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The intersection between human rights, culture, and gender-based violence:

The realities of gender-based violence within the South African context.

Dipela Mmaphuti Percy
Department of Social Work, University of South Africa

Orcid: https://orcid.org/0000-0003-3882-6601

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Abstract: This paper seeks to explore the realities of gender-based violence (GBV) within the African context, focusing on how traditions, cultural norms, and values are perceived at the dawn of the recognition of human rights. Culture, human rights, and GBV are profoundly interconnected and have significant implications for individuals, communities, and societies. It must be noted that the paper does not seek to condone patriarchy or harmful practices that promote gender-based violence; instead, it aims to create a balance between these cultural practices and responses to gender-based violence. The dawn of human rights and legislative frameworks, which to some extent challenge the existence of some practices as not being in line with human rights, has led to some power struggles and imbalances within the relationships. The introduction of human rights and equality, which resulted in most programs focusing on empowering women, such as the 50/50 principle, without necessarily preparing men to live with empowered women, may be perceived by men as challenging their authority. These developments may create frustrated men who see empowered women as a challenge to their leadership, culture, and tradition, and in defense, most men resort to violence as a way of trying to maintain their authority within the family structure. This paper expanded on how patriarchal social structures, cultural norms and traditional practices, colonialism, economic marginalization, resistance, and resilience impact efforts to address GBV. The study findings highlighted that the efforts to prevent GBV should recognize the psychological realities and frustrations of culturally inclined men.

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INTRODUCTION

Gender-based violence (GBV) remains one of the concerning social issues that is steadily on the rise in South Africa, despite the efforts, programmes, and policies put in place by the South African government to mitigate its surge (Leburu-Masigo and Kgadima 2020). South Africa, in particular, many programmes concerning the prevention of GBV prioritize the empowerment of women without empowering traditional cultural men to live with modern empowered women. This paper argues that South Africa is a cultural and traditional country in which the behavior and worldview of its people are shaped by its customs and traditions, and this implies that the narrow focus on dealing with GBV based on universal application or principles of human rights will face difficulties. The author claims that the principle of cultural relativism should be considered when developing GBV interventions. The author agrees with Buvinic, Das Gupta, Casabonne, Verwimp, (2013), who submitted that one of the notable concerns that the author has identified is that empowering women as part of GBV prevention without empowering Men to live cordially and collaboratively with empowered women, may result in conflicts within the relationships, which may also lead to GBV. Chiefly, Culture and tradition shape societal norms, values, and behaviors and foster a sense of identity and community (Buvinic et al., 2013). However, the author is cognizant of the fact that some cultural practices also perpetuate practices that infringe upon human rights and propagate gender-based violence. This paper further seeks to explore the intricate relationship between culture, tradition, and human rights, with a particular focus on how cultural and traditional practices influence gender-based violence. It examines historical contexts, cultural perspectives, and the impact of globalization, patriarchy, and modernization without condoning some of the harmful practices over human rights. This paper aims to provide a comprehensive understanding of the challenges and opportunities in addressing gender-based violence within a cultural context.

According to Gottman and Silver (2015), the concept of human rights has evolved significantly over centuries, influenced by philosophical, religious, and political developments. Initially, human rights were conceived to protect individuals from state oppression. Still, they have expanded to encompass a broad spectrum of civil, political, economic, social, and cultural rights. Gender roles have been deeply entrenched in societies since ancient times, often relegating women to subordinate positions and justifying gender-based violence as a means of maintaining social order. Practices such as female infanticide, foot binding, and sati highlight how historical traditions have perpetuated violence against women. Understanding these historical contexts is crucial for comprehending the deep-rooted nature of gender-based violence and the cultural resistance to changing these norms (Leburu-Masego & Kgadima, 2020).

RESEARCH METHODOLOGY

A focused review mapping synthesis was employed to conduct the research logically (FRMS). The initial step of the process involved reviewing academic literature. The search was limited to articles published between 2022 and 2023 that focused on research done in Africa that met the study's inclusion requirements (Fawcett, 2013). Similarly, the FMRS seeks to address epistemological issues about a specific field of study. This necessitates giving theoretical, methodological, and frequently ethical and political issues due consideration during the review process (Soares & Yonekura, 2011). FMRS has four main characteristics. In contrast to a synthesis of findings, it (1) concentrates on a specific field of knowledge rather than a body of evidence; (2) develops a descriptive map or topography of the major aspects of research within the field; (3) remarks on the general methodology of knowledge production rather than the status of the evidence; and (4) investigates this within a more expansive epistemological framework. As opposed to systematic reviews, which try to synthesize the evidence of "what works," FMRS aims to identify the assumptions, boundaries, and contours (its shape and form) within a body of research (theoretical, methodological, and epistemological) and to create a critical commentary on these assumptions, their applicability, and their limitations.

