

ARTICLE¹⁹

Niels ten Oever

PhD candidate

Datactive Research Group

University of Amsterdam

Head of Digital

Article19

niels@article19.org

nto@jabber.org

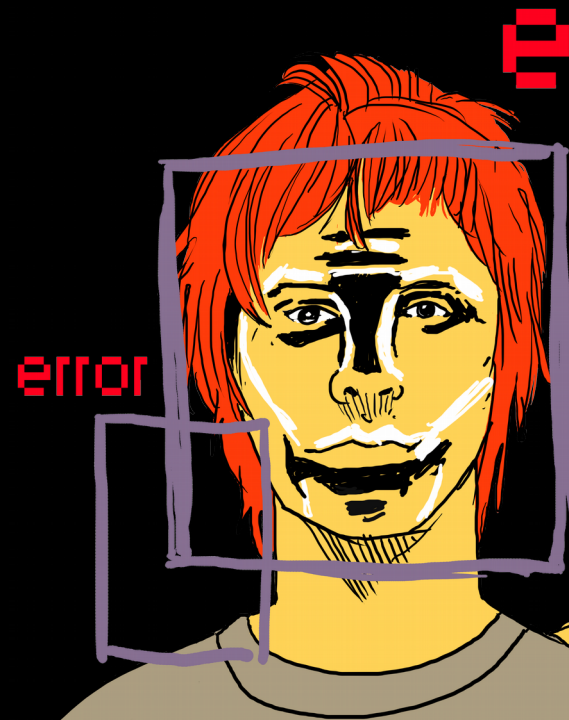
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CAN
INTERNET
PROTOCOLS
AFFECT
HUMAN
RIGHTS?

Art. 17
L'Assemblée nationale a décrété
qu'elle se réunira le 20 septembre
à Paris, à midi, dans la salle
de l'Assemblée nationale.
Art. 18
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Art. 19
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Universal Declaration of Human Rights

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- UN Guiding Principles on Business and Human Rights (2011)
- UN Global Compact (2000)

- Protect (states)
- Respect (non state actors)
- Remedy



WSIS > Tunis Agenda

42. We reaffirm our commitment to the **freedom to seek, receive, impart and use information**, in particular, for the creation, accumulation and dissemination of knowledge. We affirm that measures undertaken to ensure Internet stability and security, to fight cybercrime and to counter spam, must protect and respect the provisions for privacy and freedom of expression as contained in *the relevant parts* of the **Universal Declaration of Human Rights and the Geneva Declaration of Principle**

UN Human Rights Council 2012

- 1. Affirms that the **same rights that people have offline must also be protected online**, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

UN General Assembly 2013

4. Calls upon all States:

- (a) To respect and protect the right to privacy, including in the context of
- digital communication;
- (b) To take measures
- (c) To review their procedures, practices and legislation

5. Establish Special Rapporteur Privacy

NETmundial

Human rights are universal as reflected in the *Universal Declaration of Human Rights* and that should underpin Internet governance principles.

Rights that people have offline must also be protected online, in accordance with international human rights legal obligations, including the *International Covenants on Civil and Political Rights* and *Economic, Social and Cultural Rights*, and the *Convention on the Rights of Persons with Disabilities*.

UN Special Rapporteur FoE

- 2015 report:

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

- 2016 report:
- Intermediary liability
- Private entities should ensure the greatest possible transparency in their policies, standards and actions that implicate the freedom of expression and other fundamental rights.
- Private entities should also integrate commitments to freedom of expression into internal policymaking, product engineering, business development, staff training and other relevant internal processes.

