Are You Afraid of The Dark?

Addressing women’s fear of sexual violence as a Human Rights concern in Sweden

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This study is based on the statistical finding that every tenth woman in Sweden refrains to go outside alone in their own residential area when it is dark because they are afraid (BRÅ 2015:88) and strives to discuss this problem further. The purpose of this study is to argue that there is a need to address women’s fear of sexual violence as a human rights concern in Sweden. Women’s ability to enjoy their human rights is restricted by their fear and the normalization of women’s fear contributes to this problem. Furthermore, Martha Nussbaum’s capability approach and her theoretical understanding of emotions enable an understanding of how the concept of bodily integrity is affected by women’s fear. Women’s fear of sexual violence can be understood as a problem of social inequality that is affected by the underlying structures of gender inequality. Therefore, it is essential to identify the nature of the attitudes that tend to undermine women and result in violence against women. The fear of sexual violence is dependent on the occurrence of violence against women, which is a human rights violation. However, the fear of sexual violence is not a human rights violation yet it should be understood as a human rights concern.

Key words: Fear of sexual violence, bodily integrity, capability approach, violence against women, women’s rights, gender inequality
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1 Introduction

Millions of women around the world suffer from gender-based violence in both times of peace and in war. (Amnesty International) According to the United Nations (UN) violence against women can be defined as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." (A/RES/48/104) When hearing of group rapes or military troupes assaulting women in places of conflict it is easy to condemn the violence. Nevertheless, sexual violence occurs in our own countries and cities. In Sweden during the year of 2014, 19700 sexual crimes were reported and 6620 of these where classified as rape. (BRÅa, 2014) Although, the violations that we hear of and statistics that we read are not showing the whole picture, quite likely there is a much larger number of victims. (BRÅa, 2014) Thus, the on going debate and the worldwide effort to end violence against women is nothing new either on a global level or in Sweden. For instance, the first world conferences by the United Nations decade for women urged the UN system, regional organizations, international organizations and the international community to dedicate themselves in the creation of a just society where women, men and children live in dignity, freedom, justice and prosperity. (E/CONF.66/34) Likewise, the declaration on the elimination of violence against women (DEVAW) recognizes the urgent need for application to women of the rights and principles with regard to equality, security, liberty, integrity and dignity of all human beings. (A/RES/48/104)

The debate regarding violence against women is as stated above well known. However, a fact that is less known is that every tenth women in Sweden refrains to go outside alone in their own residential area when it is dark because they are afraid. (BRÅ 2015:88) Thus, it is not so that it is the darkness per se that frightens the women but what comes with the darkness. Something that is perceived as safe during daytime might be perceived utterly different when dark. Therefore, it is almost as the city at night is another country, an unfamiliar place that contains different claims and usage of space. Nevertheless, in relation to the statistical finding, I believe that the debate of violence against women is failing to examine and acknowledge women’s fear of sexual violence as an important part of the issue. Studies indicate a higher level of fear among women than among men and also find that the high level of fear restricts women in their everyday life. Furthermore, women experience a higher level of fear in public space than in private space, which creates a paradox though it is more likely
for sexual violence to occur by a known offender within the home environment than in the public space. (Pain 1997b: 299) While having in mind both the paradox of women’s perception of fear, the understanding of sexual violence as a severe crime and also the notion that violence against women occurs all over the world, women’s fear of sexual violence is an important issue to study from a human rights perspective. It is intriguing to examine how women’s fear of sexual violence is conceptualized within the framework of human rights in conjunction with essential human rights values such as gender equality, bodily integrity, dignity and freedom.

1.1 Purpose and problem formulation

The purpose of this study is to argue that in addition to understanding sexual violence to be a serious human rights violation, there is a need to address women’s fear of sexual violence as a human rights concern. Thus even if the argument can be considered a universal claim, the study will focus on addressing this argument within a Swedish context. In order to support this argument and establish a presentable claim the research questions for this study are the following:

- How is fear of sexual violence conceptualized in both the context of international human rights legislation and practice and also within Swedish legislation and practice?
- Why should the fear of sexual violence be considered a human rights concern?

1.2 Limitations of this study

This study has its focus on women’s fear of sexual violence in Sweden and it will therefore accept from applying relevant legislation within the context of human rights only focus on the Swedish aspects of the issue. The study will provide some conceptual knowledge of understanding fear, this will only be done in relation to women’s fear and therefore a deeper discourse analysis of fear will not be provided. Furthermore, one must be aware of the somewhat complex issue that occurs when speaking of women as a coherent group, thus my claim is not that all women experience fear the same way. This study does not aim to discuss either the levels of perceptions of fear nor how these perceptions differ individually and therefore this is not seen as a problematic issue in this study.
1.3 Disposition

The following section in this study will provide a description of the study’s methodical procedure and considerations. In other words, it enables an understanding of on what basis certain decisions and conclusions have been adopted and how the chosen material has been used. The next section presents and discusses previous research in order to create a contextual understanding of a selection of existing knowledge within the field and provides a basic understanding of the study’s topic and how it is related to a larger academic context. Furthermore, the next section provides an understanding of the theoretical foundation and assumptions that are the basis for this study that enables the chosen issue to be analyzed in a later section.

After presenting the theoretical approach, the following section discusses how violence against women has been addressed as a human right violation both in international human rights legislation and practice but also within the Swedish context. Additionally, the section also discusses how women’s fear of sexual violence is understood and problematized in Sweden. The reason of why this section discusses violence against women and not women’s fear of sexual violence is that women’s fear of sexual violence is not mentioned within the framework of human rights. However, women’s fear of sexual violence has its origin in the occurrence of sexual violence and it is therefore possible to draw certain conclusions regarding women’s fear of sexual violence by examining the outcomes, causes and the prevention of violence against women. Furthermore, the aim of the section is to discuss relevant legislation and practice in order to provide a basis of knowledge, which is essential to establish before discussing why women’s fear of sexual violence should be understood as a human rights concern. Nevertheless, this section can be understood to discuss the study’s first research question. The following section consists of the analysis, which will bring previous sections together and analyze the claim of the need to address women’s fear of sexual violence as a human rights concern. Additionally, the analysis can be understood to mainly focus on the study’s second research question. Consequently the study will provide a section that concludes the study’s findings and reflects upon issues of relevance for future research and other thoughts that have emerged throughout this writing process.
2 Methodology

This section will discuss the study’s methodology by presenting the chosen method, how the methodical procedure is to be understood and what methodological considerations have been made.

2.1 Qualitative content analysis

This study uses a qualitative content analysis that is based on the usage of documentary sources. In accordance with May’s (2011) understanding, the documentary sources are understood as results of social practices and interpretations of social actions, hence they are comprehended as representative for the demands that where acknowledged during the context of which the document where made. (May 2011:227,234) The essential reason for choosing documentary sources is to provide an awareness of the documents authors and the context of their making in order to understand what the authors strived to accomplish. This is of great interest though the study’s issue is to be understood within the human rights framework. Therefore, the establishment of different declarations, rapports and conventions gives great conceptual insight in relation to the issue that the study discusses.

The study is qualitative though it aims to create a greater understanding based on the already existing findings that establish that women in Sweden are afraid and that they are restricted by their fear. In other words, the qualitative analysis enables the researcher to both interpret themes but also to use the themes to provide a greater understanding of an issue. Furthermore, the chosen method is used to systematically both describe and interpret the meaning of the qualitative data that has been collected. In accordance with May (2011), the interpretation of the data is based on understanding the significance of the documents and therefore the importance of their production context. The method can therefore be understood as a process of deconstructing, interpreting and reconstructing the documents, which does not simply enable the establishment of an understanding but also allows the understanding to be developed. Likewise, the interpretation and reconstruction of the data allows relevant findings of patterns and systems to compose arguments that support the thesis discussion and concluding findings. (May 2011:248,249) The study’s two research questions strive to accomplish both the understanding of women’s fear of sexual violence in a Swedish context but also to develop an argument that women’s fear of sexual violence should be understood as
a human rights concern in Sweden. The first research question enables a more descriptive
discussion that provides a contextual understanding of women’s fear of sexual violence and
the second research question enables a more theoretical guided discussion that allows this
study to contribute to existing field of knowledge. Furthermore, the unit of analysis is
women’s fear of sexual violence, which has guided the search for data. In relation to the unit
of analysis, the data has been organized into different thematic categories and dependent on
their linguistic components, coding pattern have been developed. The categories and the
coding pattern are based on documentary material from previous research and from the
collected data. Thus, the framework of human rights has provided a guideline of what data
that is included and has also helped place the subject in a reasonable scope. The categories are
the following: equality, women’s rights, violence against women and women’s fear of sexual
violence.

2.2 Methodological procedure

In this subheading the methodological procedure will be discussed, while the previous
subheading simply stated that documentary sources are valuable for this study, it will now be
discussed why and how different sources are used. The idea of this qualitative study emerged
from the statistical finding that declares that every tenth women in Sweden refrains to go
outside alone in their own residential area when it is dark because they are afraid. (BRÅ
2015:88) Nonetheless, it was intriguing to find more clarity to this issue. In order to enable a
deeper understanding of why women are afraid of the dark an amount of literature was
reviewed. When selecting literature to review the first search covered literature discussing
women and fear, from this starting point it was clarified that women’s fear of the dark can be
correlated to women’s fear of sexual violence. Likewise, it was also stated that women are
restricted by their fear, which is compatible with the findings presented by the statistics
regarding Swedish women and fear. Nevertheless, this study can be found to contribute to
previous research though it continues the discussion of women’s fear of sexual violence but
does so within a framework of human rights. The framework of human rights was chosen
though it allows the issue to be discussed in relation to how the fear that restricts women
affects their ability to enjoy their human rights.

