

# PRIVATE SECTOR AS PARTNER IN CIVIL SOCIETY'S ESSENTIAL ROLE IN GLOBAL HEALTH: BENEFITS AND BEST PRACTICES



**FRIENDS**  
OF THE GLOBAL FIGHT

AGAINST AIDS,  
TUBERCULOSIS  
AND MALARIA

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*Cover photo: Demonstrators advocate for human rights in Durban, South Africa. The Global Fund/Vincent Becker.*

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## Executive Summary

Over the last decade, the world has witnessed a ratcheting up of restrictions on civil society and “civic space” – an umbrella term that includes the rule of law, civic freedoms of expression and association and accountable governance.

Civil society groups working to advance accessible healthcare in low- and middle-income countries increasingly find themselves stifled and in the crosshairs of a variety of illiberal governments.<sup>1</sup> Often, what prompts this repression of civil society is their work with or on behalf of marginalized and stigmatized vulnerable populations, such as indigenous groups, women, immigrants, youth, and the lesbian, gay, bisexual, transgender and queer (LGBTQ) community.

While the private sector has traditionally viewed countering government pressure on civil society as outside its purview, there is a growing consensus that the scale of repression now calls for a different approach. As governments clamp down on civil society’s role as watchdogs, the role of the private sector in supporting this accountability role becomes increasingly relevant. There is growing recognition that the same authoritarian, corrupt and/or discriminatory forces that disempower civil society also undermine the business climate.<sup>2</sup> Indeed, constraints placed on civil society are increasingly understood to be a harbinger of economic challenges or burdensome regulations.

Rule of law, civic freedoms and accountable governments – the lifeblood of civil society – are also a necessary foundation for a vibrant and sustainable private sector. Given these overlapping interests, the private sector has a stake in a robust and free civil society. Nowhere is this clearer than when it comes to civil society’s work on strengthening the accessibility and efficacy of public healthcare.<sup>3</sup>

As responsible companies, investors and industry associations consider how they can and should use their influence with governments to protect and strengthen civil society activities needed for better public health outcomes – and dynamic, free and equitable economies – this report can serve as a resource. It highlights the rationale for the private sector to serve as a force to better enable civil society when working in contexts where civic space is under threat. It also provides clear and practical guidance for private sector leaders considering action to protect civil society and civic space in the public health sector in particular.



## Participants at the March 13, 2024 convening represented a diversity of sectors and regions including:

### SECTORS

#### *Private Sector:*

- Pharmaceuticals and Vaccines
- Diagnostics
- Energy
- Technology
- Hospitality
- Other

#### *Civil Society focused on:*

- Health
- Digital Health
- Human rights generally
- LGBTQ+ rights and inclusion
- Press freedoms
- Child development and education

#### *University and Research Institutions:*

- Georgetown University

#### *Public sector:*

- USAID
- UNDP
- World Bank

#### *Multistakeholder:*

- Global Fund to Fight AIDS, Tuberculosis and Malaria

### REGIONS

#### *North America*

#### *Europe*

#### *Africa's subregions:*

- West Africa
- East Africa
- Southern Africa

#### *Asia's subregions areas:*

- South Asia
- Southeast Asia

Protecting or supporting civil society's public health-related efforts and civic space is not just good for civil society. It is also good for business. It creates an enabling environment for private sector growth in a number of ways, including, reducing the cost of doing business by shrinking opportunities for corruption; delivering improved health outcomes for employees, customers and the community; supporting the free flow of ideas; and creating a positive brand identity, which can improve employee retention rates as well as consumer engagement.<sup>4</sup>

Key insights on this subject emerged during a March 2024 convening hosted by Friends of the Global Fight Against AIDS, Tuberculosis and Malaria in collaboration with the Georgetown University Global Health Institute. The meeting brought together global leaders from the private sector, civil society, government and intergovernmental institutions with first-hand experience of the pressures on civil society, civil society contributions to healthcare access and potential roles and levers for the private sector when protecting civil society space especially in low- and middle-income countries (LMICs).

The speakers at this event made clear that, given the scale of the pressure on civil society, the private sector can no longer take civic space for granted. The private sector can and should communicate clearly and unequivocally with LMIC government officials the compelling business case for a vibrant civic space. Most importantly, it should coordinate with local business partners and support civil society when and where it falls under attack, including through expressing its solidarity with civil society and providing financial or in-kind support to enable civil society to continue to play its accountability role.

While best practices for how to engage in support of civic space are still emerging, this report synthesizes the exchange of ideas on promising practices during the convening as well as subsequent discussions, interviews and desk research to yield key recommendations for responsible private sector actors, investors and business leaders to consider.

