ARTICLE 19

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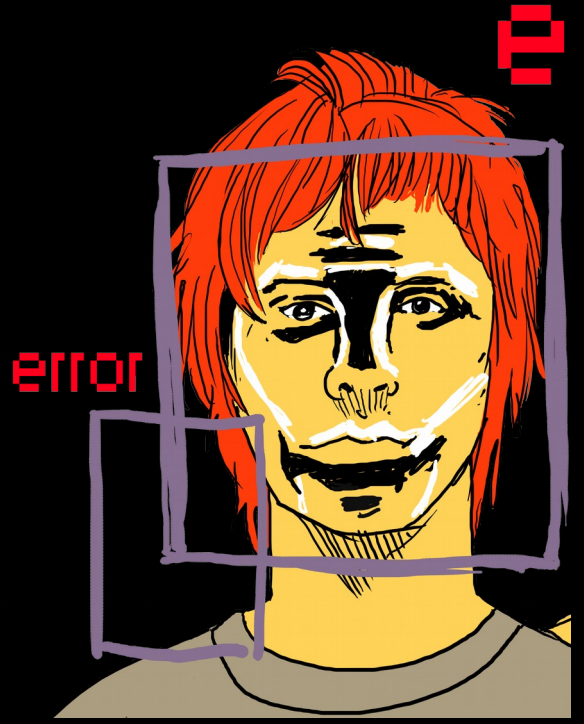


Precedent

WSIS declaration of Principles

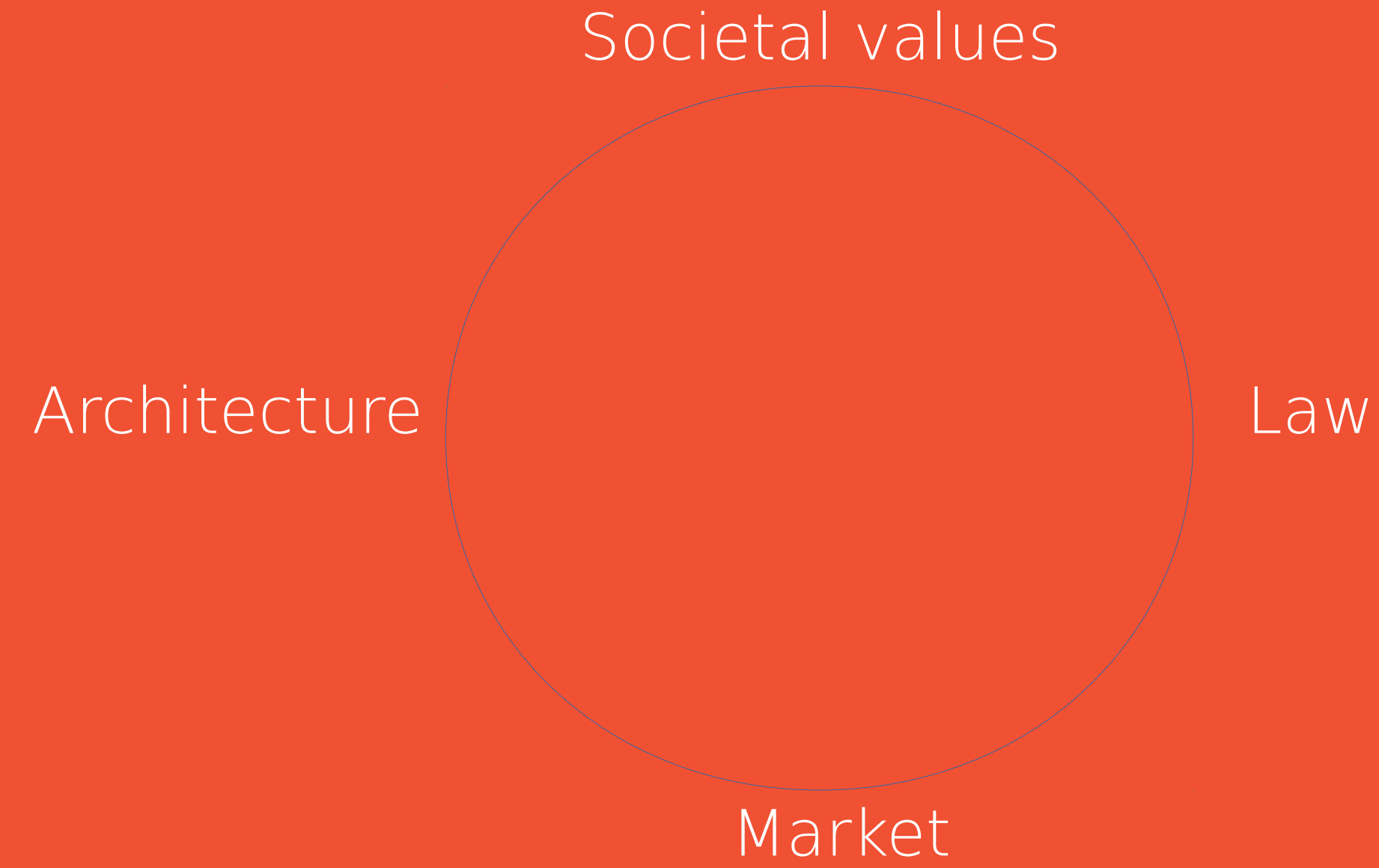
Resolution on 'The promotion, protection and enjoyment of human rights on the Internet' HRC2012 (offline = online)

Resolution on The right to privacy in the digital age. UNGA2013

NETmundial outcome document affirms that human rights, as reflected in the Universal Declaration of Human Rights, should underpin Internet governance principles.

Governments should promote the use of strong encryption and protect anonymous expression online. UNSR FoE2015

Lawrence Lessig



ARTICLE 19

Impact of Internet Protocols on Human Rights

Why

- Standards and protocols form the basis of the Internet.
- Internet is (often) a right enabling infrastructure.
- Is there a correlation?

Why

- Standards and protocols form the basis of the Internet.
- Internet is (often) a rights impacting infrastructure.
- Is there a correlation?

