

GISWatch
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*Economic, social and cultural rights
and the internet*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
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Economic, social and cultural rights and the internet

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More information at: <https://www.apc.org/en/projects/internet-rights-are-economic-social-cultural-rights>



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Visualising human rights at ICANN

Niels ten Oever

ARTICLE 19, Cross Community Working Party on ICANN's Corporate and Social Responsibility to Respect Human Rights (CCWP-HR)

The Internet Corporation for Assigned Names and Numbers (ICANN) is a non-profit organisation incorporated in California, established in 1998. It is responsible for the stable and secure operation of the Internet. Its work revolves around the management, operation and technical maintenance of the databases concerning both Internet “names” and “numbers”.

In non-Internet speak, ICANN functions as the telephone book of the Internet by connecting domain names to their respective Internet protocol (IP) addresses. For example, when you type a URL into your browser, like <https://www.article19.org>, that is not actually the address of the web server. The domain name system (DNS) allows the translation between the URL and the actual IP address. This is done because people are much better at remembering words than numbers like IP addresses, which look like this: 85.118.235.222.

ICANN's work coordinating the policy making and distribution of domain names and IP numbers has a direct impact on human rights. There are many examples of ICANN's work impacting on human rights. Think, for instance, about the allocation of generic top level domains (gTLD). Who gets to have the gTLD .amazon? Is it the Brazilian government, through whose territory streams the Amazon River, or is it the Seattle-based company? Or the .gay gTLD? And what about the privacy issues related to the WHOIS database, the ICANN database that keeps records of who registers which domain name and can be queried by anyone?

It is clear that ICANN has an impact on human rights through many of its processes and policies. But considering the complicated nature of ICANN, it is often difficult to see where and how these impacts play out. Because of this, the Cross Community Working Party on Human Rights (CCWP-HR) – founded and chaired by ARTICLE 19 – decided to map ICANN and present its findings in this data visualisation.

The initial scoping led to the identification of various ICANN policies or processes that might have a human rights impact. These were further analysed to identify various overarching themes, and from these themes seven rights directly involved in the ICANN work were distilled.

The purpose of the infographic is to make visible how ICANN impacts human rights, both for the ICANN community and the broader public.

One of the main issues hindering new voices – especially civil society voices – from being heard at technical bodies like ICANN is the amount of jargon, technical know-how and understanding needed to participate in the different procedures. With this visualisation we hoped to make ICANN more accessible and understandable for all those interested in the relation between its work and human rights.

ICANN POLICIES AND HUMAN RIGHTS

ICANN
The internet Corporation for Assigned Names and Numbers (ICANN) is a not-for-profit organization that is responsible for coordinating the global DNS system, which includes the domain names and IP numbers, to thereby to offer global access to the "Yellow Pages" of the Internet.

- ICANN GLOSSARY**
- DANE** DNS-based Authentication of Named Entities
 - DNDI** Domain-based conditions of non-disclosure
 - DPP** Documentary Information Disclosure Policy
 - DNSSEC** Domain Name System Security Extensions
 - GAC** Governmental Advisory Committee
 - GNIS** Generic Names Supporting Organization
 - gTLD** Generic top-level domain
 - ICNL** Internationalized Domain Names
 - ICANN** Internet Corporation for Assigned Names and Numbers
 - INDO** Internet Domain Name Controversial Organizations
 - IPF** Independent Member Panel
 - PPF** Policy Development Process
 - RDPM** Registrar Data Access Protocol
 - RPMI** Rights Protection Mechanism (as related to Intellectual Property Rights)
 - WHOIS** an internet service that provides information about a domain and its IP address

Scoping the relation between ICANN and Human Rights

This illustration has been produced by the CIVICUS Community Watch Party on ICANN's Corporate and Social Responsibility Strategic Action Plan.

HUMAN RIGHTS PRINCIPLES
Inherent human rights derive from the humanity of each person.

UNIVERSAL All human beings have the same rights.

INDIVISIBLE Human rights extend to groups and individuals. There are no conflicts between rights and no priorities among rights. There will be no progress in one area of rights unless there is progress in all other areas. The balance and proper decisions taken about how all rights can best be protected and promoted.

INTERDEPENDENT AND INTERRELATED: all individuals are equal in human beings and by nature have the same rights and freedoms.

EQUALITY AND NON-DISCRIMINATION: all individuals are equal in human beings and by nature have the same rights and freedoms.

PARTICIPATION AND INCLUSION: all individuals have the right to participate in one or more human rights processes that affect their lives and well-being.

ACCOUNTABILITY AND RULE OF LAW: States and other duty-bearers are accountable for the

observance of human rights. In this regard, they have a legal obligation to protect, promote and fulfill the rights of individuals and groups.

