

Botswana court decriminalises homosexuality

Botswana's High Court yesterday overturned colonial-era laws that criminalised homosexuality, a decision hailed by activists as a significant step for gay rights on the African continent. 'Human dignity is harmed when minority groups are marginalised,' Judge Michael Leburu said as he delivered the judgment. [The New York Times](#) reports that three judges voted unanimously to revoke the laws, which they said conflicted with Botswana's Constitution. **'Sexual orientation is not a fashion statement. It is an important attribute of one's personality,'** Leburu added. Matlhogonolo Samsam, a spokesperson for Lesbians, Gays and Bisexuals of Botswana, said 'we are proud of our justice system for seeing the need to safeguard the rights of the LGBT community'. The report notes that the laws were challenged by an anonymous gay applicant, identified in court papers only as L.M. In a written statement, read by lawyers in the courtroom, the applicant said: 'We are not looking for people to agree with homosexuality, but to be tolerant.' Homosexuality has been illegal in Botswana since the late 1800s, when the territory, then known as Bechuanaland, was under British rule. As previously reported in [Legalbrief Today](#), watchdogs this week noted that more than half of the countries in sub-Saharan Africa have anti-homosexuality laws, although others have moved toward legal tolerance. After yesterday's ruling, 27 out of 49 countries have laws penalising same-sex relationships.

In Geneva, the UN agency UNAIDS welcomed the ruling. 'This is a historic ruling for lesbian, gay, bisexual and transgender people in Botswana,' said Gunilla Carlsson, UNAIDS' executive director. 'It restores privacy, respect and dignity to the country's LGBT people, and it is a day to celebrate pride, compassion and love.' A [SowetanLIVE](#) report notes that Neela Ghoshal, a specialist at Human Rights Watch, said the ruling is **'a refreshing nod to human dignity, privacy, and equality'**.