RFC1958

- Many members of the Internet community would argue that there is no architecture, but only a tradition, which was not written down for the first 25 years (or at least not by the IAB). However, in very general terms, the community believes that:

  the goal is connectivity,

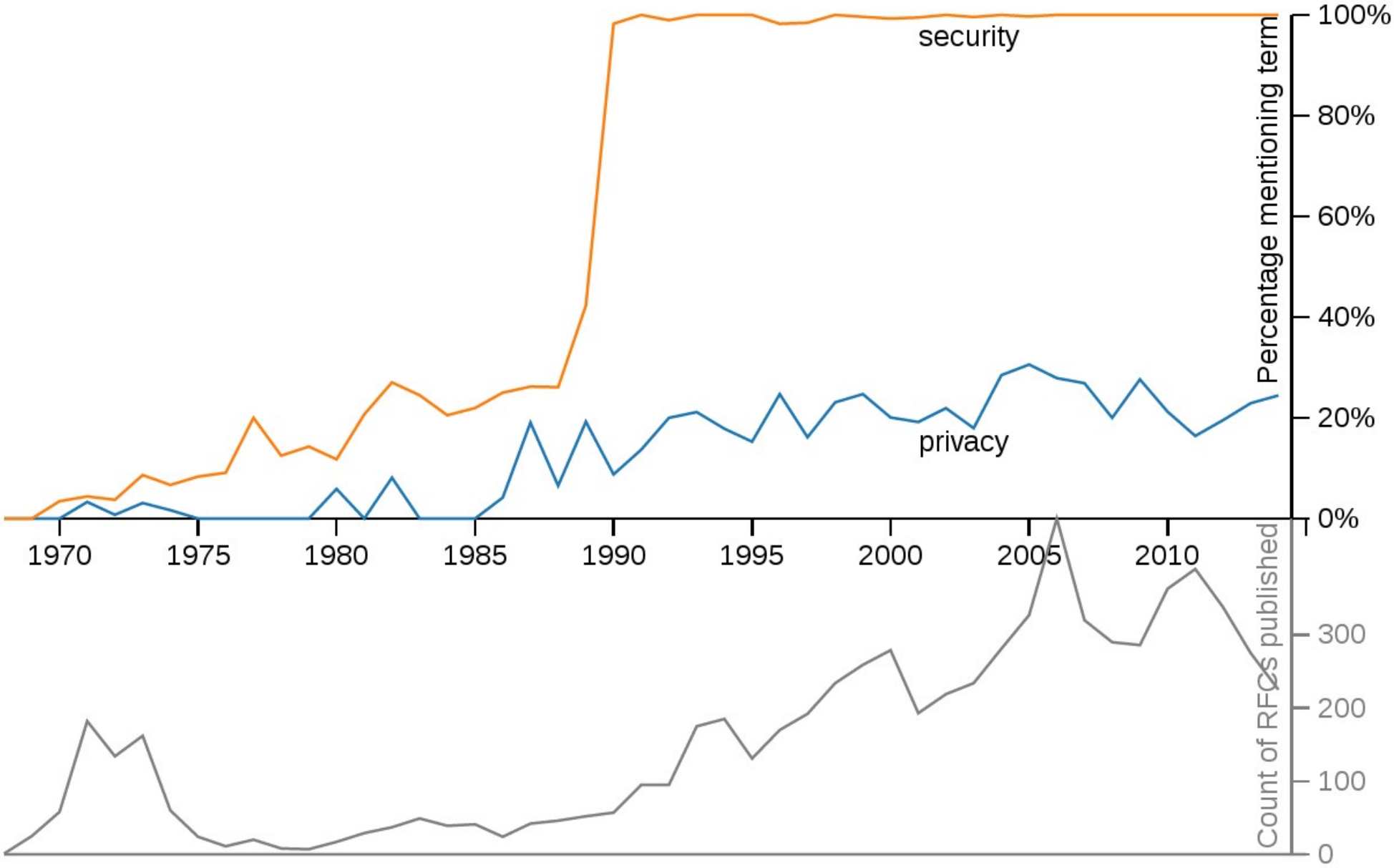
  the tool is the Internet Protocol, and

  the intelligence is end to end rather than hidden in the network. (emphasis added)

