

ICANN

**Moderator: Maryam Bakoshi
February 6, 2018
8:00 am CT**

Collin Kurre: So as I was saying, welcome. Welcome everyone to today's meeting. I realize the agenda is a bit packed but me and my co-chair, Michael Karanicolas, are happy that you made it to the call. With that, we can dive right in and tackle the first agenda item, which is a bit of thematic planning and talking about the current status of human rights at ICANN.

Mike, do you want to kick off this conversation?

Michael Karanicolas: Sure, I'd be happy to. Thanks for coming everybody. A few people are still trickling in, which is great. So I think one of the first things that we wanted to address in this call is to go over some of the areas where we're seeing (unintelligible) being particularly relevant to ICANN's ongoing processes and potentially spell out -- map out some potential areas of engagement for the working party as a result of that.

So in terms of the initiatives explicitly related to human rights, one of the first ones in an area which us a current topic of significant debate is the GDPR. Obviously, anybody who's been paying attention has seen a lot of intensive debate going back and forth, not only across ICANN but even within the

different stakeholder groups. There's been debate within the NCSG and within the CSG to try to arrive at common positions with significant divergences within each stakeholder group.

The GDPR question is obviously centrally relevant to the right to privacy. So there are strong human rights impacts to be considered there. Privacy really is at the core of this discussion I think. So there's potentially a lot to examine with regard to ICANN's approach to that and how to balance privacy rights against other interests that are being expressed.

In terms of other processes that are particularly relevant, another area that was brought to our attention was through the Rights Protection Mechanism, the RPM working group. There has been a lot of discussion about how freedom of expression and other rights associated with domain ownership play out in that and as to whether the ability to -- really, debates within that -- debates on the human rights impacts within that working group started really early on with questions about whether or not domain names themselves were an aspect of freedom of expression, with positions being expressed on both sides.

But since then, there's been a lot of discussion about the freedom of expression implications of these mechanisms for transferring ownership over and for staking out claims. And as a result of that, I think there's also potentially avenues for us to engage and provide a human rights perspective that may not necessarily be expressed through the current discussions.

And there's also registration -- kind of related to that is registration data services, again, which is so the PDP gTLD registrations, out of service is also on our list of potential areas where human rights potentially impact. And then also coming out of Work Stream 2, the different thematic subgroups. Human

rights is an obvious one, but also transparency also have a human rights aspect to them.

So there's a lot of different areas to potentially engage on. So with that as an initial mapping, I guess I can open it up and ask if there are any other -- that's what we had isolated. Are there any other suggestions for areas where ICANN could potentially -- where we could potentially be engaging?

Okay, nothing further, I will pass it back...

Collin Kurre: Just really quickly, I thought that David had had a question about dialing in. Was that because you wanted to make a suggestion, David? Okay, great. All right, do you have anything else to add, Michael, on that topic? Or shall we move to the next agenda item.

Michael Karanicolas: No, I think that's good for now and we can potentially revisit that when we look at our avenues for (unintelligible).

Collin Kurre: Great. Okay. So next, we are going to talk about the model that we've been working on for incorporating human rights impact assessment into policy development processes at (unintelligible) GNSO. I'm going to paste a link to this working rough draft initial sketch in the chat. You guys can take a look.

The most recent update is that after we -- this was presented in several sessions, the CCWP along with a GAC working group on international human rights during ICANN 61. We thought that it might be good to have some sort of re-branding because as you may or may not know, ICANN's organization is undergoing a human rights impact assessment of its own activities. So we thought that it might be a bit confusing if we were also calling this a human rights impact assessment. So we've been toying with the idea of rebranding it

has a human rights consideration step into the PDP itself, into the policy development process itself.

So maybe we can turn to Vidushi who has been doing quite a lot of work on this and was the initial drafter. Vidushi, do you have anything that you'd like to add or comments on this?

Vidushi Marda: Hi, Karen. Thanks everyone. Just a quick on how we're thinking about it in addition to what Karen said. Like she just mentioned, we had the chance to get feedback on this model at the last ICANN meeting, which was really useful because not only get feedback from within our constituency group, but we also managed to speak to people within the GAC and the ALAC, and also the wider ICANN community.

And so we've been trying to incorporate some of the concerns that people have and also work on some of the things that did get positive feedback to try and make this model more workable and also scalable. I think the intention going forward is to have more people engaged with it to either say that this is not workable or this is. But in order to do that, something that we've been trying to do is to make it workable across ICANN. And that's really the thinking behind shifting it also (unintelligible) impact, it's also with a (unintelligible).

