Sequel to the article in The Advocates' Journal Winter 2023
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The winter 2023 issue of the Advocates' Journal contained the article by Justice Anne Molloy about "The Women I Admire: The courage of my sister judges from Afghanistan". The women judges to whom Justice Molloy referred are those who escaped when the Taliban took over in August 2021, namely Judge Muzghan Adib, Judge Samira Nemati and Judge Hamida Froozanfar. These three judges fled with their families and ultimately settled in Ontario. That article focused on their education and experience as judges in Afghanistan and their escape.

In this update, the focus is on the settlement experience of those 3 Afghan women judges and of the 22 additional Afghan women judges and their families in Ontario, all of whom were welcomed as Government Assisted Refugees.

Judges Adib, Nemati and Froozanfar are all grateful to Canadians for having been accepted to a safe and welcoming environment. But the hope and anticipation of their inevitable success as reflected in Justice Molloy's article has been significantly diminished. They have feelings of having had to "start at zero". They are discouraged at the lack of recognition of their educational achievements and of the depth of their professional experience. They are disheartened by their inability to get a financial foothold because they don't have "Canadian experience". Having made considerable progress in developing proficiency in English since their arrival, they realize that the prospects of real success for them will be enhanced if they have access to financial assistance, especially in the nature of scholarships, bursaries and fellowships for law or related studies, and opportunities to obtain mentoring and employment in law firms or other settings involving legal matters.

Judge Muzghan Adib and her husband arrived in May 2022 with their children born in 2016 and 2018. After a prolonged stay at an airport hotel, they moved to a two bedroom apartment in Etobicoke. Judge Adib's English language journey started with LINC classes (Learning Instruction for Newcomers) provided by the government and then she accessed ESL courses in a local high school. Judge Adib has a B.A. in Islamic Law and, after taking the 2 year judicial training course, she was a judge for 4 years before she fled. She investigated whether her B.A. would be recognized by the National Committee on Accreditation and was forced to conclude that she "didn't find any hope for a career in law" in Ontario. Based on career advice at the high school, she has taken grade 12 courses in math, English (which focuses on reading and writing skills) and science. She obtained her Secondary School Diploma which is a requirement for admission to universities and college programs in which she is interested.

In January 2025, Judge Adib started the full-time 2 year diploma paralegal course at Humber College. She is learning about the Canadian legal system, including access to the resources available in CANLII, and will have office placements before the course ends. She hopes to use her diploma to apply for law clerk positions and may consider establishing her own firm.

Judge Adib's husband, Mujib, has a B.A. followed by an M.A. in criminal law. He worked as a military prosecutor for over 10 years in various positions in Kabul and other provinces in Afghanistan. His first job in Ontario was in a meat packing company and then he obtained his security guard license. He has taken the same high school courses as his wife. After taking an administrative program, Mujib applied for administrative positions with law firms and some administration jobs in the Ministry of the Attorney General in Toronto. He has also applied for administration and court officer positions outside Ontario including in Nova Scotia. Unable to

secure any such positions but needing to support his family, he obtained financing and has purchased a car which he uses to drive for Uber.

Judge Adib said what she loves about Canada is the freedom everyone enjoys and especially women who have the freedom to work and to study and the high quality education available to children. On the other hand, speaking for herself and Mujib, the things that make her unhappy and stressed about being in Canada are these: immigrants with education and experience are treated like they have nothing, particularly because they cannot provide Canadian employment references; the job market makes it impossible to find employment that reflects their education and experience; and their inability to access opportunities to work even in short term jobs where they could demonstrate their language, education and work skills.

The ray of sunshine in their struggles is that Judge Adib's children (now in grades 4 and 2) are thriving.

Judge Samira Nemati and her husband arrived in June 2022 and have lived in a one bedroom apartment in Guelph. In addition to LINC classes at the outset, Judge Nemati has been diligent in identifying and pursuing opportunities to improve her English skills. She has routinely attended ESL courses, most of which have been held remotely. Judge Nemati expects to earn her Secondary School diploma by the end of 2025. She works tirelessly to improve her English and strengthens her skills every day with increasing innovation and dedication.

In the 4 month period from December 2023 to March 2024, Judge Nemati participated in the "Brief Law" program offered to newcomers by the University of Toronto School of Continuing Studies which was created for women with legal training in Afghanistan, including lawyers and judges. This small group program was offered in person but Judge Nemati attended remotely. It offered several sessions in group and one-on-one career advice including coaching on applying for employment and on building a resume. Importantly, it included 4 weeks of classroom instruction in English in a business environment. Each student picked workshop subjects to explore in depth and Judge Nemati chose English for Effective Communication, Mastering Business Writing, Agile Leadership and Project Leadership all of which she said were very interesting and informative.

