



Law Society
of Ontario

Barreau
de l'Ontario

Tab 5

HUMAN RIGHTS MONITORING GROUP

Letters of Intervention on Behalf of Jonathan Ross, Selma Masood, and the Hong Kong Law Society

October 1, 2021

Committee Members:

Julian Falconer (Co-Chair)

Tanya Walker (Co-Chair)

Marian Lippa

Isfahan Merali

Lubomir Poliacik

Quinn Ross

Doug Wellman

Authored By:

Jason Pichelli

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FOR DECISION

HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTION

That Convocation approve the letters and public statements in the following cases:

Jonathan Ross, Selma Masood, and the Hong Kong Law Society – Hong Kong – letter of intervention and public statement presented at TAB 5.1.

Rationale

The request for interventions falls within the mandate of the Human Rights Monitoring Group (the “Monitoring Group”) to,

- a. review information that comes to its attention about human rights violations that target members of the professions and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
- b. determine if the matter is one that requires a response from the Law Society; and
- c. prepare a response for review and approval by Convocation.

Key Issues and Considerations

The Monitoring Group considered the following factors when making a decision about the cases:

- a. there are no concerns about the quality of sources used for this report; and
- b. the letters and public statements regarding the threats made to lawyers Jonathan Ross and Selma Masood, and the Hong Kong Law Society fall within the mandate of the Monitoring Group.

KEY BACKGROUND

HONG KONG – THREATS MADE TO LAWYERS JONATHAN ROSS AND SELMA MASOOD, AND TO THE HONG KONG LAW SOCIETY

Sources of Information

The background information for this report was retrieved from the following sources:

- a. Amnesty International.¹
- b. Reuters²
- c. Hong Kong Free Press³
- d. South China Post⁴
- e. FR24 News⁵

Background

The Hong Kong Law Society held an election on August 24 for five of its governing council's 20 seats. While the voting process is an annual event for the Hong Kong Law Society, this year's race drew a high level of media attention. This is in large part due to the fact that last year's election roughly coincided with the introduction of a controversial national security law in China and four of the five seats in the 2020 election were won by outspoken lawyers who were very critical of the new law⁶. This national security law was the subject of numerous large protests, as well as the arrests and convictions of several prominent lawyers and pro-democracy figures in Hong Kong. In this year's election, four self-described "neutral" candidates received a large amount of negative attention as China continues to assert more control over pro-democracy voices within Hong Kong.

¹ Amnesty International. "Hong Kong: National Security Law has created a human rights emergency". June 30, 2021. Online: <https://www.amnesty.org/en/latest/press-release/2021/06/hong-kong-national-security-law-has-created-a-human-rights-emergency/>

² Promfret, James. Hong Kong Law Society election underscores tensions over China, legal system. Reuters. August 24, 2021. Online: [Hong Kong Law Society election underscores tensions over China, legal system | Reuters](https://www.reuters.com/article/hong-kong-law-society-election/hong-kong-law-society-election-underscores-tensions-over-china-legal-system-idUSKCN250001)

³ Cheng, Selina. Hong Kong Free Press. "Candidate withdraws from Hong Kong Law society election citing threats to himself and family". August 21, 2021. Online: <https://hongkongfp.com/tag/jonathan-ross/>

⁴ Lau, Chris. "Conflicting views on Hong Kong Law Society election won by candidates backing professionalism over politics". South China Post. August 24, 2021. Online: https://www.scmp.com/news/hong-kong/politics/article/3146211/hundreds-ballots-stuck-administrative-limbo-add-new-layer?module=perpetual_scroll&pgtype=article&campaign=3146211

⁵ Hong Kong's Lam asks group of lawyers to stay out of politics. FR24 News. August 17, 2021. Online: [Hong Kong's Lam asks group of lawyers to stay out of politics - | FR24 News English](https://www.fr24.com/news/hong-kong-law-society-election-2021-08-17)

⁶ Rigby, Ben, and Malpas, John. 'A shameful and sad day' – in-house lawyer withdraws from Hong Kong Law society elections citing threats. The Global Legal Post. August 23, 2021. Online: ['A shameful and sad day' – in-house lawyer withdraws from Hong Kong law society elections citing threats - The Global Legal Post](https://www.thegloballegalpost.com/news/hong-kong-law-society-elections-citing-threats)

Initially elected in 2017 under a moderate and politically neutral ticket, lawyers Jonathan Ross, formerly of Skadden capital markets; Denis Brock, a disputes partner at O'Melveny & Myers; Selma Masood, a principal at SM & Co Solicitors; and Henry Wheare, an IP partner at Nixon Peabody CWL; have represented themselves as 'fearless supporters of the rule of law'⁷.

