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Preface

Erika VÁRADI-CSEMA

It is particularly important for professionals working in the field of children's rights to be familiar not only with the main theoretical theories of communication, but also with the specific features that characterise the communication skills of children and young people.

This book is - precisely because of its nature - multi- and interdisciplinary, which, through its methodological approach, not only allows the inclusion of the main tenets of different disciplines (such as sociology, criminology, psychology, neurology, linguistics (especially psycholinguistics), communication science, criminal law), but also the synthesis of these in a specific perspective, which brings to life a new body of professional knowledge.

Finding a common language to understand young people's messages and to intervene in a meaningful way is also important in early problem identification. Consequently, the scope of minors in the moral danger zone is also crucial, which, in our view, is broader than the concept of children at risk. Vulnerability is defined in Article 5 point n) of the Child Protection Act¹ as "a condition resulting from conduct, omission or circumstance, whether by the child or another person, which prevents or hinders the child's physical, mental, emotional or moral development". This will inevitably generate a so-called pre-criminal period, where school and community maladjustment, various psychological and behavioural problems are indicative of the increasing presence of risk factors.

Recognizing the signals and distress signals sent by children, identifying risk factors, and understanding the nature of the influences on children socializing in the information society are essential without meaningful communication with children. However, the function of communication is much more than mere knowledge and information transfer. It is a channel for expressing emotions, needs, and desires. Through it, we can gain insight into the child's mental state and subjective well-being.

At the same time, communication is also a means for children to be able to exercise their rights, which are defined in general terms by the Convention on the Rights of the Child and in detail by individual national laws.

If we are unable to communicate well and successfully convey our messages, this can cause serious difficulties at the individual level. However, if this occurs at the institutional level, especially as a feature of the functioning of a given justice system, it can substantially limit the exercise of rights and violate the exercise of

1 Act XXXI of 1997 on the protection of children and the administration of guardianship.

legally declared (children's) rights. It is therefore important to be more aware of the obstacles and communication characteristics that arise at both the individual and formal procedural levels. In the latter case, it is not only the communication skills of the individual actors (e.g., the representative of the authority) that come into play, but also the effectiveness of interactions within and between organizations.

Although communication is an important tool for the proper functioning of legal institutions, in some cases its importance is even greater. For example, the use of alternative conflict resolution methods – especially mediation – can significantly improve the quality of life of those involved in the long term, strengthening their self-esteem, their attitude toward the world, and their subjective well-being.

We sincerely believe that with this body of knowledge, not only can children's rights be more widely and effectively enforced, but it is also possible to create a more successful, conflict-free professional work, inter-organisational and inter-professional cooperation – but always focusing on people, in whatever role they appear.

Erika VÁRADI-CSEMA
Editor

Part I

**Elements of Human Communication,
and the Personal
Communication Ability**

Introductory Thoughts – The Role of Communication in the World Related to the Children

Erika VÁRADI-CSEMA

ABSTRACT

The purpose of this short introductory chapter is to highlight, through a few examples, the key importance of communication in the social integration and socialisation process of young people, and their subsequent turning into perpetrators or victims – before moving on to topics that are discussed in greater depth in succeeding chapters of the book. The individual factors in this complex system of relationships influence each other both directly and indirectly.

At the same time, the level of children's communication skills – or their impairment or lack thereof – in itself influences the extent to which and the success with which they will be able to exercise their guaranteed children's rights.

KEYWORDS

communication, developmental language disorder, DLD, criminological aspects, child and youth crime

Although the attention of professionals to the specificities and changes in the communication skills of minors has increased, especially since the emergence of the iGeneration, several studies have been conducted in the last decade focusing on the text comprehension, language, etc. skills of minors in moral danger zones or otherwise coming to the attention of the authorities (e.g. minor in child protective care). The results thus obtained define¹ the communication characteristics of young people as an 'invisible disability', questioning whether criminal justice that ignores these facts can even comply with basic principles such as the principle of a fair trial? To what extent does this practice violate the rights of children as enshrined in the New York Convention?

It is undeniable that even in developed European or EU Member States such as England and the Netherlands, there is a very high rate of language deprivation among juvenile offenders (73.3% in England and 90% in the Netherlands), not only in terms

| 1 Csemáné Váradi, 2019, pp. 108–117. |

Erika Váradi-Csema (2025) 'Introductory Thoughts – The Role of Communication in the World Related to the Children' in Erika Váradi-Csema (ed.) *Interdisciplinary and Child-Friendly Communication*. Miskolc-Budapest: Central European Academic Publishing. pp. 17–20. https://doi.org/10.71009/2025.evcs.iacfc_1

of reading, speaking and reading comprehension difficulties, but also in terms of limited vocabulary and limited self-expression and conversation skills.

The visibility and impact of communication impairments, which are already over-represented in the prevalence of communication impairments, are further increased by psychological characteristics of the indicated group of persons, such as low empathic ability, difficulties in recognising and expressing emotions². The criminologically relevant effects of these brain function attributes are exacerbated by the fact that the prefrontal cortex, which is the brain region with declining activity in adolescence, is the very region responsible for the development of internal inhibition of inappropriate behaviour. Nonetheless, there are equally neurological reasons for the lower level of empathic abilities that are common in this age group³.

However, even with this general prevalence, a group of juvenile offenders can be depicted by a truly “callous-unemotional” (CU) behaviour⁴. They are characterised by “a lack of remorse and empathy, uncaring behaviour and an inability to express emotion”. Although the objectives and means of crime prevention are specific, the degree of proportionality in the criminal justice response is different, and the lack of information and knowledge of justice professionals often leads to confusion between the two groups, which has a significant impact on the quality of the formal process (e.g. use of coercive measures).

In fact, while the occurrence of developmental language disorder (DLD) is 7% in total childhood population, it is several times higher (depending on the target group) among offenders under 18.

The figures are also ‘shocking’ in reverse: the re-offending rate in the DLD group within one year of the first court order is 62%(!), compared to the 25% for minors with no such problem. Moreover, other risk factors could also play a role in becoming a criminal, such as the level of cognitive ability, age at first offence, previous criminal activity (number of offences), degree of deprivation (2.61 adjusted risk ratio). This is partly due to the specific nature of the language disorder, which arises in different domains of language acquisition and use, is persistent and is associated with speech understanding and/or production disorders. On the other hand, it is generally associated with attention deficit hyperactivity disorder (ADHD) or dyslexia. Recognising the former (e.g. at school) is a major difficulty in any case, while the latter “symptoms” for the given kindergarten teacher or school teacher are confused with inappropriate (irregular, disruptive) behaviour, with presumed school adjustment disorder⁵. (In the case of DLD, even from a medical point of view, this is difficult to predict/confirm,

2 The specificities of their socialization, especially the characteristics of the world created by information and communication technologies, have an important impact on the subjective well-being of iGeneration minors. See more about this e.g.: Váradi-Csema, 2021, pp. 95–112; Váradi-Csema, 2020, pp. 405–420; Váradi-Csema, 2025, pp. 53–73.

3 See in more detail: Csemáné Váradi, 2013, pp. 5–42.

4 Howard et al., 2012, p. 1237.

5 Winstanley, Webb and Conti-Ramsden, 2021, pp. 396–403.

because currently no “biomarker” is available that could be used to clearly detect its existence.)

Communication disability based on the presence of a language development (language development) disorder, confused with CU group membership – may lead to more severe actions, such as arrests, and predictably imprisonment (given the sentencing circumstances), together with a presumably more severe sentence. This is a risk factor that increases the probability of re-offending – i.e. the circle is closed, the fate of the young person seems to be determined.

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Basic Principles of Communication

Erika VÁRADI-CSEMA

ABSTRACT

The aim of this chapter is to review the concept, meaning, and content elements of communication. The function, characteristics, and main principles of communication are all important for the successful interaction with children and young people and for a better understanding of their communication messages. One of the most important basic principles of communication is that it is impossible not to communicate. Professionals and representatives of authorities send messages to minors who come into contact with, even if adults and experts do not otherwise express themselves verbally. When working with children, it is important to bear this in mind not only to ensure more effective interaction, but also because the child's behaviour will be a response to the messages sent by professionals through non-verbal channels. Creating an atmosphere of trust is an important prerequisite for effective action, regardless of the type of official procedure or role involved. It is also a prerequisite and guarantee for the wider enforcement of children's rights.

KEYWORDS

concept of communication, meaning and content of communication, basic principles of communication

Good communication is the alpha and omega of dealing with minors. Without the exchange of information, the transmission/reception of messages in the right language and on the right platform, and without adequate interpretation, a good program, initiative or action will lose its power.

1. Definition and Function of Communication

The Latin words for communication are *communis/e* (common, general), *communio/nis* (community) and *communico/are* (to communicate, to make common, to share). Accordingly, communication means the transfer of information from one place to another, as well as the exchange of messages between two or more people in a mutually intelligible symbol system. The important elements of this process are message, encoding/decoding, interaction and feedback.

Erika Váradi-Csema (2025) 'Basic Principles of Communication' in Erika Váradi-Csema (ed.) *Interdisciplinary and Child-Friendly Communication*. Miskolc-Budapest: Central European Academic Publishing. pp. 21–30. https://doi.org/10.71009/2025.evcs.iacfc_2



However, the meaning of the word also includes, in addition to the activity of communication, the news, transmission, notification, publication, contact, connection, liaison. The prefix ‘co’ refers to the communal nature of the activity, i.e. that several people are involved. The word “communico” can be translated into English for example as make common, share, discuss, etc.¹

Communication is therefore undoubtedly a way or tool of sharing information. But in fact it is more than that. From the individual’s point of view, it serves self-expression, self-definition, by sharing with the outside world one’s feelings, emotions and thoughts about different things (e.g. I do not behave like you).

Another aspect is when an individual wants to influence, change or shape his/her environment by communicating (e.g.: what you are doing is wrong, do this instead).

But the other direction of interaction between the individual and society also plays an important role. In this case, the message is sent by the society to the individual, who is then able to recognise and understand his/her own environment and learn the rules of his/her own socio-cultural environment.

The word “culture” itself is rooted in the Latin “colore”, which originally meant the cultivation and care of the land. Cicero first used it in a similar sense in his book written around 45 BC, when he defined philosophy as the cultivation of the soul².

In the broadest sense, culture is the sum of all the knowledge and experience in a given society that serves the cohesion and survival of society as a human community.

Communication enables individuals to acquire knowledge of the social and cultural factors of their wider environment beyond language, and of the laws and functioning of these factors, and to interact with the people around them. In this process, one’s own and immediate environment, the education of one’s family, one’s role in the social hierarchy, position in the labour market, living environment, subcultural traditions, customs, etc. will have as much influence as the national memory and attitudes of the country concerned. As will be discussed later, the role of the media as a source of values and models for learning and teaching is increasingly prominent, regardless of the age or social context.

So the communication is the medium through which the elements of culture can be shared with a given community of individuals, and the knowledge base for the survival of a given society can be transferred.

Effective communication requires knowledge of the basic principles of communication.

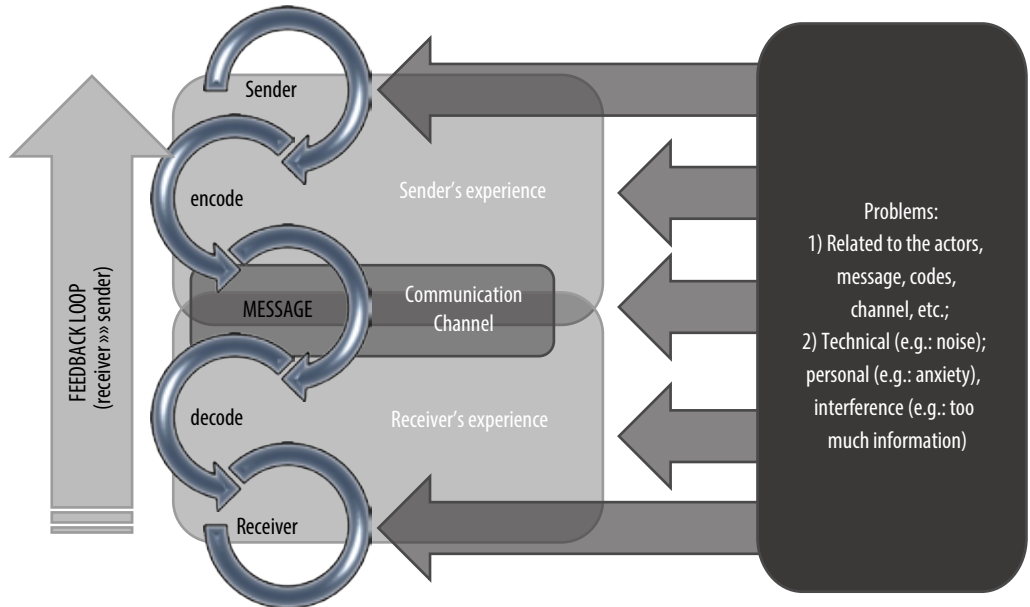
1 For more details see: Hegyi, Szabó and Szabó, 2013.

2 Kondor, 2003, pp. 338–444.

2. Human Communication – Elements and Process

All *human communication is a process* in which human factors – sender (encoder) and receiver (decoder) – and other factors – such as the concrete communication channel and noise – play a significant role.

Figure 1. Elements of the communication process³



Since the two most important actors in the communication process are human beings themselves, their actual mental state, level of concentration, cultural and social background, psychological protocol, life experience, etc. all influence whether the message is actually sent – and received – in the content and form intended by the sender. This is also true for feedback⁴.

In *real-time communication*, even if it takes place via electronic devices, both parties can appear simultaneously as senders and receivers of messages. In such cases, the process consists of intense, pulsating, reciprocal actions and reactions, where the decisions and behaviour of participants are significantly influenced by the messages of the other party.

³ Author's own work: The typology of the communication problems see more: Korpics, 2013.

⁴ See more details: Abey, 2025.

3. Main Principles of Communication

The most significant laws of communication stem precisely from the existence of human actors in the process. However, it is important to note that these principles may vary depending on how restrictive the communication channel is (for example in case of ‘SMS’, in connection with the perceptibility of non-verbal messages) or if the communication is not real-time (for example, electronic correspondence).

One of the most important principles of interpersonal communication is that *you cannot not communicate*. In addition to verbal communication, which – typically – accounts for around 20% of all messages, *non-verbal communication plays* a major role. The importance of the latter is paramount, since in the event of a conflict between the content of the messages sent through the two communication channels, it is the latter one that is “believed” by the receiver.

The absence of verbal communication does not mean that the other party present in the interpersonal environment, such as the representative of the authority, does not form an opinion on the basis of the young person’s non-verbal signals. In this context the importance of ‘unconscious’ or semi-conscious communication is similar to the importance of techniques used during the conscious communication activities.

This is important both for minors and for the representatives of the authorities. In the case of ‘unconscious’ communication, body language operates in a biologically coded way that exists independently of the child’s will, whereas in the case of semi-conscious communication, spontaneous reactions and body language messages can be controlled with appropriate focus.

It is also an important axiom that the perspective of the two parties in the communication relationship is strongly influenced by their own situation. Individuals relate their own behaviour in communication to the behaviour of the other party. Thus, all verbal and non-verbal messages from the young person are also a reaction to the ‘action’ of the authority’s representative. Given that the relationship is characterised by a number of forms of subordination in addition to age, the extent to which the professionals’ manifestations and metacommunications are of a different nature is even more important.

In this context, it is important to emphasize that interpersonal communication cannot be replaced by other means, especially when minors are involved in the process. Even in the case of young people who come into contact with child protection or child welfare services, it is true that by the time they meet with support professionals, they have already had to face a number of negative experiences and traumatic

events⁵, partly due to inadequate communication on the part of adult society and professionals⁶.

For them, an inappropriate choice of communication channel, the fragmented attention of the communication partner, and other disruptive circumstances (such as the presence of several people in the room) send the message that the professional or authority is not really interested in what has happened to them, so they ultimately choose complete passivity in the communication process and in their cooperation with the authorities. Their disappointment in adult society, professionals, and authorities can be associated with a serious loss of trust and hopelessness, causing them to feel alone and helpless⁷. Unfortunately *the principle of “I cannot not communicate” is often ignored by adults in their everyday work*. However, due to their psychological vulnerability resulting from past traumas and the associated mental challenges, the affected minors have difficulty finding their place in the communication process even without these negative experiences⁸.

4. Specific Principles of Multicolored Communication

There are countless types of communication. Depending on the type, each type of communication has its own specific rules and principles. Among the elements of the communication process, the two most important ones, for example, are the sender and the receiver of the message, who, due to their *human nature*, may react very differently in a specific interaction, even under identical objective conditions.

For example, the fact that they have a certain attitude towards their own role can strongly influence their behaviour. A boss, when arguing with a subordinate or dealing with a workplace problem, may react differently⁹ depending on what they think about managerial authority, about where their decision-making power and (even limited) power over others comes from. They will react very differently to a subordinate's wrong decision if they believe that sanctions and various types of punishment, even informal ones, ensure the respect of their subordinates, or if they believe that rewards are the means to achieve this.

The content of their communication is punitive in nature, and accordingly, the purpose of the associated non-verbal messages is to intensify the negative effect; in

5 The root cause of traumatic experiences and victimization is often peer bullying, which has a strong impact, especially in the online space. Due to the inadequate attention and lack of reactions from adult society, the young person becomes completely lost. About the phenomenon and its consequences. See e.g.: Váradi-Csema, 2025, pp. 53–73.

6 See e.g. Leinonen et al., 2023, pp. 339–356.

7 And in his/her final desperation, he/she turns to social media users with a final cry for help, as several children who have committed cyber suicide have done - but the support has not been forthcoming. See e.g.: Csemáné Váradi, 2021, pp. 95–112.

8 World Health Organization, 2010.

9 Holland, 2012

the second case, it appears as a neutral communication, free of negative emotions, about the fact that the subordinate cannot receive a reward because of their mistake.

Of course, there are other types of leaders who see the source of their power over their subordinates in the legal and other regulations associated with their position; in their own outstanding expertise, their greater domestic and international experience compared to their subordinates, and their proficiency in their field; their personal attitude, seniority, consistently fair and caring behaviour, genuine team spirit, and positive personality.

Communication has different characteristics – and regularities – when actors appear as part of a *specific subculture*. This can be the *internal world of an organization or institution*, which is significantly influenced by the activities they carry out. The internal protocol of a law enforcement agency and the relationships between its employees can be described in very different terms than those of a manufacturing company, an institution active in the financial sector, or a research institute.

The *specific characteristics of internal communication processes* are also influenced by whether, for example, the organization's *human resources policy applies methods* that also address the communication priorities of its employees. Numerous studies¹⁰ have confirmed that if an organization is willing to invest money and time in getting to know its employees' work styles, typical problem-solving communication techniques (e.g., the DiSC personality model), it makes cooperation between employees more effective, reduces conflict, and thus improves the workplace atmosphere. This, in turn, leads to increased productivity, both directly and indirectly. This is an important consideration for any organization or institution.

Of course, the specific characteristics of communication may be influenced by other characteristics of the *parties involved* (e.g., age, cultural background); the size of the *group of people involved* in the communication (e.g., community, national, international); the *purpose of the communication* (e.g., supporting the exercise of rights, enforcing rights guaranteed by law, early detection of problems, preventive intervention, reducing the negative after-effects of an event); the *nature of the communication channel* used (e.g., mass media with a traditional technical base, information and communication technologies).

These issues will be discussed separately in the following chapters.

At the same time, the *specific external environment or internal events* in which communication takes place can be an equally important influencing factor, as it affects not only the circle of human actors and other characteristics of the communication process, but also the group of people who are affected, even indirectly, by the content of the communication.

An example of this could be an organisational crisis. In such cases, the institutions themselves may suffer a serious loss of trust among members of society. Therefore, communication has its own specific laws in addition to the general ones, as its purpose is no longer just to share information, but also, for example, to restore trust.

10 See e.g.: Sugerman, 2009.

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An inadequately handled problem can have countless negative consequences. In any organization or institution – whether it belongs to child protection, the justice system, or the social sphere – there may be cases or (operational) disruptions where proactive communication is important. This can not only help minimize negative effects, but also – for example, by providing accurate information to those affected – can be effective in addressing concerns or maintaining trust.

*Effective crisis communication*¹¹ plays a vital role in managing these challenges and minimizing negative impacts. Through proactive interaction with stakeholders, organizations can provide accurate information, address concerns, and maintain trust, which is essential to their survival and long-term success.

Crisis communication operates according to specific rules in such situations, as the main elements of interaction are Communication, Comprehension, Coordination, Collaboration, and Confirmation.

In order to achieve its goal, crisis communication consists of several interrelated sub-activities: establishing a crisis management team, with clearly defined tasks and assigned responsibilities; centralizing crisis communication activities; stipulating that only certain individuals may make statements or share information on a given issue; strictly enforcing these rules, with the prospect of negative consequences (“penalties”); at the same time, commencing substantive work to understand and accurately map the specific crisis situation (crisis management team); collecting information on a wide scale for this purpose (with particular attention to the group of stakeholders); based on the data thus obtained, a communication plan should be drawn up, paying particular attention to the specific needs and requirements of those affected and the concerns they have expressed; coordination is very important throughout the process, as it ensures a unified, consistent and coherent approach; cooperation between members of the crisis management team, within the organization (crisis management team and other members and units of the organization), and with other relevant external bodies and individuals is important for effectiveness; online and offline media stand out in particular in this regard. This is not only important from the point of view of information gathering, but also provides an opportunity, for example, to involve supporters, to develop a collective knowledge base, and to channel it into the communication plan (brainstorming, etc.); communication in the narrow sense

11 Crises Control, 2023.

(real communication), which a) is based on a well-prepared plan; as a result, b) the specific communication channel, format, and style selected in line with the target group play an important role; c) it is important that the content of the communication is clear, accurate, and timely; d) since the specific goal is to regain or maintain trust, transparency and empathy are specific characteristics of the communication activity; communication with these characteristics also helps those affected by the problem (whether external or internal) to make informed decisions; since every stage of the process is subject to change, openness, quick adaptability, and creativity are very important; efficiency and the achievement of objectives require not only continuous monitoring of events, but also evaluation of the effects of crisis communication, control of its effectiveness, and making appropriate decisions accordingly (e.g., tasks, composition of the crisis management team, change of communication channels); continuous monitoring of activities can also reveal information (e.g., about the organization's structure, logistical and cooperation problems, weaknesses, and shortcomings) that can lead to changes and decisions after the crisis, thereby contributing to the more efficient operation of the institution in the long term.

In addition to the basic principles of communication, there are several special laws which, as subprinciples, only play an (important) role under certain conditions.

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Communication Styles, Importance of Congruence Communication

Erika VÁRADI-CSEMA

ABSTRACT

Communication styles can be categorised in countless ways. This chapter presents one of the most important models. Aggressive, passive, or assertive behaviour can be described using important communication characteristics. Recognising these is important not only to help professionals identify them more easily, but also to highlight, through a few examples, the key importance of communication in the social integration and socialisation process of young people, as well as in terms of their subsequent turning into perpetrators or victims. The individual factors in this complex system of relationships influence each other both directly and indirectly. A similarly bidirectional mechanism of action appears in the assessment of the authenticity of communicational interaction.

At the same time, the level of children's communication skills – or their impairment or lack thereof – in itself influences the extent to which and the success with which they will be able to exercise their guaranteed children's rights.

