

**ICANN
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GNSO – CCWP ICANN & Human Rights
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Akriti Bopanna: Hi everyone. I hope you're have a good week in Japan. Thanks a lot for coming to our CCWP meeting. You can start the recording. So, I'm Akriti Bopanna. I work at GS in India and the Co-Chair of this group along with Collin who works for Article 19. We have quite the FAQ session ahead and we will get the Adobe Connect up in a moment but until then just to run through our agenda for the next hour.

So, to start off we want to have a little discussion as soon as we talk about the charter and the goals of the CCWBIH. We're going to do a recommendation special off the workstream to accountability recommendations. And then an update on the workstream to implementation. After that Collin is going to talk about the HRIA that - sorry, (Odis) will talk about the ICANN...

Collin Kurre: You can say next slide.

Akriti Bopanna: Yes, one second, next slide. Yes, okay. So, Betsy is going to do the ICANN Org HRA's with us and then...

Collin Kurre: Okay, sorry.

Akriti Bopanna: Yes, and the Collin is going to talk about the ones that we've been doing over the past two months and then we were hoping to have an open community discussion.

Next slide. So, the objectives and responsibilities of this group - so to start off we wanted to have a group that sort of mapped the human effects of (Region) ICANN policies, procedures and operations. As Collin was mentioning to some of you, the difference between having a CCWG and a (CCWP) is that we don't have any schedule deliverable. So, a forum that's open more for conversation, for research, for any sort of ideas or thoughts that anyone has about human right and wants to discuss it, implement it or sort of have any avenue to explore this area so we'll provide a forum for such discussions.

It's (chartered) within the (NTSG) and it's open to any ICANN community members. We like to think of it as a little think tank and there's a link to the charter on the ICANN human rights Web site if anyone wants to go through it. We want to find research ways to better harmonize ICANN's policies and procedures within human rights standards registration, provide information, suggestions and recommendations to SOs, ACs and for the community. And eventually the proposed procedures and mechanisms on how such an organization can (unintelligible) for the human rights core value. So, one of the attempts would be the human right impact assessment that we will be later talking about.

Next slide, please - next one. So, to give a (unintelligible) on the workstream to recommendations, there were 112 in total. They were divided into 8 subgroups each headed by (unintelligible) and they were divided into the human rights, diversity, transparency, good faith conduct, staff accountability, Omsbud office, jurisdiction and we'll be talking about the human rights stream

work identification , the diversity and transparency bit -- those are the ones that sort of would be most to the human rights domain.

Collin Kurre: So, I see that we've got Michael in the room and he was actually the (unintelligible) to work for the transparency track. Would you like to give us a brief refresher on what that entails?

Michael Karanicolas: The transparency track specifically or the CCW?

Collin Kurre: Oh, sorry. Yes, the CC - the workstream 2 recommendations related to transparency.

Michael Karanicolas: Sure. Hi everybody, Michael Karanicolas for the record. So, the CCW recommendations for transparency focused on three key areas. One was reforms to ICANN documentary information disclosure policy or DIDP which is ICANN's access to information policy via equivalent to an (RTI) right to information law or FOIA in the US or access to information law in Canada. So, that was I think about 35 different recommendations for tweaks to the language of the law in order to try to bring it into line with what you see in better practice jurisdictions on governmental side or international public bodies for access to information policies that are in place there.

Again, not quite a governmental framework because ICANN is its own beast. But basically, reform to bring it into line with - to try to bring it closer into line with what you see in progressive parallel policies. And then in addition to that there were reforms to ICANN's interactions - transparency on ICANN's interactions with governments, reforms to ICANN's whistle blower protection policy -- those tract pretty closely to an independent assessment that was carried out previously. And then there was a set of recommendations related to board governance around disclosure of board minutes and general transparency rules.

So, that's a quick introduction. I don't, unfortunately, have an introduction on process wise where we are on this CCWG. I think you know more than I do on that so I would be very interested in hearing more from you.

Collin Kurre: Yes, we're going to talk about that actually in our next set of slides. Thanks for the lead in. But just very briefly I will also tell you a little bit about the human rights track of the CCWG we're (unintelligible) work. So, as we were discussing earlier and this might be old news for some of you but the main features or the main output of this human rights subtrack was developing a framework of interpretation for the human rights core value. So, over the course of the work of this sub group it's kind of expanded and this framework of interpretation was eventually a company (buy) an additional considerations document.

So, the main elements of this is that the framework of interpretation kind of dissects all of the language of the core value and interprets each individual phrase. So, for example, what are human rights? What are we referring to? What does applicable law mean? What does the scope of ICANN's mission mean? And it's all laid out in a really digestible table. We've got a link to that available on our Web site.

Meanwhile the considerations part of the document reflected a lot of the conversations that went on within the subgroup over the course of the - about a year that it was active, I believe. And one of the big controversies that happened there was whether or not to include a reference to the United Nations guiding principles. Some people felt that it should be included because it was part of corporate social responsibility to respect human rights. While others believed that it would expand ICANN's mandate and impose obligations on actors that was beyond the remit of ICANN's function.

So, a final point about the framework of interpretation was that in the end it specified that it was up to each supporting organization and advisory committee along with the ICANN board, an organization to develop their own

mechanisms for complying with this human rights core value once it comes into effect. So, this is where the cross community working party has really seized onto that mandate and begun kind of testing and thinking about different compliance mechanisms that might be useful.

So, we've started with the GNSO. We have personally started with the GNSO because it has a very defined process but we'll talk about that a little later and then I'll turn over to Betsy shortly to talk about how ICANN Org is fulfilling their own part of this bargain. Thanks.

Akriti Bopanna: Framework of interpretation basically clarifies that human rights are not a commitment for the organization but a core value. (Unintelligible) being that the core value is not an obligation - is not intended to apply consistently and comprehensively to ICANN's activities. So, there are - I mean, there are a couple of different core values and human rights is one of the core values. And to summarize the FOI, if the applicable law -- that is the law that is practiced in the jurisdiction where ICANN's operating -- does not mandate certain human rights then they do not base issues under that core value.

So, (unintelligible) so no enforcement of human right obligations for ICANN or any other party against any other party but they are guided by certain internationally respected human rights documents like (unintelligible) of human rights and there are (unintelligible) recognized as being useful in this (unintelligible) but like there's no consensus on whether it should be directly applicable.

So, a part for the legal responsibility to uphold the human rights laws of an (area), the framework is worded in such a way that it says ICANN should in general avoid violating the human rights. They're also the subgroup on diversity suggested certain parameters by rich - ICANN could define measure and promote diversity. This sort of recognized (17) areas which was supposed to be consideration such as language, gender, age, physical disability, diverse, skills, geographical representation and stakeholder group.

Race was not one of these and ICANN Staff has been tasked with developing a mechanism with dealing with diverse complaints arising out of diversity and other issues. It's a mission that eventually ICANN will create a diversity section on their Web site and an annual diversity report and also information also go in the annual report.

So, these are sort of the most important recommendations for the (unintelligible) human rights on workstream two. Next slide, please. On the implementation of this, so - next slide. As I mentioned, there were 112 recommendations in total and they were sent to the ICANN board on the 8 of November. Last year they had a non-binding six-month timeline. As we saw recently from in the publication of the budget the resources are located to WS (unintelligible) to be located only as a contingency.

Reading the next steps which will include an implementation team of workstream to Co-Chairs and (unintelligible) to assist and provide advice on how to go about it. The board then convenes a caucus for all the implementation and eventually ICANN produces an implementation assessment report which basically is a high-level document that sets expectations with the community and provides information and resources, timelines, cost and how to go about implementing the recommendations in essence. But which trade off or which decisions will take precedence over implementing these recommendations (unintelligible) innovation on any such factors -- those are still unclear on how they will be carried out.

