

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

14 April 2023, Luxembourg

Maison de l'Avocat
Bâtonnier Pit RECKINGER
2A, boulevard Joseph II
L-1840 Luxembourg
BP 361
L-2013 Luxembourg

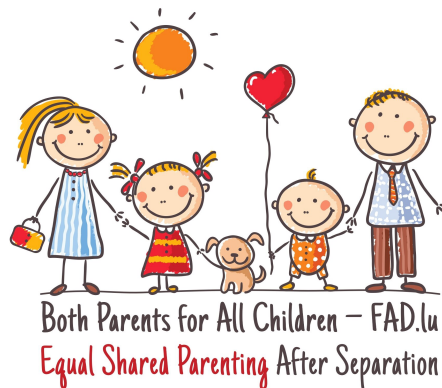
Dear Bâtonnière RECKINGER,

My name is Patryk P. RYBIŃSKI, and I am a president of FAD – Fathers Against Discrimination a.s.b.l. "Both Parents for All Children", a non-profit organization based in Luxembourg. Should you like to learn more about our association please visit our website - www.FAD.lu.

FAD keeps receiving complaints from Luxembourg parents, grandparents, and other family members about the work of some of the Luxembourg attorneys mandated to represent children and minors during custody proceedings. These reports and complaints obviously raise concerns. As an organization that looks after the interest of Luxembourg children, we would like to learn about the reasons that lead to such situations.

As we all know the list of lawyers admitted to Luxembourg Bar is a public domain, as such there should be no reason for the list of children's attorneys not to be, but unless we are mistaken this is the case in Luxembourg. Could you please explain why and when possible, provide us with the lists. Both in Luxembourg and Diekirch.

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The fact that the list of children's attorneys is not publicly accessible violates The Law of 10 August 1992 on the Protection of Youth. More precisely Article 18: *"The minor, his or her parents, guardian or other persons having custody of him or her may choose a counsel or ask the juvenile court judge to appoint one for them ex officio."* (Loi du 10 août 1992 relative à la protection de la jeunesse - Art. 18. « Le mineur, ses parents, tuteur ou autres personnes qui en ont la garde peuvent faire choix d'un conseil ou demander au juge de la jeunesse qu'il leur en soit désigné un d'office. »

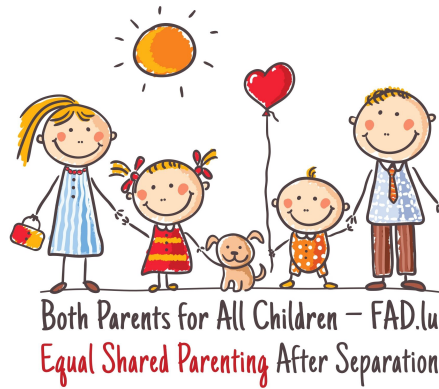
I think we can agree that it is quite difficult to choose children's attorney or oppose to the choice of the attorney made by the court if the list is not available.

We also would like to receive more information about the training Luxembourg attorneys go through when submitting their applications for children's lawyers' status. If the training indeed exists, we would like to know who provides the training? How many hours does the training consist of? What is the curriculum of the training? Is the training done in groups or conducted on an individual basis? How often is the training offered during a year? Are there any requirements to become child's attorney or restrictions that excludes a lawyer to become children's counsel?

Should our inquiry be outside your competences, please provide us with contact details of another administrative office in the Luxembourg Court which is competent to assist us. Alternatively, let us know if there is a website where citizens and residents of the Grand Duchy of Luxembourg can obtain the information in question. If the list is indeed not public, would you be so kind as to introduce the necessary steps to publish the names in a place that can be easily accessed by the public.

In case you decide to reject our request please point us to the law, regulation or an Article in the Luxembourg Civil Code that prevents you from fulfilling our request.

This leads us to our second request. We have been trying to obtain lists of judges from the Luxembourg and Diekirch Tribunals. More precisely the lists of judges from the respective Family Courts. Our understanding is that in accordance with the EU judicial system transparency law the names of presiding judges should be publicly accessible allowing those interested to have free access to the information. More importantly denying access to basic information of individuals awaiting trial or legal proceedings violates Article 6 of the European Convention on Human Rights and the right to fair trial - https://www.echr.coe.int/documents/guide_art_6_criminal_eng.pdf



We have been in contact with Georges BIGELBACH, Chief Clerk of the Luxembourg Court (Greffier en chef) who is convinced that he cannot provide us with the lists.

The common practice in other European countries is for the names of judges to be available online on the Court's website. Surprisingly and similarly to the list of children's attorneys it seems this is not the case in Luxembourg. Obviously the reasons for the lists not being available to public cannot be related to GDPR, because judges are public figures. Still, it seems that Luxembourg citizens and residents are denied this basic information even though this is considered as common practice in other modern, democratic EU member states respecting EU judicial system transparency. If you happen to know it, could you please explain why this is the case?

Should you decide to reject our request, just like with the first inquiry, please point us to the law or regulation that does not allow you to assist us.

We would like to thank you in advance for your help and assistance. We remain available for any questions you may have, and we look forward to hearing from you.

Most respectfully,

Patryk P. RYBIŃSKI
President
FAD - Fathers Against Discrimination a.s.b.l.

