

Afghanistan

Women, Business and the Law 2023 (WBL2023) presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across 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 31.9 out of 100**. The overall score for Afghanistan is lower than the regional average observed across South Asia (63.7). Within the South Asia region, the maximum score observed is 80.6 (Nepal).

Afghanistan - Scores for Women, Business and the Law 2023



Relative Strengths

Afghanistan does not attain a perfect score on any of the WBL2023 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 starting and running a business, gender differences in property and inheritance, and laws affecting the size of a woman'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 measuring laws affecting women's pay (the WBL2023 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 at night in the same way as men, allowing women to work in jobs deemed dangerous in the same way as men, and allowing women to work in an industrial job in the same way as men.

Recent Reforms

During the past year (October 2nd, 2021 to October 1st, 2022), Afghanistan restricted women's right to travel outside the country in the same way as men. Afghanistan restricted women's right to get a job in the same way as men.



Further data details for Afghanistan are available at:
<https://wbl.worldbank.org/en/data/exploreconomies/afghanistan/2023>



	QUESTION	ANSWER	LEGAL BASIS
Mobility	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 outside her home in the same way as a man?	No	Taliban's Guidelines of December 2021
	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?	No	Taliban's Guidelines of December 2021
Workplace	Can a woman get a job in the same way as a man?	No	Taliban's Guidelines of December 2021
	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	Law on the Prevention and Prohibition of Harassment of Women and Children, 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; Law on the Prevention and Prohibition of Harassment of Women and Children, Art. 9(1) <i>Civil:</i> Law on Elimination of Violence against Women, Arts. 6(5) and 41; Law on the Prevention and Prohibition of Harassment of Women and Children, Art. 9(1)
Pay	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
Marriage	Is the law free of legal provisions that require a married woman to obey her husband?	No	Civil Code 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 Afghanistan, Arts. 135-197
	Does a woman have the same rights to remarry as a man?	No	Civil Code 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 paid leave available to fathers?	Yes	Labor Law, 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
Entrepreneurship	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 Afghanistan, Art. 39
	Can a woman register a business in the same way as a man?	Yes	Commercial Law of Afghanistan, Arts. 4 and 8
	Can a woman open a bank account in the same way as a man?	Yes	Commercial Law of Afghanistan, Art. 4; Banking Law of Afghanistan, Art. 84
Assets	Do men and women have equal ownership rights to immovable property?	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 from their parents?	No	Civil Code of Afghanistan, Arts. 2008 and 2019
	Do female and male surviving spouses have equal rights to inherit assets?	No	Civil Code of Afghanistan, Art. 2007
	Does the law grant spouses equal administrative authority over assets during marriage?	Yes	Civil Code of Afghanistan, Arts. 1(2) and 1900
	Does the law provide for the valuation of nonmonetary contributions?	No	No applicable provisions could be located
	Is the age at which men and women can retire with full pension benefits the same?	No	No applicable provisions could be located
Pension	Is the age at which men and women can retire with partial pension benefits the same?	No	No applicable provisions could be located
	Is the mandatory retirement age for men and women 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