
ICANN76 | CF – GNSO: CCWP on ICANN and Human Rights Session
Monday, March 13, 2023 – 16:30 to 17:30 CUN

EPHRAIM PERCY KENYANITO: and it's available online, which is via Google Doc. I think maybe if we can project the agenda, please. Thank you so much. Yes, so today, before I hand over to my colleague, Maryam, I'm just going to introduce and set the scene. So basically, the Cross-Community Working Party on Human Rights is one of the two groups which have been pushing the work on human rights since 2014 within the ICANN space. So there are two groups. There's the GAC International Law and Human Rights Group that is closed to GAC members. But then there's another cross-community working party that is chartered by the Noncommercial Stakeholder Group, but it's open to every member. It's not closed to the NCSG. So we've had in the past chairs, co-chairs from other constituencies, from other stakeholder groups, from business, from others. So it rotates and it's open. Basically, it's the NCSG, so it fits to charter this group at the end of 2014 to be discussing human rights, to be writing about human rights, to be researching, and to advise ICANN on human rights issues. So this is the other arm discussing human rights issues that is open to the rest of the ICANN community, including even GAC itself. So sometimes we've collaborated with the GAC International Law and Human Rights Group.

So today we are going to discuss a couple of things. So there are a few action items which we have been working on over the last couple of months, the last year or two. So one, for those who were in the meeting, in the meeting in September and in various calls, you might be aware

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that we had mapped out six public comments as [interesting] human rights, which we submitted. I've highlighted that. There's also, we're going to discuss about a course, the draft ICANN Learn course on human rights. That will come at the end, so that we can just go through those slides and figure out if there are additional questions, and then additionally, we are going to discuss ideas on how to increase members, how to make members active.

The list has almost slightly over 100 members, but then the calls, we get around 20. So how do we get people, the 80 people who are not that active, how do we get them active again? One, this group was very active together, the GAC International Law Group, when the bylaw on human rights, section 27 of the bylaw was being drafted, and the framework of interpretation. But after that, the groups are not very active. How do we make these groups active?

Second, how do we push forward for Work Stream 2 implementation? There's work being done. How do we push forward, continue that work going forward? And then, currently ongoing work, and then lastly, potential HRAs for ICANN, PDPs, SO/ACs if possible. Those are some of the ideas.

But before that, I'd like to ask to introduce ourselves. So basically, I've just given an overview. Just your name, where you're from, and what excites you about—maybe we can start with Maryam. Maryam is from Malaysia, and she couldn't make it because of the visa challenges. There are a few members who couldn't make it personally, physically, because of the visa challenges, and short time planning. But they are available online. I can see there are 20 members online, and additional

others in the room. So, maybe Maryam, you can start, and then we can come back to the room.

MARYAM LEE:

Hello, thank you, Ephraim. My name is Maryam. I'm from Malaysia. I attended the ICANN session in Kuala Lumpur last September. And as Ephraim mentioned, that was when I volunteered to co-chair together with Ephraim. And thank you so much, Ephraim, for all the guidance that you've been providing thus far, and I'm still learning a lot, and I look forward to the discussion with you all.

EPHRAIM PERCY KENYANITO: Thank you so much. Yes, maybe we can come back to the room, and then after we are done with the room, we can go to the other 19 participants online. Maybe we can start from there.

KEITH DRAZEK:

Thank you very much. My name is Keith Drazek. I work for Verisign. I'm part of the Registry Stakeholder Group. I was very involved in the IANA transition and the ICANN accountability process back in 2014 and 2016. I'm very interested in following through on the implementation of Work Stream 2 obligations, and obviously the human rights issue as it relates to ICANN contracted parties and our obligations under the new bylaws. Thank you.

EPHRAIM PERCY KENYANITO: Thanks so much, Keith.

DAVID MCAULEY: Hi, my name is David McCauley. I am employed by Verisign. Also, along with my colleague Keith, I was engaged in the IANA transition, Work Streams 1 and 2, worked on the framework for human rights, and I look forward to getting my—I've had a problem with our email list, trying to get that sorted and working on this in the future. Thank you.

FLAVIA WAGNER: Hi, my name is Flavio Wagner. I'm professor for computer science in the University in Brazil, and also a technical consultant to the Brazil Internet Stream Committee. I am here just as an observer to this working party. Thank you.

REEMA MOUSSA: Hi, my name's Reema Moussa. I'm a fellow, so this is all fairly new to me. I'm a law student at the University of Southern California, and also currently an intern with the Electronic Frontier Foundation.

EPHRAIM PERCY KENYANITO: Thank you so much.

BENJAMIN AKINMOYEJE: Hello, everyone. My name is Benjamin Akinmoyeje, and I'm the NCUC chair. I'm also a member of this working group. Thank you.

DAN GLUCK: Hey, I'm Dan Gluck, ICANN staff, here for support.

CINDYNEIA CANTANHEDE: Good day, good afternoon. I'm Cindyneia Cantanhede. I'm a fellow, and I'm also on the Policy Transition Program group in the NCUC, so I'm interested in working in the human rights approach to ICANN. Thank you.

MILI SEMLANI: Hello, everyone. I'm Mili. I'm also part of the NCUC EC, and I'm just here to observe.

