

Transfeminista

New Year's Edition 2014/2015

"S.H.E acknowledges diversity, advocates equality and pursues dignity and non-sexism"

Desperate Times, Desperate Measures

What does Nadia Swanepoel's recent hunger strike mean for transgender South Africans?

By Leigh Ann van der Merwe

The common phrase "desperate times calls for desperate measures" gained new meaning when 25 year old Nadia Swanepoel went onto a hunger strike in order to get a reaction from the Department of Home Affairs about her application to have her gender amended following a gender transition.

Nadia's story made headlines in several publications and other news agencies. She went onto a hunger strike for five days in an attempt to get the Department of Home Affairs to amend her identity documents to reflect her new status as a woman.

According to the Alteration of Sex Description Act 49 of 2003, *"....Any person whose sexual characteristics have been altered by surgical or medical treatment or by evolvment through natural development resulting in gender reassignment, or any person who is intersexed may apply to the Director-General of National Department of Home Affairs for the alteration of the sex description on his or her birth register"*.



Yet, this is just another beautifully written piece of legislation with no real implementation, as was proved in the Nadia Swanepoel case. South Africa is a country with some of the best-written laws. It is one of the only countries in the world that provide constitutional protection on the basis of sexual orientation and gender identity. The burning question, however, is whether gender identity, as outlined in the Constitution is meant to be interpreted in favor of transgender persons, or is it meant to be interpreted to be addressing women's (cis-gender) rights only?

One of the problems related to Act 49 is the ambiguity of the language in the Act. There seem to be confusion about the interpretation of the wording *natural evolvment*. Is this meant to be addressing intersex persons, or could the same wording be applied to, for example, a transgender person who has only undergone a social transition? "The fact that there are no guidelines or regulations for this legislation further complicates this aspect", says Busi Deyi, Research Coordinator of Cape Town organization, Gender Dynamix. The application process for gender rectification is also quite rigorous and time consuming. Following a very technical application process requiring two doctors letter, several DHA forms, new finger prints taken, set off a bureaucratic process with a never ending wait.

Bringing a community voice to this problem, a trans man from Johannesburg who chose to remain anonymous said he first applied for gender rectification with the Department Home Affairs office in Johannesburg in 2013. His story is not a far cry from that of Nadia Swanepoel. He has been given the run around by the Department of Home Affairs for over a year now. He has been referred to different sub departments within DHA and has spoken to several people about the issue. As a last resort, he turned to the NGO's working on gender issues to take up his problem with the DHA. Only now, even the NGO's need written consent from their constituents to follow up cases with DHA on their behalf, another screw added to an already bureaucratic wheel.

This comes at a high personal and emotional cost for trans people who are already marginalized within their communities and often their families too. "I am working as a quantity surveyor and need to sort out my driver's license as part of my job. This is on hold

because my application is somewhere in the system". This also comes at a high price emotionally. "Often trans persons are asked incredibly intrusive questions with regards to their genitalia and this is a traumatizing experience for a lot of persons", said Deyi, and some are just pushed to desperation in the search for gender recognition. In an interview with ETV, Swanepoel said she would never have taken on this hunger strike if the DHA responded to her application in reasonable time and manner.

There is no doubt that there must be change within DHA. Deyi says there have been past and ongoing advocacy efforts to change the situation for trans people applying for gender rectification. "Home Affairs must take the Constitutions call for organs of state to respect, protect and promote the rights contained within the Bill of Rights", she concludes.

S.H.E Community Engagement Officer Scoops Arts and Culture Award

By Mzolisi Nongqai

Phiwe Ngcengi, who is the Community Engagement Officer at Social, Health and Empowerment, took the arts & culture award at the Gay Oscars held at Club Eden on the 20th of December 2014. Miss Ngcengi's contribution to the movement was recognised for the work that she does with other trans women, using the arts and culture to address issues affecting transgender women.

