
MONTREAL - GAC Human Rights International Law Working Group and Cross-Community Working Party on Human Rights Plenary Session
Wednesday, November 6, 2019 - 08:30 to 10:15 EDT
ICANN66 | Montréal, Canada

JORGE CANCIO: Hello good morning. We are going to start in about 2 minutes. Welcome to the human rights and international law working group session. This is a session which will work in a cross-community fashion, we have, as you will see later on, people from the different communities on the podium and hopefully also in the audience, and so please get into the room, get a place. And I hope that you all participate actively later on in the discussion there's still one minute to one outside and come back if you see. Specific PDP process†-- (audio/captioning difficulties).

JORGE CANCIO: And after that, we will have a discussion, as specific as possible hopefully on those results of the presentation made by our colleagues on the... and finally there's open microphone for all of you interested in making questions or... finally we will have short bullets of take-aways prepared during the session by Suada, and Benedetta.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

So if this is okay, I would go to the next slide. Well what are the -- why are we here, and what's the objective of the session? We had proposed as GAC, by suggestion of the human rights and international law working group that we could have a cross-community discussion here in Montreal on the future implementation of the human rights core value and the different approaches to that within the wider ICANN community. Unfortunately, it was not possible to have it as a format cross-community session because there are many other urgent topics which we of course recognize, and we decided, okay, let's use the human rights and international law working group slot in the GAC agenda to do this, to have this discussion, in as open a fashion as possible.

So, and so with a great collaboration of everyone who is on the podium today and with the assistance of GAC staff, we have been able to organize this. In the end, as to the session objectives. It's really first to once again raise awareness about the existence and the meaning of the human rights core value and the ICANN bylaws, which is something which is there, and we still have to fill with meaning, and in the future hopefully in the near future we will have to implement it. That leads me to the second point, which is to discuss what other different approaches, what is the state of art in the ICANN community on the possible implementation of this core value. And there in our internal

discussions within the human rights and international law working group of the GAC we've been leaning or converging slowly to the notion that any implementation in the ICANN community has to be cross-community and has to be inserted into the policy and development processes itself. It's not something that we have decided finally. It's just a state of convergence of the discussions in the GAC and that's why it's so important to have the CCWP here explaining to us what their experience has been in the work so far, and as a third objective of course I hope also in this room, not only within the GAC working group but also with our colleagues from the community we are able to converge on the next steps and how -- what the road ahead looks like.

And that's also a little bit the intention of the last point of the agenda with the takeaways which are not meant to be consensus but a reflection of the discussion in this room. So that would be a short explanation. I hope that more or less comprehensive of what are our objectives today. And there are no urgent interventions we would pass to the next point. Next slide on the agenda, and as I said before, we have the privilege of having a representative of ICANN Board here. Sarah Deutsch. Thank you so much for coming, and thank you for introducing a little bit how we came here, and what is the place of the human rights core value and the ICANN bylaws. Thank you.

SARAH DEUTSCH:

Thank you, Jorge, and delighted to be here and welcome everyone. I thought before we tee up the discussion for the panel it would be helpful to do a table setting and walk through a time-line of what has happened to date especially for those who may be less familiar. So in 2016 per the CCWP recommendations the human rights core value was add neighborhood the ICANN bylaws and since then the CCWG WorkStream developed an interpretation or HRFOI and said the HRFOI is currently part of the package of WorkStream 2 recommendations that were presented to the Board in 2018.