While having determined a conceptual framework, the search for data began. A natural first
step when collecting data was searching for data from the establishment of human rights,
therefore attention was drawn to the drafting of the declaration of human rights (UDHR). This was done in order to comprehend the context of the establishment of human rights, thus striving to understanding and value the documents context is an essential part when using content analysis as a method. The most important finding in relation to the drafting of the UDHR was the great emphasis on the equality of all human beings without any distinction whatsoever. Throughout the drafting documents it was possible to follow the attempt of establishing equality and also the discussion of problematic aspects and formulations, something that was found highly intriguing. The comments submitted during the drafting process lead the collecting process to documents from early women’s comities. In addition, it was also possible to follow the drafting process of women’s rights, likewise these sources enabled the examination of data regarding violence against women.

The collected data mainly consists of declarations, conventions, resolutions and reports. While the data can be categorized into either international or Swedish legislation and practice it is of importance to be aware that the Swedish documents that are used have their ideological origin in the framework of human rights. Moreover, the data collecting process started from the foundation of equality stated in the UDHR and the drafting documents, which lead to women’s rights and violence against women. However, though this study discusses women’s fear of sexual violence, it was essential to collect data related to that topic. In order to conceptualize the extent of women’s fear of sexual violence in Sweden the study has examined data regarding women’s fear within the Swedish context. The documentary sources can be classified into four categorizes comprehended as equality, women’s rights, violence against women and women’s fear of sexual violence. The first three categories consist of both relevant international and Swedish legislation and practice and the fourth category enables an understanding of women’s fear of sexual violence. These four categorizes are from the beginning interconnected but in the studies analysis they are further intertwined.

2.3 Methodological considerations

In this subheading the methodological considerations will be discussed. When using a content analysis it is essential to acknowledge that documents cannot be read objectively, therefore it is as earlier mentioned, crucial to be aware of the documents social context and their production process. Likewise it is important to consider the documents authenticity, credibility and if they are representative. (May 2011:235). All the documents are official and
a large amount of the sources are based on a somewhat universal level of agreement regarding
equality, women’s rights, violence against women and women’s fear of sexual violence.
Therefore, there has not been found any reason to doubt either their authenticity or credibility.
Moreover, they are also found representative for the social context in which they where
produced. Furthermore, another crucial consideration is the author’s subjectivity, therefore it
is necessary to be aware of one’s own social context and already established conceptions.
However, by showing awareness of one’s own social context, it is possible to increase the
study’s validity. This study is based on previous research and the understanding of women’s
fear of sexual violence is not based on the author’s assumptions. Previous research creates the
propositions that the study is based on, these three main propositions are: that women fear
sexual violence, that their fear can be related to underlying gendered structures and that fear
restricts women’s life. Moreover, while the framework of human rights can be seen as a red
thread throughout the entire study, the methodological process enables the reader to follow
the steps of how the data has been analyzed in order to establish certain conclusions.
Likewise, the arguments presented in this study’s analysis are reinforced by the
understandings earlier established throughout the study, which provides both a high validity
and reliability.

Nevertheless, it was considered to produce own data by having interviews with Swedish
women, yet due to external limitations of this study this was not done. While producing own
interviews might have contributed to the understanding of the extent of the issue, it was found
that because the study does not strive to measure the extent of women’s fear or its occurrence,
it is enough to establish that women are afraid of sexual violence, which is done by the fourth
category of data as mentioned in the previous subheading. Thus, the establishment of the fact
that Swedish women are afraid when it is dark was what first intrigued the production of this
study. Yet, the usage of interviews would also clarify the correlation between women’s fear of
the dark and women’s fear of sexual violence. However, by examining legislation and
practice within the human rights framework guided by the chosen theoretical approach and
together with previous research the discussion of women’s fear of sexual violence has still
been conducted in a satisfying way.
3 Previous research

This section will present previous research in order to conceptualize the existing knowledge within the field of research. The first of four upcoming subheadings will discuss women’s fear of sexual violence, which is relevant for this study though it creates a basic understanding of how women are affected by their fear. The second subheading discusses the relation between fear and the sensibility to risk, which enables some explanations to why women experience fear to a larger extent than men. The third subheading discusses structural causes that might be found to explain women’s fear of sexual violence. Finally, the fourth subheading discusses how this study is placed within the existing field of knowledge. Furthermore, the presented scholars are all of relevance to this study and in different ways contribute to the theoretical discussion of women’s fear of sexual violence. However, this study differs from previous studies though it views the issue from a human rights perspective and presents the claim that women’s fear of sexual violence should be considered a human rights concern.

3.1. Women and the fear of sexual violence

Mark Warr (1985) finds the fear of sexual violence to be a universal condition of women around the world that drastically limits the freedom of women and constrains their every day activities. (Warr 1985:239) Likewise, Elizabeth Stanko (1995) claims that women’s fear of sexual violence has its origin in the fear of men and that it reflects women’s situation in a gendered world. She states that women are trapped into their fear due to the existing gender structures (Stanko 1995:46), which limit women as if there was a virtual curfew after dark. (Stanko 1995:51) The reason why she illustrates how women are restricted by speaking of a curfew after dark is though she finds that the fear of men is transformed into concerns regarding the physical environment. Hence, while creating better and safer environments such as improving the cities lightning, might address some expressions of fear it will not solve the true problem. (Stanko 1995:50)

Rachel Pain (1997a) states that the physical environment contains a spatial expression of patriarchy, though women’s subordinated role is reproduced and a restriction of women’s usage of space is established. This leads to the perception that women are in need of protection in public space, while the home environment is understood to be a safe and
appropriate location for women. Thus, how space is perceived and used has its basis in how it is socially constructed. (Pain 1997a: 231) Furthermore, this is found to lead to the paradox of women being more afraid in public space than in private space, even if it is more likely for sexual violence to occur within the private space. (Pain 1997b: 299) Consequently, women adopt coping strategies and avoidance behavior in order to circumvent situations of vulnerability, which not only increases women’s lack of freedom but also encourages women to transfer the experienced fear of men to the public environment and therefore adopt false assumptions of security. (Valentine 1989:385) In addition, Stanko (1995) finds that unless women’s autonomy is promoted and women’s freedom from sexual danger is addressed, women’s fear will not be reduced. (Stanko 1995:58)

3.2 The rationality of fear and sensibility to risk

In the previous subheading women’s encouragement to avoid situations of vulnerability was mentioned, in this subheading scholars continue to discuss both vulnerability and sensibility to risk and how this affects the perception of fear. Jonathan Jackson (2009) understands the concept of vulnerability and perception of risk to emphases the rationality of fear, thus fear should be seen as a social and political problem separated from crime itself. (Jackson 2009:367) While he finds there to be a weak correlation between fear and crime, there is a strong connection between media and fear. (Jackson 2009:365) Hence, media plays an essential role in the production and distribution of fear though it tends to highlight certain groups as victims and therefore create a disproportional perception of fear. (Jackson 2009:367) Jackson (2009) also claims that women worry more frequently than men though they are found to be less able to defend themselves, which is connected to the notion of vulnerability. (Jackson 2009:364)

While vulnerability is a key concept when discussing fear, there are also physical and social aspects related to the concept, for example the lack of control and the seriousness of the consequences. (Jackson 2009:364) He therefore claims that one can never speak of women’s fear as irrational even if they are more fearful than men, though the level of fear one experiences is based on the sensibility to the consequence of victimization and the ability to control its occurrence. (Jackson 2009:368) A crime considered very serious needs a lower level of perceived risk to stimulate the personal level of fear. This results in that one is more sensitive to particular level of perceived risk when the consequences of victimization are
understood to be more serious. For instance, sexual violence is perceived as a grave offence among women and therefore only a low risk is needed to generate a high level of fear. (Jackson 2009:369)

3.3 Women’s fear as a social construction

In the previous parts of this section, scholars have established women’s fear of sexual violence to be related to the existing gender structures and that women are restricted by their fear. It is also stated that the experienced fear of sexual violence is a based on the victims lack of control, that it results in severe consequences for the victim and the understanding that sexual violence is a serious crime. In this part scholars discuss how socialization mediates women’s fear of sexual violence.

Kirsten Day (2001) agrees with previous scholars claim that fear of sexual violence has negative impacts on women’s lives and correlates women’s fear to the construction of gender identities. (Day 2001:109) The construction of the feminine gender identity is based on vulnerability and the understanding of women not only of being fragile and in need of protection, but also that women’s vulnerability is based on their biological weakness. Therefore, victimization is understood as a foreseeable outcome due to women’s supposed lacking of strength. (Day 2001:119,120) At the same time, many masculine gender identities are created around the perceptions of femininity that highlight women as fearful and weak in opposite to themselves. (Day 2001:110) Likewise, Jocelyn Hollander (2001) states that the socially constructed discourse of women’s fear fosters women to understand themselves and other women as vulnerable. (Hollander 2001:85,103)

Adding to the understanding that women’s fear and vulnerability is socially constructed, Koskela (1997) states that women’s fear is often understood as ‘normal’ while their ‘boldness’ is considered as incautious behavior. (Koskela 1997:300) Women’s fear has been normalized to the extent that women are socialized into being afraid and even when they are not, they find that they should have been afraid or at least more careful. In other words, women are expected to adopt a risk avoiding behavior. (Koskela 1997:311) In Sandberg and Tollofsen’s (2010) study they find that when interviewing women about their fear, the women ‘knew how to talk about fear’ and where they where ‘expected’ to experience fear. (Sandberg & Tollefsen 2010:7) Furthermore, they also found that a common similarity among the
respondents was their description of warnings from society or family of how they ought to act and react in relation to certain experiences. (Sandberg & Tollefsen 2010:7) Therefore, one can conclude that social norms provide the conception that women have the need to adopt a certain behavior to ensure their own safety, thus on the one hand the perception of fear is affected by gender identities but on the other hand fear also enables the strengthening of gendered subjects. (Sandberg & Tollefsen 2010:8)

