Framing the Professional Conduct of Swedish Transport Leaders in Policy Documents: A Critical Intercultural Examination of 'Reconciling the Irreconcilable'

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ABSTRACT

Recent shifts in return policy have altered the legal reception and treatment of migrants worldwide. This article examines how policy documents from forced return operations construct human rights, authority and interculturality. Using critical discourse analysis, we investigate how language legitimises institutional power in documents from the Swedish Prison and Probation Service (SPPS) and the European Union Border and Coast Guard Agency (Frontex). The analysis reveals that SPPS frames returnees as 'clients' within a rehabilitative model, whereas Frontex employs a legalistic, enforcement-driven discourse. Although claiming to support human rights, these texts often reproduce power structures and a weak form of interculturality (understood as the situated, power-sensitive negotiation of difference and similarity). Interculturality matters because these policies script cross-border encounters by categorising actors and setting rules, thereby shaping whose voice is heard. This discussion is timely given policy shifts in Sweden and the EU that increasingly seem to prioritise security over humanitarian concerns.

KEYWORDS:
Interculturality, forced return operation, human rights, critical discourse analysis, policy documents

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1. INTRODUCTION

Cross-border transportation is more than a logistical process. As such, it is a practice laden with human and ethical consequences. Every year, countless individuals experience deportation or repatriation, caught in the web of (inter-)national laws. Whether resulting from a refused entry, an expulsion order, or as a consequence of a criminal sentence, these forced returns involve a collaboration between states and must navigate the delicate balance between state sovereignty and human rights (Pirjola 2015). This study examines the balance within the Swedish context, where the Swedish Prison and Probation Service (SPPS) is the primary actor responsible for carrying out forced returns. Through its National Transport Service (NTS), the SPPS manages escort teams and logistical arrangements, often executing deportations on commercial flights alongside regular travellers, on behalf of other agencies like the Swedish Police Authority and the Swedish Migration Agency.

The implementation of such returns is a persistent topic of debate in academic and policy circles, highlighting the inherent tension between enforcement and human rights (e.g. Androff & Mathis 2022; Gkliati 2022). This tension is particularly pronounced in Sweden (the context of this study) following the Tidö Agreement of October 2022 (Liberalerna 2022). This political shift has ushered in stricter migration controls, prioritising national security and aiming to reduce asylum numbers (Gkliati & Kilpatrick 2021). Recent legislative changes, such as the abolition of the 'track change' system (in Swedish: *spårbyte*) in April 2025, which previously allowed some rejected asylum-seekers to obtain work permits, call attention to the tangible impact of this new policy direction, affecting thousands of individuals (Migrationsverket 2025). As a member of the European Union (EU) since 1995, Sweden also participates in return operations coordinated by Frontex, the European Border and Coast Guard Agency. Frontex facilitates these operations by chartering flights and coordinating with destination countries, creating a layered policy environment where national practices meet EU-wide standards. It is within these coordinated, cross-border encounters that the concept of interculturality becomes critically important. We define interculturality as the situated, power-sensitive negotiation of difference and similarity (Dervin 2022; Dervin & Simpson 2021). Policy documents are not neutral, as they script these human encounters by categorising actors, setting rules and deploying the language of rights, thereby shaping who is heard and on what terms during a deportation.

This study investigates how interculturality and human rights intersect within the operational policy frameworks of the SPPS and Frontex. By employing critical discourse analysis (CDA) (Fairclough 2003), we explore how these documents reflect, confirm and/or challenge human rights principles and state ideologies. Our central contribution is to demonstrate how two distinct policing ideologies – policing by consent and policing by force – are inscribed in the policy language of these institutions, and how 'rights talk' is mobilised within each orientation (Finstad et al. 2023). As a comparative thread, we examine whether the SPPS and Frontex diverge or converge along this axis of consent versus coercion. Our analysis is guided by the following research questions:

1. How do official policy documents and guidelines from the SPPS and Frontex reflect, confirm and/or challenge human rights?
2. How do these documents address interculturality – defined as context-specific, power-sensitive negotiations of difference and similarity – as a concept central to human rights in this context?

To answer these questions, we read operational guidance against the normative backdrop of key human rights instruments, including the Universal Declaration of Human Rights (United Nations 1948) and the 1951 Refugee Convention (United Nations 1951). We view policy documents not as neutral texts but as ideological instruments that shape governance and practice. Drawing on Althusser's (2014) concepts of ideological and repressive state apparatuses, we explore how these documents blend persuasion and control, legitimising state authority while defining what is lawful and ethical in the fraught human and intercultural encounters at the heart of cross-border transportation.

2. PREVIOUS RESEARCH ON FORCED RETURN OPERATIONS

Forced returns tend to spark intense human rights debates (Gkliati 2022), not least over the right to seek asylum.[1] Under the 1951 Refugee Convention and its 1967 protocol (United Nations 1951, 1967), individuals fearing persecution based on race, religion, nationality, political opinion, or social group membership have the right to seek refuge (Article 1). This obliges states to ensure fair asylum procedures, prevent refoulement ('pushback') and provide adequate protection and support. Gkliati (2022) emphasises the inherent sensitivity of return operations in relation to potential human rights violations. These violations include returning individuals to countries where they face severe human rights abuses. The risks extend to treatment during the flight itself and the exchange of sensitive information. Most critically, the principle of non-refoulement[2] remains at constant risk of being breached. In practice, however, much of the research takes a legal angle and pays less attention to agencies' communications and manuals making returns appear 'ethical' or technically 'neutral' – beyond the complex and unstable processes of interculturality discussed in this paper.

