

REFUGEE CHILDREN'S RIGHTS

LINGUISTICALLY JUSTIFIED IN GERMAN AND SWEDISH PRECEDENTS

Linda Pfister

“ The principle of the best interest of the child shall always ‘come in the first room’. In the first room, there are even other serious interests [...]. Therefore, regard to the best interest of the child shall not entail that the regulation’s criteria are not implemented in a case like this.

Extract from the Highest Swedish Migration Court’s precedent of 1st July 2016. ”

Background & Aims

To ensure that child rights are at the heart of asylum processes has become a key challenge for the Swedish and German courts, especially in recent years.

My research aims to, by linguistic analysis,

- critically question how child rights are justified in the precedents of the Swedish and the German competent courts of appeal during the past decade.
- uncover hidden asymmetrical relations between decision makers and asylum-seeking children, (re)created by the precedents.

Theory & Methodology

The study is based on Systemic Functional Grammar (SFG).

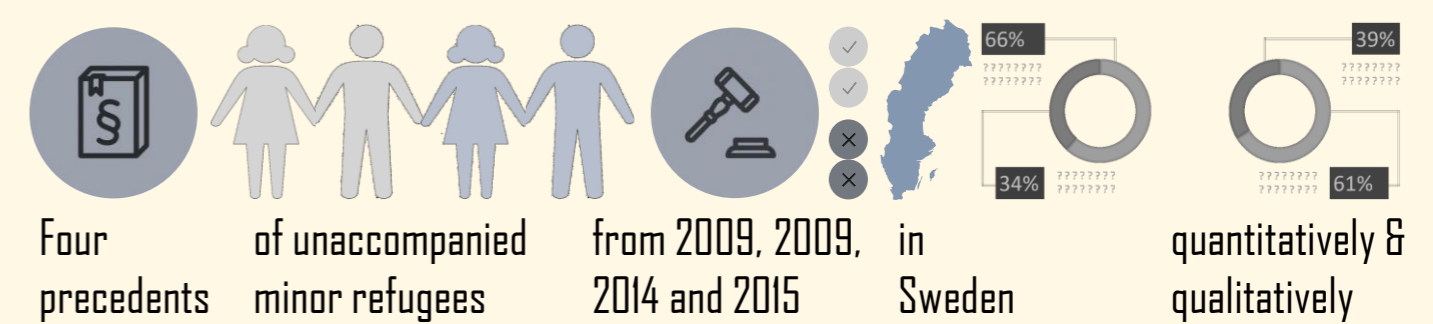
This socio-semiotic explanatory model enables the premise that decision makers play an active role in applicable law which becomes visible in the precedents in case law.

Two parallel corpora – a Swedish and a German – are collected and manually annotated with regard to the interpersonal and ideational metafunctions’ analytical model, originated by M.A.K Halliday.



Preliminary Results

Figure 1. Pilot study regarding the ideational metafunction.



Two are to the benefit of the child, from 2009 and 2015; two are to its detriment, from 2009 and 2014.

Differences between permits & rejections and/or over time regarding the experiences expressed?

Figure 2. Total number of ideational meanings in the analyzed precedents.

