Linköping University | Master's thesis, 15 credits|
Master's programme in Child Studies
autumn 2025| ISRN-number

The (Best) Interests and (Un)Important Views of the Child: A Critical Discourse Analysis of Custody Cases in Swedish District Courts

"Voices should not have to be loud to be heard" (Wall et al., 2019:270)

Katarina Lindh
Supervisor: Veronica Hällqvist
Examiner: Judith Lind

Linköping University
SE-581 83 Linköping, Sweden
+46 013 28 10 00, www.liu.se

LINKÖPING UNIVERSITY

ABSTRACT

Despite legal requirements to consider children's views in custody, residence, and visitation cases, research suggests that children's perspectives are often marginalized. Courts and social services exercise institutional authority that shapes construct of voice, agency, childhood and parenthood. Violence and parents' conflict is a recurring concern in these cases.

This study aims to investigate how children's voices and agency are represented in district courts and how institutional practices influence the consideration of children's perspectives by answering following research questions:

How does the court construct the view of the child and the principle of the best interests of the child in its decisions?

What kinds of discourses are visible in the court's reasoning in custody cases?

The corpus contains of 25 judgments from four district courts. Using Fairclough's three-dimensional framework for critical discourse analysis, the study examines textual, discursive, and sociocultural practices to explore how language constructs authority, social roles, and childhood.

Textual analysis reveals judges and social workers as institutional and moral authorities, while children are often personalized yet passivated, with their voices mediated through adults and frequently downplayed due to age, disability, or parental conflict. Discourse analysis shows that legal, social, and psychological discourses intersect in both social workers' and judges' assessments. Social services' assessments are treated as authoritative and not questioned by the judges. Sociocultural analysis indicates that courts present themselves as neutral arbiters while enacting hegemonic values, often portraying children as vulnerable and in need of protection. Violence is acknowledged but often interpreted through institutional filters, minimizing children's agency.

Legal discourse reproduces social hierarchies, shapes construct of childhood and parenthood, and highlights gaps in recognizing children as competent agents.

Keywords: The best interest of the child, the child´s right to be heard, CDA, constructions of childhood, custody cases

Acknowledgements

Completing this master's programme has been both challenging and rewarding. The process has required perseverance, reflection, and commitment, and it would not have been possible without the support and encouragement of those around me.

I would like to express my sincere gratitude to my family for their patience, understanding, and constant support throughout this journey. Their presence has provided the stability and encouragement needed to reach this point.

A special thanks is extended to my children, whose great wisdom and perspectives have been a profound source of inspiration. Through them, I have come to better appreciate the significance of childhood and the vital importance of research within the field of childhood studies.

Finally, I wish to convey my deepest appreciation to my supervisor, Veronica Hällqvist, for her invaluable guidance, expertise, and constructive feedback. Her support and professional insight have greatly contributed to the development and completion of this work.

Table of contents

1. Introduction

The United Nations Committee on the Rights of the Child (UNCRC) has criticized Sweden for failing to uphold children's rights, particularly by not consistently prioritizing the best interests of the child and by not systematically incorporating children's views in decisions that affect them. The Committee further expressed concern about the limited capacity of professionals working with and for children to identify and respond effectively to cases of child abuse (United Nations, UN, 2023:1–2, 5–7).

The UNCRC emphasizes that States Parties under the Convention bear a legal obligation to ensure that children are heard in all matters concerning them, without any form of discrimination. In addition, all States Parties are responsible for addressing and mitigating subjectivity and biases regarding children's capacities, thereby promoting their meaningful participation and agency (UN, 2009:31).

Results from reports by the Swedish Gender Equality Agency indicate that children's views are either disregarded entirely or treated with great caution in some custody cases. Judges interviewed for these reports cited several reasons for this approach: children could be influenced by a parent, they were perceived as ambivalent as a group, or their opinions were considered unreliable. Another reason for giving limited weight to the child's perspective was that the information often originated from secondary sources, such as social services, and was therefore considered to carry limited significance (Jämställdhetsmyndigheten, 2022:93; Jämställdhetsmyndigheten, 2023:28). These findings highlight a gap between the formal recognition of children's rights and the practical implementation of those rights in custody proceedings.

When parents are unable to reconcile differences regarding parental responsibility, child custody, or contact arrangements, the district court is called upon to make the decision. In 2024, district courts in Sweden resolved 6,104 custody cases (Domstolsverket, 2025:26), illustrating the significant number of decisions in which children's views could potentially influence outcomes.

In response to concerns about children's rights in custody cases, the Swedish legislator has amended the Parental Code (1949:381) in January 2025. The legislation emphasizes in government bill 2024/25 that, in determining the best interests of the child, courts must consider scientific knowledge, proven experience, and the child's right to be heard (Regeringen, 2024:14). Moreover, the government has appointed an investigator to explore strategies for strengthening children's rights in custody proceedings. According to the Swedish Government Official Directive 2025:72 – *The Child's Right to Be Heard in Family Law Matters* – children have expressed concerns about not being heard by social services or courts,

creating a risk that their voices may be silenced. This concern is particularly acute when children have expressed a desire not to meet with one parent or have described experiences of violence (Regeringen, 2025:3–4).

Given this context, a critical question arises: why would a country ranked as the fourth most democratic in the world be criticized for failing to uphold children's rights (V-Dem Institute, 2025:62)? One explanation may lie in professionals' perceptions of children and their capacities. To better understand how legal institutions, such as district courts, engage with children's rights, it is essential to examine how judges construct notions of childhood and interpret children's voices in their assessments. This understanding is particularly important in custody cases, given the short- and long-term consequences of judicial decisions for a child's life and future.

Within the broader field of child rights, the power dynamics between adults and children must be recognized as a structural imbalance, produced and maintained within social institutions such as courts (Rampersaud et al., 2024). Mooney et al. (2011:152) emphasize that the ways children are defined and represented reflect their social status, which is influenced by wider societal power structures. Consequently, relationships between adults and children can be seen as a struggle between groups with differing interests, in which the social contest may be more or less visible within a society (Fairclough, 1989:34–35).

From a social constructionist perspective, language functions as a powerful tool within legal and other social institutions, shaping consequences, limitations, and responsibilities for individuals in specific cultural contexts. Concepts are historically and culturally situated, and knowledge of the world is constructed through daily interactions (Burr, 2015:4–5). Judicial decisions are therefore grounded in the culturally specific context of the court, where meaning emerges through interactions among judges, lawyers, social workers, and other professionals (Burr, 2015:4–5). Language is inseparable from thought and often influenced by bias and preconceptions, making it a central instrument in constructing social reality (Burr, 2015:58,71). From this perspective, judgments are shaped by multiple factors embedded in legal discourse, through which interpretations of childhood and children's rights are produced by judges and other professionals, such as social workers (Burr, 2015:10–11).

1.1 Theoretical background and research problem

Over the past decades, children's rights have gained increased recognition in Swedish legislation and legal practice. The principles of the best interests of the child and the child's right to be heard are firmly established both in national law and in the UN Convention on the Rights of the Child, CRC. Despite this, research shows that these principles are not always consistently applied in custody disputes. Courts and social services sometimes interpret the

child's best interests and the child's views through adult-centred perspectives, resulting in decisions that may not fully reflect children's lived experiences or agency (Rejmer, 2003:124,127; Röbäck, 2012:37, 42-43, 49; Sundhall, 2012:67–70, 72).

This inconsistency between the legal framework and judicial practice raises important questions about how the child's best interests and voice are constructed and represented in legal reasoning. The evaluation of what is best for the child ultimately depends on the interpretations and assumptions of judges and social workers, whose professional discourses influence both the process and outcome of custody cases. Previous studies suggest that these discourses often draw on psychological discourse (psy-discourse), which shape understandings of the child's maturity, credibility, and need for parental contact (Röbäck, 2012:35).

From a discourse-analytical perspective, court decisions can be viewed as expressions of broader social practices and power relations, where language plays a central role in defining both the child and the child's rights. Analysing these texts therefore provides insight into how legal institutions construct meaning and reproduce understandings of childhood and parenthood.

Against this background, the present study seeks to explore how Swedish courts construct and interpret the principles of the child's best interests and the child's right to be heard in custody disputes. By applying Fairclough's three-dimensional model of critical discourse analysis, the study aims to uncover the discourses, linguistic practices, and societal norms that underpin these constructions.

Given the discrepancies between legal ideals and institutional practices, it becomes essential to investigate how notions of the child's best interests and the child's right to be heard are constructed within the power dynamics of legal institutions. In custody, residence, and contact disputes, courts not only interpret legal principles but also reproduce specific understandings of authority, responsibility and childhood through their reasoning. Accordingly, this study seeks to explore how such dynamics are manifested in judicial discourse and is guided by the following research questions:

1. How does the court construct the view of the child and the principle of the best interests of the child in its decisions?

2. What discourses related to the child and the child's best interests are visible in the court's reasoning?

2. Previous research

Several key concepts are central to empirical research within the field of childhood studies. These concepts have been the subject of extensive scholarly discussion and are essential for understanding the sociological foundations that underpin theoretical and empirical arguments. In empirical work, it is particularly important to consider diverse conceptions of the child, childhood, children's voices and agency but also children's rights from a democratic perspective and from a perspective of power relations between children and adults. Children's participation in legal and social contexts that affect them intersects with all these dimensions and must therefore be examined through a social constructionist lens.

2.1 Child and childhood

Concepts of child and childhood vary across different fields of study (Cline et al., 2023:67). According to The Swedish Act on the United Nations Convention on the Rights of the Child, (2018:1197) is childhood in its strictest legal sense in Sweden all individuals under the age of 18. In sociological research, childhood is understood as a social construct, often referred to as "the socially constructed child" (Morss, 2002:39). Accordingly, childhood should be interpreted in relation to the cultural and historical context in which the child exists, while also considering biological factors such as age (Cline et al., 2023:67; Thomas, 2021:188).