Over the summer, pro-Beijing newspapers, such as Ta Kung Pao, came out strongly against candidates without strong Beijing ties, saying "a 'liberal' faction...will carry out 'ulterior political goals' if it wins a majority of seats"⁸. A second newspaper, Wen Wei Po, referred to the group as "independence advocates", a punishable claim under Hong Kong's new national security regime⁹.

In early August, a cover story in Eastweek, a Hong Kong-based weekly Chinese language magazine, featured the four lawyers and described them as a "political" faction aligned with the pro-democracy movement¹⁰. Ross and Masood have stated publicly that such claims are untrue.

On August 14, the state-controlled Chinese newspaper People's Daily warned the Law Society to not become political like the Bar Association, which has spoken out on contentious issues in the past, including the national security law¹¹. The article also directly threatened the independence of the Law Society, stating if the Law Society supports the pro-democracy movement, "you will lose the recognition of the government ... and suddenly collapse"¹².

According to Reuters, since the People's Daily editorial, more than 30 articles, columns and editorials in pro-Beijing media outlets, including the previously mentioned Ta Kung Pao and Wen Wei Po, have attacked the so-called "liberal" camp¹³.

Some of these outlets also praised the candidates in a rival slate, labelled as the "professional" camp, including Justin Yuen, a member of the CPPCC, a Chinese political consultative body; and Careen Wong, who has ties to pro-Beijing politician Junius Ho¹⁴.

⁷ Rigby, Ben, and Malpas, John. 'A shameful and sad day' – in-house lawyer withdraws from Hong Kong Law society elections citing threats. The Global Legal Post. August 23, 2021. Online: ['A shameful and sad day' – in-house lawyer withdraws from Hong Kong law society elections citing threats - The Global Legal Post](#)

⁸ Promfret, James. Hong Kong Law Society election underscores tensions over China, legal system. Reuters. August 24, 2021. Online: [Hong Kong Law Society election underscores tensions over China, legal system | Reuters](#)

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ Promfret, James. Hong Kong Law Society election underscores tensions over China, legal system. Reuters. August 24, 2021. Online: [Hong Kong Law Society election underscores tensions over China, legal system | Reuters](#)

On August 17th, three days after the People’s Daily article was released and one week ahead of the Law Society’s election, Hong Kong Chief Executive Carrie Lam said in a press conference that if the Law Society or candidates in the election become involved in political issues “the government will consider severing ties with it”¹⁵. Last April, Lam made similar threats to the Hong Kong Bar Association after the President was publicly critical of the sentences handed down to three prominent members: Martin Lee, Margaret Ng, and Albert Ho¹⁶.

Current Status

On August 21, three days ahead of the election, Mr. Ross withdrew his candidacy for a council seat, saying that he had been receiving threats and feared for his safety and the safety of his family. ¹⁷ In his announcement, he was also quoted as saying “It is a shameful and sad day for Hong Kong that an election for council of our honourable institution has sunk to this level.”¹⁸

The Law Society said in a statement that it had filed a report with the police regarding the alleged threats to Ross and had advised him to do the same.

In a comment on social media on August 23, Masood stated that she “endured three weeks if not more of bullying,” including threats¹⁹.

That same week, several other civil society institutions were dissolved as a result of political pressure from China, including:

- Civil Rights Front, a pro-democracy group that holds an annual rally and was the leader in organizing the large national security protests²⁰
- The 95,000 member Union of Professional Teachers²¹

On August 24th, the five candidates from the “professionalism” slate won their election, and the neutral candidates were defeated. Each of the “professionalism” candidates used the threat against the Law Society’s regulatory status in their campaigns, stating in their materials and websites that if the “liberal” candidates were elected, the Law Society would lose its regulatory authority²².

