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RESEARCH THAT MATTERS

IMPACT OF THE US GLOBAL GAG RULES ON LGBTQI+ PEOPLE ABROAD

February 2026

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OVERVIEW

On January 27, 2026, the U.S. Department of State published three final rules that impose significant new conditions on receiving U.S. foreign assistance. These rules, collectively known as the Promoting Human Flourishing in Foreign Assistance (PHFFA) policy, take effect February 26, 2026. The PHFFA policy includes: 1) Protecting Life in Foreign Assistance (abortion rule), which expands the Mexico City Policy prohibiting U.S. funds to organizations that perform or advocate for abortion services;¹ 2) Combating Gender Ideology in Foreign Assistance (gender ideology rule), which prohibits speech and activities the administration characterizes as promoting “gender ideology”;² and 3) Combating Discriminatory Equity Ideology in Foreign Assistance (DEI rule), which restricts diversity, equity, and inclusion speech and programming.³

This brief examines all three rules and their implications for lesbian, gay, bisexual, transgender, intersex, and other gender-diverse (LGBTQI+) persons abroad. The rules most directly target transgender, nonbinary, and intersex people. The gender ideology rule explicitly defines transgender identities as an ideology to be combated and prohibits a wide range of activities related to gender identity. The DEI rule’s operative provisions do not explicitly prohibit programming for cisgender lesbian, gay, and bisexual people; nonetheless, the uncertainty created by these rules may lead organizations to curtail LGBTQI+ programming more broadly. The abortion rule, while not directly targeting LGBTQI+ people, has implications for LGBTQI+ individuals who need reproductive health services and for the continuing existence of family planning clinics, which are often the providers of choice for LGBTQI+ people seeking health care.

The reach of these rules extends beyond organizations that have been directly funded by the United States to implement LGBTQI+ programming. Foreign organizations that receive any U.S. funding must comply with the rules across all of their activities, regardless of funding source. An organization that receives U.S. State Department funds for a safe water project, for example, would be prohibited from providing gender-affirming care or using a curriculum that includes the existence of transgender, intersex, and nonbinary people anywhere in the world, even if those programs are funded entirely by other donors. This extraterritorial reach magnifies the rules’ potential impact across the global development and humanitarian landscape.

¹ U.S. Department of State, “Protecting Life in Foreign Assistance Rules,” 91 Fed. Reg. 3319 (January 27, 2026).

² U.S. Department of State, “Combating Gender Ideology in Foreign Assistance Rules,” 91 Fed. Reg. 3332 (January 27, 2026).

³ U.S. Department of State, “Combating Discriminatory Equity Ideology in Foreign Assistance Rules,” 91 Fed. Reg. 3345 (January 27, 2026).

WHAT THE RULES REQUIRE

DEFINITIONS

The gender ideology rule defines “gender ideology” as “an ideology that replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become females and vice versa.”⁴ The rule defines “gender identity” as “an individual’s fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum,” characterizing it as something that “does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.”⁵

The rule provides a sweeping definition of what it means to “promote gender ideology.”⁶ Prohibited activities include the following:

- The provision or promotion of “sex-rejecting procedures” (defined as pharmaceutical or surgical interventions related to gender transition) or “sex-rejecting social transition” (adopting pronouns or a name change that aligns with one’s gender identity)
- Operating a service delivery site that provides counseling regarding the benefits or availability of such procedures or social transition
- Providing advice that such procedures or social transition are available options for treatment of gender dysphoria, or referring individuals to consider such activities
- Lobbying or encouraging a foreign government to provide legal status or protections based on gender identity, to legalize or make available gender-affirming care, or to defend existing laws protecting gender identity
- Conducting public information campaigns encouraging acceptance of gender identity or the availability of gender-affirming care
- Using or teaching sex education materials that include “gender ideology,” such as instruction on the use of pronouns that do not correspond to an individual’s sex
- Conducting drag queen workshops, performances, or documentaries