According to Grant and Booth (2009) and Brandury-Jones (2017), a focused mapping review examines a detailed literature sample to uncover common themes and modern practices. The investigator employed academic scholarly searches to identify papers that may be relevant. Through this process, the researcher was able to locate recent publications that highlighted the acceptance of the indigenous and Afrocentric approaches to social work. From April 1, 2024, to September 31, 2024, the following databases were searched for studies that fit our criteria: ProQuest Applied Social Science Index & Abstracts, EBSCO CINAHL, EBSCO SocIndex, EBSCO Family, Google Scholar, Society Studies Worldwide, and Scopus.com. Using the specific inclusion criteria, the following terms were searched within each database: GBV, Culture, inequality, human rights, and South African traditions.

INTERSECTION OF CULTURE, TRADITION, AND HUMAN RIGHTS

Culture encompasses the beliefs, behaviors, objects, and other characteristics shared by members of a society. It profoundly influences how human rights are perceived and implemented. For instance, while Western cultures might emphasize individual rights and freedoms, many non-Western cultures prioritize community harmony and collective rights. Cultural practices such as female genital mutilation (, honor killings, and child marriage are often justified under the guise of tradition and social cohesion (Mekiye & Kreitzer, 2021). These practices violate fundamental human rights but are deeply

embedded in the cultural fabric of many societies. Examining how different cultures interpret human rights reveals the complexities in advocating for universal human rights standards. Tradition, often viewed as transmitting customs and beliefs from generation to generation, is critical in maintaining societal norms. In many cultures, traditional practices have institutionalized gender-based violence, perpetuating inequality and discrimination (Oguamanam, 2014).

According to Raday (2003), the tension between respecting cultural traditions and upholding human rights principles is a significant challenge. Cultural relativism argues that human rights should be interpreted within the context of individual cultures, while universalism asserts that human rights are inherent and should be uniformly applied (Oguamanam, 2014). This intersection is evident in the debates over practices like child marriage. While these practices are condemned internationally as human rights violations, proponents argue they are integral to cultural identity and social cohesion. Chow (2016) advises navigating these conflicts requires a nuanced understanding of cultural values and human rights principles. In South Africa, in particular, the government has introduced the principle of 50/50 as a way of addressing patriarchy and promoting equality between men and women—the 50/50 relationship principle advocates for an equal division of responsibilities, contributions, and decision-making between partners. While intended to promote fairness and equality, this principle's rigid application has sparked debates about its potential to contribute to abusive dynamics in marriages and relationships (Raday, 2003).

Within the South African context, it is important to be cognizant of the relevant approach theoretically to be adopted when addressing gender-based violence. The cultural relativism approach is very relevant in Africa because it recognizes the clients' cultural context. Cultural relativism advocates for interpreting human rights within cultural contexts, arguing that imposing universal standards can lead to cultural imperialism and disrespect for cultural diversity. Proponents of cultural relativism assert that traditional practices have intrinsic cultural value and are essential for maintaining social cohesion (Human Rights Watch,2013). Conversely, universalism argues that human rights are inherent and should be applied universally, regardless of cultural differences. Universalists contend that certain practices, are inherently harmful and violate fundamental human rights and thus cannot be justified under the guise of tradition. The conflict between these perspectives is evident in international debates and controversies (Parsitau, 2011). For instance, while international human rights organizations condemn practices like child marriage, some cultural groups defend these practices as integral to their cultural identity. This conflict underscores the need for nuanced approaches to human rights advocacy that respect cultural diversity while protecting individuals' rights (Schuler, Bates, & Islam, 2008). The application of cultural relativism vs. universal human rights to issues of gender-based violence is complex. While cultural relativism calls for respecting cultural diversity, universal human rights

assert that no cultural practice should violate the inherent dignity of any human being. In contexts of GBV, this debate becomes particularly heated, as practices justified in the name of culture often cause severe harm to women and vulnerable populations (Human Rights Watch,2013).

THE NATURE OF GENDER GENDER-BASED VIOLENCE WITHIN THE SOUTH AFRICAN CONTEXT

Gender-based violence (GBV) in South Africa remains a pressing crisis, marked by alarming rates of violence against women and girls. South Africa has one of the highest rates of femicide globally, with the murder rate for women being five times higher than the global average. In 2022/23, it was reported that approximately 2,695 women were murdered, which translates to one woman being killed every three hours. This statistic alone underscores the severity of the issue (Amnesty International, 2017). The nature of GBV in South Africa is multifaceted, rooted in deep-seated gender inequality, cultural norms, and historical injustices from the apartheid era. GBV manifests in various forms, including intimate partner violence, sexual violence, and emotional and economic abuse. Rape and sexual assault are particularly prevalent; the country has seen hyperendemic levels of sexual violence, with over 11,000 reported cases in just a few months in 2023 (EndGBV Africa, 2023). However, these figures represent only part of the issue, as many cases go unreported due to fear, stigma, or lack of access to resources (Africa Health Organisation, 2023). Efforts to combat GBV have been robust yet insufficient. Government initiatives such as the National Strategic Plan on Gender-Based Violence and Femicide and the establishment of Thuthuzela Care Centres aim to provide comprehensive support to victims. These centres offer medical care, legal aid, and psychosocial support (SONA 2024). Additionally, legislative reforms, such as the Domestic Violence Amendment Bill, aim to broaden the definitions of domestic violence and strengthen protection mechanisms (SONA, 2024). Despite these measures, the persistence of GBV suggests deeper systemic issues that require more profound societal and structural change.

