

The post initially publicized in May 2019:

17 May 2019 Luxembourg

Dear All,

*After nearly 2 years of court proceedings and numerous appeals fighting for parental rights I have earned being the father I have had been for 8 years I managed to revoke **scandalous, gender bias, discriminatory and nonchalant decision of judge Pascale DUMONG from the Luxembourg Family Court (Référé - Divorce No. 373/2017, Oct. 31st, 2017)**. I recovered my rights as a father to raise my two sons.*

I would like to thank you all for the support, kind words and encouragement during the mentioned time. I will always remember this.

It took 20 months to recover my parental rights. Rights not only to visit with my children every 2nd weekend but to raise them, to look after them as I did before separation with my ex-wife.

*Judge DUMONG confirmed in her decision that both, myself and my ex-wife were loving parents, that we had strong relationship with our sons and we were equally capable of raising our children. It was also unquestionable for judge DUMONG that both parents should keep equally distributed parental authority. Still, judge DUMONG argued in her decision that it was my ex-wife whom the boys should live with and I was to be awarded with "visiting rights" to see my sons every 2nd weekend. **Why?***

Although, we are talking about decision taken in 2017 in Luxembourg, the heart of Europe it was decided this way because apparently this is how it has always been in Luxembourg. Mothers get legal custody and residency of the children (MEANING: all financial benefits including family allocation, tax favorable treatment, eligibility for other financial aids etc.) and fathers only the rights to visit. A backward ideological approach that can be easily put back to the 1950's or the 60's of the last century.

The society in Luxembourg and western Europe has gone through significant changes in the past 20-30 years and the roles of fathers and mothers are no longer defined the way they were in the past. Unfortunately, Luxembourg Family Courts and the set of mind of some of the judges in Luxembourg are often completely immune to these facts.

Judge DUMONG's decision from 5 December 2017 separated me from my children for 20 months, denied my sons their natural right to equal access to both parents and violated my human rights to family life.

Judge DUMONG argued in her written closing statement I did not deny that my ex-wife cooked and did homework with our children. Not sure where the arguments came from as never discussed in court. Secondly, my sons attending Luxembourg public school at the time being the age they were did not have any homework that they would be sent home with.

These what I personally consider invented arguments were enough for the judge to be convinced that as she she putted "that:

page 4 / paragraph 6 (Référé - Divorce No. 373/2017, Oct. 31st, 2017):

"He does not deny that it is the mother who does homework with the children and prepares meals, and therefore it is necessary to take into account the fact that the mother is in this case a person raising the two children."

One thing is to allow personal gender bias ideology to overshadow an objectivity of a judgment another thing is to be a judge in a Family Court and actually put such statement on paper and then present it as judicial decision. **Cooking and doing homework (NOT TRUE) is apparently the definition of parenthood for judge DUMONG.**

Judge DUMONG's "temporary decision" lasted 20 months and only the main divorce decision of judge Alexandra HUBERTY from 16 May 2019, announced on 17 May 2019 (our 11th wedding anniversary) introducing Equal Résidence Alternée ended separation from my sons and stopped violation of numerous internationally recognized legal instruments including:

1. [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".
2. [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".
3. [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.
4. [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".

The last 2 years can only be described as a trip to hell and back. Emotionally, physically and financially. The same journey many parents, mostly fathers take when divorcing and fighting for parental rights in Luxembourg. Unfortunately, this is the reality in Luxembourg and many countries in most if not all EU members states, USA, Canada, Australia, New Zealand, UK.

My case proved that things are possible but not everyone has the time, financial means, perseverance, strength and supporting people around not to give up.

Ever since my sons were denied equal access to both parents I reached out to everyone I could addressing violation of children's rights exposing gender-parental inequality in Luxembourg Family Courts.

I contacted Luxembourg politicians, lawyers, judges, Luxembourg Prime Minister, Minister of Justice, Minister of Equal Rights between Women and Men, Amnesty International, Minister of Family and Children's Rights Organizations. Wrote to all 60 Luxembourg Parliament Members, Luxembourg EU Parliament Members, the President of the Luxembourg Parliament and his Deputies, judges from the

Luxembourg Family Court, newspapers, TV, non-profit organizations including Rosa (Luxembourg LGBTI). Met with political parties and other influential figures in Luxembourg. I protested on the streets on Luxembourg and used social media in every possible way to expose hypocrisy of the judicial system. Created FAD – Fathers Against Discrimination a.s.b.l. “Both Parents for All Children™” and had 3 lawyers.

I recovered my parental rights to raise my children but the main issue remains. Despite the changes in the Luxembourg Civil Code introduced on November 1st, 2018, described and presented to the public as “revolutionary”, Equal Shared Parenting – *Résidence Alternée* is still not a default law and rarely introduced in Luxembourg. The legislators and judges in most cases ignore the evidence provided by over 40 years of empirical studies, scientific conclusions and consensus among internationally recognized psychologists confirming that it is not “One Residency” but Equal Shared Parenting – *Résidence Alternée* the most effective model bringing emotional stability to the children during separation and after divorce of the parents.

All I heard in court during custody proceedings of my sons for the past months that everything was being done in their best interest. Yet, it was decided to separate them from one of the parents. It took 18 months and my older son's letter sent to judge RISCHETTE and HUBERTY for the children's attorney to be appointed allowing the children to express their needs.