Lawrence Lessig

Societal values

Architecture

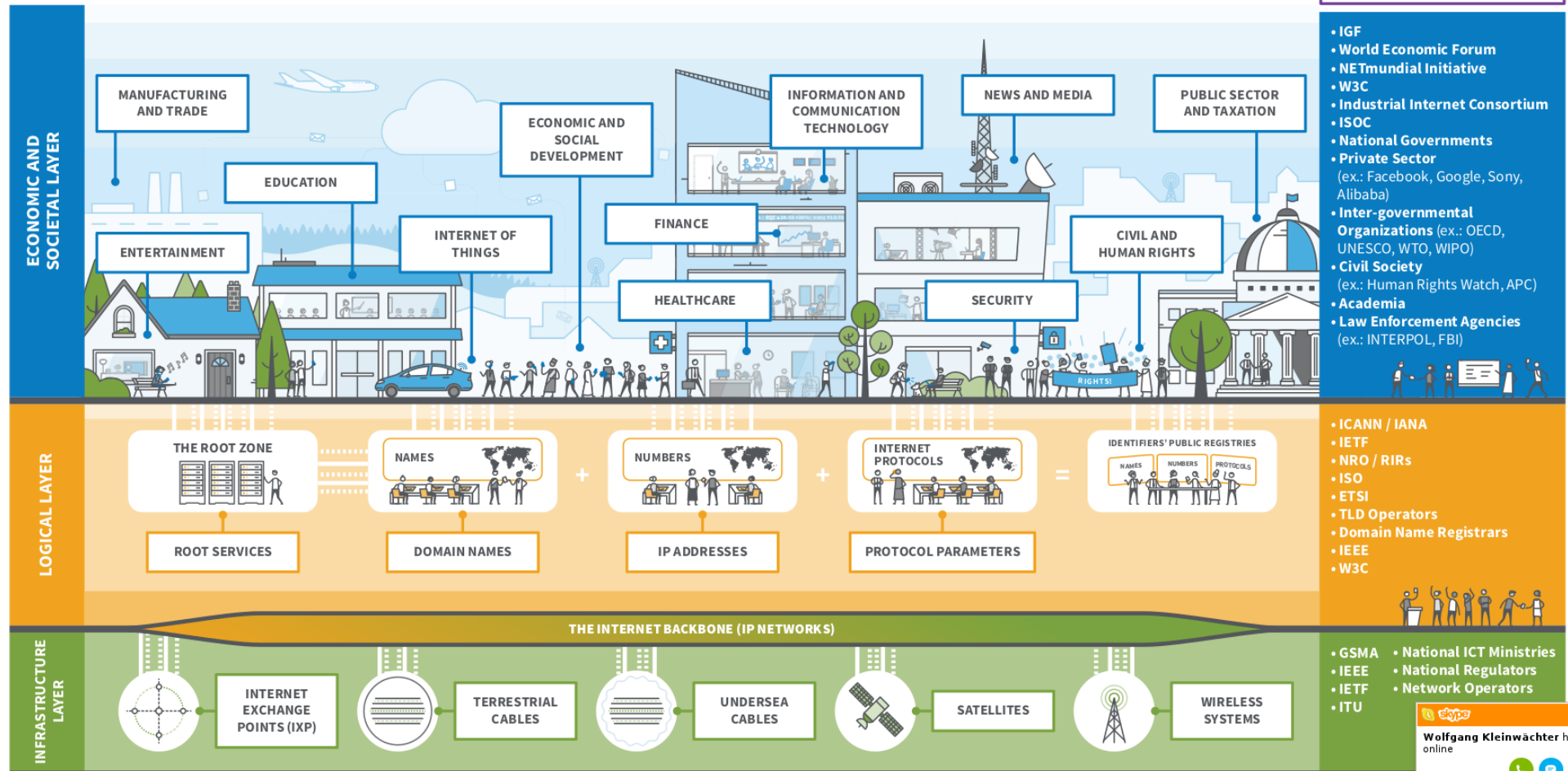
Law

Market



THE THREE LAYERS OF DIGITAL GOVERNANCE

No one person, government, organization, or company governs the digital space. Digital Governance may be stratified into the three layers depicted here: Infrastructure, Logical, Economic and Societal. Solutions to issues in each layer include policies, best practices, standards, specifications, and tools developed by the collaborations of stakeholders and experts from actors in business, government, academia, technical, and civil society. For a map of Digital Governance Issues and Solutions across all three layers, visit <https://map.netmundial.org>.



DIGITAL GOVERNANCE ACTORS

- IGF
- World Economic Forum
- NETmundial Initiative
- W3C
- Industrial Internet Consortium
- ISOC
- National Governments
- Private Sector (ex.: Facebook, Google, Sony, Alibaba)
- Inter-governmental Organizations (ex.: OECD, UNESCO, WTO, WIPO)
- Civil Society (ex.: Human Rights Watch, APC)
- Academia
- Law Enforcement Agencies (ex.: INTERPOL, FBI)

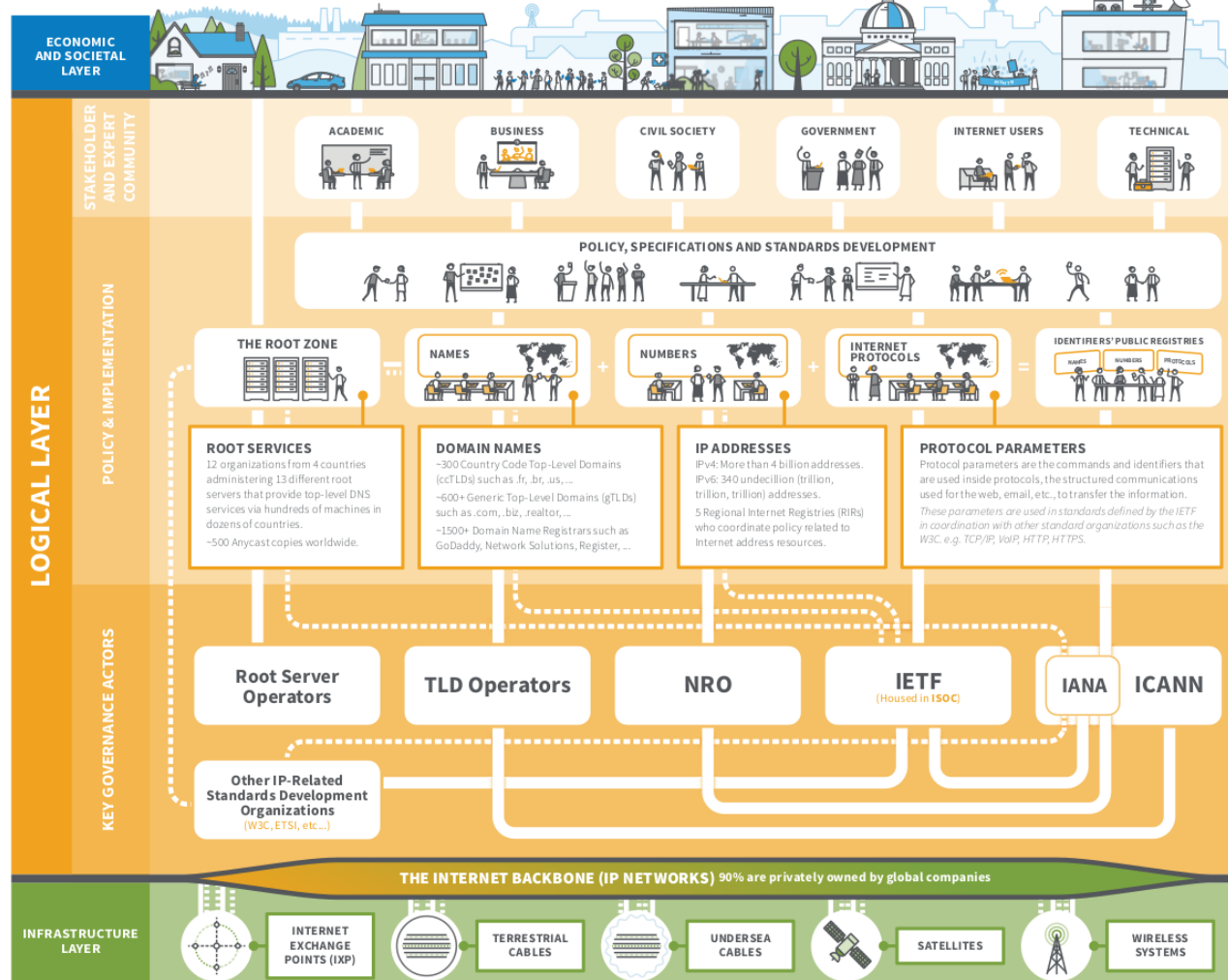
- ICANN / IANA
- IETF
- NRO / RIRs
- ISO
- ETSI
- TLD Operators
- Domain Name Registrars
- IEEE
- W3C

- GSMA
- IEEE
- IETF
- ITU
- National ICT Ministries
- National Regulators
- Network Operators

Wolfgang Kleinwächter has appeared online

THE LOGICAL LAYER OF DIGITAL GOVERNANCE

Layered on top of the Physical Infrastructure's thousands of networks and satellites, the Internet's Logical Layer is what delivers One Internet for the world through Unique Identifiers (Names, Numbers, and Protocol Parameters). ICANN coordinates the administration of this layer in partnership with other technical communities to ensure the security, stability, resiliency, and integrity of this critical layer.



