

# The Role of Women's Political Participation in Afghanistan's Legal Development (2001-2014): A Law and Development Perspective

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**Abstract.** The involvement of women in the political process is crucial to the process of political and legal development of societies. After the collapse of the Taliban regime in Afghanistan and the formation of a democratic system in 2001, women's participation in social and political spheres was facilitated. Based on field data and legal change in Afghanistan, this article discusses the role of women's participation in strengthening democracy and the buildup of the legal development of the country. The establishment of organizations such as the Ministry of Women's Affairs, women's quotas in parliament, and the approval of new laws show the deep connection between rights in every section of the government and development from the perspective of women's participation. The purpose of this paper is to analyze the relationship between laws that politically empower women and their impact on the process of sustainable legal development.

**Keywords:** Women, Political Participation, Legal Development.

## 1 Introduction

### 1.1 Context and Background

After 2001, Afghanistan saw a lot of changes. These changes made women more likely to be present in society and politics [1], [2]. With the adoption of a new constitution in 2004 and the assistance of international institutions, the way for women's active participation in politics opened up [3], [4]. In many countries, political participation is a sign of democracy and can play an important role in the country's growth and development [5].

Political participation of women is not only a human rights issue, but also a foundation for democratic development and legal reform. In countries like Afghanistan, where decades of conflict have weakened institutions, empowering women politically is crucial for inclusive governance. However, Afghan women still face many difficulties in politics [6], [7]. Like cultural traditions, invisibility, and lack of a place in decision-making [8], whereas in other countries, when women are involved in politics, social justice and legal growth improve [9],[10].

While many studies have focused on women's general participation in Afghan society, few have explored the direct impact of this participation on the development

of legal structures from a law and development perspective.

This paper aims to fill that gap by examining how Afghan women's political involvement between 2001 and 2014 has influenced legal frameworks, promoted equality, and challenged traditional power dynamics.

## **2 Method**

Qualitative and descriptive research method was used in this paper. The required information was collected through library and documentary study. The main sources include legal texts such as the 2004 Afghan Constitution, laws related to women's rights, and scientific articles and reports published by international organizations.

This research does not use interviews or field questionnaires but focuses on legal analysis and examining legal developments related to women's political participation between 2001 and 2014. The main objective of the research is to clarify the link between legal reform and women's political empowerment in Afghanistan.

## **3 Result and Discussion**

### **3.1 Women's Political Participation and Strengthening Democracy**

Political participation refers to any voluntary activity undertaken by individuals, whether organized or unorganized, temporary or continuous, to influence public policies or the selection of political leaders at various levels of government. These actions may be successful or unsuccessful and may be carried out through legal or illegal means [11]. Women's political participation in Afghanistan in the 21st century is closely tied to the events of September 11, 2001, which led to the U.S. and its allies' invasion of Afghanistan and the Bonn Conference. Mechanisms such as the adoption of a constitution, holding elections, and human rights protections formed the basis of the Bonn Agreement aimed at achieving democracy.

One of the outcomes of this conference was the establishment of an interim administration in Afghanistan [12]. This marked a turning point for women's status and the beginning of women's activism after the first Taliban regime in Afghanistan. For example, in the 21-member commission for the Emergency Loya Jirga established on January 22, 2002, three women participated: Mahbooba Hoquqmal, Suraya Parlika, and Hamira Naimi. Massouda Jalal was the only woman who ran as a candidate in the first presidential election of the transitional government [13].

The 2004 Constitution supports women's rights and participation in all spheres and legalizes women's presence in politics [14]. Article 7 of the Constitution of the Islamic Republic of Afghanistan states: "The state of Afghanistan shall observe the United Nations Charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights" [14]. Article 22: "Any kind of discrimination and privilege among the citizens of Afghanistan is prohibited.

The citizens of Afghanistan, whether men or women, have equal rights and duties before the law." Article 33: "All citizens of Afghanistan have the right to vote and to be elected. "At the legislative level, no restrictions have been imposed on women. For example, the Chief Justice is the highest position in Afghanistan's judiciary, and the

Constitution does not specify that this position must be held by a man [15].

### **3.2 The Effects of Migration on Destination Countries of the European Union**

With the changes that emerged in Afghanistan after 2001, many institutions were established to support women's rights - either by the government or by international organizations and donor countries. The primary purpose of these institutions was to help women play an active role in society and particularly in politics. The Ministry of Women's Affairs was one of the first institutions established in 2001, with most of its employees and leaders being women. It conducts awareness programs for women in Afghanistan to educate them about their rights, build their self-confidence, and prepare them to participate in elections or assume government positions.