## Civil Society's Key Role in Healthcare in Low- and Middle-Income Countries

The role of civil society in the health sector may, at first, seem duplicative. Why, after all, must civil society step in if there is already a national health system and/or private health providers, private pharmacies, and so on? But civil society's position, outside the demands of politics and profit, make it a particularly powerful and resilient force for good.<sup>5</sup>

Even in high-income countries, civil society's efforts in the health sector can be essential. Consider, for example, the arrival of Syrian refugees in Europe in 2015. Most European countries that accepted refugees have national health systems. But civil society organizations could move much more quickly to connect the refugees with the emergency healthcare many needed upon arrival. Throughout the history of HIV around the world, civil society has been essential in pushing governments to acknowledge and respond to the challenge, including supporting research, as well as program design and delivery involving communities.<sup>6</sup> More recently, during the COVID-19 pandemic, civil society organizations moved quickly to support populations often underserved by national health systems, such as women and LGBTQ communities.<sup>7, 8, 9</sup>





In fact, many robust and established health systems have their roots in civil society organizations initially founded to deliver healthcare when the government didn't yet have the capability to do so.<sup>10</sup> In Bangladesh, for example, the civil society organization BRAC was founded a year after the country became independent in 1971. From the very beginning, the organization worked alongside the government to pilot and grow health programs that were eventually taken up by the national healthcare system – such as the country's community health worker program – to meet citizens' basic healthcare needs.<sup>11</sup> This is also the case in South Sudan, the world's youngest country, where civil society efforts to eradicate the scourge of the Guinea worm helped create the foundation of the country's nascent health care system.<sup>12</sup>

Today, despite important progress in expanding access to health services and the growth of national health systems around the world,<sup>13</sup> an estimated 3.1 billion people, approximately 40% of the world's population, still cannot readily obtain access to the full complement of essential health services they need.<sup>14</sup> In most cases, a combination of economic barriers, geographic remoteness, poorly functioning health systems, conflict, corruption, cultural biases, discrimination and a shortage of health care workers prevent people from obtaining lifesaving care.

In these settings, civil society organizations, with their direct connections to communities, are often the best situated to identify and prioritize the needs of vulnerable populations and the strongest voice in advocating for those needs. They can and do deliver services that governments are unwilling or unable to provide. From Ethiopia to Liberia to Brazil, and beyond, we see this in the case of community health workers who provide essential healthcare to their neighbors in remote regions that are otherwise outside the reach of the formal health system.<sup>15, 16, 17</sup>

Given the deep trust that civil society often enjoys with these communities, civil society organizations are often best equipped to deliver services, especially in cases where the infrastructure of the state has been politicized to persecute or marginalize the needs of vulnerable groups. This is particularly true in the healthcare sector, which requires a foundation of deep trust.

Finally, civil society's deep connections with communities allow it to play a key advocacy role, identifying needs and potential solutions and elevating those to ensure they are prioritized. We can see this in a successful public health campaign by the Treatment Action Campaign in South Africa 20 years ago that advocated for the government to address the HIV/AIDS epidemic.<sup>18</sup>

Barriers to accessing healthcare are particularly steep for vulnerable groups, including women, indigenous, immigrant and LGBTQ communities and key populations particularly susceptible to contracting tuberculosis, HIV/AIDS and malaria. For example, an estimated 1.6 million people die each year of TB – a disease that is curable.<sup>19</sup> Malaria, another treatable disease, kills more than 600,000 people a year – a majority of whom are women and children. While for HIV/AIDS, one-quarter of the people living with HIV are not on antiretrovirals.<sup>20</sup> In addition, less than half of those who would benefit from the protective benefits of HIV pre-exposure prophylaxis (PrEP) are currently taking such treatments.<sup>21</sup>

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## **BOX 1.**

### **CIVIL SOCIETY: DEFINITION**

Civil society is neither market, nor state, nor family. Instead, civil society comprises voluntary organizations formed by people with shared interests to exert a voice and influence in a particular sphere. Civil society includes charities, development NGOs, community groups, women's organizations, faith-based organizations, professional associations, trade unions, social movements, coalitions and advocacy groups.

Civil society is often an insightful great advocate for increasing equity in access to such lifesaving treatments. And many private sector leaders rely on civil society insights when developing their access plan for specific medical products. In this report, we will make the case for expanding such dialogues.

The Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), where civil society has seats on the board and multistakeholder committees in implementing countries, and is actively engaged in decision making, illustrates such an approach. It has demonstrated that increased engagement with civil society translates into accelerated and increased impact.

