

## Guidance for completing the ICANN Policy Development Process Human Rights Impact Assessment (PDP HRIA)

Field	Explanation		Tool Tip																					
<b>PDP Topic</b>	A few words to describe the broad topic being considered.		Useful for grouping and sorting.																					
<b>Short Description</b>	A few words describing the specific issue at hand.		Useful for quickly locating information.																					
<b>Description</b>	One or two sentences summarizing the issue.																							
<b>Negative Impact Scenario(s)</b>	<p>Negative impacts resulting from the situation described. To determine whether an adverse human rights impact has occurred or is likely to occur, one should consider:</p> <ul style="list-style-type: none"> <li>- Substantive content of the right in question</li> <li>- Nature of business interaction or interference with the individual's right(s)</li> <li>- Causality</li> <li>- Experience and views of the rights-holders in question</li> <li>- Data and evidence collection, where possible</li> </ul>		Multiple impacts can be listed in bullet points, or broken out into multiple rows.																					
<b>Impacted Groups</b>	<p>Rights-holder groups who may be negatively impacted. Particular attention should be paid to groups that may be vulnerable to cumulative impacts, such as:</p> <ul style="list-style-type: none"> <li>- Women, children, or elderly people</li> <li>- LGBTQ</li> <li>- Ethnic minorities</li> <li>- Religious minorities</li> <li>- Indigenous peoples</li> <li>- Persons with disabilities</li> <li>- Refugees or migrant workers</li> <li>- Human rights defenders</li> </ul>		Multiple groups can be listed in bullet points, or broken out into multiple rows.																					
<b>Severity of impact</b>	<p>Severity of impact is determined by considering the scale, scope, and irremediability of the impact:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td rowspan="3" style="text-align: center;"><b>SCALE</b></td> <td>Life- or long-term health-threatening</td> <td style="text-align: center;">High</td> </tr> <tr> <td>Tangible infringement to access of basic freedoms (expression, education, livelihood, etc.)</td> <td style="text-align: center;">Medium</td> </tr> <tr> <td>Other impacts</td> <td style="text-align: center;">Low</td> </tr> <tr> <td rowspan="3" style="text-align: center;"><b>SCOPE</b></td> <td>&gt;50% of identifiable group or &gt;5,000 people</td> <td style="text-align: center;">High</td> </tr> <tr> <td>11-50% of identifiable group or 1,000 - 5,000 people</td> <td style="text-align: center;">Medium</td> </tr> <tr> <td>&lt;10% of identifiable group or &lt;1,000 people</td> <td style="text-align: center;">Low</td> </tr> <tr> <td rowspan="3" style="text-align: center;"><b>IRREMIABILITY</b></td> <td>Impact cannot be remedied</td> <td style="text-align: center;">High</td> </tr> <tr> <td>Impact would be difficult to remediate</td> <td style="text-align: center;">Medium</td> </tr> <tr> <td>Impact can be easily remediated</td> <td style="text-align: center;">Low</td> </tr> </tbody> </table> <p><i>** While some type of numerical ranking might prove useful in the analysis of human rights impacts, it's important to remember that analysis can't rely on scoring alone and a thorough narrative description of impacts and proposed mitigation measures should always be provided.</i></p>		<b>SCALE</b>	Life- or long-term health-threatening	High	Tangible infringement to access of basic freedoms (expression, education, livelihood, etc.)	Medium	Other impacts	Low	<b>SCOPE</b>	>50% of identifiable group or >5,000 people	High	11-50% of identifiable group or 1,000 - 5,000 people	Medium	<10% of identifiable group or <1,000 people	Low	<b>IRREMIABILITY</b>	Impact cannot be remedied	High	Impact would be difficult to remediate	Medium	Impact can be easily remediated	Low	
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<b>Positive Impact Scenario(s)</b>	Positive impacts may be noted, but the identification of "positive" human rights impacts is not the primary objective and should not detract from identifying and addressing adverse impacts.																							
<b>Examples of potentially Salient Human Rights</b>	<p><b>Individual rights and freedoms</b></p> <ul style="list-style-type: none"> <li>- Right to Privacy</li> <li>- Freedom of Expression / access to information</li> <li>- Right to effective remedy</li> <li>- Right to equal treatment / non-discrimination</li> <li>- Freedom of association</li> <li>- Right to Political participation</li> <li>- Right to Property</li> <li>- Right to Education</li> <li>- Right to Work / Fair remuneration</li> <li>- Right to a Fair trial</li> </ul>																							

