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**KENYA FILM CLASSIFICATION BOARD CLASSIFICATION GUIDELINES**  
**2012**

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## **SECTION 1: INTRODUCTION**

Kenya Film Classification Board is state-owned corporation under the Ministry of Information, Communications and Technology with information regulatory role. It is mandated by Films and Stage Plays Act Cap 222 Laws of Kenya to regulate the creation, broadcasting, possession, distribution and exhibition of films in the country. Section 46. I (2) of the Kenya Communications (Amendment) Act, 2009 further expands the mandate of the Board to cover the broadcasting sub sector.

The main functions of the Board are to examine and classify films meant for public exhibition in order to confirm to the national aspirations, moral standards and protect the children while allowing more choice for adults. The children are protected in the sense that the content intended for adult is not consumed by them and ideas or thoughts that may comprise public morality and decency are not released to the public through film.

When making a classification decision for a film, the Board takes careful consideration of the film's content as well as all other relevant factors and concerns. The description of each of the classification categories and the indication of the suitable audience in terms of age may be found in these guidelines. To clarify the usage of words in the guidelines, a glossary of terms is included.

Supporting Legislations informing these guidelines include:

1. The Constitution of Kenya, 2010
2. Films and Stage Plays Act Cap.222 amended through The Statute Law (Miscellaneous Amendment) Act, 2009
3. The Kenya Communications (Amendment) Act, 2008
4. The Kenya Communications (Broadcasting) regulations, 2009
5. The National Cohesion and Integration Act, 2008
6. The Alcoholic Drinks Control Act, 2010
7. The Sexual Offences Act, 2006
8. The Children Act Cap 586 Laws of Kenya

## **SECTION 2: PREAMBLE**

People thoughts and ideas can be presented in different forms, either in a song, a book, a play or even a film. When these thoughts and ideas are presented in different avenues they cease to be just thoughts and ideas, they become a form of communication.

Communication has consequences which can be either positive or negative.

Film being a medium of mass communication has the power to influence one's choices and decisions hence the need to classify and examine film. This is to ensure that wrong, distorted and misleading information does not reach the public especially children and the youth who are vulnerable.

There are checks and balances in every industry; be it law profession, medicine, journalism, engineering and so forth. To ensure professional standards are maintained and public interest is safe guarded, the film industry is no exception.

### **SECTION 3: GLOSSARY OF TERMS**

<b>Classify:</b>	Assign something a class/category according to shared/common qualities/characteristics
<b>Examine:</b>	Scrutinize something carefully or in detail to determine its nature
<b>Film/Movie:</b>	Film encompasses individual motion pictures produced by recording images from the world with cameras, or by creating images using animation techniques or special effects. It is a form of entertainment that enacts a story by sound and a sequence of images giving the illusion of continuous movement
<b>Program:</b>	means a body of live or recorded material consisting of images, sounds or both embodied in signals emitted for the purpose of ultimate broadcasting
<b>Rating:</b>	ranking of something on a scale based on how much or how little of a quality it possesses
<b>Coarse language:</b>	Crude and/or offensive language lacking refinement or taste.
<b>Depiction:</b>	Representation, and/or portrayal on screen.
<b>Discreet:</b>	Subtle, not explicit, lacking in details and close-ups.
<b>Disturbing:</b>	Upsetting or troubling.
<b>Drug abuse:</b>	Improper or excessive use of drugs.
<b>Excessive:</b>	Beyond reasonable limits, especially in terms of detail, duration or frequency.
<b>Explicit :</b>	Language or depiction with strong details, usually relating to sex and violence.
<b>Exploitative:</b>	Appearing to take advantage of or abuse the situation for the enjoyment of viewers or for sensationalism; lacking moral, artistic, or other values.
<b>Fetish:</b>	An object, an action or a non-sexual part of the body which gives sexual gratification.
<b>Gratuitous:</b>	Materials which are unwarranted or uncalled for, and included without the justification of a defensible story-line or artistic merit.
<b>Horror:</b>	A strong feeling of fear or distress that is inspired by images or acts that are frightful and shocking.
<b>Incite:</b>	To stir up or provoke strong emotions and actions.

