

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights in Afghanistan; the Working Group of Experts on People of African Descent; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the situation of human rights in Burundi.; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea; the Special Rapporteur on the rights of persons with disabilities; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the human rights of internally displaced persons; the Independent expert on the promotion of a democratic and equitable international order; the Independent Expert on human rights and international solidarity; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on the elimination of discrimination against persons affected by leprosy (Hansen’s disease) and their family members; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Working Group on the rights of peasants and other people working in rural areas; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the situation of human rights in the Russian Federation; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Independent Expert on the situation of human rights in Somalia; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights to safe drinking water and sanitation and the Working Group on discrimination against women and girls

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21 February 2025

Mrs. Finerty

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights in Afghanistan; Working Group of Experts on People of African Descent; Special Rapporteur on the situation of human rights in Belarus; Special Rapporteur on the situation of human rights in Burundi.; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the situation of human rights in Cambodia; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur in the field of cultural rights; Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea; Special Rapporteur on the rights of persons with disabilities; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to education; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the

independence of judges and lawyers; Special Rapporteur on the human rights of internally displaced persons; Independent expert on the promotion of a democratic and equitable international order; Independent Expert on human rights and international solidarity; Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Special Rapporteur on the elimination of discrimination against persons affected by leprosy (Hansen's disease) and their family members; Special Rapporteur on the human rights of migrants; Special Rapporteur on minority issues; Working Group on the rights of peasants and other people working in rural areas; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on the situation of human rights in the Russian Federation; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Independent Expert on the situation of human rights in Somalia; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on the human rights to safe drinking water and sanitation and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/17, 54/1, 45/24, 55/27, 51/28, 53/3, 54/36, 57/31, 55/5, 55/21, 53/14, 54/14, 53/7, 55/2, 52/9, 52/4, 53/12, 50/6, 57/7, 53/5, 55/19, 53/8, 52/20, 52/5, 54/9, 53/10, 57/20, 50/10, 51/15, 57/27, 49/10, 54/10, 53/9, 51/19 and 50/18.

In this connection, we would like to bring to the attention of your Government information we have received concerning **the 90-day freeze of all federal grants and loans, including foreign aid, and stop-work orders, related to the Executive Orders 'Reevaluating and realigning United States Foreign Aid' and 'Ending Radical and Wasteful Government DEI programs and Preferencing', enacted on 20 January 2025; the Memoranda for Heads of Executive Departments and Agencies, M-25-13 and M-25-14, by the Executive Office of the President, Office of Management and Budget, that impose a 'Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs', and then rescind the pause, respectively; as well as other specific notes and guidance related to the implementation of these and other recent executive orders¹.**

We observe that the above administrative measures and executive actions raise serious questions of legality, necessity, and proportionality and **may have an impact**

¹ Including: i) Special Notice by the General Services Administration, '[Notice of intent to suspend enforcement of contractual DEI terms in existing agreements](#)' (January 23, 2025); ii) Notice by the Office of Acquisition and Assistance (M/OAA), '[Notice on Implementation of Executive Order: Reevaluating and Realigning United States Foreign Aid](#)' (January 26, 2025); iii) Memorandum to all implementing U.S. government agencies, partners, and NGOs, '[Emergency Humanitarian Waiver to Foreign Assistance Pause](#)' (January 28, 2025); iv) Memorandum for Heads of Executive Departments and Agencies, [M-25-14](#), that rescind [M-25-13](#) (January 29, 2025), v) Memorandum for all department employees by the Office of the Attorney General, '[Ending illegal DEI and DEIA discrimination and preference](#)' (February 5, 2025), v) [Memorandum for the heads of executive departments and agencies](#) (February 6, 2025). The following Executive Orders were also reviewed: i) '[Initial Rescissions of Harmful Executive Orders and Actions](#)' (January 20, 2025); ii) '[Protecting the American People against invasion](#)' (January 20, 2025); iii) '[Unleashing American Energy](#)' (January 20, 2025); iv) '[Defending women from gender ideology extremism and restoring biological truth to the Federal government](#)' (January 20, 2025); v) '[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)' (January 21, 2025), vi) '[Enforcing the Hyde Amendment](#)' (January 24, 2025), vii) 'Withdrawing the United States from and ending funding to certain United Nations Organizations, and reviewing United States support to all International Organizations' (February 4, 2025). Several internal memorandums both from USAID and the State Department, and letters sent to contractors and grantees were also reviewed.

on various types of associations, including not-for-profit and for-profit entities; small and medium-sized businesses; civil society organizations; organizations of persons with disabilities, faith communities and faith-based organizations; universities, schools and other educational and training institutions; cultural institutions; media outlets; medical and scientific research institutions, and many others, both within the United States and globally. Given the content of the measures, there is further concern regarding the adherence to the principles of equality and non-discrimination. **Should the measures be implemented, it is our assessment that they may adversely impact on a range of fundamental civil, cultural, economic, environmental, political and social rights and may affect the ability of individuals and communities to advocate for and protect all human rights**, including the right to equality and non discrimination, the right to life, the right to health, the right to a healthy environment, and the rights to freedom of association, to freedom of expression, to freedom of belief and religion, and economic, social and cultural rights among other fundamental rights of all, especially of those most disadvantaged groups in vulnerable situations. We note further that the United Nations Charter recognizes that protecting human rights and promoting economic and social development help to create the “conditions of stability and well-being which are necessary for peaceful and friendly relations among nations” (article 55).

In our assessment, the severity of the measures – namely, the order for immediate cessation of activities, the lack of graduality in the reduction of funding, and the freezing of even permissible and allowable payments associated with the suspension or unilateral termination of contractual agreements - could render it impossible for numerous associations, both domestic and international, to continue fulfilling their mission-related activities. In some cases, these measures could result in the complete dissolution of associations, including media outlets, and faith-based communities and associations. These measures will thus lead to the shrinking of civic space in numerous countries, which is a cornerstone of any open and democratic society. The scale and speed through which the measures have been taken further support the concern of the experts regarding the necessity and proportionality of these measures and their compliance with relevant international human rights standards.

Although the freezing of funding and stop-work orders are set to last for 90 days, a period that may initially seem brief, their impact could be long-term and devastating².

1. Decisions that impose changes in federal funding in the U.S.

1.1. The U.S. President signed Executive Order ‘Ending Radical and Wasteful Government DEI programs and Preferencing’³ on 20 January 2025.

The mentioned Executive Order (EO) indicates that it aims to end what it characterizes as “illegal and immoral discrimination programs, going by the name ‘diversity, equity and inclusion (DEI)’”, as well as the ‘Equity Actions Plans’

² “Plaintiffs allege that even a temporary pause in funding to their members (...) would destroy their ability to provide medical and low-income childcare services” which is at the core of their institutional mission. Moreover, “plaintiffs have marshalled considerable evidence showing that countless organizations depend on continued disbursements to continue functioning at all. For at least some of Plaintiffs’ members, having federal funds arrive on time and as scheduled is vital”, Civil Action No. 25 - 239 (LLA), United States District Court for the District of Columbia.