¹⁵ Hong Kong’s Lam asks group of lawyers to stay out of politics. FR24 News. August 17, 2021. Online: [Hong Kong’s Lam asks group of lawyers to stay out of politics – . | FR24 News English](#)

¹⁶ Ibid

¹⁷ Cheng, Selina. Hong Kong Free Press. “Candidate withdraws from Hong Kong Law society election citing threats to himself and family”. August 21, 2021. Online: [Jonathan Ross Archives | Hong Kong Free Press HKFP \(hongkongfp.com\)](#)

¹⁸ Ibid

¹⁹ Hong Kong’s Lam asks group of lawyers to stay out of politics. FR24 News. August 17, 2021. Online: [Hong Kong’s Lam asks group of lawyers to stay out of politics – . | FR24 News English](#)

²⁰ Ibid

²¹ Ibid

²² Lau, Chris. “Conflicting views on Hong Kong Law Society election won by candidates backing professionalism over politics”. South China Post. August 24, 2021. Online: https://www.scmp.com/news/hong-kong/politics/article/3146211/hundreds-ballots-stuck-administrative-limbo-add-new-layer?module=perpetual_scroll&pgtype=article&campaign=3146211

September 23, 2021

H.E. Xi Jinping
President of the People's Republic of China
State Council General Office
2 Fuyoujie
Xichengqu
Beigingshi 10017
People's Republic of China

The Honourable Carrie Lam
Chief Executive of Hong Kong
Office of the Chief Executive
1 Tim Wa Avenue
Tamar, Hong Kong

Your Excellency and Chief Executive Lam:

Re: Threats to lawyers Jonathan Ross and Selma Masood, and to the Hong Kong Law Society

I write on behalf of the Law Society of Ontario to voice our grave concern over the threats made to lawyer Jonathan Ross and his family, Selma Masood, and the Hong Kong Law Society. When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

Jonathan Ross and Selma Masood, both lawyers practicing in Hong Kong, were candidates in the Hong Kong Law Society's election this summer. Both had been previously elected in 2017 on platforms in support of the rule of law.

Over the summer in advance of the election, state-controlled Chinese media and candidates with ties to the Chinese government repeatedly threatened the Hong Kong Law Society, claiming that the Law Society risks losing its regulatory authority. This threat was repeated over 30 times in various outlets. The threat carried weight, since two other prominent civil society institutions, the Civil Rights Front and the Union of Professional Teachers, were recently dissolved. Furthermore, these threats were repeated by Hong Kong Chief Executive Carrie Lam during her weekly press conference.

On August 21st, three days ahead of the election, Jonathan Ross withdrew his candidacy, saying that he had been receiving threats and feared for his safety and the safety of his family. On August 23rd, Selma Masood stated that she had also been the target of threats and bullying. The personal threats received by Jonathan Ross and Selma Masood are a direct result of the statements made by Chief Executive Lam and the state-controlled People's Daily.

On August 24th, the five candidates with ties to the Chinese government were elected. Each of those candidates used the threat against the Law Society's regulatory status in their campaigns, stating in their materials and websites that if the other "liberal" candidates were elected, the Law Society would lose its regulatory authority

In light of these circumstances, the Law Society of Ontario urges Your Excellency and Chief Executive Lam to comply with China's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society of Ontario urges the Governments of China and Hong Kong to:

- a. immediately put an end to all acts of harassment against Jonathan Ross, Selma Masood, and the Hong Kong Law Society;

- b. ensure that all lawyers are free from arbitrary interference in their privacy, family, home, or correspondence, and from attacks upon their honour and reputations;
- c. ensure that all lawyers, paralegals and human rights defenders in Hong Kong can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Teresa Donnelly
Treasurer

**The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal professions in the public interest, and the Law Society has a duty advance the cause of justice and the rule of law.

cc:

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The Honourable Marc Garneau, Minister of Foreign Affairs

Dominic Barton, Canadian Ambassador of Canada to the People's Republic of China, The Embassy of Canada to China

Ketty Nivyabandi, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Wang Junfeng, All China Lawyers Association

