



Australian Government

Classification Review Board

28 November 2011
23-33 MARY STREET
SURRY HILLS, NSW

MEMBERS: Ms Victoria Rubensohn AM (Convenor)
Ms Ann Stark
Dr Melissa de Zwart

APPLICANT The Minister for Justice, The Hon. Brendan O'Connor MP

INTERESTED PARTIES Monster Pictures Australia (a genre label of Bounty Entertainment, the original applicant for classification).

BUSINESS To review the Classification Board's decision to classify the film *The Human Centipede II (full sequence)* R 18+ (Restricted) with the consumer advice 'High impact themes, violence and sexual violence'.

DECISION AND REASONS FOR DECISION

1. Decision

The Classification Review Board (the Review Board) by unanimous decision determined that the film, *The Human Centipede II (full sequence)*, should be Refused Classification.

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. Section 9 provides that films are to be classified in accordance with the National Classification Code (the Code) and the Guidelines for the Classification of Films and Computer Games (the Guidelines).

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:

- (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.

Three essential principles underlie the use of the *Guidelines for the Classification of Films and Computer Games 2005* (the Guidelines), determined under s 12 of the Act:

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

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

3. Procedure

A three member panel of the Review Board met on 28 November 2011 in response to the receipt of an application from The Minister for Justice dated 5 October 2011 and received on 7 October 2011, to review the R18+ classification of the film, which had been determined by the Classification Board. The Board had originally arranged to review the film on 4 November 2011, but the review was delayed following a request from Monster Films Australia. The three members had previously determined that the application was a valid application.

The Review Board was assured that the film, the subject of the review application, was the same film that had been classified by the Classification Board.

Three members of the Review Board viewed the film on 28 November 2011.

The Review Board heard oral submissions from four representatives on behalf of Monster Pictures Australia. These oral submissions were provided in addition to written submissions

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 application for review;

- (ii) Monster Pictures Australia's written and oral submissions;
- (iii) 24 written submissions received by the Review Board;
- (iv) the film, *The Human Centipede II (full sequence)*;
- (v) the relevant provisions in the Classification Act, the Code and the Guidelines; and
- (vi) the Classification Board's report.

5. Synopsis

The *Human Centipede II (full sequence)* is a 'body horror' film that depicts the actions of Martin, a disturbed and challenged man who has become obsessed with and aroused by repeated viewings of the film *The Human Centipede*. Martin undertakes his own project to kidnap twelve people to create a 'human centipede', joining people together as had been depicted in *The Human Centipede*. Martin works as a security guard in a car park and lives with his mother, who taunts and abuses him. Martin has unspecified psychological problems, is obese and has severe asthma. It is suggested several times throughout the film that these problems are attributable to Martin having been molested by his father, who is in prison. Martin kidnaps people from the car park and elsewhere, and takes them to a warehouse, where they are stripped, bound and gagged. He also kidnaps an actress from the original *Human Centipede* film, after luring her to a meeting. After violently murdering his mother, Martin constructs his human centipede, by crudely stapling and taping his victims together, mouth to anus. He does this by following the instructions from the original film. In the course of this process, he tortures his victims with mutilation, bashing and shooting. Later in the film, one of his victims, a pregnant woman Martin thought he had killed, escapes the warehouse, only to give birth to her baby in a locked car, while being menaced by Martin. She then crushes and kills with the accelerator the newly born baby in her escape attempt. Martin injects his victims with laxative, to fulfil his dream of a centipede with a continuous, functioning alimentary canal. He then wraps barbed wire around his penis and implicitly violently rapes the last body in the centipede. Finally, he shoots or slits the throats of all of the centipede victims. The final scene shows Martin again at his desk in the car park, ambiguously leaving open the question whether the narrative of the film took place in Martin's imagination. Alternatively, this scene could suggest that, having achieved his goal of recreating the human centipede depicted in *The Human Centipede I* and killing his victims, Martin returns to his previous anonymous and dull existence, unaffected by the pain and death he has inflicted upon others.

