

# The queer hate crime case testing the limits of Ghana's justice system

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## **Queer Ghanaians usually face prejudice and corruption when they report hate crimes, dissuading them from pursuing justice**

Even in the security of a public court hearing, with his attackers in handcuffs, Timothy\* remained on edge.

Timothy, a 22-year-old queer man from central Ghana, had been the victim of a violent hate crime. But he was fearful that his sexuality, which remains a secret, would complicate his family relations, and make his pursuit of justice harder.

In April 2023 Timothy was stripped, beaten and robbed at knifepoint by five men, including a man he had considered a friend. In a video of the incident that was taken by the attackers and distributed on WhatsApp, Timothy's attackers make repeated references to his sexuality as they beat him and douse his eyes with an unidentified liquid.

They also pressured him to organise a ransom from his family, "They said if no one sent me money, they would kill me. I called and begged my sister and she sent me GHS 500 [more than a month's pay for someone on minimum wage] before they let me go," Timothy told openDemocracy.

Timothy's story is, sadly, not unique. But it differs from other such cases in one key regard: not only did he report it to the police, something many queer hate crime victims shy away from, but he refused to back down even when offered an out-of-court settlement.

"I want them to go to jail," he said of his attackers. "I did not wrong them in any way and they did this to me."

Three suspects have pleaded not guilty to the attack and are awaiting trial.

### **'It has always been bad for us'**

Ghana's queer community fears a prospective anti-LGBTIQ law currently before Parliament for consideration will legalise the hostility and violence it has faced for years. The Human Sexual Rights and Family Values Bill has already attracted public support from legislators and is likely to become law in 2023 or 2024.

Papa Kojo, who asked us not to publish his full name, is used to threats of violence against him on social media. But early in 2023, threats from a particular Twitter account shook him. "It was from an account that claimed to know where I lived," said Papa, 26.

A few days after those threats, Papa said he was jumped by a group of men while on his morning walk. Luckily, he escaped harm narrowly. "Just a few minutes after escaping, I received a lot of

messages from the same people saying that if they had caught me, they would have cut my penis off.”

Papa reported the incident to police but felt they weren’t treating it with any urgency because he didn’t know who his assailants were. His statement was eventually taken, but not without the topic of his sexuality coming up. This was followed by his case officer subtly requesting a bribe.

“She said she was going to [process the complaint] but it wasn’t part of her job and because the case concerned a queer person, I had to give her something. So I gave her GHS 100,” said Papa. But after two follow-ups, Papa heard nothing from the officer and gave up on the case.

Subsequent threats sent Papa back to the police, but this time their response was even worse. “They said no, I would just waste their paper if they made me write a statement,” recalled Papa. “They also said very soon LGBTQ would be criminalised and if I go to the police, I would be arrested.”

### **Limited data**

Backers of the Human Sexual Rights and Family Values Bill, including Ghana’s government, have not acknowledged the increasing violence the queer community has been facing since its announcement. Notably, at the UN Human Rights Office’s Universal Periodic Review in February 2023 to assess human rights records, Ghana’s attorney general Godfred Dame said: “There is no known record of the infliction of violence in Ghana against LGBTQI+ persons.”

openDemocracy’s checks at Ghana’s Commission on Human Rights and Administrative Justice, however, show Dame’s claim to be far from the truth.

Limited resources mean the commission can only currently deal with complaints by ‘key populations’, which include LGBTIQ people, in 20 of Ghana’s 216 districts. But in those 20, it handled 52 cases of abuse against queer Ghanaians between 2019 and 2021, according to a Right to Information request. Complaints made to the commission by queer Ghanaians over the last four years include allegations of assault, extortion, blackmail and privacy breaches.

Ghana’s police service has also been accused by the human rights commission of discriminating against queer people. In 2020, for example, 16 of the 38 incidents of anti-LGBTIQ abuse reported to the commission were against the police, including for blackmail, extortion and physical or verbal assaults.