## Civil Society – Under Duress Globally

Civil society's role representing the needs of vulnerable communities has often put it in conflict with governments. Today we are witnessing authoritarian, populist and other types of governments and movements around the world increasing their attacks on civil society and closing down civic space.

In many countries, the COVID-19 pandemic prompted leaders to implement restrictions on freedom of movement and assembly. But when COVID receded, those restrictive laws remained in place – squeezing civil society.

Freedom House, in its 2024 Freedom in the World report, documented the 18th year of global democratic decline. "The breadth and depth of the deterioration were extensive," the report noted. "Political rights and civil liberties were diminished in 52 countries, while only 21 countries made improvements."<sup>22</sup>

The CIVICUS network's State of Civil Society 2023 Report found a similar trend: "Authoritarianism and populism remain powerful currents and come together in a political approach best described as popular authoritarianism, in which politicians speak to people's demands for change to win elections and go on to dismantle democratic institutions, restrict civic space and violate rights."<sup>23</sup>

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### BOX 2. CIVIL SOCIETY'S ROLE IN HEALTH



Civil society can often identify community health needs that are invisible to outsiders



Civil society has the access and trust necessary to deliver critical healthcare to remote or vulnerable communities



Civil society can advocate for vulnerable communities' health needs and adequate investment in health services and research



Civil society is often best placed to identify and respond to urgent public health needs



Civil society can serve as a trusted source to educate communities about their health needs and rights

In 2023, only 10 of the 126 countries eligible for Global Fund grants were classified as “open,” meaning civil society could operate freely. In 97 of the countries where the Global Fund provides resources, the community-led and civil society organizations it relies on to increase its impact and effectiveness face significant risk, including: surveillance, intimidation by both state and powerful nonstate actors, bureaucratic harassment, deregistration, closure and, in some cases, violence.<sup>24</sup>

Even in established democracies, civil society is increasingly finding it harder to operate as ruling parties treat NGOs as carping critics and political opponents rather than value-adding partners, including on health goals. Unscrupulous governments, political parties and activists for restricting rights are spreading misinformation and moral panic, and framing NGOs as extremists and “foreign agents” set on undermining national security and traditional values.<sup>25</sup> While in countries with developing national human rights institutions or limited freedoms, an already difficult environment for civil society has deteriorated further. Amnesty International, among others, has noted with alarm the spread of practices including requiring NGOs to complete cumbersome registration, laws limiting foreign funding for civil society and electronic or human surveillance.<sup>26</sup>

During late 2023 and early 2024, governments in Kyrgyzstan, Uzbekistan and Myanmar, among others, have passed laws restricting the operations of civil society groups, including those in the health sector. Some, like Georgia, have passed laws labelling NGOs with funding from abroad as “foreign agents.”

**Increasingly we see illiberal governments leaving civil society groups out of decision-making and the design and implementation of new health laws, policies, and programs related to marginalized groups.**

“It is undeniable that most governments find some aspects of civil society more attractive than others. Low-cost delivery is attractive to policymakers with constrained budgets, but advocacy, new ideas and efforts to shape the political agenda are all uncomfortable and can be regarded as beside the point if the government has already decided what it wants to do.”

– *Civil Society and Health: Contributions and Potential*<sup>27</sup>

Increasingly we see illiberal governments leaving civil society groups out of decision-making and the design and implementation of new health laws, policies, and programs related to marginalized groups. This is particularly true for vulnerable communities such as the LGBTQ community, women, indigenous communities, and adolescents whose essential healthcare has often been politicized.

Earlier this year, for example, New Zealand’s government introduced a new bill to shutter a health agency established to improve access to healthcare for indigenous Maori people, who currently suffer from poor health outcomes.<sup>28</sup> This action was reportedly taken over the objections of Maori civil society leaders.<sup>29</sup>

More egregious examples exist when it comes to the rights and healthcare of LGBTQ people. Earlier this year (2024) Ghana’s parliament passed a draconian bill that increases criminal penalties for consensual same-sex conduct and criminalizes individuals and organizations who advocate for the rights of LGBTQ people – including their health needs. Similar legislation is under discussion in Kenya.<sup>30</sup> These follow Uganda’s 2023 legislation that allows for the death penalty for homosexual activities and jail terms of up to 20 years for those who advocate for or promote the rights of LGBTQ people. Earlier in 2023, Indonesia passed a new criminal code that outlaws all sexual relations outside of marriage. In a country that does not recognize same sex marriage, this serves to outlaw LGBTQ sexual activity.

The potential deleterious impact of this trend in the public health sector is profound. Deterring health-seeking behavior, putting individuals and health workers at risk and curbing access to health information are just some of negative effects.



