



Effective Education and Awareness are Panacea for Combating Virginit Testing in South Africa

Rakubu Motlalepula and Odeku Kola O*

Department of Public and Environmental Law, Faculty of Management and Law, School of Law, University of Limpopo, South Africa

*Corresponding author: Odeku Kola O, Professor, Department of Public and Environmental Law, Faculty of Management and Law, School of Law, University of Limpopo, South Africa, Tel: +27 (0) 15-2682947; E-mail: kooacademics@gmail.com

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Abstract

Even though there have been diverse opinions regarding the harmful cultural and traditional practices of virginity testing (VT) being meted out to girls and women in the jurisdictions where they are being perpetrated and practiced in South Africa, the fact still remains that under international and domestic laws of most civilized countries, cultural practices of all forms must meet the stringent tests of protection of fundamental rights and the human dignity. While this is the standard and test, it is disheartening those harmful cultural and traditional practices such as VT is still prevalent in South Africa. While there have been various interventions introduced to curb and combat these practices, VT continues to be practiced with impunity. This is because those who engage in the practice continue to perpetrate the act believing they are protecting girls from engaging in sexual intercourse in order not be infected with HIV/AIDS and other sexually transmitted diseases or fall pregnant before marriage. This article argues that while the legal ban of VT is non-negotiable, it suggests the use of other approaches such as effective education and awareness creation to compliment the legal ban in order to achieve the desired outcome of total eradication of VT.

Keywords: Harmful cultural and traditional practices; Virginity testing; Impunity; Education and Awareness, Human dignity

Introduction

VT is a cultural practice predominant and widespread in the Kwazulu-Natal (KZN) province in South Africa [1]. The practice has endured for many years and it has become more rampant in recent times and it is being used as an intervention in mitigating the likelihood of teenage girls being infected with HIV/AIDS or fall pregnant [2]. There is general belief by those who practice VT that if a girl stays away from sexual

intercourse and remains a virgin, there is likelihood of her not being infected with HIV/AIDS since these dreaded diseases are often sexually transmitted [3]. Therefore, the prevalence and persistence of VT has been bolstered by the need to affirm their cultural rites as a means of fighting the scourge of HIV/AIDS [4]. Eradication and outright ban of VT is now imperative in light of the different human rights violations that manifest prior, during and after the procedures. It is against the backdrop of these degrading, inhuman, debasing treatments and invasion of the body of a girl child and women that different legislative and regulative interventions have been put in place to regulate in situations where the practice is allowed and to out rightly prohibit and sanction in situations where it is out rightly outlawed especially with regard to the age and consent of the victim. While all these interventions should continue to be enforced in order to eradicate the harmful cultural practice, this article makes a modest contribution on how to eradicate the practice using effective and robust education and raising awareness on the harms being caused to the body of a girl child and that cultural practices are inhuman, degrading, debasing hence mere attack on the body of a girl child. Education and raising awareness are potent tools that should be used to change perpetrators, victims and parents' mind-sets and belief.

Methodology

VT is generally practiced in South Africa but it is predominant and well entrenched as a cultural and traditional practice in KZN. This article utilized contemporary literature relevant to the discourse and issues surrounding VT, the harms, perpetrators and the victims. The article indicates that the legal ban of VT in terms of children below the age of 16 is non-negotiable but at the same time this should be extend to girls above age 16. In addition, other strategic interventions such as education, campaign and awareness creation are equally important tools which if effectively used will complement the existing legislation banning VT. To this end, while the legislative interventions against VT are considered, the focus is on using effective education and campaign to create awareness on the harmful effects of VT and why it

should be totally eradicated. Pursuant to this, contemporary literature on VT, banning of VT, education and awareness creation against the practice and procedures were consulted and utilized to address the problem and offer sustainable solution that will translate into total eradication as an outcome.