TECHNICAL OPERATIONS

The technical operating community is made up of multiple independent actors bound by common principles and mutual commitments that ensure the security and stability of the Internet Infrastructure. Each actor's community develops policies and standards in an open, inclusive, and consensus-based approach.

KEY GOVERNANCE ACTORS

ICANN *Internet Corporation for Assigned Names and Numbers*
Helps coordinate the Internet's systems of unique identifiers including domain names and IP addresses, as well as manages the IETF's protocol parameter registries.
www.icann.org

IANA, the Internet Assigned Numbers Authority, is a set of functions housed and operated within ICANN. It acts as the top-level allocator for blocks of IP addresses and AS numbers, proposes creation of and changes to DNS top-level domains, and manages lists of unique identifiers used in Internet protocols.
www.iana.org

IETF *Internet Engineering Task Force*
Develops and promotes a wide range of Internet standards dealing in particular with standards of the Internet protocol suite. Their technical documents influence the way people design, use, and manage the Internet. The IETF operates under the Internet Society (ISOC) with architectural oversight provided by the Internet Architecture Board (IAB).
www.ietf.org

ISO *International Organization for Standardization*
Standardizes, among many other things, the official names and postal codes of countries, dependent territories, special areas of geographic significance.
www.iso.org

NRO *Number Resource Organization*
A coordinating body for the five Regional Internet Registries (RIRs). The RIRs manage the distribution of IP addresses and Autonomous System Numbers in their regions of the world.

www.nro.net
AFRINIC www.afrinic.net | LACNIC www.lacnic.net
APNIC www.apnic.net | RIPE NCC www.ripe.net
ARIN www.arin.net

TLD Operators *Top Level Domain Operators*
Organizations which have been assigned the management of Top-Level Domains such as: Generic TLDs (.com, .edu, .info, .name etc...), Country Code TLDs (.fr, .us, .gh, .cn etc...) and non-ASCII alphabet TLDs (in language such as Chinese, Korean, Arabic, Russian, French etc...) —among others.

Root Server Operators
12 independent organisations operate the 13 authoritative name servers (A through M) that serve the Domain Name System (DNS) root zone. The name servers are a network of hundreds of physical servers located in many countries around the world.
www.root-servers.org

W3C
The World Wide Web Consortium (W3C) is an international community where Member organizations, a full-time staff, and the public work together to develop Web standards. W3C's mission is to lead the Web to its full potential.
www.w3.org

STAKEHOLDER AND EXPERT COMMUNITY

Academic

- Institutions of higher learning
- Academic thought leaders
- Professors & students

Business

- Private-sector companies from across industries
- Industry and trade associations

Civil Society

- International organizations
- Non-governmental organizations
- Non-profit organizations
- Think Tanks

Government

- National governments
- Distinct economies recognized in international fora

- Multinational governmental and treaty organizations
- Intergovernmental organizations
- Public authorities (with a direct interest in global Internet Governance)

Internet Users

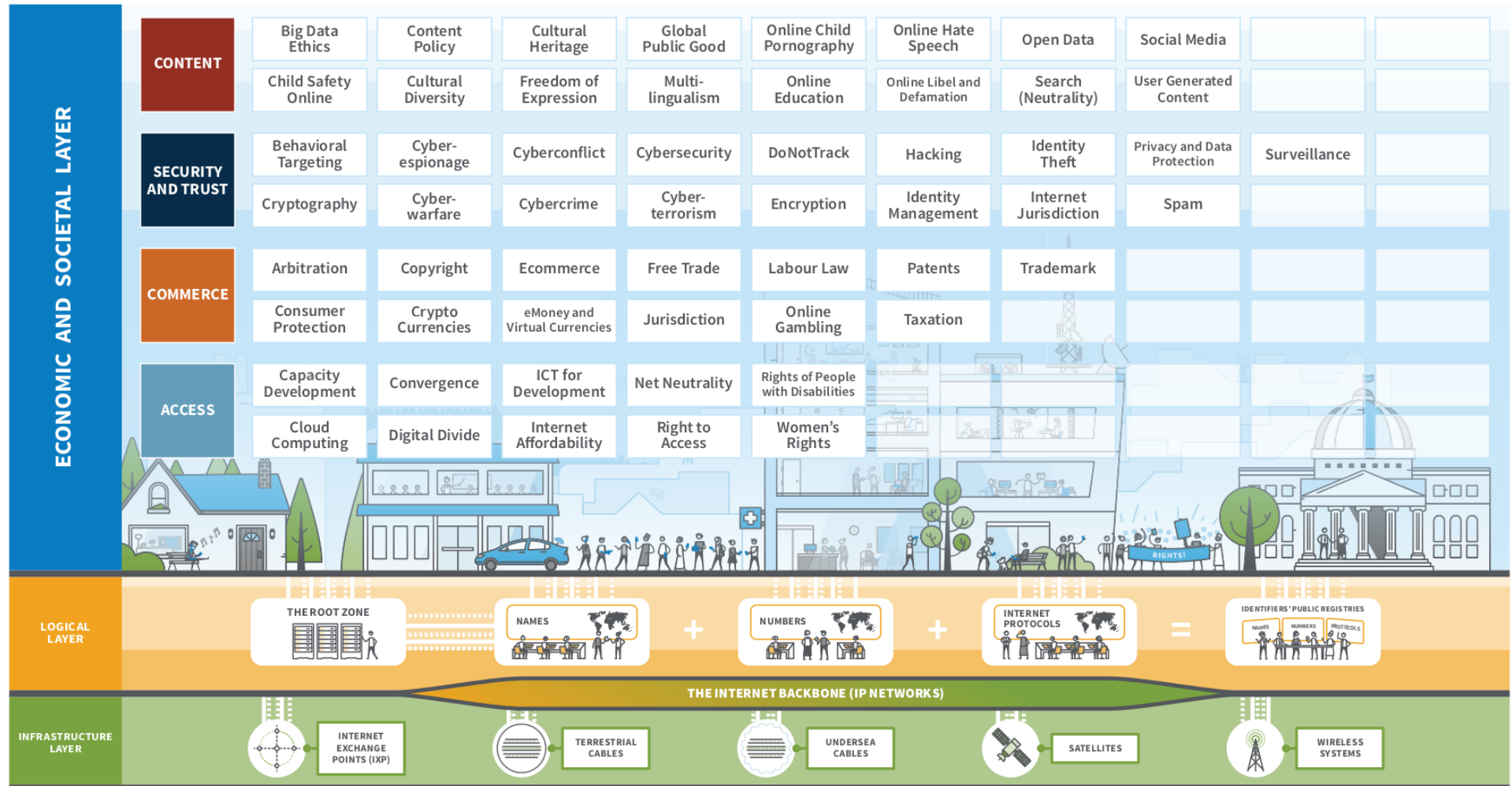
- Private citizens interested in regional or global Internet Governance