³ <https://www.federalregister.gov/documents/2025/01/29/2025-01953/ending-radical-and-wasteful-government-dei-programs-and-preferencing>

previously submitted by Federal agencies, stating that these do not align with “American culture”. The objective is to establish “a government committed to serving every person with equal dignity and respect, and to expending precious taxpayer resources only on making America great”.

Among other provisions, the EO specifies the following:

- a. The EO’s focus encompasses mandates, policies, programs, preferences, activities, regulations, guidance, employment practices, enforcement activities, grants, contracts, consent orders, and litigating positions within the Federal Government, related to DEI, ‘diversity, equity, inclusion and accessibility’ (DEIA), and ‘environmental justice’, irrespective of the terminology used to name them.
- b. The Director of the Office of Management and Budget (OMB), supported by the Director of the Office of Personnel Management (OPM) and the Attorney General, is tasked with overseeing its implementation.
- c. The EO mandates that the responsible authorities conduct a comprehensive review of all existing “federal employment practices, union contracts, and training policies or programs”.
- d. The EO further directs that, within 60 days of its issuance, each agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall:
 - Terminate all DEI, DEIA and ‘environmental justice’ offices and positions, all ‘equity action plans’, ‘equity’ actions, initiatives, or programs, ‘equity-related’ grants or contracts, and all DEI or DEIA performance requirements for employees, contractors or grantees, to the fullest extent permitted by law.
 - Provide the Director of the OMB with lists containing: i) positions, committees, programs, services, activities, expenditures and budgets in existence on 4 November 2024, along with an assessment of whether these “have been misleadingly relabeled in an attempt to preserve their pre-November 4, 2024 function”; ii) a list of Federal contractors who have provided DEI training or materials to agency or department employees, iii) a list of Federal grantees associated with the topics in review since January 20, 2021.
 - Assess the operational impact and costs of the prior administration’s DEI, DEIA, and environmental justice programs and policies.
 - Recommend actions to align agency or department action with the purpose of the EO.

1.2. On 27 January 2025, the OMB issued the Memorandum M-25-13, ‘Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs’. The Memorandum indicates that:

“Financial assistance should be dedicated to advancing Administration priorities, focusing taxpayer dollars to advance a stronger and safer America, eliminating the financial burden of inflation for citizens, unleashing American energy and manufacturing, ending “wokeness” and the weaponization of government, promoting efficiency in government, and Making America Healthy Again. The use of Federal resources to advance Marxist equity, transgenderism, and green new deal social engineering policies is a waste of taxpayer dollars that does not improve the day-to-day lives of those we serve”.

The Memorandum defines Federal financial assistance, in accordance with the Code of Federal Regulations (2 CFR 200.1⁴), to mean “[a]ssistance that recipients or subrecipients receive or administer” in various forms, and clarifies that it “does not include assistance provided directly to individuals” and that Medicare or Social Security benefits will not be impacted by the Memorandum.

The Memorandum requires Federal agencies to:

- a. Identify and review all Federal financial assistance programs and supporting activities consistent with the President’s policies and requirements, including the EO published by the President during the initial days of his Administration. For each Federal program, agencies must: “(i) assign responsibility and oversight to a senior political appointee to ensure Federal financial assistance conforms to Administration priorities; (ii) review currently pending Federal financial assistance announcements to ensure Administration priorities are addressed, and, subject to program statutory authority, modify unpublished Federal financial assistance announcements, withdraw any announcements already published, and, to the extent permissible by law, cancel awards already awarded that are in conflict with Administration priorities; and (iii) ensure adequate oversight of programs and initiate investigations when warranted to identify underperforming recipients, and address identified issues up to and including cancellation of awards.”

⁴ 2 CFR 200.1 defines Federal financial assistance as:

- (1) “Assistance that recipients or subrecipients receive or administer in the form of (i) Grants; (ii) Cooperative agreements; (iii) Non-cash contributions or donations of property (including donated surplus property); (iv) Direct appropriations; (v) Food commodities; and (vi) Other financial assistance (except assistance listed in paragraph (2) of this definition).
- (2) For § 200.203 and subpart F of this part, Federal financial assistance also includes assistance that recipients or subrecipients receive or administer in the form of: (i) Loans; (ii) Loan Guarantees; (iii) Interest subsidies; and (iv) Insurance. (Note: § 200.203 refers to requirement to provide public notice of Federal financial assistance programs).
- (3) For § 200.216, Federal financial assistance includes assistance that recipients or subrecipients receive or administer in the form of: (i) Grants; (ii) Cooperative agreements; (iii) Loans; and (iv) Loan Guarantees. . (Note: § 200.216 refers to Prohibition on certain telecommunications and video surveillance equipment or services).
- (4) Federal financial assistance does not include amounts received as reimbursement for services rendered to individuals as described in § 200.502(h) and (i). (Note: (h) Medicare, (i) Medicaid).

www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200

- b. Temporarily pause “all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by the executive orders, including, but not limited to financial assistance for foreign aid, non-governmental organizations, DEI, woke gender ideology, the green new deal.”
- c. Pause “(i) issuance of new awards; (ii) disbursement of Federal funds under all open awards; and (iii) other relevant agency actions that may be implicated by the executive orders, to the extent permissible by law...”
- d. “[I]mmediately identify any legally mandated actions or deadlines for assistance programs arising while the pause remains in effect”.
- e. Report all the information collected and provide an analysis to the OMB.

According to the Memorandum, the pause will provide the Administration time to review agency programs and determine the best uses of its funding “consistent with the law and the President’s priorities”. Also, it states that the OMB may grant exceptions allowing Federal agencies to “issue new awards or take other actions on a case-by-case basis”.

The Memorandum provides a timeline for the process: 28 January 2025, at 5:00 p.m., marking the commencement of the pause on programs and funding; and 10 February 2025, the deadline for agencies to submit all information collected in the mandated assessment to the OMB.

1.3 On 28 January 2025, a federal judge issued an injunction blocking the pause on federal spending until at least 3 February 2025. Additionally, on the same day, more than 25 state attorneys general filed lawsuits against the administration, citing the negative impacts of the decision on state residents. At least one additional lawsuit challenging this order is pending.

On 29 January 2025, OMB Memorandum M-25-13 was rescinded, through OMB Memorandum M-25-14. The latter document clarifies that individuals with inquiries regarding the implementation of the President’s EO’s should contact their respective agency General Counsel.

While the primary focus of Memorandum M-25-14 was the ‘Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs’, various stakeholders interpreted it as a suspension of the freezing of programs and stop-work orders (including M-25-13). However, on 29 January 2025, the Assistant to the President and White House Press Secretary⁵ stated via social media that M-25-14 was adopted “to resolve any confusion created by the Court’s injunction”. She further emphasized that “the President’s EO’s on federal funding remain in full force and effect, and will be rigorously implemented.”

