



CLASSIFICATION REVIEW BOARD

31 January 2003

23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Ms Maureen Shelley (Convenor)
Ms Dawn Grassick
Ms Kathryn Smith

APPLICANT: Buena Vista International (Australia) Pty Ltd

BUSINESS: To review the Classification Board's decision to classify the film *City of God* 'R18+' with the consumer advice 'Medium Level Violence, Adult Themes' under the *Classification (Publications, Films and Computer Games) Act 1995*

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) decided to affirm the decision of the Classification Board to classify the film *City of God* 'R18+' but to alter the consumer advice to 'Adult Themes, Violence'.

2. Legislative provisions

The *Classification (Publications, Film and Computer Games) Act 1995* (the Act) governs the classification of films and the review of classification decisions. Section 9 of the Classification Act provides that films are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines.

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

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

3. Procedure

Three members of the Review Board viewed the film at the Board's meeting on 31 January 2003.

The Review Board received a written application for review and a supporting written submission from the Applicant.

The Review Board then met in camera to consider the matter.

4. Matters taken into account

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

- the applicant's application for review (including a written submission);
- the film *City of God*;
- the relevant provisions in the Act;
- the relevant provisions in the Code, as amended in accordance with section 6 of the Act; and
- the Guidelines for the Classification of Films and Videotapes, as amended in accordance with section 12 of the Act.

5. Synopsis

The film, which is based on the factual story of a local boy who grows up and leaves the slums and crime behind him, explores the activities of violent young street gangs in some of the Brazilian city of Rio de Janeiro's poorest areas.

6. Findings on material questions of fact

The film, which is shot in a documentary style, is one which contains many violent scenes, adult themes of high impact and sex scenes including one in which a pubescent child participates in implied fellatio. In addition the film contains strong coarse language and drug scenes.

Of the many violent scenes in the film, the Classification Board detailed three: that taking place at 60 - 62.5 minutes, that at 115 - 117 and the hotel scene at 14 minutes which is repeated in flashback at 41 minutes. The Review Board concurred that these scenes of violence had the highest impact. In addition the implied rape at 112 minutes was of high impact. The consequences of the rape for the young woman involved and her partner was considered to relate to adult themes of intensity. Also the implied murder of a woman by her husband 28 to 30 minutes is of high impact. However, whilst the husband apparently beats his screaming wife to death with a spade - which he later uses to bury her - the murder is implied and the body is not seen.

In addition to the prolonged scenes mentioned above, many of the scenes were detailed. Many knives, hand and other guns were depicted (including at 1 minutes, 3.45 minutes, 4.5 minutes, 6.3 minutes, 13 minutes, 14 minutes, 19 minutes, 37 minutes, 41 minutes, 42 minutes, 44 minutes, 69 minutes, 73 minutes, 78 minutes, 82 minutes, 91 minutes, 92 minutes, 93 minutes, 94 minutes, 95 minutes, 98 minutes and

more) as were Molotov cocktails (95 minutes), detailed scenes of drug dealing (46 minutes), images of police corruption (49 minutes, 111 minutes, 119 minutes), images of a woman tied up and gagged (12 minutes), of children smoking marijuana (10 minutes, 50 minutes, 52 minutes, 68 minutes, 108 minutes) or snorting cocaine (69 minutes, 100 minutes), of naked and apparently dead bodies (14 minutes), of a wounded person bloodied and staggering (31 minutes), of wounded people lying bloody on the ground (19 minutes, 33 minutes), and of a child shooting people while laughing (41 minutes)

In addition to the scenes of violence detailed, there were a number of sex scenes (12 to 13 minutes, 28 minutes and 38 minutes) and a detailed discussion of cunnilingus (26 minutes). One sex scene took place at 38 minutes involved a pubescent boy whose appearance was that of a child approximately 12 to 13 years old. A middle aged woman, who dealt in drugs from her apartment and used the boys as drug messengers, was apparently performing fellatio on the boy. The boy was standing, apparently unresponsive, whilst the woman knelt at his feet with her head in his groin area. The scene was brief and the camera was in one room with the activity seen through an open door to another room.

7. Reasons for the decision

The film is shot in documentary style which, the Review Board found, made the scenes realistic and increased their impact. Despite the subject matter, the film had a sympathetic, sensitive feel which showed the children as victims of their circumstances for the most part. It explored issues relating to the innocence of childhood and how children cope in such a disadvantaged world. However, the Review Board concluded that the documentary nature of the film increased the impact of the casual drug taking and killing rather than diminished it. However, it concluded in the majority that the realistic violence was not gratuitous nor exploitative.

The applicant stated in a written submission

“City of God never flinches from the horrors at hand. The scene at minutes 60 - 62.5 deemed by the Board to be “prolonged and the impact increased” and which exceeds the MA guidelines, involves the shooting of a young boy by one of Ze’s initiates and is particularly hard to watch but the violence is directly attached to the moral ambiguities of its characters lives”.

The applicant also stated

“Obviously the fact that so many of the characters in City of God are young may encourage a view that the violence is of greater impact but we believe that an examination of the individual scenes will show that their “cumulative impact” is not sufficient to warrant restriction to Adults and whilst obviously they are realistic they are not prolonged nor gratuitous.”

The Review Board agreed that the scene of the shooting of the young boy (who is shown as approximately 5 or 6) and the shooting of his slightly older friend is particularly hard to watch. The Review Board agreed the scenes are realistic.

The Review Board took some time discussing the implied fellatio scene at 38 minutes. Particular note was taken of the Code relating to RC classified films part 1 (b):

“depict in a way that is likely to cause offence to a reasonable adult, a person who is, or who looks like, a child under 16 (whether the person is engaged in sexual activity or not)”.

Whilst the subject matter of the scene was one which some sections of the adult community may find offensive, the scene was very brief, contained little detail and was shot from a distance. These factors greatly diminished its impact. Note was taken of the fact that the Classification Board made no mention of this scene in their reasons for decision. The Review Board concluded in the majority that the film did not warrant a Refused Classification status.

8. Summary

Whilst the Review Board took into account the literary, artistic and any educational merit of the film, and its general character as a narrative based on the life of a real person, the Review Board found that the film warranted a R18+ classification as the film was one which is unsuitable for those under 18 years of age and contains depictions which require an adult perspective.