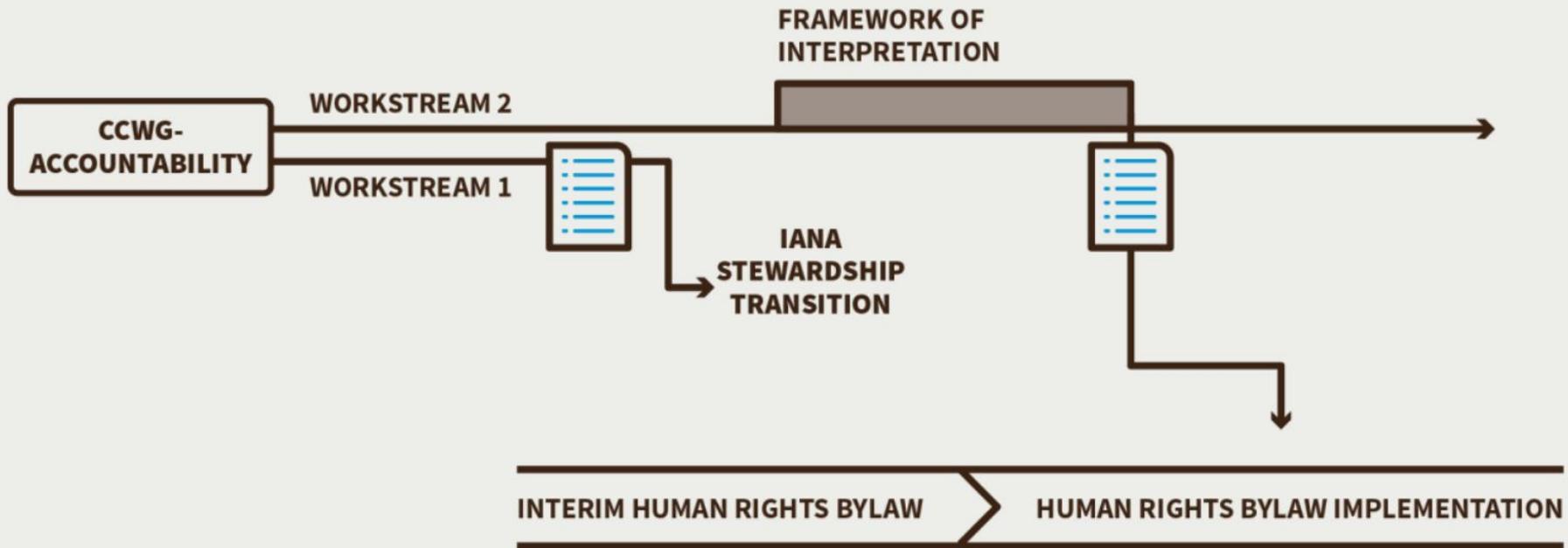


# ICANN & Human Rights

The End of the Beginning

Report to the GAC HRIL WG

Niels ten Oever & Vidushi Marda



## Updates:

- Public consultation closed on 16 June 2017. 12 comments posted.
- Subgroup revised recommendations on the basis of inputs received.
- Plenary approved revised recommendations on 18 October 2017.
- Changes made from the previous version of the document which went to public consultation are minor. Revised report does not require a second public consultation.
- The draft report can be found [here](#).
- This topic is now completed.

## Upcoming Activities:

- n/a

**Rapporteurs:** Niels ten Oever

**# of signed-up Active Participants:** 69

**# of signed-up Observers:** 52

## Useful links:

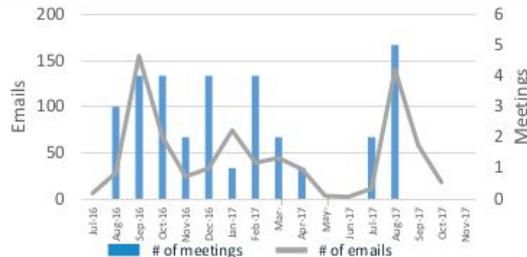
- [Wiki](#)
- [Mailing List archive](#)
- [Meetings schedule](#)
- [Draft Report](#)