6. Findings on material questions of fact

The Review Board found that the film contains aspects or scenes of importance under various classifiable elements. As well as the six classifiable elements of themes, violence, sex, language, drug use and nudity, the Review Board took account of the provisions regarding Refused Classification (RC) both in the Code and in the Guidelines in relation to crime or violence, sex and drug use. In particular, the Review Board addressed the provision in the Guidelines that *sexual activity accompanied by fetishes or practices which are offensive or abhorrent* will be refused classification.

These findings will therefore deal with each of these matters in turn:

- A. The Guidelines: Classifiable Elements R18+
- B. The Guidelines: Refused Classification
- C. The Code

A. The Guidelines: Classifiable Elements R18+

(a) Themes –

The theme of the film is obsession leading to mutilation, torture, cruelty and degradation. There are virtually no restrictions on the treatment of themes at the R18+ classification, however, as discussed below, the Review Board also considered these elements in the context of the Act and the Code.

(b) Violence –

The Review Board identified a large number of violent acts throughout the film, including: bashing heads with crowbars, stabbing, mutilation, cutting, stapling and shooting of victims.

The violence was detailed, prolonged and repeated frequently. The film featured close ups of such repeated violence including: smashing numerous people over the head with a crowbar, bashing in the face with a crowbar such as to dislodge teeth, the stapling of victims' mouths to anuses, the brutal cutting of throats, and cutting and mutilation of flesh and other body parts.

Individual scenes which featured very high impact violence include the violent murder of Martin's mother by bashing in her skull revealing massed brain gore (37.00-38.00); the cutting of a kidnap victim's buttocks resulting in haemorrhagic blood and gore, leading to death (58.30-59.21); a man's teeth being smashed with a hammer over the course of a minute, with gurgling and choking noises, copious amounts of blood and the broken teeth being removed violently by hand (53.50-54.50); the detailed bloody cutting and severing of ligaments in the knee without anaesthetic, depicting the victims' reactions and terror (56.40-58.42); forcing a large feeding tube down the throat of a woman captive and then tearing out her tongue with pliers (65.47- 67.28) and the crushing to death of a newborn baby by its mother with the accelerator pedal (77.34). These scenes were filmed in close up, were detailed and their individual, as well as the cumulative, impact was very high.

The film contains a scene of sexual and sexualised violence in which Martin wraps barbed wire around his erect penis and implicitly brutally rapes the female victim who is the last link in the human centipede. Sexual violence can be accommodated in the R18+ category if it is implied and justified by context. However, this scene cannot be accommodated under the R18+ category due to it being an offensive depiction of sexual violence (see below) requiring it to be Refused Classification.

The distributor claimed that the film was highly stylised. The Review Board disagrees with this representation of the film. Scenes were shot against realistic backgrounds such as a commercial indoor car park, a disused warehouse and a council flat in London. These sets were not stylised but grimly realistic. The film is shot in a realistic style and the use of black and white film fails to minimise the impact, in fact creating a sense of gritty realism. The violence is perpetrated in a realistic, sadistic and often prolonged way with an unrelenting sense of fear, violence and despair. Martin's victims are aware of his intentions for them and can often see and always hear what he is doing to others in the Human Centipede, thus anticipating their own agony. The graphic images, in particular the scenes depicting Martin

stapling people together, are accompanied by brutal sounds, screams and cries of pain, fear and despair, adding to the sense of violence, degradation and desperation. The music is also low and menacing and serves to emphasise the sense of fear and despair. The display of blood, gore, ligaments, flesh and bodies and body part is very realistic and frequently shown in graphic detail. This very high level impact violence cannot be accommodated under the R18+ classification.

(c) Language –

There is extensive high level swearing in the film. However, there are virtually no restrictions on language in the R18+ category and therefore the language can be accommodated at this level.

