



**Commission on Gender Equality**

**CONSULTATIVE CONFERENCE**

**ON**

**VIRGINITY TESTING**

**Report**

**12 – 14 June 2000**

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## FOREWORD

The Commission on Gender Equality (CGE) is entrusted with the task of promoting, protecting and monitoring gender equality in South Africa, including gender equality in the context of cultural practices. As an entry point to monitor gender equality with regard to Virginity Testing (VT), the CGE proposed a three-phase project. The information-gathering phase was achieved through various workshops and interactions with a number of other stakeholders. These initiatives culminated in the Virginity Testing Consultative Conference, held at Richards Bay from the 12<sup>th</sup> to 14<sup>th</sup> June, 2000. The conference was hosted by the CGE and the South African Human Rights Commission (SAHRC) and involved other stakeholders in the advancement of gender equality.

The conference provided a platform for discussions on ways of promoting gender equality in South Africa by harmonising cultural practices with the provisions of the Constitution and with gender equality. It was convened on a most opportune date, preceding National Youth Day and National Women's Day.

This report records the proceedings of the Virginity Testing Consultative Conference.

In order to fulfil its monitoring mandate, the CGE has developed a monitoring system. To ensure that gender equality is promoted, this system will be used to monitor groups and organisations involved in the practice of VT. In this context, the monitoring system is tailored in a way that develops gender-sensitive practices. It provides step-by-step guidance, through workshops and consultative meetings, which will ultimately result in policy formulation for the abolition of discriminatory cultural practices, such as VT for girls. If the practice of VT is to be upheld, it needs to be conducted within the policy framework and should not be in contravention of the Constitution, which is the supreme law of the land.

The CGE wishes to acknowledge the role of civil organisations, NGOs and individuals who have taken an interest in finding harmony between the Constitution, gender equality and VT. Finally, the CGE would like to give a summary report on the

project. It does not aim to be scientifically comprehensive in this report, but rather to convey the vibrancy and interaction of the conference.

## **BACKGROUND TO THIS REPORT**

### **Commission on Gender Equality: VirginitY Testing Conference**

#### **FIRST PHASE OF VIRGINITY TESTING PROJECT**

*Commissioner Ms Beatrice Ngcobo*

Some of the functions of the Commission on Gender Equality are to investigate instances of inequality and to monitor adherence to the international instruments to which South Africa is a signatory. These international instruments include the *Convention of Elimination of all forms of Discrimination Against Women (CEDAW)*, the *Rights of the Child* and the *African Charter of Human and People Rights*. The *Beijing Platform for Action* has, as one of its main concerns, the plight of the girl-child, who was subjected to practices such as genital mutilation, which could be equated with VT.

Since the beginning of 1999 the CGE has been engaged in a project on VT. The intention was to create a platform for open debate and discussions on this cultural practice, which affects only girls. The project was conceived in response to the growth in prevalence of this practice in the province of KwaZulu-Natal. However, reports indicate that VT was also practised in other areas of the country. Consequently the outcome of the project would affect all parts of South Africa. It was also important to disclose the reasons for this practice. This presented the Commission with a new and unexpected challenge, and it was decided to divide the project into three phases, namely:

- Information-gathering phase: 1999
- Consultative Provincial Conference: 2000
- Post-Conference Programme: 2000-2001

## INFORMATION-GATHERING PHASE

This phase started with a provincial workshop held in Durban in March 1999. Thereafter a series of workshops on VT were held throughout the province. Participants at these workshops included the youth, parents and other stakeholders, including those who would become involved during the post-conference period. Partnerships were forged and relations strengthened, so that the CGE could carry out its broad mandate. The broad objectives of this phase were:

- To establish open discussions and debates on VT and so gain a better understanding of what was happening in KZN,
- To engage in fact-finding and information-gathering about VT,
- To articulate concerns around this practice and the Bill of Rights, so that these concerns could be addressed and clarified,
- To investigate issues raised by the *Rights of the Child*, *CEDAW* and the *Beijing Platform for Action* – how the stipulations of these instruments were being violated, and what had to be done to protect young girls,
- To forge partnerships with other stakeholders who would further facilitate the process in areas that CGE was not able to reach or feed in information.

As this phase of the project progressed it became apparent that:

- VT was practised at an increasing rate in KwaZulu-Natal,
- VT was not limited to a particular setting, but is practised in rural settings, in townships, in religious institutions and in the workplace. (Pace, Feb. 2000).

The reasons for reviving this practice included:

- A return to the Zulu (African) culture and tradition,
- Prevention of further 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.

## **PARTICULAR AREAS OF CONCERN FOR CGE**

There seemed to be a significant disregard for Human Rights, as enshrined in the Bill of Rights in the Constitution, when testing is done. These include rights based on privacy, confidentiality and gender.

- The conception and timing of the practice.
- An inadequate understanding of, and education in, Human Rights are evident.
- The practice seemed to place an unfair responsibility on women to rebuild the nation
- Testing of boys was a vague issue, but was, in any case, less intrusive than testing of girls.
- Different testers used different methods.
- The lack of adherence to hygiene principles could encourage the spread of sexually-transmitted diseases.
- An inadequate knowledge of female anatomy caused the main focus of testing to be on the presence or absence of the hymen.
- It was questionable whether testers really know what they were looking for.



- The fallacy that those affected with HIV could be cured by having sexual intercourse (usually forced) with virgins.
- Unequal power relations between men and women, boys and girls.
- The target of the practice was not specific and included children from three years of age.
- People across both gender and all age groups continued to die of HIV/AIDS in large numbers in the province. It was apparent that VT had failed to reduce the incidence of HIV/AIDS, and it had not reduced the occurrence of teenage pregnancies.
- Women were grossly stigmatised when affected by HIV/AIDS and when their daughters fell pregnant. They were exposed to intimidation and were sometimes killed when their HIV status was exposed.

The media had shown interest in this process. This Provincial Consultative Conference addressed the concerns of the CGE. Together with its partners, the CGE would initiate the process of addressing these concerns. The Constitution and the *Commission on Gender Equality Act 39 of 1996* mandate the CGE to promote and protect gender equality between men, women, boys and girls, and so contribute to the growth of a successful, healthy, and moral nation. In terms of this mandate,, the CGE sought to promote equality between all people, and the practice of VT had to conform to such equality.

## **OFFICIAL OPENING AND WELCOME**

<b>Facilitator</b>	<b>:</b>	<b>Professor Phiwase Dlamini</b>
<b>Councillor E. F. Mbatha</b>	<b>:</b>	<b>Mayor of Richards Bay</b>
<b>Ms Joyce Piliso-Seroke</b>	<b>:</b>	<b>Chairperson CGE</b>
<b>Mrs SB Mohlaka MPP</b>	<b>:</b>	<b>On behalf of Mr. LPHM Mtshali, Premier of KwaZulu-Natal</b>
<b>Ms Beatrice Ngcobo</b>	<b>:</b>	<b>Commissioner CGE KZN</b>
<b>Councillor E. F. Mbatha</b>	<b>:</b>	<b>Mayor of Richards Bay</b>

The mayor welcomed the participants at the conference. The subject of VT was addressed and he acknowledged the seriousness of the issue. South Africa was now a democracy, and in that context he stressed 'the urgency of now' in eradicating discrimination, and the need to treat boys and girls equally. Democracy and freedom was the right of all.

It was the function of the CGE to intervene by investigating ways of assisting girls and women to empower themselves. Quoting the 1996 census results, the mayor said he found it inconceivable that women, who constituted more than fifty percent of the population, were disempowered.

One of the major concerns raised was that the scourge of HIV/ AIDS affected more women than men, largely because of the inadequate dissemination of knowledge about the disease and preventative measures. In conclusion, the mayor emphasised the need to form partnerships and to consolidate existing ones to address the issues raised at the conference.

## OVERVIEW OF THE CGE

*Ms Joyce Piliso-Seroke*

The Commission on Gender Equality and the Human Rights Commission, partners in organising and hosting the Consultative Conference, welcomed the guests, delegates, participants and presenters. Mrs. Zanele Mbeki was regrettably unable to attend due to a previous engagement, but sent her apologies and greetings.

The Consultative Conference was taking place in the context of:

- A Constitution which had Human Rights and gender equality as fundamental tenets.
- Recognition of women's rights as Human Rights: We are all people - black or white, men or women, young or old, all have equal rights.

The revival of tradition, culture and religion was part of the new national identity. As the Consultative Conference typified, South Africans were working together to develop a new culture and way of life based on Human Rights, democracy and equality for all. It was within this context that discussions on traditional leadership and institutions and numerous other issues were also taking place throughout the country.

Culture, tradition and religion had to be balanced within the legal context of the Constitution and the provisions of the Bill of Rights. The Constitution was the founding document of the Republic of South Africa and represented the aspirations of the majority of South Africans. It was this majority that was still recovering from the historical and systematic oppression of its cultures, religion, traditions and way of life. As we all forged new identities and new ways of life, we could not contravene the Constitution and the Bill of Rights. The Constitution symbolised the history of the struggle against colonialism and apartheid, and presented a vision of the kind of life South Africans wanted to lead, as citizens and as people who were free at last!

The practice of virginity testing had implications for gender equality and Human Rights, and it was imperative to confront and engage with these implications. Engagement would also allow us to tap into our history as we traced culture, tradition and changes in our way of life over the generations. The CGE hoped that conference participants, by constructive dialogue on these and related issues, would assist in the broader transformation of our nation and foster a new culture and way of life for us; a society proud of its history and mindful of the present, which could thus make informed decisions for future generations. As the generations lived on in the ways of our ancestors, the Commission hoped that that lifestyle would be rooted in democracy, justice and equality for all. That was one of the ways of securing our constitutional achievements and our victory over injustice and oppression.

