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Title **Justifying the Child's Best Interest - A Comparison of Court Decisions in Norwegian Child Protection Cases of Violence in Migrant and Non-Migrant Families**

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**Abstract** The aim of this paper is to identify and analyse the justifications for decisions made in the best interest of children in care order cases concerning domestic violence in migrant and non-migrant families. The aim is to expand our understanding of the practice of the "best interest"-principle and the normative underpinnings of this in the Norwegian context.

Cases of violence and its detrimental effect on children are an internationally recognised and central focus from which practitioners draw knowledge when assessing cases. Cases of this nature, then, have the potential to identify normative aspects of the assessment of the best interest of the child within a given country.

The paper explores the following questions: what are the types of violence that are involved in these cases; what are the thresholds and the considerations that count for and against a care order in these cases, and what are the child's best interest considerations in these cases? For each of the questions, we examine if there are differences between migrant cases and non-migrant cases.

We analyse all available care order decisions involving violence for the years 2016 and 2017. The cases are selected on the basis that violence is relevant to and present in the case proceedings. The comparison of non-migrant and migrant children will yield interesting results, for instance, where it pertains to the best interest principle of UNCRC (1989) article 3 and the Norwegian Child Welfare act (1992).

Through a critical exploration of the arguments applied for assessment of violence, parental capacities and the child's best interest, the paper provides knowledge on rational decisions that are intended to recognise the best interest of the children. Using this type of analysis, we also identify how the negotiation and reasoning

regarding what is good, just, and legal intersects with and is measured against criticism (Habermas 1998).

The findings contextualise the accusations of media, interest groups and laymen, that claim the courts treat migrants with (more, or) a kind of prejudice not found in non-migrant cases, but also highlights the varied contexts and therefore arguments used in these similar but distinct types of cases. As the interplay between legal areas must be accounted for, whether it is the immigration act or the criminal procedure act, there is always a normative perspective expressed in court rulings.