The attorney general’s denial of such incidents is one of the reasons a rights group, Rightify Ghana, stepped up efforts to document cases. In 2023 alone, Rightify has tracked close to 70 cases of abuse, ranging from discrimination in schools to violent attacks. The organisation believes these cases represent a small percentage of the actual instances of abuse against queer Ghanaians. Many LGBTIQ victims of violence, it said, do not report their cases to the police for fear of further victimisation.

“If, for example, the person went to the police station, the police may intimidate them and question their sexual orientation rather than the crime committed against them,” Rightify explained.

The Ghana Police Service has so far failed to respond to openDemocracy’s requests for comment. Nor have they made any other public statement about cases of violence against the queer community, despite being alerted by citizens and rights groups online to particular examples.

While police are known to respond to some crimes posted online, like [witchcraft accusations](#) that turn violent or [assaults in schools](#), the lack of media coverage of anti-LGBTIQ abuses means a lack of

pressure on police to take any action.

In one such recent video, a man believed to be gay in Tamale was attacked by more than half a dozen men who forced their way into his apartment and beat him with whips and fists. It also appears the man is being robbed in the process, as some men move to carry off his TV.

Another incident in a suburb of Greater Accra saw a gay man stabbed multiple times in broad daylight. He had been reportedly lured to the location via a dating app and attacked by two men. This incident was captured on video by an onlooker from a nearby building.

These factors have meant it is becoming increasingly difficult for victims to find justice. There have been accounts of victims who do not report cases because they want to keep their sexuality out of the limelight. Sometimes victims, like in Timothy's case, get offered out-of-court settlements by suspects' families to cover treatment and lost property, offering suspects a way to avoid trial without accepting guilt. Timothy rejected the offer, but he is in the minority. "Victims normally prefer to take that and just go away rather than pursue cases," said Rightify.

Timothy's case also gives an indication of the pressure police prosecutors are under because of a lack of resources. At a recent meeting to which openDemocracy was invited, activists were told how victims in court would benefit from having their own lawyer to work alongside the prosecutor in a case.

### **Question of reforming police procedure**

The director of advocacy at the Ghana Centre for Democratic Development, Kojo Asante, has been critical of formal processes at Ghana's police stations because they offer no protection to queer people filing complaints.

"The way the system is set up now, first of all, nobody will report it if it happens because they feel like they will be victimised for a second time," he told openDemocracy.

Asante - who has a PhD in the politics of development - has been part of a group of activists advocating systemic reforms within the police service to make it easier for members of the LGBTIQ community to report crimes against them. They have gone as far as petitioning Ghana's inspector general of police, as well as sending compiled evidence of hate crimes for investigations.

"When somebody is vulnerable, they have to have the right kind of system so that it allows for biases and prejudices to be managed," Asante said.

Beyond outright wrongdoing by police, systemic challenges within the justice system present multiple hurdles to vulnerable sections of Ghanaian society, while a lack of police resources has hampered prosecutions, [according to at least one criminologist](#).

In Timothy's case, for example, the judge criticised the police prosecutor during a hearing for levelling only assault-related charges on the suspects when there was evidence of more serious offences, such as robbery.

The group of activists (who wished to remain anonymous) helping Timothy with legal processes have also complained of hurdles in the background, like fees being requested from victims to process certain documents that are supposed to be covered by the judicial system.

Timothy's case is not this group's first attempt to navigate Ghana's justice system with the victim of a hate crime. It has handled multiple cases in other regions of Ghana, but none has yet been

resolved in court. In some cases, victims have decided against legal action; in one case currently in court, a victim seeking justice has had to deal with bogged-down court processes, suspected corruption and police extortion of queer people at police stations. "If this [anti-LGBTIQ] bill comes into play, look, there will be more extortion than justice," said one of the activists with the group.

While out-of-court settlements remain an appealing option for queer victims of abuse, the activists are trusting Timothy to show more resolve. "We are very hopeful of justice in [Timothy's] case," said the activist. "We need something like this to shake things for the better in Ghana's queer community."

*\* Name has been changed.*

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