

A close-up portrait of a woman with a serious expression, wearing a vibrant blue turban and a matching blue garment. She has dark, long hair and is wearing large, dark, tassel-like earrings. The background is a blurred, light-colored outdoor setting.

Trans Rural Narratives

**Perspectives on the experiences of
rural-based trans and gender diverse
persons in South Africa**

Addressing issues of recognition, belonging and access

Words by: Mia Strand & Estian Smit

Edited by: Mia Strand, Estian Smit, Sondre Bailey & Zoey Black

A Gender DynamiX Book Project

Designed by: Gabriel Germaine de Larch



Table of Contents

FOREWORD	4
ACKNOWLEDGEMENTS	5
Project Leads	5
Co-Authors	5
Our Implementation & Funding Partners.....	5
PART 1: INTRODUCTIONS & CONTEXT	7
Chapter 1: Introduction.....	7
1.1 Introducing the book project	7
1.1.1 The purpose and aim of the book.....	7
1.1.2 Introducing Gender DynamiX.....	7
1.2 What it means to be transgender	8
1.2.1 Expectations of being trans and gender roles	9
1.2.2 The South African context	10
1.2.3 The current definitions and concepts	11
1.2.4 Problematising the definitions	11
1.2.4.1 <i>The fluidity of sex and gender</i>	13
1.2.5 Language barriers to trans identities.....	14
1.2.5.1 <i>What we do to decolonise the language</i>	15
1.3 Experiencing transphobia in South Africa	16
1.3.1 The rural contexts	16
1.4 How the book is structured and chapter outline	18
Chapter 2: Theory and Methodology	19
2.1 Theoretical framework and current trans theory	19
2.1.1 Limitations to current theory	20
2.1.2 Contextual black trans theory.....	20
2.1.3 Un-African transgender identities	21
2.1.4 Remove gender binaries?	21
2.2 Research Methodology	22
2.2.1 Identification of problem and research questions	22
2.2.2 Methodological approach and theoretical framework	22
2.2.2.1 <i>Community participation</i>	22
2.2.2.2 <i>Research informing policy implementation and advocacy work</i>	23
2.2.3 Collection methods	24
2.2.3.1 <i>Focus groups and semi-structured conversations</i>	24
2.2.3.1.1 <i>Creating a safe space and psychosocial support</i> •	25
2.2.3.1.2 <i>Ethics and consent</i> •	25
2.2.3.2 <i>Revising the research methods</i>	25
2.2.4 Limitations of the study.....	25
2.2.4.1 <i>Reach and representativeness</i>	25
2.2.4.2 <i>Positionality and bias</i>	26
2.2.4.3 <i>Language and time constraints</i>	26
2.2.4.4 <i>Moving away from the negative focus</i>	26
2.2.5 Analysis	26
2.2.5.1 <i>Community informed black trans research methodology</i>	26
2.3 Preliminary results	26
2.3.1 White hegemony of transgender and gender diverse experiences	27
2.3.2 Language barriers.....	27
2.3.3 Pathologisation and sexualisation of transgender identities	27
2.3.4 Need to sensitise academia and universities	27
2.3.4.1 <i>Sensitisation of whom?</i>	28
Chapter 3: Introduction to Legal Gender Recognition	29
3.1 Introducing South Africa's Gender Recognition Law	29
3.1.1 The Yogyakarta Principles	30
3.1.2 Legal gender recognition	30
3.1.3 Limitations to gender recognition in South Africa	31
3.1.3.1 <i>Trans narratives of legal gender recognition in rural SA</i>	32
3.1.3.2 <i>Government relying on gender binaries</i>	32

3.1.4 Self-identification law reform – Gender marker options	33
3.1.4.1 <i>Eliminating gender categories or creating more gender categories?</i>	35
3.1.5 Conclusions to the sub-chapter	36
3.2 Socioeconomic obstacles to self-identification in rural South Africa	36
3.2.1 Rural concepts of trans identities.....	36
3.2.2 Access to information, education and resources	37
3.3 The structure of the book	37
PART 2: NARRATIVES ON GENDER RECOGNITION	39
Chapter 4: Access to Information and Language Barriers	40
4.1 Access to information about trans and gender diverse identities	40
4.2 Education on gender identity and sexual orientation	41
4.2.1 Exclusion from the school system	43
4.3 Where do people get information?	44
4.4 Limited trans organisations	45
Chapter 5: Family and Community Acceptance	47
5.1 Homo/Transphobia and ignorant community	47
5.2 Understanding community	48
5.3 Family acceptance	49
5.4 Church influence on community and family	52
5.5 Do we need acceptance?	53
5.6 When non-acceptance leads to violence, discrimination, rape and death	54
Chapter 6: Expectations of Violence and Rape	55
6.1 Corrective rape	55
6.2 Fear of coming out.....	56
6.3 Different forms of violence	57
6.4 Traumatic experiences lead to medical health needs and self-harm	57
Chapter 7: Accessing Inclusive Mental and Medical Health	59
7.1 Internalised transphobia and mental health issues	59
7.2 Accessing medical health services	60
7.3 Financial barriers to health services	62
7.4 Continued pathologisation from NGOs.....	62
7.5 Legalising sex work: A step in the right direction?	63
Chapter 8: Experiences with the Legal System	64
8.1 Experiences with police	64
8.2 Experiences with Home Affairs	65
8.3 Who to trust?	66
PART 3: CONCLUSIONS & RECOMMENDATIONS.....	68
Chapter 9: Conclusions on the Results	68
9.1 Summarising the main findings	68
Chapter 10: Recommendations and Solutions	69
10.1 Curriculum change and teacher training	69
10.2 Health practitioner sensitisation	71
10.3 Community engagement and sensitisation	72
10.4 Expanding the law and conceptualising gender	74
10.5 Decolonising language	75
Chapter 11: The Future is Bright	77
REFERENCES.....	79
APPENDIX A	85
A.1 The Preliminary Conversation Guide	85
A.1.1 Changes to the current questions	86
A.2 The Final Conversation Guide	87
APPENDIX B	88
B.1 The Workshops: Places and Dates	88

South Africa is generally perceived to be a country that has achieved equality, dignity and freedom for queer people. This is reinforced by the notion of incorrectly equating queer liberation with the legalisation of same-sex marriage. As important as same-sex marriage is as a component of queer liberation, it is only but one component thereof. Queer dignity, equality and the embodiment of freedom remains directly connected to issues of racial, gender, economic and social (in)justice. In a country where religion, culture, sexism, cisnormativity, heteronormativity, racism and classism continue to produce different forms of inequality, this book centralises the different, multiple and compounded challenges that rural-based trans and gender diverse persons experience.

The **Trans Rural Narratives** book project was conceptualised in 2018 to facilitate increased voice, visibility, personal autonomy and agency of rural-based trans and gender diverse persons to advance law reform for legal gender recognition on the basis of gender self-determination in South Africa. Over the past 15 years Gender Dynamix has become increasingly aware of the disconnect that exists between urban and rural spaces in the context of gender recognition, belonging and access to information, opportunities, resources and services. This book is the outcome of a two-year long community engagement, knowledge gathering, co-creative and consolidation process. It is a resource that spotlights the diverse perspectives, experiences and knowledges shared by trans and gender diverse persons across South Africa, and to this extent each contributor is recognised as a co-author.

This book highlights the structural and systemic exclusion and marginalisation of trans and gender diverse persons as a result of gender recognition law pathologising trans identities, social and professional stigma and discrimination, lack of psychosocial support and the current gender-affirming health care policy design and priorities generally limiting access to care initiation to academic hospitals in the public health care system. Consequently, this makes the pursuit of legal, medical and surgical gender affirmation harder and close to impossible for rural-based trans and gender diverse persons who face additional challenges on account of further socio-economic inequalities proliferated by the rural-urban divide.

Aside from reflecting the gender diversities and fluidities within our communities, this book also highlights the disciplinary power of religion and culture while reflecting on possibilities for inclusion by drawing from value systems of love and respect as necessary features of building and maintaining community. In reference to community value systems, the book presents the innovative and creative ways in which rural-based trans and gender diverse persons shape meaning and construct possibilities for social recognitions, belonging and access. It is a celebration of courage and resilience as a way to resist, survive and overcome stigma, discrimination and violence. The book is a necessary resource that can inform South Africa's response to leaving no-one behind in line with the Sustainable Development Goals 2030.

Liberty Matthyse

Pronouns: She/Her/Hers and They/Them/Theirs

Executive Director: Gender Dynamix



ACKNOWLEDGEMENTS

Project Leads

Estian Smit, Greyson Thela, Linda Chamane & Mia Strand

Co-Authors

Mia Strand is a social scientist writing on the perpetuation of western and gendered knowledge production in development aid, LGBTIQ+ rights and conservation, and highlights the importance of deconstructing and challenging perceived 'truths'; to bring forth formerly excluded voices, stories and narratives. By applying community-based participatory research approaches, Mia's work aims to bridge the gap between lived experiences, academia and policy-making. Mia has formerly worked with the Norwegian Embassy in Maputo, and is currently pursuing a PhD with Nelson Mandela University focusing on integrating indigenous knowledges in marine spatial planning in South Africa and Mozambique.

Estian Smit is Research, Advocacy and Policy Manager at Triangle Project, an LGBTIQ+ human rights organisation in Cape Town, South Africa, and former National Advocacy Coordinator and Researcher at Gender Dynamix. As a trans activist, Estian has two decades of experience in trans and gender diverse law and policy reform advocacy, research, capacity-strengthening and community consultation. Legal gender recognition and non-pathologising healthcare access for trans and gender diverse people have been a strong focus of their work. Estian holds a Master's degree in Philosophy from Stellenbosch University.

Our Implementation & Funding Partners

Gender Dynamix would like to extend our appreciation and thanks to all the co-authors, implementation partners (S.H.E. and Gay Umbrella) and funding partners (Astraea and SAIH) for making this book a reality. We look forward to forging greater solidarity and many more collaborative projects as we seek to advance human rights realisations for ALL trans and gender diverse persons not only in South but across Southern Africa.



Part 1

Introductions & Context



PART 1: INTRODUCTIONS & CONTEXT

Chapter 1: Introduction

I wrote to Mother Rooi at that time and said 'I am a woman. I am a woman with no breasts. A woman with no vagina. And all the other 'elements'. But inside, I know that I am a woman. Regardless of those who said only women with all those things are women. So who are you to define me? Because if you define me, it means you are robbing me from my own identity.

– Mother Rooi (16th May 2018)

We have to live. We are people. We are human beings.

– Thembinkosi Ngwenya (26th October 2018)

I am who I am today. Respect me. I am human. I am your sister. I am a parent. I am a pleasure executive.'

– Wandi (20th November 2018)

A woman is what I want to be, so I think it is important to change my gender marker.

– Jessica (20th December 2018)

I have given a lot into building myself as a self-made man, a transgender man. I know I am man enough as I have endured a lot of pain growing up as a trans man in a rural area, something only a few men in this world goes through and actually succeeds in.

– Mukondi (22nd June 2019)

1.1 Introducing the book project

The theme throughout this book is the right to self-determination when it comes to gender identity. It is the right to gender recognition in South Africa, which is often denied to transgender (trans) and gender diverse individuals. Issues with self-identification and gender recognition cut across all aspects of life, in both public and private realms, and this will be reflected on throughout the book. The book is a result of comprehensive fieldwork in rural parts of South Africa, and the shared experiences of trans and gender diverse individuals on gender recognition as told by themselves.

From conversations, group discussions and written material, the results presented in the coming chapters are directly informed by conversations, group discussions and written material organised with or collected from trans and gender diverse individuals from different rural areas in South Africa.

ca. By identifying concrete barriers to gender recognition faced by the co-authors when writing this book, the project wants to highlight the challenges that lie ahead and what can be done to realise the right to gender recognition for everyone.

1.1.1 The purpose and aim of the book

The purpose and aim of the book is five-fold:

- 1.** Identify barriers and limitations to legal gender recognition in rural South Africa, which can inform advocacy efforts and the implementation of inclusive legal gender recognition in South Africa.
- 2.** Provide a data bank on the lived realities of trans and gender diverse individuals in rural and semi-urban areas of Southern Africa.
- 3.** Contribute to the bigger project of disrupting, challenging and problematising cis-normativity in society.
- 4.** Work towards a trans community participatory research approach, to inform further research on gender diverse and marginalised populations.
- 5.** Inform the development of a contextual black trans theory, and encourage future research on ways in which we can improve gender recognition worldwide.

Firstly, by letting trans and gender diverse individuals from different provinces and rural backgrounds in South Africa share their lived experiences and particularly narratives on gender recognition, we can better identify the limitations to the realisation of legal gender recognition in the country. As will be evident in the coming chapters, there are presently several constraints and barriers to accessing gender recognition, related to both public and private spheres of life. Transphobia, stigma, financial barriers, violence and mental health issues are only a few of the obstacles to a more inclusive legislation that is in line with international human rights.

Trouillot (1995) points out that practice needs to inform discourse, and we could take that to mean that law needs to inform practice. This is what Gender DynamiX and partners are working on at this moment: influencing law reform that can reduce transphobia in society. If it is 'normalised' through the institutionalised norm system, then the aim is that actions and attitudes will follow suit.

1.1.2 Introducing Gender DynamiX

Gender DynamiX (GDX), established in 2005, is a human rights non-profit organisation that advocates for trans and gender diverse people's rights to freedom of expression, security and health. GDX aims to address structural human rights vio-

lations experienced by trans and gender diverse individuals in South Africa, and challenges this through projects of sensitisation, training and education of medical health providers, government officials, teachers and communities at large.

Recognising that trans and gender diverse individuals are marginalised and discriminated against in society, and lack basic access to health, education, safety and citizenship rights, GDX also provides information, resources and support for trans individuals, their family, partners and employers. The aim is to create awareness and visibilise trans and gender diverse lived experiences and issues that affect their lives daily, and make sure that everyone can live a life of dignity without persecution, discrimination, violence and hate (see Shimange and Matthyse 2016; Deyi et al. 2015).

GDX focuses on both National Advocacy work (through its National Advocacy Officers) and interventions as well as Regional Advocacy (through its Regional Advocacy Officer). Using a human rights framework, GDX undertakes to support transgender people to access and advocate for their rights, increase awareness and visibility of trans people in South Africa and promote freedom of expression of gender identity through sensitisation workshops and advocacy. This type of advocacy is greatly needed in society to ensure that the negative stigma affecting the trans community is put to a stop, so that they are no longer the victims of gender-based violence.

1.2 What it means to be transgender

We have a set conception of what it means to be transgender – what it means to be ‘born into the wrong body’ or being ‘gender confused’. This conception contains the idea that trans individuals want to take hormones and undergo gender-affirming surgery to look more like the gender they were not ‘lucky enough’ to be born into. The gender-affirming surgeries and hormone replacements are currently legal requirements to ensure that the required gender is recognised in South Africa. However, there are questions like: What if some trans and gender diverse individuals haven’t even considered hormones or treatment of any kind? What if some trans individuals don’t even ‘cross-dress’? What if the reality of some trans people is constantly thinking about survival and whether society will ever accept them as they are? What if the reality of the majority of trans and gender diverse individuals in South Africa is hiding their true

self in fear of being raped and murdered? These questions need to be addressed. And if they are brave enough to be their true self and express their gender identity, this is because they cannot live a lie and have had enough of conforming to a transphobic and homophobic society:

I did not want to be a woman. Over time I realised this is not my life. I said this is not me, this is not what I want to do. I am comfortable being a man. I am not comfortable being a woman. This who I am and this is who I have always been. – Thosko (26th October 2018)

I am human just like everybody else so there is no need for me to go around exposing myself as trans. So I’m comfortable, I am a male and that is final. – Teekay Khumalo (26th October 2018)

Just the other day I expressed it in class, telling my classmates that like, yes, I’m a guy by the way, I’m a gay guy, but I refer to myself as a woman. Yeah. And that doesn’t mean that I don’t know myself. I do know myself, but my sexual orientation or my sexual expression isn’t like the way that people think is it. – Junior (22nd June 2019)

I was born with a penis but I don’t feel like a boy, I want to be a girl. There is something inside me that wants to be a girl and feels like a girl. – Constituent (20th December 2018)

I see myself as a woman, a queen. That keeps me happy at all times because I’ve already accepted the fact that god made me in this way and I’m very much happy. I wouldn’t change anything about me. The only thing that I would do is go for transitioning. – Gift (29th June 2019)

Because for me, my transitioning is more spiritual than physical. I live as a woman every day. My nieces and my nephews, they call me mom, and finding peace within myself and being able to fight for them to have a representation of what love looks like makes me feel fulfilled. Your womanhood is within you more than what is here on the physicality. – Thanya (28th June 2019)

I identify myself as a woman and I see myself as a woman. If it does happen in the future, I’d like to go for transitioning. – Siphesible (29th June 2019)
I am trying to be a man. I hate my body, but I am proud, and I made peace with the current situation. But I can’t present myself as a woman, and I

have to fulfil certain gender norms because of expectations. I am trapped in this body and it is not comfortable. I am proud of knowing who I am, but not happy with not embracing it in my daily life. – Thembinkosi (26th October 2018)

1.2.1 Expectations of being trans and gender roles

Even from within the trans and gender diverse communities, there are expectations of what it means to be trans, and certain gender roles that people are expected to conform to:

There are a lot of expectations of what it means to be trans. Even within our own community. There are things I should and should not do. – Deki Mthandeni (20th November 2018)

If you are transgender in Botshabelo, before surgery, you would be called stabane and discriminated against. – Jackson (20th December 2018)

Once people start seeing the physical changes that is when you are trans. They don't understand that it is something that is within you and that it starts with you. For them, you are transgender once you have transitioned, once your body starts changing, then you are transgender. – Lesego (28th June 2019)

It is this whole womanhood thing. It creates or it's a driver that perpetuates a culture that you are not a woman unless you look a particular way. And you cannot do a certain expression if your gender expression is not in a specific manner. It is one of those things that you ask yourself: 'When will my womanhood ever be enough?' And even if it is enough for me, would it be enough for my person? Particularly people that I would like to think that understand me and the struggles that I counter as a trans identifying person. It also brings back an element of disrupting heteronormativity. You know you are disrupting it. Because all that has been known as a norm, you are no longer conforming to it. You are dismantling and disrupting the model. And you are recreating and re-centring the narrative according to you and your understanding. – Seoketsi (16th May 2018)
I think the most important part that I would tell people is if you are more comfortable with who you are as a person, you are going to accept things more easily. Going through a transformation or going through any type of operation, you need to be sure about what you want to do. It is not about just having the operation or starting with the estrogen medication, you need to be sure as

the person you are supposed to be. We all go through changes in life, but it is not something that you have to do. A lot of people want to do it and then they do it and they regret it; I don't want to be one of those people. So, I want to take it slowly. – Nicky (27th July 2019)

And if today I wear a dress and tomorrow I wear what I want, then we will keep on changing every day. Like women. If they want to wear a suit they will wear a suit. There are a lot of expectations to be trans. Look, for example I was doing an interview with this woman. And she asked me 'are you identifying as trans?' And I said 'yes'. Then she said 'are you putting on lipstick and makeup?'; and then I said 'No'. She said 'why?' Then I said 'wearing makeup doesn't make me a woman'. I don't have to wear lipstick and makeup and sometimes a woman doesn't wear make-up. That is not what makes her a woman. There are a lot of expectations if you are trans – they expect you to be feminine. – Phiwe Ngcengi (20th November 2018)

We have people who will react to women having beards etc., and they will be asked to change. Even though we are both transgender women, it doesn't mean we like the same thing. We are very different and we are attracted to different people and different things. – Constituent (20th December 2018)

If you are not taking hormones for example, they will not think you are trans enough. – Siyamthanda Kolisa (20th November 2018)

It is a serious issue for trans rural people. Because I am trans I cannot be lesbian. People tell me I am confused and cannot choose. She said she wanted a real man, and not a trans man, but you expect people to understand you. We are sometimes drivers of transphobia too. To a certain extent. If a trans man says he cannot date a trans woman because she is not woman enough is transphobia (...) I would wear a dress with my dick print. I was comfortable with my penis. Until I met other trans women and they told me I could not look like that and I started to tuck. We as trans women and trans men are drivers of transphobia and homophobia. We conform to the patriarchy and the society. – Nelly (20th December 2018)

I'm very comfortable with boys' clothes and I love women's clothing and I love my heels. The thing is, some days I just feel like not dressing up, just going out and being all there. I just like being myself. If I want to be comfortable, I want to be comfortable. So, if I put on my sweater and just my jeans and I want to go out to the street, I don't need a dress or a skirt. – Nicky (27th July 2019)

We still have people who think that (you are only fully trans when you have surgically transformed). I remember I had this one girl, she told me that she would not call me a 'he' until I had fully transformed. – Lesego (28th June 2019)

As LGBTQI people, we have to be humble and be submissive even though they're calling us names we mustn't overreact, we must be submissive and be humble. At the end, they are the ones who will come back to us and ask us like - why are you like this when people are doing this, why are you not overreacting or why are you not acting in a different way when people act or say like this to you. And that's when you can be able to teach them or to educate them about your sexuality. – Junior (22nd June 2019)

1.2.2 The South African context

South Africa has a complex history when it comes to gender identity, and identity politics in general. Firstly, colonial rule, which discriminated on the basis of race and ethnicity, then the subsequent apartheid regime, which institutionalised these racialised hierarchies, made identity politics the primary tool to discriminate, dehumanise and remove the legal citizenship of the majority of the South African population.

During apartheid, gender identities and sexual orientations 'outside the norms' were illegal, and so the intersectional experience of 'subjugated' race, sexual orientation and gender identity is difficult to portray correctly and vividly enough: 'The state, even the post-apartheid state, has been loathe to move beyond the idea of a necessary correlation between the physical make-up of the body and the gender identity of a person in the way in which it has treated the idea of transsexualism' (Vincent and Camminga 2009).

The end of apartheid in 1994, however, saw the adoption of one of the most progressive constitutions in the world, offering protection from discrimination not only based on race and ethnicity, but also on gender, sex and sexual orientation (Swarr 2009:530). It was in fact the first of its kind in specifying those rights, and Swarr points out how this

provided a sense of freedom and empowerment that have encouraged the establishment of gender-related activism and organisations (2009:530).

This is where Gender DynamiX came to its origin, and probably the main reason why this book is on South Africa and not another Sub-Saharan African country. The legal framework is there, and as we will see in Chapter 3, the legislation is almost there too for legal gender recognition. Trans and gender diverse individuals can openly express their gender identity in public. At least this is protected by the law. In other countries, like Zambia, Zimbabwe, Uganda and Tanzania where homosexuality is illegal, this would get them arrested and possibly killed.

Nevertheless, gender-based hate is increasing in South Africa. The country has one of the highest rates of sexual violence and rape in the world, and the killing of individuals with sexual orientations outside the hetero norms and gender identities outside the cis norms has increased 'dramatically' since the fall of the apartheid regime (Swarr 2009:543). Gender and sex equality is thus not realised in South Africa, and transphobia and gender-based violence is a daily phenomenon.

Most studies of the experiences of trans and gender diverse individuals in South Africa are from the big cities or townships, and although they paint a vital picture they are not necessarily representative of the whole country (see Swarr 2009; Klein 2013, etc.) There is close to no information on the lived experience of trans and gender diverse populations from rural South Africa, which makes it difficult to advocate for the rights of all transgender individuals and be representative. This is therefore something this book aims to document.

Where I am from it is still that challenge because they still treat LGBTI in a certain way. Because they are too deep into the culture. They are classifying it [LGBTI] as something which is not of their culture. So it is for urban areas, it is not for rural areas. – Mathews Maja (17th May 2018)

1.2.3 The current definitions and concepts

There are several definitions of transgender and gender diverse individuals. Some of these include:

- Person whose gender identity and/or expression differs from assigned sex at birth (Collins et al. 2015:206).
- Citizens whose gender identity differs from their assigned sex at birth and/or challenges male-female dichotomies (Klein 2013:168).
- Someone who do not identify, or do not want to identify, as either completely masculine or feminine (Shimange and Matthyse 2016:3).
- A transgender person may have a male body but feel inside that they are female, or vice versa. They experience a deep incongruence between their physiological gender and their basic internal sense of gender self (or core gender identity) (Bateman 2011:91).

There are also some definitions of the terms trans and trans*:

- An umbrella term to describe people whose gender identity (man, woman, or other terms) and/or gender expression (e.g., feminine, masculine) do not conform to the societal expectations for the sex they were assigned at birth (male or female) (Singh et al. 2013:95).
- an interim provisional term; a blank space for people with many different gender and sexual identities who have in common the fact that they (try to) employ body-altering technologies in order to render visible their gender identities, which might otherwise be misread (Klein 2013:168).

This book employs the definition often utilised by Gender DynamiX:

- Someone whose internal gender identity does not reflect their external biological appearance or biological sex as it is recorded on their identification document (Shimange and Matthyse 2016:3).

It is important to differentiate between gender identity, gender expression, sexual orientation and sex. What has become evident from the research is that these differentiations are not clear in parts of South African society. Drawn from the GDX booklet on human rights access for trans and gender diverse individuals, their definitions are presented below:

- *Gender identity* 'refers to how you experience gender (sense of femininity and/or mascu-

linity or sense of neither) for yourself. Some people identify as either feminine or masculine, some as both, and some as neither.'

- *Gender expression* 'refers to the ways in which a person expresses their gender through the clothes they wear, their mannerisms and how they behave as a means to express their gender.'
- *Sex description* 'refers to whether one has been recorded as either male or female in the Births and Deaths Register as reflected in one's identity document.'
- *Sexual orientation* 'refers to whom a person is attracted to romantically, physically, emotionally, intellectually, spiritually etc. It has nothing to do with the gender a person identifies as.'
- *Sexual preference/attraction* 'refers to who you are solely sexually attracted to.' As emphasised by one of the constituents from Botshabelo: 'gender is how you identify yourself, sexual orientation who you fall in love with, whilst pleasure is all about lust.'
- *Gender fluidity* refers to shifting one's sense of gender identity, where 'at a particular moment you can identify more strongly with masculinity than femininity, and at another moment may identify more strongly with femininity than masculinity. Yet, at other times, you may not identify with any of the two conventional genders at all.' – (Shimange and Matthyse 2013:3)

1.2.4 Problematising the definitions

The book also emphasises the variation of transgender identities, and mostly refers to trans persons to incorporate this. Just referring to trans individuals is also limited as several individuals do not identify as a trans person, and Klein also points out how the term was coined within a contemporary American-European environment and setting, and is not necessarily representative of the Sub-Saharan African context (2013:168). The book will also refrain from referring to *gender non-conforming*, as this has negative connotations attached to it. It will thus mainly refer to *trans and gender diverse* individuals because it does not want to exclude people who do not identify as completely feminine or masculine, or to the expectations that adhere to the rigid gender binaries of female and male.

Although trans* has been recognised as a more inclusive term, this piece will refrain from using the (*) to avoid a cumbersome read. Klein further emphasises that the term trans is an 'interim provisional term' as it refers to a specific but diverse group of people

‘without being representative of them’ (2013:168). Butler (2009) conceptualised how gender is routinely spoken, through a hegemonic heterosexual matrix and has been pivotal for many social scientists researching within and beyond educational settings for exposing the ways in which children’s normative gender identities (‘intelligible genders’) are inextricably tied to dominant notions of heterosexuality.

Sometimes the book will refer to transgender and trans interchangeably, but it recognises that not every co-author identifies as a transgender person or even gender diverse. The piece will also depend on the reader to use their own analytical tools to decipher between the different terms and notions. The differences in self-identifications become evident below, where the participant discusses what they feel being transgender means:

I think it comes from individual to individual, I always say that transitioning is actually a shake up, I call it a shake-up, and it shakes you up as an individual. It’s not a point of you not being a woman from within. Like, when I refer to my transitioning process, I don’t say I wanted the woman within. I’m saying I wanted my soul to connect because I believe that my soul is actually a woman and then now my physical body that my soul has been placed into is actually in a certain way connected. So I’m always saying I wanted both to connect. I am not doing this because I want to become a full woman, I am fuller than so many women, you understand. – Nelly (20th December 2018)

I am not identifying myself as a trans. But I consider myself as a woman. Because for me, when I say I am a trans I’m not sure where I am transitioning to. I am embracing my gender that I feel and that I know is correct for me. So, I am not a transgender. I am a woman. – Mother Rooi (16th May 2018)

For me, I personally do not have an issue with the word ‘trans’. Because let’s look at it; a cisgender woman also transitions from being a girl into a woman. So, it is basically almost the same thing. I don’t understand why, especially in our spaces, we have such a big problem with certain identities, or trying to ostracise the one side. Because you are still going to go through a transition. Whether you are cis or whether you are trans. – Chleo (16th May 2018)
I identify myself as gender nonconforming. I don’t conform to gender norms. He or she, it’s always in my favour. – Mathews Maja (17th May 2018)

As we have seen in the above section with the stories of what it means to be transgender and the variations in self-identifications, this complicates the idea of having one set definition for what it means to be trans or gender diverse. Not only does it differ from the context in which you live and your intersecting identities, but also from your own constructs of what gender means. Gender is a constructed identity with many different characteristics; it means different things to different people:

I think why the word trans people have caused so much homophobia or transphobia is because they [people] assume that it is a choice. Because they think ‘oh now it is a choice’. It is because when I move from point A to point B it is my choice. Now they think this is a choice. ‘You are gay, ok, but now you are a trans woman that just means you have made a choice’. I am not sure who has installed this mentality, I am not sure it is our definitions that have instilled this idea or what. – Mother Rooi (16th May 2018)

We have to be careful with the definitions we use and consider how they might be interpreted by the readers. As pointed out by Mother Rooi above, she is not sure what has instilled the mentality of being trans as a choice, but the definitions might have something to do with it. We have to be cautious with the language and terms we use and how we consider them to be universal or all-embracing as they usually are not.

According to several postcolonial and decolonial scholars (see Amadiume 1997; Escobar 2007; Ndlovu-Gatsheni 2012), one of the main ways in which the Western powers sustain their superiority and subordinate African nations, populations and communities is through the knowledge hegemony where Western knowledge and terms are seen as ‘universal’. Knowledge produced from different African countries and contexts, on the other hand, is subjugated, buried and illegitimated, and only European-produced knowledge is seen as the source of universality and truth (Said 1993; Grosfoguel 2008:11).

One of the most vital problems with this Western knowledge hegemony is how the world is hierarchised where the white, western, cisgender, hetero, able, rich man is on top and the black, African, gender diverse, queer, disabled, poor woman at the bottom as the ultimate ‘othered’ subject.

1.2.4.1 The fluidity of sex and gender

Looking at Chleo's argument of us all transitioning into our identities, we have to recognise that your idea of being born a certain gender or transitioning to a certain gender will depend on your perception of the rigidity or fluidity of gender. Although much trans literature highlight the fluidity of gender, not all transgender and gender diverse individuals believe in this.

Another problem with the term 'trans', as identified by Mother Rooi, is that it sounds like something that is transitioning. Writing on the dominance of Europe as the subject of most histories and locating the space for Indian pasts, Chakrabarty highlights how the 'subaltern' subject is always spoken for and of by 'the transition narrative' which sees them as developing somewhere (1992). This transition narrative, according to Chakrabarty, will always render subaltern subjects as incomplete and only a failed version of the developed and modern Europe (1992:18). This can be applied to the transition narrative connected to trans identities, and the view that trans and gender diverse individuals are often seen as incomplete or failed versions of the cis-het individual in society.

Coming back to the two rigid gender identities, the constructs extend into what female, male, femininity and masculinity looks like, and although some literature points towards the opposite (Bateman 2011), not all trans and gender diverse individuals want to go through with gender-affirming surgery. During the Gender DynamiX workshops in May 2018, this discussion came up as one of the constituents claimed that if gender-affirming surgery was free of charge and risk free, every trans and gender diverse individual would go through with it. This claim met with some agreement, but also strong disagreement:

The fact is that we do not always want to undergo surgery. For me, yes I am a woman that does not like the vagina. So people should understand that even though I am a trans woman, I do not want to have a vagina. – Mother Rooi (16th May 2018)

We have to move away from the notion that there is one way of identifying as or being trans or gender diverse, and we have to acknowledge the ways in which gender identities and gender expression expectations are constantly shifting, changing and constructed. One of the constituents during the workshop pointed out how your gender identity is like putting on a mask, and that because her

trans identity was not necessarily 'accepted' in different settings she would be putting on different gender expressions in different settings. This was emphasised by several of the co-authors and constituents, as we will come back to later in the book, but the important point to take away from it in this instance is the ways in which we constantly negotiate and 'play' out our different identities (see Sharp and Boonzaier 1994 on 'identity as performance').

