

Human Rights

Possible way forward

Current status

- The text in the third draft proposal suggests the addition of a bylaw to reaffirm ICANN's commitment to human rights.
- The proposal suggests adding a bylaw that would be implemented in accordance with the FOI to be developed as part of WS2.
- This recommendation received a majority of comments in support but it also received some comments raising concerns on the unintended consequences that the recommended inclusion could have.
- The Board suggests holding any addition of human rights in the bylaws until a FOI is developed.

Current status

- The discussions in the CCWG seem to point towards a broad support for the recommendation as it stands in the third report.
- Different alternatives have been discussed during the last calls of the CCWG but none has reached the consensus carried by the text in the third report.
- Keeping in mind the work done by WP4, the consensus position of the CCWG in regard to recommendation 6 and the comments received during the third public comment period, an alternative that tries to address the different concerns raised by many is proposed as follows:

Proposed text for bylaw inclusion

- *Within its Mission and in its operations, ICANN will respect internationally recognized Human Rights. This commitment shall not in any way create an obligation for ICANN, or any entity having a relationship with ICANN, to protect or enforce Human Rights beyond what may be required by applicable law. In particular, this does not create any additional obligation for ICANN to respond to or consider any complaint, request, or demand seeking the enforcement of Human Rights by ICANN. **This Bylaw provision will not enter into force until a Framework of Interpretation is developed as part of “Work Stream 2” by the CCWG-Accountability or another Cross Community Working Group chartered for such purpose by one or more Supporting Organizations or Advisory Committees. ICANN shall support the establishment and work of such a Group to facilitate development of the Framework of Interpretation as promptly as possible.***