

BY COURTESY OF
RÖHLIG & CO

~~DEPARTEMENT VAN FINANSIES~~
~~DOEANE EN AKSYNS~~
~~JOHANNESBURG~~

~~DEPARTMENT OF FINANCE~~
~~CUSTOMS AND EXCISE~~
~~JOHANNESBURG~~

FAKS-TRANSMISSIE

FAX TRANSMISSION

AAN: MAATSKAPPY/KANTOOR
TO : COMPANY/OFFICE

.....The Secretariat..... ANC.....
.....Codesa Working Group.....

VIR AANDAG AAN :
FOR ATTENTION OF :

.....Janet Love = Working Group I.....

FAKSNÖ. :
FAX NO. :

.....397-2211.....

VAN AFDELING :
FROM DIVISION:

.....Law Portfolio = SATRU.....

AFSENDER :
SENDER :

.....Michelle J. Emmerich.....

DATUM VAN TRANSMISSIE :
DATE OF TRANSMISSION :

AANTAL BLADSYE (INSLUITEDE HIERDIE EEN):
NUMBER OF PAGES (INCLUDING THIS ONE) :

.....5.....

BOODSKAP:
MESSAGE :

.....FURTHER TO OUR RECENT TELEPHONIC.....
.....CONVERSATION, HEREWITH A SUBMISSION FOR.....
.....THE URGENT ATTENTION OF GAVIN G.....
.....GROUP I.....

REGARDS

M.J. Emmerich

NAVRAE/ENQUIRIES: — TEL. 011 - 832-3341 X ... (10).....
HOME 642-0374

~~APPROVED~~
APPROVED :

DATUM:
DATE :

SATRU SECRETARY
CAROL JOUBERT H: 642-0653
W: 493-7251

HEAD CO-ORDINATORS:-
BARBERA PARKER H. 828-7893
GAVIN ROBINSON W 836-5942



SATRU

(SOUTH AFRICAN TRANSSEXUAL RESEARCH UNIT)
PO Box 40, WITS, Johannesburg 2050, RSA.
Tel: (011) 642-0653. Fax: (011) 893-4118

1992 -04- 29

The Gender Advisory Committee,
The Management Committee,
Codosa Working Group,
PO Box 307, ISANDO 1600.

COMRADES!

Working Group 1.

TERMS OF REFERENCE 1.1.4 (c)

Request to REPEAL Bill re REGISTRATION OF BIRTHS AND DEATHS, which underwent 2nd READING in PARLIAMENT 19th March 1992. (THIS PREVENTS POST-OP TRANSSEXUALS FROM CHANGING THEIR ID STATUS FROM MALE TO FEMALE).

The Minister Gene Louw motivates the Bill on a court case which allegedly determines that the change of sex operation cannot actually bring about any change in sex BUT ONLY BRINGS ABOUT "PSYCHOLOGICAL RELIEF". THE EFFECT THAT THIS LEGISLATION WILL HAVE IS TO REDUCE THE STATUS OF POST-OP TRANSSEXUALS TO THE SAME AS THEIR SISTERS IN THE UNITED KINGDOM, WHICH AS YOU KNOW IS A RIDICULOUS SITUATION.

THIS ACTION IS SEEN AS AN ARROGANT AND INCONSIDERATE MOVE BY THE NP AUTOCRACY, AS WE, THE TRANSSEXUAL COMMUNITY IN RSA HAVE NOT BEEN CONSULTED, NEITHER ANY SPECIALISTS OR ACADEMICS INVOLVED WITH THE PHENOMENON. IT IS ALSO SEEN AS A VISIBLE DENIAL OF TRANSSEXUAL HUMAN RIGHTS.

THERE IS NO DIFFERENCE BETWEEN A POST-OPERATIVE MALE TO FEMALE TRANSSEXUAL AND AN ANDROGEN-INSENSITIVE PERSON WHO HAS HAD A FULL HYSTERECTOMY. BOTH ARE CHROMOSOMALLY MALE, HAVE A MALE SKELETAL STRUCTURE, AND HAVE /OR HAVE HAD TESTES. ERICA SCHNEGGER THE RENOWNED SWISS SKI ATHLETE OF OLYMPIC FAME WAS SUCH AN TRANSSEXUAL AND AFTER HER CHANGE FROM "FEMALE" TO MALE COULD PRODUCE A CHILD! THERE MUST BE MANY FEMALES WHO ARE ACTUALLY GENETIC MALES, IN THE CURRENT BIRTHS & DEATHS REGISTER, REGISTERED AS "FEMALES", YES!

IT IS THEREFORE APPARENT THAT THE HON. MINISTER GRIE LOUW IS NOT ONLY IMMENSELY IGNORANT OF THE TRANSEXUAL FACTS OF LIFE BUT VERY PREJUDICED AS WELL, PUTTING HIMSELF IN THE SAME LEAGUE OF IDIOTS AS THE EUROPEAN HUMAN RIGHTS COURT OF APPEAL WHO SAID TO CAROLINE COSSEY "OF COURSE YOU HAVE THE RIGHT TO MARRY, YOU MAY MARRY A WOMAN!"

IT IS ALSO APPARENT THAT THE LOSER IN THE RELEVANT COURT CASE DID NOT HAVE A DEFENCE THAT WAS SUPPORTED BY THE FACTS. IT APPEARS TO HAVE BEEN AN ORCHESTRATED AND BIASED CASE AT THE VERY LEAST.