KEYWORDS

communication styles, assertive communication style, aggressive communication style, passive communication style, congruent communication, incongruent communication

Human communication has countless unique characteristics. Depending on which elements we focus on, there are several possible ways to categorise it.

1. Communication Styles and Human Behaviour

One of the best-known models defines individual behaviour based on two characteristics, the most important manifestation of which is communication. On the one hand, how communicative a person is, and on the other hand, how attentive they are to the interests and needs of others. Accordingly, four main types can be identified: passive, aggressive, assertive, and passive-aggressive communication behaviour. Based on the

Erika Váradi-Csema (2025) 'Communication Styles, Importance of Congruence Communication' in Erika Váradi-Csema (ed.) *Interdisciplinary and Child-Friendly Communication*. Miskolc-Budapest: Central European Academic Publishing. pp. 31–38. https://doi.org/10.71009/2025.evcs.iacfc_3



significance on the field of professional activities¹, the chapter is focusing on the first three styles.

The passive – submissive – person ignores or subordinates his/her own needs and rights to those of others. They either do not express them or, if they do, they do so in a timid, apologetic way that is not taken seriously by others or they do not understand what they are trying to say. The reasons for this can be found in both verbal communication (e.g. “...but only do what you think is right”) and non-verbal communication (e.g. shrugging shoulders, avoiding eye contact). The passive person has low self-esteem and allows himself/herself to be taken advantage of by others. This behaviour provides an opportunity to avoid, hide or postpone the conflict.

An assertive person stands up for his/her rights and expresses his/her needs, problems and thoughts, but does not violate the rights and feelings of others and takes into account the needs of others. His/her communication is clear and firm, he/she uses the first person singular. Accordingly, he/she will engage in conflict when necessary, as he/she considers it important for the development of a relationship between equals.

A person with aggressive behaviour believes that his/her own rights, feelings, needs and ideas are more important than those of others, and tries to assert them at all costs, even at the expense of others. The person’s communication is characterised by the use of rude, sarcastic or even derogatory language. He/she tends to subordinate others; may ‘lord it over’ his/her subordinates or family members, insisting on having the last word. He/she takes up conflict situations and aims to emerge victorious, even to the total exclusion of the other’s point of view.

1 This is true for communication between professionals regardless of their field, whether it be education, public administration, or healthcare. See for example: Csemáné Váradi and Csema, 2018, pp. 29–38; Csemáné Váradi, 2014, pp. 9–269; Szőke-Milinte, 2006.

Table 1. The characteristics of different behavior models²

	PASSIVE	AGRESSIVE	PASSIVE-AGRESSIVE	ASSERTIVE
Actions	Keeps quiet Puts himself down Apologizes for self-expression Hides their disagreement Inconveniences himself	Expresses themselves over others Belittles or dismisses others Ignores, insults or attacks others' opinions	Denies personal responsibility Covert aggression Sarcastic Agrees to avoid discussion then looks for ways to defect on the agreement	Directly expresses needs, wants and feelings Expects others to be equally open and honest Accepts different opinions without dismissing them
Looks	Makes themselves small Looks down and hunches over Avoids eye contact Speaks softly	Makes themselves large Looks threatening Penetrating eye contact Loud	Similar to passive	Relaxed Comfortable body language Frequent eye contact (but not glaring)
Beliefs	My needs are less important than others' I don't have as many rights as others My contributions are not as valuable as others'	My needs are more important and justified than others' I have more rights than others My contributions are more valuable than others'	My needs come first, but I can't express that openly I am not responsible for my actions I am entitled to get it my own way, even if I made different commitments	My needs are equally important as others I have equal rights We both can make valuable contributions I am responsible for my behaviour
Emotions	Fear of rejection Helplessness and low self-esteem Frustration Resentment towards others who "use me"	Anger Powerful (or still angry) when winning over others Later, potentially remorseful for mistreating others	Fear of rejection if being direct or assertive Resentful of people's demands and power Fear of being controlled	Positive feelings about self Positive feelings about socializing with others Good self-esteem
Goals	Avoid conflict Please others (no matter at what cost to me) Let others take control (including of my actions)	Win at any costs Control others Always make sure others know who's in charge	Get it my way, without taking responsibility Get it my way, but without having to assert myself	Express himself Find an agreement Keep fair boundaries of mutual respect

Authenticity as a basic tenet

However, whichever communication style we choose, its success depends largely on how well we can present ourselves as credible professionals.

2. Congruency and Communication

The extent to which I feel the other party's communication is credible or not is similarly a determining factor in the development of a conflict situation and the choice of the management style to be used. A person who repeatedly looks at his/her watch and yawns in the guest room, even though telling the hostess at the end of the evening that he/she had a fantastic time, will not be believed.

2 Author's own work based on Paterson, 2002.

According to Carl Rogers' theory, authenticity and *congruence* are crucial in people's relationships with each other. It is the harmony of experience, mind and communication. Thus, if there is a discrepancy between the behaviour and the content of communication, the communication loses credibility and incongruence ensues³.

The more congruent and authentic a person's (X) experience, consciousness and communication, the more likely the other party (Y) is to perceive it as pure communication and respond to it more clearly.

The harmony between X's experience, consciousness and communication is important not only because what he/she says is more believable to Y, but also because if X is congruent, he/she will not use self-protective (defensive) techniques (such as distorting reality to suit his/her self-image) and will be more able to pay attention to Y's communication.

In this way, Y presents the image of an accepting, understanding communication partner, and thus Y opens up more and more, communicates more and more authentically, and is less and less likely to be defensive.

It will also make X feel empathetically understood and accepted, communication will become freer, and there will be fewer and fewer conflict situations in the relationship between the two people.

This chain reaction can be interrupted by the emergence of a new factor, a threatening element, to which one of them (e.g. X) cannot react credibly; as a consequence, X will not be able to pay full attention, his/her behaviour will become defensive, his/her communication will lose clarity and the process will reverse.

If two people are assumed to wish to be in contact, to be able and willing to understand each other, and to maintain a relationship for a period of time, then the greater the congruence between one person's experience, consciousness and communication (the person receiving the information is the real determinant), the more likely they are to form a relationship in which they communicate more and more authentically with each other; understand each other more and more; are increasingly adaptable to changing circumstances, and become more satisfied with their relationship.

Conversely, the greater the incongruence between lived experience and the conscious communicated information, the more likely it is that a relationship will be established in which participants' communication is not improving, they understand each other less and less, adapt less and less effectively to changing circumstances, and feel worse and worse about themselves⁴.

This can have a serious negative impact on those affected, both interpersonal interactions and communication within the organization. The loss of credibility can happen very quickly, but its regaining (or building) is the result of a long period of work. In both processes, the quality of the person's communication is decisive.

3 See more detailed in: Csemáné Váradi and Gilányi, 2010.

4 See more details: Rogers, 2003.

3. Self-Awareness and Communication Model

The precondition for sending authentic messages with the same content and mutually reinforcing messages is to accept the fact that our self-knowledge and self-image are necessarily incomplete, even if we make serious efforts to reveal them.

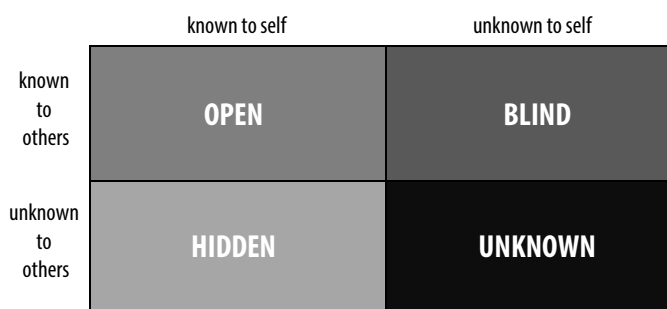
One reason for failure and loss of credibility is ignoring human nature, which can be described using Luft and Inkham's *self-awareness and communication model* and the social mirror theory.

The essence of the former theory is that we must distinguish between how we see ourselves and how others see us. Our personality has a so-called open area, which we know well and which we allow others to see. Although our hidden self, our thoughts and feelings, are well known, we try to keep them secret in human communication. The main point of the second theory (social mirror theory) is, that self-awareness develops through reflection on social interactions and shared experiences, in which interpersonal interactions, especially communication, play an extraordinary role⁵.

It is the fact, that the parties (partners or enemies) often forget that the other does not necessarily see and know the same thing about them, what they want others to see or know. Just as it is true that others do not necessarily see the person as what they want to show themselves to be.

According to the model known as the JOHARI window⁶, there are four areas of the personality that are known and desired to be shown to the outside world and to ourselves in different depths. However, the individual knows only two of these areas: the open one, which they wish to share with their environment, and the closed (hidden), which they do not. For example, there are those qualities that the other person does not want to reveal at all, or depending on the other person, the situation, etc., they do not want to reveal to the other party.

Figure 1. The Johari Window model⁷



⁵ See more further details in: Csemáné Váradi and Gilányi, 2010.

⁶ Polacsek, 2011, pp. 17–19.

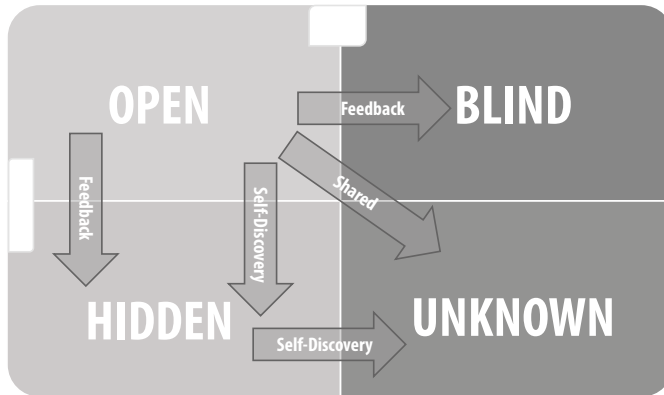
⁷ Author's own work.

Additionally, this also means that everyone – although in varying proportions – exercises power over only one part of their personality⁸. The peculiarity of the remaining areas is that while the blind area is known to others, the dark (unknown) part is concealed from everyone.

So we all have an unknown area that remains hidden from both ourselves and others. In crisis situations and disasters, both our positive and negative traits can come to the fore and surprise us⁹. This is how ordinary people can become heroes in times of disaster or accident, or even cruel murderers, for example in cases of romantic disappointment.

Which element of the personality dominates has an impact on the assertiveness of the person concerned, or on the typical conflict management strategy to be used. The proportions can be changed, consciously shaped with the help of various techniques.

Figure 2. The development-techniques of 'hidden' part of personality¹⁰



The metacommunication messages sent through the blind area without the individual's "knowledge" and against their will can easily lead to conflicts, especially if they contradict their verbal communication or the qualities they want to show in the open area. That is, when harmony is broken and congruence suffers. However, the boundaries of each area are shifting. Their situation depends on the current partner, the relationship with them, the situation, previous general experiences, as well as the psychological well-being of the person concerned.

It remains true too, that we can judge the effectiveness of our communication primarily based on feedback from our environment. The essence of *social mirror theory*¹¹ is that an individual's efforts to share the image they have of themselves are successful if they receive corresponding feedback from those around them. (But the

⁸ Whitehead, 2001, pp. 3–36.

⁹ Source: Gardiner, 2023.

¹⁰ Author's own work.

¹¹ Whitehead, 2010, pp.

mirror as a tool can have a special role in connection with building self-knowledge, strengthening the empathy-sensitivity or emotion-managing. For example “mirror meditation, which involves meditating by looking in a mirror, can increase self-compassion and relieve stress”.¹²⁾

It is important to point out that a new interpretation of the social mirror theory is also becoming more and more widespread. According to this, the image coming back from the outside world is nothing more than the reflection of our inner self. This approach is primarily about increasing self-knowledge rather than striving to get to know others.

Whether we succeed in presenting the image of the person we want to be, whether our change in this direction is successful, depends to a large extent on the awareness of our behavior, the level of self-awareness and communication competencies. All of these elements can be developed¹³ – whether it is an adult professional or a child.

12 Giotakos, 2021, pp. 187–195.

13 Bongioanni, 2024.

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Communication Models, Characteristics of Individual Communication

Erika VÁRADI-CSEMA

ABSTRACT

The purpose of human communication is to convey and acquire information, as well as to share individual emotions and needs. The success of this process depends on a number of factors. During socialization, every child encounters several communication styles and develops their own – typical – communication techniques along these patterns – with attention also to the by other persons expected behaviours and other influencing factors. Blockage in interaction also can be caused by the reason inherent in the individual's ability to communicate, as well as by an inappropriately chosen form of communication. The chapter gives a brief overview of the individual characteristics (and disorders) of effective communication, as well as the personality typologies (e.g. DISC-model) that determines our communication style. Solutions that strengthen communication capabilities and support effective interpersonal communication, such as the 5C or 7C communication model, will also be presented.

KEYWORDS

effective communication, communication disorder, DISC-model, integrated communication, 5C, 7C, individual communication competences, personality

1. Criteria of Personal Effective Communication in Human Interaction

Effective personal *communication* can be disrupted by a number of circumstances, including physical, psychological reasons or lack of motivation on the part of the individual that make it difficult for him/her to participate in interpersonal interaction; at the community level, for example, lack of knowledge or acceptance of the communicative specificities of a particular culture or group of people (e.g. the elderly); the violation of generally held expectations, collective silence and distortion can cause conflict and fault lines in society as a whole.

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Even in their absence, communication difficulties can be caused by inadequate conditions. These may include ambient noise, different levels of ability to use the communication equipment, distance in time or space.

Another definition of communication disorder is given, for example, in the 1998 Act on the Rights of Persons with Disabilities and Ensuring their Equal Opportunities.

Pursuant to Article 4 point a) of Act XXVI of 1998, a person with a disability is defined as “a person who long-term or permanent lives with a sensory, communication, physical, intellectual or psychosocial impairment, – or any combination of these –, which, in interaction with environmental, social and other significant obstacles, prevents effective and equal social participation”.

Therefore, a communication disorder – if it has an inhibiting or limiting effect – can be defined as a communication disability under Hungarian law.

2. Barriers to the Effectiveness of Human Communication

In this approach, a *communication disorder*¹ is an impairment in the ability to receive, send, process and understand concepts and verbal, non-verbal and graphic symbol systems. It can be acquired or congenital, homogeneous or combined, it can result in a primary disability, but it can also be linked to other disabilities as a consequence, and to varying degrees.

The first large group of communication breakdowns belongs to the “*input*” side of information exchange. Hearing impairment is the result of an impairment of the auditory sensitivity of the physiological auditory system. In addition to deaf and hard of hearing people, central auditory processing disorders can also be included here. This is a deficiency in the processing of auditory signals that is not the result of peripheral auditory sensitivity or intellectual impairment. The significance of hearing impairment is increased by the fact that it can limit, among other things, developing speaking skills or understanding communication.

Barriers on the “*output*” side of information exchange include speech disorders (e.g. impaired articulation of speech sounds), articulation disorders (atypical formation of speech sounds, distortion of intelligibility), fluency disorders (different speech rate or rhythm) and voice disorders (e.g. age/sex-specific pitch).

In young people, language impairment, i.e. impaired understanding and/or use of spoken, written and/or other symbolic systems, can be particularly significant. This may affect the form, content and/or function of language in communication. Naturally, such a difficulty may be a particular system of symbols used by a particular group of individuals, reflecting, for example, specific cultural or ethnic factors. In this case, however, we are not talking about a communication disability, but about a barrier to effective communication at the community level.

1 American Speech-Language-Hearing Association, 1982, pp. 949–950.

While the lack of knowledge or misinterpretation of communication axioms can be described as a problem mainly on the side of professionals, communication barriers among other actors in interpersonal interaction can be, for example, communication breakdowns.

Communication skills can be developed, but the prerequisite for this is that we recognize our own communication style and are able to identify our weaknesses and their causes.

3. Effective Human Communication and Personality Type

The personality of the person participating in human interaction and its characteristics significantly influence the typical communication style both directly and indirectly. This is particularly evident in conflict situations, or in situations where strong group pressure is exerted on a person to adopt an opinion that differs from their own convictions and way of thinking.

When choosing reactions to conflict situations, it is decisive what personality characteristics we have.² A person who is terrified of conflict situations, cannot stand the tension and body feeling that comes with it, will not get into such a situation, even if he knows for good reason that he is right. While the person who is fuelled by the conflict loves the adrenaline rush that comes with it, he is willing to get into an argument with the other even if he himself knows that there is not much basis for his demands.

In his 1969 experiment, Solomon Asch investigated the willingness of people to give a clearly wrong answer during a simple perceptual task under the influence of peer pressure (the previous respondents gave the same false answer). Based on this, the test subjects were classified as *conformists* or *nonconformists*. Further subgroups can be formed within the two categories.

Examining this grouping from the point of view of conflict situations, in our view, the willingness to accept conflicts (and active communication) can develop as follows for each type.

2 See more details: Csemáné Váradi and Gilányi, 2010.

Table 1. Types of individual adaptation to group norms³

Conformist		Non-Conformist	
Subtypes of Personalities			
'Waxman'	the desire to avoid conflict is stronger than their sense of justice does not enter into a debate even if all the necessary conditions are given	conscientious	truth is the most important value; therefore, to stand up is a matter of conscience, an inner moral urge; In this respect, it is not decisive whether it is one's own truth or that of others (perceived or real)
low self-confidence person	they are not afraid of conflict in itself; they haven't any or have very low self-confidence, doubt their own abilities and knowledge, so their passivity can be traced back to this conviction	high self-confidence	a task-oriented persons who trust their own knowledge and abilities; thus, if they are convinced that they know the best solution, they are willing to take on the conflicts; at the same time, they can be persuaded when the alternative to solving the task more efficiently is verifiable or justified
submissive	they are not afraid of the conflict itself, but if the group pressure is strong, the majority is against their position, or if they have to contradict a person who they accept as a model or they consider superior to them for some reason (e.g. a person of higher social status), then they submit to the opposing opinion (regardless of their own beliefs or their truth)	individualist	self-centred, independent, strong personalities who are very difficult (or impossible) to convince; often those who do not tolerate limitations or submission to external will, and therefore don't „retreat“ from the debate, even if they recognize the incorrectness of their own position

The communication style of people who are more accepting of conflicts is more open, powerful and intense, both verbally and non-verbally, while people who avoid conflict are more characterized by passive, withdrawn behaviour.

The communication of an individual, determined by their own personality, is also an important factor in how well they are able to fit into a given community or organisation.

These characteristics also influence how well they are able to meet the (perceived or real) expectations of the social role or workplace status they currently hold. These expected forms of behaviour often only exist in the individual's imagination, but they will adapt their own reactions to them.

If someone who has been placed in a leadership position is a conformist type, meaning they do not like to come into conflict with anyone, then this expected behaviour could pose a serious psychological burden and everyday problem for them.

They go to work full of tension and experiences everyday life as stress. As long as they were a subordinate, their performance soared because they proved to be a good employee, carried out the instructions of the leader, and performed their tasks without question.

3 Author's own work based on Csemáné Váradi and Gilányi, 2010.

However, in their new position, they have to struggle with themselves every day to be able to manage his subordinates and confront them if the task requires it.

Ultimately, this will have negative consequences in every respect, because not only will their own work efficiency and that of the unit they lead be low, but their poor well-being and frustration can also affect their private life, home and family roles. (But the deteriorating work efficiency, the lack of management and control, the different work activities of other employees, and the bad workplace atmosphere due to the internal conflicts that arise can also indirectly negatively affect the commitment of colleagues to their workplace.)

Whether a given person typically exhibits conformist or nonconformist behaviour depends significantly on the specific situation. Someone may be “eternal” non-conformist at work or in their peer group (because they are convinced that they stand out from the others in terms of knowledge, experience, creativity), but at the same time conformist in their own family. For various reasons – the other person is very important to them emotionally, they respect their parents, love family traditions, are proud of their roots, ethnic, national, etc. identity – they follow conformist behaviour in their private life.

The decision to what extent someone dares to take on the conflict with group norms is influenced by the degree of their self-esteem and self-evaluation – as the subtypes of personalities show to us.

Confrontation and conflict situation – especially if the power relations on the two sides are different (me vs. the others) – can be accompanied by some degree of stress or anxiety. Therefore, the individual’s ability to tolerate tension and stress will also affect their decision.

In this context, upbringing, norms and values acquired during socialization also play a significant role. If a person comes from a typically authoritative environment, where the community, the elderly, those with greater knowledge or those in higher social status enjoy serious respect, then they can extend this attitude to other behaviours easier – even at work.

However, their choice may depend not only on these facts, but also on their experiences with the given specific – or previous similar – situation or the people involved.

Often, the interaction of these together leads the person to one of the subtypes behaviours. If they have had bad experiences in a similar situation before, and in addition, the learned behavioural pattern is the incorrect way of processing information coming from the external human environment, then the prejudice that develops in this way also plays a role on this field. Prejudice is a positive or negative evaluation of a social group and its members. Then the individual projects the negative (or positive) opinion they have formed about the given group onto the specific concrete person without they know him or her. Their interaction is based on them by prejudice influenced decision (e.g.: “the children coming from such background only really listen to the harsh word”; “it’s not worth talking to the teachers because they won’t help you anyway”).

Other typification of human personality is also known. One of the most widely used groupings, especially in the world of work, is the so-called *DISC system*⁴. The system itself creates personality types by examining the observable behaviour and emotions of the individual.

The intention of typifying people is of interest to scientists from a long time. Based on the medical knowledge of the time, *Hippocrates* (460–375 BC)⁵ assumed the existence of four basic humours⁶, similar to the four elements of world (air, earth, water, fire), whose predominance typically characterizes a particular type of person. On this basis, he distinguished the sanguine, melancholic, choleric and phlegmatic types⁷.

Galen (129–201 AD)⁸ further developed the Hippocratic system and supplemented the biological characteristics with typical behaviour and emotional and mood reactions characteristic of the given type⁹. For example, the sanguine person is usually cheerful, his emotions are intense, but they last for a short time; the melancholic person is reserved, has difficulty making decisions, and his emotions develop slowly. In contrast, the choleric person is very impulsive, reacts quickly, often out of anger. The phlegmatic type is reserved, has difficulty getting excited by those around him, and his emotions develop slowly. They are mostly calm, balanced individuals, but behind their calmness there is sometimes apathy. The emotional state and reactions of each type significantly determine their communication characteristics, because communication is the means of expressing emotions.

Among the scientists dealing with personality types, the work of *Jung* (1875–1961)¹⁰ stands out, who typified the four psychological functions of the individual¹¹: feeling and thinking, perception and intuition. Later, he distinguished an additional dimension: extraversion and introversion. (The importance of these also appears, for

4 See more e.g.: Holland, Perry and Adams, 2015 or Vega, 2024.

5 Hippocrates (born c. 460 BCE, island of Cos, Greece – died c. 375 BCE, Larissa, Thessaly) was an ancient Greek physician who lived during Greece's Classical period and is traditionally regarded as the father of medicine. Smith, 2025.

6 “The Human body contains blood, phlegm, yellow bile, and black bile. These are the things that make up its constitution and cause its pains and health. Health is primarily in which these constituent substances are in the correct proportion to each other, both in strength and quantity and are well mixed. Pain occurs when one of the substances presents either a deficiency or an excess or is separated in the body and not mixed with others.” in Lloyd, 1978, p. 262.

