

The psycho-social legal harmful effects of virginity testing in South Africa

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Abstract

Notwithstanding that the Children's Act(CA), postulates for virginity testing, only when it is practiced within its regulations, the supreme law of South Africa, the Constitution enjoins that any law, tradition and practice has to be in accordance with its precepts. Virginity testing(VT) is an affront to the rights of dignity, equality and privacy of girls and young women who are subjected to it. Virginity testing as predominantly practiced by the Zulu-speaking nation in KwaZulu-Natal, is practised under duress and it cannot be allowed to continue, especially under the human rights orientated dispensation that is now 27 years in existence. The state and the communities shall be justified in protecting and prohibiting girls from this unjustifiable practice, which does not add any value to the participants and is flagrantly, discriminatory, humiliating, and patriarchal in nature. The paper thus shows the harmful effects of this practice in addition to the erosion of the rights that participants suffer.

Keywords: Constitution, dignity, equality, human rights, privacy, harmful effects, virginity testing.

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