Betsy, could you...

Elizabeth Andrews: Good afternoon. Do you have a question?

Sebastian Bachollet: Thank you very much for your (unintelligible). I have one question, what is the difference between the A and B? What is the caucus group difference from what is defining A because I didn't remember that there were two groups?

Collin Kurre: So - this is Collin Kurre. Group A is actually the community members who were leading the workstream to the chairs of the CCWG and then the different raptors from the subgroups that would be the small implementation team whereas the caucus group is formed of board members who are interested in following the process and reporting back to that wider board.

Amber Craig: Okay, sorry this kind of comes from a question that I asked in the other one but you talked about how you are looking at the United Nations like declarations of rights of indigenous people as well so is that included in this (unintelligible) with your 112 recommendations that are going to the board? Have you dissected that document as well?

Akriti Bopanna: I'm (unintelligible)?

Amber Craig: So, does the United Nations declaration of the rights of indigenous people - and I asked in another session in the past couple of days of whether that was also being taken into account here in this (unintelligible) and I got told yes. So, I was just curious whether that document is also being (unintelligible) and kind of pulled out things and whether that 112 recommendations includes those.

Collin Kurre: Yes, so this is Collin Kurre. I'm actually going to repeat my answer so I'm sorry if I'm a broken record. So, actually I'm not 100% sure whether or not that that particular - I think that the rights of indigenous people was included in the framework of interpretation. It was. However, we haven't focused specifically on that particular document as of yet. This has been - this work on human rights really started from scratch. So, the first document or the first push came from actually the United Nations guiding principles on business and human rights. That was kind of the foot in the door looking at ICANN's corporate responsibility to respect human rights. And then after that we kind of expanded it out to the universal declaration of human rights. But as our work matures, I think that it would make sense to begin looking at these more

specific sets of rights like economic, social, cultural, indigenous rights, et cetera.

Amber Craig: It's a different kind of question. So, I get that this is...

Collin Kurre: Please just say your name for the transcript.

Amber Craig: Oh, sorry. I'm Amber Craig. So, I have another quick question which is around if this is a core value for ICANN and it's a non-binding six-month timeline, I guess my question is maybe more to ICANN board which is how seriously are they wanting to look at this?

Collin Kurre: So, actually these are different processes that are happening. So, the implementation of the human rights core value or the effectuation of the human rights core value is dependent upon the adoption of this package of workstream to recommendations. So, the framework of interpretation is just one component of this and there are 111 other recommendations as part of this package. So, the six-month timeline was how much time the board had to pass this originally but it was a non-binding timeline that is likely to not be met because they have to do all kinds of feasibility studies because it's going to be quite costly and some of the changes are rather sweeping. So, they're in the process of looking at how this is going to affect both the budget and the operations of the ICANN organization and community.

So, once this is approved then the core value will come into effect and at that point it will, you know, become an obligation for the different supporting organizations, advisory committees, ICANN board and Org to live up to this core value. Do we have any other questions?

Akriti Bopanna: So, over to Betsy now for ICANN Orgs (unintelligible) - next slide please.

Elizabeth Andrews: Hi, thank you for inviting me. My name is Elizabeth Andrews: I work within the Public Responsibility Support department with ICANN Staff and I'm going

to update you on one of the projects that we've been working on, an internal ICANN Org human rights impact assessment. I'm not actually Ergys but Ergys is here to my left and on the other side of Maryam and we're happy to answer any questions that you may have after this brief update.

Next slide, please. Uh oh. That's not right, just listen to me. We're cool. Okay, no we're good. Okay, so ICANN Org - there's actually one right before that. (Unintelligible).

Collin Kurre: I guess that's the one...

Elizabeth Andrews: Oh, that's the one that won't go. All right, well I'll tell you about the methodology anyway. So, ICANN Org is undertaken this internal human rights impact assessment, those are also called HRIA's as you know. But remember when you're talking to other people about human rights impact assessments, they may not know that acronym so that's my public service announcement for today. The exercise came out of a discussion from several years ago within the Org. It complements the workstream to work in the various facets and the discussions you've been having in this group but it's actually separate from what the community has been doing on the framework of interpretation for the human rights core value in the bylaws.

So, a first important step for organizations to fulfill their human rights are due diligence obligations is to identify human rights impacts and subsequently to manage them effectively. So, that's what this is about. It's about identifying what we're doing, identifying what best practices are and trying to bridge the gap between those. So, we've hired a third-party consultant, (Marcus Learning) Human Rights in Business -- a Berlin based firm -- to identify and prioritize impacts on human rights and they did this by reviewing documentation, collecting feedback from rights holders -- which primarily for this exercise includes ICANN Staff but also the vendors with whom we do business.

So, part of this was conducting a survey across the staff that had really brought presentation as you see 183 staff members which is about half of the staff that we have at ICANN. And then they analyzed that data alongside best practice human rights instruments to come up with the recommendations in their report.

So, we can go into the next slide now. Some of the instruments on which this assessment was based include, you know, all of the same instruments that you talk about basically. So, the international labor organization conventions are really important when it comes to how staff are organized and how we do business but all of these other tools, it's not exhaustive. This is just an example of some of the kinds of instruments that the group who conducted the assessment used. And I think the indigenous people came up in our discussions but I'm not exactly sure so we'll ask that question to ensure that that was one of the documents that was used.

We can go into the next slide. The purpose and scope of this exercise, HRIA's as you know, look closely at human rights impacts both negative and also the positive that may occur as a results of doing business. So, this particular assessment maps internal org policies and practices in these four functional areas to their impacts on human rights. So, we let the human resources at procurement, event planning -- which includes these meetings, the ICANN meetings but also other ICANN events such as DNS forums situations and other - anything that includes our meeting team organizing the event and board meetings, that's important as well. So, it's not just limited to the three ICANN meetings a year. And ultimately security operations.

We can go to the next. So, what did this HRIA process look like? The process was broken down into these four phases. The preparation included crafting a stakeholder analysis where they determined, you know, who actually are impacted by the daily business operations of ICANN. And an engagement plan, they drew upon data generated from an extensive document review of the policies that we had. And they developed an assessment framework

unique to ICANN Org because as we all know ICANN's a bit of a unique situation. The next phase was the data collection and the engagement, so this included site visits

They visited many of the offices. They interviewed staff members in all the regional functions - sorry, in all of the relevant functions as well as the regional directors. And they had a strong turn out from the staff survey, as I mentioned previously. Then it was onto the analysis -- mapping and prioritizing impacts. This included prioritizing the impacts based on those mechanisms we were discussing. And what they did for us is they prioritized them both according to the severity of the human rights impact but also on the ability of ICANN to leverage change. So, this is really going to help when we get into the report to determine what we should prioritize in order - what we should prioritize in terms of next steps to try to improve our impacts on human rights.

Then they developed these recommendations and produced the reports. And all of their recommendations are actionable -- which is great. This is not a philosophical exercise. This is a very practical exercise to help ICANN improve daily business operations. That's about - let's see. We can go to the next slide.

So, the report is done and we're just about ready to produce it, we're in that process where it's getting beautiful graphics and will be translated and distributed to everyone. And it will be released publicly following this meeting. ICANN Staff will be available to answer questions and then it will go into the next phase which is determining what actions will be taken based on the recommendations that have been made in this report. So, thank you for your time. That's my update. If you have any questions for us, we'd be happy to answer them.