While there are many different formulations of (unintelligible) impact assessments within ICANN. We wanted to make sure that this isn't creating an additional obligation. It's just tacking on a few steps onto existing processes, which I think within ICANN is always a good idea to reduce procedure and to reduce work.

Happy to answer any questions but that's it for me.

Collin Kurre: Great. Thanks Vidushi. I have one question. I was wondering if we are going to try to increase the scalability or be able to apply this more widely to the ICANN community, do you think that it would be useful to pursue mock applications of this model or of this human rights consideration step onto existing or even completed PDPs or other functions of other SOs or ICs?

Vidushi Marda: I think that's actually a good idea because we can also see what the model looks like intact and seeing what actually (unintelligible) doesn't, we have been thinking of reaching out to chairs of particular PDPs to try and see how we can integrate these steps, if at all, even if it is just a mock exercise, if we can engage with them.

And I think we should figure that out before the next meeting so we'd have a better sense of it before then.

Collin Kurre: Great. So another question that I had was what would be the potential for trying to apply this for ACs? I think that maybe for SOs it might be a bit more -- especially those that have more defined procedures. How could we -- is there any -- is this model applicable to ACs? Is that going to be difficult?

Vidushi Marda: So it wasn't built, keeping in mind ACs, because as you can see we've used the GNSO's PDP process. But some of the feedback that we got from the GAC was actually very interesting (unintelligible) particular I recall was quite interested in it and probably was workable. But he did mention that he would want to look closer into the model to try and figure out how that could fit in.

We also had people at the last session from the ALAC who said this seemed interesting but it was different than particular processes that would be relevant to them. I think the key here is to get this model sorted out and figure out

what works and what doesn't work, and then try and make it more scalable. I think it's very much a linear process, at least how I look at it.

Collin Kurre: Great. Thanks for that. So then in terms of things that we could be working on before the next ICANN meeting or in the near future, we could be trying to get additional feedback on the model from different members of the community as well as explore the potential for accepting mock applications.

Okay. Great. Does anybody else...

((Crosstalk))

Vidushi Marda: I see his hand up.

Collin Kurre: Yes, he does. Niels, come on in.

Niels ten Oever: Hi, all. Can you hear me okay?

Collin Kurre: Yes.

Niels ten Oever: So the thing is I've been talking about it with people from different ACs and I think a very big difference with SOs is the aspect of time. The GAC mostly does its work at ICANN meetings so if we want to apply this model on the advice that the GAC gives then it needs to be processable within that one meeting. And as you know, it's mostly Wednesday evening when they up with their communique.

So somehow it should be built into the process and with the whole GNSO PDP of course takes longer. So I think it asks for a different approach.

Collin Kurre: Great. That's a really helpful comment. Thanks. And actually, this is one of the reasons why I think that it might be a good idea to move towards this trying to incorporate or rebranding as human rights considerations rather than human rights impact assessments just because within that framework, it seems like we would be able to tailor things or have a wider breadth in which to operate. So we might be able to offer different versions that prioritize different lines of thinking based on the procedures and the considerations of each SO and AC all underneath the same window or the same umbrella of human rights considerations.

Hopefully that will be a move that would make that more flexible. Niels, is your hand up again or is that an old hand?

Niels ten Oever: Old shriveled hand, sorry.

Collin Kurre: That's okay. I do see that David has his hand up. David, come on in.

David McAuley: Thanks very much, Collin. It's David McAuley. I am on the staff of VeriSign and I was just wanting to comment on your comment about considerations versus impact statements and Niels' comment about the GAC, which I thought was a good one because he's right about the way the GAC works.

But it seems to me that it would not necessarily be a requirement that whatever it is, either a consideration or an impact assessment, be done by the GAC in one meeting in this sense. That when they issue their GAC advice, there would be sort of an understanding that the GAC would then undertake a human rights consideration, or impact assessment, or whatever it is, and issue one in the future. And you have to keep in mind that when the GAC issues policy advice, the Board generally then puts that on a scorecard and it's not an

immediate reaction from the Board. There is some time in which this is going to be considered and processes, et cetera, et cetera.

So it seems to me that whatever the human rights element is, it could be considered by the GAC and if an amendment or an elaboration needs to be made, they could certainly do it. But anyway, I appreciated both comments. Thank you.

Collin Kurre: Thank you for that.

