

Legal Practice Council (LPC)

Complaint to the Legal Practice Council (LPC) against legal practitioners and their firms based on the grounds that they facilitated or endorsed the unlawful deprivation of a father's parental rights and responsibilities, potentially amounting to accomplice liability for parental child abduction or kidnapping under South African criminal law.

To: The Legal Practice Council

[Address]

From: [Your Full Name]

[Your Address]

[Your Contact Details]

Date: [Date]

Subject: Complaint against Legal Practitioners and Their Firms for Facilitating the Unlawful Deprivation of Parental Rights

Dear Sir/Madam,

I, [Your Full Name], wish to lodge a formal complaint against the following legal practitioners and their respective firms:

1. [Legal Practitioner 1 Full Name], [Firm Name]
2. [Legal Practitioner 2 Full Name], [Firm Name]
3. [Add more if applicable]

I am the biological father of [Child's Full Name], born on [Date of Birth]. The child's biological mother is [Mother's Full Name].

On [Date], the mother unlawfully and intentionally deprived me of my parental rights and responsibilities over our child by [Describe the actions taken by the mother, e.g., unilaterally relocating with the child without consent, denying access to the child, etc.]. I believe that the above-mentioned legal practitioners and their firms have facilitated or endorsed this unlawful deprivation of my parental rights by [Describe the actions taken by legal practitioners and their firms, e.g., pursuing settlements or issuing court orders that unfairly discriminate against the father].

I assert that these actions by the legal practitioners and their firms are in violation of the equality provisions enshrined in the Constitution of the Republic of South Africa, 1996, the Children's Act 38 of 2005, and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA). Section 9 of the Constitution guarantees equality before the law and prohibits unfair discrimination on various grounds, including gender. The Children's Act and PEPUDA further reinforce these principles.

The Constitutional Court, in *President of the Republic of South Africa v Hugo* 1997 (4) SA 1 (CC), affirmed that there is no rule of law that favours mothers over fathers or vice versa. Equality before the law means that both parents have equal rights and responsibilities from the moment of the child's conception. This right is effective from the day the Constitution came into effect and applies equally to both parents from the day they assert their rights.

Furthermore, in the recent case of *Van Wyk and Others v Minister of Employment and Labour* [2023] ZAGPPHC 1213, the High Court emphasised the importance of parental equality and the need to eliminate unfair discrimination between mothers and fathers in the context of parental leave.

I contend that these actions by the legal practitioners and their firms are in breach of their ethical duties under the Code of Conduct for All Legal Practitioners, Candidate Legal Practitioners and Juristic Entities (the Code). Specifically, I believe that they have violated:

1. **Rule 3.3**, which requires legal practitioners to act in the best interests of their clients, subject to their duty to the court, the interests of justice, the observance of the law, and the maintenance of ethical standards;
2. **Rule 3.5**, which prohibits legal practitioners from doing anything that may place them in a position where their own interests conflict with those of their clients or the interests of justice;
3. **Rule 3.15**, which requires legal practitioners to refrain from doing anything that could bring the legal profession into disrepute; and
4. **Rule 59.2**, which mandates legal practitioners to take active steps to ensure that any settlement in a matter involving the care and residence of children is equitable to all parties and in the best interests of the children.

These actions are not only in breach of the Code of Conduct but also in contravention of the equality provisions in the Constitution of the Republic of South Africa, 1996, the Children's Act 38 of 2005, and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA). Their actions may subject them to sanctions, both criminal and otherwise, under these laws.

Moreover, the burden of proof lies with the party claiming that a father should not have equal parental rights and responsibilities, not on the father asserting his rights. Any party interfering with a father's assertion of equal rights without providing constitutionally valid reasons is in breach of the highest law of the land.

In support of my complaint, I attach the following evidence:

1. [List and attach relevant documents, such as court orders, correspondence, etc.]

2. [List and attach any other relevant evidence, such as witness statements, recordings, etc.]

I request that the Legal Practice Council investigate this matter thoroughly and take appropriate disciplinary action against the legal practitioners and their firms involved, in accordance with the Legal Practice Act 28 of 2014 and the Code. Their conduct has caused me and my child undue hardship and distress, brought the legal profession into disrepute, and undermined the public's trust in the administration of justice.

I am willing to cooperate fully with the investigation and provide any further information or evidence as required.

Thank you for your attention to this matter.

Sincerely,

[Your Signature]

[Your Full Name]