

**Mandates of the Working Group on discrimination against women and girls; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of Indigenous Peoples; the Special Rapporteur on the right to privacy; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Special Rapporteur on trafficking in persons, especially women and children**

Ref.: OL USA 16/2025

(Please use this reference in your reply)

13 May 2025

Excellency,

We have the honour to address you in our capacities as Working Group on discrimination against women and girls; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of Indigenous Peoples; Special Rapporteur on the right to privacy; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 50/18, 53/3, 55/5, 50/17, 52/4, 51/16, 55/3, 52/36, 50/10 and 53/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the Executive Order on Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government (Executive Order 14168) and the Executive Order on Keeping Men Out of Women's Sports (Executive Order 14201); the Executive Order on Reevaluating and Realigning United States Foreign Aid (Executive Order 14169); and subsequent measures adopted by federal agencies or executive authorities that may adversely impact the rights of women and girls.** Executive Orders 14168 and 14201 have been subject to a previous communication led by Special Procedure mandate holders ([OL USA 9/2025](#)). Executive Order 14169 has been subject to a previous communication ([OL USA 5/2025](#)). We regret not receiving replies to these letters. The assessment of these and additional measures is far-reaching and cross-sector in scope. We reiterate observations made previously concerning the non-conformity of these measures with international human rights law and elaborate on their implications for LBTQI+ women.

According to the information received:

On 20 January 2025, your Excellency's Government issued Executive Order 14168, titled "Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government." Shortly thereafter, on 5 February 2025, your Excellency's Government issued Executive

Order 14201, titled “Keeping Men Out of Women’s Sports.” The following summations of the relevant orders were also communicated through USA 9/2025. Separately, on 20 January 2025, your Excellency’s Government also issued Executive Order 14169, titled “Reevaluating and Realigning United States Foreign Aid.” The following summaries are aligned with the previous communications issued to your Excellency’s Government on these matters, as noted above.

**Executive Order 14168 contains the following, non-exhaustive list of provisions:**

Section 2 purports to promulgate a federal government-wide policy of recognizing only two sexes — male and female, and defines “sex,” “female,” and “male” as biologically immutable classifications defined strictly by reproductive function at conception (sec. 2(a)-(e)). The Order explicitly rejects “gender identity” as distinct from sex and bars the federal government from recognizing “gender identity” apart from sex. (sec. 2(f)-(g)). Executive Order 14201 incorporates these definitions by reference.

Section 3 directs federal agencies to enforce laws and policies governing rights, protections, opportunities, and accommodations in alignment with the definitions set forth in section 2 (sec. 3(a)-(b)), replace “gender” with “sex” in official documents (sec. 3(d)), and remove all statements, policies, and regulations that promote “gender ideology” (sec. 3(e)). It further requires federal agencies to ensure that government-issued identification documents reflect biological sex only (sec. 3(d)), and replace references to “gender” with “sex” in federal forms (sec. 3(e)). Section 3 also terminates funding for programs that promote “gender ideology,” which the Order defines as “the false claim that males can identify as and thus become women and vice versa” (sec. 2(f), 3(g)).

Section 4 establishes policies to ensure that certain gender-specific facilities and spaces, including prisons and detention centers, federal housing and shelters, and “intimate spaces,” are based strictly on “biological sex,” rather than gender identity (sec. 4(a), (b), (d)). It also prohibits any medical treatment, drugs, and procedures for incarcerated persons “for the purpose of conforming an inmate’s appearance to that of the opposite sex” (sec. 4(c)).

Section 5 directs the Attorney General to issue guidance protecting the “freedom to express the binary nature of sex and the right to single-sex spaces in workplaces and federally funded entities,” and mandates that federal agency heads prioritize enforcement of the purported “freedom to express the binary nature of sex and the right to single-sex spaces” in accordance with the executive order (sec. 5).

**Executive Order 14201 contains the following, non-exhaustive list of provisions:**

Section 1 suggests that allowing “men to compete in women’s sports” is “demeaning, unfair, and dangerous to women and girls, and denies women and

girls the equal opportunity to participate and excel in competitive sports.” It purports to establish a U.S. policy to rescind all funds to educational institutions and athletic associations that do not discriminate against trans women, citing “safety, fairness, dignity, and truth.”

Section 3 directs the Secretary of Education to continue vacating a rule promulgated by the previous Presidential administration protecting gender identity in educational settings, in accordance with a court order (sec. 3(a)(i)). It authorizes the Secretary of Education to “take all appropriate action to affirmatively protect all-female athletic opportunities and all-female locker rooms” (sec. 3(a)(ii)), and to investigate and penalize educational institutions and athletic associations that allow transwomen and gender-diverse individuals in women’s sports, prioritizing action against such institutions and associations (sec. 3(a)(iii)). It also instructs executive departments and federal agencies to rescind funding to programs that do not comply with the order (sec. 3(b)).

Section 4 expands the reach of the order beyond U.S. educational institutions and local athletic associations to national and international athletic organizations and their governing bodies. It also directs the Secretary of State and the Secretary of Homeland Security to review and restrict visa eligibility for transgender women seeking to compete in women’s sports in the United States and to deny entry to trans and gender-diverse athletes under immigration laws that bar fraudulent or misleading self-identification (sec. 4(c)).

**Executive order 14169 contains the following non-exhaustive list of provisions:**

The Executive Order 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.”

In accordance with and in parallel to the above Executive Orders, as of March 2025, federal agencies and executive departments have taken the following non-exhaustive list of measures:

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

On 24 January 2025, the Executive Office of the President of the United States issued executive order 14182, titled “Enforcing the Hyde Amendment,” which rescinded executive order 14076 of 8 July 2022 (Protecting Access to Reproductive Healthcare Services) and Executive Order 14079 of 3 August 2022 (Securing Access to Reproductive and Other Healthcare Services). On the same day, the Office of Management and Budget issued a memorandum titled, “Guidance Regarding Revocation of executive orders 14076 and 14079 and

Complying with Statutory Restrictions on Taxpayer Funding for Abortion.”<sup>1</sup>

On 24 January 2025, the Executive Office of the President issued a memorandum titled “Memorandum for the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Administrator of the United States for International Development,” with the subject “Mexico City Policy,” which rescinds prior Presidential memoranda and re-establishes the prohibition of federal funds to organizations that support access to safe and legal abortion (colloquially known as the Global Gag Rule).<sup>2</sup> Full details of the measures taken by the executive office of the President related to the rights to sexual and reproductive health services are available through the Office’s “Fact Sheet: President Donald J. Trump Enforces Overwhelmingly Popular Demand to Stop Taxpayer Funding of Abortion,” published 25 January 2025.

