THE AGA KHAN UNIVERSITY
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Catalyze Without Offense
Daily Nation Living Magazine and the "Laura" story

In late May 2005, Mildred Ngesa, a columnist and senior features writer for the Living section of the *Daily Nation* newspaper in Nairobi, was sitting on one of the most explosive stories of her career. A social worker had alerted her to the plight of an 11-year-old girl they called Laura, who appeared to have been molested over several years.[1] The social worker suspected that the girl was HIV positive and receiving no treatment. Moreover, one of his colleagues had provided a shocking photograph of the girl's genitals, which were badly infected with a sexually transmitted disease.

Ngesa had several reactions.[2] She wanted to report the story fully. She also wanted to do something for the girl. But above all, she hoped that whatever reporting she did about this terrible case would bring public attention to the problem of child rape, and perhaps push through pending legislation to better protect children.

The reporting was challenging. The mother was reluctant to go on the record, and inconsistent about details. The longer they talked, the more Ngesa suspected the mother was protecting the abuser. But little by little, she obtained the information she needed to write a responsible and informed article. Likewise, Ngesa was able to persuade the mother to turn Laura over to a shelter to get her the medical treatment and protection she needed.

That left Ngesa pondering the larger goal of effecting social and legal change. How could the *Nation Living Magazine* play the story for maximum impact and galvanize lawmakers? Ngesa was convinced that the article should describe the full extent of the girl's abuse. However, that task was complicated by several factors: Ngesa had promised the family that she would not name the girl, the mother, or sources who might identify them; she did not know the perpetrator; she did not trust the mother's testimony; Laura herself, silent during the interview at the *Nation*, had so far not

1 Pseudonym.

2 Details from interviews with Mildred Ngesa in Nairobi, Kenya, on October 6 and 10, 2011 and by telephone from New York City on May 21 and 22, 2012. All direct quotes and attributions to Ngesa, unless otherwise noted, are from these interviews.

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admitted she was abused. Moreover, Ngesa worried about the consequences for Laura and her family. Would publishing the story damage the relationship between mother and daughter?

Then there was the photograph. That image—more than any specific fact of the case—was the most devastating evidence of serial abuse. Ngesa believed that the picture would capture the public's attention and had argued to her editors that it should accompany the story. But they were adamant that they could not run it. The *Daily Nation* was respected for a sober reporting tone. Publishing such a provocative image in one of Kenya's most prominent papers would, they insisted, violate their editorial policies and be in bad taste.

So Ngesa and her editors had to decide. How could they weave together the evidence they had in hand to maximize the story's impact? Should the story run on the front page as a straight news item? Or in the magazine, where Ngesa could speak more passionately and directly to readers? How should they portray—and use—the mother's spotty testimony? How should Ngesa use an interview that she had conducted with the girl? What of the photo? Was there any way to capitalize on its power without actually publishing the image?

The Case

Ngesa had first heard about the case roughly a week earlier, in mid-May 2005. Wanjiru Waweru, an employee of Operation Smile (a community-based organization that repaired cleft palates) had sent Ngesa a letter and a photograph. In the letter, Waweru explained that Operation Smile strongly suspected that the girl had been sexually abused. But they had scant details about her background or medical history.

Activist. Features writer Ngesa was a good choice for Waweru. She was a passionate reporter for a section of the newspaper that gave prominence to her kind of first-person, human interest stories. The *Living* magazine, which ran on Wednesdays, was a pullout section in the *Daily Nation* newspaper. It was geared toward families and their interests.

Over her journalism career Ngesa had reported on human rights stories for Kenya's three largest newspapers: the *Daily Nation*, the *East African Standard* and the *Kenya Times*. She had joined the *Nation* only months earlier—in February 2005. She had been recognized with several awards, including the Best Female Award for Media Excellence, presented by the Forum for African Women Educationists (FAWE), for outstanding performance in reporting on issues affecting women and girls. In addition to her journalism, the Kenya Human Rights Commission had recently commissioned her to compile research for a report on redefining the role of media in Kenyan human rights advocacy.

