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FEMICIDE

A CASE STUDY OF THE INTERNALISATION OF CEDAW IN SOUTH AFRICA AND BRAZIL

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Abstract

Femicide is defined as the killing of females on account of their gender; it is the most extreme manifestation of violence against women that violates human rights and protections. The international human rights regime has introduced significant laws and norms related to gender equality and protection against gender-based crimes. CEDAW is a comprehensive human rights instrument that guides the international agenda; this framework is supported by the Beijing Declaration and Platform for Action, the Sustainable Development Goals and DEVAW. Norm evolution is the process through which these international norms and standards are created, adopted and internalised within national and domestic contexts. This paper provides an evaluation of the norm process with specific focus on critiquing the internalisation of norms related to femicide and gender inequality in South Africa and Brazil. The international human rights regime has produced mixed normative success whereby it is imperative that international frameworks are amenable to the domestic normative contexts in which they operate. Although South Africa and Brazil have introduced transformative laws as well as internalised through community-based programs and initiatives, there is a greater need to transform the ways in which international norms are translated in the domestic sphere as there is a disconnect between national legislative aspirations and lived realities. This process must be evaluated and transformed in order to ensure effective impact translation and the successful internalisation of human rights norms.

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INTRODUCTION

“When you destroy a population, once femicide happens, we’re going to see the end of humanity, because I don’t know how you sustain a future without vitalised women.”

- Eve Ensler, 2011

Definitions

According to the World Health Organisation (WHO), femicide is “generally understood to involve intentional murder of women because they are women, broader definitions include any killings of women and girls” (WHO: 1). The broader definition of femicide will also be utilised in this research. As Nechama Brodie has discussed, the definition of femicide is not “clearly or universally defined and is still subject to a wide range of interpretations with the exception of several countries mostly in Latin America” (Brodie 2020: 15). As Diana Russell stated, at the International Tribunal on Crimes Against Women (1976); femicide is the “killing of females by males because they are female” (Russell 2011) thus femicide falls under gendered violence or gender-based violence (GBV) whereby the motivation for the crime is based on sex or gender. GBV is defined as violence that is related to both men and women “in which the female is usually the victim” (WHO 2009: 3) and arises due to unequal power relationships between men and women. Echoing the definition of femicide, the WHO further defines GBV as “violence directed specifically against a woman because she is a woman, or affects women disproportionately” (WHO 2009: 3). This encompasses varying degrees of harm in all spheres of society which is a result of unequal power relations between the sexes (WHO 2009: 3). ‘Violence against women’ (VAW) on the other hand is described as “any public or private act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty” (WHO 2009: 3). Therefore, GBV and VAW are closely interlinked and will thus be used interchangeably throughout this paper. It is also important to note that femicide is regarded as the most extreme manifestation of GBV or VAW.

Fatal violence against women, female homicide and femicide are gross human rights violations that plague the fabric of multiple and countless societies. Systemic gender inequality or gender stratification also called structural inequality present in institutions of education, economics and politics are catalysts for the manifestation of violence against women (VAW) (Anderson 1997). The presence of deeply entrenched gender inequality and discriminatory norms and attitudes provide an

environment in which violence against women festers. Mainstream International Relations (IR) theories have not typically examined the cultural and ideological links between political institutions, practices and international relations (Hooper 1999: 486). Femicide is a violation of human rights and a threat to human security; it is a political, legal and social matter of grave concern. Gender equality norms have been outlined by United Nation (UN) in the Committee on the Elimination of Discrimination Against Women (CEDAW) to provide international law that is aimed at combatting domestic-systemic gender inequality. Femicide is indeed a matter of international interest and urgency as Cynthia Enloe (2017) asserts that the “international is personal”. The research aims to provide a case study analysis of the internalisation of CEDAW in South Africa and Brazil to assess how each country has fared in adopting and internalising gender equality norms and how this has impacted their ability to combat femicide.

Femicide and Gender Equality in the International System

CEDAW has outlined various norms and guidelines for legislative change to combat gender inequality present in societies. As per the WHO; ‘Gender equality’ is defined as the “equal treatment of women and men in laws and policies and equal access to resources and services within families, communities and societies at large” (WHO 2009: 3). Thus ‘gender inequality’ is the absence of this equal treatment. ‘Gender stratification’ refers to the “inequalities between women and men regarding wealth, power, and privilege” (Danaj 2016: 1) in which gendered power relations and hierarchies operate to cause an “unequal division between men and women” (Danaj 2016: 1). Gender stratification can be illustrated through levels and “figures of unequal participation of women in the labour market, incomes, politics, and so on” (Danaj 2016: 1) therefore gender stratification can be regarded as structural or systemic gender inequality whereby women face unequal levels of inclusion, access to and participation within various sectors such as the economy, politics and education. Systemic gender inequality or gender stratification refer to the ways in which power, inclusion and opportunity are unequally distributed amongst men and women. CEDAW is focused on combating gender inequality and stratification in order to create domestic conditions in which women are able to enjoy equal rights and opportunities on the same level as men.

Finnemore and Sikkink (1998) outline the norm process and discuss the importance of studying norms (present in international law and society) which should be the focus of International Relations (IR). International institutions (IOs) have now become a matter of interest for scholars of IR (Finnemore and Sikkink 1998: 916). This paper will address norm evolution with reference to femicide and

systemic gender inequality in order to understand how CEDAW has been internalised which will reveal the implications of international versus domestic or societal norms. CEDAW's General Recommendation No. 19 protecting women and girls (females) from violence will also be addressed as the original document of CEDAW did not explicitly include VAW thus Recommendation No. 19 was introduced to fill this gap. Looking at the structure and workings of social, economic and educational institutions as well as the prevalence of femicide will help us understand whether international law is sufficient to address these issues and enable us to conduct a study that will identify how each country has internalised CEDAW.

Gendered power politics operate within social, economic, legal and political systems to produce gender inequality that aids in the perpetration of violence against women and femicide (Amor 2009). Power politics is a result of masculine politics (Hooper 1999: 490) by which male dominated spheres dictate the way in which women are treated and their degree of presence and participation in society. Ensuring and protecting the rights of women was placed firmly on the international agenda by the initiation of CEDAW through the UN in 1979. CEDAW is regarded as the most significant and comprehensive instrument of the UN to ensure the protection of women. Additionally, the guidelines and frameworks as stipulated in the Beijing Platform for Action and the Sustainable Development Goals (SDGs) that supersede the Millennium Development Goals (MDGs); particularly SDG 5 focussed on the achievement of gender equality (UN Women n.d.: 12) are related to and based on the guidelines and recommendations of CEDAW. However, in the Special Rapporteur on Women, Rashida Manjoo (2014) asserts that no specific provisions in the treaty binds states to the elimination of all forms of VAW including femicide. Only in 1992 did the CEDAW secretariat publish a recommendation that specifically addressed the issue of GBV (General Recommendation No. 19). The Beijing Conference in 1995 resulted in the Beijing Declaration and Platform for Action which is a significant landmark and further supported the discourse within CEDAW asserting that the rights of women are fundamental human rights (Brodie 2020: 63). The declaration specifically looked at VAW within its framework and stipulated objectives for the prevention and elimination of VAW and its causes (Brodie 2020: 63). Thus, in addition to CEDAW (1979), the Declaration on the Elimination of Violence Against Women – DEVAW (1993) as outlined by the UN General Assembly, the Beijing Platform for Action (1995) and the Sustainable Development Goals (SDGs) (2012) culminate to reveal the international agenda against femicide, VAW and systemic gender inequality. CEDAW, as the only binding international instrument will be the central focus of this research whereby the SDGs, Beijing Platform for Action and DEVAW are aimed at reinforcing guidelines within CEDAW. The conceptual framework (norm evolution) will be used to present, analyse and discuss the workings of international law within

the domestic contexts by identifying the norms that are present in CEDAW and assessing how they have been internalised within national frameworks and domestic contexts in order to conduct a comparative case study.

States who have acceded to and ratified CEDAW, the Beijing Platform for Action and/or committed to achieving the SDGs should be proactively addressing the issue of GBV of which femicide is a major crime and addressing gender inequality within political, educational and economic spheres. This research is interested in understanding how Brazil and South Africa have performed in terms of internalising CEDAW and its binding commitments towards introducing legislation and frameworks to combat gender inequality, violence against women and femicide (addressed in General Recommendation No. 19) . It is essential to critically evaluate the norm evolution process in relation to the human rights regime as outlined by the UN in CEDAW as human rights abuses in the developing world seem most intractable.

Case Study Research

The research will make use of a comparative case study to gain holistic understandings and insights about structural processes in society that work to cause observed outcomes (Lamont 2015: 16). South Africa and Brazil are connected through the economic bloc and alliance of BRICS (Brazil, Russia, India, China, and South Africa) thus making both countries economic allies within the international sphere. Although South Africa and Brazil are signatories to and have ratified CEDAW; there are significant and varying rates of femicide in each country. In South Africa, it was estimated by the UNODC that in 2018 there were approximately 9.4 female homicides per 100 000 women (UNODC 2019). According to a study conducted in 2019, in Brazil there were approximately 1.3 femicides per 100 000 women (Statista 2020) which saw an increase from the 2018 figure which sat at 1.2 femicides per 100 000 women (Statista 2020). Thus, South Africa has significantly higher rates of femicide than Brazil. Regionally, it was found that Brazil has the highest number of annual femicides within Latin America. It is interesting that despite sustained international and regional efforts to eradicate femicide and gender inequality; the problem persists.

According to Lipson, case studies provide detailed investigations and analyses of specific “events, actors and relationships” (Lamont 2015: 128) where in this case, femicide in South Africa and Brazil will be studied to assess the internalisation of the UN’s CEDAW as the most comprehensive human

rights instrument for women that outlines gender equality norms as well as norms related to VAW. The research is focused on the empirical investigation of gender equality norms and looking at their interaction within domestic spheres to investigate how each country has internalised CEDAW. South Africa is of critical importance as it has one of the highest and most alarming rates of femicide in the world. Being a researcher situated in the country, I am deeply interested in understanding femicide and gender stratification in our country and the developing world. In doing so, the research may inform policy change and add to initiatives present that deal with femicide. Brazil on the other hand, has significantly lower rates of femicide than South Africa. Unlike South Africa, Brazil has explicit law against femicide (Global Americans 2021) however VAW is still suspected to be rife and increasing (Global Americans 2021). According to Milleo (2019) discrimination against women in Brazil is prevalent in the economy, politics and government which creates a culture that views and treats women as inferior to men. South Africa differs in this case whereby there are higher rates of gender equality in institutions yet the country experiences significantly higher rates of femicide. It is recognised that the research will be difficult to replicate (quantitatively) however the case studies will provide useful insights in the explanation of femicide and internalisation of CEDAW.

The motivation for choosing Brazil as the second case study stems from the contrast in femicide rates and the presence of explicit anti-femicide law (absent in South Africa). Additionally, both countries are situated in the 'Global South' which consists of Central and South America, Africa, the Caribbean as well as Central and South Asia (Brodie 2020: 184). According to Brodie (2020), there are "commonalities in patterns of murder between Brazil and South Africa" (Brodie 2020: 184) which stems from the countries having similarities in economic and political contexts and these are further entrenched through discourse surrounding race relations and a common history of colonialism (Brodie 2020: 184). Both countries represent varying levels of femicide in the developing world and thus the levels of inequality within each domestic context make for an interesting comparative case study to identify how each country has interacted with and internalised CEDAW to determine whether international law and norms are effectively internalised in the developing world.

Gender norms and attitudes toward women are of critical importance to assess the effectiveness of the UN and the global human rights regime therefore norm evolution theory will form the basis of our conceptual framework to assess the internalisation of international law within domestic contexts. Gender inequality arises through and is maintained by social norms as well as institutional and structural barriers which are the drivers of violence against women and femicide. The conceptual

framework of norm evolution that traces the creation and evolution of norms to be translated within domestic contexts will be utilised throughout the paper to determine if international norms have been internalised into national successful internalisation. The overarching research question will be presented below:

Research Question

Research question: to assess UN norms on gender equality and their interaction within domestic spheres to understand how Brazil and South Africa have fared in the internalisation of CEDAW with regards to rates of femicide.

This will determine whether the UN and norms related to the human rights regime have had an impact (if any) on national laws and policies concerning femicide and gender inequality.

- Indicator 1: Political Empowerment of Women
- Indicator 2: Educational Enrolment and Inclusion of Women and Girls
- Indicator 3: Economic Participation, Inclusion and Opportunity
- Indicator 4: Domestic and Interpersonal Violence and Femicide

The above-mentioned indicators will be used to compare and contrast South Africa and Brazil's internalisation of norms as outlined by CEDAW to identify which country has fared better in the internalisation of the obligations and commitments outlined by the committee.

Methodology

The research is situated within the post-positivist approach in IR through which there will be a focus on understanding norms present in international and domestic politics (Lamont 2015: 19) in order to identify how the human rights regime (CEDAW) has been internalised by contrasting laws and policies present (to fulfil the adoption of a norm) versus lived realities presented in the form of statistics related to equality and violence against women and girls. The analysis of systemic gender inequality will be assessed through domestic and international legislation and constitutions that will form part of an empirical explanatory discourse explaining systemic gender inequality and femicide. This will enable us to not only critique the UN's CEDAW but also gain critical insight and understanding into the shortcomings of attempted norm change to transform systemic gender inequality and eradicate femicide. In order to conduct an effective analysis of norm change and its interactions within domestic

contexts of present gender inequality, the International Norm Dynamics Model outlined by Finnemore and Sikkink (1998) will be used as a guide to measure the extent to which international norms and laws have been internalised within the domestic context. For the analysis of norms, qualitative data collection and analysis is most suited as laws and norms cannot be measured by scientific indicators. The study will utilise the norm realisation model to identify laws and policy changes relevant to gender equality and femicide which will be compared against the international instruments and guidelines that have been measured. The UN and its global human rights regime (CEDAW) will be critically assessed in this analysis guided by this particular framework. Broadly, internet and document-based research will be used to give the study an opportunity to address a wide range of data (Lamont 2015: 79). The use of official documents such as laws, constitutions and policy documents will be used for content and discourse analysis (Lamont 2015: 80) which will further broaden the scope of the study.

When assessing the effectiveness of the UN as a leading international organisation (IO) and its treatment of human rights, archival and document-based research is essential (Lamon 2015: 80). Thus, the UN's website provides a comprehensive platform to access the international instruments as well as treaties, progress reports, legislation and reports thereof. Addressing norms and legislation within the domestic contexts of the case studies will be conducted through access to governmental websites that provide information on the constitution, laws and legislation, reports and policy directives will enable the study to analyse a wide range of data. These various documents are crucial as they provide a holistic insight into both laws and norms related to femicide as well as systemic gender inequality. These modes of research and data collection fall under the qualitative stem of study in IR. Thus, a mixed-method approach will be used to provide holistic data collection through which the analysis of femicide will be more complete in order to understand the UN's effectiveness as a leading IO. This will enable us to gather more research on the topic. Statistics such as femicide rates, female homicide, rates of employment of women, their political participation and representation and levels of educational attainment will be used. Statistics attained from the latest UN studies as well as studies conducted by the World Economic Forum will provide useful and up-to-date statistics. These figures will be measured against available figures within each country's system such as the South African Police Service records. This quantitative data will be used to understand and scrutinise levels of equality (or inequality) within each country of interest. Internet based research to access scholarly published material in the form of journal articles, studies, reviews and books (Lamont 2015: 87) will be especially useful in assessing the theoretical component of the study as well as existing work that has been conducted.

The paper will make use of a comparative case study to investigate the internalisation of CEDAW in order to determine how each country has fared to increase gender equality and eradicate femicide. The research will be limited in terms of scope as the case studies are unique and will therefore be unable to define all cases of femicide (Lamont 2015: 127) however by looking at the outcomes of this study we will reach significant conclusions that will infer gender inequality and ineffective internalisation of norms as significantly linked to femicide. This conclusion in itself may then be applied to further case studies. Case selection was guided by both South Africa and Brazil being signatories of CEDAW and case study motivations have been discussed in detail in the above section. Additionally, South Africa and Brazil are connected through BRICS by which both countries are economic allies and seek to strengthen their political ties thus making their relationship an interesting one to compare. Brazil signed CEDAW in 1981 and ratification/accension occurred in 1984 whereas South Africa signed in 1993 and ratified the treaty in 1995 (OHCHR Dashboard). According to the Gender Gap Report (2020) curated by the World Economic Forum; SA ranks number 17 on the gender parity index with a score of 0.708 whereas Brazil ranks 92 with a score of 0.691 which describes and indicates the levels of equality that have been achieved within the following areas; economic, political, health and educational sectors (World Economic Forum 2020: 8). These indicators are directly relevant and related to this study. It would therefore be interesting to explore why is it that South Africa is ahead of Brazil (by 0.017 points) on the gender parity index but continues to have a significantly higher rate of femicide. Do we owe this to differences in population size or attribute it to Brazil having specified anti-femicide law? Looking at the norm process may explain this difference. Laws and policies in Brazil will be analysed using verified and trustworthy secondary sources in the translation from Portuguese to English.

