



CCWP-HR

Cross-Community
Working Party on ICANN
and Human Rights

February 2019 Meeting

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Agenda

- 1. Welcome and Introduction**
- 2. Overview of multistakeholder HRIA models**
 - a. Initial sketch
 - b. Questionnaire model
 - c. Change model
- 3. Presentation of new HRIA model**
 - a. Application to Subsequent Procedures PDP
 - b. Feedback on latest model
 - c. Discussion on methodologies
- 4. Community discussion: human rights aspirations + obligations**
- 5. CCWP-HR session at ICANN64 Kobe**
- 6. AOB**

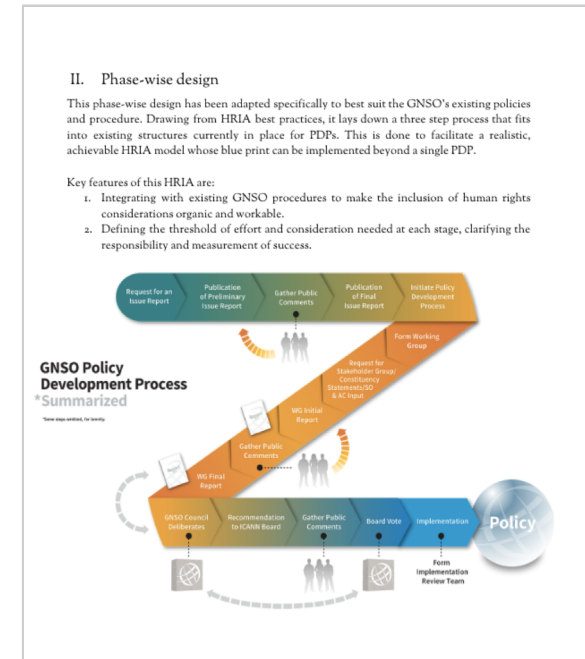


2a. HRIA model 1: “Initial Sketch”

- Presented November 2017
- Maps HRIA phases onto steps of the GNSO PDP
- Identifies key criteria: participation, non-discrimination, empowerment, transparency, accountability
- Charts objectives and responsibilities for each phase of assessment

Community feedback:

- Premature! WS2 work hadn't been completed yet
- Additional burden on staff members, who may not have bandwidth/expertise to do a thorough HRIA
- Unclear how community would be involved





2b. HRIA model 2: “Questionnaire”

- Presented May 2018
- Delineates salient rights previously identified by CCWP
- Who: carried out collaboratively by WG members, then signed off on by Chairs / independent party / affected rights-holders?
- When: first when drafting issues report, then again when drafting recommendations?

Community feedback:

- Add “positive impact scenario” and potentially other rights (education, cultural life, due process, etc)
- Add links or cues to help people make the connection
- Not sold on the Who and When
- **NOT OPERATIONAL!**

DRAFT FOR COMMENTS: ICANN HRIA “Questionnaire Model”
Cross-Community Working Party on ICANN and Human Rights
May 2018 – Version 1.1

Human Rights Impact Assessment for ICANN PDPs

Chair(s):

Date of Asst:

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I. RIGHT TO PRIVACY.....1
II. RIGHT TO FREEDOM OF EXPRESSION.....2
III. RIGHT TO FREEDOM OF ASSOCIATION.....2
IV. RIGHT TO SECURITY.....3
V. INCLUSION, EQUALITY, AND NON-DISCRIMINATION.....4
VI. ECONOMIC, SOCIAL, AND CULTURAL RIGHTS.....4
VII. ADDITIONAL COMMENTS.....5

I. RIGHT TO PRIVACY

*No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation.” (UNDHR Article 12)

Negative impact scenario(s):

Likelihood of impact:
 Very high High Medium Low Very low

Severity of impact:
 Very high High Medium Low Very low

Vulnerable groups, if any:

Potential safeguards:

Avenues for remedy:



2c. HRIA model 3: “Change Model”

