



## The quiet crisis: shrinking civil society space for queer rights in Southern Africa

Zekhethelo Cele\*

**Abstract:** In Southern Africa emergency laws are shrinking the space for queer civil society actors. It is worth exploring how COVID-19 era and post-pandemic policies are weaponised to suppress LGBTIQ+ organising—and why queer rights must be central to preparedness planning.

When the [COVID-19](#) pandemic hit, many governments around the world imposed emergency regulations. In Southern Africa, however, these regulations became a pretext to curtail not just mobility—but also freedoms of [association](#), [expression](#), and the protection of sexual and gender minorities. For queer civil society organisations, the effects have been chilling.

From crackdowns on [LGBTIQ+ events in Zimbabwe](#) to [restrictive civil society](#) operations in Eswatini as detailed below, the continued detention of queer asylum seekers in South Africa, and the institutionalisation of homophobia in Uganda, the space for queer organising is under siege. This shrinking space is not just a democratic crisis, it is a human rights emergency, particularly for marginalised communities who rely on civil society to survive and be seen.

Although laws on state of emergency serve a critical purpose in times of public health crises or national security threats, these legal frameworks have often been extended or abused to suppress dissent and marginalise vulnerable communities.

---

\* Zekhethelo Cele holds a BA in Law, from the University of Unizulu, and an LLM in Human Rights and Democratisation in Africa ([HRDA](#)), cum laude, from the University of Pretoria. She is an admitted attorney of the High Court of South Africa, practicing at Lawyers for Human Rights (LHR) as Head of Women in Immigration Detention Project. She is a Feminist Network Lawyer at Initiative for Strategic Litigation in Africa (ISLA).

## Country spotlight

In Zimbabwe, for instance, gatherings perceived as promoting ‘non-traditional values’ were banned outright during COVID-19, with police raids on [LGBTIQ+ workshops and arrests](#) of organisers under the guise of violating lockdown rules. While the pandemic offered legitimate concerns, the enforcement was disproportionate and often targeted. Against the backdrop of these crackdowns, workshops and health outreach efforts were disrupted, with [police routinely using](#) lockdown rules to raid meetings and intimidate organisers. There were also instances of [arbitrary detention](#) of activists and human rights defenders, often without charge. To this day Zimbabwe's civic space remains [heavily policed](#), and LGBTIQ+ groups struggle to operate within an environment of surveillance and legal threats.

Under Article 13 of the Censorship and Entertainments Control [Act \(Law No. 37\)](#) (1967), ‘undesirable’ publications—defined as those deemed ‘indecent’, ‘obscene’, ‘offensive’, or ‘harmful to public morals’—are subject to punishment by a fine or imprisonment for up to two years. In July 2023, the Criminal Law Codification and Reform Amendment [Act](#) (2022) was enacted. Commonly referred to as the ‘Patriotic Act’, the law amends the Criminal Law Act to criminalise activities deemed to ‘wilfully damage the sovereignty and national interest of Zimbabwe’. Penalties under the [law](#) include, revocation of voting rights, and, in extreme cases, arbitrary detention and death penalty. Local activists and legal experts have raised concerns that the law could be used to suppress political opposition, restrict civil society, and target NGOs and human rights defenders.

On the other hand, in Eswatini, a country with a fragile democratic structure, pandemic-era restrictions became long-term instruments for limiting foreign funding and registration of civil society groups—particularly those working on sexual orientation and gender identity issues. As a country that is under the governance of a profoundly [conservative monarchy](#), queer civil society is criminalised both directly and indirectly. Pandemic regulations were used to clamp down on protests and restrict the registration of NGOs, particularly those working on [SOGIESC issues](#). In the aftermath of COVID-19 lockdowns, these restrictions have largely remained in place, constraining access to international funding and preventing the formal operation of advocacy groups.

These restrictions persisted in 2020 as the [Eswatini High Court heard](#) a challenge from Eswatini Sexual and Gender Minorities ([ESGM](#)) against the Eswatini Registrar of Companies’ refusal to register ESGM as a company. ESGM is a human rights community-based advocacy organisation working to advance the protection of the rights of lesbian, gay, bisexual, transgender, and intersex persons in the kingdom of Eswatini. The registrar [argued](#) that ESGM could not be registered as a company because ‘ESGM’s objectives were unlawful because same-sex sexual acts are illegal in the country’.

