

BREAKING BORDERS & BINARIES

...

WITH
DONWELL
MPOFU

HE/HIM

#BREAKINGBORDERSANDBINARIES



@LHR_SA



lhr_sa



Lawyers for Human Rights



Gender Dynamix



genderdynamix



genderdynamix



BREAKING BORDERS & BINARIES

Donwell is a transgender man from Zimbabwe who arrived in South Africa around 2015 after being forced to flee his own country because of persecution because of his gender identity. Donwell has been able to file an application for asylum in South Africa, but due to discrimination based on his gender identity and nationality, he has not been able to proceed with the refugee status determination process and extending his temporary asylum seeker visa.

The Department of Home Affairs has also refused to grant his two South African-born children with birth certificates for unknown reasons. The failure of the DHA to ensure access to documentation for Donwell and his children, which they are legally entitled to, has caused him and his children immense suffering and left them destitute.

#BREAKINGBORDERSANDBINARIES



@LHR_SA



lhr_sa



Lawyers for Human Rights



Gender Dynamix



genderdynamix



genderdynamix

LAWYERS FOR
HUMAN RIGHTS

GENDER
DYNAMIX

BREAKING BORDERS & BINARIES



"I have suffered as a transgender refugee in SA and all I want is for my children who were born in SA not to suffer for my sins."

- DONWELL MPOFU

#BREAKINGBORDERSANDBINARIES



@LHR_SA



lhr_sa



Lawyers for Human Rights



Gender Dynamix



genderdynamix



genderdynamix

LAWYERS FOR
HUMAN RIGHTS

GENDER
DYNAMIX

BREAKING BORDERS & BINARIES

Focus: Transgender and Gender non-conforming people have a right to access to education and birth registration services

Access to Birth Registration

Section 28 (1)(a) of the Constitution of the Republic of South Africa, 1996, states that, "Every child has the right to a name and a nationality from birth." The right to a name starts with birth and includes the right to be registered by the state in a birth register immediately after birth. Section 9 of the Birth and Deaths Registration Act 51 of 1992 gives legislative effect to this right and makes provision for the registration of children born to citizens and children born to non-citizens. In sum, every child born in South Africa is entitled to a birth certificate issued by the Department of Home Affairs. The handwritten birth certificate which is issued to children of migrants, born in South Africa is valid in law.

Access to Education

Transgender and gender diverse migrants in South Africa experience heightened vulnerability and exclusion as a result of systemic discrimination, multiple layers of intersectional oppression, and societal stigma which may hinder their capability to continue with...

#BREAKINGBORDERSANDBINARIES



@LHR_SA



lhr_sa



Lawyers for Human Rights



Gender Dynamix



genderdynamix



genderdynamix

LAWYERS FOR
HUMAN RIGHTS



BREAKING BORDERS & BINARIES

enrolment for tertiary studies and the completion of qualifications in achieving their educational goals timeously.

In *Governing Body of the Juma Masjid Primary School & others v Essay N.O and Others* it was held that Indeed, basic education is an important socio-economic right directed, among other things, at promoting and developing a child's personality, talents and mental and physical abilities to his or her fullest potential. Basic education also provides a foundation for a child's lifetime learning and work opportunities. To this end, access to school – an important component of the right to a basic education guaranteed to everyone by section 29(1)(a) of the Constitution – is a necessary condition for the achievement of this right.

In *The Centre for Child Law and Others v Minister of Basic Education and Others* it was firmly stated undocumented children should be permitted in schools irrespective of their ability to provide identity numbers, passports or other documents

#BREAKINGBORDERSANDBINARIES



@LHR_SA



lhr_sa



Lawyers for Human Rights



Gender Dynamix



genderdynamix



genderdynamix

LAWYERS FOR
HUMAN RIGHTS