Indeed, Ngesa had devoted several years to advocating for stronger protections for victims of sexual violence. In 1999, when she was a features writer at the *Standard Life Magazine*, a Sunday

pullout for Kenya's second largest daily, she had learned that Kenyan law stipulated that for prosecutors to press charges in a rape case, the victim's testimony had to be corroborated by a second witness.[3] But in rape, there rarely were witnesses. Ngesa came to feel that existing laws did not provide adequate protection for victims of sexual abuse. So she and her editors at the *Standard* launched a media campaign aimed at mobilizing the public to lobby lawmakers for reform.

In a regular Sunday feature that the *Standard* ran from late 1999 through 2001, Ngesa wrote about cases of alleged sexual abuse. She even interviewed convicted rapists in prison. "I did so many rape stories I could do them with my eyes closed," she recalls. Printed next to each article was a petition for readers to sign in support of stronger rape laws, which readers could send to the newspaper. In 2001, the *Standard* presented the collected petitions to Kenya's then-attorney general, Amos Wako. "We made it a media event," recalls Ngesa.

By 2005, a sexual offenses bill was under discussion in parliament. A broad-based civil society movement had arisen in favor of stronger punishment for sexual predators. At the time, an estimated 16,482 women annually were raped in Kenya.[4] According to one history, sustained media attention had contributed to the legislature's willingness to take up the measure:

> The extensive coverage by the media highlighted the magnitude of sexual violence and portrayed the issue as a national problem that had gone out of proportion and needed to be addressed. The coverage changed the mindset of most people, including politicians.[5]

Opportunity to advocate. Ngesa was shocked by the photograph. "It was like a picture from a medical journal," she recalls. She called Kihara Thangwa, a social worker she knew at Operation Smile, to ask if he knew anything more about the case. Thangwa confirmed that the girl existed, and that her situation was serious. She lived with her mother, a day laborer and single parent of five children, in Kiambu, a poor, rural area about an hour's drive from Nairobi.[6] Thangwa suspected the child was HIV positive. But she was not receiving medical treatment and had been forced to withdraw from school.

Operation Smile workers, who suspected abuse, had tried to meet with the mother, hoping she would discuss her daughter's health and the help the girl apparently needed. But the mother had not been responsive. Kihara was pleased that the *Nation's* Living section was considering a story on the case. He hoped that the publicity would put a stop to the suspected abuse.

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3 W. Onyango-Ouma, Njoki Ndung'u, Nancy Baraza and Harriet Birungi, *The Making of the Kenya Sexual Offenses Act, 2006: Behind the Scenes*, Kwani Trust, 2009, p. 7. See: http://www.popcouncil.org/pdfs/2009RH_KenyaSexOffenses.pdf

4 Ibid, p.8.

5 Ibid, p.7.

6 Mildred Ngesa, "Little Laura's Story," *The Daily Nation,* June 1, 2005.

Ngesa's first priority was to rescue the girl, whom the reporters would later call Laura. "I was thinking this is a little girl, let's get her out," she recalls. She walked across the newsroom floor to brief Ruth Lubembe, the editor of Living. Lucy Oriang, deputy managing editor, joined them. Lubembe and Oriang were similarly moved by the photograph to help the girl. They also wanted to publish her story.

Rescue vs. news story. They decided that the first step was to meet the mother, and persuade her to put the child in care. Thangwa had made it clear the mother was reluctant to talk in her home. Perhaps she feared arrest. That afternoon, they decided that the best strategy was to convince the mother to bring Laura to Nairobi, to the newspaper's offices downtown. There they could interview the two together, and also arrange to move the girl into protective services.

The *Nation* had a tradition of protecting and, in some cases, advocating for sources. For instance, the paper had once tried to convey the devastating consequences of famine through covering the plight of a single family. Simultaneous to running the story, they had coordinated a rescue effort, which included relocating the family.[7] So Ngesa and her editors phoned the Federation of African Woman Lawyers (FIDA) to seek advice on how to help Laura. FIDA suggested they enlist the Women's Rights Awareness Program (WRAP), which provided safe shelter for abused women and girls.