The DEI rule defines “discriminatory equity ideology” as ideology that “treats individuals as members of preferred or disfavored groups, rather than as individuals,” with reference to race, color, religion, sex, and national origin.⁷ The rule further prohibits the “promotion” of this “ideology,” which includes “using or teaching education materials (including books, curricula, and media),” encompassing a broad range of programs and services that rely on speech and other expressive activities.⁸ The preamble explicitly cites prior LGBTQI+ programming as an example of “radical DEI activities” that “undermines the wellbeing and flourishing of foreign nations,” quoting USAID’s 2023 Updated Equity Action Plan targets for LGBTQI+ programming as evidence of the practices the rule aims to eliminate.⁹

⁴ 91 Fed. Reg. at 3335.

⁵ Ibid.

⁶ Ibid.

⁷ 91 Fed. Reg. at 3348.

⁸ Ibid.

⁹ 91 Fed. Reg. at 3346. The rule quotes USAID’s 2023 Updated Equity Action Plan, which pledged to “[e]stablish targets for increased budgetary attributions during the Operational Plan process against all of the following Key Issues: Racial and Ethnic Equity, Indigenous Peoples, LGBTQI+,”

Despite this framing, the rule does not explicitly prohibit programming that serves cisgender lesbian, gay, or bisexual people. Whether such programming falls within the rule's prohibition on promoting "discriminatory equity ideology" is unclear from the text. The rule's broad and vaguely defined terms may nevertheless deter organizations from LGBTQI+-related work, even where such programming may not technically be prohibited.

COMPLIANCE MECHANISMS

The rules include extensive monitoring and enforcement provisions. Recipients must include the same restrictions in agreements with sub-recipients, creating a flow-down requirement throughout the U.S. funding chain. The U.S. government retains rights to access books, records, and other information; to observe activities; and to question personnel, service recipients, and local individuals. Violations can result in termination of the award and requirements to refund amounts used for prohibited activities.

In addition to these compliance monitoring rules that are the same for all recipient organizations, the rules impose different requirements depending on the type of organization receiving U.S. funding:

Foreign Nongovernmental Organizations (NGOs) and International Organizations

These entities must agree not to engage in prohibited activities "while receiving foreign assistance" under an award.¹⁰ Notably, this prohibition applies to all of the organization's activities—not just those funded by the U.S. government. For instance, a foreign NGO that receives U.S. funding for health programs cannot provide gender-affirming care in other parts of its operations, even if those activities are funded entirely by other donors. If a United Nations agency takes U.S. funding for humanitarian aid and the rules apply, these rules might force it to cease any provision of legal support or shelters for transgender, nonbinary, and intersex refugees. These programs would have to be curtailed, even if they are part of the agency's mandate, regardless of whether they are funded by other governments.

US NGOs

U.S. organizations may engage in some prohibited activities, but only if they maintain complete physical and financial separation from their U.S. government-funded programs. This requires separate facilities, personnel, accounting records, accounts, and signage.¹¹ The practical effect is that U.S. organizations must either abandon activities the rules characterize as promoting "gender ideology" or establish parallel organizational structures, presenting a significant operational and financial burden. For the first time, U.S. NGOs that receive government funds are prohibited from providing "abortion as a method of family planning" and "sex-rejecting procedures" outside the United States with any funds.

and Disability." See U.S. Agency for International Development, 2023 Updated Equity Action Plan (Washington, DC: USAID, 2023), 23, https://assets.performance.gov/cx/equity-action-plans/2023/EO_14091_USAID_EAP_2023.pdf.

¹⁰ Similar language on prohibited activities is included in all three rules.

¹¹ On this restriction, the rules explicitly cite U.S. Supreme Court guidance in *Rust v. Sullivan* 500 U.S. 173 (1991), which established that U.S. organizations could perform abortion services if they were structurally and financially distinct from Title X-funded programs.