"The Arts and Culture Programme at S.H.E involves a number of different activities. These activities include music and drama. It is mainly an alternative to conventional programming addressing HIV/Aids." At S.H.E, this is a first of its kind programme used to address the issues



Photo By: Mzolisi Nongqai

affecting trans women, an alternative way of speaking with more rural communities", she explains. One other cultural activity is the "Free Talk" support group for trans women in and around East London. "The support group has become a safe space for trans women to talk about the for the issues affecting them.

"We talk about a range of issues from unemployment to intimate partner violence", says Phiwe. Phiwe was one of the organisers of Ms Trans Diva, which is a breath of fresh air to trans women. The beauty pageant is for trans women and was designed to serve as a platform for community engagement. The pageant is a platform to address social issues such as HIV and violence against trans women. In a recent unpublished report, 85% of the sample respondents reported that they have experienced some form of violence. The report will be released later during 2015.

Her job requires her to work with communities on promoting

assisting and developing links with local communities. She designs engaging inclusive participatory activities and events which allows marginalised voices and opinions to be heard, plans action to develop and participants feel valued, challenged, safe and empowered.

In an interview following the award ceremony, Ms Ngcengi said "I wasn't expecting this but it gives me so much joy that the work I do and love is being recognised even outside my office. I'm humbled and thanks to S.H.E for the opportunity to serve my community in such a meaningful way. Thanks to the organisers of the Gay Oscars for recognising us and our work."

Talking Human Rights

By Leigh Ann van der Merwe

The UN General Assembly proclaimed 10 December as Human Rights Day in 1950. According to the United Nations website, the day is observed in order to “bring the attention of the world to the Declaration of Human Rights as the common standard of achievement for all the peoples and all nations”.

December 2014 was no different. Under the slogan, Human Rights 365, this year saw a colorful celebration of LGBT rights at the United Nations. [The International Gay and Lesbian Human Rights Commission](#) gathered LGBTI activists from around the world for the Human Rights Day activities in New York.

S.H.E Coordinator, Leigh Ann van der Merwe was one of the delegates supported by the International Gay and Lesbian Human Rights Commission for participation in the human rights activities leading up to Human Rights Day 2014. “Part of the activities during the human rights week, was to speak to different embassies about the situation facing LGBT persons in their respective countries” says van der Merwe.

LGBT human rights are under constant attack on the African continent. In 2014 Uganda finally passed the Anti-Homosexuality Act, after it has been lingering around since 2009. Though the Act was struck down again on the basis

that it was unconstitutional it means very little for members of the LGBT community who still suffer persecution from the larger Ugandan society Act



Photo By: Humphrey Ndondo

In the same vein, Nigerian President Jonathan Goodluck also signed into law a bill that criminalises same sex relationships in the beginning of 2014. Suffice to say, it has been a difficult year for LGBT advocacy on the African continent

This is the climate in which African human rights defenders work each and every day. The Human Rights Defenders convened to this event worked hard to meet with different embassies and UN representatives from different

countries. “I met with the UN ambassador to Cameroon, who was adamant that his position on LGBT rights will not change”, says Leigh Ann van der Merwe, Coordinator of [S.H.E](#), South Africa.

Two other significant activities to this event, was the opportunity to talk to a journalist from the New York Times who reports mainly on HIV/Aids, and the other was a media breakfast with journalists working on various issues, including a journalist from the United Nations Radio. “The journalists were interested in the circumstances in which we operate and do our advocacy”, said van der Merwe.

Finally, the week concluded with a dialogue hosted at the United Nations Building in which a panel of LGBT persons talked about the situation in their countries. There were big and small gay flags flown all over, and even colourful rainbow umbrellas, “protecting” the activists from the difficult situations in their country, and providing physical protection from the rainy weather of New York City. As always, these brave activists faced the rain and cold to attend the dialogue at the UN building, perhaps a symbolic gesture of what they endure in their lives, every day, all the time.....

S.H.E Launches The Transilience Campaign

By Mzolisi Nongqai

S.H.E launched the Transilience Campaign on the 3rd of December 2014 at the Mariam Makheba Hall in East London. The Transilience project is a research initiative by Social Health and Empowerment, the objective being to collect data on violence against transgender women in South Africa. The organisation launched some of the preliminary findings of the project with an insightful presentation with graphs indicating the violence against transgender women.

