CAN INTERNET PROTOCOLS AFFECT HUMAN RIGHTS?

IRTF RG
Human Rights Protocol Considerations
(hrpc)

IETF 97
Monday November 14 2016
9:30 – 11:00

Co-Chairs:
Niels ten Oever   –   Article19
Avri Doria   –   APC

Administrivia

Mailinglist

- https://www.irtf.org/mailman/listinfo/hrpc

Github

- https://github.com/nllz/IRTF-HRPC

- Meetecho (remote participation)
  http://www.meetecho.com/ietf97/hrpc

- Minutes
  http://etherpad.tools.ietf.org:9000/p/notes-ietf-97-hrpc

- Intro website
  https://hrpc.io

Agenda

- Beginning

    Jabber scribe, note takers

      Agenda Bashing

      Notewell

- Introduction
- Status of research group & documents
- Context of research
- Presentation + Q&A - Geoffrew Bowker on Infrastructure and Human Rights
- Discussion of draft-tenoever-hrpc-research

     https://tools.ietf.org/html/draft-tenoever-hrpc-research

  - process update by document sherpherd (Avri Doria)

    - content update by document authors (Niels ten Oever, Corinne Cath)

      - recent changes + reviews

      - discussion

        - anonymity as aspirational goal

        - internationalization

        - protocols are political

- Human Rights in other Internet Governance bodies

    - ICANN

    - IEEE

- Open discussion other drafts, papers, ideas
- Next steps
- AOB

Note Well

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– The IETF plenary session

– The IESG, or any member thereof on behalf of the IESG

– Any IETF mailing list, including the IETF list itself, any working group or design team list, or any other list functioning under IETF auspices

– Any IETF working group or portion thereof

– Any Birds of a Feather (BOF) session

– The IAB or any member thereof on behalf of the IAB

– The RFC Editor or the Internet-Drafts function

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A participant in any IETF activity acknowledges that written, audio and video records of meetings may be made and may be available to the public.

Document Review Request

- Document quality relies on reviews, please review documents in your working group and at least one other document from another working group.

- If you'd like documents you care about reviewed, put the effort in to review other documents.

Status of research group

- October, 27, 2014 - Publication of Proposal for research on human rights protocol consideration

- IETF91 - November, 13, 2014: Presentation during saag session

- March 9, 2015 - Publication of Proposal for research on human rights protocol considerations - 01

- January 2015 - Proposed research group in the IRTF

- IETF92 - March 22 to 27, 2015 – Session & Interviews with members from the community

- June 2015 - Interim Meeting

- July 2015 - Publication of Methodology and Glossary drafts

- IETF93 - July 2015 – Session

- IETF94 November 2015 – Screening of film Net of Rights, updates of Glossary, Methodology, Report drafts, Users draft, paper, session

- December 2015 – Research Group chartered

- IETF95 April 2016 – Session, new Research draft, updated Report and Censorship draft, & 3 talks

- IETF96 July 2016 – Session, new Research Draft – road tests, reviews, text & 3 talks

- IETF97 November 2017 – Session, new Research Draft – reviews, talk

Context and objective of the RG

- To expose the relation between protocols and human rights, with a focus on the rights to freedom of expression and freedom of assembly.

- To propose guidelines to protect the Internet as a human-rights-enabling environment in future protocol development, in a manner similar to the work done for Privacy Considerations in RFC 6973.

- To increase the awareness in both the human rights community and the technical community on the importance of the technical workings of the Internet and its impact on human rights.

Context of research (ii)

(Another step is to choose leaders that we trust to exercise their
good judgement and do the right thing. But we're already trying to
do that.)

4. Issues with Scoping the IETF's Mission

4.1. The Scope of the Internet

A very difficult issue in discussing the IETF's mission has been the
scope of the term "for the Internet". The Internet is used for many
things, many of which the IETF community has neither interest nor
competence in making standards for.

