Emergent Forms of Sexual Organizing in South Africa

At first glance, the South African struggle for sexual liberation appears as one of success. Like the United States, sexual rights organizing in South Africa has taken on many forms, shaped both by the oppressive structures of apartheid and the evolving political landscape of the post-apartheid era. However, the two find dissonance in the ways in which this organization has taken shape: where legal recognition of LGBT rights in the United States was secured through piecemeal litigation and policy reform, South Africa's trajectory has been marked by the country's unique legal framework – one that, at least on paper, is among the most progressive in the world. However, the legal protections enshrined in the post-apartheid constitution mask a more complex history of LGBT activism, one that has been deeply stratified along racial and class lines. As detailed in a report by We the People South Africa, formal organizing around sexual rights first emerged in South Africa in 1968 with the formation of the Law Reform Movement, a coalition of "white gay and lesbian grouping" that sought to "lobby lawmakers to soften the legal amendments" aimed at further criminalizing homosexuality.[1] The movement operated largely within the bounds of the state, relying on parliamentary petitions, legal advocacy, and appeals to psychological and scientific research in order to frame homosexuality as a legitimate identity rather than a criminal act.[2] In this way, the early LGBT movement in South Africa was, from its inception, an effort by white activists to secure recognition within existing state structures – a strategy that mirrored Western models of rights-based advocacy while largely excluding Black South Africans from the political and legal discourse surrounding sexual rights.

Running parallel to the white-led sexual rights movements that emerged in South Africa during the late 20th century, non-white sexual minorities navigated a markedly different political and social landscape – one shaped not only by apartheid-era racial segregation but also by state indifference to the regulation of Black queer life. As explored in Jacob Tobia's 2014 piece *out of the Laager, Into the Streets: The Origins, Rise, and Fall of Gay Reform Organizing in Apartheid South Africa*, alternative sexualities within communities of color during this period "did not form along a Western gay/straight binary" but instead followed frameworks deeply embedded in

[1] We the People South Africa."The Struggle for LGBTQIA+ Rights," *We the People South Africa*, 2025, https://ourconstitution.wethepeoplesa.org/timelines/sexual-orientation/
[2] We the People, "The Struggle for LGBTQIA+ Rights."

localized cultural and social understandings of identity and desire.[3] Unlike their white counterparts, who pursued legal recognition within the state apparatus, Black South Africans who engaged in same-sex relationships or defied normative gender roles were often ignored by apartheid officials, not because of a greater degree of tolerance but because the broader systems of racial oppression had already relegated them to political invisibility. Thus, while this lack of state intervention did not equate to safety, as Black queer South Africans remained subjected to widespread social and economic marginalization, it did allow for the development of sexual and gender identities that existed outside of Western paradigms. Information regarding "gay rights movements in Europe and the U.S." was largely inaccessible to Black South Africans, limiting direct engagement with mainstream international LGBT activism and leading instead to the formation of distinctly local identity categories – "*moffie, alesana,* and *injonga"* – which functioned less as "fixed identity markers" and more as "descriptors of social roles and behavioral patterns."[4] Therefore, rather than centering on state-sanctioned legal frameworks, non-white alternative sexualities in South Africa coalesced around lived experience, communal belonging, and survival strategies. In this way, while white LGBT organizing in South Africa followed the trajectory of Western rights-based advocacy, non-white queer existence emerged through the everyday negotiations of identity within a racially stratified and deeply oppressive political order – one that made resistance possible not through legal battles, but through the maintenance of community ties, cultural knowledge, and social networks that existed beyond the purview of the state.

However, despite the existence of alternative frameworks for understanding sexuality within South Africa, mainstream LGBTQ+ movements – largely shaped by white, middle-class activists – continued to consolidate power by aligning themselves with state structures rather than challenging them outright. As We the People South Africa further details, the formation of the Gay Association of South Africa (GASA) in 1982 marked a milestone in the country's sexual rights movement, as pre-existing LGBTQ+ networks merged to create an organization that, in its early years, prioritized community-building over direct political confrontation.[5] Akin to grassroots collectives that operated outside state recognition, GASA initially positioned itself as

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[3] Tobia, Jacob. *Out of the Laager, Into the Streets: The Origins, Rise, and Fall of Gay Reform Organizing in Apartheid South Africa*, Durham, South Carolina: Duke University, 2014, file:///Users/willpetersen/Downloads/Senior%20Thesis%20 Jacob%20Tobia%20Library%20Copy.pdf, 28.
[4] Tobia, *Out of the Laager*, 28.
[5] We the People, "The Struggle for LGBTQIA+ Rights."