KEN HERMAN: Good afternoon. Ken Herman, the NCUC North America representative, also interested in following this issue. Thank you.

KLAUS STOLL: Good afternoon. Klaus Stoll, CEO of the Internet Integrity Task Force. Thank you.

EPHRAIM PERCY KENYANITO: Thank you so much. Maybe others who'd want to introduce themselves, maybe you can get closer to a mic. Is there anyone who wants to introduce themselves? Seated at the back. Okay, no one? But in case you want to join and give points, feel free.

MARYAM LEE: Ephraim, I added a section on the agenda document for attendees. Perhaps we could ask those who are here to input there.

EPHRAIM PERCY KENYANITO: Yeah, I'm going to make the document open.

MARYAM LEE: Yeah. I've already shared it in the chat. So, please go to the link and add your names to the attendees. Thank you.

ERGYS RAMAJ: Hi, everyone. Ergys Ramaj with ICANN Org. I'm the Vice President for Public Responsibility Support.

EPHRAIM PERCY KENYANITO: Thank you so much, Ergys. Thank you for coming. Thank you, everyone, for coming. There's others in the room. For those who are online, seated behind me, some of them, yeah, they are observing and not ready to speak at the moment, but I invite them to speak whenever there's a point that interests them. So, maybe online. I can see there's now 23 people online. Those who have not introduced themselves, maybe you can go ahead.

DAN GLUCK: I don't see anyone raising their hands or unmuting, so I suggest we just continue. Okay. Sure. We can go ahead. Yeah, there's others online. And yeah, thanks so much for coming. I don't know. Oh, there's someone who's asking how to raise hands. Okay. But feel free to just unmute yourself. I might not see or view all the time, but yeah, that would be welcome. So, maybe we can start maybe with giving, maybe Maryam,

you can talk about the six public comments that you've submitted, and then I'll talk about the other agenda items.

MARYAM LEE: Okay, thank you, Ephraim. Actually, this draft, you mean the comments for the [inaudible] roadmap?

EPHRAIM PERCY KENYANITO: Yes. I have to let you know that I am not familiar with that topic in particular. This draft was sent to the committee by Ephraim in October, right? Was it October?

EPHRAIM PERCY KENYANITO: Yeah, maybe I can go to the second one, but maybe just highlight the first one, which we did in November. So, basically, we did an analysis. So, ICANN gave public comments. For those who were in the Kuala Lumpur meeting, one of the action items from the Kuala Lumpur meeting was to identify public comments and to give human rights analysis and just help ICANN to ensure that Section 27 of the bylaw is being implemented.

Basically, to avoid doing it at the end after public comment has already gone through the process, so we decided to be proactive and start doing it early so that we don't trigger global public interest commitments when this should have been done right through the process. So, to avoid delaying processes, we decided as CCWP to start being more proactive. So, this is one of the action items. So, yes, the first one on universal acceptance, yes, that's the one that worked more

closely, took the lead. Thanks so much for the support, for those who gave comments.

Some people gave comments from the list and others. And we submitted an analysis. We've seen some language, some of it being interpreted, so we got feedback, that was very helpful. Basically, we just talked about the nexus of universal acceptance and human rights. Basically, it's the rights to language, rights to access, right to participation for people from countries maybe or languages that they don't speak, the mainstream languages. So, basically trying to bring out the human rights interpretation of some of these public comments.

The other comment that we submitted was ICANN's registration data consensus policy. So, basically, we talked mostly about data protection and the right to privacy, mostly on this sub-public comment. We talked about the draft IANA PTI, financial operating plan and budgets, and just some of the budget lines that we think maybe can help advance human rights. And among others, also talked about the SLA for IANA numbering services. Similar, also, we did that analysis. And we did also an analysis for initial report for CSC effectiveness review and the pilot holistic review. So, these are some of the six that we did in Q4 until December. And they're available online. Basically, trying to be more proactive and not just complain at the end that human rights or section 27 is not being interpreted correctly. So, trying as much as possible to just do research. Basically, based on the charter that was drafted in 2014, just do research and advise ICANN that looking at this law, looking at this policy, it can help advance, maybe, this United Nations declaration principle or this various law in these various countries. So, that was what we did.

And then, the other thing which we worked on, just trying to, some of you know, we already had this first draft of this course as early back as earlier last year. But we've just been trying to get feedback. So, the second item is the course. Draft ICANN Learn course, which we hope to hopefully work closely with ICANN officials, ICANN org, to have it up on ICANN Learn. So, this is something which can be used for the future. Basically, trying to explain what human rights are and how they connect to the DNS. We'll talk about it more in the end. Maybe, Maria, we can talk about second item.

MARYAM LEE:

So, as Ephraim mentioned before, we have about 100 members in the list. And so, if there are people here who would have some ideas on how to increase. So correct me if I'm wrong, Ephraim, membership is not restrained to only ICANN people, right?

EPHRAIM PERCY KENYANITO: Yes, membership is open to every person. As I mentioned, there are two human rights groups within ICANN. So, there's the GAC, International Law and Human Rights Group. And then, there's this. So, this CCWP is open to the entire ICANN community, not just NCSG or non-commercial users. So it's open to every person and internet users who would be interested to contribute ideas.

