

**Submission to the United Nations Committee
on the Convention on the Elimination of All form of
Discrimination Against Women**

List of issues and questions
regarding the combined eight and ninth periodic reports of Sweden

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Submitted by

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The Swedish Disability Federation (Handikappförbunden) is a federation for 39 national disability organizations with about 400 000 individual members. Our goal is a society for all based on human rights.
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Articles 1 and 2 - Discrimination and Policy Measures

1. Lack of knowledge and deficient data-collection continue to difficult identifying multi-sectorial discrimination against women in Sweden.
2. Swedish anti-discrimination law prohibits discrimination grounded on disability, gender identity and gender expression. Alas, legal loopholes undermine the effectiveness of such statute. For instance, the Swedish Constitution does not expressly prohibit discrimination and negative treatment of transgender women or women with disabilities. Furthermore, the Swedish criminal code does not consider disability; gender identity and gender expressions as motivation for hate crimes. Therefore, domestic statutory law requires to be harmonised with national and international anti-discrimination law. Such harmonisation would enable better data-collection on hate crimes against, as well as the state's possibilities to effectively prosecute such crimes.
3. Reports show that women are more likely to become victims of ethnical or religious discrimination than men. For instance, Roma women experience deficient access to health care and social services such as protected housing.¹ Likewise, systematic harassment against Muslim women wearing veil in Sweden restricts their freedom of movement in public spaces according to risk assessments². Women not born in Sweden meet dual thresholds on the labour market and have a lower employment rate compered to women that are born in Sweden, as well as compared to men that are born in Sweden and men not born in Sweden.³
4. National efforts towards gender equality should also include transgender people, as for guaranteeing equality and non-discrimination for *all* women. Even more since, in Sweden, transgender persons may be abused as a punishment for violating traditional norms on masculinity or femininity. Likewise, girls are exposed by both gender and age structures. The specific situation of the group of young people who identify as girls should therefore be lifted in gender equality work. Young people's voices, ideas and opinions must be listened to and young people should be obvious actors in gender equality work. We should involve the one's that is concerned and affected by gender in-equality, why we need to talk *with* and not *about* young people in gender equality issues.
5. Sweden lacks an independent National Human Rights Institution responsible for addressing multi-sectorial discrimination against women and to ensure all women's and girl's human rights.

Suggested questions:

- How can Sweden improve official knowledge and data collection on multi-sectorial discrimination against women, in order to effectively preventing such discrimination? Which other measures will Sweden take to prevent multi-sectorial discrimination against women in the country?
- Which measures will Sweden take as for harmonising its domestic statutory law with the international standards on non-discrimination? In particular, protecting women from

multi-sectorial discrimination by including disability and gender identity and expression as forbidden grounds for discrimination in the Constitution?

- Which measures will Sweden take as for effectively fighting multi-sectorial discrimination against women? Particularly, how Sweden will ensure that aggressions based on disability, gender identity and gender expression can be investigated and prosecuted as hate crimes? Which measures will Sweden take to combatting multi-sectorial discrimination by reducing impunity in cases of aggressions against women with disabilities and transgender women?
- Has Sweden included the girl-child perspective included in its plans on gender equality? What specific measures is Sweden taking to guarantee that young people's voices, ideas, opinions and commitments are included in the gender equality work?
- Which measures is Sweden taking for establishing, as soon as possible, an Independent National Human Rights Institution, according to the Paris Principles?

Article 3 – Guarantee of Basic Human Rights and Fundamental Freedoms

A. Violence against women

6. Violence against women breaches fundamental human rights and undermines women's dignity. Governments have the obligation to prevent violence against women wherever it occurs. Violence against women is a major social problem that needs to be addressed by the state authorities following clear goals and strategic plans, within a broad mandate and sufficient resources.

