

■ THE DIVISIVE LGBTQ DEBATE

THE GAY CONUNDRUM

Advocacy for those in Kenya's gay community to live their lives without threats or discrimination has been pursued mostly in whispers and has often recorded more reverses than gains. Even with enactment of the progressive 2010 Constitution, their rights campaigns are often considered a foreign-driven agenda. But will this change with more of them coming out?



• By MACHARIA GAITHO

Campaigns for human rights, political choice, freedom of expression and other basic rights have been fought openly and loudly over the past 30 years, realising considerable gains since the dark days of the single-party dictatorship.

During the same period, however, advocacy for those in the gay community to live their lives without threats, molestation, violence, discrimination and oppressive laws has been pursued mostly in whispers, and often recorded more reverses than gains even with enactment of the progressive 2010 Constitution.

Very often, the gay rights campaign seems like a foreign-driven agenda. This is witnessed almost every time CNN and other western news networks interrogate the Kenyan president, or when the American president or his envoys comment on Kenyan issues.

Fabled CNN anchor Christianne Amanpour was true to form when she sat down with President William Ruto on September 7.

Predictably, she asked about alleged repression of gays in Kenya, and he gave a stock and

well-rehearsed reply: "I am very clear that we respect everybody and what they believe in, but we also have what we believe in and we expect to be respected for what we believe in," he responded.

"We do not want to create a mountain out of a molehill. . . . When it becomes a big issue for the people of Kenya, the people of Kenya will make a choice," he concluded.

Ruto's response was almost a carbon copy of what his predecessor, President Uhuru Kenyatta, told Amanpour in 2018: "I want to be very clear: I will not engage in a subject that is not of any major importance to the people and Republic of Kenya. This is not Uhuru Kenyatta saying yes or no, this is an issue that the people of Kenya have bestowed upon themselves in a Constitution after several years and clearly stated that this is not a subject that they are willing to engage in at this time.

"In years to come, possibly long after I am president, who knows? Maybe our society will have reached a stage where those are issues people are willing to discuss openly and freely."

He concluded that he has his personal opin-

ions on the subject, but would not talk about that because as President he can only venture to convey what the people of Kenya have determined as captured in the laws.

Both Ruto and Uhuru basically refused to dwell on whether they would recognise gay rights, taking shelter in the cultural and religious environment where the subject is taboo, and laws that outlaw gay sex and same sex marriage.

It was notable however, that unlike President Yoweri Museveni of Uganda, for example, or Zimbabwe's former President Robert Mugabe, neither Ruto nor Uhuru outrightly condemned same-sex relationships.

Both left the window open for discussion at some indeterminate future when the people of Kenya were ready to confront the sensitive issue.

That in both interviews there was no condemnation of the gay lifestyle and there was also a tiny window left open for future discussion could be taken as a positive, but not for those who note the refusal to speak out for a

...Continued on Page 6

kenya lens

Coming out from the shadows

...Continued from Page 5

section of the population that faces discrimination, threats, violence and denial of the basic constitutional freedoms to life and liberty. The gay community, which has adopted the ever-lengthening alphabet soup of LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer) and recently added IAP (Intersex, Asexual, Pansexual), insists there are issues that cannot be swept under the carpet.

On the legal front are the Constitutional prohibitions against gay sex and marriage. Then there are the societal mores in a country of deeply rooted cultural and religious (Christianity and Islam) beliefs that are absolutely hostile to same sex affairs.

On the CNN interviews four years apart, Ms Njeri Gateru, executive director of the National Gay and Lesbian Human Rights Coalition (NGLHRC), was not impressed. "It's unfortunate that those in authority frame human rights issues as non-issues," she told *The Weekly Review*.

"The conversation from Uhuru and Ruto is that LGBTQ people continue to be harassed because of their sexual identity. As a queer person it's disconcerting that the same ignorance of the issues carries on less than three months from when we had a public outcry over the murder of a lesbian because of her sexuality. The violence keeps escalating with no reaction from authorities."

She was referring to the case of Sheila Lumumba, 25, a hotel worker in Karatina who was gang-raped and murdered, provoking local and international protests.



Njeri Gateru is the director of the National Gay and Lesbian Human Rights Coalition.

In July, after prolonged protests by the gay community and human rights activists against police inaction, a suspect was arrested and charged in a Nyeri court with aggravated assault and murder.

Rights organisations have also been calling on the police to act fast on other recent murders, including that of a gay man, Joash Mosoti, who was killed in Mombasa last year and Rose Mbese, an inter-sex woman slain in Trans Nzoia County earlier this year.

