

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

Patryk P. RYBIŃSKI
117, route d'Arlon
L-8009 Strassen
Luxembourg

November 13th, 2019 Luxembourg

Commission consultative des Droits de l'Homme
du Grand-Duché de Luxembourg
Mr. Gilbert PREGNO
71-73 Rue Adolphe Fischer
L-1520 Luxembourg
Luxembourg

Dear Mr. PREGNO,

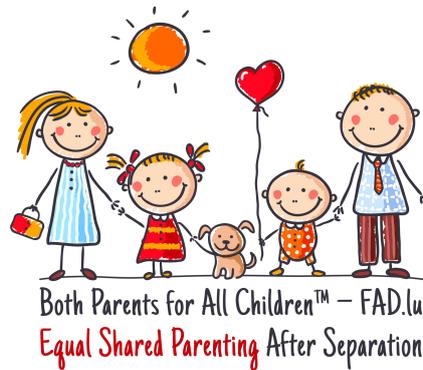
My name is Patryk P. RYBIŃSKI and I am the President of FAD – Fathers Against Discrimination a.s.b.l. "Both Parents for All Children™", a non-profit organization based in Luxembourg representing Luxembourg families, men, fathers and children.

Our organization has been created to become a platform of dialog to promote gender equality of chance for both parents, to stop violation of children's rights and to assure their well-being. We believe a child should never be deprived of his natural human right to family life and equal access to both parents. Nor does anyone have the right to decide which of his parents' love has more value.

As an association looking after the best interest of the Luxembourg children and families we seek equal treatment of both parents during custody hearings in Luxembourg family courts. We support the rights of fathers and mothers to equal parenthood and successful professional career. We address the importance of family values promoting the positive impact a full and healthy family has on the upbringing of children.

The reason behind this correspondence is not only to introduce our organization to you. This letter is to address matters of a greater importance.

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It came to our attention that Ministry of Education, Children and Youth, UNICEF Luxembourg along with other government sponsored organizations have involved themselves in the campaign "STOP PUNITIONS CORPORELLES IL EXISTE D'AUTRES SOLUTIONS".

Pictures speak louder than words and we want to inform you that we find the photo used in the campaign beyond unacceptable. The idea and the reasons behind the launch of the campaign although noble, its gender bias narrative supported by the Luxembourg Ministry of Education, Children and Youth is to be considered highly inappropriate and disrespectful to thousands of Luxembourg fathers. Greatly disappointing approach further adding to the profound misrepresentation of facts and bias insinuation communicating to the public that men are the only cause of domestic violence and women and children are the only victims of it.

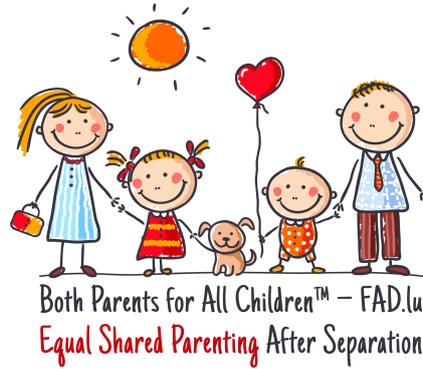
The above example is one of many we continuously encounter in Luxembourg.

In the last 12 months FAD has held numerous meetings, discussions with influential figures in Luxembourg, members of the Luxembourg and EU parliament, lawyers, judges, the media, journalists and government officials. We have now a very good overview of the Luxembourg political landscape. Although there are attempts to convince us that Luxembourg Courts, Ministries of the Luxembourg government, Luxembourg institutions remain impartial and look equally after the best interest of all Luxembourg citizens regardless of their gender, ethnic background, religion believes or sexual orientation, the evidence collected in the course of the last months proves otherwise.

LET'S MAKE IT HAPPEN --- this is the new Luxembourg official signature of which existence you must be aware of. We would like to be perceived as a modern, dynamic and open-minded society, competitive financial center, innovative and environment friendly economy with number of government initiatives such as establishing Luxembourg Space Agency, legalizing cannabis, same sex marriages, gay children custody, building new tram, new football stadium etc. The above-mentioned campaign and the content of the marketing material proof that the Luxembourg government fails assuring parental and gender equality in Luxembourg institutions.