Further developments relate to access to sexual and reproductive health services. On 24 January 2025, the U.S. Department of Justice issued a memorandum on the Freedom of Access to Clinic Entrances Act (FACE Act), codified at 18 U.S.C. § 248. That law prohibits the use of force, threats, or physical obstruction to intentionally injure, intimidate, or interfere with individuals seeking or providing reproductive health services. The Department of Justice 24 January memorandum specifies that the Department will no longer enforce the law, “except in extraordinary circumstances, or in cases presenting significant aggravating factors, such as death, serious bodily harm, or serious property damage.”<sup>3</sup>

We acknowledge the prerogative of States, including their executive branches, to issue executive orders, to promulgate lawful measures that address legitimate policy aims in compliance with the principles of legality, necessity, proportionality, equality and non-discrimination. In our assessment, however, these executive orders and the subsequent measures adopted by relevant government agencies and executive officials appear to be contrary to the rights of women and girls under international human rights law. **First, the measures may gravely undermine the rights of women and girls by restrictively redefining gender and sex, potentially violating the principles of non-discrimination and equality.** The orders redefine “gender” and “sex” in ways that reject well-established principles of non-discrimination and equality under international law. This proposed redefinition is inconsistent with principal treaty body interpretations of sex and gender discrimination (CEDAW/C/GC/28) and threatens to create an environment that fundamentally undermines the physical integrity, bodily autonomy and agency of women and girls. **Second, the promulgation of this framework, while purporting to “defend” women and girls, may in fact place their rights at risk by imposing restrictions and undermining their agency and autonomy at both the global and domestic levels.** Rights-restricting frameworks are often presented through the guise of such “protectionist” frameworks, while simultaneously undermining and

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<sup>1</sup> U.S. Executive Office of the President, Office of Management and Budget, “Guidance Regarding Revocation of Executive Orders 14076 and 14079 and Complying with Statutory Restrictions on Taxpayer Funding for Abortion, 24 January 2025.

<sup>2</sup> Executive Office of the President, “The Mexico City Policy - Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of Health and Human Services[, and] the Administrator of the United States Agency for International Development,” 24 January 2025.

<sup>3</sup> U.S. Department of Justice, “Face Act Charging Policy,” Memorandum for Kathleen Wolfe, Supervisory Official of the Civil Rights Division, 24 January 2024, available at: <https://www.justice.gov/media/1386461/dl>.

infringing on the rights of women and girls, often aimed at undermining sexual and reproductive health rights. These measures ultimately have distinct effects on women and girls who experience intersecting forms of discrimination, including on the basis of race, ethnicity, ability, sexual orientation, gender identity, age, class, indigeneity, rurality, and more.

We take this opportunity to further highlight that the relevant orders and subsequent measures may fail to comply with the principles of legality, necessity, proportionality, equality and non-discrimination. As detailed below, we also underscore the potential impacts on the **right to freedom of expression and opinion; right to freedom of assembly and association; right to participation in public and political life; right to privacy; right to health, including sexual and reproductive rights; right to education; right to children's identity; right to life; and the prohibition of torture, and other cruel, inhuman or degrading treatment. These represent a non-exhaustive list of anticipated rights implications stemming from the measures detailed above.**

### *Non-discrimination and equality*

We wish to refer your Excellency's Government to its obligations under the International Covenant on Civil and Political Rights ("ICCPR"), ratified by the United States of America on 8 June 1992. Article 2 requires State Parties to take necessary steps to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the ICCPR. Article 26 guarantees equality to all individuals under the law, and prohibits discrimination on "any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Similar non-discrimination provisions can be found in article 2(2) of the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), signed by your Excellency's Government on 5 October 1977, article 2(1) of the Convention on the Rights of the Child (CRC), signed by your Excellency's Government on 16 February 1995, and article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), signed by your Excellency's Government on 17 July 1980. Additionally, articles 1 and 2 of the Universal Declaration of Human Rights (UDHR) affirm that all individuals are born free and equal in dignity and rights, and prohibit discrimination on status-based grounds, respectively. The Working Group on discrimination against women and girls in its visit to the country in 2015 also stated that the ratification of the CEDAW was essential in order to provide all women with the rights and protections afforded therein ([A/HRC/32/44/Add.2](#), para. 86).

While States may make reservations to international instruments, such reservations must not be incompatible with the object and purpose of instrument, nor can they conflict with core principles of international human rights law such as non-discrimination. Notably, the Committee on the Elimination of Discrimination against Women ("CEDAW Committee") considers all reservations to article 2 on the prohibition of discrimination, in principle, incompatible with the object and purpose of the Convention and thus impermissible. Although the United States has not ratified CEDAW, by signing the Convention, it is obliged not to act against the object and purpose of CEDAW, in accordance with article 18 of the Vienna Convention on the Law of Treaties. We wish to recall that non-discrimination is a fundamental principle

of international human rights law, requiring States to ensure that all individuals can access rights and opportunities without bias based on their sex and gender identity. We wish to further underscore the widespread understanding that non-discrimination obligations must be interpreted in alignment with the fact that women and girls are not uniform but diverse (A/HRC/56/51). As such, we affirm that the intersection of sex and gender-based discrimination must be considered – together and as distinct – alongside other grounds of discrimination, including sexual orientation and gender identity. This notion is also emphasized by the CEDAW Committee, which has stated that intersectionality is central to understanding the scope of non-discrimination obligations under CEDAW, and sex and gender-based discrimination is intertwined with other enumerated status grounds (CEDAW/C/GC/28, para. 18). Furthermore, the Human Rights Council has explicitly acknowledged that an individual’s status as transgender does not limit their entitlement to enjoy the full range of guaranteed human rights (A/HRC/19/41).

