

FAD - Fathers Against Discrimination a.s.b.l.

"Both Parents for All Children™"

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Luxembourg

January 21st, 2020 Strassen

Tribunal d'arrondissement de Luxembourg

Attn: Bâtonnier Mr. François KREMER

Bâtiments TL, CO, JT Cité judiciaire

L-2080 Luxembourg

Luxembourg

Dear Mr. KREMER,

Thank you for taking the time to contact us. I hope you had a good year start.

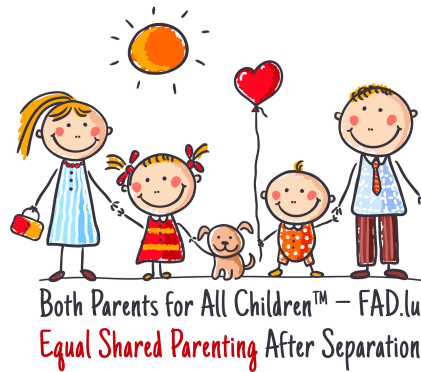
In your latest letter from Jan. 2nd, 2020 you state that you have already explained to us in November, 2019 that Luxembourg Bar Association was not competent to give legal advice to individuals or associations such as FAD. This refers to our initial correspondence from October 2019. It is essential to point out that you are focusing only on one question raised in that letter.

In the mentioned correspondence we informed you that we were trying to obtain the list of judges residing in the family courts in Luxembourg City and Diekirch. We have contacted Greffier en chef Mr. Georges BIGELBACH but he refused to provide us with the list.

Our understanding is that in accordance with the EU judicial system's transparency regulation it has to be a common practice that these lists are publicly accessible allowing those interested to have free access to the information. We understand that both lists can also change every year as it happened in 2019 so it is clear that the lists not only should be publicly accessible but updated when necessary and appropriate.

We thus reached out to you asking for advice as we do not understand why the lists of judges are not available to the public and why Greffier en chef Mr. Georges BIGELBACH refuses to comply with our request?

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When refusing to provide us with the lists, Mr. Georges BIGELBACH did not point us to any internal regulation of the Tribunal d'arrondissement de Luxembourg, a law or an Article from the Luxembourg Civil Code that allows to deny access to this elementary information.

In your letter from November, 2019 you have advised us to contact a lawyer. We would like to thank you for the advice but we think you have misinterpreted the reason behind our correspondence. Our initial letter was not sent to you as a personal correspondence. FAD – Fathers Against Discrimination a.s.b.l. as an organization registered in Luxembourg, representing families and children kindly asked for your opinion as a President of the Luxembourg Bar and requested explanation why specific information (e.g. such as the list of judges), is being withheld.

In your letter from Jan. 2nd, 2020 you refer to our correspondence that we have allegedly sent letters to the Members of the Luxembourg Bar in Luxembourg. Please note we communicate with many offices, organizations and individuals. Could you please be more specific as we do not understand what letters are you talking about and to whom we have apparently sent the mentioned correspondence to?

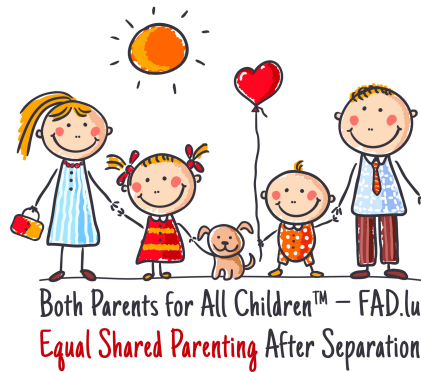
On a more general note, it is important to inform you that FAD – Fathers Against Discrimination a.s.b.l. is continuously alerted by parents, unfortunately by a large majority mostly fathers, of illogical often in our opinion gender bias decisions of Luxembourg family courts causing great damage to children's emotional stability and their future. Along with our lawyers we read decisions regarding children's custody as well as arguments raised in these rulings and we are often struck if not to say deeply concerned by our findings.

Decisions of Luxembourg Family Courts after separation of parents, assigning children to one of the parents during custody hearings using 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.

Such decisions can be easily put back to 1950's or the 60's of the last century as they ignore the fact that our society has gone through significant changes. The roles of a mother and father are no longer defined as they were in the past. Yet, the approach often taken in Luxembourg family courts follow some sort of closely undefined 19th century doctrine and the set of mind falsely assuming that a mother is the only appropriate caretaker of children undermining the important role fathers play in children's lives.

