Dear Doctor X

Herewith a guide to how the act on sex description works. On page three is an example letter that would work in the case of Cameron. This kind of letter has proven to be successful in my work with assisting people to apply for their ID’s I have shared with you, in the past, the sad fact that the Department still refuses people this service despite the law and even now two years later after you wrote the first report for me.

Thanks for your consideration.

Dear Medical Professional.

This is a document to assist you with helping your transgender patient apply for an ID document with an amended gender. The details needed in a medical report is discussed further down the page.

Where is gender in an ID book?

The only gender marker in an ID book is within the 7-10th number in the ID number – digits after the birth date part. Men are above 5000 and women below.

Who qualifies for a gender change in an ID document?

The Sex Status Act 49 of 2003 says the following:

“… any person whose sexual characteristics have been altered by surgical or medical treatment resulting in gender reassignment ….. (Act 49, 2003 paragraph 1)

How does the law describe gender reassignment?

“…means a process which is undertaken for the purpose of reassigning a person’s sex by changing physiological or other sexual characteristics, and includes any part of such a process…”

Is it true that people can amend ID doc gender without having surgery?

Yes it is true. As you might have noticed from the above definition the law says that “any part of such a process” is good enough.

You will also have noticed above that it says “surgical or medical” treatment will be accepted.

But is Home Affairs applying this law correctly?

Gender Dynamix has been putting pressure on the department since 2008 to allow people these amendments. Most cases only get processed with some kind of legal or civil society pressure.

What does my patient need for an application?

The patient needs two medical reports and relevant departmental forms which will be supplied to them.
What should these two medical reports say?

1. The first report should be from the medical professional furthest down the line of treatment, be it hormonal or surgical.

2. The second report can be from a GP and only has to confirm the findings of the first report.

How detailed should the report be?

In our experience in assisting with these cases we have found that the report with very little detail are fast tracked.

We have found that the officials who read these medical reports very rarely send it to legal professionals in the department.

We have found that they very rarely apply the act and most often make their own assessment based on popular media notions of “sex changes”

However when the reports are extremely minimalistic and have the words “gender reassignment” in them they are fast tracked.

Below are 4 examples of reports that work.

Are you sure this such minimal reporting is legal?

We can assure you that we have had expert consultation for the interpretation of the ACT 49. We have consulted extensively with Professor Pierre De Vos from the University of the Western Cape and also with the Legal Resource Centre who have assisted with a precedent setting case regarding no surgery. Both parties would be at your disposal for advise.

Do you have examples of medical reports that were accepted?

Below is four relevant examples of legal reports that are minimal and have worked in the past.

1. Male to female patients:
   
a. Male to Female - Only Hormones (no surgery)

   To Whom It May Concern: Department of Home Affairs

   MEDICAL REPORT on: XXXXXXXXXX
   ID No: XXXXXXXXXX

   In terms of the Sex Description and Sex Status Act No 49 of 2003.

   This is to certify that XXXXXXXXXX is a patient of mine and has under gone Medical Gender Reassignment.

   As a result of this medical gender reassignment she now presents as female.

   Please feel free to contact me at the above address if you have any further queries.
b. Male to Female – Hormones and Some surgery:

To Whom It May Concern: Department of Home Affairs

MEDICAL REPORT on: XXXXXXXXXXX
ID No: XXXXXXXXXXX

In terms of the Sex Description and Sex Status Act No 49 of 2003.
This is to certify that XXXXXXXXXXX is a patient of mine and has undergone Medical Gender Reassignment and Gender Reassignment Surgery.

As a result of this medical gender reassignment and surgery she now presents as female.

Please feel free to contact me at the above address if you have any further queries.

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2. Female to Male Patients:

a. Female to Male – Only hormones (no surgery)

To Whom It May Concern: Department of Home Affairs

MEDICAL REPORT on: XXXXXXX

In terms of the Sex Description and Sex Status Act No 49 of 2003.
This is to certify that XXXXXXX is a patient of mine and has undergone Medical Gender Reassignment.

This has altered his sexual characteristics and he now presents as male.

He has been a patient of mine since xxxx (date).

Please feel free to contact me at the above address if you have any further queries.

a. Female to Male – Hormones and Some Surgery

To Whom It May Concern: Department of Home Affairs

MEDICAL REPORT on: XXXXXXX
ID No: XXXXXXXXXXX

In terms of the Sex Description and Sex Status Act No 49 of 2003.
This is to certify that XXXXXXX has undergone Medical Gender Reassignment and also had gender reassignment surgery.

He has been a patient of mine since xxxx (date).

As a result of this medical gender reassignment and surgery he now presents as male.

Please feel free to contact me at the above address if you have any further queries.
We have suggested to our constituents to also include a copy of ACT 49 and the Short Guide to Act 49 when approaching your for these medical reports.