⁵ <https://x.com/PressSec/status/1884672871944901034>

2. Decisions that impose changes in U.S. Foreign Aid

2.1. The U.S. President signed the Executive Order ‘Reevaluating and realigning United States Foreign Aid’ on 20 January 2025⁶.

This EO states that it aims to align U.S. foreign assistance with the President’s foreign policy priorities and “American interests and values”. It establishes a 90-day suspension of U.S. foreign development assistance to facilitate an "assessment of programmatic efficiencies and consistency with United States foreign policy."

Among other provisions, the EO indicates that:

- a. The pause applies to all “new obligations and disbursements of development assistance funds to foreign countries and implementing non-governmental organizations, international organizations, and contactors”.
- b. The Office of Management and Budget (OMB) is tasked with conducting the assessment, which will involve a comprehensive review of each foreign assistance program by the responsible departments and agency heads.
- c. Following the review, the OMB and the relevant department and agency heads, with the concurrence of the Secretary of State, must determine whether to continue, modify, or terminate each program.
- d. After the initial 90-day period, all new foreign assistance programs and obligations must receive approval from the Secretary of State or his designee, in consultation with the Director of OMB.
- e. The Secretary of State retains the authority to grant waivers for specific programs, exempting them from the pause.
- f. The Secretary of State is also responsible for issuing guidelines to direct the review and assessment process.

2.2. On 24 January 2025, the U.S. Department of State (USDoS) sent to all U.S. Agency for International Development (USAID) contracting and agreement officers and implementing partners, and to all other relevant agencies and internal offices, a “Notice of implementation of Executive Order on Reevaluating and Realigning United States Foreign Aid”.

The Notice defines ‘foreign assistance’ as “all program accounts included in Title III of the State, Foreign Operations, and Related Programs appropriations legislation (SFOPS)⁷”. Therefore, it includes: “foreign assistance programs for

⁶ <https://www.federalregister.gov/documents/2025/01/30/2025-02091/reevaluating-and-realigning-united-states-foreign-aid>

⁷ Each year, the U.S. Congress appropriates SFOPS funds through the Consolidated Appropriations Act, under Division F, which covers various government activities across seven titles: Title I addresses the Department of State, funding diplomatic programs, embassy construction, peacekeeping, and foreign affairs-focused NGOs. Title II

economic development, global health, international disaster assistance, democracy programs, and several development-focused independent agencies”.

The Notice mentions that the pause applies to “applicable funding under all award instruments” and mandates, with immediate effects, and that Contracting and Agreement Officers:

- a. must not modify, extend, or exercise options or renewals for existing awards;
- b. shall issue stop-work orders, amend, or suspend existing awards;
- c. following a review, shall communicate decisions related to whether an award will be continued, modified, or terminated with impacted contractors and recipients;
- d. must not issue new awards or release any new request for foreign assistance funding⁸.

Besides, the Notice establishes waivers of the pause under the Executive Order, with respect to:

- a. emergency food assistance and administrative expenses, including salaries necessary to administer such assistance;
- b. on a temporary basis, salaries and related administrative expenses, including travel, for all categories of personal services contractors;
- c. legitimate expenses incurred prior to 24 January 2025, under existing awards or legitimate expenses associated with stop-work orders, suspensions, or pause-related amendments; and
- d. exceptions to the pause approved by the Director of Foreign Assistance.

It also indicates that the process for waivers, as well as the review process for activities, is forthcoming.

Moreover, the Notice indicates that “within 30 days, the Director of the Department of State’s Policy Planning Staff (S/P) or its designate shall develop appropriate review standards to ensure that all foreign assistance is aligned with the

covers USAID, supporting its administration and personnel activities, but excluding program implementation, which is funded under Title III. Title III is the primary source of funding for U.S. development programs, such as global health, disaster assistance, and democracy efforts. Title IV supports security cooperation programs abroad, including narcotics control, military education, and foreign military financing. Title V allocates funds to multilateral development banks and U.N. organizations, while Title VI focuses on U.S. agencies that promote exports and investment abroad. Finally, Title VII lays out general provisions for fund allocation and sets priorities and restrictions for programming.

Congressional research service, *Department of State, Foreign Operations, and Related Programs Appropriations: A Guide to Component Accounts*, June 18, 2024. <https://crsreports.congress.gov/product/pdf/R/R40482>

⁸ Including requests for proposals (RFPs), requests for application (RFAs), notices of funding opportunities (NOFOs), or any other kind of solicitation.

President’s foreign policy agenda. The review is to be completed within eighty-five days of 24 January 2025.”

On 26 January 2025, the U.S. State Department published a [press statement](#) indicating, among others, that consistent with EO on foreign aid, the Secretary of State paused all U.S. foreign assistance funded by or through the State Department and USAID, as he is initiating a review of all programs to ensure they are efficient, consistent with U.S. foreign policy, as a “moral imperative” to guarantee that all money expended (“U.S. investments overseas”) has returns for the “American People” and “hardworking taxpayers”. It also indicated that he will assure that “every dollar we spend, every program we fund, and every policy we pursue must be justified with the answer to three simple questions: Does it make America safer? Does it make America stronger? Does it make America more prosperous?”.

2.3. On 28 January 2025, the Secretary of State issued a [new notification](#), in which he approved an additional waiver for the pause under the mentioned EO for life-saving humanitarian assistance:

- a. Including: “core life-saving medicine, medical services, food, shelter, and subsistence assistance, as well as supplies and reasonable administrative costs as necessary to deliver such assistance”.
- b. Excluding: “activities that involve abortions, family planning conferences, gender or DEI ideology programs, transgender surgeries, or other non-life saving assistance.
- c. Migration and Refugee Assistance (MRA) may only be used to support activities to which the waiver would apply and for repatriation of third country nationals to their country of origin or safe-third country.

The Memorandum indicates that “life-saving humanitarian assistance programs should continue or resume work if they have stopped”, but it insists that “no new contracts shall be entered into”. It closes stating that additional waivers or exceptions for humanitarian assistance may be sought through the Director of Foreign Assistance at the Department of State, through U.S. government agencies.

2.4. Starting on 24 January 2025, both USAID and the U.S. State Department sent to all contractors and awards recipients:

- a. [Stop of work orders](#) and request to amend or suspend existing awards, following the Notices of implementation on EO, and other directives set directly by the US Secretary of State;
- b. [Notification of suspension or termination](#) of awards and contracts.

For the awards suspended, the notification included a note indicating that the suspension “may be further codified through an amendment to the award reflecting the suspension date”.

For the awards terminated, the notification included a note indicating that the award “no longer effectuates agency priorities and is terminated in accordance with the U.S. Department of State Standard Terms and Conditions and 2 CFR 200.340”.