The Internet isn't value-neutral, and neither is the IETF. We want
the Internet to be useful for communities that share our commitment
to openness and fairness. We embrace technical concepts such as
decentralized control, edge-user empowerment and sharing of
resources, because those concepts resonate with the core values of
the IETF community. These concepts have little to do with the
technology that's possible, and much to do with the technology that
we choose to create.

Geoffrew C. Bowker

– Infrastructure Scholar

– Professor of Informatics at the University of California, Irvine

– Professor and Director of Values in Design Laboratory at University of California, Irvine
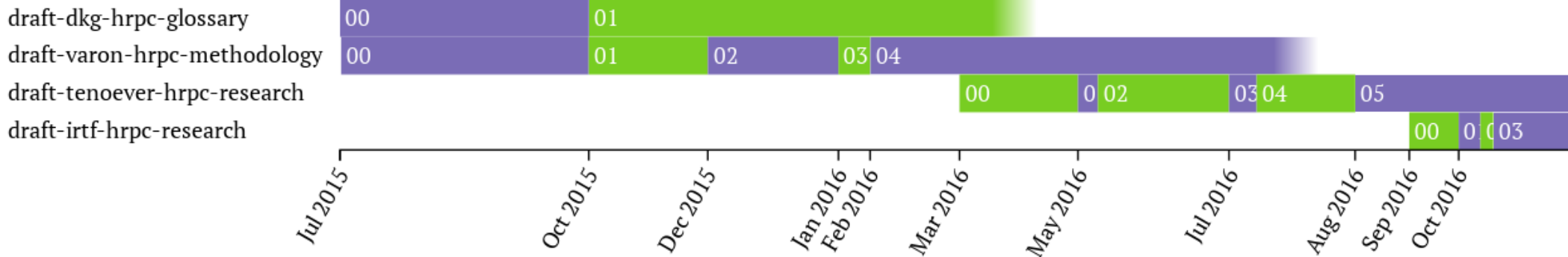
Discussion of draft-tenoever-hrpc-research

Document Sheperd: Avri Doria

Authors: Niels ten Oever & Corinne Cath

History of the draft

Objective of the draft

- Research relationship between Human Rights and Protocols

- Provide a model for guidelines where possible

How we went about it

- RFC (reading + automated analysis with Big Bang)