an apolitical body, focusing on the creation of "social and community spaces where gays and lesbians could gather" without openly challenging the apartheid government.[6]

This strategy, however, began to shift with the emergence of the HIV/AIDS epidemic in the 1980s. As fear and misinformation surrounding the virus escalated, GASA moved beyond its initial focus on social spaces, working to secure funding for those affected and to distribute educational materials aimed at reducing transmission rates.[7] Within this context, the epidemic served as a political battleground in which the very legitimacy of queer existence was called into question, a "new wave of homophobic paranoia" throughout South Africa reinforcing the idea that LGBTQ+ communities – particularly those most vulnerable to the disease – were a public threat.[8] In this sense, GASA, and by extension, the broader white-led LGBTQ+ movement in South Africa, found itself at a critical juncture: one in which addressing the HIV/AIDS crisis was no longer just a matter of public health, but a means of securing visibility, protection, and legal recognition within a state that had long denied the legitimacy of queer life altogether.

In the wake of apartheid's collapse in 1990, the landscape of LGBTQ+ activism in South Africa underwent a dramatic transformation, as movements that had long operated on the fringes of political discourse found themselves at the center of a broader national reckoning with human rights. The momentum surrounding HIV/AIDS activism, in particular, played a pivotal role in accelerating these shifts, as organizations that had once fought for survival under an oppressive regime now had the opportunity to push for formal recognition within a newly restructured state. As noted by Lorinda Venter of the International Bar Association, the drafting of South Africa's post-apartheid constitution triggered a rapid step forward for sexual rights organizing, with Section 9(3) of the constitution explicitly declaring that "the state may not unfairly discriminate directly or indirectly against anyone" on the basis of "grounds… of sexual orientation," enshrining LGBTQ+ rights within the highest legal framework of the country. While this provision fell short of full equality – still prohibiting sexual minorities "from solemnizing their relationship and enjoying the same status, benefits, and responsibilities of heterosexual couples" – it nevertheless marked a historic milestone: the first constitutional protection of LGBTQ+ rights anywhere in the world.[9]

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[6] We the People, "The Struggle for LGBTQIA+ Rights."
[7] We the People, "The Struggle for LGBTQIA+ Rights."
[8] We the People, "The Struggle for LGBTQIA+ Rights."
[9] Venter, Lorinda. "LGBTQIA+ Rights in South Africa," International Bar Association, 2025, https://www.ibanet.org/article/854B8E51-E931-403D-BDC3-1386B30F9591

Like the United States, this shift was significant not only for its legal implications but for the way it reinforced state-centered activism as the dominant pathway toward equality. Unlike earlier movements that had operated outside state recognition, relying on community-driven organizing and underground networks, the post-apartheid era ushered in a new model of engagement – one in which legal reform, rather than grassroots resistance, became the primary mechanism through which LGBTQ+ rights were pursued.[10] With this in mind, hile this strategy offered tangible gains in the form of legal protections, it also signaled a departure from the more radical, community-centered approaches that had long defined queer activism, raising critical questions about the extent to which formal recognition could truly address the material realities of South Africa's most marginalized sexual minorities.

This state reliance reached its peak under the South African government's 2012–2016 HIV/AIDS initiatives, with efforts building on decades of advocacy that had long positioned equitable healthcare access as central to LGBTQ+ rights. According to the South African Department of Health, following the introduction of the National Strategic Plan on HIV, STIs, and TB, the government formally committed to "address[ing] social and structural barriers that increase vulnerability to HIV, STI, and TB infection," alongside ensuring the "sustain[ment] of health and wellness" and the "protection of human rights" through increased "access to justice."[11] This plan set forth ambitious goals, aiming for "zero new HIV and TB infections" by 2016 while explicitly recognizing LGBTQ+ communities as a priority population for intervention.[12] For many, this represented a landmark moment in the nation's approach to HIV/AIDS, signaling a shift from earlier policies that had largely neglected the unique vulnerabilities of queer South Africans; by embedding LGBTQ+ concerns within a national health framework, the plan reflected a broader trajectory of state-led LGBTQ+ rights reforms in South Africa – one that increasingly sought to integrate sexual minority populations into legislative and policy-based protections. Thus, at its core, the initiative reinforced the idea that government action, rather than community-led intervention, was the primary vehicle for addressing the ongoing crisis, further solidifying the role of the state in shaping the trajectory of LGBTQ+ advocacy.

