

**Welcome and Opening Remarks by the Deputy Minister of Justice and
Constitutional Development,
the Hon JH Jeffery, MP
at the Policy Dialogue on the Rights of Transgender and Intersex Persons,
held at the Sheraton Hotel, Pretoria,
4 November 2021**

Programme Director,
The Minister of Justice and Correctional Services,
H.E. Dr Riina Kionka, the Ambassador of the Delegation of the European Union
to South Africa,
The Commissioner for Equality of the European Commission,
The UN Independent Expert on SOGIE Issues,
The Ambassador of Ireland to South Africa,
The High Commissioner of Canada,
Commissioners of various institutions supporting constitutional democracy,
Representatives from civil society, in particular our civil society partners -
Iranti, Gender Dynamix, Intersex South Africa and the African Centre for
Migration and Society,
Distinguished speakers and panellists, friends,

I am indeed honoured to be able to welcome so many of you – both here in
the room and online, from across South Africa and from all over the world.

This is an historic event and I think it's inspirational to have so many different
stakeholders - from government, activists and international experts – all here
for this event.

As you know, a South African delegation comprising the Departments of Justice
and Constitutional Development, Home Affairs, and Health, and various civil
society organisations including Iranti, Intersex South Africa and The African
Centre for Migration and Society, in collaboration with the European Union,
conducted a tour to Malta and Belgium in 2019 to learn more on the making of
Transgender and Intersex legal and policy frameworks.

This engagement sought to explore opportunities for exchanges between, amongst others, the Government of Malta, the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Europe) as well as key EU institutions including the European Parliament's Intergroup on LGBT Rights.

Following these engagements, we are meeting here over the next two days to shape and advance transgender and intersex policies for South Africa.

While there have been significant strides made regarding legislative safeguards, gaps in policy and challenges with implementation still remain.

Freedom, dignity and equality go to the very heart of our constitutional democracy. But many people are deprived of their human dignity and right to equality and are not free to be themselves, because of the discrimination they face in their lives - they face discrimination on the basis of their sexual orientation, gender identity and expression and/or their sexual characteristics.

Transgender and intersex persons have very distinct legal needs and often face enormous challenges when trying to access services or care that most people take for granted, such as accessing gender-affirming documentation, like identity documents. Intersex persons are also be subjected to unnecessary surgeries and medical interventions which deny them their right to bodily autonomy.

Transgender and intersex persons often struggle to access health care and face unfair discrimination in access to education, sport, employment and services.

We need to change that – and we **can** change that.

South Africa follows a rights-based approach. This means that government have three levels of obligation, namely to respect, protect and fulfil rights.

To respect a right means refraining from interfering with the enjoyment of the right.

To protect a right means to prevent other parties from interfering with the enjoyment of rights.

To fulfil a right means to take active steps to put in place laws, policies, institutions and procedures to enable people to enjoy their rights.

What we are doing here today focuses on, and strengthens, all three obligations.

I want to sincerely welcome each and every one attending and wish you all a very successful and fruitful Dialogue. Thank you to everyone who has made this event a reality and who have played a part in ensuring its success.

I want to close with a quote from someone who is said to have been the person who ensured that the “T” today forms part of LGBTIQ acronym – Sylvia Rivera.

Sylvia Rivera was a transgender rights activist and some have called her *“the Rosa Parks of the modern transgender movement.”*

She was rejected by her family and left home at the age of 11 to live on the streets of New York. Although she was a veteran of the Stonewall uprising - which was to become a pivotal moment in the history of what we today call LGBTIQ+ rights - Sylvia and other transgender persons were discriminated against and discouraged from participating in the Pride parades.

But she fought tirelessly and also ensured that transgender people were included in the Sexual Orientation Non-Discrimination Act in the US.

She spoke about transgender persons, but I believe her words apply equally to intersex persons as well.

She said, and I quote -

*"We have to be visible. We should not be ashamed of who we are.
We have to show the world that we are numerous.
There are many of us out there."*

Programme Director, friends,

If we say that we are truly committed, as a nation, to human rights for all, we must ensure that the human rights of transgender and intersex persons are protected, promoted and respected.

I thank you.