Notably, due to the historical injustice of the past, in which women were seen as inferior or men as superior, most empowerment initiatives typically focus on improving access to education, financial independence, decision-making power, and social freedoms for women. These efforts aim to reduce the historical inequalities that have disadvantaged women (Johnson, 2008; Leburu,2020). However, the researcher believes that unilateral implementation of these empowerment programs for women may result in men who feel their authority is being challenged; moreover, a narrow focus on only women has the potential to leave the unchallenged traditional muscularity of men to continue. As a result, the coming generation may be socialized under the traditional concept of masculinity, which in its own nature focuses on men's dominance and control and views men as the primary providers (Stark, 2007; Wilcox & Dew, 2016). These expectations are deeply embedded in social norms where

most women are empowered and occupy some autonomous roles. Accordingly, Mathews, Govender, Lamb, Boonzaier, & Dawes, 2018) allude that societal norms and expectations may create a sense of disconnect and dislocation for men, and then it may be a challenge for men to adjust; most men may not be prepared to adapt to the empowered women, which may, in turn, result in gender-based violence.

On the other hand (Phiri, 2019) postulated that empowering women without empowering men may result in what we call a power imbalance in reverse, where women are gaining power in some social aspects such as personal, economic, or social domain, which may upset the traditional orders that have been there and favor men and this may lead to some men feeling marginalized and displaced which in turn may also result in some men view their social status as being wiped away and this may lead men to react negatively with the view that women empowerment undermine their rules and their authorities in their society(Ozra 2010).

According to (Snodgrass and Bodisch 2015), this may also result in what we call insecurity and loss of control men may continue to be socialized under traditional concepts of masculinity, which emphasize dominance, control, and being the primary provider. These expectations are deeply embedded in societal norms. Notably, according to (Leburu-Masigo and Kgadima 2020), when women become more autonomous and begin challenging these roles, it can create a sense of dislocation or threat for men who are unprepared to adjust. These may make men feel like they are losing control, especially where they have more power and dominance, particularly in the workplace, at home, or in the community because they have been socialized as leaders within the societies and the communities and have the power to make decision has been bestowed upon them for many generations.

Morell (2014), in line with the above, emphasizes that empowered women may be perceived as challenging men's musculation and can lead to insecurity and fear. Also, men may feel that their roles as the primary decision-makers have been diminished, and this feeling can trigger violence and aggressive responses. As a way of trying to assert their control within the society or their home state, many scholars have established that sometimes gender-based violence, especially within the relationship, is just a result of men's trying to reestablish their prominence. Accordingly, (Snodgrass and Lamb, 2013) allude that men feel powerless in the faces of women who are empowered. As a result, they may resort to physical violence and emotional and psychological violence as a way of trying to regain power, control, and the feeling of being a man within the family.

Marais (2011) also noted another aspect concerning women being economically independent, especially with the changes in our society where women are empowered and integrated into the workplace. Women's financial independence is a challenge to men who are struggling economically, and this shift in economic power may increase their chances of gender-based violence within their relationships, especially where men feel inadequate and

insufficient because they cannot be able to provide (Edleson, Lindhorst & Kanuha, 2015). According to (Shefer, Crawford,Strebel, Simbayi Leickness, Dwadwa-Henda, Cloete, Kaufmann, and Kalichman, S. 2008), the above assertions are tired to the historical past and enculturation In the household, where men view themselves as society's leaders, providers, and advisors. Then, when the table turns, they may want to regain legitimacy and control through violence because they may perceive losing their stature status within society as shameful and unacceptable.

Yusoff (2019) noted that rigid Gender Norms and Resistance to Change also play a critical role in the dynamics of gender-based violence. The author further alludes that men are raised with rigid notions of masculinity, which position them as protectors, providers, and authority figures; when women start to challenge these roles by becoming empowered, men may perceive this as a direct threat to their identity. If men are not given alternative models of masculinity that embrace equality, emotional expression, and shared responsibilities, they may resist these changes in harmful ways (Cuyler and Lister, 2020).

One of the other challenges in many societies is the concept of social pressure to conform to traditional rules, especially in some cultures and communities (Yusoff,2019). Men feel pressured to maintain their traditional standing on authority and power. Then, as women gain more power, these men are pressured to restore order through violence as a way of avoiding being perceived as weak. It is also tied with the concept of honor and pride in some cultural societies where honor and pride are tied to controlling women's behavior (Alexander Weheliye, 2014; Katherine McKittrick, 2006). As such, the woman who is empowered can be seen as a sign of disrespect and dishonor to men, and this can result in gender-based violence, including killings and manipulation.