Technical

- Internet engineers
- Computer engineers
- Software developers
- Network operators

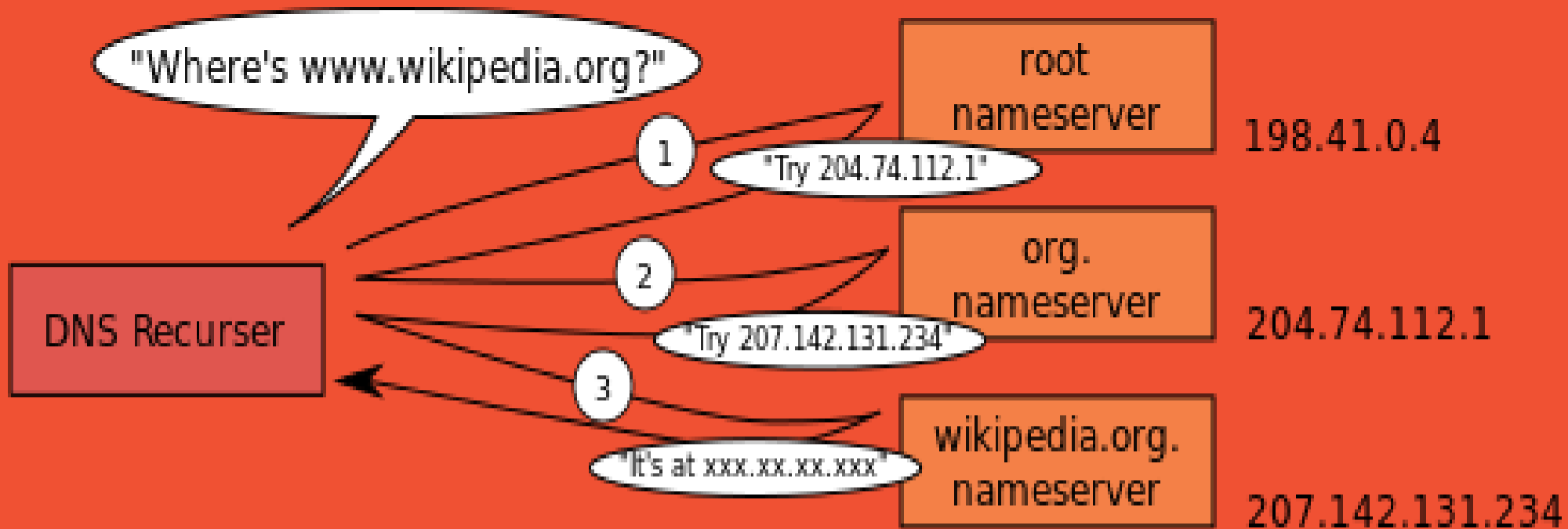
THE ECONOMIC AND SOCIETAL LAYER OF DIGITAL GOVERNANCE