7 Nagybányai Nagy, Pongor and Hadarics, 2014, p. 11.

8 Galen (born 129 CE, Pergamum, Mysia, Anatolia (now Bergama, Turkey) – died c. 216) was a Greek physician, writer, and philosopher who exercised a dominant influence on medical theory and practice in Europe from the Middle Ages until the mid-17th century. Nutton, 2025.

9 Nagybányai Nagy, Pongor and Hadarics, 2014, pp. 11–12.

10 Carl Jung (born July 26 1875, Kesswil, Switzerland – died June 6 1961, Küsnacht) was a Swiss psychologist and psychiatrist who founded analytic psychology, in some aspects a response to Sigmund Freud's psychoanalysis. Jung proposed and developed the concepts of the extraverted and the introverted personality, archetypes, and the collective unconscious. His work has been influential in psychiatry and in the study of religion, literature, and related fields. Fordham and Fordham, 2025.

11 Nagybányai Nagy, Pongor and Hadarics, 2014, p. 14.

example, in Eysenck's theory, which explains the cause of non-criminal behaviour by the level and characteristics of condition ability.)

The DISC model is named after the initials of the words Dominance – Influence – Consistency – Compliance. The theory is associated with the name of an American psychologist, William Moulton Marston (1893–1947)¹², who explained people's emotional reactions with it in the early 1920s. Although the four types¹³ are different from each other, and usually every person has a dominant type, it is very rare that other types do not characterize them to some extent. For example, someone behaves completely differently in a workplace where they work under pressure and are not attached to their task or the people working there, than in their free time, in relation to their family or friends.

However, the personality type that dominates an individual determines task and relationship orientation, extroversion or introversion, characteristic emotions, basic fears.

It is very important that both problem-solving abilities, their typical method, and their characteristic communication style are strongly influenced by belonging to a particular personality type.

Although both Dominance and Compliance (Conscientiousness) are task-oriented, the former is an open, extroverted type, while the latter is not. This also influences their attitude towards work. Thus, Dominance is typically goal-oriented, risk-taking, result-oriented, competitive, decisive, proactive, bold, decisive and energetic, while the Compliance-type person – due to his introversion – focuses more on the individual completion of the task: independent and methodical, accurate, analytical, conscientious, with high standards, cautious, precise, fact-finding, detailed, diplomatic.

The difference is similar in the case of the other two relationship-oriented personalities, although good relations with colleagues, nurturing and protecting relationships at work are very important for both of them. The more reserved Steadiness (although his work pace is slow) is a real team player: reassuring, kind, patient, a good listener, calm, honest, understanding. They avoid risk, is reserved, restrained, yet friendly and courteous. The Influence type is also a good team player, but in a different way: open and direct, full of self-confidence, who gives energy to others, inspires them. They are persuasive, enthusiastic, optimistic, popular, sociable, unbiased, optimistic person.

Consequently, their typical fears are also different: Dominance fears being exploited, the emotional manifestation of which is anger, which encourages him to fight. Influence is afraid that others will act demandingly towards them, which

12 William Moulton Marston (born May 9 1893, Clifftondale, Massachusetts, U.S. – died May 2 1947, Rye, New York) was an American psychologist who is best remembered for his contributions to two distinct fields: psychology and comic books. His work led to the invention of an early prototype of the lie detector test, which was developed from ideas Marston formulated with his wife, Elizabeth Holloway Marston. (He also created the comic book character Wonder Woman, the model for which is believed to have been his wife.) Tabor, 2025.

13 Nagyányai Nagy, Pongor and Hadarics, 2014, pp. 15–16.

makes him lose his optimism. In such cases, he flees from the situation. Steadiness is afraid that he will lose the security that is important to him. They hide their emotions, turn even more inward and endure them silently. Compliance (Conscientiousness) is very afraid of criticism, which causes him serious anxiety. When faced with this, he prefers to avoid confrontation or become cynical.

These characteristics, principled priorities, and typical emotional reactions also affect the characteristic communication style of individuals.

For Dominance, the goal of communication is to achieve the result as soon as possible. That is why they often use interrogative sentences? What? How much? What?), waiting a quick answer, which is often indicated by words such as: “today”, “now”, “immediately”, “the best”, “optimal”.

Although Influence is also extroverted, the other person, colleagues, and those around them are important, than for the Dominance. So, their question words are also related to this (Who? With whom? To whom?). They are very direct, they talk a lot, sometimes rambling, changing topics. Because of this, others may feel that their interest is not sincere, but rather superficial.

For the introverted Compliance (Conscientiousness), the goal of communication is to obtain information so that they can follow their analytical, detailed work style. Therefore, they most often use the question words necessary to obtain data, facts, etc. (How? How? In what way?), and their speaking style is characterized by seriousness and a restrained style. At the same time, if necessary, they persistently go into details, ask a lot of questions, and often ask for written material.

In contrast, Steadiness focuses on the process of solving the task. Due to their personality, they have difficulty making decisions, which is why their work pace is slow, and their communication is characterized by a procrastinating, restrained style and the avoidance of conflicts. Since they are slow and indecisive, they want to understand what is happening, so their frequent question is Why?

If an individual is in the “wrong” job at work (which isn’t adequate with their personality and typical communication style), this can have a number of negative effects on everyone involved, which will ultimately also negatively affect the workplace outcome.

In addition to different personality traits, differences in typical communication styles can also generate serious conflict situations. If a Dominance, who expects quick answers and wants a solution as soon as possible, interacts with a meticulous, detailed and questioning Compliance, or an indecisive, slow-communicating Steadiness, who ask too much or cannot give a concrete answer, this difference in itself can generate serious negative emotions in those involved. Dominance becomes angry because they feel that they are not being taken seriously, which triggers strong emotions in them and encourages them to attack and argue further. In contrast, Compliance (Conscientiousness), who is already afraid of criticism, either withdraws from the situation or reacts cynically. There will be never a good and fruitful interaction between these parties, just as there will be if Steadiness, who has felt safe in their role so far, not

only closes off in communication with the Dominance, but also finds themselves in an emotional crisis and loses their sense of security.

No matter how the interaction between the parties ends, the effectiveness of interpersonal communication is every time questionable.

Therefore, there are many programs and practical summary in the literature that provide advice on communication between different types.

In my opinion, however, in every case, two important prerequisites must be met: the person in question must know himself, be aware of what kind of behaviour characterizes him, which are his priorities and typical problem-solving and communication styles. Only then can the other important condition be met and this is understanding (or at least striving for) the functioning, behaviour, reactions, needs of the other party. In this way, both similarities, possible common points, and differences can be more easily identified, and the interaction between the parties will be based on mutual understanding and respect.

For example, in the absence of sufficient empathy, openness and understanding, the communication style of the Dominance person may seem forceful, blunt, demanding and rash. In contrast, the communication style of the Influence person may also be disturbing or “too much”, as it may seem too talkative, energetic, scattered or too emotional. Although these are positive adjectives, in a formal, work or a more casual, distant relationship the caring, gentle, considerate and dependable communications of the Steadiness person could be too annoying, unpleasant – and maybe too confidential – for the other person. The communication style of the Conscientious person may be too slow, ineffective and unreasonable (or sometimes too personal) for the communication partner due to its systematic, analytical and meticulous nature. (Despite the fact that they give the impression of a reliable and trustworthy person.)

In order to ensure effective communication and effective cooperation between the parties, it is important to keep in mind¹⁴ that the Dominance person responds well to the communication, if the communication of partner is characterized by confidence, directness and gets to the point quickly; the Compliance (Conscientiousness) person is open into the cooperation, if the partner-communication is positive and optimistic the other person is enthusiastic and excited, and their interaction is warm and open; the Steadiness person is open to a partner whose communication is warm, accepting and patient, but at the same time exudes calmness and prudence; the Compliance (Conscientiousness) person is a good communication partner, if the other person communicates calmly, logically and based on facts; if they think in a system and are able to give the Compliance (Conscientiousness) person time and space to think things through.

Taking these few facts into account alone – with the adoption of accepting the other’s different personality and communication style – can significantly help the parties to communicate more effectively, build relationships and cooperate.

¹⁴ Vega, 2024, p. 10.

Figure 2. Elements of communication practice based on the DISC-types¹⁵

Personality	Try to:	Be prepared for:
Compliance (Conscientiousness)	Be logical and systemic Valuable high standards Be precise and focused Provide background information and facts Show dependability Give time to prepare	Questions Resistance to vague or general information Desire to double check Little need to affiliate with other people
Dominance	Make communication brief and to the point Respect their need for autonomy Be clear about rules and expectations Let them initiate Show your competence Stick to the topic Show independence Eliminate time wasters	Blunt and demanding approach Lack of empathy Lack of sensitivity Little social interaction
Steadiness	Be warm and supportive Give clear expectations and deadlines Allow precedent to be a guide Provide a consistent and secure environment Let them know how things will be done Use sincere appreciation Show their importance to organisational good	Friendly and warm approach Slower to change Difficulty prioritizing Difficulty with deadlines
Influence	Approach them informally Be relaxed and sociable Let them verbalize thoughts and feelings Keep the conversation light Provide written details Give public recognition for individual accomplishments Use humour	Attempts to persuade/influence others Need for the "limelight" Over-estimating self and others Emotional responses

4. The 5 Criteria for Effective Human Communication – The Magic “5C”

The typology based on the DISC system, the individual personality types, the dissimilar problem-solving thinking, a different stress management techniques or the communication attitude determined by them characterize people both in private and official interactions. Thus, it is also relevant for professionals working with children – whether it is cooperation within their own organization or with other partners or with children or their representatives. However, it is important to emphasize that in the case of children – especially in connection with the development of their personality - the findings of the DISC system will only be relevant depending on their age and mental, cognitive development. In the effectiveness of communication with children,

¹⁵ Author's own work based on Holland, 2007.

it is especially important to take into account the communication characteristics and specific needs and demands of the children in addition to the communication characteristics of the other party.

In addition to a well-chosen communication style, the exclusion of various distractions, continuous feedback, control, etc., a further condition for the development of effective communication is the consciously sent message. The communication literature names several criteria that can promote successful interpersonal interaction on an individual level.

An important tool for effective human communication is to focus on the magic “5C”. The “5C” is a commonly used tool and method, which strengthens the individual communication skills. With its help the persons become able to prevent miscommunications, and to build better bonds with others.

The “5C” appears in the literature with different – although pointing in the same direction – elements.

According to one approach¹⁶, 5C-based communication is characterized by the following: *Clarity, Conciseness, Correctness, Courtesy, Consistency*

According to another approach¹⁷, the elements of 5C communication are *Completeness, Concreteness, Credibility, Compelling, Compassion*.

In both cases, it is characteristic that during communication – regardless of the nature of the channel (verbal, written) – not only the clarity and comprehensibility of the messages sent to the other party is important, but also to strengthening the calm, positive atmosphere based on messages sent through non-verbal channels, suitable for building trust.

In the case of the first 5C-based communication: the person’s manner is polite and respectful, their message has a clear purpose, their wording is direct, simple and to the point the message of the words is clear (free from the psychological level), they send messages of the same content through both verbal and non-verbal channels, their communication is conscious and self-controlled (aiming to be free from mistakes, etc.).

In the case of the other 5C-focused communication: a) the person’s metacommunication is empathetic, they pay attention to the other’s point of view (therefore, the content of their argument, the specific style of their communication changes all the time in response to the psychological needs of the other party); b) in the interest of effectiveness, they pay special attention to two facts: 1. from a formal point of view, to be specific, 2. from a content point of view, to share all the information that the other party considers important; c) they base their arguments and opinions, authentically, share facts in a way that maintains the other party’s interest all the time; d) therefore, it is not only effective, but also has convincing power due to its authenticity.

As diverse and multifaceted as communication itself is, so too is also the range of the effective individual communication theories. Thus, there is an approach that does

¹⁶ Singfield, 2020.

¹⁷ Jain, 2025.

not profess the principle of the 5C, but the principle of the 7C¹⁸. In this case, effective personal communication is achieved if 7 criteria are met. These: *clarity, completeness, conciseness, correctness, courtesy, consideration, and concreteness*.

Each element has its effect in different areas, and the purpose of their application is also different. Thus, clarity ensures the accurate and efficient transfer of information; completeness ensures the full understanding of the transmitted message; conciseness ensures the preservation of the content of the message and the maintenance of the partner's attention; correctness ensures the avoidance of misinterpretations and misunderstandings; courtesy ensures the building of trust and the avoidance of tension and psychological pressure; consideration ensures the increase in the chance of receiving (or reacting to) the transmitted message; while concreteness increases the chance of visualizing the information, thereby increasing its persuasive power and the degree of recall.

What should be abstained for effective communication from? Among other things, the following should be avoided: the use of jargon; complicated or multi-meaning words and ambiguous or abstract statements; expansiveness, wordiness, lengthiness; sharing unnecessary details; rapid or frequent changes of topic or constant switching back and forth between topics; disrespectful or offensive language; impolite behaviour (including non-verbal channels); ignorance the audience's level of knowledge, cultural background, or communication style.

By observing these aspects, the effectiveness of communication can be increased in both professional and personal environments. Not only does the interaction with the other party become outstanding and memorable, but the bond between the parties can also be strengthened or the quality of the relationship can improve.

Person-to-person communication can appear in many ways, like in special situations or with dissimilar purposes. Thus, different characteristics can be described as a *teacher-student-parent*¹⁹ or a *doctor-patient communication*²⁰. The 5C communication model appears in the field of education with two different contents. On the one hand, in the field of teachers' communication with others, especially with students, and on the other hand, as a goal of education: i.e. that students acquire 5C communication skills at school.

While in the former case the communication (with minor differences) encompasses the classic content elements - Clarity, Credibility, Care, Closeness, and Confirmation - in the latter case, interpersonal interaction can be described with the words "Communication, Collaboration, Critical thinking, Creativity and Character/Citizenship".

The educational methodology focusing on the development of 21st century skills has many specific features. Its most important goal is to ensure that children leave school as versatile, open-minded and creative, with good problem-solving skills, who

18 Porwal, 2023, pp. 515–517.

19 E.g.: Bud and Jacobson, 2023.

20 E.g.: Kessler et al., 2015, pp. 713–721.

can adapt quickly to changing external conditions; it means, that they are strong not only in their hard skills but also in their soft skills.

To this end, the educational methodology is practice-oriented, strongly building on the children's self-assessment and their own active participation. The elements of interpersonal interactions based on the principle of holistic development build on each other and strengthen each other. The framework for this is provided by Project Based Learning (PBL)²¹. Students work in groups to investigate and solve a real, complex problem that concerns them. For this, they need skills such as *Collaboration, Critical Thinking, and Creativity*. An important prerequisite for being successful in the community is understanding one's own role – and in connection with this, one's own responsibility – and through this, ability to developing one's social responsibility (*Character/Citizenship*).

However, the alpha and omega of this PBL-method is communication, which permeates all stage of the process. Not only in terms of basic elements such as collecting information to outline the problem, question-techniques to understand it, or the willingness to discuss to ensure joint work.

The essential element of the method is continuous feedback. This is not only important from the teachers' side; in fact, it encompasses the students' self-assessment and the feedback to be given to their peers – and not only in terms of strengths. Students must recognize and be able to formulate their own – and others' – competences to be strengthened, and the possible directions for further progress and (self) development.

And this cannot be done without considering the 5C criteria system – with partly different content – for either actor. Clarity, Conciseness, Correctness, Courtesy, Consistency are important in the feedback given by students to their peers, while Clarity, Credibility, Care, Closeness and Confirmation have to be characterized the teachers' responses to their students.

On the field of content of the messages Clarity and Credibility play a role as a main criteria of effective communication. However, in this system of personal relationships – due to partly concerning also sensitive issues (like students' weaknesses) – the nature of the “form” is also very important. A protected, caring (Care) and direct (Closeness) interpersonal relationship opens up the possibility for the student to turn to the teacher with confidence at any time if he has a problem or doubt. This requires Confirmation – that is, the teacher does not give only a feedback but acknowledges the student's efforts, his achievements so far, and supports him on his further path.

It is *important* to emphasize that the classical 5C-framework of teachers' effective communication is important also from two sides.

On the one hand, no matter how well-organized, highly scientific rated perfectly equipped and staffed with renowned professionals an educational institution – even a university – is, more than the school atmosphere framed by these facts, something else has a much greater impact on the advancement and academic achievement of

21 Baird, 2019, pp. 107–122.

students: the quality of the interactions between the teacher and the students²². (This is also interesting because, for example, according to research focusing on teachers' needs in professional development – via chain mediators of self-efficacy and instruction practice – the school climate is the most important influence factor in the need for professional development.²³)

On the other hand, the 5C model applied in the framework of teacher communication is decisive both in model creating for students and in establishing a trusting, supportive relationship with parents.

A positive teacher-student relationship is a prerequisite for the students' progress and successful school integration, which requires teachers' positive communication behaviour²⁴; the basic principles of which stem from positive psychology. The 5C positive teacher interpersonal behaviour, as a model, also has a serious indirect impact on students' communication style, their level of trust in adult society and their subjective well-being.

The application of the 5C model can be successful also in all cases when working with parents²⁵. Thus, Conversation, Collaboration, Cooperation, Compromise, and Consensus with parents enables the development a new level of partnership, during the process of planning and implementation in dealing with specific students, which outcomes their joint, mutually reinforcing development and support.

The 5 criteria of *effective communication* may appear with a special content²⁶ also in the *health-care system*. In this case, however, it is not just an 'average', formal interpersonal communication. The purpose of the interaction: effective and complete transfer of patient-information to medical personnel, ensuring the successful and more effective care of the affected patient. Therefore, a specific type of communication, consultation, is in focus here.

In this case, the interpretation of the 5C Consultation model contains specific elements: Relationship, Communication, Basic Question, Cooperation, Close the Loop.

It is worth highlighting that we consider the essential elements of the model to be followed in other professional fields as well, for example, when immediate action is taken in a case involving a minor, where child protection professionals must communicate immediately and effectively with a police representative. But similarly, the effectiveness is one of the main criteria also during the case discussion involving children, where many different professional institutions are represented (often with different interests and focal points). In this context, we consider it particularly important to highlight the "close the loop" phase. At this point, the specialist concerned

22 Specifically, school climate does not have a significant impact on the academic achievement of certain students, while teacher-student interaction exerts a stable and important positive influence on the academic achievement of all students, particularly benefiting those in the lower-scoring group. See more: Zheng et al., 2025, p. 3390.

23 See more: Zhang et al., 2025, pp. 1–17.

24 Derakhshan, 2022.

25 Bud and Jacobson, 2023, pp. 13–33.

26 Kessler et al., 2012, pp. 968–974.

reviews what they have said in a few sentences, repeats the most important points (this allows them to check whether they have said what they really wanted to say), and at the same time makes sure that they have correctly understood the essence of the information from the others.

Of course, the 5Cs are important in communication between the patient and the doctor²⁷, where several goals appear: obtaining more and more information from the patient in order to designate and make possible adequate and effective medical treatments and interventions; on the other hand, the appropriate sharing of information in order to enforce the patients' right to information. But in this field is also it particularly important to establish sufficient trust – whether it concerns the minor concerned or his or her legal representatives.

Many factors can have a negative or positive impact on the success of communication between the professional and the child (or parent). So, from the doctor's side, age, gender, education, specialty, income, social class and politics, while from the patient's side, age, gender, health status, prognosis, social class, education, health-related beliefs and preferences about control and risk²⁸. Based on the results of the research²⁹, it can be recorded that in addition to hard skills, the existence of their personal attitude (e.g. patient and/or parent-centeredness) and soft skills (such as interpersonal skills) are important influencing factors on the side of professionals.

A different case is when the target group of the communication is not specifically known but can only be determined in general. Such is the case with *advertising, branding or marketing*. The principle of the “5C” can be authoritative in this case as well, although its content is again different³⁰: it encompasses the criteria of *consistency, continuity, commitment, coordination, content*. In this context, the fact that the purpose of *communication* is special and typically based on *economic, market and financial interests* plays a significant role.

On the field of business and economy, it is worth referring also separately to the so-called *Integrated Communication*. Integrated communication is a coordinated, consistent communication strategy that shares uniform messages in parallel on all possible communication channels, reinforcing each other's impact. In this case, the components of the 5C are *Consistency, Coordination, Targeting, Alignment, and Measurement*.

Accordingly, the criteria for successful and effective communication are different, taking into account business and economic goals and the general (and not specific, personal) appearance and characterization of the target group.

The goal here is to create a unified and coherent brand identity that inspires trust in potential consumers. This conscious workflow requires that each communication activity or step serves the achievement of specific (sub)goals. An important feature

27 See more about this e.g.: Gregory, Peters and Slovic, 2011, pp. 347–371.

28 Howson, 2023.

29 Crossley and Davies, 2005, p. 807.

30 Hakala, 2015, p. 229.

is that communication is partner-focused – i.e. the individual activities (partial communication plans) always use the communication channels (social media, flyers, etc.) that best fit the needs of the given target audience. Overall, therefore, the communication strategy is characterized by a holistic approach. When developing the strategy, the main tenets and findings of all relevant fields of science, such as communication science, marketing theory or the science of public relations, are incorporated.

In the *development of personal communication competence*, the DISC model can play a role in the same way as the 5C or 7C communication theories. However, the latest training trends are already highlighting, for example, the applicability of artificial intelligence in this area.

For example, Chat GPT³¹ can help strengthen and develop personal communication skills by, in different ways, like simplifying the written text, condensing its message while making it transparent and understandable. It makes the message traceable, structures its content, corrects grammatical errors, and can support the facts communicated with concrete examples and credible sources. Whether it follows a formal or informal style, it remains within the framework of polite communication, unless requested by the user other style.

However, it is important to point out that this method of learning is not able to fully implement the criteria expected by 7C, i.e. clarity, completeness, conciseness, correctness, courtesy, consideration and concreteness. “By leveraging AI as a tool and integrating its strengths with human judgment and editing, professionals can improve their communication abilities” - however, as Giray pointed out in his study - “They may lack accuracy, context comprehension, or empathy in their responses. They can generate incomplete or generic answers and cannot replace human judgment.”³²

The level of personal communication, the nature of human interactions, and the success of human communication depend on many factors arising from the individual's personality, habits, conflict and stress management abilities and problem-solving skills. However, the typical communication style can be shaped, just as communication skills can be developed. However, it is important that the person in question is in a position and plays a role that fits their basic personality. Although communication can be consciously developed a lot, it can only have a limited impact on the root cause of the individual's role conflicts or other life situations that generate inner tension, anxiety, etc, and thus affect the success of your communication. Thus, self-knowledge, recognizing specific problems and making efforts to solve them also - indirectly - contribute to the improvement of communication skills. On the other hand, when it comes to developing communication skills, expanding theoretical knowledge alone is not enough – as research³³ conducted among university lecturers, for example, points out. To the develop this soft-skill the real exercise – also in this case – can not be neglected.

31 Giray, 2024, pp. 113–118.

32 Ibid., p. 118.

33 Noben, Folkert Deinum and Hofman, 2022, p. 39.

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The Personal Communication Ability – Communication to Understand the Others (and Ourselves)

Erika VÁRADI-CSEMA

ABSTRACT

The success of human communication depends significantly on the communication skills of the individual. Just as a child develops from an instinctive being into a conscious being, learning countless things along the way, so we also can shape and develop our communication skills. This is important not only because it can contribute to a more successful personal and professional life, but also because it enables us to not only give and receive information, but also to share our feelings and needs more effectively. The aim of this chapter is to provide a brief overview of communication skills and then highlight the extent to which communication as a tool can help us to understand ourselves and the other party involved in the interaction, to articulate our own needs and interests more effectively.