The Committee on Economic, Social and Cultural Rights (CESCR) affirmed that a flexible and evolving approach is needed when considering status-based grounds of discrimination, to capture other forms of differential treatment not explicitly enumerated in ICESCR’s article 2(2) on non-discrimination in the exercise of ESC Rights (E/C.12/GC/20). The CESCR noted that gender identity is recognized as a prohibited ground of discrimination, including discrimination of “transgender, transsexual, and intersex individuals” (E/C.12/GC/20). The Human Rights Committee has endorsed taking a flexible approach in interpreting non-discrimination obligations in the ICCPR, which it has read to include sexual orientation (CCPR/C/CHL/CO/5).

The measures described above also appear to be contrary to the duty of your Excellency’s Government to protect against discrimination, including as it relates to access to work opportunities and protection at the workplace. 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, without discrimination, including that 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.

We would also like to note the increased risk of trafficking and lack of protection which LGBTQ+ women and girls may face as a result of discrimination that may be facilitated by the aforementioned executive orders. The Special Rapporteur on trafficking in persons, especially women and children, in her report on refugee protection, internal displacement and statelessness (A/HRC/53/28), has highlighted “the specific risks of trafficking in persons faced by lesbian, gay, bisexual and transgender persons and persons of diverse gender identities,” which may give rise to asylum claims and are linked specifically to discrimination, violence and stigmatization. She also noted that “[p]revailing stereotypes, hypersexualization of transgender persons and discrimination in the provision of services by State and non-

State actors, including law enforcement bodies, may increase the risks of those persons becoming victim to trafficking and may lead to protection failures.” Furthermore, “risks of trafficking may also occur in countries of destination, where there is criminalization of same-sex relationships or conduct or stigmatization of and violence against lesbian, gay, bisexual and transgender persons and persons of diverse gender identities” (A/HRC/53/28, para. 68). In that regard, we wish to remind your Excellency’s Government of its obligations under the 1951 Refugee Convention and 1967 Protocol relating to the Status of Refugees, acceded by the United States of America on 1 November 1968. All women and girls, including LGBTQ+ women and girls, have the right to seek and enjoy asylum from persecution.

***Definitions of sex and gender discrimination under international human rights law***

We draw your attention to the language of Executive Orders 14168 and 14201. Executive Order 14168 includes definitions of “sex,” “gender identity,” and “gender ideology,” and appears to conflate sex and gender, ultimately eliminating the latter concept. Similarly, Executive Order 14201 redefines sex in a manner that excludes consideration of gender as an aspect of social, political and cultural identity.

We observe that these definitions appear to be based on misinformation that has historically promoted harmful stereotypes, particularly against LBTQI+ women and individuals, and fail to align with evidence-based approaches to the realization of gender equality and women’s and girls’ rights. Ultimately, such definitions may result in a disproportionate harmful impact on women and girls who already experience severe forms of intersecting discrimination and violence, including women and girls of color, women and girls with disabilities, minority women and girls, migrant women and girls, women and girls living in poverty, indigenous women and girls, transgender and LBTQI+ women and girls (USA 9/2025).

We wish to bring the attention of your Excellency’s Government to the Working Group on discrimination against women and girls’ latest report to the Human Rights Council (A/HRC/56/51), which provides details on the jurisprudence and standards that have affirmed the distinctions between sex and gender-based discrimination. The CEDAW Committee has also acknowledged that sex and gender are distinct concepts, both covered under CEDAW’s non-discrimination provision. As stated by the CEDAW Committee (CEDAW/C/GC/28, para. 5):

“The term ‘sex’ here refers to biological differences between men and women. The term ‘gender’ refers to socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women.”

The definitions found in the Executive Orders present a serious challenge to the compliance of your Excellency’s Government with international human rights law standards. In particular, they undermine the obligation to eliminate gender-based discrimination - a widely recognized legal principle aimed at addressing the harmful stereotypes and restrictive roles imposed on women and girls by social and cultural

norms and practices (CEDAW/C/GC.28, para. 5, 18). As emphasized by the Working Group on discrimination against women and girls through its recently issued guidance document on substantive gender equality (A/HRC/WG.11/42/1), “while often linked with biological differences, gender inequality and gender-based discrimination do not stem from those differences themselves but rather the cultural, political, social and economic priorities of, and the related choices made by, communities” (para. 7). By redefining sex and gender in federal law as binary and immutable, the Executive Orders appear to reinforce gender as an immutable system that disproportionately privileges men, valorizes qualities associated with masculinity, and entrenches social practices and structures that harm and undermine women, all while framing such outcomes as inevitable and “natural”. As recognized by the Working Group in its Guidance Document on gender equality and gender backlash, reinforcing the notion of two distinct, dichotomous sexes ignores the reality that gender functions as a hierarchical system (A/HRC/WG.11/41/2). This system leverages “socially constructed identities, attributes and roles for women and men and society’s social and cultural meaning for these biological differences” (A/HRC/WG.11/41/2, para. 9, citing CEDAW general recommendation 28). Strict adherence to a binary conception of sex and gender obscures the structural nature of gender-based subordination as it manifests across institutions - the family, the economy, the legal and justice systems, the media, and beyond. Furthermore, we recall that preserving cultural or religious values cannot be used to justify the denial of rights and discrimination against women and girls (CCPR/C/21/Rev.1/Add.10, A/HRC/56/51).

We further emphasize that distinguishing between sex and gender and recognizing gender as a social and structural construction, are essential to ending rights violations against women and girls. Relevant human rights treaty bodies have noted that these violations are fundamentally rooted in “gender-related factors, such as the ideology of men’s entitlement and privilege over women, social norms regarding masculinity, and the need to assert male control or power, enforce gender roles or prevent, discourage or punish what is considered to be unacceptable female behaviour” (CEDAW/C/GC/35, para. 19).

We consider that the aforementioned measures taken by your Excellency’s Government risk institutionalizing an ideology aimed at eliminating the concept of gender from law, policy and practice. Such an approach would curtail or eliminate rights and protections of women and girls, including by enabling gender-based violence and undermining their bodily autonomy.

