



Paper Title: Protecting Afghan Women’s Participation in the Public Sphere

Author(s): Sanaa Talwasa

To cite this article (Chicago): Talwasa, Sanaa (2020) “Protecting Afghan Women’s Participation in the Public Sphere.” *Women and Public Policy Journal*, Vol. 6 (2020): pp. 43 - 49. Accessed Month Day, Year. Retrieved from *url*

Women and Public Policy Journal (Vol. 6 – 2020)

Published by:

Organization for Policy Research and development Studies
(DROPS)



Protecting Afghan Women's Participation in the Public Sphere

Sanaa Talwasa¹

Afghan women have been rendered a legally vulnerable group due to nearly half a century of protracted armed conflict in the country. The conservative culture in Afghan society has compounded this further. Collectively, these factors have impeded women from participating freely and meaningfully in public spheres of life such as in politics, sport, art, and the economy. Shortcomings in current policies and legislation (many of which are an outcome of the past) highlight the need for an overhaul not only to ensure protection of women's fundamental rights but also to ensure that women across the country are able to sustainably utilize the opportunities they present.

This essay briefly explores the key challenges Afghan women encounter in public life, and argues that the Afghan government must formulate and implement 'work family reconciliation policies' to facilitate equal opportunities and legal support for the Afghan women in public and private sphere of life. To that end, this essay relies on Turkey's experience as a case study and as a suitable model for Afghanistan to develop work-life balance related policies and to pave the path for the development of Afghanistan's welfare system. The essay concludes with specific policy recommendations to that end.

1. Sanaa Talwasa is a Legislative Drafting Officer at the Department of Civil Law, Ministry of Justice, Government of the Islamic Republic of Afghanistan.

Afghan Women's Rights and Challenges in the Socio–Political Context

After the Taliban regime was toppled, Afghanistan's 2004 constitution guaranteed basic rights and freedoms, including gender equality, for all citizens.² Nevertheless, implementation of legal protections for women's rights and women's empowerment continue to encounter several challenges. For instance, Afghan society, especially in the rural areas, does not enthusiastically welcome women's participation in public spheres of life due to prevailing traditional and conservative norms. Several women have been assassinated or have received threats to life and limb in public for their roles as human rights activists, public servants, or politicians.³ Furthermore, it is a socio–cultural taboo to address women by their names in the public sphere.⁴ One of the consequences of this seemingly harmless norm was the non–inclusion of mothers' names in their children's ID cards until a September 2020 amendment to legal provisions introduced inclusion of mothers' names.⁵

Additionally, Afghan women are expected to provide unpaid care giving roles and carry out household work in the domestic sphere,⁶ all of which are considered their fundamental responsibilities. These tasks require considerable investment of time and energy, often resulting in women giving up participation in socio–political and economic aspects of life.⁷ For example, 62% of Afghan girls drop out of school between 13 and 15 years of age⁸ due to several obstacles that negatively affect their future in social and political spheres. Unemployment rate among women is at 41%, and 23.9% of Afghan women cited unemployment as a key concern in Afghanistan.⁹ In this regard, the Afghan government has failed to formally

2. Constitution of the Islamic Republic of Afghanistan, Article 22.

3. "Afghanistan: Keep Promises to Afghan Women." Human Rights Watch, December 06, 2009 <https://www.hrw.org/report/2009/12/06/we-have-promises-world/womens-rights-afghanistan>

4. "Access to Tazkera and other civil documentation in Afghanistan." Norwegian Refugee Council, and Samuel Hall, 2016. http://samuelhall.org/wp-content/uploads/2016/11/af_civil-documentation-study_081116.pdf

5. Soroush, Rohullah. "What's in a Women's name? No name, no Persona." Afghanistan Analysts Network, March 08, 2019. <https://www.afghanistan-analysts.org/whats-in-a-womans-name-no-name-no-public-persona/>

6. "Women's Access to Property in Afghanistan Law, Enforcement and Barriers." Qara Consulting, 2011. <http://harakat.af/pdf/research/977758d76a84de77b.pdf>

7. "Women and Girls in Afghanistan." Razia's Ray of Hope Foundation. <https://raziasrayofhope.org/women-and-girls-in-afghanistan.html>

8. Nikzad, Khalid. "Findings of the Women and Children Legal Research Foundation (WCLRF)." TOLO News December 24, 2019. <https://tolonews.com/afghanistan/60-afghan-girls-leave-school-age-15-wclrf>

9. "A Survey of Afghan People, Afghanistan in 2019." Asia Foundation, 2019. <https://asiafoundation.org/publication/afghanistan-in-2019-a-survey-of-the-afghan-people/>

enable all women to utilize the opportunities to enjoy life beyond their domestic roles. This is where a comprehensive ‘work family reconciliation policy’ could benefit Afghan women by enabling them to actively overcome challenges.