KEYWORDS

personal communication skills, self-awareness, problem processing, neutralization methods, alternative conflict-resolution techniques

1. The Human Communication as a Tool of Social Interaction

Human communication skills can be approached from many different angles. Biological communication, for example, refers to the exchange of messages between individual cells or organs¹. Cell communication itself involves the sharing of various types of information, such as genetic, metabolic, or neural information, between the cells involved. Therefore, all humans have biological communication skills, just as social and cultural communication can take countless forms.

The ability to communicate at a social level develops very quickly in newborns, as it enables them to acquire the skills necessary for survival. The first concrete form

| 1 Forgó, 2011, pp. 101–104. |

| Erika Váradi-Csema (2025) 'The Personal Communication Ability – Communication to Understand the Others (and Ourselves)' in Erika Váradi-Csema (ed.) *Interdisciplinary and Child-Friendly Communication*. Miskolc-Budapest: Central European Academic Publishing. pp. 59–66. https://doi.org/10.71009/2025.evcs.iacfc_5 |

of this is the use of nonverbal signals. These include eye contact, facial expressions, gestures, spatial distance, and posture. The ability to speak, which develops alongside cognitive development, further expands the possible channels of interaction. Verbal communication can take place both orally and in writing, but in the latter case, the metacommunicative message package is more limited, as, for example, intonation, volume, and other speech-related message channels cannot be taken into account. However, in any interaction, the parties involved also perceive unconscious messages accompanying the conversation, which may be verbal or nonverbal. In the latter case, we refer to this as metacommunication.

Personal communication competence refers to the possession of skills that enable individuals to successfully share their feelings and needs, effectively formulate their messages, and receive the responses or reactions that were the original purpose of their communication. We all have strengths and weaknesses depending on the specific situation and purpose of our interpersonal communication.

Among communication skills, the ability to practice so-called key competencies, such as active listening, understanding body language or tone of voice, or showing empathy, is particularly important.

Thus, if an individual communicates verbally, it is important to be clear, unambiguous, and appropriately concise; practices nonverbal communication, it is important to correctly detect and interpret the given signals, as well as to use appropriate body language and eye contact; in the case of written communication, clear and concise wording is desirable.

Showing empathy and respect towards the other party is at least as important as sufficient determination and confidence, but it is also important to emphasize that, in addition to these, our ability to listen actively is a key competence within communication skills. The essence of this is to use eye contact, other gestures, and test speech to reassure the other party that we are interested in their opinions and thought. The effectiveness of communication increases if we ensure the correct interpretation of what is said by asking questions and by rephrasing and giving feedback on what we have heard.

Communication is an important tool for social interactions. However, in order for any alternative solution to be able to achieve real results, the process of understanding and – if the case needed – forgiveness cannot be ignored.

Behind human reactions, a decision made in a specific case, and the response to the other's action or phrase, there are many factors influencing the decision. However, how I feel in a given situation, how I experience the other party's reaction, how I am able to react consciously, depends significantly on self-awareness and my ability to evaluate the other party's messages.

When examining the effective operation of these techniques, we have to step out of the limits of the criminal justice system and now turn our attention to the two actors in the story, i.e. the parties involved in the conflict. The analysis of the conditions and processes necessary for the real resolution of an interpersonal conflict forces us to embark on a journey in which we must focus on the emotions too.

2. Understanding Others

In order for a conflict situation to be effectively resolved, the parties must acquire and bring forward a number of skills during the process. Thus, they must be able to participate in the process in a meaningful way, to listen to each other, to understand their motivations, to accept each other, to take responsibility, to apologise and accept the apology, and to learn lessons². The emergence and escalation of conflict situations, which appear as the main cause in the emergence of a group of violent crimes, can occur precisely because the parties involved are unable to observe all of this on their own. Thus, the task of the professional involved in conflict management or in the in problem solving – like in case of bullying, family conflict, etc. - is to help the attention of the parties to be diverted from the other person identified as the enemy to the problem itself; this also results in a change in attitudes³ of the persons involved into the case – including, for example, the classmates of the affected students or even the staff.

This form of conflict management also has the potential to have a long-term impact because it “teaches people that if they formulate their problems differently, learn the language of needs and interests, they will be able to handle their conflicts more effectively, and they will be able to find creative solutions.”⁴ In the process, the parties can regain not only their self-esteem, but also their respect for each other as a fellow human being.

Understanding the motivations of the “opponent”, accepting the other, and in most cases even listening to them is not easy in an emotionally charged conflict where the parties have already inflicted countless wounds on each other. As the conflict progresses, the increasingly strong emotional involvement first leads the parties involved to the phase of polarisation, then to the phase of segregation and separation. A clear sign of this is when the parties only hear statements from what the other has to say that support their own negative opinion, and not the common points that provide a possible basis for agreement. In such cases, it often happens that they quickly get to the point of repeating what they have to say, and they have two parallel discussions. These negative experiences will not only increase resentment but also bring the parties to the stage of verbal and even physical separation from the other. In order to move forward, it is important to attain the hearing of those affected, one of the important tools of which is to translate what they have said and make it comprehensible to the other party. If the problem itself becomes the centre of the conversation instead of the other party, you can move on to the actual content issues.

In order for those affected to come to an understanding of the other party, which is even considered to be an enemy, important changes are needed. Understanding the

2 Kertész, 2010, p. 81.

3 Baruch Bush and Folger, 1994 referred by Kertész, 2010, p. 35.

4 See more detailed e.g.: Davis, 1989, pp. 17–24.

other's behaviour is particularly difficult because the parties believe that the reason for the events they have experienced and suffered is in their negative inner characteristic, reprehensible or despicable character traits⁵. It is important to emphasise that understanding the reasons behind the other party's action is not the same as accepting the act itself. In the course of effective conflict management, the other person is accepted as a "fellow human being", not identified with the behaviour of the violator, for example. Recognising that the other party – be it the "bad person" or the victim of the concrete situation – is also a person full of feelings, problems and thoughts is very important in the change that leads to the duality of understanding and forgiveness. As a result, the perpetrator must be able to take responsibility and apologise sincerely, and the victim must be able to forgive. It is characteristic of protracted conflict situations within the social environment that all parties typically contribute to its development.

A very important condition for refraining from committing another norm-breaking behaviour or offending the other party or for moving on from the victim situation is the last element of empowerment – i.e. that the parties are able to draw the necessary conclusions and incorporate them into their future *behaviour* as part of a learning process. Of course, this is also a very important stage in the general process of conflict management, as learning to recognise and formulate the emotions and needs behind one's own and the other's behaviour can be used as a successful conflict prevention and resolution technique.

However, the individual elements are not interchangeable. "Until I am able to listen to the other party, I am not able to understand their needs. As long as I do not know what the consequences of the conflict were for him/her, I cannot assess my role properly in the development of the consequences, and I cannot assess my own responsibility well in this." – writes Tibor Kertész.⁶ Until the parties take these steps, the problem cannot be solved, and they will not be able to move on.

Although it may seem easy, understanding our own feelings and honestly exploring the factors behind our decisions is not easy even in adulthood, let alone for young people, who often lack self-awareness or the intention to participate in this process.

Self-awareness is the result of a long process of development. In specific situations, this can be even more difficult, especially if the person in question actually feels responsible. Facing the fact that you have caused pain to the other person, whether intentionally or not, and hurt them, is not easy.

In these processes, the young – but of course the adult – person is also "alone". Sitting opposite the other party they cannot dissolve in his/her peer group, or they have no possibility of withdrawing from the situation or of *dissocialising*. The powerful experience of meeting the victim in person is very decisive in recognising one's own responsibility. Direct communication and the appearance of the parties on the same level also help to recognise the fact of the violation of norms.

5 John and Ang, 1999, pp. 377–387.

6 Kertész, 2010, p. 81.

This generates a different psychological situation in the person than the punishment ‘imposed’ by somebody, even in complete passivity, with which any ‘guilt’ can be immediately neutralised and thus ruled out⁷. The so-called neutralization techniques⁸ are often used by humans. This helps to explain why they have the right to a particular action; make their behaviour acceptable to themselves, reduce their remorse or guilt. However, a communication-focused alternative conflict management technique is able to eliminate this method and reduce its power, since the person – including the participating child or young person – participates in the process with his/her entire personality.

However, it would be even more effective if the parties did not reach a situation where their conflicts – due to their escalation – can only be resolved with external help.

It would be desirable if the members of the community would be acquainted with and learn as many techniques or theories as possible that would make it easier for them to understand the reasons behind the actions of others, and to recognise emotions and needs.

However, frequently – also in the case of acts that violate the norms – it is difficult even to accept that “such a thing” can happen at all! However, as the creators of the “Swiss cheese model”⁹ used in other areas point out, for example, that negative events can actually happen as a result of the interplay of individual mistakes. Looking at reality in a complex and systemic way, it has several components that build on each other, which, however, can carry active or latent errors. (The latter only causes problems in the case of the non-normal operation of the system, for example in a crisis situation.)

That is to say, like thinly sliced Swiss cheese, which contain countless holes – which are usually not even visible from the outside. However, we generally cannot see through the cheese slices lined up one after the other – no matter how much we glance through the empty parts of the first slice of Emmental. Our gaze is absorbed by the next pieces. Exceptionally, it can happen that the material-deficient parts of the slices partially overlap, so our gaze – albeit in a small part – passes through the individual layers without hindrance.

Borrowing Reason’s theory into a social context, it can be stated that the deficiencies or errors in the functioning of the strata of society that are built on each other and are endowed with ever wider powers in terms of intervention and protection – family, school, the immediate or wider environment, youth protection, family support, child protection, guardianship authority, and the bodies responsible for public safety – can be found in a specific case in such a way that there is no one who can neutralise the activity of the young norm-violator – as opposed to the previous numerous occasions where it was neutralised by colliding with one of the above elements.

7 Lockie, Sonnenfeld and Fisher, 2014, p. 242.

8 See more detailed about the theory in: Kaptein and van Helvoort, 2019, pp. 1260–1285.

9 See more detailed about the theory in: Rausand and Haugen, 2020.

3. Understanding Myself

The key to the long-term positive effect of the communication-centred alternative conflict management methods can be grasped in their “learning process” nature. An important prerequisite for drawing lessons is to understand the emotions and needs behind the individual’s own actions. In particular, transformative mediation, which focuses on the process of change, can be considered a kind of self-knowledge “session” in many cases. It is an indisputable fact that as long as those affected do not understand themselves, they cannot be open and understanding towards others.

It can be a very serious challenge if an individual’s image of himself/herself is damaged. A crisis situation can bring to the surface qualities and character traits hidden in the dark (unknown) area, which are sharply opposed to the affected person’s previous self-image. But anyone can experience a specific dispute, workplace conflict, school bullying, integration problems, or bad family patterns, anyone can experience such a crisis situation in which their reactions differ from their usual behaviour. This seriously damages their self-image, their opinion of themselves, and their belief that they are fundamentally a positive person.

In order to move forward, it is very important to understand what triggered such intense experiences in them, what emotional needs were hurt by the other person’s behaviour or messages.

But the individual also finds themselves in a difficult situation if there is a contradiction between their actions and his/her undertaken/professed values. The individual tries to resolve this experienced, sensed dissonance as a rational being, on a cognitive level¹⁰. Thus, the damage to one’s self-image, the further strengthening of logical contradictions or the anxiety arising from the situation can be avoided or reduced by either changing one’s own *behaviour* or environment, or by seeking new knowledge capable of suppressing dissonance. Consequently, the latter two cases are commonly invoked by those who, in a heightened emotional state or heavily involved in a conflict situation, behave in a way that is far from the value and norm order they consider important.

Other techniques that support general cognition also help to explore the individual’s self-knowledge, and at the same time to understand what may be behind the conflict with the environment. For example, Uffe Elbaek’s public opinion barometer¹¹ provides an answer to the question of how different an individual’s image of himself/herself is compared to how his/her environment perceives him/her. While these are between people, the difference between the actual and the desired external image can generate an internal conflict.

With the help of the model, the most important characteristics of the individual and the tendencies of change can be determined very plastically. Its essence is that

10 N. Kollár, 1998, p. 56.

11 Krogerus and Tschäppeler, 2008, pp. 28–29.

four important questions must be answered: a) How do you see yourself?; b) How would you like to see yourself?; c) How do others see?; d) How do you want others to see you?

The value of 10 should be marked in a divided way as an immediate answer to how communal or individualistic a person is, whether he/she pays more attention to content or form, or, for example, whether the body (the outside) or the mind (the inside) is more important to him/her. They should be conducted using each of the four approaches above.

The projection of the sets drawn on the basis of the connected figures on each other makes the difference between each – the real and desired – image, the area of the deviation clear to the respondent, and also provides a direction for change. (As the test can be completed several times, it not only shows the trend, but also provides feedback on the effectiveness of the tool used to achieve the goal.)

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Criteria for Effective Communication – Communication Barriers (Disqualified Messages, Cognitive Dissonance and Incongruence)

Mária Lubinszki

ABSTRACT

The art of child-friendly communication is a complex, multi-factorial process in which the use of specific communication techniques by adults, adapted to the needs of the child and the situation, is of utmost importance. This is only effective if one is familiar with the theories and practical techniques of effective communication, if one knows oneself and is mentally sound, and if one recognises the barriers and obstacles to communication. The most difficult point in any human relationship and situation management is dealing with uncertainty and resistance. Disqualified messages, cognitive dissonance, and incongruent communication have in common that they create anxiety, make us feel insecure, and make it difficult to connect with the other person. The persistence of such a tension-inducing, subordinating pattern of communication may even leave residual and permanent traces in personality development. This chapter provides a theoretical and practical insight into this.

KEYWORDS

effective communication, communication competences, communication barriers, cognitive dissonance, incongruence

1. Introduction

Words have a special power in human relationships. They can strengthen human bonds, alliances and the sense of security between people, but they can also inflict deep wounds. Communication patterns within the family also determine a child's mental and physical health, along with their susceptibility to psychosomatic symptoms. Childhood is a particularly important and privileged period of life, as the communication patterns acquired in childhood can establish life attitudes that will affect the child's later life. This chapter focuses primarily on psychological and communication science approaches, within the broader framework of international and

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comparative children's rights. Legal aspects are not covered by this chapter. The aim of the chapter is to present criteria for effective communication and to identify barriers to communication, with a particular focus on the age-specific characteristics of children. The focus is on parents' communication with children, in which one of the criteria for effective communication is vulnerability-sensitive communication. At its core, it is important for parents to be aware of the communication process in which they can maintain their children's integrity and self-esteem. The chapter draws attention to the communication mistakes that adults can make causing children to feel hurt and resentful. In addition to the parenting aspect, several chapters also address general adult-child communication. Another criterion for effective communication is the ability to build intense relationships, to develop a deep, playful and non-violent relationship pattern that provides a sense of security. Consciously or unconsciously, adults may use a myriad of communication barriers and obstacles, such as disqualifying messages, messages that create cognitive dissonance, and incongruent communication. The chapter also describes the impact of these messages on personality development. This chapter is psychoeducational, aimed primarily at adults and parents, and addresses the problems of communication breakdowns in everyday life and in legal proceedings, as well as ways of resolving them.

2. Criteria for Effective Communication with Children

Human relationships are becoming increasingly complex and fragile in our changing world. This can be attributable to role overload, role conflict, the multiple channels of communication in the digital space, and social changes. Most of the disruptions in human relationships arise from communication breakdowns, most of which could be remedied by improving communication alone¹. It is therefore very important to be cognisant of the criteria for effective communication. The individual's previous experiences, especially the conscious or unconscious patterns acquired in childhood, determine the level of communication that a person is able to communicate. In their book Giles, Coupland and Wiemann talk about communicative competence, by which they mean the set of knowledge and skills needed to smoothly conduct social relationships². The work of these authors is an anthology that brings together psychological, sociolinguistic, gerontological, sociological and medical approaches to communicating with older people. For the present chapter, the concept of communicative competence is inspiring precisely because it is always interdisciplinary and involves multifaceted approaches. However, people tend to communicate at a low level of awareness and instinct. Were the level of awareness increased, the effectiveness of communication would also increase. Therefore, in addition to developing communication skills, there is also a need to increase theoretical knowledge.

1 Buda, 2002, pp. 40–46.

2 Giles, Coupland and Wiemann, 1990.

György Csepeli, Hungarian social psychologist and sociologist highlights three important features of human communication³: *Socialisation means that* through communication persons in one place become persons “together”. Otherwise, if they do not communicate, they do not come into contact with each other, their being in one place remains a mere physical fact. This communitising power of communication can be experienced by a child in both primary and secondary socialisation settings. In the family, at nursery school, at school, it is vital that everyone who belongs to a community has space to express herself/himself. Therefore, parents and teachers have a great responsibility to make use of this resource of communication in a good, appropriate way. The second characteristic of human communication is *transmission*: our communication tools are part of our cultural heritage, largely inherited from older generations. The third characteristic is the *personal history of communication*. This means that communication is always influenced by the life history of the parties involved, their previous experiences and the attempts they make to interpret the communicative situation. Personal and family histories play a great role in this. Furthermore, it is important who narrates the narrative to a child and how the story is formulated. Also crucial are the extent to which the story scripts contain constructive coping patterns and the solutions.

‘When modelling cognitive and memory processes, though by no means on the basis of some social constructivist position, Schank and Abelson (1995: 1) argue for the narrative nature of all human knowledge. They state that ‘Virtually all human knowledge is based on stories constructed around past experiences’, and ‘New experiences are interpreted in terms of old stories’⁴.

The power of these family and social narratives is enormous, since the child’s world view is constructed from these stories and from their own personal experience. The child will also interpret his/her own stories according to the patterns he/she learns in the narratives. Unfortunately, children who are surrounded by negative patterns and negative scenarios in family stories will adopt and pass these on. The same is true of communication patterns. Subordinate, destructive patterns within the family are the primary source of psychosomatic upheavals.⁵

Internationally, the most relevant sources on effective communication with children include the works of Jean Piaget and Lev Vygotsky on cognitive and social development, as well as UNICEF’s guidelines on child-friendly communication and the Council of Europe’s recommendations on children’s rights in communication⁶. A number of studies have addressed the changing life situations during the COVID epidemic, with effective communication as a central element⁷. In this respect, the

3 Csepeli, 2006.

4 László, 2008, p. 22.

5 Bernáth and Solymos, 2003; Balogh and Jámboři, 2022, p. 235.

6 Piaget, 1952; Vygotsky, 1978; UNICEF, 2018; Council of Europe, 2017.

7 Dalton, Rapa and Stein, 2020; Weaver and Wiener, 2020.

importance of age-appropriate communication techniques is emphasized. Other recent sources point to social media communication usage trends.⁸

1.1. Communication Competences

In this chapter, based on recent research, we present communication competences that directly or indirectly determine effective communication. “The effects of psychological resilience and social and emotional competence on communication skills are of great importance at both the individual and societal levels. By developing these internal elements, individuals can progress towards communicating more effectively and strengthening their relationships. It can also be effective in developing important competencies such as strong communication skills, leadership, cooperation, and teamwork in business and social life”⁹. Recent research has shown a high correlation between resilience, social and emotional competence and communication competence. The results of a study with university students suggest that this has a significant impact on their success at work and in their personal and social life. “Resilience, as a protective factor, encompasses personality traits that facilitate successful adaptation despite life’s threats, mitigate the negative effects of stress and enable adaptive coping with change. Resilience also refers to the ability to return to normal functioning following excessive stress that tests individual coping styles”¹⁰.

Another interesting aspect is highlighted by the study on teachers’ communicative competence: beyond lexical knowledge, it draws attention to the development of continuous skills and effective action in the given interaction. “Teachers’ communication competence involves the knowledge of adequate and effective communication behaviours, development of the repertoire of skills comprising proper and efficient means of communication, and a possibility to act adequately and efficiently in an interaction”.¹¹ It can be seen that the definition of communication competence is a dynamically changing and evolving concept, which provides an exciting and inspiring framework for theorising effective communication. From the above quote, we need to highlight three important factors that are important in interactions with children – in the family and at school, and in any other setting: behaviour, skills, and self-expression. All this will be effective if the adult’s message becomes meaningful to the child.

1.2. Theories of Effective Communication

Effective communication is part of building quality relationships. Several areas of applied psychology deal with the topic of effective communication, for which I would like to highlight a practical example from sport psychology. Anshel calls the following guidelines the ten commandments of effective communication¹². The use of these

8 Zhang et al., 2021.

9 Ciftci, 2023, p. 331.

10 Járαι et al., 2015, p. 129.

11 Bjekić, Zlatić and Bojović, 2020, p. 24.

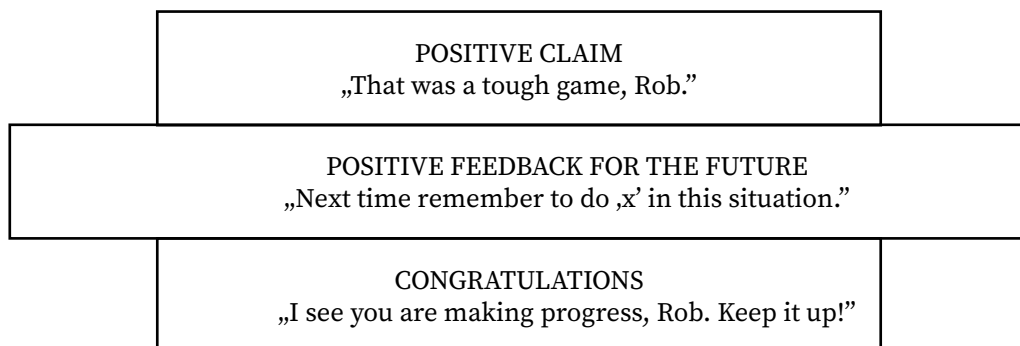
12 Anshel, 2011.

guidelines in the style and composition of communication with children is highly recommended for all professionals, coaches and educators.

Effective communication involves 10 basic principles. These guidelines are very important in influencing children's behaviour, feelings and attitudes, for effective communication. They include: (1) Be honest, (2) Don't be defensive, (3) Be consistent, (4) Practice empathy, (5) Don't mock, (6) Don't praise or criticise the person but his/her behaviour, (7) Respect the integrity of others, (8) Use positive, non-verbal instructions, (9) Teach skills, and (10) Be consistent with all team members, with non-beginners receiving equal attention¹³. At this point, it should be pointed out that the techniques and suggestions listed here work well primarily in performance-oriented situations, with a task focus. There are also general rules that apply to all adult-child interactions, such as honesty and consistency. The communication situation in sport becomes comparable to communication with school children outside sport, precisely because of the performance focus. However, it is also age-specific, as the rules listed above are less adapted to the experiences and activities of pre-school children.

The following technique is also useful in parent, teacher and coach communication with children, called constructive feedback or sandwich approach:

Figure 1. The Sandwich approach to constructive feedback¹⁴



The positive statement. Instead of negative messages, children need positive ones. Once a child comprehends overt (positive) statements, he/she will pay attention to the next instruction. Examples of appropriate positive affirmation are “Good try Gene.”, “You are to be commended for your effort Mary.”, “It is not your fault Barbi”. Pay attention to using children's first names. This also shows sensitivity towards the individual.

