

NCSG Public Comments on: ICANN Office of Ombuds Framework and Process

Instructions about this Public Comment

This is a public comment proceeding seeking input on a document that describes the ICANN Office of Ombuds (Ombuds Office or Office) scope, responsibilities, and high-level process for handling complaints and conflict resolution (Ombuds Office Framework and Process).

The details of this public comment document are available at:

<https://itp.cdn.icann.org/en/files/ombuds/draft-icann-ombuds-office-framework-and-process-23-12-2025-en.pdf>

About NCSG

NCSG represents the interests of non-commercial domain name registrants and end-users in formulating the Domain Name System policy within the Generic Names Supporting Organisation (GNSO). We are proud to have individual and organizational members in over 160 countries, and as a network of academics, Internet end-users, and civil society actors, etc, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999, we have facilitated global academic and civil society engagement in support of ICANN's mission, stimulating an informed citizenry and building their understanding of relevant DNS policy issues.

Introduction

The Non-Commercial Stakeholder Group (NCSG) welcomes the publication of the draft ICANN Office of the Ombuds Framework and Process and appreciates the effort to clarify the scope, responsibilities, and operational approach of this important accountability mechanism. The Ombuds function plays a critical role in ensuring fairness, accessibility, and trust within ICANN's multistakeholder model, particularly for individuals and organizations that may lack institutional power or resources.

Overall, the draft represents a meaningful improvement in transparency and structure compared to earlier descriptions of the Ombuds role. It

provides helpful clarification regarding processes, boundaries, and expectations. At the same time, the NCSG believes that several foundational areas require strengthening to ensure that the Ombuds Office remains credible, accessible, and effective for a global and diverse community.

Effective grievance mechanisms are a core component of accountable governance. The UN Guiding Principles on Business and Human Rights (UNGPR) emphasize that non-judicial grievance mechanisms must be legitimate, accessible, predictable, equitable, transparent, rights-compatible, and capable of supporting continuous learning. These criteria are directly relevant to ICANN's multistakeholder model and provide a useful interpretive lens for evaluating and strengthening the Ombuds Framework.

Our comments focus on five priority themes: (1) independence and governance safeguards, (2) accessibility, equity, and safe access, (3) transparency and accountability, (4) clarity of scope and authority, and (5) effectiveness and timeliness. These themes reflect recurring concerns across community inputs and are presented here in a consolidated and forward-looking manner.

1. Independence and Governance Safeguards

The legitimacy of any ombuds function depends on both its actual and perceived independence. While the framework affirms the Ombuds Office's independence, certain procedural arrangements risk undermining that principle.

In particular, the requirement for Board Leadership Team approval before initiating certain Own Initiative Investigations creates a structural tension. Governance oversight is understandable, but *ex ante* approval may weaken the perception that the Ombuds can independently identify and address systemic issues. This is especially sensitive in situations where patterns of concern may involve institutional practices or decision-making environments.

We recommend replacing prior approval with a safeguards-based model. The Ombuds should be able to initiate investigations within scope subject to notification requirements, written rationale for action, and structured reporting obligations. If approval mechanisms remain, decisions should be documented, reasoned, and transparently traceable at an aggregate level to maintain trust.

Additional independence safeguards should be strengthened through:

- Clear protections against interference, pressure, or retaliation affecting the Ombuds' work.
- Greater transparency in appointment and performance review processes.
- Consideration of broader community input into the oversight environment supporting the Ombuds function.

These measures will help reinforce the Ombuds Office as a core accountability safeguard rather than a discretionary advisory function.

2. Accessibility, Equity, and Safe Access

For the Ombuds mechanism to be meaningful, it must be usable by *all* parts of the ICANN community, including individuals, civil society actors, and participants from underrepresented regions.

The current framework describes how complaints can be submitted, but it does not sufficiently address structural barriers such as language access, resource disparities, cultural differences, or fear of retaliation. These barriers can disproportionately affect those with the least institutional support.

Accessibility should be understood not only as usability, but as enabling meaningful access to remedy. From a rights-compatible perspective, grievance mechanisms must be designed so that individuals and communities facing power imbalances are able to raise concerns without fear, confusion, or disproportionate burden.

We recommend that the framework explicitly commit to:

- Low-barrier intake processes, including simplified guidance and plain-language materials.
- Reasonable language access support and accessible formats where requested.
- Safe-contact options for complainants who may reasonably fear retaliation or reputational harm, with disclosure limited to what is necessary and proportionate.
- Procedural navigation support to help individuals understand how to use the mechanism.