Foreign Governments and Parastatals

The rules apply differently to foreign governments and government-affiliated entities. These entities will not be subject to the same terms as foreign or U.S.-based NGOs; however, at the discretion of the State Department, some award terms may require that recipients not use funds to “promote” so-called gender ideology or “DEI-related discrimination.” While this discretionary approach is less stringent than the mandatory requirements for NGOs and international organizations, it nonetheless creates uncertainty about whether government-to-government assistance—including support for national health systems, refugee agencies, and social services—will include these conditions on the use of U.S. funds. Even where the terms are not formally imposed, the rules signal U.S. policy preferences to foreign governments, potentially influencing their own approaches to LGBTQI+ populations.

SCOPE OF APPLICATION

The rules apply broadly to more than \$40 billion in non-military foreign assistance, including global health programs, humanitarian assistance, economic and development assistance, stabilization assistance, civil society and democracy programming, migration and refugee assistance, and voluntary contributions to international organizations.¹² This scope encompasses virtually all U.S. foreign assistance that might serve or affect LGBTQI+ populations.

CONNECTION TO DOMESTIC POLICY

The rules explicitly cite Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” and adopt the same definitions of sex, gender identity, and related terms used in that domestic policy.¹³ The foreign assistance rules thus represent an international extension of the administration’s domestic campaign against the rights of transgender, nonbinary, and intersex people, applying the same ideological framework to U.S. engagement abroad.

THE GENEVA CONSENSUS DECLARATION

The preambles to the rules also invoke a political statement, the Geneva Consensus Declaration on Promoting Women’s Health and Strengthening the Family, drafted by the first Trump administration and signed by 40 countries. The U.S. withdrew from this declaration under the Biden administration but rejoined in January 2025. The declaration asserts that “there is no international right to abortion” and emphasizes national sovereignty. The gender ideology rule emphasizes this framework, claiming that the declaration’s goals regarding “the family” and “protecting women” are “directly threatened by gender ideology.” This linkage signals U.S. alignment with a coalition effort to contest the recognition of LGBTQI+ rights within international human rights frameworks. Scholars have documented how the declaration serves as a mechanism to mobilize signatory nations against the incorporation of sexual and reproductive health and rights into multilateral institutions, including the United Nations.¹⁴

¹² The FY26 National Security, State Department, and Related Programs (NSRP) Appropriations bill includes \$51.3 billion for U.S. foreign assistance, including \$8.9 billion for international security assistance. See US Global Leadership Coalition, “Congress Reaches Agreement on FY26 International Affairs Spending,” January 29, 2026, <https://www.usglc.org/the-budget/congress-reaches-agreement-on-fy26-international-affairs-spending/>.

¹³ Executive Order 14168 of January 20, 2025, “Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” 90 Fed. Reg. 8615.

¹⁴ See, e.g., Lynn Morgan, “Anti-abortion Strategizing and the Afterlife of the Geneva Consensus Declaration,” *Developing World Bioethics* 23, no. 2 (June 2023): 185–195, <https://doi.org/10.1111/dewb.12374>.

IMPACT ON LGBTQI+ PEOPLE ABROAD

The rules will affect LGBTQI+ people abroad through multiple pathways, extending well beyond the direct elimination of U.S. funding for LGBTQI+ programming.

ELIMINATION OF US-FUNDED LGBTQI+ PROGRAMMING

Under the Biden administration, the United States emerged as a significant supporter of LGBTQI+ inclusion in development programming. USAID increased resources for LGBTQI+ programming from \$6 million in 2021 to \$25 million in 2024, making the United States the second-largest global donor to activities supporting LGBTQI+ persons in developing countries.¹⁵ In 2024, USAID's Inclusive Development Hub reported reaching more than one million people who are marginalized or in vulnerable circumstances, including LGBTQI+ persons, with additional programming from country missions that reached millions more.¹⁶