Akriti Bopanna: Is it really called public command on the HRIA report or any sort of mechanism to give feedback or anything?

Elizabeth Andrews: Thank you for your question (unintelligible). This is a report with recommendations from the third-party so it's not a plan to implement any changes yet. If there is a plan to implement changes, that's a different animal but at this stage it's like an observational report of this is the situation at ICANN and then the next steps will be for Org to look at what are these? What are we already doing? How do we make - one good example is there are a lot of good practices that are not recorded as polices and so one of the observations in the report is you already do these good things but they are significant and need to be formalized?

So, for example, that is something that Org just needs to do. You see what I'm saying? So, any kind of action plan would then involve the community.

Collin Kurre: This is Collin Kurre for the record. I've got a couple questions for you too Betsy. I wonder, were the interviews that you mentioned in addition the surveys that were conducted?

Elizabeth Andrews: Yes, the answer to that is yes.

Collin Kurre: And were there standardized questions used for those interviews?

Elizabeth Andrews: They were standardized questions for the regional representatives because they each have similar responsibilities in different regions and then the questions that went to the functional leads for each of those four areas that I was talking about, were different because the tasks and business operations that they have are different from each other and also different from the regional leads. So, the answer to your question is sort of yes and no.

Collin Kurre: That makes sense. Will those questions be released as part of the methodology when it is shared?

Elizabeth Andrews: That's a good question. It's not a part of the report because they were led as sort of a discussion but they're also not a secret. So, you know, I can hand over to Erygys on that one. I don't think that's something we thought through but if it's something you're interested in I'm sure, you know, we could provide it.

Ergys Ramaj: Yes, this is Ergys Ramaj for the record. That's a good question. We don't have it as part of the report as Betsey mentioned but that's something we can take back to (Marcus) in particular and get back to you with an answer.

Collin Kurre: Okay. Does anybody else have any other questions? Okay, because I've got a couple more. You said that the kind of output and maybe the project itself was being socialized internally, could you tell us a little bit about the reception?

Elizabeth Andrews: Right. So, when we said socialized internally what we meant was we've taken the feedback from let's say what you're in charge of, that's you, and what we've said is, "Did this reflect what's actually happening?" You know, are there any errors? Are there any policies that we didn't hear about before, you know? Is the report factually accurate? So, that's the internal socialization that's been happening right now. In terms of socialization for feedback, I don't think we're there yet because we need the final report to do that.

Ergys Ramaj: This is Ergys Ramaj again for the record. Let me give a bit of context. So, when we first started this exercise and I think this is relevant in the work that you're doing in the community as far as the PDP's concerned. There was a lot of misunderstands of what this is and what this isn't. So, we've had to do a lot of education and training within staff to understand not just the functional leads but across all staff to understand what it is that we're actually doing.

Fast forward to about a year and a half almost now since we went out with an RFP, I think we're in a much better place in terms of understanding of the

scope and the purpose of such an exercise. So, at the beginning there were a lot of questions about what is this actually about and now that we have a report, now that people have a better understanding, I think it has been perceived much more in a positive way than it was initially just because of a lack of understanding. And that includes myself as well, this is the first time the organization is doing such a thing and Betsy and I worked with the staff members that were given this responsibility. We had to understand ourselves what it is that this is and it isn't. So, in that context, now we're in a much better place.

Collin Kurre: Great. And then the last question. It's Collin Kurre again for the record, I would just make a small house keeping note that before you speak if you could just identify yourself for the transcript, that would be great. And the last question that I have is how does ICANN Org and your team envision community engagement with the final report after it's produced?

Ergys Ramaj: Yes, so as Betsy mentioned earlier, at the present time we don't have any plans in terms of putting out the report for public comment but we will give the community an opportunity to get back to us in an informal way as far as observations or any comments that they may have but not to a public comment formal procedure because of the nature of this report. Subsequent to that, once there is an implementation team that is put in place -- and I don't want to speak beforehand -- but there may be an opportunity there for the community engaged at a deeper level, if you will.

Elizabeth Andrews: This is Betsy for the record. I would just clarify what I was saying earlier. This report is data so it doesn't lend itself to public comment in terms of yes or no I agree with this data because I didn't, you know, I didn't produce the data. Whereas an action plan is something, you know, that would lend itself more to yes, I agree with this action plan or no I don't agree with this action plan, does that make more sense? Okay.

Collin Kurre: Great. And are there any plans to kind of have some sort of roll out or are you kind of planning any kind of session in either the Marrakesh or Montreal meeting potentially with (Marcus) to present these findings?

Elizabeth Andrews: My first plan is to get this report out so everybody can read it but then I'll hand it over to Ergys to talk about our further plans.

Ergys Ramaj: Yes, so I'm actually meeting today with our Comm's team to discuss an action plan in terms of communications but yes there will be a roll out plan, a communications plan. And we would love for (Marcus) himself to actually be coming to one of these ICANN meetings for some more in-depth questions in particular to the methodology but also the findings themselves but it's a work in progress essentially. We're working on an action plan and a Comm's plan.

Collin Kurre: Are there any other questions?

Akriti Bopanna: So, there's a question on the Chat that I'm going to read out. (Edmond) asks, he says (unintelligible) executive study did not look at human rights and back under the (unintelligible) of new (DLD's). Are the respective policies in particular I'm interested to know how or if human rights instruments address children's right conventions apply to TLD's like (DOT) kids or (DOT) school, et cetera. And right (unintelligible) study and if there are any plans to look into those?

Elizabeth Andrews: Hi Edmond, thank you very much for your question. This is Betsy Andrews again for the record. This human rights impact assessment is internal for the Orgs business functions. So, any human rights questions about TLD's or anything within the community or the things that the ICANN community does and produces, that would be a question for the community to do. That's not an HRIA that the Org is going to perform.

Ergys Ramaj: This is Ergys Ramaj again for the record. I think it's important to separate the different functions on what the community is doing on one end as far as

human rights are concerned and what we did as part of this human rights impact assessment from an organizational perspective. They're different in scope and independent of one another.

Collin Kurre: Yes, please.

David Cake: But intent of all the Orgs activities itself, I assume that would include the impact of the meetings and the, you know, the interaction with their different - yes?

Collin Kurre: Your name.

David Cake: Sorry, David Cake speaking.

Elizabeth Andrews: Thank you, yes. And meetings and events was one of the areas that was studied and an example of a human rights impact of a meeting is they looked at physical accessibility at meetings and what are the processes that we have in place to examine the sites where we're going to have a meeting and what are the actions that are taken. So, that's actually a great example of a positive impact that ICANN meetings can have on an environment because for example, we went somewhere where the venue had one or two steps up and down, you know, just basic accessibility challenge. And ICANN built permanent ramps that would stay at that venue to improve the general accessibility of that venue.

So, that's a positive - I mean, there are negatives and there are positives but that's a positive that we noted in terms of the human rights impact of ICANN doing business in that particular venue.

Joanna Kuleza: I'm just curious - this is Joanna Kuleza. In my personal capacity, in terms of ICANN Org I know that there's a very vivid debate going on harassments within the meetings. I'm wondering if that is part of the assessment or the plan that you guys have? I know there is a discussion. I'm wondering if that

feeds into the impact assessment you did or is it the other way around where the impact assessment feeds into that discussion? Just curious, thank you.

