











# Afghanistan

WBL 2.0 legal frameworks score	WBL 2.0 supportive frameworks score	WBL 2.0 expert opinions score
<b>20.0</b>	<b>13.3</b>	<b>N/A</b>

*Women, Business and the Law 2024* (WBL 2024) identifies barriers for women’s economic empowerment in three areas: women’s legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice. For that purpose, three new *Women, Business and the Law 2.0* indexes are presented for ten indicators: (1) legal frameworks, (2) supportive frameworks, and (3) expert opinions. For the WBL 2.0 legal frameworks index, 40 questions are scored across the ten indicators for 190 economies. For the WBL 2.0 supportive frameworks index, 30 questions are scored across the ten indicators for 190 economies. Overall economy level legal and supportive frameworks scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. The WBL 2.0 expert opinions index is created for a total of 164 economies. Expert opinion scores are not available for Afghanistan due to an insufficient number of responses received from this economy during data collection.

For Afghanistan, data refer to the legal frameworks and supportive frameworks that are applicable to the main business city (Kabul). The scores for Afghanistan are shown in the table below.

## Women, Business and the Law 2024 2.0 indicator scores

										
WBL 2.0	Safety	Mobility	Workplace	Pay	Marriage	Parenthood	Childcare	Entrepreneurship	Assets	Pension
Legal frameworks score	25.0	25.0	0.0	0.0	25.0	25.0	25.0	25.0	25.0	25.0
Supportive frameworks score	0.0	66.7	0.0	0.0	33.3	0.0	0.0	33.3	0.0	0.0
Expert opinions score	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

In summary, the **WBL 2.0 legal frameworks score** for Afghanistan (20.0 out of 100.0) is lower than the global average (64.2) and lower than the South Asia regional average (45.9). Afghanistan does not attain a perfect score on any of the WBL 2.0 legal frameworks indicators. There is room for improvement across all ten indicators. As an example, one of the lowest scores for Afghanistan is on the indicator measuring laws affecting women’s decisions to work. To improve on the Workplace indicator, Afghanistan may wish to consider allowing a woman to get a job without permission from her husband, prohibiting discrimination in employment based on gender, prohibiting discrimination in recruitment based on marital status, parental status, and age and allowing employees to request flexible work.

The **WBL 2.0 supportive frameworks score** for Afghanistan (13.3 out of 100.0) is lower than the global average (39.5) and lower than the South Asia regional average (31.1). Afghanistan does not attain a perfect score on any of the WBL 2.0 supportive frameworks indicators. There is room for improvement across all ten indicators. As an example, one of the lowest scores for Afghanistan is on the indicator measuring supportive frameworks affecting women’s safety. To improve on the Safety indicator, Afghanistan may wish to consider developing comprehensive mechanisms to address violence against women, putting in place special procedures for cases of sexual harassment, designating a government entity responsible for the monitoring and implementation of national services, plans and programmes addressing violence against women,

providing an annual budgetary allocation towards violence against women risk mitigation and prevention and response programs.

## WBL 2.0 legal frameworks data

QUESTION	ANSWER	LEGAL BASIS
<b>Safety</b>		
Does the law address child marriage?	No	No applicable provisions could be located
Does the law address sexual harassment?	Yes	Law on the Prevention and Prohibition of Harassment of Women and Children, Arts. 2(4), 3(6), 9(1), 12, 13, 25, 26 and 27; Law on Elimination of Violence against Women, Arts. 4, 6(5), 29, 30 and 41
Does the law address domestic violence?	No	No applicable provisions could be located
Does the law address femicide?	No	No applicable provisions could be located
<b>Mobility</b>		
Can a woman choose where to live in the same way as a man?	No	Civil Code of Afghanistan, Arts. 115, 117 and 122 (3)
Can a woman travel internationally in the same way as a man?	No	Passport Law of 2015; Taliban's Guidelines of December 2021
Can a woman travel outside her home in the same way as a man?	No	Taliban's Guidelines of December 2021
Do a woman and a man have equal rights to confer citizenship on their spouses and their children?	Yes	Citizenship Law of Islamic Emirate of Afghanistan, promulgated by Decree No. 12 of 2000, Art. 11
<b>Workplace</b>		
Can a woman get a job in the same way as a man?	No	Taliban's Guidelines of December 2021
Does the law explicitly prohibit discrimination in recruitment based on marital status, parental status, and age?	No	No applicable provisions could be located
Does the law prohibit discrimination in employment based on gender?	No	No applicable provisions could be located
Does the law allow employees to request flexible work?	No	No applicable provisions could be located
<b>Pay</b>		
Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
Can a woman work at night in the same way as a man?	No	Labor Law, Art. 121
Can a woman work in a job deemed dangerous in the same way as a man?	No	Labor Law, Art. 120
Can a woman work in an industrial job in the same way as a man?	No	Labor Law, Art. 120
<b>Marriage</b>		
Is the law free of legal provisions that require a married woman to obey her husband?	No	Civil Code Afghanistan, Art. 122(2)
Can a woman be "head of household" or "head of family" in the same way as a man?	Yes	No restrictions could be located
Can a woman obtain a judgment of divorce in the same way as a man?	No	Civil Code of Afghanistan, Arts. 135-197
Does a woman have the same rights to remarry as a man?	No	Civil Code of Afghanistan, Arts. 198-216
<b>Parenthood</b>		
Is paid leave of at least 14 weeks available to mothers?	No	Labor Law, Art. 54
Are leave benefits for mothers paid solely by the government?	No	Labor Law, Art. 54
Is paid leave available to fathers?	Yes	Labor Law, Art. 51
Is dismissal of pregnant workers prohibited?	No	No applicable provisions could be located
<b>Childcare</b>		
Does the law establish the provision of center-based childcare services?	Yes	Labor Law No. 35 of 2007, Arts. 3 and 126
Does the law establish any form of support for families for childcare services?	No	No applicable provisions could be located