## Description / Scope:

Develop a framework of interpretation for human rights bylaw, ("FOI-HR"), which was adopted in Work Stream 1. (Bylaws Section 1.2(b)(viii) )

## Activity:

Total # of meetings:	32
Total # of emails:	734
Collective hours on calls:	816



## Work Plan:

Start work	Aug16	✓
Document questions to answer	Sep	✓
Document work to do	Oct	✓
Produce draft for subgroup	Nov-Mar17	✓
Produce draft for CCWG	Apr	✓
Produce draft for PC	May	✓
Public Comment	May/June	✓
Revise draft	June-Oct	✓
CCWG approval	Oct	✓

# THREE PILLARS of the UN GUIDING PRINCIPLES

## HUMAN RIGHTS

**PROTECT**

**STATE**

duty to  
protect

**RESPECT**

**CORPORATE**

responsibility  
to respect

**REMEDY**

**VICTIMS**

access to  
effective remedy

With regards to the UN Guiding Principles for Business and Human Rights,<sup>1</sup> no consensus was reached as to their suitability for interpreting the Core Value. However with regard to the implementation of the Core Value certain aspects of the UN Guiding Principles for Business and Human Rights could be considered as a useful guide in the process of applying the Human Rights Core Value. There are certain Guiding Principles that may not be suitable for ICANN and others that might be applicable, depending on the circumstances. However, it is beyond the scope of this document to provide a detailed analysis of the Guiding Principles and their application, or not, in particular situations. **To the extent that ICANN the Organization is a business, it could consider certain aspects of the Guiding Principles as a useful guide when applying the Human Rights Core Value to its business activities.**

In any case, a conflict between any Guiding Principle and an ICANN Bylaw provision or Article of Incorporation must be resolved in favor of the Bylaw or Article. The use of the Guiding Principles as potential guidance has to be carefully considered by each SO and AC as well as ICANN the organization.

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**1 The "UN Guiding Principles for Business and Human Rights" is a non-binding document developed to provide guidance for business organizations.**

# Next Steps - A Selected Reading

[...]

ICANN's Mission, Commitments and Core Values, including the Human Rights Core Value, should be taken into account by the SOs and ACs, and ICANN the organization when considering policy matters.

[...]

