

## **Human Rights Meeting #29 (8 August 2017 @ 19:00 UTC)**

## Attendees:

**Sub-group Members:** Andrew Mack, Anne Aikman-Scalese, Cheryl Langdon-Orr, David McAuley, Greg Shatan, Griffin Barnett, Herb Wayne, Kavouss Arasteh, Markus Kummer, Niels ten Oever, Robin Gross, Tatiana Tropina, Tijani Ben Jemaa

**Observers/Guests:** Collin Kurre, Mark Carvell

**Staff:** Bernard Turcotte, Brenda Brewer

**Apologies:** Bastiaan Goslings, Andreea Brambilla

**\*\* If your name is missing from attendance or apology, please send note to [acct-staff@icann.org](mailto:acct-staff@icann.org) \*\***

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## Transcript

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

## Recording

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

## Agenda

1. Administrivia - Roll call, absentees, Sols, etc
2. Review of last weeks changes
  - 2.1 addition ', but not limited to:' to two footnotes
3. Proposed change as follow-up to last weeks discussion

3.1 When examining its operations, ICANN the organization could consider using a framework like the UNGPs as well as specific instruments such as HRIAs to assess its impact on Human Rights, and offer remediation. However, it is up to ICANN the organization to decide the most appropriate framework and instrument to do this. The results of ICANN the organization's analysis should be reflected in ICANN's annual reporting.

4. Review statement to CCWG as prepared by ICANN staff
5. AOB

## Documents

- [Presentation Meeting 31](#)
- [Google Doc](#)

## Decisions:

- (none)

## Action Items:

- **NTO to send red-line of changes to list.**
- **DM, GS, TT volunteer for drafting team for the two elements of text which were discussed on the call this week for consideration at the next meeting.**

## Requests:

- (none)

## Raw Captioning

*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](#)

## Chat Transcript

Brenda Brewer: (8/8/2017 13:38) Good day! Welcome to Human Rights Subgroup Meeting #29 on 8 August @ 19:00 UTC!

Brenda Brewer: (13:38) If you are not speaking, please mute your phone by pressing \*6 (star 6). This call is recorded.

Brenda Brewer: (13:39) Reminder to all, please speak slowly and state your name before speaking for the Captioner. Thank you!

BERNARD TURCOTTE - ICANN: (13:59) Hello all

Herb Wayne Ombuds: (13:59) Hi everyone from LA

Tatiana Tropina: (14:00) Hi all

David McAuley: (14:01) dialing in from #3200

David McAuley: (14:01) One of our interns has joined me, Garrett Hinck

Robin Gross: (14:02) Greetings from foggy San Francisco!

Niels ten Oever: (14:03) [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_docs.google.com\\_document\\_d\\_17AvMLBfT8BmC3gUOTvaluTuEqMbgiporUwqNymvhWhc\\_edit&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=W2h\\_oMPabXjNcTQSZHJ4j4lVQKvk4PK-Re6wyLJ6M60&s=fDnQY9pkGnZB3kTa7J97UHcwtyg0B4ekMtwuEQJfI0g&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_17AvMLBfT8BmC3gUOTvaluTuEqMbgiporUwqNymvhWhc_edit&d=DwlFaQ&c=FmY1u3PJp6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=W2h_oMPabXjNcTQSZHJ4j4lVQKvk4PK-Re6wyLJ6M60&s=fDnQY9pkGnZB3kTa7J97UHcwtyg0B4ekMtwuEQJfI0g&e=)

Tatiana Tropina: (14:05) I don't think we found out that the language was a bit off. It was a consensus language. The new was proposed to make a clear distinction between policy making and ICANN org

Brenda Brewer: (14:08) Would phone number ending with 4428 please identify name for attendance purposes. Thank you!

Tijani BEN JEMAA: (14:08) +1 Tatiana

Niels ten Oever: (14:08) Sounds good to me

Anne Aikman-Scalese (IPC): (14:09) Here I try to paste the changes in the existing language - not sure if this is perfectly correct. Niels?

Anne Aikman-Scalese (IPC): (14:09) When examining its operations, ICANN the organization could also consider using a framework like the UNGPs as well as specific instruments such as HRIAs to assess its (REPLACES "their") impact on Human Rights, and offer remediation. However, it (REPLACES "this") is up to ICANN the organization to develop and implement . TEXT WHICH APPEARS TO BE DELETED AND REPLACED IS "decide the most appropriate framework and instrument to do this". The results of ICANN the organization's analysis (REPLACES "of such HRIAs") should be reflected in ICANN's annual reporting.

Robin Gross: (14:09) I agree with Tatiana.

Anne Aikman-Scalese (IPC): (14:09) Sorry did not work because it did not pick up the bold language.