Niels ten Oever: If I can respond, I really like the point David makes but then we would need to understand what the status of this would be. Because if the impact assessment would that have or would the GAC advice already be applicable or would it sort of say -- would the GAC advice not be valid until the impact assessment had been done. Because I think the GAC wouldn't agree with that. And if it's a posteriori impact assessment, then I am not sure how useful it would be if it cannot change the advice or the status of the advice.

Collin Kurre: So if I may, I think that we're identifying some really great operational problems that will need to be worked around. I think that both points are really valid and maybe the way that we could approach this is having some sort of more comprehensive human rights considerations methodology that would be applied on the larger scale, like on the board level, in reviewing the different communiques and different recommendations. But then in addition, we could have a smaller kind of almost like trying to install a reflex into the conversations, the shorter one hour conversations. That way we're trying to hit it at both angles.

Okay. Great. Does anybody else have any other comments, or questions, or visions for including human rights considerations in ICANN procedures? All

right, I will take that as a note. So maybe we can continue pressing on through our agenda and discuss the upcoming CCWP-HR session, which will be held at ICANN 61 in Puerto Rico.

Michael, can you remind me when -- on what day and what time the session will be held?

Michael Karanicolas: I can if you just give me one second. It's either the Wednesday or the Thursday morning.

Collin Kurre: I believe it was Wednesday morning. Well, while he's checking for the specifics, Wednesday morning. Thank you, Maryam. We had quite a bit of back and forth trying to get the optimal time for our meeting. We think that we found it. So we have a couple ideas about different things that we could do and different things that we could present or talk about at our next session.

So I will go ahead and give you guys a little bit of an overview at our thinking there. So in addition to giving -- thank you -- from 8:30 until 10:15 a.m. on Wednesday morning. Great. So in addition to asking a similar question to a wider audience about where we should be active and where people who are concerned about human rights should be dedicating their time in terms of PDPs and all of the different ongoing ICANN processes, this is a hard landscape to navigate at times.

And especially when people are pressed with time, it would be really great to help people know where to focus their energy. So in order to help us along this quest, we are working Vidushi is actually going to be helping us develop a scoping and mapping paper to examine the different ongoing PDPs, especially as Work Stream 2 on ICANN accountability comes to an end. We're hoping that maybe there will be some rights minded people with maybe

a bit more free time in their agenda that they can curb toward impacting -- making positive impacts in other areas of the community.

So maybe Vidushi, would you like to come back in and just give a little bit -- a really brief overview on your thinking or approach to the scoping and mapping paper?

Vidushi Marda: Yes, I think you summed it up pretty well. I think when we were talking about this within Article 19, we (unintelligible) that usually human rights was discussed with the CCWG on accountability because that was where a lot of the work was going. But we work for the same (unintelligible) interpretation of the goal through SO and AC approval and didn't actually -- until the bylaws comes into effect that's kind of what they did was there isn't anything happening in terms of policy development apart from PDPs.

And so when I looked online to find a resource for human rights within ICANN and how we can engage with the different -- with the many PDPs that are presently underway, (unintelligible) does not exist, and it was really the thinking behind building this kind of (unintelligible), which will be useful to people who are (unintelligible).

Collin Kurre: Vidushi, I don't want to interrupt but I just wanted to let you know that your audio is cutting in and out. So we haven't really heard the past minute or so. Uh-oh, I think that we might have been robbed of that explanation unfortunately. But yes, we'll see if she comes back. Maybe she'll be able to rejoin us and give us a round two of that explanation.

But I think that where she was going with that was yes, to try to give people the opportunity to see where different human rights might be affected by different PDPs and then structure their time and engagement accordingly.

Well, maybe we can get Vidushi back.

Vidushi Marda: Hi, I'm back.

Collin Kurre: Oh, great.

Vidushi Marda: Hi, can you hear me?

Collin Kurre: We missed -- yes, we can. We missed the second half of your explanation after you were talking about the cross-community working group it kind of started cutting off there.

Vidushi Marda: Okay. I think there's a bit of a lag.

Collin Kurre: No, we can hear you?

Vidushi Marda: Can you hear me now/

Collin Kurre: Yes.

Vidushi Marda: So I was just saying that after the CCWG wrapped up its work (unintelligible) to talk about where human rights are relevant and where people who are interested in human rights can engage with ICANN without getting lost in the madness, if I may use that word. And so the thinking really is to build a tool that will help people, A, scope out exactly where they can add in their expertise or interest in human rights in a way that is constructive. And B, kind of give them a lay of the land of these particular PDPs would really benefit from X, Y, Z'd, whereas these are at a different stage and you can do A, B, C.