While South Africa remains [constitutionally protective of LGBTIQ+ rights](#), structural and legal challenges persist. During the COVID-19 pandemic, civil society raised alarms about increased surveillance and [prolonged closure](#) of Refugee Reception Offices, which disproportionately impacted queer asylum seekers. The use of [immigration detention](#) against undocumented persons continued without clear guidelines protecting vulnerable groups. LGBTIQ+ individuals placed in [Lindela Repatriation Centre](#) faced threats of violence, solitary confinement, and lacked access to legal assistance. Moreover, community-based organisations reported a decrease in funding and growing fear among migrants about engaging with service providers due to their irregular status.

Instead of taking the response to the pandemic as an opportunity for a much-needed unity of purpose, there have been some voices in [government](#) that advocate for a '[South Africans first](#)' approach in the post-COVID-19 economic configuration. An additional COVID-related policy was the announcement to build a 40-km fence on the border between South Africa and Zimbabwe. Not only does this take away critical resources at a time when infections in South Africa [were higher](#) than all the neighbouring countries combined. The response spoke of an increasing [securitised](#) approach in South Africa when it comes to dealing with refugee and migration governance more broadly.

Focusing on another country, Uganda has become a symbol of institutionalised homophobia. Under both pandemic laws and its [Anti-Homosexuality legislation](#), LGBTIQ+ individuals face consistent threats of arrest, violence, and persecution. During [COVID-19 lockdowns](#), shelters for queer youth were raided under accusations of violating lockdown rules. In reality, these were attacks on safe spaces for sexual minorities. Arbitrary detention, ill-treatment in police custody, and denial of access to legal representation continue to plague queer Ugandans.

In 2020, UN Human Rights experts [feared](#) that Uganda was using COVID-19 emergency powers to target the LGBTIQ+ people stating:

We are deeply concerned about a raid on an LGBT shelter in Kyengera on 29 March and the arrest and detention of 19 people perceived to be LGBT persons.

During the lockdown, the government gave a helping hand in form of food relief to who they termed as vulnerable persons. Among the vulnerable persons, LGBT persons were not included which left many hanging in the air with no hope to see the next day. Three LGBT-led organisations had to forge a way through, mobilise resources and help their members go through the challenging times, but due to limited resources, the support rendered could not be enough.

### **LGBTIQ+ civil society as first responders: challenges**

[Queer organisations](#) have long operated as informal emergency responders. In times of public health crises, political instability, or natural disasters, these groups provide critical support: HIV services, emergency shelter, legal aid, psychosocial counselling, and protection for those facing domestic or community violence. For example, during

the height of the COVID-19 lockdowns, queer shelters in Gauteng were stretched [beyond capacity](#), offering refuge to those rejected by their families or evicted from their homes.

Yet, as civic space shrinks, the ability of these organisations to operate diminishes. Restrictions on public assembly prevent outreach activities. Crackdowns on donor funding mean fewer programs reach those in need. Surveillance and policing erode trust between the community and those seeking to help. The result is a dangerous vacuum where queer individuals are left without the safety nets that civil society provides.

The real danger lies in the normalisation of emergency measures. While the world emerges from the COVID pandemic, many of the restrictions on civil society remain in place or have been codified into ordinary law. This is particularly dangerous in contexts already hostile to LGBTIQ+ rights. Globally, [anti-LGBTIQ+](#) sentiment is on the rise, emboldened by political rhetoric that frames queerness as a [Western import](#) or [societal threat](#). In such a climate, African governments have found in emergencies a convenient tool to justify the erosion of civic freedoms. Once framed as temporary, these measures quietly become permanent.

Moreover, international aid has not always stepped in adequately. Many donors shifted focus to immediate pandemic relief, often sidelining LGBTIQ+ initiatives. The lack of explicit inclusion of queer communities in national emergency preparedness plans further exacerbates invisibility and exclusion.

### **Looking forward**

If emergency preparedness is to be truly inclusive, it must place LGBTIQ+ rights at the centre. This means ensuring that civil society organisations working with sexual minorities are not treated as threats but as essential actors in the response to any emergency. Shrinking civic space is not collateral damage—it is a warning sign. The rights of queer communities cannot be made invisible, especially when visibility is often the first line of defence.

As the world reflects on lessons from COVID-19 and other emergencies, it must confront this quiet crisis. Emergency laws must be rights-respecting, proportionate, and context-specific. Civil society must be protected, not policed. And above all, the preparedness agenda must include those who are too often left out—because their survival truly depends on it.