

[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>The Framework of Interpretation aims to provide guidance in interpreting the human rights bylaw.</p> <p>In addition to the Framework of Interpretation, the following documents could provide additional guidance, noting that ICANN is not a party to these declarations and conventions, and the bylaw has not been written with one specific Human Rights declaration or covenant in mind:</p> <ul style="list-style-type: none"> <li>• <a href="#">Universal Declaration of Human Rights</a></li> <li>• <a href="#">International Covenant on Civil and Political Rights</a></li> <li>• <a href="#">International Covenant on Economic, Social and Cultural Rights</a></li> <li>• <a href="#">International Convention on Elimination of All Forms of Racial Discrimination</a></li> <li>• <a href="#">Convention on the Elimination of all Forms of Discrimination Against Women</a></li> <li>• <a href="#">Convention on the Rights of Persons with Disabilities</a></li> <li>• <a href="#">UN Declaration on the Rights of Indigenous Peoples</a></li> <li>• ILO’s <a href="#">Declaration on Fundamental Principles and Rights at Work</a> (applicable to ICANN’s employees and workers)</li> </ul> <p>The <a href="#">UN Guiding Principles for Business and Human Rights</a> could be instructive in the process of the operationalization of the bylaw.</p>
The policies and frameworks, if any, that ICANN needs to	In order to operationalize the human rights bylaw, ICANN the community as well as the organization will need to consider how to reflect the core value in its policy and operation processes. This could

<p>develop or enhance in order to fulfill its commitment to respect Human Rights</p>	<p>involve the use of human rights impact assessments<sup>1</sup> for assessing how ICANN's operations and policies could impact human rights, as well as the development of a Corporate Social Responsibility policy. The Subgroup on Human Rights of the CCWG suggests that while operationalizing the human rights bylaw 1) ICANN the organization should prioritize areas of focus, such as its operations, policies and procedures, and 2) the ICANN community could focus on the integration of human rights considerations in its policy processes, consistent with its Mission. ICANN's commitment to respect human rights and to take human rights into consideration in its operations and policies in the foregoing manner should of course be consistent with the human rights Core Value of the bylaws.</p>
<p>Consistent with ICANN's existing processes and protocols, consider how these new frameworks* should be discussed and drafted to ensure broad multistakeholder involvement in the process.</p>	<p>The methods for developing any new policies or frameworks that may be needed to fulfill ICANN's commitment to respect Human Rights 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 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>

<sup>1</sup> [https://en.wikipedia.org/wiki/Human\\_Rights\\_Impact\\_Assessment](https://en.wikipedia.org/wiki/Human_Rights_Impact_Assessment)

	<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 human rights 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 fulfill ICANN's commitment under the Human Rights Bylaw.</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 Bylaw should be driven by the Framework of Interpretation. It is expected that the Bylaw will be duly taken into account when future ICANN policies and procedures are developed, and interpreted in accordance with the Framework of Interpretation. The different Supporting Organizations should consider defining and incorporating HRIAs in their respective policy development processes, including doing a policy impact assessment of the impact of a proposed policy on the specific human rights that ICANN is obliged to respect in the preliminary issue report. If the assessment identifies potential impact(s) on any such specific human rights, an HRIA would be triggered for those specific rights and would be undertaken during the drafting of the WG's Initial Report. The HRIA would be an integral part of the WG's Final Report.</p> <p>In order to operationalize these policy changes an appropriate mechanism should be established, for example a Cross Community Working Group on Human Rights, or a similar group, could be</p>

	<p>established which would make proposals for the supporting organizations to implement in their respective Policy Development Processes.</p> <p>ICANN should also consider ensuring that it does not violate human rights in its operations. ICANN might consider instruments such as a HRIA to carry out a preliminary assessment of the effect of its specific operations. However, this is up to the ICANN the corporation to decide and implement. The results of such IAs should be incorporated in ICANN's annual reporting.</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>There is no change to the status of GAC advice or how GAC advice will be considered solely due to this Bylaw. The Board will need to take into account ICANN's Mission and Core Values, including the Human Rights Core Value, in considering advice given by the GAC.</p>