The hashtags #JusticeForSheilaLumumba, #JusticeForRoseMbese and #JusticeForJoashMosoti trended as activists piled on the pressure, insisting that those were not 'ordinary' murders, but killings targeting those of different sexual orientation and identity. While the gay community in Kenya has become increasingly visible and outspoken in recent years, they have become cautious since the election of President Ruto and his close association with often intolerant Christian evangelical groupings.

When *The Weekly Review* started working on this story, many gay activists approached who previously been open about their sexuality preferred to retreat into the shadows, adopting a wait-and-see attitude.

Fear of emergence of an intolerant regime seemed to have been justified when, out of the blue, the acting chief executive of the Kenya Film Classification Board (KFCB) Christopher Wambua declared that all films containing gay and lesbian content are banned in Kenya.

In a September 23 interview on *Spice FM*, Wambua revealed that the Board had over the years prohibited several movies produced in Kenya and abroad with LGBTQ content. He did not cite the specific laws used to make such content illegal other than the existing legal prohibition of gay sex. That seems to be a willfully erroneous misinterpretation of the law, for the fact that the law criminalises a certain activity does not extend to making discussion or depiction of that activity a crime. Nor does it become illegal to lobby for decriminalisation.

In his comments, Wambua seemed to be borrowing from the logic often displayed by his controversial predecessor Ezekiel Mutua, who earned himself the nicknames 'Junior Jesus' and 'Moral Prefect' for trying to impose his narrow moral code on others.

It was during Mutua's tenure when in 2018 Kenyan film *Rafiki*, was banned because it depicted a lesbian love affair. Ironically, he temporarily lifted the ban so that the movie, written and directed by Wanuri Kahiu, could qualify as Kenya's entry for the Oscar Awards.

Njeri of the NGLHRC was appalled by Wambua's comments, likening them to abridgement of the legal and constitutional freedoms of expression. She added that purporting to ban a movie simply because it depicted homosexuality amounted to a vain attempt to erase realities and also erase the stories of those belonging to certain communities.

"It is dangerous that one small institution could completely negate and undo the work of people like me, people who are queer and have queer relatives, friends and colleagues, and thus say we do not exist, and if we exist, publicly act as if we do not, and give life to the lies and misinformation about queer people." She noted that the High Court has ruled that 'popular morality' must not infringe on rights of minorities.

Contacted by *The Weekly Review*, Wambua seemed to walk back on his statement, denying that he was banning films depicting gay content.

He conceded that there was no law banning gay content in films, but rather the examination and rating parameters for film classification which guide movie makers on what is permissible in Kenya, especially in regard to protecting minors and safeguarding cultural values.

He insisted that the problem was not gay content in itself, but content that would be deemed to glorify, normalise and promote the gay lifestyle.

There might be a problem there in that an over-zealous censor would interpret any reference or acknowledgement of gay relations in that light.

Tribulations of a gay crusader

At first sight, Njeri Gateru comes across as any young, confident, woman professional making her way up the corporate ladder.

But within a few minutes of conversation one sees a driven, passionate activist fully committed to agitation for a minority that daily has to ensure discrimination, threats and violence, while the authorities look the other way. As executive director of National Gay and Lesbian Human Rights Coalition, Njeri not only leads advocacy for a grouping that suffers repression, but walks the talk as one of the few Kenyan lesbians brave enough to come out of the closet.

Over a late breakfast at a popular restaurant at The Hub as she took a break from one meeting before attending another, Njeri looked up nonplussed, then offended, when asked about her personal journey of self-discovery as a gay person. To her it was a non-issue. There was no confusion, doubt or identity crisis when, early in life, she realised that she liked girls just like others liked boys. She also found no big deal in 'coming out' because her sexual preference had never been hidden from her family, friends and close acquaintances.

"My family knows, has always known. I never felt a need to hide that I'm a lesbian and that I like women" she declared. "Where I've experienced unacceptance around my sexuality is from people who don't know me."

For a lot of gay people, coming into the open after years of secrecy is a major, liberating moment. For Njeri, there is no tragic or moving story about her sexuality or who she is. She is just her. She encounters homophobic attitudes almost daily, especially with work that involves support for victims of harassment, assault and discrimination.

She has a full-time job rescuing victims from police stations following irregular arrests or helping victims of assault file complaints. She also has to support people evicted from homes because of their sexual preferences or being sacked from their jobs.