Positive feedback for the future. The child now, after the initial, opening statement, no longer feels threatened. The reason for keeping the instructions future-oriented is to help children avoid thinking about and recalling the mistake. Thinking about bad luck actually increases the possibility of its recurrence, this is called the Pygmalion

¹³ Ibid.

¹⁴ Author's own work.

effect¹⁵, a self-fulfilling prophecy. The message must have a positive content. People who learn remember positive information better than negative information.

Congratulations. This phenomenon is what is known in cognitive psychology as *the recent effect*. It means that we remember the latest information better than the information we received earlier. An important element in the sandwich approach is that children react favourably to what has happened in their relationship with the adult, particularly when they receive constructive feedback on their performance. If the interactions have a positive outcome and outcome word, it will (1) increase retention and the retention of information – positive input is remembered more than negative input, (2) lead to greater trust and loyalty towards the community, (3) reinforce that the activity was performed correctly, and (4) help children to at least grasp and understand the learning skills in a less traumatic way than when the adult's emotions get out of control.

1.2.1. *Effective Communication in Groups*

So far, we have reviewed the principles and success criteria for communicating with children. Next, in line with the socialisation spaces and institutional characteristics of children being in groups, playing and learning in groups, it is worth reviewing the group specificities. Learning to communicate effectively is the first step towards building satisfying interpersonal team relationships. Recognising that it is difficult to be receptive to someone else's feelings, thoughts, ideas and needs when you don't even know them. We summarise some suggestions from Orlick's work¹⁶ that can help improve these communication processes within groups and communities:

1. Let us make sure that "everyone is in the same boat" (the team is the priority). We need to recognise that the more open we are with others, the better our chances of thriving and achieving our goals.
2. Discuss ways to improve harmony within the team, including how to support and help each other on and off the field. In addition, do whatever is necessary to make team members feel valued and accepted.
3. Listen to others, they will listen to us! Put yourself in the other person's shoes and try to understand their point of view.
4. Learn to give and receive feedback or criticism in a constructive way. Pay attention to the intention, don't take everything personally.
5. Let us learn to tolerate each other better. Accept team members for who they are, with their flaws, their abrupt turns, their characteristics and their funny habits that make them unique.
6. Do not talk about them behind their backs and do not gossip. Cliquishness and jealousy will quickly destroy team morale.
7. We handle our conflicts privately. Deal only with the person directly (e.g. "This is how you behave", "This is how your behaviour makes others feel",

15 Rosenthal, 2010.

16 Orlick, 2015.

“This is how you influence others with your behaviour and how others perceive it”).

8. Recognise that not all conflicts can be resolved, but they can be managed more effectively if both parties are willing to communicate.

1.2.2. Assertiveness: The Need for Expression

‘You and I have a relationship that I value and want to keep. But we are two people with our own needs, which we have the right to meet. If you have a problem, I will listen with understanding attention to help you find your own solution. I respect your right to your own beliefs and values, even if they differ from mine. If your actions conflict with my needs, I will tell you openly and honestly, trusting that you will try to change behaviour that I find unacceptable. However, if I am behaving in a way that is unacceptable, please tell me openly and honestly so that I have a chance to change it. If we get into a conflict, make a commitment to resolve it without either of us trying to get the upper hand at the expense of the other. I will respect your right to have your needs met, but I must also respect my own. So let’s always find solutions that work for both of us. Your needs will be met as well as mine. Neither of us will lose. We both win. In this way, we can develop a healthy relationship in which we can both grow, fulfil ourselves... and continue in mutual respect, love and peace.’¹⁷

Children must learn to stand up for their rights and for things that are important to them. The term assertiveness refers to the honest and straightforward expression of a person’s thoughts, feelings and beliefs in a socially acceptable way that does not infringe or trespass on the rights of others.¹⁸ The assertive response patterns include 4 main components: the ability to ask for favours, the ability to express positive and negative feelings, the ability to say no, and the ability to initiate, continue, and end certain conversations.¹⁹

People may have difficulties with assertiveness for a number of reason. These may include social inferences (e.g. not daring to speak up for fear of what others will think or of offending others); lack of awareness (e.g. no one has ever taught him/her how to be assertive); lack of confidence (e.g. the influence of socialisation patterns and cultural differences) and vulnerability (e.g. self-awareness may have negative consequences).²⁰ Assertiveness is a learned behaviour that takes a lot of practice to perfect. Effective interpersonal skills, such as assertiveness, cannot be acquired in a few months, but rather requires a broader approach that includes, in addition to assertiveness, other cognitive-behavioural mental training skills such as goal setting,²¹ coping

17 Burch and Gordon, 2021, pp. 5–6.

18 Lazarus, 1973.

19 Author’s own work.

20 Connelly and Rotella, 1991.

21 Locke and Latham, 2002.

techniques,²² internal dialogue,²³ (self-talk) and self-efficacy beliefs.²⁴ The problem window in the table below will help you find effective communication techniques.

Thomas Gordon²⁵ one of the best known exponents of humanistic psychology, suggests that we should talk about ourselves, about our own feelings, when we have a problem.

Figure 1. Thomas Gordon's model: Identifying who has the problem²⁶

<p>The other is the problem The feelings and needs of the other must be voiced Attention to value</p>
<p>No problem Messages of appreciation</p>
<p>I have the problem My feelings and needs need to be voiced</p>

And when the other person has a perceived problem, instead of giving our own opinions and advice, we signal back that we understand what they are saying. What he/she feels, what his/her needs are. A basic principle: whoever has the problem, let it be about their feelings and needs.

If I have the problem:

1. I initiate the contact
2. I want to help myself, to make my own voice heard
3. I have to find my own solution
4. I have to be satisfied with the solution

5. If the other person has the problem:

6. Contact is initiated by the other person
7. I can help him/her find his/her own solution
7. I understand and accept the needs of the other
9. We use the technique of mindful attention

22 Gallwey, 1997.

23 Bandura, 1977.

24 Ibid.

25 Burch and Gordon, 2021.

26 Author's own work.

It is essential to clarify who owns the problem in the relationship. If it is our problem, we feel tension, anger, annoyance, anxiety; some legitimate need is being violated. It is not our partner who needs help, but us.

It is important to understand that we can never know exactly what the other person is experiencing, because it is impossible to put ourselves in the other person's shoes. We can only guess what is going on inside the other person. Human communication is a much more subtle and complex “art” than we might think. We understand our partner best when our impression is close to the one they feel. This kind of emotional and content reflection is the art of understanding attention. Unfortunately, however, true understanding relationships are rare because: we do not always feel free to say what we think, we are not always aware of our own feelings, and the same words mean different things to different people. Listening is the constant and frequent reflection and feedback of our feelings and impressions of the other person. It is a way of checking the accuracy of our listening: whether we really understand the other person well. In this way we can minimise the possibility of misunderstandings and distortions. Listening with understanding is a means of providing evidence that the message has been understood. It is this evidence that makes the messenger talk further and go deeper in telling the problem.

In our relationships, two factors, empathy and acceptance, are necessary for one person to be able to promote the emotional – physical – spiritual development and health of the other. This applies to work relationships as much as to our intimate relationships. Empathy is the ability or activity of understanding the other person's inner world, thoughts, feelings and needs. Such an atmosphere facilitates problem solving, which leads to better satisfaction of needs. Components of empathy: An empathic person senses and understands the other person's personal feelings, while being able to maintain a certain detachment from the other person. The empathic person communicates in such a way that the other person feels understood and accepted. Acceptance means that I feel good about what the other person is doing, his/her behaviour is acceptable to me, I do not wish to change it, I accept the other person as he/she is at that moment²⁷.

The surprising effectiveness of sympathetic attention is that the responsibility can be left entirely with the one who has the problem. There are three important ingredients:

Indicating presence, participation in the relationship. Followership, the other person's careful, non-intrusive escorting of the other person through his/her own problems. Feedback: reflecting reports and feelings, summative feedback.

Some examples:

1. I hear what you feel
2. I understand how you see things now
3. I see you just as you are
4. I am interested and concerned

27 Roberts, 2021.

5. I understand where you are now
6. I do not want to change you
7. You do not have to fear me

Listening attention should be used when you are arguing or criticising the other person, when the other person is showing strong emotions, or when the other person is looking for a solution. There are also situations when it is not necessary and is inappropriate to use mindfulness: when you are not confident in the situation, when you feel strong emotions, or when you just need information.

1.2.3. *Reflective Listening*

Reflective listening is one of the most powerful ways to show the person you are working with that you are actively listening and trying hard to understand. The basic listening process consists of asking, encouraging, circumscribing, reflecting and summarising. The following reflective listening techniques²⁸ can facilitate communication with children:

1. questioning: ask open-ended questions to encourage the child to keep talking (“How do you feel about the injury?”, “Tell me more about how it happened”). As a general rule, avoid “why” questions, as this may provoke a response from the person you are talking to. Wait until you have reached a comfortable level.
2. clarification: make what you have heard clear to the other person. Clarification does not mean “I agree with your point of view”, but rather that the speaker feels that someone is listening. Some good introductions are, for example, are: “What I heard you say...”, “I am not sure I understood you right, but it sounded like you were angry at your coach for benching you. Is that right?”
3. encouragement: use various verbal statements or artificial signals to encourage the athlete to continue. These include head nods, gestures, coughs or repetition of key words.
4. using different words: ensure that the respondent understands the message. This encourages you to continue exploring your thoughts and ideas. Similar to reflective listening, this method is based on feedback in your own words, as the interviewer summarises and feeds back what the other person has said.
5. Reflection: show that you can “hear” the satisfaction and feelings from what he said (“You are sad because...” “You’re sure you can play at that level, but you are afraid to get there.”)
6. Understanding: use empathy to keep the conversation on the important topics (“It must have been hard to watch your teammates in training when you were recovering from arthroscopic knee surgery.”)
7. summary: gather all the main thoughts and feelings you have about what you have talked about (“It sounds like you have very mixed feelings about

28 Egan, 1994.

the situation. On the one hand, you want more time for yourself, on the other hand, you want to get back to your original role.”) Summaries can be used at the beginning or the end of a conversation, to introduce a new topic, or to clarify what was said at the end of a long and complex statement or topic.

8. Skills such as listening and influencing are not always enough to build quality relationships with people. Empathy has a primary role. Empathy is a special form of understanding. In essence, it means putting yourself in the other person's shoes and trying to understand their experience from their point of view.

1.3. Mental Well-Being and Communication Effectiveness

This is why it is important to keep positive psychological models in mind when educating children. A person who is not mentally well is most certainly also impulse-driven and incongruent on a communication level. In the next chapter we will review possible communication barriers. Another new direction that has been continuously inspiring psychological discourse in recent years is positive psychology. Positive psychology has shown a number of achievements in the last decade²⁹, including the creation of a taxonomy of character strengths and virtues³⁰, which are developable personality traits and markers of positive mental health. Positive character traits encompass six domains that can be used not only as benchmarks of mental health, but also as alphas for healthy and effective human communication. These six character traits are wisdom and knowledge, courage, love and humanity, justice, temperance, and spirituality and transcendence.³¹ These strengths, according to positive psychology, are trait-like, manifest in a variety of situations, are stable over time, and result in a positive state of self, and are represented by famous role models in each culture. This research has brought about a paradigm shift in our approach to stress and coping with stressful life events, as it has highlighted the existence of positive unconscious self-protective mechanisms that can support coping with stress and effective communication in stressful situations. Examples of such self-protective mechanisms are humour and altruism.³² An important message of positive psychology is that people can anticipate, think, plan and verbalise effectively. The various global models of well-being have highlighted that there are many aspects of well-being. They are also called flourishing models in positive psychology. The components of the global well-being model are: positive emotions, competence, emotional stability, engagement, grasping meaning, optimism, positive relationships, resilience, positive self-esteem and vitality.³³ One of the most accepted conceptualisations of well-being models is the PERMA Well-being Profile.³⁴ “The components of the model that emphasises the five pillars (competence, emotional stability, engagement, meaning, optimism, positive

29 Nagy, 2019; Oláh, 2013.

30 Zabó, Oláh and Vargha, 2023.

31 Peterson and Seligman, 2006.

32 Oláh, 2013.

33 Big, 2019.

34 Varga, Oláh and Vargha, 2022.

emotions, positive relationships, resilience, self-worth and vitality) contribute to the state of well-being in a mutually reinforcing way”.³⁵

These new psychological constructs, along with several other positive psychological models, are certainly worth bearing in mind as important factors of effective communication. What is the relationship between mental well-being and effective communication? This area is still underrepresented in the literature and has been studied mainly in the context of communication within workplace organisations.³⁶ We find that adults with a balanced, mature personality can develop stable and congruent communication structures. Effective communication is certainly a pillar of well-being.

1.4. The Role of Age Specificities in Communication

Personal development starts at birth and is a lifelong challenge. Each stage of life is important for the development of communication competences, and each stage of development has its own sensitive periods in relation to communication. In this chapter, we highlight a developmental stage that is a milestone on the path to adulthood and that has the most conflicting developmental tasks in terms of communication. Some of the literature based on practical experience with adolescents and young adults can be traced back to the work of the Young People’s Counselling Service (YPCS) at the Tavistock Clinic in London, such as Paul Upson and Isca Wittenberg. Upson³⁷, following Erikson, emphasises that adolescence is a transition from play to the adult world of work, during which the young person can try on a variety of transitional identities. This rich space of possibilities is intensely demanding: the young person must constantly work on the inner balance between positive, creative, life-enhancing forces and negative, destructive, death-wish forces. Many young people choose to procrastinate, to put off their studies, as a kind of psychosocial moratorium. Psychodynamics cannot be spared, it is not possible to skip and not fight certain life tasks. Maturity is only possible through a process of development. It is during this period that young people acquire the ability to integrate “good” and “bad”. Which way does the balance tip? The socialisation spaces – family, school, peer group, coaches – play an important role in supporting this integration process.

Post-adolescence is the intermediate period between the full development of psychosexual maturity and the period of social adulthood³⁸. The task of this period is to complete the developmental processes begun in adolescence: the complete separation from parents; career choice, fitting into an occupational role; building a stable partnership, starting a family.

Detachment is a central concept in growing up. Detachment from parents is only one aspect of the detachment process: the young person has to redefine his/her

35 Ibid., p. 35.

36 Cheney et al., 2008.

37 Upson, 1998.

38 Hajduska, 2008. p. 70.

relationship with himself/ herself and his/her environment, to detach from the role of child. According to Laufer, the developmental tasks of this period are to change one's relationship to parents, peers and one's own body³⁹.

Effective communication is of paramount importance during these sensitive developmental stages, as the potential for vulnerability, sensitivity, resistance and temper tantrums is particularly high. Incongruent communication closes the interaction and hinders relationship management. When we know what is going on in the mind of a child or adolescent, it is much easier to connect with them, to use understanding attention, empathy and reflective listening to communicate effectively.

2. Communication Barriers

So far, we have covered the characteristics of effective communication. However, there are countless instances where communication barriers arise in adult-child interactions, and in all human relationships in general. Communication barriers are partly conscious and partly unconscious processes, and are caused by factors such as: impulse-driven situation management, emotionally unstable, unclear relational relationships, subordinate-superior situations, conflicts of interest, emotional blockages and unconscious patterns. In this chapter, the most common communication barriers are thematically highlighted.

2.1. *Disqualified Messages, Roadblocks*

Very indirect messages are usually less informative, where we say something without actually expressing an opinion. Bavelas et al. called such communications “disqualified messages”, i.e. we bypass the classification⁴⁰. Studies have shown that people make such statements when they have to choose between two “dislike” communication situations, i.e., an avoidance-avoidance conflict⁴¹. For example, either they hurt someone else's feelings or they lie. In our everyday lives, such messages are quite common. However, if one uses this communication technique frequently, there is a risk that one will learn to avoid conflict, to avoid obfuscation, to avoid forming opinions. This is why it is important, for psychoeducational purposes, to make children aware of these hidden pitfalls of communication at an early age. Communication slur is a similar communication bias.

Relationship and communication problems, barriers and misunderstandings often arise from the other person imposing a ready-made solution. When the other person does not wait until we find our own solution. We then run into so-called communication barriers; a language of non-acceptance in which the other person communicates their solution to us as a fact. Communication barriers slow down problem

39 Laufer, 1989.

40 Bavelas et al., 1986.

41 Forgács, 2019, p. 151.

solving and hinder communication. Thus, subconsciously or consciously, the other party who uses them seeks to change or control the behaviour of the other party. The following reactions can be triggered when using communication barriers: resistance, defence; a feeling of lack of trust in the other party; loss of self-esteem and damage to self-image.

Communication barriers also send the message that our needs are more important than those of our partner. Such messages do not provide a solution to the problem in the relationship. Thomas Gordon has called his list the “dirty twelve” spoilers of communication⁴².

Commanding, instructing, directing: this kind of communication barrier tells the other person that his/her feelings are not important, only the other person matters. It creates resistance and can also trigger anger and resentment: *You must do this!; You cannot do that!; Stop it!; Apologise!; Get to work right now!*

Threats and warnings: like the previous one, this communication provokes anger and resistance: *Better not to try!; If you do not do this, you...; I am warning you, if you dare do this to me...; If I ever see you do that again...*

He or she lectures, he or she preaches: Any kind of teaching can provoke anger in the recipient, as it can make them feel inferior, stupid. Most people do not like to be proved wrong. Instead of statements, well-directed, thought-provoking questions can help: *This is what you should do.; You should try.; It is your responsibility to do so. ; You should tell him that...*

He or she criticises: This is the communication barrier that perhaps most often makes you look inferior, stupid, unworthy. Many people's self-image is heavily influenced by the opinions of others, i.e. they judge themselves as they hear others say. If one hears a lot of this type of communication, one will feel that there is nothing good in him/her, that he/she is not to be liked. It is worth focusing on the solution rather than the scapegoat: *You are being silly.; You are out of touch.; You did not do it right.; You are wrong.; That is a silly thing to say.*

Giving advice, solutions: this type of communication is a way of telling one person to another that they cannot solve their problems, that they cannot find solutions to their problems. Frequent advice often hinders the generation of ideas of one's own: *I think what you should do is...; Allow me to suggest that...; You'd better...; If I were you...*

He or she asks questions: from these statements you can conclude that the other person does not trust us, does not believe us. This type of questioning can be threatening, especially if we do not know the other person's intentions: *Why did you do this?; How long have you felt this way?; What have you done to solve it?; Are you sorry you did it?*

Diagnosing, analysing: such a communication gives you the feeling that the other person is above you, that they know better, that they can see through you. This creates a feeling of incompetence in the other party: *You say that because you are angry.; You are jealous.; What you really need is...; You always have problems with superiors.; You have a persecution complex.; You want to be seen as good.*

42 Burch and Gordon, 2021; Forgács, 2019.

It reassures him/her, it agrees: It is as if this communication trivialises, does not give due weight to the other party's communication: *This is not so bad.; You did everything you could.; Why do you get so excited about things like that?*

Praise: if you praise someone all the time, the praise loses its value, it is not a real acknowledgement and the other person will doubt its authenticity: *You are an intelligent man.; You have very good judgement, but...; You have a lot of talent.; You have the profession up your sleeve.*

Humour, evasion, changing the subject: joking can give the impression that the other person is not interested in what we are doing. When someone brings up a potentially sensitive topic, the other person often tries to avoid answering by using humour. Changing the subject or joking about serious issues can be bad for the other person: *Think of the good!; Forget the whole thing!; Which reminds me of when...; Do not worry about it so much!*

Regrets, consoles: Such a communication conveys to the other person that his/her feelings are not welcome. Often, if one does not know how to respond to a negative situation, one tries to use soothing words to distract oneself and the other person from the situation. This can also trigger resistance: *You will feel different tomorrow.; Everything will work out for the best in the end.; Borurura serenity.; Do not worry about it.*

Mocking, labelling, ironising: such messages can seriously damage the self-esteem. They make the person think that he/she is unloved, unlovable: *You think cleverly.; Now you have really messed up.; You are a sloppy worker.; You are just another insensitive man.*

We can see that there are communication techniques among the communication barriers that may seem positive, but which can still create resistance. Recognising communication barriers is not an innate characteristic. It requires awareness and the ability to monitor one's own feelings, as well as a number of social interactions. We can increase the effectiveness of communication by minimising communication barriers.

2.2. Cognitive Dissonance

In the history of psychology, the period between 1961 and 1975 has been called the era of trust and crisis. This period is the era of cognitive social psychology. In this respect, L. Festinger's theory of cognitive dissonance⁴³ is decisive, and it has made it possible to experimentally explore the microstructure of everyday thinking, the quest for balance. It was also the period of the study of how people think⁴⁴ and feel⁴⁵. Cognitive dissonance is a psychological theory according to which conflicting opinions create a feeling of tension in the mind. The theory is that dissonance, being unpleasant, encourages people to change their thinking, opinions or behaviour. Cognitive dissonance reduction is the process of trying to reduce the tension created by cognitive evaluation through various strategies. One such strategy is to change one or more

43 Festinger, 1957, 1962.

44 Kelley, 1973.

45 Reisenzein, 1983.

of the beliefs, opinions or behaviours that form the basis of dissonance. Reducing tension may involve devaluing the alternative not chosen, reducing the importance attached to dissonant thoughts, or even forgetting those thoughts altogether.

Festinger's theory of cognitive dissonance suggests that one of the profound needs of human beings is the need for self-justification, which alters cognitive consciousness to be compatible with our own self-valuation. It is at this point that the role of self-esteem and self-esteem in the degree of anxiety that a person experiences when experiencing cognitive dissonance should be highlighted. It is particularly important for children to learn to manage this type of anxiety. Individuals with a low self-esteem experience much more anxiety and need a more complex, longer-lasting dissonance reduction process to reach a state of calm.

Another implication of the theory is that it can produce an extremely wide range of persuasion and manipulation. Cognitive dissonance has long been called "the manipulator's best friend".⁴⁶ It should be emphasised that it is not the dissonance but the response to it that is important to those who seek to influence others. Research shows that three essential qualities influence persuasiveness: authority, honour and sympathy".⁴⁷ In addition, an attractive appearance makes an individual likeable, also known as the Halo effect in social psychology. The more likeable a person is, the better they look, the more favourably their ideas are received. Research also confirms⁴⁸ that eye contact and confidence increase the appearance of credibility, whatever the message.

Interestingly, recent research on cognitive dissonance can add new colour to the existing body of knowledge. "Cognitive dissonance studies, however, show that well-intentioned disaster management messaging not only can produce an undesirable public reaction, but can also solidify public sentiment to resist or deny that very message. The research will demonstrate that a basic understanding of cognitive dissonance could help disaster communicators craft more effective messaging. (...) This 'upgrade' to existing risk communication frameworks represents an efficient method to close the theory to practice loop and begin to account for the power of cognitive dissonance in our national and international disaster communications"⁴⁹. In the context of everyday life management and effective communication, it is also of utmost importance that children receive messages from adults that help them to reduce the stress of cognitive dissonance and at the same time even increase their self-esteem.

2.3. Incongruence

"The set of non-verbal cues that accompany our words and influence their interpretation is metacommunication. In general, the two channels of communication – linguistic and non-linguistic – are consistent with each other and reinforce each other, thus

46 Levine, 2003, p. 202.

47 Ibid., p. 31.

48 Levine, 2003.

49 Wood and Miller, 2021, p. 39.

making the communication credible. However, sometimes the information received through non-linguistic channels contradicts the oral communication”.⁵⁰ This is called incongruence. Incongruent communication is when a person or a group of people speak in an inauthentic way. This can be caused by a lack of consistency between signals, a contradiction with what they have said before, or a hidden cultural difference that leads to misunderstanding.

