

# Symbolic or Substantive? Women's Political Participation and Its Impact on Legal Development in Afghanistan (2001–2021)

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## **Abstract**

*This study rigorously analyzes women's political participation in Afghanistan throughout the Republican era (2001–2021), emphasizing whether this participation was largely symbolic or led to significant legal advancements. Subsequent to the collapse of the Taliban rule in 2001, Afghanistan implemented substantial legal and institutional reforms to advance gender equality, encompassing constitutional assurances and female quotas in the parliament. Notwithstanding these formal achievements, the degree to which women may affect legal and political outcomes remains disputed.*

*This research employs feminist legal theory to examine the disparity between legal provisions and genuine political impact, utilizing qualitative content analysis of legal texts, policy frameworks, and electoral statistics. The data indicate that although women's political participation generated significant chances for representation and exposure, its overall effect was predominantly limited by structural, cultural, and political obstacles.*

*The study suggests that women's involvement in Afghanistan was both symbolic and substantive; yet, symbolic representation frequently surpassed substantive influence, especially in critical decision-making processes. This underscores the inadequacies of formal legislative reforms in attaining authentic gender equality in post-conflict settings.*

**Keywords:** Women participation, Afghanistan, feminist legal theory, Afghan peace process.

## **Introduction**

Subsequent to the Bonn Conference in December 2001, Afghanistan commenced a new phase of political rehabilitation.<sup>2</sup> Women's political engagement was recognized as a crucial component of democratic state-building.<sup>3</sup> The 2004 Constitution ensured equality through Article 22 and established a 27 percent quota for women in parliament via Article 83.<sup>4</sup> The Law on the Elimination of Violence Against Women (EVAW) was enacted in 2009 to enhance legal protections for women.<sup>5</sup>

Notwithstanding these legal developments, Afghanistan was initially positioned among the lowest countries in women's political engagement in 2001.<sup>6</sup> The enactment of these legislations encountered significant obstacles inside a very patriarchal society.<sup>7</sup> Cultural norms, religious conservatism, and fragile institutions constrained women's

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<sup>2</sup> The Graduate Institute of International and Development Studies, "Case Study Series Women in Peace & Transition Processes: [Afghanistan, 2001] BONN AGREEMENT 2001," December 2019, <https://www.inclusivepeace.org/wp-content/uploads/2021/05/case-study-women-afghanistan-2001-en.pdf>.

<sup>3</sup> SHREEVES Rosamund, "Women in Politics in the EU – State of Play," *State of Play*, n.d.

<sup>4</sup> "Afghanistan 2004 Constitution - Constitute," 2004, [https://www.constituteproject.org/constitution/Afghanistan\\_2004](https://www.constituteproject.org/constitution/Afghanistan_2004).

<sup>5</sup> Ministry of Justice, Islamic Republic of Afghanistan, "Afghanistan: Law of 2009 on Elimination of Violence against Women (EVAW) | Refworld," accessed April 19, 2026, <https://www.refworld.org/legal/legislation/natlegbod/2009/102513>.

<sup>6</sup> Parwiz Mosamim and Jean-Patrick Villeneuve, "Women in Government: The Limits and Challenges of a Representative Bureaucracy for Afghanistan (2001–2021)," *Policy Studies* 44, no. 6 (2023): 703–27, <https://doi.org/10.1080/01442872.2022.2161499>.

<sup>7</sup> ReliefWeb, "Support for Gender Equality: Lessons from the U.S. Experience in Afghanistan (February 2021) - Afghanistan | ReliefWeb," February 21, 2021, <https://reliefweb.int/report/afghanistan/support-gender-equality-lessons-us-experience-afghanistan-february-2021>.

meaningful participation.<sup>8</sup> As a result, a gap emerged between formal legal guarantees and actual political influence.

This research employs feminist legal theory to examine women's political engagement in Afghanistan. Feminist legal theory posits that law embodies prevailing power dynamics rather than maintaining neutrality.<sup>9</sup> It offers a valuable framework for analyzing the potential shortcomings of legal reforms in effecting practical changes to gender inequality. This study integrates qualitative examination of legal documents with quantitative electoral statistics.