2.5. Between 25 and 27 January 2025, at least two internal Memoranda were issued to USAID career officials. One memorandum outlined the responsibility of the entire workforce to “support the President to advance his vision” and to transform foreign assistance. The memorandum further specified that disciplinary actions would be taken against employees who fail to comply with any past and future directives. The other memorandum indicated that certain employees would be placed on “administrative leave with full pay and benefits until further notice”, in order to prevent any attempts to “circumvent the President’s Executive Orders and the mandate from the American people”. On 27 January, an ‘excused absence letter’ was issued to an unknown number of affected employees. This letter, effective immediately, did not provide specific details regarding the reasons for the decision, but instructed employees to remain available. However, access to USAID premises and systems was suspended for these employees.

2.6. On 1 February 2025, the Senior Bureau Official of the Bureau of Global Health Security and Diplomacy (GHSD) sent an [informative memorandum](#) to the implementing agencies of the U.S. President’s Emergency Plan for AIDS Relief (PEPFAR) with information about a “limited waiver to implement urgent life-saving HIV treatment services” including: life-saving HIV care and treatment services, prevention to mother-to-child transmission services, reasonable implementing agency and implementing partner administrative costs strictly necessary to deliver and provide oversight on the assistance.

The Memorandum also indicates that to resume the work “the GHSD Senior Bureau Official will review and certify to the State Department’s Comptroller and Global Financial Services (CGFS) that any resumption of work, obligation, or disbursement of any PEPFAR funds held at the State Department is consistent with the activities listed above”.

2.7. On 7 February, some USAID implementing partners (number and geographical focus unknown), received a “contract agreement Officer interim guidance pursuant to stop work/ suspension of work in Compliance with the Executive order on reevaluating and realigning United States foreign Aid and DEIA activities under existing USAID Awards”. The guidance includes:

- a. one clarification about deliverable and reports, indicating that these are not due during “stop work / suspension of work period”, so they are suspended, but indicates that implementing partners can “continue to submit invoices”.
- b. Confirmation of: i) availability of funding at time of “stop work/suspension of work”, ii) the “work performance was satisfactory or better”
- c. Indication that “to maintain operational readiness some costs during work stoppage are found allowable and reasonable with demonstrated

allocability” to activities implemented on behalf of USAID national and regional offices. These costs include: staff, salaries and applicable insurance required by labor law; basic rent and utilities; basic administrative costs (including, “local legal counsel to ensure compliance with local labor laws required to economically manage work stoppage”); costs associated with safeguarding government furnished equipment, property and vehicles; “mandatory costs dictated by law, regulations, un-severable employment agreements, or other un-severable contractual obligations”.

2.8 Several lawsuits have been filed challenging this Executive Order and the actions taken to implement it.⁹ Judges have imposed temporary restraining orders concerning certain portions of the policies, including an order preventing USAID from placing employees on administrative leave or evacuating them involuntarily from their host countries and narrowing the blanket orders but maintaining the government’s ability to implement specific terminations of personnel and contracts. On 13 February 2025, a judge temporarily suspended broad portions of the agencies’ plans to suspend aid, terminate contracts, and halt provision of aid.¹⁰

While we recognize the prerogative of any administration to review and adjust public funding expenditure, including foreign assistance policies, during its tenure, such reviews must be conducted responsibly, aligned with the law, applicable regulations and International Human Rights Law, and with due consideration of their far-reaching implications.

Effective public expenditure is undoubtedly a commendable goal; however, its efficacy and effectiveness depend not only on government oversight but also on transparent, inclusive, and consultative processes rooted in principles that respect the rule of law, including the foundational principles of legality, necessity and proportionality. Based on the information analyzed, it appears that the new U.S. government policy shift has been marked by a lack of transparency and clarity, a failure to consult, particularly with domestic civil society organizations and other affected associations (including for-profit, unions, media outlets, churches, universities, and others; as well as international organizations and foreign governments¹¹), and measures that are seemingly arbitrary and far-reaching scope rather than legally tailored, necessary, proportional and measured approaches that respect due process and the rule of law. This poses a significant risk of causing long-term damage to associations in different sectors, including civil society in the U.S. and abroad, and to humanitarian efforts and the development agenda globally; and affects deeply the exercise of the freedom of association, among other rights.

⁹ *American Federation of Government Employees v. Trump*; *AIDS Vaccine Advocacy Coalition v. United States Department of State*; *Global Health Council v. Trump*.

¹⁰ *Order*, *Global Health Council v. Donald J. Trump*.

¹¹ According to the Congressional Research Service, USAID “maintains more than 60 country and regional missions that design and manage a range of projects, most intended to meet specific development objectives as outlined in a Country Development Cooperation Strategy. Most projects are implemented— through a grant, cooperative agreement, or contract—by one of thousands of foreign and U.S. development partners, including nonprofit organizations, for-profit contractors, universities, international organizations, and foreign governments.” 6 January 2025, <https://crsreports.congress.gov/product/pdf/IF/IF10261>

Article 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States of America on 8 June 1992, protects the freedom of association. The right to freedom of association not only guarantees the ability to form associations, but also the ability of associations, once created, to carry out the activities for which they were created.

International human rights law and standards amply recognize the freedom to access resources as part of the right to freedom of association. Article 22 of the ICCPR protects all activities of an association including activities directed at accessing resources or funding, subject to restrictions consistent with ICCPR's art. 22(2)¹². This includes the **freedom to seek, receive and use resources** from natural and legal persons, whether domestic, foreign or international, without prior authorization or other undue impediments – including from individuals, associations, foundations and other civil society organizations, foreign Governments and aid agencies, the private sector, the United Nations and other entities¹³.

As most associations that function on the not-for-profit principle depend heavily on external sources of funding in order to carry out their work, abrupt cuts, restrictions and barriers to funding negatively affect the right to freedom of association. Formal recognition of the freedom of association must be accompanied in all cases by its effective protection, which implies that organizations can achieve the mission objectives that supported the creation of the association, and that once the resources have been accessed, they can be used freely, without undue restrictions.

Additionally, the Convention on the Rights of Persons with Disabilities, article 32, recognizes the importance of international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention, in particular, through the provision of technical and economic assistance to organizations of persons with disabilities. Further, article 33.2 implies that States parties should support and fund the strengthening of capacity within civil society, in particular organizations of persons with disabilities, to ensure their effective participation in monitoring obligations under the Convention. To that end, according to the Committee on the Rights of Persons with Disabilities (general comment N° 7 – 2018-), organizations of persons with disabilities shall have appropriate resources, including support through independent and self-managed funding.