The Prevalence of VT Mostly in the Rural Areas

Notably, VT is prevalent in the rural areas of KZN where there is generally disregard for girl's rights to equality and human dignity [5]. This flagrant disregard was revealed with utterances like "the emancipation of children and women is an ideology imported from Europe to further colonize Africa" [6]. These sorts of utterances are considered uncivilized and indicate a deliberate intention to continue to oppress and suppress girls despite the fact that the Constitution of Republic of South Africa, 1996 (Constitution) has declared infliction of bodily harm inhuman treatment and as such unconstitutional. Article 21 of the African Charter on the Rights and Welfare of the Child of (ACRWC) provides for all measures to be taken in order to eliminate harmful and cultural practices which affect the dignity, the development, growth and welfare of a child. In addition, Article 10 of the ACRWC provides that no child should be subjected to unlawful interference with her privacy or attacks on her reputation. The Constitution also provides for the best interest of the child which supersedes all other competing rights when it comes to decisions that involve the child.

The practice of VT comes with an inherent psychological element, which makes a mockery of the element of consent and freedom to participate in a cultural life according to one's choice" [6]. For instance, if a girl chooses not to be tested, she will be ostracized and stigmatized [7]. Also if the VT confirms a girl is not a virgin, she could also be stigmatised. These types of psychological pressure which results in being isolated as a non-virgin have forced girls to take health and life risks such as inserting raw meat in their private parts, to create the presence of hymen. A hymen is a wrinkle-like membrane which stretches across the opening of the vagina, and does not automatically look like a veil or covering [7]. The presence of a hymen is used to confirm the virginity of girls. Apparently, girls suffer from fear of loss of virginity whereas their counterparts (boys) are seemingly free to do as they wish [7]. This contravenes section 9 of the Constitution which prohibits any kind of differentiation and VT is unfair discrimination. One of the ways out of these traditional beliefs is to educate girls and their parents against the practice. Education will enlighten them that whether a girl is a virgin or not does not exempt her from being infected with HIV/Aids if indulged in unprotected sex. While abstinence is still the best preventive method against sexually transmitted diseases, another viable option to prevent HIV/AIDS infection is to stick to one partner instead of having multiple partners [8].

Therefore, what is needed for proper and adequate protection against all sexually transmitted diseases is to ensure

that girls and young women are given comprehensive and robust education on sex education. Education should be directed at encouraging them to make informed decision on sexual activities [9]. At the same time, boys and men should also receive sex education in order to encourage them to respect girl's choices and stop child and women abuse. Contemporary literature on gender and virginity show that losing virginity is not even a girl's choice because in most cases, it is either lost through the so-called cultural practice of VT by inserting fingers into vagina or being raped [10]. South Africa is very notorious for the later as succinctly pointed out by Human Rights Watch that South Africa is "the rape capital of the world" and there is a rape incident every 17 seconds [10]. The occurrence of rape in South Africa which is alarming according to Clark is most likely higher than indicated as many of these sexual violations take place in domestic homes and are not reported [10]. It is embarrassing to note that the abuse of girls and women seemingly form part of a norm in the society's lifestyles and intimate relationships [11]. There is a project like the Teddy bear Clinic for abused children, whose purpose is child advocacy and it teaches girls to be assertive about their bodies and know when a touch is offensive. The overall objective of this project is to reduce the number of child rape, by educating girls to reject and report persons who touch their private parts [12]. VT undermines this project because it contradicts the instruction given to children and this will confuse them [12]. VT contributes to girls and young women being "sought as sexual partners by older men because the belief is that older women who have been sexually active are infected with HIV/AIDS while virgins that are very young girls are not hence they are safer partners" [12]. The irony of this belief, however, is that the older men status with regard to HIV/AIDS is seemingly unknown because in most cases they don't subject themselves to testing hence when they have sexual intercourse with a girl; the girl is likely to be infected. Similarly, during the VT, girl child is exposed to different types of diseases because the same tester might test several girls by inserting fingers in the vagina of many girls at the same time. The practice subject girls and women to subordinate positions and perpetuating an established patriarchal system [11]. There is need for education to enlighten girls against culture against the justification of VT [12]. VT has to be seen as "a lens onto a deeply embedded authoritarian culture of patriarchy, misogyny and sexual violence" which must be combated [12]. While the law should continue to be enforced against harmful traditional practices, effective education to abolish the negative cultural tradition considered harmful to girls and women who undermine their Constitutional rights should be promoted [13].

