Purpose of the open community discussion:

At the London ICANN 50 meeting in June and at the UN Internet Governance Forum in Istanbul in September, initial discussions were held among representatives of the community about ICANN's procedures and policies in the light of human rights, fundamental freedoms and democratic values.

These discussions were triggered by a report of two Council of Europe experts (Dr Monika Zalnieriute and Thomas Schneider) which was presented and discussed in London and Istanbul. In these discussions, the representatives of the community held the view that the report touches on a number of highly relevant issues and that the complex territory of human rights and internet governance necessitates further elaboration.

This open community discussion is set up with a view to reach out to the broader ICANN community, deepen and broaden the debate and to identify possible ways forward about how to look at ICANN's procedures and policies in the light of human rights, fundamental freedoms and democratic values in a more systematic way in the future.

The report which is looking at these issues from a Council of Europe perspective will be one important input into a broader discussion which should be enlarged with further relevant issues and other perspectives as well.

Main findings of the report facilitated by the Council of Europe:

- In order to operate in the public interest, ICANN has to comply with international human rights standards. Particularly, the existence of a number of predominant commercial interests within the ICANN systems suggests the need for the implementation of a solid human rights framework.

- The notion of public interest is insufficiently clear to provide guidance in policy development processes; accountability requires measurable standards. Human rights could serve to delineate the notion of public interest.

- States need to be aware of their responsibility to protect the human rights of their citizens, also with regard to internet governance. Non-compliance with human rights could lead to governments being held to account before national or supranational courts, such as the European Court of Human Rights.

- Human rights and the right to freedom of expression in particular need to be fully taken into account when deciding on the approval or refusal of sensitive new gTLDs.

- It is desirable that the people-centeredness of ICANN's policy development is further improved. A balance must be struck between economic interests and other objectives of common interest, such as pluralism, cultural and linguistic diversity. Auctions may be an efficient way of allocation from an economic point of view but not from a view of respecting plurality and diversity. ICANN must always ensure that the outcome is in the best public interest.

- Human rights and the right to private life in particular require a rebalancing exercise with regard to the processing and retention of data under the 2013 RAA as well as to public access to personal information in the WHOIS database.

For further information:

http://www.coe.int/t/informationsociety/icann-and-human-rights.asp

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A human rights perspective on ICANN's policies and procedures

Open community discussion

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An open and inclusive dialogue and cross-constituency exchange of ideas to further the debate on ICANN and human rights.

Wednesday,

15 October 2014,

13.15-14.45,

Room Encino, Hyatt Regency Plaza

Possibile key questions for discussion:

- To what extent is ICANN's Applicant Guidebook in compliance with the right to freedom of expression and freedom of association?

- To what extent are ICANN's policies and procedures in compliance with standards of non-discrimination?

- To what extent are ICANN's policies and procedures in compliance with the right to privacy and personal data protection?

- What are the respective roles and responsibilities of ICANN and of governments for the protection of human rights online?

- What is needed to enhance accountability for human rights protection within ICANN?

Agenda:

- **Introduction by moderator**

- **Short presentation by Council of Europe experts**

- **Interventions from key commentators in ICANN communities**

- **Interactive roundtable discussion by all interested actors and discussion of possible next steps**