Elizabeth Andrews: Thanks Joanna. That's a good question. And of course, human resources is one of the segments that was looked at, one of the areas. And so, harassment and grievance mechanisms and these are standard questions that are asked. But again, we would distinguish between the community experience and functions and the staff experience and functions. So, there's a sort of different aspect of staff when you're employed by an organization and what kind of practices and policies are in place. But it's certainly not happening in a vacuum with regards, you know, to ICANN's Staff and particularly ICANN Executive Staff so we're increasing our awareness and increasing our best practices across the board.

So, I would say there's not a formal connection between the two but there is a good movement of increasing knowledge across the board when it comes to harassment and grievance mechanisms.

Ergys Ramaj: Just to sort of follow up...

Collin Kurre: Sorry, I was - go ahead.

Gonala Gesprek: Yes, Gonala Gesprek and I apologize for being late so there might have been some of these issues already raised but talking about the human rights impact assessment in regard to venues so it's very encouraging to hear about the accessibility, physical accessibility, of venues. I'm wondering also from a point of view of positive discrimination when it comes to employment of staff to reflect the community because we're talking about 15% of the population globally having a disability but do, we have any staff reported disabilities? I think it's an interesting question.

Also, to look at particular policies and programs and communications and having a sort of accessibility filter there where is there an impact and how can that be addressed? Thank you.

Elizabeth Andrews: Thank you (Gonala) that's a great question and Ergys I can hand off to you if we don't say the same thing. There are some privacy concerns in terms of, you know, stating any kind of statistics of disclosing any kind of human resources information but we can definitely say that that is a part of what the analysis would include when you're looking at human rights impacts in a human resources area. Go ahead Ergys.

Ergys Ramaj: This is Ergys Ramaj for the record. ICANN as an organization has certain legal obligations in particular with regard to the America Disabilities Act, et cetera, so yes this was absolutely a part of the assessment but unfortunately of course - well not unfortunately, we cannot disclose any of that information.

David Cake: I was just...

Collin Kurre: State your name please.

David Cake: David Cake. Just interested in knowing that looking at meeting venues also looked at like (VISA) issues and who is likely to be able to get to a particular country and that sort of thing or whether that is something that will be addressed? Or I was just interested in whether it was addressed in this particular exercise.

Ergys Ramaj: Do you mind repeating your question one more time?

David Cake: Were (VISA) issues and about particular countries for meeting venues looked at in this or for ICANN - for either countries - were (VISA) issues for either meeting venues or ICANN facilities looked at in this exercise? Like whether or not particular countries allow particular people to visit?

Elizabeth Andrews: Thanks David. That's a very interesting question. This is Betsy Andrews again for the record. So, there is an ICANN community working group that determines the criteria for where the venues will be selected. And the section on meetings and events where they analyze that data drew on the decisions and the criteria and the framework from that working group as well as what happens physically on the ground in terms of the business operations carried out by our meetings team.

So, when it comes to meeting venue selection in terms of country and location, that really is in the realm of that working group. And this analysis balances the fact that we know you need to follow the rules of the working group that's considering VISA's and other challenges and at the same time with what you have to work with, once the - it's sort of post selection of the city. Then what are the processes and what are the policies that you have when you're selecting hotels and convention centers and those kinds of more immediate logistical aspects. So, I think the actual discussion and debate that you're referencing is happening at the working group level.

Ergys Ramaj: And this is Ergys Ramaj for the record. Just to add to what Betsy just mentioned, essentially what was looked at as far as the exercise itself is concerned in terms of scope is, you don't have a say over where the meeting takes place in terms of the organization itself but once you are given the parameters what do you do to facilitate VISA's for participants and that was of course looked at -- what are the policies, what are the practices.

Collin Kurre: We've got - I think this will be the last question in this segment because we've got to move onto the next. Please go ahead.

Amber Craig: I'm Amber Craig and I guess I had a question which is around with the venue and (unintelligible) and with the remit of ICANN being out of scope, you know, any changes to that. I guess it was just a question around whether there was any human rights impact assessments recommendations that kind of came

up that may have been a conflict with it? Like was there anything that you couldn't not do because of that out of scope?

Elizabeth Andrews: I'm not quite sure, the remit of...

Amber Craig: I guess like - so, as an example -- sorry it's just I know I keep happening on about it but like -- the indigenous rights stuff, right. So, there's a section in there that talks about (unintelligible) and self-determination and that type of thing but that kind of goes at odds sometimes and, you know, with some of our minority communities -- which I even hate using that word -- but you know, with first and first served kind of conversations and that kind of (unintelligible) it's at odds with those.

Elizabeth Andrews: Thank you (Amber). This is Betsy Andrews again for the record. I understand what you mean in terms of balancing human rights impact. And I would say that this report is really more about collecting information to say, this is the state of things. This is how business is being done. Here are some best practices that you can incorporate. And then the prioritization of those actionable recommendations takes into account some of the balancing that you're talking about. So, how severe is the impact and how much leverage does ICANN have to make a difference?

So, the things that are very severe in terms of impacting people's human rights and the things that ICANN has the ability to change instantly, they're our number one top priority where is the things that have a really low impact and that ICANN can't necessarily really leverage, they're much lower on the list and that's where some of that balancing takes place.

Collin Kurre: Can you have a very short question because we're actually running a little bit behind schedule now and please state your name for the transcript.

(Peter Madevnia): Thank you, (Peter Madevnia). Just one or two questions, I'm going to be quick. The first one is in terms of ICANN response, I see you said 183 staff

members responded, what percentage is it again the total number of employees? And the second one is you said that the report isn't final. When are you expecting to have it finalized? And lastly in terms of the percentage of the ICANN staff members who have disabilities, how far is it? What is the number in terms of the percentage? Thank you.

Elizabeth Andrews: Thanks for your question. This is Betsy Andrews again for the record. It was about half of the staff, 183 and at the time we had almost 400 employees at the time that the survey went out. When is it going to be released, as soon as we can get the document pulled together and graphically designed and out to everyone so that work will commence next week? And then the third question was, right, that we cannot disclose because of privacy regulations in the United States but that was something that the third-party consultants looked at when they were analyzing human rights impacts. Yes, we don't have access to that kind of human resources data.

Collin Kurre: Great. This is Collin Kurre again and with that I think we will close this portion of the discussion. Right, and if you do have any questions then you can email either Betsy or Ergys and maybe we can - maybe if you can post to the mailing list perhaps and just so that we can have your contact information there. Maryam could we please skip two slides ahead and while we're doing that, I would encourage everyone to open the Adobe Connect room if you have not already because I'm going to be sharing a relevant link. I emailed the link to this Adobe Connect room, to the mailing list just now but if you're not subscribed to the mailing list then you can find it on the ICANN 64 schedule.

Thank you. So, actually kind of responding to the remote question that we got from (Edmond) earlier, he was asking about who is going to be looking at the human rights impacts of for example the release of new TLD's. That's a really asked question because the cross community working party has actually been doing just that, trying to begin developing a human rights impact assessment model for the ICANN community. So, on the screen right now

you will see an overview of this project that has the work that has been carried out since the last ICANN meeting. Those of you who subscribed to the list will be familiar with this work plan as it's something that's been shared continuously throughout the different stages.

To give you just a highlight real, so work commenced it immediately after ICANN 63 in October of 2018. We shared the workflow on the list and received comments on it. We also asked the people -- our cross-community members -- which policy development process would be an apt candidate for this trial run. So, we got back a few different responses and, in the end, I agreed on subsequent procedures for new generic top-level domain names as a good place to start. So, shortly thereafter we assembled a small team of ten individuals from seven countries, mostly non-commercial actors from either the non-commercial stakeholder group or the non-commercial user constituencies to be part of this trial human rights impact assessment team.

