

A Human Rights Perspective on Gender-Based Violence in South Africa

The Translation of Global Human Rights Norms into the South African
Domestic Context

Thesis

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Abstract

This thesis is written as a case study and explores Gender-based Violence (GBV) from a Human rights perspective. I answer part of the complex question why has the translation of human rights norms to a local South African context not had any significant impact? The Study uses the Beijing Platform for Action (BPfA) as the case for human rights norms on GBV and Documents sourced from civil society websites as a presentation of the local context. Through a Deductive Qualitative Content Analysis, using norm translation and multilevel governance theory, I have carried out an analysis split into two parts: The First relates to the International human rights norms is an analysis of the BPfA, in which I explore what the international human rights norms on GBV are and how where they negotiated and agreed upon.

The second part is an analysis of the existing norms in South Africa and the resistance to and the translation of the international human rights norms on GBV using documents published by civil society actors. This part of the analysis explores how existing toxic masculinity norms with roots in South Africa's colonial and apartheid history, are creating resistance to the norm translation process. It also explores how the state response to GBV is constructed and analyzes the issue with this through an MLG perspective identifying issues with accountability, inclusion, and transparency and how this affects the norm translation process as well as what it means for the role of the civil society.

The Study Concludes that while translation into discourse has been done through the human rights norms in the BPfA, and the South African government has further translated the norms into law, by creating a very progressive legislation, there is an Issue with the translation into implementation, which can contribute to explaining why we have not seen a significant improvement in the rates of GBV in South Africa. This is a combination of many factors one being existing toxic masculinity norms of male dominance, power over women and a right to women's bodies, that are existent across the different structures of the South African Society. The problems with accountability, inclusion and transparency that are hindering an effective response by having a lack of cooperation between sectors. These are all factors that contribute to an implementation gap and impede the translation of international human rights norms on GBV into implementation in the South African Context.

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Introduction to Topic

Women's rights and gender-based violence have been on the global human rights agenda for decades and spotlighted through targeted efforts such as the CEDAW and UNSCR 1325, even as part of the UN SDGs as goal 5. In 1995 the UN hosted the fourth conference of women in Beijing; this was a critical moment in feminist history: When a transnational institution recognized the importance of women in global and national institutions for the first time (Jasor, 2021:136). And the conference helped affirm the rights of women through the well-known slogan “women’s rights are human rights” (ibid.). In contrast, previous UN conferences had focused on women but had primarily focused on how to include them in development. This was the first time the idea of “human rights as it applies to women” (Jasor, 2021:136) was cemented (Ibid.). This particular conference has had such an impact on the movement for gender justice because previous concerns were made central to the changes that were made at the Beijing conference (Jasor, 2021:138). Concerns about if development projects that were dependent on external funding and often had neo-liberal agendas could really address the needs of marginalized communities (ibid.). As well as concerns about whether the “power-laden relationship among feminists, activists, and non-governmental organisations (NGOs) in the north and the south have served to reproduce inequalities within the movement for gender justice” (ibid.). For the first time at the Beijing conference, a more comprehensive range of organizations and people from the global south were in attendance at this conference; they helped push the scope of the UN Agenda from the discourse of empowerment being economical to being about “Agency in Personal, Social and Political Relationships of Power”(Manuh & Anyidoho 2015, in Jasor, 2021:139) The Beijing conference resulted in the Beijing declaration and platform for action (BPfA); this declaration focused on the advancement of women’s rights in Africa in general, but in particular, South Africa, with one of the critical areas being violence against women (ibid. ;Gouws & Madsen, 2021:3) The BPfA has become a central part of the agenda of both transnational and local development organizations (ibid: 137). It thus has become a prominent expression of the global gender rights norms on Gender Equality, women's rights, and gender-based violence (GBV). However, despite this focus and popularity of the BPfA among development organizations, the rates of violence against women are still very high in South Africa. Although there are no official statistics on GBV in South Africa because the state of South Africa does not keep this data segregated, police statistics show 43,195 cases of Sexual

offenses in 2014/2015. However, as we know, this area suffers from massive underreporting (Gouws, 2016:406). So why is GBV still so predominant in the south African context despite this being on the global Human rights Agenda for decades? Is there an issue with the translations of norms to the South African context? And if so, where does the translation of international human rights norms to the local South African context go wrong? This Thesis is a case study in which I will try to answer these questions, understand the “resistance to global norms,” and understand the local context.

Problem Formulation

My problem formulation is as follows:

Why has the translation of human rights norms to local contexts of South Africa not led to any significant improvement of GBV?

To answer my problem formulation, I have divided it further into following research questions:

- *What are the Human rights norms on GBV as presented in the BPfA?*
- *What are the existing local norms in South Africa? And how does this affect the translation of global norms into the local context?*

These questions will be the basis for this thesis and I will now further go into clarifying some concepts needed to understand the subject matter and how they are understood and used in this thesis.

Clarifications of Concepts

What is GBV? And how is it defined in this thesis?

Gender-Based Violence (GBV) is a very complex issue, and there are many different dimensions to consider. Thus, I wish to briefly clarify what is meant by GBV when it is mentioned throughout this project. On the UNWOMEN website, Gender-based violence is defined this way: “Gender-based violence (GBV) refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality,

the abuse of power and harmful norms. The term is primarily used to underscore the fact that structural, gender-based power differentials place women and girls at risk for multiple forms of violence. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used to describe targeted violence against LGBTQI+ populations, when referencing violence related to norms of masculinity/femininity and/or gender norms.” (UNWOMEN, *undo*) While this UN definition mentions that GBV is “[...] harmful acts directed at an individual or a group of individuals based on their gender.”(*ibid.*) From not mentioning a specific gender, the definition quickly turns to note how this term is specifically used to “[...] underscore the fact that structural, gender-based power differentials place women and girls at risk for multiple forms of violence.”(*ibid.*) and stating that while men and boys or members of the LGBTQI+ community can also be targeted by GBV, women and girls are disproportionately suffering (*ibid.*). In this definition, there is more focus on violence against women; this is not so surprising considering it is a definition from UNWOMEN, where women are, of course, the main focus. Although gender-based violence is a more complex issue that can affect all genders, the violence against women is often the focus of the international institutions. Another example is the European Commission, which writes on their website, “Gender-based violence can take many different forms and mostly affect women and girls” (European Commission, *u.d.*).

So even though I wish to acknowledge that GBV is a much more complex issue than only violence against women, a big part of this thesis is using the BPfA and international human rights norms. Therefore, what this thesis can effectively conclude on are the definition of GBV that is included in the BPfA, which is a focus on violence against women defined as: “Any 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, whether occurring in public or in private life.” (UNWOMEN, 2015:76). Thus, when the term GBV is used in this thesis, it refers mainly to acts of violence against women, however through the analysis and documents used the concept will also be nuanced into a wider perspective, showing some of the critics of the narrow definition by civil society in South Africa.

Literature Review

Presented above is a scope of the issue showing, how GBV is a large issue in the South African Society even though the prevention of GBV has been on the human rights agenda for many years. In this literature review I will present research that has been done on GBV in South Africa, starting with looking at what research tells us about the history and context of South Africa and how this has affected the issue, to research on what has been done through policy and legislation and finally research on the civil society responses to GBV and the actions to prevent it.

The History of GBV in South Africa

To understand the present situation in South Africa it is crucial to understand the complicated history of South Africa. In this section, I will introduce some of the research that has been done on the topic to give an understanding of the background and context of the issue with GBV in South Africa. This understanding is important because research has shown that while there are no single explanation or cause for the high occurrence of GBV in South Africa, contributing factors have been linked to patriarchal patterns and the oppression experienced during the colonial and apartheid history of South Africa (Britton, 2006, 148). Systems of oppression that can still be traced to modern-day South Africa.

The colonial rule and later the apartheid system came with a white minority rule (ibid.). Being a white male meant jobs, security and being kept out of poverty and the white Afrikaaner masculinity became a hegemonic masculinity that was placed over other types of masculinity in the gender system (ibid.) This way the view of racial superiority was combined with the gender views. Although women of the colonial period had very little political power, they were ascribed some status based on their reproductive powers, but also here the race issue was at play, as the women of European descent were more privileged in terms of politics, social issues and economy (ibid.) So historically, there has been a gender hierarchy in which the male whites have been in power and women, especially black women have been disempowered (ibid.). This hierarchy of gender and race also plays a role in the history of GBV.

The intersection of race, gender and sexuality place women, especially black African women in a position as a sexual object in relation to both black and white men but also in relation to white women. (Gouws, 2018: 8). Modern-day activists are viewing the current sexual violence as rooted in a long history of women being violated during the colonial period and later the apartheid period “[...]where slave women were raped and where African women were (are) viewed as hypersexual and their sexual violations trivialized.” (ibid.). The colonial gaze and othering of black African people have created big consequences for how women in South Africa are viewed as quintessential sexual – black women are considered as the object of white men's fantasy (ibid.). Throughout colonial history, black African women have been positioned in a role where they no longer own their own sexuality; “[...] white women were rape-able but black women not, white men were not viewed as rapists, but black men’s intercourse with white women were considered rape [...]” (Gouws, 2018: 6). This long history of oppression and patriarchal structures that have resulted in a hierarchy of gender and race is important to understand because it affects how present-day views and norms have been shaped and there are links to the current issue with GBV in South Africa and the experiences of sexual violation and oppression.

