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DEPARTEMENT VAN FINANSIES
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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 &.....

FAKSNO. :
FAX NO. :

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

VAN AFDELING :
FROM DIVISION:

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

AFSENDER :
SENDER :

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

DATUM VAN TRANSMISSIE :
DATE OF TRANSMISSION :

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

.....10.....

BOODSKAP:
MESSAGE :

.....FURTHER TO OUR RECENT TELEPHONIC
.....CONVERSATION, HERewith A SUBMISSION
.....FOR THE ATTENTION OF SAC / WORKING
.....GROUP 2.....

REGARDS,

M.J. Emmerich

NAVRAE/ENQUIRIES: — TEL. 011 - 832-3341 X 1101
H. 642-0374

APPROVED :

DATUM:
DATE :

Secretary : Carol Joubert W 493-7251 H 642-0374

Head Coordinators

Barbara Parker: H. 828-7893

Cevin Robinson: W 836-5942.



SATRU

(SOUTH AFRICAN TRANSEXUAL 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,
The Codesa Working Group.
PO Box 307 ISANDO 1600

Comrades !

Working Group 2

Terms of Reference 1.1.1, 2.1.4.(G), 2.1.5(G), 1.1.3

A COMPREHENSIVE GENDER RIGHTS ARTICLE PROTECTING
THE RIGHTS OF FEMALES, MALES, GAYS, LESBIANS, DUAL
SEX PERSONS AND PERSONS AFFLICTED WITH GENDER EUPHORIA
OR GENDER DYSPHORIA

THE ABOVE MENTIONED BEING A FAIR TO ALL CHAPTER
FOR INCORPORATION INTO THE BILL OF RIGHTS FOR A NEW
SOUTH AFRICA

SUBSEQUENT TO DISCUSSIONS WITH MY
PORTFOLIO CO-ORDINATORS, OTHER PORTFOLIO HEADS AND THE HEAD
CO-ORDINATORS OF SATRU AS WELL AS THE DISCUSSIONS HELD WITH
MY CHAIRLADY STEPHANY KEMPA AND THE GAC UP TO AND INCLUDING
THE LAST MEETING OF THE HBLW-BEREA BRANCH, HERewith AN
UPDATED AND REVISED 10 CLAUSE ARTICLE ON GENDER RIGHTS,
FOR YOUR CONSIDERATION AND FURTHER ACTION PLEASE.

THE MINISTER OF HOME AFFAIRS
GENE LOUW IS PRESENTLY NEGOTIATING LEGISLATION WHICH WILL
HAVE THE EFFECT OF CONTRADICTING CERTAIN ARTICLES/CLASSES
IN THE ABOVE-MENTIONED BILL OF RIGHTS PROPOSED CHAPTER, AND THE
WORKING GROUP 1 HAS ACCORDINGLY BEEN APPROACHED IN THIS MATTER.

IN MY CAPACITY AS PORTFOLIO HEAD
OF SATRU (LAW PORTFOLIO), TRANSJUAL REGIONAL REPRESENTATIVE OF THE
PHOENIX SOCIETY, THE TRANSEXUAL ASSOCIATIONS IN SOUTH AFRICA
ARE REPRESENTED IN THIS SUBMISSION INCLUDING OF COURSE
THE THOUSANDS OF AFRICAN TRANSEXUALS WHO I HOPE TO
ORGANISE INTO A NEW ASSOCIATION SOON.

YOUR KIND AND EARNEST ATTENTION
TO THE MATTER WILL BE HIGHLY APPRECIATED.

YOURS FAITHFULLY,

Michelle J Emmerich
LAW PORTFOLIO: SATRU

PROPOSED GENDER RIGHTS CLAUSES 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 & children of persons who are gay, transgendered or transsexual, shall be unlawful.

2) Positive action shall be ^{under-}taken to overcome the difficulties and/or disadvantages suffered on account of past 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. Paragraphs 1, 4 and 6 refer in this context also.

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

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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, hormone treatment and/or the morphological sex reassignment operation.

(ii) 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.

(iii) Reversal therapy may be applied to gay/lesbian persons provided that they themselves voluntarily request such therapy.

2) 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.

3) i) Post-operative transsexuals shall be entitled to marry as though biological females/mates and be entitled to alimony, where applicable, in the event of a divorce.

ii) Post-operative transsexuals as single persons or jointly with their spouses, shall be

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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 (and transgenderists) 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 a) gay persons b) 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.

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

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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.

