

Human Rights Meeting #27 (25 July 2017 @ 19:00 UTC)

Attendees:

Sub-group Members: Anne Aikman-Scalese, Cheryl Langdon-Orr, David McAuley, Greg Shatan, Griffin Barnett, Harold Arcos, Herb Wayne, Janet Shih Hajek, Kavouss Arasteh, Niels ten Oever, Robin Gross, Tatiana Tropina, Tijani Ben Jemaa (13)

Observers/Guests: Collin Kurre, Garrett Hinck, Jonathan Peyster

Staff: Bernard Turcotte, Brenda Brewer, Elizabeth Andrews

Apologies: Bastiaan Goslings

*** If your name is missing from attendance or apology, please send note to acct-staff@icann.org ***

Transcript

- [Word Doc](#)
- [PDF](#)

Recording

- [Adobe Connect Replay](#)
- [mp3 Replay](#)

Agenda

1. Administrivia - Roll call, absentees, Sols, etc
2. Review of individual commenters in the highlights document
3. Review of Brazilian government comments
4. Review of Swiss government comments
5. Review of UK governments comments
6. AOB

Documents

- [Presentation HR Meeting](#)
- [HR-Public Consultation-May 2017-Highlights V1.1-BT](#)
- [HR-Public Consultation-May 2017-Response-Govt UK](#)
- [HR-Public Consultation-May 2017-Response-Govt Switzerland](#)
- [HR-Public Consultation-May 2017-Response-Govt Brazil](#)

Notes

CART Disclaimer: This rough edit transcript, which may contain missing, misspelled or paraphrased words, is only provided for your immediate review and is not certified as verbatim and is not to be cited in any way.

- [Word Doc](#)
- [PDF](#)

Decisions:

- Work on responses based on recurring themes.
- The mandate of the group does not include suggesting any changes to the ICANN Bylaws
 - As such any comments which would require changing the Bylaws cannot be accepted.
 - o Any comments about changing the hierarchy of core values etc. Is outside the scope of this group as it would require a change of the ICANN Bylaws.
 - o Any comments about changing the term “applicable law” Is outside the scope of this group as it would require a change of the ICANN Bylaws.
 - o Any comments about changing “could” to “should” in “could refer to any of the widely adopted Human Rights declarations....” Is outside the scope of this group as it would require a change of the ICANN Bylaws.

Action Items:

- (none)

Requests:

- Participants asked to read the complete comments from the governments of Brazil, Switzerland and the UK for further discussions at the next meeting.

Chat Transcript

Brenda Brewer: (7/25/2017 13:08) Good day and welcome to WS2 Human Rights Subgroup Meeting #27 on 25 July 2017 @ 19:00 UTC!

Brenda Brewer: (13:08) If you are not speaking, please mute your phone by pressing *6 (star 6). This call is recorded.

Brenda Brewer: (13:08) Reminder to all, please speak slowly and state your name before speaking for the Captioner. Thank you!

David McAuley: (13:59) dialing in

Marie Fresch-CART Support: (13:59) wHO IS THE MAIN SPEAKER?

Herb Wayne Ombuds: (13:59) Hi everyone

Brenda Brewer: (14:00) Niels ten Oever is the Rapporteur.

Niels ten Oever: (14:00) That will me me Marie

Brenda Brewer: (14:00) Thank you Anne!

Tatiana Tropina: (14:00) Hi all

Cheryl Langdon-Orr (CLO): (14:00) hi all

Marie Fresch-CART Support: (14:01) Thank you

Bernard Turcotte - ICANN: (14:01) hello all

David McAuley: (14:01) I am #3200

Brenda Brewer: (14:01) Thank you, David!