MARYAM LEE:

Yeah, so, we can open it to the floor, but I just wanted to note something. Before I attended ICANN in September last year, I have definitely, as someone who is outside of ICANN, I definitely have

interest. And working also at the IO Foundation, it has opened my eyes to technical standards for human rights. And that was part of the interest that encouraged me to become part of this group. And so, that could possibly be one of the things that we need to highlight more, perhaps what some of the benefits, the pluses in becoming members of this group. Perhaps if someone could also share how have you interacted with the Working Party before and where can we improve specifically in terms of attracting members to the Working Party. Any comments?

EPHRAIM PERCY KENYANITO: Anyone with ideas? How do we make our group more, active, more vibrant?

MARYAM LEE: I thought I heard somebody said something about mailing lists?

EPHRAIM PERCY KENYANITO: Yes.

MARYAM LEE: Earlier there was somebody introducing himself.

DAVID MCAULEY: I would be happy to comment. Thank you, Maryam and Ephraim. I have been a longstanding member of the committee. And it's always been a very good committee. There's no question it does good work. In the past, we did experience some leadership turnover as people left the

community and that was understandable. And so, my compliments to you, frankly, for what you've been doing since you've taken over.

A couple of ideas occurred to me. One is I think we should test our mailing list. I'm not receiving the mail. And a couple of times, I've checked on it and I've been told that it's okay. And I think if there's a way to test it, maybe it would have to be something outside of the list like a blog post on the community saying, here's what we are doing. Here's what we are about. Please let us know if you're interested. And please, if you're a member of the community and not receiving the mail, just let us know somehow. That kind of thing. I think that might be of interest.

The work is, I think, self-evidently important and interesting. And so, maybe a blog post would serve another purpose of just getting that word out there that this group exists. It meets regularly at ICANN meetings. It has important work to do. I have to say compliments to you on the idea of moving up the PDP comments. I mean, that does make sense. It's a good project that's been underway and I was there when it was developed, how to do these PDP comments. So, again, compliments to you.

So, they may be a couple of ideas. But for someone like me, who's been a longstanding member, who's just not getting the mail, even though I've checked a couple of times, that may be happening to others. So, I think we have to find a way to test this and just take a look at it. Thank you.

MARYAM LEE: [inaudible] something about the knowledge transfer that's happening in between leaderships, of course, but also the history of the working party in a way. That was one of the things that I had to navigate and I'm still navigating. So, I apologize in advance for some clueless moments. So, a way to navigate perhaps like what this working party is all about, what the history, the people in it, how to contact them and where to find the discussions, essentially. What's it called? I mean, here in Malaysia, we call it the legend, the one in the shopping malls, like a navigator of sorts. Do we already have that platform?

EPHRAIM PERCY KENYANITO: No, not really. So, maybe that's a good idea. Looking at our conference page, it's not that active, trying to make it more active. We're just landing page to make sure members are able to figure out more information much easier. So, yes, that, yeah, our website needs to be updated. So, consider working closely with ICANN staff on updating our conference landing page. Thanks for that idea.

CINDYNEIA CANTANHEDE: Being part of the fellowship program, I know that we have a lot of newcomers who are interested in human rights, but when you are discussing the technical approach in ICANN, it's much more harder to find those connections. So, I think something that maybe could help is to make short descriptions of the progress of the work and send them a text or maybe an informative email so people who are joining now can have best descriptions, not only in the public comments who are much more detailed and discuss it, but actually on the things that have been

achieved and decisions that have been made so they can understand how they can collaborate in the current activities.

EPHRAIM PERCY KENYANITO: Thank you so much, yeah. So, the short descriptions. But there's a longer description, the course that you're going to go through a bit that can be helpful, especially for fellows or someone trying to learn this, maybe they're joining a working group, yeah. Any other ideas?

DAVID MCAULEY: Thank you. So, one other idea might be when we do comment on a PDP to maybe a month or so later, make a point of contacting the leadership of the PDP and asking them to give us feedback as to what impact, if any, it had, how can it be improved, what is there about what we're saying that can be—we'd like to understand how it's being received and whether we need to change it, improve it, etc. That's just one idea, thank you.

EPHRAIM PERCY KENYANITO: Thank you so much. I'd like to ask for more ideas before we go to the next item.

MARYAM LEE: Perhaps also we can focus on existing members, making them active again, encouraging active participation with the same strategies.

EPHRAIM PERCY KENYANITO: Yes, so not just external facing, but also internal facing.

JACOB ODAME-BAIDEN: Hi, my name is Jacob Odame-Baiden and I'm happy to join this session. I find this very interesting. Apologies, I joined just a bit late, but I'm a lawyer, a tech lawyer based in Ghana, and I'm still trying to find my way in ICANN. And when I saw this particular session focusing on human rights within ICANN, I got so excited.

So I'm also someone who wants to contribute actively and I want to get more information on how I can join this working group so I can learn what has been done so far and participate. So thank you so much. I think I find myself at the right place. Thank you.

EPHRAIM PERCY KENYANITO: Thank you so much. Benjamin.