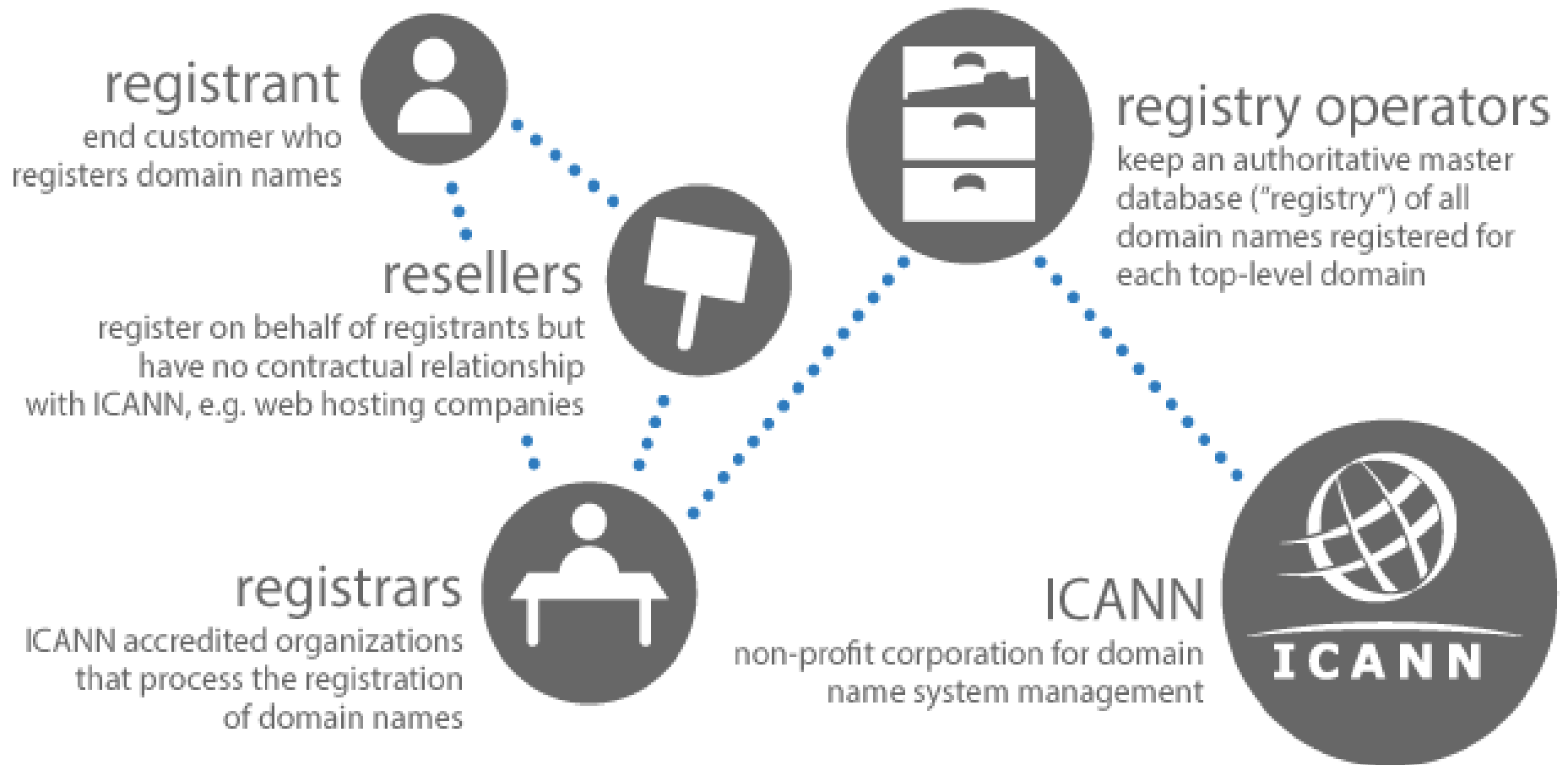
No one institution is able to design, develop, and implement solutions for the many Economic and Societal issues. Solutions to these issues require distributed, innovative, and collaborative issue-specific networks, coalescing organizations, experts, and stakeholders from governments, international organizations, the private sector, the technical community, and civil society. Solutions include policies, standards, specifications, best practices, and tools.