In addition to viewing childhood as a social construct, childhood studies emphasize that children are both beings and becoming's, and importantly, that they are worthy of study in their own right (James & James, 2001:21, 35–36; Uprichard, 2008:304, 311). Childhood should not be understood as a uniform or static category across society. Rather, it must be examined in relation to cultural differences, the specific competencies of individual children, and the social interactions between adults and children (James & James, 2012:27). The ways in which adults construct childhood within a particular cultural or social contexts shape children's agency. Consequently, children may be understood and positioned differently depending on the societal and contextual framework (James & James, 2012:33, 35–36).

2.2 Voice

Voice is context-specific, according to Wall et al. (2019:268), and it is therefore important to interpret children within the specific contexts in which they communicate, including to whom they speak and where they are using their voice. Voice should not be understood solely as verbal utterances, which is particularly relevant for young children between the ages of 0 and 7. For these children, voice may encompass any means of expressing an opinion, including silences, body language, or other communication strategies, especially when verbalisation is limited (Wall et al., 2019:268). Scholars conceptualize children's voices in various ways. In its

broadest interpretation, voice encompasses all the ways in which individuals choose to express themselves (Wall et al., 2019:264). This perspective is particularly important for the youngest children, who cannot use language to the same extent as adolescents (Wall et al., 2019:268). Children do not possess a singular "voice," nor should childhood be understood as "one" uniform childhood. Rather, there are multiple voices, or "multi-voicedness," which must be interpreted within the diverse cultural contexts in which children exist. Recognizing these varied voices and childhoods helps to reveal perspectives that have been silenced historically and in contemporary society. Childhood studies therefore provide a powerful framework for highlighting children's marginalized voices (Eldèn, 2012:75–76; Horgan, 2017:246; Spyrou, 2011:159–160).

It is a risk that children's statements are influenced by the subjectivity of social workers who produce reports used in custody cases. Hayes and Birnbaum (2020:316) conclude that directly reviewing and confirming the child's statement with the child serves as a "mitigating factor in miscommunication of the child's voice." They recommend that professionals work with direct quotes from the child to reduce the risk of misinterpretation. Blomé and Espvall (2021:3, 8), using Fairclough's three-dimensional analysis, found that claims about the child's views, as interpreted by social services and district courts, were often presented as objective truths. District courts frequently treated social services investigations as authoritative, "regardless of whether the description had a subjective or objective modality in the social services' claim."

Problems arise when a chain of professionals claims to know the child's views, filtering the child's voice through adults and other intermediaries. Blomé and Espvall (2021:9) observed in custody transfer cases in Sweden that this process may contribute to a loss of professional accountability in social work.

Although the court and social services are legally obligated to consider children's views in matters affecting them, these perspectives are rarely acknowledged in practice. Koulu et al. (2022:712) found that courts in Finland seldom recognize children's views, even when children are formal parties in the proceedings. Similarly, Heimer et al. (2018:322) report that children's voices are often silenced when parents hold opposing opinions. These findings underscore the importance of strengthening children's participatory rights and recognizing them as competent actors in all matters that concern them.

Rimer-Cohen (2025:9) similarly found in the Israeli juvenile court system that children frequently lack influence, as adults interpret their situations without sufficiently considering their perspectives. This pattern is also evident in Swedish custody cases. Eriksson (2024:101–102) identifies several areas requiring improvement regarding children's right to participation.

Her analysis demonstrates that children's views are often acknowledged only when they align with the professionals' perspectives or with normative constructions of the child's best interests, such as the assumption that contact with both parents is inherently desirable.

2.3 Agency

There is no sharp distinction between voice and agency. However, it is the responsibility of the listener to possess the skills necessary to interpret the many different ways in which voice can be expressed and to recognize children as capable social agents, as well as active agents of their own voice. The latter requires an active response: to listen (Hayes, 2024:831; Wall et al., 2019:265, 268, 271).

According to Hayes (2024:831), using the concept of the "voice of the child" can inadvertently remove agency from the child. Instead, she proposes an alternative approach, which she calls "to voice." This distinction is important because "to voice" assigns agency directly to the child's own expression (Hayes, 2024:831).

The concept of agency has been widely discussed in childhood studies and has been both problematized and critiqued (Gallagher, 2019:189–190). Gallagher offers a conceptual perspective in which he describes agency as occurring within "specific assemblages in which children play a central role" (Gallagher, 2019:190). From this perspective, agency is not a static or inherent right of the child. Rather, it is a dynamic process in which agency is exercised in different ways depending on the context in which the child operates. Within these contexts, or assemblages, agency may be expressed differently and can be more constrained in some settings compared to others.

2.4 Power and democracy

How adults choose to define children discloses power dynamics between children and adults. Describing children as unable to care for themselves and in need of protection or control will automatically place power in the hands of adults. Adults' perspectives of children can have an impact on a child´s future in several different ways (Cline et al., 2023:68). There is a power imbalance between children and adults. These power structures are imbedded in social structures and different institutions and must be recognized. It is vital to break preconceived notions and norms about children but most importantly, adults reflecting on their own bias and prejudices about children and to be attentive to their use of their power in relation to children (Wall et al., 2019:270).

Power can be described as dyadic or agential power depending how this power is exercised (Fricker, 2007:11). Exclusion from democratic processes can be seen as "an

operation of social power" and can be seen as a way of controlling other social agents (Fricker, 2007:11, 13 – 14).

Eriksson's study (2024:102) reveal that even if children could be referred to as vulnerable it does not mean that they don´t want to exercise their capacity to show that they are capable social agents. On the contrary, Eriksson's study discloses that children who have experienced violence and other forms of maltreatment, to a greater degree than other children in custody cases, highlight their right to make their own decisions and to control their lives, because ultimately, they are the ones who will have to live with the consequences.

Silva Niño de Zepeda (2022:552) identifies, through a critical discourse analysis of the social construction of childhood and children's rights in judgements from the Inter-American Court of Human Rights, IACtHR, a normative notion of the child. He argues that the child should be understood "as being between the categories of human being, human becoming, subject of rights, and object of protection,' and a concept of children's rights". IACtHRs construction of children´s rights – including the right to protection and the concept of protection – must be interpreted in the context of adults' responsibilities and obligations. The normative construction of childhood and children´s rights are recontextualised within the context in which the child interacts within others such as the family, where dynamics of power between adults and children may emerge (Silva Niño de Zepeda, 2022:572 – 573). In summary Silva Niño de Zepeda emphasizes the need for a legal and discursive framework that inter alia recognize children both as human beings and as subjects of rights within an intricate network of interdependencies of social relations (Silva Niño de Zepeda, 2022:573). According to Silva Niño de Zepeda (2022:572), children's rights must be understood in relation to the structures of authority and power that shape adult–child relations.

2.5 Addressing the Gap in CDA of Children's Rights in Sweden

Social studies of childhood constitute a diverse and multifaceted field, historically focused on the family or on children in school settings (Silva Niño de Zepeda, 2022:553). From a social constructionist perspective on childhood and children's rights, the aim is to move beyond these traditional contexts. This study analyses how children are described and how both the principle of the best interests of the child and the child's views are described in judgements from custody cases held in district courts. Empirical studies on children and their rights in custody cases, particularly from a social constructionist perspective using an CDA approach, remain sparse, and there is an existing a gap in childhood studies concerning the power relations between children and adults within a national framework. Conducting a Critical Discourse Analysis (CDA) with focus on the power structures between children and adults, as reinforced

and constructed within legal institutions in custody cases, will contribute to a deeper understanding.

3. Method

This section includes data collection, the choice of methods and data analysis. Implications of the process for research results are also discussed as well as a discussion of ethical considerations related to the collection and analysis of data.

3.1 Data Collection

Material used in this study are judgments from four district courts in Sweden.
Judgments are interesting in the sense that they can reveal information about power dynamics between groups in legal institutions such as district courts. Analysing texts in judgments can disclose how children are described in relation to the principle of the best interest of the child, but also how children's views are discussed and considered.

A qualitative study focuses on words, images and objects as well as several ways of collecting data such as focus groups as well as documents (Clark et al., 2021:350,353, 372). The aim of a qualitative study is to generate insights about a social phenomenon occurring in a special context (Clark et al., 2021:350). Qualitative research tries to put gathered information into a social context and is a method especially suited in giving voice to marginalised groups, in matters of discrimination and imbalance of power between groups. The essence of qualitative research is its focus on meaning and understanding (Carey, 2012:5 – 6).

Judgments are usually so-called official documents. In Chapter 2 of the Freedom of the Press Act (1949:105) there are regulations concerning official documents and the right to access those documents, also known as the principle of public access to information. Judgments in this study have the status of being official documents and therefore possible to gain access by contacting the court. For this thesis judgments were gathered through a digital database called Juno which is an information service provider in legal domains (Norstedts juridik, 2025).

3.2 Selection of data

Collection of data was done through a critical case sampling. The goal was to find a small number of cases with relevance to the research questions. Judgments was limited to custody cases from four district courts with high degree of information connected to the research questions was then selected (Clark et al., 2021:379).

Based on the research method and formulated questions, it was not necessary to collect data from all of the district courts in Sweden. A non-probability approach was used which is a

purposive sampling which allows a deliberate selection of information (Clark et al., 2021:378). Data was purposefully selected from four district courts in Sweden including 25 decisions approximately evenly distributed between the four district courts: Attunda-, Blekinge-, Borås- and Eksjö district court. Only judgments from a main hearing and with a legal assessment including enough data for analysis were selected. Additionally, only decisions in which the parents of the child were the sole parties to the dispute were selected.

This delimitation was made to ensure analytical clarity and to focus specifically on cases representing a *pure* custody dispute, that is, situations where two parents are in conflict over issues concerning the child's future, such as custody, residence, and contact, without the involvement of other parties or intersecting legal matters.

Personal data about children is regarded as especially sensitive data under the General Data Protection Regulation GDPR (European Union, 2016). Because of the special position of children's personal data, it was decided to collect only, beforehand, anonymized decisions. Another delimitation was to solely use judgments after the amendments to PC from January 1, 2025. Decisions in which the court establishes agreements between the parents are also excluded.