<b>Intensity:</b>	The degree or extent to which a subject matter is acute or strong (The intensity of a scene depends on the duration, the audio/visual effects, language, context and the proximity from which the shot was taken).
<b>Justified by context:</b>	Where the depiction is relevant and necessary for the integrity and continuity of the film.
<b>Moderate:</b>	Depiction that features some details and may have some impact that is kept within reasonable limits, which is generally acceptable.
<b>Nudity:</b>	Nudity can consist of frontal or rear nudity, above and below the waist for both sexes. It is determined by the details of nudity shown, and also by other factors including the duration of visuals, repetition, close-up shots and clarity.
<b>Offensive:</b>	Material that causes outrage or disgust to most people.
<b>Pornography:</b>	The depiction of erotic behavior intended to cause sexual excitement.
<b>Sexual activity:</b>	An act performed with another for sexual gratification. May include foreplay.
<b>Sexual violence:</b>	The act of sexual assault or aggression, in which the victim does not consent e.g. rape.
<b>Suggestion:</b>	Mild, discreet treatment of a subject in which an act or object is hinted at, generally through discreet manner, rather than the whole picture.
<b>Tone:</b>	The quality of mood, such as sadness, humor, menace, lightness, or seriousness.
<b>Transvestism:</b>	The lifestyle in which a person adopts the clothes and behavior of the opposite sex for purposes of emotional or sexual gratification.
<b>Restricted</b>	Not allowed or prohibited for distribution, broadcast or exhibition to the public.
<b>Video</b>	The system of recording, reproducing, or broadcasting moving visual images on or from videotape.
<b>Hate speech -</b>	any communication, speech, gesture or conduct, writing, or display that disparages a person or a group on the basis of some

characteristic such as race, color, ethnicity, gender, disability, sexual orientation, nationality, religion, or other characteristic. Publicly making any statement(s) that is forbidden because it may incite violence or prejudicial action against an individual or group.

#### **SECTION 4: APPLICATION**

These Classification Guidelines shall be applied to films, TV and Radio programmes, movies, videos and posters that may be created, broadcast, possessed, distributed and or exhibited in Kenya.

#### **SECTION 5: CLASSIFICATION THEMATIC AREAS AND ELEMENTS**

This part of the guidelines spells out content concerns that are applied in different degrees at all classification levels.

##### **i) Violence and crime**

The depiction of violence may frighten, unnerve, unsettle or invite imitation, especially from children. Therefore, only mild portrayals that are relevant to the plot may be allowed in films meant for children. For the higher classifications, a stronger depiction of violence is permitted if it is justified by context.

The classifiable elements in this thematic area include:

- Normalizing the use of violence as a solution to resolve problems;
- Depiction of violent gangster behavior (e.g. self mutilation rites);
- Emphasis on violent techniques/acts (e.g. Methods of torture, gang-  
▪ Fights, combat techniques);
- Encouraging aggressive and sadistic attitudes towards infliction of pain and violence;
- Explicit and prolonged sexual violence or erotic portrayal of sexual assault /coercion.
- Works portraying excessive blood, gored/dismembered/disfigured parts of a body
- Images of seriously injured people
- Images of dead bodies
- Portrayal of anti-social behavior e.g bullying
- Portrayal of potentially dangerous behavior e.g. hanging, suicide
- Portrayal of ease of making and accessing weapons
- Detailed portrayal of criminal and violent techniques
- Explicit cruelty or violence towards animals

Restricted in this thematic area is work that induces, incites, justifies, reinforces or glorifies violence or terror or its perpetrators or contains anything against the maintenance of law and order or promote anti-national attitudes

**ii) Sex, obscenity and nudity**

The classifiable elements in this thematic area include:

- Exposure or fondling of female breasts/human/animal sexual organs.
  - Explicit images of sexual activity
  - Behavior/language that is sexually offensive
  - Undressed
  - Indecent exposure - A person is guilty of *indecent exposure* if he or she intentionally makes any open and obscene exposure of his or her person
  - Portrayal of children being coerced and or induced to engage in sexual activity
- Restricted in this thematic area is a film, poster or program that portrays, encourages, justifies or glorifies perverted or socially unacceptable sex practices such as incest, pedophilia, homosexuality or any form of pornography; content showing women as tools of sex; content endorsing sexual violence.

**iii) Occult and horror**

The classifiable elements in this thematic area include:

- Use of frightening elements and scary scenes
- Portrayal of magic/super natural forces/events and related practices such as hypnotism, mind-reading, faith healing.
- Portrayal of exorcism (process/action to get rid of evil spirits).
- The paranormal or mysterious events/facts that cannot be explained by science ▪  
Human or animal sacrifice

Restricted in this thematic area is film, poster or program that promotes or encourage occult practices, black magic, witchcraft and similar practices and instills fear or revulsion about the consequences of not following such practices. Classification of horror films will take into consideration the impact and shock effect of such films to ensure that children are protected from disturbing materials.