There is a special need, mostly in rural areas, to stimulate discussions and deliberations about VT as a cultural norm and the human rights of both women and men in order to abandon VT [14]. VT and other cultural practices have to be redefined for a new behavior to be adopted reflecting a constitutional culture. The conversations should explore the meaning of human rights and the freedoms from all forms of discrimination [14]. The emphasis will be on children and women as they have been historically excluded as key

members of the communities [13]. Communities have to understand that a girl's virginity should be an individual choice and not a public community practice [14]. Girls have to be empowered with the knowledge about their culture, sexuality and reproduction in order to dispel the myths surrounding the practice and procedures.

Regulation of VT under South African Law

Virginity in the context of this article is defined as "the condition or fact of being a virgin." Virginity contains two components, "the biological part of a girl and a woman's body, and her moral attributes, which are socially constructed." Virgin is derived from the word *virgine* in Latin [15]. Virgin is a combination of two words, 'vir' meaning man and 'genere' meaning created for [15]. This definition is demeaning and degrades girls and women as it appears that a girl is solely created for the control, pleasure and use of a man. On the face of it, this is an affront to the right to equality and dignity.

It is pertinent to point out that notwithstanding that the method being used to find an unbroken hymen which has no scientific value; VT continues to be perpetrated with impunity. During the procedures, the "two-finger-test" used to check the hymen, "can lead to bleeding, a torn hymen and even infection" where the testers do not use gloves. Further, this is simulated penetration, which is an element of sexual assault and rape in terms of South African Legislation particularly the Criminal law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, the Long Title expanded statutory offence of rape, applicable to all forms of sexual penetration without consent, irrespective of gender. Section 3 provides that "Any person ("A") who unlawfully and intentionally commits an act of sexual penetration with a complainant ("B"), without the consent of B, is guilty of the offence. The Constitution out-rightly prohibits harmful cultural practice such as VT yet, the perpetrators of VT continue to practice this harmful culture and procedures of inflicting of injury and harm on girl child because of the belief that it is part of the culture and tradition [16].

The Children's Act 38 of 2005 (CA 2005) provides in terms of section 12(3)(1) that there must be consent to undergo VT by a child who is older than 16 years of age. The consent must be in a form duly completed in writing and signed by the child; signed by the person conducting the virginity test; accompanied by proof of the age of the child and commissioned by a commissioner of oaths. Further, in terms of section 12(3)(3), a child who is older than 16 years of age and who has a disability related to brain damage which renders the child incapable of making a decision or a child with multiple disabilities who is not able to make such a decision, cannot be subjected to a virginity test. In terms of section 4(3)(a) no virginity test may be performed on a child unless the child has been given proper counseling by a parent, guardian or caregiver and a social service professional. ca 2005 and its consolidated regulations, provide for the necessary section for violation in terms of section 12(4)(4) which states that "any

person who contravenes any provision of this regulation is guilty of an offence and is liable of conviction to a fine or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment." The proponents of VT continue to perpetrate and practice VT with disregard for the law particularly section 9 (right to equality), section 10 (right to privacy), section 12 (right to bodily integrity) and section 14 (the right to dignity) in the constitution that emphatically enshrine these rights and the protection of participants [17]. This article contends that the legal ban on VT can only go so far, as it only prohibits but cannot change the entrenched attitudes and beliefs of the testers and advocates. There is thus a need to utilize other strategies to complement the legal ban in order to produce the desired outcome of curtailing and total eradication of the practice of VT. As such, this article suggests the use of effective communication, education and campaign focused on awareness of the harmful consequences of VT on girls [18]. The article also highlights that the practice is prevalent and condoned because victims and their family members are not well informed about the consequences because majority of them are illiterates who live in the rural areas. The article further points out that government has the responsibility to hold perpetrators responsible but at the same time the devastating bodily harm of VT can also be combated with effective communication and education to the perpetrators, the victims and their parents.