Research on specific roles and experiences of escort officers and transport leaders remains limited. Academic literature has explored forced return operations from the perspectives of human rights, immigration policy and the experiences of those subject to removal (Debono et al. 2015; Elliot 2021; Zakirova & Buzurukov 2021; Zijlstra et al. 2022). However, these discussions largely reflect a European perspective, shaped by the EU's economic and political priorities, while overlooking contributions from, e.g. African or Asian contexts. A key focus has been on the legal basis of Frontex-led return operations, particularly their alignment with international legal standards, including human rights law, refugee law and the principle of nonrefoulement (see, e.g. Pirjola 2015). Studies also examine the tension between security imperatives and human rights obligations, exposing potential legal gaps and ethical dilemmas related to accountability, transparency and data privacy (Witteborn 2020). Yet, two important gaps remain and are addressed in this paper. First, a comparative analysis of how national and supranational authorities construct legitimacy for escorts and transports in their own documents is conducted. Second, an explicit theorisation of how the binary of 'consent' and 'force' are balanced in these constructions is offered. Complementing these legal and normative strands, we believe that discourse-focused work can show how humanitarian and human rights rhetoric is braided with security logics in ways that legitimise coercive practices. For example, Horsti (2012) demonstrates how Frontex's public communication fuses rescue, risk management and 'returns' language to normalise detention and deportation, while Perkowski (2018) shows how the agency organisationally couples humanitarianism, human rights and

security as overlapping 'discourses of protection', strengthening Frontex institutionally while producing ambivalent effects for migrants. At the level of everyday practice, ethnographic research in, e.g. Sweden shows that escort staff (i.e.'transport leaders') preparing charter deportations cultivate 'consent-like' compliance through affective labour and coordinated teamwork, securing cooperation in the shadow of coercive power (Backman 2023). This micro-level dynamic complements discourse studies showing how humanitarian and human rights framings legitimise enforcement (Horsti 2012; Perkowski 2018), aligning deportation practice with ideals of policing by consent while ultimately depending on the availability of force (see Bayley 1994; Lentz & Chaires 2007; van Dijk et al. 2015).

Further work addresses the moral implications of deportation (e.g. Gkliati & Kilpatrick 2021), its impact on individuals and communities, and the operational challenges involved in forced returned operations (Bosworth et al. 2018; Gkliati 2022; Gkliati & Kilpatrick 2021; Weiner 1998). This literature documents psychological and social consequences of deportation, revealing trauma, family separation and socio-economic marginalisation (e.g. Weiner 1998; Zijlstra et al. 2022).

Finally, the idea of 'Fortress Europe' captures the EU's increasingly restrictive migration stance, in which border security takes precedence over human rights and broader socio-economic concerns (Jünemann et al. 2017). This recent shift in European policy raises legal, ethical and operational questions about forced return operations, as 'Fortress Europe' is often used to describe policies that prioritise enforcement over human rights. Such an enforcement also tends to externalise responsibility for global inequalities while framing migration as a security issue (Bradley 2008; Gkliati 2022; Gkliati & Kilpatrick 2021). Critics warn that deportations under such frameworks risk violating fundamental human rights, including the right to life, protection from torture and family unity (Kingsley 2016; Pirjola 2020). Issues such as inadequate legal procedures, poor detention conditions and failure to assess individual risks are particularly alarming when returnees face conflict, persecution or systemic human rights abuses in the destination state (Bowerman 2017). Our article examines how SPPS and Frontex texts frame returns to reconcile an enforcement logic with rights language, setting up the analysis of policing by consent versus policing by force.

3. THEORETICAL FRAMEWORK

3.1 CRITICAL INTERCULTURALITY

Cross-border transportation inherently involves interculturality, as it entails accompanying individuals legally classified as 'othered' in the host society. It often requires communication across linguistic boundaries and social interactions characterised by diversity. The theoretical framework for the discourse analysis of the policy documents will accordingly be based on critical interculturality (CI). While CDA shows how language legitimates power (Fairclough 2003), CI focuses on how the continuum of difference-similarity, whereby individuals and groups are never wholly different or wholly similar and identity is fluid and constantly negotiated between these two poles, rejecting rigid categories, is constructed and used interculturally, who defines categories, whose voice is heard and how humanitarian/rights language is braided with security to normalise enforcement (Dervin 2022; Dervin and Simpson 2021; Horsti 2012; Perkowski 2018). Critical turns have lately expanded the notion of interculturality and opened for an understanding of 'diversity' as complex, fluid and in constant motion. In Dervin's (2022: 4) conceptualisation, interculturality manifests in

various guises from everyday encounters to complex social structures and takes into account, e.g. politics, economic matters and ideology. In this study, CI is used as a power-sensitive lens asking who defines difference-similarity, whose voice is heard, and how references to, e.g. 'care' and 'security' are balanced when escorts, restraints and returns are justified (Dervin 2022; Dervin & Simpson 2021). We thus read policy documents not only as logistical guides but as texts that classify social actors (e.g. 'returnee', 'vulnerable person', 'escort') and as instruments that legitimise actions through authorisation, moral evaluation and rationalisation (Fairclough 2003).