Albert Ho Chun Yan, Chairperson, China Human Rights Lawyers Concern Group

Sophie de Graaf, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brillman, International Human Rights Policy Adviser, The Law Society of England and Wales

Proposed Public Statement on behalf of Jonathan Ross, Selma Masood, and the Hong Kong Law Society

The Law Society of Ontario condemns the threats against lawyers Jonathan Ross and Selma Masood, and to the independence of the Hong Kong Law Society

Toronto, ON — The Law Society of Ontario is condemning the threats to lawyers Jonathan Ross and Selma Masood, and to the Hong Kong Law Society. When lawyers, paralegals, judges, and human rights advocates have suffered from fundamental injustices, we advocate for the protection of their rights.

Jonathan Ross and Selma Masood, both lawyers practicing in Hong Kong, were candidates in the Hong Kong Law Society's election this summer. Both had been previously elected in 2017 on platforms in support of the rule of law.

Over the summer in advance of the election, state-controlled Chinese media and candidates with ties to the Chinese government repeatedly threatened the Hong Kong Law Society, claiming that the Law Society risks losing its regulatory authority. This threat was repeated over 30 times in various outlets. The threat carried weight, since two other prominent civil society institutions, the Civil Rights Front and the Union of Professional Teachers, were recently dissolved. Furthermore, these threats were repeated by Hong Kong Chief Executive Carrie Lam during her weekly press conference.

On August 21st, three days ahead of the election, Jonathan Ross withdrew his candidacy, saying that he had been receiving threats and feared for his safety and the safety of his family. On August 23rd, Selma Masood stated that she had also been the target of threats and bullying. The personal threats received by Jonathan Ross and Selma Masood are a direct result of the statements made by Chief Executive Lam and the state-controlled People's Daily.

On August 24th, the five candidates with ties to the Chinese government were elected. Each of those candidates used the threat against the Law Society's regulatory status in their campaigns, stating in their materials and websites that if the other "liberal" candidates were elected, the Law Society would lose its regulatory authority.

In light of these circumstances, the Law Society of Ontario urges Your Excellency and Chief Executive Lam to comply with China's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

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Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance,

harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

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Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society of Ontario urges the Governments of China and Hong Kong to:

- a. immediately put an end to all acts of harassment against Jonathan Ross, Selma Masood, and the Hong Kong Law Society;
- b. ensure that all lawyers are free from arbitrary interference in their privacy, family, home, or correspondence, and from attacks upon their honour and reputations;
- c. ensure that all lawyers, paralegals and human rights defenders in Hong Kong can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.



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Tab 5.2

Human Rights Monitoring Group

Information Report: August 2021 Intervention in Afghanistan

October 1, 2021

Committee Members:

Julian Falconer (Co-Chair)

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Purpose

This report informs Convocation of an intervention regarding Canada's Afghan settlement program, which was approved by Treasurer Teresa Donnelly because Convocation approval of the intervention was impractical given the urgent timelines in the case.

Context

A. Background

On April 14, President Biden announced that the United States would be moving forward with the previously announced agreement to withdraw from Afghanistan¹. In May, the Taliban began setting up checkpoints and outposts throughout the country, and steadily increased their presence through June and July². In early August, the Taliban began taking control of provincial capitals and major cities and reached the capital city of Kabul on August 15. As the Taliban's control over Afghanistan grew, many Afghans began to flee the country.

On August 13, the Government of Canada announced that it was expanding its special resettlement program for Afghanistan, to ensure that Canadians, Afghans who had helped the Government of Canada (such as interpreters), and vulnerable individuals and their families could be resettled safely in Canada on an urgent basis³.