Current research has primarily concentrated on the accomplishments and obstacles of women's involvement. Nevertheless, limited research has investigated whether this participation resulted in tangible legal consequences. This study tackles this gap by employing the differentiation between symbolic and substantive participation.<sup>10</sup> Symbolic participation denotes presence devoid of impact, but substantive involvement entails genuine decision-making authority.

This research examines whether women's political participation in Afghanistan from 2001 to 2014 was merely symbolic or genuinely significant. It also analyzes the reasons that constrained the conversion of legal rights into tangible political power.

## Problem Formulation

- 1) To what extent did women's political participation in Afghanistan (2001–2021) contribute to substantive legal development rather than symbolic representation?
- 2) What structural, cultural, and political factors limited the transformation of formal legal rights into meaningful political influence for women in Afghanistan?

## Methodology

This study utilizes a qualitative research methodology to examine the political engagement of women in Afghanistan throughout the Republican era from 2001 to 2021. Qualitative research is especially appropriate for analyzing intricate social and political phenomena, since it enables researchers to investigate legal frameworks, social structures, and political processes comprehensively. This study employs qualitative content analysis of legal documents, policy papers, and scholarly literature about women's political engagement in Afghanistan. Content analysis allows academics to methodically scrutinize texts and documents to discern patterns, themes, and interpretations within political and legal frameworks.

This research utilizes primary legal sources, including the 2004 Constitution of Afghanistan, namely Article 22 and Article 83, along with national policy frameworks like the National Action Plan on Women, Peace and Security (2015–2022). These legal texts establish the official institutional foundation for women's political rights and participation in Afghanistan.

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<sup>8</sup> Nargis Nehan, "The Rise and Fall of Women Rights in Afghanistan," *LSE Public Policy Review* 2, no. 3 (2022), <https://doi.org/10.31389/lseppr.59>.

<sup>9</sup> Catharine A. Mackinnon, "Discourses on Life and Law," *HARVARD UNIVERSITY PRESS*, 1987.

<sup>10</sup> Hanna F. Pitkin, *The Concept of Representation* (Univ of California Press, 2023).

This study incorporates legal documents as well as reports from foreign organizations, research institutes, and policy institutions that have recorded women's political engagement and gender equality in Afghanistan since the post-2001 reconstruction period. Such studies furnish essential empirical data and contextual analysis about the execution of gender-related law reforms. In addition to the qualitative study, the research examines descriptive statistical data concerning parliamentary representation and electoral participation, specifically regarding the enforcement of the gender quota in the Afghan parliament. Statistical statistics offer an empirical foundation for assessing the degree to which legal reforms resulted in the actual representation of women in political institutions.

This study employs a case study methodology, concentrating specifically on the application of Article 83 of the Constitution and the experiences of women during the 2010 parliamentary elections. Case study research facilitates an in-depth analysis of particular political events and institutional processes that exemplify overarching trends in women's political engagement.

This research seeks to elucidate the relationship between legal reforms and the genuine political engagement of women in Afghanistan during the Republican era through the integration of legal analysis, qualitative document analysis, and case study methodology.

### **Theoretical Framework: Feminist Legal Theory**

Feminist legal theory offers a critical framework for examining how legal systems perpetuate or contest gender inequality within political institutions.<sup>11</sup> It refutes the notion of law as neutral, contending that legal systems frequently mirror prevailing power dynamics and gender hierarchies.<sup>12</sup> This viewpoint is especially valuable for analyzing women's political participation, as it underscores the disparity between formal legal rights and their actual impact on decision-making processes.<sup>13</sup>

Feminist scholars contend that judicial systems have evolved within patriarchal frameworks, characterized by largely male political authority.<sup>14</sup> Consequently, numerous laws inadequately represent women's experiences and requirements. This structural disparity has led to the marginalization of women inside political institutions, constraining their capacity to influence legal and policy results. Feminist legal thought thus underscores the significance of substantive equality over just formal legal assurances.<sup>15</sup>

In this context, feminist legal theory highlights the disparity between law provisions and their actual enforcement. Although legal improvements may enhance women's formal rights, social, cultural, and institutional obstacles frequently hinder the practical realization

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<sup>11</sup> Mackinnon, "Discourses on Life and Law."