Other international human rights instruments also recognize the associations' right to access and manage resources:

- The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by General Assembly Resolution 36/55 (of 25 November 1981), provides in

¹² “States must ensure that any restriction on civil society organizations’ right to access funding and resources complies with international human rights requirements of legality, legitimate aim, necessity and proportionality in a democratic society, as set out in Article 22(2) of the International Covenant on Civil and Political Rights”. A/HRC/53/38/Add.4 paras. 22-29

¹³ General principles and guidelines on ensuring the right of civil society organizations to have access to resources - A/HCR/53/38/Add.4, para 11.

article 6¹⁴ that the right to "solicit and receive voluntary financial and other contributions from individuals and institutions" is part of the right to freedom of thought, conscience, religion or belief. In relation with the main issue of the present communication, arbitrary, unilateral, unannounced cuts of funding can therefore deeply affect several of the freedoms included in the Declaration, mainly the freedom of maintaining places of worship, and of maintaining charitable or humanitarian institutions.

- The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders), adopted by General Assembly resolution 53/144 on 9 December 1998, recognizes in article 13 that everyone has a right, individually and in association with others, to solicit, receive and utilize resources for promoting and protecting human rights through peaceful means. Any undue restriction of the use of resources received therefore contravenes the Declaration and impedes the right to promote and protect human rights and fundamental freedoms. Indeed, it can be argued that "as the Declaration on human rights defenders elaborates upon the application of existing human rights norms to the particular situation of human rights defenders, it codifies access to funding for human rights activities as a self-standing right"¹⁵.

In addition, in its report on the Situation of Human Rights Defenders in the Americas (OEA/Ser.L/V/II.124.Doc. 5 rev.1 para. 342(19)), the Inter American Human Rights Commission indicated that "states should allow and facilitate human rights organizations' access to foreign funds in the context of international cooperation, in transparent conditions". While the analysis in the report is not directly related to the issue discussed in this letter, the mention of "transparent conditions" in the context of international cooperation highlights a principle that applies to the right to access and use resources. This principle can also be extended to other types of funding access, whether for international cooperation or humanitarian aid.

The implications of the right to freedom of assembly have also been clarified by the Organisation of Security and Cooperation in Europe (OSCE), which adopted guidelines indicating that "any form of state support for associations should be governed by clear and objective criteria (... and regardless of the forms it takes), any system of state support must be transparent (...); the authorities responsible for allocating state funding should be accountable for their decisions to grant or deny

¹⁴ Article 6: "In accordance with article 1 of the present Declaration, and subject to the provisions of article 1, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms: (a) To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes; (b) To establish and maintain appropriate charitable or humanitarian institutions; (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief; (d) To write, issue and disseminate relevant publications in these areas; (e) To teach a religion or belief in places suitable for these purposes; (f) To solicit and receive voluntary financial and other contributions from individuals and institutions; (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief; (h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief" www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-all-forms-intolerance-and-discrimination

¹⁵ International Service for Human Rights, *ibidem*, pag. 5.

funding, while associations should be able to contest a denial of funding and have access to review by an independent and impartial tribunal”¹⁶. These guidelines should also be applied to any decision regarding all the cycle of funding: seeking resources from diverse sources, receiving resources, and using them for the association’s activities.

The OSCE has also adopted several recommendations that are relevant for the analysis included in the present communication, such as¹⁷:

- The level of public funding available should be: i) clearly articulated in the relevant laws and regulations, publicly available and accessible, as should be the rights and duties of the state body invested with the ability to set and revise the level of public funding available, ii) determined in relation to objective and non-discriminatory criteria for each association;
- Associations should be involved in the drafting of legislation and policies on state funding and support;
- There should be no discrimination against associations owing to their fields of operation, including associations specializing in monitoring or in human rights, and any practices excluding certain associations from all public financial schemes should be abandoned;
- To enhance transparency, the responsibility of distributing funds or resources should be allocated to various bodies that are, to the extent possible, free from government influence, rather than to just one ministry or other government body.

In the [notice about ‘Additional information on USAID’s implementation of the Executive Order on Reevaluating and Realigning United States Foreign Aid’](#), sent on 20 January 2025 to USAID’s current and prospective implementing partners, the U.S. Government recognized that the pause “will impact programming, our implementing partners at every tier, and the communities served by foreign assistance-funded activities”, therefore the “focus is on ensuring that the funding pause and subsequent reviews are implemented efficiently to ensure full compliance with Presidential direction and policy, and so approved programming can resume as appropriate.” The notice acknowledges also that an abrupt cessation of allocated funds tied to planned activities, contractual agreements, and legislative provisions—creates several risks that must be effectively managed. We consider that the abrupt suspension of funding of hundreds of programs implemented in the U.S. and abroad, without even giving a notice period, poses a severe threat to both U.S. and foreign organizations reliant on funding from the United States. These organizations may be forced to cease operations entirely, in both the U.S. and abroad. This risks paralyzing critical projects, leaving organizations unable to meet contractual obligations, including commitments towards their staff. We consider that such closures would significantly undermine the right to association and human rights of workers both within the United States and globally.

¹⁶ OSCE, Freedom of Association Guidelines, p. 70. www.osce.org/files/f/documents/3/b/132371.pdf

¹⁷ Idem, pp. 70-73

Although the freezing of federal funding was implemented rapidly, it appears that its implementation has not been guided by clear information, communication or guidelines (including for those who need to implement the measures) relating to: i) the reimbursement of the resources that must be covered according to the provisions and regulations in force (U.S. Code of federal regulations and others) of the suspended agreements and in particular, of those unilaterally terminated; ii) the procedures or next steps following the submission of agency assessments, including how the State Department will assess whether a program “makes America safer, stronger and more prosperous” or helps to “unleash the potential of the American citizen”; iii) the conditions under which funding may be reinstated; iv) the procedures to request and process the approval of waivers; as well as v) the process for challenging any decisions before or after the completion of the assessment.

Besides, we note the importance of due process requirements regarding the suspension of contractual agreements and termination of grants, awards, cooperative agreements and other similar contractual agreements. The [U.S. Department of State Standard Terms and Conditions](#), in Chapter V, indicates that in compliance with 2 CFR 200.340¹⁸, any award may be terminated in whole or in part unilaterally by the Department if: i) the recipient fails to comply with the terms and conditions of the award; ii) to the greatest extent authorized by law, the award no longer effectuates the program goals or agency priorities. Chapter W also indicates that, in accordance with 2 CFR 200.341, the department representative (Grant Officer, GO) “will provide the recipient an opportunity to object and provide information and documentation challenging the action. The recipient has 30 days after receiving the written notification to submit its appeal. The recipient’s appeal should contain: i) A cover letter with a brief statement of the recipient’s argument and the disputed factual, legal, or other issues; ii) the date the recipient received the GO’s decision; iii) the amount of disallowed costs in dispute (if applicable); and iv) any other relevant documents”. These processes represent ways in which the Government could have proceeded in a manner in compliance with international human rights law standards and principles of legality, necessity and proportionality.

