

## **PUBLIC COMMENT: PROPOSED FRAMEWORK OF INTERPRETATION AND CONSIDERATIONS CONCERNING ICANN'S HUMAN RIGHTS BYLAW**

On page 6, regarding ‘consider which specific Human Rights conventions or other instruments, if any, should be used by ICANN in interpreting and implementing the Human Rights Bylaw’, it has been stated that “a conflict between any Guiding Principle and an ICANN Bylaw provision or Article of Incorporation must be resolved in favor of the Bylaw or Article.”

I would like to propose that in event of a conflict between any guiding principle (or any other human rights declaration, principle, convention or instrument) and an ICANN Bylaw provision or Article of Incorporation, the first thing to be done should be an attempt to reconcile the two conflicting provisions and arrive at an amicable solution that reflects the essentials of both positions. Allowing the Bylaws to prevail outright - without any attempt to reconcile them with the concerned Human Rights Guiding Principle - would essentially limit the spirit of the core value to respect internationally recognised human rights.

On page 8, regarding ‘consider how the interpretation and implementation of this Bylaw will interact with existing and future ICANN policies and procedures’, it has been stated that “SOs and ACs could consider defining and incorporating Human Rights Impact Assessments (HRIAs) in their respective policy development processes”, and that “ICANN the organization could also consider instruments such as HRIAs to assess their impact on Human Rights.”

If this is to be followed by the SOs, ACs and the ICANN Organisation, the methodology and tools to be used to undertake this Human Rights Impact Assessments should be identified.

This inclusion of HRIAs gives rise to several questions such as; will any existing tools and methodology be adopted to undertake the HRIA, or will ICANN develop its own? Also, will the SOs, ACs and ICANN the Organisation use the same tools and methodology to undertake the HRIAs, or can they differ across ICANNs organisational structure?