<sup>12</sup> Carol Smart, *Feminism and the Power of Law*, 2002, api.taylorfrancis.com.

<sup>13</sup> Smart, *Feminism and the Power of Law*.

<sup>14</sup> Dragica Vujadinović et al., eds., *Gender-Competent Legal Education*, Springer Textbooks in Law (Springer International Publishing, 2023), <https://doi.org/10.1007/978-3-031-14360-1>.

<sup>15</sup> Catharine A. MacKinnon, *Substantive Equality: A Perspective*, n.d., accessed April 20, 2026, [https://www.minnesotalawreview.org/wp-content/uploads/2012/01/MacKinnon\\_MLR.pdf](https://www.minnesotalawreview.org/wp-content/uploads/2012/01/MacKinnon_MLR.pdf).

of these rights.<sup>16</sup> This disparity is more pronounced in communities where conventional norms and power dynamics are firmly established.

This study also addresses the differentiation between symbolic and substantive engagement. Hanna Pitkin defines symbolic representation as the mere existence of individuals within political institutions, while substantive representation pertains to the capacity to affect decision-making and policy results.<sup>17</sup> This distinction is crucial for assessing whether women's political engagement results in substantive legislative advancement or stays predominantly symbolic.

In post-conflict and emerging environments, feminist scholars have emphasized the influence of international players in advancing gender equality via legal reforms.<sup>18</sup> Although these interventions may generate new opportunities for women's participation, they may encounter resistance if regarded as externally imposed or detached from local contexts. This dynamic is especially pertinent in Afghanistan, where numerous gender-related changes were implemented with substantial foreign backing after 2001.<sup>19</sup>

Utilizing feminist legal theory in Afghanistan facilitates a more profound comprehension of the connection between legal reforms and genuine political engagement. It illustrates that while legal frameworks like constitutional guarantees and gender quotas enhancing women's representation, their substantive impact is still limited by structural, cultural, and political variables. This approach is crucial for evaluating whether women's political participation in Afghanistan is symbolic or substantive.<sup>20</sup>

#### 1. Legal Framework for Women's Political Participation in Afghanistan

The legal framework for women's political participation in Afghanistan was predominantly established following the collapse of the Taliban regime in 2001, as the international community and Afghan political leaders endeavored to construct democratic institutions founded on principles of equality and political representation.<sup>21</sup> The Bonn Agreement of December 2001 established the framework for reconstructing Afghanistan's democratic system and underscored the necessity of incorporating women into political and public institutions.<sup>22</sup>

The 2004 Constitution of Afghanistan, as a component of the state-building process, officially acknowledged gender equality and included certain legal assurances to enhance

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<sup>16</sup> Sandra Fredman, "Substantive Equality Revisited," *International Journal of Constitutional Law* 14, no. 3 (2016): 712–38, <https://doi.org/10.1093/icon/mow043>.

<sup>17</sup> Pitkin, *The Concept of Representation*.

<sup>18</sup> Jacqui True, "Women, Peace and Security in Post-Conflict and Peacebuilding Contexts," March 2013, [https://peacewomen.org/system/files/global\\_study\\_submissions/Jacqui%20True\\_NOREF%20policy%20brief.pdf](https://peacewomen.org/system/files/global_study_submissions/Jacqui%20True_NOREF%20policy%20brief.pdf).

<sup>19</sup> Nargis Nehan, "The Rise and Fall of Women Rights in Afghanistan," *LSE Public Policy Review* 2, no. 3 (2022), <https://doi.org/10.31389/lseppr.59>.

<sup>20</sup> Isaac Kfir, *Feminist Legal Theory as a Way to Explain the Lack of Progress of Women's Rights in Afghanistan: The Need for a State Strength Approach*, 1015 2014, <https://doi.org/https://scholarship.law.wm.edu/wmjowl/vol21/iss1/5>.