We gladly read that you would closely follow the future initiatives of our association. I invite you to visit our website FAD.lu. I would particularly like to point you to a page on our website where a female lawyer on an official webpage of her law firm publicly promotes the kidnapping and manipulation of

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children to gain an advantage in custody proceedings (fad.lu/wendelmuth). Similar approach is commonly introduced in Luxembourg among certain lawyers when they are representing mothers. We closely monitor these behaviors and collect evidence with a view of releasing it to the public when appropriate. Unfortunately, Luxembourg judicial system as it stands for the time being incentivizes such behavior.

Regardless whether a person is a well-established lawyer awaiting prestigious appointment to a position within the Luxembourg Judicial System or a lawyer who just starts its professional career, all attorneys are obliged to follow the law, the code of ethics and the integrity of the profession.

As an association based in Luxembourg we have a very good understanding of the political landscape of the country. We are in contact with number of influential figures in Luxembourg who support our cause. We remain up to date with upcoming decisions both within the government and judicial system.

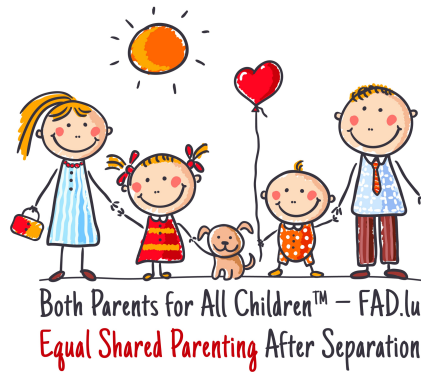
There are number of examples from other countries in the EU including Germany where the appointment of an openly gender biased professional to an important position of power has led to disastrous results. To give you just one example we annex the letter of congratulation by a toxic feminist organization congratulating Susanne BAER for the election as Constitutional Judge (family law section) in Germany. Such election is a declaration of bankruptcy for an impartial state of law and gives way to undermine democracy and the judicial system with toxic ideology.

We hope that in upcoming elections of important positions such as for example the position of Bâtonnier, Luxembourg does not commit similar mistakes by promoting and electing notoriously gender biased individuals.

As for the topic of children's lawyers and their work representing a crucial and decisive element of children custody proceedings in Luxembourg could you please advise on the following:

1. What are the requirements to become children's lawyer in Luxembourg?
2. Is there a procedure to follow, examination or courses to reach competences that allow a lawyer without proper psychological or pedagogical education to decide what is and what is not in the best interest of a child?
3. How are children's lawyer appointed and mandated to take over a case? Is there a procedure? Is there a list judges choose from or it is done randomly?

As an association promoting gender equality of chance for both parents we promote the positive impact a fully respectful healthy family and after separation both parents have on children's upbringing. While assuring that children's rights and gender equality are respected in Luxembourg



we work against any type of discriminatory practices that are not respectful of children's rights. We therefore put all our efforts to make equal physical shared parenting to be the legal **default** after separation of parents so that all children can remain with both parents and thereby fighting the root cause of a subtle form of child abuse called Parental Alienation Syndrom.

PAS is a form of child abuse recognized by the WHO as an illness. The topic has been becoming more alert in society and a movie about this serious problem will be aired on German television in the coming weeks.

„Ich hasse ihn. Ich wünschte er wäre tot“, sagt ein Kind über ihren Vater. Vor einem Jahr noch waren die beiden ein Herz und eine Seele. Der Fernsehfilm „**Weil du mir gehörst**“ (SWR / FFP New Media) erzählt davon, wie es dazu kommen konnte.

The movie will be shown on **ARD on 12.02.2020 at 20:15 o'clock.**

An impressive summary and film critic is available here:

<http://www.tittelbach.tv/programm/fernsehfilm/artikel-5474.html>

A film trailer is available here:

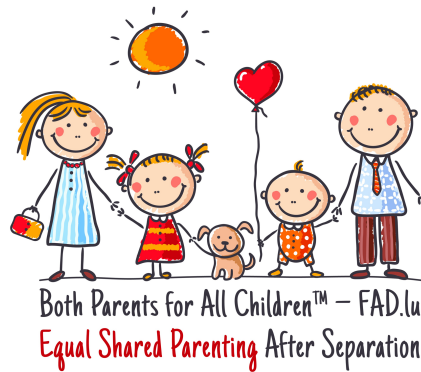
<https://youtu.be/l3c8Ncw0qLI>

We would like to point out to you that it is our duty to answer to the requests of our members or any concerned parent in Luxembourg reaching out to us for help and FAD as an organization is entitled to raise questions to authorities.

As you are fully aware there is already a legal instrument in the Luxembourg Civil Code that can be used to STOP violation of children's rights and continuous discrimination of parental rights of fathers in Luxembourg.