Oriang had connections to WRAP and thought she could arrange to have a representative meet the mother and Laura at the *Nation's* Nairobi offices. Perhaps they could then convince the mother to release Laura into WRAP's custody. However, involving WRAP presented a journalistic complication: the organization kept the location of its shelters secret in order to shield victims from their abusers. That meant Ngesa could lose access to the girl. But the editors decided that protecting Laura was worth the risk of losing the story.

Ngesa phoned Kihara to see if he could bring the family into Nairobi the next day. Thangwa thought he could convince the mother to come to the *Nation* offices. But he warned again that the woman was reluctant to accept help.

The Interview

When Ngesa arrived at *Nation* headquarters the next morning, she learned that Oriang had brought in WRAP Director Ann Ngugi. Ngesa called Thangwa, who confirmed that he had convinced the mother to bring her daughter to the *Nation's* offices. Over the next few hours, Ngesa periodically checked in with Thangwa to confirm that they were still en route. Meanwhile, she and her editors settled on a plan to bring mother and daughter upstairs to the main boardroom. There Ngesa could interview both, and introduce the subject of the shelter for Laura.

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[7] Details from an interview with Joseph Odindo in Nairobi, Kenya, on October 11, 2011. All direct quotes and attributions to Odindo, unless otherwise noted, are from this interview.

Thangwa called midmorning. He was standing outside the *Nation* offices with the mother, Laura, and his Operation Smile colleague, Waweru. But there was a problem: the mother refused to enter the building. "OK, I'm coming down," Ngesa replied, hoping that if she could get the family upstairs they could make their arguments more persuasively.

The family was standing on traffic-choked Kimathi Street. Ngesa was immediately struck by the girl's weakened condition. "You could easily tell that she [was] sick," recalls Ngesa. "I mean, her eyes were all deeply yellow and she look[ed] really, really weak. And she look[ed] like she [had] been crying." Ngesa introduced herself first to the girl. "You know by instinct you just try to be as approachable and as warm as you can so that she does not feel threatened," says Ngesa.

The mother responded in Kikuyu, an indigenous language that Ngesa didn't understand. Thangwa translated that the mother was telling the girl to keep quiet. Ngesa assumed the woman was frightened that she would be reported. So she tried to convince the woman that the *Nation* wanted only to help:

> I assured her that we're not arresting her or something. We're not going to report her to the authorities. I assured her that what we really wanted was to help her, help her child.

Ngesa felt she could make this promise because FIDA had advised her that once WRAP took the girl into custody her whereabouts would be kept secret, even from the police. In addition, Ngesa intended to protect the identity of mother and daughter in anything she wrote. Still the mother refused. Ngesa emphasized that Laura needed a hospital. Finally, the mother agreed to come inside, but insisted that she would not consent to an interview.

Ngesa led them to the boardroom, where she explained clearly her intent to write a story, and made several more promises. She recalls:

> [I could promise that] I am not going to reveal who you are. I'm not going to mention your name. I'm not going to show your picture. The reason why I have to do this story is because when we write, people react and they send help.

Ngesa knew that with each guarantee, she was limiting what she could include in the story. But her first priority was to help Laura. "When you talk to a source in a story like this," Ngesa says, "you've got to stand by your words." Her conviction seemed to resonate, and the mother finally agreed to an interview.

But almost from the start of questioning, Ngesa doubted the mother's version of events. The mother said she had first detected Laura's "strangeness" two years earlier. "I happened to

observe her one day when she was bathing when I noticed some strange pimples around her genitals, some time in 2003," she told Ngesa.