BENJAMIN AKINMOYEJE: I also think it would be really good for the working party to also make appearances at all of our membership meetings to make sure it's part of the agenda because every time we mentioned our community, as in NCUC, we care about human rights. That is not substantial enough until you bring this kind of work and say, hey, when Benjamin mentioned human rights, this is what he meant. There's this working party that we're made of and it happens here and all of that. So that gives more concrete details about it and then people can just walk over to your sessions or to your mailing list and start participating. So I think that would be helpful too. So tomorrow, I think we still have NCSG day, membership constituency day. So I think it would be a good agenda item for you to make appearance there as well. Thank you.

EPHRAIM PERCY KENYANITO: Thanks so much for the invite. I will make, yeah, an appearance. Yes, I think maybe we can go to the next agenda item and if there are other points, you have access to the agenda, you can add. So the other agenda item that maybe I can point out is the work that we did towards implementation of Work Stream 2 implementation.

So basically, there's work that maybe that's not been added here, work with GAC. I don't know if GAC representatives are on the list, but try to work with them on a tool. Maybe you can click on that NCUC tool, that on the NCUC itself. Yes, so there's a tool which we came up with during the pandemic. We've been tweaking the tool several times trying to ensure that how can an SO/AC itself comply with human rights? So that's the question that we've been trying to think because all the time we talk about ICANN. ICANN should come, ICANN Org. So ICANN Org did an assessment of itself in 2019 for those who remember in May. So how can an SO/AC, those are more the questions which we've been asking ourselves.

Currently, some of you might have seen the Board question asking SO/ACs, their compliance with Work Stream 2 sections on the things that they should do, the SO/AC accountability recommendations. And basically those SO/AC accountability recommendations, looking at them from a human rights law perspective, some of them have a human rights angle. Some of them are about privacy. Some of them are about due process. How can members join? How can they complain? I think some of this has errors. But basically, I think this version is the test version. I think I'm going to pull it down, but it's fine.

Basically, there's a tool which we were, just maybe open section A of the tool, David. I think maybe you can ignore that, the issue areas. But basically asking those questions from the Work Stream 2 recommendations, the sections on SO/AC accountability. So identifying issues to do with, like leadership being aware of harassment, of conduct, of trying to ensure that members are able to raise their issues and solve issues internally well. So some of them are questions on rights to due process. It's a human right.

I remember when I spoke about this in 2020, I think it was the June meeting, and someone was like, how does Work Stream 2, what does it mean on human rights beyond the section on human rights, the recommendations? But basically, Work Stream 2 from a legal standpoint are about human rights to a great extent, are about the right to due process. Accountability is the right to due process.

So some of these questions. So we came up with a tool. We are not yet done tweaking it. So you'll notice some errors. But the first test case, which thankfully the chair of NCUC is here, and the NCUC meeting, if you look at the record from the Kuala Lumpur meeting, the members were open to us testing this tool on NCUC, because NCUC talks about human rights, testing on it on itself.

So we are going to discuss it further, but we found mostly there's a lot of compliance on human rights, or a lot of compliance on Work Stream 2, recommendations on SO/AC, accountability. So this is one of the things which we've been working on, and maybe I'm going to share the final on the list, and make sure that David, you are included. I will just follow up with Dan and Andrea and everyone to just make sure that the

list—in case you're not on the list and you've not been getting mails, please check with me. You're not the only person who's complained. I'll just take your email, and make sure that you are included in that email. But basically, we tested it on NCUC, and we'll just keep testing it, and hopefully come up with a standard tool that SO/ACs can use to test themselves. Just crowdsource, look at their policies, procedures, and see if there's a right to due process, and other human rights concerns, right to privacy, rights to—like for example, when members want to interact in the membership through an anonymous email, those kind of rights, are they being respected?

And then, we've been working closely with the CCOICI, the GNSO Council Improvement Team. We've provided them advice, and yes, this is on the record, it's public information. They have discussed this publicly. In December, they shared this advice with the GNSO Council on how to implement human rights at PDP, those PDP forms. So, they came to us with questions, and I will be getting back to them with the response, so that we can revise those forms to ensure that those forms are in compliance with Section 27.2 of the Bylaw on Human Rights.

I think that's it. And then, there are various ongoing PDPs, which are open for, which we can do similar to the way we did in Kuala Lumpur. Over the next couple of months, give comments, especially those public comments, and just in those PDPs, participate and give them a human rights perspective, and not wait for the final version of a report, and raise that it's not human rights compliant while we can be proactive, and we need more members. That's why I keep saying we need, yes, we need to reinvigorate the members.

Then, lastly, before we go into the course, this is the document that I talked about, the strategy. Looking at, maybe you can open it, the issues in Work Stream 2. So, this is a map that we did. This was me and Austin before Austin left. Austin was the other co-chair, my predecessor. For me, at the time, I was also kind of observing, observing, and then, finally, he told me he's leaving, and I was like, okay, I'm going to volunteer to step up, and join, but this is basically the work that we worked on, trying to map each Work Stream 2 topic.