INLEWERINGSBEWYS VAN 'N GEREGISTREERDE STUK — CERTIFICATE OF POSTING OF A REGISTERED ARTICLE

Soos volg geadresseer: Addressed as follows:

The Management Committee

The Colessa Working Group

P.O. Box 307

Isando

1600

Geregistreeerde stuk

Registered article

no. 7108040

Kantoor van posbesorging

Aanneembeampte
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ISANDO
1600

Comrades

**APPLICATION FOR ADMISSION TO THE GENDER ADVISORY
COMMITTEE IN RESPECT OF TRANSSEXUAL GENDER HUMAN RIGHTS**

At a general meeting of the Hillbrow-Berea Branch on 12 April 1992, we were honoured to have members of the Gender Advisory Committee and to discuss Gender matters.

Due to the national importance of having our community represented, and having been recommended by the chairlady of the Gender Advisory Committee to make application this letter is submitted to yourselves.


The transvestite/transgenderist/transsexual community in South Africa is subjected to the most intense discriminatory practices, including being ostracised by their families, retrenched by their employers etc. - especially speaking of persons who suffer from Gender Dysphoria, who are "coming out" and who may be attempting their "full-time" cross dressing, an international medical requirement also of course imposed by SATRU. Added to all this there is not only no legal protection, but the everpresent potential of also being harassed and abused by the people who are there to protect the public - the police.

The writer although only a member of the organisation since September last year, is a person who has reaped the bitter fruits of incorrect upbringing and who has had to contend with the intimidation and psychological torment meted out by National Intelligence Agents during the years 1980 - 1989. He/She is a person who therefore is in a position to appreciate the meaning of what it is to be suppressed and be prevented from having the full dignity, rights and self-respect of a human being.

Your consideration therefore will be all the more highly appreciated as our community is not elsewhere represented in any other working or advisory group or committee, except ourselves and the Phoenix Society, which is a support group only. Another consideration why the writer as a transsexual and ANC member should be considered for representation on the Gender Advisory Committee is in respect of concern for the thousands of African transsexuals who have not yet consolidated themselves into any support group and whose needs as of all other transsexuals need to be represented and considered as much as all the others.

Your consideration of the matter and soonest reply will be highly appreciated.

Yours faithfully


MICHELLE J EMMERICH
LAW PORTFOLIO - SATRU

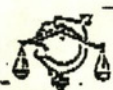
Michelle Emmerich

TRANSCARE

FEBRUARY 1992 PAGE No 9



Transsexuals In Prison



TRANSEXUAL'S IN PRISON, INC.
A NEWSLETTER FOR AID BY THE TRANSEXUAL LEAGUE
1991: February, March, & April 1991:
Vol. II, Issue 9

GUEST EDITORIAL: Transsexuals: Victims of Career Discrimination

By: Donald A. Brown, Ph.D.

Over the past several decades both the public and private sectors have developed policies to protect American citizens from discrimination related to employment practices. Nevertheless, discrimination still exists for many members of our society. During the past five years, Dr. Neal Wilson, the distinguished English educated surgeon, and I have worked with more than sixty men and women who have sought sexual reassignment. Many of these transsexuals were subjected to the most blatant discriminatory employment practices.

Transsexuals frequently describe themselves as trapped in the wrong body. Men are trapped in female bodies and women are trapped in male bodies. Sexual reassignment enables them to have the body appropriate for their gender. After surgery they often remark that, for the first time in their lives, they feel anatomically and psychologically complete.

The process of sexual reassignment is a long and stressful experience. The one to three or more years of hormone therapy and living as a member of the sex they hope to become enables only the most motivated candidates to complete the process. Male and female transsexuals necessarily have unique differences. Male to female transsexuals generally go through a year or more of electrolysis to remove their beards and work with a speech therapist to feminize their voices. Learning to dress and act appropriately for their new sex necessitates the acquisition of new social skills and behaviors. Female to male transsexuals must have a mastectomy and hysterectomy before sexual reassignment

per se can begin. In addition to these obvious physical procedures, most candidates experience the severe trauma of divorce (often from a spouse they love), separation and alienation from their children, parents and friends. Often, like their heterosexual counterparts who seek divorce, they experience a dramatic drop in their standard of living. While the group we are discussing here is not a large national sample, we believe it is fairly representative of transsexuals generally.

During the process of sexual reassignment discrimination manifests itself in a variety of ways. The male to female candidate frequently encounters the "double standard" prejudice to which women in our society are often subject. Frequently the employer or the individual's fellow workers are too threatened by their own sexual feelings to work with the transsexual. Often times the question of which restroom the transsexual should use, male or female, becomes a major issue to fellow employees. The list of discriminatory practices goes on and on.