<sup>21</sup> Thomas Barfield, "Afghanistan: A Cultural and Political History," 2010, [https://ciaotest.cc.columbia.edu/journals/cato/v31i1/f\\_0021602\\_17865.pdf](https://ciaotest.cc.columbia.edu/journals/cato/v31i1/f_0021602_17865.pdf).

<sup>22</sup> Security Council United Nations, *Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government Institutions*. (Afghanistan Centre at Kabul University, 2002), [https://doi.org/10.29171/azu\\_acku\\_pamphlet\\_hv555\\_a3\\_a444\\_2002](https://doi.org/10.29171/azu_acku_pamphlet_hv555_a3_a444_2002).

women's involvement in political affairs.<sup>23</sup> In addition, article 22 of the Constitution unequivocally states that residents of Afghanistan, regardless of gender, possess equal rights and responsibilities under the law, so providing a fundamental foundation for gender equality within the legal framework.<sup>24</sup> Alongside the concept of equality, the Constitution established specific measures to guarantee women's political representation, notably through the implementation of gender quotas in the national parliament.<sup>25</sup>

Article 83 is a crucial clause that mandates the election of a minimum of two female delegates from each province to the Wolesi Jirga, so reserving around 27 percent of legislative seats for women.<sup>26</sup> The implementation of this quota system was a significant advancement in formalizing women's political engagement in a country where they have traditionally been marginalized from public decision-making.<sup>27</sup> Gender quotas have been extensively employed globally as a policy instrument to enhance women's political representation, especially in nations where systemic obstacles restrict women's entry into political institutions.<sup>28</sup> The quota system in Afghanistan was essential in facilitating women's entry into parliament, overcoming social, cultural, and security obstacles that frequently hindered female political engagement.<sup>29</sup>

In addition to constitutional provisions, several legislative and policy efforts were implemented to enhance women's rights and involvement in public life during the Republican era.<sup>30</sup> The Law on the Elimination of Violence Against Women (EVAW), enacted in 2009, was a key legal advancement aimed at combating pervasive gender-based violence and discrimination.<sup>31</sup>

The EVAW law aimed to prohibit activities including forced marriage, child marriage, and violence against women, thereby fostering a safer atmosphere that would facilitate women's more active participation in social and political spheres.<sup>32</sup> The National Action Plan on Women, Peace and Security (NAP 1325) was a significant policy program designed to enhance women's involvement in peacebuilding, political leadership, and security organizations.<sup>33</sup>

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<sup>23</sup> the Islamic Republic of Afghanistan, *The Constitution of the Islamic Republic of Afghanistan*, 2004.

<sup>24</sup> the Islamic Republic of Afghanistan, *The Constitution of the Islamic Republic of Afghanistan*.

<sup>25</sup> IPU, "A Conversation with... Fawzia Koofi, Afghanistan," Inter-Parliamentary Union, March 16, 2026, <https://www.ipu.org/news/voices-and-videos/2025-02/conversation-with-fawzia-koofi-afghanistan>.

<sup>26</sup> "Afghanistan 2004 Constitution - Constitute."

<sup>27</sup> Mona Lena Krook, *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide* (Oxford University Press, 2010).

<sup>28</sup> Drude Dahlerup, ed., *Women, Quotas and Politics*, 1st ed., Routledge Research in Comparative Politics 10 (Routledge, 2006).

<sup>29</sup> Scott Worden and Nina Sudhakar, *Learning from Women's Success in the 2010 Afghan Elections*, 2012 2010.

<sup>30</sup> ReliefWeb, "Support for Gender Equality: Lessons from the U.S. Experience in Afghanistan (February 2021) - Afghanistan | ReliefWeb," February 21, 2021, <https://reliefweb.int/report/afghanistan/support-gender-equality-lessons-us-experience-afghanistan-february-2021>.

<sup>31</sup> Freshte Kohstani, *An Update on Implementation of the Law on Elimination of Violence against Women in Afghanistan*, 2013.

