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FEMICIDE: A CASE STUDY ANALYSIS OF THE INTERNALISATION OF CEDAW

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.

