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December 23, 2021

The Honourable Sean Fraser, P.C., M.P.
Minister of Immigration, Refugees and Citizenship
Confederation Building, Suite 110
House of Commons
Ottawa, ON K1A 0A6

Dear Minister:

Re: Expediting Refugee Applications for Afghan Judges, Prosecutors and their Families

Thank you for considering the Women's Law Association of Ontario's ("WLAO") submissions that urge the Canadian government to expedite refugee applications for Afghan women judges, prosecutors and their families, particularly those who have escaped to Greece.

Since 1919, the WLAO has advanced issues and causes relevant to women in the legal profession and society. The WLAO shares the concerns expressed by the Federation of Law Societies of Canada, the Canadian Bar Association, the Canadian Superior Courts Judges Association and The Advocates' Society.¹

After the Taliban regained control of Afghanistan, they released thousands of inmates convicted for crimes such as terrorism, murder, drug trafficking, domestic violence, and sexual assault.² The release of these prisoners endangers the lives of the judges and prosecutors whose work resulted in the incarceration of the prisoners. Two female Supreme Court judges had been shot in January 2021.³ Some have received death threats. In other cases, the Taliban have visited their homes to ascertain their whereabouts.⁴

After the Taliban took over Afghanistan, 104 (out of approximately 250 judges) and their families escaped to Greece. The temporary visas that Greece granted them will expire on December 24, 2021

¹ <https://flsc.ca/federation-statement-in-support-of-afghan-women-judges/>; <https://www.cba.org/News-Media/Press-Releases/2021/August/Statement-by-CBA-President-on-the-Situation-in-Afg>; <https://www.advocates.ca/Upload/Files/PDF/About/News/2021/The-Advocates-Society-Statement-August-23-2021.pdf>; <https://www.canadianlawyermag.com/news/general/judges-lawyers-human-rights-defenders-seen-as-under-threat-in-afghanistan/359278>

² <https://www.reuters.com/world/asia-pacific/hunted-by-men-they-jailed-afghanistans-women-judges-seek-escape-2021-09-03/>; <https://www.bbc.com/news/world-asia-58709353>

³ <https://www.reuters.com/world/asia-pacific/gunmen-kill-two-female-supreme-court-judges-afghanistan-police-2021-01-17/>

⁴ <https://www.reuters.com/world/asia-pacific/hunted-by-men-they-jailed-afghanistans-women-judges-seek-escape-2021-09-03/>



at which time these people will be transferred to Greece's refugee camps. Human rights organisations have criticized the conditions of these refugee camps as squalid.⁵ For example, the Moria Refugee Camp houses more than 20,000 people, despite only having capacity to house 3,100. The makeshift tents barely protect their occupants from the cold. Disease is widespread. Lines for food and water take hours.⁶ Fearing physical and sexual violence, women and children wear diapers after sundown to avoid going to the bathroom in the dark.

The WLAO commends the federal government's special humanitarian program focused on resettling Afghan nationals who:

- are outside of Afghanistan
- do not have a durable solution in a third country
- are part of one of the following groups:
 - women leaders
 - human rights defenders
 - persecuted religious or ethnic minorities
 - LGBTI individuals
 - journalists and people who helped Canadian journalists⁷

The Afghan women judges seeking refuge in Greece undoubtedly meet the eligibility criteria for the humanitarian program mentioned above.

Fortunately, other countries have heeded the call to accept these judges and their families; however, despite these efforts, a great number of Afghans remain in danger. Ireland has agreed to help 10 judges and their families; Iceland two; Brazil eight and Australia 20. This means that 64 judges and their families will enter Greek refugee camps in less than one week unless other countries intervene.⁸

In keeping with the principle that rule of law democracies guided by an independent judiciary internationally protect Canadian citizens, Canada should assist former women judges and prosecutors who have worked to promote these values. Canada has committed to welcoming 40,000 Afghan refugees over the next two years. To date, the government has helped about 5,485 settle into Canada,⁹ meaning Canada could welcome another 34,515, including the judges who escaped to Greece and their families. During this holiday season, the WLAO asks the Canadian government to step up and show compassion to these people. For 20 years, these leaders tried to create an independent judiciary and promote respect for human rights and the rule of law. Imagine what they could contribute to Canadian society.

⁵ <https://www.theguardian.com/world/2020/feb/09/moria-refugee-camp-doctors-story-lesbos-greece>

⁶ <https://www.cbc.ca/radio/asithappens/as-it-happens-monday-edition-1.4843029/a-chronic-emergency-aid-workers-call-for-evacuations-at-greece-s-moria-refugee-camp-1.4854750>

⁷ <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/afghanistan/special-measures/eligible-humanitarian-program.html>

⁸ <https://www.cbc.ca/radio/asithappens/as-it-happens-monday-edition-1.6275124/lawyer-who-helped-female-judges-escape-afghanistan-begging-canada-to-take-them-in-1.6275292>

⁹ <https://www.cbc.ca/radio/asithappens/as-it-happens-monday-edition-1.6275124/lawyer-who-helped-female-judges-escape-afghanistan-begging-canada-to-take-them-in-1.6275292>; <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/afghanistan/key-figures.html>



In the words of the former Minister of Immigration, Refugees and Citizenship, Honourable Marco E. L. Mendicino, P.C., M.P., “Offering refuge to the world’s most vulnerable speaks to who we are as Canadians, particularly in times of crisis [...] The situation in Afghanistan is heartbreaking, and Canada will not stand idly by.”¹⁰

Yours sincerely,



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¹⁰ <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/08/canada-expands-resettlement-program-to-bring-more-afghans-to-safety.html>

