

# 2022-08-03 CCOICI - Meeting #24

The call will take place on **Wednesday, 03 August 2022 at 12:00 UTC for 60 minutes.**

For other places see: <https://tinyurl.com/55dpphzz>

## PROPOSED AGENDA

1. Welcome
  - a. Work plan status: [https://docs.google.com/spreadsheets/d/1h38SgFeOdWumE7fUjLu4mB0CcXnwoncUpICqp\\_qINnk/edit#gid=0](https://docs.google.com/spreadsheets/d/1h38SgFeOdWumE7fUjLu4mB0CcXnwoncUpICqp_qINnk/edit#gid=0) [docs.google.com]
2. Review status of Statement of Interest Task Force activities & planned public comment forum on Working Group Self-Assessment recommendations (see <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000222.html>)
3. WS2 Recommendation #3 - Recommendation for a Framework of Interpretation for Human Rights (see <https://docs.google.com/document/d/1zuQVN4zbz4zBYIZM4Mtfac7lj2j2dlna/edit#> [docs.google.com] and <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000218.html>)
  - a. CCOICI input on proposed approach
  - b. Commence deliberations
  - c. Confirm next steps
4. Confirm next steps & next meeting (Wednesday 17 August at 12.00 UTC)

## BACKGROUND DOCUMENTS

As a reminder, please review in advance of this meeting the following materials:

- WS2 Recommendation #3 background information (page 28-31): <https://docs.google.com/document/d/1zuQVN4zbz4zBYIZM4Mtfac7lj2j2dlna/edit?pli=1#heading=h.yhfl9i5iogm3> [docs.google.com]
- WS2 Rec #3 - Proposed decision tree questions: <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000218.html>
- GNSO SOI TF status update and public comment forum next steps: see <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000222.html>
- [Decision tree - WS2 Rec #3 - 2 Augustus 2022.pdf](#)

## PARTICIPATION

Apologies: Manju Chen

[CRM Attendance](#)

## RECORDINGS

[Audio Recording](#)

[Zoom Recording](#)

[Chat Transcript](#)

GNSO transcripts are located on the [GNSO Calendar](#)

## Notes/ Action Items

Action items:

1. ACTION ITEM: Staff to check to see if there is a standard output to be used for delivery of the CCOICI's determinations to the GNSO Council.
2. ACTION ITEM: Re: HRIA -- Staff to check the Initial Report and Final Report templates for the group to consider which further check lists / tables could be added.

Notes:

See the following materials:

- WS2 Recommendation #3 background information (page 28-31): <https://docs.google.com/document/d/1zuQVN4zbz4zBYIZM4Mtfac7lj2j2dlna/edit?pli=1#heading=h.yhf19i5iogm3> [docs.google.com]
- WS2 Rec #3 - Proposed decision tree questions: <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000218.html>
- GNSO SOI TF status update and public comment forum next steps: see <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000222.html>

Proposed Agenda – CCOICI Meeting on Wednesday 3 August at 12.00 UTC

#### 1. Welcome

a. Work plan status: [https://docs.google.com/spreadsheets/d/1h38SgFeOdwmE7fUjLu4mB0CcXnwoncUplCqp\\_qlNnk/edit#gid=0](https://docs.google.com/spreadsheets/d/1h38SgFeOdwmE7fUjLu4mB0CcXnwoncUplCqp_qlNnk/edit#gid=0) [docs.google.com]

- A lot of green, except for the last part on the Framework of Interpretation for Human Rights.
- All other items are complete as they have been discussed and addressed.
- Consider how to present this to the Council in a final form for approval.
- Other SOs/ACs are doing the same exercise and the status designations are the same although the output may be different. Staff can find out if there is a standard form for delivery of results.

**ACTION ITEM: Staff to check to see if there is a standard output to be used for delivery of the CCOICI's determinations to the GNSO Council.**

2. Review status of Statement of Interest Task Force activities & planned public comment forum on Working Group Self-Assessment recommendations (see <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000222.html>)

- See the status update provided to the GNSO Council: <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000222.html>.
- Note that the public comment will need to open when these changes are approved by the SOI TF and the CCOICI. These will be combined with the revisions resulting from the CCOICI's review of the Working Group Self-Assessment and recommendations. In addition, there are some minor corrections and updates to the Operating Procedures that will be included.
- Re: the timing of the public comment – there are many public comments planned for August (see <https://www.icann.org/en/public-comment/upcoming-proceedings>) and staff asked the SOI TF if there was any concern to delay the opening of the public comment to September. The SOI TF had no concerns but asked that it be opened prior to ICANN75 to allow discussion and input during the meeting, and allowing additional time for the public comment to be open.
- Question: Any concerns from the CCOICI concerning the timing of the public comment? Will there be a meeting of the SOI TF and the CCOICI at the ICANN meeting? Answer: If the CCOICI requests it but it depends on the Council's schedule as it is quite full. Communication can happen via email updates. The Working Group Self-Assessment has already been discussed by Council and there were no concerns. The Council and its SGs/Cs also can comment during the public comment on the SOI revisions and these groups have been discussing these changes internally.