(d) Sex –

Sexual activity may be realistically simulated in the R18+ category. The general rule is “simulation, yes – the real thing, no”. While watching the video of the violence inflicted on the victims in *The Human Centipede I*, Martin becomes sexually aroused and draws his penis out of his trousers, explicitly wraps sandpaper around his erect penis, and then masturbates, implicitly climaxing. However, this scene cannot be accommodated under the R18+ category as it constitutes an offensive depiction of sexual activity accompanied by fetishes or practices which are offensive or abhorrent and thus must be Refused Classification (see below).

(e) Drug Use –

There is no drug use in the film.

(f) Nudity –

There is extensive nudity in the film but nudity can be accommodated at the R18+ category.

As the film exceeds the R18+ classification category it must be Refused Classification.

B. The Guidelines: Refused Classification

Crime or violence:

The Guidelines provide for consideration of elements, the presence of which would result in the film being Refused Classification under the category of ‘crime or violence’:

Gratuitous, exploitative or offensive depictions of:

- (i) Violence with a very high degree of impact or which are excessively frequent, prolonged or detailed;
- (ii) Cruelty or real violence which are very detailed or which have a high impact;
- (iii) Sexual violence.

Based upon these relevant provisions of the Guidelines, these elements are therefore addressed by the Review Board:

- The Board considers that the prolonged and graphically detailed scene of the victims being forced to defecate in one another’s mouths, which are stapled onto the anus of the victim in front of them, is an offensive depiction of cruelty that has a high impact. This scene goes from (70.52-72.11) and depicts the victims being injected with a very fast-acting laxative. The victims subsequently convulse and are shown with excrement flowing down their buttocks and legs and from their mouths. The

excrement sprays onto the camera. This is accompanied by sounds of flatulence and groaning. Martin initially is delighted with the result but then vomits (72.34). The scene is an offensive depiction due to its degrading, demeaning and sadistic nature.

- The fatal crushing of the baby (77.20-77.34) is a gratuitous and offensive depiction of violence with a very high degree of impact because, in the Review Board's opinion, this scene does not add to the storyline (the baby's mother immediately disappears from the film) and the bloody detail of a newborn baby being violently crushed to death makes the depiction offensive.
- The rape by Martin of the female victim, who is the final link in the centipede, is an offensive depiction of sadistic sexual violence. Martin wraps his penis in barbed wire before commencing the forced anal intercourse. The depiction is offensive because the use of barbed wire is an overtly violent act, which exacerbates the sadistic sexual violence of the rape, and further serves to dehumanise the victim, who is not treated as a woman but as the end section in a centipede.

Sex

The Guidelines require that films which include or contain the following must be refused classification:

Gratuitous, exploitative or offensive depictions of:

- (i) sexual activity accompanied by fetishes or practices which are offensive or abhorrent;
- (ii) incest fantasies or other fantasies which are offensive or abhorrent.

The Review Board noted the following depictions of gratuitous, exploitative or offensive depictions of sexual activity accompanied by fetishes or practices which are offensive or abhorrent:

- The film shows Martin becoming aroused while watching the violence done to victims in *The Human Centipede I*. He is then explicitly shown wrapping sandpaper around his penis and masturbating while watching the film. He implicitly ejaculates (27.45-28.29). The Review Board considers that this scene involves sexual activity accompanied by offensive fetishes or practices deliberately accompanied by pain. This constitutes the offensive depiction of a masochistic fetish which would require the film to be Refused Classification. This scene, when viewed in the context of the entire film, serves to confirm the sexual nature of Martin's obsession with *The Human Centipede I* and his own human centipede 'creation'. Thus, although the scene is relatively brief, it strongly contributes to the conclusion that for Martin, the Human Centipede is a fetish, combining elements of sex, degradation, pain and violence. A fetish is defined in the Guidelines as: 'an object, an action or a non-sexual part of the body which gives sexual gratification'. It is further defined in The Concise Oxford Dictionary as an 'abnormal stimulus, or object, of sexual desire'. This combination of object, sex and violence, reflecting Martin's fetish, makes the scene unsuitable for inclusion at the R18+ category, as the Guidelines state that any film which includes 'gratuitous, exploitative or offensive depictions of sexual activity accompanied by fetishes or practices which are offensive or abhorrent', must be Refused Classification'. In the opinion of the Review Board, the scene of Martin masturbating with sandpaper to images of pain, degradation and torture satisfies these elements.

