

## **eNACSO Comments on Proposed Amendments to the Base New gTLD Registry Agreement**

The European NGO Alliance for Child safety online - eNACSO is a network dedicated to making the Internet and associated technologies better and safer for children and young people. eNACSO promotes and supports advocacy actions at national, European and international levels. Its work is based on the 1989 UN Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography. eNACSO comprises 19 leading children's rights and child protection NGOs from across the European Union and five from non-EU Member States.

eNACSO welcomes the possibility to comment on the Proposed Amendments to the Base New gTLD Registry Agreement.

eNACSO sees ICANN has having an unquestionable duty of care towards children. If an organization is going to create or allow the opening up of new spaces which are expressly aimed at or are very likely to attract large numbers of children then, ex facie, it has a duty to take all foreseeable steps to ensure children are not put at risk by entering into those spaces.

Thus, knowing that 1 in 3 of all internet users in the world are legal minors, rising to 1 in 2 in parts of the developing world, ICANN should have its own in house capability to enable it to determine how best to discharge its obligations pursuant to its duty of care.

Evidence of the fact that ICANN has no such capability became apparent in the last round of new GTLDs. The Applicant Guidebook did not contain any significant references indicating that it had understood its duty of care towards children. Furthermore, in correspondence with eNACSO, ICANN acknowledged it had not even sought advice on whether or not it needed to take steps to safeguard children's interests.

An opportunity is currently available to allow for appropriate provisions to be included in the ongoing amendment process for the new Registry Agreement that, in turn, will be made binding on Registrars and registrants with Registrars and/or Registries.

eNACSO sustains that there should be an obligation for the Registry Operators (when it comes to the above mentioned GTLDs) to ensure that both they and their Registrars are at all times in compliance with the UN Convention on the Rights of the Child. Included in this should be an

obligation requiring Registrars in turn to ensure that Registrants also observe the UN Convention of the Rights of the Child.

Specifically, these obligations should be defined in detail by the development of a specific Policy (Annex of the Agreement) that addresses, among others, Registrant eligibility and verification (who can register), name selection (different domain name classifications permitted to be registered) and name allocation (how different classes of domain names can be allocated). Failure to comply with this Policy is a basis for a domain name registration to be denied, suspended, transferred or cancelled.

eNACSO affirms its strong commitment to improve the actual legislative framework as pertaining to safeguards for children. Moreover, eNACSO is keen on making its expertise available to ICANN in order to include the above-mentioned measures in detail in the new Agreement.

Yours sincerely,

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