- Academic literature

- Interviews

- Case studies

- Road testing of guidelines

Quantitative Summary

- 17 versions

- >10 reviews

- 786 mails
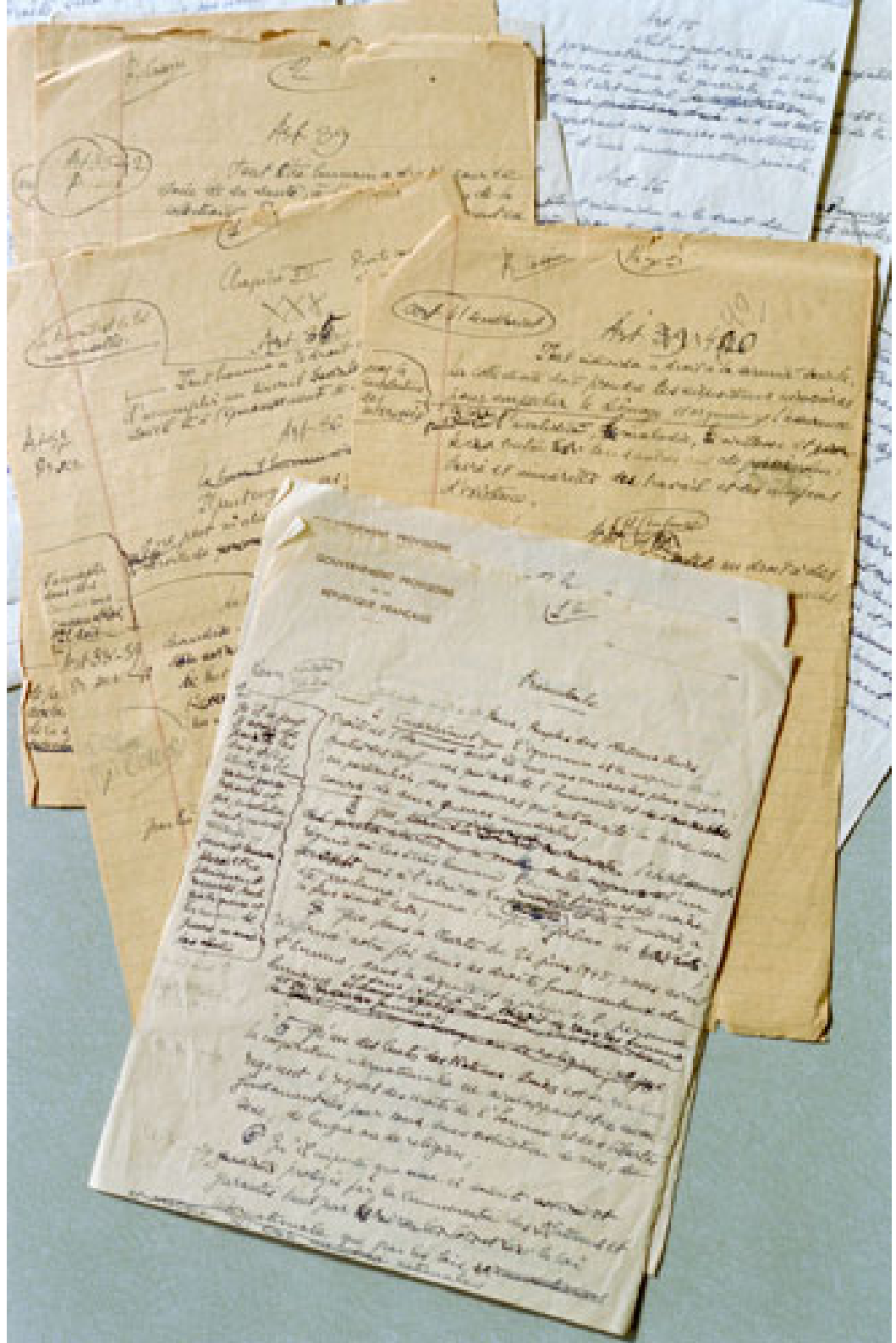
- 540 commits on Git

- 67 pages

Changes since IETF96

- Very elaborate reviews by Amelia Anderdotter and Stephen Farrell

    – Moved guidelines to the top

    – Changed all mentions of 'Internet architecture'

    – Removed definition of 'Information security'

    – Changed diagrams into tables

    – Cut a lot of DDoS text

    – Introductory text added

    – Text on HR & technology added

    – Abstract shortened

    – Improved 'content-agnosticim' definition

    – Removed prejorative terms

    – Many smaller changes

    – Lots of typos

What we did **<u>NOT</u>** do

- Replace anonymity with 'not being tracked'

- Remove 'protocols are political'

- Add discussion of OTR (or OMEMO, etc) to XMPP discussion

- Limit l18n to user facing parts of the protocol

- Move the guidelines to another document

Next steps?

Human Rights in Internet Governance processes outside the IETF

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights (ICCPR) 1966

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UN Guiding Principles on Business and Human Rights (2011)

UN Global Compact (2000)

Protect (states)

Respect (non state actors)

Remedy

WSIS > Tunis Agenda

42. We reaffirm our commitment to the **freedom to seek, receive, impart and use information**, in particular, for the creation, accumulation and dissemination of knowledge. We affirm that measures undertaken to ensure Internet stability and security, to fight cybercrime and to counter spam, must protect and respect the provisions for privacy and freedom of expression as contained in *the relevant parts* of the **Universal Declaration of Human Rights and the Geneva Declaration of Principle**

UN Human Rights Council 2012

1. Affirms that the **same rights that people have offline must also be protected online**, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

UN General Assembly 2013

4. Calls upon all States:

(a) To respect and protect the right to privacy, including in the context of digital communication;

 (b) To take measures

 (c) To review their procedures, practices and legislation

5. Establish Special Rapporteur Privacy

NETmundial

Human rights are universal as reflected in the *Universal Declaration of Human Rights* and that should underpin Internet governance principles.