For the benefit of all, the CGE was an independent statutory body, created in terms of the Constitution to strengthen South Africa's democracy. To achieve its vision, the CGE would strive for the transformation of the society by:

- Exposing gender discrimination in laws, policies and practices,
- Advocating changes in sexist attitudes and gender stereotyping, and
- Instilling respect for women's rights as Human Rights.

The CGE believed that women's emancipation was fundamental to the achievement of both gender equality and true democracy.

The dual roles to be played by the CGE in the Consultative Conference were those of monitor and facilitator of public education and awareness on gender equality. Because VT had implications for the promotion and protection of gender equality, the CGE saw itself as an integral part of the Consultative Conference.

The CGE and SAHRC, as hosts and organisers, viewed the Consultative Conference as a forum for engaging and debating with the view to finding culturally-acceptable practices and traditions which were in harmony with our constitutional framework.

They also regarded it as part of the African Renaissance – the revival of African cultural practices and traditions in South Africa, which was part of the SADC, the Continent and the international global village. This global village was itself in dialogue, as were we, on issues such as reconstruction, reconciliation, the transformation of religious institutions and the redefinition of cultures and traditions in the context of Human Rights and democracy.

In a way the forum provided us with an opportunity to ask ourselves some questions.

- What role were we going to play to ensure that the African Renaissance became a reality?
- At the Conference, what role would each organisation and individual play to advance gender equality and equality for all?
- What contributions would each organisation and individual make to the conference to ensure that we remained a nation and a continent free at last - and forever?

A brief glance at the Conference Programme showed that the following issues, among others, would be covered by Speakers and discussed by Conference:

- Human Rights, Women and Girl-Children,
- Culture, Human Rights and VT,
- Perspective of Youth,
- Health Rights and VT,
- The Constitution and Cultural Practices.

The next speaker would elaborate on the programme. The media had been invited to the Consultative Conference so that the deliberations were accessible to the public. For purposes of Conference, the organisers had arranged for media briefings and interviews to be organised on request. A press conference would be held on the

final day, when the resolutions adopted by the Conference would be shared with the public.

The CGE and its partners were eager to hear the views of the Conference, and most importantly, to hear of constructive ways forward from Conference. They also hoped that participants, speakers and guests would be involved in post-conference processes. For the CGE and the SAHRC, the Consultative Conference was the start of a process to be followed systematically and in dialogue with civil society.

## KEYNOTE ADDRESS

***Mrs SB Mohlaka MPP***

In her keynote address, the premier commented on the topics for discussion and challenged those who would participate in the discussion to talk, not only about VT, but also about democracy in relation to culture, as well as our constitutional obligations.

As we all knew, the idea of democracy had not found universal favour. The American writer, EB White, declared that:

*"Democracy is the recurrent suspicion that more than half of the people are right more than half of the time".*

On a more serious note, it was based on the definition found in one dictionary:

*"Democracy is based on a belief in the value of the individual".*

Perhaps the main point, when we discussed the role of our culture, was the idea of value. Earlier, reference was made to the value of the individual, which was the cornerstone of democracy. It stands to reason that, if the individual has value, then his or her culture, which formed such an important part of our existence, must have considerable value too.

The formula for the success of the African Renaissance was to dig deeply into the roots of our culture and to use what we discovered there to regenerate the fabric of society. Regenerating the social fabric will affect other areas of life. The African Renaissance would manifest itself in citizens who took charge of their lives, realising that they, in partnership with the government and academics, were responsible for rebuilding this continent and waging war on HIV/AIDS.

Renaissance is defined as:

*"A momentous opening of a new phase in human history, the rebirth of the human spirit".*

Euro-centric models of defining and re-conceptualising civilisation imposed certain limitations on the way people understood themselves and others. Culture was regarded as a manifestation of a particular civilisation. It was the yardstick by which certain civilisations could be classified as progressive or backward.

It was a fact that some roles were assigned according to ability, convenience and qualifications. In the same way, roles were often assigned according to gender, but very often we overlooked a fundamental fact - classification according to nature. One became a nurse by choice or convenience, but one did not become male or female by choice. It was an act of God.

When one thought of VT, one immediately thought of females only, whereas men were also subject to the same developmental stages as women. Ronald Watts stated in his article (Journal on Aids Analysis-Africa) that:

*"In many societies, virginity was prized and achieved much more amongst women than amongst men".*

This did not mean that boys were not born virgins, but it reflected the attitudes of some societies, and some women, towards female virginity. Watts went on to state that, until recently, virginity testing was conducted by older women who were also often related to the child. Now teachers often conducted this kind of testing. Various other researchers also stated that schoolteachers conducted these examinations mainly on girls, who, should the test be passed, were awarded with virginity certificates.

How did society benefit from such testing? At another level, how did a girl herself benefit from such testing? One school of thought submitted that it was sex education and enforced abstinence from sexual activities before marriage. Girls were taught not to allow boys and men to take away their pride by having sexual intercourse with them before marriage. In such societies it was believed that young women would abstain from sex in fear that it would be revealed that they were no longer virgins. This was a stigma, not only for the girl, but also for her whole family, as well as her peers, who sometimes had to be cleansed by slaughtering a beast. Indirectly, this



substantially reduced the spread of sexually-transmitted diseases, including HIV/AIDS. Another effect of virginitv testing was the reduction of teenage pregnancy, which was responsible for many girls dropping out of school.

A woman tester started a VT campaign after she had noticed the shockingly high rate of pregnancy among young people. Her campaign aimed to revive VT. However, the revival of VT presented a range of challenges. A fundamental question asked was whether VT was not a violation of privacy? One girl recounted:

*"One day Thabile, one of the testers in the area, tested me, and I felt a little uncomfortable and scared because nobody had touched those parts of my body before."* (Drum Magazine, June 1995).

There were further questions. Should traditional societal practices be revived? What kind of information sessions should be provided, and by whom? Who should provide counselling to those who did not pass the test, so that they could be re-integrated into society?

Since democracy was based on a belief in the value of the individual, it was also necessary to look at what the Constitution said about the rights of the individual in our society. The Constitution was the supreme law of the country, and the Bill of Rights conferred the following rights:

- Everyone had inherent dignity and the right to have that dignity respected and protected. This included all age groups.
- Everyone had the right to physical and psychological integrity, which included the right to make decisions concerning reproduction, to security of and control over the body, and the right not to be subjected to medical or scientific experiments without their informed consent.
- Everyone had the right to privacy, which included the right not to have his or her person searched. Those provisions should, therefore, be read together with the constitutional provision that,

- Everyone had the right to use the language of his or her choice and to participate in the cultural life of his or her choice, but no-one exercising this right could do so in a manner inconsistent with any provision of the Bill of Rights.

A gender activist, who had been doing research in rural areas, particularly in Hlabisa, noted that:

*"Girls tested as virgins are exposed to abuse by men in the community. Some men believe that having sex with a virgin will cure them of AIDS. Women who aren't virgins are ostracised by the community, and are referred to as izeqamgwaqo, or prostitutes. Ostracised women are eventually forced into prostitution".*

Researchers also stated that no investigations were conducted into the circumstances which led to the loss of virginity, for example rape, incest and sexual abuse. The victim of such acts became a double victim. This was a serious challenge to our society, and one that we should address.

Another serious challenge our society was facing was to establish whether or not this practice discriminated against women. The practice of VT put the entire responsibility for safe sex, abstinence and the spread of sexually-transmitted diseases on the shoulders of women, who were often victims of gender inequality in so many other aspects. Not only were they shouldering this responsibility, but they were also victims of sexual, emotional and spiritual violation. Women were expected to maintain a high level of morality so that they could marry "honourable" men, who may have deflowered and impregnated a string of girls, and who could already be HIV positive.

The practice had to be investigated, and scientific means should be used to arrive at scientific conclusions. All of us who wanted to foster a new spirit in the country, and who wanted to make the African Renaissance a reality should join hands in that regard. VT - was it a matter of abuse or prevention? We were indeed faced with

many tragedies and challenges such as teenage pregnancy, HIV/AIDS and the deterioration of our social fabric.

In conclusion, we needed to recognise that no cause could succeed without a champion. In this particular instance, the more champions we had, in our homes and in our communities, the stronger our cause would be.

## **Discussion**

The opening session of the conference encouraged the participants to exchange views that had VT as their major focus. A number of causes were identified for the revival of VT:

- The prevalence of teenage pregnancies,
- Pre-marital sex,
- The decline in morality in the youth, and mostly
- The threat posed by the HIV/ AIDS epidemic.

The testers believed that recourse to this old cultural practice, which, for a century, was abrogated by disuse, could curb these problems. The practice was embedded in the culture of some African communities, particularly in the Zulu culture.

Although the ideas informing the revival of VT might be well-intentioned, their flip-side was gender bias. VT did not treat boy and girl children equally. It also appeared to threaten and objectify girl children so that fathers could get full *lobola* or *bohali* on marriage. Moreover, it posed the threat of discrimination against girl children who were not virgins. Unchecked, the practice could also be a good conduit of sexually-transmitted diseases, including HIV/ AIDS. The 1996 Constitution of the Republic of South Africa did not allow for these dangers and threats, hence the enactment of Act 39 of 1996 and the establishment of the two statutory bodies, the Commission on Gender Equality (CGE) and the South African Human Rights Commission (SAHRC).

It was in this spirit of guardianship that the CGE and its partners engaged in the monitoring of VT, which was the topic of the Consultative Conference.

### **Aims**

The organisers stated that their aims were more far-reaching than the traditional exchanges between those who approved of and those who opposed the practice. The ultimate goal was to advance the struggle for gender equality and to prevent further discrimination against women by encouraging partnerships to promote a Human Rights culture in our society.

They envisaged diverse forms of partnerships: across provincial borders, between researchers and policy-makers; between people working in the field of HIV/AIDS and workers in other areas of health care and partnerships with those personally involved in the practice of VT. The response of the conference participants indicated that they had truly succeeded in achieving these partnerships.