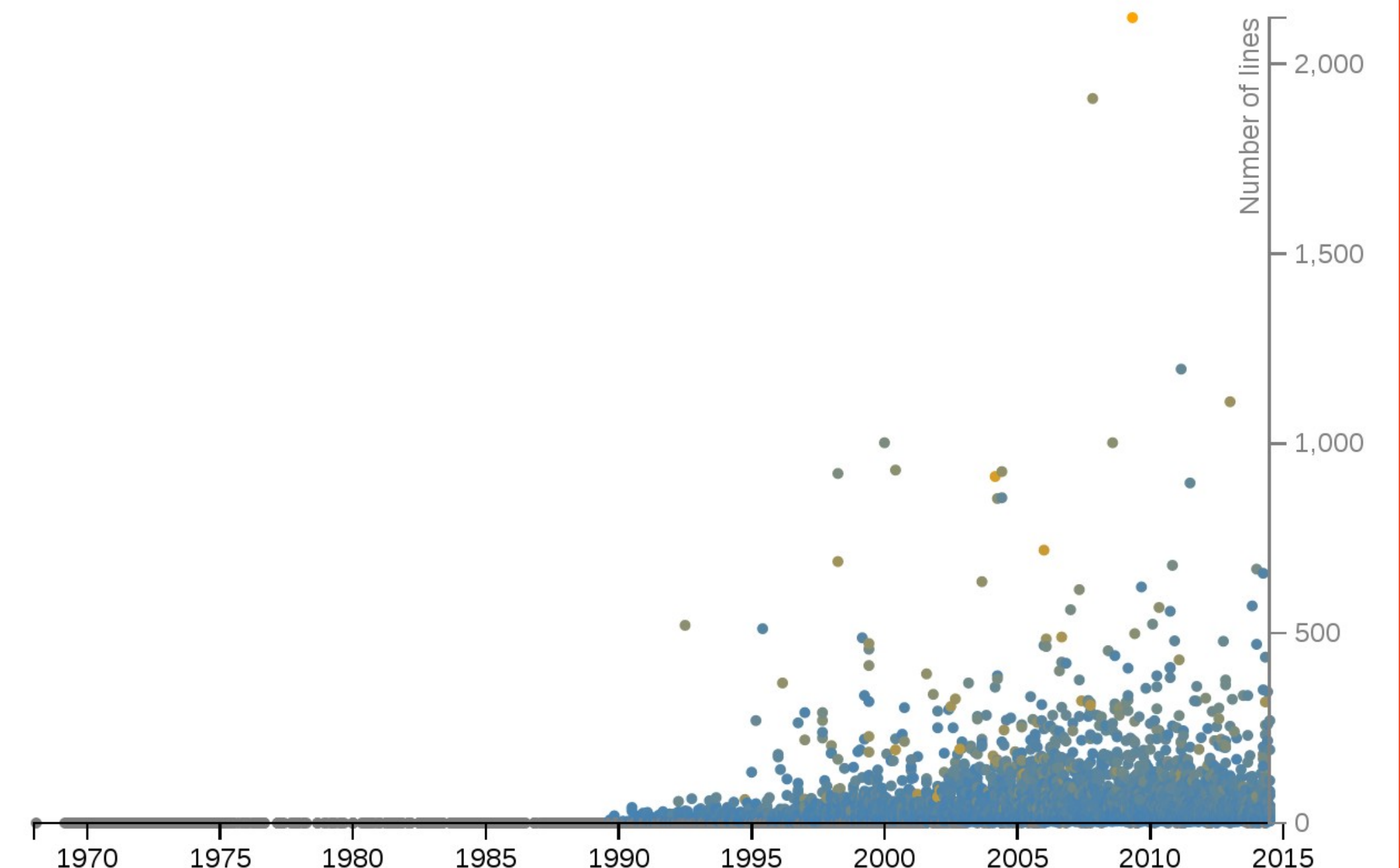
RFC3935

The Internet isn't value-neutral, and neither is the IETF. We want the Internet to be useful for communities that share our commitment to openness and fairness. We embrace technical concepts such as decentralized control, edge-user empowerment and sharing of resources, because those concepts resonate with the core values of the IETF community. These concepts have little to do with the technology that's possible, and much to do with the technology that we choose to create.

Increased work on security



Length of security considerations



Antecedents

- The entrypoint is RFC6973
  Privacy Considerations for Internet Protocols
  - Offers guidance for developing privacy considerations for inclusion in protocol specifications.
  - Aims to make designers, implementers, and users of Internet protocols aware of privacy-related design choices.
  - Suggests that whether any individual RFC warrants a specific privacy considerations section will depend on the document's content.
  - Defines engineering terminology to describe
    - Entities
    - Data and Analysis
    - Indentifiability
  - Builds on previous body of security analysis by recognizing the threats to privacy are security threats.
  - This research intends to do the same for Freedom of Expression and Freedom of Association

Human Rights Protocol Considerations

$$\left\langle \begin{array}{c} content\ agnosticism \\ connectivity \\ privacy \\ security \\ open\ standards \end{array} \right\rangle = freedom\ of\ expression$$

$$\left\{\begin{array}{l}\left\{\begin{array}{c}interoperability\\resilience\\reliability\\robustness\end{array}\right\}=connectivity\\ \left\{\begin{array}{l}\left\{\begin{array}{c}resilience\\reliability\\confidentiality\\anonyity\\authenticity\end{array}\right\}=security\\privacy\end{array}\right.\\content\ agnosticism\\open\ standards\end{array}\right\}=freedom\ of\ expression$$

$$\left\langle \begin{array}{c} \left\langle \begin{array}{c} interoperability \\ resilience \\ reliability \\ robustness \end{array} \right\rangle = connectivity \\ \left\langle \begin{array}{c} resilience \\ reliability \\ confidentiality \\ anonymity \\ authenticity \end{array} \right\rangle = security \\ \begin{array}{c} privacy \\ content\ agnosticism \\ internationalization \\ censorship\ resistance \\ open\ standards \\ heretogeneity\ support \end{array} \end{array} \right\rangle = freedom\ of\ expression$$

Right to Security

$$\left.\begin{array}{c} \textit{reliability} \\ \textit{confidentiality} \\ \textit{integrity} \\ \textit{authenticity} \\ \textit{anonymity} \end{array}\right\} = \text{right to } \textit{security}$$

Rights of Assembly and Association

$$\left(\begin{array}{c} \textit{connectivity} \\ \textit{decentralization} \\ \textit{censorship resistance} \\ \textit{pseudonomity} \\ \textit{anonymity} \\ \textit{security} \end{array}\right) = \text{right to } \textit{freedom of assembly} \text{ and } \textit{association}$$

Rights of participation in cultural life, arts & science

$$\left(\begin{array}{c} \textit{open standatds} \\ \textit{localization} \\ \textit{internationalization} \\ \textit{censorship resistance} \end{array}\right) = \text{right to } \textit{participate} \text{ in } \textit{cultural life}\text{, } \textit{arts} \text{ and } \textit{science}$$

Non discrimination, equal protection, presumed inocent & political particpation

$$\begin{pmatrix} anonymity \\ privacy \\ pseudonymity \\ content\ agnosticism \end{pmatrix} = non-discrimination$$

$$\begin{pmatrix} content\ agnosticism \\ security \end{pmatrix} = equal\ protection$$

