Cross-Community Working Party on ICANN and Human Rights

Collin Kurre and Michael Karanicolas, Co-Chairs

ICANN63 | October 22, 2018
CCWP-HR  ICANN63 Agenda

1. Welcome and Introduction

2. Updates
   a. CCWG-Acc Work Stream 2 Recommendations – Bernie Turcotte
   b. Human Rights Bylaw – Michael Karanicolas, Right to Know Coalition

3. Presentations
   a. ICANN Org’s HR Impact Assessment – Betsy Andrews, ICANN
   b. ICANN Diversity Analysis – Akriti Bopana, CIS India
   c. Progress toward a Multistakeholder HRIA – Collin Kurre, ARTICLE 19
      • Discussion of corresponding IGF Workshop (14 Nov, Paris)

4. Open Community Discussion
   a. Human Rights in Ongoing GNSO PDPs
   b. Areas of focus moving forward? Potential projects?

5. AOB
   • Leadership changes: Call for CCWP-HR Co-Chair
Cross-Community Working Party on ICANN and Human Rights

Objectives, Responsibilities, and Scope of Work:

1. Map HR effects of ICANN policies, procedures, and operations
2. Provide a forum for related discussions
3. Research ways to better harmonize ICANN’s policies and procedures with human rights standards and legislation
4. Provide information, suggestions, and recommendations to SOs, ACs, and broader community
5. Propose procedures and mechanisms on how chartering organizations can fulfill HR bylaw
Cross-Community Working Party on ICANN and Human Rights

Other Work, Past and Present:

- **Paper:** ICANN’s Procedures and Policies in Light of Human Rights, Fundamental Freedoms, and Democratic Values (2014)
- **Paper:** ICANN’s Corporate Responsibility to Respect Human Rights (2015)
- **Paper:** Potential Human Rights Issues Arising from gTLD Subsequent Procedures (2016)
- **Paper:** Initial Sketch for Human Rights Impact Assessment Model for GNSO PDPs (2018)
- **Model:** Human Rights Impact Assessment for ICANN PDPs
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Cross-Community Working Group on Enhancing ICANN’s Accountability – Work Stream 2

- Human Rights
- Diversity
- Transparency
- Good Faith Conduct

- Staff Accountability
- SO/AC Accountability
- Ombuds Office
- Jurisdiction

FY18 Timeline:

<table>
<thead>
<tr>
<th>FY18 Timeline:</th>
<th>2017</th>
<th>2018</th>
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<tbody>
<tr>
<td>May</td>
<td>Jun</td>
<td>Jul</td>
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<tr>
<td>Produce subgroup draft</td>
<td>Plenary consensus</td>
<td>Prep for PC</td>
</tr>
<tr>
<td>Consolidate WS2 recommendations / focus on interdependencies</td>
<td>Plenary consensus</td>
<td>Prep for PC</td>
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</tbody>
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62 Report Date
ICANN Bylaws: Human Rights Core Value

1.2.(b)(viii) “Within the scope of its Mission and other Core Values, respecting internationally recognized human rights as required by applicable law. This Core Value does not create, and shall not be interpreted to create, any obligation on ICANN outside its Mission, or beyond obligations found in applicable law. This Core Value does not obligate ICANN to enforce its human rights obligations, or the human rights obligations of other parties, against other parties.”
Interim Human Rights Core Value **CAVEAT**

27.2.(a) “The Core Value set forth in Section 1.2(b)(viii) shall have **no force or effect unless and until** a framework of **interpretation for human rights** ("FOI-HR") is (i) approved for submission to the Board by the **CCWG-Accountability** as a consensus recommendation in Work Stream 2, with the CCWG Chartering Organizations having the role described in the CCWG-Accountability Charter, and (ii) approved by the Board, in each case, using the same process and criteria as for Work Stream 1 Recommendations.”
Human Rights Framework of Interpretation: Implementing the Core Value

- Up to each SO/AC and ICANN org to develop their own policies, mechanisms, and/or frameworks to fulfill the Core Value

- SOs could consider defining and incorporating Human Rights Impact Assessments (HRIAs) into respective PDPs
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ICANN Organization’s ongoing Human Rights Impact Assessment

Betsy Andrews, Public Responsibility at ICANN
Diversity Analysis

Akriti Bopanna
Policy Officer, Centre for Internet and Society
Introduction

- Given the significance of the multistakeholder nature of ICANN, it is imperative that stakeholders continue to question and improve the inclusiveness of its processes.