I love being myself and not being ashamed of my sexuality, how people see me as I am. Accepted myself as being homosexual. When I was a child, I didn't know who I was in gender, but I regarded myself as a girl... I can express myself wherever I want because I've accepted myself as a gay person. – Gilbert (22nd June 2019)

The fact that some people constantly 'play' their identity differently in diverse settings supports the argument that identities, and gender identities, are fluid. Our bodies, minds and relations are constantly changing and developing, and so are our notions of self. This fluidity of gender is sometimes argued to be 'against' nature, but recent studies have found that biologically even our sex is more fluid than formerly stated. In fact, one of our genes is actively and constantly suppressing sex determinants of the 'other' sex, such as testes and ovaries (Uhlenhaut et al. 2009). For example, a study completed by Herpin and Scharf found that 'an important function of [the gene] DMRT1 in male development is to actively and continuously suppress female gonad fates, a role that is at odds with the classic view of sex determination as an irreversible switch' (2011:657).

This fluidity of sex, sexual orientation, gender identity and gender expression is often seen as something outside the norms, and it is regularly perceived as a taboo topic to bring up in conversation. Partly because of this silence on the fluidity and manifoldness of gender identities (as well as sex and gender expression), one of the main barriers to gender recognition for trans and gender diverse individuals in South Africa is the lack of information.

This fluidity and manifoldness is not talked about in schools or in communities, and so there is no space to even conceptualise it even though you might be feeling it inside your own body and mind. If no one ever tells you about the fluidity of gender and that there are multiple gender identities and gender expressions, you might not

dare believe your own body and mind telling you that you are born in the wrong body or that you do not feel comfortable in these specific clothes.

I see myself as a man but when I grew up I didn't know the difference between a trans person and a lesbian. Even though I realise I have female genitals, I still know that I am not female. When I grew up there was only gay and lesbian hence I thought I was a lesbian. After some time I came out of the closet as a lesbian. –Teekay Khumalo (26th October 2018)

Trouillot brings forth the point that 'when reality does not coincide with deeply held beliefs, human beings tend to phrase interpretations that force reality within the scope of these beliefs' (1995:73). If something is unthinkable, like that there are several gender identities beyond female and male, it challenges the very framework with which we characterise and categorise the world and humans will therefore have problems conceptualising it (Trouillot 1995:82). Whether this is the reason for this or not, it is important to take into consideration that many trans and gender diverse individuals do identify as one of the binary genders, and do not agree or identify with the fluidity of gender, as we will come back to in the next two chapters.

1.2.5 Language barriers to trans identities

Something that also has to be considered in the South African context is that the English-coined terms of 'transgender', 'intersex' and 'transsexual' do not have 'proper equivalents in African languages' (Husakouskaya 2013:13). This was confirmed during our conversations with constituents and co-authors, emphasising that they did not know they were transgender before they heard the English term and definition, and saw or heard others explain similar lived experiences and self-identifications, and identifying as 'transgender' (GDX Workshop, 16th May 2017). This means that although many South Africans in theory would identify as trans or gender diverse, there are few that are exposed to the terms and therefore take on the words as an identity in practice (Husakouskaya 2013:13). One of the constituents pointed out that because of language her family would not have known that she is transgender, and the ways in which she explained it was by saying she was a girl in the wrong body.

Manion and Morgan, working with the South African Gay and Lesbian Archives (GALA), found that their initial oral history research was flawed as they

were trying to document the number of lesbians in specific areas. What they found was that the women, despite engaging in same-sex sexual relationships, did not identify as 'lesbians' (2006:31). This is also emphasised by Epprecht, finding that Eurocentric and English words such as 'gay', 'lesbian', 'intersex' or 'transgender' have to be contextualised, as they might be denounced for their historical background and colonialism rather than their actual meaning such as same-sex sexual relationships or diverse gender identities (2004:13).

Theron and Kgositau, writing on the impending African trans archive, state that 'trans' and 'transgender' are quite new concepts 'compared to the history of our continent', and the understanding of gender identity is often conflated with sexual orientation (2015:580). This conflation has great societal and institutional effects, which we will come back to in the chapter on gender recognition, and it has affected the trans archive on the continent and in South Africa more specifically. Because of the layered meanings and understandings of transgender and the above-mentioned confusion, the histories and documentation on trans and gender diverse experiences have been inaccurate (Theron and Kgositau 2015:580).

There is not one essential transgender identity in South African society, and there are several rural, township and local terms such as 'moffie', 'skesana', 'istabane' or 'stabane', and 'sangomas' which are seen as neither male nor female, but which also both reinforce and undermine gender binaries at the same time (Klein 2013; Swarr 2009). These terms are often considered discriminatory (Klein 2013:167), and although the term *stabane* has been romanticised as a term disrupting gender binaries in the 'Global North', it is a particularly South African term that should not be decontextualised (Swarr 2009:538). Nelly explains how the same thing has happened to the term *Maphofo*, originally an empowering and endearing word for someone you know.

Maphofo is one of the names we actually like, and that name was actually created by us, as trans people over the years. I even know the person that came up with it. The thing is, when we came up with that word, we actually wanted a word that only we would know about, you know. To us, you would say, 'Maphofo how are you?'. And now it is actually becoming a stigmatised word or a word that people are using as an insult. – Nelly (20th December 2018)

Several of the constituents from KwaZulu Natal confirmed the research of Klein and Swarr, and pointed out that as long as your sexual orientation, gender identity or gender expression is 'abnormal' or not complying with the (hetero and cisgender) norms, you were called stabane. And the ways the term stabane was used was more or less always derogatory. Deciding on the terminology for this book then, we have used some ways in which the co-authors explained their gender identity in their own language.

We can also talk about different kinds of language barriers, which are those of academic buzzwords and what may refer to as the terminology of the privileged. Leigh Davids, known for her transgender sex worker activism and co-founding of the organisation the Sistaazhood Trans Women Sex Worker Support Group based in Cape Town, highlights the language barrier of fancy words and concepts that do not speak to her experience or inclusion. When speaking at a Gender DynamiX and Iranti-org conference on trans health, research and advocacy, she emphasised how those spaces were neither for her nor about her:

They don't speak my language. And by this I don't mean one of the 11 languages of South Africa. I mean like the languages a poor, homeless black person speaks. I mean the language a poor black person without schooling speaks. I mean the language a transgender sex worker from Cape Town speaks. Do any of you know my language? (Davids 2017:32).

She continues:

*I feel your side glances, your blind spots, your superiority, and I see you developing advocacy for **your needs**: Access to hormones and surgery. Identity documents if you have had hormones and surgery. Decolonise trans identities. What is that? Sounds a lot like something discussed by privileged people under a roof, who can hear the sirens of police vans in the distance and who will phone the doctor for their hormone prescription after the discussion. De-pathologize? OK, whatever. I do know you left one D out. You left out the one I need: **Decriminalise**. You left it out because you never bothered to ask me. Because, well, exclusion and violence (Davids, 2017:34, emphasis in original).*

There is the language barrier of silencing certain voices, needs and stories. As has been shown by post-colonial writers on the European knowledge hegemony, silences can be even louder than screams, and

exclusion strategies are often even more calculated than tactics of inclusion (Chakrabarty 1992; Trouillot 1995). Individuals contributing to this book have experienced transphobia even from within the trans community, and this reflects the institutionalised power structures which privileges certain identities.

What is vital to stress is that violence does not have to be directly physical, but can be through silencing and exclusion. As Davids points out, 'The other violence is easy. Rape us, beat us, and shame us. We are used to it. But your violence and exclusion is treason. It hurts the most' (2017:34). The importance of 'decolonising' language and recognising that there are numerous different trans and gender diverse identities, experiences and needs becomes evident.

1.2.5.1 What we do to decolonise the language

Afonja, writing on how gender is portrayed in African development discourses, argues that we have to decolonise and deconstruct themes and knowledges we take for granted to make sure they are applicable to the African context and histories (2005). Although Afonja mainly focuses on feminist thinking and theory, her examples of decolonising the understandings of gender is very important to this particular work. She also points out that gender has been constructed differently in African societies than in the West (2005:15), which is a notion that will be further unpacked in the coming chapters.

Decolonising the language, as informed by Afonja (2005), thus includes looking to the beginning and asking questions such as 'where does the term transgender come from?' and make sure that 'buzzwords' that we take for granted such as 'heteronormativity' and 'intersectionality' are deconstructed and contextualised to the specific African context it is applied to. Decolonising trans and gender diverse language and inquiry also involves, as influenced by Grosfoguel's work (2008), making sure African trans and gender diverse bodies are included in the decolonising project of expanding what we know and think about the trans and gender diverse lived experience. These two approaches are vital to the development of this project and book, and every workshop has begun by trying to deconstruct the academic buzzwords and explaining the realities of trans and gender diverse narratives in both English and local languages.

As has been illustrated above, this project is constantly informed by the co-authors where one of

the important points has been to problematise the current definitions and the thought that there is 'one' trans experience. We ask questions about the origin of the name 'trans' which insinuates a state of incompleteness and lack, compared to the female and male. We have removed the 'nonconforming' phrase as it has such negative connotations, and perhaps the next step is to introduce a new and reconsidered term for trans and gender diverse individuals. Some of the stories presented in this book will remain in their original language. A few will have translated abstracts to make sure that we can reach out to the broadest possible audience, but there is an importance in trying to explain trans and gender diverse experiences and identities in other, less colonial, languages. Languages other than English. Colonial English does not tend to address, nor consist of trans vocabulary.

Another way in which this project aims to deconstruct and decolonise the trans and gender diverse narrative is by informing a South African-specific third gender pronoun. For example in Sweden, the third gender pronoun 'hen' has been added to the 'hun' she and 'han' him for official and public uses (De Luce 2019). Although several third pronouns have been introduced throughout the years (ze, xe, hir, they, etc.), none have been actively recognised and voted on by trans and gender diverse individuals across the specific South African context. This pronoun would be in English because it is the official language mainly used for official purposes, and because many of the other official languages such as isiXhosa and isiZulu do not use gendered pronouns. Mainly, this book takes on a decolonial approach by aiming to uncover the silences of black and rural trans and gender diverse individuals' voices informing both trans theory, methodology and histories. The aim of this project is to raise the voices of the co-authors to 'enlighten' and identify the trans rural narratives and lived experiences which can directly advise policymaking and law reform in the country. Law reform and implementation which is needed to realise the constitutional right to gender recognition in the country.

1.3 Experiencing transphobia in South Africa

According to Human Rights Watch, the social attitudes towards LGBT individuals in South Africa lag behind the law, and there is a wide gap between the public attitudes and the ideals of the Constitution (2011:1). LGBT persons, and particularly trans individuals, continue to face violence,

hostility, discrimination and hatred, and the report emphasises that the 'constitutional protections are greatly weakened by the state's failure to adequately enforce them' (HRW 2011:1).

Despite the 'progressive' constitution, trans and gender diverse individuals are one of the most vulnerable populations in South Africa, and experience 'physical violence, including murder, and rape, as well as intimidation, harassment, and discrimination by police, employers, landlords, schools, service providers, neighbours, and even family members' (Klein 2013:166-7).

This transphobia is also documented by the co-authors, and several constituents had experienced rape, violence and discrimination on the basis of their gender identity and gender expression. The stories of the co-authors show that there are several similarities across the country, however the experiences often rely on the specific context in which they had grown up or currently live. A brief overview of the contextual backgrounds are thus outlined below.

1.3.1 The rural contexts

The aim of the book was to reach rural areas across the nine provinces of South Africa. We were able to reach and work with co-authors from all nine provinces, and visited eight: KwaZulu Natal, Eastern Cape, Free State, North West, Mpumalanga, Limpopo, Northern Cape and Western Cape.

In *KwaZulu Natal* the experiences are that of generalising LGBTI under the same definition and term – *stabane*. Because of this generalisation it is difficult for trans and gender diverse individuals to openly live their gender identity in their rural communities, and the majority either took on a feminine gay / masculine lesbian identity or identified themselves to others as their assigned gender at birth. If they have come out as gay, lesbian or have a 'deviating' gender expression, corrective rape or threat of rape is common. Nevertheless, people experience a lot of acceptance in their closest community and family, and the main difficulty individuals experience with recognition is that of understanding the differences between sexual orientation, sex description, gender identity and gender expression. There is limited access to information, both in schools and through health services. The most predominant obstacle to legal gender recognition is the lack of financial means to access medical practitioners and, even more so, hormonal

treatment. Several of the constituents have experienced direct and dire constraints with identity documents not being aligned to their gender identity.

In the *Eastern Cape* the realities of trans and gender diverse individuals are influenced by discrimination and ignorance within the rural communities. Because of these experiences, many move to the bigger cities for better opportunities for work and making a livelihood. However, there is widespread transphobia within the legal system and police force as well, and several of the co-authors have directly experienced violence or discrimination from police. The main obstacle to gender recognition is sensitisation of health care workers and within the legal system, as these are gatekeepers to accessing basic human rights. Because of limited opportunities and lack of gender identity acknowledgement, depression, mental health problems and alcoholism are not uncommon for trans and gender diverse individuals. Sex work to make a better living and afford to live in urban areas is also common.

In the *Free State*, trans and gender diverse individuals experience transphobia on many levels. Although several of the constituents would want to change their gender marker on their IDs, humiliation and discrimination from Home Affairs staff is an obstacle. In schools, the strict gender-based uniforms and toilets are degrading student experiences and lead to increasing dropout rates. In the communities, trans individuals, as well as lesbian and gay persons, are being termed *stabane* and discriminated against. Church is important, but there are both experiences of inclusion and exclusion from church members and the pastors. Even within the LGBTI and trans communities, there are experiences of transphobia and exclusion. In the rural areas looking like your 'assigned' gender is important, thus being different attracts violence.

In the *Western Cape*, the access to inclusive health care is a daily challenge. Although Cape Town and surrounds are known for their variety in health care options, organisations and medical practitioners that are trans friendly, rural areas are not necessarily experiencing this. The main obstacle to gender recognition is nevertheless lack of financial means, and the requirements of treatment to change your gender marker is directly exclusive and means that it is legal gender recognition for *some*. Family acceptance is common, but the broader community is often discriminatory and can be violent.

In *Limpopo* most of society is very rural, where both church and religion are extremely important. Several of the constituents highlight that what the pastors preach is law in their community, and this has had exclusionary effects on many trans individuals. There is a lack of information at schools and in communities. Many co-authors identify as gay even though they identify as a woman. There are also different levels of discrimination and stigma attached to sexuality versus gender identities, and some hide their trans identity to avoid being attacked and in fear of violence. Hate crimes are prevalent in schools.

In the *North West* province there was more openness about identifying as trans, but it was pointed out that this is a more recent development. North West is known for having the second highest rate of LGBT murders and rapes in the country, after Gauteng, and there is real fear about coming out in rural communities. Quite a few constituents have good experiences with family acceptance, but point out that there is a difference between identifying as gay and trans. People know the first but not the second, and you have to explain yourself all the time – both to the community and to health facilities. Church is important, and so is the influence of pastors which you have to try and sensitise. There is transphobia within the trans community and stereotyping what it means to be trans. Lack of information remains the biggest barrier to gender recognition.

In *Mpumalanga*, family, community and church are all intertwined, and this is one of the biggest challenges of being recognised in society. Both being gay and trans are often seen as being possessed by a demon and therefore needs to be removed. The constituents experience discrimination from police and the legal system and are not able to open cases. Health care services are important for legal gender recognition, and the constituents highlight that women are in general more inclusive and understanding than men. Although wanting to transition surgically, the financial barrier remains, and treatment is too expensive.

In the *Northern Cape* several constituents struggle to get work because of discrimination within the job market and from health workers. Constituents at school experience exclusion and stigma because of their sexuality or gender identity, and teachers aren't necessarily helping the picture. There is a lack of dissemination of information, starting from school level, which leads to xen-

ophobia and ignorance. The constituents point out that they need stronger institutions and more support in the form of LGBTI organisations, and that there is a big sensitisation project ahead to improve health, legal and police institutions.

1.4 How the book is structured and chapter outline

From the numerous conversations, group discussions and contributions in the form of writing, drawing or voice notes, this book highlights some recurrent stories and lived experiences which are of important relevance when it comes to realising the right to gender recognition in South Africa.

Firstly, Part 1 of the book will introduce the theoretical framework, methodology and legal context informing the project. Chapter 1 has outlined the main objectives and aims of the book, as well as the current narratives on trans and gender diverse identities and experiences. We have problematised these conceptualisations and definitions and highlighted some of the language barriers to both the current narratives and to the fight for gender recognition in South Africa. We have briefly outlined some of the transphobia experiences in the rural areas and contextualised these realities best as we can.

Chapter 2 will outline theories informing this work and highlight some efforts to collect and produce an African trans archive, which is much needed. It will also elaborate in depth on the methodological approaches and research methods applied to collect data and analyse the results. Chapter 3 will sketch the current story of legal gender recognition in South Africa, and the ways in which the legal framework and constitution supports law reform and implementation. This chapter will also highlight some of the limitations to gender recognition in the country. Limitations that will be further elaborated on in Part 2.

PART 1: INTRODUCTIONS

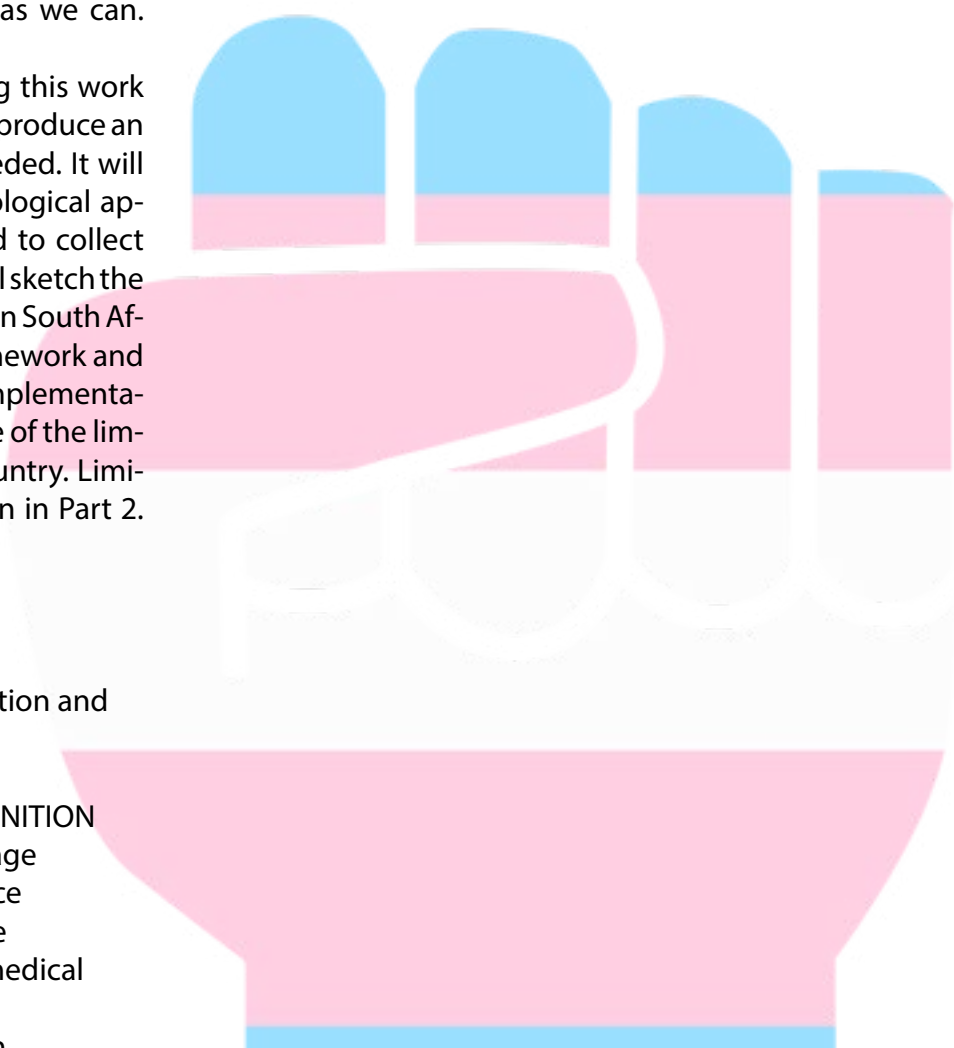
- 1) Transgender in South Africa
- 2) Theory and methodology
- 3) Introducing legal gender recognition and its limitations

PART 2: NARRATIVES ON GENDER RECOGNITION

- 4) Access to information and language
- 5) Family and community acceptance
- 6) Expectations of violence and rape
- 7) Accessing inclusive mental and medical health services
- 8) Experiences with the legal system

PART 3: CONCLUSIONS

- 9) Conclusions on the results
- 10) Recommendations and sensitisation
- 11) The future is bright: The way forward.



Chapter 2: Theory and Methodology

'We have to break the blueprint of how a trans person must be like and look like. We are all different and unique. But out there the same story is told for all of us.' – Constituent (Focus Group, 16th May 2018)

2.1 Theoretical framework and current trans theory

This book wants to begin the history of transgender theory with the names of Ekine, Abbas, Theron, Kgositau and Le Roux, and the attempt to collect, create and highlight African queer and transgender experiences, histories and theory. Ekine and Abbas point out how their book, the Queer African Reader, is an attempt to document and create discussions on 'not only the resistance in the daily lives and struggles of Africa's queer communities but to valorise the complexity of how queer liberation is framed in Africa and by Africans' (2013:3).

Theron and Kgositau stress the need to collect an African trans archive and document the transgender and gender diverse experience histories to inform 'the multiple ways in which trans people in sub-Saharan African countries experience multiple meanings of trans' (2015:580). Le Roux, known for her exhibition 'Proudly African and Transgender', collected and presented the stories of ten transgender African activists because their voices needed to be heard. As emphasised by Victor Mukasa, one of the people portrayed, 'Transgender Africans have been silenced for a long time. We have been invisible as though we did not exist' (Mukasa in Le Roux 2013:54).

This book also wants to introduce transgender and gender diverse theory with the works of Snorton, Green and Bey, whom maintain the importance of discussing intersectional identities and how gender identities cannot be separated from identities of race, although it often is. Snorton explains that his book *Black on Both Sides: Racial History of Trans Identity* focuses on opportunities to give value to different ways of being and knowing, and that his analysis is 'an attempt to think more precisely about the connections within blackness and trans-ness in the midst of ongoing black and trans death and against the backdrop of the rapid institutionalization of trans studies' (2017:7). Green and Bey look at how black feminism and trans feminism are in fact constitutive, and point out that they both fight against 'racialized sexism, trans antagonism, anti-Blackness, the gender binary, and a range of other

identification and sociohistorical vectors tied to hierarchical and fatal hegemonic regimes' (2017:438).

Finally, this book wants to present trans theory with the words of Davids, pointing out how current advocacy efforts and literature is violent and exclusionary as it is defined by privilege and fancy language (2017). It speaks the language and words of academia and not the language of a 'poor black person without schooling speaks' (Davids 2017:32). This book is also the product of this privileged academic research, methodology and fancy terminology as should be evident by now.

However, this is recognised throughout the piece, and in several places we have not translated or academically analysed the contributions from the co-authors to be able to include a more nuanced picture of the trans and gender diverse experience. By highlighting the lived realities of rural black trans and gender diverse individuals in South Africa, this book nevertheless touches on topics, stories and themes that are far from privileged and rather depict the stories of some of the most stigmatised, discriminated and violated people in the country today.

Looking at the differences between feminist, queer and transgender theories, in very simple terms, we see that feminist theories believe in the fluidity of gender abilities and highlight the exclusion of female genders. Feminist work aims to empower women and recognises the overarching patriarchal power structures in society. Queer theories believe in the fluidity of sexual preferences and highlight the exclusion of 'non-conforming'¹ sexualities (and sometimes genders). Scholarly work seen as queer aims to empower queer identities and recognises the overarching heteronormative power structures in society. Transgender theory believes in the fluidity of sex, gender and sexual preferences, and highlights the exclusion of diverse gender identities. Transgender work aims to empower LGBTI identities and recognises the overarching cis-normative and gender binary hierarchical power structures in society.

1. As highlighted in the introduction, we want to move away from the negative connotations of 'non-conforming' and will rather refer to gender diverse or diverse gender identities.

2.1.1 Limitations to current theory

Many, if not most, of transgender theoretical works refer to Judith Butler's work (see Roen 2001; Namaste 2009; Husakouskaya 2013; Schilt and Westbrook 2009; Nagoshi and Brzuzy 2010) and her thoughts on troubling gender. Transgender studies is in fact often recognised by the works of Stone 1987, Butler 1990/1993, Stryker 1994, and Halberstam 1994, which are also identified as constituting queer theory (see Roen 2001). One cannot deny that these works were all ground-breaking in their own right, especially when it came to 'troubling' or disturbing the dominant gender binaries, talking about the construction of both sex and gender, and expanding 'queer theory' to challenge cisnormativity as well as heteronormativity.

West and Zimmerman (1987) emphasised the importance of separating sex, gender and sexual preference in 1987 already, and this is something the Western contributions to transgender theory have expanded on. Nevertheless, these contributions to transgender theory are more representative of Anglo-American feminist theory than anything else (Namaste 2009), and fail to apply an intersectional approach or epistemology. Not only do they not consider the intersectionality of race (Roen 2001:256), but they also fail to interrogate transgender individuals themselves on their identities and experiences:

In recent years, the field known as queer theory has witnessed a veritable explosion of essays, presentations, and books on the subjects of drag, gender, performance, and transsexuality. Yet these works have shown very little concern for those who identify and live as drag queens, transsexuals, and/or transgenders (Namaste 1996:183).

Namaste continues her piece, arguing that it is imperative to reflect on how and why transgender individuals have largely been omitted from the transgender theory scholarship, and on how the discussions on transgender are framed and what aspects of transgender lives and experiences are presented (1996:184). By failing to consider both race and gender identity in their theories, they arguably lack relevance, depth and applicability to the actual lived realities of black transgender and gender diverse individuals. What is needed is an intersectional trans theory.

'Intersectionality' as a concept is often attributed to the work of Crenshaw, arguing that the white fem-

inist experience characterising current US feminist theory was not representing the black and poor feminist experience (1991). What should be the aim, she argues, was to be able to convey an intersectional account of the female experience, and instead provide a theory that was able to represent the intersection between race, class and gender.

Following the above simple categorisations of feminist, queer and transgender theories then, an intersectional transgender theory would believe in the fluidity of sex, gender, gender abilities and sexual preferences, and highlight the exclusion of sexuality and gender diverse individuals, particularly when intersected with certain racial, class and ability identities. Transgender intersectional work aims to empower queer and transgender individuals, and recognises the overarching capitalist, patriarchal, white supremacist/racist, heteronormative, ableism, cis-normative and gender binary hierarchies and power structures in society.

Nevertheless, one could argue that of all the buzzwords emanating from the previous two decades, or even the last century, intersectionality is the winner. This is due to the enormous popularity it has achieved, accompanied with the frequent confusion over its actual meaning and applicability (Davis 2008). What we might rather talk about is a contextual black trans theory.

2.1.2 Contextual black trans theory

Even though we are all trans women, what is my normal is not your normal. – Chloe (16th May 2018)

As we have seen in the previous chapter, there is no such thing as one transgender identity. Just as there is no such thing as one female identity or male identity. Transgender identities rather embody many different self-identifications, which can be linked to experienced sex, biological sex, gender performance, gender, gender roles and/or transition processes (Riggle et al. 2011:148). In a South African context particularly, these identities may be even more closely linked to self-identifications of race, class and ethnicity, as the experiences and identities of white privileged transgender people are quite different from those of black poor transgender individuals.

As pointed out by Theron and Kgositau, 'there is no singular trans experience or definition, not in the global North and definitely not in English-speak-

ing sub-Saharan African countries' (2015:579). One of the co-authors also expresses this:

For us, it is even more difficult because you are not only trans. You are also brown or black identifying, and you are poor, and you are from the rural segments. And then with that said, you are uneducated, trying to be educated, attempting to be educated. And then with that said, you still don't have the property, no license, no car, nothing. You have started from the bottom. So I think it is also important to just not define us as just, or centre ourselves around, the trans narrative, but broaden it. I am not just trans. There is actually a lot more to me than what meets the eye. – Seoketsi (16th May 2018).

Husakouskaya emphasises how class and race have a vital impact on identity formation and the 'strategic usage of gender categories in South Africa' (2013:14). Your experience of marginalisation is not necessarily just related to your gender identity, but also to your race, class and abilities. Speaking of the context of South Africa, identity formation and marginalisation based on identities of gender and race have particularly been on the line.

Vincent and Camminga highlight how the apartheid state in South Africa had explicit goals of militarisation and hyper masculinisation which have resulted in the punishment and social non-acceptance of being transgender or deviating from 'the state's prescribed gender norms' (2009:678). It has also resulted in the historical dominance the country's legal, medical and military institutions have had over transgender bodies (Vincent and Camminga 2009:678).

These experiences should thus be informing theories, and the argument could therefore be that we need to move towards a contextual black trans theory that considers the specific context, history and identities that influence the transgender and gender diverse experience. A theory that is informed by transgender and gender diverse individuals themselves, and this book is thus calling for its conception and development.

As emphasised by Theron and Kgositau, the history of the successes and struggles of transgender and gender diverse work in African contexts 'has not been documented' (2015:578). By collecting and conveying the lived experiences and narratives of transgender and gender diverse individuals from rural Southern Africa, this book aims to improve just that.

2.1.3 Un-African transgender identities

Theron and Kgositau point out that 'transgenderism' has often been attributed a 'Western import' and seen as 'unafican' (2015:580). Historically however, Swarr stresses how 'abnormal' sexualities and genders have been attributed an African abnormality (2009). This was particularly true in the South African context during colonialism and apartheid, and according to Swarr there are linkages between this historical narrative and current denial of LGBTI identities as African (2009). The fact that many African leaders have voiced that homosexuality is 'against nature' and 'an abomination' might be part of the rejection of the West (Theron and Kgositau 2015:580).

By default this has impacted on transgender and gender diverse identities as well, and it looks like the de-colonial movement sometimes get mixed up with homophobia and transphobia. According to Epprecht, and findings from several studies, homosexuality and transgender identities were not seen as something 'bad' or 'abnormal' in pre-colonial times, and rather LGBTI individuals made up an important part of African history, cultures and society (Epprecht 2004; Akanji and Epprecht 2013). What is un-African then, is transphobia and homophobia.

2.1.4 Remove gender binaries?

Although much theoretical works within transgender literature focus on the fluidity of gender, just as queer theory has focused on the fluidity of sexuality, it is not given that transgender individuals want to do away with the gender binaries. As we will come back to in the forthcoming chapter on legal gender recognition, the gender binaries of male versus female are deeply institutionalised and entrenched in society. West and Zimmerman point out how gender has been 'a means of legitimizing one of the most fundamental divisions of the society' (1987:126), and Butler highlights how normative gender conceptions in society 'undo one's personhood' (2004:1).

The ways in which individuals are shaped and influenced by institutionalised normative conceptions such as the gender binary, do not surpass queer and transgender individuals, and the gender identity conception often follows the strict male and female binary, not allowing space for other binaries such as trans. This also means that there are very few existing theories out there that cater to and talk about binaries other than male and female, excluding whole societies who do not fall into these binaries.

2.2 Research Methodology

Trans people are portrayed as victims, not survivors. What ways do we have to tell our own stories?
– Constituent (GDX Writing Retreat, 16th May 2018)

2.2.1 Identification of problem and research questions

This research departs with the aim of telling the stories and lived realities of transgender and gender diverse individuals from rural areas of South Africa. Specifically, the book aims to convey the stories of gender recognition and gender self-identification in both private and public spheres of life. This is to inform advocacy work towards revising, amending and implementing the right to legal gender recognition in South Africa.

The research thus departs with the following research questions:

- i) *What are the main barriers to legal gender recognition for transgender and gender diverse individuals in rural South Africa?*
- ii) *What are the experiences of rural transgender and gender diverse individuals with gender self-identification?*
- iii) *What can be done to implement legal gender recognition in South African law?*

To be able to best answer these research questions we organised focus groups and individual conversations with transgender and gender diverse identifying individuals from rural areas across South Africa.