We have recently reached out to all judges of the Luxembourg family courts kindly asking to consider using Article 378-1 of the Luxembourg Civil Code and start introducing 50/50 Equal Shared Parenting – Résidence Alternée not as an option but a **default** rule in all custody proceedings in the best interest of children and as recommended by eminent figures and experts in the field.

All this to protect Luxembourg children by removing the possibility for either parent to use kids as an instrument of blackmail. Behavior that in severe cases lead to disastrous results in a form of Parental Alienation Syndrome (PAS).



We the members of FAD – Fathers Against Discrimination a.s.b.l. strongly believe that a child should never be deprived of his natural human right to family life and equal access to both parents (father and mother alike). Nobody neither has the right to decide which of a child's parents' love has more value.

Children are the most precious and the most important elements of our society. They are because they are our future. Parents have eternal rights, duties and responsibilities with regard to their children. This goes equally for both father and mother. Parents are to look after their children but children are not a property of neither parent. As a matter of fact they are not a property of anyone. They are not half-people as some adults think. They are just like us adults, only better. They have dreams, needs and feelings.

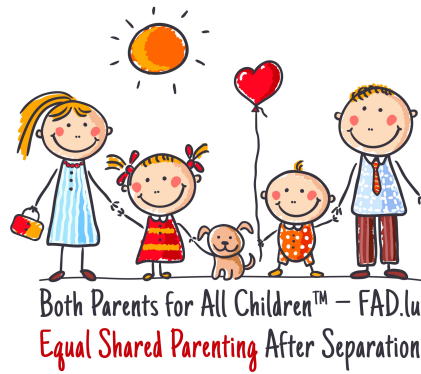
For a parent and child, being together is an essential part of family life. Their separation has irremediable negative effects on their relationship and the up-bringing of the children. Equality between parents must be guaranteed and promoted from the moment the child arrives.

Luxembourg as a society can set example for the rest of Europe by starting to introduce 50/50 Equal Shared Parenting – Résidence Alternée as a default legal rule to ensure equality between parents is guaranteed while most importantly ensuring the crucial parent-child relationship is not deteriorated in spite of a divorce taking place between adults.

We wish to find people of good will that could be a driving force supporting the efforts to stop child abuse as a result of gender biased discrimination in any family court system. This can be only done through education of those who decides about the future of children after separation of parents. Influential and prominent figures like yourself Mr. KREMER can help getting this message across and this is why we are asking for your support.

On a final note of this correspondence we would like to confirm that on our side we will continue to monitor and collect documents, materials and evidence of any discriminatory practices violating the rights of children and fathers in Luxembourg. We will continue to collect and eventually publicize evidence of gender bias and discriminatory practices of anyone involved in children's custody proceedings. We will continue to raise awareness about the importance for children to have equal access to both parents after their separation.

We will continue to advocate the need of the 50/50 Equal Shared Parenting – Résidence Alternée to become a **default** law and a starting point for all custody proceedings and not just as an option as it is for the time being in Luxembourg. We will also seek to have Parental Alienation (as a direct consequence of the current residential model) to be included in the Luxembourg penal code as a subtle form of child abuse.



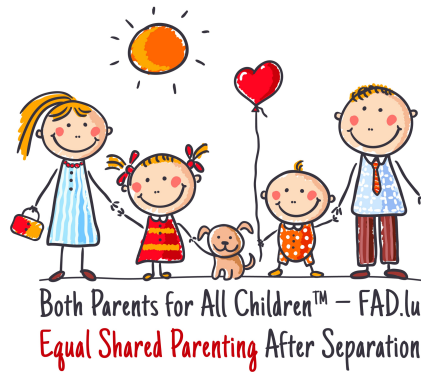
I remain available for any questions or inquiries you may have. I would be happy to have a chance to meet with you as I think written correspondence and good intentions associated with our letters can or already have been misinterpreted. I will adjust to your schedule. Again all the best in the New Year 2020.

Respectfully,

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



"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."



ANNEX

Wir gratulieren

Susanne Baer, seit vielen Jahren Mitherausgeberin der STREIT, wurde am 11.11.2010 zur Richterin am Bundesverfassungsgericht gewählt. Der von Bündnis 90/Die Grünen eingebrachte Vorschlag fand die erforderliche 2/3-Mehrheit im Richterwahlausschuss des Bundestags – zweifellos verdient und zugleich überraschend, machte doch Susanne Baer nie Abstriche an ihren feministischen Positionen.