3.3 Method of data analysis

Jurisprudence is the natural field of science when the focus is analysing judgments from courts and legal dogma is often the traditional method used within legal philosophy. Analysing within the field of jurisprudence and more specific, judgments is different from other field of sciences because of the normative approach with material that often are from the legal doctrine (Sandgren, 2018:16 – 19) and legal dogma, in its strictest sense, is to establish applicable law (Sandgren, 2018: 48 – 50).

Jurisprudence cannot answer the research question in this thesis. Using a legal dogmatic approach would imply important knowledge being lost in understanding of the power relations within the court system. A legal dogmatic method neither reveals how judges, via norms and values, construct childhood and children's rights in judgments. Focus of a legal dogmatic method is to look for answers in the primary sources of law (Nääv & Zamboni, 2018:21). Child rights involve issues that are best explained through perspectives other than the internal legal perspective (Nääv & Zamboni, 2018:439 – 440). According to Nääv and Zamboni (2018:430) the advantage of using other sciences can be seen as a development of a discipline, with the benefit that new and increasingly complex questions can be raised.

Judgments from district courts can reveal embedded power within the court system, power structures between groups (such as the power relation between adults and children), and other forms of inequality. What we say is what we think and can be described as an iterative

process in which language can be seen as the material form of thought, and language, on the other hand, is invested by thought (Fairclough, 1995:73). That should not be understood that someone´s thought or opinion always is clearly stated. One's thought is a product of several different things, such as one's own interests, positions, bias, etc. (Paltridge, 2012:186).

Prior to the analysis, the texts underwent a rigorous examination. The corpus was limited to the critical reasoning sections of judicial decisions, as these provided the greatest scope for addressing the research questions. The research question is placed in a perspective of agency, children´s voices and how children are presented in the judgments. Structured reading further revealed that violence should also be included as a key concept over and above the view of the child and the best interest of the child (Fairclough, 1992:230). This limited sample was then categorised into three thematic areas following Fairclough's three-dimensional framework: text analysis, discourse practice, and sociocultural practice (Clark et al., 2021:492– 493).

3.4 Critical Discourse Analysis

For this study a Critical Discourse Analysis, CDA was used in analysing decisions from Attunda-, Blekinge-, Borås- and Eksjö district courts. CDA is sometimes also mentioned as Critical Discourse Studies, CDS (Boréus & Bergström, 2017:209, 222). The term "discourse" has different meanings depending on the field of science and divergent meanings based upon the choice of analysis. Consequently, has also CDA other definitions of 'discourse' in comparison to other discourse analysis (Boréus & Bergström, 2017:208). CDA is an interdisciplinary approach and are seen as the second generation within discourse analysis (Boréus & Bergström, 2017: 209). The aim of this approach is not only to explore how language is used to exercise and uphold power but also to address and spread awareness of domination through language **(**Carey, 2012:181; Clark et al., 2021:492; **Fairclough, 1995:186;** Flowerdew & Richardson, 2018:15).

CDA, is an approach of doing critical research that can be traced back to the classical antiquity (Chouliaraki & Fairclough, 1999:6). Even so, many scholars talk about Fairclough as a pioneer in the field of critical analysis of texts. It is important to understand that CDA is not to be understood as a political neutral approach (Winther-Jørgensen & Phillips, 2017:70). On the contrary, CDA as the name hints, is a critical approach with a strong political engagement in the unequal power relations maintained in different discourses such as legal institutions like district courts (Winther-Jørgensen & Philips, 2017:70). There are several different versions of CDA, but they all share some common main features (Winther-Jørgensen & Phillips, 2017:67-70). Fairclough´s version is according to Winther-Jørgensen & Phillips (2017:66), the most developed theory and from that standpoint also the best way of doing this analysis.

Fairclough (2010:10-11) describe CDA as:

1." ...It is part of some form of systematic transdisciplinary analysis of relations between discourse and other elements of the social process.
2. ...It includes some form of systematic analysis of texts.
3. ...It addresses social wrongs in their discursive aspects and possible ways of righting or mitigating them".

It is important to have a critical awareness of language as a factor of domination in which ideology, power and inequality is central (Fairclough,1995:186; Flowerdew & Richardson, 2018:1 – 10). Language and texts produced by judges must be analysed in the specific context of the legal institutions in which they occur and with the aim to reveal concealed meanings and intentions in which judges have the power to dominate through language (Carey, 2012:107, 173, 178 – 181; **Fairclough, 1995:186**). It is therefore central to critically analyse the embedded power dynamics within the system and between the two groups: adult and children. CDA is because of its approach an appropriate way to gain a better understanding of how the view of the rights of children, such as the best interests of the child and the child´s right to be heard, are both described and decided by judges in district courts (Boréus & Bergström, 2017:238; Burr, 2015:194 – 195; Clark et al., 2021:492; Fairclough, 1995:186).

Carey (2012:181) mention that, Jupp (2006) having identified eight central questions when analysing documents such as legal documents in CDA.

1. Under what circumstances has a text emerged?
2 how coherent or contradictory is the text?
3. What traces of other (texts) are evident in the document?
4. How are people, events or thought categorized?
5. Who and what are viewed as normal or naturally occurring?
6. What are the likely cultural, social or political effects of the text?
7. What alternative readings of facts or arguments presented might be made by different groups?
8. Are there any silences or "absent presences" within the text?

Carey's opinion (2012:181) is that it would be impossible to investigate all the identified subjects, and he deems that it is more common to focus on a smaller set of questions in CDA research. Fairclough share this opinion and stress that detailed analysis demands a small number of samples which must be thoroughly chosen based on a good understanding of the whole material before selection of data is made. One way to do this analysis is to focus on

“moments in the discourse where there is evidence that things are going wrong” such for instant silences, misinterpretations etc. (Fairclough,1992:230).

It is not possible to analyse the whole corpus of judgments, and it is not the aim with CDA. Through a detailed examination of the judgments and identification of key words important to answer the research questions, a small set of samples was selected which only included the reasoning in the judgments.

3.5 Fairclough's Three-dimensional Model

Collected data was analysed according to Fairclough´s three-dimensional method (Clark et al., 2021:492 – 493). this 'three-dimensional framework' examines text, discursive practice, and social practice. This **analysis method contributes to a better** understanding and disclose how language, through decisions, shapes perceptions of child, childhood and children´s rights in a judicial context both as a discursive- and a social practice (Clark et al., 2021:492 – 493). Fairclough´s three levels of analysis is well known by scholars and is a method of discourse analysis which includes: “Linguistic *description* of the language text, *interpretation* of the relationship between the (productive and interpretative) discursive processes and the text, and *explanation* of the relationship between the discursive processes and the social processes” (Clark et al., 2021:492 – 493; Fairclough, 2010:132).

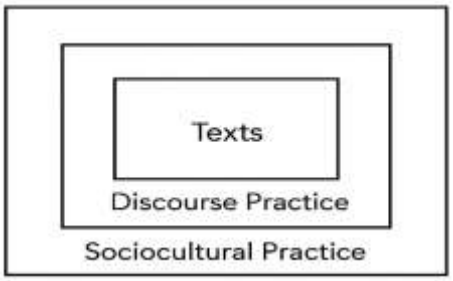

Fig. 1. Illustration of Fairclough's three-dimensional model of CDA (Paltridge, 2012:193)

Textual analysis

Descriptions of children and others in a judgment tell us how judges want to embody or represent individuals and groups of professionals. By doing so, judges can shape values or ideas that *are not* true (Machin & Mayr, 2012:76). To understand who the social actor is in custody disputes and this actor's conception of the 'truth,' it is vital to identify both language and identity. Ways of classification of social actors include examining the extent to which the participant is personalized or impersonalized. If several children are represented, it is also important to consider if they are described individually or as a part of a group. If participants such as social workers are described based on their function or profession, this could indicate

that judges give them a special legitimacy based on their profession. In what way the social actors are described in the texts can reduce them to an object, such as a child, a mum, or a dad, etc. In the way children, social workers and parents are described by judges, social workers or other professionals in custody cases shape the way others perceive them and can also communicate discourses of how judges and others attribute agency to these participants, or conversely, deny agency to them (Machin & Mayr, 2012:79 – 83).

Perception about different social actors such as children or social workers in custody cases can be shaped by others. Transitivity refers to "who does what to whom and why" (Machin & Mayr, 2012:104, 224). Doing a transitivity analysis, texts reveal which one is a subject and which one is the object. This can also consolidate ideologies and discourses that are not explicitly pronounced (Machin & Mayr, 2012:104).

Modality in language can be described in several ways, of which epistemic and deontic modality are two categories. Epistemic modality refers to the writer's attitude or dedication to the 'truth of a statement' and how convinced the writer is about something. Deontic modality is about influencing people or/and events (Machin & Mayr, 2012:187, 221).

Hedging is another strategi used to distance oneself from what is stated in order to reduce the risk of being criticized (Machin & Mayr, 2012:192). A way of finding out the degree of modality and hedging in social workers and judges' commitment to their opinion is to analyse the level of certainty in the texts produced by the district court.

To answer the research questions about how the court constructs the principles of the best interest of the child and the child's right to be heard in its decisions it is essential to analyse how these two aspects are articulated in the texts. This includes examining what linguistic expressions are being used to describe what is considered best for the child, how the child´s opinion is referred to, in what extent modality is used but also a transitivity analysis with focuses on how different actors are positioned within the text, and how agency is distributed between the child, social workers, parents etc.

Discourse practice

Discourse practice is about in what way and in what type of social context a text is both produced and consumed. Within legal discourse, texts are both produced and consumed in a judicial context while a text from a social worker is produced within another social context.

Interdiscursivity describes how a certain text has its foundation in an existing discourse such as the legal discourse.