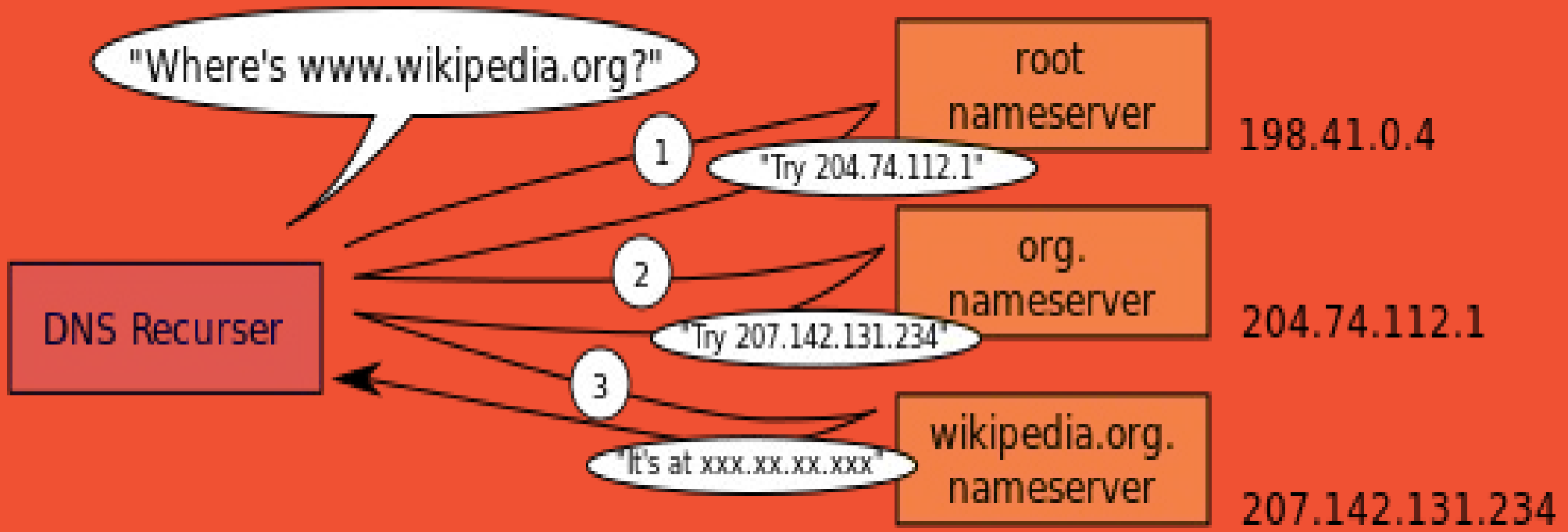
$$\begin{pmatrix} anonymity \\ privacy \\ security \end{pmatrix} = \text{right to } be\ presumed\ innocent$$

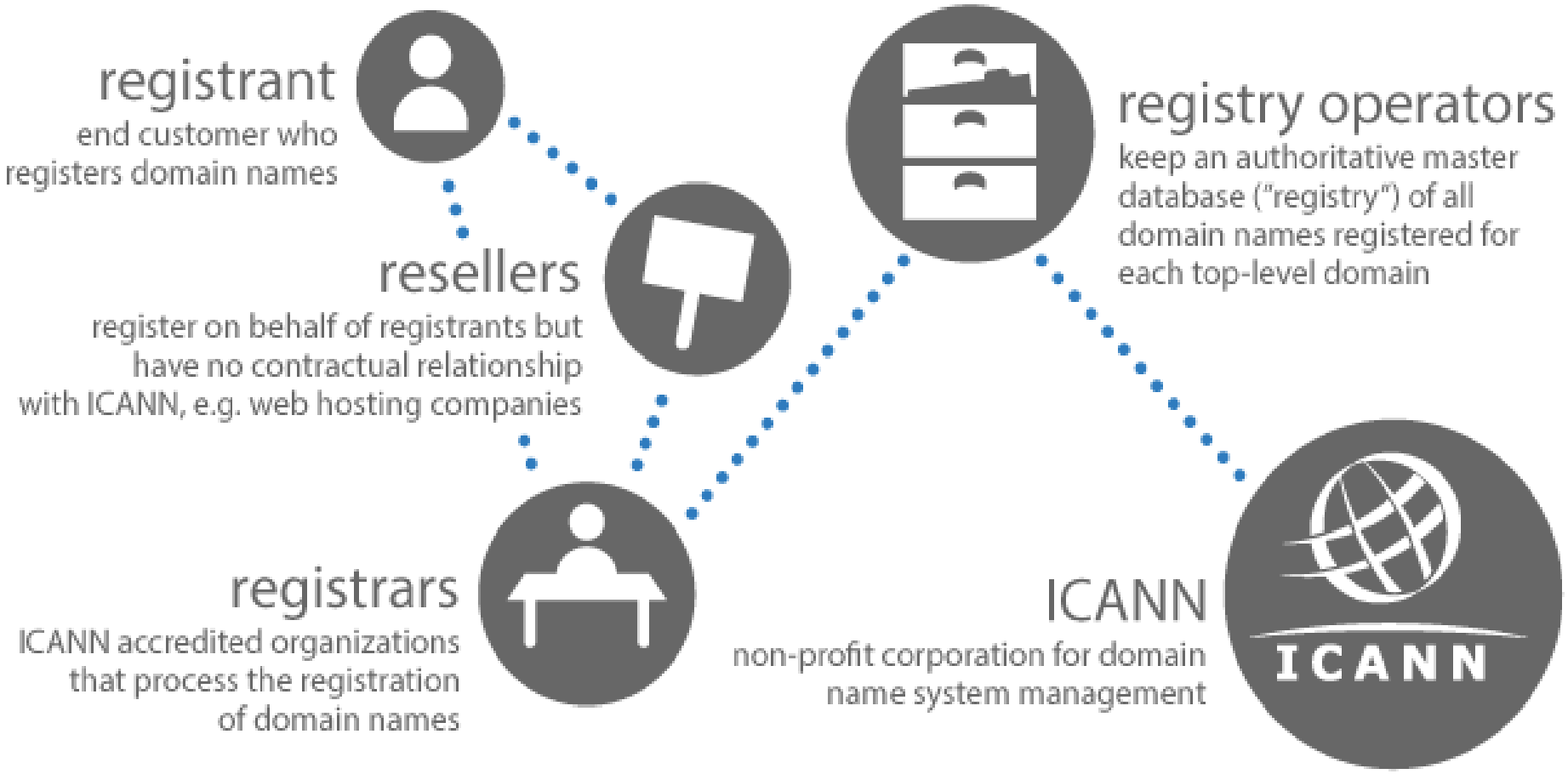
$$\begin{pmatrix} accessibility \\ internationalization \\ censorship\ resistance \end{pmatrix} = \text{right to } political\ participation$$