2.2.2 Methodological approach and theoretical framework

This research is building on existing trans, black feminist, de-colonial and queer theory and methodology. This is because of the weight these theoretical approaches give to the experience of participants, the ways in which they highlight unquantifiable phenomena such as emotions and feelings, and because they refuse to objectify participants and make hierarchical categorisations of lived experience.

They furthermore consider the constitutional and legal context in which sexuality and gender issues are played out (Tamale 2011:46; Ampofo et al. 2008), which is important, as this particular research wants to inform possible policy implementation. These research approaches also emphasise the need for questioning current conceptualisations, definitions and categorisations that are built on co-

lonial power structures and hierarchies, as well as the need for developing new conceptualisations.

Trans theory also challenges essentialist views of gender, and therefore current feminist movements by complicating male and female identities. It argues that gender transcends being a social construct, and that we must move beyond understandings of mind and body being separated and rather see one's personal identity and self as both a construct and an embodiment (Nagoshi and Brzuzy 2010). This is one of the reasons we want to include questions on imagining alternatives. We want to challenge current discourses by complicating definitions, categorisations and concepts we have deeply internalised and that are sustaining gender norms and hierarchies, as well as essentialist understandings of gender.

The research considers that current and prominent research methodologies are influenced by overarching power structures that privilege certain genders and gender identities, as well as certain classes, races, sexual preferences and ethnicities. Queer and trans methodological approaches challenge these privileges and power structures. It also opens up the space for marginalised gender identities to take ownership of the research process and share what they want and who they are. This will educate society.

2.2.2.1 Community participation

This fieldwork applies a methodology emphasising the importance of the participants' involvement in the design, implementation and analysis of the research. The participants therefore take part in revising the methods throughout the project, which includes the following: preliminary feedback on the research outline, revisions and feedback whilst the research and conversations are happening, and feedback on the draft product of the research. There are opportunities for the participants to share their inputs to the group conversations with the research project, and actively own the process of knowledge production. The research participants are recognised as co-authors of the book and will in the henceforth chapters be referred to as co-authors or constituents.

The research approach contradicts the more traditional research methods where the researcher largely decides the questions, the tools used and the results documented, and rather focuses on a collaborative approach (Minkler and Wallerstein 2008:6). The research methodology thus applies a community participation approach²; focusing

on cooperation and equal contribution, balance between action and balance, capacity building and empowerment (Buchanan et al. 2007:156).

Minkler and Wallerstein point out that community-based participatory research is not a research method but rather an 'orientation to research' (2008:6). By distributing the research outline and proposed focus groups topics and conversation guidelines to the partner organisations and possible participants before the fieldwork, we wanted to make the research a 'joint process' in which all parties contribute. The focus groups, by highlighting advocacy methods and practices, achieved a balance between action and research and aimed to pursue some local community capacity building as emphasised by Buchanan et al. (2007:156). The focus groups offered a space in which participants could share their experiences and knowledge on activism, and people could learn from each other.

Because research methods and methodological approaches have historically excluded and silenced or marginalised certain genders, sexualities, races and ethnicities, and continues to be characterised by Western, white, heterosexual, cisgender male identities and privilege, community participation approaches have often worked as critical practices and approaches to research. This to take control over the knowledge production process and protest the hegemonic nature of research methodologies and what is seen as truth and objective science.

The 'common' goal of participatory research methods are 'analysing personal lives in relation to the structures (both overt and hidden) that might control people's lives; celebrating strengths and agency, not just emphasising victimisation; working for goals of social justice; and undermining the notion of the objectivity of science' (Minkler and Wallerstein 2008:36). One of the main aims of this research is to deconstruct research methodologies which privilege certain gender identities, and through participatory methods identify best practices in research with transgender populations and intersectional identities.

Community participation research and participatory action research is particularly valuable because it can lead to ideas, variables, innovative phenomena and identify 'rich findings' important for future research (Singh et al. 2013:95). No research method is perfect, but as will be apparent from the

preliminary results of this community participation approach is that there are several issues with current research on transgender issues that can be recognised and considered in future research. Although two of the costs with participatory action research approaches are that it is time consuming and financially costly because of the need for spaces, personnel and resources (Singh et al. 2013:96), its benefits arguably outweigh the costs.

The approach, here applied to studying and collecting the lived experiences of gender recognition by transgender and gender diverse individuals in rural settings in South Africa, is very suitable for uncovering and identifying issues of power dynamics and privilege. Singh et al. emphasise how the research process can be directed to particularly focus on 'issues of gender bias, sexism, power, privilege, liberation, and creating space for often unheard voices' (2013:95).

2.2.2.2 Research informing policy implementation and advocacy work

Another aim of this research is to inform policy reform and implementation to realise the right to legal gender recognition in South Africa. Singh et al. point out how participatory action research is 'particularly valuable' for research with transgender communities because it will gather several voices of supporters of the cause, and the subsequent dialogues can inform how to best advocate for transgender rights and 'ultimately lead to some mutual understanding of how best to act on systems to change them' (2013:96).

Furthermore, this approach can support both collective and personal empowerment by invoking dialogues on practices of advocacy, sources of domination that need to be challenged and ways in which people and communities can support each other (Singh et al. 2013:96). By gathering a group of people advocating for the same rights and for the same population, the sharing of stories, practices and strategies can lead to innovative and powerful solutions to motivate further policy implementation work and challenging the status quo. That is what the aim of the focus groups is, and why we facilitate conversations on advocacy practices and experiences.

2. We take on a broad definition of community participation approaches, which are also referred to as community-based participatory research (Minkler and Wallerstein 2008) and participatory action research (Singh et al. 2013), but are very similar in both theory and practice.

2.2.3 Collection methods

The target population of this research project was transgender and gender diverse identifying individuals from rural areas of South Africa. The individuals were recruited and invited to participate in the research process through partner organisations of Gender DynamiX and their constituents. The sample selection therefore relied on snowball sampling, which is one of the most effective sampling methods when it comes to recruiting from marginalised populations.

Singh et al. point out how research with transgender communities is limited to a small amount of sampling methods where snowball sampling is one of them, because transgender populations 'tend to be even less visible than other minority groups' (2013:94). It is usually employed to reach target populations that are difficult to reach or hidden because of stigma, discrimination and societal marginalisation (Miller and Brewer 2003:275). This approach is also less invasive than other sampling methods, as the constituents could decide to participate without having to be confronted by the organisation or researcher personally. This sampling method was therefore utilised to make sure we respected the confidentiality of the prospective participants and met our aim of not being invasive.

What should become evident from the research methods is that this is by no means a quantitative study. Although numbers can be powerful in their presentation, they also diminish personal stories and the uniqueness of subjective lived experiences. Most of the stories and barriers to gender recognition presented in this book were shared by several constituents, and we do not doubt the application/representative feature of the findings for other trans and gender diverse individuals in South Africa. Nevertheless, at some stages throughout the results we will also give way to singular experiences as it is important to validate everyone's experiences and because there might be other people out there that have experienced something similar.

This study has thus taken a qualitative approach. This is because it is more able to adequately represent the participants' thoughts, ideas and feelings. This is because snowball sampling often minimises representativeness, and this research has attempted to sample participants from different areas of southern South Africa, and recruit co-authors from different provinces. This would

allow us to get a more varied and colourful perspective on transgender and gender diverse stories and experiences with gender recognition.

2.2.3.1 Focus groups and semi-structured conversations

Minkler and Hancock emphasise that a focus group is often a preferred method of data collection in the community based participatory research approach. This is because it can provide a wealth of information, which can be used for the thematic analysis, and it can also facilitate the conversations forming the research methodology and analysis processes (Minkler and Hancock 2008:160).

Grossmann and D'augelli, researching United States of America's transgender youths' emotional and social experiences, point out that focus groups are seen as a recommended 'tool' to collect data with people with limited influence in society (2006:116). This is not to generalise the transgender and gender diverse individuals' influence and power, but the layout of the focus group where everyone is encouraged to contribute as much as the other in a dialogue opens up opportunities to deconstruct power relations that often permeate research situations and methods.

The focus groups were held around the topic of re-imagining what Act 49 (*Alteration of Sex Description and Sex Status Act*) could look like, and how it can better be implemented. The discussions encapsulated themes surrounding legal gender recognition, advocacy strategies and focus groups on gender recognition in different spheres of life. Gender DynamiX employees and advocacy leads facilitated the discussion, but constituents were able to share and bring forth what they wanted in terms of discussion topics they found relevant and important.

To make sure that everyone had their say and that no one became invisible in the bigger focus groups, we arranged individual conversations for more in-depth sharing of stories and experiences. The individual conversations utilised open-ended questions to make space for the participant to control the direction of the conversation. The conversations were semi-structured, however, meaning that only some questions were planned ahead whilst most depended on the development of the conversation and were follow-up questions to the stories of the participants. The preliminary conversation guide is provided below, and it includes questions on self-identification, experiences of barriers to services, and imagining an affirming and inclusive society.

The questions were revised throughout the research period, and the co-authors contributed with changes and amendments along the way. This process is described below, and the final version of the conversation guide can be found in the appendices. As the book wants to challenge how English has been and continues to be on top of the language-hierarchy when it comes to what is perceived as knowledge, it allows for co-authors to contribute in their own preferred language. Nevertheless, considering the coherence and scope of the book, some parts in different languages are translated in part or full.

2.2.3.1.1 Creating a safe space and psychosocial support

When it comes to these focus groups and interactions, it is extremely important that the wellbeing of the participants is always being considered. Emphasising what Scourfield et al. call 'responsible research practice', this research wants to be involved in the upholding of the participants' wellbeing throughout the fieldwork (2008:331). We therefore made sure that psychosocial support was constantly available throughout the focus groups and individual conversations. Gender DynamiX made sure we had a trained social worker in place or reached out to local support groups that were available for the sessions. We constantly needed to talk about how to make the space safe and establish ground rules and safe words before each focus group and individual conversation. This was to uphold trust, respect and people's wellbeing throughout the research.

2.2.3.1.2 Ethics and consent

This research attempts to decolonise and de-pathologise research on transgender and gender diverse lived experiences, and will continuously deconstruct and question knowledge, theories and categories we take for granted. Tamale points out how researching African sexualities and genders has historically been problematic because they have been framed within a medicalisation discourse and/or portrayed as different, perverse and even violent. This has overshadowed sexual health, wellness and issues of pleasure and self-identification (Tamale 2011:25), which are themes that this research aims to bring forth.

Consent is fundamental. Written consent to contribute to the research and book is sought before the focus groups and individual conversations, and the participants can at any point in time withdraw it. We ensured that comprehensive information about the

research was distributed before the fieldwork took place. Whether or not the stories and experiences can be used for the research and book is completely voluntary and the participant decides whether to share or not, and can at any point in time change their mind.

Partaking in individual conversations was completely voluntary, and the participant could at any point in time change the topic, the direction of the conversation or opt out of it. The participant also decided whether their personal details or an aggregate form could be used in the book. Every conversation is recorded and later transcribed word for word and later sent to the participant for approval, possible corrections and changes.³

2.2.3.2 Revising the research methods

Because this research leads with a community participation approach, it is important to make sure the participants take ownership of the methodology and research process. The first important step in this approach is to make sure the participants are involved in the research design and implementation. The second step is to involve the participants in the analysis of the research and what themes should be highlighted in the finalised product. The steps taken to assure these involvements, along with the conversation guide, are therefore described in detail in Appendix A.

2.2.4 Limitations of the study

It is important to emphasise the limitations of a research project and methods. Although no methodology is perfect, it can always be improved upon and the researcher needs to be aware of its shortcomings to inform future studies.

2.2.4.1 Reach and representativeness

Although we were able to reach constituents and co-authors from all nine provinces of the country, the outcome of this research does not fully represent trans and gender diverse individuals across South Africa. Although this research never attempted to be representative, it has nevertheless been able to reach hard-to-reach populations and the narratives and experiences presented might be the reality of many trans and gender diverse individuals across the country. We realise that not all of the constituents were from what can be defined as rural areas, and we therefore refer to semi-urban areas as well.

2.2.4.2 Positionality and bias

No research is entirely objective, and the perceptions and ways in which the researcher and editors view the world will influence the analysis and results. This is difficult to escape, and the final product will be influenced by the main editor's white, privileged, cis-het positionality, which is particularly problematic in the study like this. Although we cannot avoid this completely, we sent the product to the co-authors to make sure that they have had their input on the outcome of the book. By embracing the participatory research approach, we therefore actively increase the subjectivities and positionalities represented and move further towards objectivity.

2.2.4.3 Language and time constraints

Another and final limitation of this research has been language barriers and time constraints. Although many of the constituents speak English, this is not necessarily their first language. Moreover, as we have emphasised, we wanted the co-authors to express themselves in whatever language they wanted. This meant that much of the conversations had to be translated and some information might have been wrongly narrated or lost in translation. However, this is something that we are trying to limit by sending all the transcriptions and results back to the co-authors for confirmation and possible edits.

Simultaneously, the limited timeframe of the study resulted in only reaching 83 constituents that represent the different provinces in uneven numbers, whilst the ideal would be to visit several rural areas in the nine different provinces. Nevertheless, we believe that the final product and results show significant limitations to gender recognition influencing trans and gender diverse individuals across the country, which needs to be taken into account and needs to inform policy making in South Africa today.

2.2.4.4 Moving away from the negative focus

We wanted to move away from the usual negative focus of trans and gender diverse stories and experiences, and make sure we also highlight the happy and positive stories that continue to influence the lives of our co-authors and constituents. However, the focus on barriers to gender recognition has made this more difficult than anticipated, and we would want to encourage more research and writing on the positive aspects of trans and gender diverse lived experiences in rural and semi-urban areas of South Africa.

2.2.5 Analysis

This book presents a thematic analysis of the main issues facing transgender and gender diverse individuals when it comes to gender recognition in rural and semi-urban areas of South Africa.

Minkler and Wallerstein point out the difficulty of incorporating a community participatory approach to analysing the data, particularly due to the access to software, computers and time limitations (2008:36). Nevertheless, we have tried to work towards a community informed methodology and this means the analysis has to be part of the process.

2.2.5.1 Community informed black trans research methodology

During the fieldwork and conversations we asked the constituents what they saw as the main barriers to gender recognition, both from their own communities and from the state. These answers have effectively become the main themes of the results and are supported by narratives of lived experiences and stories. What is important when applying a participatory research method is the opportunity of the co-authors and participants to review the results and contribute to the analysis. We therefore sent the first draft of the results to all the constituents for them to review, comment and edit where they saw fit. Although few actually decided to change much, the opportunity needs to be there. Some of the constituents decided to remove themselves from the book, for which we have complete respect.

2.3 Preliminary results

From the Gender DynamiX Workshop between the 14th and 19th of May, 2018, where 18 constituents from different provinces in South Africa attended, we could already identify some initial results that were recurrently brought to attention during the sessions. These results stem from both the group sessions pre-arranged on different topics, as well from the more open focus groups and individual conversations outlined above. These preliminary results are summarised under the headings of *white hegemony of trans experiences; language barriers; pathologisation and sexualisation of transgender experiences; and the need to sensitise academia and universities in researching gender.*

3. This will be adjusted to the participant's access to internet, computers, postal services and phones, and making sure that passing on the information will not jeopardise their safety.

2.3.1 White hegemony of transgender and gender diverse experiences

Firstly, a predominant concern amongst the constituents was that current research and publications on transgender, gender diverse and queer experiences and issues are predominantly from a white perspective. The pictures painted and stories told are thus not representative of the black and coloured South African transgender and gender diverse experience. As emphasised in the beginning of this chapter, we need to move towards a black trans theory and methodology that actually applies intersectionality and better represents the complex identities of transgender individuals in an African or South African context. Constituents emphasised that there are multiple nuances and complexities of transgender identities and expressions that are currently not taken into consideration in neither research nor in policymaking. This has practical implications, particularly for poor, black and rural transgender and gender diverse individuals.

One theme we have briefly touched upon earlier is othering within the LGBTI community, and the constituents highlight the othering and discrimination within the transgender community as well. This is particularly when it comes to what is seen as 'true' or 'real' transgender identities, which often includes genital reassignment surgery; a surgery that is extremely expensive and therefore often unattainable for most poor, rural and black transgender and gender diverse individuals.

2.3.2 Language barriers

The constituents and co-authors pointed out that there are several language barriers when it comes to transgender and identity terms and explaining the transgender and gender diverse lived experiences in their own languages. Some also voiced the concern that big concepts such as capitalism and buzzwords such as 'heteronormativity' are difficult to explain in or translate to local Southern African languages.

These language barriers are also transferred into activism, and several of the constituents emphasised the uncertainty of how to sensitise, advocate and lobby for the struggle of transgender and gender diverse individuals in their local communities and rural areas without access to the terminology.

2.3.3 Pathologisation and sexualisation of transgender identities

Although the law is there, changing one's name

and gender on identity documents is not easy. This is particularly due to the limited access to doctors and psychologists who are willing to cooperate, and whom refrain from pathologising of transgender individuals. The fact that you have to see both a doctor and psychologist is pathologising in and of itself, but several constituents have met medical practitioners that wanted to diagnose mental illnesses too easily and without a proper examination. This pathologising of transgender identities is also prominent in academia, research and organisational funding. The constituents proclaimed that most of the research on transgender and gender diverse issues is based around mental health, sexual health or what is termed 'gender dysphoria'.

In organisational and development funding this is shown by the perpetual focus on HIV/AIDS and the earmarked money that is required to show statistics improving the current situation. One constituent said she was tired of the funders constantly asking for HIV statistics, and never asking about the mental health of the transgender individuals or community.

What could challenge this common medicalisation and sexualisation is transgender and gender diverse individuals conveying their own stories and struggles in literature, theories and academia. As was pointed out by Namaste (1996), there is a lack of transgender voices in theories about transgender, and this is reflected in the themes emerging and the ways in which the literature is framed. Constituents were concerned that neither media nor academia is telling transgender and gender diverse individuals' stories in an authentic way, and more often than not hypersexualise the transgender experience.

2.3.4 Need to sensitise academia and universities

The participants recognised the need to sensitise the universities and research in order to avoid the abovementioned point of pathologising and sexualisation of transgender identities and experiences, but also to make sure that the stories of transgender and gender diverse people are told by transgender and gender diverse individuals themselves, and that this is included in academia.

Several participants pointed out the disparities and gap between academic and non-academic literature in explaining the lived experiences of transgender individuals in South Africa. There were also concerns about including the rights and needs of the LGBTI community and individuals within current universi-

ty and school reforms. One question that was raised was: how can we decolonise the universities whilst simultaneously advocating for the rights of women, gender- and sexuality 'non-conforming' individuals?

2.3.4.1 Sensitisation of whom?

The constituents and later co-authors of this book identified particular issues that they wanted to be told to the wider public and the local communities so that they could be more sensitised. These issues were: people within all levels of education and lack of inclusion inside these institutions; the taboo on corrective rape practices in local communities and townships; how churches and religion can be places of both discrimination and acceptance; family acceptance and the access to therapy; stories of rape and inadequate legal response; and, the general understanding of transgender experiences, identities and humanities, even within the LGBTI community itself.



Chapter 3: Introduction to Legal Gender Recognition

Self-determination is the most important thing, because people have different lived experiences and expressions. Therefore we have to incorporate different languages and perspectives. – Linda Chamane, GDX workshop coordinator (GDX Writing Retreat, 15th May 2018)

3.1 Introducing South Africa's Gender Recognition Law

In 1963 the *Births, Marriages and Deaths Registration Act No. 81* was implemented in South Africa. This stated that transgender persons could apply for the alteration of sex description on their identity documents after undergoing sex reassignment surgery (Klein 2008:6). According to Swarr, under the Apartheid regime some citizens even had access to free sex reassignment surgeries (2012:1). In 1992, however, Act 81 was repealed and did not make provision for sex description change. This was slightly amended in 1993 where it stated that you could change your sex description if you had already undergone surgery.⁴

Nevertheless, the Act completely negated the right to gender recognition for individuals who wanted to start the process (Theron and Kgositau 2015:581). This decision for repeal was based on and supported by a court case from 1976 with the outcome that people could not medically change their sex (SAHRC 2003:2). This court case based its decision on a purely biological and genetic definition of sex, and 'the legal understanding of sex which had previously included psychological and social aspects was reduced to chromosomal, gonadal and genital differentiation at the time of birth' (Klein 2008:7). The Act states that:

4. See GDX & LRC 2015 for thorough history.
5. We henceforth refer to 'gender marker' rather than 'sex description', as we want to move away from the Act's historically, and currently, problematic focus on genital change and sex. We rather want to focus on gender identity, which we will see is often completely independent from sex characteristics.
6. As we have emphasised in the Introduction, this book focuses on transgender and gender diverse individuals. Although Act 49 also refers to intersex individuals, this research is only dealing with transgender gender recognition. Nevertheless, intersex legal gender recognition has just as many if not more limitations than for transgender and gender diverse individuals in South Africa, and should absolutely be addressed.
7. Nevertheless, no trans individuals were consulted to inform the Bill.

Any person whose sexual characteristics have been altered by surgical or medical treatment or by evolvment through natural development resulting in gender reassignment, or any person who is intersexed may apply to the Director-General of the National Department of Home Affairs for the alteration of the sex description on his or her birth register. (Republic of South Africa 2004)⁶

This means that any person who is considered to be undergoing the process of gender change, and is at any stage in this process, can apply if there is a change in sexual characteristics. With the application for the sex description alteration the applicant must include a letter, or 'report', from two different doctors; from the one performing gender reassignment surgery or hormonal treatment; and another from the former to establish sexual characteristics.

The South African Constitution has long been seen as progressive when it comes to the rights of gender, sex and sexual orientation (Husakouskaya 2013:11), and the amendments to the initial Bill which came into being through intense advocacy by transgender activists,⁷ was seen as a positive step towards realising transgender and gender diverse people's rights to gender recognition. It seemed to allow for more people to apply for alteration of gender markers as it became less restrictive.

After years of advocacy and protest against the Act (and its definitional basis), in 2004 the Alteration of the Sex Description and Sex Status, Act 49 of 2003, came into effect in South Africa. This meant that transgender, gender diverse and intersex individuals had the right to legally change their gender marker⁵ on their identity documents (ID) without having to undergo genital surgery or what is known as 'surgery' (Husakouskaya 2013:11).

South African non-discrimination law is also supportive of a progressive gender recognition law. *The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000* (PEPUDA), says that 'the state, institutions performing public functions and all persons have a duty and responsibility, in particular to (i) eliminate discrimination on the grounds of race, gender, and disability; (ii) promote equality in respect of race, gender and disability' (GOVSA 2000:19).

It also states that in carrying out the duties in the abovementioned paragraph, the state should 'enact appropriate laws, develop progressive policies and initiate codes of practice in order to eliminate discrimination' (GOVSA 2000:19).

Protections provided by this law would thus require a progressive gender recognition law and the acknowledgement of legal gender recognition. Nevertheless, although the South African Constitution provides a form of gender recognition through the current implementation of Act 49, it is not inclusive and still has quite far to go to live up to its own non-discrimination law and the International Yogyakarta Principles.

3.1.1 The Yogyakarta Principles

The Yogyakarta Principles of 2006 outline 29 principles on the 'application of international human rights law in relation to sexual orientation and gender identity' (Corrêa and Muntarbhorn 2007). They explain the right to gender self-determination and how transgender and gender diverse people should be able to have their IDs amended to reflect their gender based on their gender identity.

These principles are important as they are widely recognised as international human rights standards, and they have state signatories all over the world, including the Justice of the Constitutional Court in South Africa. In 2017 the Principles were expanded and updated in the Yogyakarta Principles plus 10, which included 'gender expression and sex characteristics' as part of their headline (Grinspan et al. 2017). We will in this book mostly refer to the Yogyakarta Principles interchangeably, although we might sometimes specify between the two versions when it is necessary.

When it comes to the human right of self-identification and bodily autonomy, the Yogyakarta Principles outline the following:

- Principle 3B says that states shall '*Take all necessary legislative, administrative and other measures to fully respect and legally recognise each person's self-defined gender identity*' (Corrêa and Muntarbhorn 2007:12);
- Principle 32A says that states shall '*Guarantee and protect the rights of everyone, including all children, to bodily and mental integrity, autonomy and self-determination*' (Grinspan et al. 2017).

We will see below how South African law is not liv-

ing up to these principles.

3.1.2 Legal gender recognition

I would love to go and change my name. My legal name is Peter Nicholas Grobler. So, that's why I picked Nicky because it's a short version of Nicholas. So, for me going with Nicky, I feel like it is more feminine and diverse. – Nicky (27th July 2019, Northern Cape)

Gender recognition, in simple terms, refers to other people recognising your gender, or the gender with which you identify. This means that other people and institutions use the title, pronoun, gender and name which you identify with, and treat you as and acknowledge your self-identified gender.

As outlined above, the South African Constitution says that you may not discriminate on the grounds of gender. Misgendering, or not recognising a person's self-identified gender, is a form of discrimination on the basis of gender. You thus have a right to legal gender recognition in South Africa. Legal gender recognition means that the country's laws acknowledge your gender identity by correctly recording your gender identity in official documents. This includes birth certificates, identity documents and driver's licenses. As outlined in the Yogyakarta Principles, Principle 31C, the right to legal recognition says that '*while sex or gender continues to be registered, states shall Ensure a quick, transparent, and accessible mechanism that legally recognises and affirms each person's self-defined gender identity*' (Grinspan et al. 2017:9).

In addition to this, the Yogyakarta principle further says that 'there must be no requirements to change one's name, legal sex or gender'. This is something that will be explored below in the limitations to the gender recognition law in South Africa, particularly when it comes to that the state shall ensure that there are no eligibility criteria such as 'medical or psychological interventions' or 'a psycho-medical diagnosis' (Grinspan et al. 2017:9).

South Africa may have a 'progressive' constitution when it comes to non-discrimination on the basis of gender, but its implementation has been limited and it is not upholding legal gender recognition. This is alongside laws, policies and 'codes of practice', which the state is supposed to uphold and put into place to avoid gender discrimination in society. The PEPUA arguably also needs amendments, as while it begins by referring to gender equality, it

only specifically refers to girls and women when it comes to gender equality and discrimination (2000).

3.1.3 Limitations to gender recognition in South Africa

The implementation of non-discriminatory legal gender recognition has never come fully into being in South Africa, and the process of attaining gender marker alteration is not living up to the above internationally recognised Yogyakarta Principles saying that there should be a quick, transparent and accessible mechanism. Act 49 never mentions gender identity, and is also rigidly talking about changing 'sex description' instead of gender marker, which is again what medical practitioners and Home Affairs staff are informed about. As emphasised by Theron and Kgositau, 'despite this progressive law, trans and intersex people continue to struggle to have their documents altered' (2015:581), and one cannot say that South Africa has legal gender recognition.

This is based on, at least, four facts: firstly, it is a human rights violation to deny someone's self-identification, and to demand medical or surgical treatment for people to access legal gender recognition. Secondly, the law relies on what the doctor(s) recognise you as when it comes to gender identity and we are therefore not talking about 'self'-definition or self-recognition. The law uses medical practitioners as gatekeepers. Thirdly, many people do not have access to the necessary medical services or do not want to alter their physical sex characteristics, and so it excludes the majority of transgender and gender diverse individuals (Klein 2013). Fourth, the only gender markers available are 'Female' and 'Male', and so people with non-binary or more diverse gender identities are not able to realise their right to self-defined gender identity.

All in all, the requirements for legal gender recognition in South Africa are so difficult to meet that it directly excludes most people from accessing it. This is particularly because of the financial means necessary to access medical treatments and surgeries, and also not considering people who do not want to change their bodies at all but are legally required to. As emphasised by Bateman, although a great number of transgender and gender diverse individuals want to go through gender 'alignment', many 'settle' for hormone treatment because of the risk attached to the surgeries and lack of funds (2011:92). These financial constraints come in addition to the psychosocial barriers of iden-

tifying as transgender and gender diverse or going through the gender reassignment treatments.

The day-to-day lives of transgender and gender diverse individuals are often characterised by violence, discrimination and mental health issues, which will be further explored throughout the book. However, it is important to distinguish between 'a medical condition with mental health components' from 'a mental health condition with medical components', where the latter has been the prevalent but wrongly ascribed definition of being transgender (Bateman 2011:93), leading to further pathologising and psychologisation. Many trans and gender diverse individuals have found that to access gender reassignment surgery you need to be declared 'fit for surgery' by a psychiatrist (Klein 2013:170), thus upholding the medicalisation of gender diverse identities.

This pathologising of transgender individuals, through having to undergo psychiatric diagnosis before you can get access to gender-affirming hormones or surgery, is clearly violating a person's right to bodily and mental integrity and self-determination. In addition, you need someone from your community confirming you have lived that gender 'stabilised' for two years minimum, not recognising bodily and mental integrity, autonomy or self-determination when it comes to gender and sex self-identification. Iranti-org emphasises how the diagnostic categories are 'dehumanising' for trans and gender diverse individuals (2017:22). Part of the 'de-pathologisation' movement within transgender and gender diverse activism has thus called for removing the mental illness characterisation and changing the current transgender diagnosis from 'gender identity disorder' to 'gender incongruence' within the World Health Organisation's (WHO) (GATE 2011; Bateman 2011:91).

In June 2018, the continuous pressure put on WHO yielded results, and being transgender is no longer classified as a mental illness in the International Classification of Diseases (ICD) catalogue (diagnostic manual). It has been reclassified as gender incongruence and placed as a sexual health condition. This change in the ICD will go into effect in January 2022 (Pickman and Griggs 2018), and hopefully remove some of the discrimination, harassment and abuse this classification has contributed towards transgender and gender diverse individuals in society. Iranti-org also recognises that the decision-making processes and language of the WHO and ICD has

been predominantly Western, not taking into account or silencing other forms of indigenous knowledge systems and African experiences (2017:22).

When trans activists negotiated the legal gender recognition requirements of the current Act 49, they attempted to make it more inclusive by specifying that an alteration of the so-called 'sexual characteristics' could entail changes in social 'gender characteristics'. They also wanted to emphasise that 'gender reassignment' was defined as a process or as a part of a process, which does not necessarily have to mean you have undergone hormonal treatment or gender reassignment surgery. From multiple community consultations, Gender DynamiX has found that many transgender and gender diverse individuals do not have access to gender-affirming surgeries, or do not want to undergo the surgery for various reasons. As pointed out in the previous chapter, the transgender and gender diverse identities and lived experiences are never one single story.

Nevertheless, the Home Affairs officials that make the final decision on gender marker applications do not necessarily recognise this inclusive definition of gender characteristics and usually ask for letters from doctors proving surgery and reports of medical alteration of sex characteristics. Robert Hamblin, who is the former Advocacy Manager of Gender DynamiX, points out that Home Affairs is not informed of Act 49 and the 'basic documentation required' for altering one's gender marker, which results in transgender people often being 'put through ridiculous, bureaucratic and punitive processes' (Hamblin in Bateman 2011:93). This is supported by findings by GDX and the Legal Resources Centre, which is South Africa's largest human rights law clinic, showing that there are both 'improper' processing of applications and 'baseless' rejections of applicants (Deyi et al. 2015:20-22).

3.1.3.1 Trans narratives of legal gender recognition in rural SA

The problems with the implementation of Act 49 in South Africa do not stop with the abovementioned legal requirements and medico-legal pathologising. Similarly to the barrier posed by extremely restrictive and exclusionary interpretations of the Act by Home Affairs, the fact that you have to depend on professionals and other individuals such as doctors to recognise your gender identity means that other factors come into play. As pointed out by Husakouskaya (2013:17), the 'gatekeeper for trans-

gender individuals' that want access to gender-affirming healthcare is a psychiatrist or psychologist deciding whether and when the individual is ready for gender-affirming surgery and hormones. In addition, the hospital has to acknowledge and 'approve' of the mental health professional's (referral) letter, which is not taken for granted as outlined below. Müller argues that one of the main barriers faced by LGBT individuals in health care is the attitudes of nurses and doctors, which alienate LGBT individuals from seeking care and help, and it directly decreases the chances of getting the medical help they need (2013:2).

Reports have also shown that transgender people, as well as gay men and lesbian women, face discrimination and insults, and are at times even refused health care and HIV services (Stevens 2012; Bateman 2011). The narratives in this book illustrate the experiences of ignorance, discrimination, prejudice and concrete barriers to attain gender recognition for transgender individuals when it comes to accessing the required reports from mental health and medical professionals.

