



LGBT Kenyans Support Legal Case Against 'Rafiki' Film Ban

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On Tuesday 11th September, 2018, Kenyan filmmaker Wanuri Kahiu filed a petition at the High Court of Kenya seeking to have the ban on her film, *Rafiki*, overturned. *Rafiki* is the first Kenyan film to be invited to show at the prestigious Cannes Film Festival in its 70+ year history yet remains banned for distribution, broadcast and exhibition in Kenya by the Film Classification Board (KFCB). In a letter from the CEO of the KFCB announcing the ban, the film was accused of “promoting lesbianism” and “homosexuality” for its portrayal of a lesbian love story.

Wanuri’s petition at the High Court is supported by the Creative Economy Working Group*. In it, Wanuri argues that her rights to freedom of expression and freedom of the media were violated.

“...the decision to restrict the film ‘Rafiki’ was arbitrary, unconstitutional and a violation of my right to freedom of expression which includes freedom of artistic creativity,” Wanuri states.

Further, *“The decision to restrict the film for allegedly depicting homosexual practices and lesbianism is discriminatory, also not necessary or proportionate in an open and democratic society.”*

The National Gay and Lesbian Human Rights Commission (NGLHRC) a Kenyan non-profit, issued its support for Wanuri. In a statement, Njeri Gateru, Executive Director of the NGLHRC said:

“The decision to ban Rafiki was biased and went against the spirit of the Constitution and its values of inclusion, social justice and equality. Artists, filmmakers, and the media should have the freedom to tell and create the stories they want.”

We are hopeful that Kenyans will get to see this important film and that all artists will have the liberty to express their full creativity. For the LGBT community, this film is a necessary celebration of Queer Love and a reminder that we exist.”

Wanuri alleges that in its decision to ban the film, the KFCB took issue with the “happy ending” depicted in the film and asked her to change this to a more “remorseful” ending. NGLHRC, which provides free legal assistance to LGBT individuals in Kenya, continues to see high rates of violence and discrimination against the LGBT community and argues that public statements such as those by the KFCB only exacerbate the violence faced by the LGBT community.

Separately, the NGLHRC and other rights groups are in court challenging sections of the Penal Code of Kenya that make it illegal for same sex individuals to engage in intimacy. A crime punishable with up to 14 years imprisonment. The next scheduled court date for that matter is September 20th, 2018 in Nairobi.

Ends

Notes to Editors

1. The Creative Economy Working Group describes itself as, “a consortium of civil society organizations and institutions whose objective is to campaign for the advancement of legislative and policy reform in the creative sector for the advancement of culture, arts and media in Kenya.”
2. For more information or to request an interview with an NGLHRC representative, please contact info@nglhrc.com
3. The National Gay and Lesbian Human Rights Commission (NGLHRC) was founded by a group of Kenyan lawyers to use the law to protect the basic rights of LGBT people to live with dignity, free from discrimination and abuse. www.nglhrc.com
4. LGBT stands for ‘lesbian, gay, bisexual and transgender’. The category generally includes anyone who sits outside conventional stereotypes on gender and heterosexuality. LGBT people are often targeted for being masculine or feminine in a way that doesn’t fit with what is expected of them but are just as likely to be completely indiscernible from everyone else: LGBT people are all of us. They are doctors, politicians, boda-boda riders, street sweepers and everything in between. They are our neighbours. They are our sons and

daughters, brothers and sisters, parents and grandparents. They are ordinary Kenyans, who are a part of every subsection of our society.