

# ICANN Ombuds Office

OFB-WG meeting 5 September 2024

SBT



# ICANN Ombuds Office – WS2

## WS2 Implementation - Status of 65 Org Recommendations

### Complete (53 Recs.)

Diversity: [1.1](#); [1.2](#); [1.3](#); [1.4](#); [1.5](#); [1.6](#); [1.7](#); [1.8](#)  
Human Rights - Framework of Interpretation: [3.1](#)  
Jurisdiction: [4.1.1](#); [4.1.2](#); [4.1.3](#), [4.2](#)  
Ombuds (IOO Office): [5.6](#); [5.7](#)  
SO/AC Accountability: [6.1.7](#)  
Staff Accountability: [7.1.1](#); [7.1.2](#); [7.2.1](#); [7.2.2](#); [7.3](#)  
Transparency:

- ICANN Documentary Information Disclosure Policy (DIDP): [8.1.1](#); [8.1.2](#); [8.1.3](#); [8.1.4](#); [8.1.5](#); [8.1.6](#); [8.1.7](#); [8.1.8](#); [8.1.9](#); [8.1.10](#); [8.1.11](#); [8.1.12](#); [8.1.13](#); [8.1.14](#); [8.1.15](#); [8.1.17](#); [8.1.18](#); [8.1.19](#); [8.1.20](#); [8.1.21](#); [8.1.16](#)
- Documenting and Reporting on ICANN's Interactions with Governments: [8.2](#)
- Transparency of Board Deliberations: [8.3.1](#); [8.3.2](#), [8.3.3](#)

Improving ICANN's Anonymous Hotline (Whistleblower Protection): [8.4.1](#); [8.4.2](#); [8.4.3](#); [8.4.4](#); [8.4.5](#); [8.4.6](#); [8.4.7](#)

### In progress (10 Recs.)

Jurisdiction: [4.1.4](#)  
Ombuds IOO: [5.1](#); [5.2](#); [5.4](#); [5.5](#); [5.10](#); [5.9](#); [5.11](#)  
SO/AC Accountability: [6.3.6](#)  
Transparency

- Improving ICANN's Anonymous Hotline: [8.4.8](#)

### Not started (2 Recs.)

**Dependent on completion of a recommendation to begin:**

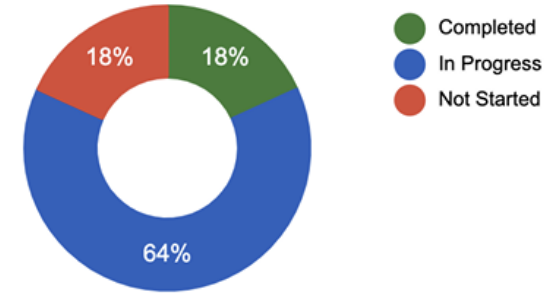
- Ombuds Office: [5.3](#); [5.8](#)

# ICANN Ombuds Office – WS2

#	Completed in		Information
5.6	✓ Q4 2018		<a href="#">Implementation Documentation</a>
5.7	✓ Q1 2019		<a href="#">Implementation Documentation</a>
#	Q1 2024 Status	Q2 2024 Status	Tentative Completion
5.1	In progress	In progress	Q2-2022 Q2 2025
5.2	In progress	In progress	Q4-2022 Q2 2025
5.3	Not started	Not started	Q4-2022 Q2 2025
5.4	In progress	In progress	Q4-2022 Q2 2025
5.5	In progress	In progress	Q4-2022

			Q2 2025
5.8*	Not started	Not started	Q2-2023 Q2 2025
5.9	Not started	In progress	Q4-2022 Q2 2025
5.10	In progress	In progress	Q4-2022 Q2 2025
5.11	In progress	In progress	Q2-2022 Q2 2025

\*Implementation Guidance provided by the CCWG-ACCT.