3.4 Discussion, placing this study in the existing field of knowledge

As noted in the introduction to this section, previous studies are highly relevant in relation to this study. Previous research provides essential knowledge such as the understanding that women fear sexual violence, that women are restricted by their fear and that women to a larger extent than men are affected by their fear of sexual violence. However, even if these aspects are discussed they are not analyzed through a human rights perspective. The benefit of using a human rights perspective is that it becomes possible to address the issue as question of social inequality. Furthermore, presenting the claim that women’s fear of sexual violence should be considered a human rights concern emphases that women’s ability to enjoy their rights are affected by the fear of sexual violence. The usage of the human rights framework also enables this study to focus on legislative aspects regarding women’s rights and how this issue should be prevented. Consequently, this study can be understood to contribute to the ongoing discussion within the existing field of knowledge, though it continues to develop and problematize the issue with a more specific focus on women’s rights and in particular the concept of bodily integrity.
4 Theoretical approach

In this section both the capability approach founded by Amartya Sen and Martha Nussbaum, and Nussbaum’s theoretical understanding of emotions will be presented. Regarding the capability approach, the focus is on the conceptualization of bodily integrity, which is one of the listed capabilities. The other capabilities will simply be presented and not discussed, a more detailed list of their content will be provided in the appendix. Moreover, the content of bodily integrity will be discussed and analyzed from the context of discussing if the capability seeks to include both body and mind and how these are related to one another. Furthermore, this section will also discuss how emotions can be conceptualized, thus this understanding will be the basis for how this study comprehends fear. Martha Nussbaum’s theoretical understanding of emotions is used as a perspective rather than a main theory and it is essential to understand that this subheading is not part of the capability approach. However, it is used as a complement to the capability approach though it enables a broader discussion that is relevant in relation to the study’s argument regarding the need to understand women’s fear of sexual violence as a human rights concern. The understanding of emotions that will be presented is of relevance though it provides the cognition that fear as an emotion affects women’s ability to enjoy their human rights.

4.1 The capability approach

The capability approach is originally founded by Amartya Sen and has had great influence within the context of international development. (Nussbaum 1997:276) Since 1993 the Human Development Reports of the United Nations Development Program has used the concept of peoples capabilities when measuring the quality of life in different nations. (Nussbaum 1997:275) However, Martha Nussbaum has conducted a different version of the original approach that has its main focus on women’s capabilities and gender justice. (Nussbaum 2000a: 71) The emphasis on gender justice is the reason why Nussbaum’s version of the theory is relevant in relation to the study’s topic. Nussbaum (2006) states that even though Sen’s approach does emphases social justice and the achievement of gender justice as central concern, there is still a need to truly stress gender justice. Thus, she finds that the original approach does not state to what extent equality of capabilities should be considered as a social goal or how equality should be combined with other political values in order to achieve social justice. (Nussbaum 2006:49) Even if Nussbaum’s approach incorporates the
capabilities stated by Sen in her list of capabilities (Nussbaum 2006:52), she makes a specific claim of what the central capabilities consist of by making a list out of ten basic capabilities. (Nussbaum 2006:75) The ten capabilities are: life, bodily health, bodily integrity, senses/imaginations/thought, emotions, practical reason, affiliation, other species, play and control over one’s environment. (Nussbaum 1997:287) By defining these capabilities her approach enables one to create a vision of the content of social justice, even though the listed capabilities are likely to be contested and reformed. (Nussbaum 2006:75) The capabilities are to be understood as separate in that sense that one cannot fulfill the need of one by giving a larger amount of another, however they are at the same time somewhat interconnected with one another. (Nussbaum 2000a: 81)

While Nussbaum finds that human rights contains both political and economical entitlements (Nussbaum 1997:273), she believes that these entitlements are better off if comprehended within the language of capabilities and human functioning. (Nussbaum 1997:275) Human rights are still a central part of both the approach and are the basic framework of this study. Rights can be understood as having a combined capability, which means that internal capabilities such as the ability to speak are joined with the external conditions for the exercise of the functioning and the opportunity to chose to enjoy the freedom of speech. (Nussbaum 1997:289) On the one hand the capabilities can be used as a basis when claiming a right and on the other hand, rights enable the capability to be secured. The main reason why the language of rights is found to not be informative enough is based on the difference between having a right and having a right that is secured. (Nussbaum 1997:293) This difference between having a right and ‘de facto’ having a right is specifically interesting in relation to women having certain rights but at the same time being restricted in their everyday life by their fear of sexual violence. Nevertheless, this complex issue will be discussed more thoroughly in the study’s analysis.

Furthermore, capabilities are in its essence explained as what A is capable of doing and being, in other words the actual opportunities A has. (Nussbaum 1997:285) By thinking in terms of capabilities it is able to understand what people actually can do, which is based on the understanding that in order for people to have equal opportunities their might be a need for an unequal distribution of resources. (Nussbaum 2000b: 223) Likewise, capabilities enables one to understand the claims of equality that are present and at the same time the approach does not strive to describe the distribution of resources in order to enable the
capabilities. (Nussbaum 1997:280) In relation to this study, this is illustrated though even if equality is understood without distinction, it is noted that women need more resources in order to secure their capabilities. Likewise, this is exemplified within the framework of human rights though additional conventions and declarations have been established in order to stress women’s rights even if the fundamental understanding is consists of equality for all human beings.

Hence, by not defining the distribution yet understanding social equality as a necessity the approach leaves space for variety. (Nussbaum 1997:281) Equal distribution does not necessarily result in equal outcome and an approach that focuses simply on the equal distribution of resources is found to fail to consider obstacles that hinder equality as an outcome. (Nussbaum 1997:284) Furthermore, how quality of life is experienced can differ, for instance wealthy individuals get use to their high living standard and expect more, while deprived individuals adjust to a lower living standard and experience a higher satisfaction in relation to their standard. (Nussbaum 1997:281) This is referred to as adoptive preferences, which explains that individuals adopt preferences according to the level that is likely for them to achieve. (Nussbaum 1997:283) Individuals differ in both their need for resources and their ability to convert them into valuable opportunities and therefore the understanding of resources and their distribution is essential within concept of capabilities and human functioning. (Nussbaum 1997:284) The notion of both adaptive preferences and the ability to convert resources into opportunities is another aspect that is crucial in conjunction with women’s fear of sexual violence. As noted in earlier sections, women might acclimate to being restricted by their fear to the point where their fear is normalized, which results in the them adapting to preferences possible for them to reach. Moreover, this will be discussed more extensively in the study’s analysis

Consequently, Nussbaum (1997) claims that the while the political goal is the capabilities and not the functioning, the functioning allows people to determine their choice after having the capabilities in order to do so. (Nussbaum 1997:288) Therefore, it is important that each person is treated as an end to his or her own right, with the opportunity of choice. (Nussbaum 2000b: 223) In order to be an end of one’s own right there is a need for both a protection of the opportunity to choose, which requires the defense of peoples liberties but also there must be provided resources that enables one’s ability to exercise one’s rights. (Nussbaum 2000b: 227) Hence, being a dignified free human being recalls for one to be able to have the
capability and rights that ensure the ability and freedom to shape one’s own life. (Nussbaum 2000b: 231)

4.1.1 Theoretical discussion, criticizing the claim of universality

The central critique that Martha Nussbaum’s theory and list of capabilities has received can be understood as directed toward the question of universality and the notion of representation. Alice Jagger (2006) states that her critique is not directed toward the list as such, rather she finds Nussbaum’s methods of arguments to be problematic. (Jagger 2006:302) She states that even if Nussbaum strives to present a list that contributes to a universal standard for measuring ways of life, the list is only universal in a weak sense by providing an ideal for the modern world. (Jagger 2006:303) This critique is based on the claim that there is no convincing evidence that other people in other contexts agree with her list of capabilities, which leads to the question of representation and participation. (Jagger 2006:312) Likewise, both Mcgreynolds (2002) and Charusheela (2008) find that she therefore fails to acknowledge the cross-cultural context in her own research even if she states that this is essential. (Mcgreynolds 2002:146, Charusheela 2008:13) Furthermore, there is a need to question her authority to decide the content of the list (Jagger 2006:313), and also her ability to correctly interpret the needs of others. (Charusheela 2008:15)

However, although I do find it essential to acknowledge the critique the approach has received I tend to agree with the critic stated by Amartya Sen (2004). While he finds that it is not possible nor desired to create a final list of capabilities for all societies in all time to come, that is insensitive to what the people come to value (Sen 2004:78), he does not dismiss Nussbaum’s list of capabilities. (Sen 2004:79) Thus, lists of capabilities are useful in some contexts and in others not, what is of importance is that one does not put one list against another list that might be valuable in other contexts. (Sen 2004:78) Furthermore, the presented critique might in some aspects be relevant though it is important to be aware of one’s own context and also who’s voice is being heard within the framework. However, my understanding is not that Nussbaum’s aim is to create a universal list in terms of a definite list but instead create a vision that could be used as starting point that as she states, becomes both changed and challenged. (Nussbaum 2000a: 75) In relation to this study the capability approach will be seen as a starting point to understanding gender justice and to allow a discussion of the concept of bodily integrity, which in addition enables a discussion of the need to understand the fear of sexual violence as a human rights concern.
4.2 Conceptualizing bodily integrity

As noted in the previous section, bodily integrity is mentioned as one of the ten capabilities within the capability approach and it is also highly relevant for the study’s topic. The approach defines bodily integrity as “being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.” (Nussbaum 1997:287) Furthermore, the concept of bodily integrity can be understood to have its basis in the notion of control and autonomy. (Marthur 2008:55) The female body can be considered a site of where power plays out and the right to bodily integrity can be comprehended as a prerequisite for women’s empowerment, thus women’s identification with their body can be seen as the root cause of oppression. (Marthur 2008:54) Understanding bodily integrity as a human right contains claims of freedom from being subject of physical, sexual or emotional violence, outside or inside the home by intimate partners or people or actors of the state. (Marthur 2008:55) Additionally, Marthur (2008) finds the right to include spatial mobility and the right to make decisions of when, where and with whom one would like to go. Likewise, he understands bodily integrity to include the right to make informed decisions regarding sexual and reproductive health as well as the right to receive education regarding bodily integrity. (Marthur 2008:55)

