

# MAKING ACCESS REAL

Registration. Asserting our right  
to exist

Lesbians, Gays, Bisexuals Botswana  
(LeGaBiBo)





## **Title: Registration. Asserting our right to exist**

**Name of Organisation: Lesbians, Gays, Bisexuals Botswana (LeGaBiBo)**

**Country: Botswana**

**Date: December 2016**

### **Who are we?**

The Lesbians, Gays, and Bisexuals of Botswana (LEGABIBO) is an independent non-partisan non-governmental organisation that promotes the recognition and acceptance of all human rights and equal protection of the lesbian, gay, bisexual, transgender and intersex community in Botswana.

### **What was the issue?**

Over the years, we have tried to register LEGABIBO with the Registrar of Societies at the Ministry of Labour and Home Affairs. These attempts had been rejected. We submitted an initial application in 2007 and re-applied at the beginning of 2012. In March 2012, the Director of the Department of Civil and National Registration rejected the application citing reasons that included: that the Botswana constitution does not recognize homosexuality; that LeGaBiBo's objectives are contrary to Section 7(2) of the Societies Act; and that its objectives are incompatible with peace, welfare or good order. In October 2012 LEGABIBO appealed the decision to the Minister of Labour and Home Affairs, arguing that the reasons for the rejection were unfair, unreasonable, and unjustifiable, but the Minister agreed with the Director on similar grounds, rejecting the appeal on 12th November 2012. This was significant because it was a violation of the right to freedoms of association, assembly and expression.

### **What was the change we wanted to see?**

- We wanted the court to recognise our right to freedom of
- We wanted to operate without the risk of organising without such registration - the fact that LeGaBiBo was unregistered put our membership, staff, and our host organization at risk.

### **What did we do?**

We consulted and took a considered decision to challenge the decision to decline our application for registration.

We developed an advocacy strategy that included litigation.

We organised supporting affidavits from 20 litigants of mixed sexual orientation, to convey shared values.

We built partnerships with stakeholders in Botswana, the region and with international organisations.

We initiated and sustained a public campaign deepening understanding and recognition of LeGaBiBo as a community based organization of "ordinary" Batswana (of a range of sexual orientations and gender identities and expressions, including "straight").

We litigated, taking the government to court, for the right to be recognized as a registered organization.

### **What did we achieve?**

We successfully mobilised movements to engage with the issues and as such increased our visibility and voice.

We led public debate and education on the issue and so enabled greater understanding of sexual orientation, gender identity and expression and its links to human rights. We addressed the question of criminalisation and discrimination.

We achieved recognition of our right to be registered, demonstrating that our objectives are harmless and promote good values and that there is nothing unlawful about lobbying or advocacy to bring about an end to criminalisation and discrimination in a democratic society.

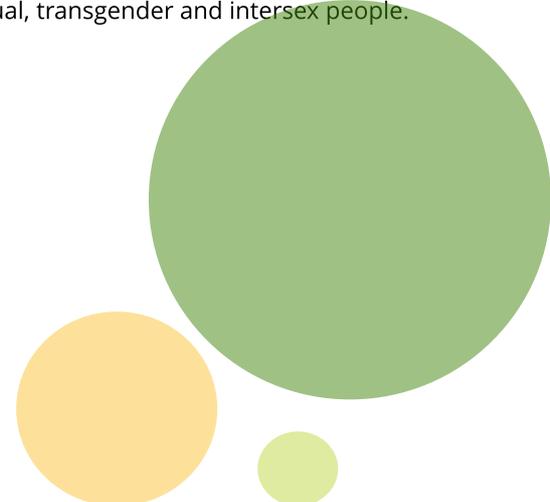
We demonstrated that there is no provision in the Botswana Constitution that provides a basis for not recognising homosexuality. We also showed that it should not be a crime for one to be attracted to people of one's own sex.

We demonstrated that the Botswana Constitution protects the rights and freedoms of "all persons in Botswana", including LGBTI people and increased social recognition of this protection.

We achieved recognition for and demonstrated that the right to freedom of expression and association protects advocacy and lobbying.

We made the link between the court's ruling and the need for democracy and our claims to constitutional rights.

We enabled greater freedom in organizing and supporting individuals, groups and communities of lesbian, gay, bisexual, transgender and intersex people.



## What were the key lessons learned?

### Research

It is critical to prepare evidence for such advocacy and litigation. We based our arguments on the Botswana situation but also looked outside the country.

### Solidarity

Support from many different sectors was critical, from like minded organisations, family, friends and the public, as well as regional and international organisations. We also realised that you do not always get the support you hoped for, and that you need to plan for backlash.

### Advocacy

Litigation needs to be backed up by a far-reaching advocacy strategy. Mobilising and building support is critical, including personal support and technical support. We did a lot of “underground lobbying”, had friends of the court and lobbied some key policy makers directly.

### Media

You don't change mind-sets by being silent, but being visible and public. We made great use of both national and international media. It was important to prepare and train staff and litigants on how to respond to media.

This Case Study was prepared [for the Lesbians, Gays & Bisexuals of Botswana](#) as part of the CAL Conversations Series: Co-creating Conscious Learning Cultures. These sets of Conversations are a part of the KP REACH Project, funded by the Global Fund through Hivos

For more information contact:

**Name:** Bradley Fortuin

**Name of Organisation:** Lesbians, Gays & Bisexuals of Botswana

**Email address:** [dblfortuin@gmail.com](mailto:dblfortuin@gmail.com)

**CAL KP-REACH NPO:** Refilwe Moahi

**Email address:** [refilwe@cal.org.za](mailto:refilwe@cal.org.za)

**Website:** <http://www.legabibo.org/>

**Tel:** +267 316 7425