This programming encompassed a wide range of activities: HIV treatment and prevention services, legal assistance to help LGBTQI+ community members understand their rights, emergency support for human rights defenders facing violence or displacement, research on LGBTQI+ populations, and economic inclusion initiatives. In January 2025, USAID published Sectoral Guidance on Integrating LGBTQI+ Communities into Economic Growth Programming, developed by the Williams Institute, which documented the economic costs of LGBTQI+ exclusion and identified effective interventions, including skills training, financial literacy programs, and employer engagement strategies.¹⁷

The gender ideology rule states that applying restrictions broadly “is necessary to ... unwind efforts by prior administrations to integrate gender ideology throughout foreign assistance programs.”¹⁸ The programming eliminated under these rules represents services and support that LGBTQI+ people in developing countries, often living in contexts where local governments are hostile and local funding is unavailable, cannot easily replace. Most of these programs were terminated in 2025 as a result of the Trump administration’s “pause” in U.S. foreign aid.¹⁹

ORGANIZATIONS SERVING LGBTQI+ PEOPLE WITH OTHER DONORS' FUNDING

Perhaps the most significant aspect of the rules is their reach beyond activities directly funded by the U.S. government. Because foreign NGOs and international organizations that receive any U.S. foreign

¹⁵ USAID, “Exit Memo: United States Agency for International Development” (January 2025), 26, on file with the authors; Global Philanthropy Project, “Global Resources Report” (June 2024), https://globalresourcesreport.org/wp-content/uploads/2024/06/GRR_2021-2022_WEB-Spread-Colour_EN.pdf, 86.

¹⁶ USAID, “Exit Memo,” 26.

¹⁷ Ari Shaw and Miguel Fuentes Carreño, “Sectoral Guidance on Integrating LGBTQI+ Communities into Economic Growth Programming,” (Los Angeles, CA: The Williams Institute, January 2025), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/USAID-LGBTQI-Economic-Growth.pdf>.

¹⁸ 91 Fed. Reg. at 3346.

¹⁹ See Ari Shaw, “Impact of Executive Order Pausing Foreign Aid on LGBTQI+ People,” (Los Angeles, CA: The Williams Institute, January 2025), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Foreign-Aid-Pause-EO-Jan-2025.pdf>.

assistance must agree not to engage in prohibited activities even with non-U.S. funds, the rules effectively impose U.S. policy preferences on programming funded by other governments and private donors.

Foreign organizations that receive any U.S. funding must comply with the rules' prohibitions across all of their activities, regardless of funding source. An organization that receives U.S. funding for election monitoring or anti-corruption work would be prohibited from providing gender-affirming care, advocating for legal gender recognition, or conducting public information campaigns about transgender rights, even if those activities are funded entirely by other donors. The impact of the DEI rule on broader LGBTQI+ programming funded by other donors is less certain, but organizations may limit such activities due to the compliance risks associated with the vague prohibitions.

Several governments, including Sweden, Canada, and the Netherlands, provide funding for LGBTQI+ rights programming through international partnerships, sometimes including U.S.-based implementing organizations. The new rules will disrupt these partnerships and force organizations to choose between U.S. and other donor relationships. The result will be a contraction of the organizational ecosystem serving LGBTQI+ populations globally, affecting programming funded by multiple donors, not just the United States.

GLOBAL HEALTH: PEPFAR AND KEY POPULATIONS

The President's Emergency Plan for AIDS Relief (PEPFAR) has been a critical pathway for reaching gay and bisexual men and transgender people with health services globally. In 2024, PEPFAR's planned expenditures for "key populations"—defined as gay, bisexual, and other men who have sex with men, transgender people, people who inject drugs, sex workers, and people in prisons and other closed settings—totaled more than \$374 million.²⁰ In 2023, PEPFAR provided preventive services to more than 2.4 million people from key populations, including nearly 800,000 gay and bisexual men and more than 85,000 transgender people.²¹ Nearly 150,000 gay and bisexual men and 12,000 transgender people were newly initiated on pre-exposure prophylaxis (PrEP) that year, and more than 180,000 gay and bisexual men and 13,034 transgender people were provided antiretroviral treatment.²²