And are under consideration for adoption, and I can confirm that these recommendations are on the Board's agenda tomorrow, and the human rights core value will come into effect after the Board adopts the recommendations and at that point important community work will begin to flesh out the implementation of this core value. ICANN org developed an implementation assessment report on WorkStream 2 recommendations around the FOI and this report evaluates the feasibility and the impacts of the WorkStream 2 recommendations on -- and on work processes. In parallel in 2018 ICANN org selected an independent third party consultant to carry out an internal human rights assessment or HRIA and ICANN's internal operations and the results were published in May of 2019. And this marks an important point in the evolution of the org as it helps examine

how it conducts global operations and provides recommendations on improving daily business activities which impact on human rights in the org context. In May of 2019 ICANN CEO tasked the chief operating office to oversee the work suggested by these HRIA regions and we have a nice contingent from the org available to answer questions if you all have them on that process. And in October, recently, the cross-community working party on ICANN and human rights. CCWPHR published a report for impact assessment for ICANN policy development process and we are going to get into detail on that from here. So it's exciting. This is now the beginning of an important community work on the human rights core value. And please know the Board is deeply committed to human rights. And we are here to support and be helpful, and excited about next steps. So I will pass it back to you, Jorge.

JORGE CANCIO:

Great. Thank you so much for this update. Very interesting to hear that the Board is going to consider it as soon as tomorrow. Maybe short question to the audience, anyone wanting to ask any questions on this, let's say historical perspective. And on the state of play. If this is not the case, I will then pass -- next slides please -- to the next point of our agenda, and thank ... and Austin from the CCWP on human rights for being here thank you so much, not so much for being here -- which is important of

course -- but for the work you are going to present because that's really I hope a milestone our progress as a community to developing an approach an implementation of the human rights core value and you've seen that the Board is going to hopefully adopt this very early on, so we really count on you to keep on your good work and I pass the floor to you. Remember, speak slowly, and clearly, and you can with around 15 minutes. Thank you so much.

AKRITI BOPANNA:

Hi, everyone. Thank you so much to Jorge and Suada for having us here. It's really important moment for us here because it's the culmination of a lot of effort over the year into designing and executing the human rights assessment. It's something we've conceptualized, and you know modified along the way. And it's really great to present this to all of you here today because that's as Jorge said the next important step to translate to something more substantial in the community. And at the outset I would like to say that firstly a lot of this project was spear-headed by Collin Kurre, the chair of the working group so that only leaves me but it was spear-headed by her. It was a lot of the input went into her and she couldn't be here to present but due credit there. And what's important for us now is to hear your opinion on especially the relevant international law framework that is you think could contribute into modifying this HRIA.

The whether it was a national, even national laws that you think are fit for the community to take into consideration and that essentially why we are her to present this to all of you. How I will start is give you an introduction about the process and how we started it and then Austin will talk about the methodology and the approach and the models that went into the process over the year. To give a little bit of background human rights Internet governance has been talked about a long time. From 2003 with at the world information ... it was mentioned there. In 2012 the United Nations in its human rights council resolution declared the people must have the same protection of rights on-line that they have offline. So it's a conversation that's been happening since 2003, and even within the Internet governance it was treated human rights should form an important basis of Internet governance principles. So we talk about the principles and what becomes suspended senator that the companies and the organizations that manage the Internet infrastructure their policies have a significant impact on whether human rights are upheld or restricted on-line.

In light of this as I would heard Sarah spoke ICANN incorporated a policy commitment to respect international recognized human rights in 2016. These were said to be guided by respecting them applicable law in each country within the scope of its mission and other core values. What was said was that this would be dormant

until a framework of interpretation was developed and approved by the Board that's been happening and now it's pending approval as part of the WorkStream to recommendations and accountability. So over the course of the year while we were awaiting the approval of these recommendations in the party, we thought it would be a good idea to start and impact assessment for one of the policy development processes. This was compliments of the HRIA that the organization was conducting that we've just heard about. So far human right impact assessments have found to be sort of the most approachable method to gauge a whole gamut of rights what's done before is sector specific or project specific human rights right impact assessments. Work was been doing for the first time that ICANN was a multi-stakeholder... and this is extremely useful in our community because everybody comes from a different perspective.

We have different affiliations and the rights we think are important in the process default from you know person to person. And does the multi-stakeholder method is meaningful inclusion. Stakeholder engagement throughout the process, it helps the process become more accountable and it ensures that collaboration happens at the highest peak and that different sort of communities that are affected have a chance and a voice to say are issues that ordinarily would have been dominated by a single

party in terms of community what WH we talk about in the refer to groups of people in the same... government representatives like all of you because at the end of the day even though we are geographically we are interacting as one community. And therefore the potential to benefit from such differing perspectives and skills results hopefully and impact assessment that's more come hen comfortable actionable and sound. So this was the effort we undertook November 2017 to July 2019. Austin will talk about the different iterations and differences we've been doing in terms of the models we've been trying to evolve for the impact assessment.