7. Violence against women is a social problem that affects everyone. Therefore, successful efforts for combatting it require to including men. Each year in Sweden, between 13 and 20 women and girls are killed by a current or former husband/partner.⁴ In 2012, 10 000 women were queried on their exposure to violence. According to the survey, 20 per cent had been exposed to sexual abuse before the age of 15, and 16 per cent of women had experienced "less severe" forms of violence.⁵

8. In Sweden, health institutions are the most important actors for detecting and preventing violence against women and girls. Nevertheless, their responsibilities on this issue are too widely disaggregated among different state authorities, compromising effective responses in particular cases of violence. In Sweden, 1 in 2 of all reported cases of deadly violence against women in close relationships could have been avoided if the relevant authorities had timely taken effective action.⁶ Furthermore, the support and protection received by victims of violence against women is not guaranteed in the whole Swedish territory, but it varies depending on the locality where the victim resides.⁷

9. In Sweden, 98 per cent of the offenders in the reported cases of sexual violence are men, and the absolute majority of victims are girls/women⁸. Preventive work against sexual violence is too often focused on teaching usual victims (girls and women) to protect themselves rather

than discouraging the perpetrators (often men). Therefore, preventive work should actively address men and boys, for fighting negative social stereotypes leading to violence against women.

10. Sex is a voluntary action between individuals. According to the Swedish law, absence of free informed consent turns any sexual activity into a criminal offence. However, legislation and legal practice in Sweden fails in departing from consent and mutuality as principles governing sexual relations. Criminal law of sexual assaults, as well as training programmes to judicial operators – including law students – should be revisited, as for combatting social stereotypes leading to violence against women.

11. Violence against women reflects power structures between men and women, but other structures may also be relevant. According to the Swedish Agency for Participation, 18 per cent of women with disabilities between 16-29 years old have suffered violence or threats of violence, compared to 8 per cent of women without disabilities. In the same age category, around 42 per cent of women with disabilities are afraid of going out alone, compare to about 7 per cent of men with disabilities.⁹ These figures indicate flaws in public investigation on harassment and possible hate crimes against persons with disabilities.

12. Effective measures to stopping violence against all women should consider the different circumstances and structures involved in such a phenomenon, namely: a) Men's violence against women; b) Violence in close relationships, including same-sex relationships; c) Circumstances and structures connected to violence against women with disabilities; d) Circumstances and structures connected to violence and hate crimes against women that wear veil and women that are being subject to racial or ethnic stereotyping; e) Violence targeted against transgender persons, when victims of such violence are perceived as breaking traditional gender norms. To combat violence against *all* women, perspectives mentioned above needs to be included, without losing focus on the structural problem of men's violence against women.

13. Finally, it is necessary to ensure society's support to all victims of domestic violence, regardless gender and gender identity of perpetrators and victims. Particularly, there is a major need of social support for victims of partner violence in cases falling outside the most common pattern man (perpetrator) – women (victim).

Suggested questions:

- Which measures will Sweden take to prevent, investigate violence, harassment and possible hate crimes against women with disabilities and transgender persons?
- Which measures will Sweden take to ensure that sufficient budget for protective services/housing for women and transgender people victims of violence and domestic violence is properly allocated?
- Which general measures will Sweden take to continue raise awareness on domestic and sexual violence among men and boys?

- Which measures will Sweden take to effectively criminalise and prosecute non-consensual sexual acts as a criminal offence? Will Sweden consider taking efforts towards raising awareness of the judicial system (law students, judges, lawyers) concerning sex as a consensual and mutual action and concerning violence against women?
- Which specific measures will Sweden take to prevent multi-sectorial discrimination against women by, for instance, challenging traditional social opinion?
- Which measures will Sweden take to include the different structures behind violence against women, that co-exist together with, or besides, men's violence against women, in order to prevent violence against all women? (I.e., structures such as violence in close relationships, including same-sex relationships, circumstances connected to violence against women with disabilities, circumstances connected to violence and hate crimes against women that wear veil and women that are being subject to racial or ethnic stereotyping, violence against transgender persons when they are being perceived as breaking traditional norms of gender, etc.)