During apartheid, state violence in the form of GBV was used as a form of torture, also in psychological forms, when someone was not in compliance with the government (Britton, 2006, 149). And while this type of state violence has ended with the abolishment of apartheid, GBV is still very present in the South African society today and takes the form of “[...] Rape, domestic violence, sexual harassment, ‘corrective rape’ against gays and lesbians, virginity testing and sexual assaults form the contemporary continuum of gender violence.” (ibid.). the presence of GBV throughout the history, the state use of it etc. has made it an everyday occurrence, it has in some sense been “normalized”. And even though the state no longer actively uses these “tools” it is still a part of the patriarchal society and reminiscent of this can still be seen in institutions today, such as a university having higher punishment for plagiarism than rape, rapists getting to walk around campus together with their victims and the treatment of the rape victims by the police (Gouws, 2018: 4).

To sum up while research show there is no single cause for the high levels of GBV in South Africa many points to contributing causes being the patriarchal patterns and oppression under colonial rule and the apartheid system. This history of oppression and patriarchal structure has created a gender and race hierachy, one that still affects structures and norms today and is

important to understand the current issues with GBV and experiences of sexual violation and oppression. The large presence of GBV and sexual violence throughout history even used by the state has in some sense “normalized” its presence in society and thus are contributing factors to the ongoing issue. Now that we understand the historical background and research into its significance, I will present research on policy and legislation that tries to combat these issues.

Policies on GBV in South Africa

This section will account for research done on the policy level of actions against GBV in South Africa, as well as existing research on the translation of human rights norms to policy in South Africa. Since the shift to a democratic government in 1994 there has been introduced both policy and legislation to combat different types of gender inequality, including GBV (Meyiwa et al., 2017, 8616-8617). Multiple sources agree that South Africa has in fact worked with some of the most progressive and comprehensive legislation, policy and programs to address GBV and has been praised as “best practice” (Meyiwa et al., 2017, 8614, Gouws & Madsen, 2021: 5).

However, many of the institutions that was part of The South African National Gender Machinery (NGM) established in 1997 has since been dismantled and replaced by a collected Ministry for Women, Youth, and People with Disabilities in the Presidency in 2019 (Gouws & Madsen, 2021:6), and while Gender equality and GBV has been considered an important struggle and issue to address after apartheid, there are still difficulties and challenges with these policies and ministries (Meyiwa et al., 2017, 8617-8619. Practical issues with the mandate, backlog of GBV cases, and limited financial resources, but research also points to a big issue with the framework and definition of GBV (Ibid.). So while South Africa has a quite progressive legislation there is an issue with translating the legislation and policies into reality, It can be hard to define GBV, and even when there are policies in place that do provide explanations to what fuels the big issue with GBV, there are no proper plans or strategies in place or provided to address the issue (ibid.) South Africa has policies to prevent violence and discrimination, however, this does not mean that violence against individuals is not being enacted. Thus, South Africa “needs to move to a point where policies and legislation are not a means to address problems but rather to a point where acts of violence

can be prevented and legislation a means to enforce these occurrences” (Meyiwa et al., 2017, 8620).

The research thus shows that while South Africa has had some of the most progressive and most comprehensive legislation and policy on the area there are still some issues. Many of the institutions that were at the time praised for being best practice has since been dismantled and there are issues with financial resources and different mechanisms in dealing with the issue. One of the bigger issues is the one of defining and creating a framework for both when something is considered GBV and how to deal with it. In other words, translating the legislation and policies into actions since no proper plans or strategies are provided. This link between policy and action is where the Civil Society comes into play and therefore, I will now further explain the Civil Society Responses.

Civil Society Responses

This section will account for Civil Society Responses to the South African policies, programs, and their work with dismantling GBV in South Africa as well as the relationship with the international human rights institution such as the UN. More than two decades after the Beijing conference, many were discouraged to realize that it had not been translated into more widespread equality for women in their everyday lives (Jasor 2021:139). The mainstreaming of the women’s human rights discourse has meant that the UN and the convention affiliated with it have been upheld as the “[...] only legitimate sites of activism [...]” (ibid.), which has the unfortunate effect of overshadowing local praxis (ibid.). In ethnographic research it has been noted that African feminists point out that in order to create both discursive and material changes on gender issues, more attention needs to be given to grassroots and indigenous knowledge, practices, and needs both locally and globally (ibid.). A bottom-up approach and agency for the locals to tackle GBV and gender inequality is a very important tool: however, the global government has a tendency to choose global expertise over the local knowledge. research shows that success has been seen from locally driven projects that work with GBV by strengthening local structures that attend to the issue at a community level (ibid.). This means that communities are able to “[...] lead the program on the ground, as opposed to merely implementing an agenda fixed by global and local donors, the state, or ‘experts’ outside of their communities.” (ibid.). International Human Rights’ documents and agreements such as The BPfA can be a powerful tool that offer

visibility and gives legitimacy to women's human rights and offers concrete actions to improve women's empowerment, however, in order to stay relevant in contemporary Africa the Beijing +25 needs to address some of these concerns and agents of change need to voice and expose the limits of the existing mainstream discourses (Jasor, 2021:141;143).

Today the South African government does supply funding and uses NGOs as the main service provider in terms of running programs with counseling and violence prevention (Britton, 2006, 163). However, research shows that for many of the NGOs working in South Africa the apartheid history has also complicated the relationship with the government, because they fear "[...]the promise of co-operation from the government and the possibility of co-operation by the government." (Britton, 2006, 154-155). They fear that they will lose autonomy and unconsciously become servants of the state, especially because, when an organization engages in a contract with the state, it also loses some of its ability to be strong critics of the state (ibid.)

But engaging in co-operation with the government can be important in order to secure funding, which is why research shows that many NGOs still choose to co-operate with the government, especially because most international funding sources are handing the money to the government to distribute thereby limiting the possible sources for funding (Britton, 2006, 155,157). Thus, the government has a large say in what projects and NGOs receive funding and organizations have been told by the government that there the issue is actually not a lack of resources or funds, that could go towards fighting GBV, rather there is an issue with the distribution mechanisms that distribute these funds (Britton, 2006, 155-156). However, through interviews research has shown that while the researchers discovered no evidence, many NGOs still believe that explanations as the one above is just an excuse and that governments purposely put up "red tape" for political reasons, so they can block more radical and critical groups from obtaining funding (Britton, 2006, 157). Therefore, this is still a consideration the NGOs have when applying for funding, another issue is that they constantly have to address the "[...] short attention span of funding agencies [...]" which means funding often goes to "new" and "exciting" projects at the cost of successful ongoing projects (ibid.).

Funding agencies have a lot of power in deciding what issues are being addressed, because they control who get the funding. Research shows that this can have actual consequences for how issues are being addressed and the people affected, a commercialization of certain issues

can create an abundance of funding to one issue but leave others lacking (Baaz & Stern, 2013, 97-99). An example of this is the research on the commercialization of rape in the Democratic Republic of Congo, rape and sexual violence become such buzzwords in supplying funding, that huge sums of money become earmarked specifically for rape victims, meaning that the funding could not be used for other surrounding issue and for women who were not rape victims (Ibid.) While not directly related to South Africa I still choose to describe this research as it illustrates an important point in regards to funding and GBV and how the funding agencies have power over which issues become addressed.

In summation the research shows that while the government tends to value global expertise over local knowledge, the local knowledge from local NGOs and grassroots can prove important knowledge in working with local projects and fight GBV by working on the local structures. The research also shows how co-operation between the civil society and government is challenging in light of history, the NGOs fear that working with the government can cost them their autonomy and ability to critique the state, however with much funding being dispused through the government this co-operation can be necessary. However, studies show that the NGOs feel that the government holds a problematic power over them, as they believe the government uses the bureaucratic “red-tape” to give funding to less radical and critical organizations. The power that funding agencies have over the Civil Society is also an issue because it can force the NGOs to forfeit ongoing projects for new projects that are dealing with newer and more “exciting” topics. This can mean that funding is largely being directed toward projects that are dealing with specific buzzwords like sexual violence and earmark funding for specific issues leaving surrounding issues unfunded.

My contribution

Presented above is some of the research that has been a massive inspiration to this case study. Primarily the text by Océane Jasor has inspired me a lot to explore the translation of the BPfA into local context and why after 25 years, we have not seen more progress on GBV in South Africa. There has been done much research into GBV in South Africa. Still, Actually there has been done“ [...] Few studies have been published on how the BPfA has been adapted and (re)negotiated in different African local contexts.” Gouws & Madsen, 2021:7). The Issue of Agenda that two of the above articles are from is part of filling this knowledge gap (ibid.). The existing research presented here is adds knowledge that i myself will not

touch upon in this thesis, but allows me to built upon for further research. This thesis wil as for example not look into the history of South Africa. However to do this study it is important to understand the history and context of South Africa, understand why norms have been shaped the way the have in this specific context. Thus this study will take inspiration from and built upon this knowledge to further explore how human rights norms are being translated (or not) into the South African context. I will draw on this knowledge to in the shaping of my own study as well as use it to expand on, compare to and further understand the finding of my own analysis. So even though I have taken inspiration and will draw on these texts throughout the thesis. I argue that I can contribute to this significant topic by doing a case study on the international human rights norms presented in the BPfA and their impact on the context in South Africa, using a combination of norm translation theory and MLG, thereby adding a different twist to the above articles.

Theory

In this section, I will present my choice of theory. I am using Norm Translation Theory to explore the different norms on GBV, both locally and international human rights norms. In addition to that, I am also using the global governance MLG to understand further the policymaking of the BPfA and how it impacts on South Africa.