AUSTIN RUCKSTUHL: Thank you, Akrita. I'm Austin, for the record. And I'm ICANN66 fellow and a member of the cross-community working party. Like she said, I'm going to talk about the models. It's little bit dry I will try to keep you guys a little bit entertained if I can. But the point is we wanted to really institutionalize the memory of this experience, and it's really a trial process. If you read the report, we're not trying to say this is exactly the way it should always be done in the PDP. Rather, we were trying to document different trial experiences that we had that other community members may take up in the future. And, yeah, sort of just document T so with that being said. I'll start out by explaining the 4 different

they're models but they're also sort of strategies is another way to think of them.

So the first one we called the initial sketch. And it started in November of 2017. It was more of a high level outline where we tried to map a potential impact assessment onto a PDP from sort of a high level distance approach. So thinking of an entire PDP where would human rights impact assessment ideas or questions, happen throughout that process. And the positive side was when we presented that notion of doing sort of a PDP wide or long experience, the community responded well. So people were interested. The problem -- that was the good thing. The problem was it sort of had a lack of clarity. And it didn't really explain where the ICANN community would get involved. It was also a potential burden on ICANN staff which was not the goal. We know that it needs to come from the community. And it was sort of seen as premature in 2017 in light of the status of WorkStream 2. The second model was a questionnaire model. That came around in May 2018. And it was really proposed largely by Collin as Akrita mentioned earlier and Collin's idea was to have a list of question that could be applied to any scenario. The problem with the list of questions was that it was a little abstract. I think people saw the list of questions and thought you know it was like a few pages long and it was do I have to answer every question before I submit the questionnaire, or do you know, what is the actual link. What

is this question trying to say. And so there were also reservations about timing. How much time do I have as an individual to submit the questionnaire. And so there was a lack of engagement. It resulted in a lack of engage. But what it did do was start involving the community right. It created a space for multi-stakeholder individuals to get involved. So that was a huge positive. The second or the third one is a change model. And that was in November 2018, and we really converted the questionnaire into a spreadsheet which surprisingly made a difference. Just for the record. But it focused too much on the idea of changes in policies. So it didn't really allow for sort of status quo issues to be documented in the spreadsheet. So we had to sort of shift our focus a little bit. But again, the spreadsheet made collaboration really, really accessible. And I think that's one of the largest take-aways from the entire report is that the more accessible you can make it, is to anybody in the community. Ergo, the better it will be. That was our experience. So it was a better format.

It included external expertise. But it was difficult to process the information like I said of the status quo. And the link to all human rights was still not perfectly clear. So in the end the that model really wasn't perfect either. So in the end the 4th model as we call it the comprehensive model and that's the one relay out in the report and explain how we performed that model. So that was early 2019. And this was really more after collaborative free form

spreadsheet. So you can think of it as just like an excel with different columns. It really evolved as we were using it. Which was I think sort of a practically important issue that we were weren't bound by a certain structure that we had to stick with the whole time which helped us kind of develop and evolve as we went. So the model was geared towards constructive recommendations which was great. It was a good use of team time because you could sort of approach a different color row ideally row of an issue in the spreadsheet on your own time.