The Relationship between Culture, Virginity and Human Rights

VT does not only discriminate between girls and boys, but discriminates in terms of the societal stigma between the girls and those who have passed the test and those who have failed the test. Recently, passing VT was used as a condition for young women in the Uthukela District Municipality in KZN to receive a tertiary bursary. The condition of passing VT attached to the bursary is twofold. Other than the requirement that the recipient must first be a virgin to receive the bursary; for the bursary to continue to be in place for the duration of the studies; the girls or young women shall be subjected to VT every holiday (University recess); to ensure that they had not engaging in any sexual activity in the intervening time. This would be traumatizing to the girls considering that there is no medical or scientific evidence that the presence of the hymen or not is a confirmation of penetration or otherwise [5].

The condition is not only a limitation on non-virgins' right to education, but seems to suggest that only Zulu girls and young women in that municipality are eligible for the bursary to the exclusion of all others [19]. This is an illustration that VT encroaches upon the equality clause unjustifiably. As a result, the Commission for Gender Equality has recently made a determination rejecting the use of VT testing as a criterion to award girls bursaries in KZN [20] its findings include:

While it welcomes and appreciates the initiative to encourage the girls to pursue their education, and the effort to dissuade them from engaging prematurely in sexual activities that could expose them to health risks such as HIV/AIDS

infections and prevent them from pursuing their education, the Commission finds that the decision to issue study bursaries to female students based on their virginity is a discriminatory practice. It violates their Constitutional right to equality, dignity and privacy.

Culture and practice should not be used as a factor to exclude those who do not belong or subscribe to such practices from receiving or benefiting from services provided by the government.

The "Maiden Bursary" Scheme amounts to gender discriminatory practice against the girls as it creates an additional burden on them to shoulder the responsibility of refraining from sexual activity, without imposing the same burden of responsibility on boys through a similar Bursary Scheme.

Finally, the Commission for Gender Equality finds that the UThukela District Municipality has failed its Constitutional obligation in terms of section 7(2) of the Constitution, to respect protect, promote and fulfill the rights set out in the Bill of Rights.

The unfair discriminatory tendencies illustrated above is summarized by the Constitutional Court in the case of *The National Coalition for Gay and Lesbian Equality v the South African Human Rights Commission and Others* 1999 (1) SA 6 (CC) para 17 as follows "firstly does the differentiation amount to 'discrimination'? If it is on a specified ground, then discrimination will have been established. If it is not on a specified ground, then whether or not there is discrimination will depend upon whether, objectively, the ground is based on attributes and characteristics which have the potential to impair the fundamental human dignity of persons as human beings or to affect them adversely in a comparably serious manner. Secondly, if the differentiation amounts to 'unfair discrimination'? If it has been found to have been on a specified ground, unfairness will have to be established by the complainant. The test of unfairness focuses primarily on the impact of the discrimination on the complainant and others in her situation."

The end result of the two-stage analysis should be the balancing of rights, which was notably explained in the case of *S v Manamela* 2000 (1) SACR 414 (CC) para 49, which emphasized the impact on a particular right and the values involved as follows "in essence, the Court must engage in a balancing exercise and arrive at a global judgment on proportionality and not adhere mechanically to a sequential check-list. As a general rule, the more serious the impact of the measure on the right, the more persuasive or compelling the justification must be. Ultimately, the question is one of degree to be assessed in the concrete legislative and social setting on the measure paying due regard to the means which are realistically available in our country at this stage, but without losing sight of the ultimate values to be protected."

No right can ever be absolute and the right must be exercised in a manner that takes into consideration the rights of other members of the community and society [21]. In the context of this study, the Constitutional Court determined,

how cultural and religious rights have to be balanced against other rights enshrined in the Bill of Rights and held as follows "the underlying problem in any open and democratic society based on human dignity, equality and freedom in which conscientious and religious freedom has to be regarded with appropriate seriousness, is how far such democracy can and must go in allowing members of religious and other cultural and linguistic communities to define for themselves which laws they will obey and which not" [21].