Balancing rights

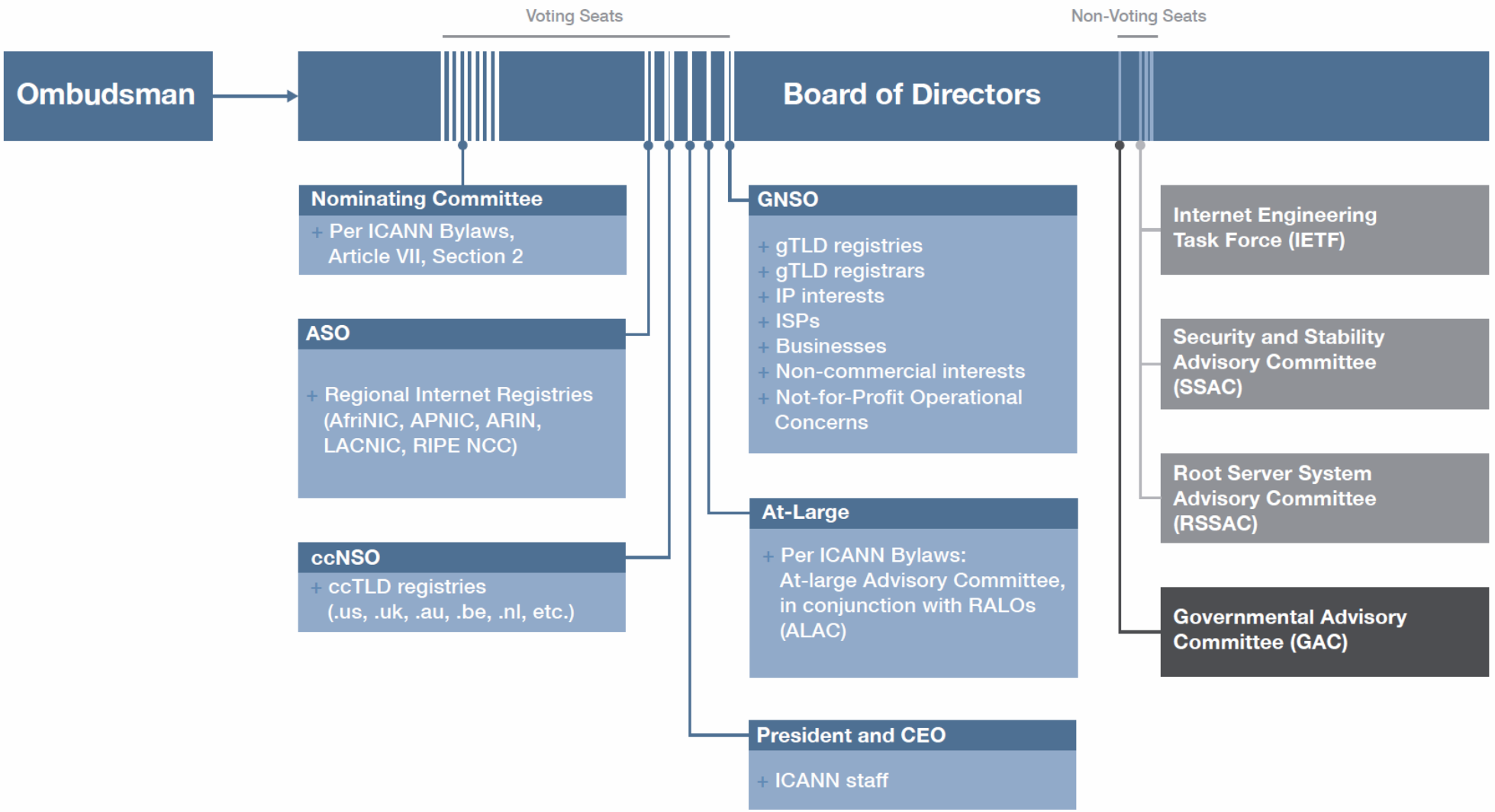
- Security & Privacy
- Decentralization
- End-to-end vs middleboxes
- Design & Implementation