Work Family Reconciliation Policies

The ‘work–family reconciliation policy’ concept pertains to reconciling employment and family responsibilities.¹⁰ It refers to a “process of seeking accommodation between the needs and interests of employers, employees, and those for whom they care,” which can result in social and economic prosperity of a society performing jointly rather than in silos.¹¹ The nature of employment and its effects go far beyond the employer–employee relationship by influencing families, markets, and societies.¹² Employment has a direct relationship with economic prosperity and social welfare.¹³ As a result, many countries adopt policies that holistically reconcile the interests of the family and those of the workplace and economic activities rather than by focusing policies on men or women separately. In such cases, social and economic policies seek to provide similar duties and support for fathers in the family and mothers in the workplace. Reconciling family life and work life, i.e. enabling work–life balance, offers a tangible path for social policy to pursue social welfare and quality of life.¹⁴

The Current Status of Work–Family Reconciliation Policies in Afghanistan

Afghanistan’s prevailing labor law regulations consider the minimum standard advised by the International Labor Organization (ILO), such as three months maternity leave, official breaks for nursing mothers, and recommendations to build public kindergartens for working mothers, among others. While these are some positive measures, Afghan labor

10. Kazanoglu, Nazli. “Work and Family Life Reconciliation Policies in Turkey: Europeanisation or Ottomanization?” *MDPI Social Science Journal*, 2019. <https://ideas.repec.org/a/gam/jscscx/v8y2019i2p36-d201232.html>

11. Moss, Peter. “Reconciling Employment and Family Responsibilities: A European Perspective.” *The Work- Family Challenge; Rethinking Employment*, 20, 21-22. New York: 1996.

12. Jonathan W. Fineman, “A Vulnerability Approach to Private Ordering of Employment,” *Vulnerability and the Legal Organization of Work* 13, 14-15. New York: 2018.

13. European Commission, *European Social Policy: Options for the Future (Green Paper)*. Luxembourg: Office for Official Publications of the European Communities, 1993.

14. Peter Taylor-Gooby, *Paying for Welfare: The View from the Europe*. *Political Quarterly* 116–26, 1996.

policies still fall short of providing the necessary legal and institutional support for women to actively play a role in socio-political activities alongside responsibilities in the domestic sphere of life. For instance, Afghanistan is a member of the ILO but has not ratified the Maternity Protection Convention of 2000,¹⁵ which recommends 14 weeks maternity leave as a standard. In Afghanistan, public sector institutions enforce minimum requirements of labor law regulations related to maternity leave and childcare facilities. Public sector institutions fail to grant public access to kindergartens and only public sector employees avail this benefit.

Meanwhile, private sector employers are not required by law to offer flexible employment contracts. Moreover, private sector employers require employees to work full time in the office and even dedicate their off-work hours at home being responsive to any email and message regarding their work life. Employees aim to please the employer instead of implementing work-life balance norms and standards, in order to be successful in their careers. Thus, it is essential to consider updating existing policies to ensure a degree of standardization across the board. Relevant recent developments in some Asian countries such as Turkey and Singapore could offer useful models for Afghanistan.

Work Family Reconciliation Policy in Turkey

Turkey's experience in developing work-family reconciliation and public welfare policies could be a useful point of reference for Afghanistan due to shared cultural practices as well as similar low economic participation of women. Under Turkey's work-family reconciliation policy, employment contracts offer significant flexibility for new parents, especially new mothers in the formal sector. Another recent development in Turkey that has gained international attention since 2017 is the country's 'Grandma Allowance'. Under this approach, the government offers US\$ 100 as stipend for grandmothers taking care of grandchildren,¹⁶ so that working mothers are not obliged to send their children to expensive private day care centers. The government claims that the Grandma Allowance is a

15. International Labor Organization, Maternity Protection Convention, (Geneva: ILC, 2000).

16. Didar Yusra Dilruba Oz. "Turkey's Grandmother Projects Aims to Help Working Moms." Anadolu Agency, February 08, 2019. <https://www.aa.com.tr/en/todays-headlines/turkeys-grandmother-project-aims-to-help-working-moms-/744348>

significant step towards social welfare development since ultimately, it has multiple beneficiaries such as new mothers, grandmothers, and children.

