US Global Gag Rule Expansion and Its Implications for LGBTQIA+ Inclusion: Explainer and Recommendations

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Background

On 23 January 2025, the US government (USG) announced an expansion of the 'Mexico City Policy' (known as the '*Global Gag Rule*'), coming into force on 26 February 2026. The new policy extends existing prohibitions on US foreign assistance to abortion, sexual health and family planning services to also encompass programmes that promote what the administration derisively labels **'gender ideology'**[1] and **DEI** (which traditionally refers to 'Diversity, Equity, and Inclusion', but the USG claims stands for 'Discrimatory Equity Ideology').[2]

Under this policy, **foreign NGOs and multilateral institutions** (meaning the agencies that make up the UN and regional bodies such as the European or African Union) that receive any USG funding will be required to certify that they are not undertaking any programming that 'promotes' DEI or 'gender ideology', engages in 'DEI discrimination', or provides gender-affirming medical care – *whether or not those specific activities are supported with USG funding*. These restrictions include prohibitions on simply engaging in conversation or sharing information about the vulnerabilities faced by particular communities in aid-receiving countries. The policy also gives the USG the power to impose these conditions on **foreign governments** who receive any amount of US funding, in

[1] US State Department (27 January 2026) 'Combating Gender Ideology in Foreign Assistance', Public Notice: 12931, available at: www.federalregister.gov/documents/2026/01/27/2026-01516/combating-gender-ideology-in-foreign-assistance

[2] US State Department (27 January 2027) 'Combating Discriminatory Equity Ideology in Foreign Assistance Rules', Public Notice 12932, available at: www.federalregister.gov/documents/2026/01/27/2026-01517/combating-discriminatory-equity-ideology-in-foreign-assistance-rules

circumstances where the State Department deems appropriate. **US-registered organisations** are also targeted by the policy, and may not provide gender affirming medical care or engage in 'DEI discrimination' - but have more freedom to have discussions, share information, and offer advice, due to constitutional protections on freedom of speech applicable in the US.

This new rule will apply to all US non-military funding – including the US $5.5 billion it has committed to spending on humanitarian assistance in 2026.[3] **LGBTQIA+ individuals in humanitarian settings are already amongst the most vulnerable populations in the world.** Transgender and gender non-conforming (TGNC) populations – who the new policy explicitly targets – face staggeringly high risks of violence in such settings, and receive the least assistance or support. **The manifest aim of the expanded policy is to leave these populations without a lifeline.**

This analysis applies to the components of the policy that relate to 'gender ideology' and DEI. It does not apply to the components relating to abortion, which are outside the PRIDE Centre's areas of expertise, though we note these developments with alarm.

Aid affected by the policy

A review of the US's foreign assistance appropriation bills indicates that approximately **$40 billion** has been earmarked for non-military aid for financial year 2026.[4] This includes $5.5 billion for humanitarian aid and $9.4 billion for global health.[5] A substantial amount of this will flow through pooled funds. For example, $2 billion will be put into country-based pooled funds (CBPFs) and the Central Emergency Response Fund (CERF) managed by the Office for the Coordination of Humanitarian Affairs (OCHA), covering 17 countries in humanitarian need. These entities receive contributions from numerous donors into single funds, which then distribute resources to implementing partners. The presence of US money in these funding pools renders them subject to the Mexico City policy – meaning that any organisation accessing these funds would be obligated to comply with the policy's conditions.

