

Afghanistan

Women, Business and the Law 2020 presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Kabul). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Afghanistan scores 38.1 out of 100**. The overall score for Afghanistan is lower than the regional average observed across South Asia (62.4).

Afghanistan - Scores for Women, Business and the Law 2020



Relative Strengths

Afghanistan does not attain a perfect score on any of the WBL2020 indicators. There is room for improvement across all eight indicators.

Areas for Improvement

However, when it comes to constraints on freedom of movement, laws affecting women's decisions to work, laws affecting women's pay, constraints related to marriage, laws affecting women's work after having children, constraints on women's starting and running a business, gender differences in property and inheritance, and laws affecting the size of a women's pension, Afghanistan could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Afghanistan is on the indicator related to laws affecting women's pay (the WBL2020 Pay Indicator). To improve on the Pay Indicator, Afghanistan may wish to consider mandating equal remuneration for work of equal value, allowing women to work the same night hours as men, allowing women to work in jobs deemed dangerous in the same way as men, and allowing women to work in all the same industries as men.

Recent Reforms (2018-2019)

No reforms impacting the WBL2020 indicators have been observed during the past two years.



	QUESTION	ANSWER	LEGAL BASIS
Mobility	Can a woman choose where to live in the same way as a man?	No	Civil Code of the Republic of Afghanistan, Arts. 115, 117 and Art. 122(3)
	Can a woman travel outside her home in the same way as a man?	No	Civil Code of the Republic of Afghanistan, Art. 122(1)
	Can a woman apply for a passport in the same way as a man?	Yes	Passport Law of 2015; Passport application procedures
	Can a woman travel outside the country in the same way as a man?	Yes	No restrictions could be located
Workplace	Can a woman get a job in the same way as a man?	Yes	Labor Law, Art. 9; Commercial Law, Art. 4
	Does the law prohibit discrimination in employment based on gender?	No	No applicable provisions could be located
	Is there legislation on sexual harassment in employment?	Yes	Regulation on Prohibition of Women Harassment, Arts. 2(4), 3(6), 9(1), 12 and 13; Law on Elimination of Violence against Women, Arts. 4, 29 and 30
	Are there criminal penalties or civil remedies for sexual harassment in employment?	Yes	<i>Criminal:</i> Law on Elimination of Violence against Women, Arts. 4, 29 and 30; Regulation on Prohibition of Women Harassment, Art. 9(1) <i>Civil:</i> Law on the Elimination of Violence Against Women, Arts. 6(5) and 41; Regulation on Prohibition of Women Harassment, Art. 9(1)
Pay	Does the law mandate equal remuneration for work of equal value?	No	No applicable provisions could be located
	Can women work the same night hours as men?	No	Labor Law, Art. 121
	Can women work in jobs dangerous in the same way as men?	No	Jobs deemed hazardous: Labor Law, Art. 120 Jobs deemed arduous: Labor Law, Art. 120 Jobs deemed morally inappropriate: No restrictions could be located
	Are women able to work in the same industries as men?	No	Mining: Labor Law, Art. 120 Construction: No restrictions could be located Factories: No restrictions could be located Agriculture: No restrictions could be located Energy: No restrictions could be located Water: No restrictions could be located Transportation: No restrictions could be located Other: No restrictions could be located
Marriage	Is there no legal provision that requires a married woman to obey her husband?	No	Civil Code of the Republic of Afghanistan, Art. 122(2)
	Can a woman be head of household in the same way as a man?	Yes	No restrictions could be located
	Is there legislation specifically addressing domestic violence?	No	No applicable provisions could be located
	Can a woman obtain a judgment of divorce in the same way as a man?	No	Civil Code of the Republic of Afghanistan, Arts. 135-197
	Does a woman have the same rights to remarry as a man?	No	Civil Code of the Republic of Afghanistan, Arts. 198-216
Parenthood	Is paid leave of at least 14 weeks available to mothers?	No	Labor Law, Art. 54
	Does the government pay 100% of maternity leave benefits?	No	Labor Law, Art. 54
	Is there paid paternity leave?	Yes	Labor Code, Art. 51
	Is there paid parental leave?	No	No applicable provisions could be located
	Is dismissal of pregnant workers prohibited?	No	No applicable provisions could be located
Entrepren.	Does the law prohibit discrimination in access to credit based on gender?	No	No applicable provisions could be located
	Can a woman sign a contract in the same way as a man?	Yes	Civil Code of the Republic of Afghanistan, Art. 39
	Can a woman register a business in the same way as a man?	Yes	Commercial Law, Arts. 4 and 8
	Can a woman open a bank account in the same way as man?	Yes	Commercial Law, Art. 4
Assets	Do men and women have equal ownership rights to immovable property?	Yes	Constitution of Afghanistan, Art. 22
	Do sons and daughters have equal rights to inherit assets from their parents?	No	Civil Code of the Republic of Afghanistan, Arts. 2008 and 2019
	Do female and male surviving spouses have equal rights to inherit assets?	No	Civil Code of the Republic of Afghanistan, Art. 2007
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Civil Code of the Republic of Afghanistan, Arts.1(2) and 1900
	Does the law provide for the valuation of nonmonetary contributions?	No	Civil Code of the Republic of Afghanistan, Arts.1(2) and 90
Pension	Are the ages at which men and women can retire with full pension benefits equal?	No	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are the ages at which men and women can retire with partial pension benefits equal?	No	Women: No applicable provisions could be located Men: No applicable provisions could be located
	Are the mandatory retirement ages for men and women equal?	Yes	Women: Labor Law, Art. 138(1) Men: Labor Law, Art. 138(1)
	Are periods of absence due to child care accounted for in pension benefits?	No	No applicable provisions could be located