Analysing the policy documents requires examining the complex dynamics at play, where each document holds potential clues to understanding the larger narrative of forced returns from Sweden and Europe. Interculturality pinpoints that forced return operations cannot be confined to static or predetermined constructs such as 'culture'. Instead, it is a dynamic phenomenon that evolves through interactions and encounters, balancing otherness *with* otherness (Chen 2025). Drawing on Dervin (2022: 21), interculturality is continuously and unpredictably co-created within macro- and micro-contexts. The complex web of interactions between transport leaders; escort officers; returnees; and the broader social, political and economic context demands a critical analysis of how policy documents reinforce power dynamics and hierarchies. Accordingly, our analysis attends to the wording itself, how labels are assigned, which perspectives are foregrounded or muted, and how invocations of, e.g. 'dignity' and 'rights' sit alongside managerial and security terms to mark practices as potentially 'legitimate', including the convergence of humanitarian and security discourses noted in prior work on Frontex (Horsti 2012; Perkowski 2018).

3.2 POLICING PARADIGMS AND THE INTERCULTURAL AND IDEOLOGICAL NATURE OF FORCED RETURNS

A pivotal aspect of analysing policy documents is identifying underlying ideologies within policing paradigms, which serve as overarching frameworks for law enforcement approaches ideologically shaped by geo-economic-political contexts. The different policing traditions of interest here – policing by consent and policing by force/control – structure law enforcement practices across regions and are regularly regarded as influenced by 'cultural differences-similarities' (Bayley 1994; Finstad et al. 2023; Lentz & Chaires 2007; van Dijk et al. 2015). For instance, in the Nordics, the Netherlands and the United Kingdom, consent-based policing aligns with 'democratic' principles, emphasising public trust and proactive community engagement (Bayley 1994; Lentz & Chaires 2007; van Dijk et al. 2015). In contrast, the so-called 'European Continental traditions' employ coercion, authority and enforcement, often using militaristic tactics (Finstad et al. 2023; van Dijk et al. 2015). These paradigms can influence not only operational strategies but also the interpretation and application of policy documents (van Dijk et al. 2015: 38).

The distinction between consent and force in policing extends beyond law enforcement, shaping how deportation is legitimised, justified and enacted. This study highlights how return operations are not merely logistical processes but ideological constructs, where state power, security policies and human rights discourses interact to define the (intercultural) lived experience of forced returns. This perspective allows for a critical analysis of how policing approaches shape the treatment of returnees, the negotiation of rights and the broader implications of deportation policies. In this study, policing by consent and policing by force are treated as ideological orientations that organise professional judgement and routine. In our material, these

orientations appear as values and aims articulated by SPPS and Frontex. Our analysis therefore speaks to the action-orienting potential of policy language rather than to practitioners' behaviour *per se*.

4. STUDYING AND ANALYSING POLICY DOCUMENTS ON FORCED RETURNS

4.1 EMPIRICAL MATERIAL

The documents were obtained from official government websites, international organisations and databases (see Table 1). Selection was guided by four criteria: 1) relevance (documents that prescribe or steer escort/transport practice, 2) authoritativeness (issued by SPPS, Frontex/EU), 3) recency[3] (the latest publicly available versions at the time of analysis), and 4) accessibility (publicly available). As publicly accessible documents, their availability is essential for informed discussions on ethical considerations and practices.

The empirical material spans international, local and regional contexts. This enables a focused comparison between SPPS and Frontex and provides a comparative basis to understand the complexity of forced returns policies in the context under review. International human-rights instruments are used as a normative backdrop against which operational texts are interpreted.

SPPS documents and guidelines (Swedish)	
Kriminalvårdens etiska kod [Swedish Prison and Probation Service's ethical code] (Kriminalvården 2020a, revised version)	Sets out the agency's fundamental values and guidelines, centred on respect and responsibility. Includes practical examples to guide ethical conduct.
Bättre ut – Kriminalvårdens värdegrund och vision [Better out – The Swedish Prison and Probation Service's core values and vision] (Kriminalvården 2014a)	Defines the core values guiding staff work, focusing on respect, responsibility and humanity. It emphasises the importance of supporting individuals in their reintegration into society.
Kriminalvårdens föreskrifter och allmänna råd om transportverksamheten [Swedish Prison and Probation Service regulations and general guidelines on transport operations] (Kriminalvården 2020b, revised version)	Complements the Prison Act with regulations and guidance on detainee transport, ensuring coordination, uniformity and consistency.
Transporter av frihetsberövade – Nya regler från 1 april [Transport of detained persons – New regulations from April 1] (Kriminalvården 2018)	Outlines legislative changes to the SPPS's mission, with a focus on supporting in assistance transports.
Frontex EU guidelines	
Frontex's Code of Conduct for Return Operation and Return Inventions Coordinated or Organised by Frontex (Frontex 2021)	Defines ethical and operational standards for treating returnees during forced return processes, ensuring respect for their human rights and dignity.
Frontex's Code of Conduct for All Persons Participating in Frontex Activities (Frontex 2018, updated 2024)[4].	Establishes ethical standards and behavioural standards for Frontex personnel, promoting accountability, professionalism and human rights.
Guide for Joint Operations by Air Coordinated by Frontex (Frontex 2016)	Outlines procedures for air-based operations, emphasising coordination, efficiency and compliance with human rights.

Table 1 List of analysed documents.