B. Women's and girl's cultural activities and leisure time

14. According to the Convention, Sweden shall take all appropriate measures, particularly in the social and cultural fields, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

15. An active and meaningful leisure time and the possibility to engage in cultural activities are important for many reasons (including health, contacts, self-confidence, etc.). However the leisure sector in Sweden is highly gender-segregated. Youth centres in Sweden are, on average, reaching 75 per cent boys; study associations for music activities reaches, on average, 84 per cent boys/men and over 93 per cent of the sport ice hockey activities are addressed to boys/men. In addition, the gender segregation makes it even harder for transgender people to find a secure place inside the fields of leisure and sports. Despite these figures, the leisure sector is rarely an priority in the efforts and politics for gender equality and adults who work in the leisure sector rarely receive part of investments related to gender equality, as well as knowledge and awareness raising and competence development in gender equality issues.

Suggested questions:

- Which investments in gender equality in the leisure sector is Sweden planning? What strategies will Sweden use to break the gender segregation (including problems occurring for transgender people) that exists in the leisure sector?

C. Legal recognition of gender

16. Each woman/girl who identifies herself as such should have the right to be legally recognized as such. The Swedish State should guarantee that a person's gender identity is respected and that every person is given the possibility to having his/her gender identity legally

recognized. The current minimum age for applying for legally changing gender is 18, which causes problems for the group of young transgender people whose gender identity cannot be legally recognised. Hence, changing legal gender should neither require previous diagnosis nor surgical or other invasive procedures, just an administrative decision that is easily available for those who wish to change their legal gender.

Suggested question:

- Which efforts will Sweden take to ensure that young people have the right to legal recognition of their gender identity?

Article 5 – Sex Role Stereotyping and Prejudice

17. All children and young people should have access to quality education on sex and relations, including a critical perspective on traditional norms. Such education should also include a focus on consent and mutuality as fundamental principles in any sexual relation. This may effectively contribute to reducing sexual violence; prevent sex role stereotyping and prejudices as well as to improving public health in general.

18. According to the Swedish curricula, education on sex and relations is obligatory. While sexual education is defined a mandatory subject at school, the specific content of such this subject is not defined by the state, but left to each individual teacher. Hence, this subject is not included in the university programs for teachers, leading to relevant deficiencies in how the subject is presented to the students. It is important that teachers get special training in education of sex and relations so they can transmit objective scientific-based information using adequate pedagogic strategies. We have no current data of the quality or the content of the education about sex and relations, or in which way it handles questions about sex role stereotyping, but we do know that only 20 per cent of youths in the age 15-24 is satisfied with the education on sex and relations¹⁰.

19. In families consisting of a man and a woman, unpaid domestic work is to a greater extent still carried out by women. It is also women that usually take the major part of parental leave¹¹. Ultimately, this affects women's opportunities in the labour market and their general wage level.

Suggested questions:

- Which specific measures is Sweden taking to ensure modification of the social and cultural patterns of conduct of men and women regarding responsibility for household and family matters?
- Which specific measures is Sweden taking to ensure that quality education about sex and relations is taught in every school, and that such education plays a role in preventing sexual violence and sex role stereotyping?

Article 6 – Prostitution and trafficking

20. Social support and efforts for people who have experienced sex for payment and victims of human trafficking are insufficient and directed to the three largest cities in Sweden. Support and reaching youth's on the Internet (a common area for many people and youths who have experienced sex for payment) is very poor. Consequently, more state investment in the social efforts for people with experience of sex for payment is necessary.

Suggested question:

- Which measures is Sweden going to take to improve the social efforts and support for women who have experienced sex for payment and trafficking?

Article 10 – Education

21. The frequency of self-reported mental ill health among young people in Sweden has increased since the 1980s. Bad mental health has increased dramatically for young girls in the 7th grade during 2009–2014¹². There is also evidence that girls get less support than boys in schools¹³.

22. The Swedish Schools Inspectorate has recently examined the quality regarding student health work in schools. Swedish Schools Inspectorate has criticized the student health work, since students with bad mental health rarely get to meet a school psychologist and that schools often lack strategies for the prevention of bad health. Student health work should be planned, implemented and monitored to be effective according to the Swedish Schools Inspectorate¹⁴.