So, in pink, those are the Work Stream 2 topic, and then, in green, those are the human rights areas, in general, like the human rights concerns. So, some of them, right to diversity and participation. So, for example, diversity recommendations on the Work Stream 2. There's the right to diversity under international human rights law. Due process, good faith, right to due process. Framework for interpretation, basically, it's like the dictionary for human rights within ICANN. Jurisdiction issues, right to due process, right to participation. Office of the Ombudsman, general human rights concerns, right to due process, access to the Ombudsman, effective remedy from the Ombudsman. It's a right to due process issue for members, for every ICANN community member. Same to SO/AC accountability, due process, freedom of information, right to participation, among other rights, and same to all the other stuff, accountability, ICANN transparency.

So, this is basically the framework that you are coming, the thinking that you are coming with towards this work. Basically, for me, something that I said in 2020, for those who remember the session that we had in June in collaboration with the GAC, the open session, I am of the view that, and still of the same view, fulfillment, full fulfillment of

Work Stream 2 recommendations will really help the fulfillment of Section 27 bylaw, or regarding human rights within ICANN.

Basically, if we achieve all the Work Stream 2 recommendations in full, in detail, it will really help to advance human rights. I think that's it, before we go to the course. Maybe we can open the course.

DAN GLUCK: We also have a question from chat if you'd like to get to that now.

EPHRAIM PERCY KENYANITO: Yes.

DAN GLUCK: It's from Maryam. Since we have longtime members here, historically speaking, has the CCWP worked on considerations for technological solutions for human rights?

EPHRAIM PERCY KENYANITO: So, yes. So, just giving a historical question. Thanks so much for the question. So, something which maybe older members can mention, because for me, also, I volunteered when I saw the group was almost dying, and the members were not that active. Basically, two things, these groups came up, there were two groups, this CCWP and the GAC Human Rights and International Law Working Group.

So, these two groups, they were one group that came up with this section 27.2 of the bylaw—once the IANA transition—so the IANA—human rights was being discussed ad hoc-ly within ICANN over the

several years, but then 2014, March, when Barack Obama's government at the time announced that they're going to allow ICANN to be global, for those who remember, the meeting was in Singapore. Actually, yeah, that was my first meeting as a fellow. And that's when there was that conversation about making sure human rights are part of this transition, because human rights are a global thing that should be respected, even as ICANN is being transitioned from outside the US control.

So, one of the things they came up with was the bylaw. Thanks so much for the good work, David and Tim and all the other people who were there back then. And then the other thing is the framework of interpretation. So, some of this work was between 2014 and 2016 and other times. But since then, once the bylaw was drafted and the framework of interpretation was finally agreed upon 2018, the group kind of went a bit silent. There was change in leadership. The group kind of went silent.

So, yeah, that's when I decided to volunteer, 2020. So, that's the history of the group. Yes, so, basically that's how, and then it kind of went silent. So, those are the two key things that the CCWP has worked on. But beyond that, the group was a bit silent for a while and we are trying to make it now more active by doing this course, by creating this course that is being projected right now. And by also the PDP work that we've been doing with GAC, with NCUC, with all the other various SO/ACs that we're trying to help ensure that they also comply with human rights at an SO/AC level and also the research that we've been doing. So, basically that's what has been done. But let's not take too much time

because I realize time is limited. We can just go through this course and make sure that everyone has a chance to see page by page.

So, basically this is our course, as I mentioned. I worked on it before Maryam joined. But it's not yet up on ICANN Learn. So, one of the things is that I have tried as much as possible to make sure this course has as much ICANN community input as possible. I've shared this course on NCUC, NCSG, ALAC list. I've shared it on as many lists that I'm on. The ones that are closed, like the GAC and others, I've not shared it, but I've shared it with some representatives who hopefully have shared it with others. But if not, I'm going to remind them. So maybe we can go to the second page.

The course tries as much as possible to make it ICANN Learn platform ready. So, I spend a lot of time going through ICANN Learn, making sure it is ready, it is as much as possible in that version. It is very easy to just upload it on ICANN Learn platform. Next page.

So, yeah, the menu, it is divided into four, the course. And this is basically one introduction to someone who's new. So, someone, maybe they're fellows, whenever they are joining, what is ICANN? And then in that introduction of what is ICANN, like why does it matter, the DNS? Why does the DNS, how does the intersection of the DNS and human rights? Section 27.2 of the bylaw, why is it important? Why did the Board, why did the community agree on that bylaw and the Work Stream 2 recommendations on human rights?

Secondly, we talk about, basically, what is human rights? What are the international human rights law mechanisms and treaties? And then third, what is the United Nations guiding principles on business and

human rights? Basically, the reason why it's important to talk about this is because it's important to understand what is the relationship between business and human rights. And then lastly, wrapping this up together, ICANN, the domain system and human rights, how do they all mix? So, maybe we can go to the next page.

Yes, so, course objectives. So, yes, you can see some members have added comments. For transparency, I've not deleted the comments. [inaudible] worked on some of them to incorporate them. As I've mentioned, I've shared this all over.