3. WS2 Recommendation #3 - Recommendation for a Framework of Interpretation for Human Rights (see <https://docs.google.com/document/d/1zuQVN4zbz4zBYIZM4Mtfac7lj2j2dlna/edit#docs.google.com>) and <https://mm.icann.org/pipermail/gnso-ccoici/2022-July/000218.html>)

a. CCOICI input on proposed approach

#### Overview:

- Staff tried to break this down to the questions the CCOICI has to ask itself in order to get to a determination.
- It is not a requirement to do this, but to consider incorporating the HR impact assessment into the PDP.
- Decision tree (see attached): Are we asking the right questions? Is there anything missing? This is something groups are being asked to consider and it is up to this group to suggest how to respond to the recommendations.

From the CCOICI WS2 Background Briefing:

- From WS2 Final Report: "The CCWG-Accountability WS2 recommends the adoption of the Framework of Interpretation it developed for the ICANN Bylaws dealing with Human Rights, which can be found in Annex 3." See Annex 3 of the WS2 Final Report for further details, but in particular from the section "Considerations by the HR Sub-Group":
- "Supporting Organizations could consider defining and incorporating Human Rights Impact Assessments (HRIAs) in their respective policy development processes. HRIAs should not consider particular human rights in isolation since they are universal, indivisible, interdependent, and interrelated. Given the interrelated nature of Core Values, the Supporting Organizations could also consider other Core Values, as part of the balancing required by the Bylaws."
- This is from the WS2 report: "Only those human rights that are "required by applicable law" will be relevant to ICANN. Furthermore, depending on the jurisdiction in which ICANN operates, the law applicable to its operations may vary and thus the human rights applicable to ICANN's operations will vary as well. Nevertheless, ICANN understands that internationally recognized human rights, including those expressed in the Universal Declaration of Human Rights, can guide its decisions and actions." For the moment the onus is on the WG to make the assessment concerning the possible HR impact.

b. Commence deliberations

#### Discussion:

- This HR Framework is very important to many groups and we have to give it serious consideration.
- Suggest re: Question 7 "Is HRIA always necessary?" – might be ways to mitigate.
- Might be helpful to define what these human rights are. The framework is there to help provide guidance. At the time, the freedom of expression, diversity of speech and right of assembly were explicitly mentioned.
- Depends on the PDP recommendations what human rights might be applicable.
- There is already language in the PDP Manual in the GNSO Operating Procedures: "A statement on the WG discussion concerning impact of the proposed recommendations, which could consider areas such as economic, competition, operations, privacy and other rights, scalability and feasibility."
- It is challenging to operationalize HR in advance. But it is important to have some further discussion.
- Suggestion to learn by example. For the WG to review policy questions that might be related to HR but not to try to determine the impact. Not sure it's relevant for every PDP, but if it happens it should be very early in the PDP. Could do an assessment as an example for a past PDP.
- Could be part of the issues report and I think it does not have to be a long document. Just important to mention it and call it such.
- Of course, the Council could provide direction in a PDP Charter on what questions it would expect a WG to consider, which could include specific direction on if/how to consider HR issues.
- Question is whether you need to formalize the process, or just raise it as it may occur, such as we do with an SOI update.
- Re: Question 9 -- At what stage of the PDP is an HRIA most relevant? Might be a high-level assessment that staff could make initially, then the next level would be the charter. Could be ways to indicate that there could be a negative impact, to flag – this could happen at a number of stages.
- There are many templates for a HR assessment. Thomas Rickert could check.
- Find an easy to use matrix and get the job done so we can publicly tick the box of having done our homework on HR
- Could initially be done in the Issue Report.
- Important: Whatever framework is agreed upon to perform the assessment, if it is to occur during the PDP, take note that the assessment should be nimble and lightweight. Look for opportunities to streamline it, such as performing it in parallel with other processes.
- Make sense to do a light-weight assessment at the time of, or part of, the Issue Report development, then depending on the result of the assessment it could be carried through to the charter, and then in the WG deliberations. Then it could continue to Council and Board deliberations, and also perhaps the ODP.
- Could begin by looking at what is requested as part of the Issue Report.
- It seems we are leaning to having some approach where at the beginning of the PDP Charter we can provide some direction how to consider HR issues/ also at the end of the report can be agreed what boxes have been checked off. (lightweight framework of matrix questions).

#### c. Confirm next steps

- Group can begin to go through the questions in the Decision Tree.
- May consider what other information the group may need to answer the questions.
- Consider adding assessment checklists/tables to the templates for the Initial Report and Final Report.

**ACTION ITEM: Staff to check the Initial Report and Final Report templates for the group to consider which further check lists / tables could be added.**

#### 4. Confirm next steps & next meeting (Wednesday 17 August at 12.00 UTC)