Starke, Schlunke, and Edmonds (2018) also highlight toxic masculinity, in which Men are discouraged from expressing their feelings because of fear of vulnerability or insecurity because of how they were socialized or taught. As such, when faced with certain challenges by women's empowerment, most men may struggle to process and understand their emotions healthily and professionally. Notably, (Povinelli, Colebrook and Yusoff, 2017; Hecht ,2018) highlight that Instead of seeking support or trying to adjust to the new dynamics of living with empowered women, they are likely to internalize their frustrations or their emotions, which may manifest as violence. Also, men have been the leaders and men of their families and communities for a long time. As such, the changing gender roles may come with the frustration of men who may feel ill-equipped to navigate the changing gender expectations (Povinelli, et al, 2017).

The changes brought by modernization and education may make them feel inadequate and frustrated. As a result, they may resort to violence as a coping mechanism for unexpected or unresolved emotional conflict, and this may also lead to mental health (Jepson, Budds, Eichelberger, Harris, Norman, O'Reilly,

Pearson, Shah, Shinn, Staddon, Stoler, Wutich, and Young, 2017). Moreover, when they are unable to reconcile traditional views of masculinity with the modern realities of gender equality, the lack of an emotional support system may make them more likely to resort to violence as they respond to internal turmoil. Also, men by nature were taught that they do not have to complain or consult when they have challenges; they have to find a way of resolving them themselves, and this nature at times disadvantaged men who are going through some challenges (Povinelli et al., 2017; Hecht,2018). As a result, they resort to just keeping the pain inside them without even seeking help, and then they resort to violence as a way of. Communicating their pay or how they feel (Leburu, 2023).

DISCUSSIONS ON CULTURAL AND SOCIETAL FACTORS THAT CONTRIBUTE TO GENDER-BASED VIOLENCE IN SOUTH AFRICA

Patriarchy

Gender-based violence (GBV) is commonly acknowledged to be significantly influenced by patriarchy. To uphold the hierarchy of power between men and women in this society, various forms of violence are frequently perpetuated (Hadi, 2017). For example, in countries such as Pakistan, patriarchal systems are engrained in the culture and are demonstrated by institutionalized practices that oppress women. In order to keep control over women, these systems require violence, such as honor killings, acid attacks, and domestic abuse (Hadi, 2017). Moreover, Women are frequently viewed as sexual objects in societies where patriarchy is prevalent, which encourages ongoing sexual violence against them. The entrenched gender inequality in patriarchal systems is the direct cause of this violence (Fushshilat & Apsari, 2020). It should be noted that patriarchy has been essential to comprehending violence against women because it is entrenched in the power dynamics and gender dominance that drive this violence, anchoring the issue in social conditions rather than individual behavior (Hunnicutt, 2009). Hadi, 2017, cited that one of the challenges is that patriarchy is embedded in Legal and Social Structures that support male aggression against women. Because of the persistent patriarchal narratives that permeate the legal system, legal responses are frequently insufficient (Dutt, 2018). As a result of a patriarchal upbringing, Rached et al. (2021) argue that a patriarchal upbringing can normalize violence and gender inequality, which can lead to unresolved trauma and perpetuate sexist attitudes across generations. These factors can further entrench patriarchy in society. Because patriarchy upholds male dominance and control over women, it is a major contributing factor to the continuation of gender-based violence. This system not only normalizes violence but also sees it as an essential instrument for upholding the status quo in society.

Women as subordinates

The inferiority of women to men has always been valued in South African culture, even before the establishment of white supremacist policies and

colonization. However, historical white supremacist institutions exacerbated the gender gap within black and other marginalized communities (Thompson,2016). Many people think that the only thing causing gender inequality in black South African communities is the Indigenous culture. However, others contend that Western institutions, such as those that reinforce patriarchal control over women and male dominance, were just imitated and introduced into black culture following African independence (Gordon 2001). The actual complexity of the situation is underestimated in both conclusions. Even though gender divisions of labor were an important aspect of Indigenous South African culture, "current role expectations are operating in a very different economic and political environment" compared to historical Indigenous cultures (Gordon, 2001). South African women continue to lack a fully intersectional response to gender-based violence. This institutionalized behavior has been carried out through the generations and often passed through traditional and cultural practices and activities.

The subordination of women is intricately linked to the prevalence of gender-based violence, which remains a pervasive global issue. Historically, patriarchal structures have entrenched gender inequalities, perpetuating the notion that women occupy a subordinate position in society. Such social hierarchies are reinforced through cultural, legal, and institutional frameworks that sustain male dominance and control over women (Connell, 2019). The normalization of women's subordination facilitates the justification and perpetuation of various forms of violence, ranging from domestic abuse to sexual harassment, to assert power and maintain gender hierarchies (Walby, 2020). This structural violence is not merely a consequence of individual behavior embedded in societal norms that continue to devalue women’s contributions and limit their autonomy, thereby sustaining cycles of abuse and inequality.

Gender-based violence is both a manifestation of and a tool for maintaining women’s subordinate status. The World Health Organization (2021) has highlighted that women who experience violence are often subject to systemic discrimination that inhibits their access to justice, healthcare, and economic opportunities. This cycle of disempowerment reinforces the notion of women as lesser social actors, creating an environment where violence is both a cause and effect of their subordinated position (Heise, 2018). Furthermore, gender norms that perpetuate traditional expectations of masculinity and femininity exacerbate the problem by framing violence against women as a private or normalized aspect of relationships rather than a serious social issue requiring intervention (Jewkes et al., 2015). Therefore, addressing the root causes of women’s subordination is essential for combating gender-based violence and promoting gender equity across all levels of society.