Norm Theory

Norm Theory is a very interesting tool to explore international human rights on GBV as the UN describes GBV as “rooted in gender inequality, the abuse of power and harmful norms.” (UNWOMEN, [undo](#))

There are multiple branches of Norm Theory that explore how norms emerge and move from international to local contexts, such as norm diffusion, in which norms are defined as “standard of appropriate behavior for actors with a given identity” (Zwingel, 2016: 15). Norm diffusion looks at norms through a norm life cycle process, in which a. norm goes through three different stages in order to become a globally pervasive norm; these stages are norm emergence, norm cascading, and norm internalization (ibid.). Norm emergence is the stage in which the norm entrepreneur starts working on framing and creating a norm, as well as gain support from essential and powerful actors. (ibid.). During the stage of norm cascading, the norm becomes supported by a significant number of states and also begins to be

institutionalized and gain “norm followers” this group is defined by being convinced more by the general approval of the norm rather than the content of the norm itself (ibid). The last and final stage in the norm life cycle is norm internalization; in this stage, the norm has been implemented into local and domestic contexts through state bureaucracies, etc. (ibid.). If this internalization is comprehensive enough, then the norm is no longer contested but entirely accepted (ibid.); however, it is important to express that what is described here is an ideal-type norm diffusion, and of course, in real life, these stages do not exist exactly as described here (ibid.). These phases are not assumed just to happen automatically (ibid.).

Norm diffusion theory is interesting when it comes to this analysis, as it is very user-friendly, but also because the stages fit quite nicely with the BPfA, where you can view the UN as norm entrepreneurs that through the fourth conference of women in Beijing were trying to gain support from essential and powerful actors. The plan of action and the call for institutionalization that is predominant in the BPfA itself could also be interesting to explore when it comes to phase two of norm cascading. However, even though I consider norm diffusion to be an exciting tool to analyze the BPfA, I find it too normative to thoroughly examine what is happening in the domestic context of South Africa because norm diffusion theory has a more fixed view of norms and thus neglects to include the more interactive character, that norms can have because norms are considered to be fixed once they have been agreed upon (Zwingel, 2016: 16, 19).

Norm Translation theory does not just take for granted that the local context will just internalize and accept the norm as is; it is thus different from the more global centric approach of the norm diffusion theory (Zwingel, 2016: 19). Norm theory is a more complex approach in which norms are being negotiated, contested, renegotiated, and resisted, and through this process, it evolves and becomes translated into the local context. (Zwingel, 2016: 16, 19-20). This more interactive perspective is essential to explore what is happening with the movement of the norm from international institutions to the domestic context and what resistance the international human rights norms might meet. Therefore, I have chosen to implement norm translation theory in my analysis instead. The conceptual approach to norm translation presented by Lisbeth Zimmermann (2016) uses a similar approach to the norm life cycle, where the translation is divided into three steps: translation into discourse, translation into law, and translation into implementation (Zimmermann, 2016: 111). By dividing into

sub-groups of translation, this approach makes it possible to explore a fuller and more complex picture of how norms are being shaped and negotiated and shows how this embedding and reshaping of norms is very common (ibid.). The conceptual approach to norm translation fits this analysis very well as it allows me to explore the different stages of translation but also takes into consideration the contestation and resistance, which are parts I wish to explore in my analysis of the local context of South Africa.

Application of the theory

To operationalize the term norm and apply it in my analysis, I use the definition of norms as a “standard[s] of appropriate behavior for actors with a given identity” (Zwingel, 2016: 15). For this case study, I will define the BPfA violence on women sections as a set of formalized norms that have been negotiated and agreed upon during the Beijing world conference of women. I will refer to this set of norms as international human rights norms on GBV And use the theory to explore exactly what these are. Norm Theory will also be used to further understand the local context and the existing norms specifically on GBV and gender embedded into the society, by looking at select actors in the South African context. This will help me answer my problem formulation and understand how the human rights norms are being translated to a South African context and what resistance is these norms are meeting. The norm translation theory has been used through a deductive method to understand the dynamics at play between the international human rights institution, the government in South Africa and the civil society. In my analysis, I have used the concepts of translation and negotiation to explore the process in which the BPfA was created and the negotiation of norms on GBV at the local level—seeing how the civil society has evolved through the negotiation of new norms.

What is Resistance?

When I discuss resistance to human rights norms in this case study I do not necessarily mean, physical or verbal resistance. It does not have to be someone who is deliberately trying to prevent human rights. What I talk about is the norm being refused as valid (Zimmermann, 2016: 111). This can happen for a number of reasons, such as missing “cultural match” (Zimmermann, 2016:98) A norm can be resisted in many ways and one might not even be aware that they are resisting a norm. This also means that when I talk about resistance to a norm in South Africa, I am not talking about the whole country resisting a norm. acceptance and resistance to a norm can coexist in a society.

Global Governance Theory

As a supplement to the Norm translation theory, I will also be using the Multilevel Governance (MLG) Theory from a gender perspective, as presented by Kate Bedford (2013). There is a lot of debate on the topic of MLG among feminist scholars (Bedford, 2013: 628). Yet, I have still chosen to draw on this theory, as I think it and the discussions around it can benefit from understanding further what is happening in the move from international institutions to the local level and help explain where and how the issue of GBV is being handled.

MLG first emerged as a concept in the 1980s as a part of research on changes in the European Union and was originally described as a “system of continuous negotiation among nested governments at several territorial tiers – supranational, national, regional and local” (Hooghe & Marks, 2003:234 in Bedford, 2013: 629). However, these debates on MLG evolved into including an analysis of how “[...] responsibilities and political participation avenues were being redirected downward and sideways [...] including away from governments altogether (at whatever level), to encompass civil society groups, firms and so on.” (Bedford, 2013: 630). An example of this is the EU’s open method of Coordination, where EU institutions play a coordinating role in including civil society, trade unions, and employers in to define a shared view of a policy issue (ibid.) While MLG started out as a tool describing debates around the EU, it has now moved on to refer to a more broad: “[...] interlinked cluster of political shifts. These including the growing importance of transnational institutions; the growing interdependence of governments at different levels and the growing interdependence between governments and nongovernmental actors; and proliferating jurisdiction, rule systems, and centers of authority.” (ibid).

MLG Scholars are attentive to how multiple actors are interacting in different formal as well as informal policy networks and focus on how the nature of power, politics, and policymaking is complex, multicentered, interwoven, and dispersed all at once (ibid.). Researchers on social movements have also used MLG to understand better theories on political opportunity structures (POS) and how these are affected by changes in the political architecture, and how movements are adapting to these in their protest strategies (ibid.).

Supporters of MLG view it as a more “[...] superior mode of allocating authority [...]” (ibid.), although for different reasons: Some see it as a tool to shrink the state while increasing individuals' ability to resolve problems (to this group it also should ideally happen through market mechanisms) (ibid.). Others prefer MLG because it is perceived to have the potential to bring decision-making closer to people or give other opportunities for access points to social movements that experience unresponsive governments (ibid.). Some perceive MLG to be a more cooperative and consensus-based approach to politics, in which stronger actors can be forced to listen and compromise with partners, making them distinctive features of the decision-making process (ibid.). These are part of the MLG concept I wish to incorporate into my analysis, as it can help me understand the function and intended impact of the BPfA. The UN has also been researched through gender and MLG, it has been concluded that UN Support has been very important in order to create national gender equality policy machineries in several countries (Bedford, 2013: 633). Transnational sites such as the UN show evidence of what has been termed the boomerang effect; this is where local actors can use these transnational institutions to gain “[...] concessions from their governments.” (ibid.) As the importance of institutions like the UN has grown, it has now become commonly viewed as a gender policy-making body of its own right (ibid.)

MLG can offer some important insight into the global governance process of GBV and serves as an excellent counterweight to norm translation theory and already existing research presented in the research review. However, the concept of MLG also has some issues and critiques that should be addressed: The MLG concept can easily become a tool for a neo-liberal agenda, which views progress from an economic view and becomes too focused on the reduction of the state and privatization (Bedford, 2013: 369). Skeptics claim that although MLG is perceived as a non-conflictual and consensus-based process, there can be some serious issues with transparency, inclusion, and accountability (Bedford, 2013: 630-631). The supranational institutions can lack a standard for “[...] mechanism of liberal democratic political accountability, since there may be no free and equal access to appoint the decision-makers and voting power may be unfairly distributed.” (ibid.) In addition to this, it can be challenging to hold actors accountable; when decisions emerge from these complex and interlinked networks, it becomes unclear who is responsible (ibid.). The informal nature of the negotiation process can also become an issue, as powerful actors can succeed in dictating discussions or keeping opponents from participating (ibid.). It also has been pointed out that the POSs are characteristic of the MLG and can direct activism in

certain directions, which can affect the accountability and legitimacy of social movements (ibid.).

Even though there are some very valid critiques and concerns with the MLG concept, it still offers some interesting perspectives for feminist research, especially the focus on multiple sources of authority (ibid.) is very interesting. It offers some fascinating insight into the impact of the BPfA. As the BPfA can both be seen as an expression of international human rights norms but is also a product of MLG, where the UN has a coordinating role between different actors in a policy-making process. It is thus also interesting to see how this is relevant to the local context.

Application of the theory

This theory has been applied in my theoretical analysis both as a tool to understand the role of the UNWOMEN and the policy function of the BPfA, and also to understand how the state response to GBV and the response to this. It is also a very useful tool to understand why the implementation of the BPfA can be complicated and how the lack of accountability and inclusion can be a very large issues when dealing with human rights and action plans for GBV. On top of this it has also been used understand why a country like south Africa who has been praised for their progressive legislation still suffer from such a high rate of GBV. This can in part be understood through systemic structure of the response, that suffer from the issues an MLG approach can have and thus result in a gap between legislation and results. Thus it serves as a great contribution to this study and compliment norm translation quite well, in order to give an answer to my problem formulation and understanding why there are still so large rates of GBV in South Africa, even with the good legislation and 25+ years of human rights focus on the issue.

