

[PREAMBLE]	The following part of the document addresses the “considerations” listed in paragraph 24 of Annex 12 of the CCWG Accountability Final Report.
Consider which specific Human Rights conventions or other instruments, if any, should be used by ICANN in interpreting and implementing the Human Rights Bylaw.	<p>Human Rights conventions¹ are agreements between states. As such, ICANN is not a party to these declarations and conventions. However, ICANN could refer to any of the widely-adopted Human Rights conventions and other instruments while taking human rights considerations into account in policy and operations. It should be noted that the bylaw was not written with one specific Human Rights declaration or covenant in mind.</p> <p><i>Proposal 1:</i></p> <p>The subgroup considered whether the UN Guiding Principles for Business and Human Rights could be applicable in the process of interpreting the bylaw. However, there was not sufficient support to recommend the adoption of the UN Guiding Principles.</p> <p>The subgroup also considered whether the UN Guiding Principles for Business and Human Rights could be a useful guide in the process of seeking guidance for the bylaw. However, given the differences alleged by some between ICANN and the “business enterprises” for which the</p>

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Comment [2]: agree with the operationalize concern

Comment [3]: adoption?

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- [Universal Declaration of Human Rights](#)
- [International Covenant on Civil and Political Rights](#)
- [International Covenant on Economic, Social and Cultural Rights](#)
- [International Convention on Elimination of All Forms of Racial Discrimination](#)
- [Convention on the Elimination of all Forms of Discrimination Against Women](#)
- [Convention on the Rights of Persons with Disabilities](#)
- [UN Declaration on the Rights of Indigenous Peoples](#)
- ILO's [Declaration on Fundamental Principles and Rights at Work](#) (could be applicable to ICANN's employees and workers)

	<p>Guiding Principle were written, and the content of many of the principles, <u>no agreement was reached</u>. Therefore, the Subgroup [[does not recommend] or [makes no recommendation regarding]] using the Guiding Principles.</p> <p><i>Proposal 2:</i> The <u>UN Guiding Principles for Business and Human Rights</u> could be a useful guide in the process of observing the Human Rights Bylaw.</p> <p><i>Proposal 3:</i> The <u>UN Guiding Principles for Business and Human Rights</u> should guide the implementation of the Human Rights Bylaw</p>
<p>The policies and frameworks, if any, that ICANN needs to develop or enhance in order to fulfill its commitment to respect Human Rights</p>	<p>In order to put the Human Rights bylaw into practice, ICANN the community as well as the organization will need to consider how to reflect this core value in its policy and operation processes. <u>Each SO and AC should take the Core Value into consideration in its policy development or advisory role. It is up to each SO and AC, and ICANN the organisation, as applicable, to develop their own policies and frameworks to fulfil this commitment.</u> In doing so, the SOs and ACs, as well as ICANN the organization, should also take into account the requirement to balance the Core Values.</p>
<p>Consistent with ICANN's existing processes and protocols, consider how these new frameworks* should be discussed and drafted to ensure</p>	<p>The methods for developing any new policies or frameworks that may be needed to apply the <u>Human Rights Core Value</u> will be dictated by the type of policy and how ICANN develops those policies.</p> <p>For example, policies relating to generic top-level domains are the responsibility of the GNSO and should be developed by the GNSO using that organization's policy and processes for policy development. This includes any changes to the GNSO's Policy Development Processes (PDPs). The GNSO's processes allow for broad</p>

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Comment [5]: agree with the operationalize concern

Comment [6]: I don't think "operationalize" (in several places) is the right word. Once there is an Fol in place, this core value will "guide" ICANN in its decisions and actions. "Guide" doesn't translate well to "operationalize". I suggest this sentence, for example, read: "The UN Guiding Principles for Business and Human Rights could be a useful guide in the process of observing the bylaw."

Comment [7]: agree with the operationalize concern

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<p>broad multistakeholder involvement in the process.</p>	<p>multistakeholder involvement in Working Groups developing these policies.</p> <p>Similarly, Policies related to country code top-level domains are the responsibility of the country code Names Supporting Organization (ccNSO). The ccNSO has a PDP process that is similar to the GNSO, therefore it is proposed that the same process is considered.</p> <p>The review and development of recommendations on Internet Protocol (IP) address policy is the responsibility of the Address Supporting Organization. The ASO does not have a similar formal PDP to the ccNSO and the GNSO, this does not mean that there are no moments in the development of the policies and procedures in which reviews and recommendations could be reviewed.</p> <p>Any operations, employee-related or vendor-related policies should be developed by ICANN operations and management taking the Human Rights core value into account as outlined in the Bylaw, but should also consider multistakeholder involvement in the development process. At a minimum, proposed policies should be set out for public comment seeking input on, among other things, whether the policies apply the Human Rights core value.</p>
<p>Consider how the interpretation and implementation of this Bylaw will interact with existing and future ICANN policies and procedures.</p>	<p>The interpretation of the Human Rights Bylaw should be driven by the Framework of Interpretation. It is expected that the Bylaw will be taken into account when future ICANN policies and procedures are developed, and interpreted in accordance with the Framework of Interpretation.</p> <p>Supporting Organizations could consider defining and incorporating Human Rights Impact Assessments (HRIAs) in their respective policy development processes. For example, this could include an assessment of the impact of a proposed policy on human rights. . If the assessment identifies potential impact(s) on human rights, an HRIA could be triggered and would be undertaken during the drafting of the WG's Initial Report. The HRIA could be an integral part of the WG's Final Report. Given the interrelated nature of the Core Values,</p>

	<p>Supporting Organizations could also consider impact assessments tied to other Core Values, perhaps as part of a balancing analysis as required in the Bylaws, or as part of more broadly based impact assessments. Advisory Committees could also consider similar measures.</p> <p>↓</p> <p>When examining any of its operations, ICANN the organization could also consider instruments such as an HRIAs to assess their effect on Human Rights. However, this is up to ICANN the organization to decide and implement. The results of such HRIAs could be reflected in ICANN's annual reporting.</p> <p>Suggested by Kavouss: <u>The Board will need to take into account ICANN's Mission, Commitments and Core Values, including the Human Rights Core Value, in considering Recommendations given by the GNSO and ccNSO, as it should with all matters before the Board.</u></p>
<p>Consider what effect, if any, this Bylaw will have on ICANN's consideration of advice given by the Governmental Advisory Committee (GAC)</p>	<p>The Board will need to take into account ICANN's Mission, Commitments and Core Values, including the Human Rights Core Value, in considering advice given by the GAC, as it should with all matters before the Board.</p>

Comment [9]: Agree

Comment [10]: agree

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