Several of the constituents had experiences with hospital mental health professionals acting like a gatekeeper, and Bateman reports that there have been numerous complaints to the Steve Biko hospital for exactly this practise (2011:91). The experience with ignorance among health care professionals about providing gender-affirming health care services, as well as the documents required for legal gender marker alteration is also emphasised in the narratives. Moreover, medical professionals, 'like society in general', confuse gender identity with sexual orientation (Bateman 2011:92). This ignorance and lack of training of mental and medical health care providers is something we will come back to under the sub-chapter on lack of access to health services. One of the sources of inaccurate perceptions about gender diversity in institutions is the perpetuation of cisnormativity and strict gender binaries.

3.1.3.2 Government relying on gender binaries

In addition to making it difficult to obtain the required documentation to apply for changing gender markers on IDs, South Africa's legal-administrative framework⁸ for official identification of individuals rigidly defines gender and sex within a binary female or male framework. The assumption that gender is an either/or denies non-binary trans and gender diverse persons accurate legal gender recognition.

It also indirectly legitimises prejudice, discrimination, harassment, intimidation, threats and physical violence against trans and gender diverse people, both by social institutions and other individuals. As transgender is often defined as an umbrella term denoting 'a range of gender experiences, subjectivities and presentations that fall across, between or beyond stable categories of 'man' and 'woman' (Hines 2010:1), these rigid gender binaries that the South African government relies on fail to include the experiences of trans and gender diverse individuals. This was emphasised by one of the constituents, saying that 'the current gender markers are the root problem' behind present prejudiced behaviour, and that pronouns in English and Afrikaans are 'discriminatory' because they are binary and therefore exclusionary (GDX Workshop, 16th May 2018).

This rigid reliance on the gender binary system translates into exclusionary practices, and Klein points out how Home Affairs are 'unable to reimagine bodies' beyond very strict and limiting understandings of maleness and femaleness and thus 'only issues documents after completed genital surgery' (2013:169). This is clearly a human rights violation, and it pressures trans and gender diverse individuals to engage in surgeries to attain legal gender recognition – whether this is something they really want or not at all (Klein 2013:169).

The existing gender marker options are problematic because in principle they do not recognise identities other than female and male as valid identities, and in practice they do not allow for legal gender recognition for non-binary individuals. They make it harder or impossible to access legal gender recognition for trans and gender diverse individuals and they impede on the daily lives of persons whose legal gender marker does not reflect their gender identity. Everyday situations become 'challenging and possibly risky', for example, applying for a job, using a public toilet, opening a bank account, showing your driver's license to a police officer or paying with a credit card (Klein 2013:169). One of the participants recounted their experience with being denied financial access:

They wanted to withdraw my bank card because my gender marker on my account did not match that of my gender expression. They took away my card and I had no access to my funds for a long time. It could have been devastating. – Seo (15th May 2018)

I get in there [the toilet] and I know at the back of my mind that someone might recognise and it's like I've taken myself to these people, what's going to happen should they recognise me? And I'm in the middle of the men's toilet, what's going to happen? So sometimes it triggers me to say hey that's a dangerous thing that you are doing... I think that is why we always advocate for gender neutral toilets wherever we go, because that is where the stigma starts. – Milly (28th June 2019)

When I'm going to the bank, ja banks, dealing with that because of my Capitec card says Mr, I don't feel comfortable with that. I went to the Capitec and I wanted to clarify that, and the bank manager said we can't do anything. Okay. So, because my identity says I'm a man, yeah, it's very difficult for many things. – Millicent (28th June 2019)

Legal gender self-identification is thus important for broader compliance with human rights, and vital for the day-to-day life of trans and gender diverse individuals. As we have seen in the above sections, there are several limitations to legal gender recognition in South Africa, and to the implementation of Act 49 as it stands. Law reform is required to remove the problematic reliance on rigid gender binaries and enable legal gender recognition for all.

3.1.4 Self-identification law reform – Gender marker options

Gender and sexuality are both journeys. We are all in transition and both are fluid. – Greyson Thela, GDX workshop coordinator (GDX Workshop, 15th May 2018)

'The first step to realising the rights of transgender people is to listen and say that experiences are valid. We have to validate and affirm each other', was the response of one of the constituents at the Gender DynamiX workshop in May, talking about the way forward (GDX Workshop, 16th May 2018). Lawmakers and health providers have to listen to the stories and lived experiences of trans and gender diverse individuals and validate these experiences. Society at large needs to recognise that gender, like sexuality, is fluid and manifold, and acknowledge different gender identities.

8. As pointed out above, the actual legislation does not define male or female, or even refer to gender categories. However, the registration forms which are attached to the legislation does rely on the two rigid gender binaries.

Because the current foundation of Act 49 is premised on the medical model and pathologisation of transgender and gender diverse bodies, and because of the limited access to legal gender recognition as has been outlined above, the aim is now to lobby and advocate for law reform to challenge this premise and ensure that it meets human rights standards. It is also to challenge the two rigid gender binaries currently enforced by South African legal administrative frameworks, denying the diversity of gender identities and expressions. Although it is difficult to bring about law reform, Gender DynamiX currently proposes the implementation of a gender self-determination model and inclusive gender marker options on IDs in South Africa. The present three legal reform alternatives are:

- i) *No gender on any IDs.*
- ii) *F (female), M (male) and X (unspecified gender/any gender), where everyone can freely choose any of these options on their ID.*
- iii) *F (female) and M (male), where everyone can freely choose either of these two options on their ID.*

When these three different choices were proposed at the GDX workshops, the responses from the 72 constituents who took part in this exercise were the following:⁹

The third option got the least support (female and male gender markers only), as this would not be able to make provision for individuals whose gender identities are more diverse than female or male. This option would not acknowledge that gender is manifold and fluid, and that some people do not identify within the two simple binary categories, denying some of the trans and gender diverse lived experience altogether as we have seen in the previous chapter. The 14 individuals that voted for this option argued that this would be the most likely reform and it would still be an improvement from today as people would be free to choose between the two gender options.

When it comes to the first option (no gender on IDs), there was a concern among some constituents that without the capturing of gender, it would not be possible to take measures to redress gender inequalities and discrimination, for instance in employment. One response was that we should be fighting for gender equality and equity now through positive discrimination and quotas, and

then when that is reached we can transcend to the 'no gender' option. However, a counter-response was that leaving the gender markers as they are is like going back in time instead of moving forward. It would mean conforming to a heteronormative, cis-normative and patriarchal society that only recognises and empowers individuals that identify as a cisgender female or male and the normative gender roles and expectations that come with them.

Another point made was that race had been recorded on South African IDs and coded in ID numbers under the apartheid regime, but was removed with the advent of democracy in the country, since the discriminatory nature of race classification was recognised. Even so, South Africa still has measures in place today to redress historical legacies of racial oppression and inequalities, but these do not require racial classifications on individuals' IDs.

In the same way, the removal of gender markers on individuals' IDs does not have to mean that we cannot continue with efforts and measures to redress gender inequalities in society. Consequently, five constituents wanted the first option, arguing that we have to reach for the most inclusive and progressive end goal when we have the opportunity to advocate for change. As we have to recognise that gender is fluid and that there are several different gender identifications, a society without gender markers should be the ultimate goal.

Nevertheless, another counter-response to the no gender option was the argument that the absence of gender markers can undermine the feeling of belonging to a gender, which is a strong premise of the right to self-determination. If people do not care about gender at all, and we are to live in a genderless society, then from where does the need arise for gender marker alteration? An argument was presented that in the gendered society we live in today, we need to recognise that trans and gender diverse individuals also have the right to adhere to a specific gender even though gender is a spectrum and transcends the current and rigid two categories of female and male. Perhaps, if there were no gender markers, trans and gender diverse persons would not be facing the discrimination, marginalisation and violence they are facing today, but removing the gender markers on identity documents

9. Results from the Gender DynamiX Astraea Writing Retreat Fieldwork, 15th May 2018

ments will (most likely) not eradicate this overnight. Several constituents shared these sentiments. Five constituents indicated that they did not want any of the three law reform options proposed at the workshops. Their arguments were that there are currently no suitable options. Responses were that abolishing gender markers could be the end goal, but that this would discourage gender politics and the fight for gender equality and equity, and that the two other options were prone to discrimination among the genders. Here, someone emphasised that the second option (F, M and X as gender marker options), could be a viable solution at this point in time to enforce positive discrimination and make sure we continue to fight for gender equality and equity.

Twenty-seven constituents indicated that they wanted the second law reform option (F, M and X as gender marker options). The arguments were that with the availability of three gender marker options, everyone can choose freely and that this would be fair towards everyone; whether they identify within the two binary genders or not. The X option (any gender or unspecified gender) would mean that individuals could choose not to have F or M as a gender marker on their ID, without having to 'explain' why or what the last 'other' option means. In this way, people can 'own their own gender' and contrary to the 'no gender' option, this could still enable capturing of statistics and inform gender identity politics. This option would realise the right to gender self-determination and the constitutional right not to be discriminated against on the basis of sex and gender. It would be an important step in realising the Yogyakarta Principles in South Africa.

When it comes to gender marker change, we should see like people not always trying to fit in. If you feel like you don't want to be a he or a she then you can be DSG. That's what I actually firmly believe. We don't have to necessarily be female or be male, why not be who we actually really are.
– Anonymous (27th July 2019)

The counter-response, however, was that the option X is limited and that it does not recognise that there are several gender identities separate from the binary Female or Male. This standardises and generalises trans and gender diverse lived experiences, and it 'abnormalises' them by differentiating them from what tends to be perceived as the 'normal' F and M. Another counter-response was that these three gender markers would make it even easier for employers and institutions to

discriminate on the basis of gender, particularly against those who choose the X gender marker. Because of the above sentiments, just as many of the constituents (26 in total) wanted the option of no gender on IDs. Several individuals emphasised that this should be the end-goal, when society is ready to accept the fluidity and diversity of gender identities.

3.1.4.1 Eliminating gender categories or creating more gender categories?

Understandings of gender are continuously constructed and produced in different public, institutional and private settings, often to the advantage of the groups and individuals at the top of the hierarchy (Husakouskaya 2013:21). White, rich, urban, abled, cisgender, heterosexual males are generally placed in positions of the greatest privilege and power. Gender, like sexuality, race and ethnicity, is a prominent categorisation device in society and, as pointed out by West and Zimmerman, its repetitive production has been 'a means of legitimating one of the most fundamental divisions of society' (1987:126).

Trans and gender diverse individuals often 'disrupt' the cultural and biological expectations of gender identities (Schilt and Westbrook 2009:441), but as a result face the transphobia of a society invested in rigid gender binaries. We therefore have to consider how we can challenge and re-imagine existing gender categories in order to address the marginalisation and invisibilisation of trans and gender diverse people in society.

The question on the most effective ways to visibilise a marginalised population in order to realise their human rights is raised by the options highlighted in participants' responses and discussions: Should we aim for eliminating gender completely from official identification, or recognise a diversity of legal gender categories? Both options aim to ensure that trans and gender diverse individuals are able to live openly in dignity and equitably participate in the social, political and economic spheres of society without being subjected to harassment, intimidation, threat, physical violence and death.

However, there is a tension between the need to recognise a marginalised, vulnerable population for the purpose of fighting for their rights and the need to challenge all legal gender categories in order to allow people the agency and autonomy to live liveable lives outside of legally enforced identity boxes (Husakouskaya 2013:16). The argument is often made that creating new identity catego-

ries in legal-administrative systems gives the state power to enforce and police even more identities. Moreover, regardless of the number of gender categories created in law, there will also be groups and individuals whose identities, experiences and needs end up being excluded and not recognised. Legal identity categories are also very static and hard to change, and therefore do not accommodate the diversity and fluidity of gender identities and gender expressions in changing socio-cultural contexts.

On the other hand, society is not yet aware enough of the fluidity and diversity of gender identities, so often the use of identity categories is a strategic way to create visibility and bring about legal and political action to eliminate discrimination. This visibility makes it easier to advocate for greater inclusivity and accessibility of existing services, as well as the creation of new services specific to the needs of trans and gender diverse people. The challenge is therefore to find a balance between strategically using identity categories to create visibility, while at the same time limiting the state's power to police these identities and its tendency to negate other identities and lived experiences that are not formally recognised.

3.1.5 Conclusions to the sub-chapter

As have been depicted vividly in this chapter, although South Africa's constitution is often referred to as progressive when it comes to the realisation of gender self-identification, there are several limitations to the implementation of Act 49 and inclusive legal gender recognition. What should then be the ways forward?

From the above discussion and input from the constituents we find that we need to: i) remove all requirements of Act 49, and ii) change to no gender on IDs, or at least make it possible to choose freely between the gender marker options.

What the preliminary results also highlight is that there is a need to investigate further barriers and obstacles for gender recognition in more rural areas of South Africa. Gender DynamiX therefore visited eight provinces to talk to constituents from all over the country and listen to their experiences with gender recognition. The results are used to paint a more informed picture of the current obstacles to realising legal gender recognition for all – not dependent on your socio-cultural and socio-economic background and context. Because as we will see in the preliminary results below,

most of the barriers to people and institutions acknowledging a person's gender identity depends on a person's context and access to information.

3.2 Socioeconomic obstacles to self-identification in rural South Africa

As briefly mentioned in the previous sub-chapter, there are further obstacles to self-identification and gender recognition for transgender and gender diverse individuals in South Africa. Following the existing literature, there are several significant obstacles that appear. These are particularly related to a person's socioeconomic background and context, but also to race.

This particular book focuses on the lived realities of transgender and gender diverse individuals from rural areas in South Africa.¹⁰ People living in rural areas tend to be of 'low' socioeconomic status, meaning less access to quality education if education at all, low income-status families and what is recognised as low-income occupations.¹¹ The majority of people living in rural areas are black or coloured. Because of these socioeconomic standings, the access to both social and legal gender recognition is further diminished. This is particularly through non-existent conceptualisations of transgender, and access to information and education, as well as the connection between race and gender-based marginalisation.

3.2.1 Rural concepts of trans identities

Similar to how medical practitioners often confuse the difference between gender identity and sexual preferences, many of the constituents document that there are no words or terms for 'transgender' or 'gender diverse' in their community. They are rather referred to as gay or lesbian, or feminine gay or butch lesbian (GDX Writing Retreat, 16th May 2018). Swarr explores the term *stabane* (or *istabane*, *sitabane* and *isitabane*) used in the isiZulu 'vernacular' to describe an intersex individual with both a vagina and a penis (2009).

10. Rural areas, or non-urban areas, are defined by Statistics SA as 'commercial farms, small settlements, rural villages and other areas that are further away from towns and cities' (Lehohla 2004:28).

11. According to tradingeconomics, there is a 77 % poverty headcount in rural areas, versus a 39 % in urban areas. URL: <https://tradingeconomics.com/south-africa/rural-population-percent-of-total-population-wb-data.html>

What she finds, however, is that the term is rarely used about intersex individuals in townships and rural areas in South Africa. The term is rather used interchangeably about people of different sexual and gender identities, and there is a 'slippage among bodies, sexual practices and identification' (2009:530). Swarr also finds that there is a belief that people who engage in same-sex practices are intersex (2009:525). These misleading understandings of the distinctions – or non-existing distinctions – between sex, gender and sexual practices, are not particular to the rural communities however, and can be found across South Africa and the world more broadly. What Stabane highlights is 'the necessary explication of the gendered body' and how the topic of sex 'is slippery, as sex is constantly re-created and negotiated in ways that are co-produced with culture, race and location' (Swarr 2009:525).

3.2.2 Access to information, education and resources

Throughout this chapter we have seen how financial means is vital to accessing the necessary medical treatments to obtain legal gender recognition in South Africa. The necessity of resources and finances also influences your access to information and education, which are, according to Klein, just as important when it comes to realising gender self-identification: 'The economic divide, which is still highly correlated with the racialized divide, has an essential impact on the ability of individual persons to access information and other technologies with regard to body alteration' (Klein 2013:172).

Because information about transgender 'friendly' surgeons and medical practitioners, access to the right and safe hormones and surgeries, and psychosocial support is hard to come by, internet access is fundamental. According to Klein, it is through the internet that most people learn about transgender issues and how to access the right help and gender recognition services (2013:172). This is even more so in rural areas, as there are often no specific LG-BTI health centres or service providers available.

Bateman backs this up, arguing that transgender and gender diverse individuals are in particular need of precise information (as well as 'deep pockets') to access gender reassignment and hormone treatment. Because of medical prejudice, societal pressures and uninformed medical practitioners, the information about who to contact and where can be vital (Bateman 2011:91).

3.2.3 The connection between race and gender marginalisation

Like we talk about a being-black-in-the-world (Manganyi 1973), we also have to talk about a being-black-trans-in-the-world. As was emphasised in the previous chapter on a black trans theory, we cannot generalise the transgender and gender diverse lived experience, even in a South African setting. Particularly not in a South African setting. Swarr points out how both the colonial rule and apartheid regime in the country used intersex and transgender individuals and bodies to point out the difference between the white and black population, and the fluidity of sex and gender was part of the legitimising project, explaining the 'naturalness' of white supremacy (Swarr 2009:526).

Seoketsi elaborates on the common trans intersectional experience:

But for us, it is even more difficult because you are not only trans. You are also brown or black identifying, and you are poor, and you are from the rural segments. And then with that said, you are uneducated, trying to be educated, attempting to be educated. And then with that said, you still don't have the property, no license, no car, nothing. You have to start from the bottom. So I think it is also important to just not define us as just, or centre ourselves around the trans narrative, but broaden it. I am not just trans. There is actually a lot to me other than what meets the eye. – Seoketsi (16th May 2018)

3.3 The structure of the book

In this book we identify several obstacles to gender recognition for transgender and gender diverse individuals living in rural areas of South Africa. From analysing the shared stories and narratives we find that there are specific themes recurring over and over again. The trans rural narratives on gender recognition are thus recognised within private and public spheres of life, and more specifically as outlined below:

- i) Access to information – in education, community and health services
- ii) Family and community acceptance
- iii) Expectations of violence and rape
- iv) Accessing inclusive mental and medical health
- v) Experiences of no justice in the justice system.

Part 2

Narratives on Gender Recognition



PART 2: NARRATIVES ON GENDER RECOGNITION

This part of the book presents the main results, as emphasised and recognised by the co-authors and constituents. It directly responds to the main aim of the book: to identify barriers and limitations to legal gender recognition in rural areas South Africa. It also tells the stories of trans and gender diverse individuals across the country, as told by themselves. What becomes evident is that gender recognition in South Africa is not only limited by the current legislation, but also by community attitudes, fear of violence, current school structures, limited language and inadequate information, and painful experiences with accessing medical health and legal services.

To successfully implement legal gender recognition in the country, and live up to the constitution, the PEPUA Act (see sub-chapter 3.1) and the International Yogyakarta Principles (see sub-chapter 3.1.1), we have to listen to the whole story and recognise the lived experiences of individuals that are denied gender recognition on a daily basis. The above chapter outlined some of the limitations to the implementation of current legislation and Act 49, which is supposed to realise gender recognition in South Africa. However, the stories and experiences of trans and gender diverse individuals from rural and semi-urban areas of the country shows that there are even further social and institutional barriers to gender recognition that simultaneously needs attention and recognition to make sure legal gender recognition is implemented for all.

From current legislation and recommendations for revisions to Act 49, we find that the narratives, stories and experiences that are mainly taken into consideration are from urban areas and more privileged backgrounds. This is evident from the focus on gender marker change, gender-affirming surgery and higher education reforms. For many trans and gender diverse individuals growing up and living in more rural and semi-urban areas, the most pressing issues facing them are about coming out at all, finding work that is not illegalised, and surviving. It is about finishing primary school and making sure your loved ones do not throw you out of your home without a place to go. It is about surviving extreme cases of violence and rape, and going through life without being allowed to recognise your own mental health problems. It is about tackling daily abuse and trying to explain that you

are not gay or lesbian, but transgender. A term that does not exist in most South African languages. In the following five chapters we take a deeper look into some of the more pressing issues facing trans and gender diverse individuals in rural and semi-urban areas of South Africa. Throughout the chapters some recurring themes surface, such as experiences of the education system, financial barriers, societal expectations and gender-based discrimination.



Chapter 4: Access to Information and Language Barriers

One of the main challenges and barriers to gender recognition in rural and semi-urban areas is language barriers and the resultant access to adequate information. The co-authors stress that there are no words or language to explain trans and gender diverse identities other than in English, and the difficulty of getting people to recognise your identity thus increases.

In the rural areas everything falls under one category: istabane. And the characterisations and the explanations for trans and gender diverse identities does not exist in these spaces. – Linda Chamane (26th October 2018)

Even if you are transgender, now people still see you as a gay person within the community. – Nelly (20th December 2018)

Gays and lesbians are very privileged because people understand it. We need to be together – how lesbians and gays are together. We need to be together as trans people. – Phiwe Ngcengi (20th November 2018)

Growing up, especially people surrounding me were aware but back then we were not so familiar with the term transgender, we were all identified as gay people. – Christy (28th June 2019).

(In North West) everyone is known as gay, no matter what you are... so you're lesbian you are gay, you are gay you are gay, you are trans you are gay. Everyone is seen as gay. – Milly (28th June 2019)

There seems to be no differentiation between gender identity, sex, sexual orientation or gender expression in many communities across South Africa.

In the above chapter Swarr's research pointed out how the term *stabane* (or *istabane*, *sitabane* and *isitabane*) has been used interchangeably about LGBTI identifying individuals (2009). This is also emphasised by the co-authors, independent of their respective backgrounds. The recurrent terms used about trans women and trans men interchangeably as demeaning nicknames are *stabane*, *nkonkoni*, *ntombazane* (KZN), *tharasi*, *sissy-boy*, *tsala*, *abuti ausi* (Free State) and *moffie* (EC):

People can be androgynous, trans, feminine gay or something else, it doesn't matter. In Bot-

shabelo they would all be labelled stabane.
– Nelly Mohloko (20th December 2018)

What becomes evident from the constituents is that across South Africa and different rural and semi-urban contexts, there is little comprehension about trans and gender diverse identities and differentiating gender identity from sexual orientation. Swarr argues that the concept of *stabane*, often also thought of as an intersex person, both undermines gender binaries by emphasising the 'conceptual and physical possibility of intersexuality', and at the same time reinforces gender binaries by separating maleness and femaleness (2012:184). Although the uses of *stabane* in the Sowetan contexts might disrupt understandings of gendered bodies (2012:185), the uses portrayed by the co-authors point to something more of a generalisation of gender identities, sex and sexuality that people do not, or choose not, to understand. Nevertheless, Swarr provides important and relevant history of the uses of *stabane* and how this can be seen as disrupting and decolonising understandings of intersexual bodies and the fluidity of gender and sex (2012).

This is important as it challenges and deconstructs current heteronormative and cis-normative perceptions of South African societies and histories. It is important because it can help illuminate how this conflation of LGBTI identities affects trans and gender diverse individuals' opportunities for gender recognition. What we will see below is that many individuals struggle to explain themselves to others, and even to themselves.

The existing language barriers and lack of information on trans identities also diminishes self-awareness of gender identity and confuses it with understandings of sexual orientation. And if you do not acknowledge your own gender identity, how can you expect anyone else to?

4.1 Access to information about trans and gender diverse identities

The fact that there are limited conceptualisations of trans and gender diverse identities in most of South Africa's official languages and many rural and semi-urban communities, means that there might be limitations in knowledge about fluidity of gender identities. This becomes clear from constituents from various different areas of the country, where confusing trans identity with homosexuality is common:

I think one of the main challenges is realising you are not gay or lesbian. You are trans.
– Mother Rooi (26th October 2018)

Even us trans people, we still don't know the definition [of trans]. I knew the definition at a very late age, and I've always thought I was gay, because I was told 'this is gay' or drag queen. That's what they called me, drag queen.
– Nelly (20th December 2018)

I see myself as a man but when I grew up I didn't know the difference between a trans person and a lesbian. I realise I have female genitals, but I know that I am not female. When I grew up there was only gay and lesbian hence, I thought I was a lesbian. After some time, I came out of the closet as a lesbian. – Teekay Khumalo (26th October 2018)

At first, I understood myself as a gay person... Especially if you aren't educated about being a trans woman, you grow up and everybody says you are gay. When you actually start educating yourself and start seeing the different aspects about the gay society, you actually learn more about yourself. That's how I got to understand for myself as well.
– Nicky (27th July 2019)

I identify myself as gay. How I express myself, I like wearing skinny, girl-ish jeans but not that girl-ish, not too much, as a boy. I like being called a boy not she, I love being called a he, but inside myself I regard myself as a she. But I like being called a he as a boy. – Gilbert (22nd June 2019)

I identify as a transgender woman and I was assigned male at birth. Growing up as trans was not easy for me at all. I used to think that I'm gay until I got the knowledge I now have which is to differentiate between trans and gay.
– Anonymous (20th December 2018)

I think what also confuses people is generations. For example, about [my trans woman friend]. It is confusing people because today [she is] dating men, then tomorrow dating women and vice versa. And this doesn't make sense to people, because being trans is still new to them.
– Phiwe Ngcengi (20th November 2018)

When I grew up, I knew myself as a lesbian.
– Thosko (26th October 2018)

What leads to this confusion of gender identity, sex and sexual orientation? The fact that so many of the constituents have been unaware of the diversity of gender identities and unable to identify themselves properly, implies that gender identity is not part of the education curriculum at schools. According to the National Adolescent Sexual and Reproductive Health and Rights (SRHR) Framework Strategy 2014-2019, one of the intended outcomes it seeks to attain is:

equipping adolescents with a sense of inner-belief, self and mutual respect where an understanding towards their own sexuality and that of others regardless of gender, gender identity, gender expression, sexual orientation, disability, race, ethnicity, nationality etc. is deepened and respected (DSD 2015:33).

This means that the Life Orientation (LO) curricula should make sure adolescents are equipped with adequate knowledge about sexual and gender identities. If the SRHR strategy was implemented successfully, then, this could mean that adolescents in school would know about the differences between gender identity, gender expression, sex, sexual orientation, and sexual attraction. It means that every youth would know the difference between identifying as and being lesbian, gay, bisexual, transgender and intersex.

4.2 Education on gender identity and sexual orientation

On the contrary to this outcome, LO curricula is either limited or does not mention the diversity of sexuality and gender identities at all. Current LO learning outcomes touching on what could be relevant subjects include Grade Six, which 'discusses effects of gender stereotyping, sexism and abuse on personal and social relationships', and Grade Seven 'discusses the personal feelings, community norms, values and social pressures associated with sexuality' and 'explains how to counter gender stereotyping and sexism' (WCED 2002).

In High School, 'Assessment Standards for Grade Ten' include describing power relations and 'their effect on relationships between and among genders', and within this includes learning outcomes such as 'differences between a man and a woman' and 'stereotypical views of gender roles and responsibilities' (Department of Education 2003:14-24). However, the LO National Curriculum Statement for Grades 10-12 does not mention anything about the fluidity and varieties of gender or sexuality (Department of Education 2003).

Consequently, Potgieter and Reygan found that transgender and intersex identities are not represented at all in LO textbooks for Grades 7 to 12 (2012). Looking at sexuality education in high schools in Durban, Francis found that teachers either ignored or avoided issues related to sexual diversity (2012). He further found that if teachers did teach about sexual diversity, they often insinuated ideas of 'compulsory heterosexuality' (Francis 2012:597). Although he looks at sexual orientation and sexual diversity, specifically, the fact that there is no mention of gender diversity does not point to its inclusion. The experiences of several of the co-authors do not brighten the picture:

I remember when I was in that class, there was an LO class, and I think I was in grade 7. And within that class the manual said the learning outcomes. And with the learning outcomes there was something on sexual reproduction and gender and identity. And I remember when they came to the status of 'gay and lesbian'. They had stapled those pages together so that they did not have to go through it. My teacher did not go through that education, and instead they spoke about being straight and why it is ok to be straight, and not ok to be gay or lesbian. – Seoketsi (16th May 2018)

When I went to high school, I would always hide myself (...) and I would just call myself feminine gay. My life science teacher, she would always say 'ask Phiwe about menstruating'. All the time. But those things were there in the book. But I don't know what was there about gender identity. There is nothing about gender diverse and trans issues in schools now. – Phiwe Ngcengi (20th November 2018)

At the time I was in high school there were no people that understood anything about trans issues. – Deki Mthandeni (20th November 2018)

There was a Life Orientation subject on sexual behaviour, but it was limited. The LO teacher said, 'I can't teach that subject, I don't teach that subject through my religious beliefs. I will not touch that subject.' – Mother Rooi (16th May 2018)

What seems to be a general trend is the difference in experiences with specific teachers, which has shaped understandings of gender identity and overall experiences of school. Good experiences can really affect the person and the stigma permeating the school environment.

I left there doing Grade 5 and I continued my schooling in Nkuthu, then it started again because I was the first gay person there. On arrival children would mock and call me names and their favourite was sitabane. Ma'am Nkabinde was teaching me isiZulu and she would ask the children if they read about gay people in the newspapers ... then gay visibility was more in places like Durban and there wasn't much here in Ladysmith. Ma'am Nkabinde once came with the newspaper, Ilanga, and showed the class that two men got married and said that these things do happen. Ma'am Nkabinde would tell us that her neighbour is gay, and they accept him. The beginning of my high school was all right, as everybody understood me. I didn't have any problems, teachers loved me, accepted me and treated me as their own children. They taught us that we have to accept things that are happening. – Mnelisi Mhlanga (26th October 2018)

I don't have a problem at school because I am being respected. If I say I am a girl, I am a girl and they respect that. – Jessica (20th December 2018)

I have never had any problem in the health centre and at school. I've always had my favourite teacher that liked me and those that don't, but it doesn't bother me much because at least I always had my back-ups at school. – Thosko (26th October 2018)

However, this reliance on supportive teachers, principals and students can also degrade someone's experience completely, and it shows how contextual school experiences can be when it comes to acceptance and discrimination of trans and gender diverse individuals. Francis and Reygan found that LO teachers in the Free State often disapprove of LGBT students and lives, and that they have little to no training with gender and sexuality diversity (2016:185). Like we have seen with the term istabane and isitabane in isiZulu speaking areas and beyond, teachers in the Free State would conflate lesbian and gay sexualities with transgender and intersex identities (Francis and Reygan 2016:187).

At school when I was doing standard three, one of the teachers would not call me by my name, he would call me 'Boy-ish girl'. – Mtombizodwa Mdluli (26th October 2018)

We went to that [LO] teacher and she said 'no, not in this school. We want our clothing by the book. If you are male, you dress like a male.' And then I said 'no, everyone has the right to wear what

they want', and then she said 'sister, in this school I have rights too. If I don't want to teach that child, I won't teach it'. And I said, 'you are obliged to do your work', and she said 'no, I have rights also'. – Phiwe Ngcengi (20th November 2018)

So, in high school, one of the issues that we encounter is that we are being bullied. And if you take your issues to the principal or the teacher you are being laughed at. Because now remember when you are at school, automatically according to the school policy you have to be wearing boys' clothes (...) sometimes when you report such things, the teachers laugh at you because now you're making an issue out of the fact that another boy just touched your ass, and it does not make people feel very comfortable to be laughed at. – Kananelo (20th December 2018)

Alongside the problem of gender-based clothing comes the issue of gender-based toilets and the stigma attached to this. Many of the constituents have experienced violence related to the toilets they use, and Gender DynamiX has for a long time been advocating for gender-neutral toilets in schools.

I still don't go to public toilets, and I would never go to the toilets at school. For five years I never used the toilet at school. I would only go to the bathroom at home. At one point it got so bad that it started hurting. – Honey Mbi (20th November 2018)

I would also wait to go to the toilet until I got home. Because when you go to the female bathroom, they will say that you will rape them. Then when you go to the men's they will make fun of you. – Deki Mthandeni (20th November 2018)

When I go to the bathroom some of the boys will tell me that they will break my chocolate box and they will show me how a woman is supposed to be treated in the bathroom. And that's why I choose not to go to the bathroom. I don't go when it's break time or lunchtime. You can only go in the middle of the period. I haven't tried to go to the ladies', but it has become quite clear to me as some of the girls were saying that 'if you would ever think of coming in here we will show you that you are not supposed to be here'. – Jessica (20th December 2018)

It is also quite difficult for people to go to the ladies' room at school because they are in boys' uniform. So, it is very difficult for them to go to the ladies room. – Nelly (20th December 2018)

4.2.1 Exclusion from the school system

The exclusion at school does not only include toilet access, but general access to an education and school diploma. Several of the constituents emphasise that there are no LGBTI support groups at schools, and if there are, they only focus on sexual orientation. The fact remains that there are very few trans and gender diverse individuals that complete higher education and even high school.