Many of the people -- myself included -- and here I will kind of momentarily switch hats from the Chair from the (CCWP) Chair to a member of this trial HI team. Many of us were not familiar with subsequent procedures so the first step was to familiarize ourselves. So, we did a comprehensive resource review which involved reading the report -- it was very long, 300 pages. And then sharing different resources with each other in different learnings. So, we established a dedicated Slack Channel, some shared folders to be able to do this more effectively.

In addition to this desk research the trail human rights impact assessment team also attended in total eight of the subsequent procedure's meetings, various members were in different meetings throughout the months of January and February. In this way we both enhanced our knowledge, we learned more by watching others and we were also able to test out the different versions of the model that we had. So, the different iterations of the model was actually the subject of our last cross community meeting in

February. If you would like to learn more about that then you can find the slides from that presentation on the ICANN Wiki.

But throughout the trial we realized that our model was not particularly conducive to being applied to the PDP. So, we developed a new model and we're quite pleased with this one. So, you can see in our timeline, this was in February that we were developing new iterations and now the version that we are working with is version 3.3 which I will post in the Chat right now. It is a shared spreadsheet. And if we could go to the next slide please.

Wonderful. So, before starting I must say that at this point in the policy development in the subsequent procedures policy development process, three years of work had already been done. So, this is nothing new. We were definitely building on the work of others and in particular the public comments made by the Council of Europe the non-commercial stakeholder group, Jamie Baxter of DOT.gay and the public interest community were very helpful in kind of reverse engineering this model.

So, I see that there are lots of anonymous animals in the model, so great. I'm glad that you're having a look. I will draw your attention to some elements of this model. So, first we'll talk a bit about - putting my Chair hat back on. First, we'll discuss a bit of the findings and then we'll switch into a conversation about the model itself. So, back to the model.

So, some of the top concerns that we identified were around the notion and definitions around public interest. We found that they were inconsistent interpretations and (unintelligible) commitment levels. They were both mandatory and voluntary public interest commitments which we found to be undermining of these commitments in themselves because they were various levels. In terms of dispute resolution, we found that there were a purification of insufficient processes and no mechanisms for appeals when if a person felt like if their rights have been harmed or if the decision made in the dispute resolution was incorrect, either substantially or procedurally.

So, the third top concern was around the community priority evaluation process. We found generally that there were insufficient accountability mechanisms which are explored in more detail in the model itself. So, looking at - I will say that this model is kind of summarized some of the conversation in our last meeting in February. This model that you have before you, the spreadsheet model, was based largely on best practices from the business in human rights sector.

So, a lot of this terminology comes from that sector. So, I'm thinking about negative impact scenario, severity of impact, (salient) human rights, vulnerable groups and things like that. These are terminology that came to the field. There might be - there's definitely room for improvement and there's room for customizing this to the specific concerns of the ICANN community. But this is where we were starting out.

So, in terms in vulnerable groups, we found that minority or local communities, non-profits and global south applicants would be most vulnerable to these negative impact scenarios. And the (Salient) rights identified were around procedural fairness and due process which is actually a complex set of rules and practices related to the states duty to protect and the corporate responsibility to respect human rights. So, these are kind of derived from civil and political rights and not necessarily a human right in and of itself. But in addition to this we found equal treatment, non-discrimination, freedom of expression and economic, cultural and social rights more broadly to be salient.

Could we go to the next slide please? So, this is quite text dense and if you're interested in looking at these specific elements more closely then they all appear in the spreadsheet in the model, so these were our - the important thing about this current model is that it's geared towards making recommendations. And I'll explain a little bit more about that in the next section when we talk about kind of the architecture of this assessment. But to

give you a little proof of concept, these were the kind of concrete recommendations that were coming out based on these descriptions and negative impact scenarios identified.

So, for example, with public interest, we recommended that public interest commitments be consolidated and brought in line with international human right standards and best practices. We suggested an update to specification 11 to reflect ICANN's human rights core value and the use of tools such as impact assessments to justify the balance of legitimate interests. In terms of dispute resolution, we suggested a clear delineation of ultimate responsibility because where there were dispute resolutions outsourced to third parties, the attribution of responsibility was unclear. So, that meant that nobody was certain whether it was the third-party of ICANN who should be held accountable for the decisions that were made in any liabilities or damages that were done in the process.

We also suggested establishing a single dispute resolution center for both substances and procedural ground because right now we have a proliferation of dispute resolution mechanisms. It's acronym soup, some of them are very long like (PIC DRP), we've got lots of them. And we found that this made it less likely that people would know the correct forum to bring their grievance and be able to track the process sufficiently to fruition. We also found that many times throughout these dispute resolution processes there is inconsistent or inadequate documentation of proceedings or the rationale for decisions made which if and when we establish an appeals mechanism which was one of our other suggestions, would make it very difficult for individuals to appeal the decision if there was improper documentation of why it was made.

Finally, looking at community priority evaluation. The evaluation is made by a panel however there is no obligation that panelist reveal their background or affiliations which can increase the likelihood of perceived bias in decision making and so we found that transparency on this background or affiliations

from the beginning would be an improvement to the system. We also found that at times different commitments are treated in isolation and not considered as a whole such as public interest commitments. So, we recommended that any community priority evaluation panels sign off on ICANN's public interest commitments prior to making their decision to ensure that they're well versed in these commitments.

And then finally we recommended including human rights expertise in the pool of panels to deal with more tricky issues around community applications. So, here I'm thinking about potentially religious communities or as you mentioned before indigenous communities. This is different from say, sports communities or business associations and things like that. And it requires a more robust understanding of international human rights law in order to execute it appropriately.

If we could go to the next slide please. So, now we're going to switch into our conversation about the model itself. So, I invite those who are looking at the spreadsheet to consider the architecture and not necessarily the content during this discussion.

Next slide please. So, as I said before this has been an integrate process of developing new models for assessing the impacts of ICANN policy. This has never been done before so it is definitely a learning process and it's one that's open to anyone to contribute. The spreadsheet you'll see is made - you all have edit access so I would encourage you to make any adjustments as you see fit. So, this version of the tool is geared toward making recommendations. We found that this would be a more easily incorporated mechanism because it's not a dead-end exercise. It's not something that just - the product is itself. The view and ultimate product of this assessment would be to produce informed and robust public comments that can then feed in and shape the course of the policy development process.

So, two of the big questions that we've been asking over the past year are who and when. Who will carry out the assessment and when will it be carried out? So, the answers that we've gotten back from the community are that it could be these types of assessments could be spearheaded by the cross community working party. For example, we could set up the documents, do a bit of socializing on what it is and what it does. But then anyone could add observations or recommendations as they see fit throughout the entire process of the PDP. So, that's from the very start through to implementation and maybe even through to internal review if and when that happens.

So, that's the when. So, my questions to you as observers or as people who are new to looking - fresh eyes on this tool are does this make sense? What is missing? What is unnecessary? How can we improve usability? And how can your stakeholder group bring a unique contribution to this? So, with that I'll open the floor for a community discussion and you don't need to respond to these questions in particular. If you have any other questions, I'd be happy to take them.

So, we actually have a remote question from (Edmond) saying, "beside new (GTLD's) what about mailing lists and code of conduct versus freedom of expression and information issues? On that actually, the request for information/data from ICANN processes also. Would these be looked at in the next phase?"

Thank you for the question (Edmond). At this point because we are still awaiting implementation of the human rights core value, we really are focusing on trying to develop mechanisms that could be applied to questions like this. I think that these are very interesting questions that I hadn't considered yet. And if you would like to join us in trying to see how this model or a different model could be applied to teasing out the different facets of these questions, I would definitely invite you to seize that opportunity.