However, Gowri Ramachandran (1999) finds the right to bodily integrity to be normatively wrong, though he finds that there is a need for a more nuanced understanding. Legal boarders are not capable of being lined up with the human’s physical boarders of dignity and autonomy. (Ramachandran 1999:4) On the one hand, he acknowledges that human rights are of importance to the individual identity in order to make rational decisions based on the human reason and the provided ability to have a choice, which is related to the concept of freedom. (Ramachandran 1999:29) Yet on the other hand, he claims that in practice legislation cannot protect all behaviors of freedom and therefore only some behaviors are legally protected. (Ramachandran 1999:32) This leads to that freedom per se is defined by cultural norms and values, which makes freedom an illusion though our bodies are shaped by their social context. (Ramachandran 1999:29)

Ramachandran (2009) finds that the capabilities approach combines the concept of both dignity and autonomy by not requiring one to maintain bodily integrity but to have the
capability to do so, yet he still finds the concept of freedom to be a slippery slope. (Ramachandran 2009:27) Hence, the capability approach does not distinguish when the contract of freedom should or should not be regulated to promote the capability of bodily integrity. (Ramachandran 2009:27) His conclusion is therefore that there is a need for a conception of bodily integrity that both protects different bodily choices that form the individuals identity but also that protect bodies from actors gaining monopoly of the subjectivities and identities of others. (Ramachandran 2009:57) The physical and organic body is not necessarily what is in need of protection but rather it is the body as understood to be socially constructed by its context that should be protected by both positive and negative rights. The reason for this is that the body constantly embodies subjectivity and an invasion of control consists as a loss of the individual’s identity. (Ramachandran 2009:38)

A third approach to the conceptualization of bodily integrity is presented by Mervi Patosalmi (2009), who finds Nussbaum’s usage of the term to only include the idea of the physical subject as the bearer of rights. (Patosalmi 2009:125) She finds that Nussbaum conceptualizes bodily integrity as a physical right, which leads to the separation of body and mind. (Patosalmi 2009:126) Yet, even if Nussbaum recognizes the need of protection of both body and mind she does so by treating them separately, the mind is for instance protected by freedom of speech and religion. (Patosalmi 2009:133) Patosalmi (2009) claims that bodily integrity should not only contain physical protection but should in addition protect the psychological understanding of the body. (Patosalmi 2009:126) She finds that how one understands one’s bodily integrity and creates oneself is deeply affected by the recognition by others, and is therefore a mental process. (Patosalmi 2009:129) Therefore, it is not enough to secure people from physical abuse or violations instead conditions for imagining or recreating oneself should also be secured. (Patosalmi 2009:138) Likewise, she claims that legal systems affect how one can image oneself, it is therefore essential to take into account the active role that the state plays regarding both the formation of one’s identity and how one understands the concept of bodily integrity. (Patosalmi 2009:138)

4.2.1 Theoretical discussion, the connection between body and mind
The scholars in the previous section have presented different aspects and issues of how bodily integrity is conceptualized that are highly relevant in relation to women’s fear of sexual violence and in this section the discussion continues. The concept of human functioning is a central part of the capability approach, though it allows the opportunity of choice. (Nussbaum
However, Patosalmi claims that Nussbaum’s concept of bodily integrity separates the body from the mind though it includes only the idea of the physical subject as the bearer of rights. (Patosalmi 2009:125) While I do agree with the claim that when speaking of bodily integrity body and mind cannot be separated (Patosalmi 2009:126), I do not find that Nussbaum’s approach claims to do so. Instead, I find that the connection between comprehending one’s capabilities and human functioning can be understood in accordance with Patosalmi’s (2009) understanding that the ability to both imagine oneself and one’s opportunity should be considered to be a mental process. (Patosalmi 2009:129) Furthermore, the connection between body and mind is something that will be stressed in the analysis where the concept of bodily integrity and the fear of sexual violence will be discussed in relation to one another.

Additionally, my understanding is also based on the approach’s notion that each person is treated as an end to his or her own right with the opportunity of choice. (Nussbaum 2000b: 223) Having an opportunity of choice involves the mental process of reasoning; therefore I understand the body and mind to be interconnected within all of the capabilities even if the mind specifically is protected in some capabilities. Furthermore, Nussbaum (2000\textsuperscript{1}) also states that the different capabilities are interconnected with one another (Nussbaum 2000a: 81) Adding to this discussion, Ramachandran (2009) makes a noteworthy point when he states that freedom can be considered to be an illusion though one is shaped by their social context and that only some freedoms actually are legally protected. (Ramachandran 2009:29,32) This is interesting when understanding the social context of how capabilities and human functioning are comprehended and to what extent one has the freedom to choose, which can be connected to Nussbaum’s understanding adaptive preferences. (Nussbaum 1997:283) Likewise, this is of interest when discussing how women’s fear is normalized and how women adopt to the restricted condition. If one cannot imagine that certain opportunities are available then one adapts to an achievable level. (Nussbaum 1997:283) Thus, this can also be related to the mental process of be able to imagine oneself and one’s opportunity (Patosalmi 2009:129)

Seeing the discussion from another angle, Marthur’s (2008) view of bodily integrity can be seen as problematic in relation to the capability approach. The problem is not the concept of having right to bodily integrity though there is a clear relation between human rights and capabilities. Thus, the problem is to understand what rights that are available. When
understanding bodily integrity as a human right rather than a capability one faces the problems that I presume that Nussbaum strived to avoid. She states that capabilities can be used as a basis when claiming a right and at the same time rights can enable the capability to be secured. (Nussbaum 1997:293) Hence, one should have the capability that ensures the functioning of bodily integrity and for that to be possible one must have human rights that secure the capability. For instance, rights securing bodily integrity should in accordance with Ramachandran (2009) include both positive and negative rights, though an invasion of control results in a loss of the individual’s identity. (Ramachandran 2009:38) The understanding that the loss of control is something that needs to be protected can be found within Nussbaum’s definition of the concept of bodily integrity, for instance she defines bodily integrity to include having opportunities for sexual satisfaction and for choice in matters of reproduction. (Nussbaum 1997:287) Likewise, the understanding of the individuals control and autonomy is central within the approach and strengthens the understanding that having an opportunity of choice involves the mental process of reasoning, which interconnects the body and mind. Nevertheless the interconnection of body and mind is essential in relation to understanding women’s fear of sexual violence and will be a subject of discussion in the analysis.

4.3 Emotions of body and mind

In the previous sections the relation between body and mind have been discussed in the context of bodily integrity. In this section body and mind are still emphasized yet the focus has shifted toward the understanding of emotions. Nonetheless, comprehending emotions is of great relevance though the emotion of fear is found to restrict women in their everyday life. According to Martha Nussbaum (2001), emotions are like other mental processes bodily, yet them taking place within a living body does not give reason to reduce the importance of their cognitive components. (Nussbaum 2001:25) Emotions involve judgments of value that are ascribed things and persons outside one’s own control (Nussbaum 2001:19), and can be understood as thoughts or cognitions. (Nussbaum 2001:23) In addition, she argues that emotions always involve thought of an object and an evaluation of its importance. (Nussbaum 2001: 23) Emotions are about something, they have an object that is an intentional object as it is understood to the person. (Nussbaum 2001:27) The way the object is perceived might not consist of an accurate view of the object though the person embodies a way of interpreting the object, which per se is part of the emotions identity. For instance, what distinguish various emotions apart might not be the object but how the object is conceptualized. (Nussbaum
Hence, a situation that women find threatening when it is dark might not be perceived the same way during the daytime.

Likewise, emotions insist on the importance of the object that embodies the person’s relation to the object as it being part of one’s ends, goals and conceptions of life. (Nussbaum 2001:33,49) Emotions are based on background and situational contexts; background emotions consist of one’s beliefs and expectations (Nussbaum 2001:75), and situational emotions appear when background judgment is combined with certain circumstances. (Nussbaum 2001:69,73) Emotions are elements of human’s biological basis (Nussbaum 2001:140), however how they are shaped differently in different contexts. (Nussbaum 2001:141) Social norms create underlying foundations for understanding what is valued, what is expected and how one should react in relation to various objects and people. (Nussbaum 2001:157) In other words, societies create guidelines for the worth of emotions, which affects the objects of emotion and determine how things should experienced. (Nussbaum 2001:162) Consequently, while society plays a great part in imparting how emotions are conceptualized, the notion that emotions are to a large extent socially constructed gives space for the constructions to be challenged, evaluated and altered. (Nussbaum 2001:173)
5 Discussing relevant legislation and practice

This section will discuss how violence against women has been addressed as a human rights violation both in international human rights legislation and practice but also within the Swedish context. Additionally, women’s fear of sexual violence in Sweden will be presented in order to comprehend the extent of the problem. The reason of why this section discusses violence against women and not only women’s fear of sexual violence is that women’s fear of sexual violence is not mentioned within the framework of human rights. However, women’s fear of sexual violence has its origin in the occurrence of sexual violence and it is therefore possible to draw certain conclusions regarding women’s fear of sexual violence by examining the outcomes, causes and the prevention of violence against women. Hence, the aim of this section is to discuss relevant legislation and practice in order to provide a conceptual understanding, which is essential to establish before in a following section discuss why women’s fear of sexual violence should be understood as a human rights concern.