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[10] Venter, "LGBTQIA+ Rights in South Africa."
[11] South African National Department of Health, *National Strategic Plan on HIV, STIs, and TB: 2012-2016*, South African National Department of Health, 2011, https://www.gov.za/sites/default/files/gcis_document/201409/national-strategic-plan-hiv-stis-and-tb0.pdf, 9.
[12] Department of Health, *National Strategic Plan*, 8.

Formal Equality, Material Insecurity: The Limits of South African State-Backed LGBT Organizing

Despite the supposed victories of state-backed expansions of rights for sexual minorities, the lived realities of South Africans – particularly Black South Africans – remained defined by economic exclusion, unemployment, and housing insecurity, operating along the same racial and class-based fault lines that have shaped South African society for centuries. In other words, while the post-apartheid government enshrined protections against discrimination in its constitution, this legal equality failed to translate into material security for many in need. As S.N. Nyeck and Debra Shepherd of the Williams Institute outline, Black "LGBT South Africans experience" barriers "to economic inclusion" at a rate much higher than any other demographic throughout South Africa – a disparity that mirrors the broader racialized economic inequalities that define the South African labor market.[13] Census data reflects these patterns, with unemployment rates for Black same-sex households reaching "30.9%," compared to "just 4.2%" for White same-sex households.[14] Crucially, this disparity is not merely the byproduct of a flawed labor market but rather serves as evidence of the ongoing racial and sexual stratification of South African economic life, where access to employment, financial stability, and housing security remains contingent upon proximity to whiteness, heteronormativity, and gender conformity.[15]

The material consequences of this exclusion are particularly stark in patterns of housing insecurity and physical wellbeing. Black South Africans – especially those who are transgender or gender-nonconforming – experience "homelessness and substance abuse" at wildly disproportionate rates compared to their white counterparts.[16] These disparities reveal the fundamental shortcomings of legal recognition, as formal protections against discrimination failed to address the structural conditions that render Black queer life precarious; state-backed reforms, though often framed as monumental victories for sexual minorities, function primarily within the realm of legality rather than material redistribution. Therefore, while anti-discrimination laws may have ensured formal inclusion, they do not provide stable incomes, housing, or dismantle the economic structures that continue to define Black queer existence as something marginal, expendable, and inherently unstable.

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[13] Nyeck, S.N., Shepherd, Debra. *The Economic Cost of LGBT Stigma and Discrimination in South Africa*, Los Angeles: The Williams Institute, 2019, https://williamsinstitute.law.ucla.edu/publications/cost-discrim-so-africa/, 2.
[14] Nyeck and Shepherd, *Economic Cost of LGBT Stigma*, 80.
[15] Nyeck and Shepherd, *Economic Cost of LGBT Stigma*, 2.
[16] Nyeck and Shepherd, *Economic Cost of LGBT Stigma*, 51.

However, beyond these broader patterns of economic inequality, the shortcomings of state-backed LGBT initiatives in South Africa are perhaps most evident in the failure of government-led HIV/AIDS policies to adequately address the needs of sexual minorities. As a 2019 webinar from the Williams Institute notes, HIV prevalence among men who have sex with men is "27% higher" than in the general population, with rates among transgender women potentially "twice as high.". These disparities, however, have not translated into policy interventions tailored to these vulnerable populations.[17] Instead, despite South Africa's ambitious goal of reaching "zero new HIV and TB infections" in its 2012-2016 National Strategic Plan (NSP), the government's HIV/AIDS strategy systematically deprioritized the needs of sexual minorities – particularly lesbian and bisexual women. As Daly et al. explain in their 2016 piece "Sexual Rights but Not the Right to Health? Lesbian and Bisexual Women in South Africa's National Strategic PLans on HIV and STIs," the National Strategic Plan on HIV, STIs, and TB 2012‑2016 failed to account for the specific risks faced by women who have sex with women (WSW), despite evidence of their heightened vulnerability. This omission was justified under the guise of "evidence-based interventions" and policy making, which systematically dismissed the lived experiences of lesbian and bisexual women as "anecdotal" and therefore insufficient to warrant state intervention.[18] Even in cases where policy discussions acknowledged gender-based violence as a structural driver of HIV risk, the particular forms of violence targeting sexual minority women – such as so-called "corrective rape" – were either sensationalized in media discourse or ignored entirely in public health responses.[19] Consequently, while South Africa is frequently lauded for its legal protections of sexual minorities, the limitations of its HIV/AIDS strategy illustrate the extent to which formal equality has failed to translate into substantive, material improvements in the lives of those most vulnerable to structural violence.

