



JOINT STATEMENT: BOTSWANA COURT OF APPEAL SETS HEARING DATE FOR DECRIMINALISATION CASE FOR 12 OCTOBER 2021

On 11 June 2019, a full bench of the Botswana High Court unanimously found that the criminalisation of consensual same-sex sexual activities violates the constitutional rights of lesbian, gay, bisexual and transgender persons to dignity, liberty, privacy and equality. This decision was appealed by the State. The appeal is set to be heard before the Botswana Court of Appeal on 12 October 2021.

In November 2017, the human rights advocacy group Lesbians, Gays and Bisexuals of Botswana (LEGABIBO), with support assistance from the Southern Africa Litigation Centre (SALC), was admitted as *Amicus Curiae* (friend of the Court). LEGABIBO is an LGBTIQ organisation that seeks to advance the human rights of members of the LGBTIQ community in Botswana. LEGABIBO placed [evidence](#) before the court of the negative impact that criminal laws have, including fuelling stigma, discrimination and violence against the LGBTIQ community.

The judgment of the High Court has already led to positive change in Botswana. An Afrobarometer survey conducted shortly after the High Court's decision recorded a 10-percentage-point gain in tolerant attitudes towards LGBTIQ persons. Botswana's Five-Year Plan for Removing Human Rights-Related Barriers to Accessing HIV and Health Services (2020-2025) also noted that "the recent overturning of laws criminalising same-sex sex removes a significant human rights barrier for gay men, men who have sex with men and other LGBT persons."

"We are excited and happy that the date for the appeal has finally been set. The LGBTIQ community is very excited and look forward to put the matter to rest. This is a great step in the right direction to shift and change systems, reform laws and policies to ensure that the LGBTIQ communities not only enjoy their right to be human, but also enjoy legal protection against discrimination on grounds of sexual orientation and gender identity." - LEGABIBO CEO Thato Moruti.



LEGABIBO is represented by Tshiamo Rantao and supported by the Southern Africa Litigation Centre (SALC)

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