The CGE has been involved with Virginity Testing Project since the beginning of 1999. The intention was to create a platform for open debate and discussions on the practice.

This conference, which was Phase Two of the project, set in motion a programme aimed at taking the project to the next and advanced stage. Taking place in the same week as the National Youth Day, and only seven weeks before the National Women's Day, the conference was indeed an important development in the history of our country.

### **National Issues**

At the conference, attention was paid to national issues such as the effect that the changing political climate had on the rights of women and on gender equality. Attention was also paid to social and individual issues, such as promoting

responsible sexual behaviour in boys and girls. The speakers restated the point that, even at that level, the Constitution of the country provided the framework within which to operate.

Politically, there was a strong focus on the consequences of being a virgin, as well as on the way in which existing social inequalities differentiated between boys and girls in the practice of VT. With regards to the preservation of virginity, the conference highlighted that the community tended to place value on the 'product' - virginity - and not on the process which women face in the struggle to maintain virginity. This focus on the 'product' was simplistic, and the conference urged that the focus of the community should be on ensuring that women have control over their bodies, their health and themselves.

At a personal level, there was a growing concern expressed that as Africans, we have ignored our cultural practices and the values they can teach us. This has bred in us a need to return to our roots. The revival of VT was seen, in some communities, as a demonstration of our seriousness about going back to our roots.

Important questions on responsible social behavioural practices were raised in the light of the HIV/ AIDS pandemic, the changing meaning of gender relations under the new Constitution and the normalisation of our society.

### **Reality and Practice**

The reciprocal relationship between the Department of Health and the testers also formed part of the focus of the debate. It was evident that better practice could only be achieved if all stakeholders paid close attention to the expressed needs of those who observed the practice of VT, and explained the importance of safeguarding the well-being of young girls more carefully. The positive effects of such a reciprocal relationship were shown by the provision of gloves to testers by the Department of Health. Training in identifying sexually-transmitted diseases (STDs) had contributed to improved hygiene, as well as to the increased referral of girls with STDs to health-care centres. This interaction was commended, as most participants acknowledged

that putting a complete end to VT was a process that required a broad consensus, and was likely to attract further debate.

### **Promoting Human Rights**

On the subject of Human Rights, it was noted that, in many parts of KwaZulu-Natal, there was a lack of respect for Human Rights such as privacy, human dignity and equality. It became clear that effective promotion of a Human Rights culture could not be limited to urban areas, but required a continuous and joint national effort. Effective efforts aimed at promoting a Human Rights culture required the development of new mechanisms of collaboration, giving shape to a stronger commitment from all relevant parties.

The ultimate aim was a successful fight against all forms of discrimination, including those based on culture and religious practices. Participants at the Virginity Testing Conference were emphatic about their dedication to this cause.

# PRESENTATIONS

## SESSION ONE

### Panel Discussion: Virginity Testing as Cultural Practice

- Facilitator** : **Futhi Zikalala**
- Panelists** : **Ms Andile Gumede**
- : **Ms Euphemia Ngcobo**
- : **Dr Siphon Malinga**
- : **Mr Dingizwe Ntshangase**

### Is Virginity Testing a Cultural Practice?

*Ms Andile Gumede*

Ms Andile Gumede, the tester, came from the organisation called *Isivivane Samasiko Nolwazi*. This organisation was at the forefront of VT practices in KwaZulu-Natal. The revival of the Reed Dance Ceremony was thought to have laid the foundation for the formation of this organisation.

Emotional and fervent about the practice of VT, Ms Gumede saw much good in this cultural practice. "*Virginity Testing is our culture*". Listing the benefits of the practice, she said it prevented teenage pregnancy, the spread of sexually transmitted diseases, including HIV/ AIDS, and it eased the burden on pensioners, who always bore the brunt of raising unplanned-for children. It was also safer than using contraceptives or resorting to abortion.

Moreover, in a society where the level of incest was so high, VT was a way of exposing the criminals that were family members. It also had the potential to curb paedophilia, which could result in rape. Similarly, it could be part of a solution in a community that held the perception that intercourse with a virgin could cure a man of HIV/AIDS. *"We report such incidents to the police."*

VT had evolved to conform to the modern lifestyle. High standards of hygiene were part of the practice, as disposable gloves were used. In most cases, the gloves were used for testing overweight girls. It was not easy to ascertain virginity without using the hands or touching the girl's labia.

She said coercion has never been part of the practice. Girls came voluntarily. She kept a register of 60 000 virgins, and said that the large number of virgins in the communities where her organisation worked was due to VT. Children came of their own choice and were always advised to get consent from their parents. Pre-test counselling was offered. The issue of an informed consent was, therefore, addressed in the practice. Whether the child tested a virgin or not, there was no exposure to danger because strict confidentiality was maintained. There was no victimisation of girl children.

The culture was open to abuse by some people but *"the government should assist in curbing any potential problems that may arise, as it has done in the Eastern Cape where a delegation was sent to the east (China) to learn about better ways of performing circumcisions"*.

She said that testers were being unfairly accused. Parents were testers, too, and had the responsibility of taking care of their children. Moreover, the Constitution did recognise the numerous cultures that South African people adhered to.



## **Virginity Testing as a Religious Practice?**

*Ms Euphemia Mabaso Ngcongco*

VT was preceded by a vision of the rebirth of the nation. The irresponsibility that some mothers showed with regard to their daughters had caused many problems. Mothers had the right to tell their daughters what to do and what not to do around the house. Similarly, it was the mother's right to make a decision whether to send her daughter for VT or not.

VT was the foundation of good families. Mothers who sent their daughters for testing were commended by their husbands for bringing up their daughters in the proper way. To use a cupboard analogy - it was the duty of the mother to keep the cupboard clean. Testers supported gender equality, so boys were also tested.

## **Testing for Boys**

*Dr Siphon Malinga*

Although it was mainly girls who were tested for virginity, boys were also subject to the same practice. Over the past two years, Dr Siphon Malinga and Mr Dingizwe Ntshangase, who believed they worked for a worthy cause, had been testing boys.

*All Africa Cultural Organisations (AACO)* strongly believed that VT should be promoted for boys and girls. It was part of our nationhood, particularly the nationhood of black South Africans. He performed VT on both boys and girls. His starting point was that Blacks were facing a dilemma in tracing their roots, which lie in African culture. Without its culture, a nation was lost, because it lost touch with qualities that were inherent in the culture, such as respect and good behaviour.

Family rules or programmes ran successfully within the African cultural milieu. Both the father and the mother were supreme in the family and both 'ruled'. They presided

over all family matters. Respect formed the basis for all proceedings in an African family. The wife/mother gave lessons on respect to children in the family.

Extensive research was needed for clarity and to allay any anxiety and misconceptions about the culture of VT. VT was a Zulu cultural practice that promoted purity, respect, cleanliness and discipline. It instilled good behaviour in the youth. In an African society, respect for elders was the foundation of the nation. The United Nations and the United States did not have the right to interfere in how VT was conducted.

The Constitution was a good document, but its approach to cultural issues was undertaken hastily. Research should promote culture as an aspect of a democratic and free society. As it was, African cultures were not given due recognition by the Constitution. The practice of VT was in line with the Reed Dance Ceremony, revived by the Zulu Monarch in 1984, and should be viewed in that context. It was only girls who were virgins who carried the reed to this ceremony. If a non-virgin carried the reed, it withered to show that the girl was no longer "full". AACO would continue with the practice of VT. Nobody would be forced. Only those who were interested would be tested.

## **Testing of Boys**

*Mr Dingizwe Ntshangase*

The presenter shared his experience of testing boys as he was also tested for virginity during his childhood. He was instructed not to engage in sexual activity until he was mature. As a result, at 62 years, he claimed to look younger than his sons did because he was tested for virginity as a boy. Although the phenomenon of testing boys was still new, the following figures reflected positive response from the youth who had attended the ceremony: 87 at Bulwer, 45 at Newcastle 45 and 37 at Nquthu. Testing boys was a good practice and complemented the practice of testing girls.

## Virginity Testing

*Dr Lisa Mthlane*

Dr. Lisa Mthlane, a retired nurse and a consultant, presented a detailed account of the practice of VT and its purpose as a cultural practice. VT was a Zulu custom and was probably practised in other cultures as well. In the past it was practised to preserve beauty, pride and the valuable assets of the nation. This motivation originated in the notion that women were regarded as the flowers of any nation. Virginity was directly linked to socialisation, as girls were socialised at a tender age to view their genitals as 'mama's cow' - *inkomo kamama* - which made them a 'valuable asset'.

The responsibility of preserving virginity in younger girls rested on the older girls. Sex education emphasised preserving virginity until marriage. The hymen had to be kept intact, and girls were taught and encouraged to engage in *Ukusoma* - sex between the thighs - without penetration, before puberty. Girls were tested regularly. For testing, they lay on their back, knees drawn up, heels together and knees wide apart. This exposed the vestibule, the pink part between the labia minora.

Another way of ascertaining that a girl was still a virgin was for her to lift her skirt (*ukushikila*) to show her buttocks, lower abdomen and breasts to older persons, male and female. The older people would observe the status of the young girl's body for firmness. In a virgin, the muscle tone of the vagina, buttocks and breasts were firm and the abdomen was flat and firm.

There was a link between VT and the Reed Dance Ceremony where young girls sang and danced, each carrying a reed. During this ceremony the young girls, led by their peer leader, showed off their breasts, abdomen and buttocks. The reed carried by girls who were not virgins withered. Withering of the reed was a 'disgrace' and resulted in the particular girl being removed from the company of the majority who were still virgins. The Zulu Monarch had revived the culture in an attempt to curb teenage pregnancy.