The research will make use of the UN's Worlds Women Report (2020) and the Global Gender Gap Report (2020) provided by the World Economic Forum as guiding documents for the accumulation of statistics and data to be analysed regarding the internalisation of norms. These reports are the latest, and most comprehensive data collections on statistics that relate to trends on gender equality and VAW thus they will guide the data collection however these figures will be compared against studies produced in the countries to ensure validity. These figures will be analysed by comparing and contrasting both case studies to determine which country has fared better in the achievement of equality within the separate indicators. Norms will be measured using the conceptual framework in which information will be present from the UN report as well as traced through a qualitative analysis of laws, policy and legislation that have been adopted (or not) as per the stipulations of the international and regional instruments.

It is recognised that the research has particular limitations as there still is growing literature, data, information and research on femicide. Related to data, it is true that there may be significant gaps when looking at gender related indicators and due to the nature of the case studies the research will be difficult to replicate as well as it being difficult to have full and complete access to all databases and archives (Lamont 2015: 82) especially in this particular area of interest. Insights gained through the research may only be based, in terms of data, on what has been accurately and effectively recorded thus gaps in data do exist as many cases of femicide go undetected. Studies on norms and norm compliance are a new and growing field in IR thus this research aims to contribute to the growing literature and knowledge on norms with reference to femicide and the UN as important for the agenda of IR. The topic of femicide is indeed a matter of interest to IR scholars seeking to analyse and critique IOs and the global human rights regime in the fulfilment of their mandate. It will provide policy recommendations whereby a holistic approach to femicide is needed.

LITERATURE REVIEW

Introduction

In their brief introduction to Feminism in IR, chapter 10 of *International Relations Theories* edited by Dunne, Kurki and Smith (2016); Tickner and Sjoberg discuss the early feminist perspectives that have emerged within IR. The late 1980s and early 1990s saw the emergence of feminist theories as a critical branch within the field of IR (Tickner and Sjoberg 2016: 179). This initial introduction argued for a gendered lens that is essential to aid the understanding of global politics whereby the subordination of women is present in global politics and economics (Tickner and Sjoberg 2016:179). Unlike the traditional assumptions of Realism in IR which place state behaviour at the centre whereby human rights interests and discussions may only be present based on national interests and motivations of the state, IR feminist theories focus on social relations that are influenced by gendered hierarchies and institutions which underpin international and national systems (Tickner and Sjoberg 2016: 182).

Gryzb et al. (2018) state that it is vital to define a social problem specifically in order to formulate effective solutions and ways to combat it, thus clearly defining femicide is an important part of this research whereby understanding the severity, causes and dimensions of the crime enable us to compose effective solutions. Diana Russell first used the term 'femicide' in 1976 and described it as the "killing of females by males because they are female" (Russell 2011). Femicide is underscored by the aggressions of men which manifest in the social, national and global sphere (Gryzb et al. 2018: 18); femicide is described as 'intentional violence'. Messerschmidt (2017) echoes these descriptions and

defines femicide as “the intentional killing of girls and women by boys and men because the victims are girls and women” (71) and calls for analysing unequal gender relations to understand why femicide occurs. Marcela Lagarde y de los Rios (2008) pioneered the term ‘feminicidio’ as a theoretical framework to explain and describe the rise in extreme VAW and killings of women in Latin America. The definition of femicide was also focused on impunity whereby state failure to effectively deal with femicide was seen to further entrench GBV. GBV, like femicide is defined to encompass and refer to harmful acts which are perpetrated against an individual whereby these acts are based on their gender (UNHCR). GBV is related to gender inequality, the abuse of power and norms that are harmful within a society (UNHCR). There are various types of GBV such as harm or abuse, inflicted in either the public or private arena; sexual, mental, physical and economic harm (UNHCR). Furthermore, GBV is defined as coercion, manipulation, threats of violence, intimate partner violence, child marriage, female genital mutilation and honour crimes (UNHCR). Thus, GBV is a broad term encompassing various forms of violence which are a violation of human rights and a threat to an individual’s security. Framing femicide in this way is significant as it shows femicide as a crime that is not dealt with effectively by the government. There are various types and forms of femicide which depict the multiples ways in which women are exposed to and experience violence. The term ‘feminicidio’ gives femicide a political and legal dimension thus enabling us to understand that it is essential to analyse the effectiveness of governments and their national frameworks to address the crime.

Femicide and Gender Inequality Discourse

Feminist IR is rooted within feminist theory which aims to uncover and understand unequal gender relations and structures that deter women’s access to security and opportunity and seeks to suggest various ways in which we may eliminate these injustices and gendered hierarchies (Tickner 2001: 4). Unlike conventional IR theories (like Realism that is state focused), Tickner states that feminist IR is “grounded in humanist accounts of social relations, especially gender relations” (Tickner 2001: 4). Anderson (1997) looked at feminist approaches to gender and domestic violence and found that structural inequality influenced violence against women in societies. Cockburn (2004) discussed the cycle of violence whereby gender relations are interlinked and interact within power hierarchies which affect the ways in which women experience GBV therefore, gendered power dynamics play a role in the perpetration of femicide through the subordination and oppression of women. Widyono (2008) deals with the identification of gaps in research whereby additional research is needed to explore the risk factors and causes of femicide as well as an assessment of the success of interventions aimed at preventing it (Widyono 2008: 19). Russell (2008) echoes this notion that research conducted on femicide will become useful to combat and eradicate it (Russell 2008: 30).

Rosenberg (2009) offers a position that perspectives to address the social and economic exclusion of women are essential to understanding gender equality as the exclusion of women affects the attainment of gender equality which increases female vulnerability and risk to violence. Titterington (2006) conducted an analysis of violence against women and found that the highest rates of victimisation and violence against women were in contexts where women lacked “power, status and financial resources” (Titterington 2006: 208) and were “legally, socioeconomically and politically disadvantaged” (Titterington 2006: 208).

Manjoo (2011) has asserted that GBV (including femicide) is a form of discrimination against women whereby VAW is constituted by “multiple and intersecting forms of discrimination (which) have contributed to and exacerbated violence against women” (Manjoo 2011: 1). These forms of discrimination exist in the private and public sphere whereby there are inequalities between men and women in politics, education, health, society and the economy. Taylor and Jasinski (2011) consider VAW as a result of gendered hierarchies in which the relations within a society are determined by power, domination and gender (Taylor and Jasinski 2011: 342). The study found that higher femicide rates occur in contexts with greater or higher levels of gender inequality (Taylor and Jasinski 2011). Jahan (2018) situates low levels or lack of female empowerment within gender inequality whereby VAW is described as both a cause and consequence of it. Discriminatory laws and social norms that exclude and discriminate against women by means of limiting access to education, not allowing women to be active members within the economy (work) and stifling their right to political inclusion and rights form part of gender inequality which causes VAW (Jahan 2018). According to Jahan (2018) femicide and VAW are interlinked with gender inequality wherein both operate within a cycle that discriminates against women. Aizer (2010) found that in cases of intimate partner femicide, femicide of this type was affected by the gender wage gap whereby the improvement of a woman’s economic status through increases in pay and decreases in wage gaps reduces VAW. Increases in economic empowerment were therefore found to decrease the risk of VAW. Related to this, Harney (2011) states that women face an increased risk of violence in situations of economic hardship, discrimination and oppression.

Yodanis (2004) looked at sexual violence (which may result in femicide) and found that levels of education and occupations of women are related to (sexual) violence whereby in countries where the status of women (high gender inequality) was low, the occurrence of sexual violence was higher. In relation to education; Vives-Cases et al. (2011), Okunda et al. (2015) and Abramsky et al. (2011) found

that increases in levels of education for both men and women reduced the risk of intimate partner femicide. Flood and Pease (2009) looked at attitudes towards VAW and found evidence that higher levels of education and equality in education lead to progressive societies in which the likelihood or risk of femicide and VAW is significantly decreased. Cited within this research are De Judicibus and McCabe (2001), Foulis and McCabe (1997) and Nagel et al. (2005) that found the same within their studies. Additionally, the studies recognise the role that policy and law play in the reduction of VAW therefore in this research we aim to assess whether this is significant to introduce meaningful protections and change in regards to femicide and gender inequality. Although these studies are relevant to show that gender inequality is a contributing factor to femicide and the vulnerability of women, it is essential that we do not accept this as universally applicable as VAW is still present in more gender equal societies.

Messerschmidt (2017) provides a model of masculinity that works to enforce and legitimate unequal gendered power relations which relates to norms whereby social and cultural settings dictate the types or forms of masculinity present in each society. Connell (1987) looks at how gender inequality is produced through the social constructions of masculinities and femininities whereby hegemonic masculinity works to enforce and legitimate unequal gender relations between men and women. Masculinity presents itself through an entrenched gender ideology that intersect with class, race, sexuality, age and ethnicity (Kimmel 2001). Through these various aspects of identity, masculinity is presented whereby individuals are categorised to produce discourse and notions on the meaning of what it means to be a man or a woman (Kimmel 2001). However, it must be noted that conceptions on masculinity will differ in every country as within those countries' masculinities are constructed through socio-economic standing, patterns of politics and cultural or religious settings. Sikweyiya et al. (2020) state that traditional notions on masculinity are informed by social, cultural and religious factors (rooted in patriarchy) which are used to rationalise and normalise VAW. Masculinity and hegemonic masculinities are the ways in which men express and assert power and domination over women (Sikweyiya et al. 2020). In addition to the discourse on masculinity, 'machismo' is closely related whereby it is a term within Latin America that refers to a culture in which masculinity is expressed through men assuming roles of domination and women are compelled and expected to assume submissive roles (Novas 1994). The conceptions of masculinities provide for significant risk factors in the causes of femicide whereby the male identity is often expressed through violence which is fatal for women. Masculinities are created and sustained in the domestic sphere whereby both males and females are socialised to exercise certain and specific patterns of behaviour to fulfil assigned gender roles.

Radford and Russell (1992) assert that there are multiple causes of femicide that are rooted in deeply unequal gender relations and patriarchy. Walby (1989) conceptualises patriarchy as a “system of social structures and practices in which men dominate, oppress and exploit women” (Walby 1989: 214). Patriarchy informs the underpinnings of society thus is it a useful tool to analyse and understand gender relations whereby it filters into all structures of society whereby male violence is closely connected to patriarchy (Walby 1989). Patriarchal culture in family and domestic relations construct gendered hierarchies which affect women’s vulnerabilities including favouring boy children over girls, obsession with the ‘sexual virtue’ and conceptions of virginity and sexual purity of a woman and allowing men to dominate in the home and a woman to assume a submissive role. “Patriarchal social structures that promote gender stratification and inequality and sanction female resistance against gender mores and expectations” (Adinkrah 2001: 298). Adams (2007) and Goussinsky and Yassour-Borochowitz (2012) provide explanations for domestic violence whereby notions around power and control legitimate men physically abusing their partners due to feelings around sexual jealousy or possessiveness that are underpinned by patriarchy. Furthermore, Kalra and Bhugra (2013) discuss that violence festers in cultures and societies where there is male domination over women which manifests in the socialisation of gender roles that is further entrenched through patriarchy.

‘Honour femicide’ or ‘honour killings’ is a form of femicide whereby females are killed by male family members when there has been an alleged dishonour brought onto the family which is based on beliefs surrounding sexual purity. Women are responsible for their family’s honour; if a woman or girl engages in any act that will bring shame to her family, in some communities she is subject to femicide (Dogan 2016 and Gryzb 2016). These ideas around sexual purity and honour are formed at the community level whereby the family of the slain woman/girl wish to restore their ‘status’ within a specific social or cultural setting (Gill et al. 2014 and Begikhani et al. 2015). This type of femicide is based on and centred around the control of women’s bodies by men whereby bodily integrity and respect are not afforded to women. This is an additional expression of power, control and domination over females whereby the actions of women are policed and should they deter from social, cultural or religious norms; the consequence is death. Men use this violence as a means through which they can maintain the domination of men over women in line with the patriarchal cultural or social order (Faqir 2001). Norms around sexuality, chastity and purity underpin gender relations whereby women’s honour is connected to her behaviour and oftentimes femicides occur due to rumours or assumptions being made about a woman’s ‘sexual purity’ (Faqir 2001). The association of family honour and prestige is connected to the virginity and sexual purity of women in the family which poses a risk factor for femicide.

Rights-Based Approaches to International Law

According to Copelon (1994), the international human rights regime has advocated for the eradication of VAW within its discourse by attempting to shift the status and position of women (referring to gender inequality) and GBV linked to or caused by present inequalities (Copelon 1994: 291). Helen Hintjens (2008) discusses the human-rights based approach for the advancement of women's rights within the frameworks of the UN conventions that hold states accountable to fulfil legal obligations (Hintjens 2008: 1181). CEDAW and the United Nations Development Fund for Women (UNIFEM) are the catalysts for advancing women's rights and ensuring that governments fulfil their obligations to "promote, protect and fulfil equal rights of men and women in their own jurisdictions" (Hintjens 2008: 1181). This directly relates to this research of which the aim is to identify whether gender equality laws and norms have been internalised to fulfil state obligations under CEDAW as a key international human rights treaty. State obligations under these international covenants and laws are underpinned by the responsibility to introduce legislative change, provide for an increased protection of rights as well as activities, programmes and initiatives that go beyond the law to ensure that the protection of women and girls against violence and harm is translated as an attitude into society. This may be done through community educational programmes, transforming schooling systems and various initiatives at the societal level to entrench and support legislative and policy transformation. The research will analyse both CEDAW and the Beijing Declaration together with the SDGs to determine how South Africa and Brazil have internalised CEDAW and carried out its gender equality mandate. A rights-based approach is useful for looking at and monitoring compliance to international instruments and is successful in framing femicide as a grave human rights violation and extreme as well as detrimental form of VAW.

Cornwall and Molyneux (2006) offer a critique of rights-based approaches and directly mention Latin America and Africa as experiencing struggles related to the implementation of "formal rights" (Cornwall and Molyneux 2006: 1175). The intersections and mixing between domestic conditions of women which reveal entrenched attitudes towards women and gender equality that are present in social, legal and cultural systems will lead us to question whether the international instruments focused on human rights and particularly the rights of women are effective (Cornwall and Molyneux 2006: 1175). The research will be situated within this critique whereby we are to question and analyse whether CEDAW and other various human rights guidelines have been effectively internalised within the domestic context. Cornwall and Molyneux further argue that law and legal reform are not the only avenues through which social transformation may take place; societal contexts are shaped and influenced by social, political and cultural practices (Cornwall and Molyneux 2006: 1182). Thus, the

internalisation of norms at a domestic or societal level is intrinsic to ensure impactful translation of a norm to complete the norm process. This research aims to address these practices and beliefs in order to contribute to this fairly new perspective that legal frameworks do not guarantee a transformation as gender related issues are further shaped by social and cultural contexts which must be addressed in order for the creation of law that is suited to specific contexts and phenomena. An additional critique is related to the divide between Western versus non-Western countries or the developed versus developing countries where human rights law and rights-based approaches are seen to become “directly relevant to individuals” (Charlesworth et al. 1991: 614). Although rights-based approaches are useful as they relate to individuals, there is a division between developed and developing nations as principles of international law are universalistic by nature (Charlesworth et al. 1991: 616). This approach is relevant to the research as we aim to look at the impact or effectiveness of the CEDAW and the UN (in relation to femicide and gender equality) in developing nations (South Africa and Brazil).

The Ecological Approach

Kouta et al. (2018) outline the approach suggested as suitable in dealing with femicide by the WHO; the ecological approach. The ecological approach is useful as it analyses norms in order to understand the norms that aid in the perpetration of VAW and various factors that affect the security and human rights of women (Kouta et al. 2018: 54). It requires that specific conditions are analysed such as social, cultural and economic factors that can affect the risk of violence therefore the ecological approach better informs policy as it looks at the domestic conditions present in order to identify the various risk factors associated with femicide (Kouta et al. 2018: 61). Michau et al. (2015) discuss the various ways in which violence against women and girls may be prevented using the ecological framework coined by Heise (1998 and updated in 2011) that looks at gendered-power inequalities at various levels within a society; social, cultural, political and institutional contexts (Michau et al. 2015: 1672). According to research that is based off the ecological model, VAW (and girls) works within and is interconnected through various spheres thus research and prevention models must look at the ways in which these interact. Michau et al. argue that the process of preventing VAW includes the increased economic and political participation and inclusion of women as essential to combat gender inequality as a cause of VAW (which includes femicide) (Michau et al. 2015: 1672). A holistic approach is therefore complementary to the ecological model whereby VAW can be explained by underlying factors that are present within unequal gender-power relations (Michau et al. 2015: 1672). According to Michau et al. (2015) norms surrounding gender and gendered power relations are the causes of VAW thus it is

critical to pay attention to discriminatory laws, norms and contexts as the eradication of gender inequality will enable us to see shifts in VAW (Michau et al. 2015: 1681).