Filling in the Gaps: Queer Political Strategies Without Formal Queer Language

Given these shortcomings in state policy, it becomes evident that government responses to LGBT activism in South Africa have been largely ineffective in addressing the full spectrum

[17] The Williams Institute, "The Economic Cost of LGBT Stigma and Discrimination in South Africa," The Williams Institute, 2019, https://williamsinstitute.law.ucla.edu/events/cost-stigma-s-africa-webinar/
[18] Daly, Felicity, Neil Spicer, and Samantha Willan. "Sexual Rights but Not the Right to Health? Lesbian and Bisexual Women in South Africa's National Strategic Plans on HIV and STIs" *Reproductive Health Matters*, 2016, https://www.jstor.org/stable/26495904, 186.
[19] Daly, Spicer, and Willan, "Sexual Rights but Not the Right to Health," 186.

of economic and health-related disparities that continue to define queer life. However, where the state has failed, community-driven organizations have stepped in to provide vital support, filling the gaps left by a system that prioritizes legal recognition over material redistribution. Among these, the most impactful in addressing the failures of government HIV/AIDS policy has been the Treatment Action Campaign (TAC).

Founded on December 10, 1998 – International Human Rights Day – by a small coalition of political activists, TAC sought to establish equitable healthcare access as a fundamental human right, explicitly targeting the structural inequalities that shaped the HIV/AIDS epidemic. As outlined in Mark Heywood's "South Africa's Treatment Action Campaign: Combining Law and Social Mobilization to Realize the Right to Health" TAC's mission was rooted in the recognition that HIV/AIDS was not just a "medical crisis" but a deeply "political issue," disproportionately affecting economically marginalized and socially stigmatized communities, particularly sexual minorities and Black South Africans.[20] With this in mind, the organization pursued a two-pronged strategy: first, through direct legal advocacy, TAC sought to challenge the South African government's failures in providing "equitable access to healthcare"; second, through grassroots mobilization, it worked to educate and empower those most affected by the epidemic.[21]

Crucially, TAC's approach to HIV/AIDS activism was distinctly queer in its theoretical underpinnings, even without explicitly identifying itself as a queer organization. Rather than framing access to healthcare as a matter of assimilation into existing state structures, TAC embraced a model of direct action, mutual aid, and collective resistance that mirrors the fundamental tenets of queer theory. In rejecting a purely rights-based approach, TAC functioned outside of state-sanctioned frameworks, creating decentralized networks of care that prioritized community needs over legal recognition. This philosophy was exemplified in its "treatment literacy" programs, which sought not only to provide individuals with "life-saving antiretroviral" medication but also to equip them with the knowledge necessary to navigate a deeply inequitable healthcare system.[22] As Heywood describes, TAC's founders aimed to "popularize and enforce what was loosely described as 'the right of access to treatment'" through a combination of

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[20] Heywood, Mark. "South Africa's Treatment Action Campaign: Combining Law and Social Mobilization to Realize the Right to Health," *Journal of Human Rights Practice*, 2009, https://academic.oup.com/jhrp/article/1/1/14/2188684, 24.
[21] Heywood, "Treatment Action Campaign," 15.
[22] Heywood, "Treatment Action Campaign," 17.

pressuring policymakers, mobilizing affected communities, and engaging in legal activism that foregrounded the lived experiences of those most at risk.[23]

This model of activism, while ostensibly rooted in the language of health rights, functioned in ways deeply aligned with queer theoretical principles. TAC's refusal to rely solely on state intervention, its commitment to non-hierarchical organizing, and its emphasis on community-driven solutions all reflect the ethos of queer resistance, which seeks to dismantle, rather than assimilate into, exclusionary systems of power. In this way, TAC serves as a clear example of how queer politics – understood as a rejection of normative institutions and an embrace of grassroots solidarity – can and does emerge in spaces where queer language is absent, reinforcing the broader argument that queerness is not confined to the West nor to the realm of academic theory but manifests wherever marginalized communities mobilize against systemic exclusion.

Building on the principles on lableless inclusivity inherent to the TAC campaign is GenderDynamiX, a group founded in 2005 with the mission to "promote and defend the rights of trans and gender nonconforming persons in South Africa, Africa, and globally."[24] Grounding itself in the critical role of community-driven initiatives in addressing the failures of state-backed LGBT reforms, Gender DynamiX has emerged as a pivotal force in advancing the rights and well-being of transgender and gender-nonconforming individuals across South Africa. In response to deficiencies in state policy, Gender DynamiX has taken up the work that the government has neglected, seeking to "advance, promote, and defend the rights of trans and gender nonconforming persons in South Africa, Africa and globally" through "community mobilisation, media engagement, public education, research and training."[25] Namely, unlike state-backed reforms, which largely operate within a binary framework of sexual rights that prioritizes cisgender experiences, Gender DynamiX explicitly works to dismantle the male-female binary, advocating for a society where "everyone is free to express their gender, within, across, and beyond the male-female binary without fear of discrimination."[26]

