



PRESS STATEMENT BY THE KENYA FILM CLASSIFICATION BOARD AG. CHIEF EXECUTIVE OFFICER MR. CHRISTOPHER WAMBUA ON THE RESTRICTED INDIAN FILM TITLED: 'BADHAAI DO' ISSUED ON MONDAY 14TH FEBRUARY, 2022 AT 10:00 AM, AT THE BOARD'S UCHUMI HOUSE OFFICES, NAIROBI.

Members of the Press

Colleagues

Good morning

The Kenya Film Classification Board (KFCB) is a regulatory agency mandated by the *Films and Stage Plays Act Cap 222* of the Laws of Kenya to regulate the creation, broadcasting, possession, distribution and exhibition of film and broadcast content.

Regulation of film and broadcast content aims at ensuring that content conforms to our Kenyan culture, values and National aspirations, as well as to protect children from exposure to inappropriate content.

The law further vests KFCB with the responsibility of **examining and classifying** all film content intended for **public exhibition for age-appropriateness**. In discharging this responsibility, the KFCB and content as any of the following: **GE (General Exhibition), PG (Parental Guidance Recommended), 16 (Not suitable for Persons under 16), 18 (Above 18 years) and/or Restricted/Banned**. In examining and classifying film and broadcast content, the Board is guided by classification standards and guidelines under classifiable elements, including: **Violence and Crime, Sex, Obscenity and Nudity, Occult and Horror, Drugs, Alcohol and other Harmful Substances, Religion and Community and Propaganda for War, Hate Speech and Incitement**.

Ladies and gentlemen,

In February this year, the Board received a **147-minute drama comedy film of Indian origin** titled: *Badhaal Do* to examine and classify before public exhibition in cinema theatres.

The film was examined by both our internal and external examiners while basing on the existing classifiable elements and standard guidelines as above.

The examiners then noted an obvious and intentional attempt by the producers to promote the same-sex marriage agenda as an acceptable way of life. The gay and lesbian characters in the film explicitly seek to normalize their feelings for each other and ultimately convince their families to embrace and empathise with them. Furthermore, the choice of characters equally seeks to abuse establishments such as the disciplined forces and academia, professions that epitomise sobriety and virtue, and that society holds in high regard. The multiple scenes of lesbian and gay affection depicted in the film are in complete disregard of our cultural values and beliefs.

Ladies and gentlemen,

Homosexuality remains an anathema and claims such as 'Love is Love', 'I am okay with my son being a gay', 'gay people can adopt' among others, as portrayed in the film fly in the face of our laws and values. According to Article 45 of the Constitution of Kenya (2010), marriage is defined as a union between persons of the opposite sex. Sections 162, 163 and 165 of the **Penal Code** criminalizes homosexual behaviour. The film in question, therefore, overtly disregards our laws, constitution and sensibilities as a people.

Moreover, the film tries to directly influence the viewer into believing that homosexuality is a normal way of life. This is clearly evident by use of symbolic colours that are associated with LGBTQ+ as displayed towards the end of the film. The film also petitions society to embrace homosexuality as a group of homosexuals stages a march to advocate their rights.

Ladies and Gentlemen,

While this film is acceptable in its country of origin, India, the Board has rated it as **RESTRICTED** in Kenya as it propagates a worldview that is in dissonance with our constitution, culture, values and norms and could easily expose vulnerable consumers to perversion. On this score, any films or broadcast content appearing to legalize, advocate, normalize or glorify the act contravenes the laws of our land. The film is, therefore, unacceptable and an affront to our culture and identity as Kenyans.

While adults may have a right to choose what they consume within the parameters of the law, children and other vulnerable segments of society are at the risk of being corrupted.

On account of the afore-cited reasons, on this 14th day of February 2022, the Board hereby pronounces the 147-minute gay-themed film titled: *Badhaai Do*, as **RESTRICTED**. For the avoidance of doubt, **RESTRICTED** in this case means that it is prohibited from exhibition, distribution, possession or broadcasting within the Republic of Kenya.

In light of the foregoing, the Board further wishes to state as follows:

1. We have noted an increase in audio-visual content that seeks to promote and normalise gay themes and ideologies contrary to our national laws, beliefs and norms. In this regard, the Board will not allow such content to be either broadcast or exhibited in Kenya.
2. Any attempt to exhibit, distribute, broadcast or possess the **RESTRICTED** film or any other **RESTRICTED** films within the Republic of Kenya shall be met with the full force of the law. On this account, we appeal to registered Cinema Operators across the country to ensure that the said film does **NOT** exhibit.
3. The Board remains vigilant to ensure that films exhibited in Kenya promote our cultural values, including preserving the institution of family.
4. Local and International filmmakers wishing to create audio-visual content are reminded to strictly adhere to the provisions of the *Films and Stage Plays Act* by acquiring filming licences as well as submitting their content for examination and classification for age suitability before public exhibition.
5. We call upon parents, guardians and caregivers to remain vigilant and monitor what their children are watching on TV or other broadcast channels and guide them appropriately.

Ladies and gentlemen,

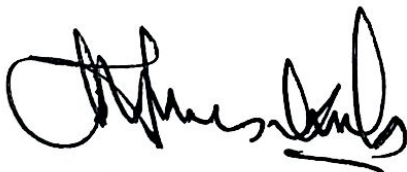
On a different note but still within our mandate, the Board has noted a worrying trend where audio-visual content bordering on political incitement and hate speech is being produced, uploaded and peddled on social media platforms in blatant breach of the provisions of Article 33 and 34 of the Constitution of Kenya (2010) and KFCB's Film Classification Guidelines. In this regard, content creators are reminded to strictly adhere to the provisions of the *Films and Stage Plays Act* and other laws.

It is worth noting that, in the past one month, the Board has flagged down audio-visual content on hate speech and reported the same to relevant Government and private sector agencies for appropriate action. The Board shall remain vigilant in monitoring film and broadcast content shared on social media platforms and other broadcasting channels in line with our regulatory mandate. The Board also remains committed to working closely with other relevant Government and private sector agencies to execute its regulatory mandate, especially in the electioneering period.

Lastly,

While recognizing and appreciating the existence of Articles 33, 34 and 35 (*Freedom of Expression, Freedom of the Media and Access to Information*), the Board urges content creators, the media and the public to be cautious of the content they upload or share on social media since freedom is not absolute. Freedom of expression must be premised on responsibility.

I thank you for your attention.

A handwritten signature in black ink, appearing to read 'Christopher Wambua', written in a cursive style.

Christopher Wambua
Ag. CHIEF EXECUTIVE OFFICER