**iv) Drugs, alcohol and other harmful substances** The

classifiable elements in this thematic area include:

- Use of illegal drugs
- Use of tobacco or tobacco products
- Abuse or misuse of drugs
- Use of alcohol, solvent or other harmful products

Restricted in this thematic area is film, poster or program that: portrays children being used in production, trafficking and distribution of harmful drugs without any real context; justify, promote, encourage or glamorize abuse or misuse of drug related products; attempts to associate drugs, alcohol and other illegal substances with sexual prowess and or a glamorous or successful lifestyle.

v) ***Religion and community***

The classifiable elements in this thematic area include:

- Profanity in regard to a particular religion/community
- Distorting, demeaning, or depicting religious/community symbols, rituals or practices in a derogatory manner.
- Use of expletives with religious/community associations

vi) ***Propaganda for war, hate speech and incitement*** The classifiable elements in this thematic area include:

- Communication manipulating people's attitude toward war
- Repetitious emotional phrases e.g. war on terror
- Exaggerated or misrepresented facts
- Name calling - use of offensive *names* to induce rejection, ridicule or condemnation
- Band wagon - a tool used in propaganda to rally people behind a course
- Demonizing of the 'enemy'
- Brainwashing
- Ethnic cleansing, massacre

Restricted in this thematic area is film, poster or program that: invokes feelings of contempt, hatred, hostility, violence or discrimination against any person, group, and community based on race, sex, pregnancy, marital status, health status, colour, ethnic or social origin, age, disability, language, culture, nationality and religion; Inflammatory statements encouraging people to raise against social order

## 6.2 Rating

During examination the frequency and intensity of all the classifiable elements shall be put into a scale of 0 – 5: Based on this scale the rating shall be given as indicated below.

- 0 – 1: Low impact classifiable elements – General Exhibition (GE)
- 2: Mild impact classifiable elements – Parental Guidance (PG)
- 3: Moderate impact classifiable elements - 16
- 4: Strong impact classifiable elements -18
- 5: Extreme impact classifiable elements – Restricted.

## 6.3 Interpretations of the ratings

The ratings are interpreted as follows:

1. **GE (General Exhibition)** – It is suitable for general family viewing. Works in this category are suitable for all ages as they contain no content considered harmful or disturbing to even children.

Theme	Themes are suitable for viewers of all ages.
Violence	Mild portrayals of violence are allowed. The occasional mild threat or menace is acceptable if justified by context.
Sex	No sexual activity is allowed. Sexual preference of any kind is unacceptable.
Nudity	There should be no nudity.
Language	No coarse language is allowed.
Drug Use	No references to illegal drugs or drug abuse.
Horror	Treatment of horror should be non-threatening, or tinged with humor. Fright scenes should be mild and not psychologically disturbing.

2. **PG-(Parental Guidance)** It may contain scenes that may upset children under the age of 10. Parental Guidance is advised. This is an advisory category that warns parents that the content might confuse or upset children who consume it alone. While the content may be suitable for children, parents are advised to monitor the content

Theme	Themes should generally have a low sense of threat or menace, and be justified by context. Special attention should be paid to their impact on children. More serious themes such as crime and revenge may be featured but care needs to be taken as the audience may include children.
Violence	Moderate portrayals of violence without details, may be allowed, if justified by context. Portrayals of violence should not dwell on cruelty, infliction of pain or torture of any kind.
Sex	Sexual activity may be implied, and should be infrequent. Only mild sexual references (e.g. Kissing and hugging) and innuendo are allowed.
Nudity	Discreet and fleeting side profile nudity may be allowed in a non-sexual context. Infrequent portrayal of frontal nudity of the upper body may be allowed only under exceptional circumstances and in a non-sexual context. For example, films which feature historical or dramatized events such as the World War II Holocaust, tribal ways of life, or health programmes.
Drug Use	Only discreet references to illegal drug use are allowed on the condition that such references do not promote or endorse drug abuse and should be justified by context.
Horror	Frightening sequences should not be prolonged or intense.

3. **16** – It may contain scenes unsuitable for persons under the age of 16. It is a legally restrictive category and no person under the age of 16 years is allowed to consume. Themes may be adult and results are not necessarily positive.

Theme	Portrayal of mature themes (eg. gangsterism and transvestism) may be allowed, provided they are treated with discretion and
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	appropriate to those 16 years and above.
Violence	The portrayal of infliction of pain and injuries may be allowed if it is not prolonged or detailed. Explicit sexual violence is not allowed.
Sex	Non-explicit depiction of sexual activities may be allowed but should not be detailed or prolonged.
Nudity	Infrequent, brief and discreet portrayal of non-sexual frontal nudity may be allowed if justified by context.
Drug Use	The film as a whole must not promote or encourage drug use.
Horror	Frightening scenes which are more prolonged may be allowed.