## The Business Case for Supporting an Active Civil Society in Health

Increasingly over the last two decades, as the world has committed to global objectives and addressing nettlesome issues such as climate change, private sector leaders have committed to work alongside civil society. Examples of such alignment includes the UN Global Compact<sup>31</sup>, the UN's Guiding Principles on Business and Human Rights<sup>32</sup>, and Sustainable Development Goal 16 on Peace, Justice and Strong Institutions.<sup>33</sup> Moreover, these commitments serve the three pillars of expected public reporting by companies – environmental, social and governance (or “ESG”) – and especially the “social” dimensions.

Moreover, private sector leaders and investors are increasingly aware of the connection between a stable business and investment environment and the rule of law, strong and transparent public institutions and a vibrant civic space. Where civil society actors are under threat, corruption, crony capitalism and economic instability usually follow. Indeed, attacks on civil society are now warily eyed as the precursor of more egregious political and economic repression.

Amid growing pressure on civil society globally, private sector leaders can recognize their unique and potent role in supporting civic freedoms and in restraining illiberal impulses.

In the current global landscape of shrinking civic space, the private sector can use its influence, power, resources and capacity to protect and support civil society – directly or indirectly, in public or private, alone or in concert. Doing so may also serve to protect the very foundation of fair, profitable and sustainable business environments.<sup>34</sup>

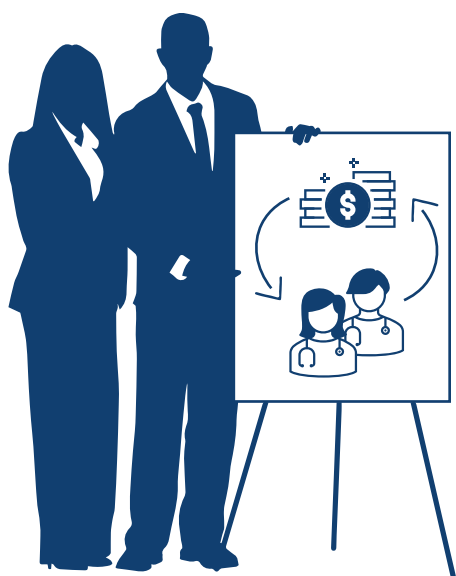
The business case is even more clear in areas where civil society actors are working to improve health outcomes for groups including the business's employees, customers and the communities in which they operate.

But even when there is no direct connection between civil society health initiatives and the business in question, aligning with civil society allows businesses to demonstrate their commitment to community needs and rights. Such actions position a business's brand as one that is values-driven and align with the principles expressed in the 2019 Business Roundtable's Statement on the Purpose of a Corporation.<sup>35</sup> In the statement, 181 leading CEOs committed to creating value for all stakeholders including employees and communities.

This can create a competitive advantage for a company and brand associated with principled policies, which in turn can increase customer and employee satisfaction and loyalty.<sup>36</sup>

More indirectly, businesses in general benefit from civil society's efforts to monitor what government spending is going toward and to reduce corruption in the health sector and beyond. This is because such watchdog efforts promote government transparency which supports a better business climate, which benefits from the flow of truthful information, trust and predictability across society. Indeed, the International Monetary Fund maintains that “corruption lowers investment and retards economic growth to a significant extent.”<sup>37</sup> This has a direct impact on a country's health spending and budgets. Even before the pandemic, an estimated

**The business case is even more clear in areas where civil society actors are working to improve health outcomes for groups including the business's employees, customers and the communities in which they operate.**



\$455 billion of the \$7.35 trillion spent annually on health care worldwide was lost to fraud and corruption.<sup>38</sup>

Further, increased transparency, supported by civil society's watchdog and monitoring activities, help ensure governments deliver on their promises to spend more on health and improve health outcomes – which also improve the business climate and increase the availability of a healthy workforce.

**“Responsible business cannot thrive in closed societies where cronyism and corruption prosper unchallenged.”**

— *Institute for Human Rights and Business*<sup>39</sup>

## Private Sector Promising Practices as Catalyst of Civic Space

### PROMISING PRACTICES: *Responding to Uganda's anti-LGBTQ Law*

In 2023, Uganda's legislature passed a law making same-sex relations punishable by death and promulgating jail terms of up to 20 years for those who advocate for or promote the rights of LGBTQ people.