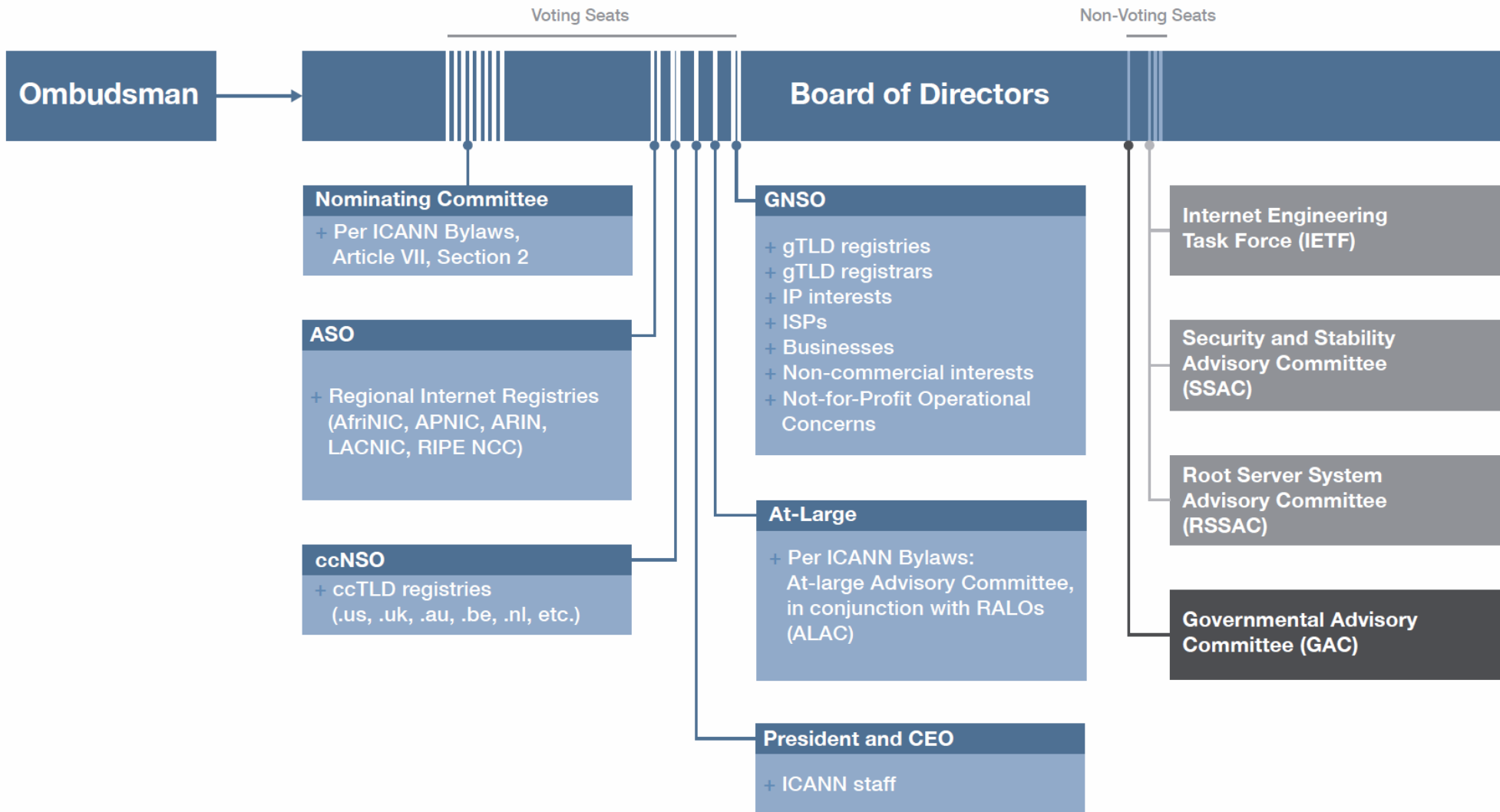


ICANN'T EVEN





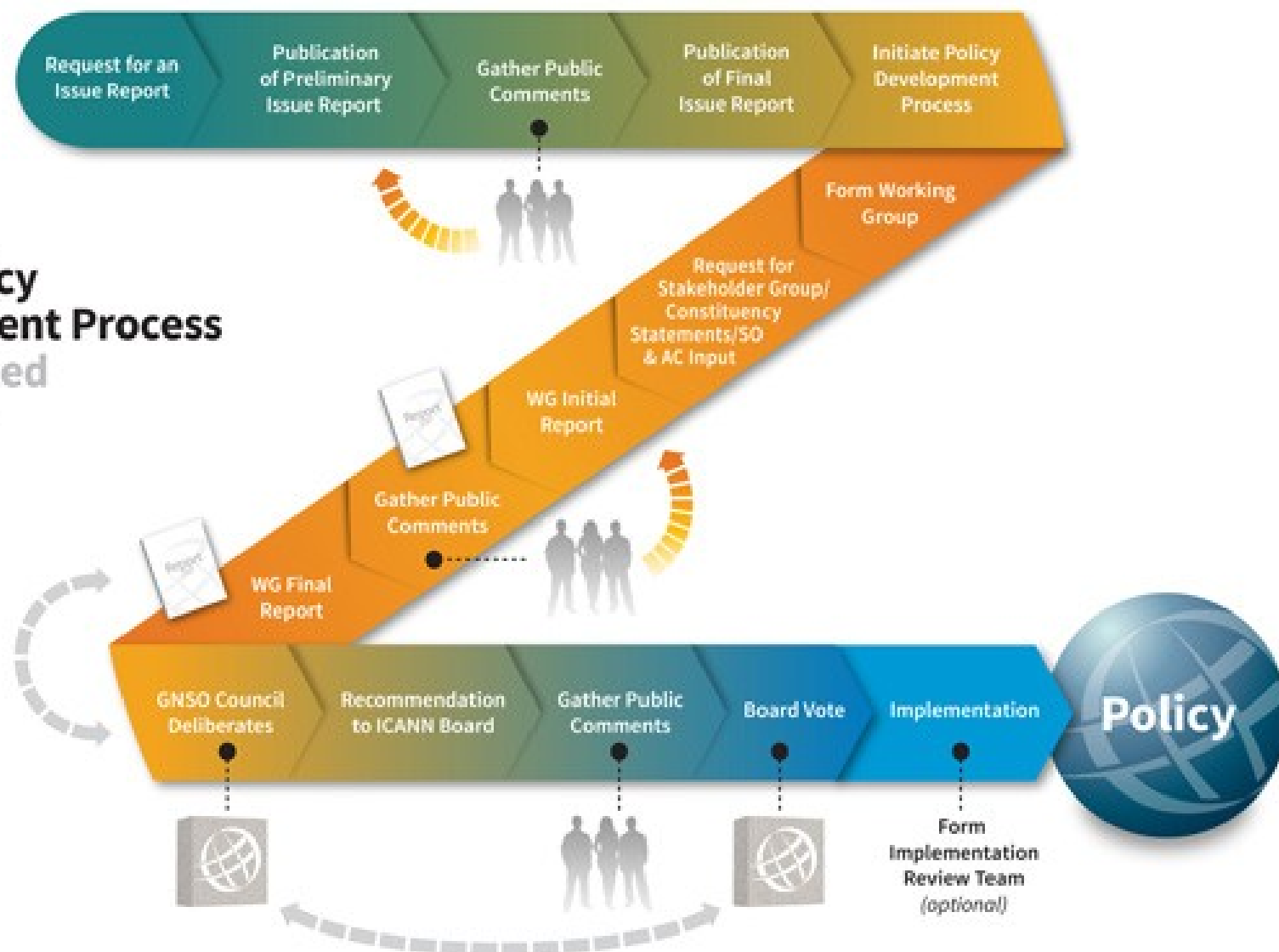
domain registry process



GNSO Policy Development Process

*Summarized

*Some steps omitted, for brevity



Phase 1

Community Proposal

Phase 2

NTIA Review & Evaluation

Phase 3

Transfer of Stewardship

Multistakeholder Community Delivers

4-5 Months

ICG Proposal

CCWG-Accountability Proposal

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

*L-days: Legislative Days

ICANN 56

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

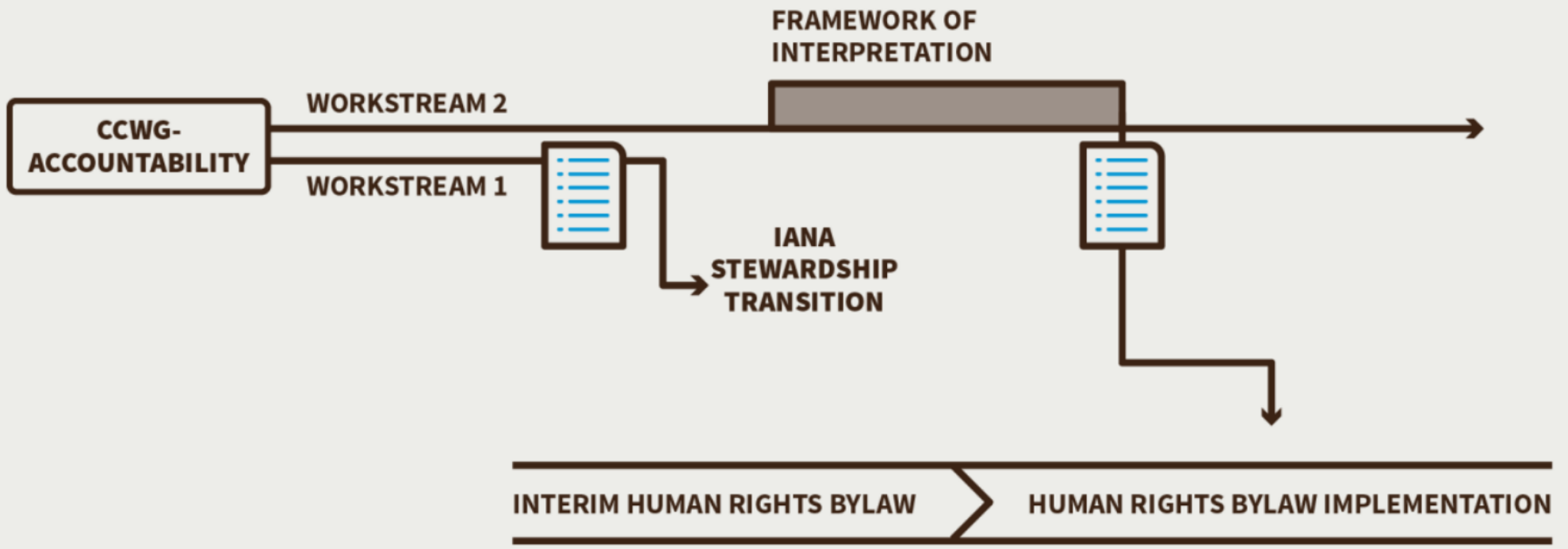
Human Rights Bylaw

Subject to the limitations set forth in Section 27.2, **within the scope of its Mission and other Core Values, *respecting*** internationally recognized human rights as required by ***applicable law***. This Core Value does not create, and shall not be interpreted to create, any obligation on ICANN outside its Mission, or beyond obligations found in applicable law. This Core Value does ***not obligate ICANN to enforce*** its human rights obligations, or the human rights obligations of other parties, against other parties.

a) The Core Value set forth in Section 1.2(b)(viii) shall have no force or effect

unless and until a framework of interpretation for human rights (“FOI-HR”) is (i) approved for submission to the Board by the CCWG-Accountability as a consensus recommendation in Work Stream 2, with the CCWG Chartering Organizations having the role described in the CCWG-Accountability Charter, and (ii) approved by the Board, in each case, using the same process and criteria as for Work Stream 1 Recommendations.

(b) No person or entity shall be entitled to invoke the reconsideration process provided in Section 4.2, or the independent review process provided in Section 4.3, based solely on the inclusion of the Core Value set forth in Section 1.2(b)(viii) (i) until after the FOI-HR contemplated by Section 27.2(a) is in place or (ii) for actions of ICANN or the Board that occurred prior to the effectiveness of the FOI-HR.