ICANN'T EVEN

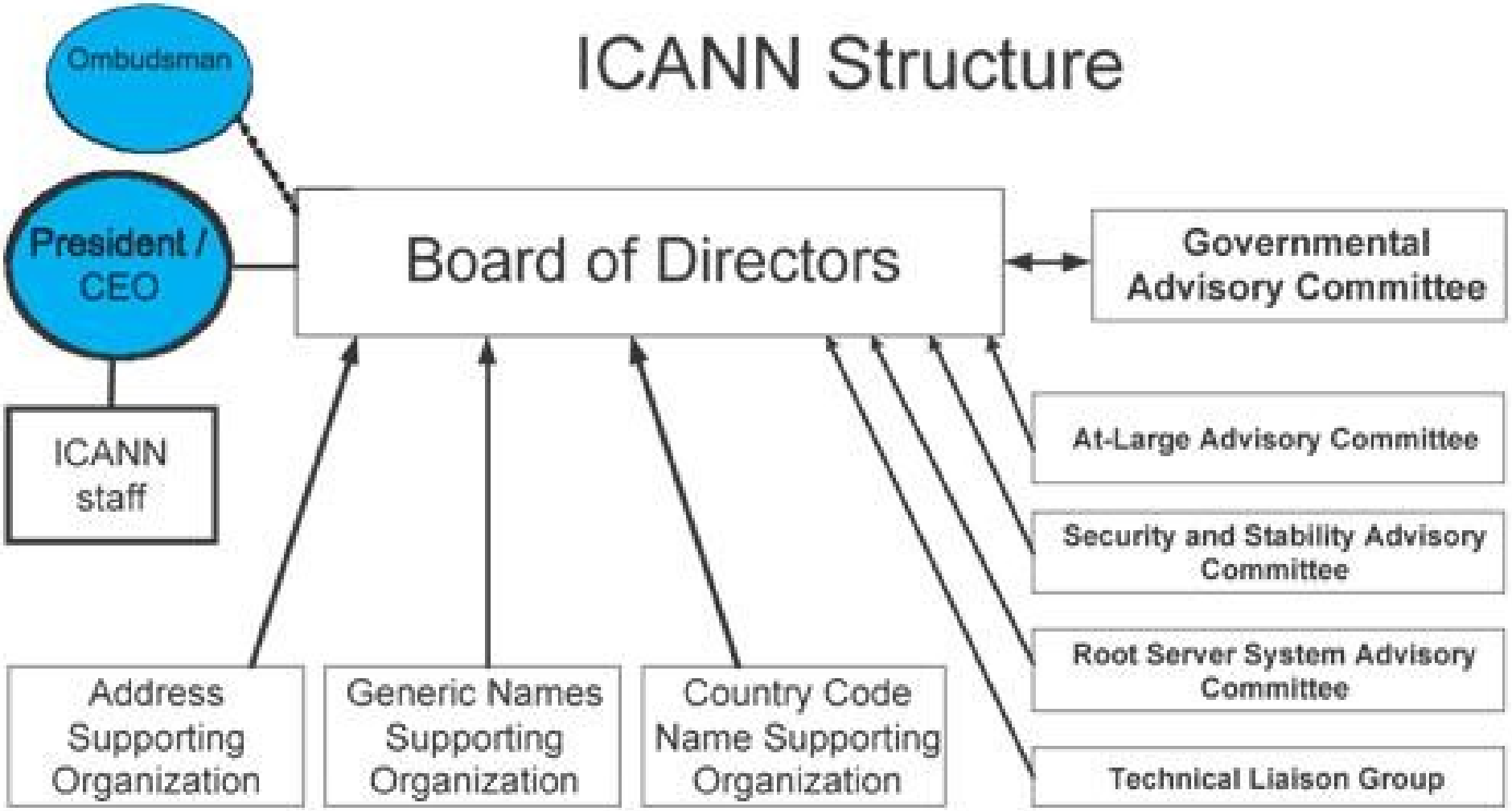

"Where's www.wikipedia.org?"
root nameserver
198.41.0.4
1
"Try 204.74.112.1"
org. nameserver
204.74.112.1
2
DNS Recurser
"Try 207.142.131.234"
3
wikipedia.org. nameserver
207.142.131.234
"It's at xxx.xx.xx.xxx"