Intertextuality on the other hand describe how a certain text is produced upon other texts. A text can produced by reference to other sources such as quoting, allusions. Another way of

intertextuality is the less subtle interplay with other discourses or implicit use of other texts (Fairclough 1992: 79,85,117).

3.5.1 Sociocultural practice

The last level of Fairclough´s three levels of analysis connect the two former levels that is analysis of texts and discourse practice into a social cultural context. One of the cornerstones of CDA is power relations and how authority dominates and control subordinate groups such as children. “Language is a means of social construction and domination” (Machin & Mayr, 2012:24).

Hegemonic attitudes can persuade others to inter alia accept other dominate groups moral beliefs and opinions. In the way these beliefs and opinions are expressed and represented they can appear as “natural” and “common sense” (Machin & Mayr, 2012:24).

Ideology is also a way of dominating subordinate groups and includes belief systems. Ideologies in groups such as judges, social workers and other professionals can be observed in language in which they express their beliefs and opinions (Fairclough 1992; 86; Machin & Mayr, 2012;24 – 25).

3.6 Implications

CDA has frequently been criticised for a lack of methodological transparency and for the potential subjectivity of data selection and interpretation. Critics argue that researchers may select texts that align with their own ideological perspectives, thereby introducing bias into the analysis (Flowerdew, 2018:6 – 7; Pool, 2010:151–152). It is important to not recognize discourse analysis as an objective tool for revealing “truth”, rather an approach that should be understood as an interpretation of others’ interpretations (Gee, 2025:172–173). Accordingly, this study does not claim objectivity, recognizing that critique itself is “not situated outside discourse” (Wodak & Meyer, 2016:119). Therefore, this study must be understood as “an interpretation of the interpretive work judges and social workers has done in specific contexts” (Gee, 2025:172).

To strengthen validity and trustworthiness, this study applies methodological strategies grounded in **convergence, t**hat is, alignment between grammatical structures, word choice, discursive themes, and social roles or identity positions. When these features point in the same interpretive direction, the analysis gains credibility (Gee, 2025:172–173). Confirmation from other researchers and transparency regarding analytical procedures and representative quotations further enable review and evaluation, allowing future studies to corroborate or challenge these findings.

Reflexivity has been central to ensuring consistency. The researcher's positionality and disciplinary assumptions were critically examined and made explicit, limiting the potential influence on interpretation. These practices collectively enhance methodological transparency and provide an academically defensible foundation for the CDA (Clark, 2016:367; Flowerdew, 2018:7). Analytical transparency has furthermore strengthened credibility and trustworthiness in this study (Clark et al., 2016:367; Gee, 2025:172-173).

Transparency about the researcher's background is crucial. Legal expertise and experience in both court practice and child-rights advocacy have shaped the analysis, with their influence critically examined to maintain reflexivity. Such reflexive awareness ensures that interpretations remain credible, transparent, and contextually grounded.

In this study, a detailed description of the data was provided. The data were not deliberately selected based on any subjective standpoint; instead, data were chosen in accordance with the requirement to use only anonymized decisions. The selection process was further guided by objective criterions. By applying a systematic sampling procedure, it is evident that collection of data was free from bias, which thereby strengthening the credibility and trustworthiness of this analysis (Flowerdew & Richardson, 2018:6–7).

3.7 Methodological Choices

CDA is a qualitative research approach that employs an interdisciplinary analytical framework to examine societal and institutional injustices. Through this approach, this study can uncover discrepancies between claims of fairness and the realities of social practice (Fairclough, 2010:6–7; Flowerdew & Richardson, 2018:7). While it may be debated whether CDA represents the optimal method for addressing the research questions in this study, there are compelling reasons to adopt it, particularly when investigating power dynamics within legal institutions, such as district courts, and in interactions between children and adults. This method enables the identification of both explicit content in judgments and the silences that may reveal underlying power structures. Nonetheless, the data do not offer direct insight into the personal views of judges or social workers. Given the focus of this research, Fairclough's Three-Dimensional Model, is well-suited to the study's objectives as the study effectively addresses and answers the research questions within the qualitative framework provided by CDA (Flowerdew & Richardson, 2018:7).

3.8 Dataset

By using a systematic sampling procedure, the dataset was collected from four district courts consisting of twenty-five judgments concerning custody cases involving only the parents as the litigants in the dispute and cases in which the parents had not reached an agreement. Data were

selected in accordance with the requirement to use anonymised decisions and additionally only judgments in which a main hearing had taken place prior to the ruling were included (Flowerdew & Richardson, 2018:6–7).

3.9 Ethical considerations

From a rights-based perspective, the child's best interests must always be a primary consideration in all actions affecting them (Bessell, 2017:230). Conducting a discourse analysis that involves children may be critiqued as potentially objectifying them. Determining the child's best interests could, in principle, require inviting children to express their opinions and participate in the research (Bessell, 2017:230). Nonetheless, high-quality research does not necessarily require direct participation, if children are respected as subjects of their rights (Bessell, 2017:231).

Section 4 of the Act (2019:504) on Responsibility for Good Research Practice and Examination of Misconduct in Research states that researchers are responsible for adhering to good research practices. Such practices demand particular attention to vulnerable groups, including children, and careful handling of personal data (Vetenskapsrådet, 2024:69–70).

The aim of this study is neither to explore how children think, feel, or reason, nor to treat them as objects of observation. Consequently, their direct participation is not relevant to the research design, which focuses on the formulations in judgments. This does not imply that children's rights are regarded any less seriously; rather, the study seeks to uphold their rights and interests as social actors and subjects of rights, especially when revealing power structures within the legal system (Alderson, 2015:633; Bessell, 2017:237).

Ethical considerations require careful weighing of potential harms, costs and risks when conducting research involving children. Given the research method and objectives, direct involvement of children was deemed unnecessary. Any inclusion of children must also be carefully assessed to minimize potential harm, reflecting the researcher's ethical responsibility (Alderson, 2015:635). At the same time, it is important to recognize that an exclusive focus on avoiding harm can inadvertently result in research that neglects the child's perspective or fails to respect the child as an agent capable of expressing their own voice (Hayes, 2024:831; Wall et al., 2019:265, 268, 271).

Personal data will be processed as part of this study. Some district courts anonymize documents before making them publicly available. Anonymized decisions do not include the names of children or parents. The only personal data processed in this study are the names of judges and lawyers. Although personal data are not required to answer the research questions, their inclusion in the source documents is unavoidable. In such cases, personal data are subject to three stages of processing: collection, storage, and deletion.

The amount of personal data involved, namely judges' and lawyers' names, is minimal. These data do not constitute sensitive personal information, and the judgments do not disclose attributes beyond professional identifiers. Considering both the limited scope of the data and the necessity of addressing the research questions, processing this small amount of personal data is ethically and methodologically justified.

4. Analysis

25 judgements evenly distributed between four district courts revealed information about violence towards a parent and/or a child in 84 % of the cases. The data included 42 children between 3-15 years. Of 25 judgments children´s views were mentioned in 52 % but not necessarily considered in the best-interest determination.

The distribution of custody outcomes (N = 25). The majority of cases resulted in the mother being awarded sole custody (n = 11), followed by cases where the father was awarded sole custody (n = 7). Joint custody was established in six cases, while one case resulted in split custody, with each parent receiving sole custody of one child. The figure illustrates the predominance of sole custody decisions and the relative rarity of split custody outcomes.

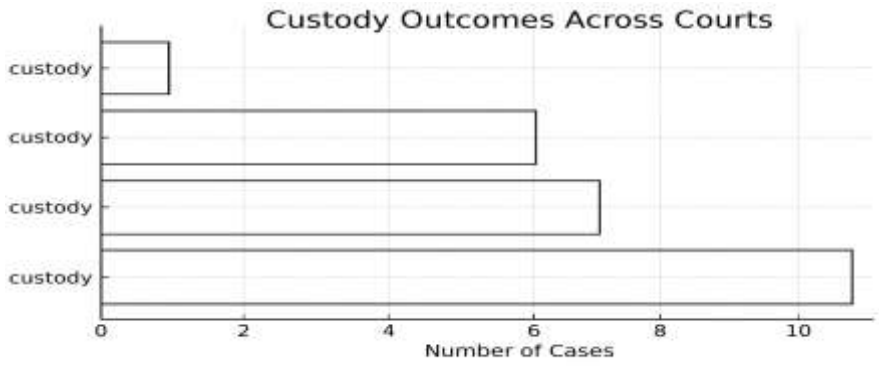

Figure 1. Custody outcomes across 25 judgements in four Swedish district courts.

4.1 The devil is in the details

Analysis of how professionals describe children, and their rights are vital for understanding how constructs of childhood and how the principle of the best interest of the child as well as the child's right to be heard matter in custody cases. That demands an analysis on the linguistic characteristics of the text itself (Machin & Mayr, 2012;76, 79 – 83, 104, 187, 192, 221, 224).

4.1.1 Actors

In all of the 25 judgments where children classified as social actors in the sense that they were mentioned by name but at the same time objects for the power of the court. Results from the

analysis reveal transitivity in all the texts included in the corpus. To varying degrees and labels the analysis reveal court as an institutional actor with power and agency and children as well as their parents as objects for their power. The analysis also shows constructions of childhood made by social workers were adopted by the court:

> For [child's name] health and development (A:1).
>
> Like the investigators, the District Court considers that joint custody is excluded (D:5).
>
> According to the District Court's assessment, which is what will give the children the best conditions (C:1).
>
> The District Court therefore considers that custody of the children shall be entrusted solely to [mother's name], which is in line with the proposal of the custody, residence, and contact investigation (B:2).
>
> The District Court agrees with the Social Services assessment… it is the District Court's conclusion that what is best for [child's name] (A:3).

Children are personalized and passivated simultaneously. They are personalized through naming:

> That this has affected [child's name] in a negative way appears to be obvious (C:2).

They are also passivated as recipients of decisions:

> The District Court therefore assesses that [child's name] should have contact with the mother every weekend" (D:2).