Method

In this section, I will elaborate on my methodological choices, such as the choice of case study, my choice of data, and my analysis strategy.

Case Study of the BPfA's Impact on GBV in South Africa

To further understand my object of analysis I have chosen to construct this study as a case study in which i will look at how human rights norms are translated into a south African context. When performing a case study, one often selects one maybe two “[...] issues that are fundamental to understanding the system being examined” (Tellis, 1997: 2; Bryman, 2016: 64). This is being done as a single case study to reduce the issue in order to understand a much bigger and more complex phenomenon (Lai & Roccu, 2019: 71). I have chosen to look at the very large issue of GBV in south Africa. This will be done by looking at one document representing the international human rights norms the BPfA as well as documents from two specific actors in the local context and Civil society. Thereby i will construct a case that will look at these specific actors to understand GBV in South Africa and the translation of human rights into this context. But ultimately findings from this study will also give knowledge of GBV as a larger phenomenon. I have selected this specific case because of the unique history of South Africa, and the high rates of GBV despite being a “model” country, when it comes to legislation, this makes it a very interesting case to understand GBV and the translation of human rights norms on this topic. The BPfA I have chosen because it is an excellent example of a very concrete human rights document that addresses the issue. The case study will focus mainly on how GBV human rights norms are translated or not translated into the local context of South Africa and why GBV is still such a massive problem in the country. I will explore the impact of the BPfA and the context of South Africa by using documents made publicly available on civil society organizations websites, which i will describe further in the data selection section. It is important to note that concerning case studies, they are “[...] a construction that emerges during the research process, through the constant relation of observation and theory, and international and global forces and processes by which it is shaped and on which it reacts back” (Lai & Roccu, 2019: 81). This means that I, as a researcher am part of constructing a case of the BPfA in South Africa through my research and the theoretical focus I choose. However, it can still not be separated from the broader context. Thus, I as a researcher am part of influencing the research by setting up this construction through my selection of empirical data, theory etc. the findings of this study will relate specifically to this constructed case, but can not fully be removed from the wider context of the issue. Case Studies also typically deal with multiple methods to explore a more comprehensive picture of the case (Bryman, 2016: 64). however, this study will only use one method: document analysis, specifically the method of Deductive Qualitative Content

analysis. This is both due to time limitations, but also practical limitations it has not been and option to go to South Africa to collect more ethnographic data etc. but it is also due to some limitations of this field researching GBV comes with some methodological issues such as obtaining reliable data on this type of violence because one there is an issue with the defining the term and what to include, but also the nature of the phenomenon means that much of it takes place in a very private and intimate context, which means that the issue can not be directly observed, and due to the taboos that surround it, the feelings involved fear guilt and sham this issue suffers from a high rate non-responses and people hiding the truth . (Ruiz-Pérez et al., 2007, 27).

My role as a researcher

I want to briefly address my role as a researcher, especially because I, as a global north scholar, am dealing with and analyzing GBV in a South African context. I wish to acknowledge that I am aware of the position I am putting myself in. Part of what I am criticizing in this thesis is the lack of involvement in and sensitivity to the local knowledge and context. This is, of course, a bit ironic as I am studying the South African context from afar in Denmark. The issue of western feminists exploring the global south can be very problematic, as described by Chandra Mohanty in the text “Under Western Eyes: Feminist Scholarship and Colonial Discourse” (1988). In the text, she explains how white feminist and middle-class scholars analyze the “the third world woman” from their own perspective, assuming that women can be seen as a category of analysis on the basis of an idea of shared oppression (Mohanty, 1988:65) this presumed idea of a shared oppression can lead western scholars to a stereotypical distinction of the “third world women” as oppressed, ignorant, poor, uneducated, victimized, etc. while the self-representation of the western feminist is freedom, modern educated, etc. (ibid.) these distinctions are based on “[...] the privileging of a particular group as the norm or referent” (ibid), constructing oneself as the norm in a binary system (ibid.). This is something to keep in mind when researching a global south country. However, while I will touch on gender norms in my analysis, I will not be analyzing on the role of the women I will focus on the norms of the society, the state response to GBV and how it all affects the translation process.

Data Selection

This section will elaborate on my choice of data for the study. My analysis will be split into two sections the first part is related to my first research question on international human rights norms on GBV. I have chosen to use the BPfA as my main data for this part. However, for the second part of my analysis, I will look at the local context; for this, I will use different documents published by civil society organizations.

BPfA

Although there exist many international institutions, treaties, declarations, and other documents that mention GBV, which I could have chosen to use to explore this question; I have decided to narrow my perspective and focus on the BPfA as well as include summary reports that have been done throughout the years, to show what is being presented as results of the declaration. I have chosen this as a source of data because this declaration because of its popularity and the important milestone it was considered to be at the time (Jasor, 2021:136). In addition to this, it specifically focuses on the African continent and South Africa (Gouws & Madsen, 2021:3), which is the geographical focus of this thesis. Of course, by narrowing down the focus to one declaration, I cannot say that what is presented is a complete overview of human rights norms on GBV. However, the BPfA is a widespread and very well-regarded declaration and represents one very important part of the expression of international human rights norms.

One important thing to mention is that while many of these human rights institutions mention GBV as a focus point, it is often a side note to women's rights; this is also the case for the BPfA, which focuses on women's rights as human rights. Meaning that GBV is often dealt with as violence against women or violence against women and children (UNSCR 1325). The choice of data also impacts the definition of GBV; This means that even though GBV is a broader and more nuanced issue than violence against women, the focus of the BPfA is violence against women, which is defined as: "Any 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, whether occurring in public or in private life." (UNWOMEN, 2015:76). This less nuanced version of GBV as violence against women means that women become archetypal defined as the victims of

GBV and male control while men are being viewed as the ones who perpetrate violence, thereby saying that every society is split into the powerless (women) and the powerful (men) not taking into account individual contexts (Mohanty, 1988: 67). The first part of the analysis will only look at GBV as violence against women, as this is the focus of the BPfA. The analysis will thus only focus on the section of the BPfA and reports that deal with the issue of violence against women.

Presentation of Documents for Analysis of the Local Context

To answer the second part of my analysis I will use publicly available documents sourced from websites of two civil society organizations Respectively Sonke Gender Justice and Human Rights Watch, further explanation of the data collection criteria and process will be presented in the data collection section below. For easier overview of the documents used as empirical data for the analysis I will present them briefly in the table below:

Title	Organization/Publisher	Description	From	Year
Report on Diagnostic Review of the State Response to Violence against Women and Children - Summary version	Found on Sonke Gender Justice's website. Developed by KPMG	This report by KPMG was commissioned in 2014 after pressure from civil society. It contains a diagnostic review of the government strategies in place to address violence against women and children (VAWC). Reviewing both the strengths and weaknesses of the institutional and programmatic mechanisms which the state use to address VAWC. The review looks at the “whole of government’ response, covering overarching challenges faced by 11 key departments with roles to address VAWC.” (KPMG, 2016;3) and looks at the three levels of government: the national, provincial and the local.”	<u>stop-gender-violence-national-campaign</u>	2014

NATIONAL STRATEGIC PLAN ON GENDER-BASED VIOLENCE SHADOW FRAMEWORK	Stop gender violence national campaign (From Sonke Gender Justice website)	Policy Brief developed in cooperation by multiple organizations in South Africa. The policy brief's main agenda is to recommend a National Strategic plan on GBV	https://genderjustice.org.za/publication/national-strategic-plan-on-gender-based-violence-shadow-framework/	2017
Sonke demands government heeds its call for a National Strategic Plan on gender-based violence	Sonke Gender Justice	Press release that relates to the policy brief above and the call by Civil Society for a National Strategic Plan	https://genderjustice.org.za/news-item/sonke-demands-government-heeds-call-national-strategic-plan-gender-based-violence/	2017
Submissions to the United Nations Committee on the Elimination of Discrimination against Women on the fifth periodic report of South Africa 80th Session September 2021	Human Rights Watch	Submission by Human Rights Watch to the UN committee on the elimination of Discrimination against women detailing current issues that should be considered in the adaption of the list of issues about the compliance of South Africa with CEDAW.	https://www.hrw.org/news/2021/09/29/submission-committee-elimination-discrimination-against-women-review-south-africa	2021

Human Rights Watch Submission to the UN Special Rapporteur on Violence Against Women	Human Rights Watch	Submission by Human Rights Watch to the UN Special Rapporteur on Violence against women focusing specifically on the “states obligations to legislate, prevent, investigate, and prosecute sexual and other violence against lesbians and transgender people.” (Human Rights Watch, 2020). the submission includes multiple countries, however the focus is only on the sections regarding South Africa.	https://www.hrw.org/news/2020/05/22/human-rights-watch-submission-un-special-rapporteur-violence-against-women#_ftn27	2020
“We’ll Show You You’re a Woman”	Human Rights Watch	Report on Violence and Discrimination against Black Lesbians and Transgender Men in South Africa	violence-and-discrimination-against-black-lesbians-and	2011

These documents have been chosen as a representation of the present-day situation with GBV in South Africa, responses to the current strategies in place to address GBV in South Africa and Civil society responses to these strategies, as well as experiences with the local effect of the issues and norms that are feeding into this. These documents are relevant because they show different perspectives and highlight both issues and successes and give recommendations on the strategies and programs that are trying to combat the discrimination and violence experienced in the South African society. The documents will serve to purposes for the analysis 1) to identify existing norms on GBV and Gender in South Africa today, and

2) as empirical data to analyze how international norms are being received in the local context. In the Section below, I will further expand on the selection of the data, the criteria of the selection as well as address any challenges and limitations with working with this type of data and specifically these documents.