On August 16, the Law Society of England and Wales wrote to the UK government, urging the government to take action to protect legal professionals in Afghanistan, with particular concern for the 270 women judges⁴. Reports had begun to surface from organizations connected to the Afghan legal community that members of the judiciary were being directly threatened by members of the Taliban. This information was shared with the LSO by the IAWJ, and was independently reported by the media on August 17⁵. Some women judges had received threatening notes from members of the Taliban who they had previously sent to

¹ Mellen, Ruby. "The shocking speed of the Taliban's advance: A visual timeline". The Washington Post. August 16, 2021. Online: [The shocking speed of the Taliban's advance: A visual timeline - The Washington Post](#)

² Mellen, Ruby. "The shocking speed of the Taliban's advance: A visual timeline". The Washington Post. August 16, 2021. Online: [The shocking speed of the Taliban's advance: A visual timeline - The Washington Post](#)

³ Ministry of Immigration, Refugees and Citizenship Canada. "Canada expands resettlement program to bring more Afghans to safety". Government of Canada. News Release. August 13, 2021. Online: [Canada expands resettlement program to bring more Afghans to safety - Canada.ca](#)

⁴ The Law Society of England and Wales. "Bar Council, BHRC and Law Society urge UK Government to offer asylum to legal professionals in Afghanistan". August 16, 2021. Online: [Bar Council, BHRC and Law Society urge UK Government to offer asylum to legal professionals in Afghanistan - Bar Human Rights Committee](#)

⁵ Bernstein, Jaela. "Afraid for their lives, Afghan women judges desperately seek escape from Taliban" CBC. August 17, 2021. Online: [Afraid for their lives, Afghan women judges desperately seek escape from Taliban | CBC News](#)

jail, and had been in fear of their lives since the Taliban began liberating prisoners from jail on August 9.

On August 17, 2021 the Law Society of Ontario sent a letter to the Canadian government urging it to include women judges and their families in the Afghan resettlement program. The Law Society's letter was based on reports from groups such as the International Association of Women Judges (IAWJ) indicating that women judges were being deliberately targeted by the Taliban. A public statement was also posted on the Law Society website, outlining the information gathered in preparing the intervention, as well as the demands made by the Law Society.

These documents were prepared using the same standard approach and process that the Human Rights Monitoring Group (the Monitoring Group) has used to prepare interventions in the past. Information was gathered from trusted sources, such as the IAWJ and the Law Society of England and Wales. The intervention was written and approved by the Monitoring Group on August 16. As a result of the rapidly deteriorating situation in Afghanistan and information shared by the IAWJ regarding direct threats made to women in the judiciary, the Monitoring Group asked the Treasurer to review the materials so that they could be issued as soon as possible.

The Treasurer agreed that the intervention should be issued urgently. The intervention letter was signed and sent on August 17, and the public statement was posted at the same time.

B. Considerations

The Monitoring Group considered the following factors when making a decision about the case:

- a. there are no concerns about the quality of sources used for this report; and
- b. the letter and public statement regarding the safety of women judges in Afghanistan falls within the mandate of the Monitoring Group.

The background information used to support the intervention was retrieved from the following sources:

- a. The International Association of Women Judges⁶
- b. The Government of Canada⁷
- c. The Law Society of England and Wales⁸
- d. The Guardian⁹
- e. The Washington Post¹⁰
- f. CBC¹¹

C. Human Rights Monitoring Group mandate

The mandate of the Monitoring Group is to:

- i. review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
- ii. to review information that comes to its attention about human rights violations that target human rights defenders in the same event or circumstances as a member of the legal profession or the judiciary as described above;
- iii. determine if the matter is one that requires a response from the Law Society; and
- iv. prepare a response for review and approval by Convocation.

Where Convocation's meeting schedule makes such a review and approval impractical, the Treasurer may review such responses in Convocation's place and take such steps as he or she deems appropriate and shall report on the matter at the next Convocation.

⁶ International Association of Women Judges. "Official Statement on the Current Situation in Afghanistan". Public Statement. August 16, 2021. Online: [Official IAWJ Statement on the Current Situation in Afghanistan - International Association of Women Judges](#)

⁷ Ministry of Immigration, Refugees and Citizenship Canada. "Canada expands resettlement program to bring more Afghans to safety". Government of Canada. News Release. August 13, 2021. Online: [Canada expands resettlement program to bring more Afghans to safety - Canada.ca](#)

⁸ The Law Society of England and Wales. "Bar Council, BHRC and Law Society urge UK Government to offer asylum to legal professionals in Afghanistan". August 16, 2021. Online: [Bar Council, BHRC and Law Society urge UK Government to offer asylum to legal professionals in Afghanistan - Bar Human Rights Committee](#)