And it yeah it gave guidance tabs. We were able to add columns as things occurred to us. Like oh we should include this in an impact assessment. So it was a dynamic flexible and a good use of time and we used it. There was a potential for information overload so when you look at the spreadsheet it could be a little daunting. So we tried to improve that to make it a little bit more simple over time. And that link to the, to the actual impact assessment that we did is in the report as well. You will find it in the footnotes. So then now talking about the approach just really briefly. Of what we did. So first we put out a call on the list in the cross-community working party for volunteers. People agreed to sign up. It was around 10 people. We then had to choose an issue, on which to perform the HRIA. We chose subsequent procedures. I won't go into too much detail on why. But it was sort of the most accessible at that time. We got we got a lot of feedback from the

community on which one we should do and that was the one that really stood out. So then we all, as the CCWP joined the PDP on subgroups and we began participating in communication channels, calls, e-mail lists, and then on our back end we always had a slack channel. So we had a sign-up sheet for members of the CCWP to confirm when they would like to join what calls and who was going to sort of do impact assessments on which calls and we were able to talk to each other on slack at the same time, and brainstorm and work interactively in a Google sheet. Then we were so we were collecting the information as well as participating observation and speaking with members of the PDP like Cathy Kleinman, I see over there who helped us out. By some of us were kind of new. I was very new to PDPs, and members of the community could work with us to fill in this impact assessment. So the last step was really just sort of refining the spreadsheet as I mentioned several times. One of the key issues was trying to add things like topic or sort of short title so that you could on the left side of the spreadsheet quickly identify what issues were being addressed. And sort of categorize them in certain chunks. So I encourage you to look at that if you're interested in the actual document. So that's pretty much it. Like I said it's not the perfect model. We just wanted to document all of this. We really welcome your feedback. We would love to have now what you think I should be done. How you think of this process. Is it too informal. Please give us your feedback and, yeah

the general outcomes are also we didn't expect but it was a really good way to engage with newcomers to ICANN so you can easily send people who might be familiar with the human rights but aren't familiar with ICANN, you can send them into a PDP on sort of like a mission. Like a hunt. To find out what the issues are. And it really like for me for example it really taught me a lot about ICANN and the substantive work throughout a lens that I could understand. And it was flexible and I'm going to that one more time and the downside is we entered the PDP at a late stage. They are other downsides, but it would have been great to maybe have this you know a longer trial period. And maybe not so late in the game. Of the PDP. So thank you for letting me explain.

JORGE CANCIO:

Okay. Thank you so much, Akrita, and Austin. First of all, I would like to ask the audience whether there is any clarification question on the presentation? Whether there is something that you want to know more, any points, any sticking points, something Lao was unclear no, still in the process of awaking up? So I think that I'll try to also break a little bit the ice, and now you have explained what they -- what you have been doing, so far, what is -- and your next step in the CCWP, and how can also for instance, government representatives who would like to participate in this work be included? So next steps and how can somebody sign up to your work?

AKRITI BOPANNA:

Thanks for your question so as far as the next. This one we did was the first iteration so the idea is that hopefully we can refine the model from the feedback we received today and apply it to another PDP. The issue however we do recognize is several PDPs are quiet, quite deep into the process and it's much more difficult to sort of start a human rights impact assessment for it. The reason we chose the approach was because we thought it would be the most feasible one. We do also realize a lot of these are technical in nature so at least personal think took Collin and me and a lot of other team members a lot of time to just be up to date with what's happening on Work Track 5 where all of the different the jargon is. What the commitments mean to even then effectuate a human rights impact assessment.

The EPDP was too frantic sort of you know happening at too frantic a pace to effectuate this model as well. So at this point I think what I will hope is that for to get feedback or improve a model and see if we can try if there's sort of a community initiative, and volunteers to do this again. Because last time we had around 10 people but with the different time zones and everything happens in it's quite chaotic and we don't end up having all ten team to do the impact assessment at one time. Depending on how the community initiative goes that's where even your -- the GAC representatives come in because what we thought it would be useful was to have some people who either

sort of contribute in terms of the legal knowledge what necessitates such an impact assessment or to just talk about how the effects of any of the commitments in the policy development process is affecting citizens and you know as a government representative you would be in the best position to think in at that perspective and contribute. At least a lot of us come from human rights background. I work as a research... and this is this is a perspective that not a lot of us on the team have.