David McAuley: (14:03) I am joined by my interns, Garrett Hinck and Jonathan Peyster

Niels ten Oever: (14:04) https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_17AvMLBfT8BmC3gUOTvaluTuEqMbgiporUwqNymvhWhc_edit&d=DwlCaQ&c=FmY1u3PJP6wrcrwl3mSVzgfkbpSS6sJms7xcl4l5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=xCx93f5tuKbj4ycN2iqSwrRbkqrhE89o7Bv5tqPX8nw&s=pCeXo8vWaluXxcn-Cr4xaRL9vdgT83BRU5iXI8lofKg&e=

Tatiana Tropina: (14:04) this is definitely outside the remit of CCWG - to interpret bylaws in this way

Tatiana Tropina: (14:04) but I gather it was discussed on the last call

Tatiana Tropina: (14:05) well ok - I read something that looked like a mindmap

David McAuley: (14:05) I agree with Tatiana

David McAuley: (14:06) I would agree if it said 'perceived conflict'

Cheryl Langdon-Orr (CLO): (14:07) makes sense David

Collin Kurre: (14:09) It might be useful to add page numbers to the google doc :)

David McAuley: (14:26) bernie

Tatiana Tropina: (14:29) David - agree. We have to clarify the position on Ruggie and state our rationale to avoid misunderstandings.

Tatiana Tropina: (14:29) *misunderstandings

Bernard Turcotte - ICANN: (14:31) @David - essentially what I was suggesting

Niels ten Oever: (14:32) We cannot impact that - it is indeed stated in the bylaws

Tatiana Tropina: (14:33) exactly - we can not change the bylaws

Tatiana Tropina: (14:33) reject :-)

Niels ten Oever: (14:37) Can we get the previous document back?

Cheryl Langdon-Orr (CLO): (14:39) agree David

Cheryl Langdon-Orr (CLO): (14:40) :-) Tatiana

Tatiana Tropina: (14:41) I am against

Tatiana Tropina: (14:43) Agree with Greg. It's actually waaaay too broad

David McAuley: (14:43) I agree with Greg. I see the term "customary etc: as different - we have agreed to maintain the bylaw compromise as I understand it.

Tatiana Tropina: (14:45) for me it's a language problem - I doubt we can explain the "applicable law with "oh this is the law which applies"

Tatiana Tropina: (14:45) we have binding already....

Anne Aikman-Scalese (IPC): (14:45) ICANN Legal gave us the parameters of "applicable law.

Tatiana Tropina: (14:45) I am not able to follow :)

Tatiana Tropina: (14:46) Kavouss but they suggest vice versa - replace binds with applies

Anne Aikman-Scalese (IPC): (14:46) I note that the GAC has proposed a high interest topic for Abu Dhabi which is directed at the limitations of the "applicable law" that results from ICANN's place of incorporation.

Collin Kurre: (14:48) Speaking to Brazil comment 2, I think "applies to" and "customary rules" both serve to water down the language and make it less concrete. Statutes, rules, regulations, and judicial opinions are all codified. Perhaps one could interpret customary rules and principles as falling under the etcetera, but including it specifically opens the door for loose interpretations in my mind

Cheryl Langdon-Orr (CLO): (14:50) agree Greg

Greg Shatan: (14:52) "Applicable law" is broad enough to embrace changes in the law.

Cheryl Langdon-Orr (CLO): (14:52) yep

Bernard Turcotte - ICANN: (14:52) 8 minutes left in call

Cheryl Langdon-Orr (CLO): (14:52) indeed Tatiana

Tatiana Tropina: (14:55) yes please

Tatiana Tropina: (14:55) 5 min is not enough for Ruggie

Tatiana Tropina: (14:55) *not enough :-)

Tatiana Tropina: (14:55) OMG my typing.

Bernard Turcotte - ICANN: (14:56) will publish shortly

Bernard Turcotte - ICANN: (14:56) bye all

Anne Aikman-Scalese (IPC): (14:56) Thank you.

David McAuley: (14:56) thanks all, good bye

Robin Gross: (14:56) Thanks, Niels, and all. Bye!

Tatiana Tropina: (14:56) thanks a lot Niels and all - bye! see you next week!

Cheryl Langdon-Orr (CLO): (14:56) dropped audio to join another ICANN call

Cheryl Langdon-Orr (CLO): (14:56) bye