Religious groups had also tried to revive the culture of VT. For example, the Christians for Truth initiated the youth organisation called True Love Waits (TLW) in an attempt to prevent premarital sex. The scare posed by HIV/AIDS was playing an important role in the revival of VT. Some parents, both in rural and urban areas, saw the revival of this culture as an alternative way to stop the spread of the pandemic.

If a bridegroom discovered that the girl he had married was not a virgin, he would claim back the eleventh cow. The girl would then name the person who took her virginity away, and that person paid the eleventh cow. Like many other customs, VT was no longer practised as the Zulu nation "transformed" to emulate western cultural practices. The involvement of a peer group leader in the courtship and love affair of a couple was replaced by the individualised/ private love affair.

## **Discussion**

- The key issues that arose from this topic were the prevention of the spread of the HIV/AIDS and teenage pregnancy insofar as they were relevant to VT.
- Participants held divergent views about the practice. Some approved, some opposed it, and others were in favour of a modified form of VT.
- Those who opposed the practice were concerned that it divided the community, and even the children themselves, as girls certified as virgins tended to isolate themselves from those who were not. The parents of children who had had sexual engagement, either by choice or abuse, were ostracised by other community members.
- The group that favoured the practice felt that it was widely supported beyond South Africa, for example in Swaziland. According to them, the practice united the families as fathers, husbands and in-laws honoured women.

- Those calling for the modification of VT felt that the practice, as it was observed at present, posed a high risk because of the spread STDs, including HIV/AIDS, which was killing the youth.
- Parents needed to be more responsible in the testing of their children. The practice of taking them to communal testing should be stopped, as this deprived the youth of privacy and pride because an outsider inspected their private parts.
- Testers raised concerns about obstacles to the practice in the interpretation and implementation of the Constitution, and in various children's rights' instruments.
- It was acknowledged that, although VT had been dormant for years, it was widely supported in some parts of the country. In Port Shepstone alone, support for the practise had increased over the years, from 14 children tested in 1995 to over 700 in the year 2000. This appeared to be a growing trend. One participant commented, *that "VT is our culture, we will not be apologetic about it"*. The communities received support and encouragement from schools, churches and some employers, who were in favour of retaining the practice.
- Testing for boys remained in the background, as the community focus was more on girls. However, there were areas where young boys were encouraged to participate. This was motivated by the role boys played in the problem of teenage pregnancies and the spread of infectious diseases. To attract young boys, the testers use recreational activities and incentives like rewards and refreshments. However, life skills and education were not offered to the boys involved, because it was believed that such education would encourage them to sleep around.

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## **SESSION TWO**

### **Panel Discussion: Human Rights - Women and Girl Children**

**Facilitator** : **Karen Stone**

**Panelists** : **Professor Phiwase Dlamini**

: **Ms S Mabusela Deputy Chairperson, SAHRC**

: **Ms Sibongile Ndwandwe President/ Chair, NCRC**

### **Sociological Perspective on Virginity Testing**

*Phiwase Dlamini*

The practice of VT was a growing phenomenon, not only in KZN but also in other parts of South Africa. At first, the discussion called to mind the debate that raged in the past around the question of who benefited from VT. Some opponents of VT questioned whether it was necessary to test women for virginity.

When one thought of VT, one immediately thought of females only, whereas boys were subject to the same developmental stages as girls. The prevailing view on VT continued to be that girls were objects and the property of men. A woman who remained a virgin until she married helped to uphold family honour. As a virgin, she was passed from her father to her husband as a perpetual minor.

Claims that many girls participated voluntarily in the practice were questionable. Many girls participated because of social pressure. Girls who shunned the test were at risk of being ostracised and of contracting STDs. By touching the private parts of girls, the testers exposed them to the risk of contracting diseases, hence the intervention by the Department of Health in distributing gloves and training testers on how to use them. The Department of Health's support for the practice of VT was also a questionable issue.

Instead of being preoccupied with the issue of VT, our focus should be on the unfinished business of equality for women and the elimination of all forms of violence against women. Women should be given control over their bodies, their health - and themselves. The focus should be on the elimination of false dichotomies manifested though masculinity versus femininity. These dichotomies separate instead of uniting, and create two divisions, those who support and those who oppose VT. What we really needed was not division, but a society in action.

We should seriously be considering and addressing the imbalance of power in our society. In dealing with VT, the emphasis should be on providing young women with skills that empower them to be assertive in situations where they were vulnerable. The practice currently emphasises the value of the 'product', virginity, and not the process, the struggle women had to maintain their virginity. We needed to focus on this process, on the sexual harassment, molestation and ostracism that make women feel doubly guilty for actions for which they were not responsible.

## **Children's Rights**

*Commissioner Shirley Mabusela*

Some societies still placed a high premium on VT so as to get full *bohali* or *lobola* on marriage. In some societies, VT was a badge of honour. The hardships endured by women in different parts of the world where the practice was observed were tremendous. A professional woman from Morocco was free to travel the world, but she could not have sex. Her father threatened her with death if she lost her virginity before marriage.

VT was also practised in Islamic states such as Turkey and Jordan. In Turkey, several young girls committed suicide after VT, which was based on checking whether the hymen was still intact. Unmarried female relatives were killed if they were suspected of having lost their virginity. A similar pattern emerged in Jordan, where at least 25 killings related to VT took place annually. These killings were

carried out with impunity, as they were regarded as honour killings. When sentences were imposed, they ranged from four to six months.

The resurfacing of VT could also be ascribed to the HIV/ AIDS pandemic. In Ermelo, in Mpumalanga, a youth club was tackling the spread of HIV/ AIDS by reintroducing VT. In KwaZulu-Natal about 65 000 tests had been performed since 1993, and the provincial Department of Traditional and Environmental Affairs had supported this long-overdue appreciation of Zulu culture.

Another aspect of the practice of VT was that it resulted in discrimination in the workplace. Jenny "Tokkie Tokkie" Sokhulu had resorted to employing only virgins. In her factory it was a criterion for employment. Girls who tested as virgins also discriminated further against non-virgins. In Wesselton, virgins had decided not to associate with girls who slept with boys.

Some people who opposed the emancipation of children and women claimed that 'Human Rights' was an ideology imported from Europe to further colonise Africa. This negated the *African Charter* and *The Rights of a Girl-Child*, which were drawn up by Africans and which opposed any violation of rights. Article 21 of the African Charter on the Rights and Welfare of the Child provided that all appropriate measures be taken to eliminate harmful and cultural practices affecting the welfare, dignity, normal growth and development of the child, and in particular:

- Those customs and practices prejudicial to the health or life of the child, and
- Those customs and practices discriminatory to the child on the grounds of sex or other status.

Furthermore, *Article 10* of the *African Charter* provided that no child should be subject to arbitrary or unlawful interference with his/her privacy or to attacks upon his/her honour or reputation. In the context of these provisions, it was inconceivable that a child below the age of 18 could consent to VT. She or he does not have the capacity to give consent.



The South African Constitution provided for the protection of children. Section 9, 10 and 30 all unequivocally stated that people had a right to equality and human dignity, and that the best interests of the child would be given preference. Genital mutilation was illegal, and it was in this context that the law should protect the children. The UN had also expressed its concerns about the revival of VT in South Africa, and the violation of rights of the children.

VT was a violation of Human Rights and a recommendation would be made that the United Nations Committee on the Rights of the Child undertake a study to come up with an educated assessment of the scenario.

#### The Girl Child and Virginity Testing

*Sibongile Ndwandwe*

In some cases, children as young as five years were subjected to VT, and this drew attention to the inability of parents to raise their children and protect them from abuse. In terms of children's rights and responsibilities, children have the right to be proud of their heritage and beliefs, and the responsibility to respect the origins and beliefs of others. Any action that undermined the dignity of a girl-child was prohibited. These actions included genital mutilation and sexual harassment. The privacy of a child had to be protected. After wide consultation, the committee understood VT as an abuse, especially if it was performed in public.

#### **Discussion**

- Children should be involved in projects that gave them skills to keep them occupied and educated them about the importance of delayed engagement in sexual practices.

- Both boys and girls should be brought up in the same way, so that a sense of responsibility was encouraged and the chances of abusive behaviour were reduced.
- HIV/AIDS and STD workshops should be organised for the youth. The government should play an active role in VT to ensure that those who still observe it do so with minimum risk and with an understanding that Human Rights includes gender rights.
- Children did not understand why they went for testing or what they were going to benefit from the practice. A large number of children went for testing because of pressure from their peer group, parents and the community.
- The division of labour between girls and boys at home should be discouraged, and children should be equipped with skills that enabled them to be responsible and independent members of the society.
- Women should be empowered with assertiveness skills and encouraged to become independent of men. Girls and boys should be taught to be assertive in situations where they found themselves vulnerable.
- There should be a support system for the girls who were not virgins so that they received help to retain their self-esteem and to cope with stigmatisation and ostracism.
- The SAHRC and CGE needed to continue with Human Rights outreach programmes to more testers so that they arrived at a meaningful understanding of the Bill of Rights enshrined in the Constitution of South Africa.
- To ensure a co-ordinated approach to the practice, there was a need for strong partnerships between all those involved in VT. These included doctors, nurses, social workers, the police, teachers and religious institutions.

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## SESSION THREE

Panel Discussion: Culture, Human Rights and Virginity Testing

**Facilitator** : **Commissioner Karthy Govender, SAHRC**

: **Panelists: Professor Phyllis Zungu**

: **Professor CRM Dlamini**

: **Ms P Ntombela-Nzimande, Deputy Chairperson, CGE**

### Introduction

*Prof. Govender*

The debate during the Consultative Conference on VT posed constitutional questions and the significance of this was stressed. While correcting perceptions that portray the concept of Human Rights as foreign to South Africa, the 1996 Constitution of the Republic of South Africa recognised that Human Rights were not a foreign ideology.