A key distinction between the SPPS *ethical code* (Kriminalvården 2020a) and Frontex's *Code of Conduct* (Frontex 2021, 2024) lies in their scope: the former applies to all SPPS activities, while the latter focuses specifically on ethical guidelines for return operations. Notably, SPPS lacks a dedicated policy on return operations or the management of foreign-national escorts, reflecting its broader remit for both domestic and international transportation. *The Guide for Joint Operations by Air* (Frontex 2016) is the most comprehensive document, providing standardised procedures for air return operations. Additionally, SPPS's online information sheet on personal data for 'external clients'[5] is one of the few documents addressing key aspects of deportation (Kriminalvården 2024b). While this study focuses on Swedish-organised return operations, Frontex's policies also influence the deportation process, reflecting a narrowing gap in operational practices.

4.2 A CRITICAL DISCOURSE ANALYSIS OF POLICY DOCUMENTS

In line with CI (Dervin 2023), activating CDA clarifies how language encodes power relations and influences the framing of human rights and ethical governance within border management and law enforcement. CI itself attends to the making of difference-similarity, the distribution of voice and the coupling of humanitarian and rights language with security to normalise enforcement (Dervin 2022; Dervin & Simpson 2021; Horsti 2012; Perkowski 2018). Following Fairclough (1992, 2003), discourse is thus approached simultaneously as text, discursive practice and social practice, linking wording to institutional routines and broader ideologies.

Ideologies are dynamic and evolve with social, economic, political and historical contexts (Dervin & Simpson 2021; van Dijk 1998). By analysing how policy documents define such concepts as 'dignity' and 'respect' (relating to issues of human rights), we argue that we can uncover how they are used to legitimise securitisation practices. CI complements this by questioning how these concepts are interpreted and negotiated, revealing the influence of institutional power asymmetries on their application. How transport leaders, returnees, and state institutions engage with these concepts reflects broader geopolitical and ideological tensions, where human rights discourses are shaped by dominant narratives rather than neutral principles (Althusser 2014; Dervin 2024).

To systematically examine these dynamics, we apply Fairclough's (1992, 2003) three-dimensional framework, which allows for an analysis of how discourse reinforces institutional ideologies. At *the text level* (Fairclough 1992: 75), the focus is on linguistic choices, such as 'security', 'dignity' and 'respect', to assess how policy language constructs authority, neutrality or bias in forced return operations. Policy documents may employ inclusive and aspirational language to convey ethical commitments while simultaneously embedding institutional priorities and legal constraints. Moving to *discursive practice* (Fairclough 1992: 78), the analysis explores how policy texts are produced, distributed and interpreted, defining the roles of transport leaders, returnees and legal frameworks. It also considers how texts are tailored for different audiences, such as policymakers, operational staff and the public, affecting their interpretation and implementation. At *the social practice* level (Fairclough 1992: 95), discourse is linked to governance strategies, particularly within policing by consent and policing by force paradigms.

Operationally, the analysis thus focuses on four features: 1) how social actors are represented (labelling/voice, inclusion–exclusion, whether actors are represented

as active agents or as subjects of actions); 2) rights-security coupling (e.g. 'dignity'/'respect' appearing with control or procedural 'compliance'); 3) intercultural provisions (interpreters and how these are framed); and 4) technocratic framing ('risk analysis', 'efficiency') (Fairclough 2003). These keywords were identified through a combined deductive and inductive process: We began deductively from legal/policy sources ('seed terms': dignity, respect, compliance) and refined the list inductively after a pilot reading to include frequent synonyms and co-occurring terms (e.g. control, security). Coding and interpretation were carried out manually through close reading, and, since the data set was manageable, no machine-assisted coding was used. Across the corpus, the main cross-text patterns that emerged were: a) a consistent coupling of rights language with managerial and security requirements, b) transport leaders are framed as risk managers with limited discretion, and c) the presentation of returns as technical and efficient operations rather than contested practices.

Concretely, the texts were examined for markers of two registers: consent-oriented (co-operation, de-escalation, transparency) and force-oriented (compliance, control, risk), together with rights–security coupling. Lastly, we maintain that this dual approach provides insights into how migration policies balance ethical aspirations with operational realities, revealing the complexities of policy implementation and its broader ideological foundations.

4.3 METHODOLOGICAL CONSIDERATIONS AND PROCESS

The first action was to collect and scan policy documents in the form of a document analysis to identify available materials on forced return operations. The initial review provided an overview of how policies frame these operations, not merely as logistical processes but as ideological constructs. Based on this overview, key documents and sections were selected for further analysis (see Table 1 for the collected documents outlining guidelines and ethical standards for forced return operations).

The next step was to identify key terms for detailed analysis – the dominant terms were *dignity*, *respect*, and *compliance* and the analysis focused on their role in reinforcing or challenging dominant narratives. Additionally, less common but ideologically significant terms were identified and examined for their implications in shaping policy narratives.

Finally, SPPS's online information sheet on deportation procedures and Frontex's operational guidelines were reviewed for contextual insights. While the primary focus remained on the selected documents, additional texts were consulted as needed. In the presentation of the empirical material, a strategic selection of excerpts illustrates how policy language constructs governance and human rights. Each excerpt from the data is linked back to the aforementioned CDA categories.