According to Swedish law every school is compulsory to have an updated equal treatment plan. However, it's common that the plan is not updated or implemented in schools in a sufficient way, making way for discriminatory treatment of girl and transgender students.

Suggested question:

- Which specific measures will Sweden take to secure equal support for girls and improve mental health in schools?
- What measures will Sweden take in order to monitor that every school regularly updates and implements its equal treatment plan to avoid discriminatory treatment of girl and transgender students?

Article 11 – Employment

23. There are still major differences between women and men in general on the Swedish labour market. The differences do not only concern income, but also opportunities to work full time and having a secure employment.

24. The wage gap between women and men in Sweden is 13.9 per cent, which has essentially remained constant for 30 years.¹⁵ The labour market is significantly segregated, with a predominance of women working in schools and health care, sectors that see slower salary increases, offer less job security and more part-time employment.¹⁶

25. In relationships consisting of a man and a woman, women still take 75 per cent of parental leave hours and execute 60 per cent of unpaid housework.¹⁷ Men take on responsibility for parental leave to an increasing extent. If the government would implement a system that encourages parents to share parental leave, this would further increase the participation of women in the labour market and counteract discrimination. Studies show that income and salary discrepancies increase after the birth of the first child.¹⁸ Generally, the person with the lowest expected income devotes more time and effort to the family.¹⁹ As this person tends to be the mother, the situation results in lower salaries, lower future pension benefits and diminished career prospects for women. Pension for women is only 70 per cent of the pension for men. 80 per cent of people receiving the lowest possible pension (guaranteed pension for those with low income) are women.²⁰

26. A lower proportion of women than men are working full time. Among people with disabilities with reduced work capacity, 48 per cent of women are working full time, compared to 75 per cent of men. If the global working population is considered, statistics show that only 64 per cent of women, compared to 88 per cent of men are working full time. A higher proportion of men with reduced work capacity have a permanent job compared to women with reduced work capacity (85 per cent vs. 77 per cent). Men get more jobs with support and state funding than women. Even in the general population, a higher proportion of men have a permanent job (86 per cent) compared to women (82 per cent)²¹.

27. Women who are not born in Sweden face dual thresholds on the labour market. In 2013, the employment rate among women born outside Sweden is 59 per cent, lower than men born outside of Sweden (68 per cent) and women and men born in Sweden (77 and 80 per cent, respectively). Women born outside Europe have the very lowest employment rates: fewer than half were employed (data corresponds to 2011).²²

28. Furthermore, access to the labour market is also limited for transgender people, since there is no guarantee that school certificates, diplomas and certificates from employers will be changed retroactively for those who changed legal gender. In practice, a part of the individual's background falls away in situations where this kind of documents are useful, as in search for employment. In those cases where they are necessary, personal records may expose the person to unwanted attention on the legal gender change, which in turn usually becomes an additional obstacle to access the labour market. The above-mentioned situation constitutes a violation of the right to privacy, as internationally protected.

29. The CEDAW Committee has expressed concerns about the low number of women occupying high-ranking positions and has urged Sweden to monitor developments with regard to women's participation in top management positions.

Suggested questions:

- Which initiatives are taken by Sweden to ensuring that women and men have equal opportunities to work, in all levels of the labour market?
- Which measures will Sweden take to encourage an equal share of responsibility for parenting and housework as a part of the strategy to reduce gender differences on the labour market?
- Which measures will Sweden take to reduce gender segregation on the labour market?
- Which measures will Sweden introduce to lessen the gender gap in income? Which measures will Sweden introduce to lessen the gender gap in salaries?
- How does Sweden explain the gender differences in support and official funding in the labour market? What initiatives are planned to investigate and prevent gender differences in labour market programmes for people with reduced work capacity?
- Which measures will Sweden take to improve the situation in the labour market, particularly for women not born in Sweden and women with reduced work capacity?
- Which measures will Sweden take to ensure transgender people's access to the labour market, in terms of the possibility to get old documents as school certificates, diplomas and certificates from employers in their new name and legal gender?