Professional actors in the judgments, particularly judges and social workers, are consistently represented through functional or occupational titles. This linguistic choice constructs them as institutionally legitimized speakers, whose authority derives from their professional role rather than from personal involvement. Across all 25 judgments, both groups are described as impersonalized institutional actors, which distances them from individual subjectivity and strengthens the perception of their assessments as neutral and authoritative:

> Against this background, the District Court assesses that (A:1).
>
> The social services made the assessment that (C:1).

> The District Court agrees with the Social Services' assessment (A:3).
>
> Against the background of the parties' long-standing conflict, it is the District Court's assessment that (D:3).
>
> It is assessed to be in [child's] best interest that (A:6).

The analysis also shows frequent use of impersonal passive constructions, which neutralize responsibility or remove the authorial voice entirely:

> It is assessed to be in [child's] best interest that (A:6).

Summarize

Textual analysis shows how both judges and social workers frequently appear in agentive subject positions ("*the District Court considers", "The District Court agrees with the Social Services assessment"*), whereas children and parents are often placed in object positions ("*For [child´s name] health and development*)", "(*custody of the children shall be entrusted solely to [mother´s name]*). This grammatical pattern assigns action and interpretative authority to professionals while parents and children become the *recipients* of institutional decisions. Even though children are personalized in judgments and the child is identifiable, agency remains absent; the passive construction ("*…appears to be obvious"*) removes responsibility for evaluating the impact. Finaly as passivated actors by the court using modal verbs such as *"should",* and the evaluative verb *"assesses"* it underlines the child's lack of influence over decisions concerning their own life. Through linguistic choices such as impersonalisation, and passive constructions, the court's reasoning is presented as authoritative, neutral and professional actor. This elevates the institutional voice above children as active social actors.

4.1.2 Do children have voice and agency?

Children can be described as both beings and becoming's (James & James, 2001:21, 35–36; Uprichard, 2008:304, 311). The ways in which the court construct childhood shape children's voice and agency. Even if children's voices are to some extent visible in the data, their perspectives are not always considered relevant in assessing the best interest of the child. One argument is the *age* of the child:

> He is today 15 years old. In child interviews, he has repeatedly stated that he wants to live with his mother… He is of such an age that his opinions and wishes should be given very great importance in the District Court's assessment. However, the investigators have assessed that he lacks sufficient maturity and

> insight to understand the consequences of living only with his mother… Taken together, the above means that his expressed wishes cannot be entirely decisive in the assessment of what is best for him (A:1).
>
> Since [child´s name] is young, his opinion cannot have decisive significance in the residence and contact matter (A:5).
>
> The District Court considers that the child interview and the rest of the investigation support a clear wish on [child's name]'s part to live with the mother… The District Court considers, as [child´s name] has not reached such an age or level of maturity that her opinion has decisive significance in the case. As the District Court returns to assessing the risks that exist, her opinion also has limited significance in the matters that are decisive regarding whether contact, above all, is possible (C:2).

Voice should not be understood solely as verbal speech, it may also contain any means of expressing an opinion such as body language or other communication strategies. This is especially important when verbalisation is limited (Wall et al., 2019:268). Analysis of the texts reveal that judges interpret children's views differently when information about *disabilities* is at hand. Formulations in assessments reveal that children with disabilities are represented differently from children without disabilities:

> Regardless of the disability (A:5).
>
> As regards [child´s name], her opinion could not be obtained due to her disability and lack of speech. However, the investigation in the case shows that [child´s name] and [father´s name] have a good relationship despite the occurrence of violence in the home (B:2).

In their assessments, judges and social workers find *parental conflict* as a factor contributing to the downplaying of children's voices:

> Furthermore, the investigators stated that the children were not free to express themselves about the situation due to the loyalty conflict they were in, and that their wishes were seen as an expression of their love for their parents and their desire to see both of them as much as possible (C:1).

> The recordings of [the child] are a clear indication of how, in this case, [child´s name] has been drawn into the parents' conflict in a way that is not beneficial for the children's development, nor for [mother´s name and father´s name]'s cooperation (C:5).

The analysis further reveals the court's constructions of agency and voice in matters of *violence*:

> The information that has emerged about [child´s name] being thrown onto the bed and that he is in pain but does not dare to say anything are circumstances that indicate there is a risk that he may be harmed during contact. Perhaps more serious is that [child´s name] does not dare to speak up. At the same time, witnesses have stated that [child´s name] and [father´s name] have a good relationship. The court has also seen examples of this in the evidence that has been presented. In addition, what [child´s name] has described [about the situation] it does not appear to be particularly serious (A:2).

> As regards violence from [father's name], information has emerged that [child´s name] has spoken about incidents of violence at [father's name]'s home. The risk that [child´s name] would be subjected to violence and abused by [father's name] is therefore assessed to remain both in the short and long term. The Family Law Unit has assessed that [child´s name] has sufficient age and maturity for her views to be given weight. The District Court attaches great importance to the fact that [child´s name] has clearly expressed that she wants to live with [mother's name]. Upon an overall assessment, the District Court therefore concludes that it is in [child´s name]'s best interest that [father's name] continue to have sole custody of her (A:7).

> The information that exists is from [child´s name], who, in a conversation with the Family Law Unit, stated that he had been thrown onto the bed by his father and that it hurt. There is no investigation into the context or whether it involved intentional violence (D:6).

This analysis contains 25 judgments in which 42 children´s future was discussed. In 16 of these judgments an initial reference to the applicable law concerning the child´s right to be heard was stated. No one of the children have been talking directly with the judge. Most of the cases, children had been talking with a social worker. Focusing on how the way children´s

voices are described in the reasoning of the court, there are evident that children are largely *spoken about by adults* (judges, social workers, parents). The analysis also confirms that a chain of professionals and adults such as parents, teachers' etcetera, claims to know the child's views (Blomé & Espvall, 2021:9):

> The preschool staff perceive that [child´s name] is thriving (D:1).
>
> Both [mother´s name] and [father´s name] have claimed that what is best for [child´s name] is that they themselves have sole custody (C:3).
>
> Though the children have not been faced with the formal choice of custodial parent that the District Court now assesses, nothing has emerged to indicate that they would prefer to move to (B:1).
>
> [Child´s name] has stated to [mother´s name] that he currently does not want any contact with [father´s name] (B:2).
>
> The social worker [name] has stated that the children told her that they were afraid of [father´s name] and asked not to meet him. The head of the unit has also stated that the staff perceived that the children are afraid of [father's name] (A:4).

To assess what is in the child's best interest, the child´s right to be heard must also, according to the law, be considered. Regardless, analysis expose that the court has rendered judgments in several cases on substantive matters concerning custody, residence, and contact without trying to obtain the child's view and reveal silences in custody cases (B:1; A:6; A:3; B:2; C:1).

Summarize

The court's linguistic constructions of childhood and children as social actors directly shape how children's voices and agency are recognised in the judgments. Although children's views appear in the material, the analysis shows that their perspectives are often downplayed through linguistic formulations that condition their relevance on age, maturity or professional interpretations. Children's views are frequently reframed through an age–maturity discourse. Modal constructions (*"should be given very great importance", "cannot be decisive"*) limit the weight of children's own statements. Younger children's views are linguistically dismissed using expressions such as (*"cannot have"*), which present the exclusion of the child's view as an objective necessity rather than an interpretative choice (*"Since [child's name] is young, his opinion cannot have decisive significance"*). When children have disabilities, their voices are

constructed through others' interpretations. The phrase *"Regardless of the disability"* signals that disability frames how the court interprets the child and are also in some case used to justifies the absence of the child's own voice *("Her opinion could not be obtained due to her disability and lack of speech"*). Using p**assivation** (*"could not be obtained"*) also reveal how institutional responsibility removes for not seeking alternative communication methods which lead to limiting agency.

Judges and social workers frequently attribute children's expressed views to parental conflict rather than to the children themselves (*"The children were not free to express themselves due to the loyalty conflict… their wishes were seen as an expression of their love for their parents"*). This could be interpreted as a way of attributing children's views to emotional dependence and limit children's voices and agency.

In cases involving violence, children's voices are sometimes reframed ("*He is in pain but does not dare to say anything… At the same time… what [child's name] has described does not appear to be particularly serious"*). At first it is a contradictory evaluation, acknowledging fear while downplaying the seriousness. Modal verbs and evaluative phrases used by the court (*"does not appear", "not particularly serious*"*)* reduce the child's agency in defining their own experiences.

Across the judgments, children's views are mediated almost exclusively through adults. No child spoke directly to the judge; instead, professionals, parents and teachers occupy the narrative foreground (*"The preschool staff perceive that [child's name] is thriving"*), (*"The social worker has stated that the children told her…"*). These **constructions of children´s voices** reinforce a hierarchy where adults' interpretations are treated as more legitimate than children's own accounts. This also reflects what Blomé & Espvall (2021:9) describe as "chains of adult interpretation."

Despite the legal requirement to consider the child's right to be heard, several decisions were made without the child's view being obtained. These absences could be framed as **discursive silences**, that effectively remove children from participation in decisions that profoundly shape their lives. The voices of children and parents, shaping how the child's best interests are framed and ultimately influencing the custody decisions.

4.1.3 The power over the assessment of the child's best interest

How the court choose to define children discloses power dynamics between children and adults. Describing children as unable to care for themselves and in need of protection or control will automatically place power in the hands of adults.