How many transgender people do you know that have diplomas and degrees? Not many. We need to do research of what is the cause of this (...) The problem is that if you are not educated who is going to employ you? No one. Then tell me what am I supposed to do? I don't even have a high school level. So, where do I go? I don't have my family, my community, my church. So where am I going to go? The only place you can go is the street. If your family doesn't want you, where are you going to go? You end up on the street. – Wandi (20th November 2018)

Why is it that few trans and gender diverse individuals get higher education degrees? Or even high school degrees? A study conducted by Mavhandu-Mudzusi and Sandy found that LGBTI students are discriminated against and stigmatised by both university employees and heterosexual students (2015:1054). From the narratives of the constituents it seems like the discrimination is even worse for transgender students.

I think the cause of few trans people getting degrees is because of the violence at school. That you don't feel like you belong there. I am just tired of being bullied every day. So, you're just going to quit school. – Deki Mthandeni (20th November 2018)

You don't feel like you belong at school and then you give up. – Honey Mbi (20th November 2018)

Most of our trans people are dropping out of school because of that [discrimination]. Because of others, they are not comfortable with long pants going to school. They want to wear dresses, look like a woman, be comfortable so they're not allowed, or they are kicked out of school. We have higher rates of transgender dropping out. The teachers are homophobic, and they teach other children to not accept. Yeah, they do that. In the class they would read the bible and say there was never a Eve and Eve (...) – Millicent (28th June 2019)

I can't say it is [a strong LGBTIQ community] at Uni. I can't say it is that strong because most of the people are kind of afraid to come out, to be known. But that in itself indicates that it has been happening, the attacks, the hatred and discrimination. It makes most of the people not want to come out.
– Junior (22nd June 2019)

Most students say they feel more comfortable when they are at their homes than in the university. Because they are being discriminated against by the security, and they experience secondary discrimination. You find that sometimes when you go and report the case to security, the security discriminates you, the professors discriminate you, and employees of the university discriminate you. So, students end up not knowing where to go for help. – Mathews Maja (17th May 2018)

4.3 Where do people get information?

Because the school curricula and teachers offer limited information about and support for trans and gender diverse students, people look elsewhere for knowledge about why they are feeling and identifying like they do. For many of the constituents, the media has been an important platform to gain knowledge and become educated about identities beyond heterosexuality and cisgender:

I did [know about that you could change your gender marker] because I watch a lot of reality shows from the US and around the globe.
– Siphesible (29th June 2019)

But on the other hand, the media has also contributed to particular expectations of what it might mean to be transgender, like we have seen in the Introduction. One of the constituents asked 'why do trans women think that after transitioning that will make them more of a woman than they are before transitioning?' Which is a really good question, but might not apply to everyone. However, if surgery is the expectation of society and what derives from media, this is difficult to live up to:

I also have a problem with trans people in the media. Like Kaitlyn Jenner. Because even though the media has mainstreamed her, for me I find it very problematic for the trans community because now we have to go back to the drawing board and remind people that gender is broad. That gender is not fixated. Gender is not stuck in boxes. We constantly have to tell people that 'oh but you can be a trans man and not have to take HRT. And be a trans woman and not

even have to go through with gender reconstruction'. And it is ok. So I feel like – because mainstream media has essentialised or sensationalised her so much that you think you have to go through with gender-affirming health care. As trans women we all have various narratives. But with Kaitlyn, the media pushed that story that 'we are all the same'. Which is not true.
– Seoketsi (16th May 2018)

The only problem that I have with these published narratives is that they all undergo surgery. But even in our generation I thought they would have a little bit of education, and knowing that not all of us want to undergo surgery. So it creates a setback for us. – Mother Rooi (16th May 2018)

These sentiments bring us back to the point of the diversity of trans and gender diverse identities and experiences. Like we explored in the Introduction, not all trans and gender diverse individuals want to take hormones or undergo surgery to 'align' with their gender identity and society's gender roles. And not everyone wants to change their gender marker on their IDs either.

What we do know, however, is that many are sceptical about both because it involves risk, possible humiliation, and resources that many trans and gender diverse individuals from rural areas do not have access to. And one of the main reasons for these barriers is the lack of information about trans and gender diverse identities in society. There needs to be access to information, and this information needs to emphasise the diversity of trans and gender diverse identities and experiences. Subsequently, although exposing certain topics in the media might lead to generalisations and wrongful perceptions of what it means to be trans, it can bring forth increased information. Exposing topics in the media, whether the feedback is good or bad, can create more understanding through discussion and public debate. When track star Caster Semenya was found to be intersex after extensive 'gender verification' testing, the conversations and discussions about intersex and the fluidity of gender identities flooded world media (Swarr et al. 2009). Although most of the conversations have addressed intersex issues, the following debates have also 'provided opportunities to educate the public on gender expression' (Swarr et al. 2009:660).

I agree that it created visibility and discussion, but why must the narrative start from Ameri-

ca? When we have our own stories. We have so many people with stories. I saw trans men growing in front of my eyes and where were their stories? They died. That is their story and their narrative. Why must we use America as a reference point?
– Seoketsi (16th May 2018)

We therefore need to actively decolonise the information we are being given at the same time as we continue to deconstruct their power-structures and possible influence. We need to make an effort to highlight the African trans and gender diverse experiences, and this is one of the things this book aims to do. We need to remember the context in which we are trying to make a difference.

I think Mafikeng, North West being North West, we are left behind with so many things in terms of progress, in terms of education, in terms of acceptance. We still have a very long road to go. We still find ourselves in a position whereby you'll be called by a particular radio station and you will still be asked questions such as what makes you gay? We still find ourselves having to teach people about what is gay, what is a lesbian, it is still something that is very much interesting to people. It shows how slow things are here.
– Milly (28th June 2019)

4.4 Limited trans organisations

Not everyone has access to Internet and TV, and so the presence of strong LGBTIQ organisations in the area can be crucial. Many of the constituents say that they got their information about trans and gender diversity from organisations such as GDX and Triangle Project, and we cannot underestimate the importance of workshops and information flow in the more rural areas of the country. We should also be scrutinising the existence of trans-specific organisations across the African continent.

When I grew up there was only gay and lesbian hence, I thought I was a lesbian (...) in 2010, through Gay & Lesbian network, I heard of Gender Dynamix. At the time when Gay & Lesbian Network came to introduce Gender Dynamix to us I was working in Durban, and they were here in KZN coming from Cape Town. They invited us to a workshop in Pietermaritzburg. It was then that my mind opened up because I thought I was ill, and I couldn't speak to anyone about how I saw myself. This was not an easy thing for me. The things lesbians would say when looking at the way I do things and looking at my relationships made me feel mocked. After receiving the training, I was able to speak out. I spoke as if I

had never spoken before, and that is when I cried and let go of the pain I carried for years. I was already in my thirties. Speaking out freed me, even though I had not received assistance yet. But I finally had an idea of who I am. Gender Dynamix continued visiting KZN until I got a chance to meet Liesl. In 2011, I started binding. Before I started binding, I would make sure my breasts were not visible as I was not comfortable with them showing. I used to wear big shirts and I would just buy oversized clothes as I had a slender body. In January 2015, I started consultations with Chris, a psychologist, and in September Chris referred me for hormonal treatment. I'm 3 years now in my transition process.
– Teekay Khumalo (26th October 2018)

Gender Dynamix is currently the only registered organisation working specifically on trans and gender diverse issues on the African continent. This means they have limited reach and cannot facilitate workshops all over the country continuously. It is a goal of the organisation to increase this work, but there are limited resources available. Thus, there are still many communities in rural and semi-urban areas of South Africa that have not been educated or sensitised about trans and gender diverse identities, as we will see below.

For me, I think the most difficult part in Kimberley was going from private doctors, to clinics, from clinics to psychiatry to actually go through the transformation. It is an up and down roller-coaster story. I remembered Lifeline started small 'trans at heart' groups to actually inform the trans community about going through the surgery and going through the medication and seeing the right doctors. It was informative for most of the trans community, but it actually didn't go anywhere physically. Yes, mentally we were learning things, but we weren't actually getting the information that we needed to go and say that we can go to this person (...) Most of the people are not sure in Kimberley how to actually go about it and what type of medication they need. – Nicky (27th July 2019)

People also get information through 'the grapevine'. If one person in the community has been to a workshop or met with an organisation, this information is often passed on. And when one person is brave enough to come out in the community, this often snowballs and paves the way for others to live out their gender identity:

I was born in 1990, and up until 2005 I believed that I was gay. But then in 2005 saw [another trans woman] and understood I wanted to be like her.
– Portia (20th December 2018)

The limited information about gender identities, about what it means to be trans and how you can get support as a trans and gender diverse individual might be the biggest obstacle to legal gender recognition in the rural areas of South Africa. It will always relate back to how the community sees you, family acceptance, access to health services, xenophobia which often leads to violence, and the legal system not recognising gender diversity. Knowledge is power, and so the South African state should empower all its citizens through proper access to information.



Chapter 5: Family and Community Acceptance

There is little research on trans and gender diverse experiences in rural and semi-urban areas of South Africa. Most of the existing literature focuses on the bigger cities and townships, and might not capture the experiences of gender diversity in places that are characterised by less access to information and education, higher levels of poverty and stronger ties to practices of religion and tradition.

From the brief outline of the results from the different areas the co-authors are from, we could see that there are some differences in experiences of community and family acceptance according to the provinces. However, from the following chapter we can see that the individual experiences of family and community acceptance are often very similar independent of the province.

5.1 Homo/Transphobia and ignorant community

Although the South African constitution and the PEPUA criminalises discrimination on the basis of sexual orientation and gender identity, homophobia and transphobia is common. Nel and Judge even go as far as arguing that 'homophobic victimisation is an endemic part of the South African landscape' (2008:19), and Wells and Polders refer to the country as a 'highly patriarchal environment' (2006:20).

As we will see in the below chapter, transphobic and homophobic violence have been experienced by most of the constituents. What this chapter wants to explore, however, is whether the co-authors have experienced their gender identity being recognised in their local communities and within their families. The above research does not encourage this idea, and Wells and Polders further write that the current 'challenges to traditional gender roles' might result in more violence because it is seen as a threat to masculinity (2006:20). Is this one of the main reasons for the prevalent violence against trans and gender diverse individuals?

I don't feel like my gender is being recognised [by people in my community]. Sometimes they do and sometimes they don't. Some don't even know what's going on, they are just like 'ok, you're wearing a dress. So, what is going on? Are you gay? What is going on?' So, then you have to explain yourself all over again which is annoying. When you are in the ru-

ral areas where we are from, they don't know what is going on. 'So why do you have a dress on? What's going on?' I feel like they don't know anything. – Deki Mthandeni (20th November 2018)

I have to look a bit masculine for me to be accepted, you know, I have to act straight. And for me it is draining because then I'm not myself. – Millicent (28th June 2019)

From where I come, things are still behind. Especially in our community, only a few people understand. Most of the people do not understand. – Thembinkosi Ngwenya (26th October 2018)

As for my experiences within the society, I've faced a lot of rejection, discrimination, judgement and a lot of other things a gay guy can face, you know? For us, coming from rural areas being gay is very difficult because you have to explain, and people will come up with like stupid misconceptions. They will ask stupid questions that are very foolish and are very insulting sometimes and that is very emotionally wrecking. – Siphesible (29th June 2019)

I was born and bred in a village. It's a very big village, but people there, they are (...) there are not a lot of gays or transgender people. Even now I still think I'm the only transgender woman there. If there are gay people, honestly, they are closeted and all these things. So, the people, not my family, the people from the community, some are judging, some accept me the way I am. – Cutie (28th June 2019)

I had a difficult time with my sexuality from where I come from in Klerksdorp. I had a very difficult time since I came out as a transgender woman three years back. Because I was known as a gay guy, you know. So, where I come from, people, gay guys, they don't have a problem with them. It's okay for you to be gay where I come from. But it was a new thing when I started telling people that I'm not gay, I'm trans. And they confuse this thing being trans and drag queen. They think, when you say you are trans, they think you are a drag queen. So, I started going to workshops, starting to get knowledge. – Millicent (28th June 2019)

So, you are like an embarrassment to the community, not to your family only but the whole community (if you are gay). Imagine how they are going to react if you come out as trans. – Gilbert (22nd June 2019)

Here in the rural area it is not common [with LGBTI] compared to the townships where people get used to it quickly (...) Gay visibility was more in places like Durban and there wasn't much here in Ladysmith. – Mnelisi Mhlanga (26th October 2018)
They always judge us [trans people], because of lack of knowledge about LGBTI. – Lefu Mokoko (20th December 2018)

From the above responses it seems like one of the greater barriers to communities acknowledging gender diversity is the lack of knowledge and understanding about LGBTI in general, and trans and gender diverse individuals in particular. Again, we come back to the lack of information and how there is no access to adequate knowledge about the fluidity and diversity of gender identities. Is the reason for transphobia and lack of gender acknowledgement then perhaps linked to xenophobia and the fear of something you do not know?

People are not willing to accept us because of culture. – Siyamthanda Kolisa (20th November 2018)

It starts from a perspective of advocacy and being yourself in open spaces. Being yourself. Where I grew up it was fine up until I became myself, until I became Wandi. So even though there are human rights changes, the community does not change. – Wandi (20th November 2018)

I think one great barrier to gender recognition is the place I was born, which is Botshabelo. – Kananelo (20th December 2018)

That is the communities that we come from: the minute that we come and disrupt our community we become a loudmouth, we are being problematic and you are then termed a no-go zone. Because you are problematic, because you are like literally saying 'I am not going to conform, and I am not even going to listen to you or allow you to say any other nonsense thing, because right now, you are humiliating me'. – Seoketsi (16th May 2018)

There is an issue of being trans and living in Botshabelo. If I was born in Gauteng maybe my life would be simpler and easier. – Jessica (20th December 2018)

People are just very arrogant hey. They are not willing to accept, and to adapt and change to new things. – Deki Mthandeni (20th November 2018)

As an LGBTQI community, we should actually stand together and help each other but it is not happening in Kimberley at all. That is the sad part because the trans community is not getting the help that it should get. A lot of people think we are just gay people dressing up in clothes and I think Kimberley itself is very uneducated about the gay society. – Nicky (27th July 2019)

It hasn't gotten better [for trans people]. It has gotten worse because before I think I was the only trans person, and now I'm not the only trans person within my community. I've raised daughters, and there are now more girls that are coming forth and it is actually becoming more difficult for them. – Nelly (20th December 2018)

According to most of the constituents, it is difficult being acknowledged in the communities because just by being trans and gender diverse you are being different. And being different is not necessarily accepted. Although Nel and Judge's research looked at lesbian, gay and bisexual experiences as well as transgender experiences, and reporting from the more urban Gauteng province, their results also confirm that victimisation is often targeted at people that challenge, or differ from, gender and social norms (2008:19). What they also emphasise is that the more 'visibly' one is 'diverging' from cisgender norms and hetero norms, the bigger chance for being targets of violence (Nel and Judge 2008:24).

5.2 Understanding community

Contradicting these narratives, however, are stories of community acceptance and acknowledgement of gender identities. This acceptance also seems to be connected with the 'visibility' of people's gender identity, and the ways in which the smaller communities are strongly connected to everyone who are part of it.

The way I see it in my community is that older people such as mothers, fathers and grandfathers are the people that turn to understand me more than young guys. – Thosko (26th October 2018)

The community never gave me any hassle. Everything was fine. In my community, they call me uncle, grandfather and they also call me by my nicknames, and I have many nicknames. When there are ceremonies, I join other men in the kraal. [The community accepts me as I am] and they don't have any problems. – Mtombizodwa Mdluli (26th October 2018)
According to me, I am female, in everything I do, I

present as a girl, even the chores I do at home – I wash dishes, I clean around the house, I do laundry. Even when I was still at school, a teacher would call me 'Melusi girl come' (...) I would be wrongly accusing my community if I said anything different as they all accept me. In the community I don't have any problems. – Mnelisi Mhlanga (26th October 2018)

My community is a community whereby my neighbours see me as their child. So, when I see my neighbours, I see them as a parent. We are a family all of us. Although they can give you a certain name, they don't mean it. They won't let you be hurt by anything. We are a community whereby we are working together. So, when they give you names it is out of love and they tease you and at the same time they will show you love. – Mathews Maja (17th May 2018)

I don't have problems in my community or at school. Both places I feel like most people respect my gender identity and support me. – Jessica (20th December 2018)

This acceptance and understanding from the local community also seems to be something that is more prevalent in rural and semi-urban areas than the cities and townships. Nevertheless, even though the community might see everyone as family and take care of each other, this does not necessarily mean that their own family accepts and recognises their gender identity.

5.3 Family acceptance

According to Whitley, studying the experiences of transgender individuals in the United States, there is little research on the SOFFA (significant others, family members, friends and allies) of trans and gender diverse individuals (2013:598). There is also a gap in the literature on how trans and gender diverse individuals experience family acceptance.

I long to live my life and have my own family – a wife and kids. I wish that one day my family and friends will accept, understand and respect who I am. I want my parents to love me the way I am. – Simphiwe (26th October 2018)

Family is important. And many constituents have experienced strong support from their families. As one constituent emphasised, it makes life a lot easier if your parents understand your situation and it gives you power. An example of this is also how one of the co-authors convinced her parents to talk to the

principal at the school and make the principal understand her situation. This meant that she could begin wearing girls' uniform instead of a boys' uniform.

I was a free spirited being and did not notice anything different when I was a child. Then I felt more like a girl, but my mom was not supportive. But my dad was, and bought me dolls. I experienced bullying because of my difference. But these challenges made me strong. – Eugene (26th October 2018)

I still stay at home. And I am in the kitchen. I do women's work. I am always in the kitchen and cook and clean. I'd rather be in the kitchen than there with the boys. My family have now accepted me, and my grandmother will take me shopping and are open minded with everything. So, I don't give a F about anybody else and what they say. – Deki Mthandeni (20th November 2018)

It is just beautiful that the family that I was born into, that they gave me the support that I needed when out there, the society at large couldn't comprehend our being. So, they were there to give me a hand. – Christy (28th June 2019)

My grandmother most especially tried to do everything to defend me in every way because in primary school I would get discriminated against. My mother's family as a whole really tried to accommodate me to allow me to become the person I am today, and they really do accept me. – Siphesible (29th June 2019)

One of my teachers caught me in the toilets kissing a girl. They called my mom and the two discussed how we had to be disciplined. My mom asked me 'what is this thing you are doing?' But my aunt was so cool, she always said my mom should let me be as I was still a 13-year old child, and it was just a stage as I was entering adolescence, and that this was going to pass. So, my mom said fine. My family has been supporting and loving me throughout all my life. – Thosko (26th October 2018)

There are several co-authors that have supportive families that acknowledge their gender identity. There are also several co-authors that experience their family members not understanding them fully and thinking that their identity is just a 'stage in life' like puberty. What becomes evident is that one of the greater obstacles to family support and recognition is understanding what trans and gender diverse identities are.

I think we [as trans children] are needing attention. Because my mother once asked me, she said, 'I didn't know how to raise you. That was my problem, because I had these two boys, but you were different. Then I couldn't know how to raise you.'
– Mother Rooi (16th May 2018)

You know, what happens to that parent on the ground? We have tools that the parents should have to navigate that space. Because one thing that I've seen is that my mom continuously, till today, has a problem with how to go about addressing me. Because no one was able to assist her. As she was going through that whole 'oh my god what has happened to my child? Is my child a curse?' because all she knows is that her child is a curse, her child is a taboo, her child is something different.
– Seoketsi (16th May 2018)

Some of our parents do not understand or do not feel comfortable in what or who we are, so I think they should be made aware of that.
– Jessica (20th December 2018)

Sometimes [my family] do call me girl. But sometimes boy. – Honey Mbi (20th November 2018)

The lack of access to information for communities about gender identity means that there is limited information for family members as well. Because children often rely on their families and parents for information, their understanding of both sexual orientations and gender identities can be fundamental to the child. Subsequently, many of the co-authors have lived experiences with non-acceptance from family.

I went to my aunts and I had this very long t-shirt that I used to wear everywhere because it was the longest t-shirt and I felt like I'm in a dress. So, this other one guy came to her and said to her something about me being a girl and my aunt said, 'no, he's a boy'. The guy was like, 'but she looks like a girl' and my aunt said, 'no, it's a stage'.
– Anonymous (no. 3) (27th July 2019)

My siblings didn't have issues except my one sister. When I would come back home drunk, she would insult me and call me names regarding my gender and sexuality, and she would call the police on me. – Mtombizodwa Mdluli (26th October 2018)

The problem was that my mother also had a problem with me being me. And the person that had the most problems with it was my uncle that actually hated how

I was. And I could see that my friends were having a better life because their parents didn't have any problems with it. There came a time when I wanted to be out of the closet, even with my family and with the community. But my parents didn't approve, and did not want me to buy girls' clothes. – Portia (20th December 2018)
A couple of years ago I left home for reasons because my family doesn't accept me.
– Nicky (27th July 2019)

I'm just going to differentiate between my mother's family and my father's family. My mother's family has been so supportive and stuff like that. Very accepting. There has been some discrimination that I do understand because it's a lack of knowledge and understanding of this life that I'm living. As for my father's knowledge, they're so traditional in a way that they do not accept who I am. They have decided to kick me out. I used to stay with them when I was like two and three years old but when they figured out that I had feminine features they decided to kick me out. My mother's family took me in and said, 'it doesn't matter, God made him this way'. They don't understand it that much, but they do accept me the way I am.
– Siphesible (29th June 2019)

I left my deep rural areas, and I have never been back. My auntie told me that I need to do all the things that men are supposed to do. If someone died I had to go and dig the grave. Then I said no I can't do that. And she told me that if I am not going to do that I must leave. And so I went to Johannesburg. Then I came back to the Eastern Cape after two years. And I stayed with my cousin's sister. And I saved up money and I bought my own place. And now I am free. And I can do what I want. – Phiwe Ngcengi (20th November 2018)

Firstly my brother did not like me dating girls so I had the courage to ignore him but I ended up reporting him to the police because I could not bear the abuse and that is where it ended.
– Mthombeni Baphile (26th October 2018)
Even my parents are actually contributors to the problem of gender recognition because now even if you identify yourself, they still identify you as their child and they know you as the child. They will tell you, 'you were born like this, you are male'. Even in my family there's never been anybody who has been trans so you can't say you are from this family, and such things are not allowed in my family.
– Kananelo (20th December 2018)

Whenever I was to meet my father, he would be 'I don't hate you, but I hate what you are'. What my mind processed was that, if he hates what I am, it means that he doesn't love me, he hates everything about me. I made peace with that.
– Gift (29th June 2019)

At my mom's family, all my aunts accept me. At my dad's family – I would be lying if I said my dad has never shouted at me. He called me and sat me down and he asked me 'Mnelisi what kind of life are you living?' I explained to him, he then said, 'I would never choose a life for you, live a kind of life you want'. Then there is my aunt, my aunt really dislikes it, she always insults me 'sitabane, you are cursed!' She would call me with all these names. She just insults me with all these names.
– Mnelisi Mhlanga (26th October 2018)

My life was difficult at the age of 11. I started showing who I am, and my father was very angry about me, he didn't even want to say anything to me. He never gave me anything, and I felt angry at myself not knowing what to do at that time.
– Boitumelo Schalk (20th December 2018)

My problem is that my family refuses to accept me, in my community I am the only one who lives this kind of life, there is no one else. They are not accepting of me, my mother believes I am making her a laughing stock by doing something that has never been done, something they have no knowledge of, just an embarrassment.
– Simphiwe Mguypsy (26th October 2018)

There are a lot of expectations connected with our gender roles, as we have explored in Chapter 2. This is the case in society, but also within family households. One of the obstacles to gender recognition within families thus seems to be connected with not living up to gender role expectations. In a study of two communities in the Western Cape, Strebel et al. found that traditional gender roles in the communities, of women staying at home with the kids and the men providing for the family by working, is clearly pervasive and enforced in the communities (2006:518). Although some of the gender role expectations were shifting, with women becoming more important breadwinners, the 'overturning of traditional gender roles' were seen as one of the main reasons for gender-based violence (Strebel et al. 2006:519).

Because it might mean 'expulsion' from your family, many trans and gender diverse individuals

continue to conform to these expected gender roles, and even hide their gender identity from their families. One constituent that has started hormonal therapy has never come out in his rural area but is happy because people there recognise him as his preferred gender identity.

I am human just like everybody else so there is no need for me to go around exposing myself as trans'. – (Constituent, 26th October 2018)

Several of the constituents have never come out to their families or rural communities.

School was very uncommon because the area is very rural and herding cattle was common practice. I didn't like that chore, but I had to do it because I was still hiding the kind of life I am living [from family and the local community]. I continued with cattle herding but over time my mom noticed that there was something wrong.
– Mnelisi Mhlanga (26th October 2018).

Then my mother died, and that is when the problem started. I understood that I love other men. But with the passing of my parents I had to go back home. Now I was told that I needed to take a wife, and that was the beginning of a problem as I was not attracted to women. The problem continued as my mother had died. The family came together as you know the Zulu culture, and they said I had to have a wife, as I am the eldest son. As I mentioned yesterday this makes me very emotional. It is painful to tell your family that you will not be able to take a wife. They would want to know your reasons. It is not easy to tell them that it is because you are attracted to men. It is even harder for us as Zulus and even worse in the olden days. I was born in 1968 and now in 2018 I am 51 years old. That time was terrible, and I would even think of killing myself. So I took a wife as they said I needed to bring a woman home, and the challenge has been my inability to be sexual with her. Hence I wanted to share my story, because perhaps you can look at it and find something that can be of assistance to the next person, but I'm stuck because my life is still not perfect because I am still with my wife but I am gay. And I identify as a woman.
– Thembinkosi Ngwenya (26th October 2018).

I didn't tell my family about being raped, because how could a boy get raped?
– Anonymous (20th Dec 2018)

It's been six years of not going back [to the rural areas where I am from]. I am not going back because I have to

act straight when I am there. My culture is in a straight way. We are a well-known family here in Eastern Cape. My grandfather was a Chief. So I have to be straight.
– Siyamthanda Kolisa (20th November 2018)

5.4 Church influence on community and family

These strict gender role expectations are often tied to culture, values and religion in the communities. In many of the rural and semi-urban areas of South Africa, religion is widespread and church is an integral part of community life and organisation. Most of the constituents emphasised the importance of church and religion in both community and family recognition and acceptance, and expressed how church experiences had been fundamental in their lives. Although some have had positive experiences with church and religious practices, trans and gender diverse identities are often seen as something sacrilegious.

One time they came into my house and said they would pray for me. And then they prayed for me. This was the influence of external people in my community. My mother is a church leader and she is the supervisor for the young girls. After they realised that the praying didn't work, they went to my mom to say that she was failing. My mother was so proud and strong and said they could remove her, but that she would not remove me.
– Thosko (26th October 2018)

When it comes to being recognised as your gender it depends on where you are and a lot of people do not understand what is going on. Some might even think you are possessed. – Honey Mbi (20th November 2018)

We can't go to church. They are making us even more unsafe. – Gilbert (22nd June 2019)
We as LGBTQI people would want to go to church but we are afraid to go to church because we are getting mocked. We would want to wear pants to church but you're afraid because they saw you and know you as a woman. – Keilunetse (27th July 2019)

Men of god are the most violent. Religion is the most violent. Religionists are the most violent people. I don't even want to talk about it because I feel like it is going to depress me. I honestly don't want to talk about it. – Seoketsi (16th May 2018)

At my mom's church the rules are very strict. I think it is because they are following that route, African roots (...) old rules, those things, they'd be saying if you were born male, you are male that's it, if you

were born a girl you are a girl, that's it. You do not come here in a dress while we know you are a man, you can't. That's the challenge I'm facing even today.
– Cutie (28th June 2019)

If you are a transgender in Botshabelo they would call on a devil worshipper. – Portia (20th December 2018)

In my family I was told that I am anti-Christian. For me it is really hard because I am a Christian. So, sometimes they will take out some words from the bible such as the story of Sodom and Gomorrah. They would say that this thing is actually not right in the face of the Lord. I am the only gay and trans person in the church. So when they start preaching about such things it is directed at me and I will leave.
– Jessica (20th December 2018)

In our culture, it's believed Christ made you the way you were born, so why should you change yourself? Christianity is a bit difficult because with the beliefs coming with Christianity, it's a bit difficult, especially with my father. My sisters are very accepting, but they don't know that I want to actually transition.
– Nicky (27th July 2019)

My father's side is so traditional in a way that they believe that basically a man should be a man. This thing of me trying to make myself a woman is just like being demonic and stuff like that. They are making this like I'm having demonic spirits that need to be taken out because at one point they even took me to some church. They took me and got me to do a prayer and I was beaten so badly, that was my experience. They hit my nose with a punch, and I bled. I tried to go out the door of that church and I was blocked saying 'I must let the demons go out' and some sort of stuff like that. You know, that was from my father's side, they took me to the church because they believed this thing was all going to go away. – Siphesible (29th June 2019)

The most painful thing is going through these things and not being able to confide within your own family because family is worth gold (...) And the church is not making it easy because the church is very prejudicial towards LGBTQ+ people. – Thanya (28th June 2019).

This exclusion from the religious community often depends on the individual pastors and their influence on 'morale' in society.

The pastors are playing a big role in the community. What the pastor preaches is what the community lives

because if ever today the pastor be like 'burn all homosexual people', the community is going to do so just because the pastors say so yeah. – Junior (22nd June 2019)

Why are you allowing the pastors to come and control your families? Because your families are broken because of these pastors that you tend to love more than your children. – Mother Rooi (16th May 2018)

I used to go to a church, but I was stopped because of my dressing. My Pastor said to me, you know, because we sit in sections, where married women sit here and men, young men there. And every time I would sit at the back of young women, you know, so they would say 'you are confusing the church and by the church law we don't have to do one, two, and three ...' So they explained and I understood the church laws. So I stopped going to church, so I do my own praying at home. – Millicent (28th June 2019)

Reporting on the experiences of LGBT students at a university in the rural areas of Limpopo province, Mavhandu-Mudzusi and Sandy found that religion-related stigma was prevalent and transgender students were often labelled terms such as 'demon possessed', 'sinners' and 'devils' (2015:1049). In other communities acceptance often relies on traditional leaders and cultural practices.

Mafikeng and North West is mostly rural and led by traditional leaders who decide on more or less everything. – Kagiso (28th June 2019)

Me wanting to get married, there are going to be a lot of adverse questions from the family and there will be a lot of debates. They'll tell me I'll have to wait and ask the ancestors to say yes. I wish we had a traditional doctrine that will teach our ancestors about it. – Gift (29th June 2019)

In funerals, there is this part where they segregate the men from the women. So, it becomes a bit of a challenge because you don't even know where you fall under. Do I fall under the men or do I fall under the women? If I go to the men, how are they going to look at me? If I go to the females, how are they going to receive me? So those are challenges that we still encounter. – Lesego (28th June 2019)

I wish maybe to move to Joburg, Pretoria, Durban, Cape Town where gay people and transgender people (...) where it's normal. Bigger communities and a com-

munity with more education, you know, because here in rural areas people don't know and there's culture and there's kings, we have to follow, you know. If I say I'm a transgender, I have to go to the king and say to the king and say I'm a transgender, and the king would say we as Batswana people we don't have that. So, you have to stop that, find a woman, have sex with a woman and give her children and you know. It's an oppressive rule. – Millicent (28th June 2019)

As for the challenges that I face within my own culture, I would say that most of the time with my father's family they expect me to behave like a man. Whenever there is a ceremony, they would expect me to dress like a guy and be with other guys. Whenever they slaughter, I am supposed to be there and am not supposed to be cooking with the ladies. Those are the cultural challenges I face. – Siphesible (29th June 2019)

We see that it comes back to gender roles and what the community expects from the binary woman or man. How do you go about challenging this? And are trans individuals supposed to challenge these beliefs on their own?