“The South African Constitution is something that was drafted by South Africans for South Africans. It is not a document that was drafted in London or the United States, but was drafted for us, for our conditions. Democratically-elected representatives drafted this document after extensive consultation, and therefore the Constitution is a legitimate, democratic and solemn agreement that we have made with ourselves. As a country, we have decided that we want to go the route of a *constitutional democracy, which respects people's dignity, their humanity and their rights.*”

The South African Human Rights Commission was not biased against any party involved in the debate on VT. The Constitution took a balanced approach,

considering the views of all parties and weighing them against the constitution. It was vital that society understood the principles of the Constitution.

## **Culture and Virginity Testing**

*Professor Phyllis Zungu*

Two broad definitions of culture existed. They informed the behaviour of the people and also determined how people subscribing to them treated each other:

1. The culture of a people may be defined as: *"the sum total of the material and intellectual equipment whereby they satisfy their biological and social needs and adapt themselves to their environment"*.

2. Culture was: *"that complex whole which includes knowledge, belief, art, law, morals, customs and all other capabilities and habits acquired by man as a member of the society"*.

Culture involved everything that catered to the needs of people in a given environment and made human life possible. The needs varied according to conditions such as health, behaviour, education and religion. In a society that embodied a particular culture, every member of that society should adhere to that culture.

The culture of VT originated for the above reasons. However, it fell into disuse during the time of Shaka, as the Zulus, specifically males, became involved in wars. As a result, there was no need to continue the practice. This was not the only cultural practice that was abrogated by disuse. Other practices that appeared to unite the Zulus were a threat to British rule in South Africa, so they were discouraged and became defunct. The revival of VT could be traced back to 1984, when the Reed Dance Ceremony was reinstated. Underpinning this ceremony was the

importance and need to preserve virginity by young girls. This made the Zulu monarchy proud of its people, and, in turn, the virgins became proud.

The alarming spread of the HIV/ AIDS, however, had also prompted some parents and some youth to see VT as an alternative form of preventing this spread. This alone added impetus to the King's revival of the culture of good morals. It was worth noting that this culture was not exclusive to the Zulu people. Other nations also practised it, and the Dravidians in India still did so. Similarly, the problem of the relationship between VT and Human Rights was not unique to KwaZulu-Natal or to South Africa. In 1998 a young girl in India took her parents to court for compelling her to undergo VT.

However, many changes have taken place since then. South Africa was now a country with a constitution which represented all its people and which upheld Human Rights. Moreover, the children who were being tested were not at this conference to speak on their own behalf.

## **The Constitution and the Practice of Cultures**

*Professor Charles Dlamini*

The issue of cultural practices was an important one in South Africa because it was a country characterised by cultural and religious diversity. Professor Dlamini pointed out that South Africa had been described as a multi-lingual, multi-cultural, multi-faith and multi-political country. The many cultural practices conveyed a colourful image of the country, but it was sometimes difficult to reconcile that image with the threat that it posed – that of infringing on some of the rights that were guaranteed by the Constitution. It was a challenge to reconcile these practices with Human Rights, so that life was tolerable and mutual coexistence was possible.

A narrow definition of culture could be *that "a person can be regarded as a cultured person when he/she has reached a high level of development"*. The broad definition of culture *"includes a number of practices, institutions and beliefs of a group of*

*people which uniquely identify that particular group*". Professor Dlamini's presentation had this latter definition as an essential component.

Culture did not include everything, but it did include all that a society regarded as acceptable and legitimate. It was very difficult to change culture. The fact that culture became part of the people's psyche was also a reason given for this resistance to change.

A group of people who subscribed to a particular culture viewed the practices of that culture as the right way of doing things. A person who contravened any of the practices in a culture felt guilty because culture created cohesion, identity, a sense of belonging, confidence and security. African women who were interviewed on the issue of *ilobolo* expressed the view that it was an indispensable part of a complete and recognisable marriage. The women believed that, without *ilobolo*, the feeling of being incomplete haunted wives for the rest of their lives. The practice gave African women pride, and their husbands also felt good if they had paid it. The psychological dimension of such a cultural practice made change difficult.

The belief surrounding the Xhosa custom of *ukwaluka*, circumcision, was that boys should be circumcised to become real men. If they were not circumcised, they remained *amakhwenkwe* – boys - for the rest of their lives, and were not recognised as adults after having reached maturity. An examination of the *ukweluka*, a practice beset by persistent problems, showed how difficult it was to change culture. In spite of the number of initiates that died, people were not willing to stop the practice. It gave to men a sense of belonging and pride, their manhood was recognised, and they were secure from ostracism.

The Constitution had given specific recognition to cultural practices, and in particular, Section 30 stipulated that everyone had the right to participate in the cultural life of their choice. However, no one exercising these rights could do so in a manner inconsistent with any provision of the Bill of Rights. So, while people were free to engage in cultural practices, there was a limitation that guarded against the violation of the rights contained in the Bill of Rights. This limitation meant that the right to

participate in cultural practices was not absolute and therefore it would always be regulated within the ambit of the Constitution.

Some cultures displayed a built-in coercive psychological element which made freedom of choice in cultural practices problematic. If a person chose not to participate in a certain cultural practice, the end result could be ostracism and stigmatisation. The Bill of Rights and the Constitution forbade this type of discrimination.

Notwithstanding the resistance of culture to change, there was not a single culture that remained static. All were dynamic. Changes within society, such as political and economic changes, did influence culture.

One of the ways in which society changed was the ongoing process of acculturation. An example in African communities was that of *ukuzila*, wearing black during the mourning period. In the African context, mourning did not entail the wearing of black, but society now demanded it and African women were expected to wear mourning dress for a period of 6-18 months. Defiance was associated with loose morals or the suspicion of being an accomplice in the death of the husband. She could decide not to wear it for economic or religious reasons. It was believed that a widow who did not wear the mourning clothes of widowhood could incite violent hailstorms. The possible result was discrimination against the widow, which was forbidden by the Bill of Rights and the Constitution.

In the event of the death of the husband, the widow was expected to marry a member of the clan through *sororate*. Refusal to re-marry in the family/clan might raise suspicions that she was interested in other men outside the family circle.

Cultural practices fell into disuse for a variety of reasons, so it was difficult to detect any pattern. However, when people were faced with environmental and health hazards, like HIV/ AIDS or teenage pregnancy, they never reconsidered defunct cultural practices, such as VT.

The practice of VT had been dormant for a long period in many areas of KwaZulu-Natal. Its sporadic revival was unfortunately marred by the fact that some of its inherent procedures were not in the spirit of the Constitution, and violated the rights of other people. Virginity testing had caused too much controversy in relation to Human Rights. Its practitioners maintained that it was a means to curb the spread of HIV/ AIDS, which was obviously spread through sexual activities. Another cultural practice that had fallen in disuse was *ukugonqa* when a girl child reaches puberty. It had also been abrogated by disuse.

It was difficult to say whether VT could still be regarded as part of culture. When closely examined, the revival of this practice was a reaction to emerging social ills, of which HIV/AIDS was paramount. If a practice was revived, the claims were usually made that it was for culture purposes. The idea that VT was cultural had to be challenged for a number of reasons. The practice contravenes the Bill of Rights and the Constitution, as it was biased against girl children.

It was probably news to most participants at the conference that boys were tested too. The tests for boys were not reliable, but it was not reliable for girls either, especially when considering that other events beside penetration could tear a girl's hymen. The practice is difficult to justify.

There was very little freedom of choice in VT. Social pressure was exerted upon the young girls, who feared being ostracised. Deviations from the Bill of Rights and the Constitution, which forbade such discrimination, should be justifiable and should not violate the rights of others. It was important that these two documents should be upheld, and that not even cultural practices should run contrary to the spirit they embodied.



## **Women's Human Rights, Gender Equality and Virginity Testing**

*Ms Phumelele Ntombela-Nzimande*

Narrative of the presenter's life:

When you go to my home, you take the route to Ulundi, past Melmoth to Babanango. I grew up collecting firewood in Uqoha Mountain, where the Ntsubeni Lodge has been erected. I know now that we were removed from that area because there were those who wanted to build the lodge. I was born and grew up on a farm. The farm owner was called Sombebeza. When I was in standard six, I learnt that Sombebeza came from Bezeidenhoudt.

Sombebeza was a rich owner of a big farm in Babanango and the most feared man. He kept herds of cattle and had sugarcane fields. Young girls were required to work in the farm after reaching a certain age. Girls would work in the farm homestead and boys would be transported to work in trucks and big vans. Some were taken to work in the sugarcane fields, while others were taken to look after the herd of cattle in Empangeni.

Six months would be spent in farm work and the other six at school. When I grew up, my father worked at Coronation Brick & Tile in Durban. He was an elderly man and had graduated from working in the field. As his children, we were required to work in the fields. He used to come home once a year and bring us bread and jam. We enjoyed bread and jam over Christmas.

We lived on the farm with our parents, grandparents and aunt. When I was thirteen, I was expected to work on the farm and that was the beginning of trouble. Those who did not have a child in the family to work on the farm would ask one of the girls from another family to work for them. In return they paid a cow to her family for the six - months periods she had worked on the farm. In order to continue with my studies, my family had to sacrifice by paying cattle to get another girl from the neighbourhood to work on the farm.

When I was thirteen, my grandfather told my mother that I should go and work on the farm, as I was big enough to do so. He felt that the family could not continue paying cattle to get other girls to work. This was a major problem for my mother, who called me into the hut and told me why my father was illiterate, how he had grown up, working on the farm. The truth was, it was my mother who taught him to read and write letters. Other people had to do this for him before my mother taught him. She had had enough of reading letters written by other people. He was illiterate because he lived on a farm and was doing the work expected of him then. Having worked on the farm for so long, he was unable to support his family. He had to look for a job in the city, and worked in Durban to make ends meet.