Textual analysis reveals constructs of children, parents and families in the reasoning of the judgments from both the court as well as from the social services. These assessments are represented as objective facts:

> Following an overall assessment, the District Court shares the opinion of the Family Law Unit that [mother's name] is the parent best suited to have custody of [child's name] and [child's name] (C:5).
>
> Altogether, the District Court finds, upon an overall assessment of what has emerged in the case, that there are predominant reasons which speak in favour of it being in the children's best interest to keep their permanent residence with [mother´s name] (B:1).
>
> The District Court does not consider alternating residence to be relevant (D:1).
>
> Upon a weighing of the various circumstances in the case, the District Court finds that the best for the children is that custody of them is exercised jointly (B:1).
>
> In the custody investigation…, the assessment was made that [mother´s name] was not suitable as a custodian (A:7)

The applied vocabulary in all the judgments describes the court and social services as legal and moral authorities. Power is not always exercised solely directly in texts through visible directives or visible control by using the law. Power is also manifested through *"common sense*". This indirect way of using power is shaping what is morally correct or common sense and reveals what could be called *"a moral authority":*

> [Mother's name] have stated that it is often difficult for her to get [child's name] home on Sunday evenings on time, because he is sad and cries and wants to stay. If this is correct, [mother's name] may handle this by preparing [child's name] in good time… The District Court does not see that the handover should be a problem. [Mother's name] ought to be able to understand the importance of coming home on time (D:2).
>
> Even if it can be strongly questioned why the circumstance that she was stopped by the police in April last year and later convicted of aggravated drunk driving did not constitute an 'eye-opener (D:6).

> The father's suitability as a custodian can be questioned. Already during the previous custody investigation in 2020, it was noted that the father had difficulties cooperating with institutions… the father has been persistent towards us investigators (C:3).
>
> As both the Social Services and the Family Law Unit have pointed out, this behaviour on [mother´s name]'s part is not in the children's best interest; on the contrary. The District Court considers that this appears to be obvious (C:6).

Analysis of judgments reveal that all legal texts use strong deontic modality and that they express power:

> The court shall attach importance to (A:1).
>
> The District Court is also of the opinion that (B:4).
>
> Shall be granted (C:1).
>
> The best interests of the child shall be decisive in all decisions regarding custody, residence, and contact (D:1).
>
> The child shall receive information and be given the opportunity to express their views on matters of custody, residence, and contact. The child's views shall be given weight in relation to the child's age and maturity (A:7).
>
> When the children reside permanently with [mother´s name], they shall have the right to contact (B:1).

The way judges express themselves in the assessments reveals both high and low epistemic modality:

> There is a certain risk of (A:1).
>
> The District Court finds no reason to doubt" (B:2).
>
> The cooperation problems that exist should be possible to overcome (B:1).
>
> According to the District Court, the matter cannot be resolved in any other way than (Blekinge 1935).

The District Court considers that … is potentially a risk factor (C:3).

The District Court considers that it is evident (C:4).

However, there may be a reason (D:1).

The District Court therefore assesses that [child´s name] should have (D:2).

Results from this study also expose how judges use hedging in their texts:

Appears to be considerably better (D:4).

It has emerged from the investigation that (A:7),

Relatively weak support in the concrete circumstances (B:2).

It cannot be ruled out that … has contributed to (C:3).

It is likely that her care for the children is genuine (D:3).

Summarize

Assessments represented as objective facts, places the court and social services in a joint agentive position (*the District Court shares the opinion of the Family Law Unit"*). The nominalization *"overall assessment"* frames a decision as a neutral fact rather than an interpretation reinforcing institutional authority.

Legal assessments reveal how moral authority are expressed in custody cases *([Mother's name] ought to be able to understand*). The modal verb *ought,* signals moral expectation rather than legal obligation. This creates a moralizing discourse in which the court positions itself as a corrective authority, rendering children and parents as subjects who require guidance. These modalities regulate how decisively the court expresses itself. '*Shall*' reinforces authority, while hedging allows subjective interpretations to appear reasonable and neutral, legitimizing institutional power.

Impersonal constructions (*"It is assessed that…")* obscures the actor behind the judgment, producing a discourse in which decisions appear objective and inevitable rather than interpretative acts by institutional authorities.

By using deontic modality (*"shall"*), court stresses their legal authority and showing uncertainty. To distancing the court from the assessment's texts, reveal use of epistemic modality (*"there may be a reason"*) but the court also try to legitimize their judgments by using hedging (*"appears" and "likely"*). These modalities regulate how authoritatively the

court expresses itself. "*Shall*" reinforces authority, while hedging allows subjective interpretations to appear reasonable and neutral, legitimizing institutional power.

Through the combination of strong deontic modality, impersonalized constructions, and moralizing language, the texts establish a discourse where institutional actors appear as objective arbiters of "*what is right"* while children's and parents' perspectives are subordinated. These linguistic choices shape power relations and determine how the principle of the child's best interests is operationalized in custody judgments.

4.2 Negotiating childhood and parenthood

Legal, sociological, and psychological discourses function as different interpretive frameworks that define children in distinct ways and thereby shape the broader discourse of childhood and children's rights in these custody cases. The legal discourse, grounded in statutes, rights, and procedural decision-making, constructs the child primarily as a rights-holder who´s best interests must be interpreted by adult authorities. The sociological discourse frames children in relation to family systems, social environments, and patterns of conflict, while the psychological discourse emphasises developmental stages, maturity, emotional functioning, and parental capacity.

These discourses do not operate in isolation; rather, they are intertwined in the courts' reasoning. This is reflected in linguistic formulations that combine legal terminology *("Against this background, the District Court finds that" (A:1)*), sociological concepts *("The parents' efforts to achieve an improved and deeper cooperation must continue" (B:1)*), and psychological framings *("[Child's name] has suffered from being in a loyalty conflict during much of her young life" (C:3)*). The interdiscursive blending of these frameworks illustrates how competing and overlapping understandings of childhood shape judicial interpretations of the child's best interests.

Beyond the legal, sociological, and psychological frameworks, the analysis also shows evidence of other influential discourses frequently discussed in childhood studies, particularly the vulnerable child discourse, which constructs the child as vulnerable and in need of adult safeguarding *("Taken together, this constitutes a very significant risk to the child's health and development" (A:1), "There are indications that the child may have a neuropsychiatric disability… "The court therefore considers that the causes of the child's condition are not fully clarified."* (B:5). The latter reference is highly characteristic of the "vulnerable child discourse", in which the child is positioned as passive, exposed, and dependent on adult competence and expert decision-making. Even if children´s rights discourse are dominant in the reasoning of the judgments with explicit reference to *"the best interests of the child"* and

That children's expressed wishes may be acknowledged they are subsequently downplayed through psychological assessments of insufficient maturity or through sociological claims about loyalty conflicts (A:7; C:2).

The analysis reveals a high degree of interdiscursivity, both in the courts' assessments and in the social workers' reports that the courts rely on. Social workers, in particular, draw on multiple discourses simultaneously when assessing the child's best interests or determining whether the child's views should be taken into account. This combination of procedural-legal reasoning with sociological and psychological explanations (B:2; A:7; C:2; D:6) shows how professional authority is constructed and legitimised.

Intertextuality further illustrates how social power is reproduced through language. Direct citations from social services *("The social services made the assessment that…")* are incorporated into judicial reasoning, thereby granting social workers' interpretations a form of institutional legitimacy (D:1; D:2; C:1; B:1; A:6). Through these intertextual practices, courts implicitly prioritise expert knowledge over children's lived experience, reinforcing hierarchical power relations between children and adult professionals.

Together, these discourses shape how children are understood and treated by adult authorities and produce normative ideas about what constitutes *"a good parent"*, *"a cooperative family"* or *"an age-appropriate child"*. They also determine the scope of children's agency in custody proceedings, that is, whether they are recognised as active social actors with the right to be heard or positioned as passive recipients of adult decision-making. In this way, discourse not only reflects but actively constructs the limits and possibilities of children's participation in legal processes.

4.3 Social and legal norms shaping custody decisions

The analysis at the sociocultural practice level focuses on the institutional and social contexts in which custody decisions are made. Sociocultural practice encompasses the norms, rules, and expectations within legal and social service institutions that influence how decisions are structured and justified. In the corpus, it is clear that the Swedish legal system and social services operate according to well-established procedures, professional mandates, and societal norms regarding childhood, parenting, and family life.

Within the courts, judges are positioned as neutral arbiters who evaluate evidence and make decisions based on formal legal principles, such as the *"best interests of the child".* The analysis shows that judges rely heavily on assessments produced by social services, reflecting the institutional hierarchy in which social workers gather psychosocial and relational information, and the courts translate this information into legally binding decisions. Results

from this analysis reveals a discourse clearly situated within a legal field in which judges exercise moral and social control over family life.

The court presents itself as neutral and objective, yet it exercises its authority through ideological beliefs, which in turn establish hegemonic values, thereby positioning itself as a moral authority that constitutes constructs of parenthood and childhood. Assessments from social workers and judges put weight to family conflicts, and potential risks. These assessments are shaped by prevailing societal expectations about responsible parenting, parental cooperation, and child vulnerability. For example, parents are expected to manage conflicts without exposing children to undue stress or harm, reflecting a broader cultural norm that positions children as needing protection and care. The analysis also reveals differences between the courts in their perspectives on children and children's rights. One court stands out by framing the right of contact primarily as a parental right which illustrate how power relations between adults and children are constructed and upheld within legal institutions:

> According to the most recent ruling of the District Court, [mother's name] has been entitled to contact every other week from Wednesday to Monday, in addition to customary summer and holiday visits. Based on the best interests of the children, and taking their wishes into account, the District Court does not see sufficient grounds to reduce their time with the mother. Consequently, [mother's name] should continue to be granted contact with the children to the same extent as established by the District Court's judgment of December 2022 (D:3).

> For this reason, the District Court considers that [mother's name] should be granted limited physical contact with the children, namely four hours (D:6).

The court should rely on legal principles and formal evidence, whereas social services should emphasize psychosocial and relational factors in their assessments. Nevertheless, results show that all judges and social workers use other discoursers in their assessments. These findings reflect power relations and institutional ideologies, illustrating how language mediates social authority and reproduces or negotiates societal understandings of family in which both judges and social workers shape constructs of children and childhood.

Analysis of the sociocultural practice reveal the broader institutional and ideological frameworks shaping the assessments of what constitutes the *"best interest of the child".* Both judges and social workers evaluate what is the best interests of the child in this data. In all the 25 judgments different descriptions of the principle *"the best interest of the child"* are used to justify the assessments. The sociocultural context also influences how children are represented

institutionally. Children are constructed as dependent actors whose welfare relies on adult expertise and institutional oversight. Professionals within both social services and courts operate under the shared understanding that children cannot fully advocate for themselves and require adult mediation.