Anriette Esterhuysen: Hey, Collin. Anriette Esterhuysen, actually I just wanted to ask where we can see the link to the spreadsheet, sorry.

Collin Kurre: It's in the Adobe Connect room?

Anriette Esterhuysen: Is it in the - okay. Thanks.

Collin Kurre: I have just passed the link again in the Adobe Connect room. David, yes please.

David McAuley: Collin, I have a similar question. Could you post the link to the slides? I couldn't find them.

((Crosstalk))

Collin Kurre: In the schedule is the ICANN 64 Web site.

David McAuley: These slides right here?

Collin Kurre: And we've just been instructed that they are available on the schedule.

David McAuley: I went to the schedule. Maybe - I'll just double check. Okay.

Collin Kurre: (Unintelligible) is going to send an email to the mailing list just now with that. Please.

David McAuley: Thanks David McAuley speaking again. I need to take more of a look but generally what you have looks very good. Could you speak about timing? In other words, you mentioned some discussion about timing and when does this become active is, I guess is my question?

Collin Kurre: Thank you for the question, this is Collin Kurre again. The way that I personally see this is as something that is organic and evolving. So, one

could say that the shoe will drop when workstream two recommendations are approved and the bylaw becomes effective. That's when it will become more of a responsibility for the different SO's and AC's to implement these types of mechanisms. At this phase we really are in the data testing mode so we're just trying to think about - and it's absolutely not restricted to this kind of model.

There could be multiple concurrent processes, if you can go checklists or things like that then ideas are welcome at this stage because it looks like we'll have some more time. Like (unintelligible) mentioned earlier, it looks like workstream two recommendations probably won't be approved until 2020, fingers crossed. So, we've got quite a lot of time which is actually a real benefit for us because it allows us to develop something, demonstrate its utility and have a really valuable mechanism in place once the obligation becomes concrete.

Akriti Bopanna: Because we can then even do more PDP's (unintelligible) just than one that we can have a few more. I mean, by the time the workstream recommendation is actually implemented so we should ideally have the best working model that we can potentially have at that time.

Collin Kurre: Seeing no - yes?

Amber Craig: I guess this is - sorry, (Amber) from New Zealand. I have a quick question and this is probably not being in the US I don't really understand. So, is there kind of being an assessment of freedom of speech of this is human rights and some of the impacts and issues that fall out of that? I guess, this is following off from a conversation that was in the Chat before when you're talking about, you know, human rights versus the freedom of speech and kind of from where we've been in New Zealand, a lot of people have like, (unintelligible) freedom of speech, Trump. He was saying that the internet has been against people's human rights and I guess was the kind of assessment done around that, you know?

Collin Kurre: So, the right to freedom of expression is a human right but human rights are inalienable and - you know, they're all related and they're all mutually supporting. So, one of the additions to the model that we had earlier on based in the comment from (Avie) was the addition of this positive impact scenario column. So, the intention of this is to be able to begin analyzing two sides of particular issue. So, looking at say, if you have a negative impact scenario or if you had a positive impact scenario that would allow people to express themselves but it would have a negative impact on say cultural rights to be able to, you know, freely apply this word then ideally this model would be able to accommodate for that.

So, to be able to show the different sides and then ultimately, we are not going to be able to strike a balance necessarily here but the goal is to really tease out the different options and try to anticipate the different scenarios that could come out of specific actions. I think of it sometimes like writing a 2-0 in an adventure novel that you have to think about all the different ways that this could go well and this could go wrong and then try to tease these out so that we can help the ICANN community make more informed decisions.

Michael Karanicolas: Hi, Michael Karanicolas for the record. I wanted to say I really liked your example of silver linings and so far, it's great that the board or not - a positive aspect to the board pushing forward approvals to the workstream two recommendations is the community is going to have lots more time to prepare for them. I really appreciate that. But isn't there also, you know, a challenge that the longer approval of the workstream recommendations is dragged out, it becomes more challenging to focus the community on these reforms and on the need to push forward and to get ready for implementation because when you have a deadline that seems like it's six months away, it's easy to focus and say well let's get ready. If you have a deadline which keeps getting pushed back especially when you have a lot of competing deadlines as we all do at ICANN it gets more challenging.

So, I wanted to flag that and I also wanted to congratulate you on doing this great work in terms of the prep that's been done so far because it's great that the model is moving forward. But I do think that that's also a challenge associated with the shifting deadlines for board approval that we also need to be aware of and might need to push through.

Anriette Esterhuysen: Yes, I think that is so fragile too because -- sorry, Anriette Esterhuysen for the record -- because even when we said we are wanting to do is that now do we start now, do we start two months from now? I mean, when is really the time? And I think at start of Jan some time you were like, let's start this since it's already spoken about this and it has been happening. We thought it might start now but that makes sense. I think the best we are doing is hoping that it's only six months from now and just working towards it anyway because that's - I mean, what else at this point as far as the community can you do, yes.

Collin Kurre: This is Collin Kurre. Yes, actually so initial work to look at human rights impact assessments in ICANN began in November prior to the November 2017 meeting. So, and at that point one of the biggest criticisms was that it was premature which in retrospect fair enough. In addition to being optimistic I'm also quite eager. But I do think that we should as a community keep reminding the board of this deadline, May the 8 is when it was meant to be to have a decision made. That being said, it's understandable that they're in a challenging position given the size of these but I think that it's up to us to maybe keep the pressure on so that we can maybe see the light at the end of the tunnel because as you said there is a tendency for things to drag on in ICANN sometimes.

Michael Karanicolas: I again, appreciate your (unintelligible). I'm less understanding of the delays and so far as from my perspective at least as the transparency (unintelligible), you know, there was a lot of discussion within that subgroup about board objections that were raised early on and you know, having gone through all of those discussions and, you know, from my perspective made

significant concessions in order to get that kind of buy in. It is a bit frustrating to now be on the other side of that and have a long deliberative process about all the challenges and potential additional objections but again, that's just me being cynical.

Anriette Esterhuysen: Thanks. Anriette Esterhuysen. Thanks again. I know this work has taken a lot of effort. It took a lot of time to start and it's really fantastic to see it proceeding like this. Just in response to (Amber's) question about freedom of speech versus human rights. I think that's why it's so important that this work is using international human right standards because within the international human rights regime freedom of expression is not an absolute right and in fact if the framework allows for assessing when one person's freedom of expression is actually going to violate someone else's rights. I think maintaining consistency in this work to international human rights framework, I think is really important and it creates sustainability I think as well.

And you know, I just wanted to ask a bit more about the timeframe of this impact assessment as it's being applied which I think is fantastic to aspect of a new GTLD process. And then wanted to ask what the (GAC's) involvement if any has been and if none, what the plans are to work with the (GAC)? And I'm raising this specifically because of (Amber's) question because in ICANN actually when there has been concerns about domain names, GTLD's that have an impact on indigenous communities, it has often come from the (GAC) and not often being resolved in necessarily the most satisfactory way. So, I'm wondering if there's any work being done to brief and prepare and build capacity perhaps in the (GAC) on how to respond to this process?

Collin Kurre: Thank you for your question. In terms of how this will apply to subsequent procedures, there is discussion about potentially having an additional comment period of public comments for that particular policy development process so if that is the case then we will be able to very concretely feed these observations and recommendations back into the process and also

make additional recommendations once they're forward trajectory becomes more clear because at this point it still kind of all over the map.