5.5 Do we need acceptance?

As we all know, the influence of community and family can have a strong impact on how we see ourselves, and in Chapter 7 we touch on internalised transphobia. Some of the constituents nevertheless highlight how self-acceptance is most important:

I don't need someone's acceptance. Why should we need someone's acceptance? I am not making excuses here. Why do I need someone's acceptance? Yes, I am a transgender. I don't need someone to accept me. If I accept myself and my family accept me – why do I need society to accept me? Even if my family doesn't accept me. Why should I need someone to accept me? – Phiwe Ngcengi (20th November 2018)

I am accepting myself and who I am. Self-acceptance is more important to me than anything else. – Mdluli (26th October 2018)

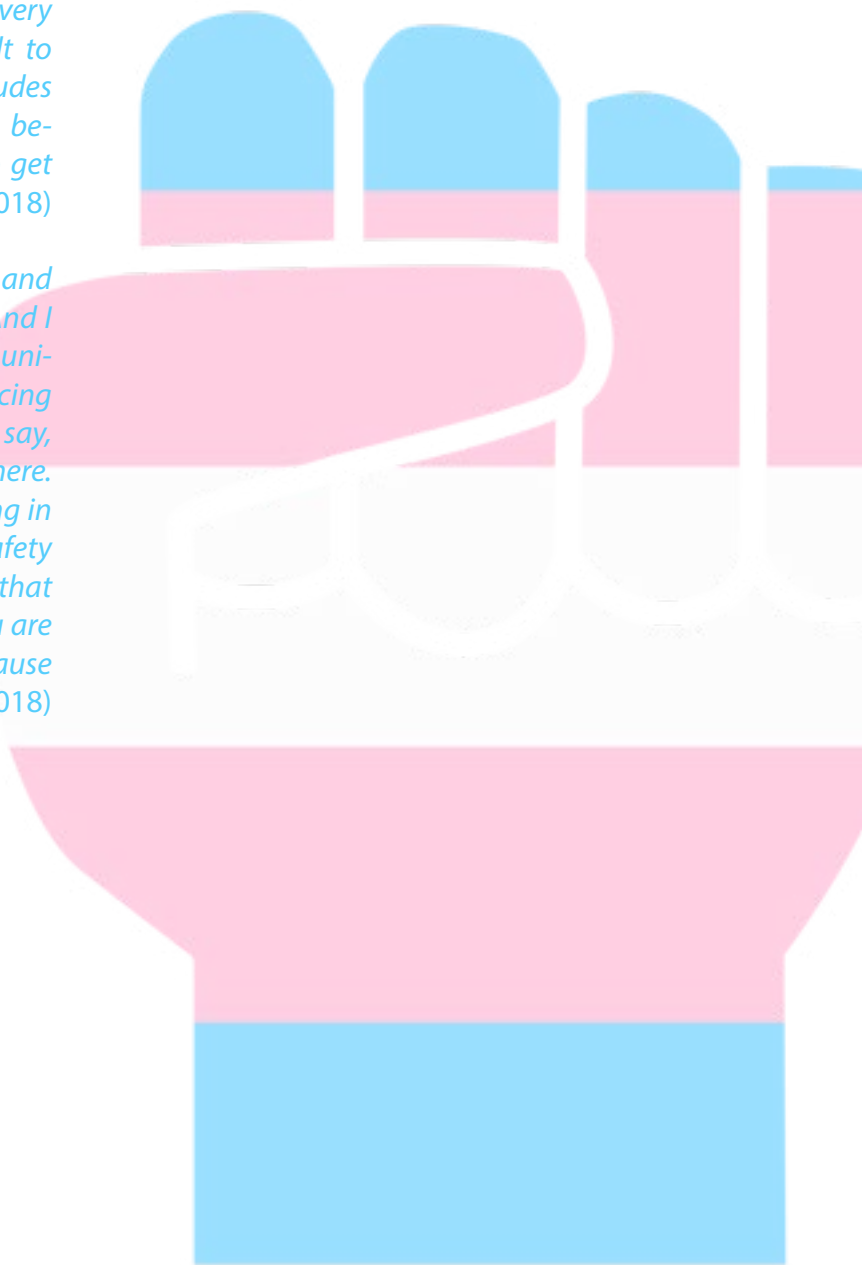
We can ask the question: is society's acceptance and recognition of gender identities necessary? When we can see how trans and gender diverse individuals are being discriminated against, violated, denied access to health services and education, and deprived of their constitutional and human rights, we find that, yes, acceptance and gender recognition is necessary.

5.6 When non-acceptance leads to violence, discrimination, rape and death

Although the importance of self-acceptance cannot be stressed enough, the reality still remains that non-acceptance from the community, family and peers leads to discrimination, violence, rape and sometimes death.

I got to a point where I got enough. Why should I have to shift people's minds? What minds must I shift for them about my life? I know we can't run away from it because yes there is violence and discrimination. We have nowhere to go. We are dying each and every day. There are safe places, but they are difficult to find and you are supposed to know people. Attitudes bring violence and the feelings of the unknown, because you don't know whether you are going to get some justice or not. – Wandi (20th November 2018)

'We do not see your kind in the rural communities and again we don't see your kind in our rural areas.' And I said, 'it is OUR kind. We do not live in your communities because YOU beat us and because you are forcing opposite sex marriages. You are wrong when you say, 'your kind'. There is no old age 'my kind' living here. But we exist. You don't see us because we are living in suburbs in town because we are fearing for our safety here. So, don't you dare come to me and tell me that 'my kind' doesn't exist here. If that is 'my kind' you are referring to the fact that we are not there because you are chasing us'. – Mother Rooi (16th May 2018)



Chapter 6: Expectations of Violence and Rape

One trans woman said that she sometimes likes to be beaten. That she enjoys it because it makes her feel like a 'real woman'. Something inside her makes her feel like it is part of the female experience. Another trans man said that he has been physical during fights with his girlfriend, and that when he is at home or family gatherings, he rather sits with the men around the braai and talks degradingly about women. We not only live up to gender expectations and constructed gender roles, but we also expect that if we do not conform, we will be punished or forced into this role. This is not without reason; in several different contexts' actions of 'corrective rape' in the communities and violence from family members is common.

6.1 Corrective rape

'Corrective' or 'curative' rape is a taboo to speak or write about. This might be why there are no articles mentioning the explicit 'practice' although Mufweba writes that it can happen almost daily to black lesbian women (2003). In her article 'Corrective rape makes you an African Woman', she describes how black lesbians are being raped in townships in 'attempts to force a change in their sexual orientation' (Mufweba 2003).

Similarly, Mkhize et al. write that 'corrective' rape is intended by the perpetrators to punish and humiliate the survivors because of their sexual orientation, where the aim is to 'transform' or 'cure' lesbian women into heterosexual women (2010:26). Of the co-authors of the book, there are several that have experienced similar violations and rape as a form of intended 'transformative' violation. There have also been cases of trans women being raped by men with the intent to 'show' that they do not want to have sex with men.

I am fearing for my life because the community boys have said they will rape me because I still have a vagina. So, they keep on reminding me that I am a girl. Touching me without asking and harassing me, because I would steal their girls. They have told me straight up that they will rape me (...) In 2016 some boys told me and my girlfriend that we needed to be fucked, and that we behave this way because we don't know a penis. They said that 'if we rape you and you experience a penis you can be alright, and stop the things you are doing'. – Thosko (26th October 2018)

I got threatened that if I was raped my masculinity would come back, and I would be a man again. – Honey Mbi (20th November 2018).

I can recall many cases of deceased, like Leslie from Ventersdorp. When you talk about hate crimes, welcome to the North West. Rural as it is, small as it is. And we are only talking about reported cases. How many cases are not reported? – Milly (28th June 2019)

But you know, in terms of trans rape, even under the law they would say 'it was a corrective rape' and when that particular perpetrator is raping you, at that time, he will be busy telling you that I am teaching you what it is to be a woman. You said you wanted to be a woman, this is what it is, and a woman should get this. This is what a woman should do (...) I think also when you are being raped as a transwoman, even the community will support the perpetrator because he was correcting you. Because you are a bad influence. Now we are there to teach people how to be gay. That is what they say. – Mother Rooi, (16th May 2018)

Even society is advocating for rape and rape culture. – Seoketsi (16th May 2018)

And the homophobic violence, again, when you are trans, because of where I come from, we have three trans women and most of the time these thugs they want to prove, they want to show us we are men. They would hit us; they would take off our clothes. You know, they will play with our penises you know, just to say you have this, you're not a woman. If I wear a dress and put all my bra and stuff, they would take that out. Just to prove that I am a man. I have experiences, as a transgender woman it's very difficult. – Millicent (28th June 2019)

Boys from work would say things like 'you lesbians must be raped because you have vaginas' and saying that boys must attack us at home because the two of us stay together. – Simphiwe Mguypsy (26th October 2018)

At the age of 12, I got raped coming back from school, then I lived in denial. Literally the only thing that I could rely on was alcohol and using sex as a suppressant just to go through my day to day. And then I got to varsity and when I got to varsity things happened. I remember the most painful thing – I was walking from Braamfontein to downtown Jo'burg. There was a group of guys and they were walking behind me.

They kept on saying ola son of Lucifer and the fear in my heart of a 12 year old came back to the present. I started working in Sandton, and history repeated itself. Now it was not one person raping me, but it was a group of guys raping me... And I just blocked it out up until four days before my birthday when I decided to go get an HIV test, then it came back positive... I started questioning my purpose in life... am I safe in this world that I live in? Is there justice for me? Because at the end of the day one thing that I noticed is I always question the relevance of safety and security. I always questioned the relevance of peace. Isn't there peace in South Africa whereby a person can live their lives and not be questioned why are you doing this, who are you doing this with and being judged constantly for doing things that bring peace to your own space. And after I got raped the second time I became... literally I reverted back to what I know, which was alcohol and sex.
– Thanya (28th June 2019)

Although these experiences have been mainly recorded in the existing literature by black lesbian individuals in townships and urban areas, it becomes clear that 'corrective rape' is an important phenomenon in the lives of trans and gender diverse individuals as well. Experiences of corrective or 'curative' rape is found happening to lesbian, gay, bisexual, trans and queer individuals in rural and semi-urban communities more often than is registered (see Reid and Dirsuweit 2002:105-107).

Because LGBTI identifying people, or 'deviating' sexual orientations, gender identities and sex, are often generalised and recognised under the same terms like stabane, the violence experienced by LGBTI individuals in rural and semi-urban areas are often similar. Nevertheless, Mkhize et al. record that trans and gender diverse individuals as a group experience 'higher levels of increasing violence' than lesbian and gay people as a group (2010:33). There is a rise in intolerance, hate crime and violence against individuals who are seen as 'gender-deviant' (Mkhize et al. 2010:33).

Pumla Dineo Gqola argues that there is a rape culture embedded in South African society, and perhaps we are dealing with something that goes beyond homophobic and transphobic hate crimes (2007).

We spoke about it earlier on and how we battle to even enter relationships. Because the message that we get is that it is ok to be sexually objectified as a trans person. It is ok for you to be raped

because trans women have become so rape-able.
– Seoketsi (16th May 2018)

Sexual violence is something that we live in. We live in a world whereby a person can push you into a corner and rip your panties off. That is sexual violence. If a person can with a group of guys decide to attack you, that is that, and at the end of the day we need to be aware. I was talking to one girl who said she was raped and I said to her, what are you doing about your pain? Because it's either you talk about it to help somebody there, Or are you going to sit there and wallow in pity and wait for the world, for South Africa to stop and say, oh my God, you are raped. Women get raped, men get raped, kids get raped. What are you doing about your pain? Are you going to sit there and let people do things for you or are you going to go out there and talk about your pain so that you heal and you are able to help another person to heal?
– Thanya (28th June 2019)

So, security is a huge role... we are never, never truly safe. Three years ago we buried a transgender woman. She was a friend of mine. She was brutally murdered, and you could see that this was a hate crime because nothing was taken from her and her handbag was still full of everything that she had. She was just killed because of who she is.
– Christy (28th June 2019)

6.2 Fear of coming out

Knowing of the existence of these practices and experiences, it is already shocking how many trans and gender diverse individuals have the courage to be themselves and express their gender identity openly. Unless you have the money, resources and time to go through with gender-affirming hormone treatment and surgery, and your gender expression does not align with your assigned gender at birth, you risk discrimination and violence. One of the constituents admitted that he moved after he transitioned, and that in his new community 'nobody knows I am a female-born male. People know me as a heterosexual man. Of course, I am a heterosexual man, but they don't know my background'. Another constituent has never come out other than to her wife and expressed her gender identity. 'If I am with men I act as a man, even at home I make an effort to behave like a man. I can't present myself as a woman, and I have to fulfil certain gender norms because of expectations'. The fear of what the responses will be when and if one comes out sometimes deny people from being themselves.

Especially transmen get segregated at face value. When someone say I date men, I go out with men, but I don't want to go out with obviously looking gay men. I don't want to go out with too much looking lesbian woman. Because we deal with situations where most of our people are still in the closet because they are scared to be seen and judged.
– Mmedibusen (28th June 2019)

We need more education because of our young trans people, they don't want to come out anymore because of stigmatization and discrimination, you know. They don't want to be victims of homophobic violence. They will be closeted for years and years and years and only wait to go to universities far away. The next thing somebody is gay. They say you were not gay all along that you, I was in the closet, I saw when they were busy torturing you, doing this to you. So, I was afraid to come out, to be a victim too. – Millicent (28th June 2019)

So most of our trans people, they don't have information, they are afraid to come out. Even today, I don't think... Others, those who were invited, they didn't come because they don't want to be seen. Yeah. They don't want to associate themselves with other trans people. Now people are more comfortable, but the thing is they are afraid of their own safety. – Millicent (28th June 2019).

6.3 Different forms of violence

Accessing and reaching trans and gender diverse individuals that deny or hide their gender identity is extremely difficult, as one can imagine, and more or less all of the co-authors openly express their gender identity. And this often leads to discrimination, violence and rape, as we have seen above. We also have to acknowledge and recognise other forms of violence, such as the exclusion of gender diverse individuals when a school only offers female or male toilets, or teachers refusing to teach about varieties of gender and sexual identities, as we have seen in Chapter 4.

I have experienced a lot of discrimination because of my gender identity. I do experience day to day challenges based on my gender identity.
– Eugene (26th October 2018)

Once we had an incident, me and my friend were attacked by some guys. We were on our way from school and they attacked us because we were being confident of who we are. So they were questioning us – why are we like that, why are we

dressing this way, are we trying to do something to ourselves, are we trying to harm ourselves? There were so many questions asked before it led to violence. Even now the case is not resolved.
– Mmedibusen (28th June 2019)

Just to tell you the truth, I have gone through so much that I cannot just take out everything because it is so painful. Very, very painful.
– Gift (29th June 2019)

I love myself. I love my family, I love people that are around me, but I hate the name transgender. And being transgender. The reason being what it brings. It brings violence itself. There are times that I feel like I am violating myself as an individual by being transgender. Let me elaborate. There are times where I feel like I don't fit in. There are certain places I am afraid of what they are going to say. I don't feel like me and I got that feeling of the unknown. The reason for this I don't know, I am still trying to figure it out. To be a transgender you got certain boundaries that you can't cross.
– Wandi (20th November 2018)

6.4 Traumatic experiences lead to medical health needs and self-harm

The experiences with trauma and daily occurrences of discrimination and violence has a direct link to mental health issues and self-harm. There is also a direct correlation between being exposed to traumatic events and alcohol addiction (Stewart 1996:83).

Just to keep your mind of something that has happened to you, you start drinking or you have sex too much. Just to keep your mind off something. Off our struggles.
– Siyamthanda Kolisa (20th November 2018)

We are vulnerableright. At the same time, we are addicts to alcohol. The thing is when you are sober it all comes back. And now I am violating myself by drinking too much alcohol. I will remember traumatic experiences and then I will drink. But it is not a coping mechanism for me because these things will stay on and I cannot drink away my problems or struggles. The issue is still there.
– Phiwe Ngcengi (20th November 2018)

I am a trans woman. And I disappoint. I am a continuous disappointment. Until they come with a bottle of whisky. And then you drink. Then that bottle is finished, and you get another one.
– Wandi (20th November 2018)

It is a coping mechanism. For me, I drink to cope. With alcohol, if I have a beer I relax, and I tend to forget about the day. I am not drinking to get drunk. But I drink to cope. – Greyson Thela, GDX workshop coordinator (20th November 2018)

I understand why people drink all the time – stress levels. There is an issue of self-acceptance. When you are battling with some issues that you cannot comprehend you end up resorting to alcohol. – Milly (28th June 2019)

A study conducted with 75 000 University and College students in the US between 2011 and 2013, found that individuals that identified as transgender were more prone to heavy episodic drinking than cisgender individuals (Coulter et al. 2015:251). Although the research only reached 175 trans persons, the study found close correlations between alcohol addiction and abuse and experiences of sexual assault and verbal threat (Coulter et al. 2015). These experiences are common amongst trans and gender diverse individuals across the world.

This chapter has shown how one of the greatest barriers to gender recognition in rural and semi-urban areas is the fear of coming out, as this often leads to violence, rape and trauma. Trauma which should get proper mental health support.



Chapter 7: Accessing Inclusive Mental and Medical Health

Above we could see that individuals often resort to alcohol to 'forget' about trauma and violent episodes. We see the link between trauma and medical health needs, which is explored further by Stevens (2012), Husakouskaya (2013), and Klein (2013). This chapter will examine how the constituents experience accessing mental and medical health in rural parts of South Africa. As we have seen in Chapter 3, this is necessary in the pursuit of legal gender recognition.

7.1 Internalised transphobia and mental health issues

Like with family and communities, and different rural areas, trans and gender diverse individuals have widely different experiences with medical health institutions and different medical health practitioners. The role of medical health is often quite important in the journey of life as a trans person, and the barrier of the health care system becomes evident when we see the experiences the constituents often have in completely different settings.

(...) physically, you sit down there and you scrutinise and you stigmatise and you discriminate yourself, internalising transphobia and internalising all that you have been picking up on the streets. And now, because you can't distinguish what is right and what is wrong, you end up harming yourself. Hence, we see mental health issues continue to prosper. It escalates. – Seoketsi (16th May 2018)

[My mom] accepted the fact that I'm gay. Her first concern when she found out that I'm seeing men, the first thing she said to me was, 'please, don't come to me one day and say you are HIV positive'. Unfortunately, I was unlucky last year, and I found out that I was positive. For me, I'm not shy about my stages, I'm just concerned about my health. So, a few months down the line I actually got sick with depression because of the stages and not really understanding what my body was going through. – Nicky (27th July 2019)

That is what I always say, especially to my friends (...) that the fact that you are trans should not give you problems, and you should not blame being trans for having these problems. You should know that even ciswomen and even straight people they get problems. Because now the problem is, once you start having these kinds of problems you actually internalise them,

you start thinking this is happening to me because I'm trans. For me I thought I had to have a car accident while coming back from university to do my degree because I felt like God was actually punishing me for being trans. Because I'm forever being told that you being trans is sinful, you understand (...) So it's not because of that, we all go through the same challenges. – Nelly (20th December 2018)

This is problematic, because from what is evident from Chapter 5, and internalised transphobia, is that although trans and gender diverse individuals are not 'allowed' to suffer from mental illnesses to be able to access legal gender recognition because one has to be declared 'fit for surgery', this is quite common. Growing up and living in communities where they have to fight for your own existence, this should not be surprising.

We have to go to a psychologist because we are mentally ill, not because of cosmetics. – Phiwe Ngcengi (20th November 2018)

I thought I was ill. Maybe it was the demon that they used to talk about, saying homosexual people are possessed by the demon. This developed anger and depression in me, and I could not speak to anyone about how I saw myself. – Teekay Khumalo (26th October 2018)

I know that I want to transition, and this complicates the whole story of me going through the whole transformation. That's why it takes a bit longer when you are HIV positive, because a lot of people are very skeptical about doing operations and starting you on hormones. The fact that I was actually diagnosed last year with depression as well, I have to work myself up mentally first before I'm allowed to get any operation or start medication. So, for me, it's a bit tougher than I would say most trans women have to go through. – Nicky (27th July 2019)

So now it takes a while for somebody, who has tried suicide, suicide is not a thought of stupidity, it's deeper than that, you understand. Like me, my psychologist, my doctor said to me, trying to commit suicide is as deep as having a tumour in your brain, you can't control it, even though to some people batla ho tjetsa hore 'ha o ka ipolayela motho, oswaka' ke bohloko, it's a disease, suicide is actually a disease, go to your psychologist, drink your pills. I'm forever drinking mine, I'm on antidepressants. I don't know up until when and I'm coping and you can't even tell hore le nna nkile ka

I was in an accident and then this accident now, I was in a body I hated, you understand and now this body got involved in an accident, so now when this body that I hate so much was now disabled as you can see that I limp when I walk, so it became like, I just said that you know what neh, I'm done with life because I didn't even go to psychologist to deal with my trauma of being hit by a car. That's why I am saying I never dealt with those emotions and it is very important. That's why it is very very important for you to go seek help if you want to talk to somebody.
– Nelly (20th December 2018)

I do have suicidal thoughts, but I never act on it. I just think sometimes that I want to die.
– Deki Mthandeni (20th November 2018)

I tried to kill myself three times. Once I took pills and mixed them with bleach. My uncle took me to the hospital. And I used to cut myself. The more I bled the more I felt the pain wash away. I mixed painkillers with this strong washing detergent – used for keeping snakes away. It was because people around me in the society would say I had demons. And I got threatened that if I was raped masculinity would come back. So I hated myself for being gay because even if they tried to pray the demon away, it would still be there. And it made me angry (...) So after the other attempts didn't work I wanted to hang myself.
– Honey Mbi (20th November 2018)

This transgender thing. I got to a place where I was thinking why? I got questions that are not going to get answered. Why me? I got to a point where I was thinking this is too much. I don't know why I am punishing myself. I got to a point where I got tired of being a transgender. To be a transgender is a lot.
– Wandi (20th November 2018)

Imagine surviving an attempt on your own life. Someone finds you just in time and is able to bring you to the emergency room at the nearest hospital. From the experiences of the co-authors there seems to be four alternatives as to what happens next; i) you are turned away because trans issues are not important or urgent, and no one wants to assist you, ii) you are treated but the health practitioner does not recognise or seem willing to understand your gender identity, and might mix it up with sexual orientation; iii) you are treated and the health practitioner acknowledges your gender identity, but mocks you and makes fun of you to colleagues in front of you; iv) you are treat-

ed and you get all the help and assistance that you need. The fourth scenario is rare amongst the 83 constituents contributing to this book.

A transgender woman was gang-raped and beaten by five men because of her trans* identity. Upon arriving with the assistance of a friend at hospital in order to receive treatment and preventive HIV care, the nurse seeing to her refused to assist her after looking at her identity document book, and '...told me to go home and take off my dress' (Deyi et al. 2015:24).

The harsh reality is that many trans and gender diverse individuals in South Africa do not get access to medical and mental health services at all. They are turned away directly or chased away indirectly.

7.2 Accessing medical health services

For many of the co-authors the main concern is whether they will get access to medical health services at all.

There is something that I want to share. With regards to health-related issues. Because I have seen the professional nurses. They ignore this. They think LGBTI issues are not important. They don't want to help the LGBTI community or transgender group because to them they don't see it as important.
– Mathews Maja (17th May 2018)

It's a waiting list [to see a psychologist] of at least three months. I was there at the clinic to do some sensitisation and then she said 'transgender is not something urgent. It is just for beauty. We'll start with those people who have committed suicides' (...) and I said, 'if I cannot be a female, I will commit suicide'. And then they said 'no, transgender is not something that is urgent'.
– Phiwe Ngcengi (20th November 2018)

What I'd like to change about the Northern Cape is how things are done. I don't want to label ourselves as LGBTI because that's when people start separating themselves. So, what I would want to change is how to access facilities, for trans and intersex people to access healthcare facilities without being judged. Without people asking us 'but why are you like that' acceptance needs to be there. I would want them to be a part of each and everything that we do... So yeah, that's what I want to see. I want to see change within the Northern Cape whereby our society stands up with us and fights with us. Where we can all access healthcare facilities and be treated equally.
– Keilunetse (27th July 2019)

When I want to access health services and I go to the nurses at the clinic there is no one that will assist me, and they will interrogate me instead to produce an ID that matches my gender.
– Mtombizodwa Mdluli (26th October 2018)

And if you do get access to mental health and medical health practitioners, there is a possibility that they will discriminate against you or humiliate you. Bateman highlights that one of the biggest barriers to gender-affirming health care is prejudice and stigma towards trans and gender diverse individuals amongst health care practitioners (2011:93).

At the clinic I have experienced barriers to access. I used to suffer from tonsillitis, and when I visited the clinic a certain nurse would remark 'gays have tonsillitis, this is because you suck boys' dicks', and she would then call all the nurses to come see me (...). I would end up not getting any treatment as this would break me and I would just go back home.
– Mnelisi Mhlanga (26th October 2018)

Last December I went for an operation. So, I got there and saw the doctor and the doctor admitted me. She referred me to a nurse and the doctor told her, 'I am sending you a lady and you must assign her a bed'. When I got there, this nurse was like, 'he said he was sending a lady and here it says it's a man'. So, I'm looking at this nurse and I'm like, 'he said it's a lady because he looked at me and saw a lady (...) and you are a health worker and should know these things. She was like, 'no the bed is full' and assigned me to the men's ward.
– Anonymous (no. 3) (27th July 2019)

[After I tried to take my own life] I went to the psychologists but they twisted everything I said and my emotions. I do not trust them. They would not recognise my feelings or identity.
– Honey Mbi (20th November 2018)

Moreover, even if you are able to access some health services, you might find that practitioners are not aware of trans and gender diverse issues or needs. Some of the constituents told stories about how they have had to teach medical practitioners about trans issues and requirements for legal gender recognition. There is also research showing that there is no 'teaching about LGBT health related issues' in health sciences faculties and medical curricula (Müller 2013:1).

Even with the health system, it contributes to the barriers too because you find that people can't afford the medical aid. And most of our people go to the public hospitals and clinics where the nurses only know about gay and lesbian people. Then you come with a new term and they don't even know where to box you. – Milly (28th June 2019)

The nurses don't know what (transgender) is. And mind you it is one of those hospitals giving hormonal treatments like Bara and Helen Joseph. They went to those hospitals and the nurses didn't know what it was. – Lesego (28th June 2019)

You know how there is nothing that is so boring than going to a psychologist and then you have to tell the psychologist about you. The psychologists didn't even do one chapter in her years in university about trans. She does not know anything, yet this person is the one holding the upper hand on your life and everything that can actually change your life.
– Nelly (20th December 2018)

At medical institutions I also sometimes encounter problems, where I have to explain myself before I get help. Like my file would be written man and there I come, they see a girl and they will say here I see it is written male and you are a girl so yeah. I have to explain myself all the time. It is really tiring. And sometimes it just changes my mood, even if I was happy. Why do I have to explain myself, don't people know people like me exist? It really tires me and sometimes frustrates me.
– Cutie (28th June 2019)

Müller, looking at the University of Cape Town's health sciences curricula, finds that there is no provision for specific LGBT health knowledge (2013:1). It might not be very surprising then that LGBT individuals, compared to non-trans and heterosexual individuals, are likely to experience barriers to access of health care (Müller 2013:1). What is also unsurprising is that there have been recorded instances of psychiatrists and medical health practitioners confusing sexual orientation and gender identity (Bateman 2011:92).

Our educational materials that we find at the hospitals and at the clinics, they are only talking about male-female relations. So, our educational material, they need to be inclusive (...) If they are inclusive, they will be able to reach other people.
– Mathews Maja (17th May 2018)

Gender affirming healthcare has to be included in the health curricula for medical practitioners.
– Greyson Thela, GDX workshop coordinator (20th December 2018)

When we do the dialogues and the advocacy programmes, we have to also include the health practitioners and nurses. – Lesego (28th June 2019)

These barriers to medical and mental health care are urgent because many trans and gender diverse individuals want to access gender-affirming health care, and maybe even surgery.

But I do understand [why hormones are such controlled pills and] the questions about why do you want to take hormones, because there are side effects. For instance, if you are taking the pill only without blockers you can get bleached spots on your skin. And people, for example in Grahamstown, take pills from the black market because they can't get it from the doctor and a friend got blisters all over her body.
– Phiwe Ngcengi (20th November 2018)

I am trapped in this body and it is not comfortable. I am proud of knowing who I am, but not happy with not embracing it in my daily life. I make peace with thinking that it is possible to change, but you must be emotionally ready for that experience.
– Thembinkosi (26th October 2018)

7.3 Financial barriers to health services

In addition to mental and physical barriers to health care, there is the financial aspect. In countries like South Africa, where a lot of the healthcare system is privatised, a financial barrier to adequate medical health and services is created. Klein points out how there is better access to inclusive health care if you can afford the much more expensive private clinics and health practitioners (2013:171).

It is expensive [with hormones] at the private clinic but more safe. Because there can be a lot of side effects, and you want to do check-ups every three months. – Greyson Thela, GDX workshop coordinator (20th November 2018)
For us as trans people it is a huge thing to be employed because when you are employed you can say I've got finances to be able to take your hormonal treatment and all of those things. So it is hard as I am struggling to get employment. It brings me to the question - will I ever reach my goal of transitioning? Because the process becomes quicker when you have

finances to back you up. So without a job it is kind of impossible to see yourself as the person that you want to be at the end of the day. So that is my major concern that affects me personally. I would just love for that space to change, that stigma that we have in the world due to that. – Christy (28th June 2019)

If I had the money for it I would do a breast implantation and surgically transition.
– Gift (29th June 2019)

This financial barrier extends into the general access to gender-affirming healthcare and changing your gender marker on your IDs through Act 49. During some of the workshops we asked the constituents whether they would go through gender marker change if they had not already done so. Most of the co-authors from more rural areas had not attempted the change or did not know of the possibility. After sensitisation workshops on Act 49 and legal gender recognition, there are several constituents that have become eager to change their gender marker. That is, if the process was free of charge and without risk.

7.4 Continued pathologisation from NGOs

Historically, trans and gender diverse individuals have been forcibly pathologised through the categorisation of transgender and gender diversity as a mental illness in the ICD, and the revised classification which comes into effect in 2022 continues to categorise trans individuals as suffering from a 'sexual health condition' named 'gender incongruence' (see sub-chapter 3.1.3).

Nevertheless, although these international legislations have effects on worldwide perceptions of and discrimination against trans and gender diverse individuals, they are not the primary worry of individuals from the rural areas surrounding Botshabelo, Ladysmith and East London. For many the concern is that the pathologisation and sexualisation of trans and gender diverse individuals come from all directions. Klein argues that the medical narrative is the only space in the discourse where transgender and gender diverse people 'belong' (2013), and Matebeni emphasises that LGBTIQ individuals are usually only recognised within the HIV/Aids narrative (2009:113).

Consequently, one of the main recommendations of the GDX and LRC briefing paper on Act 49 is sensitivity training of mental and medical health practitioners to avoid the continued pathologisation and refusal of treatment of trans and

gender diverse individuals (Deyi et al. 2015:10). Something we also have to consider is the continued pathologisation from NGOs and development initiatives, which are supposed to advance the rights of trans and gender diverse individuals.

We need to challenge the donors. Because the donors came with that perspective of focusing on HIV and LGBTI. – Phiwe Ngcengi (20th November 2018)

I have worked with HSRC and other organisations, where they all focus on HIV and MSM studies. – Anonymous (16th May 2018)

Cornwall and Jolly point out that in their pursuit of reaching goals and 'objectives', development organisations continue to perpetuate the gender binary and they mainly focus on disease and medicalisation of African sexualities (2009:5-6). Historically, 'deviating' African bodies and sexualities have been part of justifying the 'civilising project' of colonial powers, and the narrow approach only focused on disease and left out narratives of desire, pleasure and sexual wellness (Tamale 2011:25). The development agenda and organisations working in Southern Africa have brought a 're-medicalisation' of African sexualities and bodies, specifically through the great, but limited focus on HIV (Tamale 2011:25).

Nevertheless, one cannot deny that transgender persons are recognised as a 'key population' when it comes to HIV infection and are at higher risk of being HIV positive (see South African Government 2012:26). According to the National Strategic Plan on HIV, STIs and TB 2012-2016, this is due to 'lack of knowledge and understanding of this community, and because of stigma, this population is often at risk for sexual abuse and marginalised from accessing prevention, care and treatment services' (South African Government 2012:26).

That is the reason so many of us also are affected by HIV, because there is no health education that caters for gender diversity and gender diverse people. And you become shocked when the stats says that people who are most affected are queer people, trans people, non-binary people. – Seoketsi (16th May 2018)

We lose people towards HIV, and the most painful thing is not being able to know how to talk about it and how to address it. – Thanya (28th June 2019)

The NSP highlights that health services have to be rights-based and prioritising 'gender equality and gender rights' (2012:22). Earlier in the document gender equality is defined as, amongst others, 'there is no discrimination on the grounds of a person's gender in the allocation of resources or benefits, or in access to services' (Republic of South Africa 2012:6).