Tatiana Tropina: (14:10) David, thank - I also want to acknowledge the work. And I think that if we need are to add the language about Ruggie, this will consider ICANN and operations as Ruggie are not relevant to community policy making

Tatiana Tropina: (14:11) I agree with David's proposal.

Tatiana Tropina: (14:12) (and with the reasoning. that's it).

Anne Aikman-Scalese (IPC): (14:12) Tring again on showing the changes:

Anne Aikman-Scalese (IPC): (14:12) could ALSO consider using A FRAMEWORK LIKE THE UNGPs AS WELL AS SPECIFIC instruments such as HRIAs to assess ITS (REPLACES "THEIR") impact on Human Rights, AND OFFER REMEDIATION. However, IT (REPLACES "THIS") is up to ICANN the organization to DEVELOP AND IMPLEMENT . TEXT WHICH APPEARS TO BE DELETED AND REPLACED IS "decide the most appropriate framework and instrument to do this". The results of ICANN THE ORGANIZATION'S ANALYSIS (REPLACES "OF SUCH HRIAs") should be reflected in ICANN's annual reporting.

Anne Aikman-Scalese (IPC): (14:15) ICANN organization cannot implement a framework unless it first consults with and reviews framework with policy-making bodies - SOs and ACs.

Tatiana Tropina: (14:15) Why would they need an instrument? They can decide to go with HRIA without committing to Ruggie

Niels ten Oever: (14:15) HRIA is an instrument, right?

Niels ten Oever: (14:15) Ruggie = framework, HRIA = instrument

Niels ten Oever: (14:15) at least that is what I thought

Tatiana Tropina: (14:15) I am talking about framework (like written principles, instruments, etc)

Tatiana Tropina: (14:16) alright, language problem.

Niels ten Oever: (14:16) OK - I understood from Davids language proposal that ICANN could also do it without instrument, and I think that is hard

Niels ten Oever: (14:16) Agree

Niels ten Oever: (14:16) I think what we are all talking about is largely a language issue

Tatiana Tropina: (14:16) Greg +1 to avoiding the word framework

Niels ten Oever: (14:17) Good point Greg

Tatiana Tropina: (14:17) Niels and this goes to your framework vs instrument question

David McAuley: (14:17) I see - the "whether" refers to whether to do such an analysis - the how is what instrument if they decide to do it

David McAuley: (14:17) 'whether'

Niels ten Oever: (14:17) The language we had was grammatically incorrect unfortunately

Tatiana Tropina: (14:17) Are we really moving from the language we had before? I thought we were not talking about replacement but rather about clarification

Niels ten Oever: (14:17) David can you paste your language suggestion here?

David McAuley: (14:18) 3.1 When examining its operations, ICANN the organization could consider using a framework like the UNGPs as well as specific instruments such as HRIAs to assess its impact on Human Rights. (STRIKING "and offer remediation"). However, it is up to ICANN the organization to decide whether and how (i.e., the most appropriate framework and instrument) to do this. The results of ICANN the organization's analysis should be reflected in ICANN's annual reporting. (ADDING the "whether and how" language).

Niels ten Oever: (14:18) That is in the Google Doc

Tatiana Tropina: (14:19) David, the word "framework" is probably to be replaced...

Greg Shatan: (14:19) Agree that redline is really needed when talking about revisions.

David McAuley: (14:19) I have not put in google doc - thought we would discuss off list first

Tatiana Tropina: (14:19) I am a bit lost as I can't recall that we decided that the previous language was bad on the last call.

Tatiana Tropina: (14:20) I don't know how we moved from a mere proposal to "the old language was bad"

Tatiana Tropina: (14:20) honestly, amused.

Niels ten Oever: (14:20) The old language had incorrect grammar

Tatiana Tropina: (14:20) \*honestly

Niels ten Oever: (14:21) You can check the previous language on the google doc

Anne Aikman-Scalese (IPC): (14:22) My blood pressure is quite normal with no meds. Thank you.

David McAuley: (14:22) yes

Tatiana Tropina: (14:22) My blood pressure is absolutely normal, too. I think that may be Niel's is not? :)

Niels ten Oever: (14:22) It must be me

Tatiana Tropina: (14:22) Yes. YOU. :)

Niels ten Oever: (14:22) OK - please help me keep my bloodpressure low :D

David McAuley: (14:22) Might be, Niels, I feel fine

Tatiana Tropina: (14:22) Meds? @Niels

Anne Aikman-Scalese (IPC): (14:23) If we adopt a change, we had better refer back to the fact that in order to adopt a framework, ICANN the organization must review that with the SOs and ACs.