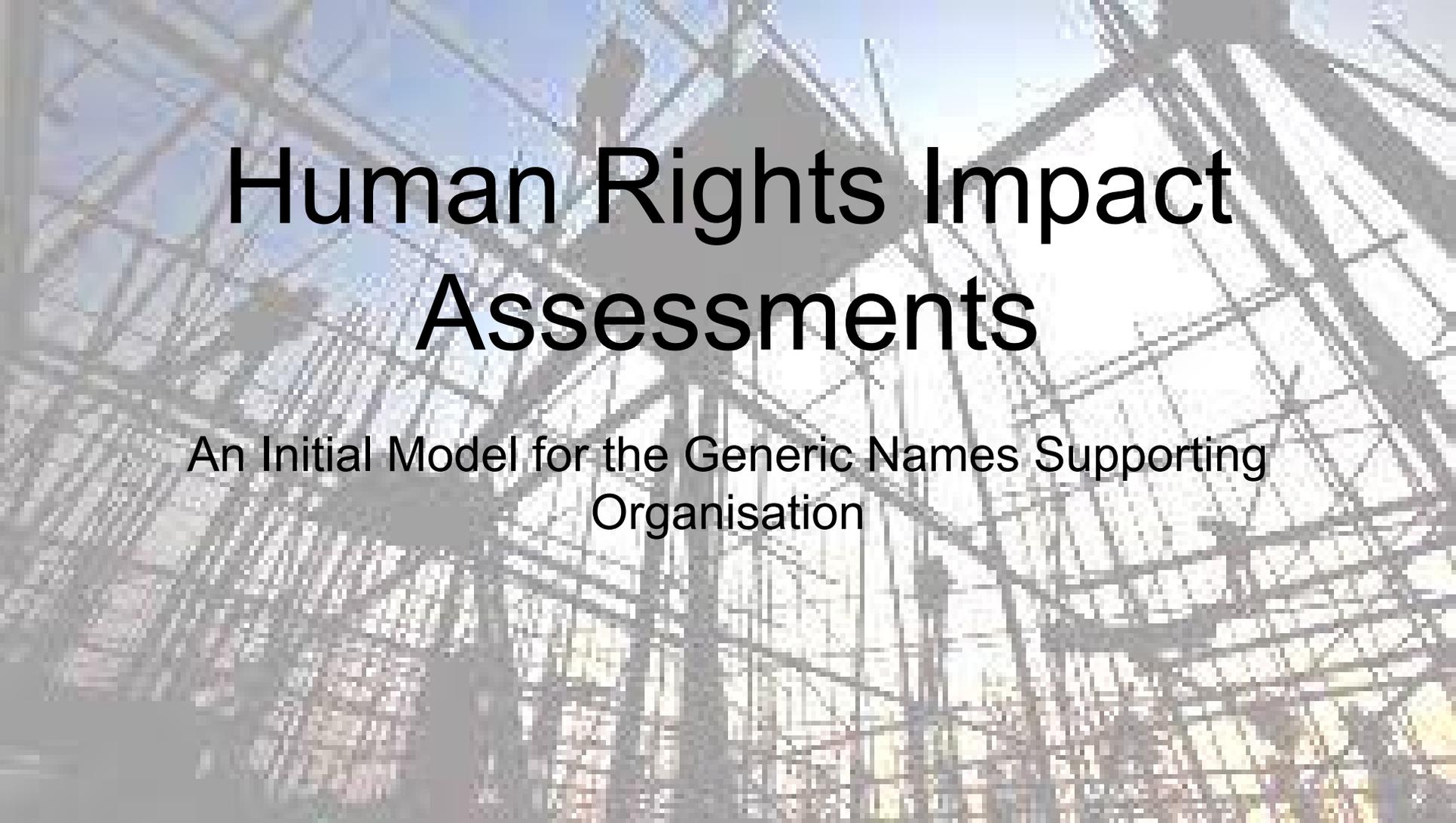
The interpretation of the Human Rights Core Value should be driven by the Framework of Interpretation. It is expected that the Core Value will be taken into account when future ICANN policies and procedures are developed, and interpreted in accordance with the Framework of Interpretation.

[...]

Supporting Organizations could consider defining and incorporating Human Rights Impact Assessments (HRIAs) in their respective policy development processes.

[...]

Advisory Committees could also consider similar measures defining and incorporating HRIAs in their respective processes.

The background of the slide is a grayscale photograph of a construction site. It features a dense network of metal scaffolding and structural beams. In the upper center, a worker is visible on a roof or high-rise structure, silhouetted against a bright sky. The overall scene is one of active construction and structural complexity.

