



SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Ref No: GP/1718/0052/BJ/KAC

In the matter of:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION
on behalf of various Complainants

and

MRS GRETHA WIID

Respondent

CONCILIATION AGREEMENT

1. **INTRODUCTION**

- 1.1. The South African Human Rights Commission ("the Commission") is an institution established in terms of Section 181 of the Constitution.
- 1.2. The Commission is specifically mandated to:
- 1.2.1 promote respect for human rights;
 - 1.2.2 promote the protection, development and attainment of human rights; and

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- 1.2.3 monitor and assess the observance of human rights in the Republic.
- 1.3. Section 184(2) of the Constitution empowers the Commission to investigate and report on the observance of human rights in the country and to take steps to secure appropriate redress where human rights have been violated. The South African Human Rights Commission Act 40 of 2013 (“the Act”) provides the enabling framework for the exercise of the Commission’s powers. Section 13(3) obliges the Commission to investigate any complaint of an alleged human rights violation and, if it is of the opinion that there is substance to the complaint, to assist the complainant and other affected persons to secure redress, including by bringing court proceedings in its own name where appropriate.

2. THE RESPONDENT

- 2.1 The Respondent is Mrs Gretha Wiid (“the Respondent”), an adult female Christian South African who works as an educator and sex educationist.
- 2.3. The Respondent is the author of two sex education books, “*Lyfslim vir Seuns*” and “*Lyfslim vir Meisies*”, which are written from a Christian perspective and published by a Christian publishing house. The books are primarily intended for an adolescent and young teenager audience. They were first published in 2009 and have been repeatedly re-published since then, most recently in 2017.
- 2.4. Between 1996 and 2011, the Respondent gave extensive presentations and workshops at schools across Gauteng on the subject of sexual development and sex education. With the exception of the school attended by her own children, she no longer does so. She continues to deliver motivational talks at schools, on invitation, on the topics of self-esteem, self-acceptance, bullying, peer pressure and respecting one’s own body and the bodies of others. Both categories of talks are referred to herein as “*the workshops*”.

3. THE COMPLAINT

- 3.1 During May 2017, the Commission received approximately 77 complaints regarding certain content of “*Lyfslim vir Seuns*”.

- 3.2. The impugned passage appears in the current editions (that is, the fifth editions published in 2017) of both “*Lyfslim vir Seuns*” and “*Lyfslim vir Meisies*”. It is referred to herein as “*the publication*”. Any reference to it, and all undertakings made in respect of it, apply equally to both “*Lyfslim vir Seuns*” and “*Lyfslim vir Meisies*”.
- 3.3. The publication was published in Afrikaans. It is translated into English as follows:

“What does it mean if someone is gay?”

Another word that people also use is ‘homosexual’. Gay women are referred to as ‘lesbians’. Homosexual people are attracted to people of the same sex. This means that men want to be with men and women want to be with women. This is something about which many people argue and fight. The thing that most children want to know, is how do people become gay. Well, some people say that such people are born gay. This is something that I do not agree with. I believe with my whole heart that God created men and women to love persons of the opposite sex.

When a boy does not receive love from his father, is humiliated a lot or is continuously beaten or roughly treated, some such boys develop feelings of hate and pain towards men. They therefore do not want to be like men who prove their masculinity with muscles and strength. Such boys also easily withdraw from the group (and do not want to be part of the boys’ group at school). Boys with this kind of hurt in their hearts often become friends with each other – because they understand each other. When rude boys mock them because they are continuously together, such boys want even less to do with those boys. They in other words withdraw themselves from the group even more. Many of these boys who hold themselves to one side later believe that they are different, and believe in the end that they are gay. I believe with my whole heart that such boys can one day be wonderful husbands for their wives, but that they unfortunately have not spoken to someone about these things – until it is too late.

Other boys are again mocked by stupid [Less pejorative Alt. silly] children because they play piano or chess and perhaps do not like something like rugby at all.

Children then soon begin to name these boys “moffies” – another word for a gay man. Such mockery can also easily hurt these wonderful, talented men’s hearts, causing them to withdraw to one side, and later become part of the same group of boys with the same hurt. God warns us also in the Bible that we must be careful with what we say. In Proverbs 18:21 we learn that the things we say are like seeds which later will grow. Therefore please be one of the children who choose never to call another person a “moffie” – even if it is a joke! Be a young man with a heart for God!

