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Irantí commemorates the 21st TDOR - Today marks another Trans Day of Remembrance (TDOR). TDOR began in 1998 as a campaign to mourn and politicise the death of transgender lives. This year, the 21st commemoration of TDOR, is also deadliest year on record for transgender people worldwide.

The [TDOR 2019 update](#) has revealed a total of 331 cases of reported killings of transgender and gender-diverse people between 1 October 2018 and 30 September 2019. The majority of the murders occurred in Brazil (130), Mexico (63), and the United States (30), adding up to a total of 3314 reported cases in 74 countries worldwide between January 2008 and September 2019. Locally, the lack of de-segregated data on murders in South Africa, combined with under-reporting, as well as the misgendering of transgender people by police and mainstream media, has resulted in an absence of national statistics.

Irantí pays tribute to the nameless transgender people whose lives and deaths are left undocumented. The state continues to dedicate insufficient resources to the prevention and response to violence and discrimination. Liberty Matthyse, Director of Gender Dynamix, reflecting on the victims of Gender-Based Violence, laments, “...where are the names of Phoebe Titus? Where are the names of Leigh Davids? Where are the names of Ayanda Denge? Who as trans womxn have faced the harsh realities of a system that fails consistently and a system that fails us harshly. How many more people will have to die before our government, before our leaders take our lives seriously, and integrate our existence fully into the life of this nation?”

Despite the hostile reality that transgender people may find themselves in, the court’s groundbreaking judgment in September vs Subramoney N.O and Others affirmed the inalienable rights of transgender people to freedom of expression and self-determination. The Court held that refusal to allow a transgender person to express their gender identity is unfair discrimination that violates the right to equality, ordering the officials to use the correct pronouns when referring to her and allow her to express her gender freely. While this decision is a step in the right direction in the quest for self-determination for transgender people, more needs to be done.

The danger of living while transgender in South Africa is a harrowing reality, evidenced by transphobic utterances that abound in the media and the abhorrent treatment of transgender people by state officials. Regressive legislation on legal gender recognition leaves transgender people without accurate identity documents. This has far-reaching consequences wherever transgender people need to produce documentation, prohibiting access to basic services such as health care, education, employment or receiving social grants. Moreover, the lack of an enabling legislative environment creates obstacles in the performance of essential tasks such as opening a bank account, accessing temporary housing, acquiring a driving license and voting. This severely limits transgender people’s access to constitutionally guaranteed rights and protections.



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The regulation of legal recognition lies solely in the purview of the state, who maintain systems and barriers that continue to push transgender people to the margins of society. The perpetuation of violence against queer and transgender people at the hands of state enforcers- be they police, home affairs officials, or prisons guards routinely violates the human rights of transgender people. This is nothing more than state-sanctioned transphobia.

As Irantí Director, Jabu Pereira highlights “We must break the silence on systemic violence, by ensuring that Trans people have access to a government that ensures Trans people have full access to all government services. Transphobia is embedded in the structural systems that harm Trans people, such as refusing Trans people the right to change their gender markers without medicalising Trans bodies.”

We call on our government, governments in the region and around the world to take transgender lives seriously in all spheres of society. The current framework on legal gender recognition hinders the right to self-determination. Irantí calls on the government and law-makers to move away from the pathologisation of transgender people.

This year, we have seen the Departments of Justice and Home Affairs join us in bilateral engagements with the European Union, specifically visiting Belgium and Malta. These engagements took the South African delegation from Malta to Brussels, where they engaged with the European Parliament on best practices in relation to legal gender recognition and other legislative protections for transgender people. Malta has been a leader in self-determination for transgender people, doing away with pathologising medical requirements and creating an option for all citizens who do not wish to specify their gender on their identification documents to do so. These engagements will culminate in a conference in South Africa in March 2020, where the SA delegation will convene a national conference on shaping and advancing transgender and intersex policies for South Africa.

As Irantí observes TDOR, we demand:

- The meaningful inclusion of violence and discrimination against transgender people in national initiatives addressing Gender-Based Violence;
- the amendment of the Alteration of Sex Description and Sex Status Act [No. 49 of 2003] removing all pathologising requirements for a person to change their gender marker;
- the IMMEDIATE deletion of the visible gender marker on the South African Smart ID;and
- Provision of gender-affirming health care for all transgender people.

The state is on the precipice of undoing years of unjustifiable, structural violence and discrimination against transgender people - we urge them to grasp this opportunity firmly. -*

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