'Shared Space under pressure’ decision making tools:

1. Establish the reality and severity of the harm threatened to the civic freedom or human rights defender.
2. Establish the degree of company involvement – cause, contribution or other direct linkage.
3. Identify the form(s) of company action, taking into account its leverage, that maximize the potential positive impact on civic freedoms and/or HRD.

A company’s leverage is determined by:

- the size and weight of company’s economic and commercial presence – operations and/or sourcing relationships in a host country;
- the level of access and degree of potential influence with the host country government;
- the support of its home country government;
- the quality of relationships with local and global stakeholders.

[If there is no normative responsibility to act]:
Identify the relative risks of action and inaction to the civil society/rights holders and to the company.

Identify the appropriate form(s) of action.

This is a simplified version of the tools in the Shared space under pressure - Business support for civic freedoms and human rights defenders guidance, authored by Bennett Freeman and commissioned by the Business & Human Rights Resource Centre and the International Service for Human Rights (released in September 2018).
How is the adverse human rights impact tied to the company?

Did the company cause the adverse impact through its own activities?

- Yes: mitigate the action, taking into account leverage
- No: provide for / cooperate in remediation

Did the company contribute to a potential adverse impact or human rights risk through its own activities, either directly or indirectly?

- Yes: Is the violation caused by an entity with which the company has a business relationship and is linked to the company’s own operations, products, or services?
- No: If no, but there is a request for support, consider providing while taking into account the business case and moral choice

Sources of direct linkage:
- Company operations, products and services
- Company or subsidiary employees
- Supply chain relationships beyond first tier
- Legal and commercial relationships with govt.
- Operational and investment relationships
- Geographic proximity to communities

The company has a normative responsibility to act under the UNGPs if:

- It has caused an adverse human rights impact
- It has contributed to an adverse human rights impact
- It is directly linked through relationships

An adverse human rights impact

If the UNGPs do not apply, the company has a discretionary opportunity to act in defense of civic freedoms and HRDs/CSOs under threat or attack, based on:

The business case for action plus the commercial, legal and reputational risks of action and inaction

The moral choice to act in cases where the severity of the harm merits action apart from of the business case for action
If the company did not cause, contribute and was not directly related to the risk:

**Does risk of inaction outweigh the risk of action?**

- Is the issue important to the company’s key stakeholders, local and/or international?
- Is the issue important to the company’s own employees?
- Would failing to act risk boycott or divestment campaigns?
- Would the company shareholders or executive board seek action?

Identify the appropriate form(s) of action in consultation with local civil society.

**Is there a moral case for action?** I.e. Is the harm caused by a third-party actor (likely a host government) so significant that its severity creates a moral obligation combined with reputational risk?

Identify the appropriate form(s) of action in consultation with local civil society.

No action.