The Holistic Approach

Manjoo (2011) provides a detailed explanation of the holistic approach by addressing the causes and consequences of GBV and discrimination against women which are all interlinked (Manjoo 2011: 1). Gender discrimination/stratification/inequality are interconnected with and form part of the causes of VAW of which femicide is the worst manifestation. Manjoo also recognises that CEDAW, through its General Recommendation No. 19, which defines GBV, has addressed the “impact of intersecting forms of discrimination against women and its nexus with gender-based violence” (Manjoo 2011: 7). This shows that gender inequality has been found as a nexus to femicide. VAW is a result of the interconnection between a variety of factors whereby women are at risk of violence, of different degrees, in the “individual, family, community and social” (Manjoo 2011: 8) levels. Therefore labour, economic position, level of education and access to political participation contribute to the causes of femicide as these factors increase a woman’s vulnerability (Manjoo 2011: 8). The holistic approach looks at the advocacy for the economic independence and social, political and human rights empowerment of women as avenues through which VAW can be decreased (Manjoo 2011: 13). The holistic approach allows for the change of legislative, policy and social norms regarding gender inequality and VAW where particular domestic contexts and conditions are recognised which indeed play a significant role in affecting gender equality. This is also helpful when analysing human rights treaties because we are able to understand the various nuances and identify the interconnection and “indivisibility of civil, political, economic, social and cultural rights; it situates violence against women on a continuum of violence and acknowledges the structural aspects and factors of discrimination which includes structural and institutional inequalities; and it analyses social and/or economic hierarchies between men and women and also among women” (Manjoo 2011: 21).

Successful Ways to Combat Femicide: a Brief Explanation

Although femicide is deemed a difficult crime to combat, there are examples whereby measures taken to combat femicide have been successful. Accounts of femicide have discussed that it cannot be solely combatted through law and international instruments whereby prevention measures to combat femicide must include public awareness and education programs to address femicide at the governmental, societal, domestic and international level (UNODC 2014: 6). This involves the internalisation of a norm at the societal level wherein such socialisation enables norms to have an

increased impact. Focusing on local level interventions within the government was found to be the most successful way to combat femicide (UNODC 2014: 7). Sweden has compiled a framework that gives police and law enforcement information and strategies on how to identify violence against women and ways to approach or deal with these situations which includes detailed processes on how to address specific crimes such as honour crimes (UNODC 2014: 10). In the Netherlands, 'Safe Houses' (UNODC 2014: 10) have been created to combat VAW and girls by encouraging an approach to femicide that includes multi-level actors (UNODC 2014: 10).

The importance of legal reform is still encouraged and relevant as was seen in Latin America as a successful measure to combat femicide (UNODC 2014: 12). According to Franceshet (2010), law was successfully implemented and adopted in Chile whereby policy implementation was effective due to their strong and committed government therefore in order for laws and legislation to lead to effective change, it is imperative that the state supports and fully implements all adopted frameworks. It is essential that victims of violence are given access to justice and that femicide is severely punished. Additionally, Chile has established in its legislative, that the 19th of December is the 'National Day Against Femicide' which works in conjunction with the UN's 'Spotlight Initiative' to raise awareness about VAW and violence prevention (Kennon and Valdevitt 2020). The importance of legal instruments must not be underplayed as they form part of the essential framework central to combatting femicide and promotes the norm process which motivates action. Latin America is the leading region in the issue of legislation against femicide (Lennon and Valdevitt 2020). Panama, Mexico and Honduras have laws outlawing and addressing femicide as well as more severe and longer punishments which are positive and significant measures taken to combat femicide (Kennon and Valdevitt 2020).

CONCEPTUAL FRAMEWORK: NORM EVOLUTION MODEL AND THE INTERNATIONAL INSTRUMENTS

Femicide and gender equality have been placed on the international agenda as global objectives and Zwingel (2013) has asserted that over the last few decades, norms surrounding gender equality have become an intrinsic consideration in institutions of global governance (Zwingel 2013: 111) therefore norm evolution and the study of its internalisation into domestic contexts is imperative to assess the role of CEDAW in effective norm change with reference to combating femicide and eradicating gender

inequality. Finnemore and Sikkink's International Norm Dynamics and Political Change model and Zwingel's theory of Translating international women's rights norms: CEDAW in Context provide a useful conceptual framework that will aid the study in our understanding of how international law influences politics and the ways in which states and individuals choose to act. Zwingel's theories of 'Translating International Women's Rights Norms: CEDAW in Context' (2013) and the 2021 theory, 'How Do Norms Travel? Theorizing International Women's Rights in Transnational Perspective' provide a useful conceptual framework that will aid the study in understanding how international law influences politics and the ways in which states and individuals choose to act. In Zwingel's 2013 paper, Zwingel addresses the issues of global discourse translation versus impact translation which involve the integration of norms global discourse and the manner in which to deal with international norms in domestic contexts respectively (Zwingel 2013). Impact translation is seen as an incomplete process (Zwingel 2013) due to differences in the level of domestic translation and effective use of CEDAW. Impact translation with reference to global gender rights regimes are affected by "other normative and material settings" (Zwingel 202: 125) in which they are to operate. This is powerful and relevant to the study as we aim to assess whether the adoption (or translation) of CEDAW as an international norm has been relevant in the domestic context.

Additionally, Zwingel's 2012 paper provides a relevant critique of the international human rights regime as well as Finnemore and Sikkink's norm evolutionary model. The theory questions whether the international positive outcomes of the international human rights regime have introduced actual and relevant change to advance legal, political and socio-economic status and equality of women (Zwingel 2012: 115). Thus, Zwingel critiques Finnemore and Sikkink's model as being overly internationalist by nature whereby the domestic dynamics of norm creation and realisation is severely underestimated (Zwingel 2012: 118). This critique is relevant as norms do not operate in isolation; it is inevitable that international norms (global human rights regime) will come into contact with and face domestic norms and conditions. Zwingel asserts that we cannot view the international, domestic and local as separate spheres whereby we assume the international is the most powerful; we cannot assume that ratification of a norm will produce impact as the international human rights regime operates within other normative contexts (Zwingel 2012: 120 - 121). Thus, in order to ensure the successful implementation and realisation of CEDAW; international, domestic and local contexts need to work in sync to ensure that international norms are effectively internalised to become lived realities.

CEDAW is significant as it was the first gender-focused and gender sensitive international human rights instrument to address gender equality with the aim of eliminating all forms of discrimination against women (Zwingel 2013: 116). Although femicide and VAW have gained momentum on the international agenda, it is imperative that we question what international laws, treaties, platforms and instruments are present to specifically deal with femicide, VAW and gender stratification. Important guidelines, laws and documents such as a country's constitution or the Universal Declaration of Human Rights (UDHR) of 1948, fail to address gender-specific issues as rights are 'gender neutral' and afforded to all people regardless of gender (Hellum and Aasen 2013: 1). Although these instruments are significant in affording all human beings with equal rights (Hellum and Aasen 2013: 1) this tends to ignore or side-line specific issues and crimes that are perpetrated against females therefore frameworks dealing specifically with the protection of women and advancement of gender equality are essential to any study on a gender specific issue.

Significance of Domestic Norms

Finnemore and Sikkink recognise that domestic norms are of relevance as they are described as being connected to and "entwined with the workings of international norms" (Finnemore and Sikkink 1998: 893). Thus, the research will look at the interactions between international and domestic norms. Laws stipulated for the protection of women against femicide and gender stratification in the international system through CEDAW interact within the domestic sphere to produce successful (or unsuccessful) internalisation of a norm which determines whether norms are successfully filtered and internalised into the domestic context. Within the global sphere, CEDAW is the international instrument that addresses gender inequality and VAW whereas in the national and local spheres, the research aims to trace how CEDAW has been translated. An example of this would be that within the national sphere, Brazil has implemented a law against femicide (VAW) (Global Americans 2021) which guides the national attitude towards VAW however this may be contrasted within local contexts whereby in some communities VAW may be condoned. Therefore, global norms are dependent upon the contexts in which they interact (Zwingel 2013: 113). In developing states such as South Africa and Brazil, norms stipulated within CEDAW may be universalistic or Western by nature whereby every norm should be tailored to and negotiated within the domestic context in which it is to operate (Zwingel 2013: 113). Successful norm and policy change depends upon the workings of domestic conditions therefore the issue with international norms and their influence in the domestic sphere rests on the presence of domestic norms and attitudes. Gender equality and the protection of women against femicide have emerged as international norms however the research is concerned as to whether this has been effectively internalised in domestic contexts. The conceptual framework will aid in the analysis of the

implementation of norms at the international and national level to assess how South Africa and Brazil have internalised CEDAW to reduce gender inequality and combat femicide.

Stage One: Norm Emergence

The first stage of the norm evolution cycle involves the emergence of a norm through promotion by the norm entrepreneur through various organizational platforms (CEDAW) through which they promote the norm (Finnemore and Sikkink 1998: 897 – 899). The 1960s saw an emergence of a growing awareness of the various forms of discrimination against women which led to a rise in the number of organisations aimed at combating the effect of discrimination and violence (UN Department of Public Information 2009). Thus, the initial norm entrepreneur of CEDAW were those social movements and domestic actors that raised awareness to the issue of discrimination which then prompted the UN to assume the role of norm entrepreneur in the creation of CEDAW. The UN as a leading IO and norm entrepreneur is able to influence state ideas about “appropriate or desirable behaviour” (Finnemore and Sikkink 1998: 896). Norm entrepreneurs are essential to the evolution of norms whereby they have the power to generate attention or frame “issues that influence social movements, human rights and politics” (Finnemore and Sikkink 1998: 897). The UN is critical as they help frame the issues therefore putting femicide and VAW on the international agenda, through CEDAW and General Recommendation No. 19 as a gross human rights violation as well as framing gender equality as an international issue. The norm then reaches a tipping point whereby once the UN as a norm entrepreneur has persuaded leaders and states to adopt these norms (Finnemore and Sikkink 1998: 901). In this case, with reference to CEDAW, it is clear that gender related norms have reached their tipping point with South Africa and Brazil signing and ratifying the treaty. Stage one has been discussed in detail as it will not stand as the basis of the conceptual framework grounding the case studies as it has been explained how norms pertaining to femicide, VAW and gender equality have fulfilled the first stage in both countries.

Stage Two: Norm Cascades

Stage two of the norm evolution process is concerned with the domestic conditions within which norms operate. As countries adopt norms, socialisation and normative transformation occur (Finnemore and Sikkink 1998: 902) however domestic support for the norms are integral to ensure successful normative change. IOs (UN) help with the socialisation of norms by putting pressure on and influencing states to adopt new or adjust their policies and laws to ensure the ratification of treaties to fulfil international law (Finnemore and Sikkink 1998: 902). This stage is concerned with if and how

states comply with norms. Therefore, it is a state legislated process of the norm cycle. The UN helps to legitimate the gender equality agenda and norms against femicide however the research is interested in analysing whether this has been fulfilled effectively within the third stage of 'internalisation'. Therefore, in this stage it would be important to trace in the case studies, if and how the international instruments have filtered into domestic legislation and law through the analysis of laws and legislations that are introduced in support of the CEDAW mandate, this will fall under stage two whereby the norm cascades into national frameworks.

Finnemore and Sikkink discuss that regime change in South Africa and Latin America arose through the pressure and want for international legitimation (Finnemore and Sikkink 1998: 903) which shows that in both regions, normative change was successful due to the region's commitment to international legitimation and therefore if that has motivated successful change in the developing world, the question is; has it been successful when norms are related to the advocacy for and protection of women's rights and equality and the protection of women against femicide. Through the alteration of national policies and laws, a state's commitment to conformance advocated for by norm entrepreneurs is shown. A qualitative analysis of international versus domestic laws and quantitative presentation of domestic statistics reflecting conditions will prove useful in analysing whether or not CEDAW has been internalised in South Africa and Brazil.

Stage Three: Internalisation

The internalisation of a norm occurs when conformance with a norm becomes 'normal' or deeply entrenched in a society whereby conformance seems "automatic" (Finnemore and Sikkink 1998: 904). At this stage, the norm has become accepted to the point whereby legislative reform and the success of this legislation within lived contexts (rates of violence or statistics related to gender equality) show effective internalisation. Stage three is essential to the study of the norm process whereby post signing treaties and introducing national laws and change on policies, countries do not or may not take further action. Effective norm change does not end at the cascade of a norm, this stage will be used in conjunction with stage two to identify if effective norm change has indeed occurred. Using this stage within the case studies, the research will determine to what extent have norms been internalised in each country relating to gender equality and femicide as well as violence against women.

As developing nations, it would be in the best interests of both South Africa and Brazil to adhere to international norms. Finnemore and Sikkink also argue that the “prominence of norms is important whereby norms advocated for by Western institutions are more likely to spread and work within domestic spheres” (Finnemore and Sikkink 1998: 906). Additionally, the language of norms determines their influence whereby they need to be “clear and specific” (Finnemore and Sikkink 1998: 907). Norms related to the protection against femicide, VAW and gender equality need to be explicitly mentioned in the law thus the case studies will address law and the language of norms. Norms are also expected to be more relatable and diffuse into a broader society if they are related to ideas of human dignity and equality to protect vulnerable groups (Finnemore and Sikkink 1998: 907). Norms around gender equality and the emancipation of women are likely to be accepted in societies as they are related to human rights and the protection and safety of women’s dignity however the presence of femicide shows that this may not be the case.

Stage Three of the norm evolution model is useful to the research’s tracing of norms in CEDAW in order to investigate the extent to which these norms have become internalised in the case studies. Therefore, within the discussion of the international and regional instruments, the norm evolution model will be used to isolate and present the norms relating to CEDAW which will be discussed in the following sections. Within this discussion of the norm evolution model and the third/final stage as the most relevant to our study; specific articles that give states the responsibility to introduce effective legal, policy or legislative are recognised. The articles that give states the responsibility to enact laws are specifically relevant to the conceptual framework in addition to specific articles related to gender equality and femicide (or VAW).

CEDAW requires states to subscribe to and maintain particular norms and standards related to achieving gender equality, the protection of women and girls against violence (under General Recommendation No. 19 as this was not initially mentioned in CEDAW) and upholding human rights norms as stipulated by the global human rights regime. These documents form the basis of international norms to protect women in both the international and domestic spheres. SDG 5 deals specifically with gender inequality, the UN Women Gender Snapshot (2019) outlines the various ways in which the SDGs relate to gender equality. The report argues that there has been “insufficient progress on structural issues at the root of gender inequality” (UN Women 2019: 10). Thus, the root causes of gender inequality are mentioned as “legal discrimination, discriminatory social norms and attitudes” (UN Women 2019: 19). International norms and standards have affected systemic gender

inequality by encouraging an equal and increased participation of women; this will show whether or not countries have adhered to international treaties and laws and whether this affects femicide. Norms are defined by Florini (1996) as “standards of behaviour” (365) that influence the decisions, choices and actions of actors. This paper will use the norm evolution model to understand international and domestic norms in relation to femicide and gender equality.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

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Indicator 1: Political Empowerment of Women

Article 7 relates to the political life and representation of women: "States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold

public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country” (CEDAW 1979). Additionally, Article 8 of CEDAW provides for women to also be represented and present on international platforms: “States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations” (CEDAW 1979). These articles relate to the representation of women in politics and parliament thus will be the main measure from CEDAW by which we measure a country’s internalisation of these norms.

Indicator 2: Educational Enrolment and Inclusion of Women and Girls

Article 10 focuses on the education of females and stipulates the need for equality of access to basic education as well as tertiary or further studies that puts both men and women on an equal footing: “States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women: (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training; (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality; (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods; (d) The same opportunities to benefit from scholarships and other study grants; (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women; (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely; (g) The same opportunities to participate actively in sports and physical education; (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning” (CEDAW 1979). This shows CEDAW making an essential obligation to give males and females

equal opportunity and access to education whereby it will be measured through the rates of females enrolled in all levels of education.

SDG 4: Ensure inclusive and equitable education and promote lifelong learning opportunities for all echoes the sentiments of CEDAW and the Beijing Platform for Action. Filling the gender gaps in education and seeing an increased enrolment of females in the educational sector coupled with policies to deal with gender discrimination will ensure inclusive and equal education (UN Women: 10). SDG 5: Achieve gender equality and empower all women and girls is of critical importance under which the SDGs aim to address ways to decrease and eradicate gender inequality and violence against women and girls (UN Women: 12). This goal is solely focused on gender and females and calls for the legal and legislative reform of society based on observed gender disparities in the economy, politics, education and parliament (UN Women: 12) which relates to all indicators to be addressed within this research. VAW was previously absent in the MDGs thus the SDGs aim to take a proactive approach in ensuring the protection of women against femicide and VAW. It also mentions DEVAW and recognises that “violence against women is a pandemic affecting all countries” whereby 35% (or more) of women in the world have experienced some sort of gender motivated violence (UN Women: 12).

Indicator 3: Economic Participation, Inclusion and Opportunity

Article 11 relates to the economic participation of women and eradication of discrimination in fields of employment and the labour sectors: “1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings; (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment; (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training; (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work; and (3) Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary” (CEDAW 1979). Thus, the inclusion and equal economic participation of women is intrinsic for a society and countries will be measured on this through the

levels of women in the workforce, looking at unpaid labour that females participate in and whether males and females are remunerated on an equal basis. SDG 8 (Indicator 3): Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all deals with the creation and achievement of economies that give women equal pay, equal power in economic decision making, access to labour and employment as well as protection from harassment (UN Women: 17). This again looks at improving the economy and decreasing gender inequality present in economic institutions and labour forces.

Indicator 4: Domestic and Interpersonal Violence and Femicide

General Recommendation No. 19 acknowledges that GBV is a serious form of discrimination and oppression which results in women being unable to exercise and enjoy their rights and freedoms equally to men (OHCHR 1992). The recommendation connects discrimination against women, GBV and violations of human rights (OHCHR 1992) as they encompass crimes against females. The recommendation further defines GBV as “violence that is directed against a woman because she is a woman or that affects women disproportionately” (OHCHR 1992). This definition is echoed in Russell’s definition of femicide thus proving that GBV is motivated by gender or sex related notions and discourses. GBV (and femicide) is said to nullify the enjoyment of human rights by women which is provisioned by both international law and human rights conventions such as CEDAW (OHCHR 1992). Unlike language initially presented in CEDAW, General Recommendation No. 19 further specifies VAW in order to effectively address it.