I think because this will be useful for people who are within the ICANN share already and are trying to decide how to divide their time now that the CCWG on accountability is wrapping up. That is also valuable for people who are looking to get into ICANN and I think that is really the thinking behind why we're doing the scoping. Any suggestions for feedback on this would be really great. Thanks.

Collin Kurre: Niels, I see that you have your hand up. Come on over.

Niels ten Oever: Thanks so much for this initiative. It sounds really great and really interesting. I was also wondering whether you have put any thought in the operationalization of the FOI because as Michael and David can probably attest, the steam has really gone out of it of the CCWG Work Stream 2. The subgroups that still have open topics really have a hard time getting quorum even at the subgroup calls. So I think we won't get much more than the framework of interpretation out of that process, which is fine because that's what it was set out to do.

The question is though how are they operationalized in a different SOs and ACs. And we talked about that a bit before about the modeling calling it considerations, but how will we get sufficient support within the SOs and ACs to further build on it. So if we would like to use the session in Puerto Rico to build a bit, to create a new forum to continue discussing this, I think it's important to invite SO and AC leadership as well as the people active in the human rights sub-group in the CCWG to become part of it and to engage with them as to say to take their momentum and that expertise to help build on that, just as a suggestion.

Vidushi Marda: That's a fantastic suggestion. Thank you. I think definitely getting people, the SOs and ACs to engage with the human rights considerations document and also potentially the (unintelligible) report is important. I think you made a good point about how to keep the momentum going with respect to the framework of interpretation.

The way I looked at it is we will know -- and maybe this isn't too accurate -- but until it has actually been approved, I don't know how to engage with that particular piece of policy development. So this could very well be that I just haven't thought of all the different options (unintelligible) for this year or (unintelligible). Thanks.

Collin Kurre: I think this is actually -- go ahead.

Niels ten Oever: I'm not sure. So I think David could perhaps better even answer this than I can. But at the moment that the Work Stream 2 reports also -- of course there are another round of public comments -- gets accepted and gets into force, then people will need to abide by it.

So actually, we need to think before it comes into force already about thinking about how are we going to ensure that ICANN will be in line with its new bylaws and the FOI. So actually there is quite a bit of urgency to get this activated. Wouldn't you say, David?

Collin Kurre: David has his hand up. Come on in.

David McAuley: Thanks. It's David McAuley again. I'm somewhere between Vidushi and Niels on this. I think Niels makes a good point. It is urgent. On the other hand, I'm involved in a number of Work Stream 2 subgroups and I know that one of the rules that we're working to now from the Work Stream 2 staff

leadership is that the reports basically have to be final by March 2 or else a recommendation is not going to make it.

And the reason I say that is from March 2 then the work is going to turn towards making sure that the various eight sub-group reports are consistent. That's going to take some time. There will be another public comment sort of on the consistency efforts. But it struck me, and while I don't disagree -- I agree with Niels that it's important to keep the focus on and things like that -- it seems to me that the optimal point to sort of reenergize SOs and ACs may be ICANN 62 rather than ICANN 61. Because as Vidushi said, that's basically going to be when the Board is going to approve the final report of the Work Stream 2. So it's a big moment in a sense.

The other thing I'd say is -- and I'm saying this as a chair of a group that's leading reform efforts on the IRP -- it's just hard to get any time to do anything at ICANN 61 right now. The schedule is full. I'm involved in both the CCNSO and the GNSO. I'm a participant in CCNSO and a participant in the registry stakeholder group. The schedules are just almost full for Puerto Rico. So getting the attention of the SOs in Puerto Rico would be quite an effort.

But substantively I agree with the point that it's important to keep the attention on. The groups have to look toward what it means to them. They can't simply lay fallow for months but there might be other ways to do this. I don't know. But those are the considerations that strike me. Thank you.

Collin Kurre: Thanks for that feedback, David. We were thinking before -- well, just to piggyback on what you were saying -- I think that ICANN 62 is a great time to be kicking things into effect. Also because ICANN organizations, human rights impact assessment will be released. So I think that it will be a really

good moment to capitalize on what I hope will be a bit of a buzz word in the community to get these balls rolling. So ideally, what we will be able to do in ICANN 61 is more of thinking about presenting the scoping and mapping paper, and thinking about how to adopt the human rights considerations for each SO or AC so that they would be able to have at least a plan for how we can start implementing or operationalizing the human rights core value by the time it kicks into effect.