Status of Recommendations

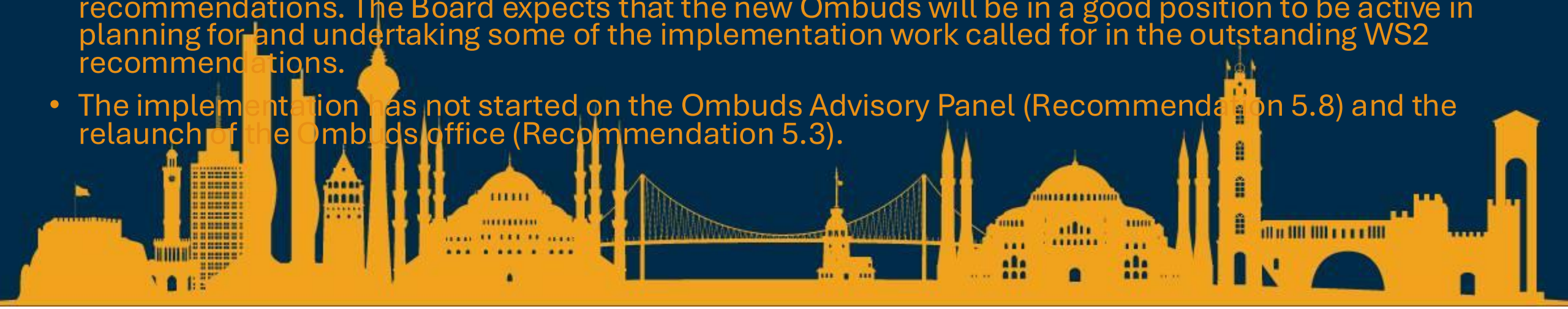
Completion of tasks: 93%

Progress of Completion – Current vs. Planned: -40%

# WS2 Implementation

## Improving the ICANN Office of the Ombuds (IOO)

- ICANN org initially worked with the former Ombuds on updating the Ombuds Framework to bring the requested strategic focus (Recommendation 5.1) and considerations (Recommendation 5.9) to the ICANN Office of the Ombuds. This work included implementing improvements to procedures identified in Recommendations 5.2, 5.4, 5.5, and 5.10 (e.g., categories of complaints, timelines for response, timelines for handling complaints), and the amendments to the contracting terms for the Ombuds (Recommendation 9). Before all implementation work was complete, the ICANN Ombudsman resigned. Following that resignation, the Board established a temporary Ombuds Search Committee on 10 September 2023 to help facilitate the search for ICANN's next full-time Ombuds. An interim Ombuds was also appointed.
- A Call for Expressions of Interest for ICANN's next Ombuds was released on 30 November 2023 and closed in early January 2024. The Board's Ombuds Search Committee took the WS2 recommendations into consideration when drafting the Job Description, in particular, the strategic focus stressed by the recommendations. The Board expects that the new Ombuds will be in a good position to be active in planning for and undertaking some of the implementation work called for in the outstanding WS2 recommendations.
- The implementation has not started on the Ombuds Advisory Panel (Recommendation 5.8) and the relaunch of the Ombuds office (Recommendation 5.3).