The recommendation reads that women have: “(a) The right to life; (b) The right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; (c) The right to equal protection according to humanitarian norms in time of international or internal armed conflict; (d) The right to liberty and security of person; (e) The right to equal protection under the law; (f) The right to equality in the family; (g) The right to the highest standard attainable of physical and mental health; (h) The right to just and favourable conditions of work” (OHCHR 1992). Femicide directly violates (a),(b),(c) and (d) thus proves it is a violation of the international human rights framework. Additionally, women “need the equal protection of laws against rape and other forms of violence” (OHCHR 1992). Thus, there should be laws and regulation protecting women against femicide and all types of violence that fall under it. This will be determined by looking at a country’s constitutions and their law and policy documents upon conducting the case study data collection and analysis.

The recommendation also gives states the responsibility to: “(a) take appropriate and effective measures to overcome all forms of gender-based violence” (OHCHR 1992) which includes the enactment of laws related to family violence, support services for victims of violence, harsher and stricter criminal penalties for perpetrators of violence and various institutional and local level interventions and measures that are aimed at combating and dealing with VAW (OHCHR 1992). This provides an extensive list of responsibilities the state has in the protection of females from violence (where we can see femicide is included) from violence and murder (femicide). This will be used to measure whether or not states have introduced laws protecting women, if femicide is mentioned in constitutional and other legal documents and if states are in fact ensuring the protection of women. The recommendation looks at VAW holistically as it also targets the cultural and social norms that influence the ways in which women experience violence. States and private actors alike are given the responsibility to ensure that VAW does not occur in the public and private spheres however unlike CEDAW, General Recommendation No. 19 is not legally binding.

Declaration on the Elimination of Violence Against Women (DEVAW)

DEVAW came into effect in 1993 and the language presented in the declaration is strikingly similar to that of CEDAW’s General Recommendation No. 19. The UN General Assembly reiterated that there was a need for the universal application of rights and principles to protection women against violence and that VAW is an extension in support of CEDAW (OHCHR 1993). The declaration recognises that VAW is a result of unequal power relations between males and females which manifests through domination and discrimination that put women in subordinate positions within all spheres of society (OHCHR 1993). Overall, the declaration recognises that systemic gender inequality is a problem that aids in the occurrence and manifestation of VAW. States are also given the responsibility, like in General Recommendation No. 19, to ratify and accede CEDAW, withdraw any reservations and to develop laws, legislation and national plans that help to deal with VAW and to adopt measures that will eliminate VAW and inequality (OHCHR 1993). DEVAW was adopted without a vote.

The Beijing Declaration and Platform for Action

Although the Beijing Declaration and Platform for Action is a non-binding international instrument, it is important to aid our study of gender-specific norms and often informs policies and national mandates in countries seeking to further their development in line with both CEDAW and the Sustainable Development Goals (SDGs). The declaration overall agrees that discriminatory norms entrenched in society aid in the continued perpetration of VAW (UN Women 2015: 6). It is also

concerned with the continued persistence of VAW and girls in both the public and private spheres whereby females experience intersecting forms of discrimination and oppression. The mission statement of the Platform for Action is broadly an agenda for the empowerment of women aimed at “removing all the obstacles to women’s active participation in all spheres of public and private life through a full and equal share in economic, social, cultural and political decision-making” (UN Women 1995:7). Overall, the Platform is an intricate and detailed account of the issues and violations females face coupled with a comprehensive set of guidelines to inform policy, programmes and objectives.

Additionally, the Platform recognised that discriminatory norms (be it in the social or cultural context) within the domestic sphere further exacerbates VAW (UN Women 2015:21) and details the achievement of gender equality in the economy whereby it advocates for the “promotion of women’s economic rights and independence, including access to employment under appropriate working conditions, control over resources, elimination of occupational discrimination and segregation, and the harmonization of work and family responsibilities for women and men” in Section F related to ‘women and the economy’ (UN Women 2015: 25); this relates to indicator 3. The case studies will be looking at gender gaps in the economy, education and political sectors to assess this and therefore use this as a measure by which we will compare statistics and conditions in the country case studies. It also calls for the equal participation of women in decision-making and parliaments as the representation of women in these spheres are relatively low (UN Women 2015: 30) in Section G on ‘women in power and decision making’ which speaks to indicator 1. Women are therefore underrepresented in these institutions due to systemic gender inequality which increases femicide and VAW. The Platform calls for a “comprehensive approach” (UN Women 2015: 32) that increases women’s participation in all levels of government. This will be analysed within the case studies aided by sources such as the Global Gender Gap Report for example. The Beijing Platform for Action gives states the responsibility to increase the enrolment of females in all levels of education under Section B which relates to indicator 2 (UN Women 2015: 12). This gap between male and female in education further entrenches discriminatory norms within a society. Gender parity in the sector of education is therefore essential to addressing inequality in all spheres. The research will look at rates of enrolment and opportunities afforded to women in all these sectors.

SDG 16 (Indicator 4): Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels whereby equality and the protection from GBV is discussed as an intrinsic part of policy and law whereby legal

systems must eliminate gender-based discrimination (UN Women: 29). In this case, the norms stipulated by all international human rights instruments ensuring the quality and protection of women need to be implemented. This goal asserts that in order to fully cater for women, there is an urgent need for the “introduction or implementation of laws against violence against women, and provision of public services that fully meet women’s needs” (UN Women: 30). These abovementioned international instruments have shown the UN’s commitment to protecting women against femicide, VAW and improving gender stratification. Although non-binding, these give us additional norms which the case studies will be measured against as they are aimed at supporting and enhancing CEDAW.

CASE STUDY 1: SOUTH AFRICA

South Africa has one of the highest rates of femicide in the world (ranking fourth on the global scale) for approximately 12.5 per 100 000 women killed by femicide (Wilkinson 2019), this coupled with the fifth highest rate of murder in the world (Brodie 2020: 1) indicates the country’s high rates of interpersonal violence. South Africa’s femicide crisis has manifested to create a violent culture in which women and girls are victims of violence daily. According to Brodie’s study, the femicide rate is five to six times higher than the world average (Brodie 2020:1). Femicide is also investigated as ‘female homicide’ in South Africa however despite progressive laws on gender equality and the eradication of gender discrimination, obstacles to achieving this equality persist (Dryding 2019: 1). The state has an alarming rate of interpersonal violence (Brodie 2020: 185) despite having better perceived gender equality in legislation. The country has introduced legislation in line with and fulfilling obligations under CEDAW however femicide and VAW and girls persist at alarming rates.

South Africa ratified CEDAW in 1995 (Thompson 2010), the guidelines suggested within the Beijing Platform for Action adopted unanimously by 189 countries in attendance at the conference in 1995 (European Parliament Think Tank 2020), DEVAW and the SDGs whereby South Africa ratified the SDGs in 2015 at the Sustainable Development Summit together with 192 other countries (Statistics South Africa 2019). South Africa has undertaken to adopt appropriate and comprehensive measures to address gender inequality and the protection of women and girls against violence. Additionally, the Commission for Gender Equality (CGE) was established in 1996 to “promote, protect, monitor and evaluate gender equality” (National Government of South Africa n.d.). This section will trace the national and domestic interaction of international norms within national frameworks and contexts. The legislative measures South Africa has adopted in line CEDAW will be addressed to show how the

country has internalised norms as stipulated by CEDAW. As per the latest CEDAW report (2019 however it was due in 2015), the state asserts that it assumes a “dualist approach” (UN CEDAW Report 2019: 6) whereby international law may only be applicable in the domestic context once it has been translated into national legislation. Therefore, presenting the national frameworks present in South Africa will provide useful insights into the same. The CEDAW Committee has been concerned with the alarming rates of violence against women and girls. Overall, there has been an increase in the participation and inclusion of women in parliament, decision-making, the economy and education however VAW is rife. As per Article 2 of CEDAW, South Africa has the responsibility to introduce legislative action and development plans or programmes to eradicate gender inequality and discrimination. The discussion will follow the presentation of broad legislative frameworks relating to and fulfilling obligations under CEDAW and thereafter each indicator will be isolated to look at reforms aimed at increasing gender equality and combatting VAW.

National Frameworks as Measured by the Indicators

As per the introduction, gender gaps and inequality in the case studies will be measured using four key indicators: political empowerment of women (indicator 1), educational enrolment and inclusion of women and girls (indicator 2), economic participation, inclusion and opportunity (indicator 3) and domestic and interpersonal violence and femicide (indicator 4). The World Economic Forum (2020) provides holistic and comprehensive statistics relating to indicators 1 – 3. According to the World Economic Forum (2020); ‘economic participation and opportunity’ has been measured using “labour force participation rate, wage equality for similar work, estimated earned income, legislators (senior officials and managers, and professional and technical workers)” (World Economic Forum 2020: 46). This in line with obligations under Article 11 of CEDAW, these indicators serve as useful to provide a full and complete assessment of economic participation and equality. ‘Educational attainment’ was formulated using the “literacy rate, enrolment in primary education, enrolment in secondary education and enrolment in tertiary education” (World Economic Forum 2020: 46) which deals with guidelines stipulated under Article 10 of CEDAW (CEDAW 1979: 4). ‘Political empowerment’ has been measured through looking at percentage levels of “women in parliament, women in ministerial positions, years with a female head of state and share of tenure years” (World Economic Forum 2020: 46), this directly relates to Article 7 of CEDAW addressing “political life” (CEDAW 1979: 3). This approach to data collection and analysis is useful as it goes beyond one indicator to combine multiple levels within that subindex in order to provide realistic figures and reflections of reality.

Gender Equality Frameworks

Article 1 (a) of the Constitution of South Africa commits that the state is founded on the values of “human dignity, the achievement of equality and advancement of human rights and freedoms” (The Constitution of South Africa 1996: 3) thus although not explicitly mentioning gender, the state is committed to equality and ensuring all citizens enjoy equal rights and freedoms. Article 1 (b) further stipulates the state’s value of “non-racialism and non-sexism” (The Constitution of South Africa 1996: 3). Sexism is closely related to gender inequality and discrimination whereby it can be defined as “discrimination based on sex or gender, or the belief that because men are superior to women, discrimination is justified” (Napikoski 2021). The constitution does commit that South Africa is founded on principles of non-discrimination based on sex or gender which fulfils the obligations under Article 2 of CEDAW that require states to “embody the principle of the equality of men and women in their national constitutions” (CEDAW 1979: 2). Furthermore Article 1 “enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom” (The Constitution of South Africa 1996: 5). Where in application, Article 8 discusses the importance of the Bill of Rights and that it is to influence and inform legislation and all aspects of the state (The Constitution of South Africa 1996: 5).

Article 9 particularly dedicated to equality promotes the achievement of equality through all necessary and legislative measures whereby “ (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth” and “national legislation must be enacted to prevent or prohibit unfair discrimination” (The Constitution of South Africa 1996: 6). By these provisions, gender inequality as per the constitution, should not exist in any form; this fulfils Articles 2 and 3 of CEDAW which stipulate that countries are to take all necessary legislative and other measures in order to ensure the full equality between men and women in all fields (CEDAW 1979: 2 -3). Femicide is not directly mentioned in the constitution however Article 11 states that “everyone has the right to life” (The Constitution of South Africa 1996: 6). As the founding document on which the country rests, the constitution does provide for gender equality which is in line with the articles and guidelines outlined by CEDAW.

The Commission on Gender Equality Act (1996) was formed to promote and monitor gender equality matters as well as education and information programmes pertaining to the same (Commission on Gender Equality Act 1996: 10). Additionally, the Commission’s mandate is to investigate any issues

related to gender as well as it is given the power to suggest legislative changes and policies that may improve gender equality and enhance the status of women (Commission on Gender Equality Act 1996: 10). The creation of a separate Gender Equality Commission and a detailed act outlining the responsibilities of the Commission with regards to gender-related matters is a significant part of South African governance that shows commitment to ensuring gender equality and that gender related matters are dealt with. This leads us to question whether and why not was violence against women/GBV a significant part of the Commission's mandate as it affects gender relations and equality.

South Africa's National Policy Framework for Women's Empowerment and Gender Equality (2000) was published by the Office on the Status of Women to outline the state's objectives for gender equality. The Gender Policy Framework is a set of overarching guidelines to be adopted in multiple spheres in which gender equality or inequality operate. The Beijing Platform for Action was a foundation on which the Gender Policy Framework has been grounded (National Policy Framework for Women's Empowerment and Gender Equality 2000: ii). The Women Empowerment and Gender Equality Bill (B50 – 2013) is aimed at supporting Section 9 of the Constitution in order to create a legislative framework focused on the empowerment of women and gender equality (Women Empowerment and Gender Equality Bill 2013: 2). The bill addresses and defines discrimination, gender, GBV, gender discrimination and gender equality; providing clear and concise definitions on these matters enables the bill to have an increased focus and defined scope. It is noteworthy that the bill addresses gender equality as well as GBV. Additionally, the bill calls for elimination of discrimination, exploitation of women and GBV in all its forms (Women Empowerment and Gender Equality Bill 2013: 7). It is a comprehensive and detailed act that stipulates the state's responsibility to ensure equality and the bill may be regarded as closest to attaining what has been outlined by CEDAW as it is specific, comprehensive and solely focused on gender equality and the protection of females from VAW. The state is also given the responsibility to address GBV at all levels including the community level which is in line with General Recommendation No. 19 of CEDAW related to the protection of women against violence.

Indicator 1: Political Empowerment of Women

The Strategic Framework on Gender Equality within the Public Service (2006) was formulated to focus on gender-mainstreaming in governmental processes in order to include both men and women to better formulate gender perspectives and gender equality mandates (Strategic Framework on Gender

Equality within the Public Service 2006). According to Chapter 3 of The Women Empowerment and Gender Equity Bill (B50 – 2003), women are to assume a minimum of 50% capacity and representation in politics and all areas of decision-making (Women Empowerment and Gender Equality Bill 2013: 6).

Figure 1.1. Political Empowerment 2020.

Political Empowerment

Rank	Country	Score (0–1)
1	Iceland	0.701
2	Norway	0.598
3	Nicaragua	0.585
4	Rwanda	0.583
5	Finland	0.563
6	Costa Rica	0.545
7	Bangladesh	0.545
8	Spain	0.527
9	Sweden	0.525
10	South Africa	0.497
11	Ireland	0.493
12	Germany	0.477

Source: World Economic Forum. 2019. “Global Gender Gap Report 2020.” Cologny/Geneva, Switzerland: World Economic Forum. Accessed March 03, 2021. <https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality/>

Figure 1.1. depicts the percentage gap which has been filled to include women in the political sphere. South Africa has not fared well whereby there has only been a 49.7% increase in the inclusion of women in the political arena (World Economic Forum 2020: 13) which reveals that women are still underrepresented in political processes and areas of decision-making; this suggests that South African politics is largely dominated by men. South Africa has not been able to effectively attain the standards set out by CEDAW’s guidelines under Article 7 addressing the elimination of discrimination against women in political life (CEDAW 1979: 3), the state has not adhered to SDG5 on achieving gender equality in politics and parliament (UN Women: 12) and Section G of the Beijing Declaration and Platform for Action that stipulates the need for comprehensive approaches to ensure that women are not underrepresented in decision-making, politics and parliament (UN Women 2015: 30). Therefore, legislation and initiatives under the Gender Equity Bill and the Strategic Framework on Gender Equality within the Public Service have not been effective in the internalisation of CEDAW to attain the full inclusion and representation of women in politics.

Indicator 2: Educational Enrolment and Inclusion of Women and Girls

Chapter 2 of The Women Empowerment and Gender Equality Bill (B50 – 2013) deals with ‘social development’ and equality in education and training which is of critical importance whereby the state

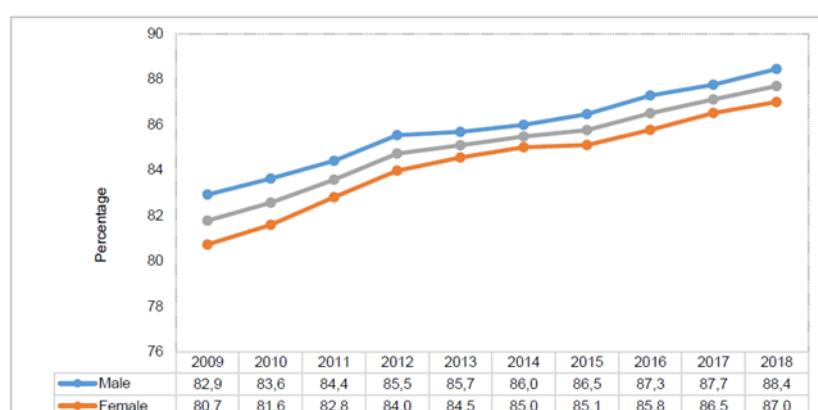
is given the responsibility to enact legislation and international agreements (like CEDAW's Article 10) to ensure that women and girls have equal access and opportunity to education (Women Empowerment and Gender Equality Bill 2013: 5). South Africa's National Policy Framework for Women's Empowerment and Gender Equality (2000) addresses low levels and limited access to education (National Policy Framework for Women's Empowerment and Gender Equality 2000: iv) which speak to Article 10 of CEDAW.