5. ANALYSIS: POLICY DOCUMENTS AND THE IMPACT OF IDEOLOGICAL FOUNDATIONS ON POLICING PRACTICES

5.1 LANGUAGE, POWER AND GOVERNANCE IN ETHICAL CODES

The SPPS's Ethical Code frames correctional services within the criminal justice system, shaping both staff's and clients' identities. In the NTS unit at SPPS, individuals are termed 'clients', reflecting an individual-centred approach aligned with policing by consent (van Dijk et al. 2015). In contrast, 'returnee', used in migration governance,

conveys a bureaucratic, policy-driven perspective, focusing on the return process rather than individuals' rights or needs. These terms reflect distinct ideological approaches, with 'client' emphasising institutional engagement and 'returnee' aligning with state-managed return operations (see footnote 6). These particularities show how language shapes perspectives and power dynamics, influencing how individuals are perceived and (potentially) treated (van Dijk 1998). As such, comparing the SPPS ethical code with Frontex's codes reveals ideological differences: SPPS reinforces institutional values, promoting shared values and ethical principles, while Frontex sets prescriptive behavioural standards for return operations. For instance, in excerpt 1, the SPPS Director-General's introduction adopts an aspirational tone, emphasising collaboration and shared values:

> *Excerpt 1:*
>
> All of us working in SPPS are individuals with different backgrounds, interests, experiences and perspectives. Our shared values are a prerequisite for transforming this diversity into a humane, safe, and effective operation (Kriminalvården 2020a: 3).[6]

By applying Fairclough's (2003) analytical model, we can see that the tone of the SPPS code reflects its institutional ideologies and power structures. At the text level, inclusive language and positive framing aim to foster a sense of unity and ethical aspiration, shifting the focus away from rigid rules and toward shared values. At the discursive practice level, excerpt 1 positions transport leaders as active ethical agents, shaping their understanding of responsibility. From a social practice level, SPPS's focus on diversity and shared values contrasts with Frontex's compliance-driven approach, highlighting a potential divide between value-driven ethics and regulatory enforcement.

Our analysis also shows that Frontex's directives, framed by its Executive Director, impose strict operational rules, clearly delineating expectations placed on participants. The prescriptive language within Frontex codes emphasises a coercive governance approach, reinforcing hierarchical structures and compliance:

> *Excerpt 2:*
>
> Dear reader, I am pleased to present to you the Frontex Code of Conduct. This document is binding not only for Frontex staff, but also for all those who take part in our activities, operations, training and any other activities coordinated by this Agency (Frontex 2018: 3).[7]
>
> *Excerpt 3:*
>
> Dear Colleagues, Return activities are among the most challenging aspects of integrated border management. They require [the] utmost professionalism and the highest standards of conduct (Frontex 2021: 3).

These excerpts note that the Code is a 'product of an extensive consultation process' (Frontex 2018: 3), a formulation not retained in later versions, and highlight its alignment with other existing codes of conduct enhancing its bureaucratic legitimacy.

This contrast illustrates the different ideological frameworks guiding these institutions. As previous research has shown, Frontex-led return operations remain embedded in security-oriented and risk-management frameworks, even when framed through fundamental rights discourse (Horsti 2012; Perkowski 2018). Read against this

backdrop, the prescriptive tone of the code reflects not merely bureaucratic style but rather an enforcement-centred mandate. In contrast, SPPS promotes an institutional ethos of reflection and ethical responsibility, using inclusive, professional language to humanise individuals and reinforce a rehabilitative approach. Frontex, by comparison, employs formal, legalistic language that emphasises regulatory authority and control. At the level of discursive practice (Fairclough 1992: 78), SPPS frames correctional work as collaborative and rehabilitative, whereas Frontex adopts a compliance-driven narrative, positioning returnees as subjects of monitoring and enforcement. While Backman's (2023) fieldwork concerns detention-centre staff rather than escort teams or transport leaders, the consent/force dynamic she identifies (i.e., co-operation produced through affective labour with force held in reserve) may help explain the consent-oriented register in SPPS texts. Her findings also underscore that such consent-oriented framings operate within structurally coercive settings, reinforcing the need to read aspirational language alongside institutional authority. At the social practice level, SPPS aligns with Nordic penal philosophies, emphasising human dignity, whereas Frontex reflects state security frameworks, reinforcing border control and risk assessment (Fairclough 1992: 95; Finstad et al. 2023).

Our analysis further shows that the SPPS ethical code adopts a broader, philosophical approach, translating state values into practical behaviours and stressing ethical conduct and relations among stakeholders, consistent with 'policing by consent'. It serves as both a guide and a catalyst for reflection and dialogue, promoting shared values and respect across the organisation:

> *Excerpt 4:*
>
> The code is meant to serve as support but also to inspire conversation. By highlighting and discussing ethical dilemmas in our daily work in the criminal justice system, we strengthen our shared values over time while simultaneously developing the organisation into what we want it to be (Kriminalvården 2020a: 3).

The SPPS ethical code also features a Q&A section to assist the reader, illustrating how the code can be applied to everyday situations, and is introduced as follows:

> *Excerpt 5:*
>
> The purpose is to provide examples of questions that may arise and to illustrate how the code can be applied to everyday situations. The answers should not be viewed as exhaustive, as there may often be multiple perspectives and ways to handle a situation (Kriminalvården 2020a: 5).

These supplementary documents, *Better out – The Swedish Prison and Probation Service's core values and vision* (2014a) and '*The workbook for ethics at work in the SPPS*'[8] (2014b), serve as resources for discussing ethical dilemmas and reinforcing the principles of 'policing by consent'. They facilitate reflection, contributing to a practice of ethical awareness. While these documents aim to boost human rights and ethical conduct, research on deportation governance indicates that implementation frequently unfolds within security-driven and coercive institutional frameworks (Backman 2023; Horsti 2012; Perkowski 2018). This suggests that tension between state control and individual rights is not incidental but instead structurally embedded in return practice.