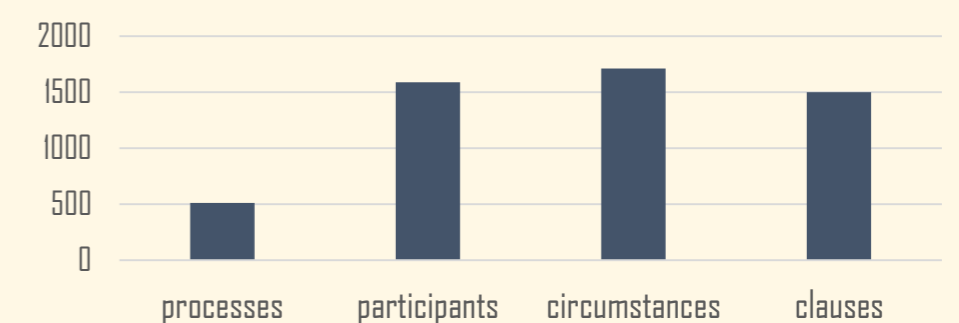
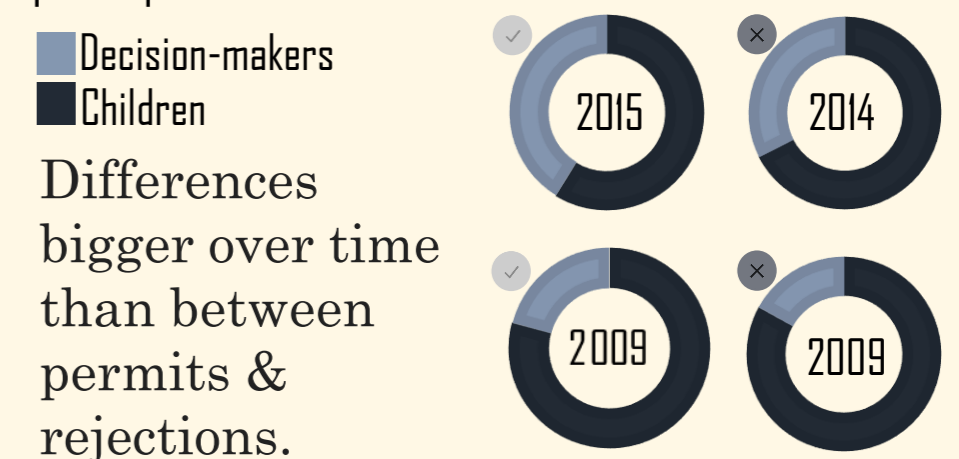


Figure 3. Decision-makers and children as participants in relation to each other.



Analysis

Through linking quantitative and qualitative analysis different justification strategies in

- decisions which concern unaccompanied minors and children which seek asylum with their family
- permits and rejections
- decisions of different years

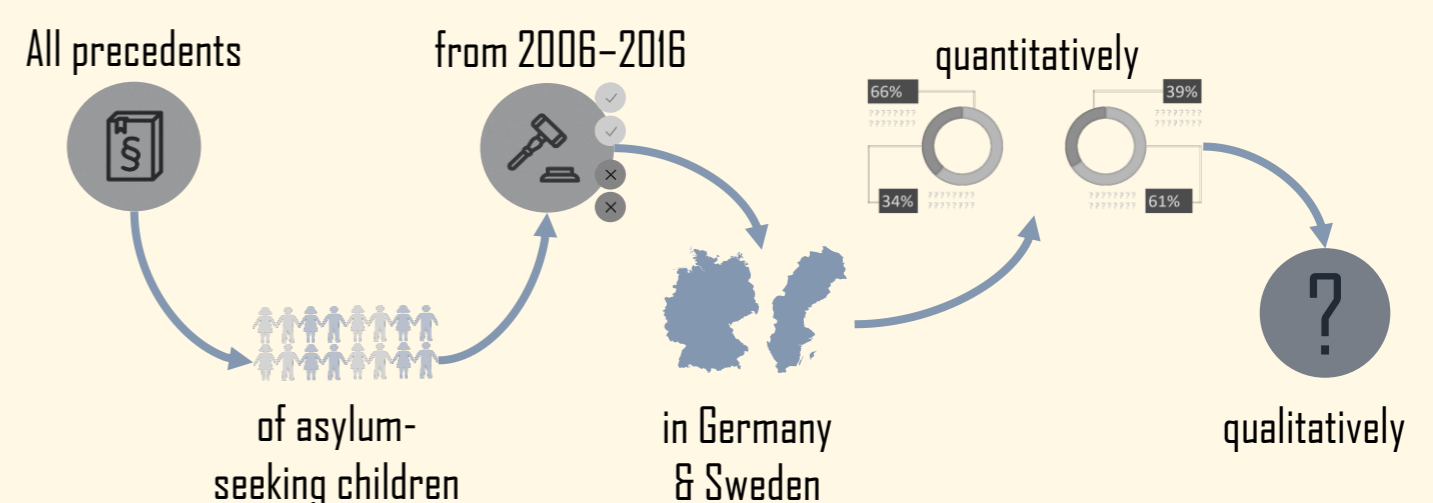
in both countries will be compared and discussed.

References

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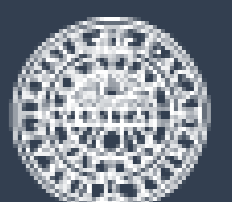
Outlook

Figure 4. Whole PhD-study over the next four years.



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