The gender ideology rule covers "Global Health Programs," meaning PEPFAR implementing partners will face the same restrictions as other foreign assistance recipients. The rule creates uncertainty about what activities might be characterized as "promoting gender ideology" in the context of health service delivery. For example, acknowledging a client's gender identity on intake forms or in clinical records could raise

²⁰ U.S. Department of State, "Report to Congress on HIV/AIDS Prevention and Treatment Programs for Key Populations: Section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, P.L. 118-47) and Senate Report 118-71," Washington, DC: U.S. Department of State, 2024. <https://www.state.gov/wp-content/uploads/2024/08/HIV-and-AIDS-Prevention-and-Treatment-Programs-for-Key-Populations-006129-Accessible-8.12.2024.pdf>

²¹ Prevention services provided to key populations in Nigeria and Uganda were not included in this total in 2023 because of methodological and safety challenges in gathering accurate data. See: <https://www.state.gov/wp-content/uploads/2024/08/HIV-and-AIDS-Prevention-and-Treatment-Programs-for-Key-Populations-006129-Accessible-8.12.2024.pdf>.

²² U.S. Department of State, "Report to Congress on HIV/AIDS Prevention and Treatment Programs for Key Populations: Section 7019(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, P.L. 118-47) and Senate Report 118-71," Washington, DC: U.S. Department of State, 2024. <https://www.state.gov/wp-content/uploads/2024/08/HIV-and-AIDS-Prevention-and-Treatment-Programs-for-Key-Populations-006129-Accessible-8.12.2024.pdf>

compliance concerns. Providing culturally competent care to transgender patients or HIV prevention outreach that specifically targets transgender women could be characterized as a prohibited activity.

Even if the rules do not result in formal enforcement actions, the uncertainty they create may produce a chilling effect on services for key populations. Health providers and implementing organizations may limit services to LGBTQI+ clients out of caution about compliance, reducing access to care for populations already facing barriers due to stigma and discrimination.

HUMANITARIAN ASSISTANCE AND REFUGEE SERVICES

The rules explicitly cover humanitarian assistance, migration, and refugee assistance. LGBTQI+ refugees face documented vulnerabilities throughout the displacement and resettlement process.²³ Research shows that LGBTQI+ refugees face daily harassment, violence, and discrimination in transit zones.²⁴ They may be unable to access health care, mental health services, and legal aid due to homophobia or transphobia among service providers. Transgender refugees face particular barriers, including the inability to obtain medication or access appropriate medical care and difficulties with identity documents that do not match their gender identity.²⁵

Organizations serving refugee populations will now face restrictions on acknowledging clients' gender identities, providing appropriate referrals, and advocating for their protection. The rules prohibit "lobbying or encouraging a foreign government to provide legal status or protections based on gender identity"—a restriction that directly limits advocacy for transgender refugees in countries that criminalize their identities.²⁶ The chilling effect on refugee services may push LGBTQI+ refugees further into invisibility, compounding vulnerabilities that make them targets for violence and exploitation.

REPRODUCTIVE HEALTH: THE ABORTION RULE AND TRANSGENDER AND NONBINARY PEOPLE

The third component of the PHFFA policy on Protecting Life in Foreign Assistance also has implications for LGBTQI+ people abroad. Lesbians, bisexual women, transgender men, and nonbinary people with uteruses may need access to abortion services. Research indicates that lesbians, transgender, and nonbinary individuals face significant barriers to reproductive health care, including discrimination from providers, lack of trauma-informed and culturally competent care, and discomfort in clinical settings designed around assumptions of cisgender and heterosexual patients.²⁷ The abortion rule's restrictions

²³ See generally, Ari Shaw and Namrata Verghese, "LGBTQI+ Refugees and Asylum Seekers: A Review of Research and Data Needs," (Los Angeles, CA: The Williams Institute), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQI-Refugee-Review-Jul-2022.pdf>.

