



Press Release- Nadia Swanepoel, Transgender women receives justice

12 October 2014

We are elated that Nadia's name and gender identity have been changed in the population register. She has been assured that she will receive a temporary ID on 13 October at Home Affairs. They have also amended her marital status from civil union to a heterosexual identified marriage according to the Marriage Act.

Nadia's act of desperation came as a result of systematic discrimination and prejudice she experienced at Home Affairs endured for 3 years. Her situation is one that is not unique but is part of an ongoing battle to get the Department of Home Affairs to create systems which will standardize the requirements and time frames of Act 49 applications such as Nadia's.

Although the structural problems which gave rise to Nadia's desperation have not been resolved, we live hope that this has made the Department realize that it cannot continue playing possum on this matter any longer. Concerted efforts need to be implemented from the Departments side to ensure that applications made under the Alteration of Sex Description Act and Sex Status Act 49 of 2003 are processed timeously. The current arbitrary interpretation, requiring genital surgery as a minimum needs to be rectified with immediate effect.

We call on the Department of Home Affairs to recognise that as a state organ they are entrusted with upholding the values and rights in the Constitution of South Africa. The Department must respect the rights of the transgender community to dignity, equality and freedom of expression. Nadia Swanepoel relinquished her right to privacy and disclosed her transgender status to South Africa and the world, an act that could lead to potential violence. The transgender community is already a vulnerable minority. She had relinquished that right in the hope that the department home affairs would recognize hers and other transgender people's civil right to an appropriate form of identification.

“Over the past years (TIA) Transgender and Intersex Africa, S.H.E (Social, Health and Empowerment Feminist Collective of transgender and Intersex Women of Africa) and Iranti-org have documented many human rights violations committed by the DHA, we demand for this to come to an end”, says Leigh Ann van der Merwe, Director of SHE.

We acknowledge the advocacy support from allies such as Marion Stevens, Mvelase Peppetta and Zane Dangor and various other individuals who made calls to enquire about how they could help in this process. We acknowledge the work of the Department of Social Development in taking a leadership in briefing the Department of Home Affairs regarding the legal provisions of Act 49. We also acknowledge the great work and efforts of Dr. Paul Timp in assisting DHA with understanding the medical requirements.

Nadia's actions made this possible and we would like to thank her for her bravery and courage. Her actions have made it possible for the concerns of transgender persons to be made public and for people to recognise the horrors of being denied the right to exist as a South African citizen.

Issued by

Leigh ann van der Merwe, S.H.E on behalf of GDX, TIA and Iranti-org.

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An injury to one is an injury to all, we are not free until we are all free.