Rights that people have offline must also be protected online, in accordance with international human rights legal obligations, including the *International Covenants on Civil and Political Rights* and *Economic, Social and Cultural Rights*, and the *Convention on the Rights of Persons with Disabilities*.

UN Special Rapporteur FoE

2015 report:

Governments should promote the use of strong encryption and protect anonymous expression online

2016 report:

- Intermediary liability

- Private entities should ensure the greatest possible transparency in their policies, standards and actions that implicate the freedom of expression and other fundamental rights.

- Private entities should also integrate commitments to freedom of expression into internal policymaking, product engineering, business development, staff training and other relevant internal processes.

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Phase 1
Community Proposal

Phase 2
NTIA Review & Evaluation

Phase 3
Transfer of Stewardship

Multistakeholder Community Delivers

ICG Proposal

CCWG-Accountability Proposal

4-5 Months

Final Sign Off

60-90 days — NTIA Review Process

30 L-days* — Congressional Review

Finalize Implementation

ICG Proposal and CCWG-Accountability WS1 Operationalization

Bylaw Changes Drafted | Bylaw Changes Adopted

Accountability WS2 Proposal Process

ICANN 54

ICANN 56

*L-days: Legislative Days

Why?

"ICANN is bound to operate "for the benefit of the internet community as a whole, carrying out its activities in conformity with relevant principles of international law and applicable international conventions and local law"

- Article 4 of ICANN's Articles of Incorporation

Human Rights Bylaw

Subject to the limitations set forth in Section 27.2, **within the scope of its Mission and other Core Values**, *respecting* internationallyrecognized human rights as required by *applicable law*. This Core Value does not create, and shall not be interpreted to create, any obligation on ICANN outside its Mission, or beyond obligations found in applicable law. This Core Value does *not obligate ICANN to enforce* its human rights obligations, or the human rights obligations of other parties, against other parties.

a) The Core Value set forth in Section 1.2(b)(viii) shall have no force or effect

unless and until a framework of interpretation for human rights ("FOI-HR") is (I) approved for submission to the Board by the CCWG-Accountability as a consensus recommendation in Work Stream 2, with the CCWG Chartering Organizations having the role described in the CCWG-Accountability Charter, and (ii) approved by the Board, in each case, using the same process andcriteria as for Work Stream 1 Recommendations.

(b) No person or entity shall be entitled to invoke the reconsideration process provided in Section 4.2, or the independent review process provided in Section 4.3, based solely on the inclusion of the Core Value set forth in Section 1.2(b)(viii) (i) until after the FOI-HR contemplated by Section 27.2(a) is in place or (ii) for actions of ICANN or the Board that occurred prior to the effectiveness of the FOI-HR.

FRAMEWORK OF INTERPRETATION

CCWG-ACCOUNTABILITY

WORKSTREAM 2

WORKSTREAM 1

IANA STEWARDSHIP TRANSITION

INTERIM HUMAN RIGHTS BYLAW

HUMAN RIGHTS BYLAW IMPLEMENTATION

ICANN

POLICIES AND

HUMAN RIGHTS

ICANN

The Internet Corporation for Assigned Names and Numbers coorinates the policy making and distribution of domain names and IP numbers. It therefore is often dubbed as the 'telephone book of the Internet'.

ICANN GLOSSARY

DANE: DNS-based Authentication of Named Entities

DCND: Defined conditions of nondisclosure

DIDP: Documentary Information Disclosure Policy

DNSSEC: Domain Name System Security Extensions

GAC: Governmental Advisory Committee

GNSO: Generic Names Supporting Organization

gTLD: Generic top-level domain

IDNs: Internationalized Domain Names

IGOs: Inter-Governmental Organisations

INGOs: International Non-Governmental Organizations

IRP: Independent Review Panel

PDP: Policy Development Process

RDAP: Registration data access protocol

RPMs: Rights Protection Mechanism (as related to Intellectual Property Rights)

WHOIS: an Internet service that provides information about a domain name or IP address

Scoping the relation between ICANN and Human Rights

HUMAN RIGHTS PRINCIPLES

INHERENT: human rights derive from the humanity of each person.

