



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

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Tribunal d'arrondissement de Luxembourg
Attn: Bâtonnier Mr. François KREMER
Bâtiments TL, CO, JT
Cité judiciaire
L-2080 Luxembourg
Luxembourg

Dear Mr. KREMER,

My name is Patryk P. RYBIŃSKI and I am in charge of FAD – Fathers Against Discrimination a.s.b.l. "Both Parents for All Children™", a non-profit organization based in Luxembourg with its offices in Strassen.

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.

As an association 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.

Considering the above 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.

We have been trying to obtain a list of judges currently residing in the family court in both Luxembourg and Diekirch Tribunals. We have contacted Greffier en chef Mr. Georges BIGELBACH but so far we have not received any reply.

Our understanding is that in accordance with the EU judicial system transparency law these lists should be publicly accessible allowing those interested to have free access to the information. We also understand that both lists can change every year.



In light of the above could you please provide us of with the most current list of judges residing in Luxembourg and Diekirch Tribunals. Thank you.

Furthermore, we would like to inform you that FAD has recently been in contact with LGBTI organizations in different EU jurisdictions including Rosa Luxembourg.

Currently, majority of judges of the Luxembourg Family Court in most cases remain immune to the evidence provided by over four decades of empirical studies, scientific conclusions and consensus among internationally recognized psychologists confirming that 50/50 Equal Shared Parenting – Alternating Residence is the most effective model bringing emotional stability to children during separation and after divorce of the parents. IN the same time confirming that the model should be introduced in the best interest of the children even if one of the parents (mostly mothers) rejects the idea.

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".

Considering the above when possible could you please provide us with your professional advice what would happen if the following below mentioned scenario occurs?:



What if,

two men get married in Luxembourg. They love each other and after few years they adopt a child because they legally can and because they can create good home. A few years after for one reason or another they get divorced. They are in conflict and cannot agree on anything especially on whom the child should live with. Both men want full custody, they work full-time and are financially independent, capable of raising the child but neither one of them is the biological parent.

Following the logic of current Luxembourg judicial system and the approach continuously introduced by the judges of the Luxembourg family courts the custody should go to the mother. If so, who will decide who the mother is and what measures are there to take to determine which one of the two men is the mother?

We have already received different legal opinions from leading law firms in Luxembourg advising only about one conclusion. It is undoubtedly more than certain that should the above scenario take place, the decision of the Luxembourg family court will lead to an introduction of Equal Shared Parenting - Residence Alternee model.

Should this be the case and in light with the heterosexual couple proceedings as well as the template approach continuously introduced in Luxembourg family courts results by definition in an open discrimination of heterosexual fathers. Putting them in an unequal position before law introducing discrimination based on gender and sexual orientation not different than discrimination based on race and religion. Discriminatory practices that stand in violation of the rights assured by the Constitution of The Grand Duchy.

I remain available for any questions you may have. I look forward to hearing from you and thank you in advance for your reply.

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."