ICANN

POLICIES AND HUMAN RIGHTS

ICANN

The Internet Corporation for Assigned Names and Numbers coordinates the policy making and distribution of domain names and IP numbers. It therefore is often dubbed as the 'telephone book of the Internet'.

ICANN GLOSSARY

DANE: DNS-based Authentication of Named Entities
DCND: Defined conditions of nondisclosure
DIDP: Documentary Information Disclosure Policy
DNSSEC: Domain Name System Security Extensions
GAC: Governmental Advisory Committee
GNSO: Generic Names Supporting Organization
gTLD: Generic top-level domain
IDNs: Internationalized Domain Names
IGOs: Inter-Governmental Organisations
INGOs: International Non-Governmental Organizations
IRP: Independent Review Panel
PDP: Policy Development Process
RDAP: Registration data access protocol
RPMs: Rights Protection Mechanism (as related to Intellectual Property Rights)
WHOIS: an Internet service that provides information about a domain name or IP address

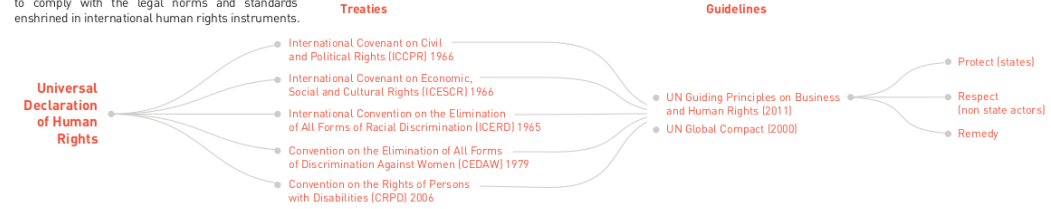
Scoping the relation between ICANN and Human Rights

HUMAN RIGHTS PRINCIPLES

INHERENT: human rights derive from the humanity of each person.
UNIVERSAL: all human beings have the same human rights.
INALIENABLE: human rights cannot be given up.
INDIVISIBLE: there are no conflicts between rights and no priorities among rights. There will be situations or occasions where rights must be balanced and prudent decisions taken about how all rights can best be protected and promoted.

INTERDEPENDENT AND INTERRELATED: the enjoyment and fulfilment of any right depends on the enjoyment and fulfilment of other rights.
EQUALITY AND NON-DISCRIMINATION: all individuals are equal as human beings and by virtue of the inherent dignity of each human person.
PARTICIPATION AND INCLUSION: all people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being.
ACCOUNTABILITY AND RULE OF LAW: States and other duty-bearers are answerable for the

observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments.