Judge Nemati wants to resume a career in law. After she achieves her Secondary School diploma, she will decide on next steps. Judge Nemati doubts that the National Committee on Accreditation will recognize her B.A. degree in Sharia law. As an avenue for returning to a legal career, she has her eye on taking a Masters of Law and has explored remote opportunities, particularly those where scholarships might be available.

Judge Nemati's husband, Hayatullah, has a B.A. in Engineering and was a Systems Engineer before he escaped. As a machine operator, he works diligently to provide for their daily needs. He hopes to start the high school upgrading program and aims to complete his Secondary School diploma while working full time. He doubts he will ever secure a job reflecting his education and experience.

Asked what she loves about Canada, Judge Nemati said she is fond of Canada's beautiful nature. She observed that the people of Canada are very kind. Living in a multicultural society, she is grateful for the respect shown for other cultures. She recalled that, on the day she arrived in Canada, one of the Canadian women judges met her with a bouquet of flowers and warmly welcomed her. Witnessing such kindness, she felt as if she was among her own family. She is grateful for the efforts and cooperation of all Canadian women judges. Judge

Nemati is currently engaged in volunteer work at a local organization and intends to serve the Government of Canada in the future through further studies.

Judge Nemati is dismayed that her and her husband's credentials and experience are not recognized and that there are so many barriers to employment. Her aspirations about achieving a Masters are clouded by the lack of recognition of her credentials.

Judge Hamida Froozanfar and her husband arrived in June 2022 with children born in 2015 and 2018 in Afghanistan. At the time of her escape from Afghanistan, she was at 35 weeks in her pregnancy and had been scheduled for a C-section in the 37th week. Under enormous stress and danger, she reached Greece and had a C-section in her 37th week. Their infant was about 8 months old when they arrived in Ontario.

After their airport hotel stay, Judge Froozanfar obtained a 1 bedroom apartment in Scarborough. After 3 years, she finally obtained a 2 bedroom apartment she can afford in the same building as another Afghan woman judge in Mississauga. As a result of the move in late September 2025, their youngest child will be enrolled in the local school in JK and the older children in grades 5 and 2.

Judge Froozanfar was one of 15 Afghan women judges and their family members who took advantage of Centennial College's offer to study English for Academic Purposes with a waiver of tuition. Judge Froozanfar finished level 2 and would have started the final level 3 but she was given a 12 month fellowship to conduct a study on the use of parole within the Afghan penal law and the Canadian Criminal Code. Through the support of the Open Society University Network's Afghan Challenge Fund and the generosity of University of Toronto alumni, Hamida received an income for the duration of fellowship as well as privileges at the University of Toronto law school, consultations with some of the professors, and mentoring by Justice Anne Molloy.

Judge Froozanfar is the only Afghan adult in this cohort who has had a fellowship that recognized her education and background. Her report that it was a positive, rewarding and helpful experience has informed the view held by many of the Afghan women judges that more such opportunities are very important to their success.

While involved in that initiative, Judge Froozanfar participated in the same "Brief Law" program at U of T School of Continuing Studies as had Judge Nemati. Judge Froozanfar has a B.A. in political science and Sharia law. While involved in the Brief Law program, her B.A. and M.A. (in criminal law) were considered by the National Committee on Accreditation and she has received some credit toward an LLD which is Judge Froozanfar's goal. She is now focused on resuming her English language skills but cannot afford professional university language courses that would ready her for law school.

After attending a session on positions in the Ontario Public Service related to courts administration, Judge Froozanfar made an application for employment at an entry level such as Court registrar that would have given her access to more sophisticated and remunerative positions. She was discouraged by not succeeding in the listening and typing aspects of the testing.

Judge Froozanfar is determined to go to law school. However that is looking less and less likely. As an intermediate goal, she is considering taking the Community College paralegal course that would enhance her knowledge about the Canadian legal system and might give her access to jobs as assistant to a lawyer or in an administrative capacity in courts.

Judge Froozanfar met her husband Shafiq while she was an announcer on a tv show (before her judicial career) and he was a sound engineer. He has a B.A. in computer science but has despaired of getting a job that reflects his education and experience. Unable to obtain anything more suitable, Shafiq acquired a second hand vehicle that was good enough to drive for Uber eats. Judge Froozanfar tells a story about her son being asked by the teacher on a Monday morning what he did for the weekend and his response was that the whole family drove with their dad while he delivered food. As Judge Froozanfar, explained there was no money for extra-curricular activities or child care and their weekends were spent together. As was the case with Mujib Adib, unable to find a position that wold reflect his education and experience and needing to support the family, Judge Froozanfar and Shafiq obtained credit to acquire a better car and he now drives for Uber with passengers.