⁹ Harding, Luke. "Two female judges shot dead in Kabul as wave of killings continues". The Guardian. January 17, 2021. Online: [Two female judges shot dead in Kabul as wave of killings continues | Afghanistan | The Guardian](#)

¹⁰ Mellen, Ruby. "The shocking speed of the Taliban's advance: A visual timeline". The Washington Post. August 16, 2021. Online: [The shocking speed of the Taliban's advance: A visual timeline - The Washington Post](#)

¹¹ Bernstein, Jaela. "Afraid for their lives, Afghan women judges desperately seek escape from Taliban" CBC. August 17, 2021. Online: [Afraid for their lives, Afghan women judges desperately seek escape from Taliban | CBC News](#)



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August 17, 2021

Sent by email to:

Minister@cic.gc.ca

Marco.Mendicino@parl.gc.ca

The Honourable Marco E. L. Mendicino, P.C., M.P.
Minister of Immigration, Refugees and Citizenship
365 Laurier Avenue West
Ottawa, Ontario
K1A 1L1

Dear Minister Mendicino,

Re: Safety of Women Judges in Afghanistan

I write on behalf of the Law Society of Ontario to voice our grave concern over reports regarding the rapidly deteriorating situation in Afghanistan, and the high risk this situation represents for women in the judiciary. When reports of serious issues of injustice to legal professionals and the judiciary come to our attention, we speak out.

In a [recent statement](#), the President of the International Association of Women Judges (IAWJ), Justice Susan Glazebrook, urged governments to include Afghan women judges and their families in the special support measures that have been extended to personnel who provided essential services to military forces. She wrote:

“By serving as judges and helping develop the Afghan judicial branch, women judges have helped establish the rule of law in their country, an essential pillar of a democratic state. Allowing them to be at the mercy of the Taliban and insurgent groups, given what they have sacrificed, would be tragic indeed.”

The Law Society of Ontario supports this statement, and is urging you to include women judges and their families in your [recently expanded resettlement program](#). As women leaders, it is the Law Society's position that women judges should qualify for the program, and we urge you to use the tools and resources available to bring these women and their families to safety. Currently, almost 250 women serve as judges in Afghanistan and over 217 are members of the Afghan Women Judges Association, which is affiliated with the international association.

While it is appreciated that the resettlement program recently announced by Canada contemplates that women leaders, among others, have already left

Afghanistan and are in a third country, we urge Canada to take steps to directly address the plight of those women judges who remain in Afghanistan. We are advised by the regional Director for the association, Nova Scotia Supreme Court Justice Mona Lynch, that all 217 members of the Afghan Women Judges association remain in hiding in Afghanistan.

Women in the judiciary have already been the target of violence. In January, [two women judges were murdered](#) while driving to their office in a court vehicle. It has also been reported that women judges have been receiving threatening notes from jailed prisoners. Now that Taliban has been freeing prisoners from Afghan jails, these threats have become more acute.

The global human rights community also agrees that these women are at risk. According to Human Rights Watch, civilians who promote human rights and democracy are at a high risk of being targeted by the Taliban. According to Agnes Callamard, Amnesty International's Secretary General, women human rights defenders are at serious risk of Taliban reprisals.

The Bar Council, the Bar Human Rights Committee of England and Wales, and the Law Society of England and Wales have also [issued a statement](#) on this issue, calling on the UK government to offer evacuation, safety, and asylum within the UK to the women judges and their families, as well as other members of the legal professions in serious danger. They stated in part:

“We are extremely worried about the situation of at least 250 women judges in the country who we consider to be at particular risk. We urge the UK government not to abandon these courageous defenders of the rule of law and – in liaison with its international allies – to offer evacuation and safety and asylum in the UK to those women judges, their families, and other members of the legal profession who are in serious danger.”

We adopt those statements. We urgently request that women in the judiciary be included in the Government's definition of vulnerable Afghans so that they and their families may receive immediate protection.

Yours truly,



Teresa Donnelly
Treasurer

**The Law Society of Ontario is the governing body for more than 55,000 lawyers and 9,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest, and the Law Society has a duty advance the cause of justice and the rule of law.