In this regard, we remind your Excellency’s Government that the prohibition of gender-based violence – one that necessarily recognizes both the distinction between gender and sex and their intersecting dimensions - is a principle of customary international law (CEDAW/C/GC/35, para. 2). Under international law, “[g]ender - based violence” refers to “violence which is directed against a woman because she is a woman or that affects women disproportionately” (CEDAW/C/GC/28, para. 18). We urge your Excellency’s Government to review and rescind its measures in light of these clear definitional distinctions codified in international human rights law.

We urge your Excellency’s Government to recognize sex discrimination and gender-based discrimination as intersecting yet distinct and equally critical concepts, both of which are essential to achieving substantive equality for women and girls. We

consider that the Executive Orders may reinforce harmful stereotypes by suggesting that women’s biological characteristics - rather than social, cultural, and political systems - are the primary determinants of inequality. Such an approach risks obscuring the structural and systemic nature of discrimination – discrimination that can be addressed and eliminated through policy and legal reforms that lead to social and cultural transformation.

### ***“Protectionism” and the rights of women and girls***

In addition to conflicting with the principle of non-discrimination under international human rights law, Executive Orders 14618 and 14201 also appear to fail to comply with the requirements of legitimacy, necessity and proportionality. Executive order 14618 states that “efforts to eradicate the biological reality of sex fundamentally attack women” and affirms that redefining women along biological lines will ultimately protect “sex-based opportunities.” Similarly, Executive Order 14201 declares that it will “protect opportunities for women and girls to compete in safe and fair sports.”

The approach presented by the orders appear to effectively deny the agency and autonomy of women and girls while failing to effectuate the stated purpose of the measures. These policies appear to instrumentalize women and girls, claiming to “protect” them, without genuinely addressing the serious experiences of discrimination and violence in the cited spaces described in this communication, including in their rights to freedom of expression and opinion, freedom of assembly and association; rights to participate in political and public life; right to health and the right to privacy, including in sports; rights to sexual and reproductive healthcare, and more. As framed, the executive orders appear to divert attention from the real, systemic issues of gender inequality in sports and related areas and fail to provide protection for all women and girls. These measures appear to falsely pit the rights of cis women and girls against those of LBTQI+ individuals and those with diverse sex characteristics, exacerbating social divisions and discrimination.

We wish to highlight the ineffectiveness of “protectionist” approaches to sex and gender-sensitive policies have been recognized as ineffective in many contexts. Such approaches often overlook and obscure important violations facing all women and girls, prioritizing restrictive measures over empowering and supportive ones. For example, we recall that the Special Rapporteur on the contemporary forms of slavery has noted that “laws, policies and services that are ‘gender-sensitive’ have often been protectionist in nature . . . these instruments may reinforce harmful stereotypes about women as victims of slavery without any agency and also lead to the gender-specific causes of the many contemporary forms of slavery being overlooked” (A/73/139).

We observe that the purported aim of the measures – the advancement of the rights and opportunities of women and girls – is not evidenced by the orders themselves and the subsequent memoranda and orders of the Government as detailed in this communication. We caution that any government policy that situates itself as the ultimate arbiter of such private areas of individual’s lives, such as their gender and sexuality, risks promulgating invasive and discriminatory actions that threaten the very rights such measures are purported to ensure. The failure to distinguish between sex and gender, as further elaborated on below, appears to be aimed solely at determining who is and who is not a woman, at the Government level, and does not appear to promote

the legitimate aim of respecting and protecting women's and girls' rights.

***Rights to freedom of expression and opinion, association, and participation in public and political life, including for women/women's human rights defenders***

We additionally recall the right to freedom of expression and opinion enshrined in article 19 of the UDHR and ICCPR, the right to freedom of assembly and association recognized in article 20 of UDHR and 20 and 21 of ICCPR, and the right to participate in public life and political affairs under article 21 of UDHR and article 25 of the ICCPR. We remind your Excellency's Government that the Human Rights Council has understood the right to freedom of expression and opinion as follows:

“The right to freedom of expression is broad and inclusive, and encapsulates the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media, offline or online. The right to freedom of opinion comprises two dimensions: an internal dimension closely connected to the right to privacy and freedom of thought and an external dimension related to freedom of expression” (A/HRC/47/25).

Moreover, the Special Rapporteur on freedom of opinion and expression has articulated that the “elimination of structural and systemic forms of gender discrimination is essential to protecting freedom of expression on a basis of equality. International law recognizes the obligation of States to address not only discriminatory laws, policies and practices, but also the structural and systemic factors that perpetuate disadvantages, including through socially, culturally and legally entrenched gender stereotypes” (A/76/258, para. 51).

We observe that the enforcement measures and regulatory framework articulated by these executive orders may restrict women and girls from fully expressing themselves and participating in public and social life. We highlight the well-documented trend that women and girls who challenge traditional gender norms often face discrimination, violence, and exclusion from both State and non-State actors (A/HRC/23/50). Executive Order 14168, in defining sex, gender ideology, and gender identity, mandates that all agencies and federal employees adhere to these definitions, prohibiting any conflicting interpretations and usages of these terms. Executive Order 14201 implicitly defines women and girls as “biological females.” These rigid definitions and conflation of biological sex and gender identity may impermissibly infringe individuals' rights to freedom of expression and opinion by limiting their ability to convey information about and express their own gender identities, as conveyed in USA 9/2025.

The restrictive language codified in these executive orders may also contribute to a broader environment of stigmatization. We recall the report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (A/73/152), which affirmed that “self-determined gender is a fundamental part of a person's free and autonomous choice in relation to roles, feelings, forms of expression and behaviours, and a cornerstone of the person's identity.” As such, States are compelled to “provide access to gender recognition in a manner consistent with the rights to . . . freedom of expression” (A/73/152). We reiterate the heightened harm the measures pose to the rights of transgender, gender diverse, and

intersex women and underscore how creating an environment of “legal prohibition, hostile rhetoric and social stigma” can lead transgender individuals and others to conceal their identities, infringing on their right to self-expression (A/HRC/56/49). Subsequent restrictions, including those envisaged by these Orders, may have a “cumulative effect of stifling expression and further render invisible the experiences of LGBT persons.” The rigid language in these Executive Orders may trigger a significant retreat of transgender women and girls from self-expression and the communication of their lived experience, further rendering the community invisible.