- The Review Board considers that, consistent with the definition of fetish above, Martin's obsession with *The Human Centipede 1* and his own human centipede, and the clearly depicted arousal he displays in contemplating either, may be considered a fetish. As such, this fetish forms the thematic core of the film. The film contains a number of offensive or exploitative depictions of sexual activity accompanied by fetishes or practices that are offensive or abhorrent. These scenes include Martin's arousal and masturbation with sandpaper when contemplating the original Human Centipede film, his obsessive fantasising with the book of the original film, his satisfaction and pleasure at the brutal, degrading and bloody creation of the centipede itself and the violent barbed-wire rape of the last victim in the centipede, implicitly also the rape and humiliation of the whole centipede. In the Review Board's opinion, the cumulative sense of fear, degradation, horror and despair deliberately created by such scenes, renders these depictions offensive. The portrayal of extreme and prolonged human degradation for Martin's sexual gratification and the pleasure of the viewer is both exploitative and offensive. Further, the depiction of Martin's fetish through a number of sustained and cumulative scenes, noted above, is exploitative and offensive because Martin's sexual gratification is dependent upon the degradation and the extreme physical and mental pain (and even death) he sadistically inflicts on his victims. Martin deliberately dehumanises and debases his victims for his own pleasure, turning them from individuals into mere objectified segments in the centipede. The prolonged scenes of degrading torture make the portrayal of this concept exploitative and offensive, depicting human torture, debasement and dehumanisation for sexual gratification and the entertainment of others. Despite a submission from a film academic representing Monster Pictures, that the film as a whole, inter alia, has its roots in art cinema and that it "plays into a tradition of experimental cinema and visual art", in the Review Board's opinion the exploitative scenes noted above are lacking in artistic, moral or other values.
- At 73.25- 75.35, Martin explicitly removes his penis from his pants and wraps barbed wire around his penis. He then implicitly commences forced anal intercourse with the woman who is the final link in the 'centipede' he has created. The impact of this brutal rape of the 'centipede' is shown on both the individual female victim and on the other victims in the human centipede. The Review Board considers that this scene involves an offensive and exploitative depiction of sexual activity accompanied by fetishes or offensive practices because the use of barbed wire is an overtly violent act, which exacerbates the sadistic sexual violence of the rape and further serves to debase and dehumanise the victim, who is not treated as a woman but as the end section in a centipede. This is not just a sexual act, but an overtly violent one. In the Review Board's view this scene is lacking in artistic, moral or other values.

The Review Board notes that the term 'offensive' is defined in the Guidelines as 'material which causes outrage or extreme disgust'. The Review Board considers that the scenes discussed above would cause extreme disgust as, in the Review Board's opinion, they contravene "the standards of morality, decency and propriety generally accepted by reasonable adults".

It was submitted orally to the Review Board, but not argued at length, that the whole film could, but not necessarily should, be interpreted as a fantasy or dream sequence. In the view of the Review Board, if that argument were to be accepted, this film would constitute an

offensive or exploitative depiction of a fantasy which is offensive or abhorrent for the reasons discussed above.

C. The Code:

The National Classification Code states, inter alia (in Item 1 (Refused Classification), subparagraph (a), (b) and (c)), that films that:

- a) depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adult to the extent that they should not be classified; or
- b) describe or depict in a way that is likely to cause offence to a reasonable adult, a person who is, or appears to be, a child under 18 (whether the person is engaged in sexual activity or not); or
- c) promote, incite or instruct in matters of crime or violence;

should be refused classification.