<sup>32</sup> ISLAMIC REPUBLIC et al., "Afghanistan: Law of 2009 on Elimination of Violence against Women (EVAW)," Refworld, accessed March 15, 2026, <https://www.refworld.org/legal/legislation/natlegbod/2009/102513>.

<sup>33</sup> ReliefWeb, "Afghanistan's National Action Plan on UNSCR 1325 Women, Peace and Security 2015-2022 - Afghanistan |," July 22, 2015, <https://reliefweb.int/report/afghanistan/afghanistan-s-national-action-plan-unscr-1325-women-peace-and-security-2015-2022>.

The NAP 1325 framework embodies the comprehensive global agenda set forth by United Nations Security Council Resolution 1325, which underscores the significance of women's participation in conflict resolution and peace initiatives.<sup>34</sup> The Afghan state endeavored to establish a legal framework through constitutional and legislative reforms that would promote women's involvement in political institutions and public decision-making.<sup>35</sup>

Nonetheless, despite the presence of these legislative assurances, the execution of women's political rights remained inconsistent and frequently encountered opposition from conservative societal frameworks and political entities.<sup>36</sup> The disparity between legal obligations and practical execution has emerged as a primary obstacle in comprehending women's political engagement in Afghanistan throughout the Republican era.<sup>37</sup>

## Discussion and Result

### An Analysis of Article 83 of the Constitution with a Case Study of the 2010 Elections

With a minimum quota of 68 seats out of 249 for women in the Wolesi Jirga (the lower chamber of Parliament), Article 83 of the 2004 Afghan Constitution ensures almost 27%. This article is a clear legislative framework meant to institutionalize political gender equality. Furthermore, expressly requiring the state to eradicate prejudice and advance women's involvement in national life are Articles 22 and 44 of the Constitution.<sup>38</sup>

These legislative clauses actively construct paths for women's political representation and reflect the "character product" of law that reacts to their historical marginalizing. Therefore, the Constitution not only offers passive assurances but also serves as a transforming legal instrument to attain gender fairness in political involvement.<sup>39</sup> Article 83's implementation during the 2010 elections exposed the legislative framework's power as well as its limitations. Although the law mandated a minimum representation, electoral results showed that in the absence of the quota only 17 women would have been elected.

As such, the quota system was not only symbolic; it was also very vital for ensuring actual involvement. Compared to the 2005 elections, a 24% rise in female candidates was noted; one woman gained a seat beyond the quota. Four provinces had female candidates receive the most votes. In Nimroz, women captured both parliamentary seats. These findings show that women's success was influenced not just by legislative guarantees but also by society perceptions of them as more trustworthy and less corrupt.<sup>40</sup>

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<sup>34</sup> Security Council, "Resolution 1325 (2000) Adopted by the Security Council at Its 4213th Meeting, on 31 October 2000," October 31, 2000, [https://www.un.org/shestandsforpeace/sites/www.un.org.shestandsforpeace/files/wps\\_sres1325.pdf](https://www.un.org/shestandsforpeace/sites/www.un.org.shestandsforpeace/files/wps_sres1325.pdf).

<sup>35</sup> Valentine M. Moghadam, *Modernizing Women: Gender and Social Change in the Middle East* (Lynne Rienner Publishers, 2003).

<sup>36</sup> Deniz Kandiyoti, "Old Dilemmas or New Challenges? The Politics of Gender and Reconstruction in Afghanistan," *Development and Change* 38, no. 2 (2007): 169–99, <https://doi.org/10.1111/j.1467-7660.2007.00408.x>.

<sup>37</sup> Nehan, "The Rise and Fall of Women Rights in Afghanistan," 2022.

<sup>38</sup> the Islamic Republic of Afghanistan, *The Constitution of the Islamic Republic of Afghanistan*.

<sup>39</sup> the Islamic Republic of Afghanistan, *The Constitution of the Islamic Republic of Afghanistan*.

<sup>40</sup> "Inter-Parliamentary Union," n.d.; Scott Worden and Nina Sudhakar, *Learning from Women's Success in the 2010 Afghan Elections*, n.d.

