

FAD – Fathers Against Discrimination a.s.b.l.
“Both Parents for All Children”
29, Boulevard Prince Henri
L-1724 Luxembourg
Luxembourg

14 March 2021, Luxembourg

L'honorable Xavier BETTEL
Premier ministre, ministre d'État
4, rue de la Congrégation
L-1352 Luxembourg
Luxembourg

Dear Mr. Prime Minister,

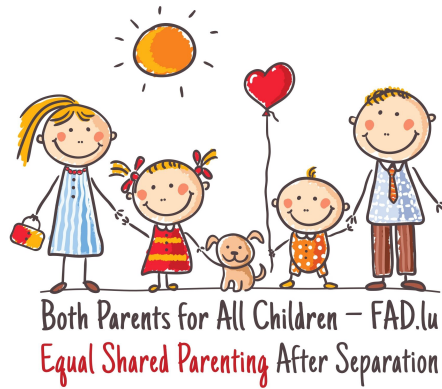
We would like to thank you for your courtesy reply from [27 June 2020](#). Following our previous correspondences, we are again reaching out to you to address our concerns regarding the legal system in Luxembourg and gender discrimination in the Luxembourg Family Courts.

As previously explained on numerous occasions, FAD – Fathers Against Discrimination a.s.b.l. 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 in Luxembourg Family Courts and to assure their well-being.

As an organization 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 have more value.

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.

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When in New York in 2019 and delivering remarks in U.N. you said ***“I never wanted to be the gay Prime Minister but I am the minister and I’m gay [...] Homophobia is a personal choice and we need to fight against it”***.

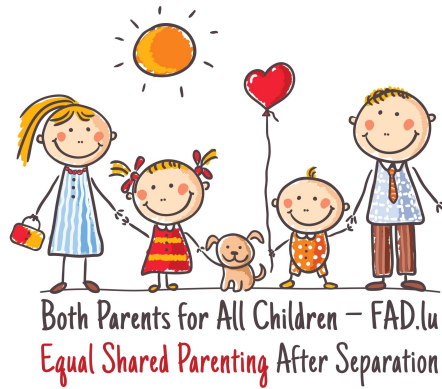
Listening to your speech we understand that being homosexual yet holding the highest position within Luxembourg government for the past 7 years, you as well, from time to time face what can be considered as intolerance of your sexual orientation.

Over the course of last years the public has grown accustomed to the narrative presented by some Luxembourg organizations, political parties, government funded offices or the Ministry of Equality between Women and Men advocating radical feminist ideology.

We witness continuous and ridiculous discussions about pay gap (below 2% in Luxembourg) and domestic violence but only against women even though in 2019 almost 40% of victims of domestic and emotional violence in Luxembourg were men. This narrative used to include homophobia. Yet, we do not really hear much about homophobia anymore. Why?

Eurobarometer shows that 87% of Luxembourgers believes gay, lesbian and bisexual people should enjoy the same rights as heterosexual people. One of the highest approval ratings in EU. Luxembourg adopted changes in 2015 legislation that resulted in legalizing homosexual marriages followed by amendments the same year that allowed couples of the same sex to adopt children. Considering the above I think we can "risk" to state that homosexual residents of the Grand Duchy exercise wide range of guaranteed rights.

Homophobia, pay gap, racism is not the problem Luxembourg government should be most concerned about. Violation of children's rights and parental discrimination of fathers in Luxembourg Family Courts leading to fatherless homes is. A serious challenge our society faces, yet we never hear you or any member of the current government raising awareness of the problem. Why? Is it because there is no political incentive or is it because of worry to antagonize feminist lobby in Luxembourg?



Gender equality & Children's rights -
- Equality of chance at work and home

To expose the magnitude of the problem and often grotesque situations we would like to bring your attention to a probable scenario Luxembourg judicial system may encounter or already have had.