²⁴ Vanessa Yarwood et al., "LGBTQI+ Migrants: A Systematic Review and Conceptual Framework of Health, Safety and Wellbeing during Migration," *International Journal of Environmental Research and Public Health* 19, no. 2 (2022): 869, <https://doi.org/10.3390/ijerph19020869>.

²⁵ Jasmin Lilian Diab et al., "Gender Identity as a Barrier to Accessing Adequate and Inclusive Healthcare for Syrian Refugees in Lebanon's Northern Regions," *Frontiers in Human Dynamics* 5 (January 2024): 1205786, <https://doi.org/10.3389/fhumd.2023.1205786>.

²⁶ 91 Fed. Reg. at 3322.

²⁷ See, e.g., Kedryn Berrian, Marci D. Exsted, Nik M. Lampe, Sayer L. Pease, and Ellesse-Roselee L. Akre, "Barriers to Quality Healthcare among Transgender and Gender Nonconforming Adults," *Health Services Research* 60, no. 1 (February 2025): e14362, <https://doi.org/10.1111/1475-6773.14362>; Allison J. McLaughlin, Saren Nonoyama, Lauren Glupe, and Jordon D. Bosse, "Systemic Transphobia and Ongoing Barriers to Healthcare for Transgender and Nonbinary People: A Historical Analysis of #TransHealthFail," *PLOS Digital Health* 4, no. 3 (March 12, 2025): e0000718, <https://doi.org/10.1371/journal.pdig.0000718>.

will compound these barriers by limiting the organizations that can provide or refer for abortion services in the foreign assistance context.

The impact extends beyond direct abortion access. Organizations providing integrated reproductive and sexual health services, including those serving LGBTQI+ populations, will face the same compliance burdens under the abortion rule as under the gender ideology rule: foreign NGOs cannot engage in prohibited abortion-related activities even with non-U.S. funds, while U.S. NGOs are restricted from service provision overseas and must maintain physical and financial separation for other speech-based activities. Clinics that provide both LGBTQI+-competent sexual health services and abortion-related care may be forced to decouple services or abandon certain activities entirely.

INTERSEX AND NONBINARY PEOPLE

The PHFFA rules adopt rigid binary definitions of sex that fail to recognize intersex and nonbinary people. The gender ideology rule defines female as “a person of the sex characterized by a reproductive system with the biological function of (at maturity, absent disruption or congenital anomaly) producing eggs” and male as “a person whose reproductive system produces sperm.” These definitions, which mirror those in Executive Order 14168, frame intersex variations as “congenital anomalies” rather than natural human diversity and provide no recognition of nonbinary gender identities.

Intersex people—those born with sex characteristics that do not fit typical definitions of male or female—face particular uncertainty under these rules. The gender ideology rule includes an exception for procedures “to treat a person with a medically verifiable disorder of sexual development.”²⁸ However, this exception is framed in pathologizing language that characterizes intersex variations as “disorders” requiring treatment. It remains unclear whether intersex-affirming care—that is, medical interventions that respect an intersex person’s own decisions about their body, rather than imposing normalization—would be protected under this exception or potentially characterized as promoting “gender ideology.”

Research shows that intersex people face significant barriers to appropriate health care globally, including non-consensual surgeries in infancy and childhood, a lack of accurate information about their bodies, and difficulty accessing knowledgeable providers.²⁹ Organizations working to improve intersex health outcomes—by training providers, supporting informed consent, or advocating against non-consensual interventions—may face compliance concerns under the new rules, particularly if their work involves acknowledging that binary sex categories do not capture the full range of human variation.

Nonbinary people—those whose gender identity is neither exclusively male nor exclusively female—are directly targeted by the gender ideology rule’s prohibition on using “pronouns that do not correspond to an individual’s sex.” Organizations serving nonbinary clients will face restrictions on acknowledging their identities in intake forms, clinical records, or program materials. Public information campaigns that recognize nonbinary identities would be prohibited as promoting “gender ideology.” The effect is to mandate misgendering of nonbinary individuals as a condition of receiving U.S. foreign assistance.