UNAIDS warned that the law would undermine the heretofore successful efforts to stop the spread of HIV/AIDS and undermine the delivery of a range of critical healthcare to the LGBTQ community.<sup>40</sup>

Private sector leaders spoke out publicly and privately, individually and in unison, to protect LGBTQ rights, including:

- The Open for Business Coalition, which includes Google, Microsoft, IBM, MasterCard, HSBC and Meta, released a public statement urging Uganda to drop the proposed legislation. In factsheets, press releases and websites the businesses delivered a clear message, “...*discrimination against LGBTQ+ people has a detrimental effect on employees and runs counter to the interests of businesses and economic growth in Uganda. The evidence shows that policies designed to exclude minorities such as the LGBTQ+ community have a real cost – not only on people, but on business performance as well as national economic competitiveness. There is a strong economic rationale for better inclusion in Uganda.*”<sup>41</sup>
- Once the bill passed the legislature and was signed into law, ViiV Healthcare, MSD, GlaxoSmithKline and Gilead, multinational pharmaceutical companies, filed an amicus brief before the Ugandan Constitutional Court, arguing that the law would undermine their work fighting HIV as well as criminalize their efforts to recruit an inclusive, skilled and motivated workforce.<sup>42</sup>
- In 2013, a similar bill was floated in Uganda and was quickly condemned by global business leaders<sup>43</sup> including Richard Branson<sup>44</sup> and Barclays Bank,<sup>45</sup> whose executives discussed the bill's potential negative impact on business and the economy with Ugandan officials.<sup>46</sup>

When similar legislation was proposed in Kenya, the Open for Business Coalition launched a Kenya-specific campaign demonstrating the economic benefits of an inclusive society.<sup>47</sup>



## **PROMISING PRACTICES:** ***Fighting Corruption in Madagascar***

Around the world, corruption and fraud are a huge drain and barrier to effective public health systems. As mentioned earlier, hundreds of billions of dollars in health spending are lost to fraud and corruption each year.<sup>48</sup>

This is why the Global Fund has promoted accountability including civil society monitors within multistakeholder committees – “Country Coordinating Mechanisms” -- in LMICs receiving grants to implement programs. This, in addition to a robust Inspector General function, has historically allowed the Fund to recover 99% of misused or diverted funding.<sup>49</sup>

Bribes and corruption can corrode the quality and delivery of critical healthcare around the world, including in Madagascar.

In a survey by Transparency International, Madagascar's citizens reported having to pay bribes for what should be free healthcare services including childbirth, vaccination, family planning, treatment for malaria and tuberculosis diagnosis and treatment at public health facilities.

This corruption threatens the life of women and their newborns and has an outsized impact on vulnerable groups, including indigenous communities, low-income families, people living with HIV and those with disabilities. The corruption not only erodes health outcomes, but also reduces people's ability to work, further impoverishing them and undermining the business climate.

In an effort to address this endemic corruption, Transparency International's Madagascar office has established a coalition, including civil society organizations, private sector health providers and representatives of the pharmaceutical industry.<sup>50</sup> Together they are gathering data on the nature of corruption and developing proposed regulations, policies, programs and procedures that can root it out.<sup>51</sup> Civil society monitoring is a crucial element to healthcare efficacy and complement to private sector anti-corruption efforts.

## **PROMISING PRACTICES:** ***Confronting Misinformation on COVID-19***

During the pandemic, COVID-19's toll was exacerbated by an epidemic of misinformation. Authoritarian and populist leaders denied the existence of COVID-19 and flooded social media with misinformation.

To combat the “infodemic,” civil society leaders collaborated with the World Health Organization and private sector leaders<sup>52</sup> to identify strategies to increase the availability of scientific information; flag, remove and block access to misinformation; and amplify the reach of science-based information.<sup>53</sup>

WHO's Tech Task Force on COVID-19 launched monthly meetings including some of the largest and most influential tech companies in the world. The collaboration steered hundreds of millions of “clicks” to safe, science-based information during the first few months of the pandemic alone and demonstrated the power of sector-wide efforts to promote health.

The partners also collaborated to ensure that vulnerable people across 50 countries, who have phones but no internet access, from South Africa to Nigeria to the U.S., could access COVID-19-related health information free of data charges on Discover and Free Basics platforms.

Collaborative efforts to remove and flag misinformation were just as robust. YouTube banned any COVID-19-related content that contradicted WHO advice and gave WHO staff the ability to fast track their reports of misinformation, leading to the quick removal of misinformation. WHO also collaborated with YouTube Brazil, where senior government officials promoted misinformation, to create and disseminate public service announcements to dispel vaccine myths and promote protective behaviors.