Figure 2.1. Educational Attainment 2020.

57	Norway	0.997
58	Poland	0.996
59	Sweden	0.996
60	Azerbaijan	0.996
61	Moldova	0.996
62	Croatia	0.995
63	Kazakhstan	0.995
64	Argentina	0.995
65	Panama	0.994
66	Trinidad and Tobago*	0.994
67	South Africa	0.994
68	Suriname	0.993
69	Greece	0.993
70	Hungary	0.993

Source: World Economic Forum. 2020. "Global Gender Gap Report 2020." Cologny/Geneva, Switzerland: World Economic Forum. Accessed March 03, 2021.
<https://www.weforum.org/reports/global-gender-gap-report-2020-report-100-years-pay-equality/>

Figure 2.2. Literacy rate for persons aged 15 years and older by sex, 2009 – 2018



Source: Statistics South Africa. 2020. "Gender Series Volume VI Education and Gender, 2009-2018." Pretoria, South Africa: Statistics South Africa. Accessed September 11, 2021.
<http://www.statssa.gov.za/publications/03-10-20/03-10-202018.pdf>

Article 10 of CEDAW, SDG4 and Section B of the Beijing Declaration commits states to increase the enrolment of girls and women in all spheres of education in order to reach gender equality in this field (UN Women 2015: 13). According to *figure 2.1.*, South Africa has closed the gap for educational attainment and equality by 99.4%, this is significant to show that the state has taken effective measures to ensure gender equality in education. The internalisation of CEDAW and the international instruments has occurred to a great extent, many countries have achieved 100% gender equality in education (World Economic Forum 2020: 12) thus it is imperative that South Africa continues to strengthen its legislative frameworks and initiatives to ensure that this gap in education is filled 100%. *Figure 2.2.* relates to the literacy rates, by gender in South Africa. The literacy rate in a country reflects the total number of literate people in an age group and refers to the achievement of primary education and various other literacy programs that give people basic literacy skills (Statistics South Africa 2020: 5). *Figure 2.2.* shows the literacy rate for females which increased from 80.7 in 2009 to 87 in 2018 (Statistics South Africa 2020: 6). Furthermore, studies were conducted to analyse levels of educational attainment which involve learners attaining a matric certificate, less than grade 12, other tertiary qualifications and graduates (Statistics South Africa 2020: 12). Thus, gender parity has improved in South Africa which shows an increase in the access to and attainment of education for females. South Africa has fared well in increasing these however it is imperative that the country attempts to achieve 100% gender parity.

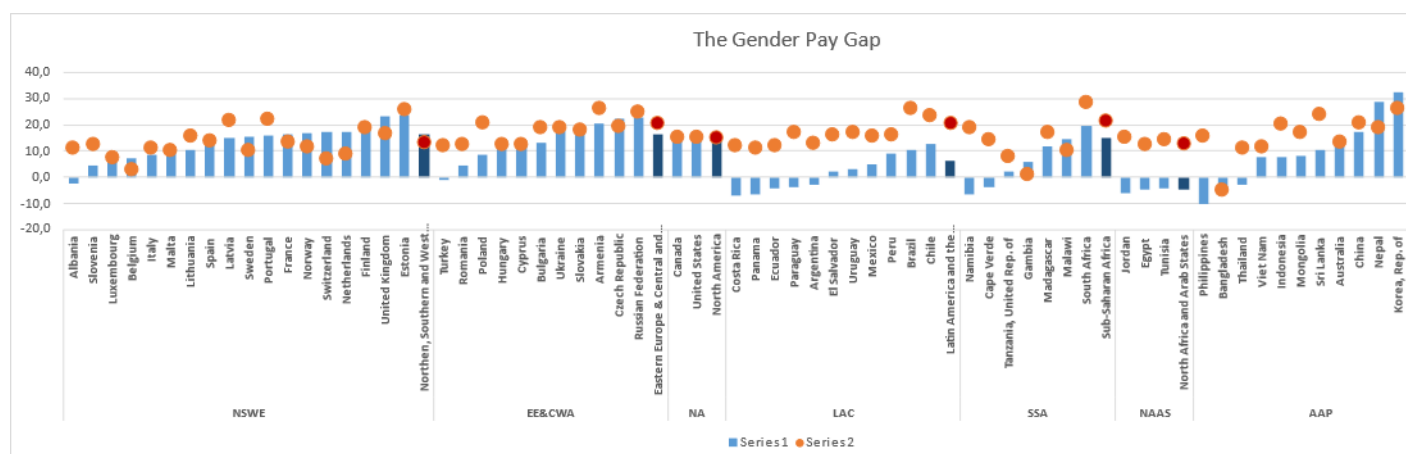
Indicator 3: Economic Participation, Inclusion and Opportunity

The Employment Equity Act (No. 55 of 1998) relates to employment equity and non-discrimination in that “6. (1) No person may unfairly discriminate, directly or indirectly, against an employee, in any employment policy or practice, on one or more grounds, including race, gender,...” (Employment Equity Act 1998: 14). Those involved in the economic sector are encouraged to ensure practices do not discriminate based on sex or gender which would lead to gender inequality within the economy thus fulfilling the obligations outlined in CEDAW particularly Article 11 on the elimination of discrimination in the field of employment (CEDAW 1979: 4). The Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000) aims to eradicate systemic and social inequalities and mentions CEDAW as the guiding international legal instrument that has binding obligations of which South Africa wishes to adhere to (Promotion of Equality and Prevention of Unfair Discrimination Act 2000: 2). Article 8 of the act specifically prohibits “unfair discrimination on account of gender” (Promotion of Equality and Prevention of Unfair Discrimination Act 2000: 7) in which it is stated that “no person may unfairly discriminate against any person on the ground of gender, including— (u)

gender-based violence...(g) limiting women's access to social services or benefits, such as health, education and social security; 35 (h) the denial of access to opportunities, including access to services or contractual opportunities for rendering services for consideration, or failing to take steps to reasonably accommodate the needs of such persons; (i) systemic inequality of access to opportunities by women as a result of the sexual division of labour" (Promotion of Equality and Prevention of Unfair Discrimination Act 2000: 7). This act prohibits gender stratification and urges for the equal access to opportunities for women. The act is a landmark in South Africa's bid to adhere to CEDAW's obligations as it directly addresses gender inequality within the economic, social or domestic, political and educational spheres.

This also introduced the establishment of Equality Courts whereby "every magistrate's court and every High Court is an equality court for the area of its jurisdiction" (Promotion of Equality and Prevention of Unfair Discrimination Act 2000: 9). This act is a significant step in further adhering to CEDAW whereby gender stratification and gender inequality, especially in relation to women, is addressed. Additionally, South Africa's National Policy Framework for Women's Empowerment and Gender Equality (2000) addresses low levels of economic empowerment and limited access to employment as a major deterrent to gender equality (National Policy Framework for Women's Empowerment and Gender Equality 2000: iv) which speaks to Article 11 of CEDAW focussed on ensuring equal economic opportunities for women and equality within the workplace (CEDAW 1979: 4).

Figure 3.1. The Gender Pay Gap calculated 2019



Source: International Labour Organization. 2019. "Global Wage Gap Report 2018/19".

[https://www.ilo.org/global/about-the-ilo/multimedia/maps-and-](https://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/enhanced/WCMS_650829/lang--en/index.htm)

[charts/enhanced/WCMS_650829/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/multimedia/maps-and-charts/enhanced/WCMS_650829/lang--en/index.htm). Accessed April 24, 2021.

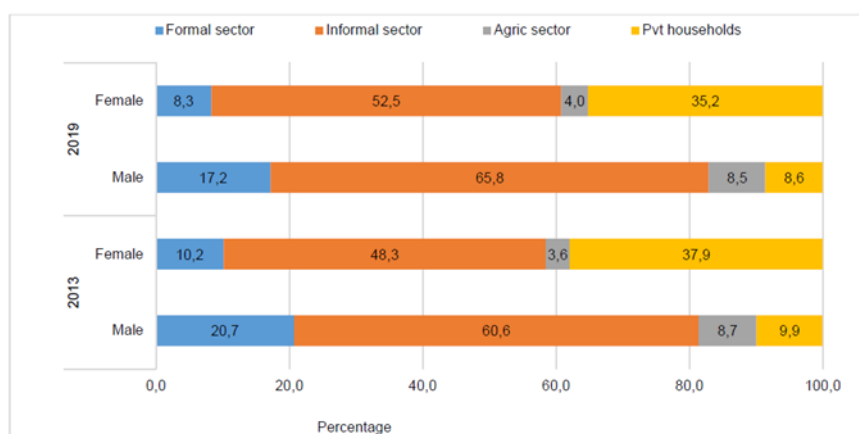
Figure 3.2. Economic Participation and Opportunity 2020

Economic Participation and Opportunity

Rank	Country	Score (0–1)	Rank	Country	Score (0–1)
1	Benin	0.847	78	Armenia	0.673
2	Iceland	0.839	79	Rwanda	0.672
3	Lao PDR	0.839	80	Hungary	0.672
4	Bahamas	0.838	81	Nicaragua	0.671
5	Belarus	0.837	82	Uganda	0.663
6	Burundi	0.837	83	Slovak Republic	0.663
7	Zambia*	0.831	84	Lesotho	0.662
8	Latvia	0.810	85	Dominican Republic	0.660
9	Barbados	0.808	86	Austria	0.659
10	Guinea	0.803	87	Czech Republic	0.657
11	Norway	0.798	88	Kyrgyz Republic	0.654
12	Slovenia	0.797	89	Brazil	0.653
13	Lithuania	0.795	90	Peru	0.652
14	Philippines	0.792	91	China	0.651
15	Cape Verde	0.790	92	South Africa	0.649
16	Sweden	0.790	93	Mozambique	0.648
17	Namibia	0.789	94	Ghana	0.642
18	Finland	0.788	95	Paraguay	0.641
19	Moldova	0.788	96	Angola	0.640

Source: World Economic Forum. 2020. "Global Gender Gap Report 2020." Cologny/Geneva, Switzerland: World Economic Forum. Accessed March 03, 2021.
<https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality/>

Figure 3.3 Percentage distribution of informal employment by sector and sex, 2013 – 2019



Source: Statistics South Africa. 2021. "Gender Series Volume VII: Informal Economy, 2013–2019." Pretoria, South Africa: Statistics South Africa. Accessed September 11, 2021.
<http://www.statssa.gov.za/publications/Report-03-10-23/Report-03-10-232019.pdf>

As per the statistical indicators presented above, South Africa has not fared well at ensuring equal economic participation, inclusion and opportunity as stipulated by Article 11 of CEDAW, SDG8 and Section F of the Beijing Declaration. Despite having made legislative changes and progress as discussed above, the country has only closed the gender gap in equal economic participation and opportunity by 64.9% as can be seen in *figure 3.2*. (World Economic Forum 2020: 12) and the gender wage gap in *figure 3.1*. sees South Africa experiencing a gap of 28.5% (International Labour Organisation 2019). Furthermore, *figure 3.3*. depicts the percentage distribution of formal versus informal employment whereby it can be seen that men have higher participation rates in the formal sector than women (Statistics South Africa 2021: 12). Thus, in accordance with Article 11.1 (d) of CEDAW, South Africa has failed in internalising the responsibility to ensure equal remuneration and pay for women and equal participation in all spheres of the economy as there are present economic inequalities that limit women's access to economic opportunities and inclusion as well as deterring gender equality in this sphere. South Africa has not effectively internalised the norms and obligations within international law in the sphere of economic participation, inclusion and opportunity for women.

Indicator 4: Domestic and Interpersonal Violence and Femicide

Following the Constitution, one of the earliest legislative changes in the South African legislative was the introduction of the Prevention of Family Violence Act (No. 113 of 1993) that was the first act dealing with domestic violence however the act referred to domestic violence as "family violence" (Family Violence Act 1993: 2). The act is significant as it provided for the protection of children within the home and allowed for the conviction of men if they raped their wives (Family Violence Act 1993: 4). Additionally, CEDAW General Recommendation No. 19 specifically mentions family violence under comment 23 related to Articles 5 and 16 of CEDAW whereby it is described as "one of the most insidious forms of violence against women" (CEDAW General Recommendation No. 19, 1992) and gives states the responsibility to ensure that laws against family violence, rape, abuse and other forms of gender-based violence are enacted to protect women (CEDAW General Recommendation No. 19, 1992). However, a major flaw of this act is that it was only extended to married couples and excluded the protection of women who were in relationships or sex workers (Brodie 2020: 64). Although the act is significant in highlighting domestic violence (although not explicitly mentioned so) and provisioned for marital rape being charged as a crime, the scope of the act is narrow. The amendment to the Criminal Procedure Act as traced by Brodie (2020); Criminal Procedure Second Amendment Act (No. 75 of 1995) defined various types of violence against women and children (Brodie 2020: 65). Rape

was detailed as a grave sexual violence crime thus these amendment acts are significant as they showed a particular focus on violence relating to CEDAW's General Recommendation No. 19.

Although the Family Violence Act (No. 113 of 1993) did not holistically address domestic violence, the Domestic Violence Act (No. 116 of 1998) was the first-time domestic violence was recognised to be of high prevalence in South African society (Domestic Violence Act 1998: 2). The Act refers to CEDAW and states its commitment to "ending violence against women and children" (Domestic Violence Act 1998: 2). The act aimed to give protection to victims of domestic violence and explicitly defined violence to include "physical, sexual, emotional, verbal and psychological abuse" (Domestic Violence Act 1998: 4) as well as "stalking, harassment, damage to property and any other controlling or abusive behaviour" (Domestic Violence Act 1998: 4). Unlike the Family Violence Act, this act further specifies that domestic abuse ranges further than just marital relations and included a variety of relationships such as variations of a "family relationship, marriage, parents of a child, dating or customary relationship, engagement or a perceived romantic, intimate or sexual relationship" (Domestic Violence Act 1998: 4). This act is of increased significance as it provides an all-encompassing and detailed explanation of what constitutes domestic violence as well as variations in different types of relationships. The act also gives provision for arrests without warrants if there is evidence of abuse as well as increased protections for victims such as protection orders and the seizure of weapons (Domestic Violence Act 1998: 8 - 14). In addition to broadening the scope of what constitutes domestic violence, this act provides for the increased protection of victims. Although this act is successful in so far as it fulfils the obligations under CEDAW and especially General Recommendation No. 19 with regards to legislative action, it is critiqued to have been too rapid in that little social change was inspired after its adoption (Brodie 2020: 67). 'Gender Links' is a South African Woman's Rights Organisation that found courts were struggling to keep up with legislative change and therefore in certain areas the demand for justice was not met (Brodie 2020: 68).

South Africa's National Policy Framework for Women's Empowerment and Gender Equality (2000) addresses gender equality and violence against women where South Africa has "high incidence rape cases as well as other forms of physical and psychological abuse of women and girls" (National Policy Framework for Women's Empowerment and Gender Equality 2000: iv). Femicide however is not explicitly mentioned neither are its synonyms (for example 'female homicide') which is concerning as femicide should be placed on agendas regarding gender equality and VAW. The Protection from Harassment Act (No. 17 of 2011) is a broad act that deals with and defines different aspects of

harassment whereby sexual and other forms of harassment are described as actions and conduct causing harm which can be “mental, psychological, physical or economic” (Protection from Harassment Act 2011: 4). The Criminal Law (Sexual Offences and Related Matters) Amendment Act (No. 1224 of 2007) stated that women and children are particularly vulnerable (Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007: 4) thus the protections of victims are paramount and it is critiqued that law in South Africa did not deal with victims in a “non-discriminatory manner” (Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007: 4). The act provided further comprehensive regulations related to the same and in line with CEDAW and General Recommendation No. 19 under Article 24 (b) in which states are given the responsibility to “ensure that laws against family violence and abuse, rape, sexual assault and other gender-based violence give adequate protection to all women, and respect their integrity and dignity” (CEDAW General Recommendation No. 19 1992: 4) and should take all measures to ensure the protection of women from violence in all its forms.

Mostly lately, draft legislation is being amended to introduce three amendment bills that deal with GBV. The Domestic Violence Amendment Bill (2020), the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill (2020) and the Criminal and Related Matters Amendment Bill (2020) are being drafted to transform the ways in which government, law enforcement agencies and courts (Parliament of South Africa 2020) deal with GBV. The Domestic Violence Amendment Bill is aimed at increasing the decisive ways in which domestic violence matters should be dealt with and to further regulate the system in order to ensure greater levels of justice (Parliament of South Africa 2020). Despite comprehensive laws, policies, programmes and reform measures presented in the above section, femicide still persists. The de jure versus de facto interactions of gender equality and its intersection with femicide is therefore puzzling. It is interesting that South Africa has undertaken multiple legislative changes aimed at supporting and adhering to obligations of international law (CEDAW) which is perceived progress towards gender equality however femicide as the most extreme form of VAW and gender discrimination continues to be perpetrated. Although formal equality may have been achieved to a great extent in South Africa through the introduction of legislation fulfilling articles of CEDAW, the femicide rates are telling of the inequalities still present in society.