And in terms of (GAC) involvement, actually one of the improvements from version 3.1 was the addition of Column I which is applicable human rights law. So, we were hoping that potentially (GAC) members might be able to get involved in this column and identify any kind of covenants, treaties, national legislation that they have that might be specifically relevant to the elements identified in the tool.

I saw that we have remote question from (Ken). It says, "what standard is being used to establish the severity of impact? Is this a judgment of the working group members or was there some sort of normative standard applied?" To be frank, this is a judgement of the working group members at this point. However, the envisioned modification version for 3.4 that we actually discussed in our previous meeting in February was the addition of a new tab that would be an explainer tab that looks not only at - well that would first clarify the link to human rights and maybe give kind of a list of options of different - either human rights frameworks like we were discussing earlier or specific concrete rights that way people can very quickly say, "okay this is what I'm meant to be doing."

And I think that as noted down that it would be another good improvement to establish some sort of normative standard for assessing the severity of impact. That way we can have consistency across the board. Yes?

((Crosstalk))

Amber Craig: It's (Amber). I have a quick question and I think it might have been covered before but the vulnerable groups that comes from the human rights stuff, I just wanted to kind of highlight how kind of somewhat offensive that is for us especially the minority group so I don't know if that's something whether we can just highlight that like it's something that comes from the human rights

rather than yourselves trying to label it. In addition, as well the - just on your comment around putting indigenous stuff kind of the (GAC) my huge concern around that is that considering we had to go to the United Nations to kind of deal with the grievances with government that indigenous people have, putting some of those stuff to the (GAC) is probably (fort) but yes just a thing to know.

Collin Kurre: Thank you for that comment (Amber). Do you have any suggestions of alternative phrasing that could be used in place of vulnerable groups?

Woman 2: Impacted groups. And I think the other term to steer clear from is minorities because I mean, I come from Africa. Often the most vulnerable groups are the majorities. So, yes, I think just steer clear of assuming that it's always a minority and also that groups that are affected are necessarily vulnerable. And then I'm wondering if gender is not actually groups that, you know, that are identified by gender might not be? But anyway, we would need to look at that but it seems to me at the moment perhaps there is lack of specificity in how the vulnerable groups have been identified. And that's why I do think impacted groups might be a better way for us to hone in more specifically on who's going to be affected by our decision.

Collin Kurre: This is Collin Kurre again, wonderful. Done. It's changed. Maryam, can we please go to the next slide? All right, great. So, here's our little workflow again. And I wanted to pose two additional questions before we move into a more open community discussion part of this session.

So, another idea that was put forth recently was an idea of holding a dedicated webinar or feedback session on the model. So, a webinar that would be kind of a how-to like a user manual of what each category means and this kind of goes to something that (unintelligible) was saying earlier about potentially capacity building within the (GAC) about how to engage with this kind of work. So, I wanted to get any feedback, yay, nay, good idea. What else should we include?

And then I also wanted to pose the open question, as we move forth, which policy development process should be next?

Woman 2: Just off the top of my head but the regional geographic name, what's that workstream working - yes? To me, especially when you're looking at the issue of perspective of cultural rights but I'm not an ICANN expert so that's just off the top of my head.

Collin Kurre: Collin Kurre here. That would make a lot of sense and that would be just a little bunny hop that we wouldn't have to start anew completely. But any other comments on the idea on the webinar or feedback session and then any other - I'm thinking, you know, there's a lot of policy development processes that are happening, we've got the EPDP, we've got the RPM's, we've got quite a few that would be relevant so I'd be interested to hear comments from particularly anybody who might be involved with this policy development processes.

David McAuley: Collin thanks. It's David McAuley speaking. Maybe my comment here goes to the last slide but a suggestion for maybe additional column on the model would be, you know, to sort of a column that would call the assessments to look at the concern in the light of the framework of interpretation. The reason I say that is ICANN is not going to be able to be the remedial source for all human rights wrongs or ills and they are - the framework of interpretation does recognize that ICANN sort of has to stay within mission. And so, it might be good as you catalog these and I think the spreadsheet is wonderful, you know, to have a final step. You know, how does this fit within the subtleties of the framework of interpretation.

And the other thing I would say on the side of webinars, things like that, is you made a good point about (GAC) involvement and identifying things. I would suggest to the leaders of the group to present this to the (GAC). You know, and to get their input and sort of do a tutorial for them on, you know,

these columns are really important to you, you know, negative impact scenarios, severity of impact, et cetera impacted groups. And so, I think, you know, I think they take well to those kinds of presentations. And we can't simply assume because there's a spreadsheet that exists that they'll know what it is. It could be daunting when you first look at it. Anyway, thanks.

Sébastien Bachollet: Thank you, Sébastien Bachollet. Thank you, Collin, to bring me here. There is so many things going on in ICANN and you can't follow everything but even if it's not the topic of first interest for me it was very useful and I would take that the opportunity (unintelligible) maybe you can do it either on the (unintelligible) on this issue to allow more people to know about it because I think it will be a good not just the people here on line to follow that but it could be really interesting for other people what really this group is doing and how it's working and why it's relevant for all of us. And I want to thank you for the job you have done and doing. Thank you very much.

Collin Kurre: Do you want to respond to that point? Is that okay. Please.

Elizabeth Andrews: (Unintelligible) this is Betsy Andrews for the record. Thanks Sebastian. I think that's a great idea and I would just flag up for this group. We're happy to work with you in producing an ICANN Learn Course and also you should be aware that we're about to have the capacity to do live instructor led training on the platform so if you wanted to do a series of, you know, a lecture based course or something like that, we'd be happy to have you be the guinea pig.

Collin Kurre: Wonderful. Go ahead, (Avie).

Anriette Esterhuysen: Anriette Esterhuysen, just on the spreadsheet, you know, you were suggesting we are the (GAC) to (unintelligible) in the applicable human rights law. I think we might want to help with that. Certainly, as far as putting international decisions in and then invite them specifically to put in national but also other people because I mean the truth is that most (GAC) members are not necessarily going to know what the applicable human rights decisions

are. And I mean, I think you have law there but increasingly with internet related human rights issues, there are resolutions and decisions that have been made by the human rights council or the general assembly for example that don't directly relate to a specific treaty or so, like, maybe law/decision?

Akriti Bopanna: So, this is for specifically Betsy. So, you have (unintelligible) so ICANN has its own internal HIA and we're doing one with the community but I was wondering is it more useful to the organization if within our community HIA model we sort of have a column or some sort of thoughts on how a certain - trust that a certain right is implemented correctly the way - I mean, incorporating human rights would pose a risk to ICANN as an organization? I mean, does that make it more comprehensive? Would it be useful then to the organization to sort of see where the challenges would be to come in to apply this sort of right?

Elizabeth Andrews: Thanks for the question Akriti. This is Betsy Andrews for the record. I think in general, yes. You know, having data that points to specific risks is always better. However, it's really important to distinguish between what the Org can control of terms of being a business organization, you know, and being an institution versus what are these broader internet governance topics that you're discussing within the community. And so, for it to be useful in terms of business practice, it needs to be very clear about what business practice is, if that makes sense.

Actually Collin, I'm sorry, I just want to amend what I said. Any additional information is always useful. Staff always listens and always takes it into account. It doesn't mean if you make a recommendation action is immediately going to be taken but that is always something that will get in front of the people who are making the decisions.

Collin Kurre: Seeing no additional questions or comments. I think that we can move to the next slide please Maryam. And now we're going to enter our open community

discussion part of the session. If you could proceed once more to the next slide. Great.