Anne Aikman-Scalese (IPC): (14:25) In the Considerations document, we have language which tries to protect the role of SOs and ACs as follows: "When developing corporate or operational policies, and executing its operations, ICANN the organization should take the Human Rights Core Value into account. In order to do so ICANN the organization should propose a framework to the community, which should include multistakeholder involvement in its development, and regular review."

Mark Carvell GAC HRIL WG: (14:26) Very helpful proposal, Kavouss.

David McAuley: (14:27) yes

Tatiana Tropina: (14:27) may be we replace with "frameworks"?

Tatiana Tropina: (14:27) :-)

Tatiana Tropina: (14:27) I don't like principles

Tatiana Tropina: (14:28) Greg, can we go with plural version?

Niels ten Oever: (14:28) When examining its operations, ICANN the organization could consider using principles like the UNGPs as well as specific instruments such as HRIAs to assess its impact on Human Rights.

Tatiana Tropina: (14:28) Don't like "principles"

David McAuley: (14:29) Would 'reference' work

Tatiana Tropina: (14:29) Greg didn't like framework in singular

Tatiana Tropina: (14:29) I am suggesting plural

Tatiana Tropina: (14:29) "frameworks like"

David McAuley: (14:29) that works

Anne Aikman-Scalese (IPC): (14:29) Suggest a friendly amendment, " (in consultation with the SOs and ACs)

Niels ten Oever: (14:29) When examining its operations, ICANN the organization could consider using frameworks like the UNGPs as well as specific instruments such as HRIAs to assess its impact on Human Rights.

Tatiana Tropina: (14:29) Where is Greg :)

Greg Shatan: (14:30) Still don't like frameworks, either.

Tatiana Tropina: (14:30) Sigh.

Greg Shatan: (14:30) I think Anne's point is that ICANN org can't make the decision on its own.

Greg Shatan: (14:31) I agree, at least insofar as it affect's ICANN's implementation of policies or operation of the DNS.

Kavouss Arasteh: (14:31) Replace could by may

Tatiana Tropina: (14:31) greg doesn't like plural too

Tatiana Tropina: (14:31) so we can't replace

Tatiana Tropina: (14:32) we have a problem.

Kavouss Arasteh: (14:32) Tatiana, why we can not replace could by may what is wrong with that

Herb Waye Ombuds: (14:33) need to step out for a minute

Niels ten Oever: (14:34) But this is only about analuzing its impact, right?

Kavouss Arasteh: (14:34) I suggest, ICANN the organization, may, consider, where appropriate.....

Tatiana Tropina: (14:35) I never said we couldn't replace!

Tatiana Tropina: (14:36) I was talking about completely different replacement

Anne Aikman-Scalese (IPC): (14:36) This part is not weak at all " It is up to ICANN to develop and implement".

Greg Shatan: (14:36) Repeal and replace?

Tatiana Tropina: (14:36) I was talking about replacement of framework with frameworks. Never said anything about could and and may

Anne Aikman-Scalese (IPC): (14:37) That's why I was asking for a redline.

Niels ten Oever: (14:37) The changes are in the Google Doc

Niels ten Oever: (14:37) [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_docs.google.com\\_document\\_d\\_17AvMLBfT8BmC3gUOTvaluTuEqMbgiporUwqNymvhWhc\\_edit&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=W2h\\_oMPabXjNcTQszHJ4j4lVQKvk4PK-Re6wyLJ6M60&s=fDnQY9pkGnZB3kTa7J97UHcwtyg0B4ekMtwuEQJfI0g&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_17AvMLBfT8BmC3gUOTvaluTuEqMbgiporUwqNymvhWhc_edit&d=DwlFaQ&c=FmY1u3PJp6wrcrwlI3mSVzgfkbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=W2h_oMPabXjNcTQszHJ4j4lVQKvk4PK-Re6wyLJ6M60&s=fDnQY9pkGnZB3kTa7J97UHcwtyg0B4ekMtwuEQJfI0g&e=)

Niels ten Oever: (14:37) in green

Kavouss Arasteh: (14:37) Tks Tatiana, sorry for dmisunderstanding

Niels ten Oever: (14:37) operations

Niels ten Oever: (14:38) \_When examining its operations, \_

Tatiana Tropina: (14:38) What do we mean when we talk about ICANN org in the netire framework?

Tatiana Tropina: (14:38) \*entire. OMG sorry for my typing

Anne Aikman-Scalese (IPC): (14:38) ICANN org means without consulting SOs and ACs. It'

Niels ten Oever: (14:38) That language was there before public comment

Tatiana Tropina: (14:39) if we put "may" or "could" we are not prescriptive. But I agree about ambiguity

Anne Aikman-Scalese (IPC): (14:39) It's about ICANN looking at all its business relationships, which would included the Contracted Parties in my opinion.

