

Letter and Petition to the Department of Basic Education, South Africa

Authored by: Transgender and Intersex Africa

**Honourable Minister of Education
Angelina Matsie Motshekga**

We, Transgender and Intersex Africa (TIA), our allies and partners would like to highlight an issue that is currently affecting us and has received no response from the Department of Education.

Section nine of the Constitution of South Africa states that “Everyone is equal before the law and has the right to equal protection and benefit of the law” it further states that “The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth”. The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000 further prohibits unfair discrimination on these grounds. It is disheartening that even though legislation in country prohibits unfair discrimination on the basis of gender, sex and sexual orientation; Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) learners still face tremendous amounts of violence, prejudice and discrimination from fellow learners and teachers. Educational Institutions have become places of fear for LGBTI learners.

On June 10th 2014, we released a press statement highlighting the plight of a transgender pupil in Pretoria. The student, who attends Pretoria Central High School, was threatened on the school’s premises. He was threatened with violence was nearly undressed because of his gender identity. It is the second time that he has faced such violence on the school’s premises. He currently is afraid to go back to school and is suicidal because the one place which he thought he would gain knowledge and education from has become a nightmare for him, yet there has been no support from the school regarding this issue.

This is a clear reflection of what gender diverse learners go through in our educational institutions. A needs assessment report by TIA has indicated that among a sample of 500 transgender people, 32% do not have a matric certificate. Most of them dropped out of school before grade 12 because of bullying from fellow learners and teachers, being forced to wear school uniforms of the gender they do not identify with and constant sexual and physical harassment from other learners and teachers in some instances. LGBT youth experience deeply entrenched homophobia and transphobia within their school contexts, including name calling, exclusion, and physical and emotional abuse. Discriminatory school environments, lead to high dropout rates which create communities of people that cannot be effective contributing members of the economy and thus depend heavily on support from the state through grants and housing.

In February 2014, The Daily Sun Newspaper published an article about the suspension of seven lesbian learners from Phomolong High School in Thembisa. The article states that the deputy principal at the school told the learners that she does not want them in the school because their behaviour is Satanic and they might influence others, one of the issues debated was the refusal by the learners to wear skirts but their preference to wear trousers. The Forum for The Empowerment for Women (FEW) brought this case before the school and subsequently before the Department of Education; we are still waiting for the findings of the results.

These are a few examples of the human rights violations that LGBTI students face in schools. The educational system has clearly failed to protect the rights and wellbeing of LGBTI learners and in all this, the National Department of Education has remained silent and seems to be very slow to respond to these issues.

We therefore urge the Department to show its commitment to the protection of LGBTI learners through the following actions;

- The Minister of Basic Education, Angie Mosthekga, to publicly speak out against violations and discrimination on LGBTI learners
- The creation of guidelines and protocols for teachers and schools on how to address transgender pupil's issues
- The integration of Sexual Orientation and Gender Identity knowledge and information within curricula to train teachers
- Speedy investigation of cases involving unfair discrimination and prejudice against all learners.
- Sensitization for teachers and school managers on LGBTI issues

In conclusion, we trust and hope that the Department of Basic Education will respond to our letter and reaffirm its unwavering commitment to fairness, equality and dignity within our school institutions. Section 29 of the constitution places a duty on the state to respect an individual's right to education. It also imposes a positive obligation on the state to promote and provide education by putting in place and maintaining an education system that is responsive to the needs of the country. Education is a necessity and school environments should be safe places for all.

Respectfully,

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This letter has been endorsed by;