The Code also requires that in making its decision the Review Board must take account of community concerns about, inter alia, the portrayal of persons in a demeaning manner (National Classification Code (d) (ii)).

The Review Board considered the scenes identified above in the context of the application of the Code. The Code, at 3, 1 (a) states that films that ‘depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should not be classified’ must be classified Refused Classification. The Review Board considers that the numerous scenes of cruelty, violence, degradation and torture described above, combined with the scenes of violent rape, mutilation, forced defecation and brutally crude improvised surgery would be considered offensive in terms of the standards of morality, decency and propriety generally accepted by a reasonable adult viewer.

The Review Board considers that the extended, graphic depictions of men and women being tortured in a sadistically degrading manner, including being held naked and chained, violently beaten, crudely joined by staples and tape mouth to anus, and forced to defecate in one another’s mouths, for the sexual gratification of their captor, clearly and repeatedly portrays those men and women in a degrading and demeaning manner. In the Review Board’s opinion, this film contains depictions of sex, crime, cruelty, violence or revolting and abhorrent phenomena that are likely to offend general community standards of morality and decency such that the film should be refused classification. The pervasive sense of debasement and disgust engendered by “Human Centipede 2” is not justified by the context of this being a ‘body horror’ film.

7. Reasons for the decision

Pursuant to the Guidelines for the Classification of Films and Computer Games, this film is Refused Classification.

The film depicts, in a relentless and continuous sequence of events and graphic, detailed images, the brutal kidnapping (and eventual murder) of a large number of people, who are violently and sadistically assaulted, debased, mutilated and fashioned brutally and painfully into a degrading 'human centipede' for the gratification of Martin's sadistic obsession and fetish, inspired by the film *The Human Centipede I*.

The distributor stated that the film is part of a genre of horror films, known as 'body horror', and viewers would expect to be shocked and emotionally challenged by the film. He stated that the director's "stated intention is to use violent imagery and the conventions of the horror genre to create an emotionally and physically devastating piece of contemporary cinema". However, the Guidelines require that any film which contains gratuitous, exploitative or offensive depictions of violence with a very high degree of impact, cruelty which has a high impact or sexual violence, must be refused classification. This is the case, even taking into account, as the Review Board is required to do, 'the persons or class of persons to or amongst whom it is published or is intended or is likely to be published', under the Act. The Review Board considers that some viewers of the film, particularly those familiar with *Human Centipede I*, may expect to be shocked and repulsed, but this does not preclude a finding that the film contains high level and frequent depictions of cruelty, violence with a very high impact or revolting or abhorrent phenomena that offend against the standards of morality, decency and propriety generally accepted by reasonable adult, which is a required consideration under the Code. Thus the film must be Refused Classification.

The Review Board also considered the requirement in the National Classification Code (d) (ii) that in making its decision the Review Board must take account of community concerns about, inter alia, the portrayal of persons in a demeaning manner. The level of humiliation and degradation, involving forced bodily functions, imposed on Martin's victims, deprives them of all aspects of their dignity and would, in the opinion of the Review Board, be sufficient to raise community concerns about the demeaning portrayal of men and women being reduced to a brutalised animal state for the sexual gratification of another person.

In the Review Board's opinion, *The Human Centipede II (full sequence)* could not be accommodated within the R18+ classification as the level of depictions of violence had a very high impact and the depictions of cruelty had a high impact. These depictions were also gratuitous, exploitative or offensive for the reasons outlined above. Having addressed the matters prescribed by the Act, Code and Guidelines, the Review Board determined that the film must be Refused Classification on the basis of gratuitous, exploitative or offensive depictions of violence with a very high degree of impact or which are excessively frequent, prolonged or detailed; cruelty which has a high impact; sexual violence and also on the basis of gratuitous, exploitative or offensive depictions of sexual activity accompanied by fetishes or practices which are offensive or abhorrent.

8. Summary

The Review Board determined that the film, *Human Centipede II (full sequence)* is Refused Classification.