4. **18** – It may contain scenes suitable for adults only. It is a legally restrictive category and no person under the age of 18 years is allowed to consume. Themes may be adult and results are not necessarily positive.

Theme	Portrayal and exploration of mature themes are allowed.
Violence	Realistic depiction of violence and gore with strong impact is allowed if justified by context. However, the portrayal should not be excessive, gratuitous or exploitative.
Sex	Sexual activity may be portrayed if justified by context and without strong details.
Nudity	Full frontal nudity with moderate detail is acceptable if justified by context. No close up of genitalia is allowed.
Language	Coarse language is allowed if it is not excessive.
Drug	Use Depiction should not promote or endorse drug abuse
Horror	Prolonged and/or intense sequences that invoke fear and/or terror may be permitted.

5. **Restricted/Banned** – It may contain materials that erode the moral fabric of society undermine national interest and/or stability, or create disharmony among various racial and religious groups will not be allowed for commercial screening.

Theme	Themes that promote issues that denigrate any race or religion, or undermine national interest, and/or stability. Themes that glorify undesirable fetishes or behavior (e.g. pedophilia and bestiality).
	Promotion or glamorization of homosexual lifestyle.
Violence	Detailed or gratuitous depictions of extreme violence or cruelty. Detailed instructions on methods of crime or killings.
Sex	Exploitative and pornographic sexual acts. Depictions of obscene and/or unnatural sexual activities (e.g. bestiality, necrophilia and pedophilia). Real sexual activity (e.g. actual penetration). Gratuitous, exploitative or offensive depictions of sexual activity including fetishes or practices which are offensive or abhorrent.
Nudity	Exploitative and excessive nudity.
Drug use	Materials glorifying or encouraging drug abuse.

## **SECTION 7: PROCEDURE FOR EXAMINATION AND CLASSIFICATION**

According to Stage and Films Act Cap 222 Section 12 and 14, No person shall exhibit or distribute any film to public and No film shall be distributed, exhibited or broadcast either publicly or privately unless the Board has examined it and issued a Certificate of Approval.

The procedure is as follows:

1. The person seeking certificate of approval applies for examination and classification services by filling the Certificate of Approval application form
2. The person seeking Certificate of Approval pays for classification fee which will be determined by the length of the film (ksh 100 per minute)
3. The person seeking Certificate of Approval pays for poster and trailer at standard fee of Ksh1000 each.
4. The person seeking Certificate of Approval submits the entire film to be examined and classified to the Board
5. The Board's film examiners will view and classify the film within a day

6. On completion of examination and classification of the film the Board may approve it for public display subject to given rating (GE, PG, 16 and 18) or Refuse to approve it for public display: the Board shall not approve any film or poster which in its opinion tend to prejudice the maintenance of public order and may offend decency or any other reason deemed undesirable in the public interest.
7. Where the Board approves the film or poster it shall give the applicant the Certificate of Approval thereof in the prescribed form.
8. Where the Board declines to approve a film or a poster description, it shall notify the applicant as soon as is practicable and give reasons for doing so

Note: Certificate of approval shall remain valid for a period of five years from its date of issue.

## **SECTION 8: FORMS USED IN EXAMINATION AND CLASSIFICATION**

There are two (2) forms used in examination and classification: a) Examination /rating form and b) classification report

### a) Examination /Rating form

This is a form used by individual examiner while examining and classifying a film. The form contains the name of the examiner, the classifiable elements, the date of examination and the rating given to a film. This form is used by the individual examiner to give rating on a scale of 0-5 on classifiable elements in a film (appendix 1).

### b) Classification Report

This is a form that is signed by all the examiners who are examining a movie at a given time. In this form a rating of a film is given as agreed by all the examiners. it also has gives motivation for rating/classification given. The form has the title of the film, the film length, the film place of origin, the venue and the date in which the film was examined and classified (appendix 2)

## **SECTION 9: WATERSHED PERIOD PRINCIPLES**

These guidelines shall be applied to determine:

- i. Suitability of content aired by broadcast stations during water shade periods
- ii. Broadcast stations adherence to the watershed period principle

**SECTION 9: APPEAL**

Any person who is aggrieved by the Board's decision may appeal to the Board in writing within 21 days after the decision is notified to the person aggrieved and shall state in details the ground of the appeal.

**SECTION 10: REVIEW**

The Board will continue to review guidelines periodically in the light of Changes in lifestyle, public expectations and concerns.