My mother told me all this, privately, in our hut. As a woman, she could not argue with her in-laws. I understood what she was trying to say, but what I didn't understand was how she was going to manage it, because my grandfather was against the idea. The next season for me to work on the farm arrived. My grandfather ask my mother once again why she was sending me to school when I was ready to work in the farm. He kept saying that I did not need to go to school, that sooner or later I would get married and be supported by my husband.

When I was in Standard Four, my mother sent me to stay with her sister. She had just got married, and I was going to help her in her new home. I would also be able to go to school. This was *ukuthwala ucansi* - when a young woman gets married and is accompanied by a younger girl from the family, who carries her mat and assists her in fetching water and firewood. My mother asked her sister to look after me for the whole year so that I could go to school as usual. 'Carrying the mat' lasted for three months. She did this because my grandfather kept asking why I was being sent to school and why so much was wasted paying for the cattle.

At the end of that year, my mother tried to find another place where I could stay and be away from home, so that I could learn. She used to tell me that she worked hard with her bare hands, and would not like my hands to be like hers. She collected firewood, fetched water, cut grass and did not want me to work like that. She wanted me to grow up and be able to make my own decisions. She told me that I should

only get married when I decided to, and if I decided not to, I should get an education and support myself. Some women referred to me as a feminist. I used to tell them that I was a feminist because I was born of a feminist, my mother. I was sent to another relative, far away, because I had to go to school. My mother did all this to remove me from the criticism that the family was wasting cattle by sending me to school.

When I finished Standard Six, I went to live at the Evangelical mission so that I could study at the school there. Mr. Nxumalo, who was responsible for the mission, was a friend of my father, as my father was a member of the Dutch Reformed Church. While I was at the mission, some in the community back home said my mother thought she was like white people because she sent me to school. They said I was going to fall pregnant and come back in disgrace.

There were no shops near our home, and as children, we used to be sent to the shop on Saturdays. The children in the community were not allowed to get anything at the shop for my mother because she had sent her own child to school. So my mother woke up early in the morning to go to the shop. She weeded the crops by herself because I was not there to help her. There were two things that encouraged me to study - the thought that my grandfather considered my schooling a waste of cattle and the community's expectation that I would fall pregnant and not complete my schooling.

After completing my Junior Certificate (grade 10), I went to boarding school, where I had a good life for the first time. For the first time I was not staying with another family. Teachers took note of a child from the rural areas, and they asked me what I intended studying for. One of them asked if I was interested in medicine. I could not afford to study for another seven years, so I told them that I was interested in doing nursing.

When I became a nurse, the people back home said they would like to see the man who would marry an educated girl like me. I was not interested in getting married. I went to McCord Hospital, but I soon got bored of working in the ward. I studied further and went on to teach at the nursing college. It was during that time that I met

my husband. Again, back home, everybody wanted to see this man who was going to marry a nurse.

I am recounting all this because it was not our way to talk about the oppression on the farm. If something went missing in the homestead, if money was mislaid, one would be assaulted, even have an arm broken. My cousin's hand was broken because five rand went missing, only to turn up in the owner's trousers.

When we went to school, the only school on the farm, we were supposed wake up at four in the morning and walk the longest route so that we did not cross the farm and destroy the grazing. We agreed that all these things were unjust, and wondered when the land of our forefathers would be returned to us. All the time I kept hearing about how, as a girl, I should give up my schooling. Nobody talked about the hardships that I would endure on the farm if I came back.

Something happened after I met my husband and married him. At that time, in 1985, nurses were not entitled to maternity leave. If a woman fell pregnant, she had to dress in a way that concealed the pregnancy for six or seven months, and she had to start saving money. If her pregnancy was discovered, she lost her job. I was unfortunate with my first pregnancy, because, in my community, one of the main topics of conversation was whether I would ever get married and fall pregnant. In my twelfth week, I went to the OPD for a pregnancy test, which was positive. I told one of my friends, and soon the secret was in Matron's office. One day, when I was teaching, I was called to Matron's office, where I was told that I knew the rules and that, as I was pregnant, I had to stop working.

When I went home I recalled my past experiences, how I was discriminated against as a young girl. I used to think it was because my grandfather and the members of my community were illiterate and ignorant, and that I would not have the same experience in a city like Durban. I would like you to think about this, that during all the discrimination under white domination, and on the farm where I lived, and in the workplace, discrimination against women was not a matter of concern.

During the 1980s not much was said about the oppression of women. I am telling you all this because I have to talk about women's rights, gender equality and the link to our topic today, VT.

Later I will talk about VT, because now I want us to focus on women's rights. '*What is good for the rooster is good for the goose*'. This Zulu idiom could be an analogy for the way we live. Certain things must be observed, things that make the individual happy and make others happy too. Why is it important to talk about rights and women's rights? We do so because, living together as different races, we must know which values to subscribe to. If you are in an employer/employee relationship, what things do you need to do to co-exist?

As women, we do not often ask what kind of treatment recognises us as human beings. We come from a culture where such questions are not asked. That is why, at this meeting, we need to talk about Human Rights. We need to talk about women's rights. Women's rights mean that, as a woman, you are entitled to be treated like a human being and not to be discriminated against just because you are a woman. You should not be told that you should not be sent to school because you were going to get married and live with your in-laws. If you can go to school and study to become what you want to be, you have the right to do so.

What are women's rights when we talk about economy? The economy will grow if women are allowed to participate fully into its development. Women's rights at work mean equal pay for equal work. It does not mean that, as a woman, you should earn less because someone else will provide for you.

When a girl falls pregnant, that is her own responsibility. That is important because, in finding solutions to problems, we place great responsibilities on girls. The media tells us that girls are tested for virginity to encourage them to preserve themselves until marriage. Firstly, not many of these girls will get married. Secondly, it is no longer possible for girls to get married immediately after puberty. Then they are still at school, and by the time they finish their studies, they are twenty-five, twenty-six or even thirty. We need to ask ourselves whether it is realistic to expect girls to remain virgins until they get married? If they do, how should they conduct themselves?

Thirdly, what we fear most, and are trying to avoid, is young girls engaging in premarital sex. However, the real problem we are facing is that it is adults who are sexually abusing young girls. This abuse occurs in schools, in the streets and in the communities. Gone are the days when ordinary men in the community were regarded as parents. They are now predators, going about abusing young girls. How can we ensure that the young girls, who already have the responsibility in the area of sexual relations, are able to say 'NO' to adults who abuse them sexually? Is testing a child after she has been abused of any help to her? I ask these questions because, if you say we need to go back to the old ways, of what use is that to an abused child? If we want to go back, we must look at the issues in our community that indicate we should not go back to our traditional practice. I want to highlight these, but I'm not pretending that I have the solutions. We are all here to find solutions. We need to examine rights, especially women's rights, which were not talked about or observed in our communities.

## **Discussion**

- VT violated the dignity and privacy of the child because the practice was done in the open fields and in community halls.
- There was no standard training or guidelines to qualify one to become a tester.
- Lack of hygiene during the procedure increased the risk of transmission of diseases from one child to another.
- VT should be standardised in all areas it was practised, and there should be committees/associations or forums to bring about the standardisation.
- Practitioners should have to take an oath of confidentiality and good behaviour. They have to be made aware of the ethical implications of inaccurate test results.
- There was the potential that efforts to achieve equality between boys and girls would be frustrated by VT.

- Meaningful and informed peer education should be promoted to ensure that the youth were not at risk of contracting HIV/AIDS or being exposed to abuse.
- There was a need for the community to be more involved in the fight against HIV/AIDS.

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## SESSION FOUR

### Panel Discussion:

#### Perspectives on Virginity Testing and Youth Development

- Facilitator** : **Janine Hicks**
- Panelists** : **Ms Thabisile Buthelezi**
- : **Mr Khaya Mhlongo,**
- : **Mahlengi Bhengu, Chairperson, NYC**
- : **Professor Sihawu Ngubane**

### Education

*Ms Thabisile Buthelezi*

The intentions of the practice might be good. Some problems, such as HIV/AIDS, teenage pregnancy, STDs and loose morals could be addressed by it. Notwithstanding these good intentions, it was important to remember that, when we talk about VT, we are talking about our children. When we talk about our children, we talk about the future of our nation. Every member of the nation should be treated equally. Equity was about fairness, and we formed the impression that the practice of VT discriminated against females. Males were either not tested for virginity or they were tested on a very small scale. Some claim that changes in diet meant that the test for boys was no longer reliable. VT had to be undertaken in accordance with Human Rights.

In the context of VT, parenting also had to be in accordance with the Constitution and the Bill of Rights. If parenting included practising a culture that violated children's rights, recourse should be taken to law. Of course, some parenting methods were not suitable for rearing children. *"When talking about parenting, any parent who*



*wants the best for his/ her children will concur with me that there is no best recipe for parenting. Recipes often don't work".* Part of the solution to this problem was to empower children with the appropriate knowledge and skills to face the daily challenges of real life.

There was the potential, in the practice of VT, that sexual offences would not be reported for fear of social stigma, ostracism and reprisals from communities and families. This would reinforce the indifference and hostility of the police and judicial authorities, which prevented women from reporting these crimes. This, also, was not in accordance with the Constitution and the Bill of Rights.

The practice implied that boys did not need to be tested because they could monitor their own lives. Girls, on the other hand, needed to be checked now and again because they were sexual active. The practice itself belittled women because their genitals were examined.

In the case of girl children who had been sexually abused, there was an urgent need to check if the practice was causing further trauma. The practice also interfered with the cognitive development of a child. She lost confidence or self-esteem. One of the worst aspects was that children could not speak out and condemn the practice, because families condoned it.

Ms Buthelezi also raised her concerns about the definition of a virgin, which relied solely on the presence of the hymen. It was known that some girls were born without it, and there were other factors, beside penetration, which could break the hymen.