5.2 IDEOLOGICAL DIMENSIONS MIRRORED IN THE CODES OF CONDUCT IN SWEDEN AND EUROPE

In examining the practical implications reflected in the codes of conduct of both Frontex and SPPS, it is essential to consider how these documents embody underlying ideologies shaped by diverse policing traditions. *The SPPS ethical code* (Kriminalvården 2020a) and *Better out* (Kriminalvården 2014a) describe a shift towards a holistic and individualised approach focused on rehabilitation, recidivism prevention and respect for human dignity (Kriminalvården 2014a: 1–3), alongside a commitment to professionalism and integrity:

> *Excerpt 6:*
>
> The staff is competent, aware and reliable and maintains a good professional rapport with the clients. /…/ Through strong client knowledge, clients are placed and treated appropriately at all times based on security requirements and individual needs (Kriminalvården 2014a: 8).

Central to the SPPS's approach is a commitment to humane practices, stressing that each client is an individual with specific needs and fundamental human rights (Kriminalvården 2014a: 14). From a CDA perspective, SPPS's discourse constructs a rehabilitative and ethics-driven institutional identity. Phrases such as 'competent, aware and reliable' emphasise staff accountability, while 'professional rapport with the clients' and 'treated appropriately at all times' reflect a person-centred philosophy normalising professionalism and ethical responsibility within the correctional services.

Turning to Frontex's article 15 of Frontex's *code of conduct for return operations*, monitoring of forced return operations is defined as the 'gathering information on and reporting of fundamental rights compliance' and, 'where appropriate,' issuing recommendations for strengthening the protection of returnees (Frontex 2021: 18).

This phrasing casts Frontex as both an observer and a regulator, reinforcing institutional power and positioning returnees as largely 'passive' (Frontex 2021: 18). While this could signal adherence to fundamental rights, research on EU return governance has documented persistent tensions between compliance frameworks and the risk of rights violations, including concerns related to nonrefoulement and inadequate procedural safeguards (Gkliati 2022; Pirjola 2020). Read in this context, the emphasis on monitoring and reporting may function to consolidate bureaucratic legitimacy without necessarily addressing the structural conditions that give rise to such concerns. By contrast, SPPS frames compliance within a rehabilitative, humanitarian model that emphasises individual needs. Using CDA reveals that, while these codes set ethical standards, they also reflect broader intercultural and political agendas (van Dijk et al. 2015: 29). By promoting professionalism and accountability, they align with consent-based policing yet remain embedded within the coercive mandate of enforced return, shaping how law enforcement is perceived and practiced.

5.3 COMPLIANCE AND/OR COMPLEXITY? THE ROLE OF 'DIGNITY' AND 'RESPECT' IN FORCED RETURN OPERATIONS

The frequent use of 'dignity' and 'respect' in SPPS and Frontex documents aligns with the Universal Declaration of Human Rights (UN 1948) and the European Court of Human Rights (1950). In SPPS's *Ethical Code* and *Better out* (Kriminalvården 2014a), these terms support rehabilitation and ethical responsibility, reinforcing a humane,

'client'-centred approach. Conversely, Frontex's *codes of conduct* (Frontex 2021, 2024) are embedded in a compliance-driven framework that legitimises enforcement and aligns deportation with human rights norms. However, in both contexts, these terms function ideologically to reinforce institutional authority, illustrating how value-laden language can naturalise institutional authority (van Dijk 1998). Their presence suggests ethical alignment even where implementation is constrained by security policies, bureaucracy and power asymmetries (Frontex 2021; Frontex 2024; Kriminalvården 2020a). This disparity between rhetoric and practice reveals a tension. As such, in Frontex's enforcement-driven framework, dignity and respect are primarily articulated as procedural obligations rather than as guiding ethical commitments.

In SPPS's *Better out* (Kriminalvården 2014a) and Frontex's codes of conduct (Frontex 2021, 2024), these terms are emphasised but remain undefined in coercive contexts where autonomy is limited. SPPS *ethical code* (Kriminalvården 2020a) mentions 'dignity' sparingly, mainly in the vision and ethical section, while 'respect' appears more broadly, suggesting rhetorical emphasis rather than operational clarity (Kriminalvården 2020a, 2014a). For example, '…respect for equal value, freedom, and dignity – public power shall be exercised with respect for the equal value of all and the individual's freedom and dignity' (2020a: 4), with no guidance on how this applies when autonomy is restricted. Similarly, Frontex's (2021: 11, article 4), cites the *Charter of Fundamental Rights of the European Union* but frames these principles as legal requirements, not ethical imperatives.

Finally, *the workbook for ethics at work in the SPPS* (Kriminalvården 2014b) encourages ethical dialogues but risks reinforcing institutional values rather than promoting ethical governance. Without concrete guidelines for applying 'dignity' and 'respect' in coercive contexts, such phrasing may legitimise power dynamics (Kriminalvården 2014b). Frontex's *code* tend to prioritise staff prerogatives over the well-being of returnees, while SPPS advocates a shift from 'policing by force' to a more reflective approach, encapsulated in the principle 'Emotion precedes action' (Kriminalvården 2014a: 7). While this aspiration possibly foregrounds responsibility and emotional awareness, it must be read alongside the broader institutional mandate of enforced return. Research shows that return operations remain structurally coercive and embedded in asymmetrical power relations, ultimately dependent on the availability of force (Backman 2023; Horsti 2012; Perkowski 2018). Even when framed through humanitarian or rights-based language, enforcement logics remain central (Gkliati 2022; Pirjola 2020). In this context, the emphasis on dignity, respect and emotional reflection can be understood as a discursive reframing that coexists with, rather than replaces, coercive authority, revealing the tension between ethical aspiration and enforcement practice.