Furthermore, hegemonic attitudes are dominating in all the judgements and assessments from social workers. Results indicate that children´s agency and voice are secondary to adults' expertise and reveal power over subordinated group of children:

> The reports that [child] have been thrown on the bed and experienced pain, yet has not dared to speak up, indicate a potential risk of harm during visitation. The matters reported by [child´s name] do not appear to be particularly serious (A:2).

Even if it is obvious that judges mostly accept social workers assessments without questioning them and in a majority of the judgements one judgement does stand out and make it visible who the arbitrator is in the case. The grounds for the judgment consist of a total of seven pages, of which two pages comprise an introduction with a review of the case, three and a halve pages contain references from the investigation conducted by the social services, and one and a halve pages present the court's reasoning for the decision in which they conclude that they agree with the social services (C:4).

In summary, the sociocultural practice level reveals how **institutional roles, professional norms, and societal expectations** shape custody assessments and decisions. Judges, social workers, and other professionals operate within interdependent systems in which children are positioned as dependent, parental authority is evaluated, and procedural and protective norms guide the determination of what is considered the child's best interests.

5. Conclusions

The principle of the best interests of the child and the child's right to be heard are firmly established in national law but are not consistently applied in custody disputes. This study confirms that these principles are predominantly interpreted through adult-centred perspectives. Analysis of 25 custody judgments demonstrates that the court constructs the child primarily as a dependent and passive actor, whose welfare relies on adult mediation and professional expertise. These findings reinforce the notion that children's access to their rights depends heavily on professionals' perceptions of childhood, children, and their rights (Fairclough, 1998:34–35; Mooney et al., 2011:152; Rampersaud et al., 2024).

Across the judgments, children's voices are mediated through adults, and their agency is constrained by discursive framings of loyalty, risk and maturity, highlighting the hierarchical power relations embedded within legal and social service practices. Even when children's

wishes are expressed, they are frequently downplayed or reframed, demonstrating that the court privileges as institutional authority and adult expertise over children's perspectives. These results also align with earlier findings showing that children's rights sometimes fail to protect them from unwanted contact with a parent, even when they clearly expressed their opinion about it, and that children's views are not always fully acknowledged in custody decisions (Röbäck, 2012:39, 49). Judges and social workers frequently use the term "*the child's best interests*" to legitimize their own assessments, even when these are in conflict with the child's expressed wishes. Similarly, children whose parents are perceived as morally inadequate or uncooperative with social services tend to have their voices ignored. The data suggest that cooperative and agreeable parents are more likely to "win" custody disputes, and children's opinions opposing such parents are often marginalized.

The study also reveals silences regarding the opinions of very young children as they seem to be irrelevant due to age. Which contradicts by research demonstrating that children as young as three can provide reliable information (Eldèn, 2012:75–76; Horgan, 2017:246; Jämställdhetsmyndigheten, 2022:93; 2023:28; Socialstyrelsen, 2018:24; Spyrou, 2011:159–160).

Results further indicate, consistent with Blomé and Espvall (2021:3), that judges often treat social workers' investigations as authoritative. This practice risks filtering children's statements through the social workers' interpretations, which are then taken as authentic by the courts (Blomé & Espvall, 2021:9; Hayes & Birnbaum, 2020:316). This analysis demonstrates that judges construct both discursive and linguistic strategies that reproduce institutional authority and hierarchical power relations, this study also confirm that judges and social workers construction of childhood in custody cases both shapes children's agency and in most cases deny them agency (James & James, 2012:33, 35–36).

In conclusion, the court constructs children as dependent, their best interests as the product of adult evaluation, and their voices as conditional and mediated. The discourses evident in the judgments shape how childhood is understood, how parental authority is assessed, and how decisions are justified, revealing the complex interplay of institutional norms, professional authority, and societal expectations in determining custody outcomes. Overall, children in this study are treated as vulnerable and in need of protection, which contributes to a failure to recognize them as competent and credible agents.

Methodological Considerations

The chosen method offers valuable insights but also has limitations. CDA brings an element of interpretation and subjectivity, and the small dataset restricts the ability to draw definitive conclusions on a national nor global level. The approach is difficult to grasp and with several

different ways of using CDA it can be difficult to compare this study with another study. Moreover, court documents may not fully reveal the assessments behind the decisions. It is possible that vital information for the outcome of the cases was explicit pronounced at the main hearing and not visible in the judgement. To get a better understanding of the judgements it would have been beneficial to visit the main hearing before analysing the judgments. Another important part is to understand how judges and social workers interpret the principles of the child's right to be heard and the child's best interests. It would therefore have been beneficial for this study to do interviews with the judges and social workers.

Despite methodological considerations mentioned here, this study nonetheless successfully contributes to the field of childhood studies. This study confirms that individual notions and assumptions by judges and social workers make constructs about the best interests of the child and the child´s rights to be heard. These constructs are latter used by other professionals, media and may become established precedent in different institutions such as legal and social institutions. The way constructs can shape agency and children´s voices is important when talking about children and their rights. This analysis shows that children in most cases are viewed as vulnerable and need of protection and not always getting access to their voice which limit their agency in a variety of ways. This study highlights the need for continued examination of the power relations between children and adults within institutions such as the courts, where the rights of the child should be afforded the same consideration as those of adults. It emphasizes the importance of critically analysing how courts and other actors with substantial influence over a child's future construct and deconstruct the principles of the best interests of the child and the child's right to be heard, as reflected in their discourse and decision-making.

6. Declaration of AI-assisted technologies in the writing process

During the preparation of this thesis manuscript, the author used ChatGPT.com to improve grammar and explore alternative word choices that could enhance clarity. All content generated with the assistance of this tool was subsequently reviewed and edited by the author(s), who take full responsibility for the final text of the thesis.

References

Alderson, P. (2015). The ethics of research with young children". In O.N, Saracho, (ed.) *Handbook of research methods in early childhood education, Vol. 2, Review of research methodologies*. Charlotte, NC: Information Age Publishing, Inc., pp. 633-653.

Bessell, S. (2017). Rights-based Research with Children: Principles and Practice. In R., Evans, L., Holt, and T, Skelton, eds. *Methodological Approaches*. Singapore: Springer Singapore. pp. 223-240. DOI:10.1007/978-981-4585-89-7_17-1

Blomé, H. and Espvall, M. (2021). Custody Transfers of Children and Young Adults in Foster Care, *GENEALOGY*, 5(3). https://doi.org/10.3390/genealogy5030080

Boréus, K., and Bergström, G. (2017). *Analysing text and discourse, eight approaches for the social sciences*. London: Sage.

Burr, V. (2015). *Social constructionism.* 3 nd ed. New York: Routledge.

Carey, M. (2012). *Qualitative research skills for social work: Theory and practice* [e-book]. Basingstoke: Palgrave Macmillan.

Chouliaraki, L. & Fairclough, N. (1999). *Discourse in Late Modernity: Rethinking Critical Discourse Analysis*. Edinburgh: Edinburgh University Press.

Clark, T., Bryman, A., Foster, L., and Sloan, L. (2021). *Bryman's social research methods*. 6 nd ed. Oxford: Oxford University Press.

Cline, K.D., Hiatt, R.L., and Dimmitt, E. (2023). The development of the perceptions of childhood scale. *Journal of research in childhood education. 38*(1), pp. 66-79. https://doi.org/10.1080/02568543.2023.2193615

Domstolsverket. (2025). Domstolsstatistik 2024 [Accessed 28 August 2025].

Eldén, S. (2012). Inviting the messy: Drawing methods and 'children's voices. *Childhood*, 20(1), pp.66–81. https://doi.org/10.1177/0907568212447243

Eriksson, M. (2024). Children's Participation and Perspectives in Family Disputes', in *Children in Custody Disputes*, pp. 85–106. https://doi.org/10.1007/978-3-031-46301-3_5

European Parliament and Council. (2016). *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)*. [online] *Official Journal of the European Union*, L119, pp.1–88. Available at: EUROPAPARLAMENTETS OCH RÅDETS FÖRORDNING (EU) 2016/ 679 - av den 27 april 2016 - om skydd för fysiska personer med avseende på behandling av personuppgifter och om det fria flödet av sådana uppgifter och om upphävande av direktiv 95/ 46/ EG (allmän dataskyddsförordning) [Accessed 7 September 2025].

Fairclough, N. (1989). *Language and power*. New York: Longman Inc.

Fairclough, N. (1992). Discourse and social change. Cambridge: Blackwell Publishing Ltd.

Fairclough, N. (1995). *Critical discourse analysis, the critical study of language*. Harlow Essex: Pearson education limited.

Fairclough, N. (2010). *Critical discourse analysis, the critical study of language.* 2 nd ed. London and New York: Taylor & Francis group.

Flowerdew, J. and Richardson, J.E. (2018). *The Routledge handbook of critical discourse studies / edited by John Flowerdew and John E. Richardson*. Routledge.

Forslund, T., Psouni, E., and Duschinsky, R. (2021). *Attachment goes to court: Child protection and custody issues*. *Attachment & Human Development*, 24(1), pp. 1–52. https://doi.org/10.1080/14616734.2020.1840762

Fricker, M. (2007). Epistemic Injustice: Power and the Ethics of Knowing: Précis. *Theoria: An International Journal for Theory, History and Foundations of Science*, 23(1(61)), pp. 69–71. Https://doi.org/10.1093/acprof:oso/9780198237907.001.0001

Gallagher, M. (2019). Rethinking Children's Agency: Power, Assemblages, Freedom and Materiality. *Global Studies of Childhood*, 9(3), pp. 188–199. https://doi.org/10.1177/2043610619860993

Gee, J.P. (2025). An Introduction to Discourse Analysis. Theory and Method. 5 nd ed. Routledge.