Ms Buthelezi told the participants that she found it hard to believe that children liked the practice of VT. Perhaps research, or a survey, would reveal to everyone what it was that drove girl children to attend VT sessions.

There was a need to educate children about sexuality. Numerous myths had to be dispelled. For instance, there was a myth among the boys that if a boy did not engage in sex, he went crazy. One should ask how these myths were dealt with, rather than concentrating on VT.

She concluded by saying that the harsh environment that girl children faced needed to be examined. Such an examination would show the reality of the conditions under which young girls lose their virginity. Instead, the emphasis was on VT.

## Religious Perspective

*Khaya Mhlongo*

The main point stressed was the need for having recourse to culture. Such recourse had the potential to restore *ubuntu*. The Constitution was not justified if it forbade the practice of VT, which was the cornerstone of sustainable *ubuntu*. Those who supported the practice of VT viewed *ubuntu* as their Constitution, because African religion was based on it.

There was no need for the CGE to have fears about the practice. Instead, people needed to think about, discuss and explore the issue. Creating fear about the practice was not empowering. The aim was to encourage black people to go back to their roots. In that regard, it was suggested that research should be undertaken into the philosophy of *ubuntu*.

Responding to the previous speakers, who had cast doubt on the existence of testing for boys, there were ways for parents to establish if young boys engaged in sexual activities. For instance, bruises on the shaft of the penis were an objective indicator that a young boy had been engaging in sexual intercourse.

Those who supported the practice of VT should take strength and carry on with their work. The methods that they employed in examining the children should be their instruments. These methods should be retained in order to encourage sustainable *ubuntu*.

## Youth Development

*Mahlengi Bhengu*

Young people were very confused about sexuality. Cultural taboos about sex, supported by the community, made matters worse. Parents needed to review their approach to parenting and to start talking freely about sex and sexuality to their children. They should be aware of the danger that their children could be given misleading information about sexuality by their peers, which could lead to irresponsible sexual behaviour.

Those who claimed that VT was in the interests of young people should not be allowed to speak on behalf of the youth. One of the major problems was that, in most cases, young people were not consulted. Decisions were made for them. The Youth Indaba in Durban on 13–14 June was a good opportunity for the present audience to participate and interact directly with young people.

## Youth and Culture

*Professor Sihawu Ngubane*

The Bill of Rights originated in the celebration of the European Renaissance after the Second World War. Unfortunately, South Africa had followed suit. The Bill of Rights and the Constitution were human constructions; they did not bode well for the teachings in the Bible. The Bible made it clear that virgins like Rebecca and Maria were assigned great tasks because they were virgins, therefore pure. It was in this sense that young girls should be proud of their virginity.

## Discussion

- In many families parents do not feel free to discuss sexuality with their children. Parents should be empowered to play their parental roles effectively in the upbringing of their children. Workshops to improve communication between elders and youth could be a solution to this problem.
- There was a need for guidelines on obtaining or giving a proper consent to VT. The conference also noted that children had rights that needed to be respected and promoted. These included the right to be heard and the right to privacy.
- Those who participated in the practice should be given counselling so that they understood the benefits and implications of VT. Counselling should include life skills on sexuality.

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## SESSION FIVE

### Panel Discussion: Health, Human Rights and Virginity Testing

**Facilitator** : **Ms Beatrice Ngcobo**

**Panelists** : **Brandon Christine**

: **Ms Noreen Ramsden**

### HIV/AIDS Prevention

*Ms Noreen Ramsden*

The rights of children were important and there was an urgent need for co-operation to ensure that they were observed. This was even more critical in the face of HIV/AIDS. The speaker highlighted the plight of HIV/AIDS by sharing with the participants what she was told by an insurance broker. *"There will be no more investments in education policies, but rather in funeral policies. Young people are dying, and more are going to die".*

The big question was, "Is it possible for people to stop sex?" The answer to the question was "No." VT was very limited in dealing with this problem, and was even more misdirected if the study indicated that boys were infected more than girls. It was worth educating girls and encouraging them to wait until they were able to make informed decisions.

At a different level, VT was unable to stop child abuse. If it could, it would have helped rape victims long before. Some speakers had indicated that rape was a direct result of identifying children as virgins.

If children failed to protect themselves, they were not to blame. The police and the justice system were very indifferent in cases of this nature. The case of a schoolgirl

who was raped by a teacher was a good example. When the case was reported to the headmaster, the child was given a hiding. She eventually became a prostitute.

Losing virginity was often not a choice for young girls. Men forced themselves on young girls. An alternative could be to instil good values in all people. Men had to realise that rape affected a woman for the rest of her life.

Abstinence, on the other hand, could not guarantee that a person did not contract HIV/AIDS, particularly if it was a game of status or 'manhood' for young boys to sleep with as many girls as possible. "How many times have you scored?" This was the question young boys asked, referring to the number of girls they had had sex with. This was one reason for putting more emphasis on education.

## **A Legal Perspective**

*Ms Brandon Christine*

We all have to know who we are and why. After understanding who we are, we can start thinking about the complex issue of HIV/AIDS. A case that was tried in the Durban High Court highlighted the seriousness of the epidemic in South Africa. A parent was quoted as having decided to take a child out of the country for fear that the child would contract HIV.

Owing to the complexity of HIV/AIDS, the medical fraternity had been unable to find a cure. Neither would the legal fraternity find a solution. It was important to take recourse to precedent law. Applying precedent law, Brandon cited the judgement by Justice Mokgoro, where the relevance of *ubuntu* might be an alternative.

If *ubuntu* was practised properly, chances were that society will not need VT. Parents would play their role in the education of their children. In a society where *ubuntu* was upheld, rape, which contributes to the spread of HIV/AIDS, would be minimised. However, if some believed that VT might be an alternative, the stakeholders should participate in constructive dialogue

A legal system that had *ubuntu* as a component could have the clout to deal effectively with cases of woman abuse, rape, gender discrimination and all the other practices that violated the Constitution and the Bill of Rights. The law itself was not worth the paper it was written on unless it had regard for the society that it served.

Children, too, were citizens of the country, and the law had to protect them. The 1996 Constitution of the Republic of South Africa provided for the rights of the children as citizens. Sections 9 and 10 guaranteed them the right to equality and human dignity and they must demand these rights. Furthermore, Section 28 of the Constitution, which in effect was a mini-charter of rights for children, stated that the best interests of the child were paramount. In addition, South Africa signed the 1995 *UN Convention on the Rights of the Child*. The *African Charter on the rights and Welfare of the Child* manifestly endorses the paramountcy of children's rights.

In conclusion, the *Convention on the Elimination of all Discrimination Against Women* (CEDAW) sends a clear message that the government is serious in its commitment to gender equality. Practice of cultures, therefore, must be within the bounds of the Constitution.

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## **SESSION SIX**

**Panel Discussion : Other Findings on Virginity Testing**

**Facilitator : Ms Beatrice Ngcobo CGE**

**Panelist : Dr Neil Mckerrow**

**Presentation of commissions reports:**

**Ms. Neli Thejane SAHRC**

**Mr. Sibonile Khoza CSLS**

### **CGE: Virginity Testing**

*Commissioner Beatrice Ngcobo*

People were insistent on knowing why they had been called to the conference. As was explained on the first day, the Commission realised that VT was a cultural practice that was prevalent in KwaZulu-Natal. The Commission arranged a provincial workshop as a platform for frank discussion and open debate so that a clearer understanding of what was actually happening could be arrived at.

The CGE had been interacting and meeting with various organisations and individuals. The CGE agreed to have further workshops in different areas in the province, working with partners that they had secured at the first provincial workshop.

A provincial conference was proposed for 2000. They hoped that, after the conference, they would have a clearer picture of what to do and what programme of action to adopt. The issue of Human Rights would be addressed at the Conference, so that the plight of women could be addressed. Input from the initial workshop, on the prevention of HIV/AIDS and teenage pregnancy, would be used. The



Commission was particularly concerned with these two problems, which could not be dealt with through VT.

The report concerned the discussions between participants at the various commissions during the previous two days. The Commission had tried to report as much of what was said as possible. However, some of the facilitators had already left and the Commission would appreciate it if any misrepresentations or omissions were brought to their attention.

### **VT and Religion**

- The human body was God's temple, which must be kept pure, particularly the woman's body. The woman in turn had a responsibility to ensure the purity of her body, hence the practice of VT.
- Boys were tested, but not on as large a scale as girls. However, no specific reference to biblical provisions was quoted in this instance.
- VT was practised differently by different churches. Some condoned the practice and others condemned it.
- VT was not related to religion, it was a cultural practice. It was practised before Christianity, and Christianity was a western ideology. It was integrated into Christianity in order to legitimise its continuity.
- Church guidance teachers and elders carry out the practice.

### ***Recommendations***

- Continue with VT, using the church, guidance leaders, parents and communities.
- Teach individual parents to test their own children at home.
- Provide sex education, formally and informally.

## **Boys' Testing: Culture and Youth Development**

- Boys were responsible for causing pregnancy and the transmission of STDs.
- Testing should start at an early age. After testing, the boy would be proud of being a man.
- Teachers, parents and government must be involved in education about the practice.

## **How to Attract Boys**

- Explain why the practice was important and discourage young people from using condoms, which were a passport to unacceptable behaviour.
- Children should be allowed to discuss sexuality openly, and parents should be flexible and available to the children.

## **Support/Conflict**

- Workshops to share information between parents, teachers and youth to improve communication should be organised.
- Some parents were opposed to VT, while their children wished to participate in it.

## **Obstacles/Reality**

- STDs, HIV/AIDS and teenage pregnancy were a reality and had to be prevented.
- Crime and drug abuse were perpetuated by society and television.
- The police and the justice system were not committed to crime prevention, such as child abuse.