5.1 Addressing violence against women within the framework of human rights

In 1948 the draft of the universal declaration of human rights (UDHR) was adopted by the UN general assembly, the draft emerged from the need to reaffirm the rights that had been violated during time of war. (A/PV.182 in Schabas 2014:3056) Even though the declaration stresses the equality of all human beings without any distinction whatsoever (A/PV.182 in Schabas 2014:3057), it was found that the equality of women needed to be supplemented by juridical instruments in order to encourage governments to strive to abolish the inequalities between men and women. (A/PV.182 in Schabas 2014:3064) Therefore, the predecessor to the commission on the status of women established a program consisting of four essential principles of equality containing equal political rights, equal civil rights, equal economic rights and equal rights of education and in conjunction with the economic and social council and the emphasize on the equal rights of women began. (A/PV.182 in Schabas 2014:3055) In 1981 the convention on the elimination of all forms of discrimination against women (CEDAW) entered into force and the treaty states a concern that despite various instruments, discrimination against women still exists. Therefore, the treaty both defines equality and states how measures should be adopted in order to eliminate discrimination in all its forms.
Likewise, CEDAW understands gender-based violence as a form of discrimination that restricts women’s ability to enjoy their rights and freedoms. (CEDAW, General Recommendation No. 19§1)

Yet, even if the notion of equality is acknowledged through several rights, principles and international instruments, there was still a need for the development of the declaration on the elimination of violence against women (DEVAW) to strengthen the emphasis on ending violence against women. DEVAW was adopted by the UN general assembly in 1993 and although it does not have the same legal authority as a convention it stresses the need for a universal application to women of the rights and principles of equality, security, liberty and dignity of all human beings. Furthermore, it understands violence against women as a result of the unequal power relations between men and women, which leads to the domination and discrimination of women and their possibilities to achieve equal legal, social, political and economical opportunities. Therefore, there is a need for the establishment of a definition regarding violence against women, a clarification of the rights that should secure women against violence and a commitment from both states and the international community to end violence against women. (A/RES/48/104) Moreover, both a definition of violence against women and how violence against women should be prevented and addressed will be the topic for the following two subheadings.

5.1.1 Defining violence against women
Violence against women 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.” (DEVAW Art.1) Likewise it is understood to contain, yet not be limited to, “physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.” (DEVAW Art.2)
5.1.2 Preventing and responding to violence against women

Though the previous subheading simply presents the definition of violence against women, this subheading will discuss the issue in a broader legislative perspective. During the UN decade for women’s first world conference in 1975, it was stated that women should unite to eliminate violations of human rights against women, such as rape or physical assault. (E/CONF.66/34 § 28) Likewise, the entire UN system and the international community as a whole should commit themselves to the development of a society where women and men live in dignity, freedom, justice and prosperity. (E/CONF.66/34 §30) Hence, there is a need to intensify the efforts to eliminate all forms of violence against women and to reaffirm the obligation to promote and protect the established human rights and fundamental freedoms. (A/RES/61/143) Violence against women is found to be a great obstacle that hinders the achievement of women’s essential rights and principles of equality. (A/RES/48/104) Women are entitled the right to equal enjoyment and protection of human rights not only regarding the fundamental freedoms but should also be enabled the right to the highest standard of physical and mental health. (DEVAW Art.3) Moreover, violence can be understood as an unacceptable offence to the dignity of the human being though it causes both physical and psychological suffering. (A/CONF.94/35:67)

Furthermore, the commission on the status of women finds that the right to bodily integrity is fundamental to women’s enjoyment of human rights and the establishment of gender equality. (E/2010/27) In addition, legislation should protect women from experiencing violence in their everyday life such as sexual violence, abuse and sexual harassment. (CEDAW, General Recommendation No.12) Thus, even if CEDAW only applies to violence committed by public authorities, it is crucial that states use all measures to eliminate discrimination. Since violence as noted has grave affects on both the physical and mental integrity, it is important to besides establishing a legislation that gives protection and respect to both integrity and dignity, also identify the nature of attitudes and customs that tend to result in violence against women. (CEDAW, General Recommendation No. 19) In other words, it is necessary to examine the underlying stereotypes and norms that affect society. In relation to these underlying norms, there is a distinction between private and public space, which both confines women in public space and subordinates them to the private space. (CEDAW General Recommendation No. 23)
Stereotypes and norms are factors that hold back the process of changing the unequal power relations and the promotion of the empowerment of women and their full enjoyment of human rights. (E/2010/27) States should therefore adopt measures to modify the social and cultural patterns of behavior of both men and women to eliminate customs based on the conception of the dominance of either of the sexes. (CEDAW, Art. 5) In order to engage all human beings in the condemnation of violence against women, one must first understand the root causes of gender inequality and then implement long-term strategies to counteract attitudes that perceive women as subordinated to men. (E/2010/27) The elimination of violence against women entails confronting the root causes at all levels, thus violence should not be understood as an isolated factor but as a systematical tool of patriarchal control. (CEDAW, General Recommendation No. 19) Hence, violence against women is an outcome of gender discrimination that shapes the social, economical, cultural and political structures. (UN Special Rapporteur on Violence against Women 2009:33)

The UN special rapporteur on violence against women (2009) understands state responsibility to include not only the protection against violence but also to entail the elimination of the causes, which is found to be gender discrimination at structural, ideological and operational levels. (UN Special Rapporteur on Violence against Women 2009:33) The understanding can be concluded to entail that not only should the state offer protection but also it should bear responsibility for addressing the root causes of violence against women. (UN Special Rapporteur on Violence against Women 2009:34) While international human rights legislation is binding to its state parties, which have the negative duty not to discriminate any human being or allow authorities to commit any violence. In accordance with CEDAW, the parties also have some positive obligations to adopt measures to eliminate customs based on the conception of the dominance of either of the sexes. (CEDAW, Art. 5) Likewise, the equality of all human beings is as noted stated within the UDHR, which is not legally binding but still widely accepted as a universal opinion on fundamental rights. (Smith 2010:36) In addition, the understanding of state having positive duties is supported by the UN special rapporteur on violence against women (2009) and by the commission on the status of women. (E/2010/27) Nevertheless, the following section continues the discussion of the prevention of violence against women within the Swedish context.
5.2 Preventing and responding to violence against women in Sweden

Sweden can be understood as a forerunner when it comes to development within the field of gender equality, however Sweden does recognize violence against women to be a serious problem that is of high priority in the country. Violence against women is condemned and it is found unacceptable that women do not have the same opportunity or right to bodily integrity as men. The problem affects the question of equality and women’s possibility to enjoy their human rights. Therefore, it is crucial that measures are taken and violence against women is counteracted on a political, juridical, social, economical and health oriented level.

(2007/08:39:5) As noted, violence against women is understood as a severe social problem and the absence from sexual violence is one of the goals within the country’s politics of gender equality. (2005/06:155:1,41) The state is considered obligated to provide the affected women with support and security, work to prevent violence, strive after a more effective juridical system and promote a greater knowledge and cooperation within the society.

(2007/08:39:7)

The understanding of both prevention and the acts of response toward violence against women is comprehended in accordance with the declaration on the elimination of violence against women (DEVAW). (2007/08:39:8) In agreement with DEVAW, violence against women is understood as a result of unequal power relations between men and women, therefore the avoidance of gender stereotyping is an important part of preventing violence.

(2007/08:39:52) Likewise, increasing knowledge regarding attitudes and values of equality, masculinity and violence is considered essential and part of the country’s measures to increase gender equality. (Regeringskansliet, 2014) Nevertheless, it is crucial to admit the long history of women’s subordination and that this to some extent still exists as a social and economical principle. The idea that gender equality already is achieved is the most important obstacle for the further development towards true gender equality. (1990/91:113) Even if the previous statement is from the context during a consideration of the drafting of the equality legislation in 1990, Sweden has received criticism for not effectively addressing the existing underlying unequal power relationships. Nonetheless, as noted in 1990 the government shows recognition of its existence. (A/HCR/4/34/add.3) Moreover, the CEDAW committee expresses their concern about the persistence of stereotypical attitudes that undermine women and their enjoyment of human rights. Thus, Sweden must strengthen their efforts to prevent
violence against women by fostering values that promote gender equality.
(CEDAW/C/SWE/7)

5.2.1 The fear factor
In the previous subheading violence against women was discussed from a Swedish context, here another aspect of the problem will be addressed. This subheading will discuss the extent of women’s fear of sexual violence and how it is understood. According to statistics, women in Sweden are to larger extent than men afraid, as noted in the introduction every tenth women in Sweden refrains to go outside alone in their own closely neighborhood when it is dark because they are afraid. In addition, twenty four percent of the women in Sweden state that they are afraid or very afraid in their own residential area when it is dark outside, while only six percent of the male citizens state that they are afraid at all. (BRÅ 2015:88)
Furthermore, the Swedish government finds that fear of sexual violence restricts women’s freedom and has therefore stated that the building administration must adopted measures to decrease women’s fear in city environments. It is understood that different environments contribute to emotions of fear, which restricts women’s possibilities to a fulfilling life. (Regeringskansliet, 2014) Nevertheless, the perception of fear is not always related to the risk, yet the perceived fear has great affect on how the public space is used. (Trygghetsmiljö 2006:3) Women avoid certain places at certain times of the day, they avoid public transportation where they might feel vulnerable and often prepare themselves in case of assault, therefore urban planning must strive to adopt a gender sensitive lens in order to create an environment safe for all citizens. (Trygghetsmiljö 2006:4)

In conjunction to the conceptualization that women are to a larger extent than men afraid and that fear prevents women’s opportunities to live a fulfilling life, different communes in Sweden have adopted different measures to decrease women’s fear. For instance, one commune has started the project “NattStopp”, which enables women riding the bus alone at night to jump off the bus in-between two different bus stops in order to come closer to home. This not only decreases the distance to walk in the dark but also increased the ability for women to ensure themselves that they are not being followed. (Kalmar Kommun, 2015) However, even if projects like the one mentioned above, or the adoption of a more gender sensitive environment might decrease women’s fear, fear has as noted in the previous section, its origin in the unequal power relationship between the sexes. Therefore, it is not necessarily about adopting a women’s perspective on the safety issue within urban planning but to
integrate a power perspective when speaking of fear. Thus, the society must take a greater responsibility for the prevention of violence and also the consequences. (2005/06:293)

Consequently, women’s fear is a large problem within the Swedish society. Fear restricts women everyday without them even defining themselves as restricted or afraid and is therefore hard to measure. Daily fear can for instance result in not walking outside when it is dark, being observant of who gets of the bus at the same bus stop, taking a longer route to avoid vulnerable situations, being prepared, having your phone ready and constantly being cautious. When women from an early age are taught to be afraid or at least show awareness of their vulnerability, fear becomes a natural part of their everyday life. (Tjejjouren, vardagsrädsia) Women’s fear becomes problematic when trying to comprehend the extent of fear, thus if women find their fear to be a natural part of their everyday life, official surveys might not capture the whole essence of the problem. However, this study does not strive to measure the extent of women’s fear more precisely than that this study can rely on the official surveys regarding women’s fear. Hence, it is more likely that women’s fear exists to a larger extent than the surveys present, which does not affect the claim that women’s fear of sexual violence should be understood as a human rights concern.
6 Analysis

This section will analyze the claim of the need to address women’s fear of sexual violence as a human rights concern. Two main arguments will be presented that are found to be the essence of why this issue ought to be comprehended from a human rights perspective. The first argument is the most essential and consists of the notion that women’s ability to fully enjoy their human rights is restricted due to their fear of sexual violence. This will be discussed in the first subheading. The second argument consists of the problem of women’s fear being normalized, which has its basis in structures of gender inequality and therefore affects women’s ability to enjoy their human rights. This will be discussed in the subheading referred to as 6.2. Nevertheless, the two arguments are interconnected and the second argument can be understood to contribute to the main problem of women not being able to fully enjoy their human rights. Consequently, the last subheading will tie the analysis together by clarifying the connection between women’s fear and their human rights.