However, we continue to see that a great barrier to access health services is discrimination on the grounds of someone's gender identity, and this is particularly problematic when trans individuals are at high risk of violence and mental health issues following trauma and HIV (see Matebeni 2009).

7.5 Legalising sex work: A step in the right direction?

As emphasised by Wandi earlier in this book, there are often not many choices for trans individuals when it comes to paid work, and many turn to sex work. Leigh Davids emphasised how many trans and gender diverse individuals are poor, black and homeless, and how the discussion about legal gender recognition often excludes people who turn to sex work to survive; that the gender identity advocacy efforts often talk about hormones and changing gender markers, when this is completely out of reach for the majority of trans people struggling to survive on a daily basis (2017).

Davids points out how the conversations about trans and gender diverse individuals' rights need to change towards a less privileged perspective, and start talking about what matters for the people on the ground, on the streets. And this is where decriminalising sex work comes in.

*I do know you left one D out. You left out the one I need: **Decriminalise**. You left it out because you never bothered to ask me. Because, well, exclusion and violence. – (Davids, 2017:34, emphasis in original)*

Chapter 8: Experiences with the Legal System

South Africa is known as one of the most progressive countries when it comes to constitutional rights for trans and gender diverse individuals. As we have seen in Chapter 3, the legislative framework has been one of the first in the world to specify that discrimination is not allowed on the basis of gender identity, and according to the constitution the country has legal gender recognition.

The South African situation is an example of the intricate tension between a system based on law and a system based on medical notions of 'normality' in contemporary Western society' (Klein 2013:169).

Contradicting this progressiveness, the stories and narratives of the co-authors continuously remind us that the implementation of this legal gender recognition is far from successful, and that access is far from inclusive. Another barrier to inclusive gender recognition that is highlighted by the constituents is little trust in police and the legal system, due to experiences with discrimination, humiliation and exclusion.

The state, even the post-apartheid state, has been loathe to move beyond the idea of a necessary correlation between the physical make-up of the body and the gender identity of a person in the way in which it has treated the idea of transsexualism (Vincent and Camminga 2009:678).

After I got raped the second time I reverted back to what I know, which was alcohol and sex... I went back to Joburg and started speaking to a therapist. He said to me that you have to admit the fact that pain is part of you, it is now becoming part of your DNA. That you live in a world that you can be attacked, and the justice system is not going to protect you.
– Thanya (28th June 2019)

8.1 Experiences with police

Many of the constituents have first-hand experience with police and law enforcement, particularly from reporting cases of violence and rape. Or from not reporting cases because of anticipation of further violence from the legal system.

I want to talk about trans and violence. The kind of violence that trans women encounter from the socio-economic political angle. And when I say that I mean different kinds of institutions within society, such as the

department of health, the department of education and the South African Police Service. So, what happens if you are violated? Do you know how it feels when you are violated? Because you have to go through the processes of having to talk about the people who hit you. And they will ask 'why did they hit you? What were you wearing, why were you there? And what time?' And it is so sad how no one is actually having a problem with that. It is just the most inhuman thing, to see how people have no problem with how people are being violated every day. As we are having this conversation right now, someone is being raped. As we are having this conversation right now, someone is dying. Someone is being suffocated. But no one is saying it. Someone is going through hate crime or someone is going through hate speech, and no one is saying anything.
– Seoketsi (16th May 2018)

Attitudes bring violence and the feelings of unknown, because you don't know whether you are going to get some justice or not. That is why I have never reported a case. And there have been more than 50 cases. And the reason is because I am also a pleasure executive, and therefore they won't take me seriously or believe me. We don't necessarily have the law on our side. And there is so much violence from our partners. We're being violated all the time. I don't know if it is me, or the way I am thinking, but all we want is to be loved. But do we need that love?
– Wandi (20th November 2018)

Now come to the police, they drag their feet when it is a person of LGBTI that is laying a complaint about stuff like this. It is like they are trying to say we are looking for attention. Why should our cases be treated differently than the next person? So that is a barrier in my life as well and I would like it to be addressed. They should be sensitised about our issues. I am not saying our issues are more special than the next person's, but they are treated differently and that is not supposed to be the case.
– Christy (28th June 2019)

So my challenge is, my documentation says I'm a man while I identify myself as a woman. So people don't take that. Like the other day I was driving and my license says I'm a man and I put on my makeup, my high heels, I was going to a funeral and I'm wearing a dress, black dress, draped, black heels. And the traffic officer says to me, who is this? Are you driving with somebody else's license? I say no, this is my license. I'm this Thabang. You know, I'm just wearing makeup, I'm transgender. And the guy said to me, I shouldn't use the word transgender because I'm not transitioned.
– Millicent (28th June 2019)

It is the same with police [as with schools not wanting to teach trans people]. This is what they said to us. When we went there, me and a friend, and they said that 'if I don't want to search a transwoman then I won't' (...) then the woman said that 'I am not comfortable searching him because he is biologically male.' It is also discriminating that when they go to arrest a person they come and ask about your gender, and they ask about your ID all the time. – Phiwe Ngcengi (20th November 2018)

There is little trust in the police, which is due to both the fact that the police might discriminate against you or humiliate you. There are also stories and experiences of violence from police. This often ends in numerous cases going unreported. Wells and Polders have found that most cases of anti-gay crime actually go unreported because the confidence in the police is low, and some even fear violence from the police (2006:25). This is supported by the co-authors.

I have experienced discrimination and violence, especially from the police station. There was this incident when I ended up being locked up and I was a laughing stock for the whole station. They were going about where I should be locked up, am I a boy or a girl. And it was very painful the way they treated me. They made me feel less of a woman. – Eugene (26th October 2018)

You might get raped again at the station. – Mother Rooi (16th May 2018)

When a gay guy goes to a police station and wants to open up a case of being family abused or being beaten up. The experiences we face is that we get discriminated, they would assume that 'they would have taken your gay demon out' and being a man, you would have hit him. When I tell them I am here to open a case and I did not hit that person back because I am incapable, they would say 'you are a man, stop being like this you are being sissy and that's why they hit you'. It's legal injustice. – Siphelele (29th June 2019)

We were violated by police, me and another trans woman. We were sitting on the pavement. And three other people were sitting on the other side – two male and one female. Then the police told us to move. We said 'no, if you ask us to move you should ask all of the people sitting here'. And they became angry and called us Moffie and Stabane. Then he said he would beat me and I asked how? And he said he would show me. And we argued a lot. But my friend pulled me

aside and told us to go to avoid the violence, and we moved to the grass and sat there and they followed us. – Phiwe Ngcengi (20th November 2018)

The fact that so many cases go unreported means that the prevalence of homophobic and transphobic violence might be much more common than reported and that the number of trans and gender diverse individuals being violated on a daily basis is much higher than the already outrageous statistics presented in Chapter 6.

8.2 Experiences with Home Affairs

Most, if not all, of the co-authors have expressed that they would change their gender marker on their ID if they had the opportunity. This is, if they had more information about it, if it was not too expensive and difficult to access necessary health services, and if they felt that the people at Home Affairs would assist them. In fact, the few co-authors that have made it so far as to fulfilling the requirements of gender marker change, have experienced being discriminated against, being turned away and being laughed at by Home Affairs.

The people who laugh at us a lot at Home Affairs are boys, even though girls do it too, but boys are worse. When I went to apply for an ID at Home Affairs I asked this boy to assist me and then I saw all the boys laughing, I was so surprised at their laughter, I even thought there was something wrong with me. They then called one another 'come and see a gay person' that is what they said at Home Affairs in Ladysmith. A married lady appeared, I forgot her surname, she works there at Home Affairs and she stopped them. She said 'Hush! What you are doing is not right and one day God will give it to you'. They then kept quiet, this woman called me and assisted, and that is how I got my ID. – Mnelisi Mhlana (26th October 2018)

As for home affairs, it's a different story. I live in a rural area and those people living in that rural area, we must not forget that most of them are not as modernized as those living here. So, when I come with this concept of changing my gender from male to female, they are going to be surprised and give resistance and ask me why I want to do this. It's going to make me feel uncomfortable. It's tiring. – Gift (29th June 2019)

If I ever go to Home Affairs everybody would be laughing at me, saying that I am a man and yet now I want to become a woman. And nobody will actually take me into consideration. – Kananelo (20th December 2018)

When I went to Home Affairs they laughed at me. Like they were calling each other, you know when you get to somebody's office and like they are like no, you need to see this, but now our supervisor, the manager of Home Affairs wants to see you. And do you remember when I went there, I actually went there with Act 49 just to show them and they are like 'no but here it says undergone surgery'... when I refer to Act 49 I call it a discriminatory law, you understand? Because it is discriminating. I have been trying the procedure for about two to three years now and I was stopped because the doctor didn't write the letter in a way the Home Affairs wanted. – Nelly (20th December 2018)

With me the issue comes when I have to produce an identity document because it is Mildred and they see this man. The minute I go there and produce my ID, believe you me, that is when the problems start and they ask where the owner of this ID is. – Milly (28th June 2019)

8.3 Who to trust?

The legal system is supposed to be a system in which people can trust and feel safe, and it is supposed to safeguard vulnerable people from oppressive and discriminatory actions and attitudes. However, from the experiences of the constituents from all different provinces we see that although the laws might be there to protect people from discrimination, the legal system does not provide safe spaces for trans and gender diverse individuals. That when the constituents approach the people that are supposed to protect them, they are often met by transphobic and homophobic attitudes. This results in a lack of trust in the legal system which subsequently results in even more dark figures on violations towards trans and gender diverse individuals.

The lack of trust also results in a void of justice, where people who have been violated have no place to go and no one to turn to. This elevates the importance of organisations such as Gender DynamiX, Triangle Project and the organisations working in the different provinces, as they provide safe spaces for people who need it the most. However, this is safety that should be provided by the government that is sworn to protect all its citizens, independent of their respective gender identity.

Part 3

Conclusions & Recommendations



PART 3: CONCLUSIONS & RECOMMENDATIONS

Chapter 9: Conclusions on the Results

We see from the contributions of the constituents that there are several recurring barriers and limitations to legal gender recognition across the different provinces and rural backgrounds. The majority of the constituents confirm that they would want to change their gender marker on their identity documents if they had access to sufficient funds and information.

In fact, almost every one of the constituents would attempt to use Act 49 for their own benefit if they did not 'know' that Home Affairs would laugh at them and most likely lose a document or two along the way; if it was not that expensive to get proper care and the health services would not discriminate against them; if it did not mean that they would have to 'admit' to having mental problems, but at the same time make sure they are declared 'fit for surgery' if they get that far into the process; if society and family would acknowledge their gender identity and not be violent if they expressed their gender identity; and if they knew more about what it means to be trans and gender diverse, what gender rights you have; and could know more about trans and gender identity in school. And that is a big if.

What seems to be the red thread through all of these barriers to gender recognition is the access to adequate information, or rather the obvious lack of it. This illuminates the importance of continuing advocacy and sensitisation work in schools, health care and the legal system, as well as the proper implementation of Act 49, the PEPUA (GOV-SA 2000), and the SRHR Framework Strategy in schools (DSD 2015). It all starts with information.

9.1 Summarising the main findings

The main findings from the GDX and SAIH book project, looking at trans and gender diverse narratives on gender recognition in rural areas of South Africa, can be summarised as follows:

- There is limited access to adequate information about the diversity of gender identities, which means that even self-identification is difficult.
- Although it is an intended outcome for the government, the school curriculum does not include information on gender diversity and expressions.

- Trans and gender diverse individuals in rural and semi-urban areas experience high levels of discrimination and low levels of acceptance and recognition from their families and communities. This is mainly due to lack of information which results in lack of understanding.
- There is a growing tendency of transphobia and violence against 'diverging' gender expressions in some communities, and this leads to fear of coming out and expressing your gender identity.
- Trans and gender diverse individuals often have specific health needs, but access to consulting these are limited due to uninformed health care professionals, gender-based marginalisation and financial barriers.
- Despite the constitution and legislation protecting the rights of trans and gender diverse individuals, people working within the legal system might discriminate and humiliate them. This results in the law not protecting some citizens based on their gender identity.

Accordingly, the co-authors have shown that there are multiple barriers to gender recognition in South Africa for trans and gender diverse individuals. Some of the most significant barriers are due to limited access to information and inadequate education at all levels. Trans and gender diverse individuals from rural and semi-urban areas experience widespread discrimination and violence, but this is often not reported or dealt with legally because of fear of further marginalisation and humiliation from or within the legal system.

Chapter 10: Recommendations and Solutions

Based on the findings and narratives presented above, we have formulated 10 recommendations for the South African government, which we believe will fundamentally improve gender recognition for trans and gender diverse individuals in rural and semi-urban areas. These modest measures can be part of challenging prevalent transphobia in society and improve gender equality and equity in the country.

10.1 Curriculum change and teacher training

We concluded that the biggest obstacle to legal gender recognition, and generally the recognition of trans and gender diverse identities, is access to information. Or lack thereof. The experiences of the constituents in the school system and the non-existent education on gender identities and sexualities, point to a simple solution.

I also think, like it would be easier if this starts as a subject from an earlier grade so that all learners can know what is happening with the LGBTI, the gender, the everything. And including the teachers as well so that when they go to the higher grade then they will actually know about everything. If it starts from the foundation phase, it will be a lot easier.
– Jackson (20th December 2018)

We therefore recommend that the South African Government (Department of Basic Education):

R1. Make sure that the department of basic education implement an inclusive and intersectional curriculum on sexual orientation, sex and gender identities, which includes those of LGBTI.

The importance of changing the curriculum, and making sure that it recognises the diversity of gender identities, stems from the fact that this cannot be enforced within families and communities, and so this might be the only place in which young people can learn about their own identities.

If we are going to introduce sexual education within high schools or the education sector, let the curriculum be intersectional and not lie. Because that is the curriculum, that is what is happening right now.
– Seoketsi (16th May 2018)

The younger you start [with education about

gender identities], the better the outcome is. So, we have to start at schools as well.
– Nicky (27th July 2019)

Francis (2012; 2017), Potgieter and Reygan (2012) and Msibi (2012) propose what an inclusive curriculum on gender identity and sexuality could look like, and this is worth taking into consideration. There is also a recommendation that gender and sexual diversity is taught across subject areas instead of just in Life Orientation (Francis and Reygan 2012:193).

Glover and Macleod from Rhodes University have also studied the current research on sexuality education in LO and have published a policy brief to assist the Department of Basic Education to implement the SRHR strategy. The policy brief finds five limitations to current LO education and teaching, and consequently recommend structural changes such as positive associations with sexual health, challenging the rigid gender binaries and support for teachers to provide learners with adequate and accurate information on the topics (see Glover and Macleod 2016).

What is important is that the current curriculum introduces learners to all aspects of sexualities and gender identities in a way that does not value one more than another. The ways in which the curriculum is presented is highly dependent on the teachers, and the results highlight that this is also an important obstacle to adequate information necessary for gender recognition.

The recent report on challenging homophobic bullying in schools recognises the importance of teachers and school staff and encourages teachers to ‘challenge homophobia and myths about LGBTI identities’. The report also advises staff to ‘revise teaching programmes to ensure that they are not homophobic or heterosexist’ (Department of Basic Education 2016). We have seen examples of both homophobia and heterosexism in school curriculums and attitudes of teachers from the narratives in this book. We therefore add a recommendation that focuses specifically on the teachers and educating the educators. This is to make sure that the inclusive and informative curriculum is also presented in an appropriate manner, without discrimination and humiliation.

The issue is that teachers should be educated while in university about how to address LGBTI people, especially when it comes to pronouns and more.

And that would actually be a good thing because now the pronouns are becoming a serious issue for those who are still at high school or even in primary school. – Kananelo (20th December 2018)

There needs to be workshops conducted for teachers, so that teachers can know how to address LGBTI people and also know different aspects of LGBTI. – Jessica (20th December 2018)

Our results show that teachers have a vital impact on learners and are often part of the discrimination of trans and gender diverse students. This is also emphasised in the research of Francis and Reygan, identifying micro-aggressions among teachers towards LGBT students (2012). Similarly, Bhana finds that teachers in South Africa are normalising heterosexuality and 'abnormalising' sexual and gender diversity, which has effects on students' moral views (2014).

We therefore recommend that the Department of Basic Education:

R2. Implement thorough training for teachers across all disciplines about the different aspects of sexual and gender diversity, how to correctly address trans and gender diverse individuals, and how to openly discuss sex, sexualities, gender identities, gender expressions and bodily diversity with students.

Gender DynamiX is already engaging with this and facilitates training workshops with teacher students on exactly how to address SOGIESC (sexual orientation, gender identity, gender expression and sex characteristics) issues in the classroom. However, to reach teachers across the country and make sure that no children or youth will have to face discrimination and humiliation based on their gender identity, this is something the government should make sure is enforced.

Furthermore, the fact that so many of the co-authors have traumatic experiences with gender binary toilets and enforced gender-based school uniforms indicates that school policies could be changed to enhance the experience of trans and gender diverse students. It would also challenge current homophobia and transphobia prevalent in the school system.

I would love to see a gender-neutral toilet at school. Okay, we do have a toilet for disabled people, thank

god for that, and that was very thoughtful of the government. Can we have another toilet for us? – Gift (29th June 2019)

Maybe it will be better if school policies can be amended, because they are actually an obstacle that's standing in the way because the school policy clearly says that boys should wear boys' uniforms. On a national level it can be amended because now we are fighting for it to be amended locally and nothing has been happening, so if it can be amended on the upper level it might be better (...) The thing is, [the trans student that is allowed to wear girls' uniform next year], her principal might still get problems because her ID says she is male and the school policy says males or boys are supposed to wear let's say a grey trouser and all that, you understand? So, it will be easier if it gets changed on the upper level and we go down, because now we are trying to push it from below, but we are not succeeding. – Nelly (20th December 2018)

At school I used to use the women's toilet but whenever I would go there, you would see them feeling uncomfortable. – Siphesible (29th June 2019)

Even if there would be unisex toilets, boys would still discriminate even in those unisex toilets. And so, they'll still do things they want to do in there. So, everybody should have their own toilets, LGBTI people that side, girls that side and boys that side. – Kananelo (20th December 2018)

I've always told them that we don't need to wait for new infrastructure to have gender neutral toilets. We just need to remove the man or the woman on the door. Then it becomes neutral like the ones we use at home. – Milly (28th June 2019)

Both the toilet and school uniform issues have been recognised by activists across different organisations and centres, and in a specific recommendations report created to assist the South African Committee on Economic, Social and Cultural Rights (ESCR) (Matthyse et al. 2017). Particularly the problems that arise with the female and male toilets were emphasised by the constituents. Some of the co-authors shared that they didn't go to the toilet at all during school or would make sure they went in the middle of class to avoid other students. The issue of gender binary toilets has been widely discussed, in both social and political forums, and a solution that suits everyone is yet to be

found. Nevertheless, some universities such as the University of Witwatersrand in Johannesburg have now opened gender neutral toilets on their campus, and the result has been greater inclusivity for trans and gender diverse individuals.¹³

We therefore make the recommendation that schools:

R3. Actively seek to reform their school policies and structures to become more inclusive and protective of trans and gender diverse students, such as implementing gender neutral bathrooms and ensuring free choice of school uniforms or attire.

The ESCR report, written by representatives from the Legal Resources Centre, Iranti-org, Lawyers for Human Rights and Gender DynamiX also highlights the importance of sensitising and training of health care staff (Matthyse et al. 2017).

10.2 Health practitioner sensitisation

From our results and narratives of the constituents, we can see that a great barrier to gender recognition is limited access to inclusive and affirming health care. This is particularly difficult to access because of mental and medical health practitioners without adequate information about trans and gender diverse issues, and direct discrimination from the practitioners themselves.

Similarly, to the ECSR report, we therefore recommend that the Government of South Africa and the Department of Health:

R4. Make sure that thorough and inter-sectional training and sensitisation is provided for mental and medical health practitioners on the needs and issues of trans and gender diverse individuals, such as gender-affirming health care.

Several of the co-authors emphasise that they have had to teach medical and mental health practitioners about their own needs, as well as the requirements of applying for gender marker change. This means that many, if not most, health care practitioners are not taught about gender-affirming healthcare at all. This is supported by the findings

from Müller's research on the curriculum of the University of Cape Town's health sciences faculty.

The results show that LGBT health topics are not addressed, and that health content related to LGBT is not incorporated into the structure (Müller 2013). The limited information on LGBT health issues and needs can lead to misconceptions about one's own and others' health. Consequently, Matebeni et al. found that there are wide misconceptions about HIV-risk among lesbians in South Africa (2013). Because lesbians are not recognised in most HIV research projects, they have often (inaccurately) been regarded as a non-risk group (Matebeni et al. 2013).

And then another thing. Our educational materials that we find at the hospitals and at the clinics are only talking about male-female relations. So, our educational materials, they need to be inclusive. If they are inclusive, they will be able to reach other people. – Mathews Maja (17th May 2018)

What our own results and narratives demonstrate is that the lack of knowledge of trans and gender diverse health issues and needs leads to exclusive and discriminatory health care experiences, and extreme difficulties in accessing the necessary health care and documents required for legal gender recognition and changing gender marker options on IDs. The current experiences with discriminatory and inaccessible health care also excludes individuals from accessing gender-affirming procedures and treatments.

Although some organisations are already facilitating sensitisation workshops to health services, the reach is limited and much of the workload falls on already underfunded and underappreciated LGBTI organisations. To be able to reach everyone and not just some, and thus making sure that trans and gender diverse individuals across the country can access inclusive mental and medical health services, the Department of Health and Department of Higher Education should work together and implement obligatory national training of health providers.

In the future, SOGIESC related needs and issues can be adequately implemented in higher education curriculum, but we also need training of current practicing professionals to increase access. This is imperative for gender recognition in the country.

12. See The University of Witwatersrand's Sexual Orientation and Gender Identity Advocacy Programme.

We therefore also recommend that the Department of Higher Education and Training:

R5. Implement comprehensive information on the needs of trans and gender diverse patients in the current health sciences curriculum, and include education on the diversity of sexualities, gender identities and gender expressions.

If mental and medical health practitioners are properly trained in SOGIESC related health care and needs, trans and gender diverse individuals across the country might be able to access inclusive and affirmative health care, which is currently an extreme obstacle to legal gender recognition.

10.3 Community engagement and sensitisation

The greatest consensus on what needs to be done to increase gender recognition for trans and gender diverse individuals was facilitating sensitisation workshops in the rural communities to educate about gender identities and expression. If the local communities and families understand the differences between sexual orientation and gender identities, and learn about the fluidity and variety of both, there would be increased understanding and recognition of trans and gender diverse identities.

I think there should be people going to the communities, making meetings, coming up with meetings and tell the parents and the community about this thing, It would be good with sensitisation meetings like teaching about gender identity and sexual orientation and the differences between gender, sex and sexual orientation.
– Jessica (20th December 2018)

A lot of times I just think we are not educated enough in Kimberley. So, I think we need more functions and awareness campaigns. We need for NGOs to come together and actually come up with a solution on how to educate and actually get people to join the groups because in Kimberley there is a lack of commitment.
– Nicky (27th July 2019)

It would be great if GDX could visit rural areas and teach about the existence of our lifestyle and that they need to accept it. GDX also needs to visit schools because it becomes a big challenge when at school they separate boys and girls. Visiting rural areas and schools would be of great use to us because they need to understand that nowadays people do live this kind of life. They must understand that there are peo-

ple like us, and we are people too. We should not be mocked in communities and in schools because we are people. – Mnelisi Mhlanga (26th October 2018)

We need to start to advocate around us. We need to start advocating around us and start on the provincial level. Not on the national level or international level because you can't reach that. You need to start on the grassroots level.
– Phiwe Ngcengi (20th November 2018)

It starts with an individual. That goes for churches, police stations, and wherever else. If I am arrested for drunk driving and I ask for a separate cell, that certain officer who refuses to do that because you're a man is an individual. Let's start with that individual.
– Leo (27th July 2019)

I think we can change society for the better through community engagement. Through community engagement we can educate the community. If we can include different groups in the community engagements, such as health practitioners and the elders, we can create a platform. Although we already have some community engagements taking place. So what is left to do is to implement education around those people. So through already established community engagement platforms you can access people very well.
– Mathews Maja (17th May 2018)

[What can be done to decrease stigma and discrimination in the communities] is educating them. There is no other way. Because once a person gets to know more it gets better. – Junior (22nd June 2019)

From where I come, things are still behind. Especially in our community, only a few people understand. Most of the people do not understand. I think it is easy to solve – firstly, we seriously need workshops. We need to call people to one place so that people can be informed. I can be one of them because many people know about me and as they know me they are used to me. I can stand in my community and raise this point – people as we are here we have people who are living this kind of life, we have to accept one another, as human beings. Even myself, I can do it because I can see there are people who live the life I am living but they are in the closet. They are not free, they are scared, and or rather we are scared to come out – because what will people say? But if I can have GDX to come, they can give me support so I can go to the people, because the community does not know GDX but they know me. I can put GDX through to my com-

munity and then I can sit back and GDX can give the ideas – we have to live, we are people, we are human beings. – Thembinkosi Ngwenya (26th October 2018)
I think it would be a very beautiful society if it can be open and equal. More especially for the generation to come. I don't wish them to experience the difficulties and struggles that we faced. I believe there must be more awareness and workshops to our communities so that they can realise our rights of transgender and gender diverse. – Eugene (26th October 2018)

Gender DynamiX and other organisations such as the Gay and Lesbian Network in KZN, Social, Health and Empowerment Feminist Collective of Transgender Women of Africa (S.H.E.) in the Eastern Cape, and Trans Wellness Project in the Western Cape, already organise sensitisation projects and workshops in the local communities. This with the aim of assisting community members and the significant others of trans and gender diverse individuals with information and education about gender identities and expressions. Another aim is to increase acceptance and awareness of trans and gender diverse individuals by facilitating outreach work in rural areas.

We have to change the target groups. Like we usually hold dialogues with people who are already informed on these issues. Can't we try to change the focus, and for example go to prisons and have dialogues with the prisoners and the perpetrators. – Milly (28th June 2019)

There is a discussion to be had on who should organise and facilitate this community engagement and sensitisation. There are currently no government funded projects aimed at increasing awareness of gender diversity and expressions in the communities, and this is something we have seen is one of the fundamental barriers to gender recognition for trans and gender diverse individuals.

We therefore recommend that the Government of South Africa:

R6. Organise and fund outreach projects and community engagements which bring awareness and information of gender diversity and expressions to rural areas across the country.

One of the important aspects of implementing and funding such projects is how this can lead to an increased reach and make sure that rural areas across the country receive information and educa-

tion. Although there exist LGBTI organisations and projects in most big cities in the country, they often do not reach the rural and semi-urban areas as has been emphasised by the co-authors. This results in trans and gender diverse individuals having to take matters into their own hands and try and sensitise the community themselves, which has not always been successful. A discussion to be had is also whether this is the responsibility of individuals that are already marginalised in society.

Why do we always have to sensitise others? No one sensitised us about cisgender and about women and about patriarchy. – Nelly (20th December 2018)

The problem is that people think we have time or society thinks we have time, but we do not have time. We cannot be going back to the drawing board and constantly re-educating people and constantly telling people how to treat us. And to even hold me. It should be compulsory for everyone to know. – Seoketsi (16th May 2018)

The vitality of reaching the rural areas is pointed out by several of the constituents:

We also need to give other trans people opportunities. If we attend GDX conferences or focus groups next year, they should be in the rural areas. You should not conduct this in East London where there are a lot of organisations. You should go to rural areas as well to conduct the focus groups. To get the different perspectives. We are more advanced when we have moved to the cities. We need to give other trans women a chance to grow. We need to stop being jealous. It is something that we encounter a lot. We need to share the opportunities that we get. – Phiwe Ngcengi (20th November 2018)

I believe we need more people going into the rural areas to do awareness workshops and going into the depths of the rural areas and making sure they can sensitise. I don't know hey. We are sensitising, but we cannot always be out there teaching others. – Deki Mthandeni (20th November 2018)

I think the trans community should be offered more opportunities to express themselves because a lot of the trans community and especially the trans women are very shy to come out. – Nicky (27th July 2019)

Because of this difficulty in reach, some of the co-authors recognise the importance of sensitising the community oneself:

Yes, I do imagine [an open, equal and inclusive society] all the time and I wish people could understand us as we are and accept us. I know the only solution [to realise the rights of transgender and gender diverse individuals] is to educate people more about us and give them time to understand us.
– Thosko (26th October 2018)

We need to write our stories by ourselves. Like if for example I took hormones – I should write the story of the hormones and how it was. Until the end, as I experience it. So, for example when I take it I can write something about that, if it influences me. So that trans generations can see what it was like. As well as, we need to engage with chiefs and white councillors because they have a lot of power in the communities, and we need to make our own voices heard so that we can advocate for changing those policies that affects us in society such as Act 49.
– Phiwe Ngcengi (20th November 2018)

To make sure that community sensitisation and educational workshops are accurate and thoroughly informed on gender identities and experiences, we recommend that the government fund trans and gender diverse individuals and organisations to facilitate these. As Phiwe emphasises above, trans and gender diverse people need to write their own stories, which can again inform sensitisation projects and accurate information.

This is one of the aims of this particular book, and the project of conveying lived experiences of trans and gender diverse individuals in rural and semi-urban areas. Without knowing the intersectional experiences of what it means to be trans in South Africa today, as represented from different contexts, we will not know the whole picture of what is limiting gender recognition and how we can realise the progressive constitution. A constitution which has not been realised in the legal system.

10.4 Expanding the law and conceptualising gender

We have already pointed out several limitations to the current legislation on gender recognition, Act 49, in Chapter 3. In summary, we found that the requirements for changing one's gender marker is limiting access to the majority of trans

and gender diverse individuals, that the legislative framework relies on rigid gender binaries and that the current choices of either Female or Male are exclusionary for gender diverse individuals.

From discussions and focus groups with the 72 constituents on the gender marker options currently available, we therefore recommend that the Government of South Africa:

R7. Change the current gender marker options of female and male, respectively, to having no gender markers on identity documents at all.

This is quite a radical recommendation, but we believe that society can effectively change to the benefit of all if we remove gender markers completely. The gender role expectations in society, and the repercussions of these in day to day life (for everyone but cisgender heterosexual males) are limiting and preventing gender equality and equity. The next best option would be to add another gender marker (X) to the existing Female and Male, and of course to make it a free choice between the three.

What is important is to remove the current requirements to change your gender marker and access Act 49. We have seen that the requirements of letters from mental and medical health practitioners and that one must have begun one's gender-affirming treatment or surgeries is seriously limiting access to the legislation. Although surgery should not be necessary, many individuals find themselves unable to access Act 49 without it. Similarly, the letters from health practitioners are either a struggle to get a hold of or Home Affairs will not accept the particular letter.

We therefore recommend that the Government of South Africa:

R8. Remove the current requirements for changing one's gender marker on IDs, and let legal gender recognition be accessible and inclusive for all.

The requirements, although they might seem 'simple', are currently limiting the access to Act 49 by being open to interpretation. Although the legislation says that you can change your gender marker on your ID if you have undergone surgical OR medical treatment, constituents have experienced being turned away if they could not prove gender-affirming surgery. As we have seen in sub-chapter 8.3,

Home Affairs can deny you changing your gender marker just because of semantics or by adhering to the previous law where surgery was necessary.

There have also been incidents of Home Affairs 'losing' documents, resulting in the application being denied or substantially postponed. Whichever way you look at it, the current legislation and its requirements allows for personal interpretations and this often results in Home Affairs staff and officials acting like gatekeepers for trans and gender diverse individuals accessing legal gender recognition.

In the GDX and LRC 2015 briefing paper on Act 49, the authors recognise the importance of training Home Affairs staff to make sure that the legislation is implemented accurately (2015:43). This need is also identified by the co-authors, who have experienced discrimination and humiliation from the department.

I think if people from Home Affairs can be also sensitised, it will be much easier. Like people say, they think they will laugh at them when they go there and try to change their gender marker.
– Jackson (20th December 2018)

People from the department should be sensitised as well. – Nelly (20th December 2018)

We have also seen that police, the people that are meant to protect you, are being discriminatory and violent towards trans and gender diverse individuals, and this presents serious issues. If people do not trust the legal system, how is it then supposed to work? Without people reporting cases of violence, rape and human rights breaches, how are you supposed to prevent and deter such things from happening? We therefore recommend that the Government of South Africa:

R9. Make sure that both Home Affairs and Police staff receive mandatory sensitivity training on how to interact with and respect all gender identities and expressions, and that the rights of trans and gender diverse individuals, such as Act 49, are emphasised.