VT as a custom and tradition protected by the right to culture can only survive constitutional scrutiny if it is proven to be of significance to the community that practices it and does not infringe upon other rights in the Bill of Rights. In *KZN*, virginity testers find their vindication for the practice in the section that provides for the right of a group to enjoy their culture. However, there must be a balancing of rights in accordance with the provisions listed in the limitations clause of the Constitution. VT testing does not only differentiate between genders but also between the girls who are tested. South Africa is a key proponent on the elimination of all harmful practices to girls and women, with specific reference to female circumcision, and early and forced marriages [22]. Virgins are treated as property that can be exchanged to further another family name and their humanity cannot be expressed as heterosexual people whose duty is to reproduce another family line as the patriarchal history of this practice suggests. This is disturbingly unfair on girls and women and does not only infringe on the right to equality, but also the dignity of girls and young women tested. The right to dignity has been explained not only as inherent in every being born, but as a mother-right from which the right to equality and other rights are derived. Dignity was also emphasized in an earlier case of the Constitutional Court, in *S v Makwanyane and Another* 1995 (6) BCLR (CC) para 185 & another discussion of *Makwanyane* in chapter 1 para 1.6, where the Court stated that "the importance of dignity is the acknowledgement of the intrinsic worth of human beings: human beings are entitled to be treated as worthy of respect and concern. This right therefore is the foundation of other rights that are specifically entrenched."

Using the rationale in *Makwanyane*, justifying VT on the ground that it is an established cultural practice, cannot then be said to be a worthwhile and important tradition in a constitutional democracy.

The limitation on the rights to equality and dignity of girls cannot be justifiable noting the judgment in *Mabuza v Mbatha* 2003 (7) BCLR 743 (CC), where the court said "any custom which is inconsistent with the Constitution cannot withstand constitutional scrutiny." The courts have a constitutional obligation to develop African Customary law. The fact that the constitutional rights of girls and young women to dignity and equality are infringed by VT places justification even further beyond the bounds of possibility.

Given the importance of the rights that are infringed by VT, it is justifiable that section 36 limits the testing (right to culture) and should not be allowed to continue as far as this practice is concerned. The balancing of all the above factors,

and considering that the practice does more harm than good, it is evident that there is no justification for the infringement of the girls' rights and perpetuation of VT.

Virginity in many African cultures has a historical importance. Sexual abstinence which is considered a value [23]. Whereas, it is mainly used as a negotiating tool in marriage and wealth involving the number of cattles that has to be exchanged for a virgin daughter [24]. VT only focuses on girls but not boys. Virginity serves to strengthen male dominance in contrast to female girls' social status, which perpetuates the culture of sexual double standards [24]. Girls' are burdened with the responsibility of being virgins and also the torture of being labeled social outcasts should she "lose" her virginity [24]. In spite of males not expected to remain virgins, they however have the capacity to demand a prospective wives (girls) to be virgins [24]. This is a characteristic of gender inequality which section 9 (equality of sexes) seeks to prevent.

These double standards have been reinforced with the scourge of HIV/AIDS especially in KZN [22]. Society can simply hold girls and young women to be the carriers of HIV/AIDS in a marriage because they were not virgins when they got married [22]. This result to erroneous gender-based knowledge about the prevention of HIV/AIDS [24]. There is a need for a critical assessment of how culture and gender inform the virginity discourse and dispelling the myths about female sexuality in general [24]. Furthermore, there is, need for educational programs on scientific facts about virginity and HIV/AIDS. The double standards seem to contribute to the increase in the number of persons who get infected with HIV/AIDS [25].

The increase can be attributed to gender-based violence since the double-standards lead to girls and young women not to have a say in safer sex practices. VT contravenes human rights of girls and further places a burden on young women to be protectors of their communities against HIV/AIDS [6]. The Zulu policing of virginity of young girls are a perpetuation of culture which justifies patriarchy and imposes heterosexual bias [25]. As a cultural response to HIV/AIDS, it becomes an obstacle to girls from being active participants in the awareness of sexual health education and prevention [25]. The testing (the search for an elusive hymen), is an invasion of privacy, degrades and humiliates the girls whether they pass or fail the test [22].

