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


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
- 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

11/14/16
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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

11/14/16
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.
(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-agnosticism’ definition
  - Removed prejorative terms
  - Many smaller changes
  - Lots of typos
What we did **NOT** 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
- 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
Universal Declaration of Human Rights

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- Convention on the Rights of Persons with Disabilities (CRPD) 2006

- UN Guiding Principles on Business and Human Rights (2011)
- UN Global Compact (2000)

- Protect (states)
- Respect (non-state actors)
- Remedy
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.
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.
Universal Declaration of Human Rights

- International Covenant on Civil and Political Rights (ICCPR) 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1965
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Protect (States)

- UN Guiding Principles on Business and Human Rights (2011)
- UN Global Compact (2000)

Respect (Non-state Actors)

Remedy
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 internationally recognized 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 and criteria 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.
ICANN POLICIES AND HUMAN RIGHTS

ICANN

The Internet Corporation for Assigned Names and Numbers (ICANN) has recognized the policy making and distribution of domain names and IP numbers. It therefore is often dubbed as the “telephone book of the Internet.”

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.

INTERDEPENDENT AND INTERRELATING: the enjoyment and fulfillment of any right depends on the enjoyment and fulfillment 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 embodied in international human rights instruments.

ICANN GLOSSARY

DANE: DNS-based Authentication of Named Entities
DCRD: Defined conditions of non-disclosure
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
ISO: International Inter-Governmental Organizations
INTSIG: International Non-Governmental Organizations
IRP: Independent Review Panel
IPDP: Policy Development Process
RPIM: Rights Protection Mechanism (as related to Intellectual Property Rights)
WHOIS: an Internet service that provides information about a domain name or IP address

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 WHO
- New gTLD subsequent procedures WO
- IP addresses
- Free and fair use of domain names
- New gTLD subsequent procedures WO
- Internationalized Domain Names
- Rights Protection Mechanisms
- GNSSEC
- 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 access provider financial support
- WHOIS accuracy specification requirement
- Thick WHOIS implementation review team
- Next generation gTLD registration directory service
- RPIM 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
- Community-based TLD
- Implementation of Internationalized Domain Names
- Review of protection IGO/NGO names in all gTLDs
- Review of creative rights protections in IGO/NGOs in gTLDs
- New gTLDs subsequent round WHO
- PDP to review RPIMs 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

Scoping the relation between ICANN and Human Rights

This illustration has been produced by the Cross Community Working Party on ICANN’s Corporate and Social Responsibility to Respect Human Rights
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 Responsibility to Respect

Policy commitment

Embedding respect

Communicating performance

Tracking performance / Assessing impacts

Integrating and acting on potential impacts

Remedying actual impacts

Operational-level grievance mechanism

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 basis for ICANN’s policy development process

Step 2
- Taking into account the results of the pilot, formalise the human rights review process for ICANN’s policy development process
- With this input, consider a human rights policy statement in the context of policy development process

Step 3
- Consider carrying out an organisational level human rights impact assessments 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
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 committees
- First version of document 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
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