Does the law establish any form of support for nonstate childcare providers?	No	No applicable provisions could be located
Does the law establish quality standards for the provision of center-based childcare services?	No	No applicable provisions could be located
<b>Entrepreneurship</b>		
Can a woman undertake entrepreneurial activities in the same way as a man?	Yes	Civil Code of Afghanistan, Art. 39; Commercial Law of Afghanistan, Arts. 4 and 8; Banking Law of Afghanistan, Art. 84
Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
Does the law prescribe a gender quota for corporate boards?	No	No applicable provisions could be located
Does the law include gender-sensitive procurement provisions for public procurement processes?	No	No applicable provisions could be located
<b>Assets</b>		
Do a woman and a man have equal administrative power and ownership rights to immovable property, including land?	Yes	Constitution of Afghanistan, Art. 22; Civil Code of Afghanistan, Arts. 1(2) and 1900
Do sons and daughters have equal rights to inherit assets?	No	Civil Code of Afghanistan, Arts. 2008 and 2019
Do male and female surviving spouses have equal rights to inherit assets?	No	Civil Code of Afghanistan, Art. 2007
Does the law provide for the valuation of nonmonetary contributions?	No	No applicable provisions could be located
<b>Pension</b>		
Are the ages at which a woman and a man can retire with full pension benefits the same?	No	No applicable provisions could be located
Are the ages at which a woman and a man can retire with partial pension benefits the same?	No	No applicable provisions could be located
Is the mandatory retirement age for a woman and a man the same?	Yes	Labor Law, Art. 138(1)
Are periods of absence due to childcare accounted for in pension benefits?	No	No applicable provisions could be located

## WBL 2.0 supportive frameworks data

QUESTION	ANSWER	SOURCE
<b>Safety</b>		
Has the government developed comprehensive mechanisms to address violence against women?	No	Insufficient evidence located
Are special procedures in place for cases of sexual harassment?	No	Insufficient evidence located
Is a government entity responsible for monitoring and implementing national services, plans and programs addressing violence against women?	No	Insufficient evidence located
Is an annual budgetary allocation devoted to violence against women risk mitigation, prevention, and response programs?	No	Insufficient evidence located
<b>Mobility</b>		
Are passport application processes the same for a woman and a man?	Yes	Passport application form
Are the application processes for official identity documents the same for a woman and a man?	Yes	ID application procedures
Does a current policy or plan explicitly consider the specific mobility needs of women in public transportation?	No	Insufficient evidence located
<b>Workplace</b>		
Does a specialized body receive complaints about gender discrimination in employment?	No	Insufficient evidence located

Has the government published guidelines on nondiscrimination based on gender in recruitment?	No	Insufficient evidence located
Has the government published guidelines on flexible work arrangements?	No	Insufficient evidence located
<b>Pay</b>		
Are pay transparency measures or enforcement mechanisms in place to address the pay gap?	No	Insufficient evidence located
Have sex-disaggregated data on employment in different industries or sectors been published?	No	Insufficient evidence located
<b>Marriage</b>		
Is there a fast-track process or procedure for family law disputes?	No	Insufficient evidence located
Are there specialized family courts?	No	Insufficient evidence located
Is legal aid available for family law disputes?	Yes	Resolution of The Council of Ministers of The Islamic Republic of Afghanistan No. (16) Date 4/10/1387
<b>Parenthood</b>		
Is it possible to apply for maternity benefits through a single government application process?	No	Insufficient evidence located
Are incentives in place to encourage fathers to take paternity leave on the birth of a child?	No	Insufficient evidence located
Have sex-disaggregated data on unpaid care work been published?	No	Insufficient evidence located
<b>Childcare</b>		
Is there a publicly available registry or database of childcare providers?	No	Insufficient evidence located
Is there a clearly outlined application procedure to request financial support from the government for childcare services by parents?	No	Insufficient evidence located
Is there a clearly outlined application procedure to request financial support from the government for childcare services by nonstate childcare providers?	No	Insufficient evidence located
Has the government published any reports on the quality of childcare services?	No	Insufficient evidence located
<b>Entrepreneurship</b>		
Have sex-disaggregated data on business activities, entrepreneurship, or women-owned businesses been published?	No	Insufficient evidence located
Are government-led programs supporting female entrepreneurs providing access to finance and training, coaching, or business development?	No	Insufficient evidence located
Does a current national government plan or strategy focus on women's access to financial services?	Yes	The National Financial Inclusion Strategy of Afghanistan (2020-2024)
<b>Assets</b>		
Are mechanisms or incentives in place to encourage women to register immovable property (including joint titling)?	No	Insufficient evidence located
Are awareness measures in place to improve women's access to information about marital and inheritance rights?	No	Insufficient evidence located
Have anonymized sex-disaggregated data on property ownership been published?	No	Insufficient evidence located
<b>Pension</b>		
Are incentives in place to increase women's retirement benefits?	No	Insufficient evidence located
Is a procedure in place for pension beneficiaries to challenge the decisions of the competent authority regarding their benefits?	No	Insufficient evidence located