UNIVERSAL: all human beings have the same human rights.

INALIENABLE: human rights cannot be given up.

INDIVISIBLE: there are no conflicts between rights and no priorities among rights. There will be situations or occasions where rights must be balanced and prudent decisions taken about how all rights can best be protected and promoted.

INTERDEPENDENT AND INTERRELATED: the enjoyment and fulfilment of any right depends on the enjoyment and fulfilment of other rights.

EQUALITY AND NON-DISCRIMINATION: all individuals are equal as human beings and by virtue of the inherent dignity of each human person.

PARTICIPATION AND INCLUSION: all people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being.

ACCOUNTABILITY AND RULE OF LAW: States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments.

Universal Declaration of Human Rights

Treaties

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Remedy

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

THEME

Documentary Information Disclosure Policy

2014 Registrar Accreditation Agreement

2013 Registrar Accreditation Agreement

WHOIS

New gTLD subsequent procedures WG

New gTLD subsequent procedures WG

IP addresses

Free and fair use of domain names

New gTLD subsequent procedures WG

Internationalized Domain Names

Rights Protection Mechanisms

DNSSEC

Protection of rights to fair and equal treatment

PDP procedure

GAC early warning

Reconsideration Request

IRP Process

All Dispute Resolution processes within ICANN

Documentary Information Disclosure Policy

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

RDAP changes and privacy

Applicant guidebook — Community based TLD

Application fees

Registrar accreditation process & insurance requirements

GNSO new gTLD auctions proceeds drafting 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 IGO/NGO names in all gTLDs

Review of curative rights protections in IGO/INGOs in gTLDs

New gTLDs subsequent round WG

PDP to review RPMs in all gTLDs

Implementation of DNSSEC

Implementation of DANE

Awareness of Ombudsman office for complaint

GNSO PDP 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

This is a preliminary scoping, pending a full Human Rights Impact Assessment

Different Processes Ongoing

- GAC WG Human Rights and International Law – Government Working Group

- CCWG on Accountability WS2 – Human Rights Subgroup – Cross Community Design Team for Framework of Interpretation