The other thing that I -- to me is exciting is the implementation team that's coming out for the WorkStream 2 recommendations. And if in some capacity a lot of the human rights issues that we talk about today and that we've been working on are already incorporated in those recommendations and we have people you have worked on those. So when those come out. That would be a great place to start. Thinking about this to... incorporate the information and lessons that we do have as opposed to thinking that we don't have any mechanism at all. So that's one. Another good way for GAC representatives to get involved and keep track of those and see if that's any way of contributing. Thank you.

JORGE CANCIO:

Great. Austin, anything to add? Are you happy? Okay, great. Thank you so much for those clarifications. I think that as a common theme with many other community efforts. We will have

a scale ability issue, and we will have to make sure that whatever the model we use for this human rights impact assessment or for this implementation work that is -- that it is really scalable. And that we have enough people in the community because of course, it's very different to cover one PDP, than to institutionalize this, and try to cover I don't know how many are ongoing now in parallel but at least 6 or 7 at least. So and that will be an issue. But this is something we have to reflect together on. And I think that in the interests of time, which is my mission here to manage -- we should go to the next point on the agenda. And see the views from the different people on this podium. As -- as for your information, we went out to the different SOs and ACs and asked them whether they would like to join the panel so this has been a cross-community intended effort, and we have here the people who were ready and had time, could squeeze this into their schedules so first of all, thank you very much for being here.

And I will begin at my extreme left, which is your right, with Tatiana, who is a veteran in these discussions, and I would like to hear from you, your take or your reaction to the presentation than by Austin and Akrita, and or to, if you want to steer the discussion a little bit, please in 2, 3 minutes would be great thank you.

TATIANA TROPINA:

Thank you very much, Jorge. So Tatiana Tropina. I'm really on your extreme left in a way after the work and the human rights core value. First, I want to thank all of you for coming here and I want to ask you a question. Who of you remembers because offensives 2 years ago. Who of you read and remembers the framework of interpretation for human rights core value? I don't see many hands here. So let me, so let me remind you a bit what was there because I really want to bring the work of the CCWP on human rights a bit into the level and tell you how in my opinion it can feed into the implementation of the core value and framework of interpretation. When we were developing the framework of interpretation for the human rights core value, we realized two things. First of all, the impact, the most impact ICANN has on human rights is not ICANN org because it is very, very unlikely that ICANN org or community will engage in slavery, maybe except volunteers or I don't know child trafficking or child labor. No. The most impact we actually have is the policies, community makes is advice, the GAC provides, or ALAC provides, and this is where we are impacting on the global level.

And this is why I want just to highlight here that I very much appreciate the efforts of ICANN org to do a human rights impact assessment on the org operation but what you see there would be just ICANN org because we have these triads. Holy trinity of ICANN. We have ICANN org. We have ICANN Board and we have

ICANN community. And right now to wake up these dormant bylaws, once it goes into force with a framework of implementation, we have to think how we as a community assess human rights impact with our policies and our advice.

And when we were developing this framework of interpretation, we were looking at different parts of the community and we were saying wow. No, the -- it would be up to the -- to those supporting organization and advisory committees to decide how they actually will carry out human rights impact assessment because we cannot come up with a solution that would be readily made or the same as all MAC so basically coming back to the presentation of Akriti and Austin. How do we do this?

Is this -- for example I am a representative of the GNSO how do we assess the impact of the PDPs to human rights? In which stage we are going to do this? And this is where I see this process. This amazing work you did can feed into the GNSO discussion, and I believe that what we have to bear in mind right now that once the Board approves the WorkStream 2 results the bylaw will wake up. It will not be do you remember month anymore. So any SO and AC has to get this human rights impact of policy or advice, has to have had high and the agenda because we will have to uphold this core value, by the way I want to highlight again that this is not a commitment. This is core value because commitment is something different in the ICANN bylaw. So to crap up. What I just

said I see 3 steps here. First of all, for different parts of the communities. To develop solutions for themselves because I believe for example governments of GAC. They are those who should uphold and protect human rights. They are the human rights defenders. I mean in if the ideal world and their view to the human rights implications of GAC advice would be different from the GNSO policy development applications. I mean human rights are universal but how we actually exercise the core value would be different because of the different processes. Different applications and so and so forth.