Data Collection

My approach to collecting data has been very influenced by previous research as i read through existing research it became clear to me that i wanted to approach this topic from using norm theory and MLG theory. Thus, my approach has been more deductive in the sense that I have used existing research, knowledge and theory before empirical data, letting these guide me in choosing the data. However, in the pure form of the deductive approach it is logical reasoning in which go from a more general indisputable idea to more concrete conclusions (Birkler, 66-67) which I can not say my study fully does. The hypothetico deductive method is a bit more in between the inductive and the deductive method in the sense that the research does not start from indisputable knowledge, but from an opinion or belief that can be turned into a hypothesis that you can test (Birkler, 72-73). The approach I have taken does not quite fit perfectly with either, since i am also not testing a hypothesis but it comes from a similar starting point in which i have researched the topic already had my theories before finding my empirical data.

This also means that when I choose my data the criteria was based on my theories and existing research. Using a method similar to a snowball method in which you use one documents references to look for relevant documents (Tinggaard & Brinkmann, 2017:157), I used the existing research to identify three actors that would be important to look at from a norm perspective: the UN, the government of South Africa and the civil society. Using the research I further narrowed it down to the BPfA and documents from two civil Society organisations Sonke Gender Justice and Human Rights Watch.

To Source my data I used the UNWOMEN website and the Websites of Sonke Gender Justice and Human Rights Watch, using the search engines available on the websites to look for relevant documents. Thereby using what is known as public domain documents, that are available to the public online (Bryman, 2016: 553). As criteria I searched for documents that were more recent, as this study speaks to the current situation for the local context, therefore

my oldest document is from 2011 and the newest from 2021. It was also important to find documents that could speak to both the norms of the society but also the response to GBV, to use the MLG theory but also to properly understand what is being done to translate these human rights norms in the local context. these criteria led me to the “Beijing Declaration and platform for action, Beijing + 5 Political declarations and outcome” and the six documents from the civil society websites presented in the table above.

Data selections limitations

The documents that I have used as empirical data have different intended purposes one is a report of a review done by a paid external consultant, some are shorter publications on websites like the press release, then there is a policy brief and the report on violence against LGBT+ individuals. What they all have in common is that they are public domain documents, which means that they are documents intended for publication. This is not necessarily an issue, but it is important to consider the intend of these documents. Something like the Report on “Diagnostic Review of the State Response to Violence against Women and Children - Summary version” is supposed to be an objective review, where as something like the press releas or the policy brief have a very clear objective, they are trying to persuade someone, in this case the state towards there opinion and solution. And with the type of analysis that I have done, where i have also used these documents to identify norms, it is important to be aware that I am not simply repeating the viewpoints of the NGOs, but that i am in fact looking at it through a theoretical lens by applying the norm translation perspective.

With any document analysis it is important to keep in mind authenticity, credibility, representativeness and mening (Tanggaard & Brinkmann, 2017:163). All of the documents used here are official documents found on official websites, where it is easy to identify the sender and also the receiver, meaning authenticity is not an issue. While some of them might have very specific terms or abbreviations, most of them have a glossary making the meaning and the reading of them fairly simple. However credibility, meaning looking at bias in the selection of documents, perhaps the researcher has not found all relevant documents or the use of certain sources can affect the conclusion and draw the findings in a certain direction affecting the credibility of the study (Tanggaard & Brinkmann, 2017:164). Now this can always be discussed, as previously clarified i am woking with a set of empirical data of six documents total. that was found through a search of narrowing down to specific actors. Thus

there could be a chance that there are better documents i have not found or other sources that could have been better. the same goes for the question of representativeness meaning if the set of empirical dat is actually representative of the phenomenon or only an expression of irregularities(ibid.). However, with the time and resources available to me I have had to narrow the set of empirical data down to a an amount that I would actually be able to thoroughly analyze and have done so using specific criteria detailed above, and of course I can not claim to have completely covered the issue, but that is neither the goal nor possible, which is also way I have chosen to use a case study for this thesis.

To be more true to the method of case study and also further address some of these issues it could have been interesting to use further methods in data collection such as more ethnographic methods like ineterviews or observations, perhaps with members of civil society, this would have been a more direct and inclusive method, that could have given me insight into the lived experiences and everyday life told from their perspective (Tanggaard & Brinkmann, 2017:31). This way I could also have been more in control of the content and tailored it specifically to my problemformulation, as with existing data you have no control over what questions have been asked etc.(de Vaus, 2002:109) howver there are many logistical issue as well as ethical issue to consider if I had chosen to do so when dealing with such a sensitive topic.

Data Analysis Strategy

In this section, I will describe my analysis strategy. Given the document that I have as data, I havefound a content analysis most suited to analyze and code my data.

Content analysis

Content analysis is a tool to analyze “ [...] written, verbal or visual communication messages.” (Elo & Kyngäs, 2008: 107). In this case, I will be using this method to analyze the written documents presented in the section above. To perform my document analysis, I have chosen to use Deductive Qualitative Content analysis as I believe this is the type of content analysis that best fits my approach to this study. The Aim of this type of content analysis is to get a very broad but condensed description of a phenomenon (Elo & Kyngäs, 2008: 108). The deductive content analysis “[...] is often used in cases where the researcher wishes to retest existing data in a new context [...]” (Elo & Kyngäs, 2008: 111). With the

Deductive Qualitative Content Analysis i can analyze my exisitnc data through coding that has been done through the operationalization of the chosen theories and structured based on these theories as well (ibid.). The Deductive Qulitative content analysis usually does coding through the use of a categorization matrix based on the existing theories or knowledge, this can be either a structured or an unconstrained matrix (ibid.) As i have previously explained for this study I have used made use of a more deductive or slightly hypothetico deductive approach, although I have not created a specific hypotheses to test. But this is the method that most closely resembles the process I have gone through and it also pairs nicely with this deductive qualitative content analysis.

Now while actually conducting the analysis itself I first read through the documents from my empirical data set. This was to familiarize myself with the data, but also to identify which sections of the longer documents to focus on, as some of the documents are quite large and I would not be able to thoroughly analyze it all. But also because not all of the information in the documents were relevant for the specific analysis. One I had familiarized myself with the content of the data set and identified the sections for thorough research, I used the norm theory and MLG theory to construct an unconstrained matrix, which i used to code my empirical data. This was done through a process of color coding interesting part of the documents that was relevant to the specific theories and terms within them, such as resistance, existing norms, accountability etc. once this was done i could compile a document with the main findings from wich i could write my analysis.

Using this method and a more deductive approach does have certain consequences for the type of analysis that I will be able to present. Because my data has been chosen based on my theories and existing research I will not bring a completely new theoretical approach or present groundbreaking new knowledge (Birkler, 68). Rather I will be able to build on the existing knowledge and add to an existing discussion through a more theoretically based analysis. However, this deductive qualitative approach is extremely suited for this purpose of doing theoretical analysis and is helpful in familiarization with the data set, operationalization of theories, to further understand the documents and analyze on their content. In the next section I will present my findings in the analysis.

Analysis

In this section, I will present my findings in a theoretical analysis. The analysis is divided into two parts answering different research questions.

Analysis Part I: International Human Rights Norms on GBV

The first part of my analysis will address my first research question: *What are the Human Rights Norms on GBV as presented in the BPfA?*

The BPfA is an expression of norms being negotiated and agreed upon through the conference on women, hosted by the UN, different actors have come together to discuss women's rights, including GBV. In norm translation theory, norms are not fixed once they are agreed upon, but existing norms can be contested and re-negotiated (Zwingel, 2016: 16, 19). The BPfA is a good example of how international human rights institutions can be part of contesting existing norms and re-negotiating new norms, as it is also exemplified in the actions to be taken against violence against women, where they ask governments to “[...]Work actively to ratify and/or implement international human rights norms and instruments as they relate to violence [...]” (UNWOMEN, 2015: 80). And while norms are not directly mentioned, they are showing how they are contesting existing norms by expressing, how “Violence against women throughout the life cycle derives essentially from cultural patterns, in particular the harmful effects of certain traditional or customary practices [...]” (UNWOMEN, 2015: 77). Indicating how there are existing norms in place that are reinforcing patterns of GBV.

When looking at the three steps of the conceptual norm translations (Zimmermann, 2016: 111), this negotiation process, conversations around the conference, the very successful slogan of “women's rights are human rights,” and the creation of the declaration and plan of action are all part of a translation of the norm into international discourse, and the encouragement of governments to take legal actions such as “Implement the Convention on the Elimination of All Forms of Discrimination against Women[...]” (UNWOMEN, 2015: 80) and “Promote an active and visible policy of mainstreaming a gender perspective in all policies and programs related to violence against women” (ibid.) are attempts at pushing for the second step: translation into the law, and ultimately, of course, get to the final step of

implementation (Zimmermann, 2016: 111). From an MLG perspective, this would be an example of how policymaking is filtering down from the transnational level into concrete changes in GBV Prevention; however, as with most other gender rights instruments, the UN and BPfA rely on soft law mechanisms and have no enforcement power, thereby making it hard to hold states accountable (Bedford, 2013: 634). This means that the BPfA is a document of recommendations and encouragements and not something binding. In my second part of the analysis, I will discuss further how this has translated into the South African context.