Organisations to whom the policy applies

The policy purports to apply to the following agencies in the ways specified below:

Body	Requirements under the new policy
NGOs registered outside the US	Foreign NGOs must provide a guarantee that during the period in which they are receiving USG funding, they will not: • Provide gender-affirming medical care • Engage in 'DEI-related discrimination' • 'Promote gender ideology'

[3] E. Collinson et al (16 January 2026) 'US Congress Says Yes to Foreign Aid—Now Comes the Hard Part' Centre for Global Development, available at: www.cgdev.org/blog/us-congress-says-yes-foreign-aid-now-comes-hard-part
[4] Total budget of 47.2 billion from the FY26 International Affairs Budget, House FY26 Agriculture Appropriations bill and the FY26 Commerce, Justice, and Science Appropriations bill, minus the $6.78 billion for foreign military financing: USGLC (July 2025) 'International Affairs Budget Update', available at: www.usglc.org/the-budget/international-affairs-budget-update-7-25-25/
[5] USGLC (July 2025) 'International Affairs Budget Update', available at: www.usglc.org/the-budget/international-affairs-budget-update-7-25-25/; US Senate Committee on Appropriations (2026) 'BILL SUMMARY: National Security, Department of State, and Related Programs Fiscal Year 2026 Appropriations Bill', available at: www.appropriations.senate.gov/imo/media/doc/fy26_sfops_conference_bill_summarypdf.pdf

	• 'Promote' DEI 'ideology' • Subgrant to another non-US NGO that does any of the above As long as that organisation receives *any* US funding, the above restrictions apply to **all of its programmes** - whether those programmes receive US funding or not.
NGOs registered inside the US	US-registered NGOs must provide a guarantee that during the period in which they are receiving US funding, they will not: • Provide gender-affirming medical care • Engage in 'DEI-related discrimination' • Subgrant US funds to organisations engaged in the above US NGOs must not 'promote' gender or DEI 'ideology' with US funds, but are not prohibited from undertaking activities that would meet the US definition of 'promotion' (explored below) with their other funding.
Multilateral organisations, such as UN agencies	For the first time, the policy imposes the same conditions on multilateral organisations that it does on foreign NGOs. It is not clear whether it is legal to expand the policy in this way through an executive action, as the USG's participation in UN agencies is determined by acts of Congress.
Foreign governments/ parastatal institutions	The policy does not apply to grants received by foreign governments or parastatal institutions (i.e. government-owned companies or organisations), but states that the USG reserves the right to impose these conditions on such entities if the State Department deems appropriate.

Conduct prohibited by the policy

The policy amendments on 'gender ideology' and 'DEI' each prohibit two categories of activities: one which relates to implementing specific activities; and another relating to the 'promotion' of these ideologies, which is **broadly and opaquely defined**. The contents of these provisions are analysed below, along with examples of the types of aid programming that may be prohibited.

Conduct prohibited by the policy	**How this is defined**	**Examples of the types of activities that could be prohibited[6]**
Providing gender affirming medical care (prohibited for all organisations, regardless of	Gender affirming medical care is defined to include medical or surgical interventions to affirm a person's gender. Unlike the definition of gender-affirming care provided by the WHO,[7] it does not encompass social, psychological, or behavioural interventions.	• Providing gender-affirming hormone therapy or medical procedures for trans patients. • Financially supporting or in any other way assisting in the provision of such care, including for example through multi-purpose cash assistance.

[6] This is a non-exhaustive based on the PRIDE Centre's interpretation of the Policy. Additional activities may also be impacted by the Policy.

[7] WHO (2026) 'Gender incongruence and transgender health in the ICD', available at: www.who.int/standards/classifications/frequently-asked-questions/gender-incongruence-and-transgender-health-in-the-icd

who is funding these activities)		
Promoting 'gender ideology' (prohibited for foreign organisations and in US-funded programmes by US organisations)	The policy defines 'gender ideology' as one "*that replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity*" – thereby specifically targeting transgender and gender non-conforming (TGNC) identities. What constitutes 'promotion' is left vague, but a non-exhaustive list includes: • Providing information about gender-affirming care. • Advocating with governments for greater legal protections for TGNC people.[8] • Providing information to communities with a view to increasing their acceptance of TGNC people.[9] • Acknowledging gender diversity in sexual and reproductive health (SRH) education/ training initiatives.[10]	• Public health actors encouraging governments to recognise trans people as Key Populations for the purposes of HIV prevention (as currently recognised by UNAIDS,[11] WHO,[12] and Global Fund,[13] as well as in the majority of national HIV strategies around the world).[14] • Trauma-informed and gender-affirming psychosocial support for TGNC beneficiaries. • Advising governments to recognise persecution on the grounds of gender identity as grounds for refugee status (as per UNHCR guidance).[15] • Conducting awareness with health workers, the police, community leaders, parliamentarians, etc on the existence and needs of TGNC people. • Requiring that staff do not misgender colleagues or beneficiaries.
Engaging in 'DEI-related discrimination' (prohibited for all	Defined this as any acts which create distinctions between people on the basis of (1) race, (2) colour, (3) religion, or (4) national origin, including as inclusion or preference	• Vulnerability targeting that uses any of these four categories to assess vulnerability. • Programmes for ethnic or religious minority groups.