- Developed December 2018
- Improved operationalization: spreadsheet format
- Focuses impacts of on status quo / changes
- **Also not very operational** — link to human rights not clear; superfluous information; difficult to process no change to status quo; “dead end” exercise

| Topic | Status Quo | Proposed Change | Community Responses | Link | Negative Impact Scenario(s) | Likelihood | Severity of impact | Positive Impact Scenario(s) | Salient Human Rights | Other Rights Affected | Vulnerable Groups | Safeguards + Remedy |
|-------------------------------|---|---|---------------------------------------|---------------------------------------|---|------------|--------------------|---|----------------------|-----------------------|-------------------|---------------------|
| Mandatory PICS | PICs are mandatory in practice, but not policy. | Propose codifying them in policy recs, in reflection of discussions with GAC PSWG and Registries as appropriate | | https://doc | GAC PSWG may not take human rights into consideration | Medium | High | Mandatory PICs would help standardize public interest considerations across new gTLD applications; may offer opportunities for apps to move forward that otherwise may not have succeeded | | | | |
| Cont. Sub Pros | Current pool of gTLDs | Expansion of new gTLDs | | https://ww | Increase in domains used for phishing and malware | Medium | High | | Security | Privacy | | |
| Voluntary PICS | | Use it to distinguish between competing claims | Many human right concerns observed by | | Mode of distinguishing, who decides, what criteria? | | | Could promote cultural and other rights over commercial ones? | | | | |
| Mandatory PICS | PICs are mandatory in practice, but not policy. | Apply mandatory PICs to new gTLDs only | | | Public interest commitments may not be considered uniformly beyond new gTLD applications (is this a valid concern?) | | | | | | | |
| Community Priority Evaluation | CPE panel experts do not have relevant background in community and human rights | | | | Community applicants promoting diversity and genuinely serving the global public interest are disadvantaged in the evaluation process | | | | | | | |



3a. Sub Pros Application

NOV 2018 — Identify PDP for trial: Subsequent Procedures;
assemble Trial HRIA Team (mostly newbies)

DEC 2018 — Gather and review resources on select PDP
* Formed Slack channel to share resources / ideas

JAN 2019 — HRIA team attended meetings of PDPs; reviewed
and revise HRIA model / methodology accordingly

How did it go?



3b. Latest HRIA: “Rec Model”

- Developed January 2018; tested on Sub Pros (WT 1-4)
- Uses collaborative spreadsheet format
- Geared toward making recommendations

QUESTIONS:

- How can we make the link to human rights clearer?
- How could the information be displayed once the assessment has been completed?
- What’s missing / unnecessary?
- How can we improve usability?



3c. Sub Pros HRIA Methodology

- Desk research (wiki, report, mailing lists)
- Review of public comments
- Guidance from staff and veterans
 - Very helpful (necessary?) for newcomers / outsiders

QUESTIONS:

- Who should carry out the impact assessments?
 - How would the methodology change if it was an outsider?
 - Would the assessment be accepted if it were carried out by someone who wasn't in the WG from the beginning?
- When should the assessment be carried out?
- What other methodologies could be used?



4. Community Discussion

“From Human Rights Aspirations to Enforceable Obligations by Non-State Actors in the Digital Age: The Example of Internet Governance and ICANN” by Monika Zalnieriute

- The need for legally binding international human rights obligations on ICANN, thoughts?
- Appropriateness of the UN Guiding Principles?
- Better enforcement using domestic law or international law instruments?



5. CCWP-HR at ICANN64 Kobe

- ICANN's Human Rights Bylaw
 - Updates on CCWG-Acc WS2 Implementation
 - Refresher on Human Rights Bylaw + FoI
- Human Rights Impact Assessments
 - ICANN Org HRIA results and methodology
 - Trial ICANN policy HRIA outcomes
- Open community discussion: Can impact assessments be a tool for constructive engagement across stakeholder groups?
 - *Who should be in the room?*
 - *Who should we reach out to?*
- ***Anything else??***



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AOB? Thank you!