We wish to remind your Excellency’s Government that the Special Rapporteur on freedom of assembly and association has recalled in her report on protecting the right to freedom of peaceful assembly and of association from stigmatization (A/79/263) 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. In addition, hostile and stigmatizing rhetoric against civil society and activists has a severe impact on individuals and the broader rights to freedom of peaceful assembly and of association. This rhetoric leads to sweeping restrictions, fosters baseless suspicions, undermines reputation and isolates activists from their families and communities. (...) Activists also face increased intimidation, physical attacks and online harassment, including sexual and gender-based violence, especially against women. In severe cases, activists’ families, including children, may experience harassment and attacks, both online and offline.

We also observe that the restrictive language within Executive Orders 14168 and 14201 limits the terminology available to human rights defenders in their efforts to defend, protect and advance the rights of women and girls. These restrictions appear to be even more impactful as they sit within broader efforts by your Excellency’s Government to remove language potentially related to “diversity, equity, and inclusion” in various contexts. Stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. By constraining and censoring language related to gender and gender discrimination, the Executive Orders may effectively silence not only advocates for women and girls, but also women and girls themselves. Gender inequality differentially impacts different communities; such restrictions may impermissibly burden the ability of human rights defenders to leverage legal protections and encourage policy that will safeguard traditionally underrepresented or marginalized women.

We would further like to remind your Excellency’s Government of the General Assembly resolution 68/181, on the protection of women human rights defenders. Specifically, we would like to refer to paragraphs 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses. We further would like to draw your attention to Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence

faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defense of human rights.

We further observe that the aforementioned executive orders raise serious questions of legality, necessity, and proportionality and may have a wide-ranging impact on various types of associations, including not-for-profit and for-profit entities; all businesses, including 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.

Moreover, as previously communicated in OL USA 5/2025 regarding executive order 14169, a holistic view of the measures, including the funding freeze may endanger millions of individuals in vulnerable situations. This includes women, girls, and communities who rely on initiatives, both in the U.S. and abroad, for essential services—such as healthcare (including safe and accessible abortion and other sexual and reproductive health care), housing, education, water, food, employment and others—which are now at immediate risk of losing vital support. As noted by the Working Group on discrimination against women and girls in its report on ‘Girls’ and young women’s activism’, “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). The Working Group on discrimination against women and girls has therefore called upon States to eliminate all forms of violence against women in order to fulfil women’s human rights and to improve the enabling condition for women’s participation in political and public life (A/HRC/23/50).

A federally mandated understanding of gender that is limited to the “immutable biological reality of sex” (executive order 14168) appears to exclude individuals from public participation based on their gender and inability to fit into a rigid binary, which would violate the rights enshrined in the UDHR and ICCPR articles referred to above. Under the model put forth under executive order 14168, individuals must legally register with a gender they do not identify with to vote, participate in the federal public service, and engage in other public and political activities.

In that regard, we wish to recall that Special Procedures have documented the impact on the right to participate in public and political life when limited by formal discrimination on status-based grounds, including discriminatory restrictions enforced upon LGBTQ+ individuals (A/79/151). Disenfranchisement often is an indirect outcome of “restrictive identification procedures or voting requirements that disproportionately impact trans and non-binary persons” (A/HRC/56/49).

### ***Right to health and right to privacy, including in the context of sports***

We further recall the right to health, as enshrined in article 25 of the UDHR, article 12 of CEDAW, and article 12 of the ICESCR, which among other things, entitles individuals to bodily autonomy, freedom from non-consensual medical treatment, and access to a system of health that provides equal opportunity to enjoy the highest attainable level of health (E/C.12/2000/4, general comment No. 14, para. 8). We wish to remind your Excellency's Government that non-discrimination is an immediately enforceable obligation associated with this right (as opposed to a duty to be progressively realized). It is a crucial aspect of the right to health: health services and systems must be accessible to all, regardless of their race, gender, sexuality or other status or condition. States have a duty to ensure that women and girls who are often most marginalized are not excluded from enjoyment and fulfillment of this right (E/C.12/2000/4, general comment No. 14). We are concerned at the stigma attached to reproductive and sexual health care, which leads to acts of violence, harassment and intimidation against those seeking or providing such care. The Working Group on discrimination against women and girls reminded your Excellency's Government during the country visit of its due diligence obligation and encouraged it to investigate and prosecute violence or threats of violence occurring in this context (A/HRC/32/44/Add.2, para. 70).

The measures encompassed by these Executive Orders may discourage women and girls from seeking and accessing responsive, effective, and comprehensive medical treatments. These orders mandate the removal of chosen gender identifiers from all official documents and designate intimate spaces based on sex rather than a person's gender identity. In their language, these Executive Orders may be construed as undermining women and girls, justifying practices that question their gender identity if they are not perceived as fitting a stereotypical mold of what a woman or girl "should" look like or for not possessing "feminine" rather than "masculine" traits. These measures may promote inequitable access to medical facilities and services for those not fitting traditional gender norms, thereby increasing barriers to gender-sensitive care. The erasure and non-recognition of gender identity can foster suspicion and wariness of medical providers, endanger the health of diverse women and girls, and infringe upon their right to non-discrimination in health systems.

The gender-restrictive definitions in federal guidelines may harm the most vulnerable women and girls disproportionately. The Executive Orders' prohibition on acknowledging gender as a basis of identity may uniquely harm queer and trans women and girls, who already face higher rates of depression, suicide and homelessness because of lack of access to sexual and reproductive health services (CRC/C/GC/20). Executive Order 14168 further mandates that medical care in prisons adhere to these measures and prohibits use of federal funds for gender-affirming treatment for incarcerated individuals. This policy may put incarcerated women and girls—who are already at heightened risk of profiling and violence and struggle to access adequate health services—in an even more vulnerable position. The most marginalized women and girls may suffer additional, concentrated harm to their physical and mental well-being because of such gender-restrictive policies.