Beyond legal advocacy, Gender DynamiX's grassroots efforts reflect a distinctly queer approach to activism, one that rejects assimilationist models in favor of direct community

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[23] Heywood, "Treatment Action Campaign," 15.
[24] GenderDynamiX, "Our Mission," *GenderDynamiX: Transgender Human Rights*, 2025, https://www.genderdynamix.org.za/vision-mission-objectives
[25] GenderDynamiX, "Our Mission."
[26] GenderDynamiX, "Our Mission."

engagement. Rather than relying on state recognition, the organization prioritizes "increasing the visibility and acceptance of trans diverse and gender diverse persons" through self-determined representation, direct action, and mutual aid, with its outreach in townships and rural areas underscores the ways in which trans and gender-diverse individuals, particularly Black South Africans, remain disproportionately impacted by economic insecurity, discrimination, and lack of healthcare access. By stepping in where government policies have failed, Gender DynamiX mirrors the approach of the Treatment Action Campaign, working to "realize service provision to trans- and gender diverse persons" in South Africa and abroad.[27]

Expanding upon the role of community care in advancing sexual rights where state interventions have fallen short, the Triangle Project has emerged as another crucial force in ensuring the material well-being of LGBTQ+ individuals across South Africa. Originating from the Gay Association of South Africa (GASA) in the early 1980s and officially coalescing in the late 1990s, the organization has actively resisted the limitations of state-backed LGBT reforms by prioritizing grassroots, community-driven solutions over legal recognition alone. In essence, while mainstream advocacy efforts have largely focused on achieving formal protections through constitutional and legal frameworks, the Triangle Project has instead worked to address the material conditions of queer life, emphasizing the need for "affirming and quality health services for LGBTIQ+ people," along with an intersectional approach that integrates "food production systems access" and "care and wellness justice" as a practice of collective survival rather than a mere quest for legal assimilation.[28] Thus, instead of positioning the government as the primary agent of change, the organization fosters alternative structures of care that directly respond to the needs of marginalized communities, seeking to "develop a culture of learning and critical reflection" while implicitly advocating for a queer-centric, fluid and flexible understanding of LGBTQ+ liberation that is responsive to the lived realities of South Africans.[29]

Through this analysis, the case of South Africa highlights a critical dimension of queer organizing – one that operates beyond formal state recognition and demonstrates how the principles of queer theory, even when not explicitly named, manifest in direct action and community-driven resistance. While South Africa stands as one of the most legally progressive nations regarding LGBTQ+ rights, the persistence of economic precarity, racialized inequalities,

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[27] GenderDynamiX, "Our Mission."
[28] Triangle Project, "Our History," *Triangle Project South Africa*, 2025, https://triangle.org.za/our-history/
[29] Triangle Project, "Our History."

and state neglect – particularly in relation to healthcare and housing – mirrors many of the failures observed in the United States. Therefore, both countries, despite their vastly different legal and historical trajectories, reveal the limits of state-backed inclusion, demonstrating that formal legal protections do not automatically translate into material security for the most marginalized members of the queer community.

The role of community-based initiatives such as the Treatment Action Campaign, Gender DynamiX, and the Triangle Project strikes yet another parallel with the pursuit of sexual liberation in the United States: while mainstream LGBT movements in both countries often centered around state inclusion – marriage equality, anti-discrimination laws, or HIV/AIDS policy reforms – grassroots organizations have consistently taken up the work that legal frameworks have failed to address. In much the same way that ACT UP and For the Girls stepped in to provide life-saving support where the American government fell short, these South African organizations have worked to bridge the gap left by state inaction, ensuring that the most vulnerable members of the LGBTQ+ community are not left behind.

With this in mind, this parallel between South Africa and the U.S. further supports the broader thesis of this study: that queer political organizing does not require the explicit language of queer theory to operate in alignment with its principles. By focusing on the lived realities of marginalized communities rather than the pursuit of state-sanctioned rights, South African grassroots organizations demonstrate that queerness, at its core, is not merely an identity but a political practice – one that disrupts normative power structures and builds new, self-sustaining modes of resistance. In doing so, both the U.S. and South Africa offer clear evidence that queer organizing is not contingent upon Western legal frameworks or identity labels, but rather emerges organically wherever the state fails to provide for those it has historically marginalized.