Colonialism and gender roles

One historically white institution that permeated and worsened female oppression in African culture is the white mining industry's reliance on black labor (Rice, 2017; Gordon, 2001). The traditional African role of the male as

the owner was accentuated by the male European role of the breadwinner in the mining industry. In addition, the lack of male Black South Africans enforced the traditional African role of women in household chores, further oppressing Black women compared to their position in traditional South African society. This complete control of the household and the absence of men was a position previously unknown to black women and divided labor between genders more prominent (Thompson, 2014).

Colonialism played a significant role in shaping and reinforcing gender roles, often in ways that heightened gender inequalities and contributed to gender-based violence. The imposition of colonial rule disrupted Indigenous social structures, frequently replacing more egalitarian gender dynamics with patriarchal systems that reflected the colonial powers' values (Lugones, 2010)). These imposed gender roles served to control both women's and men's bodies and labor, with colonial administrations often codifying restrictive norms around femininity and masculinity. For instance, the colonial legal systems frequently undermined women's rights by formalizing gender-specific laws that limited their autonomy in marriage, property ownership, and inheritance (Tamale, 2020). Consequently, these colonial policies institutionalized gender hierarchies, further entrenching women's subordination and creating conditions that exacerbated gender-based violence, as women’s diminished social status made them more vulnerable to exploitation and abuse.

Gender-based violence in colonial contexts was not merely incidental but often a direct outcome of the power dynamics enforced by colonial rule. The exploitation of women’s labor and bodies was central to the colonial project, with sexual violence being employed as a tool of domination and control (Lewis, 2004). This violence was often justified through the racialized and gendered ideologies propagated by colonial authorities, which framed colonized women as either hypersexual or morally inferior, thereby rationalizing their exploitation (Stoler, 2002). Furthermore, the legacy of colonial gender norms continues to influence contemporary societies, where gender-based violence remains a pervasive issue. The historical patterns of gender oppression established during colonial times have left enduring effects as post-colonial societies struggle to dismantle entrenched gender inequalities that are both a product of traditional patriarchal values and colonial impositions (Oyěwùmí, 1997). Addressing the colonial roots of gender roles is thus crucial for understanding and combating modern gender-based violence.

High rate of poverty and violence among women

Women in South Africa are also much more likely to be multi-dimensionally poor, a term that encompasses poor health, lower education levels and living standards, disempowerment, social exclusion, low income, and unemployment (Alkire, 2007). When these factors are included in calculations of poverty, South African women tend to be significantly more disadvantaged than men, with 57% of women experiencing multidimensional poverty in the nation as compared to 46% of men (Rogan, 2016). Women tend to experience worse economic outcomes and higher rates of poverty in post-Apartheid South Africa

than men, further showcasing the need to observe how gender acts as an axis of oppression in the nation (Mullu, Gizachew, Amare, Alebel, Wagnew, Tiruneh, & Demsie, 2015).

Poverty among women is both an effect and cause of GBV, turning them into a vicious circle of vulnerability and further marginalization. Due to deeply entrenched gender inequalities, extensive limited access to economic opportunities, and systemic barriers affecting education and employment, women suffer most because of poverty, especially in rural and poor communities. (Mathews et al., 2018). The economic marginalization has increased their vulnerability to GBV since women, usually dependent economically, have hardly any chance of leaving abusive relationships or seeking protection through court avenues. It is presumed that such economic dependence on male partners or male relatives can leave a woman vulnerable to her partner's manipulation and exploitation, therefore reinforcing power imbalances that sustain GBV. A lack of social support systems and services available to indigent women further exacerbates the link between poverty and GBV (Amaral, Bandyopadhyay, Sensarma, 2015).

In most cases, poor women lack access to different services, such as legal, health, or shelter services; thus, seeking to access help in case of incidents of violence becomes difficult. The normalization of GBV within poor communities is further entangled with the cultural stigma associated with the reporting of abuse, which often silences women from seeking help. Therefore, any solution to the interlinked problems of poverty and GBV in South Africa should be combined with economic empowerment programs for women, increased legal protection, and comprehensively established support systems for survivors. Addressing poverty and GBV separately will go a long way in enabling South Africa to realize significant strides toward gender equality and, subsequently, a lowered violence rate against women (Kiss, Schraiber, Heise, Zimmerman, Gouveia, Watts, 2012).