Secondly, how we develop the community models and on which stage should we assess human rights and I believe that Akriti and Austin raised this important question. How early does it come in the EPDP -- or sorry on the PDP policy development process. How early should we assess the impact? Or maybe we should assess it on each stage of the policy development process but then we have to know how. And the most important question I also have which never came to my mind when we were actually developing this framework of interpretation of human rights bylaw core value. The question is still what. So if we have a model for an assessing the human rights impact what are we going do with the results. If we see the severe impact on human rights. If we see that this contradicts the core value how do we do the balancing test with other core values because this is also in the ICANN

bylaw. How do we react as a community as a different part of community. And also would it be up to the let's say GNSO or At-Large, to deal with this or would it be the ultimate back stop for the Board in approval of the policy or in taking into account any advice. These are my questions and unfortunately, I do not have answers to them, but I believe that we as a community will have to develop the answers. Thank you.

JORGE CANCIO:

Great. Thank you so much, Tatiana. That was great presentation of your views. I think that there are some things where we not only can, but we must work together for instance in the policy development processes because sometimes they are -- or most of the times -- they are under the umbrella of the GNSO, but we all -- the whole community is developing those policies. Each and every one within their respective roles defined in the ICANN bylaws so there we have to work together. And then there are other activities where we work within our silos. Let's say, but I tend to think that that's more and more the exception. And it's much more where we work together. But there's a very pertinent questions, and I guess that all of us are taking note of good note of them. And before letting also Akriti and Austin react I would if first MLAs the floor to Yrjo who will give us a bit the At-Large reaction and views to this work. So Yrjo Lansipuro, thank you so much for being here.

YRJO LANSIPURO:

Thank you. I'm speaking in my personal capacity because At-Large, or ALAC has no fixed position on this question. Now the -- of course I read the report. I congratulate Collin and Akriti and Austin for the report. Trying to tackle this issue that is really difficult in ICANN, which after all is a technical organization. The comprehensive model, as I understood it, it's seems quite good, and especially the guidelines, or the check list that is at the end. I think that that's a good one. It's something that is really -- it will be possible to actually apply it. And going and checking whether a certain measure or certain proposal fulfils these criteria. But the question is who is going to do it? I mean now it was done with ten volunteers, as I understand, and volunteers are in high demand in the SOs and ACs.

We talk about the listening the burden of volunteer work and so on and so forth, so I think that this has really to -- this has to be done by actually by all SOs and ACs their representatives and the various PDP. In other words, all stakeholder groups should internalize these issues, and these criteria, and apply these guidelines. Of course some stakeholder groups may be more inclined to do this, and others. The GAC of course and perhaps ALAC we also have people who have this sort of civil society background.

I don't -- it's a little bit risky if this becomes a specialty of some stakeholder groups, and others, others are -- so I think that

this -- everybody should be interested in this, and I very much agree with Tatiana when she talked about this. Really don't have too much to say about it, otherwise but even risks that I'm going outside the scope of this session, I must say, and everybody knows, that the biggest threats to human rights in the Internet sphere are -- they are not in the remit of ICANN. They are other things that happen.

And my question, what I'm thinking about is that actually those big threats, which you all know, they have links to those few things that are in ICANN's remit, and just thinking of DNS abuse, DNS abuse is something that leads, and can be a tool of human rights abuse. So that in the end, perhaps you could say that ICANN is defending human rights best by doing its job. Thank you.

JORGE CANCIO:

Thank you so much, Yrjo, for your views. And this leads me also to let's say spontaneous question because if you, if you say -- and I say Tatiana says -- we all say, all the SOs and ACs have to be involved in this, this is a bit abstract because the SOs and ACs is not something in the cloud. We are the SOs and ACs, so just a quick straw poll. Who in the audience would see himself or herself participating in any kind, sort of fashion in this human rights impact assessment. Is there any one? So I see some shy hands, yeah? A couple of people. Okay, yeah, but we need to

have many more to make this work. But perhaps Akriti and Austin have some reactions to the interventions from Tatiana and Yrjo?