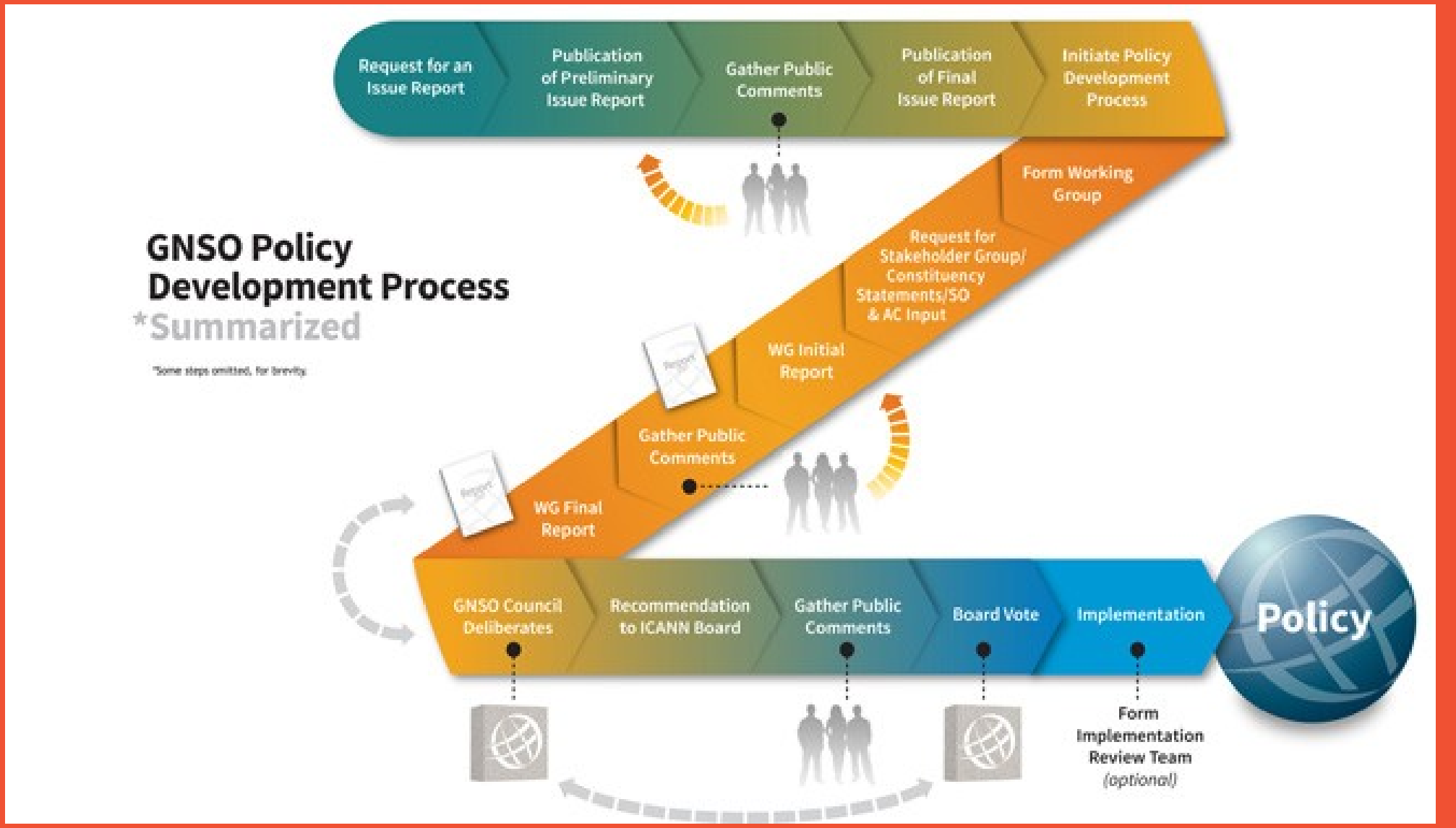


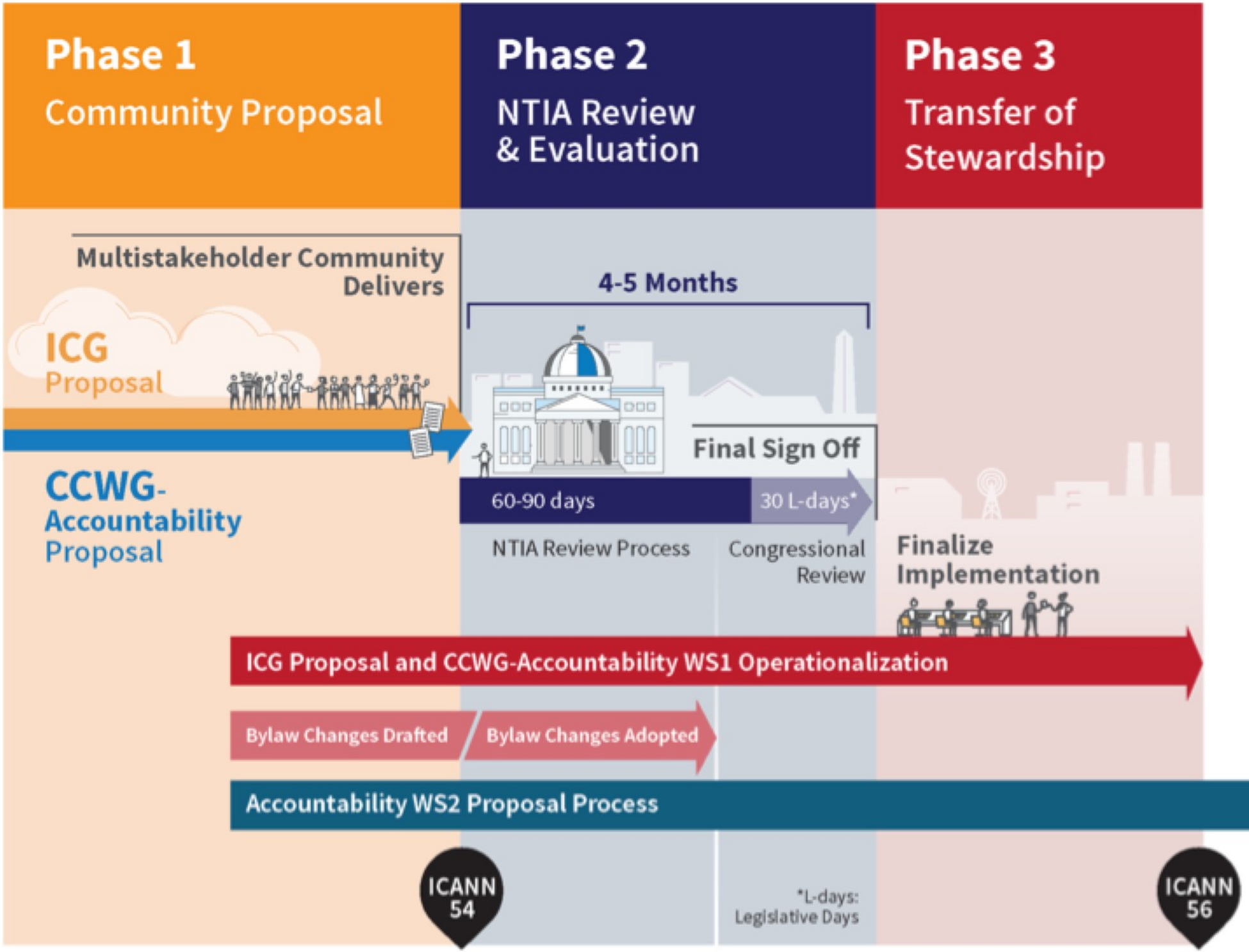
domain registry process


Voting Seats
Non-Voting Seats
Ombudsman
Board of Directors
Nominating Committee
+ Per ICANN Bylaws, Article VII, Section 2
ASO
+ Regional Internet Registries (AfriNIC, APNIC, ARIN, LACNIC, RIPE NCC)
ccNSO
+ ccTLD registries (.us, .uk, .au, .be, .nl, etc.)
GNSO
+ gTLD registries
+ gTLD registrars
+ IP interests
+ ISPs
+ Businesses
+ Non-commercial interests
+ Not-for-Profit Operational Concerns
At-Large
+ Per ICANN Bylaws: At-large Advisory Committee, in conjunction with RALOs (ALAC)
President and CEO
+ ICANN staff
Internet Engineering Task Force (IETF)
Security and Stability Advisory Committee (SSAC)
Root Server System Advisory Committee (RSSAC)
Governmental Advisory Committee (GAC)

ICANN Structure




GNSO Policy Development Process
*Summarized
*Some steps omitted, for brevity.
Request for an Issue Report
Publication of Preliminary Issue Report
Gather Public Comments
Publication of Final Issue Report
Initiate Policy Development Process
Form Working Group
Request for Stakeholder Group/ Constituency Statements/SO & AC Input
WG Initial Report
Gather Public Comments
WG Final Report
GNSO Council Deliberates
Recommendation to ICANN Board
Gather Public Comments
Board Vote
Implementation
Policy
Form Implementation Review Team
(optional)


Phase 1
Community Proposal
Phase 2
NTIA Review & Evaluation
Phase 3
Transfer of Stewardship
Multistakeholder Community Delivers
ICG Proposal
CCWG-Accountability Proposal
4-5 Months
Final Sign Off
60-90 days
30 L-days*
NTIA Review Process
Congressional Review
Finalize Implementation
ICG Proposal and CCWG-Accountability WS1 Operationalization
Bylaw Changes Drafted
Bylaw Changes Adopted
Accountability WS2 Proposal Process
ICANN 54
ICANN 56
*L-days: Legislative Days

Why?