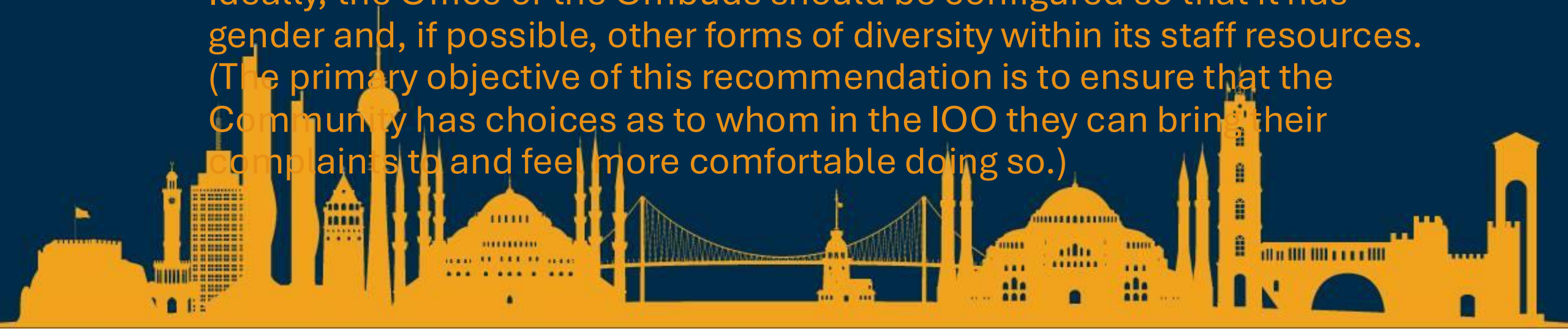




# WS2 Implementation

## Improving the ICANN Office of the Ombuds (IOO)

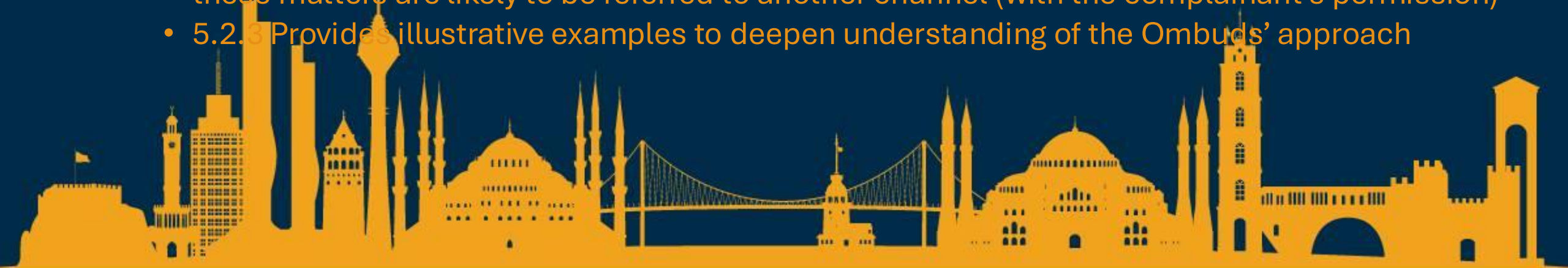
- **Completed**
- Recommendation 5.6
  - The Office of the Ombuds should be configured so that it has formal mediation training and experience within its capabilities
- Recommendation 5.7
  - Ideally, the Office of the Ombuds should be configured so that it has gender and, if possible, other forms of diversity within its staff resources. (The primary objective of this recommendation is to ensure that the Community has choices as to whom in the IOO they can bring their complaints to and feel more comfortable doing so.)



# WS2 Implementation

## Improving the ICANN Office of the Ombuds (IOO)

- **In progress**
- **Recommendation 5.1**
  - The Ombuds Office should have a more strategic focus
- **Recommendation 5.2**
  - The Ombuds office should include procedures that:
    - 5.2.1 Distinguish between different categories of complaints and explains how each will be handled
    - 5.2.2 Set out the kinds of matters where the Ombuds will usually not intervene – and where these matters are likely to be referred to another channel (with the complainant's permission)
    - 5.2.3 Provides illustrative examples to deepen understanding of the Ombuds' approach



# WS2 Implementation

## Improving the ICANN Office of the Ombuds (IOO)

- **In progress**
- **Recommendation 5.4**
  - All relevant parts of ICANN should be required (should include the corporation, the Board and committees, and anybody or group with democratic or delegated authority) to respond within 90 days (or 120 days with reason) to a formal request or report from the Office of the Ombudsman. The response should indicate the substantive response along with reasons. Should the responding party not be able to meet the 120-day limit due to exceptional circumstances, that party can apply to the IOO to seek an additional extension prior to the expiration of the original 90-day delay. The application should be in writing, stating the nature of the exception and the expected time required to respond. The IOO will respond to such requests within a week.
- **Recommendation 5.5**
  - The ICANN Office of the Ombuds should establish timelines for its own handling of complaints and report against these on a quarterly and annual basis.



# WS2 Implementation

## Improving the ICANN Office of the Ombuds (IOO)

- **In progress**
- **Recommendation 5.9**
  - The Ombuds employment contracts should be revised to strengthen independence by allowing for a: 5.9.1 Five-year fixed term (including a 12-month probationary period) and permitting only one extension of up to three years (the extension should be subject to a community-based feedback mechanism to the Advisory Panel covering Ombuds performance over the previous years). 5.9.2 The Ombuds should only be able to be terminated with cause.
- **Recommendation 5.10**
  - The Ombuds should have as part of their annual business plan, a communications plan – including the formal annual report – publishing reports on activity, collecting and publishing statistics and complaint trend information, collecting user satisfaction information, and publicizing systemic improvements arising from the Ombuds' work.