So, here are some things that have been coming up this week so far. This is the benefit of being a late schedule meeting is that we've already have a couple conversations. So, for example I just wanted to give a little bit of a shout out to the (GAC) international human rights law working group. Unfortunately (Jorge) and (Suada) the Chairs were unable to make it because they are locked in a room drafting the (Communi-K). But he wanted me to relay the message that - actually I'm going to read from something that he sent me.

So, (Jorge), said that "a first discussion was held regarding the ICANN human rights core value implementation. And what the (GAC's) role in the implementation of this core value would be, to human rights international law working group addressed four potential options for implementation via a questionnaire circulated to (GAC) members and observers. On the bases of this discussion, the human rights international law working group will intercessional work on an options paper on this matter. And they have been actually in touch with us in collaborating - very open to collaboration working on different options and the organization as a high interest cross community session on this topic for the annual (unintelligible) meeting in Montreal. So, of interest are the four implementation options that they put forth."

"Option one was establishing a standing item or question to be considered during the (Communi-K) drafting, EG does the subject matter (Communi-K), have human rights impact and or relevance. Option two, establishing a standing item or question to be considered for other (GAC) communications where a position is conveyed. Option three, create the position the (GAC), human rights rep or (unintelligible) responsible for flagging issues and to lead in options one and two. Or option four, provide for the participation of the (GAC) in human rights implementation assessments or similar procedural

steps established for policy development processes. See work from the CCWP.”

So, these were four options that were put forth. I will send a link - or ask (Jorge) to send a link to more resources about this discussion in the - on the mailing list but I just wanted to make sure that that ongoing work was pre-presented here since they couldn't be here. So, with that I'll open the floor. Yes, please.

David McAuley: Thanks Collin. David McAuley, again. Could you send those to us on the list? And then I do have a question about what you do have on the screen and I'm curious, what is meant by HRIA on impacts of DNS content moderation?

Collin Kurre: I actually saw Kathy walk in so I might - sorry. I'm picking on you. Would you - it's fine if you're not prepared to -- but could you just very briefly speak to your concerns about (Wall of Gardens) and then - because I added this that after our conversation yesterday in the NCSG session about the potential negative impacts of (Wall of Gardens) and content moderation with new GTLD's or Michael could speak to it. Yes, great, sorry. Didn't mean to pick on you.

Michael Karanicolas: Michael Karanicolas for the record. I will speak to this briefly not as well as Kathy would have but I will give it my shot. So, there has been some concerns particularly raised by Kathy at the NCSG meeting yesterday about the registration agreements kind of being a backdoor into introducing content moderation into ICANN. And so far as there's been a bit of a creep towards increasingly standardizing the instruction of content standards into these agreements which facilitates booting particular Web sites if they say violate intellectual property rights or if the Operator receives a complaint from law enforcement which could be about child exploitation imagery or it could be insulting a particular king or it could be about exposing corruption as applicable law varies from place to place.

So, I think that the fundamental concern there is that one of the cardinal principles which we all know about ICANN and which was hammered into us the first time we come here, is ICANN does not deal with content moderation. That is central to what we're supposed to be doing here. and yet, with these registry agreements there's a bit of backdoor kind of drift into that and into the use of these agreements as a way to introduce content standards into an area that should be content neutral in terms of how they're set up. So, that's just a brief overview of the issue. Obviously, there's very significant human rights implications as there always are when you talk about anything to do with content moderation.

Did I get that right? I'm getting a thumbs up so I guess I'm broadly accurate but that's just a brief introduction to the topic.

((Crosstalk))

Kathy Kleiman: Kathy Kleiman, it's on now. So, I just wanted to say it's not just me. Everything Michael said I think is a very accurate summary of what he's, you know, of what we've been saying. But I just wanted to say that it's not me, it's coming from the Electronic Frontier Foundation which did two blog postings in 2017. One is called health threats against domain names are used to sensor content and another was EFS to ICANN's Registry's: Don't Pick Up the Sensors Pen. And the other is work which is being done by a law professor at the University of Idaho College of Law. Her name is Professor Annemarie Bridy and her paper also published in 2017 was noticed in take down the domain name system ICANN imbibe ment drift into online content regulation.

So, I just wanted to let you know there are people outside of ICANN who are studying this, who are researching this, who are very concerned about what they are seeing in the new detailed registry agreements, thanks.

Collin Kurre: Thank you.

(Scona Nasbring): Thanks (Scona Nasbring) for the record. Just following up on that report from the (GAC) human rights and international law working group. I was an observer in the working group and under any other business there was a question raised about based on the UN convention on the rights of persons for disability that that working group requests (GAC) to request ICANN Org to make the (GAC) with site accessible and there were no objections to that. So, and I wanted to also say that I followed up in the public forum and asked that all ICANN read sites be accessible and I've received a positive response from the CEO about that. And I've also requested that ICANN learn in other communications programs related to ICANN be made accessible based on W3C Web content accessibility guidelines 2.0. So, it would be great to include that type of issue as part of the general discussion. Thank you.

Collin Kurre: Wonderful, thank you for the comment. We'll take that onboard. Have we got any other thoughts? Maybe potentially when we're talking about these - I've posted links to the EFF post as well as Annemarie Bridy's paper that Kathy mentioned in the Adobe Connect room so you can have a look at those. One thing that came up during the NCSG session was the potential of applying human rights impact assessments to these conversations. So, I was just wondering, that could be a potential stretch of the model which we like. We want to break it so we can put it together and make it stronger like steel. So, do we have any other ideas for potential applications for this model or the incorporation of additional considerations such as focuses on accessibility or indigenous rights?

Okay, seeing I'm hearing none I think that we can move on to the final slide of the presentation which is any other business? Okay wonderful. Well I think that this has been a really productive session. We've got some homework to do and I think that we've made a lot of really great improvements to the model so I thank you for your contributions and feedback. Do you have anything to add? Okay. Well I would encourage you if you have any additional thoughts, comments or suggestion to post to our cc-humanrights@icann.org mailing list. You can find more information or follow

us on icannhumanrights.net. I would encourage all of you to subscribe to the mailing list. It's very low frequency, it won't clog up your inbox.

Yes, thank you very much for your attending. Oh, we've got another - oh, we've got a last-minute comment. That's okay, we've got loads of time.

Anriette Esterhuysen: Anrea Kestervisen for the record. If we have time, I just wanted to ask for more questions about the content regulation in and I see we have Malcolm Hutty sitting over there who's an expert on intermediary liability but just having seen being at the NCSG session and having seen an example. We saw the example of - I think it might have been (unintelligible) or somebody about the terms of service agreement and what it says about takedowns. And my question really to the experts in the room and Kathy, Michael and Malcolm and others is what is the desired level or approach to takedowns that we want ICANN to encourage in its agreements with contracted parties? And what are the liabilities there?

I mean, the liabilities - so let's say we end up with an ICAAN GTLD provision comes with restrictions on content which actually extends beyond what an intermediary really should be applying. What is the implementation for ICANN there if any? And you know, if I felt that my domain was taken down and fairly would I be able to not just challenge whoever it was that I bought that domain from but also ICANN?

((Crosstalk))

Anriette Esterhuysen: You might have a lot.

Collin Kurre: We've got this room for 25 more minutes and I'm very happy to use the CCWP as a form for these conversations. if you would just remember to state your name before your introjection please continue. Oh, wait. I'm sorry. I thought we had 30 more minutes I was like, wait. Wow, okay sorry. The time is up. Time flies when you're having fun is all I've got to say.

((Crosstalk))

Collin Kurre: Sorry, Maryam I was keeping you overtime. Okay. Everybody thanks you very much for joining us. This has been a very productive meeting and we'll see you on the list. Thank you.

END