

Human rights impact assessment and technology

ICANN82

What is HRIA?

- Human rights impact assessment is a process through which businesses, governments, and organizations assess the impact of their actions and decisions on people and their rights
- Business and Social Responsibility definition: “A human rights assessment identifies and prioritizes actual and potential adverse human rights impacts and makes recommendations for appropriate action to address those impacts.” ([Link](#))
- Human rights impact assessment assesses risks to people instead of risks to companies and organizations

General HRIA process

- Affected communities' consultation
- Stakeholder engagement
- Identification of human rights potentially at risk
- Providing recommendations for remedies and mitigation strategies

Human Rights Impact Assessment Frameworks

- Usually use Universal Declaration of Human Rights and other communications and technology related frameworks
- Civil society organizations and others have long been undertaking human rights impact assessment
- Article 19 impact assessment framework on Internet infrastructure
- BSR framework on rapid human rights impact assessment
- Berkeley center for human rights
- The Danish Institute for Human Rights

What does this mean for ICANN?

- **Context:** changes to ICANN's bylaws mean registrars have an obligation to take action to mitigate DNS abuse
 - This is now a concept with a clear definition within ICANN
 - However, as discussed in Istanbul, such actions must be done in a rights-respecting manner
- Action at the DNS level can have a disproportionate impact, and the *decision to do so must be taken very carefully*
- Currently, discussions have focused on quantitative indicators to measure successful action to mitigate DNS abuse
 - here, we propose developing qualitative indicators

HRIAs & DNS Abuse

How, then, to justify action at the DNS level? Under what circumstances should this be undertaken? What measures can be taken to reduce negative impact?

- A human rights checklist can help!

Privacy	Non-discrimination	Right to equal treatment
Freedom of Expression	Accountability	Access to remedy

- Any mitigation action must also consider the three-part test:
 - **Legality**
 - **Legitimacy**
 - **Necessity & Proportionality**