



**Re: TRANSGENDER AND GENDER-DIVERSE PERSONS AND ESSENTIAL SERVICES
AT THE DEPARTMENT OF HOME AFFAIRS DURING LOCKDOWN**

2 September 2020

Hon. Dr Pakishe Aaron Motsoaledi
Minister of the Department of Home Affairs
Minister@dha.gov.za

Dear Minister Motsoaledi,

Re: Transgender and Gender-Diverse Persons and Essential Services at the Department of Home Affairs during Lockdown

Our coalition has received your letter and we would like to extend our sincere thanks to you and your staff for taking the time to respond to our concerns. By allowing once more for citizens to apply for the amendment of personal particulars, we understand that transgender and gender-diverse persons across the country will be able to move forward in accessing vital services and documents which we believe will mitigate some of the discrimination and exclusion they face.

However, we are of the view that the Directions gazetted on the 25th of August 2020 falls short of the urgent needs of our communities and ask you to provide further clarity and consider expanding services further.

Currently, the issuing of new identity documents is only available to first-time applicants or those whose temporary ID documents have lapsed. We feel that this could be interpreted to either mean that trans and gender-diverse individuals are eligible for such documents once they apply for amendments as their applications will be under new legal identities – or that they will not be able to access their amended documentation given that the individual trans people involved likely would have had identity documents prior to the amendments, disqualifying them from being considered first-time applicants. This could prove a severe obstacle when attempting to apply for work, medical aid, bank accounts, or at educational institutions, etc.

We have in recent days had numerous trans individuals reach out to our coalition still unable to access services or unclear on what services they are entitled to access. We therefore urge you to provide clarity on this matter, and to explicitly instruct DHA staff across the country to facilitate these services, so that our communities cannot have your Directions interpreted in such a way as to perpetuate discrimination against them.

Similarly, those who require a letter of confirmation of amendment have been unable to access such documentation under lockdown, meaning that they have been stuck in a legal limbo waiting for formal documentation to be issued and unable to amend their banking details, school records, etc. We therefore request confirmation that such letters will be provided under the new DHA regulations.

Many trans and gender-diverse individuals are finding themselves at high risk of transphobic violence and victimisation on the basis of their gender identity and gender expression, and urgently need their applications expedited and documents issued. While we understand that the Department has accrued a significant backlog of applications to process during the pandemic, and that the needs of all citizens need to be met timeously now that processing of documents has resumed, we would like to request as a matter of urgency that DHA set up a communication channel and provide a contact person to whose attention we as the trans community can bring these applications, so that they can be urgently processed and issued. This would be a practical measure able to bring significant relief.

We also feel strongly that without clear communication from the top, DHA branches across the country will continue to limit services to trans individuals like many have done prior to the lockdown. A public statement instructing DHA staff to take the needs of our communities seriously, under all levels of lockdown, is essential.

In your letter to our coalition, you indicated a willingness to hold further constructive dialogues on these issues, and we share that sentiment. The requests made above and in our initial letter largely still stand, despite the very promising first steps the DHA has taken, and we will continue to utilise all avenues available to us to ensure they are met. But our nation – indeed the world – is facing an unprecedented challenge, and we believe we as government and civil society are stronger together. We therefore propose a meeting of representatives to discuss a way forward amicably in regard to the issue of service provision, and open up a broader dialogue around the Alteration of Sex Description and Sex Status Act (49 of 2003). We look forward to engaging with you on this matter.

Should you have any queries, you can contact any of the signatories listed below:

Iranti – kellyn@iranti.org.za, sibusiso@iranti.org.za

Gender DynamiX – advocacy2@genderdynamix.org.za

Transgender and Intersex Africa – siya.tia101@gmail.com

Be True 2 Me – lee-anne@betrue2me.org

Triangle Project – estian@triangle.org.za

Matimba – akani@matimba.org.za

Trans Hope – director@transhope.co.za

Same Love Toti – samelovetoti@gmail.com

Access Chapter 2 – steve@ac2.org.za

Legal Resources Centre – mandy@lrc.org.za

Women's Legal Centre – charlene@wlce.co.za

Copy to:

President Cyril Ramaphosa

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and

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