Copies:

The Honourable Justin Trudeau, Prime Minister of Canada

The Honourable Harjit S. Sajjan, P.C., M.P., Minister of National Defence

The Honourable Marc Garneau, Minister of Foreign Affairs

The Honourable David Lametti, Minister of Justice and Attorney General of Canada

Catrina Tapley, Deputy Minister of Immigration, Refugees and Citizenship Canada

Justice Gillian D. Butler, President, Canadian Chapter of the International Association of Women Judges

Justice Mona Lynch, Regional Director for North America, International Association of Women Judges

The Honourable Richard Wagner, Chief Justice, Supreme Court of Canada

The Honourable Lise Maisonneuve, Chief Justice, Ontario Court of Justice

The Honourable George Strathy, Chief Justice, Court of Appeal for Ontario

The Honourable Geoffrey B. Morawetz, Chief Justice, Superior Court of Justice

His Excellency, the Honourable Bob Rae, Canadian Ambassador to the United Nations

Ketty Nivyabandi, Secretary General, Amnesty International Canada

Andrew Anderson, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Sophie de Graaf, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Mary Lawlor, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Diego García-Sayán, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales

Public Statement on Afghanistan

The Law Society of Ontario calls for women in the judiciary be included in the Canadian Government's definition of vulnerable Afghans

Toronto, ON — The Law Society of Ontario is gravely concerned over the many recent reports regarding the rapidly deteriorating situation in Afghanistan, and the high risk this situation represents for women in the judiciary. When reports of serious issues of injustice to legal professionals and the judiciary come to our attention, we speak out.

In a recent statement, the President of the International Association of Women Judges (IAWJ), Justice Susan Glazebrook, urged governments around the world to include Afghan women judges and their families in the special support measures that have been extended to personnel who provided essential services to military forces. Currently, almost 250 women serve as judges in Afghanistan and over 217 are members of the Afghan Women Judges Association, which is affiliated with the international association. Justice Glazebrook wrote that “by serving as judges and helping develop the Afghan judicial branch, women judges have helped establish the rule of law in their country, an essential pillar of a democratic state. Allowing them to be at the mercy of the Taliban and insurgent groups, given what they have sacrificed, would be tragic indeed.”

The Law Society of Ontario supports this statement. The Treasurer, working closely with the Law Society's Human Rights Monitoring Group, has sent a letter to the Canadian Government urging them to include women judges and their families in their recently expanded resettlement program. It is the Law Society's position that women judges should qualify for the Canadian program, under the definition of women leaders, and we're urging all governments to use the tools and resources available to bring these women and their families to safety.

While it is appreciated that the resettlement program recently announced by Canada contemplates that women leaders, among others, have already left Afghanistan and are in a third country, we urge Canada to take steps to directly address the plight of those women judges who remain in Afghanistan. The Law Society has been advised that all 217 members of the Afghan Women Judges association remain in hiding in Afghanistan.

Women in the judiciary have already been the target of violence. In January, two women judges were murdered while driving to their office in a court vehicle. It has also been reported that women judges have been receiving threatening notes from jailed prisoners. Now that Taliban has been freeing prisoners from Afghan jails, these threats have become more acute.

The global human rights community also agrees that these women are at high risk. According to Human Rights Watch, civilians who promote human rights and democracy are at a high risk of being targeted by the Taliban. According to Agnes Callamard, Amnesty International's Secretary General, women human rights defenders are at serious risk of Taliban reprisals.

The Bar Council, the Bar Human Rights Committee of England and Wales, and the Law Society of England and Wales have also issued a statement on this issue, calling on the UK government to offer evacuation,

safety, and asylum within the UK to the women judges and their families, as well as other members of the legal professions in serious danger. They stated in part:

“We are extremely worried about the situation of at least 250 women judges in the country who we consider to be at particular risk. We urge the UK government not to abandon these courageous defenders of the rule of law and – in liaison with its international allies – to offer evacuation and safety and asylum in the UK to those women judges, their families, and other members of the legal profession who are in serious danger.”

We adopt those statements. We urgently request that women in the judiciary be included in the Canadian Government’s definition of vulnerable Afghans so that they and their families may receive immediate protection.