6.1 The fear of sexual violence and the restriction of human rights

The fear of sexual violence is a problem that affects women to a larger extent than men. As exemplified within the Swedish context, every tenth women is afraid to go outside in their own residential area when it is dark outside. Only six percent of the male population states that they are afraid and their fear is not connected to the fear of sexual violence. (BRÅ 2015:88) While the fear of sexual violence is not mentioned within the framework of human rights, violence against women is a problematic issue that is recognized both within human rights legislation and practice and within Swedish legislation and practice. In order to explain the correlation between fear of sexual violence and violence against women, it is necessary to comprehend first why violence against women is a human rights violation. Naturally the aim is not to question it being a human rights violation but instead to examine the aspects that make it a violation. Thus, by examining these aspects that in accordance with the principles of human rights should be avoided, it is possible to find that these aspects exist in relation to women’s fear of sexual violence.

Violence against women is understood as a great obstacle that hinders the equality between the sexes (A/RES/48/104), likewise it is understood to except from the physical, sexual and
psychological harm also result in the deprivation of liberty. (DEVWA, Art 1) Thus, though it is found to have its origin in unequal power relations and the discrimination of women (2007/08:39:52), it is considered a problem of high priority in Sweden. (2007/08:39:5) In addition, it is also found to have great negative affect on women’s mental and physical integrity. (A/CONF.94/35:67) In relation to women’s fear of sexual violence, the experienced fear is based on the risk of physical or sexual harm but the fear per se results in psychological harm. The fear of being victim of sexual violence would constitute as physical and sexual harm yet it results in one already being a victim on a psychological level. This in accordance with previous studies, though fear constrains women’s freedom and limits their everyday activities. (Warr 1985:239) Likewise, the Swedish government acknowledges that fear restricts women’s freedom and their possibilities of living a fulfilling life. (Regeringskansliet, 2014) Yet, by stating that fear of sexual violence makes one a victim on a psychological level does not in any way attempt to equalize experiencing fear of sexual violence to experiencing actual sexual violence. However, it is possible to, within a human rights context, find the need to stress essential principles and values that are threatened in relation to women’s fear of sexual violence. The fact that Swedish women, as stated, have less ability to live a fulfilling life (Regeringskansliet, 2014), naturally makes the problem of women’s fear a human rights concern.

6.1.1 Gender inequality

Gendered based violence restricts women’s enjoyment of human rights and can be understood as a discrimination against women though it prevents the universal application of principles of equality, security, liberty and dignity. (CEDAW, General Recommendation No. 19§1) Nevertheless, though fear of sexual violence disproportionally affects women in Sweden, it can be regarded as a problem concerning the universal application of equality. Likewise, women’s fear is based on their perception of the lack of safety and the risk of being a victim of sexual violence, which results in women’s fear being a question of security. Furthermore, though women adopt avoidance behaviors and are restricted by their fear it is possible to conclude that the fear that women experience results in a deprivation of liberty. Therefore, women’s fear of sexual violence can be understood as a problem of social inequality on the same basis that violence against women is found to be discriminatory against women though they both prevent the application of fundamental human rights principles of equality, security, liberty and dignity. However, it is essential to understand that the claim is not to argue that women’s fear of sexual violence has the same consequences for women as sexual violence.
The argument is that while violence against women is as already stated a human rights violation, the fear of sexual violence is not. Yet, the same principles that are violated in the context of violence against women are affected in the context of women’s fear of sexual violence.

Furthermore, the relationship between the human rights principles of liberty, dignity and the fear of sexual violence can be understood in accordance with Nussbaum (2000b), who finds that being a free and dignified human recalls for one to be able to have the capability and rights that ensures the ability and freedom to shape one’s own life. (Nussbaum 2000b: 231)

When speaking of capabilities it is clear that Swedish women do not have the capability that Nussbaum (1997) refers to as bodily integrity, though it consists of the ability to move freely from place to place and to be free from sexual assault. (Nussbaum 1997:287) Nonetheless, it is crucial to acknowledge the difference between having a right and having a right that is secured. (Nussbaum 1997:293) Hence, Sweden’s responsibilities from a human rights context bind them to certain obligations in accordance with the human rights documents that they have signed and ratified. For instance, the ratification of the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) both defines equality and states how measures should be adopted in order to eliminate discrimination in all its forms (CEDAW, preamble), and though Sweden has signed this convention and many others, Swedish women have certain rights. Moreover, even if CEDAW only applies to violence committed by public authorities, it is found crucial that states use all measures to eliminate discrimination. Thus it is important to besides establishing a legislation that gives protection and respect to both integrity and dignity to identify the nature of attitudes and customs that tend to result in violence against women. (CEDAW, General Recommendation No. 19)

6.1.2 Freedom and capabilities

Nevertheless, Swedish women have the right to be insured their fundamental freedoms and the ability to enjoy human rights through documents such as CEDAW but also through several other human rights documents. However, in terms of the understanding of Nussbaum’s (1997) capability approach they do not have the capability of bodily integrity. Hence, the complexity between the difference of having a right and ‘de facto’ having a right is one of the reasons why Nussbaum (1997) finds that human rights are not informative enough (Nussbaum 1997:293), even if they do entail important political entitlements. (Nussbaum 1997:273) Instead the capability approach defines what women actually can do
(Nussbaum 1997:285), in relation to the concept of bodily integrity, Swedish women are not capable of moving freely from place to place while being secured from sexual assault. Even if it is not necessarily so that women are physically assaulted when moving from place to place, their fear hinders them to actually move freely. Additionally, capabilities can be used as a basis when claiming a right yet rights enable the capability to be secured. (Nussbaum 1997:293) Women’s lack of ability to move freely from place to place can therefore be used as the basis of a rights claim consisting of the need to secure their right to bodily integrity. Likewise, rights preventing discrimination and gender equality need to be strengthened to ensure that measures are adopted that prohibit that women’s fear of sexual violence restricts their ability to enjoy the human rights and freedoms.

Furthermore, an important concept within the capability approach is the understanding of human functioning. While the political goal is the actual capability and not the functioning, rights can be understood as having a capability existing of both the internal capability and the external conditions for the exercise of the functioning. The functioning allows people to determine their choice after having the capabilities in order to do so. (Nussbaum 1997:288, 289) However, in this context it is not possible to claim that the capability of bodily integrity is fully secured and therefore one cannot speak of the functioning of the capability. In addition, though the fear of sexual violence hinders women’s freedom and their enjoyment of human rights the Swedish women are not treated as an end to their rights. Thus, to be treated as an end to ones right contains the protection of the opportunity of choice (Nussbaum 2000b: 223), which requires that the liberties and resources needed in order to protect the right must be defended. (Nussbaum 2000b: 227) In this case, more resources must be used to eliminate women’s fear and promote women’s right to bodily integrity to ensure women’s opportunities to enjoy their human rights. In order for women to have the capability of bodily integrity they must have rights that ensure the capability the ability and the freedom of shaping ones own life. (Nussbaum 2000b: 231)

As noted by Nussbaum (1997) equal distribution does not necessarily result in equal outcome. (Nussbaum 1997:284) The understanding that women need more resources in order to secure their capabilities is exemplified within the framework of human rights though additional conventions and declarations have been established in order to stress women’s rights even if the fundamental understanding consists of equality for all human beings. In relation to how violence against women is addressed within the framework of human rights, it is found that
all measures should be used in order to protect women from violence in their everyday life though women are entitled to equal enjoyments of human rights. (CEDAW, Art. 5) Moreover, women as well as men have the right to the highest standard of physical and mental health possible. (DEVAW, Art.3) Additionally, not only should legislation that protects and respects the integrity and dignity of the person be adopted but also the nature of the attitudes that result in violence against women should be identified. (UN Special Rapporteur on Violence against Women 2009:33) Likewise, the Swedish government has received critique both for not effectively addressing the existing underlying unequal power relationships and also regarding the persistence of stereotypical attitudes that undermine women. (CEDAW/C/SWE/7) In relation to women’s fear of sexual violence it has been acknowledged as a problem in Sweden. (Regeringskansliet, 2014) Although, instead of focusing on the nature of the attitudes that undermine women, several projects to decrease women’s fear have been adopted. Nevertheless adopting a gender perspective in urban planning and improving city lighting might decrease women’s fear at the time but the true problem regarding women’s fear of sexual violence as well as violence against women is the unequal power relationship between the sexes. (2005/06:293)

