

AGENDA:

Introduction by moderator:

- ▶ **Jan Kleijssen** – Director of Information Society and Action against Crime, DGI, Council of Europe

Presentation of report and comments received by authors:

- ▶ **Dr Monika Zalnieriute** – Fellow at the Centre for Internet & Human Rights' in Berlin;
- ▶ **Thomas Schneider** – Deputy Chair of the Council of Europe's Steering Committee, on Media and the Information Society (CDMSI).

Interactive roundtable discussion by all interested actors:

- ▶ ICANN staff, governments, civil society, private sector, academics, human rights experts and the internet community.



For further information:

<http://www.coe.int/t/information/society/icann-and-human-rights.asp>

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www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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A HUMAN RIGHTS PERSPECTIVE ON ICANN'S POLICIES AND PROCEDURES

Side Meeting
Organised by the Council of Europe

An open and inclusive dialogue and exchange of ideas to further the debate on ICANN and human rights, based on the report on ICANN's procedures and policies in the light of human rights, fundamental freedoms and democratic values.

**Wednesday,
3 September 2014,
11.30 am – 13.30 pm
Room 11**

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■ The Council of Europe facilitated the preparation of a report by Dr Monika Zalnieriute and Thomas Schneider on ICANN's procedures and policies in the light of human rights, fundamental freedoms and democratic values. The report was presented and discussed during the ICANN50 meeting, held in London on 22 - 26 June 2014. The complex territory of human rights and internet governance necessitates further elaboration.

MAIN FINDINGS OF THE REPORT:

- ▶ 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.

- ▶ The positive obligations of Council of Europe member states require specific attention to vulnerable groups. 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.

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 discriminatory?
- ▶ To what extent are ICANN's policies and procedures in compliance with the right to privacy and personal data protection?
- ▶ Should ICANN and governments in the GAC be responsible and accountable for the protection of human rights online?
- ▶ What is needed to improve accountability for human rights protection within ICANN and the GAC?