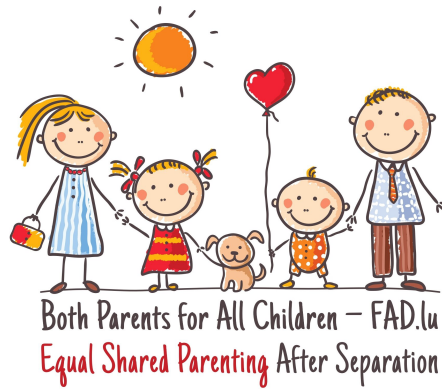
What if,

Two men get married in Luxembourg. They love each other and after a few years they adopt a child because they legally can. 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 the current Luxembourg judicial system and the approach continuously introduced by the judges of the Luxembourg Family Courts the custody and registered address of the child should be awarded to the mother. If so, would you by any chance know who will decide who the mother is and what measures are there to take to determine which one of the two gay men is the mother?

Possible scenario? Absolutely. So, what if?

FAD has reached out to number of law firms in Luxembourg that specializes in family law and discussed the matter with numerous practicing family lawyers in Luxembourg. The legal opinion from different sources we have received provided us with only one conclusion. It is more than certain that should the above scenario occurred, the decision of the Luxembourg Family Courts would lead to an automatic introduction of Equal Shared Parenting - Résidence Alternée model awarding both gay men and non-biological parents equal rights to play an active role in the life of the child they have together adopted as married couple.



Same exact thing would happen to non-biological lesbian parents. It would be interesting to learn who will decide who out of the two female gay parents is the mother? Presumably the Luxembourg legislator must have thought of such eventuality?

But what would happen if the same scenario happened to heterosexual family, a mother, a father, and a child?

In Luxembourg after separation or divorce approx. 97% of all children legal custodies and children's residencies are awarded to women. Regardless of the age of the children and the level of involvement of each parent in their children's lives prior to the separation.

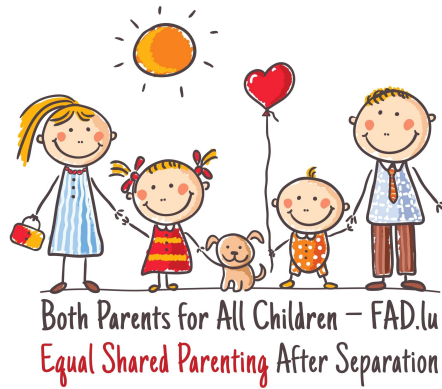
GAY NON-BIOLOGICAL FATHER IN LUXEMBOURG HAS MORE LEGAL RIGHTS THAN BIOLOGICAL HETEROSEXUAL FATHER AND THE CHILDREN OF HETEROSEXUAL PARENTS UNLIKE THE CHILDREN OF GAY PARENTS ARE DENIED THEIR NATURAL RIGHT TO FAMILY LIFE AND ACCESS TO BOTH PARENTS.

WHAT HETEROSEXUAL FATHERS EXPERIENCE IN LUXEMBOURG IS NOT ONLY DISCRIMINATION BASED ON GENDER BUT ALSO BASED ON SEXUAL ORIENTATION.

The solution is Equal Shared Parenting - *Résidence Alternée* as default law and a starting point for all custody proceedings with two legal residencies for the children just like in [Denmark](#).

Equal Shared Parenting as LEGAL DEFAULT is also a WOMEN'S RIGHTS ISSUE. Real women support Equal Shared Parenting because it is the most efficient model after separation of parents that prevents child abuse caused by Parental Alienation (PA).

When Equal Shared Parenting becomes the LEGAL DEFAULT (unless fit and loving parents individually agree otherwise), the professional career „risk“ of having children is evenly placed on men and women. Employer can no longer unilaterally attribute that risk to women. That itself takes away the biggest obstacle of inequality for women in the workplace.