- On our road to implementation of the WS2 Recommendations particularly in this case those of the Diversity subgroup, it would be good to begin with knowing the status quo and how diverse the participation at ICANN currently is.

- As stakeholders are spread across the world, much of the communication discussing the work of ICANN takes place over email. Various mailing lists inform members of ICANN activities and are used for discussions between them from policy advice to organizational building matter and hence we decided to analyze these lists.
Methodology

From January 2016 to May 2018, we analyzed the five most active At-Large Working Group mailing lists since most of their mailing lists are public.

The 5 were Outreach and Engagement, Technology, At-Large Review 2015-2019, IANA Transition and ICANN Accountability and Finance and Budget mailing lists.

The number of active participants were determined by who had sent more than the median number of mails in their working group.

We looked at the diversity among these active participants by focusing on their gender, stakeholder grouping and region.

In order to arrive at the data, we referred to public records such as the Statement of Interests which members have to give to the GNSO Council. We also used, where available, ICANN Wiki and the LinkedIn profiles of these participants.

A total of 218 participants were present on the 5 mailing lists that were looked at.

Of these, 92 were determined to be active participants out of which 75 were non-staff members.
Gender Diversity

75% Out of the 75 participants, 56 (74.7%) were male

25% And 19 (25.3%) were female
Stakeholder Group

- Academia
- Civil Society
- Government
- Industry
- Other
Regional Diversity

- Europe: 16%
- North America: 23%
- Africa: 24%
- South America: 19%
- Asia: 15%
- Oceania: 1%

Total: 100%
Potential concerns

- The vast number of the people participating and as an extension, influencing ICANN work are male constituting three fourth of the participants.

- The mailing list were dominated by individuals from industry. This coupled with the relative minority presence of the other stakeholders creates an environment where concerns emanating from other sections of the society could be overshadowed.

- Only 14.7% of the participants were from Asia, which is concerning since 48.7% of internet users worldwide belong to Asia.
ICANN Organization

- When we asked ICANN through DIDP's for a race and citizenship breakdown of their employees, we were told that they do not store this information in most of their offices and in the 2 that they do, they cannot share it with us.

- We filed a DIDP to ascertain whether there was a bias in how much ICANN paid men viz-a-viz women by asking for the average salary for female and male employees. However we were told that ICANN org’s remuneration philosophy and practice is not based upon gender” which is why they said that they have “no documentary information in ICANN org’s possession, custody or control that is responsive to this request.

- With opaque responses such as the above it is difficult to assess how much work needs to be done to make ICANN, the institution a more diverse place.

- We hope that implementation of the WS2 Diversity recommendations will help in resolving this.
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How It’s Made: HR Core Value Edition
But how will it happen? Where can we help?
Idea: Multistakeholder HRIAs

- Meaningful inclusion
- Stakeholder / community engagement through the process
- Generate trust and achieve more accountable process
- Overcome perceived bias
- Overcome information asymmetry
Idea: Multistakeholder HRIAs

At what point in the process could this occur?
- Policy development processes (GNSO, ccNSO, ASO?)
- Development of recommendations (ALAC, SSAC, RSSAC?)
- Development of GAC Communiqués?

How should it be completed? By whom?

How should it be made public?
- Included in an issue report? As an annex to recommendations?
“A Multistakeholder Approach to HRIAs: Lessons from ICANN” Workshop

Wednesday 14 November, Paris
Other ideas?
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Join or follow the CCWP’s work

Visit our website: icannhumanrights.net

Post your questions and ideas to the list: cc-humanrights@icann.org

Or get in touch directly: collin@article19.org

Thank you!