So, basically, the objectives, make sure that people understand human rights and why it's important and who are the stakeholders and recognize issues at this intersection. The outcomes, maybe next page. We're going to rush through this because there are many slides. So, we're going to, as much as possible, rush through. So, some of the outcomes. By the end of going through this course, you're going to be able to understand what is human rights. How does it intersect with ICANN, the bylaw, the core value, ICANN's human rights core value because it's now a core value from the 2016 ICANN Board vote and the 2019 ICANN Board vote resolution that brought together the framework of interpretation. Why is it important?

And then who should take this course? Next slide, sorry. So it's open to all various stakeholders. It's open to every person who's just interested. But within ICANN, it's important for the stakeholders, especially those involved in drafting of PDP or those working groups, for them, as they are drafting, they are taking this into account. Next slide.

So, I think I've talked about that. It's what this course is about. Next slide. So, yeah, so there are four lessons that I've mentioned. So, first lesson, it's self-paced. The intention is to ensure that these lessons are self-paced. So, you can take a break after you've gone through that intensive, what that is about, and then you can take a break and go and come back again, similar to the other ICANN Learn courses, the way they are self-paced. Next slide.

So, I talked about some of these things. The 2014, 14th of March, basically how this all came about. I don't go so fast back into some of the previous conversations before then because some of those previous conversations, they were sessions, but they are not sometimes documenting them. History, especially regarding human rights at ICANN, has been more documented or formalized from 2014. Before then, it was very informal sessions. Maybe NCUC has a session, or NCSG, or ALAC, and they talk about human rights. Yeah, next slide.

So, yeah, these interesting videos, which are from ICANN, from others, the sources still remain the same. Basically, what this is about. Next slide. So, this is now where we talk about what the section on human rights talks about, the core values, section 1.2 of core values talks about one core value is human rights. Then, section 7.2 talks about respect internationally recognized human rights as required by applicable, among others. So, next slide.

I talk about the second milestone. This is the development of the framework of interpretation, and some of the other milestones, similar to the one that I talked about, the November 2019 agreement by the

board adopting the Work Stream 2 report, which includes the human rights bylaw. Next slide.

Maybe you can be noting down questions, and also note that this course is still open. You can still add comments to it. I talk also about the background of the committee that drafted this. So, some of the people in the room were part of the team that came up with the bylaw, that came up with the framework of interpretation. Next slide.

Yes, so I talk about all the various, the history behind how did we get here. Next slide, please. And then, I talk about what the groups came up with. So, this, the framework of interpretation, what exactly do they say? The bylaw says this. The framework of interpretation says this. Basically, going back to the work of our predecessors. Next slide.

So, as you note, the framework of interpretation explicitly mentions the UN Guiding Principles on Business and Human Rights as one of the tools to use to interpret the ICANN bylaw on human rights. That's why there's a whole lesson on the UN Guiding Principles on Business and Human Rights. Next slide. So, basically, we can just go to all the various slides, and you can see that the framework of interpretation talks about all the people who are involved and all the people who are involved. So, it relies on the entire ICANN community. This is the language from the CCWG on accountability. Next slide.

Yes, so, I can see David's comments, yes, there, which I've just left them open there so that people can see. Members have been contributing on these comments all through. So, basically, policy development processes, what it means, and human rights. Next slide. Policy advice processes. So, there's some advice, there's the PDPs. Next slide. Also

still talking about framework of interpretation, giving examples, and then [sample.] Next slide.

So, this is from the ICANN platform on how they did the HRIA for ICANN. So, they talked about planning, scoping. Basically, HRIA is what they are. Data collection, analysis, development, communicating the results. This is the process that, this is directly from the ICANN HRIA document. So, that was done together with Löning Business, the human business rights responsible business group. Next slide.

So, talk about also implementing. How is it being, how should it be implemented? How is it being implemented by various groups? Next slide. Still on implementation. The stakeholder obligations. You can see this ICANN, registries, registrars, and also within ICANN, it's not just ICANN Org, but the entire ICANN community. So, identifying and managing these risks. So not just ICANN itself, but also for each SO/AC. That's why the other work on SO/AC accountability is still important. And as I mentioned, still some of it intersects with the right to due process and right to participation. So, next slide.

End of lesson one. So, that's a crash course on—you can still give feedback, as I mentioned, before we work closely with [inaudible] to get this up. But, next slide. I know it's a lot of content. We can give more feedback, how to break it down. Initially, there were three lessons. From the feedback we got in Kuala Lumpur, we split it further to four lessons. So, lesson two, it's basically—next slide. This looks at the United Nations Declaration on Human Rights. It provides language from those leading treaties, such as those. Basically, same language. For someone who's never learned about human rights, a single place within ICANN

where they can learn about what human rights are within ICANN. Next slide.

So, basic principles. So, it talks about, still same language from the UN Declaration, from the International Conventions on Civil and Political Rights, from the International Convention on Social Economic Rights. So, basically, there are two types of rights. Civil and political, and social economic. So, it talks about them, and it talks about all the various examples, sources of human rights law. Primaries being these treaties. Secondary being judicial decisions, and teachings, among others. Non-binding, general comments. We talk about them, for example, general comment 34 among others, and some of the other principles. Next slide.

