

# Humanitarian Ethics in Afghanistan: Misogyny 2.0

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## Abstract

Humanitarian ethics are once again up-in-the-air when it comes to Afghanistan. New ways to harm women and girls—relentless misogyny and virulent attacks on human rights—have left humanitarians compromised and increasingly complicit in action. Aid agencies must now renew efforts for principled engagement and put non-cooperation back on the access-negotiating table—failure risks humanitarians perpetuating the most extreme forms of gender-based discrimination through its morally inadequate view of gender persecution.

## Keywords

Afghanistan, Humanitarian Ethics, Human Rights, Gender, Women, Girls

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Humanitarians continue to face an ethical dilemma in Afghanistan (Anderson, 1999; Barnett & Weiss, 2008; Slim, 2015; Lang, 2022; Clark, 2023)<sup>1</sup>. Aggressive, misogynistic policy decision erasing women and girls from public life has left humanitarian principles sliding towards a state of hypernormalization. Under the barrage of Taliban directives and decrees (ACAPS, 2023)—almost exclusively targeting females and totaling 50+—women and girls have effectively been de-

<sup>1</sup>On navigating ethical dilemmas for humanitarian action cf. Anderson (1999), Barnett & Weiss (Eds.) (2008), and Slim (2015). See also Refugee International's report on getting aid right in Afghanistan:

<https://www.refugeesinternational.org/reports-briefs/fit-for-purpose-getting-humanitarian-aid-right-in-afghanistan-one-year-after-the-taliban-takeover/>. On misogyny specifically cf. Afghanistan Analysts Network (AAN):

<https://www.afghanistan-analysts.org/en/reports/economy-development-environment/bans-on-women-working-then-and-now-the-dilemmas-of-delivering-humanitarian-aid-during-the-first-and-second-islamic-emirates/>.

nied their basic rights to humanity (OHCHR, 2023)<sup>2</sup>. Rights to long-term safety, security, and freedom of movement have been erased. Access to routine and emergency health-care, has been erased. Chances of an adequate standard of living (including access to basic education), have been erased. Access to employment and livelihoods, has been erased. Access to effective legal justice and remedies, has been erased. Far from protecting women and girls, humanitarian action risks perpetuating the most extreme forms of gender-based discrimination and generalized censorship through its blinkered, morally inadequate view of gender persecution.

Approaches to operational re-start have fallen between principle and pragmatism. Hybrid models promoting principled pragmatism—if such a notion indeed exists—lean towards the latter only. Failed Inter-Agency Standing Committee (IASC) led attempts to force humanitarian carve-outs and exemptions have left aid agencies scrambling province-by-province, sector-by-sector against Taliban hardliners increasingly loyal to Kandahar (IASC, 2022). Compromised adapted working modalities have established dangerous precedents and virtually killed-off the negotiating space for principled humanitarian access. Donors continue to afford international agencies the flexibility to find new *ways of working* removing key triggers for common approaches and positioning—worsened after the subsequent UN ban—resulting in bad aid.

Humanitarian action in Afghanistan has reached an existential crossroad. Aid agencies focusing only on the instrumental value of women as humanitarian practitioners fail to recognize the absolute value of women as human beings (UN Women, 2022)<sup>3</sup>. By prioritizing aid agency staffing over female rights violations, humanitarians risk complicity in action. Subscribing to the IASC approach—neutrality being the main principle of engagement to secure limited humanitarian windows—humanitarian practice is inevitably bending towards Taliban policy with the IASC Principals and subsequent Emergency Directors Group (EDG) delegation to Afghanistan pushing for the humanitarian community to *stay and deliver*—albeit with anticipated imperfections. Humanitarian actors recognize the limits of their influence in public advocacy for a softening or reversal of the edict but there remains a clear need for greater international engagement with the Taliban from the capitals rather than expecting the humanitarian community to play a political role they are simply not equipped or mandated for.

Operational suspensions failed to hold or reverse the decree. Where aid agencies have resumed, unethical practices have been quickly adopted amidst a cli-

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<sup>2</sup>Joint Report commissioned by the UN Human Rights Council considers the situation of women and girls in Afghanistan akin to gender apartheid:  
<https://www.ohchr.org/en/documents/country-reports/ahrc5321-situation-women-and-girls-afghanistan-report-special-rapporteur>.

<sup>3</sup>UN Women remaining a notable exception:  
<https://www.unwomen.org/en/news-stories/statement/2022/12/statement-the-decree-barring-women-in-afghanistan-from-working-in-non-governmental-organizations-is-yet-another-stark-violation-of-womens-rights>.

mate of policy dysfunction. *Male-only programming* is widespread well beyond the initial non-traditional sectors (i.e., food security and mine action). Men have essentially replaced women—both across operations and support functions—with internal non-governmental organizations (INGOs) racing to complete contractual agreements and beneficiary commitments following the early pause amidst a funding cliff that is threatening the ability of agencies to operate, national non-governmental organizations (NNGOs) in particular. *Adapted field implementation* (including home-to-field working modalities where female staff lose basic entitlements to return back to office environments) has become the norm. *Restrictions on freedom of movement*—following earlier guidance issued prohibiting women from traveling without a male guardian (*mahram*) for distances over 72 kilometers and only for instances of urgent necessity—has witnessed many aid agencies self-censoring by tightening internal *mahram* policy.