The legislation that protects individuals from discrimination applies only partially to transsexuals. Several cases involving our patients confirm that their rights were not safeguarded. Once they were discharged from their jobs, extended litigation yielded only small awards that did not begin to compensate for the heartbreak and anguish they had experienced.

The crucial period frequently begins when the transsexual starts to cross-dress on the job. As the male's hair becomes longer or when finally they dress totally as a member of the opposite sex, they encounter many

negative, discriminatory practices. A formerly respected engineer is now ignored in planned meetings. A physician is told to withdraw from his residency at a large medical center. Another physician in a leadership role is demoted to a lesser position. A clerk with a nine year exemplary record with a national retail company is immediately dismissed when he "comes out". The company's behavior is even more despicable in that during litigation, they falsified records and lied in order to discredit our patient and justify their terminating him. Furthermore, they would not respond to employment reference checks and the individual was forced to work twelve hours a day as a dish washer to finance the expenses associated with sexual reassignment. A male to female truck driver making \$35,000 a year is now denied employment and works a longer and more difficult schedule in a restaurant grossing less than half as much. Fellow employees hassle and cause so much trouble that a tool company takes the easy way out and discharges the transsexual.

If there can be a positive aspect to job discrimination, it is that a few of the one quarter of our patients, the female to male, benefit vocationally from sexual reassignment. They can anticipate higher wages, a wider spectrum of jobs open to them, and other benefits associated with being a male in our society. It is the "double standard" in reverse.

We now advise our patients prior to their "coming out" to request a written evaluation from their employer regarding their job performance. This documentation, which is most often positive, makes it more difficult for the employer to discharge the person on the basis of poor performance or incompetency.

As we proceed through life, most of us encounter a host of problems that often include making a living. In addition to the life problems of the majority of persons in our society, the trans-

"GENIUS is small use to a woman who does not know how to do her hair"

-Edith Wharton 1900

THOUGHTS ON SELF-ESTEEM

GLG NEWS - March 1991

by Debbie

Self-esteem - what does it mean and what role does it play in our life? Self-esteem broken means: SELF - the complete and essential being of a person, personal interest, or welfare and, ESTEEM - to regard with respect. Together it means knowing that we have value as a people, believing that we're worth something to ourselves, that we have meaning and that we are important.

It's the voice deep down inside of us that feeds us vital information like - I like myself - I'm good and worthy. It's what keeps us positive and steadfast to the goals that we have set for ourselves. If we don't feel this way about ourselves we need to work on ways to create and build these feelings within us. We are the only ones in control of our psychological destiny.

Here are a few ideas on how to build self-esteem. Try these exercises:

- 1. I am a unique and precious human being always doing my best.
- 2. I am in charge of my own life.
- 3. My #1 responsibility is my own growth and well being.
- 4. I refuse to be put down by attitudes or opinions of others.

- 5. I make my own decisions and assume the responsibility for any mistakes.
- 6. I do not have to prove myself to anyone. I need only to express myself as honestly and effectively as I can.
- 7. My emotional well being is primarily dependent on how I LOVE ME!
- 8. No one in the world is more important than I am as a person.

We are important and special individuals with the unique and wonderful gift of being able to see both sides of the gender spectrum. We must first learn to accept this gift and then help others - both those within our community and those in the outside world, learn to accept us. Do what you can, whenever you can, however you can. Each one of us needs to do this in whatever way we feel comfortable. For some of us it may mean actually going out and talking in public to groups about our community. For others it may only mean not laughing at bad a joke about misunderstood minorities, or not accepting put downs of women or other groups by our peers. Do whatever you can. We CAN make a difference. Do not accept what you know in your heart is wrong. START NOW!

sexual must wrestle with his/her sexual orientation and make appropriate decisions. Each of the three possible options open to them is difficult to implement - living a life that denies the feelings of their true gender, ending their torment through suicide, or initiating the difficult process of sexual reassignment.

Transsexuals constitute only a small percentage of the general population; nevertheless, they should be afforded the same privileges as the majority. The right to freedom and to earn a living, regardless of an individual's sexual orientation, should be inalienable. As citizens in a democracy, it is our responsibility to strive for a society that is nondiscriminatory. Everyone deserves the chance to become a self-sufficient, productive human being.

