

# **PROPOSED ACTION PLAN FOR IMPROVING CISCO'S INSTITUTIONAL CAPACITY FOR ASSESSING AND DEALING EFFECTIVELY WITH POTENTIAL HUMAN RIGHTS CONCERNS**

**Submitted by Jing Zhao and Humanitarian China  
for the Meeting With Cisco on March 14, 2011**

## **I. Introduction**

We agree that we have reached the point in our discussions where we need to move to the next step, and mutually translate the concerns and ideas that have been raised into a more specific set of action steps that will help Cisco deal with these issues on a more effective and systemic basis in the future, without belaboring the process with ongoing discussions.

For our meeting on March 14, we would like to provide you with a draft of a set of concrete proposals that incorporate our, and hopefully your, views on how the series of discussions that we have been conducting over the past months can be successfully completed, and how we can cooperatively move on by agreeing to a limited number of action steps that we can jointly take together. These steps are designed to put in place an ongoing, structural mechanism that will allow Cisco, with our assistance and the assistance of other major stakeholders, to address potential human rights impacts of the company's policies and actions in a more informed, organized and responsive way, consistent with the standards and guidelines recently issued by the U.S. Department of Commerce Bureau of Industry and Security. They also are designed to take proper account of the many realities and concerns that the Company's representatives have expressed during the course of our discussions, including the reality that in China and many other developing nations reliance on imports of U.S. Internet products and technologies has been lessening as local and other alternative sources are developed, and the emerging recognition (enhanced by recent experiences in the Middle East and China, including the events of these three weeks where the Government of China instituted new crackdowns on reporters and dissidents to head off any threat of a "Jasmine Revolution") that maintenance of free access and use of electronic communications is a critical element to the development and maintenance of democratic principles and observance of human rights in the developing world.

We hope that with your advance review of these proposals, and any edits and additions you may have, you will be able to react to our suggestions in a positive way at the March 14 meeting, and that we can use this draft action plan as the basis for completing this series of discussions, and moving forward together in some very concrete and mutually supportive ways to help Cisco assess, identify, and more effectively prevent, potential negative human rights impacts of the Company's future plans and actions. We appreciate your willingness to engage

in an open and responsive way with our concerns, and to work with us in developing and putting in place suitable policies and

## **II. Core Elements For Moving Forward and For the Action Steps**

The two foundations and building blocks for all the steps we are proposing are:

1. the establishment of a Human Rights Advisory Group that can help Cisco deal effectively with each of the institutional elements that contribute to the development of a more effective human rights capability for the company; and,

2. initiating a process through the ongoing work of the Human Rights Advisory Group to assist in the development of very specific and identifiable human rights goals for each of the company's major functions that have human rights implications, including assessing potential human rights impacts of proposed policies and actions on a more systemic, proactive basis; reporting on human rights issues in a more detailed and understandable way in the company's annual Social Responsibility Reports; and expanding, improving and maintaining outreach efforts with affected interest groups and constituencies on human rights issues and concerns.

We hope to use the discussions we have been conducting with you over the recent months as a basis for developing a more organized approach, through the Human Rights Advisory Group, to work with you on a joint and cooperative basis that we are confident will produce highly effective and useful results for Cisco in the future.

## **III. The Human Rights Advisory Group**

Recognizing that the human rights concerns that need to be addressed are not limited to China, we suggest that Cisco's Human Rights Advisory Group be composed, in addition to Jing Zhao and Morton Sklar representing Humanitarian China and Chinese Internet detainees, of the following individuals and/or groups that we believe have established the best track record of dealing with human rights and electronic communications issues in the broader context, and in a highly effective and creative way:

1. Anna Burtell, formerly with the National Endowment for Democracy and presently with the Congressional China Committee
2. Lucy Morillon of Reporters Without Borders (Paris Office)
3. Joel Simon of the Committee to Protect Journalists (New York Office)
4. Marguerite Sullivan of the National Endowment for Democracy's Center for Media Assistance
5. Cindy Cohen or Lee Tien of the Electronic Frontier Foundation
6. Marc Rotenberg of the Electronic Privacy Information Center

