



P.O.Box 412365 • Craighall • Tel (011) 325-5755 • Fax (011) 325-5736 • e-mail: bccsa@nabsa.co.za
No 2 Albury Park • Magalieszicht Ave • Dunkeld West • 2196 • www.bccsa.co.za

Case No: 14/99

Date of Hearing: 29 January 1999

BP BOUWER AND H LEE

Complainants

v

SABC 3

Respondents

In connection with the broadcast of the film "KIDS" at 21:45 on Tuesday 1 December 1998

Commission: **Prof Kobus van Rooyen S.C.** **(Chairperson)**
 Prof Caroline White
 Mr Windsor Leroke

The Complainants appeared in person.

For the SABC: **Mr Malan Otto, General Manager, Central Complaints Office,**
SABC

SUMMARY

Film dealing with the life of a teenage group on the streets including their crude language, sex and violence. Film was shown on World Aids day. Commission finding that given the time of

the broadcast, there was a duty on the SABC to have shown this kind of film. It warns parents as well as teenagers of dangers on the streets. Film most definitely does not further promiscuity or bad language but opens the eyes of the public to what could happen if the necessary precautions are not taken. Complaint dismissed.

JUDGMENT

Kobus van Rooyen

On the 1st of December, as part of a series of broadcasts concerning aids, the SABC broadcast the controversial film "*Kids*" at 21:45. The SABC cautioned its viewers that the film contained bad language, sex and violence.

The issue in this matter is whether the Complainants are right when they argue that the film ultimately amounts to a film which was made for the sake of sex, bad language and gratuitous violence. Their point of view is that nothing positive can result from this film and that the SABC should not have broadcast this film.

Mr Otto, the General Manager of the Central Complaints Office of the SABC, however, argued that given the serious concerns about the spreading of aids, the SABC in fact had a **duty** to broadcast this film so as to warn the community of the dangers of promiscuity and crime on the streets amongst teenagers.

This Commission is of the view that the SABC as part of its function to inform the public, had a duty to show this film. The warnings were sufficient and the time of the broadcast was well past the watershed of 21:00. It is of cardinal importance that all communities should be warned of lurking dangers of promiscuity amongst teenagers on the streets. Parents who do not realise this, should be shocked into realising that more care should be taken and that family life requires a close bond with teenagers and, obviously, children generally.

We have accordingly unanimously come to the conclusion that this film is not harmful to public morals and that the SABC had a duty to broadcast it on this particular day. The film is of such importance that it would not even have had to be connected to that day. This is a film which should be available and should be broadcast. It was, however, wise to have shown it after the watershed.

The complaints are dismissed.

**KOBUS VAN ROOYEN S.C.
CHAIRPERSON**

Annexure

My colleagues Prof CF White and Mr WS Leroke have filed their comments on the film. It is clear from their comments, that the film has a positive influence despite its crudity.

Caroline White

The film opens with a repetitive sound which is eventually revealed, as the screen fills with the heads of a boy and a girl, to be the sound of them kissing. They are patently very young, a fact apparent from the quality of their skin and the delicacy of their bodies. They are dressed only in their underclothes and are sitting on a bed with their legs entwined so as to sit face to face. The kissing is interrupted by a virtual monologue from the boy, persuading the girl to have full intercourse with him. He assures her that he will be careful, that he really cares for her, that he has been in love with her for some time, that it won't hurt (it is clearly her first time). She finally succumbs, she experiences quite a lot of pain, to which the boy is completely oblivious or, if he is, he pays no attention to it, continuing single-mindedly to pursue his own pleasure and climax.

The film ends at a party that same evening at which the same boy takes another young girl, also a virgin, to the parents=bedroom and seduces her using exactly the same words as he was using with girl number one in the morning.

In between the viewer spends the day being taken into the aimless, careless lives of a coalescing and reforming group of young teenagers who appear to be completely outside of any parental control. On only one occasion is a mother depicted, the contact is initiated by her son only to ask for money which she refuses, mainly, it seems because she hasn't got any.

There is one very violent scene in the film when a white boy, feeling insulted by a young black passerby,

provokes a fight. All the other boys hanging out with him at that moment, mostly smoking dope, and including blacks, pile into the fight and leave the outsider for dead. They give the impression that they couldn't care less if they have killed him.

This careless, self serving and pleasure-seeking lifestyle seems to me one important theme of the movie, which sets the context for the second theme, Aids. The first theme serves to underline and explain why it is that Aids is potentially so dangerous for young people involved in this way of living, with these kind of values **B** or lack of them.

The Aids theme is introduced in a flashback scene when a young Latino woman asks her friend to come with her to the STD clinic where she wants to have an Aids test. The friend is a blonde girl who, we have learned, had her virginity taken by the same young man that we encountered in the opening scene. She agrees almost out of boredom, to have her blood tested for HIV as well. On the day of the film, the two of them go back to the clinic for their results. The Latino girl is declared free of the virus. The blonde girl, to her horror, discovers that she is HIV positive even though she has had only one sexual encounter in her life.

The rest of her day is spent trying to find the boy, visiting his apartment and those of his friends, with no luck. He, meanwhile, has boasted to his best friend **YY** that he is going to have two virgins in one day, today, and he has set about the seduction of another young Latino girl whom he persuades to go swimming and then to a party at the apartment of a friend whose parents are away. The blonde girl eventually tracks him down but not before she has taken a stupefying drug at a disco. She sees the youngster who had seduced her having sex with the new young woman. She doesn't try to stop what is going on but collapses weeping on a sofa where she falls into a heavily drugged sleep. Meanwhile, the young man's best friend awakens from his drunken stupor, sees his friend lying with his new naked partner and decides to find someone to have sex with. He discovers the blonde girl whom he knows and he rapes her (in the sense that he has sex with her without her consent, since she never wakes up to give or withhold her consent). All the while he is reassuring her that he is only **Y**. Whom she knows and need not fear. The viewer is aware that two sexual encounters have taken place that evening which are potentially lethal: **Y**.. with the young Latino virgin, since he is the person who infected the blonde girl and the rape of the blonde girl, who has been diagnosed HIV + ve.

The film is clearly made without pornographic intent or any desire to titillate its audience. There is very little nudity, though sexual acts are graphically portrayed. Whatever the pleasure of the boys concerned, the girls do not enjoy it and are either in pain or stupefied by drugs. Nor is there any character with whom a young viewer could identify and say, "I would like to be that person, I envy that person". On the contrary, the kids are obviously unhappy and often depressed, willing their lives to be disguised from them by the use of drugs and loveless sex. Indeed, far from promoting an exciting and enviable lifestyle, the film is disturbing, distressing, uncomfortable and shocking. It seems to me an eminently suitable choice for broadcasting on World Aids Day at a time when teenagers were likely to be watching.

Windsor Leroke

"Kids" is primarily about an emerging sub-culture of the youth in New York City. The youth are multiracial and very young. They grow in an unstable urban that is characterized by a diversity of things, such as easy access to drugs and alcohol. There is a sense of care-free. Further, the urban space of their lives moves at a fast pace, and with rapid changes that directly affect their lives. Consequently, the youth are raised by parents who do not have immediate influence on the upbringing of their children, as the parents are at work. The families are largely dysfunctional, or single-parent. This situation makes the youth to seek and find guidance among their peers. This evidently leads to experimentation with drugs, alcohol, and sex. This is an attempt to create meaning for their lives. The youth is then led to make careless decisions about their own lives, such as engaging in unsafe sex. The sense the youth have of the world around them is that it is a permissive society. Their lives are pervaded by a deep sense of identity crisis.