# Human Rights Impact Assessments

An Initial Model for the Generic Names Supporting  
Organisation

# Where does this fit?

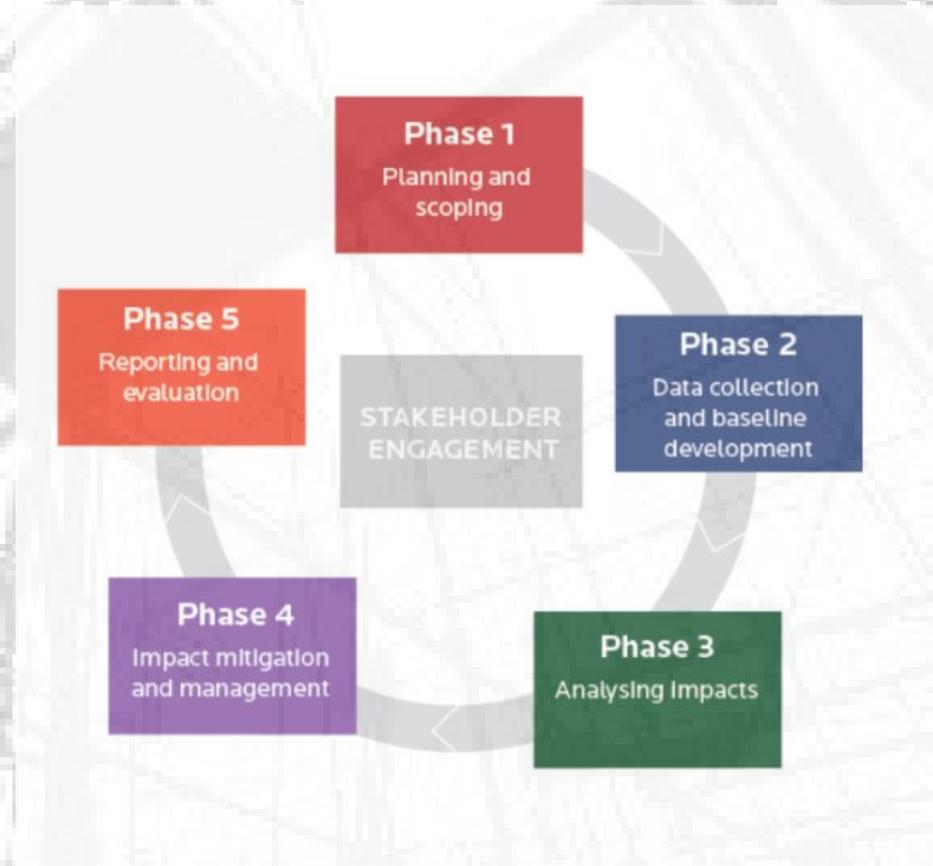
- Initial sketch, based on research of best practices.
- Not meant to replace existing mechanisms, rather serve as inspiration for future models that fit into to existing mechanisms
- Preparation for adherence to the Framework of Interpretation of the Human Rights bylaw which awaits public comment and approval by SOs/ACs and adoption by Board

# Why HRIA?

- **Accountability mechanism** for affected parties and stakeholders
- To **evaluate** the human rights impact of business activities
- This **ensures** businesses respect human rights, by making an effort to identify, avoid, mitigate and remediate potentially negative human rights impacts, within the scope of an organisation's mandate.

# Aims

- Non discrimination
- Transparency
- Accountability
- Benchmark/framework
- Building into ICANN processes