VT is an affront to a number of international and constitutional protected rights of girls and young women. It is practiced only on girls and this is in contravention of Article 2 of the Universal Declaration of Human Rights (UDHR). Article 2 of the UDHR provides that everyone has rights which should be enjoyed without differentiation of sex amongst other grounds of distinction. It also contravenes Article 1 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW). Article 1 of CEDAW provides that "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the

political, economic, social cultural, civil or any other field." The manner, in which it is perpetrated and conducted, mimics some form of torture which is cruel and degrading. This is supported by Article 5 of the UDHR which provides that "no one shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment." The rights not to be subjected to degrading treatment are further protected by Article 7 of the International Covenant on Civil and Political Rights (ICCPR). This is in direct contravention to Article 24(3) of the Convention of the Rights of the Child (CRC). Section 24(3) prohibits VT, as one of the cultural practices with negative impacts on the health of girls. Article 21 of the African Charter on the Rights and Welfare of a Child (ACRWC), enjoins, South Africa, as state party member, to "take all measures to abolish cultural practices which are prejudicial to the child's health and also discriminating to the child on the ground of sex or other status." It is against this backdrop that this article emphatically emphasizes on the use of education and effective communication as potent measures that should also be deployed and use for purposes of creating awareness in order to curb the harmful cultural practices of VT.

Education as a Tool for Combating VT

In the words of Mandela, "education is the most powerful weapon which you can use to change the world" [26]. Therefore, education will serve as a powerful tool to change the traditional and cultural practices of VT. Over and above, education should play a significant role in re-orientating pundits and perpetrators to abandon harmful and undignified cultural and traditional practices of VT which demean and debase a girl. It is important to point out that harmful traditional practices are not static in view of the international and constitutional standards of most of the civilized countries which prohibit violation of human and fundamental rights to dignity. Therefore, these traditional and cultural practices have to meet the standards set by the law. Anything short of this will be tantamount to violation of the law which will attract necessary punitive sanctions.

Although the reasons being generally advanced for the reinvention of VT especially in KZN are informed by a return to the Zulu culture and tradition which promotes sex abstinence in order to prevention the infection and spread of HIV/AIDS; prevention of teenage pregnancy, promotion of morality, detection of cases of child sexual abuse and incest, preservation of virginity before marriage [20]. It is vehemently argue that none of these listed reasons should be the basis or justification for VT because there is no scientific evidence to support them. However, one thing is certain; those who perpetrate VT do so under the pretext of cultural and traditional beliefs. The Constitution abhors and prohibits this type of indignity and as such, it is a violation of fundamental rights to dignity.

Although the resuscitation of VT as part of culture or even religion is an element of a new national identity in KZN, it is crucial to point out that there is a new culture of constitutionalism based on democracy, human dignity, equality for all and human rights [4]. The Constitution is a symbol of

history against colonialism and inequality as a result of apartheid. It has to be understood as a “vision of the kind of life South African wanted to lead, as citizens and as people who are free at last” [20]. Proponents of VT have persistently argued that VT is a form of sex education for girls which prevent them from engaging in sexual intercourse before marriage [4]. However, a closer look at this type of education shows it is fraught with lies and deceptions. The main reason why sex abstinence is emphasized is to enable the girl to be a virgin at the time of marriage which is a symbol of pride for both the girl and her family within the community [4]. Similarly, the notion that a girl will be inflicted with the dreaded HIV/AIDS diseases if she indulges in sexual intercourse is essentially discriminatory and hence highly contentious as the entire burden of HIV/AIDS is put on the shoulders of girls whereas boys are also vulnerable to these diseases if they indulge in unprotected sex [22]. There is huge discriminatory tendency in the practice of VT on girls this is because while a girl is burdened with permanently remain as a virgin before and until she gets married, boys usually demonstrate “their manhood by having many sexual partners without any cultural restriction imposed on them [13].

Awareness Creation as an Impetus to Sensitize on the Harmful Effect of VT

The fear of being stigmatized by one’s community when a girl or unmarried woman is declared a non-virgin has come with its own challenges because it is an indication that the girl is morally bankrupt and as such lost her virginity. Whereas, even if the girl has no sexual intercourse she can still lose the hymen which makes a girl qualified as a virgin. This is because, medically, the presence and state of hymen inside a girl vagina is not a conclusive proof of a state of virginity [6]. The value that is put to girls’ hymen for the purpose of curbing HIV/AIDS or maintaining women’s purity until marriage is an infringement of a woman’s dignity. VT also objectifies women as there is a high price of ilobolo (dowry or bride price) when a virgin is married [27].

