

01 March 2018

**The Film and Publications Board, Traditional Leaders and the CRL must be held accountable.**

We have come together as a consortium of activists and members of civil society to express our concerns that the FPB and the CRL have disregarded the principles enshrined in South Africa's constitution in its decision to rate the film, *Inxeba – The Wound*, as X18, the same rating given to explicitly pornographic media. We believe this to be a violation of freedom of expression and amounts to a form of homophobic censorship that has no place in a progressive and free society.

Subjective morality-based assessments are not the guiding principles in making decisions such as this; the constitution and the Bill of Rights are. Every citizen from the age of 16 (which is older than the age of most Ulwaluko initiates to begin with) has the right to watch the film and judge it for themselves. We must be the guardians of our right to artistic expression and South African filmmakers should have the liberty and support necessary to make films that entertain and educate the world about our lived experiences and social context. The film should be in public circulation, and this should be rectified with urgency.

We believe that the FPB employs a double standard when approaching ratings. The FPB has previously assigned an age rating of 16 to films that portray the sexualisation and objectification of women, sexual violence against women, female nudity and stories in which women are strictly portrayed as sexual objects for the mere pleasure of male desires. Many of these mainstream films are unaffirming to women and essentially degrade and encourage violence and rape towards women's bodies. This sexist practice should not be allowed to continue in a country grappling with everincreasing gender-based-violence. The FPB clearly has a patriarchal overtone in its approach and is essentially led by the opinions and values of its leadership instead of pre-existing policy. We immediately call for this to be remedied.

The CRL is a Chapter 9 body that has done significant work in holding traditional and religious authorities accountable to the constitution. We therefore find it disturbing that on a recent SABC show called *Rights and Recourse* that the Chairperson of the CRL spoke expressed homophobic tones regarding *Inxeba*. Her own prejudice against homosexuals clouds her judgment on the matter. The CRL has the responsibility of investigation and conflict resolution on any issue concerning the rights of cultural, religious and linguistic communities, and to approach its mandate and its work in the spirit of the constitution, from which it draws its mandate.

We commend the CRL on previous engagements on the substantive issues that emerge from the film, including the safety of gay men and trans women in initiation schools in the country, and the registration and safe operation of initiation schools. We encourage the CRL to continue to find concrete ways to intervene on these issues with urgency.

We call on the CRL to recognise and respect our right to freedom of expression and to assert this. We do not believe that ALL traditional leaders stand against the film either, and call on these individuals to speak out and protect their LGBT community members!

We understand that cinema cannot satisfy everyone, as society comprises countless diverse persons and communities whose views often differ from one another, but this is the nature of a free and democratic society; to embrace diversity, rather than try to erase it. Stifling the chance to debate Inxeba, sets a dangerous precedent!

Cinema reaches its purpose when it evokes thought and emotion and becomes a public interest matter. We are pleased that Inxeba has done this. However, we believe that the CRL, FPB and traditional leaders must do some urgent introspection and see the shallowness from which they are critiquing it. As tax payers we contribute towards the salaries of traditional leaders, because we as a nation believe they occupy an important space in South Africa's society, and hence as public servants they too must abide to the law and the constitution.

We note that Inxeba has received global recognition, but we are pained that Inxeba's recognition in South Africa is tainted by the matters raised above. We believe that many black gay men felt affirmed and that this film is a crucial part of our narratives on the struggle for bodily freedom and the necessity to challenge toxic masculinities and patriarchal culture. However, in all the discussions around Inxeba, the impact of the film on the lives of the LGBT community has been rarely addressed. The inflamed reactions and speeches with homophobic undertones have created an environment of fear and anxiety for LGBT people in many communities across the country. We have received reports of street harassment and physical violence against the LGBT community, particularly those who are visibly gender non-conforming, including effeminate gay men, transgender people, and butch lesbians. Harm against these ordinary citizens cannot be tolerated, and we call on the CRL, and Traditional Leaders to issue with urgency, statements condemning intimidation, harassment, violence and abuse directed against the LGBT community.

We notice that the film has been sold to Netflix and perhaps other distribution deals may arise. But we thus ask: is this battle for freedom of expression made merely to pursue profit? We also cannot pretend that the release of the film did not come with a significant risk to the LGBT community, and urge the filmmakers to not ignore their responsibility of mitigating this continuing risk to the best of their ability, through contributing proceeds to initiatives focused on the most vulnerable communities.

We thus call on the producers at Uruvu Media and distributors at Indigenous Film to do the right thing and make copies of the film freely available to the public and to put some of the film's proceeds toward the advancement of our freedoms as lesbian, gay and transgender persons. Filmmakers do not work in isolation and this film shows exactly how media impacts society. Ordinary poor black LGBT people are facing continued violence and are being killed as regressive and ignorant elements of this debate voice their hateful agendas!

We call for peace and respect for the rule of law and the constitution! We will continue to monitor this matter and hold everyone accountable for every act of violence that is committed on black queer bodies. We call for this to stop and to find a solution that promotes peace and safety!

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