[8] Above n 1, in section (F) (Definitions), definition of 'promoting gender inequality': "Lobbying, pressuring, or encouraging a foreign government to provide special legal status or protections based on gender identity".
[9] Ibid: "Conducting a public-information campaign… regarding acceptance of gender ideology".
[10] Ibid: "Using or teaching sex education materials (including books, curricula, media, etc.) that include gender ideology, such as the idea that it is possible to change one's sex, to be born in the wrong body, or instructing on the use of pronouns that do not correspond to an individual's sex."
[11] UNAIDS (2026) 'Key populations', available at: ww.unaids.org/en/topic/key-populations
[12] WHO (2026) 'Populations', available at: www.who.int/teams/global-hiv-hepatitis-and-stis-programmes/populations
[13] The Global Fund (2024) 'Key Populations', available at: www.theglobalfund.org/en/key-populations/?
[14] J. Sherwood et al (2021) 'Assessing inclusion of trans people in HIV national strategic plans: a review of 60 high HIV prevalence countries', Journal of the International AIDS Society 24:11
[15] UNHCR (2012) 'UNHCR Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity', available at: www.unhcr.org/media/unhcr-guidelines-international-protection-no-9-claims-refugee-status-based-sexual-orientation

organisations, regardless of who is funding these activities)	criteria for *"employment, contracting, program participation, resource allocation, or similar activities or benefits."*[16]	• Indicating a preference for staff or implementing organisations by specific reference to their nationality.
Promoting "DEI ideology" (prohibited for foreign organisations and in US-funded programmes by US organisations)	The policy refers to 'discriminatory equity ideology', which it defines as categorising a group of people as 'privileged' or 'oppressed' by primary reference to their race, colour, religion, sex, or national origin (the same categories listed as constituting DEI discrimination, but with the addition of sex). The policy does not comprehensively define 'promoting', saying only that this *"includes using or teaching education materials (including books, curricula, and media) that advance this ideology."*[17]	• Programmes that produce or teach educational materials that include information about privilege, marginalisation, or unconscious bias related to race, colour, sex, religion, or national origin. • Certain internal and external trainings on gender equality and social inclusion (GESI). *The absence of a comprehensive definition of what would constitute promotion makes it difficult to predict what programmes would be prohibited under this provision, but it is possible that GESI mainstreaming efforts and advisor positions could be targeted.*

Impact on LGBTQIA+ communities in humanitarian settings

The new policy specifically discriminates on the basis of gender identity (i.e. by targeting TGNC individuals). It does not discriminate on the basis of sexual orientation (e.g., it does not target men who have sex with men). Unfortunately however, past experience with both anti-LGBTQIA+ policies and previous iterations of the Global Gag suggest that it is likely that organisations will react to the imposition of this policy by broadly excluding LGBTQIA+ communities from their programming.