Article 12 - Health

30. Women in Sweden have generally worse access to health care; they get deficient treatment and are more often subject to wrong treatment than men.²³

31. The Swedish health care system also lacks knowledge of the serious, but relatively common illnesses endometriosis and PCOS that only affect people with uterus. People can go untreated and un-diagnosed for years with these illnesses, which, in the worse scenario, can lead to death in the case of endometriosis and to uterine cancer in the case of PCOS.

32. Since the 1990s, mental illness has increased in Sweden, mainly among young people aged 15-24, and principally among women. Young women have worse mental health compared to men²⁴.

33. In Sweden, women experience in general worse health than men, and the situation turns even worse for women with disabilities. The proportion of women with disabilities who estimate their own health as "good" is only 38 per cent, compared to 79 per cent of women without disabilities. The figure for men with disabilities is higher, 46 per cent compared to men without disabilities where the rate reaches 82 per cent. The causes for poor health include, inter alia, social barriers, deficient funding; difficulties in obtaining education and work, as well as

inaccessible environments. About 34 per cent of women with disabilities lack cash margins, compared to 23 per cent of men in the same situation.²⁵

Suggested questions:

- Which measures will Sweden take to urgently improve conditions for women in health care, both regarding access and treatment?
- Which measures will Sweden take to improve women's living conditions to ensure that women's health will improve?
- What measures will Sweden take to improve the health for women in general, and for women with disabilities in particular?

Article 16 – Marriage and Family Life

A. Child marriage and forced marriage

34. As to July 2014, the protection against Child Marriage in Swedish law has been improved, but it is still not sufficient. For instance, it is still possible for the State to accept child marriages in cases where "special reasons" are found. In fact after the relevant statutory provisions were improved in 2014, a marriage between a 14-year-old girl and a 21-year-old man was indeed registered by the relevant Swedish authority (Although the decision was later undone, but not until the Social Services had raised a complain about the particular case). Marriage should only be possible to enter between two persons of age who have given their full consent, as provided by the Convention.

35. In 2009, approximately 70 000 youths (in the age of 16 to 25) in Sweden feared not being free to chose their future spouse.²⁶ After those numbers where made public, Sweden has actively worked against child and forced marriage, but most of the efforts have had a temporary approach. Unfortunately, there is no updated data on child and forced marriage in Sweden. The assignment to coordinate the work against child marriage and forced marriage given to the County Administrative Board Östergötland had has also expired. In its final report, the Board recommended to take continued long-term efforts, and mentioned some activities that should become permanent.

36. The preventive work made by Sweden against child marriage and forced marriage needs to be prioritized, both politically and financially

Suggested questions:

- Which may be legitimate "special reasons" to accept and register a child marriage in Sweden? When will Sweden introduce a full prohibition of child marriage in its territory?

- How will Sweden ensure that efforts against child marriage and forced marriage are coherent and sustainable in the long-term?

B. Formal parents

37. According to the Swedish Tax Agency, it is not possible to change the formal parental connection in the Swedish administration system for a person who has changed their legal gender from, for example, from mother to father and vice versa. This causes problems for parents (and their children) who legally changed gender. For instance, a woman who recently got her new legal gender as a woman is still registered as the father of her child in the public Swedish administration system. Schools, health care and authorities use this centralised system to identify formal parents and legal guardians to children. In practice, this implies that the woman – the mother – and the child repeatedly in contact with schools, authorities, etc., are forced to disclose personal information about the mother’s background, since the authorities have information about her as being the father of the child in question. This situation violates the right to privacy of both the woman and her child.

Suggested question:

- Which efforts will Sweden take to guarantee duly respect of transgender persons’ right to family and private life, concerning to registration of parental connection?