The Grandma Allowance enables a safe environment and a trusted caretaker for children, essential help for full-time working mothers, and financial support for elderly women¹⁷ for taking care of grandchildren. The last two outcomes of the approach fulfill one of the most important goals of the Turkish government, i.e. increasing the numbers of working women in paid employment, and in turn achieving women's economic empowerment and gender equality in the country.¹⁸

Furthermore, the costs of implementing the Grandma Allowance initiative is a very low for the exchequer as compared to the costs of establishing new day care centers around the country. Some in Turkey even called it an "the ultimate win-win."¹⁹ Furthermore, the Turkish government highly encourages families to enroll kids into pre-school programs and provides support such as flexible employment, extending maternity leaves, Grandma Allowance etc., to encourage and support women's participation in the labor market. Similarly, the government supports and incentivizes the private sector to establish new day care centers by offering tax benefits for the first five years. Any private company disobeying the rules is issued a financial penalty.²⁰

Conclusion

This essay explored how Afghan women's participation in public life can benefit from legal protection and governmental involvement through work-family reconciliation policies. The outcome of an employer-employee relationship is not limited to the two legal entities (the employer and the employee) alone. On the contrary, it has a direct bearing on the market, the institution of family, and social welfare. In other words,

17. Kazanoglu, Nazli. "Work and Family Life Reconciliation Policies in Turkey." MDPI Social Science Journal., 20198. <https://ideas.repec.org/a/gam/jscscx/v8y2019i2p36-d201232.html>

18. Farooq, Umar. "Women Key to Democracy: Turkish Minister." Anadolu Agency, March 13, 2019. <https://www.aa.com.tr/en/americas/women-key-to-democracy-turkish-minister/1416462>

19. Matthews, Lauren. "This Country is Paying Grandmas to Take Care of their Grandkids." Hearst Digital Media, January 20, 2017. <https://www.womansday.com/relationships/family-friends/a57675/turkey-paying-grandmas-to-babysit/>

20. Kazanoglu, Nazli. "Work and Family Life Reconciliation Policies in Turkey." MDPI Social Science Journal., 20198. <https://ideas.repec.org/a/gam/jscscx/v8y2019i2p36-d201232.html>

work–family reconciliation policies empower women and contribute to economic benefits by generating employment. For example, work family reconciliation policies and relevant legal protections in favor of women generate new employment opportunities such as care giving as paid work in a society.

Similarly, an absence of gender based discriminative policies in the social welfare platform pave the path for standardization of women rights and status in the private sphere of life as well. For instance, any policies that avoid imposing free care giving duty on women could be a step toward gradual social change rather than rapid change through compulsory law in Afghanistan. That said, such policies are likely to meet with some resistance from traditional or conservative sections of society. To sustainably address such resistance, policies need to be designed by keeping in mind Afghan socioeconomic and cultural realities. Furthermore, the Afghanistan government needs to consider essential supplementary measures through executive organs as Turkey has done, by making the employer liable to pay penalties in case of any violations. This means the success of these policies will depend equally on enforcement. Afghan women need to gain greater access to equal rights, duties, opportunities, and legal support as citizens through laws and policies. Adopting work–family reconciliation policies could be a significant move toward women’s empowerment and legal support.

Policy Recommendations

- Considering the obstacles women face in Afghanistan, creative initiatives are required to strengthen women’s participation in public life; to secure gender equality in domestic life; and to pursue gradual social change through work–family reconciliation and social welfare policies rather than policies directly targeting women.
- The Afghan government must make it mandatory for employers to consider flexible employment policies and contracts for employees, especially new parents, to ensure a healthy and balanced family and work life. Maternity and paternity leaves would allow new mothers and fathers to have adequate time to raise their newborn children and handle paid work as well. Additionally, policies must be included

to introduce essential features for welfare of employees and their families (such as different types of insurance) to enhance the social welfare system in general.

- It is noteworthy that the policy adaptations need to cover several groups of the society such as children, elderly, disables, men, employees, and even employers, beside Afghan women. This means that the policies should be developed within social welfare framework to avoid opposition from the conservatives that other laws such as the Law on Elimination of Violence Against Women received.²¹ Nevertheless, the new policies legally supports women as active citizens of the society and a member of a given family in the public and private sphere of life, that would not arise resistance from the conservative group against the collective interest of these policies.
- It is essential that the government and communities cooperate closely to change the traditionally unpaid care-giving responsibilities that women deliver on, into a paid jobs that could be performed by either gender. This means adaptation will require collaboration between governmental, non-governmental, formal, and informal sectors in the country.

21. Bjelica, Jelena, and Ruttig, Thomas. "Widespread Violence yet Perpetrators go Unpunished." Afghanistan Analysts Network, May 29, 2018. <https://www.afghanistan-analysts.org/widespread-violence-yet-perpetrators-go-unpunished-a-new-un-report-on-violence-against-afghan-women/>