One of our goals as an organization is to bring attention to the outdated Luxembourg Family Law especially with regards to divorce and the human natural rights of each parent during custody hearings of the children.

Despite of the recent changes in the Luxembourg Civil Code introduced on November 1st, 2018, described and presented to the public as "revolutionary", Equal Shared Parenting – Alternating Residence is still not a default rule and rarely introduced in Luxembourg during children's custody hearings. The legislators and judges in most cases remain immune to the evidence provided by over 40 years of empirical studies, scientific conclusions and consensus among internationally



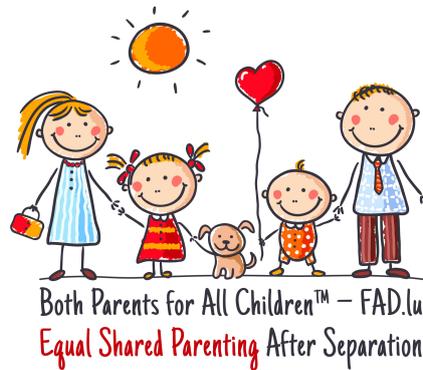
recognized psychologists confirming that Equal Shared Parenting – Alternating Residence is the most effective model bringing emotional stability to the children during separation and after divorce of the parents.

Current situation in the Luxembourg Family Courts resulting in 97% percent of children custodies being awarded to mothers based on a template approach and without consideration for family life, ignoring gender-parental equality and children's rights stand in violation of numerous conventions and international legal instruments including:

- Article 3(3) of the Treaty on European Union established in 1992 to "combat social exclusion and discrimination, to promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child".
- Article 24 of the Charter of Fundamental Rights of the European Union introduced as part of the Treaty of Lisbon in 2009 "to guarantee the protection of the rights of the child by the EU institutions and by EU countries when implementing EU law".
- The United Nations Convention on the Rights of the Child from 1989. The first universal instrument of a legally binding nature to address the rights of the child. There are currently 193 parties to the Convention including all 28 members of the EU. Although the Convention addresses the civil, political, social, economic and cultural rights of children there are continuous examples of violations of the children's rights across all EU members states including Luxembourg.
- Article 8 of the European Convention on Human Rights ratified by Luxembourg in 1953 providing a right to respect for one's "private and family life, his home and his correspondence".

Equal Shared Parenting – Alternating Residence after separation can and should be introduced in Luxembourg as a default rule in the best interest of the children. The model may not resolve every issue parents deal with when separating but it protects the children by removing the possibility for either parent to use them as an instrument of blackmail leading in more severe cases to Parental Alienation Syndrome (PAS).

Going back to the "STOP PUNITIONS CORPORELLES IL EXISTE D'AUTRES SOLUTIONS" campaign, we have already asked Minister Claude MEISCH to take appropriate measures, review marketing material of the campaign and remove gender bias and discriminatory remarks from it. We have also asked to stop, with immediate effect, distribution of any material that includes the above-mentioned photo. We have asked for the photo to be taken down from the Ministry's website and urged for removal of



the posters that have been placed in Maison Relais buildings, public schools in Luxembourg and any other government public buildings.

Failing in doing so, will only confirm that Luxembourg Ministry of Education, Children and Youth as well as other organizations involved in the campaign approve gender bias and discriminatory practices and will leave us no other choice but to file a criminal complaint resulting in collective legal actions against the distributor / distributors of the material for disparagement crime.

Considering the above and not wanting to extend the content of this letter we kindly would like to ask you if we could arrange a meeting between FAD's representatives and the Commission consultative des Droits de l'Homme with an aim to openly discuss our cooperation and appropriate steps and measures we can take together to resolve the on-going problem associated with gender-parental inequality, violation of children's rights and discrimination of fathers in Luxembourg institutions.

Most respectfully,

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

PS Please visit www.FAD.lu for more information.



"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."