So I think that all of our plans are actually compatible here.

Michael Karanicolas: I think the point that Niels made in the chat was a good one that certainly it would be -- oh, sorry, Michael Karanicolas for the record. I think it would be useful to at least have discussions with the different -- with the main actors to put them on notice and put this on the radar screen, and maybe get the thought process going. Although we do see in the chat that the HRIA will be released after ICANN 62 rather than at ICANN 62, but I don't know that that necessarily has to delay our work on this. I think that we should be taking our issues forward regardless. Thanks.

Collin Kurre: Okay, so this is actually in our little -- great. Thank you for that, Betsy. Thank you for that update.

Kristina Rosette: Kristina Rosette, Amazon So just to recap what we've been talking about for the CCWP-HR session structure, we were talking about the scoping and mapping papers and then an update on the efforts to incorporate human rights considerations into the different SOs and ACs, the status of the human rights impact assessment. Perhaps we might be able to get someone to come speak about the status of that. Betsy, if you have any suggestions of who might be able to do that, we are all ears.

And then finally, I think that incorporating some element of outreach, either inviting people from the different SOs or ACs to contribute to our session, or trying to, schedule permitting, grab them on the side and just ask how human rights would affect them, how we can make this more relevant, particularly for the business constituency, for example, then I think that would be great.

So if anyone has any specific suggestions for different constituencies, actors, or people that we could reach out to in order to further our connections and our understanding of SOs and ACs and how they can operationalize human rights then that would be more than welcome.

Niels ten Oever: This is Niels ten Oever. I think we could invite the GAC working group on human rights and international law to participate and ask them how they think now it seems that they have contributed to the subgroup discussion on human rights, how they think what it could look like and then invite some horizon views from the GAC to ask them what that would like. And potentially also do that with ALAC, for instance, (unintelligible) who is also been part of the subgroup there, so that we perhaps even get some proactive sketches or suggestions to get the ball rolling from that side. And of course, David and Greg could perhaps be invited for such a thing. And if not, maybe it could be a breakfast meeting or something.

Unfortunately. I won't be in Puerto Rico but I think that is definitely something leadership officials (unintelligible) may have to do.

Collin Kurre: Excellent. Thank you for that very constructive feedback, Niels. All right. If we don't have any more feedback or contributions on the topic of outreach then perhaps we can skip to number four, point four on our agenda, which is fostering civil society collaboration to further human rights.

So the idea behind this agenda item was that there are quite a few civil society organizations, more perhaps now than before, active in ICANN. So I know in addition to Article 19 and EFF, and CIS India, I think there are a few more out there. I'm not sure if everyone will be physically in Puerto Rico but I thought it might be interesting to get people who are involved in either civil society organizations, or human rights related NGOs, et cetera, together in person to discuss objectives in ICANN and make sure that we're all on the same page.

And perhaps in that way, with a bit of coordination, we could all utilize our scarce resources in the most efficient manner. So -- and obviously, this would be something that would complement the different constituencies like NCSG and NCUC and only and ideally work to better inform and strengthen our participation within those constituencies and not necessarily exist to supersede them just as a clarification.

So I wanted to ask participants if they knew of any kind of -- any community members or civil society participants that might be keen on joining forces in such a meeting. From David in the chat we have the question, is (ISOC) active in this area? To which I answer I'm not sure. In fact, I will note this as a potential area to explore. In addition to the other organizations that I mentioned before, which were Article 19, EFF, and CIS India.

All right, we've got a few other suggestions that are cropping up from the chat. I will read these out loud just in case people can't read them. So we had from Niels (Nicholas Besos), who is based in Geneva. We had from Michael, (Elsastat) from the (Gold Center) of Human Rights, (Amniet) from APC, although she might have changed information. These are all great suggestions that I'm noting down. And then obviously, we would hope to be able to entice these people into coming to our wonderful sessions.

All right, we've got another Centers for Communications Government in Delhi and the (unintelligible) Research (unintelligible). Great. Thank you for those suggestions.

All right, I think that this brings us to the final item on our agenda, which is any other business. Does have any comments, questions, concerns, thoughts they'd like to share? All right, I'm not seeing any hands so suppose we will go ahead and close this meeting a bit before time. Unless you have anything else to add, Mike?

Michael Karanicolas: No, thanks very much everybody. I look forward to taking us forward into further engagement in the run up and in Puerto Rico.

Collin Kurre: Great. And if anybody has more thoughts in particular about operationalizing the human rights core values then you know where to find us. Thank you very much.

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