Executive Order 14201 may also enable and promote discriminatory, invasive and non-consensual medical practices and examinations that violate the right to health

enshrined in international law. The expansive language of Executive order 14201 requires that the Secretary of Education “take all appropriate action to affirmatively protect all-female athletic opportunities and all-female locker rooms.”<sup>4</sup> Such broad discretion may lead to abusive practices intended to verify sex-linked biological characteristics. In this context, the use of medical practices and examinations to verify sex or gender is contrary to human rights principles.

Closely related to the realization of the right to health (E/C.12/2000/4, para. 3), we additionally direct the attention of your Excellency’s Government to the right to privacy enshrined in article 17 of the ICCPR, which guarantees all people the right to privacy without arbitrary or unlawful interference. The right to health is interconnected with other human rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture and other inhuman or degrading treatment, privacy, access to information, and the freedoms of association, assembly and movement.

We remind your Excellency that the Human Rights Committee affirmed that women must enjoy the right to privacy on equal terms with men (CCPR/C/21/Rev.1/Add.10). Targeted interference with this right, which disproportionately impacts women and girls, constitutes an impermissible violation of the right to privacy and the principles of non-discrimination and equality. As the Human Rights Committee noted, such interference may take the form of requiring women and girls to uniquely disclose certain medical or health information or mandating professionals to report and monitor women’s bodies in ways not required for men (CCPR/C/21/Rev.1/Add.10). The executive orders’ instructions to various government entities to promulgate rules at the national and international level that promotes participation in sports based upon sex rather than gender would implicate harmful practices of sex verification and other discriminatory practices. We have previously stated that, in particular, “categoric exclusions of trans and intersex women from women’s sports is a prima facie violation of human rights obligations under the principle of non-discrimination, and their right to privacy.”<sup>5</sup> Women and girls are entitled to equal enjoyment of the right to privacy, which is directly undermined by legislation that seeks to scrutinize and subject their bodies to examination, criticism, and dissection for public inspection.

These executive orders may also endanger the rights of women and girls who defy gender norms and do not conform to societal expectations, impacting their right to equal participation in sports (CEDAW, articles 10(g), 13(c) and A/79/299, para. 15). For example, Executive Order 14201 appears to overlook the fact that athletic performance is dependent on a variety of factors, and it may validate sexist stereotypes and encourage discriminatory scrutiny, particularly for transgender women and women with intersex variations.

In accordance with articles 2.2 and 15 of the Covenant on Economic, Social and Cultural Rights, everyone has the right to participate in cultural life without discrimination. Sports and games, like arts, languages and knowledge, are integral to cultural life as practices that allow for the expression and development of individual and

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<sup>4</sup> Executive Order 14201 Sec. 3(ii).

<sup>5</sup> See, <https://www.ohchr.org/en/press-releases/2023/10/un-experts-urge-states-uphold-ideal-sport-inclusive-lgbt-and-intersex>.

collective identities, values, and meanings, and serve as spaces for interaction, sharing, and connection. In this regard, we would like to draw your attention to the report of the Special Rapporteur in the field of cultural rights, on the right to participate in sports (A/79/299). The report stresses that all persons have a right to take part in sports, and therefore to contribute to cultural life in various ways through physical activities and games. In organized sport, “everyone” includes, beyond those practising sports at all levels, technical officials, coaches, judges, volunteers, spectators, sponsors, broadcasters, journalists and audiences. The report further highlights that participation in sports must challenge entrenched gender stereotypes and promote empowerment, contributing to greater gender equality by providing women, girls and gender-diverse persons with platforms to showcase their capabilities and leadership. The equal participation of minority and marginalized persons must be prioritized. Adapted and inclusive sports programmes play a critical role in promoting the inclusion and participation of persons with disabilities, challenging societal stigma, and advancing such persons’ rights and dignity.” The report further highlights that limitations of the right to participate in sports on the basis of certain interpretations of morality and public order are to be carefully analysed to ensure that they meet the above-mentioned threshold and that less restrictive measures have been taken before the participation in sports of certain persons is effectively limited (A/79/299).

By suggesting that women and girls are unable to “excel in competitive sports” or may face “humiliation,” the Executive Order appears to presuppose inferiority and limits to women’s athletic abilities and overlook genetic and physical variation amongst all athletes, including women athletes. It may further ascribe some sports as “masculine” and some as “feminine” (A/79/299, para. 46). Women and girls who outperform sexist notions of their capabilities are often subjected to “mockery, intimidation and disapproval from their friends and family” (A/79/299, para. 46). Similarly, women and girls deemed to have bodies not conforming to societal standards of femininity may be subject to invasive, inappropriate, and discriminatory comments and practices that violate international principles of human dignity, equality, and physical and psychological integrity of a person.<sup>6</sup>

Such violations of the right to privacy and health may also have a disproportionate impact on women and girls of color, who are more likely to be socially “masculinized,” have their gender identity scrutinized, and be required to undergo invasive medical treatments and examinations to justify their gender identity. We recognize that racial stereotypes regarding women, womanhood, and women athletes disproportionately impact Black and Asian women athletes.<sup>7</sup> These Executive Orders may further bolster harmful, racist stereotypes that harm women and girls of all colors in all settings and lend credence to exclusionary and prejudicial rhetoric. Racial stereotypes result in further violations experienced by women and girls and have “compounded” the “challenge of gendered and racialized body ideals” (A/79/299, paras. 49-51).<sup>8</sup>

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<sup>6</sup> See Policy position by United Nations Special Procedures mandate holders in relation to the protection of human rights in sport without discrimination based on sexual orientation, gender identity, and sex characteristics, available from: <https://www.ohchr.org/sites/default/files/documents/issues/culturalrights/activities/2023-10-31-stm-sogi-policy-en-1.pdf>

<sup>7</sup> Id.

<sup>8</sup> See also, [Third party intervention/amici curiae brief by the case of Mokgadi Caster Semenya v. Switzerland](#) by the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable

### *Sexual and reproductive health rights*

We also draw your Excellency's Government's attention to the potential impacts of the "Memorandum for the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Administrator of the United States for International Development," with the subject "Mexico City Policy," which rescinds prior Presidential memoranda and re-establishes the prohibition of federal grants to organizations that support access to safe and legal abortion, as well as the U.S. Department of Justice's memorandum on the Freedom of Access to Clinic Entrances Act (FACE Act), codified at 18 U.S.C. § 248, which limits enforcement of the FACE Act to only the most severe instances.