Universal Declaration of Human Rights

- Article 1: All human beings are born free and equal in dignity and rights.
- Article 2: No one shall be subjected to discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- Article 3: Everyone has the right to life, liberty and security of person.
- Article 4: No one shall be held in slavery or servitude; slavery or the trade in slaves is prohibited in all its forms.
- Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 6: Everyone has the right to recognition as a person before the law.
- Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal treatment before the law.
- Article 8: Everyone has the right to an effective and just remedy through competent national tribunals for violations of his or her fundamental rights and freedoms.
- Article 9: No one shall be subjected to arbitrary arrest, detention or exile.
- Article 10: Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his or her rights and obligations and of any criminal charge against him or her.
- Article 11: Everyone has the right to a fair and public trial by an independent and impartial tribunal, in the determination of any criminal charge against him or her, and of his or her rights and obligations.
- Article 12: No one shall be subjected to arbitrary interference with his or her privacy, family, home or correspondence, nor to attacks upon his or her honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- Article 13: Everyone has the right to freedom of movement and residence within the borders of each country.
- Article 14: Everyone has the right to leave any country, including his or her own, and to return to his or her country.
- Article 15: No one shall be arbitrarily deprived of his or her nationality.
- Article 16: Everyone has the right to marry and to found a family, which is the basis of the family and society. No one shall be subjected to interference with his or her family life.
- Article 17: Everyone has the right to privacy of life, which includes protection of his or her honour and reputation.
- Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change his or her religion or belief, and to manifest his or her religion or belief in worship, observance, practice and teaching.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference, to seek, receive and impart information and ideas through any media and regardless of frontiers.
- Article 20: Everyone has the right to freedom of peaceful assembly and association.
- Article 21: Everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives.
- Article 22: Everyone has the right to participate in the conduct of public affairs, to enjoy the fruits of social justice, and to promote and maintain the social and economic order of the society. This right shall be exercised by periodic and genuine elections, which shall be held by secret ballot, and by universal and equal suffrage, and by direct and periodic elections to the legislative, executive, administrative and judicial organs of the State.
- Article 23: Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, to protection of employment, to higher pay for more complex jobs, to equality of opportunity for promotion, to a fair and equitable remuneration, to an adequate standard of living, to social security, and to the right to strike.
- Article 24: Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay, and to other benefits of social security.
- Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his or her family, including food, clothing, housing, medical care and social services, and to the right to education.
- Article 26: Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- Article 27: Everyone has the right to the highest attainable standard of physical and mental health.
- Article 28: Everyone has the right to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.
- Article 29: Everyone has duties to the community in which alone the free and full development of his or her personality is possible.
- Article 30: Nothing in this Declaration may be interpreted as authorizing any State, group or individual to engage in any activity aimed at the destruction of any of the rights and freedoms set forth herein, or at their limitation or at their use in a manner inconsistent with the purposes of this Declaration.

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Guidelines

- International Convention on Civil and Political Rights (ICCPR) 1966
- International Convention on Economic, Social and Cultural Rights (ICESCR) 1966
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1965
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979
- Convention on the Rights of Persons with Disabilities (CRPD) 2006
- Universal Declaration of Human Rights (UDHR) 1948
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1965
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979
- Convention on the Rights of Persons with Disabilities (CRPD) 2006
- Project based
- Report
- Form state action
- Review

ICANN POLICY OR PROCESS

- Defined conditions of non-disclosure
- Data escrow provider financial support
- WHOIS accuracy specification requirement
- Thick WHOIS implementation review team
- Next generation gTLD registration directory service
- RDPM changes and privacy
- Applicant guidebook
- Community based TLD
- Application fees
- Registrar accreditation process & insurance requirements
- GNSSO new gTLD auctions proceeds staffing team
- Coordination and distribution of IP addresses
- The right to use all words and names in domain names
- Content-based gTLD String Evaluations
- Applicant guidebook
- Sensitive strings
- Community based TLD
- Implementation of Internationalized Domain Names
- Review of protection (GONINGO) names in all gTLDs
- Review of curative rights protections in (GONINGO) in gTLDs
- New gTLDs subsequent round WS
- PPF to review RPMs in all gTLDs
- Implementation of DNSSEC
- Implementation of DANE
- Awareness of Ombudsman office for complaint
- GNSSO PEP improvements discussion group
- Effect of failure and the use of the Ombudsman
- Need to ensure that parties know about Ombudsman for unfair process
- Documentary Information Disclosure Policy requests

THEME

- Documentary Information Disclosure Policy
- gTLD Registrar Accreditation Agreement
- gTLD Registrar Accreditation Agreement
- WHOIS
- New gTLD subsequent procedures V2P
- Applicant fees
- New gTLD subsequent procedures V2P
- IP addresses
- Coordination and distribution of IP addresses
- New gTLD subsequent procedures V2P
- Internationalized Domain Names
- gTLDs Protection Mechanisms
- GNSSO
- gTLD subsequent round WS
- PPF to review RPMs in all gTLDs
- Implementation of DNSSEC
- Implementation of DANE
- Awareness of Ombudsman office for complaint
- GNSSO PEP improvements discussion group
- Effect of failure and the use of the Ombudsman
- Need to ensure that parties know about Ombudsman for unfair process
- Documentary Information Disclosure Policy

RIGHTS INVOLVED

- RIGHT TO PRIVACY
- RIGHT TO FREEDOM OF ASSOCIATION
- ECONOMIC, SOCIAL AND CULTURAL RIGHTS
- RIGHT TO FREEDOM OF EXPRESSION
- RIGHT TO SECURITY, PARTICIPATION, INCLUSION, EQUALITY AND NON-DISCRIMINATION
- DUE PROCESS

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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