Snodgrass and Bodisch (2015) advise that the violence against women and girls in South Africa is often sexual, involving debasement and even sexual torture, which cannot easily be explained away by ideology. The authors argue that it is more on humiliation, which is part of our unique and traumatic apartheid history and contained in our communal memory and collective emotion. The experience for people of color, both men and women, under apartheid was of extreme systemic humiliation, which was embedded on subjugation that strips away pride, dignity, or honor, rendering the person or group helpless and inferior (Snodgrass and Lamb 2010). At the group level, humiliation is experienced as intense collective pain (Hartling 2007) of having dignity and self-respect devalued or demeaned, intensified by public humiliation, a loss of ‘face’. Males whose formative years are dominated by humiliating experiences display aggressive tendencies and the urge to counter-dominate (Kaufman, 2011). Humiliation thus shapes our self-image as degraded persons and becomes internalized and representative of who we are (Margalit 2002). It is not only humiliating experiences that determine aggressive

responses but also the vivid memories and accompanying emotional pain that motivate such behavior. Hence, the violent approach adopted by Africans when confronted with challenges. The wounds of insult and humiliation keep bleeding long after the painful physical injuries have crusted over (Snodgrass and Bodisch 2015). South Africa is one of the most unequal societies in the world, and for many men, as research reveals, the humiliation has intensified with women-perceived empowerment. Research shows that sexual violence speaks to the humiliation experienced by black men under apartheid. It emasculated them. They were called "boys," treated as subordinates, and denied respect. Where black men resisted class and race oppression, they were also simultaneously defending their masculinity. This often involved efforts to re-establish dominance or perpetuate power over women' (Kimmel in (Zsuzsanna 2000). Violence and masculinity are linked (Morell, 2014). The demographics in South Africa dictate that much of the violence is perpetrated by black men. Gender-based violence globally has nothing to do with 'race'. In South Africa, it is the effect of deep-rooted historical, social, and psychological factors.

Inequality and Modernization

Globalization and modernization have significantly influenced cultural and traditional views on human rights and gender-based violence. Increased exposure to global human rights standards through media, international organizations, and migration has led to re-evaluating traditional practices (Kiss, Schraiber, Heise, Zimmerman, Gouveia, and Watts, 2012). For instance, modernization efforts have improved women's access to education and economic opportunities, challenging traditional gender roles. However, globalization can also reinforce harmful practices by creating economic dependencies that make it difficult to abandon traditional customs. Balancing the benefits and drawbacks of globalization is essential for promoting human rights without eroding cultural identities. The 50/50 principle is rooted in egalitarianism, emphasizing that both partners should equally share in the burdens and benefits of a relationship. Proponents argue that this approach fosters mutual respect and accountability, reducing the likelihood of power imbalances that often lead to conflict (Wilcox & Dew, 2016). However, critics point out that when applied without consideration of individual circumstances, this principle can lead to unrealistic expectations and tension (Gottman & Silver, 2015). One of the primary criticisms of the 50/50 principle is its potential to be applied rigidly, leading to conflict and dissatisfaction. According to Gottman and Silver (2015), relationships thrive when there is a perception of equity, but this does not necessarily equate to an exact 50/50 split. When partners strive for an equal division of all tasks and responsibilities, they may inadvertently create a scorekeeping dynamic that breeds resentment. This rigid adherence to equality can become a source of contention, particularly when one partner feels their efforts are undervalued or disproportionately burdened. Power dynamics are crucial in understanding the potential for abuse within relationships. The 50/50 principle may unintentionally exacerbate power imbalances if one partner uses the principle as a tool for control. For example,

an abusive partner might insist on an equal financial contribution, knowing that the other partner has less earning power, thereby exerting financial control (Stark, 2007). This type of coercive control is a common tactic in abusive relationships, where the abuser manipulates seemingly fair principles to maintain dominance (Johnson, 2008). The principle can also be manipulated to justify emotional neglect or abuse. When partners strictly adhere to the notion that each should contribute equally, there is a risk that one partner might withhold emotional support, claiming they have fulfilled their "share" of the relationship obligations. This can create a cold, transactional relationship dynamic where emotional needs are overlooked to maintain a superficial sense of equality (Gottman & Silver, 2015). Notably, a key limitation of the 50/50 principle is its lack of flexibility. Relationships are dynamic and often require one partner to give more than the other at certain times. For instance, during periods of illness, stress, or personal challenges, the expectation of a strict 50/50 split can lead to feelings of neglect or inadequacy. Flexibility and adaptability are essential in maintaining a healthy relationship, and a rigid application of the 50/50 principle can undermine these qualities, potentially leading to emotional or psychological abuse (Johnson, 2008).

IMPLICATIONS OF THE INTERSECTION BETWEEN CULTURE AND HUMAN RIGHTS

The disconnect between women's empowerment and men's empowerment has several implications for relationships and broader social dynamics, such as Increased Domestic Violence. Studies have shown that in households where traditional gender norms persist but women gain economic or social power, domestic violence often increases. This is especially true when men view their partner's empowerment as challenging their authority. Also, there may be an escalation in terms of community-level Conflicts, particularly in patriarchal societies where traditional gender roles are strictly enforced. Men may band together to resist changes that threaten their collective sense of power, leading to community backlash against women's rights initiatives. Consequently, there may be strained intimate Partnerships where only one partner is empowered and often experiences significant strain. If men are not included in empowerment programs and continue to uphold traditional gender expectations, the resulting imbalance can lead to conflict, resentment, and violence in intimate partnerships.