The overall human rights norm on GBV that the BPfA is trying to push is:

“Violence against women is an obstacle to the achievement of the objectives of equality, development, and peace. Violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The long-standing failure to protect and promote those rights and freedoms in the case of violence against women is a matter of concern to all States and should be addressed.” (UNWOMEN, 2015: 76).

This shows how GBV is being contested and viewed as a very serious issue as a violation of human rights; so while it is quite obvious what the international human rights norm on GBV is, they do not condone it; they do not condone any type of violence against women. This is not so surprising, but what is interesting is to look at how it is presented: the way it is portrayed here also shows how GBV is often a “secondary” issue lumped together with many other issues, all under the label of women’s rights and human rights. GBV is a very complex issue in itself and in many ways related to other issues and cultural, social, or historical patterns so; therefore, it can be challenging to separate from related issues, but can also easily get lost in a declaration and plan of action like this. Multiple actors came together at the Beijing conference and agreed that GBV is terrible and needs to be dealt with but doing so can be a more complex situation, as is also pointed out in the BPfA itself as well as the “Beijing+5 Political Declaration and Outcome” (2015):

“Inadequate understanding of the root causes of all forms of violence against women and girls hinders efforts to eliminate violence against women and girls. There is a lack of comprehensive programs dealing with the perpetrators,

including programs, where appropriate, which would enable them to solve problems without violence. Inadequate data on violence further impedes informed policy-making and analysis. Sociocultural attitudes which are discriminatory and economic inequalities reinforce women's subordinate place in society” (UNWOMEN, 2015:14-15)

This quote is extremely interesting because it, on the one hand, admits that there is not enough information about the root causes of GBV, but then, on the other hand, still pushes for more programs implying that this will solve the issue. This highlights some of the issues with MLG in regards to transparency and accountability; through a complex and interlinked process, this action plan was developed, but there is no clear picture of who is responsible for what (Bedford, 2013: 630-631). Thus UN gets to portray itself as a gender policymaking body, who has the answer to ending GBV but without knowing the root causes of it. This can be problematic because it can be difficult to act on for the other actors involved, such as civil society and local organizations. They get an action plan, but they will have to come up with root causes and programs. Although, it can be argued that they would also have a better understanding of what is at stake in their specific context and can take a more informed decisions about it.

This acknowledgment of the obstacles to fighting GBV, also shows some of the complexity, although far from all of it, and explains why international human rights norms on GBV even if it is “[...] widely accepted that violence against women and girls, whether occurring in public or private life, is a human rights issue. It is accepted that violence against women, where perpetrated or condoned by the State or its agents, constitutes a human rights violation.” (UNWOMEN, 2015:14). It can be difficult to implement, especially because the context, patterns, and local norms will vary from country to country and this is a document trying to create an international human rights norm to, which then can be translated into the different local contexts. This is a very hard exercise to do and can thus easily become too general to have a real impact. However, for the second part of the analysis, we will now go into how this translation process is looking in the South African context and what norms are at stake here.

To sum up this first part of the Analysis: the BPfA is an expression of the international human rights norms in which all acts of violence against women is being contested. The conference and document itself is a good example of how different actors can come together

to negotiate and re-negotiate existing norms. It shows a successful translation of norms into the human rights discourse and a push for governments to further translate the human rights norms into law and later implementation. It is an example of how policymaking can filter down from the supranational level to the local level. However, while the norm is to contest all violence against women, there is also an acknowledgement of the complexity of the issue. This creates some issue for an action plan like the BPfA, as they push for solutions to the problem but also admit they do not fully understand the issue. Due to the soft power nature of the UN and the complex process through which the BPfA was agreed upon, it also lacks a level of accountability, and the implementation can be difficult. So while the BPfA has had a lot of importance in terms of setting norms for empowering women and ending GBV and also can be said to have given civil society some point of access, there are still some key issues.

Now that we better understand the BPfA and the norms it is representing, and how it has come to be, what mechanisms have been part of its creation: the negotiation of norms and the use of MLG traits, such as the policymaking filtering down to local levels. I will now move on to the next analysis, in which we will take a closer look at norms in the local context and the translation from the transnational level to the local.

Analysis Part II: Local Context

The second part of my analysis will address my second research question: *What are the existing local norms in South Africa? And how does this affect the translation of global norms into the local context?*

To answer this question, I have analyzed six documents published by civil society organizations and have identified three main topics I will dive into here: structural issues, a minority perspective, and systemic issues with the programs and strategies to manage GBV.

Structural Issues

This section will present empirical data on the structural issue behind the high levels of GBV in South Africa. It will go into how patriarchal norms are still present in today's society and how the hegemonic masculinity ideals are affecting the rates of GBV as well as the normalization of violence in South Africa. This will present the Civil Society's explanation

of the reasons behind GBV but also highlight some of the existing norms and the resistance to international human rights norms.

In the documents that I have analyzed one recurring subject is the gender norms in South Africa, specifically the norms for masculinity seem to be viewed as an important factor in understanding what contributes to the problem with GBV. One example comes from the Sonke Gender Justice press release in which they explain how GBV in this case specifically the act of femicide is viewed as:

“a manifestation of violent masculinities and harmful gender norms. [...] we must do more as a society to deal with toxic notions of manhood: the idea that to be a man means to be powerful and dominant, the idea that men have control over women’s bodies. We need to acknowledge that women face danger daily – from strangers, yes but mostly from within their own homes.” (Sonke Gender Justice, 2017)

This quote shows how existing gender norms are part of the resistance to the human rights norms. There are structures in the society that are drivers behind the GBV, as is also identified by the civil society “Gender norms: expectations of male dominance, power over women, sense of entitlement to women’s bodies and labour“ (Stop Gender Violence a National Campaign, 2017;52). This Hegemonic masculinity or “toxic masculinity”, that are as we know from existing research rooted in the history of South Africa, seems to be part of the local norms that are reinforcing structures that allow for GBV to continue to be such a large issue in the South African society. So GBV is the physical manifestation of toxic masculinities, this relates to the case with a South African context where these toxic masculinities have been shaped through colonial and apartheid history. However, GBV is a universal problem and this understanding of it being a manifestation of toxic masculinities can be related to other contexts as well and understood in a larger and more broad context.

However, norms are not fixed; they have a more fluid and interactive form and can be both negotiated, contested, and renegotiated (Zwingel, 2016: 19). In many ways most of the documents presented here are an expression of this. The different organizations are working to re-negotiate the existing norms. This is on a large and more global or national scale, but the documents also show how this is true for the local scale as well: “Our research shows that

there exist a growing number of men who are concerned about gender-based violence in their communities [...]” (Sonke Gender Justice, 2017) and Sonke explain how they through campaigning have seen positive results on “ [...] the individual, interpersonal and community levels with respect to gender equality and the prevention of violence against women” (ibid.) This shows us that while existing gender norms of male dominance are part of the key contributors to the GBV-issue, these norms are being negotiated and contested, in this case, as part of civil society work, the human rights norms are slowly being translated into society while existing norms are changing. This is important to note because while much can be critiqued, we must also acknowledge that change is happening, and these norms are changing.

Although it is important to acknowledge that these norms can and are changing in parts of society, we must also acknowledge how much these patriarchal norms are existent in the existing structure of the society. The report on the diagnostic review of the state response to violence against women and children revealed that:

“Interviews revealed that government employees’ attitudes were more aligned with cultural attitudes and norms, which drove more patriarchal behaviors, even in the workplace. Such entrenched patriarchal attitudes are barriers to the provision of effective programs and services. In the extreme, such attitudes can manifest as the state being the perpetrator of violence, either through direct violence or through secondary victimisation, which has been described by victims just as, if not more traumatic than primary abuse” (KPMG, 2016;28)

This describes how the employees that are supposed to work towards the prevention of GBV are also affected by the norms of society, they are described as “ [...]more aligned with cultural attitudes and norms [...]” (ibid.) indicating how these patriarchal norms are part of the structures that are allowing GBV to exist at this level in society. The fact that these norms are also so entrenched in the governments' employees affects the quality of the programs and services, meaning that these norms are not only part of what contributes to the discrimination and abuse, but also explain why the issue can be very complicated to deal with, because the people that are meant to help the victims are affected by the same norms as the perpetrators and can in some cases become the perpetrators themselves. This is part of the resistance to the global human rights norms because the existing norms are so entrenched in the different

institutions of the society it creates a resistance to the new norms, intentionally for some individuals but perhaps for some of the employees not intentionally.

This is in part due to the normalization of violence that the existing norms allow for. One example of government employees viewing violence as the norm is the police officers that view responding to GBV as an added burden:

“Interviews with officials from a provincial Community Safety department identified that, ‘domestic violence is viewed as an added function and this creates a negative attitude towards VAW by police officers’. [...]The reluctance is premised on a widespread perception among police officers that domestic violence is a ‘family matter’ in which they have no right to involve themselves in or that domestic violence is of lesser importance or urgency than other crimes.[...] ‘police officers just don’t want to get involved’.” (KPMG, 2016;29)

This view that it is just an added burden for the police to respond to domestic violence, because this is viewed as a family matter directly shows how they are affected by these toxic gender norms that view the man as being in power over the woman and her body. It also shows this normalization of society, it is not viewed as an important crime and thus reinforce the idea that this is the norm. Violence is viewed as normal and this starts very early already in the school, where corporal punishment although no longer legal, is still being used (Stop Gender Violence a National Campaign, 2017;36):

“[...]corporal punishment has been legislatively sanctioned in South Africa (by SASA), there remains evidence of its perpetration.[...] Childline visited 76 schools in Gauteng in 2011 and in almost every school, children reported that corporal punishment was still happening [...] but warned that incidents of corporal punishment were “grossly underreported”. The article further reported that many parents still favored corporal punishment and that teachers were not trained in alternatives” (ibid.)