- CCWP-HR – Informal discussion and research group on human rights

Key elements of the Corporate Responsiblity to Respect

Source: ICT Sector Guide
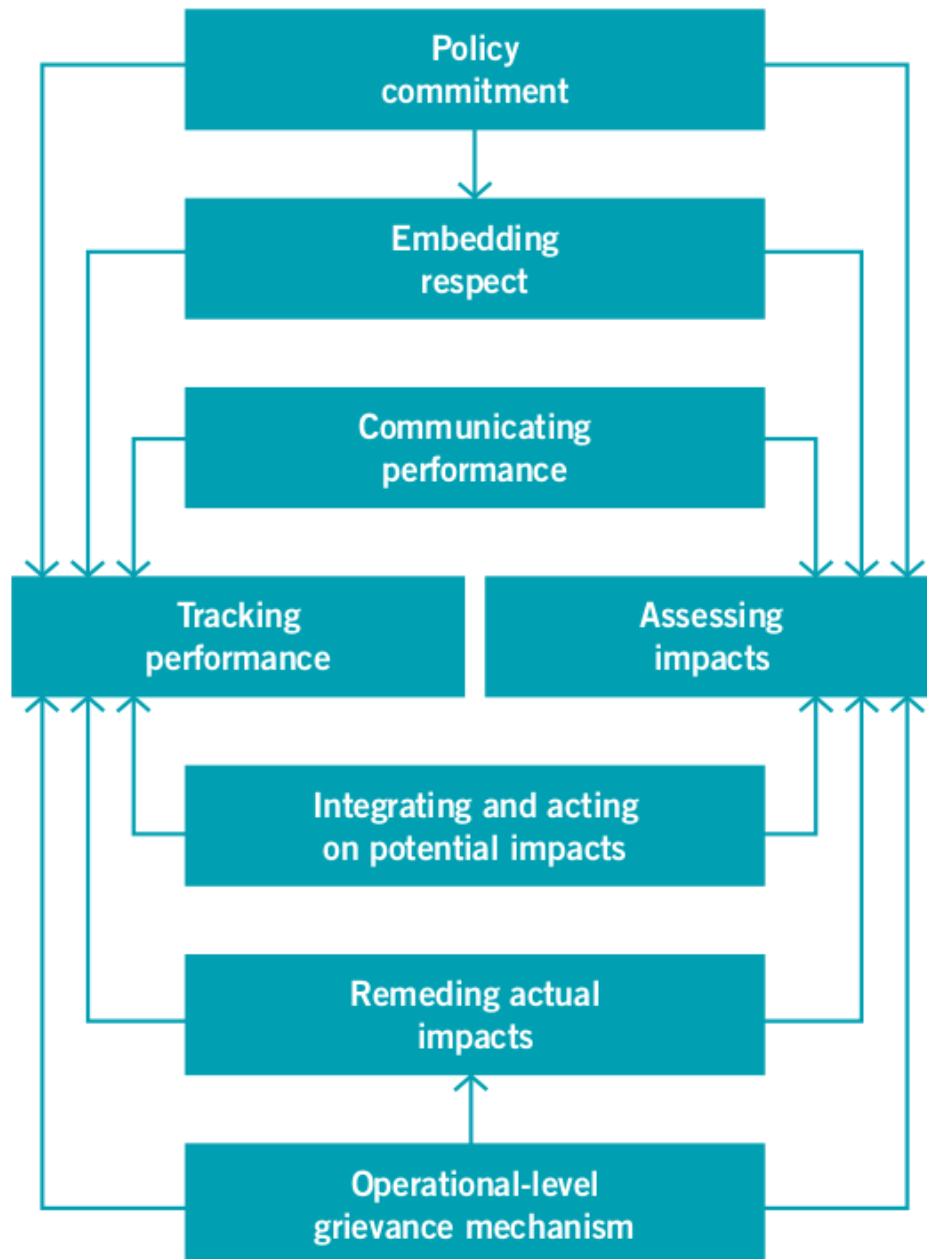
Step 1

- Create a human rights review process
- Review existing policy development process itself for human rights impacts and consider areas of improvement
- Apply the human rights review process on a pilot bsis for ICANN's policy development process