Causes of incongruence include a lack of self-awareness, self-confidence or sense of self-efficacy on the part of the communicator. If, for this kind of internal reason, or simply because of some situational factor, the communicator does not want to be present in the situation and feels a sense of tension, this will be felt in his/her communication. It is worth analysing self-efficacy from the point of view of children. Self-efficacy is one of the most influential psychological constructs: the belief that an individual can successfully complete a specific task, can cope with the situation in front of him/her⁵¹. Self-efficacy is not an evaluation or criticism of one’s own abilities, but rather the extent to which one can use these abilities to achieve the desired goals. A distinction should be made between efficacy expectancy – the belief that the individual will successfully perform the required action – and outcome expectancy, which is an assessment of the results. One provides feedback on one’s own competence, the other reflects the expectations of the environment⁵². A short, 10-item, standardised instrument⁵³ is available for measuring self-efficacy, which is also used for developing self-efficacy competence.

In the family, at work, or among members of other communities, we may develop games, i.e. fixed communication scripts, ingrained reactions that are difficult to get rid of. These games⁵⁴ can also be a cause of incongruence, because in these cases the words that have been said over and over again no longer have any meaning, the actual messages are carried through hidden channels and the relationship will not be strengthened.

2.4. Communication Barriers Due to Generational Differences

“In the past few decades, the notion of “communication skills” has become increasingly dominant in cultural discourse, as such skills are deemed crucial for success in seemingly various professional occupations and in diverse aspects of an individual’s life”⁵⁵. The Palo Alto school of communication research first coined the term communication skills, (Bateson, Jackson, Haley, Watzlawick, Beavin, Ferreira) characterising direct human communication in five statements they considered crucial⁵⁶:

50 Oláh, 2006, p. 284.

51 Bandura, 1977; Singer, 2001.

52 Singer, Hausenblas and Janelle, 2001.

53 Salavecz, Neculai and Jakab, 2006.

54 Berne, 2021.

55 Fialkoff and Pinchevski, 2022, p. 541.

56 Marc and Picard, 2011.

1. 'You cannot not communicate. Even silence signals something. Communication is a basic human characteristic.
2. All communication has a content component and a relational component. The level of communication is the content level. The second level qualifies the previous one at a higher level of abstraction. This relational level tells us how to interpret the "data provided". For example, whether an uttered sentence should be considered a command or perhaps a joke.
3. The nature of human relations is determined by the articulation (interpunction) of the bilateral or multilateral communicative exchanges between partners. The recipient's relationship with the communicator and the message is continuous, and so is its interplay. It constantly shapes the relationship between them. This principle is also true for the communicator, which is why communication is circular.
4. Communication is expressed through digital and analogue systems. These concepts are taken from the language of the computer. The term digital refers to properties where a code can be broken down into parts, components, and the relationship between them can be described. They are mainly specific to language. An analogical code is broader, it cannot be broken down into parts. This type of code is used for artistic and non-verbal communication.
5. Communication as a process can be of two types: equal, symmetrical, – the relationship between partners is equal (e.g. classmates, friends, colleagues), or unequal, complementary, – the difference between the parties is emphasised, the greater influence of one or the other (e.g. teacher-student, adult-child, boss-subordinate)"⁵⁷.

For example, it does not take into account the socio-cultural determinants of the communication process⁵⁸.

Direct human communication always takes place in a social space, always determined by the norms and rules of a given society. Think of the simplest rules of manners. A set of rules dictates what can/should and what cannot/should not be done in a given interaction. These rules range from the optional to the obligatory: for example, you may ask an indifferent, distant acquaintance where he/she bought the beautiful bouquet of tulips he/she is holding in his/her hands, but it is obligatory to salute when meeting a private soldier's superior. Failure to comply will result in sanctions, the extent of which will depend on the degree of the infraction. An indiscreet question may be met with a disapproving glance, while in the military, for example, more serious reprisals are expected. Sometimes the norms of certain sub-groups of society may differ, causing friction in the interactions between members of different groups. Consider, for example, the prevalence of name-calling among the younger generations, so that even in shops, young shop assistants may put down young

⁵⁷ Ibid.

⁵⁸ Fialkoff and Pinchevski, 2022.

customers as they enter. But what if the customer who walks in – although they may not look their age – is of the generation that would expect to be called names. The fact that communication takes place in a social space also means that not only norms, but also social statuses and the roles they confer, play a significant role in determining communication.⁵⁹ Clearly, the role of the two communicating parties determines the nature of the communication. Even a dialogue on the same subject must obey completely different rules if the parties are in different roles and discuss the same subject in different ways, for example in a teacher-student relationship compared to a parent-child relationship.

A generation is a group of people born during the same period, mostly in similar historical, social and technological circumstances, and facing similar challenges. The generation to which we belong has an impact on many areas. For example, our values, priorities, attitudes to work, communication and social habits⁶⁰. According to Krisztián Steigervald's classification of generations, we distinguish 6 generational groups⁶¹:

1. Veterans (born before 1945): for them, the reference point is the printed press or radio. The focus is on dedication, security and family. Their personality is defined by the dangers of the world.
2. Baby Boomer (born 1946–1964): the age of coming to terms with the world war. They are committed to their workplace. They value stability, loyalty, and personal responsibility, often viewing work as a core part of their identity. Many of them prefer traditional hierarchies and face-to-face communication over digital interaction.
3. X (born between 1965 and 1980): characterised by a strong desire to prove themselves and independent thinking. The period when the first household appliances appear (washing machine, television, radio, record player).
4. Y (born 1981–1995): they grew up at the dawn of the digital age. They seek flexibility and innovation in the workplace. It is important to deal with the individual. The last age group born into a purely offline world.
5. Z (born between 1996–2010): the emergence of the internet and the spread of mass products. Growing up in an era of digital technology, born into it, so to speak. Social media and online interaction are an integral part of their lives.
6. Alpha (born after 2010): technology becomes part of their everyday life. They cannot distinguish between the offline and online world.
7. There are differences in priorities and values between different generational groups, as different issues are prioritised differently. Generation X prioritises work and career, while Generation Y prioritises family and me time. It is important for them not to miss opportunities to develop and to try to balance work and private life. For Generation Z, research shows that earning money is

59 Buda, 1988.

60 Steigervald, 2020.

61 Ibid.

an important priority to achieve their dreams and aspirations. They can easily navigate the digital world but are not tied down to a job in the long term. The Alpha generation is still in the process of creating its values, but it is becoming clear that self-centredness will be a major focus. Members of the Veteran and Baby Boomer generations value security, both financially and socially. From a communication point of view, it is crucial to understand the other person's world of experience, their way of thinking and the interpretive horizon in which they view the world.

2.5. Fricker's Concept of Epistemic Injustice

Fricker's theory⁶² goes beyond the psychological and communication theory approach discussed so far, and introduces a philosophical, ethical perspective that fits in well with the theme of this chapter. The concept of epistemic injustice means that when there is an imbalance of social power, the less powerful person is not treated as an equal source of knowledge. In other words, their opinion is ignored, not taken seriously, or is only acknowledged when it fits the dominant person's own views.⁶³ The pithy quote highlights how children can often find themselves in a situation of epistemic injustice, as adults' prejudices against them give them too little credibility. Furthermore, adults and children have very different hermeneutic force fields. „A first point to make is that this kind of epistemic injustice is fundamentally a form of (direct or indirect) discrimination. The cause of testimonial injustice is a prejudice through which the speaker is misjudged and perceived as epistemically lesser (a direct discrimination).”⁶⁴ This asymmetry can result in a subordination in the interaction, so that children do not have the chance to connect with the adult and express their own needs. Overall, an interdisciplinary approach is an important aspect for a deeper understanding of the topic.

3. Summary

In summary, developing effective communication skills takes time, patience and practice. We should also remember that not all problems can be solved and not everyone needs help. We should listen to what the child or our communication partner wants and respond accordingly. The following are some guidelines to help you communicate more effectively:

1. Focus on the person who is speaking. Be attentive, authentic and supportive.
2. Pay attention to the content as well as the feelings.
3. Let us show that we understand what the person is talking about.
4. Let us summarise the main points.

62 Fricker, 2017; Dunne, 2020.

63 Nemes, 2020.

64 Fricker, 2017, p. 8.

5. Show alternative perspectives. Goal setting is based on action-oriented understanding.
6. We use coping strategies to ensure that the individual feels prepared for immediate action.

In this chapter, we have reviewed the most important communication competences, theoretical and practical approaches to effective communication, and the factors that hinder communication. The experience of the literature reviewed in this chapter confirms the importance of preparedness, ongoing psychoeducation, understanding of social embeddedness and generational differences, as well as mental well-being and personal integrity. The basic prerequisite for developing a healthy, well-functioning personality is the continuous development of the communication skills summarized in this chapter.

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Communication Challenges with Children and Young People

Erika VÁRADI-CSEMA

ABSTRACT

Although human communication can be described by a number of general characteristics, it is influenced by a several changing circumstances, such as the external social environment, the prevailing culture, and norms and rules. Their effects exist through human actors, who are the most important actors in the communication process. But the people who play a major role in the interaction also have characteristics that directly or indirectly influence the way they communicate and the concrete forms of reactions. Age is such a determining element. Communication skills can also differ significantly depending on mental and psychological abilities that change with age. Thus, we face different characteristics and problems when communicating with children or even the elderly, due to changes in biological characteristics (such as hearing) or cognitive abilities. In addition to presenting the main communication attitudes of the new generation of children living in the 21st century, the chapter pays special attention to the overview of the communication skills of young people who come into conflict with the law. This is particularly important because in the case of young people in the moral danger zone, these problems (such as language developmental disabilities) can be a significant obstacle to exercising their rights as children.

KEYWORDS

iGeneration, communication skills, DLD (developmental language disorder), children communication, good practice, communication problems and psychological, mental, or psychiatric characteristics, language or communication difficulties, youth offenders

If we accept the fact that communication is the transmission and exchange of information, knowledge and emotions, using a mediating device or a signalling system, it is essential to understand the psychological characteristics of minors and the virtual world that becomes their “natural” habitat in order to understand their communicative characteristics.

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1. Supporting the Children's Communication

UNICEF recommends 9 important ways to help children communicate¹. Although this document focuses on the parents, some recommendations are also useful for the experts:

1. *Active listening* (Listening actively helps children to feel heard and understood. By using gestures such as encouraging smiles and affirming nods you can show that you are engaged with what the child is saying and really care. Getting down to the same eye level as the child as they speak to you can help them feel safer and more connected to you. Show that you are listening intently to what they have to say by asking them questions like “what?” “why?” and “how?”. This also helps the children to improve their own communication skills by teaching them how to tell a story and what details to include)
2. *Reflective listening* (A great way to show the children that the experts are paying attention and care about what they have to say is by acting like a mirror. Repeat back what they say to you using different words. For example, if the child says, “I’m not playing with Marco anymore,” the expert could respond with, “You are not playing with your friend?”. This leaves room for the child to express their emotions without judgement. You might be surprised at how much they have to say!)
3. *Speaking clearly* (Use language that is understandable for the child and appropriate to their age. Be clear, specific and do not use derogatory words. Using kind language helps set a positive example for the children. Remember, the conversation should make the little one feel respected and loved.)
4. *Avoiding bribes* (Trying to set clear and realistic expectations about what the expert would like the child to do, praising good behaviour when the expert sees it, and using calm consequences to encourage better behaviour when needed.)
5. *Explaining feelings* (the emotional intelligence is very important but needs a longer developmental time; the experts can help this process; when the child is expressing their feelings verbally, listen to what they have to say with empathy and without judgement. If the children are expressing their feelings in a non-verbal way – for example through a temper tantrum or laughing and having fun doing an activity they enjoy – help them put words to how they feel, such as happy, sad, relaxed, hurt, scared, hungry, proud, sleepy, angry, helpless, irritated, embarrassed or joyful.)
6. *Using “noticing” statements* (When the expert praises the child for specific actions, let them know what behaviours you like. Instead of saying “good job!” try being more specific with a “noticing statement”: “I noticed that you put all of your toys away after playtime. Nice work!”)

1 UNICEF, n.d.

7. *Having fun together* (If the expert has the possibility to coordinate common programmes with the children, these experiences are able to support the cooperation and to build the safe interaction between the actors.)
8. *Focusing on behaviour* (If the expert is upset with the child about something, make sure that his/her criticism and comments are directed at the child's behaviour and not at the child as a person. For example, instead of "I do not like that you are messy" try "I do not like it when you leave your clothes all over the floor.")
9. *Leading by example* (it is extremely important in connection with the different childrens' rights during the formal and informal proceeding.)

These communication techniques and methods are able to support the efficiency of interaction between experts and children, and to build connection between the actors and the children in different roles and situations.

However, communication skills develop at different levels depending on age. In addition, different age groups may experience different communication barriers.

2. Positive Communication and Attentive Listening, as Minimum Expectation

In general, however, positive communication and attentive listening should be the norm.

Positive communication with children means paying attention, respecting the child's feelings and watching your tone of voice. Using the words of encouragement and praise is a minimum criteria. A child's ability to manage stress, feel confident and motivate themselves in later life has a lot to do with their early childhood experiences. A person's "self-concept" is their sense of who they are and how they feel about their place in their family and community. This begins to develop between the ages of two and six years. A child who feels constantly blamed, judged and criticised may grow up to become an adult with a negative self-concept.

The concept of understanding and attentive listening associated with Carl Rogers includes several important elements. These are: paying attention to what the child is saying whenever possible; making sure to listen to the child without any other activity (eyes-contact, body language, etc.); resisting the urge to correct the child's grammatical errors or finish their sentences – concentrate instead on what they are trying to say; allowing important or difficult issues to be discussed without the fear of over-reaction, criticism or blame.

It is important to note that we cannot focus solely on the child when addressing these issues. Where possible, it is important to help with family communication problems. (Positive relationships between parents and children are an important part of building a child's positive self-concept.)

Professional guidelines² contain specific communication recommendations for the desired methods (baby, toddler, older child, young children). Although the importance of early problem recognition cannot be overemphasised, the incidence of delinquency, deviant behaviour, or problem behaviour increases significantly from prepuberty onwards. In order to prevent this, understand adolescents, and communicate effectively with them, professional recommendations make specific suggestions, highlighting the following messages: “Build up positive self-esteem in young children,” “Body language communication with young children,” and “Positive phrases for young children”.

3. ‘Existence along Boundaries’ – The Challenges of the Adolescence

Adolescence and young adulthood is a particularly sensitive period of life from a psychological point of view. So much so that it is assumed in the literature to *be a period of constant change, transition and existence along boundaries*³. This is true even for adolescents who are going through adolescence without the crisis that typically accompanies it.

Difficulties in formulating and interpreting information, a lack of knowledge, or even the low development of the ability to identify and express emotions, have a significant impact on the communicative attitudes of this age group. Self-awareness, self-regulation, social skills and the ability to manage relationships are an important part of the emotional development. While self-awareness and self-regulation are the personal competences that determine how we deal with ourselves, social competences such as motivation, empathy or social skills play a role in how we deal with others, in terms of the quality of social relationships.

Even for young people with a mature personality structure, two factors that are particularly vulnerable in terms of age are *self-awareness* and empathy.

The former, in addition to emotional awareness, includes accurate self-assessment, self-confidence, and an accurate knowledge of weaknesses and strengths. However, this is often inadequate at this stage of life. *Empathy* refers to our willingness to understand others. A frequent criticism of this age group is the low level of empathy skills. This, because of the process of emotional development, also indirectly affects the quality of communication. However, even with an epidemiological basis, experimental neuroscientific research suggests that the lack of empathic skills is due to certain age-specific characteristics related to *brain development and genetic determination*.

It is important to note that it is not uncommon for young people to have *mental health problems* that directly or indirectly affect their ability to communicate. The generic term refers to phenomena that make a person’s daily life difficult, in whole or in part. This condition can be temporary or lifelong (which, in the case of a child or

2 Viktoria State Government, n.d.

3 See in more detail: Bernáth and Solymosi, 1997.

young person, means that it can last throughout adulthood). Because of their severity, they can include a wide range of mental and psychological disorders.

4. Communication Difficulties and the Early Problem-Recognition

These mental and psychological characteristics partly trigger young people's communication difficulties and partly amplify the impact of the lack or limited communicative competence, which may be organic or due to other causes.

The interaction between communication problems and psychological, mental, or psychiatric characteristics has been confirmed by numerous studies since the 1990s. For example, Prizant and colleagues⁴ made two important findings in their study analysing the results of several studies: first, children referred to psychiatric and mental health institutions due to emotional and behavioural problems have a high prevalence of speech, language, and communication disorders; on the other hand, the proportion of diagnosable psychiatric disorders is high among children referred to speech and language clinics for communication disorders.

These problems are therefore interrelated, and communication problems can not only be triggered by direct or indirect causes, but are also indicators of behavioural, mental, or other disorders and illnesses.

The importance of early problem recognition should definitely be emphasised.

These deficiencies and barriers are even more pronounced in the case of young people in conflict than in the age group, and their importance is even greater because of the specific nature of the criminal justice system.

The likelihood of becoming a repeat offender is therefore significantly elevated by young people's low or impaired personal communication skills. It is thought-provoking that although this fact has been convincingly proven by the cited studies, it has nevertheless escaped the attention of professionals and decision-makers – or at least this assumption is supported by the fact that the situation has not changed significantly to date, and few meaningful measures have been taken to support this age group. The results of a longitudinal study⁵ of minors placed in juvenile justice institutions, published in 2024, continued to show a strong correlation with the impact of communication skills on decline. The four-phase study made it possible to identify and track different patterns of communication skill development among young people living in institutional care. Children's aggressive behaviour, norm-breaking, or unlawful behaviour, along with their communication limitations, emerged as a key predictor of decline.

The psychological problems behind suicidal tendencies or auto-aggressive, self-harming behaviours are also linked strongly to children's communication skills⁶.

4 Prizant et al., 1990, pp. 179–192.

5 Lin, 2025a, pp. 92–111.

6 Lin, 2025b, pp. 79–98.

At the same time, supporting the development of communication skills – and early recognition of problems – plays a real preventive role. A study⁷ of incarcerated youth found that better communication skills were associated with a lower likelihood of recidivism. Communication barriers or the concrete communication development disorders can also be predictors of a number of social integration difficulties and other behavioural or psychological problems.

5. The Risk Factors and the Consequences of Communication Difficulties

In itself, a low level of communication or communication barriers can have serious negative consequences in general. They prevent social bonds from functioning effectively, which play an important role in both socialisation and reintegration⁸. It is important that parents and children, teachers and students, or professionals working in child protection and the justice system and minors – whether they are persons in care, persons receiving protection, perpetrators, or victims – are able to understand each other. But it is also extremely important for young people to be able to communicate effectively, to make themselves understood, and understand others when integrating into a peer group.

Strengthening communication skills can have significant results⁹ even for young people who have been deprived of their liberty. When this is ensured, the “crime-preventing” effect of institutional placement is demonstrably strengthened, which is clearly mediated by the prosocial bonds formed by young people during their deprivation of liberty. Strengthening the ability to build social bonds is an important protective factor. A key tool for this is improving communication skills.

However, it is also important to note that lower levels of communication skills may also stem from subcultural, ethnic, educational, and other characteristics. One of the aims of an American (US) study¹⁰ conducted among women who committed crimes as juveniles and were serving prison sentences was to examine the impact of culture on communication attitudes. Despite the extremely diverse ethnic composition of the study group, for example, different cultural approaches to female roles, a number of common elements were found in the girls’ life stories. These included previous delinquent behaviour, learning difficulties (36%), and victimisation resulting from domestic violence or peer abuse (63–69% emotional, physical, sexual abuse, physical neglect). More than 34% of them had suffered multiple forms of abuse during their childhood or adolescence.

Although only a few of them reported language or communication difficulties, the test conducted by professionals (Clinical Evaluation of Language Fundamentals

7 Lin, 2024.

8 Ibid.

9 Ibid.

10 Sanger et al., 2000, pp. 31–57.

/ CELF-3) showed much worse results. It turned out that 22% of female prisoners had undetected language and communication problems.

In this regard, the study made two important findings: language-based problems may represent one explanation and factor that contributes to the inappropriate communication patterns of some participants¹¹; according to researchers, “the harmful effects of maltreatment on communication development can contribute to lack of success adjusting to school, feeling of low self-esteem, and heightened risk for behavioural problems.”¹²

It is important to emphasise that experienced (and unprocessed) victimisation traumas have lifelong effects and can in themselves increase the risk of becoming a repeat victim or perpetrator in countless ways¹³.

It is important to note that low communication skills were closely linked to other behavioural problems – more precisely, they were identified as such; thus, the responses were also aligned with the girls’ “bad” behaviour.

Research¹⁴ available in the mid-2010s also recorded some other important conclusions. On the one hand, factors such as low socioeconomic status (SES), disturbed attachment to caregivers, parents, or partners, or difficulties integrating into school, academic failure, underachievement, or alienation from school are important factors, but primarily play a moderating role. Communication barriers or established language development disorders can be identified as particularly significant risk factors with a high correlation.

Although the connection is indirect, it is still worth mentioning: a higher level of communication skills can even influence the success of criminal justice. Research¹⁵ conducted among men sentenced to imprisonment has confirmed that, contrary to preliminary assumptions, the organising principle of the informal social structure of prison inmates is not racial or ethnic affiliation, nor is it determined by different gangs, or the “wars” they wage. The relationship system and personal and social networks of juvenile and young adult men are similar to those of their peers in school communities. This also means that even young people living in the closed and distorted society of prison are able to build successful relationships with their peers. This is not only important in terms of mitigating the negative effects of prison. Such a self-organising prisoner society is clearly capable of supporting the strengthening of skills and abilities that will serve more effective social (re)integration. During the enforcement of imprisonment, these informal structures are also suitable for increasing young people’s sense of security and mutual psychological and emotional support, reducing resistance to staff and rules, and ensuring a kind of human and psychological stability.

11 Ibid., p. 48.

12 Referred to are the studies of Cicchetti, Toth and Hennessy, 1989; Coster and Cicchetti, 1993, Culp et al., 1991 by Sanger et al., 2000, p. 49.

13 See e.g.: Hurren, Stewart and Dennison, 2017, pp. 24–36.

14 Andrenson, Hawes and Snow, 2016, p. 201.

15 Schaefer et al., 2017, pp. 88–103.

Prison staff have great responsibility in creating a prosocial environment. If they can identify inmates, even those who have committed serious crimes, who are capable of forming and maintaining multiple social relationships, this plays a decisive role in the formation of informal social structures (situational model¹⁶). The research indicated that the driving forces behind the formation of these networks were mostly slightly older individuals with good social skills.

Of course, in the prison world – precisely because of its specific characteristics – many conditions differ from those in a school environment (for example, the distorting effect of relatively high turnover), but the good communication skills of these group-forming individuals were extremely important.

A similar close correlation can be seen in another approach to the problem. If we are focusing on the children in the conflict with the law: internationally – regardless of the country¹⁷ – research shows poorer communication skills among offenders.