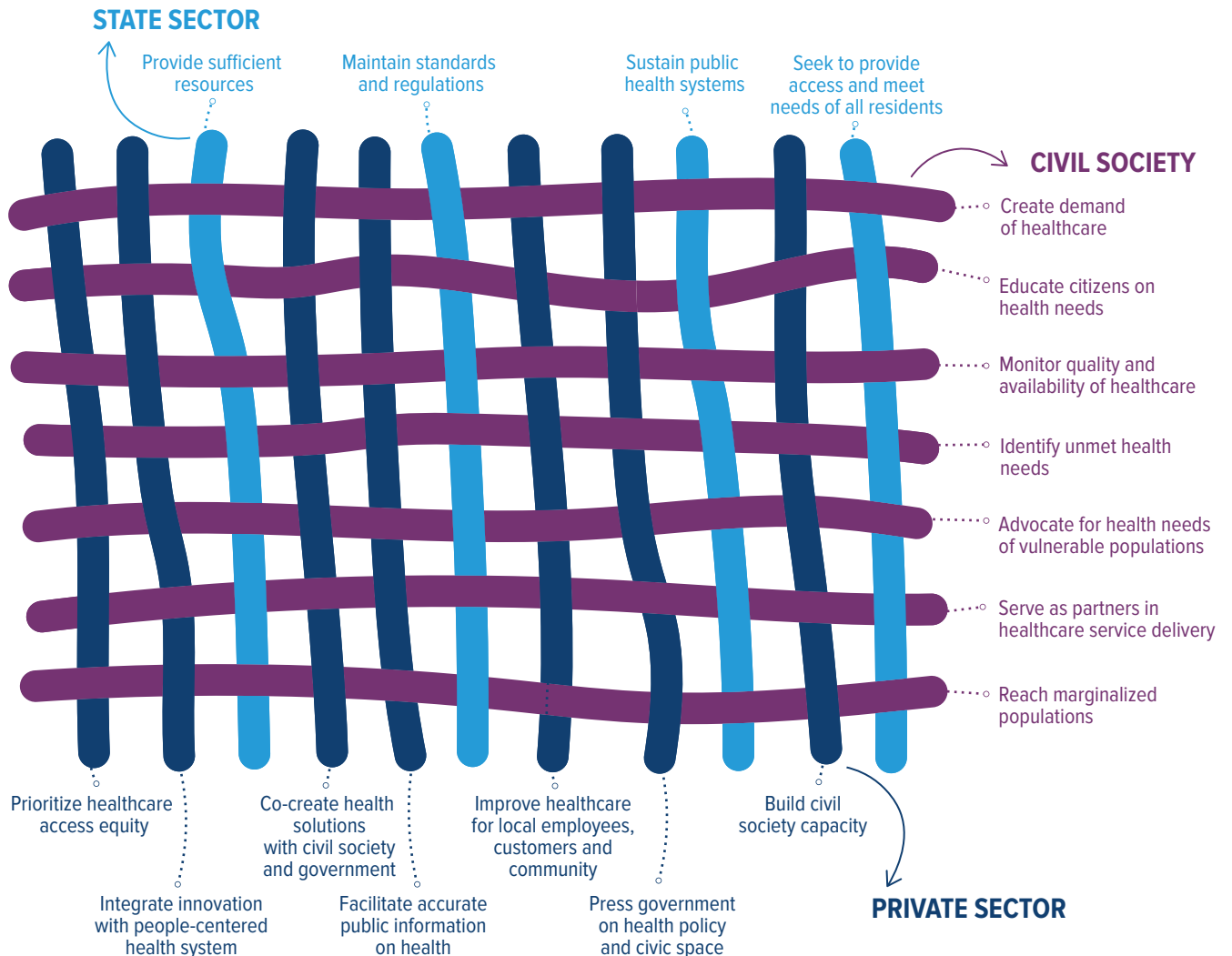
## PROMISING PRACTICES: *Edutainment*

Television, radio and film companies have long partnered with both government and civil society to create and disseminate public health service announcements. As strong evidence of cost-effective impact at scale has been documented around the world, such partnerships have deepened and expanded.

Rigorously evaluated examples include the TV drama series and multimedia campaign MTV Shuga. First aired in 2009 in Kenya, the series was a hit that eventually reached 550 million households across the continent in more than 40 African countries. Later seasons were based in Nigeria, South Africa and Ivory Coast. Each season follows a group of young people as they address issues in their lives and communities including gender-based violence, maternal and child health, challenges facing women and girls and the threat of HIV/AIDS. In a randomized controlled trial, MTV Shuga doubled numbers of HIV testing, reduced rates of sexually transmitted infections and reduced sexual violence amongst young audiences.<sup>54</sup>

MTV recently expanded its impact-driven offerings in partnership with Paramount Global and launched In-Bloom. The program supports five female filmmakers from Nigeria, Kenya, India, the U.S. and Brazil to tell stories that include issues related to period poverty (lack of access to safe and hygienic menstrual products and to basic sanitation), child marriage, gender-based violence, HIV self-stigma, family planning and women's economic empowerment. As all five of their countries exhibit cyclical nationalist and populist trends, their work stands to enable civil society education and voice.