One of the constituents also emphasised the importance of people knowing their rights so that one can use the legal system to achieve justice. Because the PEPUA law emphasises the responsibility of the state to eliminate discrimination on the grounds of gender and promote gender equality

(GOVSA 2000), one should be able to report cases of marginalisation and violence with repercussions.

We need to know our rights, and we need human rights training amongst trans women. So that trans women – when you are violated your right, you know you must go and report it. If I am violated, I go to the provincial and national. Because NGOs and organisations will take your case and say they will follow up and then do nothing. That's why if I am violated, I will go to provincial or national levels. And after that I will expose them to the media.
– Phiwe Ngcengi (20th November 2018)

I think we need to educate home affairs more about the trans community. We need to educate as well, the gay community about home affairs.
– Nicky (27th July 2019)

For me, I think the law has to be tightened for the LGBTQI community. If you wrong a person within the LGBTQI community, you must be legally prosecuted, and awareness must be made. Awareness is much more important because it seems like we are doing this ourselves. The government is just pushing other agendas and ignoring this one. Awareness must be straight forward, and the law must be straight forward. – Siphesible (29th June 2019)

Earlier we talked about the issue of advertisements. There should be media advertisements on Facebook, twitter, and everything for people to be taught about the LGBTIQ. I think that would be very, very, very influential. – Gift (29th June 2019)

Again, the limitation to gender recognition involves access to information, which can mean the difference between discrimination, violence and equality before the law. What is emphasised as part of the access to adequate and accurate information about trans and gender diverse identities, health and rights is language barriers.

10.5 Decolonising language

Another limitation to gender recognition in the rural areas which follows the results presented by the constituents and co-authors is language, or the lack thereof. South Africa has 11 official languages, but only two are used for legislative purposes. This is English and Afrikaans – the two only official languages that derive from colonial times and apartheid in South Africa. The access to accurate and necessary information about

trans and gender diverse identities, health and rights is often limited to the English language.

- R9) Sensitise Home Affairs and police
- R10) Provide information in local languages.

We need to change the pamphlet. Most of the time we use western languages. We need to translate that into our own local languages so that people can understand. Again, we need to challenge the donors. And the organisations need to provide information in different languages. And we need to hire trans individuals to do the translations.

– Phiwe Ngcengi (20th November 2018)

Continuously working to decolonise the language and making sure that adequate information is available in all official and local languages is vital for the decolonising knowledge project and the deconstruction of the gender categories and binary. We need to challenge the perceptions we have of English being the only real knowledge language, and that we can only conceptualise the variety of gender identities in certain languages and terms. A future project is therefore for trans and gender diverse individuals to agree on the most accurate definitions and explanations of what it means to be trans and gender diverse in languages such as isiXhosa, isiZulu and Sesotho.

We also recommend that the Department of Health and Department of Basic Education:

R10. Provide adequate information and education about gender diversity and expressions in all of the eleven official languages, both in clinics, hospitals and schools.

Ultimately, we end up with a list of 10 recommendations that can all be implemented within a reasonable time frame and budget:

- R1) Improve school curriculum and include gender diversity
- R2) Train teachers to present and tackle LGBTI topics and issues
- R3) Implement school policies on ungendered toilets and uniforms
- R4) Educate and sensitise health practitioners
- R5) Include SOGIESC issues in health curriculum for future practitioners
- R6) Fund and organise community workshops to increase awareness and understanding
- R7) Change gender marker options to no genders
- R8) Remove requirements for Act 49

Chapter 11: The Future is Bright

South Africa has one of the most progressive and promising constitutions in the world when it comes to securing and promoting the rights of trans and gender diverse individuals. South Africa therefore has the opportunity to be the leading country in Africa and even the world in realising and protecting the rights of trans and gender diverse individuals. We believe that the above recommendations will substantially improve the lives of all identities in the country, and it will affect even the least privileged in society.

Ultimately, one of the greatest findings of this research was the positivity of all the constituents, and the belief in change and a better future. Although gender recognition for trans and gender diverse individuals in South Africa is currently facing many barriers and limitations, there is political, organisational and community will to improve the status quo.

Because we are approaching, or we are going through a gender revolution is why I am as confident as I can ever be. Because the beauty about girls like us, is that we are the third sex. And we are redefining what will be said in the coming years, and in the coming future. Because I always tell people that people probably hate what they don't understand, but they don't hate it. It is the fear of the unknown. And it starts like that.
– Seoketsi (16th May 2018)

My life, I take it as a positive story about a transgender person. I normally tell myself, it is not always, for me, a good thing to always hear about the hiccups that we have, and it is nice to have a good story to encourage the next person.
– Christy (28th June 2019)

It's becoming easier [at church] because now youth leaders are becoming a bit sensitised about such issues and they are telling everybody about how people should be treated, especially LGBTI people.
– Jessica (20th December 2018)

When I continued growing as a woman my parents started accepting me, and even my uncle that had not accepted me started accepting me.
– Portia (20th December 2018)

When you are seeing it now, when you look at the progress from back in 1994 until now, there is indeed tremendous progress. In years to come, and that is the principle of 'let us make this world better for

the next generation'. Because when you see young trans men and gay people, they must feel protected.
– Mother Rooi (16th May 2018)

You know, a funny thing happened to me during the week, when I posted on Facebook. Did you see that post of mine where I said I am a transman? Did you see the response? It was all positive. I think I had a hundred or something comments, and all of them are positive. I expected negative comments, you know, and not even one negative. Everybody was congratulating me, and some are saying they were gonna support me. – Lesego (28th June 2019)

Activism is important, as well as the continued effort of organisations, campaigns and individuals. I can imagine an open, equal and inclusive society. We as LGBTI community need to strive until we climb over to freedom.
– Mthombeni Baphile (26th October 2018)

Yes, I see changes. There is a lot. If I was to compare to before. You need to understand, before you become an activist you started out as a victim. Then you become an activist. First you are a victim. Then you are an activist. – Phiwe Ngcengi (20th November 2018)

The repeated emphasis on activism and standing together highlights the importance of a strong trans and gender diverse community that does not exclude people on the basis of socio-economic background, race, appearances and expectations of what it means to be trans or gender diverse. Although everyone has different experiences and there is not one trans identity, we see the importance of coming together and recognising the intersectional experiences individuals live on a daily basis. We need to recognise that people have different lived experiences and struggles, but at the same time acknowledge and include as many allies as possible, because we stand stronger together.

The thing I always dream of is unity amongst the LB-TIQ community because united we stand, but divided we fall. I want the hatred to end so that anyone can freely be who they want to be in a loving and supporting environment where they won't be judged or be given names and mostly where people won't be discriminated due to their sexual orientation.
– Junior (22nd June 2019)

Another positive thing that I've picked up is that amongst ourselves we are starting to create a space

whereby we can accommodate love and live together. There was a time whereby we had so many groupings and that killed us as LGBTI persons. Like we had the transgender people that side, the lesbian people that side, the gay people that side. Even amongst the transgender people you'll find still groupings even within the gay people find groupings. I think we are reaching a point whereby we are able to live together harmoniously and understand and accept who we are. – Milly (28th June 2019)

Therefore, the importance of Trans 101 workshops and spreading information about gender recognition in the rural areas of the country is crucial. Knowledge is power and it is the first and most important step towards gender recognition for all in South Africa.

[Because the term trans does not exist in rural areas] we ask about pronouns and preferred names. And bring information to make sure people know what they identify as and that it is ok. You might not be gender conforming at all. – Linda Chamane, GDY workshop coordinator (26th October 2018)

I would just say that we are very grateful for all the support you give to us, and your support strengthens us. It makes us see ourselves as human beings in the communities and in the world at large. Thank you very much. I don't even know what to say, we are very happy to be with you. – Mnelisi Mhlanga (26th October 2018)

I have given a lot into building myself as a self-made man, a transgender man. I know I am man enough as I have endured a lot of pain growing up as a trans man in a rural area, something only a few men in this world goes through and actually succeeds in. Attending this event has made me realise that I am important and I am not alone in this journey of becoming my true self as I have been battling a lot of things growing up with no one to talk to and be open about all the issues affecting me personally. I love myself and I am proud to say that I am man enough. – Mukondi Mswazi (22nd June 2019)

one has access to inclusive and adequate education. We believe that the results emerging from this book can inform current advocacy work and policymaking in the country, and that it can lead to the improvement of gender recognition for trans and gender diverse individuals across South Africa. By improving the lives of one of the most marginalised populations in a country, we also believe one automatically improves the lives and rights of all.



The findings from this research project shows that it all starts with access to information and the findings are in line with the idea that information and education can lead to liberation and empowerment. In meeting the above recommendations on school policies and curriculum, the Government of South Africa can empower the younger generation of trans and gender diverse individuals and make sure that every-

REFERENCES

- Afonja, S. (2005) *Gender and Feminism in African Development Discourse*, Indiana: Indiana University Institute for Advanced Study
- Akanji, O. and Epprecht, M. (2013) 'Human Rights Challenge in Africa: Sexual Minority Rights and the African Charter on Human and Peoples' Rights' in Nyeck, S. N. and Epprecht, M. (eds.) *Sexual Diversity in Africa*, Montreal: McGill-Queen's University Press
- Amadiume, I. (1997) *Re-Inventing Africa: Matriarchy, Religion and Culture*, New York: Zed Books
- Ampofo, A. A., Beoku-Betts, J. and Osirim, M. J. (2008) 'Researching African Women and Gender Studies: New Social Science Perspectives' *African and Asian Studies*, Vol. 7, pp. 327-341
- Bateman, C. (2011) 'Transgender Patients Sidelined by Attitudes and Labelling' *SAMJ*, Vol. 101, No. 2, pp. 91-93
- Buchanan, D. R., Miller, F. G. and Wallerstein, N. (2007) 'Ethical Issues in Community-Based Participatory Research: Balancing Rigorous Research with Community Participation in Community Intervention Studies' *Progress in Community Health Partnerships: Research, Education, and Action*, Vol.1, No. 2, pp. 153-160
- Butler, J. (1990) *Gender Trouble: Feminism and the Subversion of Identity*, New York: Routledge
- Butler, J. (1993) *Bodies that Matter: On the Discursive Limits of 'Sex'*, New York: Routledge
- Butler, J. (2004) *Undoing Gender*, New York: Routledge
- Chakrabarty, D. (1992) 'Postcoloniality and the Artifice of History: Who Speaks for 'Indian' Pasts?' *Representations*, Special Issue, No. 37, pp. 1-26
- Collins, J., McFadden, C., Rocco, T. S. and Mathis, M. K. (2015) 'The Problem of Transgender Marginalization and Exclusion: Critical Actions for Human Resource Development' *Human Resource Development Review*, Vol. 14, No. 2, pp. 205-226
- Cornwall, A. and Jolly, S. (2009) 'Sexuality and the Development Industry' *Development*, Vol. 52, No.1, pp. 5-12
- Corrêa, S. O. and Muntarbhorn, V. (2007) *The Yogyakarta Principles: Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity*, Yogyakarta, Indonesia: ARC International
- Coulter, R. W. S., Blosnich, J. R., Bukowski, L. A., Herrick, A. L., Siconolfi, D. E. and Stall, R. D. (2015) 'Differences in alcohol use and alcohol-related problems between transgender- and nontransgender-identified young adults' *Drug and Alcohol Dependence*, Vol. 154, pp. 251-259
- Crenshaw, K. (1991) 'Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color' *Stanford Law Review*, Vol. 43, No. 6, pp. 1241-99
- Currier, A. (2015) 'Transgender invisibility in Namibian and South African LGBT organizing' *Feminist Formations*, Vol. 27, No. 1, pp. 91-117
- Davids, L. (2017) 'Violent Exclusion' *Agenda*, Vol. 31, No. 3-4, pp. 31-34

Davis, K. (2008) 'Intersectionality as buzzword. A sociology of science perspective on what makes a feminist theory successful' *Feminist Theory*, Vol. 9, No. 1, pp. 67-85

Department of Basic Education (2016) *Challenging Homophobic Bullying in Schools*, Pretoria: The Republic of South Africa

Department of Education (2003) *National Curriculum Statement Grades 10-12 (General). Life Orientation*, Pretoria: Department of Education

Deyi, B., Kheswa, S., Theron, L., Mudarikwa, M., May, C., and Rubin, M. (2015) *Briefing Paper: Alteration of Sex Description and Sex Status Act, No. 49 of 2003*, Cape Town: Gender DynamiX and Legal Resources Centre

DSD (2015) *National Adolescent Sexual and Reproductive Health and Rights Framework Strategy*, The South African Government, Pretoria: Department of Social Development

Ekine, S. and Abbas, H. (2013) *Queer African Reader*, Dakar: Pambazuka Press

Epprecht, M. (2004) *Hungochani: The History of a Dissident Sexuality in Southern Africa*, Quebec City: McGill-Queen's University Press

Escobar, A. (2007) 'Worlds and Knowledges Otherwise: The Latin American Modernity/Coloniality Research Program' *Cultural Studies*, Vol. 21, pp. 179-210

Francis, D. A. (2012) 'Teacher positioning on the teaching of sexual diversity in South African schools' *Culture, Health & Sexuality*, Vol. 14, No. 6, pp. 597-611

Francis, D. A. (2017) *Troubling the teaching and learning of gender and sexuality diversity in South African education*, New York: Palgrave Macmillan

Francis, D. A. and Reygan (2016) "Let's see if it won't go away by itself." LGBT microaggressions among teachers in South Africa' *Education as Change*, Vol. 20, No. 3, pp. 180-201

GATE (2011) *It's time for reform: Trans* Health Issues in the International Classifications of Diseases. A report on the GATE Experts Meeting*, The Hague: Global Action for Trans Equality

Glover, J. and Macleod, C. (2016) 'Rolling out comprehensive sexuality education in South Africa: An overview of research conducted on Life Orientation sexuality education' *Critical Studies in Sexualities and Reproduction*, Grahamstown: Rhodes University

GOVSA (2000) *Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000*, Johannesburg: The Government of South Africa

Green, K. M. and Bey, M. (2017) 'Where Black Feminist Thought and Trans* Feminism Meet: A Conversation' *Souls*, Vol. 19, No. 4, pp. 438-454

Grinspan, M. C., Carpenter, M., Ehrt, J., Kara, S., Narrain, A., Patel, P., Sidoti, C. and Tabengwa, M. (2017) *The Yogyakarta Principles plus 10*, Geneva: ARC International

Grosfoguel, R. (2008) 'A Decolonial Approach to Political-Economy: Transmodernity, Border Thinking and Global Coloniality' *Kult*, Vol. 6, Special Issue, pp. 10-38

Grossman, A. H. and D'augelli, A. (2006) 'Transgender Youth' *Journal of Homosexuality*, Vol. 51, No. 1, pp. 111-128

- Gqola, P. D. (2007) 'How the 'cult of femininity' and violent masculinities support endemic gender based violence in contemporary South Africa' *African Identities*, Vol. 51, No. 1, pp. 111-124
- Halberstam, J. (1994) 'F2M: The making of female masculinity', in Doan, L. (ed.) *The Lesbian Postmodern*, New York: Columbia University Press
- Herpin, A. and Scharl, M. (2011) 'Sex Determination: Switch and Suppress' *Current Biology*, Vol. 21, No. 17, pp. 656-659
- Hines, S. (2010) 'Introduction' in Hines, S. and Sanger, T. (eds.) *Transgender Identities: Towards a Social Analysis of Gender Diversity*, New York: Routledge
- HRW (2011) 'We'll Show You You're a Woman'. *Violence and Discrimination against Black Lesbians and Transgender Men in South Africa*, United States of America: Human Rights Watch
- Husakouskaya, N. (2013) 'Rethinking gender and human rights through transgender and intersex experiences in South Africa' *Agenda*, Vol. 27, No. 4, pp. 10-24
- Iranti-org (2017) *Ending Pathological Practices against Trans and Intersex bodies in Africa*, Johannesburg: Iranti-org
- Klein, T. (2008) 'Querying medical and legal discourses of queer sexes and genders in South Africa' *Anthropology Matters*, Vol. 10, No. 2, pp. 1-17
- Klein, T. (2013) 'Necessity is the mother of invention: Access inequalities to medical technologies faced by transgendered South Africans' *Technology and Innovation*, Vol. 15, pp. 165-179
- Le Roux, G. (2013) 'Proudly African & Transgender' – collaborative portraits and stories with trans and intersex activists' in Ekine, S. and Abbas, H. (eds.) *Queer African Reader*, Dakar: Pambazuka Press, pp. 54-68
- Lehohla, P. (2004) *Provincial Profile 2004*. KwaZulu-Natal, Pretoria: Statistics South Africa
- Luce, I. D. (2019, August 19). Sweden recently introduced a gender-neutral pronoun. Psychologists say it's already changing the way people think. Retrieved from Business Insider: <https://www.businessinsider.com/sweden-has-non-gendered-pronoun-changing-the-way-people-think-2019-8?IR=T>
- Manganyi, C. (1973) *Being-Black-in-the-World*, Johannesburg: Ravan Press
- Manion, A. and Morgan, R. (2006) 'The Gay and Lesbian Archives: Documenting same-sexuality in an African context' *Agenda*, Vol. 20, No. 67, pp. 29-35
- Matebeni, Z., Reddy, V., Sandfort, T. and Southey-Swarz, I. (2013) 'I thought we are safe': Southern African lesbians' experiences of living with HIV' *Culture, Health & Sexuality*, Vol. 15, No. S1, pp. 34-47
- Mavhandu-Mudzusi, A. H. and Sandy, P. T. (2015) 'Religion-related stigma and discrimination experienced by lesbian, gay, bisexual and transgender students at a South African rural-based university' *Culture, Health & Sexuality*, Vol. 17, No. 8, pp. 1049-1056
- Miller, R. L. and Brewer, J. D. (2003) *The A-Z of Social Research. A Dictionary of Key Social Science Research Concepts*, London: SAGE Publications
- Minkler, M. and Hancock, T. (2008) 'Community-driven asset identification and issue selection' in Minkler,

M. and Wallerstein, N. (eds.) *Community-Based Participatory Research for Health. From Process to Outcomes, Second Edition*, San Francisco: Jossey-Bass, pp. 153-170

Minkler, M. and Wallerstein, N. (2008) *Community-Based Participatory Research for Health. From Process to Outcomes, Second Edition*, San Francisco: Jossey-Bass

Mkhize, N, Bennett, J., Reddy, V. and Moletsane, R. (2010) *The country we want to live in: Hate crimes and homophobia in the lives of black lesbian South Africans*, Cape Town: HSRC Press

Msibi, T. (2012) 'I'm used to it now': Experiences of homophobia among queer youth in South African township schools', *Gender and Education*, Vol. 24, No. 5, pp. 515-533

Mufweba, Y. (2003) "Corrective rape makes you an African woman" News South Africa, Johannesburg: Independent Online, URL: <https://www.iol.co.za/news/south-africa/corrective-rape-makes-you-an-african-woman-116543> [Accessed 17.02.2018]

Müller, A. (2013) 'Teaching lesbian, gay, bisexual and transgender health in a South African health sciences faculty: addressing the gap' *Medical Education*, Vol. 13, No. 174, pp. 1-7

Nagoshi, J. L. and Brzuzy, S. (2010) 'Transgender Theory: Embodying Research Practice' *Affilia: Journal of Women and Social Work*, Vol. 25, No. 4, pp. 431-443

Namaste, K./V. (1996) "Tragic misreadings': queer theory's erasure of transgender subjectivity' Beemyn, B. and Eliason, M. (eds.) *Queer Studies: A Lesbian and, Gay, Bisexual, and Transgender Anthology*, New York: New York University Press

Namaste, V./K. (2009) 'Undoing Theory: The 'Transgender Question' and the Epistemic Violence of Anglo-American Feminist Theory' *Hypatia*, Vol. 24, No. 3, pp. 11-32

Nel, J. A. and Judge, M. (2008) 'Exploring Homophobic Victimization in Gauteng, South Africa: Issues, Impacts and Responses' *Acta Criminologica*, Vol. 21, No. 3, pp. 19-36

Ndlovu-Gatsheni, S. J. (2012) 'Coloniality of Power in Development Studies and the Impact of Global Imperial Designs on Africa' *ARAS*, Vol. 33, No. 2, pp. 48-73

Pickman, B. and Griggs, B. (2018) 'The World Health Organization will stop classifying transgender people as mentally ill' (20th June 2018) CNN Health, URL: <https://edition.cnn.com/2018/06/20/health/transgender-people-no-longer-considered-mentally-ill-trnd/index.html> [Accessed 28.09.2018]

Potgieter, C. and Reygan, F. C. G. (2012) 'Lesbian, gay and bisexual citizenship: A case study as represented in a sample of South African Life Orientation textbooks' *Perspectives in Education*, Vol. 30, No. 4, pp. 39-51

Reid, G. and Dirsuweit, T. (2002) 'Understanding systemic violence: Homophobic attacks in Johannesburg and its surrounds' *Urban Forum*, Vol. 31, No. 3, pp. 99-126

Republic of South Africa (2004) 'Act No. 49, 2003. Alteration of Sex Description and Sex Status Act, 2003' *Government Gazette*, Vol. 465, No. 26148

Riggle, E. D. B., Rostosky, S. S., McCants, L. E. and Pascale-Hague, D. (2011) 'The Positive Aspects of a Transgender Self-Identification' *Psychology and Sexuality*, Vol. 2, No. 2, pp. 147-158

Roen, K. (2001) 'Transgender Theory and Embodiment: The risk of racial marginalisation' *Journal of Gender Studies*, Vol. 10, No. 3, pp. 253-263

- SAHRC (South African Human Rights Commission) (2003) *Submission, Alteration of Sex Description and Sex Status Bill*, Braamfontein: Home Affairs Portfolio Committee, National Assembly
- Said, E. (1993) *Culture and Imperialism*, New York: Knopf
- Schilt, K. and Westbrook, L. (2009) 'Doing Gender, Doing Heteronormativity: "Gender Normals," Transgender People, and the Social Maintenance of Heterosexuality' *Gender & Society*, Vol. 23, No. 4, pp. 440-464
- Scourfield, J., Roen, K. and McDermott, L. (2008) 'Lesbian, gay, bisexual and transgender young people's experiences of distress: Resilience, ambivalence and self-destructive behaviour' *Health and Social Care in the Community*, Vol. 16, No. 3, pp. 329-336
- Sharp, J. and Boonzaier, E. (1994) 'Ethnic identity as performance: Lessons from Namaqualand' *Journal of Southern African Studies*, Vol. 20, No. 3, pp. 405-415
- Shimange, Z. A. and Matthyse, G. L. (2016) *Ama'Rights: Understanding, supporting and accessing human rights for transgender and gender diverse persons in South Africa*, Cape Town: Gender DynamiX
- Singh, A. A., Richmond, K. and Burnes, T. R. (2013) 'Feminist Participatory Action Research with Transgender Communities: Fostering the Practice of Ethical and Empowering Research Designs' *International Journal of Transgenderism*, Vol. 14, No. 3, pp. 93-104
- Snorton, C. R. (2017) *Black on Both Sides: A Racial History of Trans Identity*, Minneapolis: University of Minnesota Press
- South African Government (2012) *National Strategic Plan on HIV, STIs and TB: 2012-2016*, Johannesburg: Republic of South Africa
- Stevens, M. (2012) *Transgender access to sexual health services in South Africa: Findings from a key informant survey*, Cape Town: Gender DynamiX
- Stewart, S. H. (1996) 'Alcohol Abuse in Individuals Exposed to Trauma: A Critical Review' *Psychological Bulletin*, Vol. 120, No. 1, pp. 83-112
- Stone, S. (1991) 'The Empire Strikes Back: A posttranssexual manifesto', in Epstein, J. and Straub, K. (eds.) *Body Guards: The Cultural Politics of Gender Ambiguity*, New York: Routledge
- Strebel, A. et al. (2006) 'Social constructions of gender roles, gender-based violence and HIV/AIDS in two communities of the Western Cape, South Africa' *Journal of Social Aspects of HIV/AIDS*, Vol. 3, No. 3, pp. 516-528
- Stryker, S. (1994) 'My words to Victor Frankenstein above the village of Chamounix: performing transgender rage' *GLQ: A Journal of Gay and Lesbian Studies*, Vol. 1, pp. 237-254
- Swarr, A. L. (2009) 'Intersexuality, and Same-Sex Relationships in South Africa' *Feminist Studies*, Vol. 35, No. 3, pp. 524-548
- Swarr, A. L. (2012) *Sex in Transition: Remaking Gender and Race in South Africa*, New York: State University of New York Press
- Swarr, A. L., Gross, S. and Theron, L. (2009) 'South African Intersex Activism: Caster Semenya's Impact and Import' *Feminist Studies*, Vol. 35, No. 3, pp. 657-662

- Tamale, S. (2011) 'Researching and theorizing sexualities in Africa' *African Sexualities: A Reader*, Cape Town: Pambazuka Press
- Theron, L. and Kgositau, T. R. (2015) 'The emergence of a grassroots African trans archive' *Transgender Studies Quarterly*, Vol. 2, No. 4, pp. 578-583
- Trouillot, M-R. (1995) *Silencing the Past: Power and the Production of History*, Boston: Beacon Press
- Uhlenhaut, N. H. et al. (2009) 'Somatic Sex Reprogramming of Adult Ovaries to Testes by FOXL2 Ablation' *Cell Press*, Vol. 139, No. 6, pp. 1130-1142
- Vincent, L. and Camminga, B. (2009) 'Putting the 'T' into South African human rights: Transsexuality in the post-apartheid order' *Sexualities*, Vol. 12, No. 6, pp. 678-700
- WCED (2002) 'Life Orientation' Revised National Curriculum Statement Grades R-9 (Schools), Western Cape Education Department, URL: https://wcedonline.westerncape.gov.za/ncs/lo_grade.html [Accessed 10.01.2019]
- Wells, H. and Polders, L. (2006) 'Anti-gay hate crimes in South Africa: prevalence, reporting practices, and experiences of the police' *Agenda*, Vol. 20, No. 67, pp. 20-28
- West, C. and Zimmerman, D. H. (1987) 'Doing Gender' *Gender & Society*, Vol. 1, No. 2, pp. 125-151
- Whitley, C. T. (2013) 'Trans-kin undoing and redoing gender: Negotiating relational identity among friends and family of transgender persons' *Sociological Perspectives*, Vol. 56, No. 4, pp. 597-621

APPENDIX A

A.1 The Preliminary Conversation Guide

The questions developed before the first workshop in May 2018 were based on current literature on diverse transgender lived experiences, feminist research approaches of leaving questions open to personal interpretation and a community participation approach that considers the importance of letting the conversation be led by the insider informant. The question guide guiding the conversation thus began with a single question; what can you tell about yourself? The conversation would henceforth be guided by follow-up questions based on what the insider informant said. Because this could seem limited and some insider informants wanted more guidance, we came up with the six questions outlined below:

1. How do you identify yourself? Does it differ in different settings?
2. What can you tell about yourself?
3. Have you experienced barriers to human rights, safety, health, social services, shelter and housing, education, work, transport, communication, family and community acceptance, cultural practices, asylum and refuge, gender recognition and access to justice, among others?
4. Have you experienced discrimination, violence and human rights violations in different settings, including from police and prisons?
5. Can you imagine a society without any form of oppression, discrimination, inequality or inequity?¹³ What does it look like?
6. What do you believe can be done to realise the rights of trans, gender diverse and gender non-conforming individuals in South Africa?

The first question had already been the theme for the first Workshop session on the 15th of May, and the constituents had therefore had time to reflect on this question ahead of time. With this question we wanted to flesh out the different ways in which transgender, gender non-conforming and gender diverse individuals identify themselves, and look at how this might be similar or differ from person to person. The second question, as has been recognised as the main research question for the conversations, is as open-ended as possible and allows for the constituent to decide what they want to share and talk about during the conversation. This allows for the insider informant to interpret the question as they like and focus on what they want to contribute to the book.

The questions on barriers to different public services, legal rights and practices were originally constructed to make sure the research can contribute directly to policy-making. By recognising ways in which transgender, gender nonconforming, gender diverse and intersex individuals have been experiencing barriers to for example health care services, this research can illuminate specific faults and weaknesses with current policy implementations and decision-making in South Africa. It can also point towards what can and should be done at policy-level, informing future advocacy and human rights work of Gender DynamiX and others.

As outlined above, the intersectional research approach of this project points out the importance of critiquing and complicating current categories and definitions, and relies on developing new conceptualisations. This is one of the reasons why we want to include questions on imagining alternatives. We want to challenge current discourses by complicating definitions, categorisations and concepts we have deeply internalised and that sustain gender norms and hierarchies, as well as essentialist understandings of gender and sexuality.

13. Without transphobia, cisnormativity, heteronormativity, gender binarism, coloniality, capitalism, ableism, racism, patriarchy and transmisogyny?

A.1.1 Changes to the current questions

Throughout the Workshop in May 2018, there were several conversations in the question guide and the conversations that were to be arranged and that had already been completed. In line with community participation research approaches, this feedback has been reflected in the constant change and review of questions and conversation methods and structure. Changing to more positive language and questions were one such example, where the constituents wanted to change:

5a) Can you imagine a society without any form of oppression, discrimination, inequality or inequity?¹⁴ What does it look like?

to:

8) Can you imagine an open, equal and inclusive society? What would it look like?

We also removed all referrals to gender non-conforming and GNC individuals, as this term carries a lot of negative connotations that are linked to 'not being normal' or conforming to society.

Moreover, with the heightened focus on Act 49 as an overall theme guiding the book and research, there needed to be certain changes to the current conversation guide. This to make sure the focus is reflected in what the co-authors contribute to the book and that the results can reflect a broader perspective on issues of self-identification and experiences with Act 49. In line with the methodological approach of pursuing open-ended questions that are open to the contributors' interpretation, we decided to include the question:

3) What have been your experiences with other people acknowledging and respecting your gender identity?

This question is very open, and we wanted to let the participants choose what they wanted to share. This was to make sure we did not limit the sphere in which gender recognition and acknowledgement are experiences, and what other people could be. To make sure we also got some responses on experiences with the law and Act 49, however, we included a more specific question:

4) What have been your experiences with legal gender recognition and adjusting your sex description on your identity documents?

The final version of the conversation guide follows.

14. Without transphobia, cisnormativity, heteronormativity, gender binarism, coloniality, capitalism, ableism, racism, patriarchy and transmisogyny?

A.2 The Final Conversation Guide

1. How do you identify yourself? Does it differ in different settings?
2. What can you tell me about yourself?
3. What have been your experiences with other people acknowledging and respecting your gender identity? (this can relate to people using the title, pronoun, name and gender with which you identify)
4. What have been your experiences with legal gender recognition and adjusting your sex description on your identity documents?
 - What do you know of Act 49?
5. In your day to day life, have you experienced barriers to any kind of services based on your gender identity? (this can include, but are not limited to; human rights, safety, health, social services, shelter and housing, education, work, transport, communication, family and community acceptance, cultural practices, asylum and refuge, and access to justice)
6. In other settings, such as educational and health care, do people respect and recognise your gender identity and gender expression?
7. Have you experienced discrimination, violence and human rights violations in different settings based on your gender expression? (this can include from police and in prisons)
8. Can you imagine an open, equal and inclusive society? What would it look like?
9. What do you believe can be done to realise the rights of transgender and gender diverse individuals in South Africa?



APPENDIX B

B.1 The Workshops: Places and Dates

- B.1.1 Western Cape, Saldanha – 15-19th May 2018
- B.1.2 KwaZulu Natal, Ladysmith – 25-26th October 2018
- B.1.3 Eastern Cape, East London – 19-20th November 2018
- B.1.4 Free State, Bloemfontein – 20th December 2018
- B.1.5 Limpopo, Elim – 22nd June 2019
- B.1.6 North West, Mahikeng – 28th June 2019
- B.1.7 Mpumalanga – 29th June 2019
- B.1.8 Northern Cape, Kimberley – 27th July 2019



A book project brought to you by
Gender Dynamix



Gender Dynamix

Address: Unit 7, Block A Collingwood Place, 10 Anson Street, Observatory, Cape Town, 7925

Postal: Postal Address: P.O. Box 34568, Groote Schuur, Cape Town, South Africa, 7937

Tel: +27 21 447 4797

Mobile: +27 74 384 8774

Email: info@genderdynamix.org.za

Website: www.genderdynamix.org.za