Positioning the Ombuds Office as a safe and approachable entry point is essential to ensuring that vulnerable voices can engage effectively in ICANN's processes.

3. Transparency and Accountability

Confidentiality is a foundational principle of ombuds practice, and the NCSG supports the strong protections included in the framework. However, confidentiality must be balanced with transparency to ensure institutional learning and public trust.

The current draft places significant discretion in the publication of reports and findings, which may create uncertainty about how systemic issues are tracked, communicated, and addressed. We recommend adopting a model of graduated transparency that protects individuals while supporting accountability.

This could include:

- Publication of anonymized statistics on complaints, trends, and resolution categories.
- Regular thematic or aggregate reporting on systemic issues and recurring patterns.
- Clear public visibility into whether and how Ombuds recommendations are considered and acted upon.
- Clarification that annual consolidated analyses will be public, with confidentiality protections applied where necessary.

Transparency at the systemic level strengthens institutional learning while maintaining the confidentiality necessary for effective dispute resolution.

4. Clarity of Scope and Authority

The framework outlines the Ombuds' role in handling unfairness, conflict, and harassment-related concerns. However, there remains some ambiguity about how the Ombuds function intersects with other accountability mechanisms such as Reconsideration Requests and the Independent Review Process.

Community members may be unsure when it is appropriate to approach the Ombuds versus other processes. Greater clarity in this area would enhance usability and reduce confusion.

We recommend:

- Providing clearer guidance on the boundaries between the Ombuds and other mechanisms.
- Developing a simple decision-support tool or explanatory note to help stakeholders determine the appropriate path.

- Clarifying the Ombuds' role at different stages of a matter, including the distinction between informal mediation, problem-solving, and any investigatory activities.

Further clarity is also needed regarding exclusions from scope. Some excluded areas, such as internal administrative matters or vendor relationships, may still intersect with community interests. While boundaries are necessary, the rationale for exclusions should be explained more explicitly to preserve confidence in the mechanism's fairness.

5. Effectiveness and Timeliness

Timeliness is central to the credibility of any grievance mechanism. The framework references response timeframes but does not establish sufficiently clear service-level expectations or escalation paths.

We recommend strengthening time discipline through:

- Clear expectations for initial acknowledgment and ongoing communication.
- A duty-to-respond requirement for relevant ICANN bodies when engaged by the Ombuds, including reasoned explanations for delays.
- Defined escalation visibility where responses are delayed or incomplete.
- An expedited pathway for urgent or sensitive matters where delays could cause harm or increase risk.

Timeliness is not merely operational; it is a core component of legitimacy. Grievance mechanisms that are slow or uncertain can discourage reporting and undermine trust.

Cross-Cutting Considerations

The framework would benefit from explicitly acknowledging effectiveness principles aligned with widely recognized standards for non-judicial grievance mechanisms. The UN Guiding Principles on Business and Human Rights provide a useful benchmark for assessing legitimacy, accessibility, predictability, equitability, transparency, rights-compatibility, and continuous learning.

Periodic evaluation of the Ombuds function could be incorporated to assess performance against measurable criteria such as timeliness, accessibility by region and language, user satisfaction, and systemic issue

identification. This would support long-term improvement and reinforce trust in the accountability ecosystem.

Targeted Drafting Observations

In addition to the structural recommendations above, the NCSG notes several areas where greater precision would strengthen the document:

- Clarification of how and when the Ombuds may recuse themselves.
- More explicit explanation of when reports may remain confidential versus published.
- Clearer guidance on timelines for responses to Ombuds requests for information.
- More explicit articulation of the relationship between confidentiality and organizational learning.
- Consideration of clearer communication materials to support broader community understanding, including simplified summaries.

These refinements would improve usability without altering the framework's overall structure.

Conclusion

The draft Ombuds Framework and Process represents a welcome and constructive step forward. It strengthens clarity, supports predictability, and reinforces the importance of fairness within ICANN's governance environment.

At the same time, the Ombuds Office must be positioned as a core accountability safeguard rather than a narrow dispute-resolution service. Its effectiveness depends on strong independence protections, equitable access, balanced transparency, and clear operational expectations.

By strengthening these areas, ICANN can ensure that the Ombuds Office continues to support a trusted, inclusive, and rights-compatible multistakeholder model in which all participants—regardless of resources, geography, or institutional power—can seek fair and effective resolution of concerns.

The NCSG appreciates the opportunity to provide input and looks forward to continued dialogue as the framework evolves.

