

Human Rights Gap Analysis for ICANN's Proposed Amendments to the SLA for the IANA Numbering Services

Final Report

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Acknowledgments

Many people helped with this project, and we are grateful to everyone who put in their time and effort to make it a success.

In particular, thanks to members of the Cross-Community Working Party on ICANN and Human Rights (CCWP-HR) and Non-Commercial Stakeholder Group (NCSG) for their contributions to early versions of the HRIA methodology and Non-Commercial Stakeholder Group Policy Committee and membership and various individual members for providing comments on earlier versions of the analysis.

About the CCWP-HR

The CCWP-HR is a multistakeholder forum currently chartered as a sub-entity of the Non-Commercial Stakeholder Group (NCSG) within the Generic Name Supporting Organisation (GNSO) but remains open to the rest of the Internet Corporation for Assigned Names and Numbers (ICANN) community for research and discussion on the relationship between human rights and global Domain Name System (DNS) coordination. This is related — but not limited — to policies, procedures, and operations, with a particular focus on ICANN's responsibility to respect human rights. The primary goal of the CCWP-HR is to provide information, facilitate dialogue, and make suggestions to ICANN Org, its Board of Directors, and the ICANN community on ways to better harmonize ICANN's policies and procedures with internationally recognized human rights laws and corporate social responsibility standards. Membership is open to any interested individual, regardless of affiliation.

About the Authors

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Maryam Lee has 10 years of experience in human rights advocacy, policy making, and capacity building to nurture a progressive society. She is trained as an educator and is passionate about development. She is currently working on business and human rights in digital spaces in an effort to harmonize human rights and technology.

General Comments

On September 13, 2022, ICANN published the Proposed Amendments to the Service Level Agreement (SLA) for the IANA Numbering Services, requesting feedback from the community.

We welcome ICANN's decision to release the document in its entirety, in line with Workstream 2 Recommendations on ICANN Transparency.

We note that the Proposed Amendments to the SLA for the IANA Numbering Services are aimed at incorporating obligations for the administration of reverse DNS resolution services, as part of the contractual obligation under the 2016 IANA stewardship transition to enable ICANN and the five Regional Internet Registries ("RIRs") to continuously coordinate the number resource administrative function.

We particularly note that the amendments include the obligation that "[t]he Operator's DNS server must run software which correctly implements all the applicable DNS IETF RFCs."

In addressing this proposed amendment, we would like to bring the attention of ICANN and RIRs to IETF RFC 8280, *Research into Human Rights Protocol Considerations*. In particular, RFC 8280 sets out guidelines for human rights considerations whereby designers, implementers, and users of Internet protocols are aware of human rights-related design choices. Similarly, IETF RFC 6973 sets out guidelines for privacy considerations and provides a framework for ensuring that designers, implementers, and users of Internet protocols are aware of privacy-related design choices.

Human rights considerations at the DNS level are critical, as the rights of Internet users and registrants to privacy, freedom of expression, and freedom of association may be directly threatened by actions such as domain suspensions or blocking, or indirectly threatened through the exposure of their personal information, including when registering a website.

As the proposed amendments are currently drafted, RFCs that may not be classified as strictly "DNS IETF RFCs" may nevertheless be applicable to ensuring robust DNS server operations. In particular, RFCs 8280 and 6973 are essential to ensuring compliance with Section 27.2 of the ICANN Bylaws (Human Rights Bylaw) and other ICANN Bylaws with an impact on human rights.

As such, we welcome the intention of this proposed amendment, but recommend that the language is modified from the original proposal ("all the applicable DNS IETF RFCs") to instead read as the following: "all IETF RFCs applicable to DNS operations."

CCWP-HR is grateful to have participated in this public comment process in accordance with the November 2019 ICANN Board approval of the FOI-HR.

We welcome feedback on any aspect of this initiative and extend an open invitation to any interested individuals to get involved in the next phase of work. To become a member of the Cross-Community Working Party on ICANN and Human Rights (CCWP-HR), visit [the CCWP-HR page](#) on the ICANN Community website.