
☹ 10. As lutas pelos direitos queer em África: Examinar o papel do direito e da política na formação dos discursos LGBTQ+ em África

Queer jurisprudence in African courts: litigation beyond decriminalisation

Rui Garrido

In the decade of 2010, many African LGBTI human rights groups use strategic litigation as a tool of claiming their rights. In 2013, the case Eric Gitari, in Kenyan, and the LEGABIBO case in Botswana were groundbreaking for the strength of the LGBTI activism. The Ugandan High Court decision of August 2014, that declared the Anti-Homosexuality Act null and void, despite some flaws, represented the consolidation of a queer jurisprudence in the African continent. Many other cases were decided in different countries in the following years. The courts in Botswana (2019) and Namibia (2024) declared the unconstitutionality of the sodomy laws. Other courts decided on the rights of transgender people in different circumstances (as in Zambia, Zimbabwe and South Africa). What can we learn from these litigations across Africa? How are they shaping the law and politics of African countries? Is there an African corpus of African queer jurisprudence? To answer these questions, we aim to map the cases in court dealing with sexual orientation or gender identity issues. The objective is to identify trends in jurisprudence, underlying the outcome of the decisions, the argumentation of the judges and assess its impact in the politics of each country.



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