6.1.3 Gender identity and the concept of bodily integrity

It is intriguing to discuss how attitudes and stereotypes affect the concept of bodily integrity and as noted in earlier sections bodily integrity involves not only the physical body but also the mental aspects. How bodily integrity is understood is related to the process of the shaping of the self and as argued in the theoretical discussion, one cannot separate the body and mind. (Patosalmi 2009:126,129) The statement that bodily integrity consists of both physical and mental aspects can be comprehended in relation to previous research and the notion of gender identities. If women are defined and define themselves as vulnerable their ability to imagine themselves living without their fear is hindered. Therefore, in order for one to have the freedom of shaping ones own life, the conditions for imagining oneself should be secured. (Patosalmi 2009:138) As noted by Ramachandran (2009) it is the body as socially constructed by its context that needs protection rather than the organic body itself. (Ramachandran 2009:38) In relation to women’s fear of sexual violence, women are socialized into being afraid, which results in that the female body and identity is constructed as vulnerable, likewise norms provide the conception that women have the need to adopt a certain behavior to ensure their own safety. (Sandberg & Tollefsen 2010:8) While women’s daily fear is a large problem within the Swedish society, fear restricts women everyday without women even defining
themselves as restricted. (Tjejouren, vardagsrädsla) This can be related to Ramachandran’s (1999) understanding of freedom as defined by cultural norms and values, which makes freedom an illusion though our bodies are shaped by their social context. (Ramachandran 1999:29)

Unless women’s autonomy is promoted and women’s freedom from sexual danger is addressed, women’s fear will not be reduced. (Stanko 1995:58) Consequently, the need to promote women’s freedom of sexual violence can be understood in relation to how violence against women is addressed within the framework of human rights. As noted it is essential to identify the nature of the attitudes that result in violence against women, (CEDAW, General Recommendation No. 23) not only do stereotyped attitudes undermine women’s enjoyment of human rights but they also contribute to the occurrence of gender discrimination and social inequality. (E/2010/27) Nevertheless, the relationship between women’s fear and the unequal power relations will be discussed more extensively in the next section of this analysis.

6.2 The normalization of women’s fear

As noted in the introduction to the analysis, this section will discuss the problem of women’s fear being normalized. Thus, living as if fear is constantly present and as if it is up to women to avoid vulnerable situations is not only a result of the normalization of women’s fear that contributes to the restricting of women’s lives, but also it produces and reproduces gendered subjects. Women’s fear and the existing gender identities can be understood as deeply interconnected, a complex issue that is discussed throughout this section. Furthermore, the correlation between the normalization of women’s fear and the existing structures of gender inequality also contribute to the main issue of women’s fear restricting women’s ability to enjoy their human rights.

In addition, as noted in the previous section, women have the right to the highest standard of mental health possible (DEVaw Art.3) and violence against women is found to decrease women’s mental health. (A/CONF.94/35:67) Furthermore, though violence against women is understood to consist of underlying structures of inequality (CEDAW, General Recommendation No. 19), the nature of the attitudes and customs that tend to result in violence against women must be changed. (UN Special Rapporteur on Violence against Women 2009:34) Thus, it is essential to understand that violence against women is not an
isolated factor but a tool of systematic patriarchal control. (CEDAW, General Recommendation No. 19) Nevertheless, in conjunction to women’s fear of sexual violence, fear is affected by the same underlying structures of gender inequality as sexual violence. In other words, it will be argued that the same structures of gender inequality that are found to affect violence against women also affect women’s fear of sexual violence. It is found that stereotypes hold back the process of equality (E/2010/27) and in order to counteract gender inequality the root causes must be comprehended. (CEDAW, General Recommendation No. 19) Likewise, it is important for states to modify the existing social and cultural patterns of behavior to eliminate customs of domination of either sexes. (CEDAW, Art. 5) Moreover, this can be found to be the solution in order to end violence against women (UN Special Rapporteur on Violence against Women 2009:33) and also the solution to decreasing women’s fear of sexual violence.

Yet, the main difference when examining the problem of violence against women and women’s fear of sexual violence is the notion of fear. However, as noted above the structures of gender inequality affect both of the problematic issues and they are both interconnected. Thus, in the best of worlds without the existence of violence against women, there would be no reason for women to fear sexual violence. Nevertheless, a great problem in relation to women’s fear of sexual violence is that women’s fear is normalized. In other words, the emotion of fear is what both separates the problems of violence against women and women’s fear of sexual violence but it also makes them deeply interconnected. In relation to Nussbaum’s (2001) understanding of emotions, it possible to conclude that while emotions are bodily though they exist within the body, they are cognitive though they are about something. (Nussbaum 2001:23,25) The emotion might not be based on the object per se, but how the object is perceived. (Nussbaum 2001:28) Moreover, how objectives are conceptualized is based on the understanding of what is valued, expected and how one should react in relation to various objects and people. (Nussbaum 2001:157) In other words, societies create guidelines for the worth of emotions, which affects the objects of emotion and determine how things should experienced. (Nussbaum 2001:162)

6.2.1 Fear and gender identities

Regarding women’s fear of sexual violence, there is a clear correlation between women’s fear and structures of gender inequality existent within the society. (Day 2001:109) Hence, even if the emotion of fear can be understood as a result of women living in a gendered world and
therefore have its origin in the fear of men. (Stanko 1995:46) It is not necessarily men per se that cause women’s fear, though if it would be, it would be likely for women to experience high levels of fear even during daytime as well. Instead, women’s fear can rather then being related to the masculine gender identity be correlated to the feminine gender identity. However, the male gender identity is often based on the opposites of the female gender identity. (Day 2001:110) Nevertheless, as can be understood from previous research, the female gender identity is based on the perception of women as vulnerable and in need of protection. The construction of the feminine gender identity is based on the understanding of women’s vulnerability, which results in victimization of sexual violence being understood as a foreseeable outcome due to women’s supposed lacking of strength. (Day 2001:119,120) Likewise, women are taught to be afraid and to constantly be cautious, which naturally affects women’s emotion of fear in different situations. (Hollander 2001:85,103) Hence, an important understanding is the complex conceptualization of women’s fear having its origin in the fear of men but the emotion of fear being translated into different situations. (Stanko 1995:50) For instance, while every tenth women in Sweden states in the survey that they are afraid in their own close residential area when it is dark (BRÅ 2015:88), it is not certain that the same women would state that they are afraid of men. Thus, while it is suggested that women generally are vulnerable and in need of protection it is not suggested that men generally are dangerous.

Yet, as stated by Pain (1997) when fear is translated into different situations and environments, the physical environment embodies a spatial expression of patriarchy, in which women’s subordinated role is reproduced and a restriction of women’s usage of space is established. Thus, the clear division of how urban space is used creates a distinction between private and public space that restrain women in public space, while subordinating them to private space. (Pain 1997a: 231) Not only does this lead to the perception that results in the paradox of women being more afraid in public space than in private space, even if it is more likely for sexual violence to occur within the private space (Pain 1997b: 299), but also the spatial restriction of women hinders women’s ability to enjoy their fundamental freedoms. Likewise, social norms provide the conception that women have the need to adopt a certain behavior to ensure their own safety. (Sandberg & Tollefsen 2010:8) The outcome of the relationship between the emotion of fear and the gendered structures, through which gender identities are created and expressed, can be explained as while the perception of fear is affected by gender identities also enables the strengthening of gendered subjects. In order to
decrease their fear, women adapt avoidance behaviors and coping strategies, which increases the perception that women are vulnerable. Likewise, it is in previous studies found that women ‘knew how to talk about fear’ and where they where ‘expected’ to experience fear. (Sandberg & Tollefsen 2010:7) This shows that not only do the norms and values of society affect women’s fear but also women affect other women, which enables the perceptions regarding gender identities and fear to continue.

Thus, as noted by Nussbaum (2001) the society creates guidelines for the worth of emotions that affect the objects of emotion and determine how things should experienced (Nussbaum 2001:162) and these guidelines can be understood as affected by the existing gendered structures of society. Hence, as acknowledged by the Swedish government, increasing knowledge regarding the gendered structures such as the attitudes and values of equality, masculinity and violence is an essential and part of the country’s measures to increase gender equality. (Regeringskansliet, 2014) Furthermore, Nussbaum (2001) states that emotions insist on the importance of the object that embodies the person’s relation to the object as it being part of one’s ends, goals and conceptions of life. (Nussbaum 2001:33,49) In relation to women’s fear, the emotion of fear is based on the fear of sexual violence, which would result in major physical and mental harm to the person. Similarly, emotions involve judgments of value that are ascribed things and persons outside ones own control and involves an evaluation of a situation or an objects importance. (Nussbaum 2001: 19, 23) Nevertheless, from this point of view it is not surprising that women fear sexual violence, though it is a serious crime that would have grave affects on the person. However, it is the normalization of women’s fear that is problematic.

6.2.2 Fear, norms and the notion of power

The normalization of women’s fear is exemplified by the adopting of avoidance behavior such as avoiding to walking outside when it is dark or taking a longer route to avoid vulnerable situations. (Tjejouren, vardagsrädda) Moreover, this can be related to Nussbaum’s concept of adaptive preferences. (Nussbaum 1997:283) Women adapt to the situation of which the emotion fear of sexual violence is present in their life by using certain strategies to decrease their fear. The problem is that while the strategies might help minimize their fear in certain situations in reality it does not eliminate the fear as such. Hence, learning how to adapt to the presence of fear only strengthens the notion of fear being a universal
condition for women. (Warr 1985:239) Nevertheless, women are expected to act or emotionally react in certain ways in different situations, thus when women either consciously or unconsciously adjust to these behaviors and emotional expectations they adopt preferences likely for them to achieve. (Nussbaum 1997:283) In other words, women accept the fact that they live with fear being present and in a way they try to work their way around the problem of their fear by minimizing situations of vulnerability. Thus, even if avoiding a certain area when it is dark might not be something that one considers as life restricting yet as illustrated by Stanko (1985), women’s fear of sexual violence can be understood to result in a curfew after dark. (Stanko, 1985:51) However, women living as if having a curfew or getting use to taking a longer route home to avoid vulnerable situations in order to avoid being victims of sexual violence enables fear to have a great impact on their lives.