Figure 4.1. Rates of female interpersonal violence death rates 2016

Highest female interpersonal violence death rates in 2016		
Rank	Country	Death rate
1	Honduras	32.7
2	Jamaica	15.5
3	Lesotho	15.4
4	South Africa	12.5
5	Guinea-Bissau	11.1

Source: World Health Organisation. 2016. "Disease burden and mortality estimates".
https://www.who.int/healthinfo/global_burden_disease/estimates/en/. Accessed 28/04/2021.

Figure 4.2. Domestic Violence Related Crimes Statistics 2020_2021

SELECTED DOMESTIC VIOLENCE RELATED CRIMES : PROVINCIAL BREAKDOWN AND SEX APRIL TO JUNE 2020_2021 BY												
OFFENSE	EC	FS	GP	KZN	LP	MP	NW	NC	WC	FEMALE	MALE	RSA
Murder	18	12	13	23	5	3	14	8	16	65	47	112
Rape	53	32	70	45	14	12	21	12	63	312	10	322
Attempted murder	21	22	44	36	9	10	16	11	20	122	67	189
Assault GBH	377	257	1 001	515	257	175	196	104	482	2 413	951	3 364
Common assault	530	745	2 835	893	333	290	311	122	1 459	6 214	1 304	7 518
Common robbery	9	7	15	12	3	1	5	4	12	53	15	68
Robbery aggravating	0	0	6	4	1	3	0	0	6	15	5	20
Malicious damage to property	249	225	764	259	128	102	135	43	581	1 607	879	2 486
Burglary residential	11	12	26	17	3	6	3	2	41	73	48	121
All theft not mentioned elsewhere	61	49	198	87	22	23	34	10	252	488	248	736

Source: SAPS. 2021. Police Recorded Crime Statistics.
https://www.saps.gov.za/services/April_June%202020_2021.pdf. Accessed April, 28 2021.

Figure 4.1. shows the alarmingly high rates of femicide in South Africa whereby the state has the fourth highest rate in the world at approximately 12.5 femicides per 100 000 women (WHO 2016). It is important to note that the country does not have law explicitly outlawing or criminalising femicide however it is because in South Africa, you would be charged with murder thus eliminating the need for a separate category of crime. Although the country has legislation and measures in place to combat domestic and interpersonal violence, SAPS statistics as depicted by figure 4.2. show high rates of interpersonal violence of which women are at a higher risk (SAPS 2021). These data lines show that VAW and femicide are rife and increasing within the South African context whereby despite their being laws to protect women, they are at an increased risk. South Africa is unsuccessful in internalising

General Recommendation No. 19 of CEDAW aimed at the protection of women from violence in addition to failing to meet the standards suggested by Section D of The Beijing Declaration and Platform for Action detailing that high rates of violence towards women (as can be seen in South Africa) should be combatted and eradicated through the implementation of legal and policy frameworks that are supplemented by awareness campaigns and multi-level initiatives to ensure a holistic approach to combat VAW (UN Women 2015: 21).

In order to strengthen legislation and policy initiatives, norm uptake has been aided by the presence of gender-focused societal initiatives to ensure gender equality and protection in terms of norms are cascaded beyond legislative and policy processes. Examples of this include POWA (People Opposing Women Abuse) which is an initiative founded by female volunteers to provide support and help for women experiencing domestic violence (POWA 2016). POWA has been instrumental in contributing to legislative change (Domestic Violence Act) as well as societal based initiatives that provide essential support (POWA 2016). Additionally, the National Gender Based Violence Helpline, Childline and various other national helplines have been developed and introduced to provide support to South African citizens (and women) for protection against violence. Various NGOs such as Sonke Gender Justice aid in the norm cascade process whereby gender norms have moved beyond domestication to be translated at the societal level.

CASE STUDY 2: BRAZIL

In Brazil, according to a study conducted and published in 2015; there are approximately 4.8 femicides per 100 000 women (Paes 2018). According to the World Bank however, one woman is victimised by violence every 15 seconds (Gundersen et al. 2016). Additionally, the Brazilian Report (2019) found that the femicide rate had increased by 4% (The Brazilian Report 2019). Although this is significantly less than South Africa, Kiss et al. (2012) state that Brazil is a significant case study to look at when investigating the translation of international standards and norms into domestic legislation, support and protection for women (Kiss et al. 2012). Furthermore, it is interesting to note that Brazil ratified CEDAW in 1984 however it was only in 1988 that constitutional provisions were adopted to guarantee equality and in 2002 CEDAW was adopted into national legislation (Kiss et al. 2012). Thus, Brazil took a significant amount of time to translate the obligations of CEDAW into the national context. Due to this, it is critiqued that the norm process has not entirely been fulfilled as there are major gaps between gender equality in law versus practice (Kiss et al. 2012). Thus, despite Brazil's efforts to

introduce gender equality legislation this has not been recognised in all spheres within the domestic context. Although the rates of femicide in Brazil are significantly lower than South Africa, it is imperative to uncover the state's interaction with CEDAW.

There is limited data on femicide in Brazil however gender equality has been found as a contributing factor to the rise in femicide whereby lower wages, gender gaps as well class, race and educational divides further increase women's vulnerability (Varejao 2020). It is important to note that in 1985, a monitoring mechanism; National Council for Women's Rights (CNDM) was created to promote policies that would advocate for the elimination of discrimination against women and ensure the increased political, economic and socio-cultural participation of women (CEDAW Report 2005: 14). Thus, broadly fulfilling obligations under CEDAW, Article 2 (b).

National Frameworks

Article 3 (IV) of the Constitution provides the main objectives of the Republic that is "to promote the well-being of all, without prejudice as to origin, race, sex, colour, age and any other forms of discrimination" (Constitution of the Federative Republic of Brazil 2010: 13). The fundamental principle upon which Brazilian society is founded contains a clause for ensuring non-discrimination based on sex (gender equality); this fulfils Article 2 (a) of CEDAW. Article 5 (I), Chapter 1 gives men and women equal rights and duties (Constitution of the Federative Republic of Brazil 2010: 15). Gender equality is proposed as a fundamental right in Brazil. Additionally, obligations under international human rights treaties and conventions are considered as "equivalent to constitutional amendments" (Constitution of the Federative Republic of Brazil 2010: 20). Thus, it is expected that Brazil internalises each article under CEDAW. Article 5 (subsection 1) recognised the equality of men and women's rights (rights and obligations) (National Action Plan 2017: 9).

Article 6, Chapter 2 (Social Rights) states that "education, health, food, work, housing, leisure, security, social security... are social rights, as set forth by this Constitution. (CA No. 26, 2000; CA No. 64, 2010)" (Constitution of the Federative Republic of Brazil 2010: 21); these are intrinsic social rights afforded to every citizen thus in practice discrimination or gender inequality in the sphere of education and work or the economy should not exist. This directly fulfils Article 3 ensuring the development of women in the "political, social, economic and cultural fields" (CEDAW 1979: 2). In addition to fulfilling Articles 10 and 11 of CEDAW concerned with education and work (CEDAW 1979: 4). Article 7

(subsection XX) provides incentives for the protection of women in labour (National Action Plan 2017). Furthermore, in Article 7 (subsection XXX) it has been prohibited to have differences in wages, duties or hiring (within the labour force) based on “sex, age, colour or marital status” (Constitution of the Federative Republic of Brazil 2010: 22). Thus, men and women should be granted equality of opportunity and participation in the workplace. This fulfils Article 11 (b) and (d) of CEDAW whereby it is clearly stipulated that women must be given the same access to opportunities and employed using equal criteria to men as well as women having the human right to equal pay (CEDAW 1979: 4). Additionally, the Constitutional Amendment No. 45 introduced reform in the judiciary whereby there is guaranteed to be an increased access to justice for women and “allows for a more direct application of international norms and conventions” (CEDAW Report 2005: 20). As per Article 2 (c) of CEDAW, the protection of women must be ensured through “competent national tribunals and other public institutions” (CEDAW 1979: 2) thus ensuring women have access to justice fulfils this obligation.

Indicator 1: Political Empowerment of Women

In the field of politics and political representation, Law No. 9.504/1997 introduced a quota system to increase the participation of women in politics and decision-making (CEDAW Report 2005: 41). Although the quota system is an opportunity to include more women within the sphere of politics, it has the potential to promote policies based on feminist ideals (Piscopo 2015: 44). Full and complete gender equality has not necessarily been achieved. According to the Quota Laws, a minimum of 30% of all candidates in political parties must be women however “there is no de facto quota for female representation in parliaments” (Tavares 2017). Overall, the quota laws serve to create a greater level of inclusion of women in the political sphere. Additionally, the involvement of women in the international political arena was decreed by Law 2,171 of 1954 which stipulates that Brazilian citizens may enter into any field or career without distinction or discrimination based on sex (VII Brazilian Report on CEDAW: 39). Law 9504 of 1997 stated that legislative bodies making use of proportional representation in politics must have a minimum of 30% women present (National Action Plan 2017). As per Articles 7 and 8 of CEDAW, states are to eliminate discrimination against women in the public and political sphere through giving women the full right to vote, become involved in politics, inclusion in governmental policy-making, the right to start and join non-governmental spheres and organisations as well as equal opportunity to engage in the international relations of the state (CEDAW 1979: 3).

Figure 5.1. Political Empowerment 2020

Political Empowerment

Rank	Country	Score (0-1)	Rank	Country	Score (0-1)
1	Iceland	0.701	78	Malta	0.184
2	Norway	0.598	79	Korea	0.179
3	Nicaragua	0.565	80	Zambia*	0.174
4	Rwanda	0.563	81	Belarus	0.172
5	Finland	0.563	82	Indonesia	0.172
6	Costa Rica	0.545	83	Ukraine	0.171
7	Bangladesh	0.545	84	Mali	0.171
8	Spain	0.527	85	Kenya	0.169
9	Sweden	0.525	86	United States	0.164
10	South Africa	0.497	87	Greece	0.164
11	Ireland	0.493	88	Dominican Republic	0.163
12	Germany	0.477	89	Cape Verde	0.163
13	New Zealand	0.474	90	Malawi	0.162
14	Mexico	0.468	91	Montenegro	0.161
15	France	0.459	92	Singapore	0.159
16	Ethiopia	0.427	93	Pakistan	0.159
17	Denmark	0.421	94	Georgia	0.154
18	India	0.411	95	China	0.154
19	Switzerland	0.407	96	Madagascar	0.151
20	United Kingdom	0.396	97	Fiji	0.150
21	Cuba	0.392	98	Lao PDR	0.150
22	Argentina	0.387	99	Algeria	0.145
23	Albania	0.376	100	Chad	0.141
24	Namibia	0.369	101	Swaziland	0.138
25	Canada	0.365	102	Lesotho	0.137
26	Mozambique	0.362	103	Egypt	0.133
27	Bolivia	0.357	104	Brazil	0.133

Source: World Economic Forum. 2020. "Global Gender Gap Report 2020." Cologny/Geneva, Switzerland: World Economic Forum. Accessed March 03, 2021.
<https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality/>

Despite the quota laws in Brazil aimed at increasing the participation and inclusion of women in the political sphere, Brazil has not performed well with the gender gap having been closed by 13.3% (World Economic Forum 2020: 13) as is depicted in *figure 5.1.* above. This shows that in the sphere of politics, women are underrepresented whereby men continue to dominate and have the upper hand in decision-making processes. Brazil has therefore failed to internalise Article, Section B of the Beijing Declaration and SDG5. The measures undertaken by Brazil have been insufficient to ensure equality within the political sphere. It is critical to stress the importance of women to be included in politics and decision-making processes whereby there should be an increase of women in parliaments and a willingness of leaders to give women access to greater equality within this sphere (UN Women 2015: 30). Thus, Brazil has failed to internalise CEDAW to ensure gender equality for the political empowerment of women.

Indicator 2: Educational Enrolment and Inclusion of Women

In the field of education, the Department for Continuing Education, Literacy and Diversity was formed in 2004 to address human rights and education including issues around diversity and non-discrimination based on gender, ethnic background, disability status and sexual orientation (CEDAW

Report 2005: 10). The Federal Government of Brazil launched the 'National Action Plan on Education in Human Rights' which aimed at continuing principles enshrined in the Federal Decree No 1,904 of 1996 which was based on gender diversity and the eradication of discrimination (CEDAW Report 2005: 25) thus aimed at inclusion in the educational sphere of Brazil and the advancement of women and girls.

Figure 6.1. Educational Attainment 2020

Educational Attainment

Rank	Country	Score (0-1)
1	Australia	1.000
1	Austria	1.000
1	Bahamas	1.000
1	Belgium	1.000
1	Botswana	1.000
1	Canada	1.000
1	Colombia	1.000
1	Czech Republic	1.000
1	Denmark	1.000
1	Estonia	1.000
1	Finland	1.000
1	France	1.000
1	Honduras	1.000
1	Israel	1.000
1	Jamaica	1.000
1	Latvia	1.000
1	Lesotho	1.000
1	Luxembourg	1.000
1	Maldives	1.000
1	Malta	1.000
1	Netherlands	1.000
1	New Zealand	1.000
1	Nicaragua	1.000
1	Russian Federation	1.000
1	Slovak Republic	1.000
26	Ukraine	1.000
27	Slovenia	1.000
28	Uruguay	1.000
29	Georgia	1.000
30	Chile	1.000
31	Norway	1.000
32	Namibia	1.000
33	Costa Rica	1.000
34	United States	1.000
35	Brazil	1.000

Source: World Economic Forum. 2020. "Global Gender Gap Report 2020." Cologny/Geneva, Switzerland: World Economic Forum. Accessed March 03, 2021.
<https://www.weforum.org/reports/global-gender-gap-report-100-years-pay-equality/>

According to the World Economic Forum as per *figure 6.1.*, Brazil has achieved gender parity in education whereby 100% of the gender gap has been closed (World Economic Forum 2020: 12). This means there is equality in access to and attainment of education between males and females. This is a significant victory for Brazil showcasing that advances in education must include legislative as well as educational or societal reform processes in order to ensure greater equality. This fulfils Article 10 of CEDAW, Section B of the Beijing Declaration and Platform for Action and SDG 4 and 5; this has been achieved and internalised in Brazil. The country has therefore fared well to ensure it adheres to international laws and norms pertaining to the advancement of equality in the educational sector. This is due to Brazil's multi-level approach whereby equality in education (laws) has been supported

by strong initiatives that work at the domestic level. Therefore, norms relating to equality in education have been internalised by Brazil.

Indicator 3: Economic Participation, Inclusion and Opportunity

With reference to equal opportunities and participation in the economy and labour, the Special Secretariat of Policies for Women launched a 'Gender Pro Equity Program' implemented in 2006 to promote equal opportunities for both men and women (Presidency of the Republic Special Secretariat of Policies for Women 2007: 11). This is significant as the aim is to open up the labour market to women and encourage equal participation of both genders this moving towards gender equality as stipulated in Article 11 of CEDAW. Additionally, the Equality in the Workplace Bill (No. 6653/2009) is aimed at preventing gender discrimination in the workplace furthermore, Law 2029 of 1995 prohibited discriminatory practices against women in the labour market (National Action Plan 2017: 9). Furthermore, to increase the economic participation and independence of women, the Tripartite Commission for Equality of Opportunity for Gender and Race at work as well as the Program for Institutional Strengthening for Gender and Racial Equality, Eradication of Poverty and Generation of Employment (CEDAW Report 2005: 9) were created to increase the participation of women in the economic sector. Legislation inspired by CEDAW was approved in 2003 to deal with the intersection of employment and maternity for women whereby Law No. 10.710.2003 was established to ensure women receive remuneration while on maternity leave (CEDAW Report 2005: 11). This fulfils obligations under Article 11. 2 of CEDAW which stipulate measures that should be taken "in order to prevent discrimination against women on the grounds of marriage and maternity" (CEDAW 1979: 5).

Figure 7.1. Economic Participation and Opportunity

Economic Participation and Opportunity

Rank	Country	Score (0-1)	Rank	Country	Score (0-1)
1	Benin	0.847	78	Armenia	0.673
2	Iceland	0.839	79	Rwanda	0.672
3	Lao PDR	0.839	80	Hungary	0.672
4	Bahamas	0.838	81	Nicaragua	0.671
5	Belarus	0.837	82	Uganda	0.663
6	Burundi	0.837	83	Slovak Republic	0.663
7	Zambia*	0.831	84	Lesotho	0.662
8	Latvia	0.810	85	Dominican Republic	0.660
9	Barbados	0.808	86	Austria	0.659
10	Guinea	0.803	87	Czech Republic	0.657
11	Norway	0.798	88	Kyrgyz Republic	0.654
12	Slovenia	0.797	89	Brazil	0.653
13	Lithuania	0.795	90	Peru	0.652
14	Philippines	0.792	91	China	0.651
15	Cape Verde	0.790	92	South Africa	0.649
16	Sweden	0.790	93	Mozambique	0.648
17	Namibia	0.789	94	Ghana	0.642
18	Finland	0.788	95	Paraguay	0.641
19	Moldova	0.788	96	Angola	0.640

Source: World Economic Forum. 2019. "Global Gender Gap Report 2020." Cologny/Geneva, Switzerland: World Economic Forum. Accessed March 03, 2021.
<https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality/>

Brazil has closed the gender gap in the economy by 65.3% as depicted in *figure 7.1*. (World Economic Forum 2020: 12) however although this marks progress, it shows that CEDAW has not been completely internalised; particularly Article 11, SDG8 and Section F of the Beijing Declaration. This figure suggests that despite there being legislation to ensure equal pay, economic participation and the equality of women; progress achieved has been average whereby the norm has not cascaded into impactful translation and internalisation.