Tatiana Tropina: (14:39) I thought that we had this ambiguity as consensus language anyway when we referred to Ruggie

Tatiana Tropina: (14:39) (which I always objected but concurred for the sake of consensus)

Niels ten Oever: (14:39) It's in the Google Doc, page 9

Anne Aikman-Scalese (IPC): (14:40) Niels - we need a redline. Anne

David McAuley: (14:40) on mute

Tatiana Tropina: (14:40) I am not surprised - this is because we have no redline

Tatiana Tropina: (14:40) it's hard to discuss, really

Tatiana Tropina: (14:41) because I do not understand what we are replacing with what

Greg Shatan: (14:41) That's what happens when you re-open consensus (consensus?)... :-(

Tatiana Tropina: (14:41) who are the drafting team?

Tatiana Tropina: (14:41) Greg is volunteering.

Greg Shatan: (14:41) Once more into the breach....

Tatiana Tropina: (14:41) (and me)

Tatiana Tropina: (14:41) because if we don't we will make these calls endless.

d: (14:41) i was thrown out of adobe - will volunteer for drafting team as well

Tatiana Tropina: (14:41) D is David?

d: (14:42) d = david mcauley

Greg Shatan: (14:42) I will be volunteered and glad that Tanya has volunteered before I volunteered her.

Tatiana Tropina: (14:42) :D

d: (14:42) i will go back out and put name, sigh

Tatiana Tropina: (14:42) Greg, that was a preemptive strike :)

Tatiana Tropina: (14:42) Niels - seems we have the same drafting team as last time.

Niels ten Oever: (14:42) Great

Tatiana Tropina: (14:43) unless we get fresh blood. #vampire

d: (14:43) no luck - d = david mc.

Tatiana Tropina: (14:43) D, :D

David McAuley 2: (14:44) thanks to staff for changing name

Anne Aikman-Scalese (IPC): (14:44) Could staff please prepare and circulate a redline for the drafting team? We need to know exactly what changes are proposed here.

Tatiana Tropina: (14:45) I will be in Buenos Aires till next Tuesday -- will try to be active in a DT anyway but might have some availability problems.

Tatiana Tropina: (14:45) DT = drafting team

Tatiana Tropina: (14:46) Which text Niels?

Tatiana Tropina: (14:46) No it's not ok

Tatiana Tropina: (14:46) I don't recall any text from the public comment we agreed to use

Greg Shatan: (14:46) Here is the current language in the document:

Greg Shatan: (14:46) When examining its operations, ICANN the organization could consider instruments such as HRIAs to assess its impact on Human Rights. However, this is up to ICANN the organization to develop and implement. The results of such HRIAs should be reflected in ICANN's annual reporting.

Niels ten Oever: (14:47) [https://urldefense.proofpoint.com/v2/url?u=https-3A\\_\\_docs.google.com\\_document\\_d\\_17AvMLBfT8BmC3gUOTvaluTuEqMbgiporUwqNymvhWhc\\_edit&d=DwlFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=W2h\\_oMPabXjNcTQSzHJ4j4IVQKvk4PK-Re6wyLJ6M60&s=fDnQY9pkGnZB3kTa7J97UHcwtyg0B4ekMtwuEQJfI0g&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_17AvMLBfT8BmC3gUOTvaluTuEqMbgiporUwqNymvhWhc_edit&d=DwlFaQ&c=FmY1u3PJP6wrcrwl3mSVzgfbPSS6sJms7xcl4I5cM&r=kbiQDH54980u4nTPfwdloDLY6-6F24x0ArAvhdeDvvc&m=W2h_oMPabXjNcTQSzHJ4j4IVQKvk4PK-Re6wyLJ6M60&s=fDnQY9pkGnZB3kTa7J97UHcwtyg0B4ekMtwuEQJfI0g&e=)

David McAuley 2: (14:47) I recall the language Greg just typed - seems a logical start

Tatiana Tropina: (14:47) I would like to have a clarification what "text from the public comment" is supposed to mean

Tatiana Tropina: (14:48) as I don't remember we agreed to use any text from the public comment. We agreed to try and address public comments about Ruggie to make document clearer

Tatiana Tropina: (14:48) I feel like we were on two different calls in parallel universes :)

David McAuley 2: (14:48) ok, thanks Niels

Greg Shatan: (14:50) I've just sent a redline to the list.

Tatiana Tropina: (14:50) thank you Niels and all!

David McAuley 2: (14:51) Thanks Niels, staff, and all

BERNARD TURCOTTe - ICANN: (14:51) bye all

Greg Shatan: (14:51) Bye all.