ABOUT THE AUTHOR: Donald A. Brown, PhD received his undergraduate and graduate degrees from the University of Michigan. He did additional graduate work at the University of Missouri and studied human sexuality at the Alfred Kinsey Institute at Indiana University. He was an Assistant Professor and Director of the Counseling Center at the University of Michigan - Dearborn from 1971 until 1989. He is a licensed psychologist and A.A.S.E.C.T certified sex therapist and is in private practice at Amis Clinic, 948 Monroe, Dearborn, MI -- 313/278-5353 • 313/961-1549

CAMPAIGN FUND

September 21, 1991

Dear Miss Contreras:
I'd like to thank you for your support and interest in the Lesbian and Gay National Family Registry (LGNFR). Enclosed you will find the Registration materials you requested. Also enclosed are a few more items of interest regarding the Women's Rights Campaign Fund.

Realizing the obstacles you must face within the prison system, I'd especially like to thank you for assisting your organization with the Registry. As the coordinator of the LGNFR and as a private individual, I'd just like to say that I admire the work that you and your organization is doing towards prison (and the treatment of transsexuals in prison) reform.

Once again, thank you so much for your support. If you should have any questions or concerns regarding the Registry, or on any of the information sent to you, please do not hesitate to get in touch with me again. Please send me your name and the transsexuals in prison, Inc. (and its continued success).

Very Truly Yours,
[Signature]
Lillian L. Jordan
Lesbian Action Agenda
LGNFR Coordinator

encl:4444
10214th Ave, N.Y. 946 07, Philadelphia, P.C. 2025 2222-4444 FAX 202-247-4444

CATHOLIC CHURCH FINED FOR ANTI-GAY ACTIONS

USA: The Roman Catholic Archdiocese of St. Paul and Minneapolis has been ordered to pay nearly \$20,000 to the gay Catholic group Dignity for violating members' civil rights by locking the organization out of its meeting space at the University of Minnesota Catholic Newman Center.

The Minneapolis Commission on Civil Rights said the archdiocese violated the city's gay rights law, which, among other things, bans housing discrimination based on sexual orientation.

The archdiocese must also pay a \$15,000 civil fine to the city.

The archdiocese plans to appeal the commission's ruling, alleging that its First Amendment right to freedom of religion has been infringed.

Minneapolis City Councilman Walter Dziedzic is also upset with the ruling and plans to call for a review of the city's anti-discrimination ordinance.

The \$20,000 the church must pay Dignity include \$8,500 in punitive damages, \$100 in legal damages, and \$10,500 in legal fees.

REFLECTIONS

the dead woman's flat through an open ranchslider after another neighbour in the block became worried at her friend's absence.

Neither Mrs De Jong nor her car had been seen since Tuesday.

Mrs Molnar said she had not been worried about the absence of Mrs De Jong's red Honda Civic as the dead woman sometimes visited her two sons.

But by yesterday morning when Mrs De Jong failed to answer her telephone, Mrs Molnar went into the flat and found Mrs De Jong's body,



Mrs De Jong

dressed in a pink tracksuit she often wore to bed.

A post-mortem examination showed Mrs De Jong suffocated after a stocking was wound tightly over her head. She suffered from asthma but that was likely to have quickened her death rather than caused it, the police said. She died some time after 7 pm or 8 pm on Tuesday.

Mr Crawford said he was keeping an open mind — "just what did take place is unclear."

He could not confirm whether anything was missing from the flat itself, but said there were signs of a struggle in the lounge and the woman's phone had been ripped from the wall.

Mrs De Jong, who was separated, used to manage a Herne Bay resthome, now run by one of her sons.

A thorough examination of her flat is planned today.

A STEP IN THE RIGHT DIRECTION : No doubt it will take a court case to establish it in reality!

WELLINGTON NEWSPAPERS, New Zealand

Bush accepts bill on rights

Washington (AFP) — President Bush has accepted a compromise civil rights bill that makes it easier for women and minorities to sue if they are discriminated against in the workplace.

"Discrimination is worse than wrong! It's an evil that strikes at the very heart of the American ideal," President Bush said in a signing ceremony at the White House.

He defended affirmative action — a system of favouring minorities and women as a way to right past inequalities, primarily racism — in American society.

"This is a very good bill. I support affirmative action," said President Bush, who has been under fire from conservatives opposed to the programme, and Democrats, who would like to see it more strictly enforced.

He defended affirmative action while also building bridges of harmony between Americans of all races, sexes, creeds and backgrounds," he said.

Earlier the White House moved to squelch a controversy that flared the day before, when the administration asked government departments to stop giving preference to minorities in hiring and promotion.

ately accused of reversing past civil rights gains, and was forced to back-pedal and withdraw the request.

A white House spokesman, Mr Marlin Fitzwater, argued that the request was nothing more than a proposal that was being circulated within the administration. He said it was corrected because it was being misinterpreted.

Michelle Emenenich