

**Session Title:** *A Net of Rights: Human Rights Impact Assessments for the Future of the Internet*

**Date:** Thursday, December 22

**Time:** 12:20 – 13:20

**Session Organizer:** Mehwish Ansari

**Chair/Moderator:** Mehwish Ansari

**Rapporteur/Notetaker:** N/A

**List of Speakers and their institutional affiliations:**

Dr. Alissa Cooper, Internet Engineering Task Force (IETF)/Cisco

Mr. Niels ten Oever, ARTICLE 19/University of Amsterdam

Ms. Cathrine Bloch Veiberg, Danish Institute for Human Rights (DIHR)

Mr. Maarten Simon, Stichting Internet Domeinregistratie Nederland (SIDN)

Ms. Beth Goldberg, Yale University

**Key Issues raised (1 sentence per issue):**

- The need for more human rights impact assessment (HRIA) models for Internet infrastructure providers
- The need for greater adoption of HRIAs among infrastructure providers
- The case for applying the HRIA model to technical communities, such as the IETF
- The growing human rights considerations within the IETF, and how that has manifested in standards development thus far
- The potential for developing stronger human rights commitments within the IETF

**If there were presentations during the session, please provide a 1-paragraph summary for each presentation:**

N/A

**Please describe the Discussions that took place during the workshop session (3 paragraphs):**

The structure of the workshop was divided into two particular applications of HRIAs: HRIA adoption among infrastructure providers, and the potential use of HRIAs in standards and protocol development within technical communities. To frame these discussions, panelists were invited to speak to two respective case studies: SIDN, an Internet registry, and the IETF, a standards organization.

The first segment was a moderated discussion that sought to present the recently concluded HRIA carried out by SIDN, as an example of how infrastructure providers can implement HRIAs. The discussion began with a brief overview of what HRIAs are, led by Ms. Veiberg of DIHR. In discussing how HRIA models are developed, she noted the current lack of models available for the Internet infrastructure sector and the general importance of developing specialized models for actors within this sector, due not only to the specific nature of their operations, but also their activities in and with respect to technical communities such as the Internet Corporation for Assigned Names and Numbers (ICANN). This was the need from which DIHR worked with ARTICLE 19 to develop an HRIA model for SIDN, an Internet registry. Mr. Simon then provided an overview of how SIDN implemented this HRIA model as a case study for how other Internet registries may adopt HRIAs as well. In particular, he noted the need to provide sufficient time for employees to complete questionnaires as a major lesson learned for future practice. Including Ms. Goldberg in the discussion, the panelists then discussed the general barriers to greater HRIA adoption among infrastructure providers; specifically, Ms. Goldberg cited the perception that implementing HRIAs would threaten their autonomy or flexibility. Interestingly, Mr. Simon drew from the experience of SIDN to attest that this was not actually the case in practice.

The second segment was a moderated discussion that explored the current state of human rights considerations within the IETF, and how those considerations can be capitalized moving forward. To do so, the discussion brought together Dr. Cooper and Mr. ten Oever. As chair of the IETF, Dr. Cooper explained that human rights considerations have long permeated IETF discussions on a latent level, even when there has been no conscious understanding of human rights terminology or frameworks; she pointed to the development of the IETF privacy considerations RFC and working group discussions of encryption following the Snowden revelations as key examples. Mr. ten Oever supplemented these points by providing an overview of the work of the Human Rights Protocol Considerations research group within the Internet Research Task Force (IRTF), the sister organization of the IETF. In doing so, he explained that the HRPC group has focused its efforts on raising the level of understanding within the IETF as to the intersections between protocols and politics: how existing and developing protocols impact and implicate human rights. In this context, both panelists considered the potential for developing structures for operationalizing existing human rights considerations within the IETF. While Mr. ten Oever underscored the potential for leveraging the existing work of the HRPC research group to begin developing HRIA models for protocol development, Dr. Cooper noted that there is certainly potential for it to take hold in the IETF, as the work of the community is determined at the grassroots, by its members.

**Please describe any Participant suggestions regarding the way forward/ potential next steps /key takeaways (3 paragraphs):**

In considering the way forward for strengthening human rights considerations among both infrastructure providers and technical communities, the panelists returned to the problem identified at the start of the discussion: there is currently a gap in the development and adoption of HRIAs within this sector. A major takeaway from both case studies was the role of civil society. Civil society actors not only provide the human rights expertise that is fundamental to HRIA model development—whether for infrastructure providers or for technical communities—they can guide technical actors that do not necessarily possess this expertise in-house. Moreover, civil society actors can drive HRIA adoption by proactively reaching out to infrastructure providers; the panelists recognized that in this sector, civil society is generally viewed as a countervailing force that holds private sector actors accountable in the public eye.

A key recommendation in response to this implementation gap precipitated from the SIDN case study—over the course of the discussion, the panelists concluded that the barriers that infrastructure providers generally assume to exist did not come to bear in cases of actual implementation. As such, the discussion highlighted the strategic value for civil society and other actors that seek to increase HRIA adoption in proactively dispelling these misconceptions when engaging potential implementers. The discussion of the IETF case study also unearthed a major recommendation for further consideration. As the panelists recognized, the trajectory of the IETF is determined by its community: in order to enact change, actors must propose the change and engage other members of the community to support it. This principle must be embedded in any path forward on developing HRIAs or other structures for systematically considering human rights in IETF protocol development.

From these takeaways, the next steps identified by the panelists involve the participation of all stakeholders. Civil society and other actors that have technical expertise in Internet governance and are interested in this work should look to partner with HRIA experts, such as DIHR, to develop HRIA models for other types of Internet infrastructure providers, such as domain name registries, Internet service providers and Internet connection points, content delivery networks, and computer emergency response teams/ computer security incident response teams (CERTs/CSIRTs). Additionally, interested civil society and other stakeholders should focus on directly engaging infrastructure providers and participating in technical communities, keeping in mind the recommendations set out by the panelists above. Finally, all infrastructure providers interested in implementing HRIAs should contact DIHR and ARTICLE 19 for more information.

**Gender Reporting**

**Estimate the overall number of the participants present at the session:**

Approximately 35.

**Estimate the overall number of women present at the session:**

Approximately 15.

**To what extent did the session discuss gender equality and/or women's empowerment?**

Though the session did not directly address these issues, the impacts of greater HRIA adoption will fundamentally facilitate gender equality and strengthen women's empowerment. By identifying the potential and real impacts of their policies and operations on civil, political, economic, social, and cultural human rights, infrastructure providers including Internet registries, domain registrars, Internet service providers, content delivery networks can more systematically address the barriers that historically marginalized groups, including women, face—not only in terms of access, but also participation in internal decision-making processes. This identification is the first step to meaningfully addressing and redressing the systemic barriers that hinder gender equality and women's empowerment, both online and in the very operation of the Internet itself.

**If the session addressed issues related to gender equality and/or women's empowerment, please provide a brief summary of the discussion:**

N/A