
The human rights implications of virginity testing in South Africa

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Abstract

This article examines the historical context of virginity testing in Southern Africa with a focus on South Africa. It then examines the arguments often adduced in justifying the introduction of this practice. The two major arguments to support the reintroduction of virginity testing, namely, that it helps in reducing the spread of HIV and in preserving societal moral values are critically examined. Thereafter, the article discusses how the ever contentious debate between universalists and relativists applies to virginity testing. The last part of the article then considers the human rights implications of virginity testing.

Introduction

In many parts of the world, particularly Africa, women have continued to experience human rights violations based on their gender. Gender inequality remains the norms in most part of Africa as women are relegated to subordinate roles. In many parts of Africa, women are still poorly represented in political and economic spheres of life (Hausman et al., 2012). In particular, cultural and religious practices have continued to limit women's enjoyment of their fundamental rights and freedoms. One of such practices is virginity testing, which is prevalent in southern part of Africa. Virginity testing often involves a gynaecological examination to determine whether or not the hymen in unmarried young women is intact. It is often carried out among girls and young women between the ages of 7 and 26 (Women's Legal Centre, 2010). In some communities in Southern Africa, virginity tests are often conducted either by an elderly female community woman or a group of elderly women. This is often carried out in traditional public ceremonies accompanied by pomp or pageantry. The recent reintroduction of virginity testing has been justified as a means of curbing the widespread of HIV in the Southern African region.

Recent statistics indicate that the HIV prevalence in this subregion is among the highest in the world. Indeed, South Africa with about 6 million people living with HIV is regarded as the country home to the largest number of people with the epidemic in the world (UNAIDS, 2014). In addition, Swaziland with about 26% of the population living with HIV is said to have the highest HIV prevalence in the world (UNAIDS, 2012). Moreover, HIV-related deaths seem to be very high in the subregion when compared to other parts of the world. Crucially, the HIV/AIDS pandemic is exacerbating maternal mortality and impacting negatively on life expectancy in many parts of southern Africa (Khama et al., 2006). This has

Women's Legal Centre (2010) Submissions to the ministry of justice and constitutional on suggested reforms on virginity testing. Available at: http://www.wlce.co.za/morph_assets/theme-lets/explorer/health/Submissions%20on%20virginity%20testing.pdf (accessed 8 May 2015).

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