Step 2

- Taking into account the results of the pilot, formaise the human rights review process for ICANN's policy devlopment process
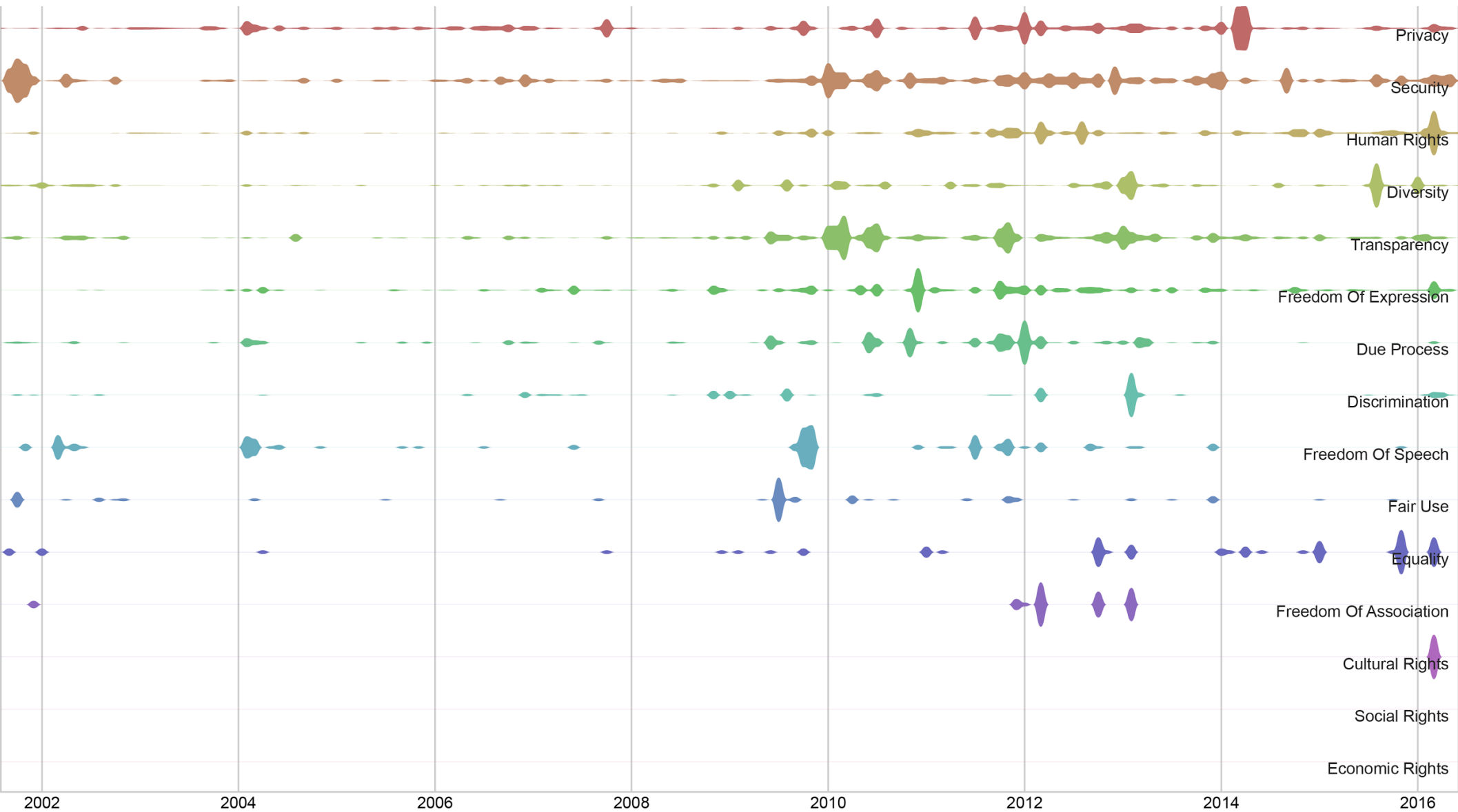- With this input, conside a human rights policy statement in the context of policy development process

Step 3

- Consider carrying out an organisational level human rights impact assessmen for the entire ICANN operations, in collaboration with external experts
- Consider an organisation-wide human rights policy statement, integrating the human rights policy for policy development process

Step 4

- Consider a CSP strategy
- Consider a CSR reporting

Never a dull moment

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- PARTICIPATION, INCLUSION, EQUALITY AND NON-DISCRIMINATION
- DUE PROCESS

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IEEE Global Ethics Initiative

- Full name: The Global Initiative for Ethical Considerations in the Design of Autonomous Systems.

- Focus on Ethics and AI / AS

- 'advancing technology *for the benefit of humanity*' (emphasis added)

- Work done in 7 commitees

- First version of diucment released in December

\- Open discussion other drafts, papers, ideas

\- Next steps

    Elaborate Human Rights Impact Assessment of one protocol?

    How is the right to free association (not) sustained by Internet architectures (federation vs centralization) ?

    Continuing to get speaker to bridge divides between communities?

\- AOB

```python
if write code(protocols):
    consider human rights implications
elif run internet infrastructure:
    respect human rights
elif engage in internet governance:
    build in human rights protections
else
    carry on and use FLOSS
```