5.4 ETHICAL CODES AND INSTITUTIONAL POWER IN FORCED RETURN OPERATIONS

This study assumes that ideologies shape transport leaders' decisions and practices. To that end, *the SPPS ethical code* serves as a guide to organisational values and is described as follows:

> *Excerpt 8:*
>
> The purpose of the Swedish Prison and Probation Service's ethical code is to make it easy to do the right thing. The code is based on existing internal

> governance documents and helps us to put our core values into practice (Kriminalvården 2020a: 4).

Moreover, it aligns with human rights discourse, asserting:

> *Excerpt 9:*
>
> In the Swedish Prison and Probation Service, we believe in the equal value and rights of all people as expressed in the UN Declaration of Human Rights (Kriminalvården 2020a: 5).

This alignment with human rights frameworks situates the organisation within a normative legal order and affirms its commitment to universal principles. However, the statements operate at a high level of abstraction and do not specify how such principles are to be negotiated in coercive settings such as forced returns. Previous research has shown that humanitarian and human rights language often coexists with enforcement logics in return governance (Horsti 2012; Perkowski 2018). In this sense, the emphasis on ethical compliance may be understood less as a denial of complexity and more as a formal affirmation of values within an inherently coercive mandate.

The paradigms of 'policing by consent' and 'policing by force' shape how transport leaders interpret and apply the principles set out in the Universal Declaration of Human Rights (United Nations 1948) and the Conventions on the Rights of the Child (United Nations 1989). Although these codes aim to prevent violations and promote dignity and respect, they frame responsibility for ethical conduct primarily at the level of individual staff members. This emphasises personal adherence to values while the broader structural conditions of enforced return remain institutionally defined. In this way, responsibility is articulated primarily as an individual ethical obligation rather than as a question of organisational or political mandate.

6. DISCUSSION: RECONCILING THE IRRECONCILABLE?

By applying CDA within a critical interculturality framework, this study demonstrates how SPPS and Frontex embed human rights in distinct ideological frameworks. In the SPPS ethical code, the Director-General's foreword (excerpt 1) uses inclusive pronouns and value-laden terms (e.g. 'we', 'dignity', 'respect') and consistently labels persons as 'clients', presenting staff as ethical agents acting *with* the public's confidence. For example: 'We act and treat colleagues, clients, family members and other stakeholders with respect' (Kriminalvården 2020a: 5). By contrast, Frontex's codes, the updated code of conduct (Frontex 2024) and the *Guide for Joint Operations by Air* (Frontex 2016) rely on rule-imposing language ('shall', 'must'), alongside stepwise procedures and incident-reporting duties that position participants within a compliance and risk management register. The 2024 Code broadens scope and codifies stronger fundamental rights safeguards (e.g. a duty to inform individuals about the complaints mechanism), but it does not shift the underlying perspective towards a consent-oriented ethos. These textual choices mark two ways of speaking about rights and, crucially, authorise practice (potentially) differently.

In direct answer to our first research question (How do official policy documents and guidelines from the SPPS and Frontex reflect, confirm and/or challenge human rights?), both organisations affirm human rights commitments rhetorically but operationalise

them differently. SPPS aligns rights with a consent-oriented, rehabilitative register, whereas Frontex embeds them in compliance and risk management. Both sets of documents include safeguards, such as fitness and/or medical checks, monitoring and complaint channels that could challenge excessive coercion, yet these sit alongside managerial and security requirements re-legitimising control. In direct answer to the second research question (How do these documents address interculturality – defined as context-specific, power-sensitive negotiations of difference and similarity – as a concept central to human rights in this context?), interculturality is integrated primarily as an operational resource rather than a negotiated process. SPPS frames it as an ethical aspiration that supports institutional legitimacy, while Frontex references to interculturality are sparser and instrumental to the execution of returns.

Forced returns are not just legal procedures – they are *human encounters*. When a transport leader escorts a person onto a plane, they need to negotiate language barriers, emotional stress and profound power imbalances. CI provides us tools to ask: How do policy documents shape these moments? Who gets to define the situation, and whose voice is silenced? This approach is original in this context because most research on forced returns focuses on law or security (see section 3). It rarely asks how difference and similarity are negotiated in practice. By applying CI to research on transport leaders, we move beyond asking whether human rights are mentioned in policies to examining how they are framed and whom they protect. This reveals that SPPS documents frame returnees as 'clients' deserving respect (consent-oriented), while Frontex texts treat them as subjects to be processed (force-oriented). Both claim to uphold rights, but they imagine the intercultural encounter very differently. CI helps expose this gap between rhetoric and the complex, power-laden reality of deportation.

The aforementioned contrasts in policies could also speak to debates on Nordic exceptionalism in policing and punishment. SPPS's ethical framing of dignity resonates with Scandinavian penal welfarism, which stresses proportionality, trust and a service-oriented correctional ethos (Lappi-Seppälä 2007) – which could represent 'ideals' of interculturality in extreme situations of power differentials. Yet, the coupling of rights language with managerial and security requirements, alongside Sweden's participation in Frontex-coordinated returns, complicates exceptionalist claims (Barker 2012). Overall, the comparison points to managed consent operating in the shadow of authorised force.