So, yeah, we talk also about, also, the mechanism. So, what procedures exist to protect human rights? So, some of them, they monitor. Some of them provide relief. We talk about what they are. So, there are 10 treaty bodies. Some are binding, providing relief. Others just monitor state compliance. So, we list some of them, in case there's some which we've not listed. For example, we listed the African Court, the Inter-American Commission. In case there's something maybe missing from your part of the world that is not listed, please list. Next slide.

So, this, maybe we can zoom in a bit. This is normally a very interesting document. We're going to find a way, maybe, how to make it available on ICANN Learn in a way that members are able to see without trouble. But, basically, looking at the ones, maybe zoom out just a bit, the ones in the green circle, in the green Venn diagram, they review state reports. So, every country, U.S., South Africa, among others, the ones, they normally write reports to the U.N. and say, this is what we are doing on

human rights. This is what we've done in this year. And then, they send it to all these bodies in green.

And then, the ones in blue Venn diagram, they do their own investigations on their own independent monitoring. They don't have to receive reports, per se, but they can initiate investigations by themselves. And then, the ones in orange, they receive complaints. So, sometimes, you'll see someone has sued their states all the way to their highest court, Supreme Court, and maybe they have not gotten the remedy that they want. And then, they go to one of these bodies to try and get remedies. So, this explains to you what exactly the human rights world is about. Next slide.

Some of the key treaties are these. So, there are many more treaties, many more, but this is some of the main language when we talk about human rights. So, basically, by the time you're going through this course, I'm just giving you a crash course of this course on human rights. By the time you're done with this course, you will totally kind of understand how human rights is about and why section 27.2 of the bylaw exists. Next slide.

So, there are also videos, interesting videos on the same. They reiterate some of the topics. Next slide. Yes, so, there's basically information on human rights and ICANN, how to talk about human rights within ICANN. Next slide. Basically, the internet and human rights. So, yeah, there are various things. You can just go through the slides. Right to association and Internet, economic, social rights and internet, expression and internet, non-discrimination, cultural and linguistic diversity, which is

part of work Stream 2 recommendations on diversity, restrictions, when are human rights restricted? And that's the end of lesson two.

So, yes, lesson three. We're almost done. As I mentioned, it's self-paced. It's a course that can take roughly, let's say, 20 hours, self-paced. Yeah, next slide. So, ICANN and UN Guiding Principles. So, as I mentioned, the framework of interpretation on human rights explicitly mentions the UNGPs as a form of interpretation that can be used to interpret human rights within ICANN. So, in this section of, lesson three—as I mentioned, there are four lessons within this course. Lesson three of the course, you would be able to understand what is the UN Guiding Principles and how they are and how they apply to ICANN. Next slide.

So, there's a video. These videos are short. They're roughly 10 minutes at most each. They are not 40 minutes videos or one hour, two hours. They are 5- to 10-minute videos each. Next slide. Talks about due diligence. What is due diligence? Basically, ICANN did a due diligence in 2019 when they did the Human Rights Impact Assessment. NCUC, GAC, all the work that they're doing, the [inaudible] that they're trying to come up with, it's part of due diligence. Next slide.

Access to remedy. So, ICANN coming up with the Office of the Ombudsman is an access to remedy. It's a fulfillment of the access to remedy commitment within the UN Guiding Principles. So, whenever you're having issues, maybe, yes, so some of those requirements, or when you can, having that opportunity, maybe to sue ICANN or to sue a registry, that's an access to remedy. Next slide.

So, basically, UN Guiding Principles has three pillars. So, due diligence, trying to identify issues, second, access to remedy, and then three, just

continuous monitoring and reporting. We can go to the last lesson, lesson four. That's slide number 15. Yes, next slide.

So, basically, it still goes back, because as I mentioned, this course is self-paced, so some things are repetitive to remind you as you go through. So, it still reminds you a bit. So, you remember lesson one, we talked about DNS, but it was more wordy stuff. But here, it's a short three-minute reminder of what the DNS is about. Next slide. And then now, a connection again, wrapping this up. So, this is a summary section. Lesson four is a summary of all the different things we've talked about, the DNS and human rights, how they intersect. Next slide.

Talks about all the different domains, and some of them have been very controversial. Some of you remember when .amazon, .xxx, all these various, why were they controversial from a human rights perspective? Next slide.

DAN GLUCK: We actually have a comment in chat from Jean with a good link to—it looks like a different version and a different format, but, self-paced, might be a good alternate. Quick time check.

EPHRAIM PERCY KENYANITO: Thank you so much. Next slide. Thank you so much for the comment. We're going to look through it. So, you can see, oh, sorry, just the previous slide. ICANN policies and human rights. 54. So, that chart was created a few years ago. It talks about all the various—maybe you can zoom in to the orange. People within ICANN, sometimes you talk about

human rights, someone is not aware that you've been working on human rights.

For example, the work on WHOIS, the work on new gTLDs, subsequent procedures, how they all relate to human rights, applicant guidebook, all these things, how they relate to human rights. This table is something interesting, and we are going to find a way to, as when we get it up on ICANN Learn platform, to ensure that it's visible as you zoom, because I realize the more you zoom, some things are not very visible. So, we'll have to find ways to make sure it works. Next slide.