Similarly to Judge Adib and Judge Nemati, Judge Froozanfar loves the multiculturalism in Canada and how people have been so kind. Her unhappiness stems from persistent financial stress, with no end in sight. She also describes relentless emotional stress arising from the failure to recognize the education and experience that she and her husband have acquired; from the feeling of emptiness arising from having to start all over, "lower than a child"; from the challenges of trying to pursue a legal career and study and learn when their accommodation has made that almost impossible; and from the hopelessness of her family she was forced to leave behind in Afghanistan, including a younger sister who can no longer go to school.

Introduction to Ontario Judges

As Justice Molloy wrote in the 2023 article, the Canadian Chapter of the International Association of Women Judges (IAWJ) created a mentoring system to introduce each Afghan judge to one or two Canadian judges. Most of the refugees arrived in Ontario in the period May to December 2022 with a few in 2023 and 2024, now totalling 25 Afghan women judges and their families in Ontario and 13 in other parts of Canada.

Almost 50 judges from the Ontario Court of Justice, Superior Court of Justice and Court of Appeal volunteered to be "partner" judges to an Afghan judge. With few exceptions, there were 2 partner judges for each Afghan woman judge. In helping to settle in Ontario and gain familiarity with life here, the Ontario judges and Afghan women judges have developed a sisterhood and a deep connection as reflected above. Many have become lifelong friends. As one of the Ontario judges has said:

"I have been profoundly affected by working with my sister judge, and have come to admire her intelligence, courage, ambition, and strength of character. At the same time, I have grown to appreciate how lucky I have been in my own life to be able to engage in the rewarding work of judging without have had to face anything near the kinds of challenges that were part of her life in Afghanistan, and that she faces today."

Conclusion:

Each of Judge Adib, Judge Nemati and Judge Froozanfar, has achieved some successes. Each of these three Afghan judges (and several others) have participated in one or more public events, in English, speaking about their role as judges in Afghanistan, their escape and their settlement experiences in Canada. In most cases they were accompanied by a Canadian judge who conducted a "fireside chat" to inform audiences including law students, other university students, members of law associations and members of law firms for which CPD credits were available. Those have been universally well received, including a standing ovation at one presentation.

When Justice Anne Molloy interviewed them for the 2023 article, each of them struggled to express themselves in English. For this article, each received a list of questions followed by a lengthy interview in which none hesitated to articulate her thoughts. As is the case with those others who have been equally diligent about increasing their English language skills of listening, speaking, reading and writing, they have achieved remarkable progress under extraordinarily difficult financial and emotional circumstances.

On the other hand, the disappointing and discouraging narrative of each of these three Afghan women judges is common to most of the other 22 Afghan families in Ontario. Unacceptable housing conditions that leave a family of 4 or 5 living in crowded accommodation that impacts the ability to study and affects interpersonal relations. Unaffordable child care and extra-curricular opportunities that would enhance the progress of the children and enable the Afghan women judges to focus on studying English or other programs. Gig jobs that require the husbands to spend endless amounts of time earning income at or barely above the poverty level. Significant financial stresses combined with relentless emotional stresses arising from the extraordinary circumstances in which their families in Afghanistan live.

As is the case with most of the other 22 families living in Ontario, these judges and their husbands were in the range of 30 to 35 years of age on arrival. They have many years ahead of them but most of the adults in the 25 families are discouraged and disheartened by the obstacles and challenges to their ability to fulfill their potential.

Justice Anne Molloy wrote in her 2023 article:

In sum, the Afghan judges and their families are happy to be here and grateful to be in a safe place. Notwithstanding significant financial challenges they face, all look forward to a future where they can have meaningful careers and where their children can flourish. They are brave, intelligent and determined. I am confident they will succeed.

I agree with the observation by Justice Molloy that the Afghan women judges demonstrate great intellect, extraordinary courage and unfailing warmth and kindness. But they no longer express optimism about succeeding. Each of Judge Adib, Judge Nemati and Judge Froozanfar and the other 22 Afghan women judges now living in Ontario had to escape, leaving behind homes, families and careers, because of their role in re-introducing the rule of law in parts of Afghanistan. Lawyers uniquely understand the significance of the rule of law and the sacrifices they have made.

Investing in talented, educated and hardworking newcomers makes sense. Refugees land with dignity when they have opportunities.

This website was created to tell their stories. For more information please contact me at francespkiteley@gmail.com.