Thus from a young age the South Africans are presented with violence as normal, many parents even “favored” this type of punishment which further goes to show how violence is viewed as normal and part of the upbringing. But corporal punishment is not the only type of

violence school children are being exposed to. Young girls are also being exposed to sexual violence, even though there is also legislation against sexual violence against learners, students, or other employees:

“[...] sexual violence persists in South African schools – in 2011, the UN CEDAW Committee “expresse[d] grave concern about the high number of girls who suffer sexual abuse and harassment in schools by both teachers and classmates, as well as the high number of girls who suffer sexual violence while on their way to/from school [...].” (Stop Gender Violence a National Campaign, 2017: 37)

This shows how women are subject to GBV from a very young age, which illustrates both how normalized it is from a young age, as well as how much these norms are infused into the different institutions of society. However, the two examples also illustrate the implementation gap of the state response to GBV that is also identified in the diagnostic review of the state response to violence against women and children:

“The legislation does not place a strong mandate on specific departments to carry out the implementation level activities and functions that are required to bring it to bear. [...] this was identified as a weakness in the legislation, contributing to an implementation gap, which refers to a mismatch between the policy intentions of the legislation, and the strength of intervention that is achieved in reality, resulting in persistently high levels of VAWC in the country.” (KPMG, 2016; 15)

While there is like legislation against the acts of violence in the two examples above, this highlights one of the big issues: there is this gap between having the legislation and actual successful intervention. This is a very core issue to understand why to this day GBV is still such a large issue in South Africa despite 25+ years of focus through something like the BPfA and the very progressive legislation that South Africa is being praised for. Looking at this from a Norma translation perspective using the division of norm translation into the three steps: translation into discourse, translation into law, and translation into implementation (Zimmermann, 2016: 111). It can be presumed that the issue is the translation into implementation, the human rights norms have been largely translated into the law, but the

next step is lacking. One of the main contributing factors to this is the resistance from the already existing gender norms and the normalization of violence in South Africa, as presented above.

The gender norms in South Africa seem to be viewed as a main contributor to the high rates of GBV in South Africa today. GBV is considered a physical manifestation of toxic masculinity norms: Norms of male dominance, power over women and a right to their bodies. However, through local programs civil society actors are seeing success in re-negotiating these norms showing how norms are not static but in constant movement and can be both contested and negotiated. However it is also important to note, that these norms are very ingrained into the different structures of society and thus, not impossible, but hard to change. Even some government employees who are supposed to work against GBV are actually more aligned with the existing patriarchal norms. Police view GBV as a burden to deal with and considers domestic violence as a family matter, that they should not involve themselves in. There is a normalization of violence in the South African society, they experience it from a very young age even in the schools, even though there is legislation against it. This highlights a very important issue the implementation gap: South Africa has some of the most progressive legislation yet all of these structures are hindering the implementation. To put it in terms of norm translation, the BPFSA has had some success in translating the Human rights norms into discourse, the government of South Africa have done a good job with the translation into law, however the translation into implementation is where the international human rights are meeting resistance.

Minority Perspectives

Related to the section above about the structural norms I wish to expand a bit on the above point but from a minority perspective, specifically what this means to members of the LGBT+ community in South Africa. I have earlier in this thesis criticized both the BPFSA, but also other institutions for mainly defining GBV as violence against women. The Policy Brief for a National Strategic Plan on Gender-based Violence has a whole section on the importance of a more inclusive definition of GBV because certain groups are at high risk of experiencing GBV: “These include, but are not limited to, women with disabilities; destitute women; women in institutions or in detention; older women; lesbians, bisexual and transgender women; and women living with HIV and AIDS.” (Stop Gender Violence a National Campaign, 2017:24) This perspective is important to understand because this is also

a big part of the GBV that takes place in South Africa, thus without an inclusion of these issues you cannot create an efficient response to eradicate all forms of GBV, something that the civil society also critiques the human rights institutions for. This critique and the perspective of GBV against LGBT+ people are also a rather large part of my empirical data. Thus, I decided to include this in its own section to highlight the importance of this inclusion and how the structural issue affect the LGBT+ individuals in South Africa.

One of the ways that LGBT+ people in South Africa are affected by GBV is through corrective rape, as also mentioned in the literature review: “[...] lesbian women and other sexual minorities are very vulnerable to extreme forms of violence purportedly aimed at “correcting” their bodies, including the so-called “corrective rape” often accompanied by a particularly heinous murder.” (Human Rights Watch, 2020) and while the fact that there also is legislation against this form of violence and discrimination the violence is still present in society in large due to gender norms and the idea that these sexual minorities need to be “corrected”. Much is actually being done to try to remedy this like a national task team, however there is a large underreporting of these crimes because:

“[...]LGBTI people face considerable barriers in reporting sexual violence, including discrimination on the basis of sexual orientation and gender identity in the South African criminal justice system, and stigma in communities. Low conviction rates generally, shame and stigma attached to sexual violence, fear of secondary victimization by state authorities, and lack of faith in the criminal justice system [...]” (Human Rights Watch, 2020)

The discrimination of LGBT+ people in the criminal justice system, perhaps also combined with the history of South Africa has the negative effect of lack of faith in the system. The general norms and attitudes towards LGBT+ individuals combined with the norms of GBV means that they often experience this secondary victimization in the justice system. Structural violence and these patriarchal norms in the justice society also play an important role in the normalization of violence against LGBT+ people, especially the police has a role in enforcing the norm of violence being normal, LGBT+ people become victims of secondary victimization through inefficiency and complicity by the police, when these crimes are actually reported, such as a woman who “[...] has been attacked repeatedly by the same person for being a lesbian; the police claim they cannot arrest someone for

'common assault'." (Human Rights Watch, 2011;49). This trivialization of the violence committed against this woman shows the normalization of this type of violence and how it is not being viewed as a serious issue.

While gender norms are important to understand GBV as a whole it is also extremely important to understand the violence experienced by LGBT+ people because they are "conflicting" with existing gender norms and are therefore viewed as needing "correcting" on top of the existing gender power dynamic, it's an intersection of gender and sexual orientation. And the police can even become the perpetrators because of this dynamic:

We had not been drinking. ... There were three policewomen, four or five policemen, plus a driver. They were in uniform but with no nametags. They didn't beat the femmes. They were having fun beating us. I refused to get in the police van. They were abusing me: "You think you are a man, you stabane." (Human Rights Watch, 2011;53)

This violence perpetrated by the police highlights how toxic gender norms are part of many state structures today and especially the "butch" women who visibly conflict with existing gender norms. And while as mentioned in the literature review, the state does not directly use GBV today as it has done in history, there are still a structural issue that is allowing government employees to be perpetrators and understandably, this does not do any good in restoring any trust in the legal system. Many do not report or go to the police because they experience this secondary victimization:

"You don't want to go to the police if something happens to you—especially when you're a lesbian, especially if you use the name lesbian. They look at your chest. You see in their face, there's something on their face that says 'freak.' They call us 'girl-man,' 'woman man.' They don't know what a lesbian is" (Human Rights Watch, 2011;54)

As this and the above examples show, many of the structural issues mentioned in the first section also apply here, but when adding the intersection of gender and sexuality the LGBT+ individuals are at high risk and are experiencing abuse and discrimination

for “conflicting” with the existing gender norms the sexual abuse is used as a tool to “correct” them.

There are a lot of empirical data critiquing the lack of a more inclusive definition of GBV, this is due to the fact that certain groups such as the LGBT+ community are at high risk of becoming the victim of this type of discrimination and abuse, thus you cannot make sufficient legislation to fight the GBV-issue without acknowledging this factors and including them. Existing toxic gender norms are also here very important to understand as they are still a main driver behind the violence; LGBT+ people conflict with the existing gender norms and become victims of violence such as corrective rape to “correct” their bodies. LGBT+ people also suffer secondary victimization and even violence from government employees such as the police, showing just how much of a hold these norms have on the society. The trust that is already lacking towards the state is also suffering further from this widening the implementation gap.

Systemic Context

The state response to South Africa can be said to be constructed in an MLG approach, as I have already expanded on in my literature review, there are several governments bodies responsible for the response to GBV but the main service provider of programs and counseling is the civil society (KPMG, 2016:19; Britton, 2006: 163). So this approach where responsibilities are being divided across sectors and even away from the government to the civil society is this MLG Approach (Bedford, 2013: 630). Some view MLG approach as a more democratic approach where stronger actors can be forced to listen to smaller actors and where the Authority is being allocated, bring the decision making closer to the people and give opportunities for more points of access for the civil society (Bedford, 2013: 630). However, there can be some issues with this approach including transparency, inclusion and accountability (Bedford, 2013: 630-631), and these are some of the things I will look at in this section.

One of the big issues identified in the response to GBV is that because the responsibility is so dispersed across sectors it lacks an overseeing machinery and this is part of causing this before-mentioned implementations gap; because of this MLG structure, it can be very hard to know who are accountable for what:

“There is a perception of political reluctance and weakness to drive the South African response to VAWC and there is a lack of clarity among officials regarding who the lead department is for VAWC. South Africa lacks an oversight body that can hold government accountable for its progress with respect to reducing and eliminating VAWC.” (KPMG, 2016:9)

This lack of accountability is characteristic of the MLG approach because of the responsibility being divided throughout this complex interlinked network of actors it can be hard to know where decisions come from and who is responsible for these (Bedford, 2013: 630-631). This is affecting the efficiency and impact of the response because it affects the collaboration between sectors:

“This is true of collaboration and integration between departments, across spheres of government and particularly with civil society who provide the majority of services for those affected by VAWC. The majority of coordination structures for VAWC appear duplicative or ineffective and do not facilitate an integrated government response to VAWC.” (ibid.)