7. Christine Lamarre, Tokyo University Professor of Language and Information Sciences, a French majoring on China
8. Jinyan ZENG, wife of HU Jia, a prominent Internet detainee who was awarded the European Parliament's Sakharov Human Rights Award in 2009
9. Two representatives of Cisco or other Internet companies that Cisco may wish to designate

These names are provided only by way of suggestion, and are based on our perceptions of who would contribute most positively to Cisco's efforts. In our experience, the "traditional" and best known groups are not always the best choices. You are free to add or subtract names as you see fit. This advisory group would be given the mandate of working with Cisco on an ongoing basis to develop the company's institutional capacities to deal with human rights concerns in a thorough and effective way. In the course of this work, it also would pay close attention to the practices of other Internet companies (such as Huawei) and how their human rights policies and records might affect Cisco and Cisco's interests.

#### **IV. Development of A Human Rights Risk Assessment System**

The first task assigned to the Human Rights Advisory Group will be to assist Cisco in developing and putting in place a more organized and systemic method for assessing potential human rights impacts of proposed policies and actions, and for providing company officials with the tools they may need to properly assess human rights impacts, avoid potential human rights abuses, and promote observance of human rights standards in all aspects of how the company carries out its functions. One important element of this task will be to assure company observance of the industry practice standards set out in the Compliance Guidelines issued by the Bureau of Industry and Security of the U.S. Department of Commerce. Another will be helping Cisco to identify in advance potential human rights problems and issues that may be emerging and that need attention.

#### **V. Human Rights Reporting**

Another critical task of the Advisory Group will be to assist Cisco in finding ways to report on its human rights activities in effective and creative ways, including upgrading and expanding the human rights section of the company's annual Social Responsibility Reports, which unfortunately was not changed significantly to address human rights concerns in the new 2010 report, as had been promised. Improving Cisco's Corporate Social Responsibility actions and reports, and the perception of shareholders and the public about the Company's handling of human rights issues, should be seen as a means for expanding (rather than restricting) Cisco's business opportunities in China and other repressive countries in the long term.

## **VI. Human Rights Complaint Process**

The Advisory Group could be given the task of serving as the company's human rights "ombudsman," dealing with complaints and cases raising major human rights concerns, and helping the company come up with creative and responsive approaches for addressing problems that arise, and providing outreach to the public, and improved public perception of Cisco's human rights efforts.

## **VII. A Human Rights Assistance Fund**

A fund of \$5 million is proposed, to be administered by the Advisory Group, to provide financial assistance to individuals and groups directly affected by human rights abuses related to Internet surveillance or censorship, and to those working creatively to address these problems -- for example, those developing technologies, or making technologies more widely available in repressive countries, that prevent or avoid censorship or restricted access to electronic communication systems, and those groups providing access to legal support and meeting the basic needs of Internet detainees and their families while they are imprisoned, or are dealing with criminal prosecutions. The fund would give particular attention and support to high profile cases involving human rights abuses associated with electronic communications, such as the current case of Nobel Laureate Liu Xiaobo, and would make special efforts to find creative ways of supporting the free access and use of electronic communications in repressive situations, and protecting and assisting those subjected to restrictions or punishment because of their use of the Internet or other electronic communications systems. The Fund also would make two annual awards, one to a Company official who has made the most significant contribution to promoting the recognition of human rights values in Company activities during the course of the year, and the other to an outside individual or group that has done the most to support Internet and electronic communications freedom, and to protect those dealing with censorship and monitoring problems.

## **VIII. Development of Company Human Rights Policies and Standards**

The Advisory Group would work with Company officials to develop and give effect to more concrete standards and policies that make clear Cisco's commitment to protect and support observance of human rights standards, and to prevent actions and policies that might contribute to human rights abuses in all aspects of Company operations.