²⁸ 91 Fed. Reg. at 3335.

²⁹ See, e.g., Amy Rosenwohl-Mack, Suegee Tamar-Mattis, Arlene B. Baratz, Katharine B. Dalke, Alesdair Ittelson, Kimberly Zieselman, and Jason D. Flatt, “A National Study on the Physical and Mental Health of Intersex Adults in the U.S.,” PLOS ONE 15, no. 10 (October 9, 2020): e0240088, <https://doi.org/10.1371/journal.pone.0240088>.

Data on intersex and nonbinary populations in development and humanitarian contexts are even more limited than data on LGBTQI+ populations generally.³⁰ The invisibility of these populations in existing data systems means their needs are often overlooked in program design and policy decisions. The new rules will deepen this invisibility by discouraging the data collection and inclusive practices that would be necessary to identify and serve intersex and nonbinary people.

SPILOVER EFFECTS: ORGANIZATIONS DECLINING US FUNDING

Some organizations may decline U.S. funding entirely rather than accept the restrictions and inspection regime imposed by the rules. This response would reduce overall organizational capacity for development and humanitarian work, affecting all populations served, not just LGBTQI+ people. It would also shrink the pool of implementing partners available for U.S. foreign assistance programs, potentially reducing the effectiveness of U.S. engagement globally.

Research on the Mexico City Policy provides a precedent for understanding these effects. Studies found that when the policy was in effect, some organizations restructured their operations while others withdrew from U.S. funding relationships. The result was disruption to programming that extended beyond the policy's stated focus on abortion services.³¹ The PHFFA rules are broader in scope and more onerous in their compliance requirements than the Mexico City Policy, suggesting the spillover effects may be greater in turn.

SIGNALING EFFECTS: EMBOLDENING HOSTILE GOVERNMENTS

The rules prohibit organizations from “lobbying, pressuring, or encouraging a foreign government to provide special legal status or protections based on gender identity ... or encouraging such a government to continue the legality of any such activities.” This restriction removes U.S. foreign assistance organizations as advocates for LGBTQI+ rights in their host countries. At a moment when several countries are actively pursuing criminalization or escalating penalties, the withdrawal of U.S. advocacy support may embolden governments pursuing anti-LGBTQI+ legislation.³²

Research by the Williams Institute has documented an association between attacks on LGBTQI+ people and democratic backsliding.³³ Countries that protect LGBTQI+ rights tend to have stronger democratic institutions; conversely, the erosion of LGBTQI+ protections often accompanies broader erosion of democratic norms and human rights protections. By withdrawing U.S. advocacy and support for LGBTQI+ populations, the rules may contribute to a permissive environment for anti-LGBTQI+ action that is itself associated with declining democratic governance.

³⁰ See, e.g., Shaw and Verghese, “LGBTQI+ Refugees and Asylum Seekers,” 21 (discussing data limitations for intersex populations in refugee contexts); Outright International, “Nonconsensual Harmful Medical Practices on Intersex Children,” (Outright International Policy Brief, October 2025), https://outrightinternational.org/sites/default/files/2025-10/Outright_Nonconsensual_Harmful_Medical_Practices_on_Intersex_Children%20%282%29.pdf.

³¹ Jennifer Kates and Kellie Moss, *Impact of the Mexico City Policy: Literature Review* (KFF, July 17, 2024), <https://www.kff.org/global-health-policy/impact-of-the-mexico-city-policy-literature-review/>.

³² For example, in 2025, Kazakhstan passed a law banning “LGBT propaganda.” Uganda’s 2023 Anti-Homosexuality Act introduced the death penalty for “aggravated homosexuality.”

³³ Andrew Flores, Miguel Fuentes, and Ari Shaw, *Democratic Backsliding and LGBTI Acceptance* (Los Angeles: The Williams Institute, September 2023), <https://williamsinstitute.law.ucla.edu/publications/dem-backsliding-gai/>.

