Work Stream 2 Topic:

Human Rights

Scope

Human Rights considerations are among the further proposed changes to the Bylaws to be evaluated in Work Stream 2 (WS2), through the establishment of an agreed upon and adopted framework of interpretation (FoI).

The following is excerpted directly from the CCWG-Accountability Work Stream 1 (WS1) report:

A commitment to discuss additional accountability improvements and broader accountability enhancements in 2016 that do not need to be in place or committed to prior to the IANA Stewardship Transition. These include: […] Developing and clarifying a Framework of Interpretation for ICANN’s Human Rights commitment in the Bylaws.

In Recommendation #6 of the CCWG-Accountability WS1 report, the group reaffirmed ICANN’s ‘Commitment to Respect Internationally Recognized Human Rights as it Carries out its Mission.’

Respecting internationally recognized human rights was adopted as a core value in the Bylaws adopted by the ICANN Board on 27 May 2016:

“Within the scope of its Mission and other Core Values, respecting internationally recognized human rights as required by applicable law. This Core Value does not create, and shall not be interpreted to create, any obligation on ICANN outside its Mission, or beyond obligations found in applicable law. This Core Value does not obligate ICANN to enforce its human rights obligations, or the human rights obligations of other parties, against other parties.”

The following is excerpted directly from Annex 12 of the CCWG-Accountability WS1 report, clarifying further work to be done in WS2:

To ensure that adding the proposed Human Rights Bylaw provision into the ICANN Bylaws does not lead to an expansion of ICANN’s Mission or scope, the CCWG-Accountability will develop a Framework of Interpretation for Human Rights (FOI-HR) as a consensus recommendation in Work Stream 2 to be approved by the ICANN Board using the same process and criteria as for Work Stream 1 recommendations, and the Bylaw provision will not enter into force before the FOI-HR is in place. The CCWG-Accountability will consider the following as it develops the FOI-HR:

- Consider which specific Human Rights conventions or other instruments, if any, should be used by ICANN in interpreting and implementing the Human Rights
**Bylaw.** Consider the policies and frameworks, if any, that ICANN needs to develop or enhance in order to fulfill its commitment to respect Human Rights.

- 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.
- Consider what effect, if any, this Bylaw would have on ICANN’s consideration of advice given by the Governmental Advisory Committee (GAC).
- Consider how, if at all, this Bylaw will affect how ICANN’s operations are carried out.
- Consider how the interpretation and implementation of this Bylaw will interact with existing and future ICANN policies and procedures.

**Background for Discussion**

In Work Stream 1, there was a [CCWG-Accountability Working Party 4](#) tasked with addressing the topic of Human Rights. There is a separate community-led group, which has been active for a while, called the Cross-Community Working Party on ICANN’s Corporate and Social Responsibility to Respect Human Rights (or CCWP-HR). Many members of the CCWP-HR have been active in the CCWG-Accountability on human rights issues. The have created a human rights impact assessment list of documents and asked members of the group to contribute to it with publicly available information about ICANN. The CCWP-HR is also drafting an infographic mapping human rights principles with related ICANN policies and processes, which will be launched at ICANN56 in Helsinki.

As noted in the CCWG-Accountability WS1 report, the FoI work is expected to take place within WS2 by the CCWG-Accountability.

**Resources**

CCWG-Accountability WS1 [report](#) (23 Feb 16). See Recommendation #6 in particular.

CCWG-Accountability WP4: Human Rights
- CCWG-Accountability wiki [here](#)
- WP4 mailing list

Related discussion groups:

Non-commercial Stakeholders Group Cross-Community Working Party on ICANN’s Corporate and Social Responsibility to Respect Human Rights (NCSG CCWP-HR)

- NCSG wiki [here](#)
- Charter
- Mailing lists (subscribe via hyperlink below)
  - General CCWP-HR
  - CCWP-HR Research
  - CCWP-HR WS2
  - CCWP-HR PDPs

GAC Working Group on Human Rights and International Law
- Website

Internet Research Task Force Human Rights Protocols Considerations Group (IRTF HRPC)
- IRTF HRPC mailing list
- HRPc website
- Documentary film: Net of Rights (2016)

ccNSO Framework of Interpretation WG https://ccnso.icann.org/workinggroups/foiwg.htm

Relevant resources and publications:


IRTF HRPC “Research into Human Rights Protocol Considerations” draft-tenoever-hrpc-research-02 (13 May 2016), by Niels ten Oever

UN Human Right’s Council, ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression’ (11 May 2016), by David Kaye


UN Human Right’s Council, ‘Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression’ (11 May 2011), by Frank La Rue


The Danish Institute for Human Rights ‘Guide to the SDGS’ (Sustainable Development Goals)

The Council of Europe commissioned a Study on these topics: "ICANN's procedures and policies in the light of human rights, fundamental freedoms and democratic values" by Thomas Schneider and Monika Zalnieriute facilitated by the Council of Europe


"The UN Guiding Principles on Business and Human Rights: An Introduction" by Mike Baab: https://www.youtube.com/watch?v=BCoL6JVZhrA&ab_channel=MikeBaab


Other related links:
- UDHR: http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng
- ICCPR: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx
- ICESCR: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx
- ICERD: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx
- CEDAW: http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx
- UN Global Compact: https://www.unglobalcompact.org/

On 26 June at ICANN56 in Helsinki, Niels ten Oever presented a lightning talk to the CCWG-Accountability on this topic. To view the presentation, please see: https://community.icann.org/x/rBWOAw.