Besides, [2 CFR 200.340](#) ((c)(1)) indicates that the termination of any Federal Award in the System for Award Management (SAM.gov) cannot be reported until the recipient has either, “i) exhausted its opportunities to object or challenge the decision, ii) or has not, within 30 calendar days after being notified of the termination informed the Federal agency that it intends to appeal the decision to terminate”. In turn, [2 CFR 200.342](#), regarding Opportunities to object, hearings, and appeals, states that:

“The Federal agency must maintain written procedures for processing objections, hearings, and appeals. Upon initiating a remedy for noncompliance (for example, disallowed costs, a corrective action plan, or termination), the Federal agency must provide the recipient with an opportunity to object and provide information challenging the action”.

It is unclear to us how the official documents referenced in this letter comply with the prescribed process for challenging suspension or termination of contracts,

¹⁸ The 2 cfr 200 are part of the [US Code of Federal Regulations](#) is the official compilation of the rules and regulations of the United States federal government and is also a key part of the Federal Register publication system.

awards, grants, cooperative agreements, and other contractual agreements. Indeed, in the order ‘Global Health Council v. Donald J. Trump’, the judge, who temporarily halted major portions of the directives issued to implement the President’s Executive Order, found that “Defendants have not offered any explanation for why a blanket suspension of all congressionally appropriated foreign aid, which set off a shock wave and upended reliance interests for thousands of agreements with businesses, nonprofits, and organizations around the country, was a rational precursor to reviewing programs”.¹⁹

Regarding suspended contractual agreements, under 2 CFR 200, there are no specific provisions permitting the suspension of contracts. While USAID’s internal regulations include mechanisms for pausing work within their programs, the Department of State (DoS) programs do not contain similar provisions. As such, the suspension of agreements should be considered voluntary, rather than unilateral.

We note that the memoranda and other official documents that establish waivers to certain contract suspensions in the foreign aid do not specify the process for the unfreezing of funds and the resumption of work activities. In cases where some information is provided, it does not clarify how compliance with the waiver’s conditions will be assessed (including how “life-saving” actions are being defined), nor does it outline the process and requirements of the resumption of activities and funding. Despite such memoranda, we have received information indicating that multiple implementing agencies and partners have received clear instructions from U.S. officials indicating that project-to-project waivers need to be provided. Besides, the Office of the Inspector General indicated that “USAID staff and implementers state that the uncertainty and lack of communication surrounding the scope of the waivers has caused payment delays and decisions by aid organizations to suspend work”²⁰. Additionally, the rule that waivers must be renewed every 30 days appears to impose a disproportionate burden on both U.S. agencies and foreign grantees/contactors involved.

Although the information sent in the interim guidance pursuant to stop work/suspension of work sent to some USAID implementing partners was meant to bring clarity to the process, it appears to have created further confusion about the basis for the analysis of performance done or to be done and the extension of that analysis across USAID operations, especially when a reform of the federal workforce is in place and most of USAID direct hire personnel were placed on administrative leave globally²¹.

The adoption of vague, imprecise and incomplete administrative rules and regulations, without clear and detailed implementation guidelines, not only fosters confusion for those responsible for their enforcement, thereby increasing the likelihood of errors and discretionary application, but also creates a risk of deviation from both domestic legal provisions and international human rights law.

¹⁹ [Order](#), *Global Health Council v. Donald J. Trump*.

²⁰ Office of the Inspector General, *Oversight of USAID-Funded Humanitarian Assistance programming Impacted by Staffing Reductions and Pause on Foreign Assistance*, February 10 2025.

²¹ According to an internal memorandum sent on February 5. “On Friday, February 7, 2025, at 11:59 pm (EST) all USAID direct hire personnel will be placed on administrative leave globally with the exception of designated personnel responsible for mission-critical functions, core leadership and specially designated programs. Essential personnel expected to continue working will be informed by Agency leadership by Thursday February 6, at 3:00 p.m. (EST).”

According to international human rights standards, States must take appropriate legislative, administrative, budgetary, judicial and other actions towards the creation and maintenance of an enabling environment for the enjoyment of civil society organizations' right to seek, receive and use resources (A/HCR/53/38/Add.4). States should take all necessary measures to integrate a gender perspective into their efforts to create a safe and enabling environment for the defense of human rights. This should include the support and establishment of comprehensive, sustainable and gender-sensitive public policies and programmes. Based on our analysis, the decisions outlined in this letter may not fully align with the necessary measures to facilitate the ability of associations to manage granted resources and to further their activities.

We note that the impact of the adopted measures may extend far beyond the associations themselves. Millions of individuals in vulnerable situations, including women and girls, and communities who rely on these initiatives, both in the U.S. and abroad, for access to essential services—such as healthcare, such as safe abortion and other sexual and reproductive health care, housing, education, water, food, employment and other—are at immediate risk of losing vital support. Girls' and young women's full enjoyment of the rights to participate in public life, to freedom of opinion and expression, to freedom of thought and to freedom of peaceful assembly and of association are essential conditions for their full personal development, the exercise of their autonomy, their participation in shaping society and, ultimately, the achievement of gender equality and the realization of free, just and democratic societies (A/HRC/50/25).

By cutting funding to “all discriminatory programs, including illegal DEI and ‘diversity, equity, inclusion, and accessibility’ (DEIA) mandates, policies, programs, preferences, and activities in the Federal Government”, such measures are also likely to violate the United States' duty to protect against discrimination, including as it relates to access to work opportunities and protection at the workplace. In fact, terminating such programmes within 60 days may specifically discriminate against transgender people by threatening their right to self-determination and self-expression, with negative impacts for both employees and employers, and with ramifications extending to federal contractors and private corporations. In accordance with the UN Guiding Principles on Business and Human Rights, States must take appropriate steps to ensure that all business enterprises operating within their territory and/or jurisdiction respect the rights of all persons, with no discrimination, including the rights of LGBTI+ persons. These obligations extend to refraining from interference in the enjoyment of rights; preventing abuses by State agencies and officials and business enterprises; investigating, providing remedy to victims and combating such abuses when they occur. In addition, States should ensure that other laws and policies do not constrain but enable business respect for human rights, ensuring policy coherence. The latter requires that all government departments and state-based institutions, including at the subnational levels, act in a manner compatible with the State's human rights obligations.

As the right to freedom of association is an enabling right, the freedom to access and manage funding is an important component for the realization of other rights and freedoms both in the U.S. and worldwide. Besides, the suspension of funding could also jeopardize peacebuilding efforts; democracy promotion; anti-corruption, anti-money laundry, counter-terrorism initiatives.

In relation to the decisions that impose changes in the federal funding within the US (Civil Action No. 25-239 (LLA)), the United States District Court for the District of Columbia indicated that although the potential scope of the freeze is as great as \$3 trillion and its effects are difficult to fully grasp²², “for many, the harms caused by the freeze are non-speculative, impending, and potentially catastrophic”, even for an intended ‘short’ period of time.

