



Australian Government

Classification Review Board

Date: 18 October 2023

Members: Susan Bush (Convenor)
Damien Power
David Toll

Applicant: Alliance Against Islamophobia

Interested parties: Qaiser Munir
Muhammad Hashmi
Faisal Ishaque
Maaz Syed
Ahmed Meraj
Ahmed Mohammed
Mohsin Mohammed

Business: To review the Classification Board's decision to classify the film *The Kerala Story*, **MA 15+ (Mature Accompanied)** with the consumer advice '**Strong themes, violence and sexual violence**'.

Decision and reasons for decision

1. Decision

The Classification Review Board (the Review Board) unanimously classified the film **MA 15+**, with the consumer advice '**Strong scenes of sexual violence, violence and themes of religious intolerance**'.

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (Cth) (the Classification Act) governs the classification of films and the review of classification decisions.

The Review Board

Part 5 of the Classification Act outlines the provisions relevant to the Review Board and its procedures.

Section 42 of the Classification Act sets out the persons who may apply for review of a decision:

- a) the Minister
- b) the applicant for classification of the film, or the likely classification of the film under section 33
- c) the publisher of the film, or
- d) a person aggrieved by the decision.

Section 43 sets out the conditions regarding the manner and form of applications for review, including time limits. Under section 44, the Review Board must deal with an application for review in the same way that the Classification Board deals with an application for classification of a film.

Classification of films under the Classification Act

Section 9, subject to section 9A, provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. Section 9A states that a film that advocates the doing of a terrorist act must be classified RC.

Section 11 of the Classification Act requires that the matters to be taken into account in making a decision on the classification of a film include the:

- a) standards of morality, decency and propriety generally accepted by reasonable adults, and
- b) literary, artistic or educational merit (if any) of the film, and
- c) general character of the film, including whether it is of a medical, legal or scientific character, and
- d) persons or class of persons to or amongst whom it is published or is intended or likely to be published.

The National Classification Code

Relevantly, the Films Table of the National Classification Code (the Code) provides that:

Films (except RC films, X 18+ films and R 18+ films) that are be unsuitable for a minor to see are **to be classified MA 15+**, and

The Code also sets out various principles to which classification decisions should give effect, as far as possible:

- a) adults should be able to read, hear, see and play what they want
- b) minors should be protected from material likely to harm or disturb them
- c) everyone should be protected from exposure to unsolicited material that they find offensive
- d) the need to take account of community concerns about:
 - (i) depictions that condone or incite violence, particularly sexual violence and,
 - (ii) the portrayal of persons in a demeaning manner.

The Guidelines

Three essential principles underlie the use of the Guidelines for the Classification of Films 2012 (the Guidelines), determined under section 12 of the Classification Act, the:

- importance of context
- assessment of impact, and
- the six classifiable elements—themes, violence, sex, language, drug use and nudity.

3. Procedure

Three members of the Review Board met on 18 October 2023, in response to the receipt of an application from the Alliance Against Islamophobia on 14 June 2023, to conduct the review of the film, *The Kerala Story*, which had previously been classified **MA 15+ (Mature Accompanied)** with consumer advice of '**Strong themes, violence and sexual violence**' by the Classification Board. The Review Board determined that the application was a valid application.

The Review Board was provided a written submission from the Applicant.

The Review Board was provided with written submissions from the seven interested parties listed above.

The Review Board viewed the film *The Kerala Story*.

The Review Board heard an oral submission from representatives of the Applicant.

The Review Board then considered the matter.

4. Evidence and other material taken into account

In reaching its decision, the Review Board had regard to the following:

- (i) The Alliance Against Islamophobia application for review
- (ii) The Alliance Against Islamophobia written and oral submissions
- (iii) The written submissions from members of the public
- (iv) the film, *The Kerala Story*

- (v) the relevant provisions in the Classification Act, the Code and the Guidelines, and
- (vi) the Classification Board's report.

5. Synopsis

The Kerala Story is an Indian drama, in which a group of women from Kerala convert to Islam and are recruited to join the extremist Islamic State of Iraq and Syria (ISIS). The film is in Hindi with English subtitles.

6. Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance under various classifiable elements:

- (a) Themes— the film contains themes that have a strong impact and are justified by context.

The impact of this element is strong and can be accommodated at the MA 15+ level. This classifiable element includes depictions of Hindu and Christian women being coerced into abandoning their faith and families to join ISIS. This is inextricably linked with a thematic treatment of cultural, religious, racial, and gender discrimination that, in the context of a fictional drama, includes portrayals and narrative elements which may be perceived as negative and/or dehumanising by some viewers. The film also contains visual and verbal references to suicide.

- (b) Violence— the film contains violence and sexual violence that is strong in impact.

The impact of this element is no higher than strong and can be accommodated at the MA 15+ level. This classifiable element includes violence such as a scene of execution where a man's throat is slit and a woman's arm is severed, both accompanied by large sprays of blood. It also includes several scenes of implied sexual violence including spousal rape and gang rape.

- (c) Sex—The film contains visual and verbal sexual references that are mild in impact.

The impact of this element is no higher than mild and can be accommodated at the PG level.

- (d) Language— the film contains coarse language which that is moderate in impact.

However, the impact of this element is no higher than moderate and can be accommodated at the M level.

- (e) Drug Use—the film contains drug use that is moderate in impact.

The impact of this element is no higher than moderate and can be accommodated at the M level. This classifiable element includes implicit use of drugs including amphetamines.

- (f) Nudity— The film does not contain any nudity.

7. Reasons for the decision

In making the decision, the Review Board has applied the *Classification (publication, Films and Computer Games) Act 1995* (the Classification Act), the National Classification Code (the Code) and the Guidelines for the Classification of Films 2012 (the Guidelines).

In the Review Board's opinion, this film warrants an MA 15+ classification as, in accordance with item 4 of the films table of the Code, the impact of the classifiable elements is strong.

The film begins with a disclaimer stating that it is a work of fiction with no intended offence to particular people, groups, places, faiths, and/or beliefs. It follows the story of three female Indian students who are targeted for recruitment by ISIS, with varying degrees of success. The women are subjected to a variety of coercive tactics including seduction, isolation from friends and family, and impregnation. The main character leaves India for Syria, where she is immersed in an ISIS camp and where she witnesses and suffers a variety of brutalities, including violence, spousal rape and gang rape.

While the film contains many violent acts, the impact is often mitigated by brevity, distant perspective and other stylised production techniques, meaning their impact does not exceed strong.

The Review Board acknowledges that some viewers may find the film's treatment of religious intolerance polarising and/or offensive.

While the Review Board acknowledges the concerns raised by the applicant, including that the film potentially incites hatred and intolerance towards the Muslim community, it can only make decisions about classification based on the current classification legislative framework.

The film contains coarse language and drug references that can be accommodated at a lower classification.

In the Review Board's view, the film warrants an MA 15+ classification, in accordance with item 4 of the Films table of the Code.

8. Summary

Pursuant to the Guidelines, the impact of the classifiable elements is strong. It is therefore the unanimous view of the Review Board that the film warrants a classification of MA 15+ with the consumer advice of 'Strong scenes of sexual violence, violence and themes of religious intolerance'.