The re-offending rate in the DLD group within one year of the first court order is 62%(!), compared to 25% for minors without this disorder. In fact, compared to other risk factors (e.g. cognitive ability, age at first offence, criminal activity (number of offences), degree of deprivation), the prevalence of DLD was the *most significant predictor* (adjusted hazard ratio of 2.61). This is partly due to the specific nature of the language disorder, which occurs in different domains of language acquisition and use, and is persistent, and has an underlying language impairment.

This is no exception for young people who are considered successful in their social advancement¹⁸: almost 30% of first-year university students had a the prevalence of various psychiatric disorders, in particular ADHD and depression and generalised anxiety disorder (GAP), in the year preceding the survey. The latter two, as well as other mental disorders, were more common in girls. 27.8% reported self-harming thoughts/actions, typically related to taking their own life (e.g.: planning suicide); 3.5% had even attempted it.

The higher incidence of various mental illnesses, neurological or psychiatric disorders among young people who commit antisocial or illegal acts has long been known from numerous studies¹⁹. These are partly congenital and partly acquired disorders that can cause a variety of symptoms. At the same time, neurodevelopmental disorders (NDDs), for example, can manifest themselves in the form of neuropsychiatric problems, motor, cognitive, social, or even communication impairments. The early recognition of symptoms by specialists and the development and application of appropriate forms of intervention therefore remain a priority goal and task for professionals. One successful solution could be the foundation of court mental health liaison and diversion services. This is a specialised service with extensive expertise in NDD issues that can successfully recognise and identify the health needs of defendants

16 Ibid., p. 101.

17 Winstanley, Webb and Conti-Ramsden, 2021, p. 397.

18 Benjet et al., 2019, p. 20.

19 See e.g.: Chaplin et al., 2021.

and support decision-making that affects them, even in the early stages of criminal proceedings (e.g. pretrial detention)²⁰.

6. The Specific Characteristics of the Communication Competences of Children in Conflict with the Law

Young people's communication skills, as already mentioned, can be problematic from several aspects. This is partly an age-specific characteristic and partly linked to the existence of the information society.

At the same time, in the case of young people in conflict with the law, these shortcomings and obstacles are even more pronounced than in the age group, while their importance is even greater because of the specificities of the criminal procedure. International research has confirmed that 73.3%(!) of juvenile offenders in England and 90%(!) in the Netherlands were characterised by a lack of language skills – including, in addition to speech, reading and reading comprehension difficulties, a limited vocabulary and limited self-expression and conversation skills.

This has led to a literature that has even described an “invisible disability”²¹, which questions whether criminal justice that ignores these facts complies with fundamental principles such as the principle of a fair trial, or whether it violates the rights of children as enshrined in the New York Convention.

The links between mental health, related communication problems and risk factors for crime are illustrated in another study. In this Italian study²², the focus was on juveniles who had entered the juvenile justice system in 2005-2006 and had been deprived of their liberty or had received other sanctions. The average age of the 214 persons concerned was 16.3 years and, in line with other statistics, the vast majority (88.5%) were boys. Although the research was conducted before the great wave of migration, 65% of the victims were not Italian citizens. The mental state was more than shocking: 38.2% of the young people were in the “totally problematic” category on the clinical scale and 20.5% on the borderline scale!

For the 103 young people²³ who were prosecuted as repeat offenders, the Re-Offending Risk Scale (RRS) scores were also taken into account, including the number and type of offences committed, age at first offence, and the existence of a supportive environment and indicators of this. 54% of young people had a high risk of re-offending, 25% a medium risk and 21% a low risk.

A survey conducted a year later confirmed the predictions: only 12 months later, 31% of the high-risk group had already been prosecuted again! And psychological

20 Ibid.

21 Csemáné Váradi, 2019, p. 115.

22 Maggiolini, 2007.

23 Csemáné Váradi, 2013, p. 42.

surveys in this group indicated that 91.2% of the young people in this group had a psychological problem on the clinical scale!

This indicates that young people's mental health problems play an influential role in both entering and leaving the justice system. The input stage influenced the effectiveness of crime prevention and post-offending responses by the authorities, while the output stage influenced the effectiveness of the sanctions imposed. Even the identification of treatment and intervention options is difficult for a number of reasons: the process of assessing mental health problems according to the DSM-IV-R categorical criteria in use at the time of the research cannot provide an adequate answer on treatment guidelines for adolescents because it fails to take into account some important factors. Such as: the developmental aspects of mental health problems; the nature and evolution of the relationship between the adolescent's problems and his/her environment, and adolescents' changing perspectives on "their" problems²⁴.

In relation to both in- and output and possible forms of treatment, an important fundamental question is: to what extent do the communication characteristics of young people (also) influence these results? But beyond that: what proportion of them have (or have at all) health problems that are diagnosed as going beyond the general picture of a 'poorly communicating young person'?

Internationally – regardless of country²⁵ – research shows poorer communication skills among offenders. For example, in Australia, significantly lower scores have been measured among male offenders on all language measures, including figurative language skills, narrative skills and sentence repetition tasks. Similar results were found by New Zealand experts among 14-17 year old boys in the juvenile justice system.

Other surveys have also come close to the English figures, with 87% of young offenders failing to achieve the standard 100 points on the language assessment.

It seems that one of the relevant health problems is DLD (developmental language disorder). Young offenders with this disorder are more than twice as likely to re-offend as their unaffected offending peers.

There is a strong correlation between children's emotional difficulties, the challenges of integration into the school community, problems with peers and language developmental disorders. „The association between language difficulties at age 5 and parent reported emotional problems at age 7 was partially mediated by teacher reported peer problems at age 7.” – according to extensive research conducted by Forrest et al.²⁶ This means that the emotional difficulties of adolescents at the age of 14 can be predicted with great accuracy by the language developmental disorder that appears at the age of 5 - and indirectly through integration problems at the start of school (at age 7).

While the prevalence of DLD in the general childhood population is 7%, it is several times higher in delinquent minors (depending on the target group). Research

24 Maggiolini, 2007, p. 4.

25 Winstanley, Webb and Conti-Ramsden, 2021, p. 397; Forrest et al., 2018, p. 2.

26 Forrest et al., 2018, p. 8.

has also shown that even when DLD is present, children and adolescents not receiving clinical treatment are at higher risk of emotional difficulties, including depressive symptoms or anxiety and/or production disorders. On the other hand, it is generally associated with attention deficit hyperactivity disorder (ADHD) or dyslexia.

The emotional side is of high importance. In a typology based on a set of criteria that includes communication skills, the so-called callous-unemotional (CU) group is made up of young people who are “characterised by a lack of remorse and empathy, a lack of caring behaviour and an inability to express emotions”²⁷, and who are more likely to become offenders.

Young children with language difficulties showed increased behavioural problems, partly related to their emotional characteristics²⁸. A serious problem is that recognition of these by professionals is often delayed or not it happens. The main reason for this is that for preschool teachers and educators, the symptoms are confused with inappropriate (irregular, disruptive) behaviour, with a presumed school maladjustment²⁹. (By the way, in the case of DLD, even from a medical point of view, it is difficult to predict/confirm the presence of DLD, because there is currently no known “biomarker” that can be used to clearly detect its presence.)

The results are also significant in other respects. Almost half (42%) of the 15 minors of average age placed in children’s homes who were in conflict with social norms scored below average in receptive language.

In the case of marginalised young people in conflict with the law, factors and circumstances interact in a direct and complex way, accelerating the process of becoming an offender. Thus, dynamic risk factors, such as growing up with psychosocial difficulties, substance abuse, low employment status or attention deficit hyperactivity disorder (ADHD), can be identified as a predictor³⁰ of subsequent offending. Other studies have also identified oppositional defiant disorder (ODD) and conduct disorder (CD), which, even when controlled, can predict serious adverse consequences.

It is important to point out that the presence of psychopathological backgrounds such as borderline personality disorder, bipolar disorder (BD³¹), attention deficit/hyperactivity disorder (ADHD) or anxiety disorders (such as PTSD³²) is clearly a risk factor (or a symptom of the disorder) for some self-harm behaviours. This is no exception for young people who are considered successful in their social advancement³³: almost 30% of first-year university students had the prevalence of various psychiatric disorders, in particular ADHD and depression and generalized anxiety disorder (GAP), in the year preceding the survey. The latter two, as well as other mental disorders,

27 See in more detail: Howard et al., 2012, p. 1237.

28 Forrest et al., 2018, p. 10.

29 Winstanley, Webb and Conti-Ramsden, 2021, pp. 396–403.

30 Winstanley, Webb and Conti-Ramsden, 2021, p. 396.

31 Bipolar disorder (BD), also known as manic depression (MD).

32 PTSD (Post-Traumatic Stress Disorder): post-traumatic stress disorder, an anxiety disorder resulting from a psychologically traumatic event (e.g. being a victim).

33 Benjet et al., 2019, p. 20.

were more common in girls. 27.8% reported self-harming thoughts/actions, typically related to taking their own life (e.g.: planning suicide); 3.5% had even attempted it.

Untreated childhood traumatic experiences³⁴ can lead to a loss of the ability to adapt positively. Often these young people are characterized by self-doubt, insecurity and, partly related to this, repressed aggression or the need to conform. All of these, if the young person is placed in an inappropriate peer group, increase the chances of offending.

34 Yates, 2004, p. 35.

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Part II

**Organisational and Professional
Communication in the Protection of
Children's Rights**

Communication in the Administration of Justice – Some Thoughts Through the Perspective of Children

Erika VÁRADI-CSEMA

ABSTRACT

In the practice, communication competencies are typically not among the most important expected competencies in terms of the relevant areas of children's rights. This is particularly true for institutions such as the (criminal) justice system. However, meeting with a judge, lawyer, child protection expert, or even a representative of the investigating authority can have a long-term impact on the child involved.

The aim of this chapter is to provide an insight from the perspective of minors into the range of relevant soft skills that appear alongside hard skills (i.e. expertise in the narrow sense); although in the workdays of institutions these have not yet received the recognition they deserve based on their importance.

In addition to communication, these skills include the ability to cooperate, solve problems, be creative, and have emotional intelligence; the 21st century justice and child welfare system, the professional knowledge alone is no longer enough.

On the expectations related to the communication method of judiciary (as an institutional system) and to the communication skills of its members (e.g. judges) the following chapters report deeply.

KEYWORDS

soft-skills, communication competence, map of competences, professional knowledge, training of experts

A common problem in the assessment of the communication competences of public authorities is, inter alia, the lower level or lack of intercultural communication ability and conflict management skills. The latter is also based on the communication, and its role in preventing and managing conflicts and tensions inside and outside the courtroom is therefore also prominent.

Erika Váradi-Csema (2025) 'Communication in the Administration of Justice – Some Thoughts Through the Perspective of Children' in Erika Váradi-Csema (ed.) *Interdisciplinary and Child-Friendly Communication*. Miskolc-Budapest: Central European Academic Publishing. pp. 107–113.
https://doi.org/10.71009/2025.evcs.iacfc_8



1. Competences of Criminal Justice Actors

The importance and role of communication competences, as opposed to the professional knowledge, is still neglected by the criminal justice actors today – *compared to its importance and impact*.

This is true despite the fact that, for example, according to Annex 5 to Act CLXII of 2011 on the Status of Judges (“Competences to be examined during the application procedure and the evaluation of judges”), both the application procedure and the evaluation of judges must examine a number of competences of the person concerned, such as: 1. decision-making ability, 2. cooperation (and interoperability), 3. analytical thinking, 4. foresight, 5. discipline, 6. a sense of responsibility, 7. decisiveness, 8. demandingness, 9. integrity, 10. communication, 11. conflict management, 12. creativity, 13. confidence, determination (determination), 14. autonomy (independence), 15. problem and situation analysis, 16. problem solving, 17. application of professional knowledge, 18. organisation and planning skills, 19. oral and written communication skills, 20. objectivity.

The competences referred to include communication (10) and oral and written communication skills (19), while several other skills – such as cooperation (2) and conflict management (11) – are also required, which also presuppose good expression and clear communication.

Professionals in the action are therefore expected to have both the ability to express themselves appropriately and the ability to perceive, receive and interpret messages from others adequately. In the practice, this requires not only a conscious (sender’s) attitude in connection with the verbal and non-verbal communication practice, but also on the receiver’s side. Thus, the use of plain language, a rich vocabulary and authentic use of professional language are just as important as the correct perception and interpretation of the gestures, facial expressions, posture, intonation, etc. of other procedural actors, in particular the witnesses (both the accused and the aggrieved party).

At the centre of the expectations is the professional, and their (professional) human attitude and commitment to the holistic approach significantly determines how much they want to identify with these expectations.

According to a study in Miskolc, “the judges who participated in the research really strive to be clear, unambiguous and sensitive to the individual circumstances of the layperson when communicating warnings and information”¹. However, this is by no means universal and typical professional’s attitude. Even though this is important in connection with the aims of criminal law and criminal procedure, which is also embodied in the Penal Code (e.g., individualization) and Criminal Procedural Act. From a crime prevention perspective, it is also important, that the offender concerned

1 Vinnai, 2018, p. 295.

understands the reason for the procedure, the offence's framework and the seriousness of their law.

2. Professional at the Centre of the Expectations

On the side of the senders, the ability to communicate comes to the fore when asking questions, while on the receiving side it also comes to the witness hearing process, especially when listening to the vulnerable.

In any interpersonal communication, there are typical identifiable errors², which in fact serve as a means of communicating *non-acceptance*, blocking, sometimes even shutting down, the other party's urge to share his/her opinions, feelings, information, and facts relevant to a criminal procedure with professionals.

These communication difficulties are not specific to those working in the justice system, who do not interesting in every form of communication. This attitude can effect serious inefficiency consequences in many of the activities³ involved in the specialised fields (for example, dealing with alcohol or drug addicts, perpetrators of school bullying, etc.).

The triumvirate of judgement (when approving or disapproving of the other person's statements), the communication of solutions (when suggesting solutions to others), or the avoidance of the other person's concerns is a common feature of the triumvirate, reflecting both the intention of the questioner to change – rather than accept – their communication “partner”, and the desire (often coercion) to make the other person think, feel or behave differently.

These negative effects are further reinforced, for example, in the case of lawyers and defenders by the lack of Eric Bern's ‘metacommunication of listening and listening’⁴ – especially in case when interact with the child.

The latter leads to the importance of the conscious use of non-verbal tools in the area of competences, which are particularly important messengers for under 18s. Although the potential for smiling is limited by the nature of a criminal case, it has a role to play in building trust and helping to create a sense of a protected environment⁵. Research clearly demonstrates that smiling can increase the perception of warmth, which has a clear positive effect on perceptions of competence of experts. (This is true even if smiling has a stronger effect in the so-called hedonic service industries (e.g. restaurants) than in the so-called utilitarian service industries (e.g. lawyers).)

The other important factor of expert's communication expectation is to share messages which is adequate to the receiver operation.

2 Csákvári, Cs. Ferenczi and Horváth, 2017, p. 21.

3 Rollnick and Allison, 2004, pp. 105–116.

4 Csákvári, Cs. Ferenczi and Horváth, 2017, pp. 21–22; Berne, 1984.

5 Hyounae and Hu, 2022, pp. 8–9.

Given that this is a decisive factor in a litigation procedure, a factor determining the quality of the evidence in a criminal procedure, on which the credibility of the entire procedure and the lawful functioning of the authority may depend, it places great weight on the competences of professionals involved.

Research findings suggest⁶ that the judges' method of hearing, which can be considered as professionally optimal, is highly task-oriented, and their professional competence is primarily "exhausted" by the tension in the relationship between the party being listened to and the other communication partners, such as the other actors present (defence counsel, prosecutor), and by role-based conflicts of interest.

This burden is only increased if the communication situation becomes difficult in some respect – for example, because of the specific characteristics of the other party. In such cases, basic communication competence is not sufficient support, and specific knowledge will be needed. Thus, a feature of many procedures is that they cannot do without the testimony of a child victim.⁷ However, an important issue in assessing these is the veracity of their statements.

However, when the interview is repeated (regardless of the professional affiliation of the professional involved), it is common experience that repetition has a clear impact on the reliability of their claims. It can be demonstrated that, although the linguistic content of children's true and false statements differs, the linguistic markers become increasingly confused as a result of repeated repetition.

On the expectations related to the communication of the judiciary as an institutional system and its members (e.g. judges) the following chapters report deeply.

Judges, prosecutors, and police officers, who represent the authorities, represent the entire adult world for young people, who are much more vulnerable than adults for a number of reasons. Their previous experiences of victimization—which are often part of the life history of even young offenders—reinforce the impact of their first encounter with the authorities. These experiences are decisive even in the absence of previous victimization, as will be discussed in other chapters. The psychological effects of the crises associated with adolescence or other changes are equally evident in young people's behaviour.

A serious question arises as to what form and methods a professional can use to create an atmosphere of trust with a minor during proceedings involving children. In the chapters dealing with child-friendly justice and communication, we point out that in the absence of this, children often remain passive during formal proceedings (for a number of reasons). As a result, children's rights guaranteed by law in relation to official proceedings will not be enforced or will only be enforced to a limited extent.

Can professionals use so-called *compassionate communication* to enforce children's rights? What does this concept actually mean? Where and in what procedures or stages of proceedings can it be justified? In the absence of a criminal offense, a minor involved in an "ugly" divorce cannot be considered a victim. However, the divorce

6 Sanna and Isotalus, 2015, p. 133.

7 Evans et al., 2011, pp. 1–13.

of their parents can be a huge tragedy in their lives. In addition to the fact that the family is falling apart, the arguments between the parents, the loud quarrels, the frequent verbal abuse, the accompanying (emotional) neglect (because there is no energy left to pay attention to them; the parties focus on their own grievances and their fight), the fact that they themselves become a tool of blackmail between their parents, countless events and processes that devastate them emotionally. In addition, there is also self-blame and guilt, which are typical childhood reactions: if he had behaved better, if he had been a better student, if he had helped more at home, this would not have happened.

In such emotionally difficult times for a child – for example, during child custody proceedings – is there a place for practicing compassionate communication? The child longs for someone to finally listen to them; someone to understand their fears and pain; someone to hear their voice and help them.

To what extent can we expect those involved in the administration of justice to meet these needs of the child?

The term ‘compassionate communication’ focuses on compassion. “The feeling of compassion stands out from related concepts like sympathy and empathy as it involves an additional active motivation to do something that alleviates another person’s distress”.⁸

Although there are different conceptual approaches, it is a ‘benevolent’ communication style based on the principles of positive psychology, which has three distinctive elements⁹: recognizing the need for empathy, establishing contact in line with this (e.g., in questioning and communication techniques), authentic and congruent communication that responds to the psychological needs identified as a result, including both verbal and nonverbal channels.

In this sense, compassionate communication is a process in which individual activities require broader communication skills. For example, recognition means more than just interpreting what the other person says. This is a particularly important stage, especially in the case of children, as for a number of reasons, even without other language difficulties, they are unable or find it difficult to express themselves and open up to a stranger in an environment that already makes them feel anxious. Therefore, professionals must be able to perceive and interpret the psychological state and non-verbal messages behind the child’s behaviour.

This is also a serious challenge for professionals working in other fields. Relevant research¹⁰ to date has also pointed to a lack of empathy in other areas (e.g. teachers). This is partly due to the fact that traditional communication training or education does not address this topic and the specific competencies required here. Even research focusing on this topic highlights different points of focus in relation to compassionate

8 Julia et al., 2024.

9 Way and Tracy, 2012, p. 307.

10 Julia et al., 2024, p. 2.

communication (e.g. cognitive or behavioural aspects, self-compassion, individual-specific traits or values).

An interesting aspect of the desire for compassion and understanding arises when it comes from a child who has come into conflict with the law and who has a *collective victim consciousness*.

The essence of this psychological phenomenon¹¹ is the internal shared conviction of the members of one group that the behaviour directed toward them by another group is deliberate and undeservedly abusive and offensive. The behaviour of the other group is not necessarily violent. The group that feels victimized may see this manifested in nonviolent conflicts or in other behaviours that are not negative or targeted (e.g., official measures, legal proceedings).¹²

An important element of the phenomenon is that the belief in the victim role is strong and unshakeable, and over time it becomes part of the group's self-identity. As a result, cohesion within the group may strengthen, while the group's external relations are generally characterized by distrust of the outside world, hostility, and a refusal to cooperate. Examples include discrimination and oppression.

This phenomenon can even be observed among juvenile offenders, typically those from a given subcultural environment, as indicated by several studies by Ágnes Solt¹³, for example.

One important consequence of this psychological state is the moral justification and exoneration of the group's aggressive actions¹⁴.

The question is important in terms of the legitimacy of compassionate communication because it is based on the psychological needs and demands of the child, and the relationship of trust that develops as a result ultimately strengthens the child in their right to both information (because they dare to ask if they do not understand something) and expression of opinion (because they dare to say what they think and what they want); at the same time, compassionate communication presupposes a special interpersonal process, the prerequisite for which is compassion, while its success is measured by the relational (psychological) satisfaction of the other party (e.g., the child).

An important question is how these elements can become part of an institutional system and formal procedures that operate according to strict regulatory and ethical standards. At the same time, the demand for trauma-informed practice has also become an increasingly strong expectation in the justice system in recent years.

11 Mészáros, Vámos and Szabó, 2017.

12 Jasini, Delvaux and Mesquita, 2017, pp. 99–101.

13 Solt, 2009; Solt, 2012.

14 Mészáros, Vámos and Szabó, 2017, p. 356.

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Child-Friendly Communication

Erika VÁRADI-CSEMA

ABSTRACT

Children's first encounter with any authority is particularly significant in several respects. Professionals represent adult society, which has typically given minors negative experiences, whether they are perpetrators or victims. At the international level, there has been a growing demand for professionals working in various institutions and dealing with minors to choose a form of communication that meets the needs of the target group. The aim of this chapter is to provide a brief overview of the importance of child-friendly communication and certain aspects of the issue. It focuses on the elaboration of the content elements of two important children's rights: the right to be heard and the right to express an opinion. When communicating with children, it is important to identify and recognize their specific needs and requirements. The following chapters of the book provide a more detailed overview of child-friendly justice as a whole. This chapter also presents some examples of good practice.

KEYWORDS

child-friendly communication, children rights, right to be heard, right to free expression

The communication problems, as characteristics of juveniles in conflict with the law, which have a restrictive effect on human rights, procedural rights and fundamental rights, are relatively delayed and, in our view, not sufficiently highlighted in international documents. The Council of Europe's Criminal Procedure on "Procedural Safeguards for Vulnerable Persons Suspected and Accused in Criminal Proceedings"¹ includes children with communication deficits.

1. The Communication Ability of Minors

The ability to communicate – or rather the lack of it – has previously been addressed primarily within the broad framework of the right to information. Thus, there are three documents that are – partly indirectly – related to this topic: a) Directive 2010/64/EU of the European Parliament and of the Council on the right to interpretation and

| 1 European Commission, 2013. |

| Erika Váradi-Csema (2025) 'Child-Friendly Communication' in Erika Váradi-Csema (ed.) *Interdisciplinary and Child-Friendly Communication*. Miskolc-Budapest: Central European Academic Publishing. pp. 115–123. https://doi.org/10.71009/2025.evcs.iacfc_9 |

translation in criminal proceedings (20 October 2010)²; b) Directive 2012/13/EU of the European Parliament and of the Council on the right to information in criminal proceedings (22 May 2012)³; c) Directive 2013/48/EU of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and the right to be informed of the rights of a third party in criminal proceedings and the procedures relating to a European Arrest Warrant, and on the right to communicate with third parties and consular authorities during deprivation of liberty (22 October 2013)⁴.