Indicator 4: Domestic and Interpersonal Violence and Femicide

Relating to laws on violence which have been outlined as obligations by General Recommendation No. 19 of CEDAW, Brazil has adopted a number of laws to combat violence against women and girls. Law No.10.714/2003 gives the executive the power to create and establish a "Toll-Free Domestic Violence Hotline" (CEDAW Report 2005: 12) aimed at providing support and strengthening the state's response to victims of domestic violence. This fulfils Recommendation No. 24 (b) and (k) of CEDAW General Recommendation No. 19. With the intersection of domestic violence and the health care sector, Law No.10.778/2003 gives healthcare professionals the responsibility to report cases of domestic violence that they encounter (CEDAW Report 2005: 12). In various states of Brazil, further regulations were adopted; Law No.2.610/2003 which introduced a shelter program for female victims of violence in the State of Mato Grosso do Sul (CEDAW Report 2005: 18). In the State of Santa Catarina, Law No.12.630/2003 was adopted to support women who were victims of violence circumstances (CEDAW Report 2005: 18). Furthermore, in the State of Pará, Law No.681/2004 saw the creation of a State Council specifically focused on women's rights (CEDAW Report 2005: 18). Thus, this depicts Brazil's adoption of and adherence to CEDAW General Recommendation. Law No. 10224 of 2001 amended the Brazilian Criminal Code to include sexual harassment as a crime (National Action Plan 2017); this is significant to deem sexual violence and not only a domestic matter but a crime. No. 19. Law No.11340 of 2006 established mechanisms to address and deal with domestic and family violence against women (Presidency of the Republic Special Secretariat of Policies for Women 2007: 8).

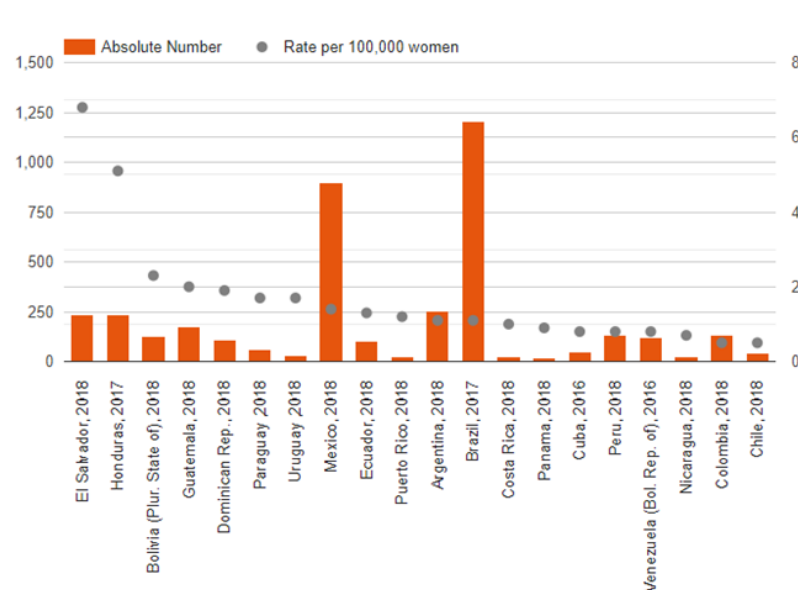
The Maria da Penha Law (No. 11.340/2006) is focused on domestic and family violence against women. The law (11.340/06) is a significant legal instrument to classify crimes and violence against women as well as order for harsher legal and policy procedures when dealing with issues related to this (Maria da Penha Law 2006: 6). This fulfils the specific recommendation 26 under General Recommendation No. 19 whereby the state is given the responsibility to address family and domestic violence through law, support for victims and punishment for domestic violence as a specific crime (CEDAW General Recommendation No. 19, 1992). The law defines domestic and family violence against women, in Article 5 as “any action or omission based on gender that causes the woman’s death, injury, physical, sexual or psychological suffering” (Maria da Penha Law 2006: 11) and states that this applies regardless of what type of relationship it occurs in and “independent of sexual orientation” (Maria da Penha Law 2006: 11). As can be seen, this law is progressive and inclusive thus significant as it does not discriminate based on the type of relationship violence occurs in or who the perpetrator is. The law is comprehensive as it goes on to define, in Article 7, various forms of violence against women (Maria da Penha Law 2006: 11), this detailed and comprehensive list of various forms of violence is useful in specifically addressing VAW and GBV. Additionally, it stipulates guidelines outlined for the state and various other actors to ensure that issues of domestic and family violence against women are effectively dealt with at all levels. These mechanisms are critical as they stipulate what is required to “reduce and prevent violence against women” (Gattegno et al. 2016: 2).

Included or related to this are the social programmes which are seen as useful to give women access to justice as well as transform attitudes within the domestic sphere. This shows successful norm uptake and impact translation whereby societal level initiatives contribute to norms being cascaded beyond legislation and policy. This law is related to and also aims to fulfil the obligations set forth by CEDAW and aims to change domestic “societal perceptions of VAW” (Gattegno et al. 2016: 8) which is significant as it is a law that is not isolated to the domestic sphere or one level of society, it is aimed at transformation in all of society; this speaks to Article 5 (a) of CEDAW. In addition to this, General Recommendation No. 19 Specific Recommendations (e) and (f) require states to identify attitudes and social or cultural practices that further perpetuate violence against women and to ensure that measures are taken and adopted to combat these attitudes and practices (CEDAW General Recommendation No. 19, 1992). The legislation is successful in that it clearly defined violence against women as well as stated that VAW (including domestic violence) is a violation of human rights (Kiss et al. 2012) thus violence against women is a manifestation of and related to gender inequality. Additionally, the law mentioned that violence against women can be perpetrated by both men and women (Kiss et al. 2012) thus providing a holistic understanding of VAW as language is important for

definition and categorisation here. The creation of this law saw the formation of civil and criminal courts dealing with domestic and family violence against women (Presidency of the Republic Special Secretariat of Policies for Women 2007: 14).

2015 saw a victory for legislation in Brazil whereby the Brazilian Femicide Law criminalised femicide and created harsh sentences and punishments for people found guilty of femicide. Known as Law No.13.104/2015 (Lei do Feminicídio) explicitly defined femicide as well as domestic violence and declaring both a crime (Paes 2018). The Femicide Law is an amendment to the Penal Code in Brazil in order to redefine and explicitly address femicide (UN Women 2015). According to UN Women, Brazil at the time was the sixteenth Latin American country to include femicide as an intrinsic component of its national framework (UN Women 2015). Various action plans have been outlined by the Brazilian CEDAW Reports therefore the country's focus has mainly been on education and the transformation of attitudes such as the National Policy for Combating Violence Against Women (2003), the Tripartite Commission for Equality of Opportunity for Gender and Race at Work (2004) (CEDAW Report 2005) however there are few binding national frameworks that deal specifically with gender equality for women. As per the concluding observations of the CEDAW Committee (2012), Brazil was urged to support or 'back up' their programs and implement them through laws as well as dedicate adequate funding to these (CEDAW Concluding Observations 2012). As per the obligations within CEDAW, it is necessary that all measures and initiatives are taken as well as legislation adopted in order to entrench gender equality within the legislative foundations of society.

Figure 8.1. Total number and rates of femicide in Latin America: 2018 (latest available year)



Source: Economic Commission for Latin America and the Caribbean (ECLAC), Gender Equality Observatory for Latin America and the Caribbean (<https://oig.cepal.org/en>). Data are available for 20 countries.

Figure 8.2. Prevalence of injuries among physically abused women; severity and frequency of injuries in women ever-injured by an intimate partner, by site. 2008

	Women ever physically abused by partner		Women ever injured by intimate partner						Ever needed health care for injuries
	Women ever physically abused by partner	Women ever injured	Frequency of injuries			If ever unconscious			
			1 or 2 times	3–5 times	>5 times	<1 h	≥1 h	Never	
Bangladesh city	546	146 (26.7%)	85 (58.2%)	37 (25.3%)	24 (16.4%)	51 (34.9%)	22 (15.1%)	73 (50.0%)	100 (68.5%)
Bangladesh province	557	138 (24.8%)	76 (55.1%)	46 (33.3%)	16 (11.6%)	40 (29.0%)	40 (29.0%)	58 (42.0%)	111 (80.4%)
Brazil city	256	102 (39.8%)	53 (52.0%)	24 (23.5%)	25 (24.5%)	10 (9.8%)	5 (4.9%)	87 (85.3%)	40 (39.2%)
Brazil province	401	150 (37.4%)	88 (58.7%)	29 (19.3%)	33 (22.0%)	21 (14.0%)	8 (5.3%)	121 (80.7%)	57 (38.0%)
Ethiopia province	1099	210 (19.1%)	181 (86.2%)	26 (12.4%)	3 (1.4%)	25 (11.9%)	31 (14.8%)	154 (73.3%)	70 (33.3%)
Japan city	154	41 (26.6%)	26 (63.4%)	11 (26.8%)	3 (7.3%)	1 (2.4%)	2 (4.9%)	38 (92.7%)	22 (53.7%)
Namibia city	417	127 (30.5%)	58 (45.7%)	44 (34.6%)	25 (19.7%)	19 (15.0%)	10 (7.9%)	98 (77.2%)	84 (66.1%)
Peru city	527	242 (45.9%)	136 (56.2%)	62 (25.6%)	44 (18.2%)	35 (14.5%)	11 (4.5%)	196 (81.0%)	74 (30.6%)
Peru province	936	519 (55.4%)	206 (39.7%)	188 (36.2%)	121 (23.3%)	221 (42.6%)	49 (9.4%)	249 (48.0%)	301 (58.0%)
Samoa	488	144 (29.5%)	78 (54.2%)	31 (21.5%)	35 (24.3%)	40 (27.8%)	8 (5.6%)	96 (66.7%)	51 (35.4%)
Serbia and Montenegro city	271	81 (29.9%)	30 (37.0%)	22 (27.2%)	29 (35.8%)	15 (18.5%)	0 (0%)	66 (81.5%)	31 (38.3%)
Thailand city	237	120 (50.6%)	55 (45.8%)	28 (23.3%)	37 (30.8%)	10 (8.3%)	2 (1.7%)	108 (90.0%)	37 (30.8%)
Thailand province	344	151 (43.9%)	95 (62.9%)	23 (15.2%)	33 (21.9%)	8 (5.3%)	4 (2.6%)	139 (92.1%)	34 (22.5%)
United Republic of Tanzania city	473	137 (29.0%)	99 (72.2%)	29 (21.2%)	9 (6.6%)	11 (8.0%)	10 (7.3%)	116 (84.7%)	84 (61.3%)
United Republic of Tanzania province	586	173 (29.5%)	116 (67.1%)	41 (23.7%)	15 (8.7%)	18 (10.4%)	22 (12.7%)	133 (76.9%)	100 (57.8%)

Table 6. Prevalence of injuries among physically abused women: severity and frequency of injuries in women ever injured by an intimate partner, by site

Table 4: Prevalence of injuries among physically abused women; severity and frequency of injuries in women ever-injured by an intimate partner, by site

Source: Ellsberg et al. 2008. Intimate partner violence and women's physical and mental health in the WHO multi-country study on women's health and domestic violence: an observational study. [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(08\)60522-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(08)60522-X/fulltext). Accessed April 29, 2021.

As per *figure 8.1.*, Brazil sees approximately 1.2 femicides per 100 000 women (ECLAC 2018). This rate is significantly lower than other countries as depicted in the region and this may be attributed to the existence of strict anti-femicide law in Brazil that stipulates harsher sentences as well as outlaws femicide as a gender-based crime. Thus, in fulfilling General Recommendation No. 19 of CEDAW, in addition to articles stipulated in DEVAW, Section D of the Beijing Declaration and Platform for Action); Brazil has fared well. Statistically however it is important to recognise, as has been asserted by Varejao (2020) that there is limited data on femicide in Brazil thus these rates may be misleading as violence against women has been found to be on the rise (Berti 2020) this can be seen in *figure 8.2.* detailing the severity and prevalence of domestic violence, although this study was conducted by Ellsberg et al. in 2008, it is relevant as it depicts the trends present in Brazil whereby there are high and rising rates of domestic and interpersonal violence. Brazil's internalisation of CEDAW is inconclusive whereby although the country has fared well in implementing appropriate legislation explicitly outlawing femicide, the lack of available data and statistics shows that the domestic conditions in Brazil could be contrary to what has been achieved on paper thus Brazil has internalised legislation however the

internalisation of CEDAW holistically with reference to domestic and interpersonal violence as well as femicide is unclear.

CASE STUDY CONTRAST AND COMPARISON

Within this section, each case study's result or observed outcomes will be compared and contrasted to show how each country has fared in the internalisation of CEDAW that has been measured using the aforementioned indicators in order to understand which country has fared better and why. This will be determined through comparing outcomes with the national frameworks in order to compare and contrast South Africa and Brazil's response to CEDAW. Statistics have been provided by the Global Gender Gap Report (2020) and the UN's World's Women Report (2020) which provide useful information, data and statistics as the reports have been compiled using a multitude of international and national resources and databases. The data to be presented for analysis is therefore accurate, recent, up-to-date and holistic. The World Economic Forum states the importance for assessing gender gaps is to understand and "capture the magnitude of disparities and to create global awareness of the challenges caused by gender gaps" (World Economic Forum 2020: 8). A significant distinction between initiatives in South Africa and Brazil was Law No. 10745 of 2003 which declared 2004 as the "Year of the Woman" in Brazil (CEDAW Report 2005) and saw the approval of dialogue surrounding the protection of women's rights whereas South Africa has mainly focused on legislative reform.

Figure 9.1. Rankings on the Global Gender Gap Index 2020

Table 1 The Global Gender Gap Index 2020 rankings

Rank	Country	Score	Rank change	Score change	
		0-1		2018	2019
1	Iceland	0.877	-	+0.018	+0.095
2	Norway	0.842	-	+0.007	+0.043
3	Finland	0.832	1	+0.012	+0.036
4	Sweden	0.820	-1	-0.002	+0.007
5	Nicaragua	0.804	-	-0.005	+0.147
6	New Zealand	0.799	1	-0.002	+0.048
7	Ireland	0.798	2	+0.002	+0.065
8	Spain	0.795	21	+0.049	+0.063
9	Rwanda	0.791	-3	-0.013	n/a
10	Germany	0.787	4	+0.011	+0.034
11	Latvia	0.785	6	+0.027	+0.076
12	Namibia	0.784	-2	-0.005	+0.098
13	Costa Rica	0.782	9	+0.033	+0.089
14	Denmark	0.782	-1	+0.004	+0.036
15	France	0.781	-3	+0.002	+0.129
16	Philippines	0.781	-8	-0.018	+0.029
17	South Africa	0.780	2	+0.025	+0.068
18	Switzerland	0.779	2	+0.024	+0.079
19	Canada	0.772	-3	+0.001	+0.055
78	Czech Republic	0.706	4	+0.014	+0.035
79	Mongolia	0.706	-21	-0.007	+0.024
80	El Salvador	0.706	7	+0.016	+0.022
81	Russian Federation	0.706	-6	+0.004	+0.029
82	Ethiopia	0.705	35	+0.049	+0.111
83	Eswatini	0.703	-3	+0.009	+0.043
84	Greece	0.701	-6	+0.004	+0.047
85	Indonesia	0.700	-	+0.010	+0.046
86	Dominican Republic	0.700	-12	-0.001	+0.036
87	Viet Nam	0.700	-10	+0.001	n/a
88	Lesotho	0.695	-7	+0.001	+0.014
89	Cambodia	0.694	4	+0.011	+0.065
90	Malta	0.693	1	+0.008	+0.042
91	Cyprus	0.692	1	+0.008	+0.049
92	Brazil	0.691	3	+0.010	+0.037
93	Kyrgyz Republic	0.689	-7	-0.002	+0.014
94	Azerbaijan	0.687	3	+0.007	n/a
95	Brunei Darussalam	0.686	-5	+0.001	n/a
96	Cameroon	0.686	-39	-0.028	+0.099

Source: World Economic Forum. 2020. "Global Gender Gap Report 2020." Cologny/Geneva, Switzerland: World Economic Forum. Accessed March 03, 2021. <https://www.weforum.org/reports/gender-gap-2020-report-100-years-pay-equality/>

Figure 9.1. indicates, as per the Global Gender Gap Report (2020), that South Africa ranks at the 17th position worldwide whereas Brazil is at 92 (World Economic Forum 2020: 9). These figures describe the indicators which have been looked at: 'political empowerment of women, 'educational enrolment and inclusion of women and girls' and 'economic participation, inclusion and opportunity' to represent the percentage which gaps have been closed in each country which is indicative of how the country fares overall in relation to combating gender inequality as outlined within each article of CEDAW. Analysing gender parity enables us to understand the outcomes of international norm internalisation (CEDAW) and the product of national frameworks to deal with gender inequality and VAW in all its forms. As can be seen from the general figures presented above, South Africa has been able to close the gender gap by 78% whereas Brazil has achieved a lower result at 69.1% (World Economic Forum 2020: 5). Overall, it can be seen that in line with adhering to CEDAW, South Africa has fared better with the combination of spheres however an in-depth analysis of each sphere is necessary to understand where South Africa and Brazil fare differently and why. This analysis will be guided using theories under the conceptual framework related to the internalisation of CEDAW.