Many children also become confused (Lit. bewildered) when they develop because they have certain feelings in their bodies when they look at their friends, or touch them. Because the hormones in your body are so wild, it can easily happen that you have feelings in your body if you look at one of your male friends, for instance if you bath together. Such feelings can easily confuse you and make you think that you are gay. It is very important that you remember: not all children that have such feelings are homosexual. It happens easily that young people have such feelings during the course of their development. Don’t allow the devil to tell you lies. You are 100% normal – a real authentic boy – for whom God has an awesome plan. However, if you have such feelings more and more, you should possibly talk to someone about it.

It can also happen that children who are molested become alienated from people of the same sex as the molester – they want nothing to do with [persons of] that sex and in the end become homosexual. It is also possible (and often happens) that children become attracted to someone who is of the same sex as the molester.

Whatever the reasons for homosexuality (whether you agree with my reasons or not), it remains sorrowful. Such people can never have children in the normal way. And should they adopt children, such children will never have the wonderful privilege of having a father and a mother. It is also sorrowful because God says that it is a sin to have sex with someone who is of the same sex. Phew, all these things are so painful!

If any of the things about which I have written above are things with which you are struggling, I want to ask you to seek help. Do not in the end live a life of hurt just because you never got rid of the hurt in your own heart and body. You are far too valuable for that!"

- 3.4. The complainants allege that the publication constitutes unfair discrimination that violates the rights and dignity of members of the Lesbian, Gay, Bisexual, Transsexual, Queer, and Intersex community ("the LGBTQI community"), and that it amounts to hate speech.
- 3.5. The publication was reproduced on the Facebook page of one complainant, Mr Gielie Hoffman. 750 Facebook users reacted to the post. It was shared by more than 440 Facebook users and 112 users commented on the post, either endorsing it or criticising it or the Respondent.
- 3.6. A number of complaints also impugned the tone and content of the workshops, complaining that the Respondent engaged in speech that violated the equality and dignity rights of members of the LGBTQI community, and the constitutional rights and best interests of the children to whom the workshops were addressed, and amounted to hate speech.
- 3.7. Given the important issues raised by the complaints and the need to protect the rights of members of the LGBTQI community and children, the Commission initiated an investigation into the Respondent's conduct.

4. STEPS TAKEN BY THE COMMISSION

- 4.1. The Commission wrote to the Respondent on **17 July 2017**, informing her of the complaints lodged against her and of the Commission's decision to investigate the publication, and inviting her to respond in writing.
- 4.2. The Respondent delivered a written response on **11 August 2017**.

4.3. On **1 October 2017**, the Commission wrote to record that it had widened its investigation to include the workshops. It also requested clarification and further information from the Respondent.

4.4. On **1 November 2017**, the Commission met with the Respondent's legal representatives, with a view to resolving the matter.

5. **RECOGNITION, ACKNOWLEDGEMENT AND UNDERTAKINGS BY THE RESPONDENT**

5.1. The Respondent and the Commission agree that it is in the interests of the parties, and society at large, that the matter is resolved as expeditiously and amicably as possible.

5.2. The Respondent and the Commission recognise that –

5.2.1. the Constitution entrenches:

5.2.1.1. freedom of conscience, religion, thought, belief and opinion;

5.2.1.2. the right of religious communities to enjoy and practise their religion in association with one another;

5.2.1.3. the right to freedom of expression, but does not protect hate speech;

5.2.1.4. the right to dignity;

5.2.1.5. the right to equality and protection against unfair discrimination;

5.2.1.6. the rights of children, including the right to be protected from degradation.

5.2.2. the Respondent's rights to freedom of religion and of expression must be balanced against the dignity and equality rights of the LGBTQI community

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and of the children to whom the publication and the workshops are disseminated;

5.2.3. in disseminating ones religious beliefs and opinions, and in exercising her right to freedom of expression, no-one may unfairly discriminate against or propagate hate speech toward members of the LGBTQI community.

5.3. The Respondent records that –

5.3.1. the publication and the workshops expressed views that she derives from her sincerely held religious beliefs;

5.3.2. she is aware, and accepts, that other persons both within and outside the LGBTIQ community disagree with her views;

5.3.3. in holding the religious views that she does, and in expressing them in the publication and the workshops, she had no intention to discriminate against, demean, degrade, hurt or harm any member of the LGBTQI community.

5.4. The Respondent acknowledges that, although unintended, the publication and the workshops caused the complainants and certain members of the LGBTQI community to feel discriminated against, demeaned, degraded, hurt and/or harmed. She apologises to those persons who were so affected.

6. UNDERTAKINGS

6.1. In view of paragraphs 5.1 to 5.4 hereof, the Respondent makes the following undertakings.

6.1.1. The publication shall be amended in all future editions of the books “*Lyfslim vir Seuns*” and “*Lyfslim vir Meisies*” to read as follows:

“What does it mean if someone is gay?”