Endnotes

¹ County Administrative Board Stockholm (Länsstyrelsen Stockholm) Nulägesbeskrivning av hinder och möjligheter för romers rätt, Rapport 2014:22

² Oxford research, *Forskning om diskriminering av muslimer i Sverige*, 2013

³ County Administrative Board Stockholm (Länsstyrelsen Stockholm) *Välkommen in! - Utrikes födda kvinnor på den svenska arbetsmarknaden och som företagare*, Rapport 2014:4

⁴ Foundation Safer Sweden (Stiftelsen tryggare Sverige), *Dödligt våld mot kvinnor*, 2013:1

⁵ The National Centre for Knowledge on Men’s Violence against Women (NCK), *Våld och hälsa – En befolkningsundersökning om kvinnors och mäns våldsutsatthet samt kopplingen till hälsa*, 2014:1,

⁶ *Ibid.*

⁷ Foundation Safer Sweden (Stiftelsen tryggare Sverige), *Brister i polisens arbete med brott i nära relationer*, 12-11-28, available at: <http://tryggaesverige.org/brister-ipolisens-arbete-med-brott-i-nara-relationer>, accessed: 03/04/14.

⁸ BRÅ, *Våldtäkt och sexualbrott*, available at: <https://www.bra.se/bra/brott-och-statistik/valdtakt-och-sexualbrott.html>, accessed: 09/06/2015

⁹ Swedish Agency for Participation (Myndigheten för delaktighet), *Samlad uppföljning av funktionshinderspolitiken - Hur är läget 2015?* A 2015:12

¹⁰ Public Health Agency of Sweden (Folkhälsomyndigheten), *Ungdomsbarometern - Ungdomar och Sexualitet 2014/2015*, 2014

¹¹ The Ministry of Health and Social Affairs (Socialdepartementet), *Ytterligare en månad inom föräldrapenningen reserveras för vardera föräldern*, Ds 2015:8

¹² Hagqvist, *Skolelevers psykiska hälsa*, Nordic Welfare 2015

¹³ Swedish Agency for Participation (Myndigheten för delaktighet), *Samlad uppföljning av funktionshinderspolitiken - Hur är läget 2015?*, A 2015:12

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- ¹⁴ Swedish Schools Inspectorate (Skolinspektionen), *Elevhälsa - Elevers behov och skolans insatser*, Rapport 2015:05
- ¹⁵ Institute for Evaluation of Labour Market and Education Policy (IFAU), *Det envisa könsgapet i inkomster och löner*, 2013:2
- ¹⁶ Medlingsinstitutet, *Vad säger den officiella lönestatistiken om löneskillnaden mellan kvinnor och män 2012?*, 2013
- ¹⁷ Försäkringskassan, *De jämställda föräldrarna. Vad ökar sannolikheten för ett jämställt föräldrapeninguttag?* Socialförsäkringsrapport 2013:8
- ¹⁸ Institute for Evaluation of Labour Market and Education Policy (IFAU), *Det envisa könsgapet i inkomster och löner*, 2013:2
- ¹⁹ *Ibid.*
- ²⁰ Pensionsmyndigheten, *Korta pensionsfakta*, available at: <http://www.pensionsmyndigheten.se/KortaPensionsfakta.html>, accessed 09/06/2015
- ²¹ the Swedish Public Employment Agency (Arbetsförmedlingen) and the Statistics Sweden (SCB), *Situationen på arbetsmarknaden för personer med funktionsnedsättning 2014*, Rapport 2015:1
- ²² County Administrative Board Stockholm (Länsstyrelsen Stockholm) *Välkommen in! - Utrikes födda kvinnor på den svenska arbetsmarknaden och som företagare*, Rapport 2014:4
- ²³ Gustafsson och Dahlin, *Underlag till Jämställdhetsutredningen U2014:06 - Områdesrapport utöver de jämställdhetspolitiska delmålen: Hälsa*, 2015
- ²⁴ Public Health Agency of Sweden (Folkhälsomyndigheten), *Folkhälsan i Sverige - Årsrapport 2013*
- ²⁵ Public Health Agency of Sweden (Folkhälsomyndigheten), *Delrapportering av regeringsuppdrag inom ramen för "En strategi för genomförande av funktionshinderspolitiken 2011- 2016"*, Dnr 00599/2014
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