Initial interim arrangements paving the way for male-only programming have become deeply entrenched in practice. Early allowances—perhaps even *pressure*—from donors (including UN agencies through the Cluster system) calling for emergency response and life-saving interventions to continue established dangerous precedents and removed vital accountability measures. Whilst the donor community publicly challenged the ban imposed on female NGO workers, the collective response lacked the necessary coordination, consensus and strategy to influence the Taliban. By ceding the initiative on this issue to organizational guarantees for principled action, donor passivity has simply been counter-productive.

Ethical quandaries have been further exasperated—in the relative absence of a clear course of action or political steer from the international community—by the lack of appropriate frameworks for decision-making within humanitarian organizations with the vast majority still scrambling to even define the problem in terms of competing moral values and the ethical principles at stake. Basic approaches to normative ethics—whether *consequentialist* in terms of prioritizing the outcomes of an intervention by balancing potential levels of benefit to clients or *deontological* in terms of emphasizing the respective obligations of the duty-bearer and the inherent “correctness” of an action—are being neglected with a detrimental focus on practical application (or *applied ethics*) of humanitarian principles.

Unlocking any ethical dilemma requires a robust framework that cultivates accountability and transparency within a carefully harnessed process: precisely the opposite is happening in Afghanistan. Dilemmas rarely receive comprehensive treatment and ad-hoc decision-making is generally devolved to local field staff that is comprised almost exclusively of men—with limited guidance from senior management structures that often lack the necessary technical capacity and expertise especially in areas of intervention related to access and gender—along with the associated risks. Compromise is increasingly the resulting outcome with junior staff left to handle issues related to unprincipled demands in-

cluding who to assist and how to work. Male-only programming has been the major consequence.

Adapted field implementation has been yet another compromise leading to unprincipled action. Aid agencies have been in constant flux exploring options for working with women at field level and for ways for existing staff to continue “working from home”. Lack of reliable sources of electricity, internet and space for the majority of female staff renders any work from home arrangements virtually meaningless. Efforts by some organizations to extend access to internet and power supply (including solar energy provisions) exist but real participation—especially for field implementation staff who require direct access to communities—remains an externally concealed issue. Central to the ongoing challenges and often missed from the broader discussion is the delicate interplay between balancing the principle of humanity to ensure the delivery of aid continues with commitments towards duty of care for female staff currently being egregiously violated.

Restrictions on freedom of movement have been snowballing since the political transition in August 2021 with decrees regulating the mobility of women resulting in wide-ranging implications for their ability to work, seek medical assistance, and access public services/spaces. Repeated directives indicating women cannot move a distance of more than 72 km without the presence of a *mahram* finally crossed the sector’s acknowledged exemption completely hampering female engagement in humanitarian action. *Mahram* policy—willingly expanded by the UN and INGOs—had already made it challenging and more expensive to operate even before the ban with women facing increasing risks of harassment, detention, and possible retaliation (HRW, 2021). Whilst international organizations negotiated the necessary budgetary and logistical arrangements to accommodate the policy change, the reality is women remain on the margins amidst an operational environment that prefers to accept restrictions in the pursuit of access and impartiality to broader conceptions of the principle of humanity including dignity and concern for the value of women (GiHA, 2023)<sup>4</sup>.

Unethical adaptations have festered to a large extent due to the atomized nature of the access negotiations. Individual organizations have engaged in localized, uncoordinated approaches with the de facto authorities leading to a highly complex and fluid operational landscape. Negotiations and conditions for working are constantly shifting with verbal agreements—in the absence of formal exemptions/permissions—remaining fragile. Broadly speaking, resuming aid on localized workarounds has left an enormous vacuum for compromise that focuses exclusively on meeting short-term objectives and triggering protectionist tendencies for organizations of concern.

<sup>4</sup>Illustrated best by the Gender in Humanitarian Action (GiHA) Working Group’s regular survey exercises which show less than 25% of women have returned to work despite the Humanitarian Access Group (HAG) confirming the majority of N/INGOs are either partially or fully resumed: <https://reliefweb.int/report/afghanistan/humanitarian-access-working-group-tracking-impact-report-recent-ban-women-working-ngos-and-ingos-afghanistan-fourth-snapshot-march-2023>.