> They looked really bad. I asked her what was wrong; she said she did not know and that they had just started on their own. I took her to Kiambu Hospital. The medicine prescribed was expensive, costing around Sh950.[8] I applied the ointment and the pimples kept falling off. But they did not disappear completely and they kept coming back. I did not have enough money to take her for further treatment.[9]

Ngesa was skeptical and asked if it had occurred to the mother that Laura may have been raped. "I asked [my daughter] the first time and she said no one had ever touched her," the woman replied, visibly animated. "So I know no such thing has happened to her." The mother did, however, seem prepared to concede that Laura had been sexually abused—although she refused to identify a culprit. "The mother keeps saying, 'Oh, one day this child comes home and she has been abused. And I don't know by whom, maybe in the coffee plantations'," recalls Ngesa.

> She makes all these wild allegations, says, 'oh, maybe I had gone to go and milk the cow, then there was this neighbor who came and did this,' stories that just don't add up. And you could tell that she was trying to protect something, protect herself.

Ngesa turned the conversation instead to Laura's medical treatment and custody. The mother agreed to release Laura to WRAP. Following legal protocol, they took the mother and girl to the police station, where WRAP took custody of Laura. Ngesa, knowing that she might be losing access to Laura, convinced the women who ran the shelter to give her their phone numbers, so that she could at least monitor the girl's progress from a distance.

Making an impact

The following day, Ngesa briefed *Daily Nation* Managing Editor Joseph Odindo that they had intervened on Laura's behalf. The *Nation* did not have an explicit editorial policy about intervening on behalf of sources. Nor did it have a written policy about whether to turn over a source to the police, although it was standard practice to protect sources from both the public and the police. So Odindo had almost complete discretion about whether and how the *Nation* should handle the story.

As the father of two young daughters, Odindo was moved by Laura's plight. In his view, Ngesa, Lubembe and Oriang had acted appropriately in trying to protect mother and child. "You

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[8] In 2003, that was about $13 US.

[9] Ngesa, "Little Laura's Story"

cannot walk in there squeeze a story out of somebody and leave them dying or leave them exposed to danger—get your story, splash it on the [news] pages and not care about what ultimately happens," says Odindo. But he felt it essential that the story also have a larger social purpose. "My first reaction was we must find a way of making this public," he adds, "but do it as a campaign for the protection of children."

Ngesa agreed. It was fortuitous that the sexual offenses bill was under consideration in parliament. She wanted to use the story of Laura to refocus the attention of both the public and Kenya's lawmakers on the plight of abuse victims. In particular, she wanted to engage men on the issue. At the same time, she felt a responsibility to Laura and her mother and wanted to be sure that the story also resulted in help for them. To succeed, she would have to capture Laura's experience in as much detail as possible.

Ngesa's first priority was to nail down the facts of the story. Over the next several days, she kept in regular phone contact with the women who ran the shelter that housed Laura. They wouldn't disclose their location. But they did provide essential medical information, which seemed to confirm that Laura had been abused. She had tested HIV positive and her CD4 count—which measures the number of disease fighting t-cells in the blood stream—suggested that she had not been born with the disease. Moreover, she required painful surgery to remove her genital warts. Initial estimates placed the cost of her immediate treatment needs at Sh500,000 ($6,500 at 2005 exchange rates).

Meanwhile, Thangwa brought a social worker who lived in Laura's neighborhood to the *Nation* offices. The social worker, whose job was to discover and intervene in cases of domestic abuse, confirmed that Laura had been harassed. Then at the end of the week, Ngesa had a reporting breakthrough: WRAP agreed to let her interview Laura at the shelter. When Ngesa met Laura, the girl seemed more at ease, and was dressed in a new school uniform.

Ngesa, as she had outside the *Nation* offices, began the interview by trying to establish trust. She took Laura in her lap and, hoping to break her reserve, commented on how much she liked her shoes. Ngesa wanted especially to ask Laura to name her abuser. But as Laura clung to her, Ngesa couldn't bring herself to voice the question. Laura had not, after all, even admitted any abuse had occurred.

Soon Laura began to drift off to sleep in Ngesa's arms. "Shhh," Ngesa whispered, "sleep, sweetheart, no one will ever hurt you again." Laura began to sob. Ngesa asked if she was in pain. Laura shook her head, no. Then the woman who ran the shelter asked Laura if she was tired. Laura nodded. They tucked her into a bunk bed and the interview was over.[10]

[10] Mildred Ngesa, "Little Laura's Story"

What to Write?

