



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de l'Égalité entre
les femmes et les hommes

O/Ref: 4724/aj
Follow up by: Valérie Debouché
Phone : 247-85816

Fathers Against Discrimination
c/o Mr. Patryk P. Rybiński
117, route d'Arlon
L-8009 Strassen

Luxembourg, le 26 février 2019

Concern : Letter from 11th February 2019

Dear Sir,

In response to your letter from 11th February 2019, I would like to stress that equality between women and men is a cross-cutting topic since it is related to our everyday life, whether private or professional.

In this respect, the Government is the guardian of the due application of this principle and the aim of all ministry being part of the current Government, is to take the needed measures to achieve this important goal at all levels of life.

The premise of equality between women and men is entrenched in the Luxembourgish Constitution in Article 11 §2: "*Les femmes et les hommes sont égaux en droits et en devoirs. L'Etat veille à promouvoir activement l'élimination des entraves pouvant exister en matière d'égalité entre femmes et hommes.*" And is particularly provided by the governmental agreement for the current term 2018-2023.

The Government is formed by a President namely the Prime Minister, and a number of other ministers. It operates for five years and for the next five years, there are partially different ministers at the head of the respective ministries despite the presence of the same political parties.

Therefore, there is not the same Government in place, as there has been five years ago and the governmental agreement is not either the same as the former one, even if it does obviously not fundamentally differ from it.

Consequently, it needs some time to make different updates with respect to previous claims.

I would like to remind that the main mission of the ministry of Equality between women and men consists on sensitizing women, men, girls and boys as much as possible by organizing campaigns on this subject, creating programs, actions and taking all kind of measures that apply to everyone.

In the first place, we put an emphasis on prevention and therefore we have to convince people of the importance of gender equality.

The actions taken, are built on a voluntary participation and we hope that everyone understands the impact of our commitment and the importance of the subject that concerns the whole population.

Our scope is to combat gender inequalities that exist in school, at work, in the area of social issues, in the sector of communication and by necessity in private life.

Equality between women and men at work leads to equality between women and men in private life and vice versa.

Social issues and working matters are more specifically regulated by law, namely domestic violence, prostitution, human trafficking are governed by the criminal code and therefore underlie the competence of the ministry of Justice. Working matters, namely equal treatment between women and men and equal pay, are governed by the code of labor and therefore underlie the competence of the ministry of Labor, Employment, and the Social and Solidarity Economy.

Our actions are mainly, guided by legislation, studies and statistics we get from institutions or other ministries.

The national action plan of the ministry for Equality between women and men 2018-2023 is made up by the contributions of all ministries being part of the Government.

So every ministry has to play its part in the implementation of gender politics.

In this sense, your request regarding violation of children rights, equal responsibility for parenthood and discrimination of fathers in courts are issues that lie within the competence of the minister of Justice.

As for the European Council Resolution 2079 you refer to in your letter, it has no bounding character for Member States. It only suggests a political desire to act in a given area. The resolution suggests guidelines for coordination of national legislations or administrative practices in a non-binding manner.

However equal responsibility for parenthood is regulated to a sufficient legal standard by a law that has been voted by the Luxembourgish Parliament on 27th June 2018 : « ***instituant le juge aux affaires familiales, portant réforme du divorce et de l'autorité parentale et portant modification: 1. du Nouveau Code de procédure civile; 2. du Code civil; 3. du Code pénal; 4. du Code de la sécurité sociale; 5. du Code du travail; 6. de la loi modifiée du 11 novembre 1970 sur les cessions et saisies des rémunérations de travail ainsi que des pensions et rentes; 7. de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire; 8. de la loi modifiée du 10 août 1992 relative à la protection de la jeunesse; 9. de la loi modifiée du 27 juillet 1997 sur le contrat d'assurance; 10. de la loi modifiée du 9 juillet 2004 relative aux effets légaux de certains partenariats; 11. de la loi du 27 juin 2017 arrêtant un programme pluriannuel de recrutement dans la magistrature et portant modification de la loi modifiée du 7 mars 1980 sur l'organisation judiciaire.*** »

I would therefore suggest that you apply to the ministry of Justice in order to get all necessary explanations about why courts do not more often pronounce shared custody and do not in your opinion take more often into account the needs and interests of the fathers in case of separation and divorce.

Furthermore, I would kindly invite you to address the CET (Center for Equal Treatment) that can open a file and assist you in your procedure to obtain more specifically equal treatment for fathers.

Finally, I would also recommend to contact Mr. Claude Janizzi, advisor at the ministry of Education, Children and Youth, who is the head of department of children's rights, who will be pleased to give you helpful advice.

With kind regards,



Taina Bofferding
Minister for Equality
between women and men