



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

No/réf : 4561/ms  
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Fathers Against Discrimination a.s.b.l.  
M. Patryk P. Rybiński  
117, route d'Arlon  
L-8009 Strassen

Luxembourg, le **27 DEC. 2018**

**Subject :** follow-up on your emails from December 8 and December 19 respectively.

Dear Mr. Rybiński,

Thank you for bringing this particular subject to my attention. Equality, meaning commitment to both: women and men – mothers and fathers, I am very interested in the matter.

Reading through your emails and given the technicality of the facts put forward, it is the Ministry of Justice, which is most competent in following up with the case.

Thus, and in order to address your concerns properly, I take the liberty of forwarding your mail to the Minister of Justice, M. Félix Braz, for expertise.

I will keep myself informed about the future developments of this matter.

Sincerely yours,

Taina Bofferding  
Minister for Gender Equality

11 February 2019, Strassen

The Honourable  
Minister Taina BOFFERDING

Ministère de l'Égalité entre les femmes et les hommes  
Ministry of Equality between Women and Men  
6A, boulevard Franklin D. Roosevelt  
L-2450 Luxembourg  
Luxembourg

Dear Minister BOFFERDING,

We hereby confirm receipt of your correspondence dated 27<sup>th</sup>, December 2018 and we would like to thank you for taking the time to reply to us.

We read on the website of the Ministry of Equality for Women and Men that *“it is a priority for the government to promote equality between women and men in all aspects of life and society. The Ministry of Equality between Women and Men (French: “ministère de l'Égalité entre les femmes et les hommes“, abb.: MEGA) leads and supports these ambitions.”*

In your letter, received as reply to our initial correspondence pointing out gender and parental inequality leading to discrimination of fathers in Luxembourg courts we have been advised that this matter is to be addressed to the Ministry of Justice and not the Ministry of Equality for Women and Men.

If gender and parental inequality in Luxembourg courts lies within the competences of the Ministry of Justice only, could you please explain why does the Ministry of Equality for Women and Men involves itself in the fight for equality for women and men in

“the work place”? Following the logic shouldn't that be adequately the responsibility of the Ministry of Labour, Employment and the Social and Solidarity Economy? Judging by the name of the Ministry, Minister Dan KERSCH in charge of this government branch holds wide range of competences and responsibilities.

It is a known fact that over 95% of children custodies in Luxembourg are awarded to women by a template approach violating the rights of fathers for family life included in the Convention of Human Rights ratified by Luxembourg in 1953, violating the rights of children for freedom of expression and equal access to both parents assured by the Convention of the Rights of the Child ratified by Luxembourg in 1993 leading to gender bias decisions, discriminatory practices and gender inequality.

Decades of psychological empirical studies, consensus among researchers, psychologists and specialists in the field confirms that Equal Shared Parenting - Alternating Residence is the best option for children during separation and after divorce. Regardless of the age of the children. Belgium successfully introduced Equal Shared Parenting - Alternating Residence in 2006. Courts in Germany proved that Resolution 2079 can be introduced in the best interest of the children even if one of the parents refuses to agree to the model. Other EU member states have already adopted changes in national laws in the best interest of the children putting a stop to parental and gender inequality in courts. As much as we would like to say otherwise this is not the case in Luxembourg.

As we read, the goal of the Ministry of Equality for Women and Men *“is to reconcile work and private life as a fundamental element of a contemporary corporate culture. The concept of work-life balance is one of the three priority themes of the positive action program, which is a per se measure of the Ministry of Equal Opportunities, promoting equal treatment for men and women at all levels. of life in society and privacy. Better reconciliation of professional and private life is also a priority of the European Union.”*

Considering the above FAD would like to ask the Ministry of Equality for Women and Men the following questions:

1. Has the Ministry ever initiated any discussion with the Ministry of Justice about the institutional gender inequality in Luxembourg courts?
2. Has the Ministry ever taken any actions in raising awareness of an on-going problem and struggle Luxembourg families, men, women and children deal with following discriminatory treatment of fathers at custody hearings during separation and after divorce?
3. Has the Ministry reached out to the Luxembourg Parliament asking the Members of the Luxembourg Chambres de Deputes to vote on the European Council Resolution 2079 from 2015 calling all EU member states to introduce Equal Shared Parenting - Alternating Residence as base for Family Law and a rule for children custody proceedings? It has been over 3 years and Luxembourg is still waiting for that vote.
4. Has the Ministry ever initiated campaign promoting equality between women and men, fathers and mothers in private life? More specifically has there ever been any media coverage or press release on behalf of the Ministry of Equality between Women and Men raising awareness that equity in the “professional life and at work” unless introduced by force is contingent on equality between men and women “in private life and at home”?
5. Has there ever been any project introduced by the Ministry setting course of actions to stop parental and gender inequality in Luxembourg government institutions? If not, is there a plan to introduce such project?
6. Unless the Ministry believes that 95% to 5% ration in awarded children custodies in favor of mothers means equity what plan does the Ministry have to raise awareness among government officials and members of the Luxembourg legal system that the Luxembourg Family Law does not reflect the changes our society has gone through in the last three decades educating the public that the roles of parents are no longer defined as they have been in the past promoting Equal Shared Parenting – Alternating Residence to become rule for custody hearings in Luxembourg?

7. Has there ever been any conference or discussion panel formed or organized by the Ministry of Equality for Women and Men to promote Equal Shared Parenting- Alternating Residence in Luxembourg?
8. If not, is the Ministry willing to participate in promoting International Conference on Shared Parenting, last year held in Strasburg, France and sponsor the event to be organized in Luxembourg raising awareness and need for gender equality in Luxembourg courts and across all EU member states?
9. Is the Ministry in contact with Belgian colleagues exchanging information and experience about their successful introduction of the Equal Shared Parenting – Alternating Residence model in 2006? The law already in place for over 12 years. A legal frame not only looking after the best interest of the children but also reducing the gender gap and inequality between parents during and after divorce.

As suggested by the Ministry, FAD has met with infoMann, a non-profit organization in Luxembourg created to provide assistance and psychosocial counseling for men in difficulty. It has been confirmed to us that there are only a few single places in entire Luxembourg that under specific conditions could accept men for a short period of time but these places are not fit for men victims of domestic violence and their children seeking for asylum and help. In a highly international society often without any family members' presence in Luxembourg men victims of violence and their children in need for a safe place have nowhere to go.

Considering the above we would like to ask again for correction of the information on the Ministry's website under "Shelters for women, girls, women with children and men" misleading the readers that among 10 shelters in Luxembourg listed there are shelters for men when as already confirmed by the Ministry this is not the case. According to the Ministry the inaccuracy regarding the information about shelters has been caused by the website not being yet updated following the change of the government in December 2018. Quite worrying considering we have the same government as in the last 5 years.

Please introduce appropriate measures to correct the error. Better yet we would like to ask you to initiate a project to create proper shelters for men victims of domestic violence and their children. We offer our help and support.

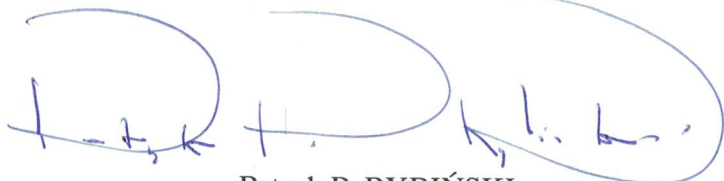
Furthermore, we would like to confirm we have been also advised by the Ministry that a new project is currently worked out with the Luxembourg Red Cross Association in cooperation with Riicht Eraus. The project is called “HOLD” and it is specifically dedicated to “Male Perpetrators of Domestic Violence”.

As the project is so gender specific and considering that on average 1 out of 3 victims of domestic violence are men do we understand correctly there is also a separate project dedicated to “Female Perpetrators of Domestic Violence”? If not, we find promotion of such activity discriminatory and highly inappropriate further adding to the profound misrepresentation of facts and promotion of bias insinuation communicating to the public that men are the only cause of domestic violence and women are the only victims of it.

Considering the above and not wanting to extend the content of this letter we entrust of being able to find time to arrange a meeting between FAD’s representatives and the Ministry of Equality for Women and Men in order to openly discuss our cooperation, appropriate steps and measures to be taken in resolving the problem with gender and parental inequality in Luxembourg courts. An on-going problem families, mothers, fathers and children in Luxembourg face every day during and after divorce.

Thank you in advance for your reply.

Most respectfully,



Patryk P. RYBIŃSKI