My older son sent the letter to a judge because we had no other choice. My children despite the “great words” heard in court rooms were completely disregarded throughout the initial process.

It should not take a 10 year old boy to write to a family judge asking for children's needs to be respected and considered by the court. Afterall we live in Luxembourg and not in some sort of backward 3rd world country where it is not possible to create procedures and laws that do not violate children's natural rights to access both parents.

If the court could not follow logical approach and had to listen to my son before making decision, children's attorney should have been appointed in the very beginning of the custody proceedings and not after my boys have been separated from me for 18 months.

Immediate contact between children of 4 years and older with their attorney after separation of parents should be mandatory. Considering how long some custody proceedings take this should be one of the first measures introduced. Mainly for the purpose of reduce possibility for the residential parent to use children as an instrument of blackmail against the other parent. Brainwashing that in severe cases can lead to [Parental Alienation](#).

Equal Shared Parenting – *Résidence Alternée* should be a default law and a starting point of all custodies as children should not be involved in custody proceedings. Asking children if they love their parents or which parent they would like to live with creates conflict of loyalty and is detrimental to their emotional stability in an already stressful situation such as separation of their parents. Children are the victims of parents' decisions and should not be asked to resolve a problem adults have created. Yet, their natural right of access to both parents must be considered superior to any ideological agenda.

It is true that after judge HUBERTY's divorce ruling from 16 May 2019 introducing Equal Shared Parenting – *Résidence Alternée* my ex-wife did not appeal to the decision and no longer refused to agree to sharing responsibility and privilege of raising our sons together. That itself with the *Référé*

hearing held shortly after judge HUBERTY's decision by judge RISCHETTE allowed immediate introduction of the week to week Equal Résidence Alternée in the best interest of the children. The right decision but delayed by 2 years.

The result of the proceedings is far from victory. It is sad and disappointing. As a matter of fact it is most likely a defeat for everyone. Especially for the children who will have to carry the emotional scare for the rest of their lives. Me and my ex-wife have failed as marriage but the live continues, especially the life of our sons.

Not every conflict is bad but unresolved conflict between parents in a form of a unhealed wound is detrimental to emotional stability of children with often negative impact on their future. The decision of judge HUBERTY from May 2019 confirmed by judge RISCHETTE in June 2019 reunited me with my sons.

The result of my fight unfortunately also exposed Judge DUMONG who in my personal view failed her post as a residing judge of the Luxembourg Family Court. Judge DUMONG's gender bias, ideologically driven template approach violated the rights of my sons for family life and equal access to both parent. Judge DUMONG proved her detachment from the reality and the case itself exposed inefficiency and gender discriminatory practices of the Luxembourg Judicial System.

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.

In 2015 Council of Europe voted on [CE Resolution 2079/15](#) calling all EU member states to introduce 50/50 Shared Parenting – Résidence Alternée as a base for Family Law and a rule. So far, FAD – Fathers Against Discrimination a.s.b.l. has been unable to obtain explanation from the current Luxembourg government why after 5 years from the European Council vote, Luxembourg Parliament has still not voted on the Resolution calling for gender-parental equality in Luxembourg institutions.

The reasons behind the non-vote of the Luxembourg Parliament on the Council of Europe Resolution - CE Resolution 2079/15 remain a mystery, especially since the Resolution was initiated in 2015 by [Ms. Françoise HETTO-GAASCH](#), Luxembourg politician (CSV), former Minister of Equal Opportunities between Woman & Men, past and present member of the Luxembourg Parliament.

Equal Shared Parenting - Résidence Alternée should be default law in Luxembourg and a starting point for all custody proceedings and not just an option and a subject of mother's approval because the model also reduces conflict between the parents. Interestingly enough it is the conflict between the parents or objection of one of the parents that judges consider as the main arguments not to introduce Résidence Alternée more often. This itself shows how little judges voicing such opinions educate themselves and learn what it truly means to act in the best interest of children. Personal convictions and ideological believes should never overshadow judge's wisdom, objectivity and knowledge.

Good news is that judge Pascale DUMONG no longer resides in Family Courts in Luxembourg and decides about the future of the Luxembourg children. There are unfortunately other judges that need convincing.

[Judges of the Luxembourg Family Court](#) are a chosen group of individuals that when in charge of children custody proceedings decide every day about children's future and their well-being. Following the changes in the Luxembourg Civil Code introduced on November 1st, 2018 Luxembourg the judges have a legal instrument in their hands to do the right thing. [Article 378-1 of the Luxembourg Civil](#)

Code allows immediate introduction of Equal Shared Parenting – Résidence Alternée but the model is not a rule and rarely introduced in Luxembourg.

Please continue to support FAD - Fathers Against Discrimination a.s.b.l. and learn why Equal Shared Parenting - Résidence Alternée is the most efficient model protecting children after separation of their parents. Please visit www.FAD.lu. Help us protect Luxembourg children. Support our cause by donating and sign our [Petition](#). Thank you. Lët'z STAY UNITED.

Father.

PS More information about the above mentioned decision and examples of other gender bias outrageous rulings from the Luxembourg Family Court can be found [HERE](#).