Ngesa and her editors wanted to run the story quickly, and felt they had enough facts to proceed responsibly. But Ngesa couldn't see clearly how to assemble the piece. On the one hand, she was sitting on explosive material: the photograph; the medical evidence; the interviews with the mother and girl; and the ominous fact that the abuser might still be at large. Yet she also had to contend with several complicating limitations: she didn't know the identity of the perpetrator, presuming there was one; Laura herself continued to remain silent; and the mother's testimony was at best inconsistent. Ngesa was further constrained by the promises she had made to the family not to identify them. Finally, it was personally important to her that nothing she wrote would damage the relationship between mother and daughter.

Publish photo? To Ngesa the simplest strategy to achieve maximum impact was also the most provocative: publish the explicit photo. Almost from the moment it had landed on her desk, she had argued to her editors that it must accompany the story. It was the photo, after all, that had captured her attention and that of her editors. Surely the public would be similarly moved. Most critically, she believed that it illustrated the degree to which children are vulnerable to serious and ongoing sexual abuse. "The photo [had] shocked me to the core, it shocked all of us," recalls Ngesa. "And for me, my perspective, I thought, I want to show it, share it with the rest of the country so that they can just see the magnitude, the devastation of this kind of thing."

Her editors agreed that the photo would have impact. But they had steadfastly refused to publish it. "I was clear in my mind that we couldn't run this picture, because of [the *Nation's* editorial] guidelines and public taste," recalls Managing Editor Odindo. "Even if it was not of mutilation, I still would not have run it."

But not publishing it raised the problem of how to convey the severity of the abuse. "The pictures were bad," recalls Lubembe. "But we kept saying, 'Well how are we are going to help people understand how bad it is if they don't have anything to go by?' And this question alone just kept going back and forth and back and forth and back and forth." In the course of that debate someone—no one remembers who—suggested that, as a compromise, they show the photo to a few prominent Kenyan men. Take portraits of them reacting to the shot. Then publish those pictures as a sidebar. This strategy appealed to Ngesa because it would introduce the photo, and it brought men into the conversation. But she wondered whether simply showing their reactions to the photo could approximate the power of the actual image.

Placement. Meanwhile, Odindo argued that in order to attract maximum attention, they should place the story on the front page of the paper—instead of in the *Living* pullout section. The magazine, he contended, was geared to families, who were already sympathetic to the cause. Putting the story on the front page would ensure that it reached a broader and more influential audience.

Both Ngesa and Lubembe disagreed strongly. Publishing in the newspaper proper would require Ngesa to write the story in a straight news voice. Ngesa's strength as a writer and public advocate, Lubembe believed, lay in her passionate, personal prose style. Indeed, Ngesa was considering writing the story in the first person, which could be done only in the magazine. So Odindo gave the final editorial say on the story and where to publish it to Lubembe and Ngesa.

As a senior features writer and columnist, Ngesa had wide latitude in the magazine. Now she had to decide how to marshal her reporting. "It was one of those stories that [gave] me nightmares about where to begin and where to end and how to package it," she recalls. Should she indeed write the story in the first person? Should she include herself as an actor in the narrative? How should she present the mother's testimony? What about the meeting with Laura? How could she weave the photo into the story without publishing it? Would the reaction shots of the men convey its power? Or should she describe it in graphic detail in the body of the piece?

Then there was the advocacy piece. How should Ngesa mobilize her audience to engage in a campaign to protect children? Should she overtly mention the pending Sexual Offenses bill by including a petition of the type that accompanied the *Standard* series? Or was there a way to connect readers directly to grassroots organizations like WRAP? What about asking readers to help Laura directly? Was it appropriate to appeal for a financial contribution? Ngesa wanted to be sure that whatever she did secured Laura's wellbeing, and advanced the cause of punishing sexual offenders.