AKRITA BOPANNA:

I know I think it seems a lot more daunting, but it really, really was a fun process especially when doing it with like minded people and people who care with human rights. It was really useful to have the community and the ability to communicate these you know -- to ask out. To communicate questions about human rights. And to find people who are willing to work on this. What our attempt with the report was not to say that we have found the perfect model and just to emphasize the fluidity of the process and the end result. The goal was to institutionalize this so that at some point there's an institution memory of this having been done at ICANN so whenever this is -- if and when this is more capacity for these initiatives to be taken there is a model that we have tried, and we have learned from. And that it would be useful to either as when we do it again or for people who are going to now be engaged with the newcomers whether it's U.S. GAC representatives but to essentially have an idea of what a model like this could look like.

AUSTIN RUCKSTUHL:

I just wanted to add that I think there are a lot of questions still. This is not a perfect process. But we can't -- I can't answer when

we've talked about. But the how I think is what we've tried to answer here. And to maybe further simplify this as a proposal, that contain up by SO/AC I envision this as a working spreadsheet that we've sort of already outlined the structure that could live on for example within the GNSO on the home page, on website of a PDP, right where you have a he got links to 75 other things. And there could just be sort of an active link where maybe each SO or AC was a rapporteur who is kind of the reporter to the GNSO or the GAC on these issues but it's public open document right? I mean you could form a committee if you want to although I don't believe that there's a lot of will for that in the community. But if it were just there and if you hear an issue being discussed and you can make a connection to a concern that you have, and you can fill that in sort of live and you know where to find that because the rapporteur has told you once a year. It's that sort of process we are trying to simplify or sort of institutionalize in some way. But again. The who doesn't have to be concrete all the time or steady or consistent because that will probably change.

AKRITA BOPANNA:

Also just to add to that what we also hope would be done is that when people public comments like we could often and different issues that human rights would be a Constitution you talk about and it doesn't necessarily have to be in the format we did but essentially to look -- of any sort of decision that is ICANN is taking

to sort of bring this conversation to the forefront and not have it -- it doesn't have to be you know remit today PDP. It could be just a consideration that incorporated in any public or any conversation about potential ICANN policies.

JORGE CANCIO: Those are very good ideas. Tatiana had a burning comment. Two comments even.

TATIANA TROPINA: 2 fingers intervention which means short one. I do think that this work is important, and these ideas and this human rights impact assessment that you are using is important. Because if I look at the entire picture of the ICANN community of course GNSO would be a place to start. Because GNSO and policy development process are getting more -- I mean they are open to participation of the GAC of ALAC of other SO, and ACs and, of course, this is the home of policy making. So this is where we really have to pay the most attention. But I also want to say that we will shortly have to move from just an exercise to operationalizing all these. So it wouldn't be just words. And models. It would be something the community will have to make because after all its bylaws. And there is -- there is sort of obligation in this them to respect human rights as a core value. Thank you.

JORGE CANCIO:

Absolutely. I completely agree, and I think there's a lot of convergence on that point, so I think that we have to move to the 5th point of the agenda. Which is really asking you on the -- in the audience, we don't have an open microphone on the floor, but you have open microphones at the tables. And I see people who lifted their hands before in the back rows, I see Milton for instance, I see other colleagues from the community, please feel free to come forward, and share your opinions on this. And there is also a microphone, and Gulden is back there with a microphone. So don't be shy. Come on. Any reactions? Thank you so much. You saved me.

MILTON:

I've been -- yeah just maybe get things going here so one reason I wasn't so eager to stand up is a Tatiana said already many of the things I would say. Which is the real human rights issues are in the policy process and so we need people to when we are you know, let's say doing something related to new TLDs what are the free expression implications of the policies. We had real issues with that during the first round of TLDs. We had some stakeholders insisting that they should be given some kind of a veto right on a name. We have issues related to privacy obviously going on in the EPDP and I think the question that Tatiana raised an extremely important. So you do a human rights impact

assessment. You find out there's a failing from a human rights perspective. What do you do.