“ICANN is bound to operate “for the benefit of the internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions and local law”

- Article 4 of ICANN's Articles of Incorporation

ICANN's policies and operations have the potential to impact human rights

RIGHT INVOLVED	THEME	ICANN POLICY OF PROCESS
Freedom of expression	New gTLD programme	Applicant Guidebook - community-based TLDs - Sensitive strings New gTLD subsequent round
	Rights protection mechanism - Trademark Clearinghouse (TMCH) - Uniform Rapid Suspension Procedure (URS) - Post-delegation dispute resolution procedure (PDDRPs) - Public Interest Commitments (specification 11 of the Registry Agreement)	Rights protection mechanism is ALL gTLDs Curative Rights protection for IGOs/INGOs Protection of International Organization Names is ALL gTLDs
	IDNs	Implementation of IDNs
Freedom of association	New gTLD programme	Applicant Guidebook - community-based TLDs
Economic and social rights	New gTLD programme	- Application fees - Auctions
Privacy	WHOIS	Next generation gTLD registration directory service (to replace WHOIS) Thick WHOIS PDP
	2013 Registrar Accreditation Agreement	- Whois accuracy specification requirement -
Due process	PDP procedure	GNSO PDP improvements discussion group
	UDRP	(upcoming review)
	GAC early warning	

Different Proccesses Ongoing

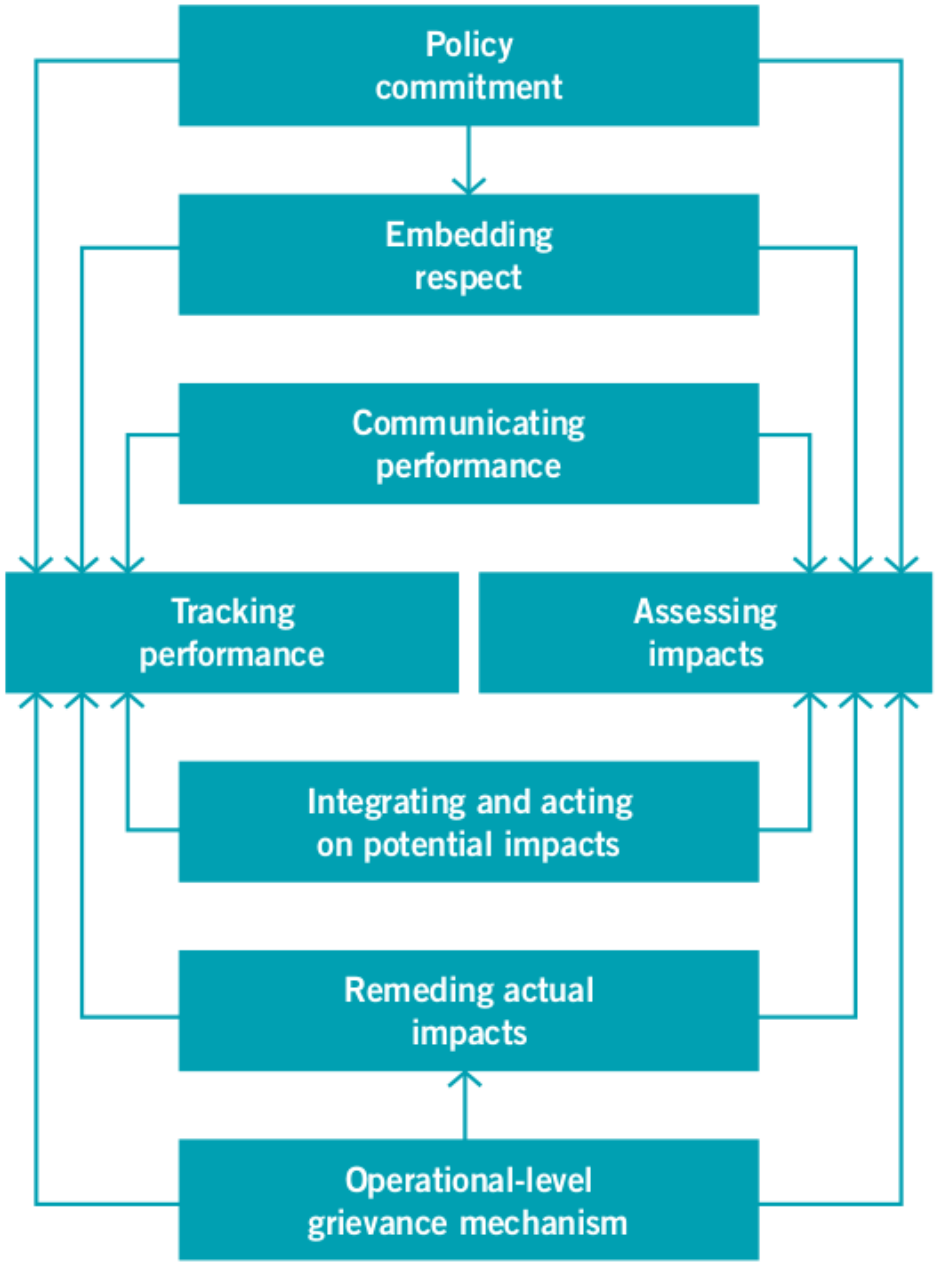
- GAC WG Human Rights and International Law
- CCWG on Accountability (WP4)
- CCWP-HR

Scope and focus

- UN Guiding Principles on Business and Human Rights
- UN Guiding Principles on Business and Human Right for the ICT Sector

- Not expanding ICANNs mission
- Human rights impact assessment
- Human rights policy

Key elements of the Corporate Responsiblity to Respect



Source: ICT Sector Guide

Step 1

- Create a human rights review process
- Review existing policy development process itself for human rights impacts and consider areas of improvement
- Apply the human rights review process on a pilot bsis for ICANN's policy development process

Step 2

- Taking into account the results of the pilot, formaise the human rights review process for ICANN's policy devlopment process
- With this input, conside a human rights policy statement in the context of policy development process

Step 3

- Consider carrying out an organisational level human rights impact assessmen for the entire ICANN operations, in collaboration with external experts
- Consider an organisation-wide human rights policy statement, integrating the human rights policy for policy development process

Step 4

- Consider a CSP strategy
- Consider a CSR reporting

Join or follow the work

ICANN

Mailinglist:
https://mm.icann.org/mailman/listinfo/cc-humanrights

Website: http://www.icannhumanrights.net

IETF

Mailinglist https://www.irtf.org/mailman/listinfo/hrpc

Github https://github.com/nllz/IRTF-HRPC

References

IETF RFC Graphs are produced by Nick Doty
https://npdoty.name/privacy-reviews/iwpe/

ICANN Diagrams are produced by ICANN

www.icann.org