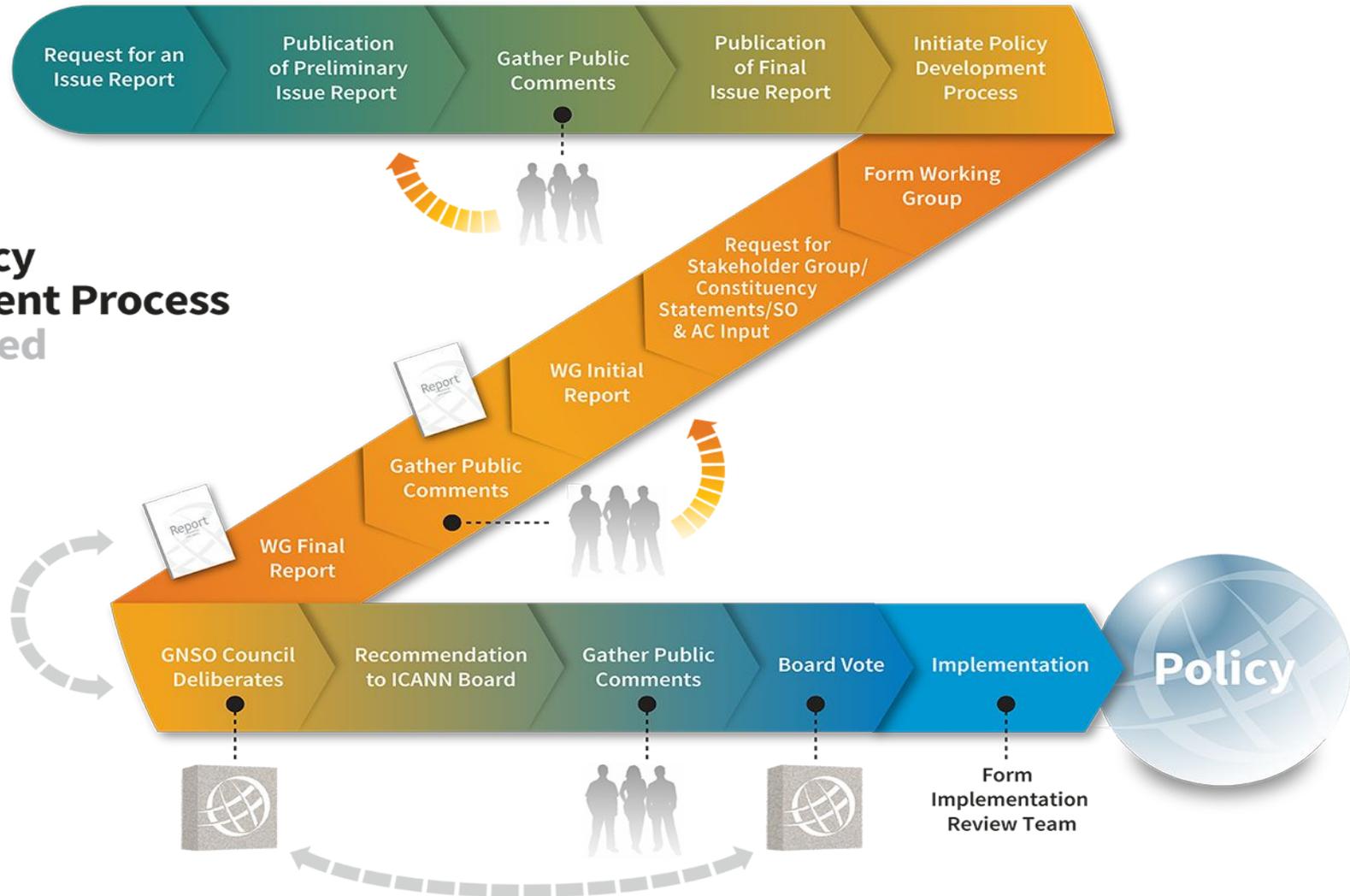


Source: Danish Institute of Human Rights HRIA Guidance and Toolbox.  
<https://www.humanrights.dk/business/tools/human-rights-impact-assessment-guidance-and-toolbox>

# GNSO Policy Development Process

**\*Summarized**

*\*Some steps omitted, for brevity.*



## How: Phase wise breakdown

Phase 1: Planning, scoping and mapping risk

Phase 2: Analysing Impact

Phase 3: Impact Mitigation, Reporting, Evaluation

Phase	Starts	Ends	Main Objectives	Responsibilities
Planning, Scoping and Mapping Risk	Request for Issue Report	Publication of Preliminary Report	<ol style="list-style-type: none"> <li>1. Demonstrate the existence (or non-existence) of human rights implications in a PDP.</li> <li>2. Map out potential risk</li> <li>3. Map out stakeholder ecosystem</li> <li>4. Determine the human rights frameworks and standards for consideration</li> </ol>	<ol style="list-style-type: none"> <li>1. Justification of potential risks against standards and stakeholders as identified.</li> <li>2. Identification of underlying causes of risks.</li> </ol>
Analysing Impact	Public comments on preliminary report	Working Group's Final Report	<ol style="list-style-type: none"> <li>1. Better articulating potential risks against human rights standards.</li> <li>2. Strengthening preliminary report through stakeholder engagement.</li> <li>3. Mitigation measures to be better understood through community dialogue.</li> </ol>	<ol style="list-style-type: none"> <li>1. Ensuring HRIA is accounted for in PDP Manual.</li> <li>2. Demonstrating stakeholder engagement and input.</li> <li>3. Engaging in dialogue for impact severity.</li> </ol>
Impact Mitigation, Reporting & Evaluation	Post publication of WG's final report	Ongoing	<ol style="list-style-type: none"> <li>1. Publish findings and learnings.</li> <li>2. Strengthen grievance redressal mechanisms.</li> <li>3. Implementation of findings</li> </ol>	<ol style="list-style-type: none"> <li>1. Ensure adequate resources are supplied for implementation of mechanisms and</li> </ol>

# Please join the discussion

This afternoon at the CCWP-HR at 15:15 in \*Hall B, Sec. B/C (GNSO)