

PART G: AFFIDAVIT

I, [Your Full Name], hereby make oath and say that:

1. I am an adult male residing at [Your Address]. I am the complainant in this matter, and the facts contained herein are within my personal knowledge and belief, unless otherwise stated or indicated by the context.
2. I am the biological father of [Child's Full Name], born on [Child's Date of Birth]. The child's biological mother is [Mother's Full Name].
3. Since the birth of my child, I have been subjected to systemic discrimination by the Children's Court in the allocation of parental rights and responsibilities. The court has consistently applied the maternal preference rule, which unfairly favors mothers in custody and parental rights cases, violating the equality clause in the Constitution and the best interests of the child principle.
4. The mother of my child, [Mother's Full Name], has actively denied me equal parental rights and responsibilities, and her legal representatives, [Legal Representative 1 Full Name] and [Legal Representative 2 Full Name], have facilitated this unconstitutional stance.
5. I have been subjected to additional burdens in seeking to enforce my parental rights, such as the payment of damages and the requirement to prove my suitability as a parent, which are not applied to mothers. This differential treatment is discriminatory and unjust.
6. Despite my efforts to assert my parental rights and challenge the discriminatory practices in the Children's Court, the High Court, as the upper guardian of all minor children, has failed to exercise its oversight powers and address the systemic discrimination against fathers.
7. The discriminatory practices have caused me immense emotional distress, financial strain, and damage to my relationship with my child. I have been

unjustly deprived of my constitutional right to equality and the opportunity to be an active and equal participant in my child's life.

8. My child has been denied the benefits of a nurturing relationship with their father, which is crucial for their emotional, psychological, and social development. The discriminatory practices in the Children's Court are detrimental to the best interests and well-being of my child.
9. I have approached various institutions and bodies, including the Magistrates Commission, the Legal Practice Council, the National Prosecuting Authority, the South African Law Reform Commission, and the Public Protector, to address the discriminatory practices and seek redress. However, the responses received have been inadequate, and the systemic discrimination persists.
10. I have attached the following documents in support of my complaint:
 - a. [List and describe the relevant documents, such as court orders, correspondence, or other evidence]
 - b. [List and describe any additional supporting documents]
11. I am instituting these proceedings in the Equality Court as a last resort to challenge the unconstitutional and discriminatory practices in the Children's Court and to seek relief that upholds the principles of equality and the best interests of the child.
12. I pray that this Honourable Court grants the relief sought in my complaint, including declaratory orders, mandatory orders, damages, and any other relief that the court deems just and equitable.

DEPONENT

I certify that:

- a. The Deponent acknowledged to me that:
 - i. He knows and understands the contents of this declaration;
 - ii. He has no objection to taking the prescribed oath; and
 - iii. He considers the prescribed oath as binding on his conscience.
- b. The Deponent thereafter uttered the words "I swear that the contents of this declaration are true, so help me God."
- c. The Deponent signed this declaration in my presence at _____ on this _____ day of _____ 20____.

COMMISSIONER OF OATHS

Full names:

Designation:

Area:

Address:

This affidavit template follows the structure and content of the complaint, providing a personal account of the father's experiences of discrimination in the Children's Court, the involvement of the mother and her legal representatives, and the High Court's failure

to address the issue. The affidavit also highlights the emotional, financial, and relational impact of the discriminatory practices on the father and the child.

By signing the affidavit before a Commissioner of Oaths, the father attests to the truthfulness of the contents of the complaint and the supporting documents, lending credibility to the application to the Equality Court.

By approaching the Equality Court as the final step in the legal strategy, after engaging with other relevant institutions and bodies, the father aims to comprehensively challenge the systemic discrimination and seek relief that addresses the unconstitutional practices and upholds the principles of equality and the best interests of the child.