Do you -- is that let's say have the same status as the GAC advice. Would the GAC back that up and say we believe in our advice that there's human rights problem with this policy? As it's currently developed so go back and fix it? I think that would be a good thing of course it would slow the process down but I think the critical issue is what impact do these HRIAs have on the actual public policy being developed. Thank you.

JORGE CANCIO:

That's a great comment. Thank you so much. Is there anyone else wanting to take the floor? No. Yes? Please introduce yourself.

DEAN MARKS:

Good morning. My name is Dean Marks. I'm with the coalition for on-line accountability, and I'm at the interested in this project. I'm sorry, I am only learning about it this morning and haven't had a chance to participate in it before. But I was curious whether, when as following up from Milton when a human rights impact assessment is taken, whether there's taking into account by the working group article 27.2 of the universal declaration of human rights which states that everyone has the right to be the protection of the morale and material interests resulting from any

scientific literary or artistic production of which he is the author. In other words, the natural author's rights as a human right. And whether that's been taken into account in the work of the working group. Thank you very much.

JORGE CANCIO:

Thank you so much. Well, all human rights are interdependent and indivisible. This is something which we have also repeated in the FOI where Tatiana and I have a chance of have very long discussions but at least on that, there was quite an agreement. We are unfortunately, coming to the end of the session, so, I would look at Suada, and Benedetta, if you think you have your take-aways, it should be 3 minutes at most. Condensing the discussion we had today, are you ready to go? Okay then I will give you the floor. Suada, thank you.

SUADA HADZOVIC:

Thank you. With Benedetta's help, I will present to you our session take-aways. So human rights core value will come into effect after the ICANN Board adopts the recommendation. As you know, that to be that human rights framework of interpretation and considerations was subsequently developed within the multi-stakeholder ICANN community. It was completed in November 2017, gained plenary approval in March 2018, and was sent to the ICANN Board for final approve in November 2018.

Today we have confirmation from ICANN Board that this will be on agenda tomorrow, so that is really great news for us. And that we have the full support, and they are deeply committed to human rights, and they are here to support and be help with and we are excited about next steps. So we heard that and that is great for our work.

So once this step is completed. Important community work will begin to flesh out in the implementation of the core values. Cross-community co-operation will be key in the implementation process noting that there are still pending questions. What will be the community -- what will the community do if you community encounters an impact on human rights?

We heard that they asked from all of us especially from GAC to be... so it's all up to us. We heard that very small group are involved in preparing all these documents, this report, maybe 10 or -- I don't know. Of so we need to be more active. And we need to be human rights defenders. So community encouraged to volunteer to participate in this effort, and on next steps for human rights implementation. Thank you.

JORGE CANCIO:

Thank you so much Suada for this take-aways which are I think summarized very well what the key points we have discussed. I think that we have a lot of homework to do, as a community. To

make sure that we work together as a community especially on policy development processes that whatever method we introduce is scalable, that we don't really -- that we are not confronted also in this with volunteer burn out. With other many problems we are witnessing, and, of course, we have to address the question as Suada said, okay what's the consequence if there's a human rights impact assessment that shows that there are negative impacts with, with a policy? So I think that there's an appetite for continuing this conversation, and I hope that Cancun will be the next step in it. And with this, I don't know if any of you wants to say a final word before we give the room back to the GAC, no? There's a question in chat? Is okay let's see if we can take it up.

ZOOM CHAT QUESTION: Has ICANN addressed the fact that not all governments agree on which values are actually human rights versus moral or social human rights?

JORGE CANCIO: Okay, I think that that question would really bring us to a very long conversation, so perhaps it's a topic for Cancun or for the coffee break, and we can figure out how to, how to address that, so with this, I would like to thank you very much for your presence, for your active listening, and participation, and looking

forward to continuing this conversation in Cancun. Thank you so much to all of you who were here on the panel. Thanks.

[END OF TRANSCRIPT]