Still, these successes encountered resistance. Female candidates faced major structural and sociological challenges including tight cultural restrictions on women's public presence, inadequate financial support, disapproval of religious leaders, and widespread gender-based threats. According to reports, women were targeted in 90% of the 2010 election threats. Still with these difficulties, some women used fresh campaigning techniques. Safety concerns led some people to choose to distribute business cards or use male relatives as intermediaries for their advocacy activities instead of posters featuring their pictures. These adaptive strategies show how women negotiated the informal sociopolitical challenges as well as the official legal system. The 2010 election was a show of political resilience despite patriarchal norms as well as a useful study of legal doctrines.<sup>41</sup>

### Resistance to the 27% Quota

Afghanistan is among the 130 countries in the world that have adopted some form of gender quota for parliamentary elections. According to Article 83 of the Constitution, which was ratified in 2004, twenty-seven percent of the total seats in the Afghan Parliament are reserved for women that is, 68 out of 249 seats (250 in the next Parliament). Currently, women hold 69 seats in the country. Therefore, Afghanistan ranks 55th in the world in terms of the percentage of women representatives in Parliament.<sup>42</sup>

The recent advancements in the status of women in Afghanistan are not solely the product of internal evolution, but rather are shaped by external factors such as international organizations and foreign governments.<sup>43</sup> While the Afghan Constitution guarantees gender equality and political participation for women, these rights often clash with the deep-rooted beliefs of religious institutions and traditional segments of society.<sup>44</sup> Moreover, many of the slogans and reforms related to women's rights are perceived as imposed from outside and not fully accepted within the Afghan cultural and religious context (LSE Public Policy Review, 2023).<sup>45</sup>

During the final years of President Hamid Karzai's administration, when female members of parliament attempted to pass the Law on the Elimination of Violence Against Women (EVAW), many MPs with backgrounds in religious schools opposed it on the basis of Islamic law among them was Mr. Sattar Khawasi. Another example from that time was when Simara Joyenda was appointed as governor of Ghor province, and many religious scholars objected to a woman holding such a position, citing religious texts.<sup>46</sup>

Therefore, some of the most significant challenges facing women and their presence in Afghan politics include the following the traditional perception of women's role and responsibilities for example, in Afghan traditional society, a woman's role is primarily

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<sup>41</sup> Scott Worden and Nina Sudhakar, *Learning from Women's Success in the 2010 Afghan Elections*, n.d.

<sup>42</sup> Amedi, Frank. *Afghanistan Elections; The Place of Gender Quota in the Afghan Parliament in the World*. BBC Persian, October 17, 2018.

<sup>43</sup> European Parliamentary Research Service. *Women's Rights in Afghanistan: An Ongoing Battle*. Brussels: EPRS, 2023.

<sup>44</sup> United States Commission on International Religious Freedom. *Freedom of Religion or Belief and Women's Rights in Afghanistan*. Washington, D.C.: USCIRF, 2023

<sup>45</sup> London School of Economics Public Policy Review. "The Rise and Fall of Women's Rights in Afghanistan." *LSE Public Policy Review* 3, no. 1 (2023).

<sup>46</sup> Heidari, Mokhtar Hossein. *Women's Rights in Afghanistan: Past Achievements and Future Challenges*. Qom: Institute for Islamic Future Studies.

defined as that of a homemaker is a major obstacle. Another barrier is the lack of family support for women's participation in politics and public life. Cultural prejudices have caused families themselves to become the first obstacle to women's engagement in society, particularly in politics. As a result, many women become discouraged from participating in political life.<sup>47</sup>

### **The Role of International Actors in Promoting Women's Political Rights**

Institutions especially the United States Agency for International Development (USAID) have played a significant role in promoting and supporting women's political rights in Afghanistan. By funding programs related to education, security, and transportation for female Following the intervention of the international community in Afghanistan in 2001, and with financial support and technical advice for the National Action Plan (NAP), opportunities were created for women to participate in political structures and decision-making processes. By providing resources to civil society activists, the international community enabled local organizations to serve as monitors, advocates, and facilitators of women's rights.<sup>48</sup> Over the course of nearly two decades, international negotiators, USAID helped ensure their active participation in peace talks, donor conferences, and various political processes.<sup>49</sup>