AT PRESENT TWO ASSOCIATIONS EXIST IN SOUTH AFRICA, THE PHOENIX SOCIETY AND SATRU, THE FORMER BEING A SUPPORT GROUP. THE BLACK TRANSEXUALS HAVE NOT YET CONSOLIDATED THEMSELVES INTO AN ASSOCIATION. THE AUTHOR IS IN THE PROCESS OF MAKING CONTACT WITH TRANSEXUALS IN THE AFRICAN COMMUNITY WITH A VIEW TO THE FORMATION OF A COHESIVE AND ACTIVE SUPPORT AND RESEARCH GROUP TO PROMOTE THE WELFARE OF ALL TRANSEXUALS AND IT IS ESTIMATED THAT WITHIN A RELATIVELY SHORT PERIOD THE NUMBERS WILL FAR EXCEED THE PRESENT MEMBERSHIP OF SATRU AND PHOENIX COMBINED.

IT MUST NOT BE FORGOTTEN AT THIS DELICATE STAGE THAT THE AFRICAN COMMUNITY HAS NEVER HAD THE BENEFIT OF SEX REASSIGNMENT SURGERY AT BALAGWANATH HOSPITAL (OR AM I WRONG?)

IT IS ALL THE MORE IMPERATIVE THEREFORE TAKING ALL THESE FACTORS INTO CONSIDERATION THAT THE INTENDED LEGISLATION BE CONTESTED AT THE HIGHEST LEVELS TO REPEAL SAME AND RETAIN THE PRESENT STATUS QUO OF THE T/S COMMUNITY IN SOUTH AFRICA.

YOUR URGENT AND COMMITTED ATTENTION TO THIS VERY SERIOUS AND DELICATE MATTER WILL BE HIGHLY APPRECIATED.

YOURS FAITHFULLY,

Michelle J. Emmert
Law Portfolio = SATRU

(ENCL: PROPOSED Gender ARTICLE 15 FOR Bill OF RIGHTS.)

**PROPOSED GENDER RIGHTS ARTICLE IN A
BILL OF RIGHTS FOR A NEW SOUTH AFRICA**

- 1) (i) Men and women shall enjoy equal rights in all areas of public and private life, including employment, education and within the family, furthermore discrimination on the grounds of sex, single parenthood, sexual or gender orientation shall be unlawful.

(ii) Harassment, abuse or violence against the family, spouse and children of persons who are gay, transgendered or transsexual shall be unlawful.
- 2) Positive action shall be undertaken to overcome the difficulties and/or disadvantages suffered on account of past sexual or gender discrimination.
- 3) The law shall consider harassment, abuse and violence on the grounds of sex, gender or sexual stereotyping as a criminal offence. Such persons discriminated against shall be entitled to file criminal suits and sue for damages. In this context paragraphs 1, 4, 6 and 10 refer.
- 4) No employer, medical aid society, insurance company or other institution shall discriminate, refuse consideration of or terminate employment, benefits, or membership on the grounds of sex, sexual or gender orientation or sexual stereotyping and any such actions shall be unlawful.
- 5) Educational institutions, the media, advertising and similar institutions shall be under a duty to discourage any sexual or gender stereotyping.
- 6) (i) No transvestite, transgenderist, dual-sex person or transsexual shall be coerced in any way to undergo any form of reversal therapy (psychological sex change) or be prevented from undergoing psychotherapy and/or the morphological sex reassignment operation.
- 7) The state shall provide facilities for those transgendered, dual-sex or transsexual persons who for financial reasons cannot afford the morphological sex-reassignment operation privately, furthermore that age and marital status should not be classified as impediments provided that such candidates have discharged their legal responsibilities in submitting a divorce certificate and otherwise maintaining their dependants.
- 8) (i) Post-operative transsexuals shall be entitled to marry as though biological females and be entitled to alimony in the event of a divorce.

(ii) Post-operative transsexuals as single persons or jointly with their husbands shall be responsible for the maintenance of their children of a previous marriage with due consideration of personal financial circumstances.

- (iii) Married transvestites, pre-operative and post-operative transsexuals, shall in the event of a divorce be entitled to joint custody of their biological and/or adopted children unless proven criminal incompetence is an impediment.
- 9) The state shall nominate and subsidise approved and suitable bodies to monitor:
- (i) gay persons,
 - (ii) transvestites, dual-sex persons, transgenderists and transsexuals,
- to protect their rights and afford them and their families the counselling and psychotherapy that may be necessary as well as to liaise with the regional hospitals in respect of the morphological sex-reassignment operation where applicable.
- 6 (i) Reversal therapy (psychological sex-change) may be applied to minors for a two year period subject to the conditions that they avail themselves thereto of their own volition and that when the therapy is finalised, they are not older than eleven years of age.
- (ii) Reversal therapy may be applied to gay persons provided that they themselves voluntarily request such therapy.
- 10 (i) Male to female transsexuals in transition and male transgendered persons on hormone therapy, who are awaiting trial or serving sentence, shall after examination by a District Surgeon and upon his recommendation be incarcerated in cells reserved for the female sex, provided that female hormone therapy is maintained.
- (ii) Female to male transsexuals may only be incarcerated in cells reserved for the male sex provided that their sex-reassignment operations have been completed.
- (iii) The criteria in all aforementioned cases including post-operative transsexuals awaiting their identity documents, rests on the requirement that persons with any female sex organs or at least developed breasts, may not be incarcerated in prison cells reserved for the male sex, and that female hormone therapy, where necessary, be maintained to suppress any maleness.