As noted, many women are restricted by their fear without even conceptualizing their avoiding behavior as restricting. (Tjejouren, vardagsrädsla) Additionally, women have the right to the highest physical and mental health possible. (DEVAW Art.3) Yet as claimed in the previous section of this analysis, women’s fear of becoming victims of sexual violence makes them victims on a psychological level, though their fear hinders them to fully enjoy their human rights and fundamental freedoms. Thus, the right to bodily integrity can be comprehended as a prerequisite for the establishment of gender equality. (E/2010/27)

Nevertheless, the relation between the emotion of fear and the values of society contribute to the shaping of the social context in which bodies are influenced though the values of society affect how emotions are comprehended. (Nussbaum 2001:162) Additionally, the normalization of women’s fear can be understood as connected to the underlying structures of gender inequality. However, the norms constructed by society and existing gender identities are to be understood as changeable, which enables them to be both challenged and altered. (Nussbaum 2001:173) The impact that fear of sexual violence has on women’s lives has been acknowledged in Sweden and it is found that though fear of sexual violence restricts women’s enjoyment of their human rights. Therefore, it is stated that urban planning should adopt a more gender sensitive lens. (Trygghetsmiljö 2006:4) Nonetheless, instead of adopting a gender perspective on the safety issue within urban planning it is of higher relevance to integrate a power perspective on fear. (2005/06:293)

Consequently, the need to comprehend the notion of power in relation to women’s fear is strongly correlated with the unequal power relations between the sexes. Hence, the gendered
structures affect how the emotion of fear is conceptualized, which results in women’s human rights being restricted. Therefore, in the same way that it can be concluded that fear is present in women’s lives so is the notion of power. In order to counteract violence against women the customs of inequality and gendered stereotypies must be modified (CEDAW, General Recommendation No. 19), likewise this would decrease women’s fear of sexual violence. Nevertheless, the underlying structures based on unequal power relations hold back the process of equality. (E/2010/27) As noted by Stanko (1995), unless women’s autonomy is promoted and women’s freedom from sexual danger is addressed, women’s fear will not be reduced. (Stanko 1995:58) This section has discussed the problem of women’s fear being normalized, which is correlated to the existing structures of gender inequality. Furthermore, it also contributes to the main issue of women’s fear restricting women’s ability to enjoy their human rights.

6.3 Fear and human rights, clarifying the connection

The analysis of this study has discussed the claim of the need to address women’s fear of sexual violence as a human rights concern by presenting two main arguments that are discussed in the two sections above. The first section problematizes the fact that women’s ability to fully enjoy their human rights is restricted due to their fear of sexual violence and the second section discusses the problem of women’s fear being normalized. The fundamental reason of why women’s fear of sexual violence should be considered a human rights concern is though women’s human rights are restricted by their fear. Women’s fear of sexual violence can be understood as a problem of social inequality on the same basis that violence against women is found to be discriminatory against women though they both prevent the application of fundamental human rights principles of equality, security, liberty and dignity. However, the claim is not that women’s fear of sexual violence has the same consequences for women as sexual violence, the argument is that while violence against women is as stated a human rights violation, the fear of sexual violence constitutes as a human rights concern. The reason for it being a human rights concern is that the same principles that are violated in the context of violence against women are affected in the context of women’s fear of sexual violence.

Nevertheless, the same underlying structures of gender inequality that affect the occurrence of violence against women affects women’s fear of sexual violence. Therefore, the need to promote women’s freedom of sexual violence can be understood in relation to how violence
against women is addressed within the framework of human rights. Thus, it is essential to identify the nature of the attitudes that result in violence against women. (CEDAW, General Recommendation No. 23) Not only do stereotyped attitudes undermine women’s enjoyment of human rights but they also contribute to the occurrence of gender discrimination and social inequality. (E/2010/27) Furthermore, normalizing women’s fear results in the producing and reproducing of gendered subjects, which strengthens gender identities based on the perception of women’s vulnerability. Unless women’s fear is taken seriously and addressed as the human rights concern it is and the elimination of violence against women is promoted, women will continue to live their life as if restricted by a curfew after dark that disables them to enjoy their human rights to the same extent as men.
7 Conclusion

The purpose of this study has been to argue that women’s fear of sexual violence in Sweden should be considered a human rights concern. Women’s ability to enjoy their human rights is restricted by their fear, likewise the normalization of women’s fear contributes to the problem. Women’s fear of sexual violence is not mentioned within human rights legislation, therefore the understanding of how violence against women should be responded to and prevented is examined. In relation to the statistical finding regarding the extent of women’s fear in Sweden and to previous research, which establishes a connection between women’s fear of darkness or other spatial and situational expressions of fear with the fear of sexual violence, I believe that the debate of violence against women is failing to examine and acknowledge women’s fear of sexual violence as an important part of the issue. Furthermore, the conclusion is that women’s fear of sexual violence is connected to the occurrence of violence against women, though without the existence of sexual violence women would not fear it. Women’s fear of sexual violence can be understood as a problem of social inequality on the same basis that violence against women is found to be discriminatory against women. Hence, they both prevent the application of fundamental human rights principles of equality, security, liberty and dignity. Additionally, the underlying structures of gender inequality that affect the occurrence of violence against women also affect women’s fear of sexual violence. Therefore, it is essential to identify the nature of the attitudes that tend to undermine women and result in violence against women. Nevertheless, while violence against women is a human rights violation, women’s fear of sexual violence is not. However, since women’s ability to enjoy their human rights is restricted it can be understood as human rights concern. Thus, rather than to understand women’s fear of sexual violence as a security issue within urban planning it is crucial to acknowledge that the problem has its origin in unequal power relationships.

Furthermore, by applying the capability approach and Martha Nussbaum’s theoretical understanding of emotions it has been possible to examine how the concept of bodily integrity is affected by women’s fear. Likewise, the usage of both the concept of bodily integrity and the emotion of fear made it possible to analyze how the norms of society affect how fear is conceptualized and also how this understanding hinders Swedish women’s capability to bodily integrity. Additionally, the capability approach emphasized the difference between having a right and having a right that is secured. Therefore, it can be concluded that Swedish
women are not capable of moving freely from place to place while being secured from sexual assault though they are hindered by their fear. Even if this study focuses on addressing the problem within a Swedish context, the claim to address women’s fear of sexual violence as a human rights concern is applicable in a larger context. Hence, if women’s fear of sexual violence hinders their ability to enjoy their human rights it should be considered a concern from a human rights perspective. Consequently, the overall aim of this study is to stress the need to address women’s fear of sexual violence as a problem of social inequality and hopefully this study encourages others within the academic field to continue to engage in the elimination of violence against women and the promotion of gender equality.

7.1 Concluding reflections

This study can be understood to differ from previous studies within the field, though it examines the problem of women’s fear of sexual violence from a human rights perspective. Thus, even if previous research stats that women’s everyday lives are restricted by their fear, the connection to human rights and women’s ability to enjoy their human rights to the same extent as men, has not been discussed. The study emphases the issue of social inequality, a problematic aspect that is present within previous research but not clearly outspoken as within this study. However, it has been challenging to examine the fear of sexual violence from a human rights perspective though fear per se, in this context, is not mentioned within the framework of human rights. Yet, by examining legislation and practice focusing on violence against women in conjunction with previous research and Nussbaum’s theoretical understanding of emotions and bodily integrity, the discussion of women’s fear of sexual violence was possible. Nevertheless, this challenge might have been easier if interviews had been used as a complementing source of data. Hence, the possible benefit would be that the correlation between women’s fear of the dark and women’s fear of sexual violence might be made even clearer and that the extent of Swedish women’s fear of sexual violence would be declared.

In relation to further research, it would be highly relevant to examine women’s fear of sexual violence within the private space. As noted by previous scholars, women are more afraid in public space than in private space, even if it is more likely for sexual violence to occur within the private space. Therefore, examining fear in private space in comparison to fear in public space might clarify the paradox of where women experience fear. Likewise, it would be
interesting to examine how the usage of private and public space overlap depending on what claims that are made. For instance as noted in the introduction, the usage of space can differ drastically between day and night. Therefore it is almost as the city at night is another country, an unfamiliar place that contains different claims and usage of space. Although some scholars have discussed nocturnal rights within the field of urban planning, this is an interesting field for further research. Hence, the combination of nocturnal studies and human rights is especially relevant though it is crucial that human rights are protected during nighttime as well as during the day. Are you afraid of the dark?
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9 Appendices

9.1 Capability Approach, listed capabilities

1. **LIFE.** Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.

2. **BODILY HEALTH.** Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.

3. **BODILY INTEGRITY.** Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.

4. **SENSES, IMAGINATION, AND THOUGHT.** Being able to use the senses; being able to imagine, to think, and to reason-and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing expressive works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech and freedom of religious exercise. Being able to have pleasurable experiences and to avoid non-beneficial pain.

5. **EMOTIONS.** Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.

6. **PRACTICAL REASON.** Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. This entails protection for the liberty of conscience and religious observance.
7. AFFILIATION:

A. FRIENDSHIP. Being able to live for and to others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another and to have compassion for that situation; to have the capability for both justice and friendship. Protecting this capability means, once again, protecting institutions that constitute such forms of affiliation, and also protecting the freedoms of assembly and political speech.

B. RESPECT. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of nondiscrimination on the basis of race, sex, ethnicity, caste, religion, and national origin.

8. OTHER SPECIES. Being able to live with concern for and in relation to animals, plants, and the world of nature.

9. PLAY. Being able to laugh, to play, and to enjoy recreational activities.

10. CONTROL OVER ONE'S ENVIRONMENT:

A. POLITICAL. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.

B. MATERIAL. Being able to hold property (both land and movable goods); having the right to employment; having freedom from unwarranted search and seizure.

(Nussbaum, 1997:287,288)