Policy documents from Frontex and SPPS reflect the tensions between ethical ideals and operational realities. Frontex's standardisation of return procedures aims for fairness but risks prioritising uniformity over diversity and interculturality. SPPS aligns more with 'policing by consent', promoting inclusivity and ethical conduct based on Sweden's constitutional values and fundamental laws.[9] Here, again, a parallel could be drawn with interculturality as an unstable, power-laden phenomenon that oscillates between 'ethical ideals' (e.g. 'respect', 'tolerance') and 'unstable and complex encounters' (Dervin 2022).

Transport leaders operate within this structure, tasked with implementing legal directives while constrained by institutional priorities. Their task is to balance rights with the execution of forced returns under coercive legal frameworks. This paradox is central to migration governance, where protection is often shaped by political interests. Recognising human rights as fluid and ideologically constructed calls for a critical lens on their role in return operations. Recent policy shifts, such as the Tidö Agreement (Liberalerna 2022), highlight an increasing emphasis

on enforcement, reinforcing the need for a CI perspective in 'reconciling the irreconcilable'.

7. CONCLUSION

This article has demonstrated how recent shifts in return policy are discursively constructed, shaping the legal reception and treatment of migrants. Through a Critical Discourse Analysis of documents, we uncovered how language legitimises institutional power, often at the expense of genuine human rights and equitable intercultural engagement.

Our analysis makes a threefold contribution to the field. First, we clarify the distinct institutional framings of human rights. Both organisations rhetorically commit to human rights, but their applications diverge sharply. SPPS embeds rights within a rehabilitative, consent-oriented model, using aspirational language to express a logic of shared responsibility. In stark contrast, Frontex employs a legalistic, enforcement-driven discourse, where rights appear as compliance clauses that ultimately support state control rather than ensuring substantive protection. This distinction resonates with existing analyses of how humanitarian and security logics are institutionally coupled in EU return governance (Horsti 2012; Perkowski 2018).

Second, we have highlighted the role of language as a potent ideological tool. Terms like 'dignity' and 'respect' are strategically deployed in the documents to bolster institutional authority. The pivotal example is the designation 'client'. While consistent with SPPS's welfare-service register and model of policing by consent, this term can also be interpreted as neoliberal sanitisation, recasting individuals under coercion and deprivation of liberty as mere service recipients. This duality illustrates well how discursive choices shape returnees either as subjects for rehabilitation or objects of enforcement.

Finally, our investigation into interculturality reveals that it is often reduced to institutional rhetoric. SPPS's promotion of intercultural engagement appears to serve the goal of institutional legitimacy. It aligns with a weak form of interculturality that maintains existing power structures, echoing Althusser's (2014) view of institutions as agents of reproduction rather than change. Prioritising a security paradigm, Frontex largely sidelines interculturality altogether.

Lastly, we consider these discourses to be performative above all. They script cross-border encounters by categorising actors and setting the rules of engagement, thereby determining whose voice is heard and whose is silenced. As previous research has demonstrated, humanitarian and rights-based language often coexist with enforcement practices that remain structurally coercive (Backman 2023; Horsti 2012; Perkowski 2018). In this light, the performative force of these documents lies not only in what they promise but in how they normalise and organise coercive return as administratively legitimate. In an era where policy increasingly prioritises security over humanitarian concerns, this critical scrutiny of the language that underpins such policies might be more essential than ever.

COMPETING INTERESTS

The authors have no competing interests to declare.

NOTES

1 The right to seek asylum is protected in the Universal Declaration of Human Rights (United Nations 1948, Article 14) and reinforced by the 1951 Refugee Convention (United Nations 1951), which defines refugees' rights and state obligations. The European Convention on Human Rights further strengthens asylum law and prevents refoulement.

2 Nonrefoulement is a principle in international law that prohibits the expulsion, deportation or extradition of individuals to countries where they may face persecution, torture or inhumane treatment (Frontex 2021: 11).

3 The corpus comprises prescriptive policy texts for transport leaders. The final sweep (cut-off: October 2025) found no newer public editions. Updated Frontex versions were used where available, and audits and evaluations were excluded.

4 Frontex's 2024 Code of Conduct replaces the 2018 version with a broader scope, covering all operations and all participants and offering more explicit safeguards, such as detailed fundamental rights duties and clearer rules on use of force, confidentiality, social media and sexual conduct. Overall, it tightens and standardises obligations rather than changing the underlying approach.

5 While the term 'client' may sanitise the oppressive nature of deportation, we use it in this paper to reflect the language of our source documents. Our use of the term is descriptive and does not imply an endorsement of its underlying neoliberal connotations (see, e.g., Yeung 2025 about the use of the same term against 'patient' in dental care).

6 Unless otherwise noted, all quotations from Swedish policy documents were translated by the authors.

7 The 2024 Code does not include the Executive Director's foreword found in the 2018 edition and opens with an introductory statement instead. The quotation is from the 2018 foreword. Our analysis of the operative rules uses the 2024 edition.

8 Swedish title: Arbetshäfte för etikarbete i Kriminalvården (2014b).

9 Sweden's fundamental laws and legislation set the parameters for all central government activities. They express shared principles for government employees: democracy, the rule of law, objectivity, freedom of opinion, respect and efficiency and service (Förvaltningskultur.se n.d.).

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