We underscore that prosecutions, as reported by U.S. Justice Department, have been crucial to countering violent threats to service providers and patients. The absence of substantial protections could result in severe violations of the rights of women, young women, and girls to access safe and legal abortion services, and may expose them and their abortion providers to risks such as property damage (e.g. graffiti, cinder blocks through windows, improvised incendiary devices, and barricades); livestreaming feeds of patients entering clinics; death and bomb threats; physical assaults against patient escorts and more. Such acts may infringe on women and girls' right to life, right to be free from torture, cruel, inhuman and degrading treatment—a *jus cogens* norm—and their right to privacy.

We further recall that, under ICCPR, although "States parties may adopt measures designed to regulate voluntary termination of pregnancy, those measures must not result in violation of the right to life of a pregnant woman or girl, or her other rights under the Covenant" (CCPR/C/GC/36). Thus, restrictions on the ability of women or girls to seek abortion must not, inter alia, jeopardize their lives, subject them to physical or mental pain or suffering that violates article 7 of the Covenant, discriminate against them or arbitrarily interfere with their privacy." (CCPR/C/GC/36).

We stress that denying women access to services which primarily they require, and failing to address their specific health and safety, including their reproductive and sexual health rights, are inherently discriminatory and prevent women from exercising control over their own bodies and lives (A/HRC/32/44). Similarly, laws criminalizing abortion infringe on women's dignity and autonomy by severely restricting decision making by women in respect of their sexual and reproductive health (A/66/254).

We underscore that effectively denying abortion services, either through acts or omissions, can constitute torture and cruel, inhuman or degrading treatment when it leads to forced pregnancy and maternity. Article 5 of the UDHR and article 7 of the ICCPR, as well as the Convention Against Torture (CAT), prohibit such treatment. The Human Rights Committee has expressly addressed the risk of article 7 violations in the context of abortion restrictions, stating that "restrictions on the ability of women or girls to seek abortion must not, inter alia, jeopardize their lives, subject them to physical or

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standard of physical and mental health, UN Working Group on discrimination against women and girls, and UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (October 2021).

mental pain or suffering that violates article 7 of the Covenant” (CCPR/C/GC/36, para. 8). The CAT Committee has recognized the “additional suffering” of forced maternity and asserted that it “causes women to be constantly reminded of the violation committed against them,” resulting in “serious traumatic stress and a risk of long-lasting psychological problems” (CAT/C/PRY/CO/4-6, para. 22). The Government’s policies may further result in operational challenges for a broad range of sexual and reproductive health care providers, which may have resounding effects beyond access to safe and legal abortion. We note the lifelong impact of forced maternity on girls, as well as women, and underscore that under international human rights law failure to ensure safe access to abortion services, particularly in cases of rape, may amount to gender-based violence and a violation of the right to life and the right to be free from torture, and cruel, inhuman or degrading treatment (CEDAW/C/GC/35). The Human Rights Committee has stressed that, although States parties may adopt measures designed to regulate voluntary terminations of pregnancy, such measures must not result in violation of the right to life of a pregnant woman or girl nor jeopardize their lives, subject them to physical or mental pain or suffering, discriminate against them or arbitrarily interfere with their privacy (CCPR/C/GC/36).

### ***Right to education, including sexuality education***

Executive Order 14168 may undermine the right to education enshrined in article 26 of the UDHR and article 13 of ICESCR. Under this Order, any educational programs that recognize gender and gender identity are at risk of losing federal funding, potentially affecting scholarships, student aid, and federal grants. This could restrict curricula acknowledging gender diversity and silence educators who attempt to discuss sexuality or gender-sensitive topics for fear of political or financial retaliation. Such potential censorship may impede the promotion of gender equality and may have a disproportionate impact on young women and girls, who may no longer have access to gender-sensitive counseling or support services at school, particularly in cases where schools are seen as safe havens from gender-based violence, abuse, or mistreatment in the home.

As affirmed by the CEDAW Committee, “all States parties have an obligation to protect girls and women from any form of discrimination that denies them access to all levels of education” (CEDAW/C/GC/36). Comprehensive, uncensored and accessible education is necessary for the empowerment and protection of all women and girls. To promote gender equality, the Committee has recommended that educational policies and programs address “gender relations and gender equality, at all levels of schooling and among society at large” and that teaching staff undergo mandatory training “on gender issues and gender sensitivity and the impact of gendered behaviours on teaching and learning processes” (CEDAW/C/GC/36). These executive orders may censor and silence discussions on gender, gender roles, and gender identity, thus impeding programs that raise awareness about discrimination experienced by women and girls and the need for progress on gender equality.

Furthermore, the CEDAW Committee emphasized the importance of comprehensive sexuality education to prevent sexual abuse, promote gender equality and combat gender stereotypes (CEDAW/C/GC/35; CEDAW/C/GC/36, para. 68). In recent years, this Working Group on discrimination against women and girls has observed increased hostility towards sexuality and gender-sensitive education,

including the reduction of funds for such programs and the passing of legislation prohibiting comprehensive sexuality education altogether (A/HRC/WG.11/41/2). The defunding of sexuality and gender-sensitive education enabled by these Executive Orders may prevent girls in vulnerable conditions from accessing the education and information they need to identify and report sexual abuse and exploitation. By censoring education on gender-related and gender-sensitive issues, these Executive Orders could promote a lack of knowledge that would benefit and enable those seeking to abuse young girls. Prohibiting discussion of important gender-related issues in schools and the importance of gender equality may also strengthen support for the revival of regressive gender policies that confine women and girls to the home and discourage bodily autonomy and reproductive freedom.

We remind your Excellency's Government that the lack of comprehensive sexuality and gender-sensitive sexual and reproductive education may constitute discrimination, particularly when such information is unequally accessible by youth (CRC/C/GC/20, para. 59 and 61). We further recall that the Committee on the Rights of the Child urged states to adopt comprehensive sexuality education as part of the mandatory school curriculum and to ensure that this education is inclusive, with specific attention given to gender equality and sexual diversity, amongst other things (CRC/C/GC/20, para. 59 and 61). Failure to provide such education disproportionately endangers young girls, putting them at risk of physical and psychological harm and preventing them from accessing information that may otherwise empower or protect them.