This clearly shows how this lack of an oversight structure and accountability is affecting the quality of the response to GBV. Because the response is so divided across sectors and the collaboration and coordination between sectors are lacking, the response becomes duplicative and ineffective. This also asks a question of how big a priority prevention of GBV actually is because “[...] there is no clear consensus on whether VAWC is a priority for political and executive leadership and there is a lack of consensus on who the lead department is for VAWC.” (Diagnostic Review) So this lack of clarity about who are the responsible department, this affects the response to GBV because it is unclear who should actually prioritize the prevention of GBV and act on it. The response can therefore be neglected, and this contributes to the implementation gap.

This ability to hold government institutions accountable and develop a successful response and programs is also affected by the neglect of data collection:

“The lack of systematic data collection inhibits proper assessment of service delivery and interventions. [...] the lack of information integration across

departments makes it difficult for victims and service providers to track a case through the system. [...] All key government agencies have demonstrated serious limitations in appropriately collecting data and reporting on their work. This makes it very difficult to track changes in performance over time and to identify areas where efficiencies can be gained across departments.” (Stop Gender Violence a National Campaign, 2017:58-59)

The lack of collection of data and sharing of information is a problem because it makes it hard to not only evaluate the efficiency of certain response actions, but it also effects the ability to improve. As mentioned in the analysis of the BPfA it is hard to make appropriate responses to an issue if you don't have any information on what is causing it. It also brings into question the level of transparency in the state response and this also speaks further into the lack of collaboration between sector and accountability, which is something that is highly criticized from civil society and main reason behind the creation of the policy brief the “[...] lack of resources, insufficient accountability mechanisms and poor information and performance management systems” (Stop Gender Violence a National Campaign, 2017:58) this speaks directly to the issues of the MLG approach that it can have difficulties with transparency and accountability, which is always important but perhaps even more so in a country with a story like South Africa's and the already existing mistrust in the state. The civil society also identifies that:

“Part of the challenge is that there is not one specific Committee with a mandate for women's rights and gender equality nor joint sittings to exercise oversight [...] Additionally, civil society does not sufficiently serve as a watchdog, tracking progress and reporting to Parliament by holding Departments accountable when they neglect their responsibilities.” (ibid.)

While this once again highlight the important issue of the lack of accountability it also brings into question the role of the civil society organizations, here they place themselves in a role as the watch dog who to a higher degree needs to hold departments accountable. Which is part of their solution to the issues. As they see it this national plan, they are advocating for are part of the solution to all of the systemic issues highlighted in this section “An NSPGBV would provide a coordinated response amongst government, civil society and the private sector and hold each stakeholder accountable.” (Sonke Gender Justice, 2017). A more

coordinated joint response with an overseeing mechanism and better data collection could be a remedy to issue of transparency and accountability.

However, there is a third issue with the MLG approach that brings into question the Civil Society's ability to fulfill this role as a watch dog. The question of inclusion and this includes some of the issues around state funding that I have already expanded on in my research review, if the state dictates who get funding do they lose their ability to criticize the state? As mentioned earlier the civil society is the main provider of programs and counseling for violence victims however there are serious issues when it comes to funding "poor resourcing of NPOs and reliance on donor Funding." (KPMG, 2016:10) this both makes the response unstable in terms of being able to perform its intended purpose, but it also means that the funders, in this case the state, control where the funding goes and there has been a clear lack in responses to reduce GBV rather than just treating and/providing counseling etc., to the victims there is a:

"[...] lack of financial commitment to efforts to reduce VAWC, which would in turn reduce the cost of response programs and services. A common perception identified in interviews is that the provision of prevention services is a 'luxury' given the persistent constraints on resources, demonstrating a lack of understanding of this principle." (KPMG, 2016:20)

So, the way the state directs resources can dictate how the civil society create their programs, at least if they are dependent on the government funding, even if that means less effective response to GBV. This is one of the big issues with an MLG approach that where the cooperation includes the civil society, because while the civil society are doing some of the most important work and are in many ways the solution to a lot of issues, they can lose the ability to do so when entering into this cooperation with the state. While the MLG approach can give the civil society more access points to influence, also through human rights institutions, it can become problematic when the state gets the ability to "silence" the civil society or other actors in discussion and/or directs the activism in the society, which can affect the accountability and legitimacy of the civil society organizations (Bedford, 2013: 630-631) and unfortunately this can be done through the funding the organizations can be dependent on which as explained in the literature review is a very big concern for the civil society in South Africa especially taking into consideration the history of South Africa.

The state response to GBV can be analyzed as an MLG process, the deviation across all sectors with the civil society as the main provider of programs and counseling. This approach affects the norm translation process because of the issues that are tied to the MLG approach are part of hindering the implementation of the international human rights norms. There is a lot of issues with accountability and lack of an overseeing machinery. Because the response is divided among many sectors and there is a lack of data collection and cooperation between the sectors, it becomes unclear who has the responsibility thereby creating both issues with accountability and transparency, that are negatively affecting the response to become duplicative and less effective. This is of course a big issue on its own, but taking the South African history into account and the already lacking trust in the state into account makes it even more problematic. The civil society would like to place themselves in a position of watch dog, however the issue with inclusion in the MLG approach and funding makes this questionable. Because the state controls large parts of the funding they gain the ability to decide which organizations and which programmes gets funded. This power imbalance can give the state the ability to “silence” critiques from the civil society and control the direction of the activism. In this way the norm translation and systematic structure of the response are interlocked, the response is important to translate the norms on GBV from legislation and law to translation into implementation, but both existing norms and the issues with the current state response are hindering this translation process.

Conclusion

Using a case study and a deductive qualitative content analysis I have further explored the curiosity as to why there can still be such a high rate for GBV in South Africa despite a 25+ period of focus from the human rights organizations. To explore this, I have used both norm translation theory and MLG theory in order to answer my problem formulation:

Why has the translation of human rights norms to local contexts of South Africa not led to any significant improvement of GBV?

As I have previously explained GBV is a complex and very large universal issue, so in order to answer my problem formulation, I had to narrow it down to a case study focusing on the BPF and documents from two civil society organizations to understand the translation of human rights norms on GBV into the context of South Africa. A context that has a long

history of oppression and abuse throughout the colonial and apartheid era, which has left patriarchal and oppressive structures that are still present today.

To answer my problem formulation I first needed to know: *What are the Human rights norms on GBV as presented in the BPfA?*

Here the BPfA served as a representation of Human rights norms it is an important action plan that has done much to highlight the need for women's empowerment and through that it has also been part of the negotiation process of what human rights norms on GBV are. The main message and norm on this topic is that all acts of violence against women should be condemned. Through the conference and the BPfA there has been a negotiation process, which has translated the BPfA into discourse and a further push for translation into law. In South Africa these norms have been translated into legislation which shows how policymaking can filter down from a supranational level to the local context. However, there are also issues with the BPfA, such as the less inclusive definition of GBV as violence against women. The vague nature of it due to GBV complexity that can be hard to define. And then there is also the question of accountability. Who holds the responsibility for making sure this action plan is carried out?

To further understand the translation of these norms into the South African context I then also had to ask: *What are the existing local norms in South Africa? And how does this affect the translation of global norms into the local context?*

The toxic masculinity norms of South Africa are viewed as one of the contributing causes to the high rates of GBV. This was made clear both from the historical part of my research review but also through my empirical data. The norms seem to be norms of male dominance, of the man's power over women, and a right to the women's bodies. There is also a normalization of violence in the society, where the police view domestic abuse as a family matter, corporal punishment is favored by some teachers and parents and school girls experience sexual assault in or to and from school. These existing norms are so ingrained in the society that it is creating resistance to the international human rights norms and are hindering the translation process. This is due to the fact that even government employees who are supposed to work with and reinforce the legislation on GBV are more aligned with the existing gender norms, and will even expose victims to secondary victimization or even become the perpetrators. Although there has been a success with re-negotiating these gender norms through programs in the local context, which shows that although they can be difficult

to change norms are not fixed and can be contested and renegotiated. Despite not being included in the definition of GBV LGBT+ people are at high risk of GBV, as they “deviate” from existing gender norms, they experience abuse and violence meant to “correct” them and their bodies. This is why it is a mistake not to include this aspect in the definition because you can not have a successful result of a response to GBV without including all forms, which is also part of hindering the translation process.

The state response to GBV is lacking in multiple ways there are issues with transparency, accountability, and inclusion. Due to the complex MLG structure that is divided across many sectors with the civil society as the main provider of programs and counseling, there is a lack of an overseeing mechanism. There are issues with data collection and cooperation across sectors making the response duplicative and ineffective because it is hard to know who is responsible for what. Thereby creating an issue of both transparency and accountability. The issue with inclusivity comes from the state's control over funding and what organizations can get funding. This can give the state the ability to “silence” the civil society and control the direction of the activism, it also means that the civil society can not fulfill the role of holding the state accountable if they can be controlled by this funding.

Thus, while the issue is complex and more broad than what I have been able to explain here, some of the explanations to the ongoing high rates of GBV are: The translation of the human rights norms into civil society has been translated into discourse through the conference and the BPfA, then translated into law by the South African government through the very progressive legislation. However, the issue lies within the translation to implementation. This is caused by all of the above structures, resistance from the existing norms and the issue with transparency, accountability and inclusion. It is all contributing factors to this implementation gap that is hindering further translation into the local context of South Africa.

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