A survey by Accountability Lab²³ released on 1 February 2025 (updated on 7 February), indicates that over 50% of the surveyed organizations (568 organizations in the U.S. and abroad, 79% not-for profit) would likely need to close before May 2025 as a result of the stop work orders; and approximately 14,106 local sub-grantees and sub-contractors would be impacted. In addition, at least 3 of the largest responding organizations with a significant U.S. presence said they expected to lose more than 100 employees. “Although the survey did not ask for estimates of individual program participants affected, some respondents did share those numbers with many indicating, hundreds, thousands and even millions of individuals (...) The ripple effect of this freeze will hurt not only the humanitarians, but also suppliers, communities, local economies, environment and farmers”²⁴.

Humentum also released the result of a survey among 100 associations (98% of which are international NGOs), indicating that for more than half, 50% or more of their funding was frozen, and nearly half will run out of funds by May 2025. 86% of these organizations are actively considering or are engaging in lays-off/furloughs, and 18% have let go over 75% of their workforce²⁵.

The [PEPFAR Impact Tracker](#), estimates that 4,399 adults and 4,688 infants deaths could be associated with the partial funding suspension of global HIV response efforts; according to the tracker, these numbers could increment every 3,3 minutes in the case of adults and every 31 minutes in the case of infants. Similar analysis could be made for every sector that received US support.

Another potential impact of the measures taken is the stigmatization of associations receiving U.S. funds, both within the country and internationally, as well as the broader aid sector. The White House published a Memorandum on 7 February 2025 with a new indication regarding ‘advancing U.S. interest when funding

²² “[O]bstacles [that] unquestionably make it more difficult for the [plaintiff] to accomplish [its] primary mission . . . provide injury for purposes . . . [of] irreparable harm.” (...). While ordinary economic injuries are usually insufficient, financial harm can “constitute irreparable harm . . . where the loss threatens the very existence of the movant’s business.” (...). If the freeze were to remain in effect, Plaintiffs’ members will suffer “existential injuries” and some programs may “simply disappear.” ECF No. 5-1, at 12. Their workers may be unable to pay for housing or food. ECF No. 24-4 ¶ 7 (“A lot of our staff live paycheck to paycheck, and if they can’t get paid, then they are unable to pay rent or buy groceries.”). Some have already been forced to “shutter [their] programs” just to make payroll. ECF No. 24-7 ¶¶ 20-21. And patients or customers that rely on their services may be denied care when it is most needed. ECF Nos. 24-4 ¶ 16; 24-5 ¶ 21. For some, these are harms for which “there can be no do over and no redress.”

²³ Accountability Lab, “Rapid Analysis of Initial Impacts of the United States Government’s Stop Work Orders on Organizations Globally”, 1 and 7 February 2025.

²⁴ Ibidem.

²⁵ Humentum, “The human cost of the stop-work orders”, February 6 2025.
https://media.licdn.com/dms/document/media/v2/D4D1FAQG0U82UP_nu5Q/feedshare-document-pdf-analyzed/B4DZTanO3vHIAg-/0/1738834517617?e=1740009600&v=beta&t=nj2k_XUYPo-w8r-jL0Hk9vPHbjExoNbG-jWXEPhSnlw

Nongovernmental organizations (NGOs)', indicating that many NGOs "are engaged in actions that actively undermine the security, prosperity, and safety of the American people". Therefore, it indicates that the policy of the U.S. Administration aims to stop funding to NGOs that undermine national interests and directs the "heads of executive departments and agencies to review all funding that agencies provide to NGOs, so funding decisions can be aligned with the interest of the US and the goals and priorities [of the] Trumps' administration".

In her more recent report to the General Assembly (A/79/263), '[Protecting the rights to freedom of peaceful assembly and of association from stigmatization](#)', the Special Rapporteur on the rights to freedom of peaceful assembly and of association indicated that:

"negative and hostile narratives increasingly used to vilify and criminalize civil society and activists deepen the stigmatization of those exercising their rights to peaceful assembly and association. Stigmatization, whether intentional or not, especially when propagated by authorities, effectively denies these fundamental rights. It misrepresents legitimate exercises of freedom as illegal and those involved as criminals or threats to national security, public order or morals. This fuels harmful stereotypes, fosters hostility, justifies punitive measures and triggers undue restrictions on these rights" (A/79/263, para 11).

The report specifically mentions the grave impact of hostile and stigmatizing rhetoric, that lead to "sweeping restrictions, fosters baseless suspicion, undermines reputations, isolates activists from their families and communities (...)", as well as to "increased intimidation, physical attacks and online harassment, including sexual and gender-based violence, (...) [and to] activists' families, including children, [who] may experience harassment and attacks, both online and offline" (A/79/263, para 69). Given the numerous public statements made by high-ranking government officials, these risks are also plausible for federal employees, particularly those within USAID workforce.

Additionally, eliminating approaches and actions that recognize that there are populations with particular characteristics due to their age, gender, sexual orientation, or gender identity, belonging to a discriminated minority, and disability or migration status, and that responding to the particularities and degree of vulnerability of each of these population groups therefore requires the adoption of differential criteria and approaches, appears to be contrary to the non-discrimination principles imbedded in various international human rights treaties. These include the obligation not to discriminate on the basis not only of race, color, religion and opinion, sex, sexual orientation and gender identity, but also of age (affecting children, youth, older persons and displaced persons), origin and disabilities, among others, and to respect cultural diversity as a guarantor of international peace and security and of social cohesion, and as an ethical imperative, inseparable from respect for human dignity (A/73/227, para. 6).

We consider that arbitrarily terminating grants, awards, contracts, cooperative agreements, and any other contractual agreement to deliberately restrict access to funding to specific populations, would be contrary to the principle of non-discrimination as "States must respect, protect and facilitate the right to seek, receive and use funding and other resources of all associations, without discrimination, and

States must ensure that associations are not subject to stigmatization, harassment, threats, and attacks, including on the basis of the sources of their funding” (A/HRC/53/38/Add.4). Legitimizing these decisions with the use of an essentialist cultural claim not only disregards the historical approach of the United States towards freedoms and diversity, but also violates the international law standards stating that “no one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope” (Universal Declaration on cultural diversity, article 4), and that establish “the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights” (Vienna Declaration and program of action, art. 5).

In addition, the Inter-American Declaration of Principles on the Creation, Operation, Financing and Dissolution of Non-Profit Civil Entities indicates that "access to public financing must be guaranteed under conditions of equity and non-discrimination. Therefore, non-profit civil entities will access public funds through transparent, equitable and non-discriminatory systems, being subject to the general rules of accountability and responsibility of their legal representatives" (CJI/RES. 282 (CII-O/23) corr. 1).

Moreover, the decision to freeze DEI-related grants, as well as the vague language regarding the withdrawal of funds from programs that do not align with “administration priorities,” risks disproportionately affecting marginalized groups, particularly women and girls. This approach appears to be contrary to the Equal Protection Clause of the U.S. Constitution, which guarantees that all individuals must be treated equally under the law. While governments may have discretion over budgetary decisions, they cannot withdraw funding in a way that has a discriminatory impact on protected groups without providing a compelling justification.