Hayes, M. and Birnbaum, R. (2020). Voice of the Child Reports in Ontario: A Content Analysis of Interviews with Children. *Journal of Divorce & Remarriage*, 61(5), pp. 301–319. https://doi.org/10.1080/10502556.2019.1619379

Hayes, N. (2024). It's not fair: hearing the voices of young children, *Education 3-13*, 52(6), pp. 830–842. https://doi-org.e.bibl.liu.se/10.1080/03004279.2024.2332862

Heimer, M., Näsman, E. and Palme, J. (2018). Vulnerable children's rights to participation, protection, and provision: The process of defining the problem in Swedish child and family welfare. *Child & Family Social Work*, 23(2), pp. 316–323. https://doi.org/10.1111/cfs.1242

Horgan, D. (2017). Child participatory research methods: Attempts to go "deeper. *Childhood*, 24(2), pp. 245–259. https://doi.org/10.1177/0907568216647787

James, A., and James, A.L. (2001). Childhood: Toward a Theory of Continuity and Change. *The Annals of the American Academy of Political and Social Science*, 575, pp. 25–37. https://doi.org/10.1177/000271620157500102

James, A. and James, A.L. (2012). *Key concepts in childhood studies.* 2nd edn. London: SAGE Publications.

Norstedts Juridik (u.å.). Juno [database]. Available at: https://www.juno.se [Accessed 6 April 2025].

Jämställdhetsmyndigheten. (2022). *Uppgifter om våld är inget undantag*. Available at: Uppgifter om våld är inget undantag | Jämställdhetsmyndigheten [Accessed 13 February 2025].

Jämställdhetsmyndigheten. (2023). *Sätt barnen i centrum för tvisten om deras liv: Redovisning av uppdrag att följa upp hur uppgifter om våld eller andra övergrepp beaktas i mål om vårdnad, boende och umgänge*. Sätt barnen i centrum för tvisten om deras liv 2023:12 | Jämställdhetsmyndigheten [Accessed 31 August 2025].

Koulu, S., Nikupeteri, A., Laitinen, M. and Lohiniva-Kerkelä, M. (2022). Does children's fear matter? Evaluating children's positions in Finnish court decisions on stalking, *Behavioral Sciences & the Law*, 40(5), pp. 699–714. https://doi.org/10.1002/bsl.2590

Machin, D. and Mayr, A. (2012). *How to do critical discourse analysis: a multimodal introduction / David Machin and Andrea Mayr*. Sage.

Mooney, A., Stilwell Peccei, J., LaBelle, S., Henriksen, B.E., Eppler, E., Irwin, A., Pichler, P., Preece, S and Soden, S. (2011). Language, Society and Power. An introduction. 3rd ed. London; New York, Routledge.

Morss, J.R. (2002). The several social constructions of James, Jenks, and Prout: A contribution to the sociological theorization of childhood', *International Journal of Children's Rights*, 10(1), pp. 39–54. doi:10.1163/157181802772758119.

Nääv. M., and Zamboni, M. (2018). Juridisk metodlära. Lund. Studentlitteratur. 2nd ed.

Paltridge, B. (2012). Discourse analysis. An introduction. 2 nd ed. London, New York: Bloomsbury Academic.

Poole, B. (2010). Commitment and criticality: Fairclough's Critical Discourse Analysis evaluated. *International Journal of Applied Linguistics*, 20, pp. 137–155. https://doi.org/10.1111/j.1473-4192.2009.00234.x

Rampersaud, M., Parada, H., Escobar Olivo, V., & Ouellette, C. (2024). Reimagining Youth Subjectivity. A Deconstruction of Child and Youth Legislation in Ontario. *The International Journal of Children's Rights 32*, pp. 447–476. https://doi.org/10.1163/15718182-32020007

Regeringen. (2006). *Proposition 2005/06:99: New Custody Rules*. Stockholm: Justitiedepartementet. Nya vårdnadsregler [Accessed 7 September 2025].
Regeringen. (2021). *Proposition 2020/21:150: Strengthening the Child Rights Perspective in Custody Disputes*. Stockholm: Justitiedepartementet. Ett stärkt barnrättsperspektiv i vårdnadstvister, Prop. 2020/21:150 [Accessed 7 September 2025].
Regeringen. (2024). *Proposition 2024/25:10 Safer Homes for Children*. Stockholm: Justitiedepartementet. Proposition 2024/25:10 Tryggare hem för barn [Accessed 7 September 2025].
Regeringen. (2025). *Barnets rätt att komma till tals i familjerättsliga frågor: beslut vid regeringssammanträde den 3 juli 2025 (Dir. 2025:72).* Stockholm: Regeringskansliet. https://barnets-ratt-att-komma-till-tals-i-familjerattsliga-fragor-dir-202572.pdf [Accessed 29 July 2025].
Rimer-Cohen, Y. (2025). Is this 'minor time' now? My time? - Voice versus knowledge in child neglect proceedings, lessons from the guardian ad litem role in Israeli juvenile courtrooms. *Child Abuse and Neglect*, 162. Https//doi10.1016/j.chiabu.2025.107269
Rejmer, A. (2003). *Custody Disputes: A socio-legal study of the role of district courts in the handling of custody disputes with the child's best interest as a base*. Lund: Studentlitteratur.
Röbäck, K. (2012). *Barns röster i vårdnadstvister – om verkställighet och professionella riskbedömningar*. Skriftserien 2012:1. Göteborg: Göteborgs universitet, Institutionen för socialt arbete. Tryckt av Ineko AB, Kållered.
Pool, B. (2010). Commitment and criticality: Fairclough's Critical Discourse Analysis evaluated. *International Journal of Applied Linguistics 20* (2), pp. 137-155. https://doi.org/10.1111/j.1473-4192.2009.00234.x
Sandgren, C. (2018). Rättsvetenskap för uppsatsförfattare. Ämne, material, metod och argumentation. 4th ed. Stockholm: Norstedts juridik.
Silva Niño de Zepeda, R. (2022). Inter-American Children and their Rights: A Critical Discourse Analysis of Judicial Decisions of the Inter-American Court of Human Rights. *The International Journal of Children's Rights* 30 (2), pp. 552-576, Available From: Brill https://doi.org/10.1163/15718182-30020006
Socialstyrelsen. (2019). *Vårdnad, boende och umgänge*. Available at: Vårdnad, boende och umgänge [Accessed 2 december 2025].
Spyrou, S. (2011). The limits of children's voices: From authenticity to critical, reflexive representation. *Childhood*, 18(2), pp.151–165. Https://doi10.1177/0907568210387834
Sundhall, J. (2012). *Kan barn tala? En genusvetenskaplig undersökning av ålder i familjerättsliga utredningstexter*. Göteborgs universitet. Kan barn tala? En genusvetenskaplig undersökning av ålder i familjerättsliga utredningstexter [Accessed 2 december 2025].
Sveriges domstolar. (2022). *Allmänna domstolar*. https://www.Allmänna domstolar - SverigesDomstolar [Accessed 2 Mars 2025].
https://doi.org/10.1177/0907568210387834 [Accessed 13 February 2025].
Sveriges riksdag. (1949). Tryckfrihetsförordning (1949:105). Tryckfrihetsförordning (1949:105) | Sveriges riksdag [Accessed 7 September 2025].
Sveriges riksdag. (1949). Föräldrabalken (1949:381). Available **at:** Föräldrabalk (1949:381) | Sveriges riksdag [Accessed 13 februari 2025].
Sveriges riksdag. (2018). The Act on the United Nations Convention on the Rights of the Child (2018:1197) available at: Lag (2018:1197) om Förenta nationernas konvention om barnets rättigheter | Sveriges riksdag [Accessed 7 September 2025].
Thomas, N.P. (2021). Child-led research, children's rights and childhood studies: A defence, *Childhood*, 28, pp. 186–199. https://doi.org/10.1177/0907568221996743.
United Nations Committee on the Rights of the Child. (2009). *General comment no.12. The right of the child to be heard, CRC/C/GC/12*. Available at: General comment No. 12 (2009): The right of the child to be heard | Refworld [Accessed: 10 July 2025].

United Nations Committee on the Rights of the Child. (2013). *General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (Article 3, paragraph 1)*. CRC/C/GC/14. Sixty-second session, 29 May 2013. Geneva: United Nations. General comment no. 14 (2013) on the right of the child to have his or her best interests taken as primary consideration (art. 3, para. 1) [Accessed 7 September 2025].

United Nations Committee on the Rights of the Child. (2023). *Concluding observations on the combined sixth and seventh periodic reports of Sweden, CRC/C/SWE/CO/6-7*. Available at: CRC/C/SWE/CO/6-7 [Accessed: 13 February 2025].

Uprichard, E. (2008). *Children as 'Being and Becoming's': Children, Childhood and Temporality*. *Children & Society*, 22(4), pp.303–313. https://doi.org/10.1111/j.1099-0860.2007.00110.x

V-Dem Institute. (2025). *25 Years of Authorization – Democracy Trumped? Democracy Report 2025*. Gothenburg: V-Dem Institute, University of Gothenburg. Available at: V-DEM Democracy Report 2025 25 Years of Autocratization – Democracy Trumped? [Accessed 7 Sep. 2025].

Vetenskapsrådet. (2024). *God forskningssed*. Available at: God forskningssed 2024 - Vetenskapsrådet [Accessed: 13 February 2025].

Wall, K., Cassidy, C., Robinson, C., Hall, E., Beaton, M., Kanyal, M. & Mitra, D. (2019).Look who's talking: Factors for considering the facilitation of very young children's voices, *Journal of Early Childhood Research*, 17(4), pp. 263–278. https://doi.org/10.1177/1476718X19875767

Winter-Jørgensen, M., and Phillips, L. (2017). Diskursanalys som teori och metod. Translated by S-E., Thorell. Dimograf, Poland: Studentlitteratur.

Wodak, R., and Meyer, M. (2016). *Methods of critical discourse studies*. 3rd edn. London: SAGE.