### ***Right to identity for children***

We finally recall the rights of children enshrined within the Convention on the Rights of the Child (CRC), including the right to identity in article 8, the right to medical care in article 24, and the right to privacy for children in article 16. These rights also encompass the right to freedom of expression and respect for children's physical and psychological integrity (CRC/C/GC/20). The Working Group on discrimination against women and girls has recognized that adolescent girls already face multiple and intersecting forms of discrimination that make them particularly vulnerable to human rights violations (A/HRC/56/51, para. 3(d)). Refusing to recognize gender identity and diversity, and conflating gender and sex, further undermines their rights and well-being.

States must respect children's right to freedom of expression and identity, ensuring that they are not discriminated against based on their sexual orientation or gender identity. We remind your Excellency's Government that the nonconsensual treatments or interventions intending to change a child's gender identity or sexual orientation are impermissible (CRC/C/GC/20). States have an obligation to ensure the informed consent of the child in all instances and to respect their emerging autonomy as adolescents. The measures encompassed within these Executive Orders may infringe upon the rights, freedoms and autonomy of children, and could compromise the security and integrity of marginalized youth, exposing them to further discrimination, abuse, and neglect.

### ***Right to live with dignity***

We remind your Excellency's Government of the right to life, as enshrined in article 6 of the ICCPR and Article 3 of the UDHR. The Human Rights Committee has interpreted article 6 of the ICCPR expansively to include protection from acts and omissions that may cause unnatural or premature death, and the entitlement to live with dignity (CCPR/C/GC/36). We note that "when individuals or groups are treated differently in a manner that erodes their rights, it impairs their fundamental dignity and undermines their equal worth and shared humanity" (A/HRC/WG.11/42/1). International human rights law requires a "recognition dimension to combat stigma, stereotyping, prejudice and violence and to recognize the dignity of human beings and their intersectionality" (CRPD/C/GC/6).

Executive Orders 14168 and 14201 appear to categorically deny individuals the right to live according to their gender identity. States have a duty to address "the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity" (CCPR/C/GC/36). This includes combatting social stigmatization against marginalized groups and preventing suicide, particularly for vulnerable groups (CCPR/C/GC/36, paras. 25, 65). Social stigmatization and discrimination can also hinder groups' access to resources and community support. Executive Orders 14168 and 14201 may heighten the stigmatization of transgender women and girls, exacerbating conditions that interfere with their right to live their life with dignity. We unequivocally affirm the right of these women, who already experience grave forms of discrimination and violence, to live with dignity and urge your Excellency's Government to consider its obligation under article 6 of the ICCPR.

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 Excellency's Government to revoke the aforementioned Executive Orders and resulting implementation measures and policies.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis.
2. Please provide any additional information and/or comment(s) you may have on the above-mentioned assessment of the Executive Order on Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government (Executive Order 14168), the Executive Order on Keeping Men Out of Women's Sports (Executive Order 14201), both of which may likely be contrary to international human rights norms; the Executive Order on Reevaluating and Realigning United States Foreign Aid (Executive Order 14169) and how these measures comply with international human rights law

standards as mentioned above.

3. Please explain how the aforementioned executive orders comply with the principles of equality and non-discrimination, and what measures, if any, have been taken so that they will not have a disproportionate and discriminatory impact on gender and sexual minorities.
4. Please provide information on whether the executive orders and subsequent measures were developed in consultation with women and girls, relevant civil society organizations, and affected communities.
5. Please provide information on the measures your Excellency's Government will take to uphold its obligations under international human rights law to protect freedom of expression and opinion, and the right to participate in public and political life. In particular, please explain how the Government will ensure that the referenced executive orders do not result in the silencing or exclusion of women and girls — including transgender and LGBTQ+ women and girls — from participation in public and political life.
6. Please explain how your Excellency's Government will ensure that these measures do not compromise the right to health and right to privacy for women and girls, particularly in regard to the risk of undergoing invasive and nonconsensual medical treatment and examinations, sexist and possibly racist scrutiny and stereotyping, and discriminatory access to health systems.
7. Please provide information on how the measures included in the aforementioned executive orders and subsequent measures comply with the obligation of your Excellency's Government to ensure the right to sexual and reproductive health for all women and girls, including access to safe and legal abortion services, and how your Excellency's Government will ensure those rights without fully enforcing the FACE Act.
8. Please explain how your Excellency's Government intends to mitigate the potential impact of the executive orders and proposed measures on girls' and marginalized youth's access to comprehensive sexuality and gender-sensitive education, which is necessary for the promotion of their well-being and prevention of sexual abuse.
9. Please indicate how your Excellency's Government intends to mitigate the potential impact of the executive orders and proposed measures on the promotion of respect and acceptance for all women and girls, as well as gender and sexual minorities.
10. Please provide information on how your Excellency's Government intends to mitigate the potential impact of the executive orders on children's right to identity and their right to physical and psychological integrity, especially given reports of higher rates of depression, suicide,

and homelessness among LGBTQ+ youth.

11. Please provide information on how the Executive Orders adopted by your Excellency's Government are in line with the UN Guiding Principles on business and human rights (UNGPs), in particular the State's duty to protect human rights and the guidance that the UNGPs should be implemented "in a non-discriminatory manner". As part of your response, please indicate how your Excellency's Government has or plans to implement the recommendations from the report by the Working Group on business and human rights on "Protecting and respecting the rights of lesbian, gay, bisexual, transgender and intersex persons in the context of business activities: fulfilling obligations and responsibilities under the Guiding Principles on Business and Human Rights" (A/79/178).
12. Please provide more information on any alternatives considered before issuing the aforementioned executive orders.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's 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, Excellency, the assurances of our highest consideration.

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

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

Alexandra Xanthaki  
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Gina Romero  
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Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Albert K. Barume  
Special Rapporteur on the rights of Indigenous Peoples

Ana Brian Nougrères  
Special Rapporteur on the right to privacy

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Siobhán Mullally  
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