Social Health and Empowerment prides itself on the services they provide like *HIV testing, Glucose testing, Blood Pressure testing*. They have a team of peer educators who go around East London and its surrounding areas. They educate community members about the risks of unprotected sex, benefits of using condoms, teach them how to use condoms properly and distribute condoms and lubricants to them.

One of the issues explored during this event was the intersection between transgender women's identities not only as having a transgender identity but also identifying as sex workers. Mrs. Nomzamo Maqungu from the East London High Transmission Area Project explained some of the unique challenges facing transgender sex workers. "There is violent dynamic existing between transgender and cisgender female sex workers. Cisgender refers to a person who conforms to the gender they were born in. It is a competitive industry to get clients who pay well", she said. One other issue affecting sex workers is the legal framework in South Africa. "This impacts hugely on HIV prevention, treatment and care services", said a transgender sex worker who chose to remain anonymous.

Another issue that was explored at the event is the impact the media has on how the public sees transgender women's lives. "The media tends to put out negative stories regarding transgender women, I wish this was not the case because media is a very influential tool", said Mr Vuyo Ludidi from Eastern Cape Today newspaper.

South Africa has the best constitution in the world it recognises everybody, many would say it is the best only on paper, in contrast to statistics of crimes particularly gender based violence like domestic violence and rape etc. This was highlighted at the event when Mr Brian Mabaso did his presentation discussing the issue of gender based violence and clearly stated that their main goal at Masimanyane is to fight against any form of gender based violence. "In this 20 years of democracy there is still a very high number of Gender based violence in South Africa especially in the rural areas", said Mr. Mabaso.

After all the speakers were done with their presentation the facilitators opened the floor for a way forward to the audience and it was clear that the audience had the similar goal which is unity in the LGTB group so they are a formidable force to fight against any form of human rights violations.

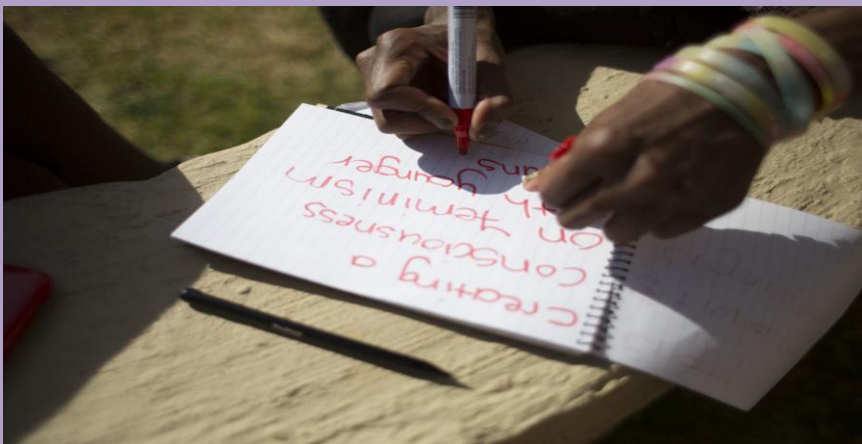
The turnout at the event was pleasing to the organisers and the atmosphere was amazing as the people who had attended the event were chanting songs of some of the struggles the LGTB group face. The event had two facilitators who worked well together and made it fun to be at the event.

Our Favorite Moments of 2014



On the 27th of September 2014 we crowned our 2nd Ms Trans Diva!!!

"I'm an activist thinker who resists systems of oppression"
#AfricanTFLI
@tweetqueen111



Participants crafting strategic goals for the African Trans Feminist Charter at the Transformative Feminist Institute hosted during August 2014.

Facebook Comment: Phiwe Masiko
Why is the Department of Home Affairs failing the people of South Africa? This is a beautiful piece keep up the good work.



Participants discuss how violence against trans women manifest in a focus group discussion for the Transilience Project



Our peer educators at an HIV testing training in December 2014

Do you want to make a contribution to the Transfeminista?
Contact the editor: Mzolisi Nongqai- mzolisin@gmail.com