Alongside this, the Afghan Women's Network was formed, bringing together various women-focused organizations and institutions. It works to amplify women's voices in society and politics. Additionally, the Independent Human Rights Commission continuously monitors women's status and makes recommendations to the government for improvement.

Legal protections were also implemented, such as the Law on Elimination of Violence Against Women passed in 2009, which is considered one of the most important steps for protecting women in Afghanistan [16]. Later, the Law on Prohibition of Harassment Against Women and Children was enacted in 2016, creating a safer environment for women [17].

On another front, organizations like UN Women and the United Nations Development Fund for Women have assisted women's political participation through educational and financial programs. They provide legal counseling and training and even support some of their election campaign costs.

Despite all these efforts, much remains to be done. However, these support mechanisms represent important steps toward enabling Afghan women to participate in shaping the country's laws in the future and contributing to legal development through their presence.

### **3.3 Women's Participation as a Tool for Legal Development.**

For me, women's political participation is not just an academic concept. It is a lived experience — a bitter and sweet truth from a land where being a woman is a struggle. A struggle that starts from the first moments of life, often inside the family. For many years, I have seen how brave and oppressed Afghan women, despite discrimination, violence, and being ignored, still tried to take part in building and developing their country [18].

When women entered the parliament during the Republic era, or took responsibilities in ministries, it was not just a symbolic presence. They were the voice of half of the population — women who found hope in the 2004 Constitution, and encouragement from international organizations that believed they could make a difference. Their presence helped shape legal development; because when women become lawmakers, they care about the rights of women, children, and families. Laws that were passed to stop violence, support single mothers, or provide equal access to

education were clearly the result of this participation [19], [20].

In my own life, I have seen how every step Afghan woman took in politics changed society. This participation not only helped bring legal justice, but it also taught society that a woman is not just someone who follows others — she can be a lawmaker, a decision-maker, and a role model for future generations [21].

Now, when I look back, I truly believe that the presence of women in politics has been the key to real legal development in Afghanistan — not just as members of parliament, but as the living voice of justice and law.

### **3.4 Challenges and Opportunities for Women's Political Participation in Legal Development**

In Afghanistan, despite all the progress made, women's political participation continues to face significant obstacles. These challenges not only limit women's involvement in politics but also hinder the country's legal development.

One of the biggest barriers is deeply rooted traditional and cultural beliefs. Many in society still hold the view that women should not engage in politics or lawmaking. This mindset makes it difficult for women to join decision-making bodies or voice their opinions freely. Another major challenge is the lack of legal awareness among women themselves. Many, particularly in rural and marginalized areas, remain unaware of their right to vote, let alone run for office. Without this knowledge, women cannot effectively contribute to shaping laws or legal reforms [22].

Additionally, institutional support remains weak. Women who enter politics often find themselves isolated, with little backing from political parties or government structures. Even in parliament, some women hold seats in name only, their roles more symbolic than substantive.

Yet, there are reasons for hope. The 2004 Constitution, with its emphasis on gender equality, and the reservation of 27% of parliamentary seats for women have been crucial steps forward. International organizations like UN Women and UNDP have also played a vital role by providing education, funding, and advocacy programs, helping women engage more effectively in politics and legal reform.

If these efforts continue—and if a new generation of educated, aware women steps into politics—there is real potential for women's participation to drive meaningful, equitable legal progress in Afghanistan.

## **4 Conclusion**

Women's political participation between 2001-2014, despite cultural, security and structural challenges, played a significant role in strengthening democracy and legal development. The adoption of supportive laws like the 2004 Constitution, creation of specialized institutions such as the Ministry of Women's Affairs, and allocation of parliamentary quotas for women established the legal and institutional framework for women's active political engagement.

This participation not only led to fairer legislation like the Law on Elimination of Violence Against Women but also represented a step toward transforming traditional mindsets and reinforcing women's role as legal actors. However, persistent obstacles -

including limited legal awareness, insecurity, and cultural resistance - demonstrate that achieving sustainable legal development requires continued domestic and international support, strengthened civil institutions, and education for future generations of women.

Afghanistan's experience proves that despite all difficulties, women's political participation and legal development can serve as a model for transitioning from traditional societies to ones founded on gender justice. The journey was neither simple nor complete, but it planted seeds of change that future generations may yet harvest.

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