It is pertinent to reiterate that VT increases the risk of sexual health fatalities (where a number of girls are tested one after the other without the use of gloves). This repeated testing would drive the widespread of HIV/AIDS which the test purported to curb [27]. VT has also contributed to the increase in the scourge of child rapes, due to the myth that sex with a virgin cures HIV/AIDS. Regrettably, when VT confirms that a girl is a virgin publicly, the confirmation makes her highly vulnerable to rape [27]. Unfortunately, girls who have been publicly declared to be virgins, after VT unwittingly attract rape as they act “too proud” [27]. These proud virgins are, often gang raped, to teach them a lesson [27]. Other girls in the community have also been known to encourage boys and actively organized for these virgins to be raped to stop them from being arrogant and “too proud” because they passed the VT [28].

In order to remain and maintain virgin status, girls now indulge in anal sex so that their virgin is not penetrated [29].

Often times, these virgins adopt anal sex as an alternative so that when tested they are still declared virgins as there is no sign of vagina penetration. VT is not only a discriminatory practice in the name of culture, it is dangerous for the health and life of the girls who participate in the testing, whether they “pass” or “fail” the test. There is need for comprehensive awareness creation inter alia about women’s private anatomy, physiological and physical development are not supposed to be subjected to inhuman and cruel attacks by those who perpetrated VT [30]. This further calls for awareness and engagement of all stake holders in educating both women and men and dispelling the myths about VT. The awareness should be widespread and robust in order to change mind-sets and ensure that people who believe and perpetrate the practice desist and adopt human rights standards that respect, protect the rights of girls and women.

Communication a Powerful Tool to Combat VT

While education is potent to curb the practice, it must be communicated in such a way that it produces the desired outcome and as such it must be effective, efficient and holistic. Therefore, effective communication and education from primary school or at an early age should be prioritized. This will sensitize and empower girls to be well informed about their rights and how to seek prevention and redress. All these are said against the backdrop that it is common knowledge that culture in every society includes tradition, religion and the society’s value systems [13]. VT is part of a patriarchal socialization, which dictated that girl remains a virgin as an ideal for femininity while boys’ masculinity is not usually based on how sexually active they are [13]. This socialization gave birth to double standards in terms of sexual relationships [31]. Girls’ sexual autonomy becomes restricted in the name of culture, whereas boys have been sexually free and do not account for their risky behaviors [31].

In addition, girls, have seemingly, been trained from a very young age to be silent on issues of sex [31]. It is believed that the rationale for VT, historically, has been to ascertain that children born, are indeed of the husband who married a virgin [15]. In other communities, girls have been victims of honor killing, whenever suspected to have lost their virginity [15].

There is need to educate communities practicing VT that it is wrong to assume that the absence of a hymen means the girl has been penetrated. It is also a myth to deduce that the presence of a hymen is because of non-penetration of the vagina [17]. They should educate communities that it is improbable and unreliable to establish the state of virginity in general and VT is unnecessary and should be abolished [17].

Conclusion

This article demonstrates that despite the fact that there are ample legislative and regulatory interventions that have been put in place to curb and out rightly outlaw all aspects of harmful practices and procedures of VT because it is a

violation of the right of a girl child and an assault on her body. The practice is very discriminatory and degrading to women and even though the courts have pronounced against harmful cultural practices yet, it is still being practiced with impunity. While this article supports constitutional protective mechanisms, it however asserts that since constitutional mechanisms are unable to eradicate VT, there is need to complement this with effective education, awareness creation and communication whereby these mechanisms should be deployed and use to appeal to the conscience of the testers that these practices are harmful, barbaric and violation of human and fundamental rights of a girl child. This is so because most times the testers and all those involved in VT including the victim's parents and even the victims themselves have been brainwashed that the practice conform with culture and tradition and as such they should continue to avail themselves to be tested in order to preserve their virginity, culture and tradition until they get married as the test will prevent them from being infected with HIV/AIDS and other sexually transmitted diseases.

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