In humanitarian settings, LGBTQIA+ individuals are already amongst the most vulnerable populations on earth. The PRIDE Centre conservatively estimates that 5% of disaster-affected populations are SOGIESC minorities.[18] This means that a minimum of 12 million of the estimated 239 million people in need in Global Humanitarian Overview 2026,[19] are from the LGBTQIA+ community. Research conducted by The International PRIDE Centre with over 400 members of the LGTBQIA+ community in sub-Saharan Africa, has consistently found evidence of the high rates of discrimination, violence, sexual abuse, and denial of healthcare and other services experienced by these communities. In refugee and displacements contexts, these risks are even more **acute**. Community leaders estimate that 85-90% of LGBTQIA+ refugees are dependent on sex work for basic survival. Across the countries we work in, we consistently find that within the community, **TGNC**

[16] Above n 2, section (F) (Definitions).
[17] Ibid.
[18] This is based on global figures: Ipsos (2023) 'LGBT+ PRIDE 2023: A 30-Country Ipsos Global Advisor Survey', available at: www.ipsos.com/sites/default/files/ct/news/documents/2023-05/Ipsos%20LGBT%2B%20Pride%202023%20Global%20Survey%20Report%20-%20rev.pdf
[19] UN OCHA (5 December 2025) 'Global Humanitarian Overview 2026', available at: www.unocha.org/publications/report/world/global-humanitarian-overview-2026-enesfr

individuals have the highest and most urgent needs, and are the least likely to be able to safely access humanitarian aid or essential services.

Implementing policy agendas that explicitly aim to further marginalise TGNC populations in humanitarian settings will – and is intended to – **push them further underground, deny them access to needed services, stoke hatred and discrimination against them, and increase their risk of violence and death.**

Violations of international norms and principles

The expanded policy violates multiple international norms and principles that govern humanitarian action and international cooperation. This section highlights three core areas of violation: the Humanitarian Principles, international human rights law, and principles of national sovereignty.

Attack on the Humanitarian Principles

NGOs, UN agencies, and international organisations delivering humanitarian assistance operate in accordance with Core Humanitarian Standards, Do No Harm, Centrality of Protection, Humanitarian Imperative and the Humanitarian Principles of **Humanity, Impartiality, Neutrality and Independence.** Excluding specific population groups in need of humanitarian assistance for political or ideological reasons is incompatible with the most fundamental and enduring norm of humanitarian action: that **assistance be provided on the basis of need**. The new policy places impermissible restrictions on the ability of organisations to assess need, reach the most vulnerable, and Do No Harm. If aid organisations agree to the terms of this expanded Policy, they too will be in contravention of the foundational Humanitarian Principles. Abandoning principles of neutrality, independence, and impartiality will have long term consequences for humanitarian access in emergencies and could result in putting *all* aid workers in these environments at risk.

Attack on national sovereignty

The preamble to the amended policy claims that these revisions are necessary to support the *"international consensus that each nation has the sovereign right to implement programs and activities consistent with their laws and policies".*[20] In reality, the policy amendments represent an **unprecedented attack on national sovereignty**: the restrictions it places on organisations registered outside of the US are far more onerous than those based within, who benefit from protections on freedom of speech under the US constitution. The Trump administration is using this process to attempt to impose ideological restrictions on foreign organisations to an even greater extent than it is legally able to for organisations on its own soil.

The policy also gives the US government the power to impose these conditions on sovereign state governments in circumstances where its State Department deems appropriate. It provides that, *"a foreign government or parastatal may be required to agree that, during the period of the award, it will not use foreign assistance funds under this award to promote gender ideology*[21] *discriminatory equity ideology or to engage in unlawful DEI-related discrimination."*[22] Whether or not a foreign

[20] Above n 1 and 2, Part II.
[21] Above n 1, Part II(C).
[22] Above n 2, Part II(C).

government or parastatal shall be required to make this guarantee shall be determined pursuant to an assessment carried out by the State Department.[23]

Violation of human rights

The rights to **dignity and equality** are foundational principles of international law. These rights are protected in all nine core human rights treaties, as well as in the African, Inter-American and European Conventions. The right to equality and non-discrimination is both a stand-alone right and a required component of all other rights. This means that states and other service providers not only have negative duties not to discriminate, but also **positive duties to take measures to ensure that marginalised groups can in fact access those rights** – such as those to healthcare, education, protection, and other essential services. The attack on TGNC communities is a violation of their rights to be treated with dignity and to access essential services without discrimination.