Monitoring controls and mechanisms established to evaluate the impact on female reach—based on the IASC Concept of Operations—over a six-month period fell short when held up against the immediate severity of needs facing the civilian population. Afghanistan risks systemic collapse and human catastrophe with over 23M people in need of humanitarian and protection assistance in 2024 (OCHA, 2023). Whilst humanitarians wait patiently for the Supreme Leader's hotly anticipated next decree—an edict now over a year in the waiting that may serve to merely harden the initial policy decision—key markers remain collectively undecided concerning humanitarian ethics.

The IASC framework process hoped to deliver Cluster-specific guidance to define meaningful female participation has yielded mixed results with few Clusters adopting the IASC criteria save for those sectors in a more privileged operational space such as education and health (IASC, 2023)<sup>5</sup>—though the recent notices ordering all education initiatives be handed over by international actors will inevitably blindside the new processes for decision-making. Despite concerted efforts to bring the UN and INGOs together for common approaches, there is still an overwhelming tendency for individual organizations to *go it alone* with virtually no sharing of analyses, frameworks or tools meaning nothing is collectively rooted in a firm ethical grounding.

Differences between the principals of engagement of national and international agencies are also palpable especially with regards to the immediate response. For local actors (or, indeed, those who work solely in Afghanistan), the choice was fundamentally existential in nature given they were not afforded the luxury of being able to pause and plot a course of action. Whilst the moral calculus should clearly avoid placing the prospects/wellbeing of an organization against its ethical footing, the stakes are clearly very real with the risks associated with operating without an explicit ethical framework playing out; the IASC framework and monitoring process has failed to diffuse these tensions and form a broader consensus with national actors feeling the burden of reporting and process. Divisions between all types of organization have resulted in a general lack of coherence and allowed the authorities the chance to play agencies off against each-other (ICVA, 2022). Forced partnerships in Education—where INGOs will be working through, rather than with, Provincial Education Departments and local NNGOs endorsed by the Taliban—the latest in a swath of targeted measures pointing to the next phase of this approach<sup>6</sup>.

Humanitarian action in Afghanistan has always been subject to a certain degree of compromise. But cooperation leading to complicity during the first Taliban regime in the 1990s saw the moral standing of humanitarian intervention significantly weakened with the guiding principle of humanity underpinned by

<sup>5</sup> *IASC Guiding Principles and Donor Expectations following the Ban on Female NGO Workers in Afghanistan* (Unpublished 2023). Indicators to monitor whether the minimum criteria established is being fulfilled are protractedly being reported against with the review exercise in progress.

<sup>6</sup> Official guidance from the Ministry of Education for INGOs working in the sector—articulating the non-reversible transition of Community-based Education (CBE) classes to national partners—is anticipated in April 2024.

gender equality and social inclusion abandoned by humanitarian actors. Humanitarianism recovered in Afghanistan—fortunately without creating a precedent for compromise elsewhere—but with such extreme discrimination and misogyny of women and girls at play the universality of core humanitarian principles are again at grave risk. Ethical dilemmas must now impact operational decision-making with a commitment to re-evaluate whether the principles of impartiality and neutrality can be morally acceptable in the face of such flagrant gender persecution: a crime against humanity under the Rome Statute.

Sector structural weaknesses that prioritize upward accountability to donors rather than recipient communities continue to dominate the resumption narrative. Suspending moral norms for a wider moral good—merely contributing towards the slippery slope of complicity—is a false dichotomy. Humanitarians simply cannot choose between two equally bad options: adopting compromised working adaptations that essentially exclude women (both from assistance and the workplace) or prolonging suspension status until the decree is revoked.

Humanitarians have a simple ethical responsibility: non-cooperation. Complicity, entanglement, and implication remain moral risks for alternative action. Moral indifference—twinned with blanket policies of absolute neutrality on the misguided ethical basis of humanitarian imperative (ignoring the directives and activating this principle would abandon duty of care and transfer considerable risk to frontline workers)—wrecks principled intentions that fail to publicly condemn violations of international humanitarian law. Responsibility to protect cannot exist within an aid environment in such clear violation of non-discriminatory practice. Refusal to cooperate now stands as the only immediate and viable pathway in access negotiations—potentially serving as the last point of leverage—to restore hope for principled humanitarian action.

Navigating ethical dilemmas necessitate aid agencies to balance a complex set of commitments based on international humanitarian and human rights law, core humanitarian principles, and sector-specific codes of conduct, standards and organizational policies. Policy prescriptions for non-cooperation are clearly fraught with risk when at the very heart of the matter tensions between human rights and policy commitments to uphold female rights, and the humanitarian imperative to act in the face of acute need embodied in the principle of humanity, clash. Choosing exit and enacting the ethic of refusal would inevitably increase immediate suffering and potential loss of life but if humanitarians continue to compromise with such extreme misogyny and its comprehensive persecution of women and girls, they will ultimately weaken the universal moral standing of gender equality and the principle of humanity upon which it is based.

### **Conflicts of Interest**

The author declares no conflicts of interest regarding the publication of this paper.

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