The Association for Progressive Communications (APC) appreciates the opportunity to submit comments on the CCWG-Accountability Draft Work Stream 1 Recommendations. This is a crucial step in the transition of the oversight over ICANN from the US government to the global community of stakeholders, which is generally welcomed.

Human Rights

Re recommendation #6: Reaffirming ICANN's Commitment to Respect Internationally Recognized Human Rights as it Carries out its Mission

APC especially welcomes the inclusion of the bylaw language reaffirming and clarifying ICANN's responsibility to respect human rights.

We find the proposal for bylaw language on human rights to be clear and balanced. We appreciate the fact that it limits the commitment to ICANN's mission and operations only and provides a clear distinction between ICANN's adherence to respect human rights and a responsibility to enforce human rights, placing the latter outside of the scope of the ICANN's mission.

We are aware of the discussions on the inclusion of particular human rights related international legal instruments, such as Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), into the bylaw language. We do not understand why a simple statement indicating respect fully for the Universal Declaration of Human Rights was not possible for ICANN. While we would prefer to see strong commitment to the rights defined in the ICCPR and ICESCR, rights that are binding on most of all the nations the members and staff of APC call home, we understood that this is a discussion for the next phase of the Accountability work required to make ICANN accountable to global public interests. We think it is unfortunate that because of commercial interests, that ICANN has not been able to make a real commitment to respect for human rights as part of Work Stream 1. We sincerely hope that the aversion to a full commitment to human rights does not continue into Work Stream 2.

We believe that the issues related to the applicability of international instruments in the context of ICANN's commitment to respect human rights must be addressed in Work Stream 2. We

strongly support the proposal to include the interim bylaw for the purpose of ensuring that Work Stream 2, which will facilitate the development of the framework for interpretation of the human rights commitment, will take place.

We also strongly suggest that the work of Work Stream 2 take into account the Ruggie Principles as defined in the UN Guiding Principles for Business and that ICANN adopt all those which are applicable to its mission.

We further agree with the issues identified in Annex 6 of the Draft which will be the subject of further work in Work Stream 2.

We hope that Work Stream 2 will be carried out in the same collaborative, inclusive and open manner as the whole work of CCWG up to now and will result in a clear framework for interpretation and implementation of ICANN's commitment to human rights.

Transparency

Re recommendation #9: Incorporating the Affirmation of Commitments in ICANN's Bylaws

> *7. ICANN commits to adhere to transparent and accountable budgeting processes, fact-based policy development, cross-community deliberations, and responsive consultation procedures that provide detailed explanations of the basis for decisions, including how comments have influenced the development of policy consideration, and to publish each year an annual report that sets out ICANN's progress against ICANN's Bylaws, responsibilities, and strategic and operating plans. In addition, ICANN commits to provide a thorough and reasoned explanation of decisions taken, the rationale thereof and the sources of data and information on which ICANN relied.*

and to r*ecommendation #12: Committing to Further Accountability Work in Work Stream 2*

APC believes that Transparency reforms are long overdue in ICANN. We regret that the measures recommended by previous reviews have not been fully implemented. We support the recommendations from the Accountability and Transparency Review Teams that call for default transparency where all ICANN internal documents and reports are open to community inspection and review unless specifically redacted for one of a set of predefined, by the community, reasons for redaction. We support the position that states that the use of the Designator model without the right of inspection would be inadequate and not acceptable as an Accountability response to the IANA transition.

Whistleblowing

APC has been involved in several efforts for the protection of whistleblowers. We believe that the ability of ICANN employees to report on internal problems at ICANN is impeded by the absence of an effect whistleblower mechanisms at ICANN. We strongly support the call for the ICANN whistleblower program to be reviewed as part of Work Stream 2 and brought into compliance with current best practices on international corporate whistleblowing. A resource that we recommend in this process is David Kaye's report o the United Nations of September 2015 on <u>Promotion and protection of the right to freedom of opinion and expression</u>.[1]

About APC

The Association for Progressive Communications is a global non-governmental network with 70 members in more than 47 countries, mostly from the global south. APC has been mobilising the power of ICTs for social justice and development for the last 25 years.

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[1] http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/361