Recommendations

The recommendations set out below are structured in order of priority. Our primary position is that organisations should **reject funding subject to the expanded Global Gag Rule**. We recognise the difficulty of making such a decision, however, and are cognisant that many organisations will likely choose to accept USG funding, regardless of the discriminatory conditions it imposes. We have therefore made recommendations about how organisations should assess the risks of making such a decision, and suggested strategies for managing the funds that may **mitigate some of the potential harms.** Finally, we caution organisations to **resist over-correcting, self-censoring, and abandoning entire communities** when implementing the new iterations of this policy.

Humanitarian organisations should publicly reject ideologically-infused US funding

Humanitarian, health, and other organisations adhering to the fundamental principles of humanitarian action should **clearly and publicly reject funding subject to the expanded Global Gag Rule, on the basis that it is incompatible with the Humanitarian Principles and international human rights standards**. This is particularly critical for organisations that manage pooled funds, including OCHA as manager of the CBPFs and CERF, and NGO-managed Pooled Funds. The $2 billion pledged to OCHA by the US contributes to a total of $33 billion requested to meet humanitarian needs in 2026.[24] The presence of any US money creates a poisoned chalice, forcing organisations to choose between lifesaving resources and complying with the Humanitarian Principles and international human rights.

Other donors to pooled funds should withhold support until the funds' independence is guaranteed

In order to ensure that the independence of CBPFs and other pooled funds is upheld, we recommend that other countries **retract their pledges of financial support** and **pause any transfer of funds** to these mechanisms – either reinstating their support when the independence of the mechanisms is guaranteed, or finding alternative means of providing assistance that are not subject to USG-imposed prohibitions.

[23] Ibid.

[24] UN OCHA (8 December 2025) 'Humanitarians launch $33 billion appeal for 2026' available at: Humanitarians launch $33 billion appeal for 2026 | UN News

Aid organisations must adopt a principled humanitarian approach with CBPF funding

Where organisations opt to accept USG funding, we recommend that they undertake **stringent risk assessments** to determine how the new policy requirements would impact their ability to comply with the humanitarian principles and uphold human rights, with specific consideration given to impacts on TGNC communities in humanitarian contexts. Organisations already serving LGBTQIA+ populations are urged not to abandon these vulnerable communities for the purposes of accepting USG funding. Where complying with the Gag Rule's certification requirements would require ceasing to serve these communities, or to make other programme adjustments that require violating the Humanitarian Principles, organisations should **issue, and publicise, principled rejections**.

Pool funds ringfence US contributions

Pool fund entities, including OCHA, must explore how to **ringfence US funding within pooled mechanisms** to prevent USG contributions entangling with and determining the reach of other donor contributions.

Organisations must be vigilant against over-correction and self-censorship

The PRIDE Centre has extensive experience working with aid organisations in countries across Africa where draconian anti-LGBTQIA+ laws – many of them written by members of the same anti-gender movement behind the revised Global Gag Rule – are introduced or threatened. A key observation from this work has been the damage caused by organisations going beyond what is legally required by the laws, due to **strategies which emphasise risk avoidance, rather than risk mitigation**.

We urge aid organisations receiving USG funds to seek qualified legal advice with experience relevant to these contexts to understand precisely what is and is not prohibited under the new policy. For example, the policy language on DEI is explicit about only including four criteria in its definition of DEI-related 'discrimination': race, colour, religion, and national origin. Other characteristics – including sex, gender, and SOGIESC – are excluded. Our assessment is that it is likely that many organisations will interpret the new policy to prohibit programming with gay, lesbian, and bisexual individuals – when it fact, **it is silent about these populations**, allowing any programming to continue with them undisturbed. Organisations are urged to be vigilant against this kind of over-correction. They must centre programmatic decision-making on how to deliver impartial, needs-based assistance – including to LGBTQIA+ people in crisis – rather than fear-based compliance.

The PRIDE Centre is available to support organisations in this process of legal analysis and the formulation of a principled response.