In addition, USAID launched programs aimed at enhancing women's leadership in fields such as business, academia, and legislation. By establishing specialized institutions focused on democracy and human rights, the agency helped build a structural capacity to promote gender equality. These efforts not only increased women's involvement in decision-making but also expanded their presence in peacebuilding and political affairs.<sup>50</sup>

At the same time, according to the final report of the Ambassador's Small Grants Program (ASGP), USAID allocated over 38 million US dollars to support the ASGP initiative. The purpose of this funding was to promote gender equality across all 34 provinces of Afghanistan.<sup>51</sup>

The large-scale investments made by the United States between 2002 and 2020 amounting to 787.4 million US dollars through the State Department, USAID, and the Department of Defence, led to an unprecedented rise in women's participation in politics and decision-making at various levels in Afghanistan.<sup>52</sup> However, the support provided by international institutions often reflects an idealistic view of politics regarding Afghan women. This approach emphasizes the importance of law, education, and justice for all. Its

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<sup>47</sup> Amedi, *Afghanistan Elections*.

<sup>48</sup> Government of the Islamic Republic of Afghanistan. *Afghanistan's National Action Plan on Women, Peace and Security (2015–2022)*. Kabul: 2015.

<sup>49</sup> United States Agency for International Development (USAID), *Gender Equality and Female Empowerment Policy* (Washington, D.C.: USAID, March 2012), 5–8,

<sup>50</sup> Ibid

<sup>51</sup> Management Systems International, *USAID/Afghanistan Ambassador's Small Grants Program (ASGP) Evaluation* (Washington, DC: USAID, 2011), 5–8.

<sup>52</sup> Special Inspector General for Afghanistan Reconstruction (SIGAR), *Support for Gender Equality: Lessons from the U.S. Experience in Afghanistan*, SIGAR 21-18-LL (Arlington, VA: SIGAR, February 2021), 1–4,

goal is to build a peaceful and equal society where Afghan women can actively participate in public life and decision-making processes.

### **Women's Participation in the Afghan Peace Process (2001–2021)**

After years of war and bloodshed, the peace process became one of the key components of Afghanistan's political structure. In this process, women's participation was recognized both as a right and a necessity.<sup>53</sup> At the international level, there has been strong emphasis on women's political presence in peace negotiations. United Nations Security Council Resolution 1325 is one of the most important documents highlighting the need for the active and meaningful involvement of women in peace processes.<sup>54</sup> Despite such emphasis, Afghan women have consistently faced challenges such as cultural resistance, security threats, and political neglect. This section aims to examine women's participation in the peace process, including the consultative *loya jirgas* and the Doha negotiations.<sup>55</sup>

Although Afghanistan has witnessed significant progress in areas such as education, health, justice, and employment for women since 2001, their meaningful participation in major political and security decision-making has remained limited.<sup>56</sup> Within the framework of Afghanistan's National Action Plan (NAP) for the implementation of UN Security Council Resolution 1325, the High Peace Council one of the key institutions responsible for leading the peace process was established. However, out of 70 members, only 9 were women.<sup>57</sup> Similarly, at the provincial level, 71 women were involved in peace committees, which marked a significant step toward the recognition of women's role in the peace process. The Afghan government committed itself to ensuring women's participation at all levels of decision-making, especially in peace processes.<sup>58</sup>

Although Afghan women have become more visible in public and political spheres in recent years, their role in traditional decision-making structures such as the National Consultative Peace Jirgas has largely remained symbolic.<sup>59</sup> Research findings indicate that women who participated in the National Consultative Peace Jirga described their presence as ceremonial and complained about their lack of real influence.

Although, in some provincial *jirgas* such as in Khost, women participated in processes like *Nanawaty* (a traditional practice involving apology, humility, and request for forgiveness for a wrongdoing), their involvement was limited and mostly under family supervision.