Indicator 1: Political Empowerment of Women

As per the World's Women Report (2020), gender parity within all relevant spheres of political and public life has not progressed as fast as other spheres whereby additional work and effort is needed to ensure women have more prominence and visibility in politics and decision-making (World's Women 2020). The Latin American region has been praised for adopting gender quotas that have increased female participation through the holding of seats in parliament as well as access to local government and decision-making processes (World's Women 2020). Brazil has adopted these gender quotas as has been discussed within the case study analysis. The participation and representation of women in parliaments are an intrinsic aspect of political life and gender inclusion whereby gender equality can be achieved as women are able to influence law and policy agendas. The UN World's Women Report credits this progress as a positive outcome of policy and legal measures that have been specifically adopted to increase women's representation in parliament and politics (World's Women 2020).

However overall, countries have not operated well with low levels of gap closure in the sphere of political participation and empowerment which involves the inclusion of women in decision-making and governmental processes and levels. South Africa ranks 10th on the list however the inequality gap has only been closed by 49.7% whereas Brazil on the other hand shows significantly lower progress with a gap closure of 13.3% (World Economic Forum 2020: 13). Thus, both countries have not performed well in contrast to their overall score on the Gender Gap scale despite having national and international norms and frameworks guiding and ensuring equality in the political sphere. The presence of women in politics and decision-making shows that overall, the measures undertaken by both countries have not been successful in fulfilling the mandate of CEDAW. As outlined especially in Article 7, SDG5 and Section G of the Beijing Declaration and Platform for Action. South Africa does render greater progress in the political sphere whereas the quota laws, although praised to have caused significant advances in equality within the region overall, have not rendered significant progress in Brazil. South Africa's lead over Brazil in this case is a result of the; 'Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000)' which focuses on the eradication of gender discrimination in all spheres including the political, the 'Strategic Framework on Gender Equality Within the Public Service (2006)' which further specifies the need and urgency to include women in governmental processes in order to better inform policies. These national frameworks work in conjunction with the constitution and broader policies of gender equality that have seen a rise in political participation of women in South Africa (Gender Policy Framework 2000: v). Therefore, although South Africa has adhered to Article 7 of CEDAW to a greater extent than Brazil, countries are encouraged to adopt further legislation that will ensure greater gender equality the political sphere as women are underrepresented in political processes and decision-making.

In South Africa it can be seen that norm cascading has indeed occurred whereby the Strategic Framework on Gender Equality Within the Public Service, the Women Empowerment and Gender Equity Bill were introduced to provide for legislative change and transformation in the political sphere. Although the norm has passed the cascade point, successful internalisation and impact translation which involves conformance with a norm at the local or societal level has not been adequately realised. The same may be concluded for Brazil whereby despite laws introducing quotas for the political representation of women which fulfils the cascade stage, the internalisation and impact translation of these laws has rendered minimal success.

Indicator 2: Educational Enrolment and Inclusion of Women and Girls

According to the World's Women Report (2020), in the global sphere, achieving gender equality in education shows positive increases in trends whereby "gender parity has been achieved: girls and boys are equally likely to be enrolled in primary and secondary education" (World's Women 2020). Brazil ranks 35th on the list achieving complete gender parity (World Economic Forum 2020: 12) in that the gender gap has been completely closed indicating that males and females operate within and have access to equal opportunities in education. South Africa on the other hand, ranks 67th on the list and has closed the gap by 99.4% (World Economic Forum 2020). Although this is a significant level for South Africa to achieve, despite South Africa's 'Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000)', the 'National Policy Framework for Women's Empowerment and Gender Equality (2000)' and various commitments to equality within the constitution, the country has not been able to effectively fulfil its commitments to CEDAW under Article 10. Thus, although equality norms in the field of education have reached the norm cascading point, South Africa has not been as efficient as Brazil in fully internalising CEDAW, Section B of the Beijing Declaration and SDGs 4 and 5. Both countries however have successfully attained impact translation whereby gender parity has been achieved to a great extent. Legislative and policy changes cascading educational norms have therefore been successful in ensuring norm internalisation and impact translation at the domestic and societal level.

It is also important to note that through increases in levels of education, gaps widen if they are not dealt with at the most basic level. In Brazil, gender parity in education had successfully begun at the primary school level which manifested to result in complete gender parity whereas in South Africa, the gap was not sufficiently closed at the primary school level thus this led to the manifestation of sustained inequality within the educational system (World's Women 2020). Therefore, Brazil has fared well in the achievement of gender parity in education due to initial levels of equality at the most basic level of education. Additionally, the 'National Plan on Education in Human Rights' which was aimed at supporting the Federal Decree No. 1.904 of 1996 which was aimed at the attainment of gender equality and the eradication of discrimination (CEDAW Report 2005: 25) has been successful in Brazil attaining full gender parity in education.

Indicator 3: Economic Participation, Inclusion and Opportunity

In the sphere of economic empowerment, work and labour; studies found that the gender gap in labour is at a global average of 27% (World's Women Report 2020). It was also found that women

engage in unpaid care and domestic work which further affects their chance for economic advancement and equality and contributes to the wide gender gap (World's Women Report 2020). Thus, significant inequality persists in the economic sphere constraining women's rights to access and participation within economic and labour forces. The World's Women Report states that national frameworks and laws are not guaranteed to protect women from discrimination or ensuring equal rights and guarantees (World's Women 2020). This is where countries should strictly adhere to international norms and laws as these will strengthen national frameworks. Additionally, the World's Women Report, it was found that globally women are more likely to be unemployed than men (World's Women 2020).

According to the global wage gap by country; South Africa's gap is at an average of 28.5 whereas Brazil is slightly lower at 26.4 (International Labour Organization 2019). Thus, with gender wage gaps in both countries, Article 11.1 (d) of CEDAW has not been internalised. Limited access to equal pay and wages deprives women of the rights set out under CEDAW as well as the national frameworks that provide for the equal treatment of women in the economy and workplace. Relating to the gaps filled in 'economic participation, inclusion and opportunity', the percentage gap that has been filled in South Africa and Brazil are closely ranked (World Economic Forum 2019: 12). Overall, in comparison to the rankings within other spheres, both South Africa and Brazil do not perform well in comparison to the global list whereby Brazil is ranked 89th and South Africa closely after at 92 with gender gaps closed 65.3% and 64.9% respectively (World Economic Forum 2019: 12). In this area, Brazil is slightly ahead of South Africa in affording women with economic opportunities, presence and inclusion. Economic and financial disparities between men and women therefore require urgent attention.

Brazil's practical initiatives have proved more successful in fulfilling Article 11 of CEDAW. Law 2029 of 1995 explicitly prohibited discrimination against women in the labour sector (National Action Plan 2017: 9). The 'Gender Pro Equity Program' implemented in 2006 by the Special Secretariat of Policies for Women aimed at the promotion of equal opportunities for men and women in the economic and labour sector (Presidency of the Republic Special Secretariat of Policies for Women 2007: 11). This showed effective norm internalisation whereby impact translation has occurred to see domestic and societal initiatives aimed at the promotion of equality in the economy. This initiative coupled with the bill on 'Equality in the Workplace No. 6653/2009' as well as the 'Tripartite Commission for Equality of Opportunity for Gender and Race at Work 2004' have fared well in enabling Brazil to fulfil obligations under CEDAW however it is recognised that gender equality has not been achieved in either country.

The World's Women Report suggested that laws and policies are insufficient to ensure equality and access to opportunity within the labour and workforce thus Brazil's practical initiatives in addition to their laws have aided them in this case. Brazil has therefore reached the internalisation of gender equality norms relate to the economy in which we can see that successful impact translation of these norms has occurred. Although we recognise that Brazil has fared better than South Africa with regards to economic equality, both countries still have a long way to go in closing gender gaps and thus further implementation of laws as well practical initiatives are needed in both countries in order to ensure that Article 11 of CEDAW is adhered to in addition to SDG8 aimed at the promotion of inclusive economic arenas (UN Women 2018: 17) and Section F of the Beijing Declaration and Platform for Action aimed at closing gender gaps and promoting equality in the economic and workforces (UN Women 2015: 25 – 28).

Indicator 4: Domestic Violence and Interpersonal Violence and Femicide

Domestic violence operates within the domestic sphere whereby violence is perpetrated by family members, intimate partners or people who are in a particular relationship. Domestic violence is a risk factor for femicide, especially intimate-partner femicide (IPV) which is a product of unequal gender relations and norms within a society. The World's Women Report (2020) estimated that worldwide, 137 women are murdered everyday by a family member (World's Women Report 2020). It was found that the global average of rates in intimate-partner violence is 18% whereby Latin America is at a 12% risk and Sub-Saharan Africa at 22% (World's Women Report 2020). Thus, depicting that the threat of IPV is rife in the Sub-Saharan region which is a significant contributing factor in the causes of femicide. Domestic violence and IPV or domestic (family) femicide can be regarded as risk factors whereby the presence of domestic violence increases the likelihood of IPV and domestic femicide. The World's Women recognises that it is difficult to compare and contrast statistics on domestic violence and IPV in countries as research methodologies for data collection differ greatly (World's Women Report 2020).

South Africa has introduced various and significant legislative changes and laws relating to domestic and interpersonal violence. South Africa has not fully fulfilled its obligations under CEDAW and General Recommendation No. 19. due to high levels of femicide and interpersonal violence. Norm cascades in this area have therefore been achieved however the presence of femicide as explicitly stated in law, policy and legislation has not reached the cascading point. VAW however has in addition, been effectively internalised and reached the stage of impact translation through the presence of societal

initiatives aimed at addressing VAW such as POWA. Brazil on the other hand has achieved a greater sense of norm cascades whereby in addition to laws on GBV and VAW, femicide has also been outlawed in 2015. Although both countries have laws against domestic violence, Brazil is more successful in addressing the problem as its laws are comprehensive and provide detailed definitions of the crimes stipulated within. Additionally, Brazil has specific laws criminalising femicide such as The Maria da Penha Law (No. 11.340/2006) which called for harsher sentencing and punishment for domestic and family violence (Maria de Penha Law 2006:6). The Brazilian Femicide Law (Law No. 13.104/2015) criminalised femicide and is therefore significant as femicide was outlawed through this (Paes 2018). Brazil has implemented laws together with various initiatives that include the socialisation and education of communities through social programmes aimed at transformation of societal perceptions of VAW (Gattegno et al. 2016: 8). However, despite successful policy and legislation ensuring the cascade of norms related to femicide and VAW, little progress has been made to ensure impact translation is sustained of the various initiatives Brazil has intended to introduce at the societal level. South Africa is unlike Brazil and has not enacted specific laws related to femicide thus the rates of femicide in South Africa remain alarmingly high despite laws against family or domestic violence as well as the enactment of laws related to gender equality. South Africa is encouraged to follow the example of Brazil in order to ensure a greater protection of women. Although femicide is punished as murder within the South African judicial system, perhaps an explicit defining of the crime will lead to greater success in combatting it.

CONCLUSION

Femicide is the most extreme manifestation of VAW that endangers the health and safety of women and girls; it is a brutal crime that operates within spheres of inequality between males and females. Unequal power relationships between males and females sees violence as specifically targeted towards women who are viewed as vulnerable, inferior and weaker. Femicide is therefore of critical importance to IR whereby it is a violation of human rights and constricts the fundamental freedom and protection owed to every human being. IOs and international law, particularly CEDAW, have the power to transform rights discourse and ensure the protection of women through the global human rights regime that is focused on gender equality norms however domestic and societal normative contexts have an effect on the success of international normative regimes. Furthermore, VAW manifests in societies where there is a higher sense of gender stratification and discriminatory norms and attitudes not only within the private sphere but the public as well through education, the economy

and politics. Gender stratification therefore deters countries from achieving a full and successful internalisation of CEDAW. This research paper has attempted to understand and assess how South Africa and Brazil have fared in the internalisation of CEDAW and gender equality norms and has discussed whether this has assisted in their capacity to combat femicide. South Africa has significantly higher rates of femicide than Brazil however within the Latin American region, Brazil had the highest amount of femicides thus this made for an interesting comparison. Additionally, unlike South Africa, Brazil has introduced explicit law outlawing femicide which provided a strong basis for comparison. Research and knowledge on gender related issues in the developing world is a growing topic of critical importance thus further research on femicide is needed and encouraged. It is vital that scholars of the 'Global South' produce knowledge on issues that are present in the region in order to shift the focus from Western or Eurocentric narratives that often do not understand or recognise the specific and unique normative dynamics present in each society.

The norm process has been covered and discussed in detail which provided a conceptual framework through which the analysis has been guided. The analysis was conducted using this framework in order to understand how international norms outlined by CEDAW have been translated and internalised into national, domestic and societal contexts. Broadly, it was found that stage two of the norm process related to the cascading of norms into domestic contexts through policy change, transformation of law and various legislative processes has been fulfilled however the normative process is less successful in the internalisation of norms whereby even when a norm has been internalised through local or societal processes such as educational programmes, helplines etc, effective impact translation into the eradication of gender inequality and femicide has not seen significant success. The case study analysis involved an empirical investigation and analysis of gender equality norms versus legislative change within the context of particular domestic normative conditions to understand the extent to which CEDAW has been internalised.

Despite there being international normative standards and frameworks aimed at the eradication of gender inequality as well as VAW and femicide, ineffective strategies to guide the implementation of these norms have affected the success of internalisation. South Africa, despite having higher levels of gender parity, has significantly higher levels of femicide which is puzzling as scholarship states that higher levels of equality should reduce VAW. Thus, investigation into specific domestic contexts as well as tracing how specific norms have (or have not) been internalised is intrinsic to understanding how international law needs to be developed further in order to be relevant and amenable to

domestic contexts which will differ in each region. The research does have its limitations as there is growing literature and data on these particular matters, especially with regards to femicide however femicide and the investigation of norms and norm compliance is of interest to the IR and this research has aimed to contribute to the growing literature.

South Africa and Brazil have varied in their response to and interaction with CEDAW. Both countries have attempted to introduce policy and legislative change following the ratification of CEDAW and committing to the SDGs and the Beijing Platform for Action however despite these advances, the level of impactful translation and internalisation of these transformative agendas has rendered mixed success or mixed results. It was found that despite the adoption of legislation and quota laws in an attempt to increase the political participation and representation of women, both countries have not performed well to effectively internalise these laws and thus the norm regime has had little to no impact on gender equality within the political sphere. South Africa has fared better and this may be due to laws that are detailed by nature. On the other hand, within the sphere of education and educational attainment, Brazil has fared well in closing gender gaps by 100% whereby equality has been achieved. South Africa is not far behind however the country is encouraged to follow the example of Brazil and adopt practical implementation strategies that will ensure and show effective internalisation of a norm which will in addition aid in legislative success. It is important to ensure equality at the most basic levels of education as gaps widen as levels of education increase. Therefore overall, within the sphere of education, gender equality norms have been realised to a significant extent.

With reference to the economic participation and inclusion of women as well as equal pay, both countries have not fared well in the internalisation of gender equality norms. This is largely due to women engaging in unpaid labour as well as participating in informal work. South Africa and Brazil have not performed well to internalise norms of equality and need to increase initiatives to afford women with equal economic opportunities, rights, protections and inclusion. In this sphere however, it is also important to consider the economic status of countries in the developing world as well as understand different cultural and normative contexts in which patriarchal attitudes and systems have deprived women of economic representation and independence. VAW and femicide operate largely within the domestic sphere and thus normative contexts in the local and societal arenas have an impact on the vulnerability of women. South Africa shows significantly higher rates of GBV than Brazil. In specific relation to femicide, Brazil has adopted explicit anti-femicide laws which may contribute to

Brazil's lower rates of femicide however it must be recognised that rates of femicide have increased in Brazil. An additional limitation is the absence of concrete data and studies relating to femicide in the country. However, it is interesting to analyse the internalisation of norms with regards to femicide as South Africa has categorically been able to internalise norms through the introduction of gender-focused organisations and helplines which sees a successful impact translation of international norms into the societal context despite there being a lower level of success with the cascade into national law and frameworks. Despite seemingly effective internalisation in South Africa and significant cascading in Brazil with explicit laws, femicide and VAW continue to persist.

In order to combat femicide and VAW, a holistic approach is needed and encouraged whereby all spheres; the international, national, domestic/local and societal work in conjunction to deal with these particular issues. It is essential that practical measures to adopt international and national legislation are tailored to the specific domestic and societal normative contexts in which they are to operate. There is a desperate need for a critical evaluation of culture in various contexts to identify what is actually required from norms and norm adaptation or internalisation. Therefore, an interdisciplinary approach to combat femicide and gender inequality is essential to ensure effective internalisation of international and national law and frameworks that must be amenable to local contexts in order to produce successful transformation. It is essential that we allow the developing world to tailor their own solutions that are suited to their particular domestic contexts which must take into account the normative conditions present that are influenced by various factors such as culture, economic conditions, religion and histories of colonialism. CEDAW coupled with General Recommendation No. 19, supported by DEVAW, the Beijing Declaration and Platform for Action as well as the SDGs do indeed provide comprehensive guidelines outlining specific measures states should take in the eradication of gender inequality and in combating femicide and VAW however effective norm change and internalisation must move away from Western visions of the process to achieving equality. In order for effective impact translation of international human rights and normative regimes, law must be carefully crafted within national frameworks that recognise and understand the domestic and local conditions in which they are to operate.

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