### **Recommendations**

- Provide formal and informal sex education.
- Provide formal dress code education.
- Continue practising VT.
- Establish youth resource centres and youth facilities for recreation.

### **Key Issues**

- There was a need to understand the urban and rural divide in the community.
- How do children interact with each other when those who undergo VT and those who do not come together in places such as schools?

### **VT as a Return to Tradition**

- What were the origins of the tradition that was being returned to?
- Was it possible to trace its origins, and how far back should they be traced?
- Were the circumstances of this practice the same in the present as they were in the past?
- What, if any, basis was there for the practice in the past?

### **Key Issues Related to the Aims of VT**

- Prevention of teenage pregnancy in children under 18 years.
- Decrease in the occurrence of HIV/AIDS.
- Maintain morality.
- A tool for sex education.
- To guarantee full payment of lobola.

### **Who Was Doing It?**

- Religious institutions, parents, teachers and community leaders.
- The Department of Health supported the practice by providing volunteers and gloves for testers.

### ***Recommendations***

- VT could be carried out on condition that it was voluntary.
- No force or coercion must be used on the children, who must be provided with enough information to enable them to make the choice themselves.

### **Clarification of Consent**

- Parents cannot consent to something that violates the rights of their children. In South Africa, a child at the age of 14 can be tested for HIV without the consent of her parents. For a child under 14, parents can give their consent to that which is lawful.
- The child must be given a full explanation about VT before undergoing it.

### **Why Focus on Women?**

- Women have the responsibility of raising awareness in men about the ways in which, consciously or unconsciously, they abuse women and girls. Further training must focus on gender sensitivity.
- Girls were vulnerable, therefore they must be taught assertiveness skills. It does not help to hide behind a cloak of culture and religion.
- Women bear the burden of dealing with HIV/AIDS and STDs.

### **Community Perspective on VT and its Relevance Today**

- There was an increase in the number of people infected by HIV/AIDS and so also an increase in the number of people affected by it.

- The high rate of teenage pregnancy was a matter for grave concern.
- Role players include parents, testers, government, community and children.

### ***Recommendations***

- Skills development projects should be organised for young people. These should include recreation, education and diversionary therapy.
- People must be allowed freedom of choice in their cultural practices.
- Boys and girls must be brought up in the same way, with no specific roles assigned to either sex.
- Programmes should be established for those who fail the test.
- Rights education must be encouraged so that everyone accepts a culture of equal rights and respect for one another.
- Government must assist testers fully.

### **Areas of Support**

- Girls were tested voluntarily; there was no coercion.
- They associate with other girls in accordance with the right to freedom of association.
- VT conforms to S12 (2) (c) for treatment to be done with informed consent. Pre-test information was given, so that girls know what testing entails.

### **Areas of Conflict**

- It was not clear that girls understood what consent means.
- There may be external pressure from the community.
- If the child cannot consent to sexual intercourse, how can she consent to testing?

- Parents have shifted their responsibility to a third person, the tester.

### **Obstacles**

- How do we know when we have contravened the constitution?
- Professionals were given permission to examine the genitals of individuals. Why were there restrictions on testers?
- There was little or no co-operation from social workers, particularly when sexual abuse had been discovered.

### **Problems**

- Testing was done in an open field, which reflected a disregard for human dignity.
- The testing itself contravened the right to privacy.
- The training of and qualifications for testers were not clear. They learned the practice by word of mouth.

### ***Recommendations***

- Form associations to standardise the testing method.
- Testers should take a binding oath of confidentiality and good behaviour, as other professionals were required to do.
- People must be aware of the legal implications of contravening the rules. These implications included penalties and imprisonment.
- Find alternatives to VT.
- Provide training on the Constitution and the Bill of Rights.

## **Gender Equality and VT**

- In both urban and rural settings, equality was not yet understood or supported.
- More responsibility was given to girls and women.
- Some religious institutions were supportive of VT, others were not.
- Sports and cultural activities were biased in favour of boys to the detriment of girls.
- Conflict was created by changes in culture.
- Gender equality in the work situation was not working for women, who were still subjected to victimisation.

## ***Recommendations***

- Gender equality should begin at home, where boys and girls should not be differentiated by the household chores they were expected to do.
- Testers should be external or should rotate.
- VT for boys should be increased.
- Manuals should be provided about VT, and registers of those tested should be kept. The Youth Commission, Youth Centres and community structures could provide funding for the manual.
- Organisations that provide VT should be listed and the list sent to the Standards Generating Body.
- Workshops should be organised for men and boys around the issues of gender sensitisation, HIV/AIDS and the myths around it.
- *Lobolo* must be a private concern.
- The mourning custom affects women only, and should be reviewed.

## Paediatrics and Virginity Testing

*Dr Neil McKerrow*

After extensive engagements on the procedures followed by virginity testers, the "Western method" was brought in to balance the equation. This method was illustrated by slide presentations by Dr. Neil McKerrow, a paediatrician involved in medico-legal child-abuse evidence. The slideshow presented different types of hymens. As a girl child grows older, the hymen (membrane) changes and it was a complex procedure to define its condition and status. Some girls were born without this membrane.

A range of conditions can lead to the rupturing of the hymen, among which were sporting activities or penetration by the penis, fingers and other objects. The hymen can rebuild or regenerate itself in some people.

**In effect, neither the absence nor the presence of the hymen was an absolute determinant of virginity.**

With some girls, the hymen may grow to the extent that the vaginal orifice (*iso*) gets hidden, necessitating the testers to touch the genitals so as to expose *iso*. If the testers were not equipped with the requisite skills, this could pose a health hazard. In the province, only two hospitals, Greys and Addington, provided training in the process for practitioners. Training lasted between one and two hours.

NB: After this presentation, there was some confusion about the hymen and *iso* among those involved in testing.

## Discussion

- This session led to constructive discussions and many questions were asked. In response to a question about how the courts establish certainty of rape, Dr McKerrow said that penetration was not the determinant, as



the hymen could break as a result of a variety of events. The presence of semen and possibly STDs (as one slide showed) always provided substantial evidence.

- The question of qualifications and oaths in the medical practice in relation to VT and rape cases was also discussed. It was obvious what qualifications were required to meet the court's need for a person to prove a case of rape. However, one did not need to be a medical practitioner, but should be fully conversant with the anatomy of the female genitalia. It was for that reason that nurses were undergoing training to give expert evidence in courts. This meant that virginity testers, if they displayed the requisite knowledge, underwent training and were approved by the relevant government department, could be useful in assessing young girls who had been abused.
- In contrast to VT, the Western method was guided by oaths that were taken on completion of training. If a person trained in this method did not behave according to the rules, that person was held accountable in law.

**JOINT PRESS STATEMENT  
OF THE  
COMMISSION ON GENDER EQUALITY,  
SOUTH AFRICAN HUMAN RIGHTS COMMISSION  
AND THE  
NATIONAL YOUTH COMMISSION**

**Commissioner Beatrice Ngcobo (CGE) and Neli Thejane (SAHRC)**

We, the Commission on Gender Equality (CGE), the South African Human Rights Commission (SAHRC) and the National Youth Commission (NYC) gathered here at Richards Bay at the Conference on Virginity Testing, are gravely concerned at the potential violation of Human Rights, gender equality and health issues by the practice of VT;

Recognising the importance of the constitutional provision for individuals to practise their culture, the importance of the African Renaissance and the concomitant importance of cultural revival, as well as the role of the South African as part of the global village;

Informed by our desire to achieve and protect equality in line with our different mandates, the CGE, the SAHRC and the NYC do not support the practice of VT as a cultural practice that potentially violates a number of rights entrenched in the Bill of Rights and in the international instruments ratified by our government. We hereby reaffirm the participatory process that resulted in the Constitution, a constitution made for us and to guide us.

We recognise that some of the reasons giving rise to the revival of VT, as highlighted during this Consultative Conference, need to be addressed, but not in the intrusive manner of VT. It is our constitutional and statutory mandate to promote and protect

the rights of all children, all women, young and old, as well as to promote the development of the youth in all areas of life. It is our conviction that every child has the right to be protected from mistreatment, abuse and degradation.

The practice of VT undermines human dignity, gender equality and youth development. We duly note that, although there is a claim that this practice is not only limited to the girl child, it has emerged that the intensity of the practice and the test itself is not the same for the boy child as it is for the girl child. This, in essence, promotes differential treatment of children based on their sex, which is gender discrimination. The fact that similar treatment is also extended to boys does not, therefore, mean that there is equality.

We do not support the practice of VT. We recognise the importance of engaging with people who hold opposing views and the need to create platforms where this can happen. The CGE, SAHRC and the NYC recognise the importance of the right of individuals to practise their culture. However, they note that this practice cannot be in contravention of other rights contained in the Bill of Rights, as the Constitution is the highest law of the land.

**We call on government, NGOs, CBOs, parents and young people to raise awareness on issues such as teenage pregnancy, child abuse, rape and the increasing spread of HIV/AIDS, especially among our youth, and to find solutions that are not as intrusive as virginity testing. We urge all stakeholders to adopt a holistic approach to address the social problems that plague our society, and which are detrimental to the dignity and health of the individual.**

## **CONCLUSION**

It was commendable that the majority of the speakers made proposals which did not differ greatly from those in the report given by the CGE. This on its own was an indication that continued consultative meetings and workshops had the potential to arrive at a consensus. It was not possible to take any resolutions in this regard, as the conference was indeed consultative.

The conference did not conclude the discussions on VT, nor was it intended to do so. It intended to advance discussions to another level - that of rights education by those involved in the area of rights. It is hoped that both the CGE and the SAHRC will facilitate the way forward for post-conference activities. The challenge remains with all those who take an interest in the practice, to make their contribution to ensure a collective outcome that is acceptable to an open and democratic society.