

Transfer Policy Review – Human Rights Impact Assessment (HRIA): Enhanced Assessment Matrix

Introduction

In response to the request from NCSG councilors, the Council agreed the HRIA to be done retroactively. NCSG has undertaken the HRIA for transfer policy review and hereby submits it to the council for a further review. This Human Rights Impact Assessment (HRIA) applies the Council's human rights checklist retroactively to the Transfer Policy Review (TPR). Several NCSG members collaborated on this matrix, with Farzaneh Badii serving as penholder and editor. Rather than analyzing all [47 Transfer Policy recommendations](#), the assessment is organized by checklist category, drawing on previous NCSG human rights work and the questions included in PDP charters.

Farzaneh Badii discussed the policy recommendations with Roger Carney, Chair of the TPR PDP. During this exchange, Roger highlighted two key takeaways:

1. Applying a rights-based checklist demonstrates the value of standardization for protecting human rights.
2. Other PDPs should adopt similar lightweight assessments during their scoping phases.

 **Recording of the initial conversation with Roger Carney:** [Zoom Meeting Recording](#)

The severity of impact has been measured by considering the existence of impact on the rights, scalability and remediability.

The HRIA Table

Checklist Category	Transfer Policy Relevance	Expected Impact (Severity)	Groups Impacted	Necessary	Proportionate	Legitimate
Privacy and Data Protection	TEAC and TAC processes do not involve sharing data in inter-registrar transfer. Some privacy measures are in place but gaps exist with resellers.	Medium	Registrants using resellers	yes — protections are in place but do not fully address reseller flows.	Yes — but lacks oversight on reseller-registrar data practices.	Yes — aligns with privacy standards, but implementation gaps remain.
Freedom of Expression	The policies on change of Registrant that happens during transfer are needed but could affect freedom of expression. For example, hijacking issues can affect domain control. Current scope of policies that do not address hijacking limits response options.	High	Registrants of compromised accounts, users of affected websites	Yes — domain security mechanisms are essential, but need expansion for hijacks.	Partially — limited scope might undercut protections in real hijack cases.	Yes — securing control of domain names is a legitimate aim.

Non-Discrimination	Transfer policy should apply equally, but registrars can face restrictions based on local laws	Medium	Registrants in sanctioned or high-risk jurisdictions or registrants that provide their services to sanctioned areas and countries in crisis	Yes — standardization is necessary, but legal compliance needs flexibility.	Partially — may lead to exclusion despite registrant innocence.	Yes — aligned with legal obligations but needs clearer justification and policies should be transparently disclosed
Access to Remedy	Dispute policy does not cover hijacked domains that follow technical rules, revealing enforcement limitations.	High	Registrants affected by hijacking or disputes	No — current dispute remedies are insufficient for hijack situations.	No — failure to provide remedy undermines proportional response.	No action was taken, so legitimacy assessment not possible
Transparency and Accountability	-transfer fee and notices - Dispute resolution mechanisms - Transfer process	Medium	General registrant population	Yes — Having processes for transfer is necessary	The policy is proportionate however it does not cover disputed domains and hijacked domains	Transfer fee, process and dispute resolution mechanisms are legitimate acts but improving

						access and clarity is a fundamental goal and can protect the registrant from arbitrary fee and transfer actions
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Recommendations for Future Consideration by the GNSO Council

1. Expand Access to Remedies for Hijacking

- Current dispute resolution mechanisms do not adequately address domain name hijacking, particularly in cases that technically comply with policy but are clearly abusive.
- Recommendation: consider introducing or enhancing mechanisms to provide remedies for registrants whose domains have been illegitimately transferred or compromised.

2. Improve Transparency in Transfer Processes

- The lack of clear, accessible, and user-friendly documentation may prevent registrants from fully understanding their rights and options under the Transfer Policy.
- Recommendation: Streamlined processes must be complemented with improved education, guidance, and multilingual support to empower registrants—especially those operating via resellers or in vulnerable contexts.

3. Clarify and Review Abuse-Related Transfer Restrictions

- Currently, registrants may face difficulty challenging registrar decisions to deny transfers based on alleged abuse.
- Recommendation: Develop clearer processes for registrants to dispute and appeal such decisions, ensuring the principle of due process and fair treatment is preserved.

4. Standardize Protections Across Reseller Channels

- While some privacy protections are in place, significant gaps remain in the flow of registrant data between resellers and registrars.
- Recommendation: consider stronger oversight and clearer contractual expectations to ensure that privacy standards are uniformly applied

across all actors.

5. **Promote Human Rights Impact Assessments in PDP Scoping**

- As demonstrated in this review, lightweight HRIA exercises during the early phases of PDPs can significantly improve rights protections and policy coherence.
- A formal recommendation should be made to encourage future PDPs to conduct such assessments, with community support and implementation resources.

About the Noncommercial Stakeholder Group

Mission & Principles:

The purpose of the Noncommercial Stakeholder Group (NCSG) is to represent, through its elected representatives and its Constituencies, the interests, and concerns of noncommercial registrants and noncommercial Internet users of generic Top-level Domains (gTLDs). It provides a voice and representation in ICANN processes to: non-profit organizations that serve noncommercial interests; nonprofit services such as education, philanthropies, consumer protection, community organizing, promotion of the arts, public interest policy advocacy, children's welfare, religion, scientific research, and human rights; public interest software concerns; families or individuals who register domain names for noncommercial personal use; and Internet users who are primarily concerned with the noncommercial, public interest aspects of domain name policy.