



Proposed Revisions to ICANN Community Anti-Harassment Policy

Submission

December 2024

The Australian Government acknowledges and gives thanks to the ICANN Board Anti-Harassment Working Group for their work on the proposed revisions to the ICANN Community Anti-Harassment Policy and Terms of Participation and Complaint Procedure. We appreciate the important and ongoing work of the Working Group in suggesting improvements to existing procedures and practices to help further enable a culture of trust and mutual respect in efforts to prevent harassment in ICANN's multistakeholder community.

The Australian Government (as represented through the GAC) welcomes the opportunity to review and comment on the proposed updates, with the response below across the four suggested areas. Opportunities to strengthen this policy through additions and expansions are informed by global best practice including the [United to Respect: Promoting Dignity and Respect in the Workplace Toolkit](#).

(I) the name of the Policy

We support a name that includes both a positive narrative to outline the behaviours that the policy promotes as well as what it seeks to achieve in supporting affected individuals who may experience harassment. We therefore propose the following name to capture these sentiments while also prioritising brevity: *ICANN Community Respect Policy with Harassment Support and Complaint Procedure*.

(II) the Policy and terms of participation

- We support the additions to paragraph 1 and 2 including the expanded types of interactions including in-person and online.
- The third paragraph of this policy could be strengthened by adding that its purpose is 'to give guidance on available support to affected individuals and on how to seek help'.
- In addition to the positive behaviours outlined, we suggest the inclusion of 'all participants at all levels of the organisation are to promote help-seeking behaviours and active bystander behaviours to build a culture where people feel safe to support others as well as seek support if they do experience harassment'.
- There is also the opportunity to introduce anti-harassment and bystander action training for all participants in ICANN community activities, that is promoted via all SOs and ACs to further reinforce a positive culture across the community.

(III) the definition of harassment and examples provided

- We support the additional examples of types of harassment.
- We would like to see reference to and a precise definition of ‘sexual harassment’ as a particular form of harassment: ‘unwelcome conduct of a sexual nature that makes someone feel offended, humiliated or intimidated. Sexual harassment is a form of gender inequality.’ Australia’s Our Watch, an organisation dedicated to helping prevent violence against women and their children explains the links between sexual harassment and gender inequality further in [a fact sheet What is the link between sexual harassment and gender inequality?](#)
- We would also like to see a definition of ‘active bystander’: ‘It is about taking responsibility and intervening even when you are not directly affected. It is about noticing something unacceptable and taking action’ (from the [United to Respect Toolkit](#)).
- We suggest adding examples of active bystander behaviours. Page 9 of the [United to Respect Toolkit](#) provides some examples.

(IV) the reporting and complaint procedure.

- We support the additions that provide further guidance on making a complaint.
- The policy could be strengthened by taking a victim-centred approach. The UN Chief Executive Board Task Force defines a victim-centred approach to sexual harassment as a way of engaging with victim(s) that prioritizes listening to the victim(s), avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving back as much control to victim(s) as feasible and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner (from [OECD Toolkit to Support Implementation of OECD DAC Recommendation on Ending Sexual Exploitation Abuse and Harassment](#)).
- The first section should focus on options for reporting and supports available to the affected individual, as currently under ‘Support’, section A includes the possible outcomes of making a complaint. This paragraph should also emphasise that it can be challenging to speak up, but any affected individual is not alone.
- Multiple reporting channels should be made available in line with best practice, including at least one anonymous reporting channel. This policy focuses on the complaint process to the Ombuds and we suggest expanding the options in order to promote help-seeking behaviours. The opportunity for affected individuals to nominate support people e.g. up to 2 ICANN community members and 1 staff member, would also strengthen this section.
- We would like to see consistent and less legalistic language such as ‘affected individual’ and ‘alleged offender’ in line with the [United to Respect Toolkit](#). Paragraph 4 and 5 vary in use of language e.g. complainant/respondent, then the language shifts in paragraph 5 to victim.
- Confidentiality should be prioritised. Paragraph 11 refers to ensuring confidentiality ‘to the extent feasible’. Confidentiality should be ensured and any progression of a matter that would require disclosure should be subject to the consent of the parties.
- The addition of timeframes for resolutions of disputes would strengthen this procedure.
- The addition of a flow chart to clearly outline the steps in the investigation process would also be a welcome addition.
- We would like to see the addition of direct references to harassment and sexual harassment with examples on the ICANN Ombuds page under ‘Examples of Ways the Ombuds may help’.
- With the ICANN Board being the final decision point for complaints, there is an opportunity for positive leadership from the Board that may include:
 - having one or more named senior-level champion(s) for this work
 - an annual Board discussion on harassment and how the organisation is addressing it.

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- Collecting data on complaints at a minimum would also strengthen this procedure. Monitoring policy implementation through the collection of data informs understanding of the ongoing impact of the policy and where further changes may be required.

We thank you for your consideration of this submission and welcome the opportunity to discuss it or provide any further information that may assist the Working Group in determining next steps.

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