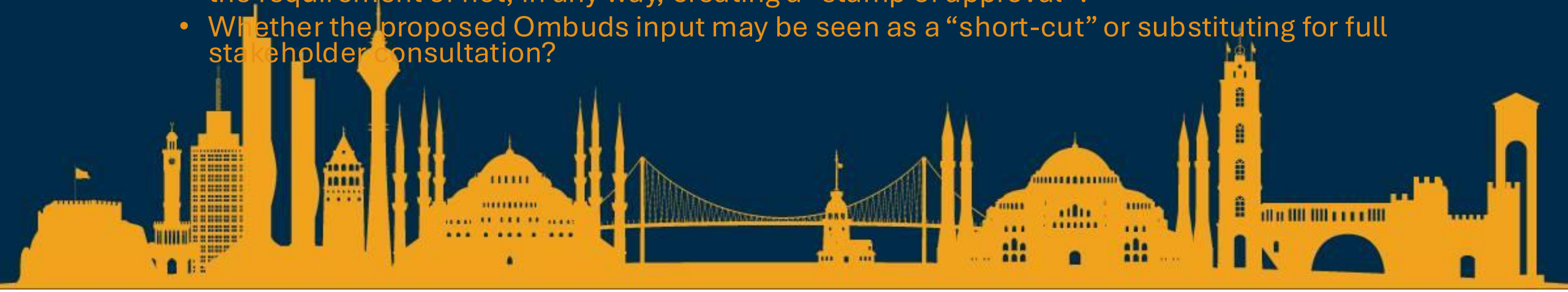




# WS2 Implementation

## Improving the ICANN Office of the Ombuds (IOO)

- In progress
- Recommendation 5.11
  - The following points should be considered and clarified publicly when looking at the Ombuds' involvement in any non-complaints work:
    - Whether there is unique value that the Ombuds can add through the proposed role or function?
    - Whether the proposed reporting/accountability arrangements may compromise perceived independence?
    - Whether the workload of the proposed role/function would limit the Ombuds ability to prioritize their complaints-related work?
    - Whether any Ombuds' involvement with the design of new or revised policy or process, meets the requirement of not, in any way, creating a “stamp of approval”?
    - Whether the proposed Ombuds input may be seen as a “short-cut” or substituting for full stakeholder consultation?



# WS2 Implementation

## Improving the ICANN Office of the Ombuds (IOO)

- **Not Started**
- Recommendation 5.3
  - Once ICANN has agreed to a revised configuration for the Office of the Ombuds, a plan should be developed for a soft relaunch of the function, which should incorporate action to emphasize the importance of the Ombuds function by all relevant parts of ICANN, including:
    - Board
    - CEO
    - Community Groups
    - Complaints Officer



# WS2 Implementation

## Improving the ICANN Office of the Ombuds (IOO)

- **Not Started**

- Recommendation 5.8

- ICANN should establish an Ombuds Advisory Panel

- Made up of five members to act as advisers, supporters, and wise counsel for the Ombuds and should be made up of a minimum of at least two members with Ombudsman experience and the remainder with extensive ICANN experience.
- The Panel should be responsible for:
  - Contributing to the selection process for new Ombuds, which would meet the various requirements of the Board and Community, including diversity.
  - Recommending candidates for the position of Ombuds to the Board.
  - Recommending terms of probation to the Board for new Ombuds.
  - Recommend to the Board firing an Ombuds for cause.
  - Contribute to an external evaluation of the IOO every five years.
  - Making recommendations regarding any potential involvement of the IOO in non-complaint work based on the criteria listed in Recommendation 11.
- The Panel cannot be considered as being part of the Ombuds Office and cannot be considered additional Ombuds, but rather external advisors to the office.
- Any such advisory panel would require the Ombuds to maintain its confidentiality engagements per the Bylaws.