Another word that people also use is 'homosexual'. Homosexual people are attracted to people of the same sex. God's views on homosexuality is something which many people argue and fight about. No matter, however, what you believe or heard concerning this matter, it is important that you never ridicule people, call them names or mock them, just because you believe that they are different. Let us choose to be people of grace and kindness. You don't have to agree with someone to show them kindness. In Proverbs 18:21 we learn that the things we say are like seeds which later will grow. Be careful, therefore, what you say – to someone's face and also behind his/her back. Be a young man with a heart for God!

If you feel that you are struggling and experience confusion with your own sexuality, it is important to speak to someone you trust for guidance and support. Love yourself and your future enough to talk to someone. Guidance and support from a wise adult whom you trust, or your parents and councillors can be of great help when you feel uncertain and lonely!

The Afrikaans text shall be as follows:

"Wat beteken dit as iemand gay is?"

'n Ander woord wat mense ook gebruik is 'homoseksueel'. Gay vroue word soms 'lesbiërs' of 'lesbeens' genoem. Homoseksuele mense voel aangetrokke tot mense van dieselfde geslag. God se siening oor homoseksualiteit is iets waaroor baie mense baklei en stry. Ongeag wat jy glo is dit vir my baie belangrik dat jy nooit ongeskik sal wees met kinders wat jy voel anders is as jy nie. Dit beteken dat jy ook nie ander kinders lelike name sal noem of spot nie. Kom ons kies om kinders te wees wat genade het vir ander mense en hulle goedhartig hanteer. Al stem jy nie saam met mense nie, kan jy mos nogsteeds mooi wees met hulle. God waarsku ons in die Bybel dat ons versigtig moet wees met dit wat ons sê. In Spreuke 18:21 leer ons dat dinge wat jy sê soos saad is wat later sal opkom. Wees daarom asseblief een van die kinders wat nie lelik praat van

anders nie – nie voor hulle nie, maar ook nie agter hulle rug nie. Wees 'n jong man met 'n hart vir God!

As jy voel dat jy sukkel hiermee of deurmekaar is rondom jou eie seksualiteit, is dit baie belangrik dat jy met iemand sal gaan gesels wat jy vertrou vir leiding en ondersteuning. Wees lief genoeg vir jouself en jou eie toekoms om met iemand te praat as jy onseker is en alleen voel. Om met die regte mense te gesels (jou ouers, 'n onderwyser of 'n berader/sielkundige) kan jou baie help hiermee.”

- 6.1.2. The Respondent shall not distribute the current or older editions of either of the books which contain the publication, and will take reasonable steps to limit and prevent the distribution of such editions by individuals or juristic persons subject to her control.
- 6.1.3. The Respondent will not write or cause to be published other texts for distribution to children that include any passages that suggest that homosexuality is (a) a result of sexual abuse or parental neglect; (b) a practice that should be eschewed; or (c) depraved or worthy of censure.
- 6.1.4. Insofar as the workshops are concerned, the Respondent undertakes not to raise the subject of homosexuality. If the subject is raised by a learner or educator, the Respondent undertakes:
- 6.1.4.1. to suggest that the topic is outside the remit of the workshop and is best dealt with in another forum; and
- 6.1.4.2. if the discussion nevertheless persists, to deal with it in a manner that respects the rights to dignity and equality of members of the LGBTIQ community, and to refrain from in any way suggesting that homosexuality is (a) a result of sexual abuse or parental neglect; (b)

a practice that should be eschewed; or (c) depraved or worthy of censure.

7. PUBLICATION

7.1. The parties agree that this conciliation agreement will be made public in the following manner:

7.1.1. the Commission will issue a media statement that the complaints against the Respondent have been resolved by means of the conclusion of a conciliation agreement, and will publish a copy of the signed conciliation agreement on its website;

7.1.2. the Commission will provide a signed copy of the conciliation agreement to each of the complainants;

7.1.3. the Respondent will publish a copy of the signed conciliation agreement on her Facebook Page; and

7.1.4. the Respondent will provide the publisher of the publication with a copy of the signed conciliation agreement and will request its acquiescence to paragraph 6.1.2 above.

Signed on this the 18 day of July 2018 at Braamfontein, Johannesburg.



GRETHA WIID

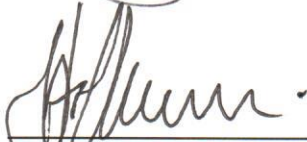


WITNESS

Signed on this the 18 day of July 2018 at Braamfontein, Johannesburg.



FOR AND ON BEHALF OF THE
SOUTH AFRICAN HUMAN RIGHTS COMMISSION



FOR AND ON BEHALF OF THE
COMPLAINANTS


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