## CIVIL SOCIETY AND PRIVATE SECTOR: REINFORCING MUTUAL ROLES IN HEALTH WITH THE STATE



The risks for private sector leaders who step into this space are, no doubt, formidable, but as the Shared Space Under Pressure from the Business and Human Rights Resource Center noted, “Responsible companies should not only evaluate the risks of action, but also assess the risks of inaction.”

## The Way Ahead: Recommendations for Action

Businesses have tremendous power to influence government policy both inside and outside of the health sector.

At the present moment, with civil society under unprecedented pressure around the world, and challenges to progress against AIDS, TB and malaria and toward inclusive access to healthcare, there is great urgency for private sector leaders to use their leverage to support and defend civil society and their critical work in the health sector.<sup>55</sup>

Under the UN Guiding Principles on Business and Human Rights adopted in 2011, a company has a responsibility to act to avert a threat or remedy a harm to civil society actors that it may have caused, contributed to or be linked to through business relationships.<sup>56</sup> Even if a company has not caused, contributed to or is linked to such a threat or harm, there may be a business case or moral choice for consideration and possible action. Guidance on this subject for private sector leaders is outlined in a variety of reports from the seminal *Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders*<sup>57</sup>, and the UN Working Group on Business and Human Rights *Guidance on Ensuring Respect for Human Rights Defenders*<sup>58</sup>, as well as the International Service for Human Rights (ISHR) *Indicators on How to Track Businesses' Respect for the Rights of Human Rights Defenders*<sup>59</sup> and the *Guidance on Respecting the Rights of Human Rights Defenders* for the Voluntary Principles Initiative addressing the extractives sector.<sup>60</sup>

However, thus far, corporate action in support of civic space, especially in the health sector, has been limited, ad hoc and confined to a promising cluster of islands of excellence among multinationals with the scale, resources and time horizon to weather perceived political risks associated with such activities. Unilever's Principles on Human Rights Defenders and Implementation Guidance<sup>61</sup> is a highly comprehensive and recent such example.

The risks for private sector leaders who step into this space are, no doubt, formidable, but as the Shared Space Under Pressure from the Business and Human Rights Resource Center noted, “Responsible companies should not only evaluate the risks of action, but also assess the risks of inaction.”

Inaction is likely to come at a greater cost with the expected launch of the International Service for Human Rights new indicators and other efforts<sup>62</sup> to measure and encourage businesses to take their responsibilities seriously and to hold them accountable.<sup>63</sup>

What's more, the wide variety of potential activities and pathways to impact in support of civil society offers responsible private sector enterprises and investors great flexibility to meet their needs and risk tolerance while staying true to their values and promoting their interests in an enabling environment for thriving economic activity.



To support a vital civil society role in the health sector and provide constructive pressure on governments to protect that role, the private sector should:

- **First, do no harm**

Private sector leaders and investors should avoid situations where they cause or contribute to pressure on civil society. For example, technology transfers and partnerships that allow governments to monitor civil society activities or compromise privacy should be discouraged and not funded.

- **Model its values**

Private sector leaders can ensure that consultations and negotiations with governments include civil society and representatives of affected communities whenever possible. By enabling meaningful engagement of civil society representatives, including at its own business dialogues, the private sector can demonstrate its values and serve as a model. Private sector leaders can communicate their support for civic space, equality and social inclusion clearly and consistently through their everyday engagement with employees, vendors and supply chain partners.

- **Speak publicly and/or privately**

Recognize the full spectrum of effective communications activities available. Private sector leaders can advocate for the rule of law, accountable governance and civic freedoms either publicly or privately. In some instances, private communications, which can be viewed as less hostile and more constructive than public pressure and megaphone tactics, may be more effective. Public pronouncements may include potential consequences where a company sees enlightened self-interest in applying its leverage.

- **Support the foundation of civic space and freedoms**

Private sector leaders can support peace, justice and strong institutions through Sustainable Development Goal 16<sup>64</sup> and “transformational governance.”<sup>65</sup> And they can demonstrate a sustained commitment to enhance equity, transparency, privacy and accountability. For example, private sector leaders can support and contribute increased transparency by supporting and investing in civil society and multistakeholder efforts to monitor and report on government procurement broadly and across the public health sector specifically.