Feministische Rechtstheorie hatte sie Anfang der 90er Jahre unmittelbar an einer ihrer Quellen, bei Catherine A. MacKinnon an der University of Michigan, studieren können. Ihre Promotion „Zur angemessenen grundrechtlichen Konzeption von Recht gegen Diskriminierung am Beispiel sexueller Belästigung am Arbeitsplatz in der BRD und den USA“ wurde zur Grundlage ihrer weiteren Arbeit im Kontext des Berliner Interventionsprojekts gegen häusliche Gewalt gegen Frauen, dessen Expertise wesentlich zur Entstehung des Gewaltschutzgesetzes beitrug. Als Professorin an der Humboldt-Universität zu Berlin hat sie 2003 mit Mitteln der Bundesregierung das „GenderKompetenzZentrum“ begründet, das Regierungen und Verwaltungen bei der Implementierung des GenderMainstreaming beriet. Die Förderung wurde in diesem Jahr eingestellt. Weiterhin aber existiert das europäische Netzwerk QUING – Quality in Gender and Equality Policies, in dessen Rahmen sie ihre Forschungen zu Strategien gegen mehrdimensionale Diskriminierung fortsetzen kann.

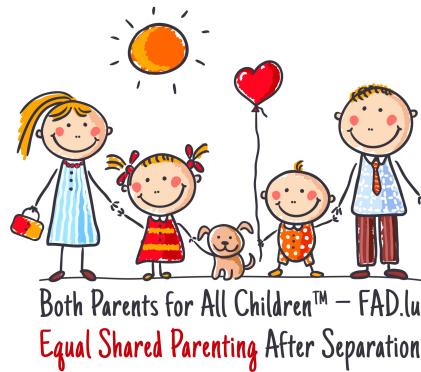
Auch hochschulpolitisch wurde Susanne Baer für Frauen aktiv, unter anderem in ihrer Zeit als Vizepräsidentin der Humboldt-Universität.

Im Januar beginnt Susanne Baers zwölfjährige Dienstzeit am Bundesverfassungsgericht. Wir gratulieren dazu ganz herzlich und freuen uns auf Urteile, die ihre „Handschrift“ tragen!

Theresia Degener, langjährige Streiterin für Frauenrechte, wurde am 1. September 2010 in New York in den *Ausschuss der Vereinten Nationen für die Rechte von Menschen mit Behinderungen* gewählt. Dazu gratulieren wir sehr herzlich und wünschen ihr, dass sie sich in diesem Rahmen so erfolgreich wie bisher schon für die Rechte der Frauen mit Behinderungen einsetzen kann!

Theresia Degener ist Professorin für Recht und Disability Studies an der Evangelischen Fachhochschule Rheinland Westfalen Lippe in Bochum. Als national und international anerkannte Expertin und Behindertenrechtsaktivistin war sie 2002-2006 Mitglied der deutschen Regierungsdelegation bei den

Verhandlungen zur *UN-Konvention über die Rechte von Menschen mit Behinderungen*. Dabei hat sie insbesondere kontinuierlich das Thema „Gleichbehandlung von Frauen mit Behinderung“ in den Verhandlungsprozess eingebracht.



Die UN-Behindertenrechtskonvention ist seit März 2009 in Deutschland in Kraft. Sie soll gewährleisten, dass Menschen mit Behinderungen in den vollen Genuss der Menschenrechte kommen, und steht für einen Wechsel in der Perspektive: Von einer Politik der Fürsorge hin zu einer Politik der Rechte. Diese Perspektive vertritt Theresia Degener unter anderem auch als Co-Direktorin des Center for Disability Law and Policy an der juristischen Fakultät der University of Western Cape (UWC) Kapstadt, Südafrika, und im Netzwerk des Harvard Law School Project on Disability.

Aufgabe des nach Artikel 34 der UN-Behindertenrechtskonvention gebildeten Ausschusses ist es, die Umsetzung der Konvention auf internationaler Ebene zu fördern und zu überwachen. Der Ausschuss ist unter anderem befugt, Individualbeschwerden gegen Verletzungen der Konvention entgegenzunehmen. Die Mitgliedschaft von Theresia Degener im Ausschuss beginnt am 1. Januar 2011 und endet nach 4 Jahren im Dezember 2014.

Gender-Gastprofessur Recht

An der Fakultät für Rechtswissenschaft der Universität Bielefeld wurde im Wintersemester 2010/2011 erstmals eine Gender-Gastprofessur vergeben. Diese soll nach innen wie nach außen ein deutliches Zeichen für die Verankerung von genderspezifischen Inhalten in Forschung und Lehre setzen.

Im Wintersemester 2010/2011 vertritt diese Gastprofessur Dr. Barbara Degen, Bonn. Jun.-Prof.'in Dr. Ulrike Lembke, Universität Hamburg, wird die Gender-Gastprofessur im Sommersemester 2011 vertreten.