

FAD - Fathers Against Discrimination a.s.b.l.
"Both Parents for All Children™"
29, Boulevard Prince Henri
L-1724 Luxembourg
Luxembourg

11 June 2020, Luxembourg

Ministère de la Justice
Ms. Sam TANSON
13, rue Erasme
(Centre administratif Pierre Werner)
L-2934 Luxembourg
Luxembourg

Dear Minister TANSON,

Thank you for your letter dated 18 May 2020 and taking the time to respond to our correspondence (http://fad.lu/wp-content/uploads/2020/04/fads-letter-17904-2020-to-minister-sam-tanson_314.pdf).

In reference to the above, we were happy to learn that the règlement 17 April 2020 was issued providing special procedure and possibility to introduce interim measures in urgent situations linked to family matters during corona virus pandemic.

Our understanding is that many family lawyers and Luxembourg parents who experienced violation of Luxembourg court decisions regarding visiting rights during Covid-19 were not aware of the emergency interim measures included in the above mentioned decree.

It is unfortunate but the letter from the judge cited in our previous correspondence was continuously used as a pretext to deny parents to see their children during the entire lockdown throughout March, April and May.



It was the right decision for Règlement of 17 April 2020 to be introduced but we cannot escape a feeling that the decree would not have been introduced if it wasn't for FAD intervention exposing the letter leading to the parliamentary question presented to Luxembourg Parliament by ADR on 2 April 2020.

In your response to the parliamentary question it was stated that you could not comment on the judge's letter due to the independence of the judiciary and the separation of powers, respecting "*trias politica*", the fundamental element of any truly democratic state where the three branches of powers such as legislature, an executive and a judiciary remain separated and independent.

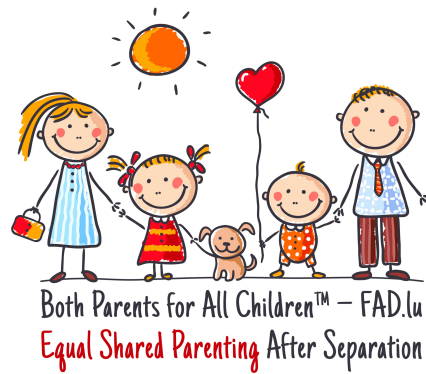
Please note that in the matter in question if there is anyone who is in violation of the independence and separation of powers it is the judge who wrote the letter and sent it to Luxembourg lawyers via official channels of communication of the Luxembourg Bar Association.

Following your comment regarding independence of the judiciary I would like to point out that independence of the judiciary means that the government does not comment on or interfere with judicial acts. When a judge expresses his or herself outside such duties, there is no independence issue.

As stated in our latest correspondence, some may argue that the judge's letter was just an opinion but it was not just opinion. The role of a judge is well-defined. Judges are to speak via the tools given to them to exercise their competences. An "opinion" presented by a judge to lawyers in a form of an official letter is to be considered as guidance. Guidance that reflects a severe violation of judicial impartiality and professional oath taken by the judge. Guidance that many lawyers with whom we have been in contact with have considered confusing especially since it contradicted règlement grand-ducal, the most important form of legal instrument proclaimed during state of emergency by the Luxembourg Prime Minister and The Grand Duke of Luxembourg.

Although Covid-19 pandemic is fading away the general problem remains unresolved. Based on the feedback received from numerous lawyers following FAD's intervention, the letter in question was not a separated incident.

Apparently, it is a common routine for such "opinions" to be issued and this will undoubtedly continue unless appropriate measures are taken to eliminate such unprofessional behaviors from taking place.



In the name of Luxembourg children and parents we are kindly asking you to address the problem and elevate it to appropriate instances with an objective to stop gender bias practices in Luxembourg judicial system.

Most respectfully,

Patryk P. RYBIŃSKI
President
with Board Members of the Association & Members

FAD - Fathers Against Discrimination a.s.b.l.
"Both Parents for All Children™"



"Mir wëlle bleiwe wat mir sinn an mir kënnen e Beispill fir den Rescht vun Europa sinn." -
- "We want to remain what we are and we can be an example for the rest of Europe."