	<b>Collective rights</b>	<ul style="list-style-type: none"> <li>- Self-determination</li> <li>- Economic, social, and cultural development</li> <li>- Peace and security</li> <li>- Right to benefits of culture</li> <li>- Principle of non-discrimination in the exercise of rights</li> </ul>	
Examples of potentially <b>Applicable Human Rights Instruments</b>	<b>International treaties / conventions</b>	<ul style="list-style-type: none"> <li>- Civil and Political Rights (ICCPR, 1966)</li> <li>- Economic, Social, and Cultural Rights (ICESCR, 1966)</li> <li>- Elimination of All Forms of Racial Discrimination (ICERD, 1965)</li> <li>- Elimination of Discrimination against Women (CEDAW, 1979)</li> <li>- Rights of Persons with Disabilities (CRPD, 2006)</li> </ul>	
	<b>International declarations</b>	<ul style="list-style-type: none"> <li>- UN Declaration of Human Rights (1948)</li> <li>- Rights of the Child (1923)</li> <li>- Rights of Disabled Persons (1975)</li> <li>- Right to Development (1986)</li> <li>- Cultural diversity (2001)</li> <li>- Rights of indigenous peoples (2007)</li> <li>- Sexual orientation and gender diversity (2008)</li> </ul>	
	<b>Regional instruments</b>	<p><b>AFRICA</b></p> <ul style="list-style-type: none"> <li>- African Charter on Human and Peoples' Rights (1981)</li> </ul> <p><b>AMERICAS</b></p> <ul style="list-style-type: none"> <li>- American Convention on Human Rights (1969) and its Protocols (1988 &amp; 90)</li> </ul> <p><b>EUROPE</b></p> <ul style="list-style-type: none"> <li>- European Convention on Human Rights (1950)</li> <li>- European Social Charter (1961) and Protocols (1988, 91, &amp; 95)</li> <li>- European Framework Convention for the Protection of National Minorities (1995)</li> </ul>	
	<b>State constitutions and legislation</b>	E.g. national human rights acts	
	<b>State thematic legislation</b>	E.g. non-discrimination laws	
	Summarized examples of potentially <b>Relevant Bylaws</b>	<b>Commitments (1.2.a)</b>	<ul style="list-style-type: none"> <li>(iii) Respect creativity, innovation, and free flow of information</li> <li>(iv) Employ open, transparent, and bottom-up multistakeholder PDPs</li> <li>(v) Apply policies consistently, neutrally, objectively, and fairly without discriminatory treatment</li> <li>(vi) Remain accountable through mechanisms defined in Bylaws</li> </ul>
<b>Core Values (1.2.b)</b>		<ul style="list-style-type: none"> <li>(ii) Seek and support broad, informed participation reflecting functional, geographic, and cultural diversity of the internet</li> <li>(iv) Introduce and promote competition in registration of domain names</li> <li>(viii) Respecting internationally recognized human rights as required by applicable law</li> </ul>	
<b>Discrimination (2.3)</b>		CANN shall not apply its standards, policies, procedures, or practices inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause	
<b>Fairness (3.1)</b>		ICANN and its constituent bodies shall operate to the maximum extent feasible in an open and transparent manner and consistent with procedures designed to ensure fairness	
<b>GAC role (12.2.a)</b>		The GAC should consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues.	
<b>Recommendation</b>		<p>Recommendations should be geared toward mitigating any negative human rights impacts that have or are likely to occur.</p> <p>They should be clear, concise, and realistic, but don't necessarily have to provide details about roles or implementation, as these are things to be negotiated within the multistakeholder ICANN community.</p>	Make sure that recommendations are easily communicated and understood!
<b>Relevant links</b>	Links to background information or other relevant materials from the ICANN website.	Only one link per cell :(	