

# URGENT & IMPORTANT

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**TO** : All Legal Practitioners

**DATE** : 11 / 05 / 2011

All Psychologist's and/or Social Workers

**RE:** **INVESTIGATION INTO POSSIBLE MISCONDUCT/DISCRIMINATION BY THE OFFICE OF THE FAMILY ADVOCATE**

As an organ of the State, the **OFFICE OF THE FAMILY ADVOCATE** should give practical effect to the letter and spirit of the CONSTITUTION, CHILDREN'S ACT and PROMOTION OF EQUALITY AND PREVENTION OF UNFAIR DISCRIMINATION ACT. They perform a public function and should do so without prejudice or abuse of power.

As "*amicus curiae*" the FAMILY ADVOCATE is without doubt very important, powerful and valuable. In many cases their evaluations and recommendations are presumed unquestionable.

In light of the above, fathers of children should and can legally expect from the FAMILY ADVOCATE:

1. that they or their children are NOT discriminated against based on their gender, age or socio-economic standing, **(Article (6), ACT 4 OF 2000)**;
2. that they are NOT discriminated against on any other grounds not specifically mentioned in the Constitution, i.e. Family responsibilities;
3. that they promote the preservation and strengthening of the family, **(Article 2(a) CHILDREN'S ACT)**;
4. that they abide by the law and give the children's family as defined by the law, the opportunity to express their views with regards to any matter concerning the child(ren), **(Article 6(3) CHILDREN'S ACT)**;
5. that they institute a fair and equal process of investigation, evaluation and recommendation in the absolute best interest of the child(ren), **(Article (9), CHILDREN'S ACT & ACT 4 OF 2000)**;
6. that their actions and approach be conducive to re-conciliation and problem solving, avoiding a delay in any action or decision to be taken as far as possible, **(Article 6(4) CHILDREN'S ACT)**;
7. that they triangulate or cross reference any information gathered during their investigation sanctioning it as FACT and not mere trivial or malicious accusations made by a mother out of desperation, fear or emotional instability;
8. that they are NOT biased or antagonistic in their actions and decision, always acting with impeccable professionalism, appropriate to their office;
9. that they respect and protect the human dignity of all the parties concerned, **(Article (10), CONSTITUTION)**;

10. that they recognise the father and child's right to full and equal enjoyment of all rights, which include the child's right to contact with their parents and extended family, (**Article (9)(2), CONSTITUTION**);

In recent months some media attention was afforded to the public perception that THE OFFICE OF THE FAMILY ADVOCATE discriminates against fathers, most recently in an episode of **ROBINSON REGSTREEK (15 March 2011)**, a shocking **83%** of viewers participating in a SMS poll voted that they **DO** believe that the FAMILY ADVOCATE discriminates and are bias against fathers.

**Too often do we read of a family tragedy in the newspapers, of a father who reached the end of his line and who was pushed beyond his civilized sanity? Emotionally, financially and physically battered and bullied beyond their endurance, they then resort to unthinkable sad measures!**

My personal conviction that the FAMILY ADVOCATE employs a remarkable regime of unfair and unequal processes and methods in their discriminatory bias is drawn from my own experiences. Sadly and ironically my views are also shared by some legal professionals, psychologists, organisations and many fathers/families who agonize under the tactics and recommendations of the FAMILY ADVOCATE;

Any attempt in the past to remedy this unhealthy and illegal situation was purely – **all talk and no action!** Using an excuse that they are over-worked and under-staffed is totally intolerable from a state institution.

An official complaint against THE PRETORIA OFFICE OF THE FAMILY ADVOCATE was recently lodged in this regard with:

- 1. THE COMMISSION ON GENDER EQUALITY;**
- 2. THE OFFICE OF THE PUBLIC PROTECTOR;**

Without a definite alternative legal remedy the dismal state of affairs can reasonably be expected to escalate, this will not be in the interest of the public, society as a whole and especially our precious children.

**An opportunity exist and the time and situation is now suitable for the matter of the FAMILY ADVOCATE'S perceived discrimination based on gender, family responsibilities and/or age to be addressed by the EQUALITY COURT.**

**I earnestly ask of legal practitioners, psychologist and/or social workers to contact me via e-mail with any knowledge, information, case histories, comments or names of persons who experienced unfair discrimination, prejudicial practices or demeaning processes while seeking the mediation of the FAMILY ADVOCATE'S OFFICE in the past and present. **Please be as kind in the interest of justice as to forward, distribute and copy this notice to as many of your colleagues and friends nationwide as possible.****

All information will be handled in the strictest of confidentiality, no names or identities will at any stage be revealed to anybody without the explicit permission of such person concerned.

In the protection of our valuable Constitution and in serving our children's rights - **action speaks louder than words!**

Waiting in anticipation. Sincerely, the Bull in the China shop...

**A.K. VAN GINKEL**

E-mail :0824441987@vodamail.co.za