So, DNS and the right to privacy. So, we talk about the WHOIS. So, basically, this now goes into that table. It analyzes that table. Next slide. Still on privacy. Privacy seems to be a very big thing within ICANN. RDAP changes, and basically all the work that has been done towards privacy, it maps out. So, by the time you are done, you realize, huh, we've been working on human rights, even if I've not been working on human rights within ICANN. Right to freedom of association. So, subsequent procedures, among others. We are almost done. Next slide.

Yes, subsequent procedures, the working group, and how these intersect. Community objections, communities, and others. Next slide. Association. So, still part of some of those work. Applicant guidebook. The work on applicant guidebook, and how it relates to freedom of association. Next slide. Yes, DNS, economic, social, cultural rights. So, this is a lot about businesses, and for example, the question about generic names, among other cultural rights, among others. Some of how that relates to economic, social, cultural rights, and the right to

diversity. Next slide. Sorry. Yes, universal acceptance. Maybe you can add that, and we can amend and add some.

Basically, the course, I'm almost done. I think we can just go to the last slide. The course, so that we save time and open up for conversation. The course is, so far, 75 pages. Some of you remember the other version was around 50 pages when we were in Kuala Lumpur. We've gotten feedback, and we've kept adding and ensuring.

But basically, it maps out what is ICANN doing that relates to human rights. There's a lot that is happening, and you talk to someone, and they are like, at first, they don't understand. They are working on subsequent procedures, but they don't understand that relates to human rights, or they are working on WHOIS, they don't fully understand.

For example, looking at the SSAD document recommendations, the right to privacy was mentioned twice. I did a Control-F, Control-Find on the entire document. But basically, the entire document is about right to privacy. So, trying to make out that more, that awareness. So, this is something which we are still receiving feedback, since June of last year, and we would want to close this up soon, so we can get up a version online, and similar to other courses which are on ICANN Learn platform, we can amend as more information. For example, the UN Guiding Principles on Business and Human Rights, currently are undergoing negotiations. They might become a treaty in the future. So, if that happens, we'll amend that section to treaty.

So, this is something which will be ongoing, and it's work that the group can keep going, and we can keep getting feedback. And thanks, this was

a suggestion from within the group. Actually, I think it was Benjamin who gave that suggestion in 2020. Yes, at the time, I wasn't even a co-chair. I was just a member. And I decided to volunteer to come up with this course. The time Austin was the chair, and Akriti, yes, I think it was 2020, March. The meeting that was supposed to be in Mexico, and then a pandemic happened. I remember that online meeting.

So, yes, this is basically the work that the group suggested, 2020, and we've been working on it. The course has kept expanding, but we can get it up soon. Maybe comments, let's open up for comments. Yes, Farzaneh.

FARZANEH BADII:

Thank you so much. I'm a little bit unclear. I mean, there was so many slides that you had to go through, so it wasn't very detailed. You mentioned that the Office of Ombuds is a kind of like a remedy mechanism for human rights violations. I can't quite connect the two. Are there the cases of human rights violations? And ombuds, to be honest, the Office of Ombuds is pretty ineffective for really simple disputes between members, and then for human rights violations and grievances, I think—and also you mentioned Amazon as one of the, like, having human rights implications. And I studied that case, and it went through the review process and the independent review panel. And in none of the arguments that the governments were making, they said anything about any kind of treaties or human rights related aspect of it. But of course, I cannot at least recall. So just tell me a little bit about this .Amazon.

EPHRAIM PERCY KENYANITO: Yes, thank you. So I'll start with the ombudsman. So the ombudsman, despite it being, in your words, ineffective, it is a right to due process mechanism. Basically, the UN Guiding Principles on Business and Human Rights requests that businesses or institutions, whenever they have an institution, there's a form of process that people can make complaints and have them addressed.

Maybe we've not studied how effective they are, but for example, you and I have a dispute, we can take it to the ombudsman, and then the ombudsman can provide maybe human right—maybe you think I have infringed on your right to expression or your right to association. I've kicked you out of, let's say, NCSG. I'm like, no, I'm the chair, and I'm like, get out. You get it? Like, basically trying to provide remedy to members.

So it may not be effective, but it's a good first step towards that, compared with institutions that have no complaints mechanism or whistleblower policy. Basically, from an academic standpoint, having access, having an institution, having systems in place where people can complain and maybe try to resolve issues. Maybe they don't get fully resolved, but having that in place is trying to fulfill members' right to due process, because you're not going to just get kicked out of a community without.

Then second, on Amazon—yes.

DAN GLUCK: I just really want to point out, we love our meetings and technical staff, and I think they have to head out a bit. So if it's okay by you, I'm going to say now, thanks everyone for joining, and if there's any questions,

definitely reach out to Ephraim, me, Andrea, everyone, we're all looking forward. We can stay in the room, just we need to stop recording at this time. Please stop recording.

EPHRAIM PERCY KENYANITO: Thank you so much. So yeah, maybe we can just keep the conversation going for those who want to keep the conversation going, without being on record. So for example, on Amazon, from an academic standpoint, the companies wanted .amazon, right? Governments wanted it in the names of their people. So right to cultural participation.

[END OF TRANSCRIPTION]