- **Fund civil society’s efforts as a monitor, advocate and healthcare implementer**

While businesses rightly seek to apply their unique leverage and comparative competencies, private sector strategic investment in embattled civil society is needed and represents enlightened self-interest. With a few exceptions,<sup>66</sup> there are very limited sources of funding available to local civil society organizations engaged with healthcare monitoring, advocacy and implementation. Private sector leaders can individually and collectively help fill this gap and provide broad based funding and unearmarked funding to support civil society, particularly in geographies where it is under threat.

- **Support stronger civil society capacity**

Civil society organizations under threat may need capacity building, a safe meeting space, communications support or media training. They may need financial and in-kind resources, pro-bono services, help with registering their organization and support with data security and infrastructure security if their members or data are at risk. All of these capabilities are usually part of the private sector’s toolkit.

- **Formalize relations with civil society**

Private sector leaders can institutionalize relations with civil society, making these relations formal by integrating these stakeholders into company systems and processes and even on their boards. Formalizing relations with civil society helps leverage civil society’s expertise and knowledge and identify and work towards common goals—as long as it does not endanger civil society facing repression or violence. Civil society organizations are particularly well situated to identify risks and opportunities in the business landscape that are not apparent to investors and business leaders. And where the private sector develops technology, innovations and solutions related to health, it should engage citizens, patients and caregivers in co-creation to meet the needs of their lived experience. This is already standard operating procedure among consumer companies and for clinical trials for medicines. It should be replicated across other sectors.

- **Combat misinformation**

Private sector leaders can support organizations working to combat misinformation in health or advance “know your rights” campaigns. This work can provide tailwinds for civil society efforts in the health sector.

- **Act in numbers and coordinate to leverage impact**

Collaborating with other companies can increase the impact of a company's message as well as reduce risk, especially when an activity or message is understood to be coming from an entire sector speaking with a unified voice. Adopting sector wide standards can send a powerful signal and serve as an effective tool. This is especially the case when local partners are represented in the sector, as those partners are better positioned to avoid calls that they are meddling on behalf of rival international powers. Consider domestic as well as international public health scholars and advocates as partners. Communicating with others and sharing strategies can also help avoid duplication of efforts and allow effective practices to be scaled.

- **Be transparent about the company's social commitments**

Private sector leaders can benchmark the "S" in ESG (environmental, social and governance) and make public their commitments, operational policies and ongoing support for civil society. They can do so without compromising the safety of or violating the privacy of the civil society leaders with whom they collaborate.

**The private sector can and should use their access to rooms and negotiating tables where civil society is rarely invited to advocate for shared fundamental values – the rule of law, civic freedoms and accountable governments as they relate to health outcomes.**

This report and the convening informing it are only the beginning of an action-oriented agenda about how responsible companies, investors and industry associations can support and protect the civic space in public health when and where it is under threat. Multistakeholder cooperation can identify additional evidence-based best practices to scale up.

There is a powerful business case for private sector engagement as an ally to civil society in the health sector. It is well documented that the private sector and civil society share overlapping interests including openness and social inclusion.<sup>67</sup> The same enabling environment necessary for a vibrant civil society also supports profitable and sustainable enterprise.

Some companies, investors and industry associations are reluctant champions for these values and civic space. In part, this may be because they are unaware of the wide variety of potent and flexible levers available to them.

Promoting and protecting civil society activities in healthcare do not always require combative stands, communications and actions. Instead, the private sector can work collectively, contextually and strategically to leverage its considerable influence.

The private sector can and should use their access to rooms and negotiating tables where civil society is rarely invited to advocate for shared fundamental values – the rule of law, civic freedoms and accountable governments as they relate to health outcomes. And they can invite civil society to take a seat in those rooms and at those tables.

To paraphrase a Chatham House report on the private sector's role defending the civic space, regarding health, the private sector can use its access and connections within government, among its partners and within supply chains to advocate for change on three levels: to protect the health of their employees and clients; to defend against abusive government action and regulations that impact health; and to promote effective regulations to improve health outcomes.<sup>68</sup>

Private sector partnership with civil society can not only serve free, transparent and inclusive civic space, but also accelerate progress towards health goals – from reducing maternal mortality and the spread of HIV to protecting against the next pandemic.

Indeed, as outlined in Global Fund's Advocacy Roadmap<sup>69</sup> to sustain progress against AIDS, TB and malaria, the private sector is a key partner in achieving the world we want.

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*Friends would like to thank Chevron Corporation for its generous support and ongoing partnership.*





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