



Update: CMRLST/LT/02/2021

Date: 24th Sept 2021, Nairobi

CMRSL STATEMENT ON THE KFCB DECISION TO BAN THE FILM “I AM SAMUEL”

The Centre for Minority Rights and Strategic Litigation (CMRSL) regrets the unfortunate decision of the **Kenya Film Classification Board (KFCB)** announced on 23/9/2021 restricting the film **“I am Samuel”** from exhibition within the Republic of Kenya.

The decision by the KFCB is based on the allegations that the film displays same-sex marriage, shows scenes that violate the law on same sex-conduct, influences the viewer on accepting same sex marriage, misinterprets Article 45 of the Constitution, is against the Christian values and could easily expose children to unsuitable content.

However, the above reasons by the board are based on misinterpretation of its role, the law and the Constitution. In this movie, the Board had the opportunity to truly recast its role by promoting the national values of diversity and tolerance and safeguarding the Freedom of conscience, religion, belief and opinion, and the Freedom of expression, both guaranteed in our Constitution.

Films are a medium of expression of ideas usually on difficult questions in the society. Themes in films are meant to stir the conscience so that the viewer can reflect on these questions, difficult as they may be. The questions themselves may run against the grain of widely held beliefs or views held by the majority. Nonetheless, Kenyans are entitled to view and form their opinion.

This ban by the Board seems to be set against the absurd standards:

That films with themes or scenes that show an interpretation of the Law other than that which is widely held, or idea or understanding that is different or alternative to that understood to be in the Constitution or Statute law should be banned, and too films with notions different from those held by a majority.

The decision presumes that the Kenyan viewer, is so in astute as to be easily influenced and thereby needing constant safeguarding from novel ideas.

The Board misunderstands its role to be that of censorship of information and ideas.

This takes us back to the old dark days of banning publications just because they discussed novel ideas.

The only legitimate aim disclosed by the Board is that of safeguarding children from harmful content, and this can easily be achieved through rating, while safeguarding the rights, freedoms and values in our Constitution.

CMRSL urges the Board to reconsider this decision and withdraw on the restriction on the film “I am Samuel”

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