

# Botswana High Court landmark ruling a major win for LGBT rights in Africa

On 11 June 2019, the Botswana High Court ruled in favour of the case of *LM vs the Attorney General of Botswana* that challenged the constitutionality of sections 164(a) and (c) and section 167 of the Botswana Penal Code. These provisions criminalised same-sex sexual conduct between consenting adults and enforced a maximum sentence of seven years imprisonment.



“The Botswana courts have once again shown themselves to be champions of jurisprudence that acknowledges the dignity of LGBT persons, and that they too, have the right to equal protection before the law,” says LGBT and Sex Workers Rights Programme lawyer and board member of Inclusive and Affirming Ministries (IAM), Tashwill Esterhuizen, at the Southern Africa Litigation Centre (SALC). “Through their sound legal reasoning and constitutional jurisprudence, the Botswana courts continue to set an example for other courts in the region on the important role that the judiciary can and should play in protecting and promoting human rights for all persons. We hope that this case will set an important precedent for other courts in the region and that they too will follow suit.”



It's not clear where human rights fit in the legal ruling on athlete Caster Semenya

Annette Greenhow 3 May 2019



The IAM believes this is a positive step towards the vision, not only of the inclusion of LGBT people and other marginalised groups, but a celebration of diversity and the richness it brings to spaces and communities in Africa.

IAM's dialogues and engagements over 24 years have exposed that the exclusion of LGBT people maintains, strengthens and supports stigma, discrimination, homo- and transphobia and immense personal pain. The ruling in favour of *LM vs The Attorney General of Botswana* celebrates the work towards an inclusive constitution and governance that acknowledge and celebrate human dignity for all people in Botswana.