GLOBAL CONTEXT

The rules take effect at a moment of significant global threat to LGBTQI+ populations. According to ILGA World, 63 countries continue to criminalize consensual same-sex activity.³⁴ In six countries, same-sex conduct can be punished by death. An additional 14 countries criminalize gender expression or identity.³⁵ In many more countries, LGBTQI+ people face pervasive stigma, discrimination, and violence even in the absence of explicit criminalization.

Recent years have seen troubling developments in several regions. In January 2025, Burkina Faso criminalized consensual same-sex activity. Also in 2025, Trinidad and Tobago's Court of Appeal overturned a 2018 decriminalization ruling, reinstating colonial-era laws criminalizing consensual same-sex relations (with penalties of up to five years imprisonment), making it the only Caribbean nation to recriminalize homosexuality amid a regional trend toward decriminalization. Russia has expanded its restrictions on LGBTQI+ expression, classifying the "international LGBT movement" as an extremist organization.

Transgender and nonbinary people face particular vulnerabilities. Visible gender nonconformity can trigger harassment and violence in public spaces. Many countries lack legal frameworks for gender recognition, leaving transgender people without identity documents that reflect their gender—a barrier to employment, housing, health care, and travel.³⁶

The United States has chosen to withdraw support for LGBTQI+ populations and prohibit advocacy for their protection within this global context. The rules arrive precisely when LGBTQI+ people in many parts of the world most need external support and when U.S. engagement could help counter trends toward criminalization and exclusion.

³⁴ ILGA World Database, <https://database.ilga.org/criminalisation-consensual-same-sex-sexual-acts>, accessed February 6, 2026.

³⁵ Human Dignity Trust, "Map of Jurisdictions that Criminalize LGBT People," https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/?type_filter_submitted=&type_filter%5B%5D=crim_gender_exp, accessed February 6, 2026.

³⁶ See generally, Outright International, "A Year in Attacks on Trans, Nonbinary, and Intersex People's Human Rights," (November 2025), https://outrightinternational.org/sites/default/files/2025-11/A_Year_in_Attacks_on_Trans_Nonbinary_and_Intersex_Peoples_Human_Rights%20%282%29.pdf

DATA LIMITATIONS

This brief acknowledges significant limitations in available data. Countries and agencies working with refugees and development populations, including the U.S. government, do not systematically collect demographic data that include measures of sexual orientation, gender identity, or sex characteristics. When such data are collected, they are often inconsistently coded. As a result, precise estimates of the number of LGBTQI+ people served by U.S.-funded programs or the number of organizations affected by the new rules are not available.

Similarly, data on organizations that receive both U.S. funding and funding from other donors for LGBTQ+-related work are not comprehensively compiled. The full scope of indirect impacts—on organizations that must choose between U.S. funding and LGBTQI+ services funded by other donors—cannot be precisely quantified with available information.

These data gaps make LGBTQI+ populations invisible in foreign assistance policy decisions. The new rules will exacerbate this problem. By characterizing acknowledgment of gender identity as “promoting ideology,” the rules will discourage the data collection and research that would be necessary to understand and address the needs of LGBTQI+ people in development and humanitarian contexts.

CONCLUSION

The Promoting Human Flourishing in Foreign Assistance policy represents an unprecedented use of foreign assistance conditionality to target transgender, nonbinary, and intersex people globally. The combined effect of all three PHFFA rules creates compounding restrictions for organizations providing comprehensive services. An organization serving LGBTQI+ populations may now face clear prohibitions on gender-affirming care and gender identity-related advocacy (under the gender ideology rule), uncertainty about whether LGBTQI+-inclusive programming falls within vague DEI-related restrictions (under the DEI rule), and limitations on reproductive health services (under the abortion rule). The compliance burden and legal uncertainty may push organizations toward narrower service models that exclude transgender and gender-diverse people entirely and may deter programming for cisgender LGB populations even where such programming is not clearly prohibited.

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