Meanwhile, politically active women have consistently demanded meaningful participation through designated decision-making seats in *jirgas* and peace councils.<sup>60</sup>

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<sup>53</sup>Government of the Islamic Republic of Afghanistan, *Afghanistan's National Action Plan on Women, Peace and Security (2015–2022)* (Kabul: 2015), p. 4.

<sup>54</sup> *Ibid.*, p. 4.

<sup>55</sup> *Ibid.*, p. 4.

<sup>56</sup> *Ibid.*, p. 5.

<sup>57</sup> *Ibid.*, p. 5.

<sup>58</sup> *Ibid.*, p. 6.

<sup>59</sup> *Ibid.*, p. 6.

<sup>60</sup> hukria Azadmanesh and Ehsanullah Ghafory, *Women's Participation in the Afghan Peace Process: A Case Study* (Kabul: AREU, 2020), 3–9.

The commencement of peace negotiations between the Taliban and the Afghan government in Doha, Qatar in 2020 engendered significant optimism over the comprehensive participation of all sectors of Afghan society, particularly women. Despite the presence of four women on the government's negotiation team, some women's rights organizations criticized their involvement as merely symbolic. National actors and international organizations consistently emphasized the necessity of substantial women's participation in the peace process. Persistent patriarchal norms and prevailing conservative views on women's societal roles continue to hinder genuine inclusion. Thus, a clear disparity persists between the formal involvement of women in the peace discussions and their significant influence on the outcomes.<sup>61</sup>

## Conclusion

The experience of Afghanistan in the Republican era illustrates that women's political engagement evolved through a complex interplay of legal reform, international assistance, and entrenched patriarchal systems. After the collapse of the Taliban administration in 2001, substantial constitutional and legislative reforms were implemented to advance gender equality and enhance women's involvement in political institutions. Legal instruments, including Article 83 of the 2004 Constitution, the EVAW Law, and the National Action Plan on Women, Peace and Security, established significant avenues for women's representation in parliament, peacebuilding, and public decision-making processes.

The results of this study indicate that women's political participation in Afghanistan was neither wholly symbolic nor entirely substantial. The quota system and foreign backing facilitated women's entry into political institutions and enhanced their presence in public life. The involvement of women in parliamentary elections, peace councils, and political discussions signifies significant advancement relative to earlier epochs in Afghan history. Conversely, structural impediments, cultural resistance, religious conservatism, insecurity, and institutional frailty persisted in limiting women's genuine political power. In numerous instances, women's participation in political institutions was mostly symbolic, especially in significant political and peace discussions when decision-making authority remained predominantly with men.

From the standpoint of feminist legal theory, the Afghan instance exemplifies the inadequacies of formal legal reforms in attaining real gender equality. While legislative assurances established a crucial basis for women's political engagement, they were inadequate to alter entrenched social and political power dynamics. The disparity between legal entitlements and their practical execution persisted as a principal challenge during the Republican era.

Moreover, international entities have contributed to enhancing women's political involvement via financial support, institutional reforms, and policy efforts. Nonetheless, the significant reliance on external assistance has prompted apprehensions about the

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<sup>61</sup> Afghanistan Research and Evaluation Unit (AREU), *Women's Participation in the Afghan Peace Process: A Case Study* (Kabul: AREU, 2020), 34, 47; Didpress, "چرا نقش زنان در گفتوگوهای صلح اندک است؟" [Why is Women's Role in Peace Talks Limited?], August 2021, <https://didpress.com/چرا-نقش-زنان-در-گفتوگوهای-صلح-اندک-اس>.

enduring viability of these accomplishments. Numerous reforms lacked adequate integration within domestic political and social frameworks, hence constraining their sustainability amid political instability and shifting power dynamics.

Consequently, substantial and enduring political participation of women in Afghanistan necessitates not just constitutional and legal reforms but also comprehensive social transformation, institutional fortification, public awareness, and a long-term dedication to gender equality. The Afghan example illustrates that formal representation alone cannot ensure substantial political empowerment without authentic transformations in political culture and cultural perceptions of women's roles in public life.

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