Under international human rights law, particularly the ICCPR, States have positive obligations to promote equality and prevent discrimination in both public and private spheres. Freezing DEI initiatives without an alternative framework for addressing discrimination fails to meet the government’s obligations under both domestic and international legal frameworks.

We particularly underline that the limited waiver for life-saving HIV treatment services in implementing U.S. foreign assistance freezes demonstrates that certain public health and humanitarian needs are recognized as urgent and essential. However, other critical gender-based programs—such as those for survivors of gender-based violence, trafficking in persons, and reproductive health services—are notably absent from these exceptions. The exclusion of these essential services from the waiver mechanism appears inconsistent with commitments under the ICCPR and the UN Declaration on the Elimination of Violence Against Women, which require States to take concrete measures to prevent and respond to violence against women.

As Special Procedures mandates of the Human Rights Council, we remain available to provide further technical assistance within our respective mandates on the subject matter addressed in this communication. Taking into consideration the serious impacts on human rights mentioned in this letter, we call on Your Government to revoke the aforementioned Executive Orders.

In accordance with the mandates given to us by the Human Rights Council, we would be very grateful for your cooperation and comments on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned assessment of the two Executive Orders and other official documents analyzed.
2. Please explain how the decisions outlined in this letter align with the U.S. Government's internal regulations governing federal expenditure, as well as with the U.S. obligations under international human rights law and the relevant standards. Specifically, please explain the rationale and objectives pursued through the freezing of funds and stop-work orders, and the manner in which these decisions were implemented—radically (to all funds), immediately and without graduality, among other aspects stated above.
3. In addition to the above, please explain how the decisions outlined in this letter comply with international human rights law obligations, particularly relating to the principles of legality, necessity, proportionality, and non-discrimination and any subsequent measures intended to remedy non-compliance with international human rights law standards.
4. Please provide detailed information on the following specific processes:
 - a. The process for ensuring the recognition of the expenses related to the management of the stop work orders, in accordance with the provisions and regulations governing the suspended and terminated agreements.
 - b. Specific guidelines for assessing the programs under evaluation, including the criteria used to determine whether a program “makes America safer, stronger and more prosperous” or contributes to “unleash the potential of the American citizen”.
 - c. Clarification on the approval process for waivers, and the rationale behind the 30-day review period for the continuation of waivers. Please provide an analysis of the impact of this rule on the implementation of contracts and grants subject to waivers.
 - d. Process to facilitate compliance with current regulations, enabling entities affected by the termination of contractual agreements to challenge the decision in accordance with applicable legal and regulatory frameworks.
 - e. The process to facilitate compliance with current regulations, enabling entities affected by the suspension of contractual agreements to engage in mutual negotiations of new terms that ensure the coverage of reasonable continuity costs, and/or compensation or provisions for cost recovery.

5. Please provide detailed information about the impact of the decisions, including:
 - a. The number of contractual agreements suspended, and the number of contractual agreements terminated, classified by the type of counterpart involved: U.S. for-profit, U.S. not-for-profit, foreign for-profit, foreign not-for-profit, international organizations and other type of associations.
 - b. The number of contractual agreements suspended or terminated held by women-led or women's and girls' organizations or with the principal aim of reaching women and girl beneficiaries or focused on gender equality and women's rights.
 - c. The number of U.S. for-profit and not-for-profit affected by the expenditure freeze and the stop-work orders, including an estimate of the number of employees directly impacted by the suspension or termination of employment and related contacts.
 - d. The number of non-U.S. for-profit and not-for-profit entities affected by the freeze of the expenditure and the stop work orders, including an estimate of the number of employees directly impacted. Please also include the number of international organizations impacted.
 - e. How the aid suspension will impact on potential partners in the first 90 days, as well as subsequently, bearing in mind the need to mitigate any negative consequences on human rights and related aspects of peace, democracy and sustainable development, and the need to respond effectively to the vulnerabilities concerning key groups at the local and national levels.
6. In light of its impact on peacebuilding efforts; democracy promotion; anti-corruption, anti-money laundry, counter-terrorism initiatives; protection of human rights, please explain how these measures comply with your obligations to promote and protect international human rights law, in particular the rights to freedom of expression, political and cultural participation, and freedom of association; the protection of women and girls against violence and discrimination; the rights to work, to health, to education, to safe drinking water and sanitation, to food and to a healthy environment, in particular in relation to groups in vulnerable situations.
7. Please provide information concerning contingency plans in place to mitigate the significant impact on U.S. not-for-profit and for-profit associations, including plans to ensure the principle of non-discrimination is observed.

8. Please provide information concerning how the application of the “Ending Radical and Wasteful Government DEI programs and Preferencing” will be applied in a manner that requires all government departments and state-based institutions, including at the subnational levels, to act in a manner compatible with the State’s anti-discrimination obligations, which includes providing guidance and incentives to businesses on upholding the rights of all with no discrimination across their activities, in line with international human rights law and standards.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Mrs. Finerty, the assurances of our highest consideration.

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Richard Bennett
Special Rapporteur on the situation of human rights in Afghanistan

Bina D'Costa
Chair-Rapporteur of the Working Group of Experts on People of African Descent

Nils Muižnieks
Special Rapporteur on the situation of human rights in Belarus

Fortuné Gaetan ZONGO
Special Rapporteur on the situation of human rights in Burundi.

Fernanda Hopenhaym
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Vitit Muntarbhorn
Special Rapporteur on the situation of human rights in Cambodia

Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of climate change

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Elizabeth Salmón
Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea

Heba Hagrass
Special Rapporteur on the rights of persons with disabilities

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary
Disappearances

Farida Shaheed
Special Rapporteur on the right to education

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable
environment

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

George Katrougalos
Independent expert on the promotion of a democratic and equitable
international order

Cecilia M. Bailliet
Independent Expert on human rights and international solidarity

Mai Sato
Special Rapporteur on the situation of human rights in the Islamic Republic of
Iran

Beatriz Miranda Galarza
Special Rapporteur on the elimination of discrimination against persons
affected by leprosy (Hansen's disease) and their family members

Gehad Madi
Special Rapporteur on the human rights of migrants

Nicolas Levrat
Special Rapporteur on minority issues

Geneviève Savigny
Chair-Rapporteur of the Working Group on the rights of peasants and other
people working in rural areas

Olivier De Schutter
Special Rapporteur on extreme poverty and human rights

Mariana Katzarova
Special Rapporteur on the situation of human rights in the Russian Federation

Graeme Reid
Independent Expert on protection against violence and discrimination based on
sexual orientation and gender identity

Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and
consequences

Isha Dyfan
Independent Expert on the situation of human rights in Somalia

Ben Saul
Special Rapporteur on the promotion and protection of human rights and
fundamental freedoms while countering terrorism

Marcos A. Orellana
Special Rapporteur on the implications for human rights of the
environmentally sound management and disposal of hazardous substances and wastes

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and
girls