

September 27, 2021

**Honorable Ursula von der Leyen  
President of the European Commission  
Rue de la Loi 200, Wetstraat 200  
1049, Bruxelles, Belgium**

Dear Madame von der Leyen,

Please receive warm regards, hoping that this letter finds you well and in good health. As the United Nations Special Rapporteur on the Independence of Judges and Lawyers, I would like to share with you my greatest concern at the deepening humanitarian crisis and the collapse of what already was a fragile rule of law in Afghanistan.

Your Excellency, I dare to take a few minutes of your time to seek, once again, for your support and appeal, assistance, and mutual action. As the UN Secretary-General Guterres has expressed, “almost half of the population of Afghanistan need humanitarian assistance to survive. One in three Afghans does not know where their next meal will come from. More than half of all children under five are expected to become acutely malnourished in the next year. People are losing access to basic goods and services every day. A humanitarian catastrophe looms.”

As you are aware, hundreds of people who wish to leave remained in Afghanistan and now fear for their lives. Among them are generations of brilliant women judges, lawyers, prosecutors, and lawyers’ human rights defenders, who have tirelessly and courageously devoted years of their lives working to make Afghanistan a country that affirms and protects the rule of law and human rights for all.

Nowadays, with the Taliban in power, this group of exceptional public officials and members of civil society feel that a target has been placed on their back and that it is a matter of time before the Taliban will knock on their doors. This is not an unsubstantiated fear. On January 17, 2021, unidentified gunmen assassinated two female judges from Afghanistan’s Supreme Court, adding to a wave of assassinations in Kabul and other cities. Members of the Afghan legal profession and their families are no longer safe in their land.

This UN Rapporteurship strongly believes that those women and their families wishing to leave the country should be allowed to do so. However, opportunities are very limited.

As you are aware, the threat faced by women members of the legal profession is real. Not only because of their gender and high-flying careers but also because many of them were involved in trials of Taliban fighters. Prisoners are being released, and this represents a major threat to those involved in prosecuting and sentencing, including female judges, prosecutors, and lawyers. They are currently in hiding, changing address every few days, to remain safe.

According to the data received by this Rapporteurship, around 200 female judges are remaining in Afghanistan. Beyond this, those who have managed to leave Afghanistan remain in refugee camps in neighboring countries, where they may stay for several months to years until they will be provided with a haven. This is not a dignified way of living.

Your Excellency, considering the seriousness and the fragile situation of women members of the legal profession and their families in Afghanistan, I would respectfully like to appeal for your support in mobilizing efforts among the European States to consider special expedited visas for those female judges, lawyers, prosecutors, and lawyers' human rights defenders and their families. It would also be significant to work with other States on developing a plan for resettlement, including short term visas, such as the 'lily pad' scheme available in Albania for those hoping to resettle in the United States. And given their high levels of education, the work with university institutions to offer up fellowships/courses would be another possible channel to ensure their safety, and in turn offer visas for those accepted.

In October, I will be presenting my Annual Report before the Human Rights Council on the role and presence of women judges and prosecutors in high courts around the world. I was encouraged and honored to learn from different women judges and legal profession organizations about the meaningful and essential role that women play in the justice systems; their professional and personal challenges to find their place and voice in the judicial decision-making process, as well as the need to provide, by the international community, a robust system of safeguards when their work becomes threaten or challenged. The latter is the reason that has motivated me to write this letter to your Excellency on behalf of hundreds on women at risk in Afghanistan.

Knowing your strong commitment for women's rights and your pledge to promote a gender-sensitive and responsive geopolitical Commission to build a truly Gender Equal World, I would like to reiterate this respectful request to support those female members of the Afghan legal profession and provide financial assistance for relocation and offer them visas for them to have a second opportunity to thrive and live with dignity.

Women's rights are human rights.

Sincerely,

*Diego García-Sayán*

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