CONCLUSIONS

The intersection between human rights, culture, and gender-based violence (GBV) in South Africa presents complex challenges that require nuanced understanding and multifaceted solutions. Gender-based violence, which disproportionately affects women and marginalized groups, is deeply

rooted in cultural norms, historical inequalities, and systemic patriarchal structures that continue to influence South African society. Despite the country's progressive legal frameworks that uphold human rights, including the Constitution and the Domestic Violence Act, the persistence of harmful cultural practices and beliefs undermines the effectiveness of these laws (Phiri, 2019). Cultural attitudes that condone male dominance and normalize violence against women exacerbate GBV, creating a significant barrier to achieving gender equality and safeguarding human rights. Human rights, particularly the rights to safety, dignity, and bodily integrity, are routinely violated in the context of GBV in South Africa. The intersection of these rights with cultural values that tolerate or justify violence reinforces the vulnerability of women and marginalized communities. Moreover, the failure of institutional structures to provide adequate support to victims, combined with societal stigma and victim-blaming, perpetuates a cycle of violence and impunity (Mathews et al., 2018). Addressing GBV within the South African context requires a deeper engagement with the cultural factors that intersect with and challenge human rights protections.

RECOMMENDATIONS

There is a critical need for cultural re-education that challenges patriarchal norms and promotes gender equality. Moreover, engaging traditional leaders, communities, and educational institutions in promoting new cultural narratives that respect women's rights and reject violence is essential. While South Africa has robust laws protecting against GBV, enforcing these laws must be strengthened. Law enforcement agencies, including police and the judiciary, should be better trained to handle GBV cases sensitively and efficiently to ensure justice for victims. Community involvement in preventing GBV is crucial. Local-level interventions, such as community dialogues, workshops, and grassroots campaigns, can help shift harmful attitudes and practices, fostering environments where human rights are respected. Universities, workplaces, and other institutions should strengthen support systems for GBV survivors, providing psychological, legal, and medical assistance. Establishing clearer reporting mechanisms and protective services within institutions is key to promoting a culture of safety and accountability. Expanding public awareness campaigns about GBV and human rights can foster a societal shift in attitudes toward gender equality. National campaigns emphasizing the human rights perspective targeting urban and rural populations could challenge existing cultural norms perpetuating GBV. Addressing the intersection of culture, human rights, and GBV, South Africa can move toward creating a society where gender equality is realized and all individuals, regardless of gender, are protected from violence and discrimination. Also, collaborating with traditional leaders ensures that awareness and capacitation are aimed at changing their mindset.

REFERENCES

1. Alkire, S. 2007. The missing dimensions of poverty data: An introduction. Oxford Development Studies, 35(4), 347–359.
2. Amaral, S., Bandyopadhyay, S., & Sensarma, R. 2015. Employment programmes for the poor and female empowerment: The effect of NREGS on gender-based violence in India. Journal of Interdisciplinary Economics, 27(2), 199–218.
3. Amnesty International. (2017). Barriers to Safe and Legal Abortion in South Africa. Retrieved
4. March 02, 2018, from
5. https://www.amnestyusa.org/files/breifing_barriers_to_safe_and_legal_abortion_in_sout
6. h_africa_final_003.pdf
7. Buvinic, M., Das Gupta, M., Casabonne, U. and Verwimp, P., 2013. Violent conflict and gender inequality: An overview. The World Bank Research Observer, 28(1), pp.110-138.
8. Chow, P. Y. S. 2016. Has intersectionality reached its limits? Intersectionality in the UN human rights treaty body practice and the issue of ambivalence. Human Rights Law Review, 16(3), 453–481.
9. Connell, R. 2019. Gender in World Perspective. Polity Press.
10. Gottman, J. M., & Silver, N. 2015. The Seven Principles for Making Marriage Work: A Practical Guide from the Country's Foremost Relationship Expert. Harmony Books.
11. Hartling, L. M. 2007. Humiliation: Real pain, a pathway to violence. Brazilian Journal of Sociology of Emotion, 69: 170, 466–479.
12. Heise, L. 2018. What Works to Prevent Partner Violence? An Evidence Overview. London School of Hygiene & Tropical Medicine.
13. Jewkes, R., Flood, M., & Lang, J. 2015. From work with men and boys to changes of social norms and reduction of inequities in gender relations: A conceptual shift in prevention of violence against women and girls. The Lancet.
14. Johnson, M. P. 2008. A Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence. Northeastern University Press.
15. Kaufmann, P., Kuch, H., Neuhäuser, C. and Webster, E. (Eds.). 2011. Humiliation, degradation, dehumanization: human dignity violated. Springer: Dordrecht.
16. Karney, B. R., & Bradbury, T. N. 1995. The longitudinal course of marital quality and stability: A review of theory, methods, and research. Psychological Bulletin, 118(1), 3–34.
17. Kiss, L., Schraiber, L. B., Heise, L., Zimmerman, C., Gouveia, N., & Watts, C. 2012. Gender-based violence and socioeconomic inequalities: Does living in more deprived neighborhoods increase women's risk of intimate partner violence? Social science & medicine, 74(8), 1172-1179.
18. Lewis, D. 2004. African gender research and postcoloniality: Legacies and challenges. African Gender Scholarship: Concepts, Methodologies and Paradigms, 27–41.
19. Leburu-Masigo, G.E. and Kgadima, N.P., 2020. Gender-based violence during the COVID-19 pandemic in South Africa: Guidelines for social work practice. Gender & Behaviour, 18(4), pp.16618-16628.
20. Lugones, M. 2010. Toward a Decolonial Feminism. Hypatia, 25(4), 742–759.