RIGHTS INVOLVED

RIGHT TO PRIVACY

RIGHT TO FREEDOM OF ASSOCIATION

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

RIGHT TO FREEDOM OF EXPRESSION

RIGHT TO SECURITY

PARTICIPATION, INCLUSION, EQUALITY AND NON-DISCRIMINATION

DUE PROCESS

THEME

Documentary Information Disclosure Policy

2014 Registrar Accreditation Agreement

2013 Registrar Accreditation Agreement

WHOIS

New gTLD subsequent procedures WG

New gTLD subsequent procedures WG

IP addresses

Free and fair use of domain names

New gTLD subsequent procedures WG

Internationalized Domain Names

Rights Protection Mechanisms

DNSSEC

Protection of rights to fair and equal treatment

PDP procedure

GAC early warning

Reconsideration Request

IRP Process

All Dispute Resolution processes within ICANN

Documentary Information Disclosure Policy

ICANN POLICY OR PROCESS

Defined conditions of non-disclosure

Data escrow provider financial support

WHOIS accuracy specification requirement

Thick WHOIS implementation review team

Next generation gTLD registration directory service

RDAP changes and privacy

Applicant guidebook ◇ Community based TLD

Application fees

Registrar accreditation process & insurance requirements

GNSO new gTLD auctions proceeds drafting team

Coordination and distribution of IP addresses

The right to use all words and names in domain names

Content-based gTLD String Evaluations

Applicant guidebook ◇ Sensitive strings ◇ Community based TLD

Implementation of Internationalized Domain Names

Review of protection IGO/NGO names in all gTLDs

Review of curative rights protections in IGO/INGOs in gTLDs

New gTLDs subsequent round WG

PDP to review RPMs in all gTLDs

Implementation of DNSSEC

Implementation of DANE

Awareness of Ombudsman office for complaint

GNSO PDP improvements discussion group

Effect of failure and the use of the Ombudsman

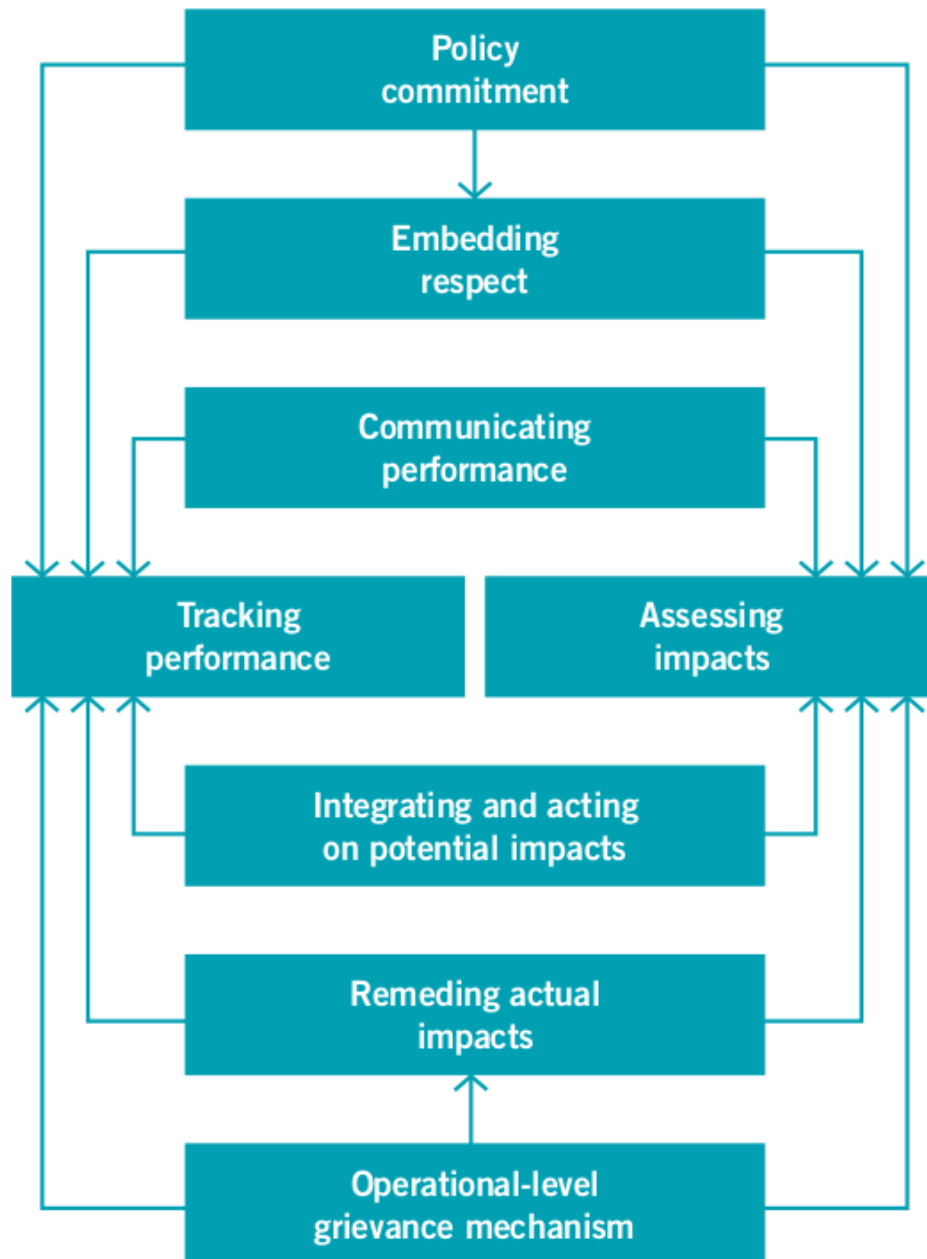
Need to ensure that parties know about Ombudsman for unfair process

Documentary Information Disclosure Policy requests

Different Processes Ongoing

- GAC WG Human Rights and International Law – Government Working Group
- CCWG on Accountability WS2 – Human Rights Subgroup – Cross Community Design Team for Framework of Interpretation
- CCWP-HR – Informal discussion and research group on human rights

Key elements of the Corporate Responsibility to Respect



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 basis for ICANN's policy development process

Step 2

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

Step 3

- Consider carrying out an organisational level human rights impact assessment 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

ICANN

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Join or follow the work

ICANN

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

Website: <http://www.icannhumanrights.net>

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

References

ICANN Diagrams are produced by ICANN

www.icann.org

Social graphs and discourse analysis created by Niels ten Oever using <https://github.com/nllz/bigbang>

```
if write code(protocols):
    consider human rights implications
elif run internet infrastructure:
    respect human rights
elif engage in internet governance:
    build in human rights protections
else
    carry on and use FLOSS
```

The logo for Article 19, featuring the text "ARTICLE 19" in white, bold, uppercase letters. The text is positioned inside a dark blue, irregular shape that resembles a stylized arrow or a torn piece of paper pointing to the left.

ARTICLE 19

article19.org