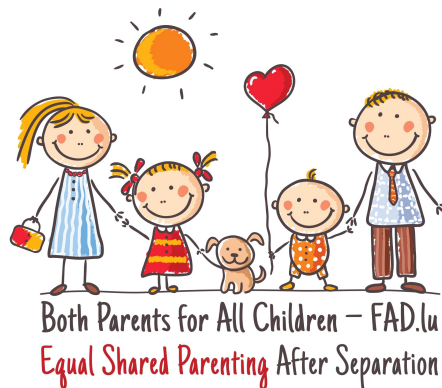
"LET'S MAKE IT HAPPEN" -
- The new Luxembourg signature

Luxembourg wants to be considered as a modern, dynamic and open minded society, competitive financial center, innovative and environment friendly economy with number of government initiatives such as establishing Luxembourg Space Agency, legalizing cannabis, same sex marriages, adoption of children by homosexual couples, attempt of introducing third gender, building new tram, new football stadium etc. yet, we fail to assure parental-gender equality in Luxembourg institutions that could STOP violation of children's rights in Luxembourg Courts.

Decisions of Luxembourg Family Courts after separation of parents, assigning children to one of the parents during custody hearings using outdated template approach and so-called gender bias "Tender Years Doctrine", without consideration for family life, ignoring gender-parental equality and children's rights stand in violation of numerous conventions and international legal instruments. Backward, gender bias and discriminatory approach.

Such rulings can be easily put back to 1950's or the 60's of the last century as they simply 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 backward belief and a set of mind falsely assuming that a mother is the only appropriate and primary caretaker of children undermining the important role fathers play in children's lives.

We have recently reached out to all judges from the Diekirch Tribunal and the Luxembourg City Tribunal kindly asking to consider using Article 378-1 of the Luxembourg Civil Code and start introducing Equal Shared Parenting – Résidence Alternée not as an option but THE DAFUALT rule in all custody proceedings in the best interest of children. 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 \(PA\)](#).



Despite the changes in the law from 2018 majority of judges from the Luxembourg Family Courts still remain immune to the evidence provided by over 40 years of empirical studies, scientific conclusions and consensus among internationally recognized psychologists confirming that Equal Shared Parenting – Résidence Alternée is the most effective model bringing emotional stability to children during separation and after divorce of the parents.

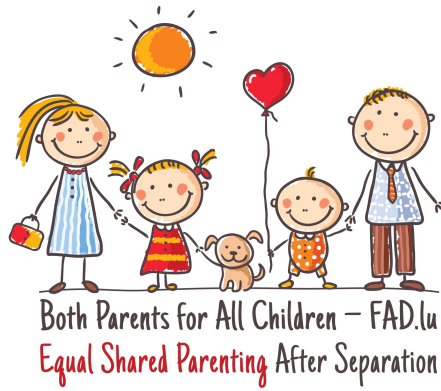
In 2015 Council of Europe voted on [CE Resolution 2079/2015](#) calling all EU member states to introduce Equal Shared Parenting as base for Family Law and a rule for children custody proceedings. So far, FAD has been unable to obtain explanation why after 5 years!!! from the Council of Europe vote Luxembourg Parliament has still not yet voted on the Resolution calling for gender equality in Luxembourg. The reasons behind the non-vote of the Luxembourg Parliament on the CE 2079/15 remain a mystery, especially since the Resolution 2079/15 was initiated in 2015 by Ms. Françoise HETTO-GAASCH, Luxembourg politician (CSV), former Minister of Equal Rights Between Woman & Men, past and present member of the Luxembourg Parliament.

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 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 despite a divorce taking place between adults.

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

Considering the above we the Luxembourg parents and grandparents, members of FAD – Fathers Against Discrimination a.s.b.l. would like to know what is the current government planning to do for Luxembourg children and Luxembourg families to assure gender equality of chance in Luxembourg Family Courts?



As stated, before on numerous occasions we main available to meet with you and/or appropriate members of the current government to further discuss the ideas to end gender-parental discrimination in Luxembourg. We will adjust our schedule to yours and we look forward to your reply.

Most respectfully,

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

PS Please find attached “L’autorité parentale au Grand-Duché de Luxembourg”, the official document issued by the Ministry of Justice of Luxembourg.