21. Marais, H. 2011. South Africa pushed to the limit. The political economy of change. London: Zed Books.
22. Margalit, A. 2002. The ethics of memory. Cambridge: Harvard University Press.
23. Mathews, S., Govender, R., Lamb, G., Boonzaier, F., & Dawes, A. (2018). Mapping South Africa's Gender-based Violence Prevention and Response Ecosystem: A Critical Review. South African Crime Quarterly, 64, 29-44.
24. Mullu, G., Gizachew, A., Amare, D., Alebel, A., Wagnew, F., Tiruneh, C., ... & Demsie, T. 2015. Prevalence of gender-based violence and associated factors among female students of Menkorer high school in Debre Markos town, Northwest Ethiopia. Science, 3(1), 67-74.
25. Morell, R. 2007. Men, masculinities and gender politics in South: A reply to Macleod.
26. McClintock, A. 1995. Imperial Leather: Race, Gender and Sexuality in the Colonial Contest. Routledge.
27. Oguamanam, C. 2014. Indigenous peoples' rights at the intersection of human rights and intellectual property rights. Marq. Intell. Prop. L. Rev., 18, v.
28. Oyěwùmí, O. 1997. The Invention of Women: Making an African Sense of Western Gender Discourses. University of Minnesota Press.
29. Ozra, L. 2010. Love, sex, and abstinence: The positive woman's perspective. London: Oxfam.
30. Phiri, K. 2019. Gender-based Violence in South African Universities: Institutional Failures and the Way Forward. Gender and Education, 31(7), 925–940.
31. Raday, F. 2003. Culture, religion, and gender. International Journal of Constitutional Law, 1(4), 663-715.
32. Seid-Mekiye, Y., & Kreitzer, L. 2021. The Intersection of Culture, Religion (Islam), and Women's Human Rights in Ethiopia: Private Lives in Focus. The Tensions Between Culture and Human Rights, 125.
33. Shefer, T., Crawford, M., Strebel, A., Simbayi Leickness, C., Dwadwa-Henda,N., Cloete, A., Kaufmann, M. and Kalichman, S. 2008. Gender, power and resistance to change among two communities in the Western Cape, South Africa. Feminism and Psychology, 18: 157–182.
34. Smith, A. 2005. Conquest: Sexual Violence and American Indian Genocide. South End Press
35. Snodgrass, L. and Lamb, S. 2013. Collective emotion and communal memory: Psychopolitical dimensions of intractable violent conflict. Africa Insight, 43(2) September.
36. Snodgrass, L. and Bodisch, A. 2015. Why are we such a violent nation? The legacy of humiliation in South Africa. Publication pending.
37. Sonke Gender Justice Network Press release. 2014. Patriarchy revisited: Alarming anti-feminist rhetoric at ministry of women meeting. Available at info2genderjustice.org.za (accessed 14 February 2015).
38. Stark, E. 2007. Coercive Control: The Entrapment of Women in Personal Life. Oxford University Press.
39. Stoler, A. L. 2002. Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule. University of California Press.
40. Snodgrass, L. and Lamb, S. 2013. Collective emotion and communal memory: Psychopolitical dimensions of intractable violent conflict. Africa Insight, 43(2) September.

41. Snodgrass, L. and Bodisch, A. 2015. Why are we such a violent nation? The legacy of humiliation in South Africa. Publication pending.
42. Tamale, S. (2020). Decolonization and Afro-Feminism. Daraja Press.
43. Thompson, N. 2016. Anti-discriminatory practice. Equality, diversity and social justice. (6th ed). London: Palgrave Macmillan.
44. Walster, E., Walster, G. W., & Berscheid, E. (1978). Equity: Theory and Research. Allyn & Bacon.
45. Wilcox, W. B., & Dew, J. 2016. The Social and Cultural Predictors of Generosity in Marriage: Gender Egalitarianism, Religiosity, and Familism. Journal of Marriage and Family, 78(5), 1424–1442.
46. Wolcott, I. 1994. Marriage in the 1990s: A nation-wide random survey of the Australian population. Australian Institute of Family Studies.
47. Walby, S. 2020. Theorizing Patriarchy. Basil Blackwell.
48. World Health Organization. 2021. Violence against women prevalence estimates, 2018: Global, regional, and national prevalence estimates for intimate partner violence against women and global and regional prevalence estimates for non-partner sexual violence against women. WHO.
49. Zsuzsanna, I. 2000. Violence, crime and fear in contemporary South African fiction: David Medalie's. The Shadow Follows and J.M. Coetzee's Disgrace. Available at: LuckayViolencePresentationE-bookFormat.pdf (accessed 14 November 2014).