The aim of Recommendation 2013/C 378/02 is to “encourage Member States to strengthen the procedural rights of all suspects and accused persons who, because of their age, mental or physical condition or disability, are unable to understand and participate effectively in criminal proceedings”. In relation to vulnerable persons, while ensuring non-discrimination, Member States should establish a “presumption of vulnerability” for persons with “serious psychological, mental, physical or sensory impairment or mental or cognitive disability”, ensuring that they have access to information and legal assistance even if they face the risk of deprivation of liberty⁵. However, the human rights approach of the Convention on the Rights of Persons with Disabilities⁶ has called into question the tenability of this theoretical concept⁷.

The preamble to the Directive establishing minimum standards on the rights, support and protection of victims of crime states that “(Special attention should be paid to) difficulties in understanding or communicating that may be caused by a disability, such as hearing impairment or speech impairment. Similarly, the criminal procedure should take into account the victim’s limited ability to communicate information.”⁸ This approach is continued in the Directive on the right of access to a lawyer.⁹

2 The rights concerned include: the right to a fair trial, the right of defence, the right to translation and interpretation, the right to information, the right to legal advice, the right to communicate with relatives, employers and consular authorities. European Parliament and the Council, 2010, p. 1.

3 The right concerned is essentially the right to information. European Parliament and the Council, 2012a, p. 1.

4 The right concerned already explicitly covers communication with the authorities. European Commission, 2013.

5 European Commission, 2013, pp. 8–10. However, it has been noted that the concept of “vulnerability” used to establish rights for persons with disabilities is not really acceptable under the human rights approach of the CRPD.

6 United Nations, 2006.

7 Centre for the Rights of Persons with Mental Disabilities, 2015, p. 8.

8 European Parliament and the Council, 2012b, Preamble.

9 European Parliament and the Council, 2013.

2. Child-Friendly Communication in Justice

The Council of Europe's Guidelines on Child Friendly Justice¹⁰, which focus specifically on the target population, is a major step forward in all respects, stating that "(Professionals) in direct contact with children shall be trained to communicate in a manner appropriate to the age and developmental level of the child, as well as to communicate with particularly vulnerable children".

Another important achievement is Directive 2016/800/EU¹¹, which prescribes the main procedural safeguards to be provided to children who are suspects or accused persons in criminal proceedings or are subjects to European arrest warrant proceedings. It provides the legal framework and emphasises the specific protection and rights of persons under the age of 18 in criminal proceedings.

The aim of the Directive is to support children who are involved in formal proceedings. The Directive sets out procedural safeguards for children who are suspects or accused persons.

These safeguards complement those applicable to adult suspects or accused persons. This further expands the scope of minimum procedural standards in line with the 2009 roadmap¹².

An important provision of the Directive is that children have the right to legal assistance and the right to legal representation.

In some cases, legal assistance is mandatory. This is the case when a child is brought before a court for the purpose of deciding on detention, as well as during the period of detention. A child who has not had legal assistance during court proceedings cannot be sentenced to imprisonment.

EU countries must also ensure that deprivation of liberty, in particular detention, is imposed only as a last resort and for the shortest possible period of time in the case of children. Children in detention must be separated from adults, unless it is in the child's best interests not to do so.

The Directive also contains other safeguards, including the right to: a) be informed immediately of their rights and the general aspects of the proceedings; b) have their parents or other responsible persons informed; c) have these persons present during court hearings and other stages of the proceedings; d) an individual assessment by a suitably qualified person; e) medical examination if the child is deprived of liberty; f) the protection of privacy during criminal proceedings; g) the child being present at the hearing in person; e) effective remedies.

Judges, prosecutors, and other professionals involved in criminal proceedings affecting children must have special competencies or undergo specialised training.

10 Committee of Ministers of the Council of Europe, 2012, p.15.

11 European Parliament and the Council, 2016.

12 Council of the European Union, 2009.

Communication is extremely important in enforcing these rights, whether it concerns the child's communication skills or the professionals' proficiency in child-friendly communication, including their ability to properly understand and interpret verbal and non-verbal messages sent by children.

The importance of this topic is demonstrated by the fact that, in addition to the theoretical directions, the practice reflects a striking picture of the effectiveness of their implementation: according to research by the Prison Reform Trust in England; 60% of juvenile suspects had communication difficulties, 25% had intellectual disabilities, yet there was no "routine or systematic process for identifying the specific support needs of defendants"¹³.

Poor communication skills among children and young people are a serious problem in general, but particularly in the criminal justice system. Several solutions have been developed to achieve the objectives set out in international documents. For example, the communication support system¹⁴ can be of considerable help.

The method developed in New Zealand has its roots in the English (or Welsh) institution of mediation. At the centre of the communication support system is the communication assistant, whose role is twofold: to provide peer review and recommendations in general, and to facilitate better and more effective communication with specific offenders, including assistance with witness testimony.

However, it is not only a question of a concrete mediating role, i.e. "translating the language" of the witness and the person giving evidence, but also of the concrete procedure (i.e. the final understanding of the way justice works) and through this to facilitate the participation of the person concerned.

In this sense, therefore, the role of the communication assistant is not "stationary": both in and out of the courtroom, he/she is expected to play an active role in all relevant legal acts, whether it is in contact with the young person's own legal representatives, lawyers or in the involvement of alternative conflict management techniques aimed at diversion and reintegration into society. Moreover, in this case, such as in family group conferences (FGC¹⁵), the communication assistant can even help the young person to communicate with his/her parents or even with the adult society (and even with the victim).

¹³ See: Talbot, 2012.

¹⁴ Howard, McCann and Dudley, 2020, pp. 1–15.

¹⁵ In Hungarian terminology, the term family decision-making group conference is widely used, hence the accepted abbreviation. See: Csemáné Váradi and Gilányi, 2010.

3. Fulfilment of the Right to Free Expression of Views and of the Right To Be Heard by the Help of Child-Friendly Communication

Partly in view of these facts, it is particularly important to guarantee rights related to communication in the context of children's rights. Of particular note in this regard are the right to free expression of views and the right to be heard.

The free expression includes five attributes: shall assure (it refers to the obligation of the State to undertake all legislative, administrative and other measures in order to implement Article 12 in a manner that solicits the views of the child in all matters affecting him/her and to give due weight to those views¹⁶); capable of forming his/her own views (it shall be understood in a broad sense with the presumption that a child has the capacity to form his/her views and recognise that he/she has the right to express them. In connection with this term, the CRC Committee consequently underlines that there is no age limit to the right of the child to express views and therefore typically the concluding observation published in state reports as well as other documents; such laws and practices have the capability to restrict the child's right to be heard); the right to express those views freely (it refers to the exercise of this right on a voluntary basis, without any kind of manipulation, undue influence or pressure. In other words it means that the child needs to be given a free choice to benefit from this right and cannot be forced to express any other view, but his/her own. In order to be able to express views freely one should feel safe in the given environment. Therefore, the conditions in which the right is exercised must take into account the individual and social situation of the child. The free expression of views also requires the sufficient amount and quality of information); in all issues affecting the child (according to the opinion of the Open-ended Working Group¹⁷; it underlines the intention of the drafters to understand Article 12 in as extensively as possible, obviously with a limitation according to the best interest of the child); being given due weight in accordance with the age and maturity of the child.

The last criteria is very important. As Marta Benyusz explains:

'it means that it is not enough to merely listen to the child, but his/her opinion needs to be taken seriously into account. It refers to the capacity of the child, which has to be assessed in order to give due weight to his/her views, or to communicate to the child in a way in which those views can influence the outcome of the process. Similarly to the term "capability of forming his/her views" the Committee underlines here as well, what is also a clear consequence stemming from the text and as such a mere literal analysis of the UNCRC itself that the age cannot in itself determine the weight that is given to the expressed

16 With the help of Benyusz, 2025.

17 Established by the Commission on Human Rights, which coordinated the drafting process of the UNCRC.

views, but the maturity needs to be assessed equally, on a case-by-case basis. Research has shown that information, experience, environment, social and cultural expectations, and levels of support contribute to the child's capacity to form a view.¹⁸

The right to be heard – pursuant to Article 12 paragraph 2 – has three different attributes: the right to be heard in any judicial and administrative proceedings affecting the child (very important, that the principle uses the word „any”; so it involves the different alternative dispute resolution mechanisms such as arbitration or mediation; so it can be applied in an extensive scope of proceedings (separation of parents, custody, care and adoption, children in conflict with the law, child victims of physical, psychological violence, sexual abuse or other crimes, health care, social security, unaccompanied children, asylum-seeking and refugee children, and victims of armed conflicts and other emergencies); either directly, or through a representative or an appropriate body (according to the official opinion of the CRC Committee, whenever there is a possibility, the child must be given the opportunity to be directly heard in any of the proceedings; in situations where it is clear that the parents (guardians) have no conflict of interest with the child, they can be adequate representatives; if required, lawyers (child-attorneys), social workers or other supporting experts can take the role of representatives); in a manner consistent with the procedural rules of national law.

When enforcing this fundamental right, it is important to create a safe and sensitive environment for the child that is age-appropriate. It is very important, that the „proceedings must be accessible and child-appropriate, with a special attention to the provision and delivery of child-friendly information, adequate support for self-advocacy, appropriately trained staff, design of court rooms, clothing of judges and lawyers, sight screens and separate waiting rooms.”¹⁹

Communication support is therefore available not only to defendants but also to witnesses. It is not limited to persons of a certain age, just as the gravity or type of the offence on which the criminal proceedings are based does not mean the application criteria or barriers²⁰. A condition for the use of a communication assistant is that the person in the position of witness or prosecution must be able to a) testify in accordance with the purpose, spirit or legal criteria (principles, such as the principle of a fair trial) of the criminal proceedings; b) to understand the events around him/her, the course of the criminal proceedings, the essence of the criminal proceedings, the meaning of the acts of the authorities, in accordance with the purpose, spirit and legal criteria (principles, e.g. the principle of a fair trial) of the criminal proceedings;

18 Benyusz, 2025.

19 Benyusz, 2025.

20 A good example can be in the article of Howard, McCann and Dudley: How can imagery that is adapted to the communication characteristics and age-related features of young people strongly support message delivery. See: Howard, McCann and Dudley, 2020, p. 305.

c) if the answer to the legal filter is negative, whether the reason is due to the person's poor English language skills or to a communication problem he/she already has.

The experience so far has shown that professionals who have been in contact with the method since 2012 have clearly found it to be very positive – regardless of the (extra) burden it has placed on them personally. The reason is the change of focus for the justice system as a whole (the juvenile at the centre of the process) and the clear positive shift in terms of quality assurance (new knowledge and perspective from the professional side, better evidence from the procedural guarantees side). It was also a clear improvement in terms of equality of opportunity and the exercise of fundamental rights, as it increased access to justice for vulnerable persons.

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Organisational, Professional, and Interprofessional Communication in the Protection and Promotion of Children's Rights

Lilla GARAYOVÁ

ABSTRACT

This chapter explores the critical role of communication in advancing the rights and well-being of children, particularly within legal, organisational, and interdisciplinary contexts. Clear and purposeful communication provides a basis for effective cooperation among professionals such as social workers, psychologists, educators, medical practitioners, and legal experts, so that their decisions are informed by and responsive to the child's overall needs. The chapter examines the key aspects of communication, including organisational communication within legal institutions, interprofessional collaboration, and child-sensitive practices, while addressing common challenges such as power dynamics, differing terminologies, and lack of standardised protocols. The study also identifies key tools and techniques based on best practices and case studies, such as digital platforms, trauma-informed training, plain language initiatives, and multidisciplinary teams, that enhance the efficiency and responsiveness of child-centred systems.

KEYWORDS

children's rights, communication in law, interdisciplinary collaboration, child-friendly justice, organisational communication, legal professionals, trauma-informed practices, plain language initiatives, multidisciplinary teams, child-sensitive practices, best interests of the child

1. Introduction

Protecting and promoting children's rights is simply not possible without clear communication. In cases involving children, professionals from the fields of law, psychology, social work, education, and healthcare domains need to work together. Despite their different backgrounds, they share a common goal: to protect the best interest of the child. However, bringing their perspectives together is not easy because different

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professions have their own ways of thinking, language, and ethical standards, which can make true collaboration challenging.

Legal professionals play an important role in upholding children's rights – as advocates, decision-makers, and mediators. However, their work is closely related to the inputs of others. A child's well-being often depends on psychological insights, social assessments, and medical information, all of which need to be woven into legal decisions. Therefore, this is not just about understanding what each expert brings – it is about having open, respectful conversations that help everyone work together. When communication breaks down, there can be delays, confusion, and, worst of all, real harm to the children involved.

At an organisational level, the way people communicate sets the tone for policies and routines that shape how professionals work together. In a legal setting, communication determines how cases move forward, how information gets shared, and how decisions come about. When lawyers, judges, and others in the legal field talk openly and clearly, it helps maintain fairness and consistency. Working with professionals from other backgrounds is also crucial for tackling complicated problems as a team. However, if all those involved fail to make a real effort to understand each other and aim for common goals, communication can break down, making it more difficult to achieve what is best for everyone involved.

This chapter explores the critical role of communication in coordinating the efforts between legal professionals and other disciplines to uphold children's rights. To this end, it examines the challenges inherent in organisational, professional, and interprofessional communication; highlights best practices; and offers recommendations. This chapter therefore contributes to the growing body of research on child-friendly justice by offering a comparative, practice-oriented analysis that bridges legal theory, communication studies, and children's rights advocacy. The guiding question of this study is how communication can be structured across professional and institutional boundaries to ensure that the child's best interests are consistently respected and effectively implemented in practice. Methodologically, the chapter combines comparative and analytical approaches, drawing on purposive sampling of jurisdictions that are either norm-setting in child-friendly justice or exemplify distinctive institutional pathways.

While there has been increasing international attention has been paid to child-friendly justice,¹ research and practical solutions in this field are still developing.² Effective communication plays a vital role in addressing this gap by helping the collaboration between professionals across disciplines and ensuring children's meaningful participation in legal processes.

The participation of children in legal proceedings (e.g. family law, criminal justice, or child protection) is fundamental for access to justice. For children's participation in legal proceedings to have genuine meaning, it needs to rest on

1 Liefwaard, 2016, pp. 905–927.

2 Parkes, 2013.

communication that is clear, respectful, and inclusive. Judges, lawyers, and child commissioners must therefore cooperate closely with psychologists, social workers, teachers, and other experts to build settings in which children can express themselves freely and feel that their views are genuinely valued. Achieving this kind of cooperation goes beyond having shared objectives; it depends on communication methods that can bridge the different languages, priorities, and working cultures of each profession. When this communication falters or coordination is lacking, the result is often delay, confusion, and decisions that fall short of the child's best interests. As legal processes increasingly intersect with other fields (e.g. as psychology, social work, and education), ensuring clear and consistent communication becomes key for achieving the best outcomes for children.

This chapter employs the purposive sampling of jurisdictions that are either norm-setting in child-friendly justice or illustrate distinct institutional pathways. Their selection was based on four criteria: existence of codified child participation guarantees, specialised procedures or forums, demonstrated practice on trauma-informed interviewing, and accessible regulatory materials in English or official translations. Sweden, Norway, the United Kingdom, the Netherlands, New Zealand, Canada, Germany, and Florida in the United States were used for analysis because together they reflect both civil- and common-law traditions, administrative and judicial modalities, and national and subnational innovations. The aim of the analysis is analytical illustration rather than exhaustiveness.

2. Theoretical Foundations of Communication in Law

Good communication is not just another tool in a lawyer's toolbox, but something that the ideas of justice and protecting rights are built on. It is also how legal professionals make sense of the law, stand up for their clients, solve disagreements, and make sure things are fair and open to everyone. Regarding children's rights, good communication is even more important. Communication is what lets children be heard, take part in the process, and have their best interests considered when big decisions are made about their lives. Understanding communication in this way also helps build an interdisciplinary methodological framework that can inform both academic inquiry and practical reform of child-focused justice systems.

In law, communication goes way beyond passing information back and forth. Specifically, it is an ongoing process that involves speaking, writing, body language, and even visuals. This is especially true for children, who might find the legal world confusing, intimidating, or even scary because of what they have been through. For them, clear and thoughtful communication is key to making sure their stories are heard and their needs do not get overlooked.³

3 Lundy, 2007, pp. 927–942.

The protection of children's rights requires teamwork from a variety of experts – lawyers, psychologists, social workers, teachers, and healthcare providers. Each has their own perspective and skills, and it is communication that brings them all together. Without good communication, there is a risk of things slipping through the cracks: misunderstandings, mixed messages, or scattered efforts that do not truly help the child. In this section, we identify the ideas behind communication in the legal world, especially their importance when it comes to children's rights.

2.1. Characteristics of Communication within Legal Settings

Communication in legal settings is inherently different from that in most other professional or interpersonal contexts. It is characterised by a unique combination of formality, precision, and confidentiality, which reflects the high stakes, ethical considerations, and societal expectations related to the legal system.⁴ These characteristics ensure that legal communication remains professional, credible, and reliable, but also introduce the complexities that legal professionals must navigate, especially in cases involving children. Understanding these traits is essential to appreciating how communication supports the administration of justice and the protection of vulnerable individuals.

Formality is an attribute of communication in legal settings that reflects the gravity and authority of the legal system. It functions as a means of preserving professionalism, showing respect for legal institutions, and affirming the legitimacy of judicial processes. In practice, legal communication follows established conventions and long-standing traditions, evident in courtroom exchanges, written submissions, and professional correspondence alike. These formalities (e.g. addressing judges as “Your Honor”, adhering to prescribed formats in legal filings, or observing courtroom decorum) create an environment that reinforces the seriousness of legal proceedings.⁵ Formality in law is not limited to outward appearance; it provides a stable structure that allows all participants to operate within a shared and predictable framework.

Yet this same rigidity can create difficulties, particularly when children are involved. The atmosphere of legal proceedings may feel intimidating or distant to a child, making genuine participation harder to achieve. A child asked to testify, for instance, might feel unsettled by the courtroom's tone and setting, which can restrict open communication. While the preservation of formality remains essential to uphold the dignity of the process, legal professionals must also adapt it sensitively to meet the specific needs of children. Strategies such as child-friendly courtrooms, simplified language, and supportive environments can help mitigate the intimidating effects of formality, while preserving the integrity of the legal process.⁶

Precision in communication is indispensable in legal contexts, where determining rights, liabilities, and justice is required. Legal language is crafted with attention

4 Glogar, 2023, pp. 45–67.

5 Romig and Burge, 2025.

6 Saywitz, Goodman and Lyon, 2002, pp. 349–377.

to detail, as even minor ambiguities can lead to misinterpretation or unintended consequences.

The importance of precision is most evident in written legal documents, such as contracts, court orders, and statutes.⁷ Every word in legal communication is selected with care to guarantee accuracy, internal consistency, and conformity with the law. In a child custody agreement, for example, vague or loosely phrased terms may invite conflicting interpretations and, in turn, jeopardise the child's best interests. Precision in language therefore not only prevents misunderstanding but also protects the integrity of the legal process against manipulation or misuse.

However, the demand for precision can make legal language inaccessible to non-experts, including children and their families. Legal jargon, complex sentence structures, and abstract concepts can alienate those who lack familiarity with the legal system by creating a barrier to understanding and participation. For children, this inaccessibility is particularly concerning, as it directly conflicts with the right to be heard in matters affecting them, as articulated in Article 12 of the United Nations Convention on the Rights of the Child (CRC).⁸

To address this challenge, legal professionals have to strike a balance between precision and comprehensibility. Promoting the use of plain language in legal documents and proceedings is essential to ensuring that all parties, especially children, can understand and engage with the legal process without compromising the accuracy of legal communication.

Confidentiality is another defining characteristic of legal communication, rooted in the ethical obligations and legal standards that prioritise the protection of sensitive information. The concept of confidentiality is deeply rooted in the idea expressed by Publilius Syrus: '*Fidem qui perdit, nil potest ultra perdere*' (He who has forfeited his good faith has nothing else to lose.)⁹ The origins of this tradition can also be linked to biblical texts, particularly the Proverbs attributed to Solomon. Proverb 25:9-10 advises, '*If you take your neighbour to court, do not betray another's confidence, or the one who hears it may shame you, and the charge against you will stand.*'¹⁰ This ancient guidance highlights the moral imperative to maintain trust and confidentiality. The principle of professional privilege predates the legal profession and can be traced to other fields. For instance, in the medical field, the Hippocratic Oath from the 5th century BCE explicitly requires confidentiality. It states,

'and whatsoever I shall see or hear in the course of my profession, as well as outside my profession in my intercourse with men, if it be what should not be published abroad, I will never divulge, holding such things to be holy secrets.'¹¹

7 Tuten, 2019.

8 United Nations, 1989.

9 Publilius Syrus (c. 1st century BCE) *Sententiae*: '*Fidem qui perdit, nil potest ultra perdere.*'

10 The Holy Bible, Proverbs 25:9-10 (NIV).

11 Britannica, 2025.

Similarly, the ecclesiastical tradition established the inviolability of confessional privilege as early as the 4th century CE at the Council of Carthage. Moreover, by the 12th century, the Fourth Lateran Council (1215 CE) codified this principle and imposed severe penalties for violating it.¹² The Council of Trent in the 15th century reinforced confessional privilege as an absolute rule, even superseding the authority of the Inquisition. Confidentiality has been deeply rooted in the history of the legal professions since antiquity.¹³ In ancient Roman law, legal representatives were bound by maintaining secrecy regarding the information entrusted to them by their clients. During the medieval period, the confidentiality of legal communication was reinforced by the influence of canon law, which emphasised the sanctity of confession and the moral obligation of secrecy. The legal advocates were often clergy, and the duty of confidentiality paralleled the priest-penitent privilege. In English common law, the attorney-client privilege emerged as a formal doctrine during the 16th century, being rooted in the principle that clients should feel free to speak openly and honestly with their legal representatives without fear of disclosure. *Berd v. Lovelace* (1577) is one of the earliest cases establishing attorney-client privilege.¹⁴ The court held that legal counsel should not be compelled to testify about matters disclosed by their clients. In modern times, many jurisdictions have codified the principle of confidentiality in their legal systems and have statutory provisions protecting lawyer-client confidentiality.

Confidentiality becomes especially important in cases involving children, since a single breach can seriously affect their privacy, safety, or well-being. Lawyers and other legal professionals are therefore required to protect client information carefully, whether it concerns personal details, legal strategies, or private conversations. This duty also helps build trust, allowing clients to speak openly about sensitive matters without fear. In the context of children's rights, that trust is essential. Children and their families need to know that what they share will be treated with care, understanding, and respect.

The duty of confidentiality goes beyond the lawyer-client relationship and extends to the entire legal system. When legal professionals communicate with other experts such as psychologists, social workers, or educators, they must respect privacy rules while still sharing the information needed to safeguard the child's best interests. Finding the right balance is often difficult. Too much emphasis on confidentiality can obstruct cooperation between professionals, whereas too little protection may place children at risk.

New technologies have made confidentiality in legal communication more complex. The growing use of digital platforms, cloud storage, and electronic communication brings clear benefits, but it also creates risks that require strong security

12 'A priest who reveals a sin confided to him in confession is to be deposed and relegated to a monastery for the remainder of his life.' (Council of Lateran IV, Canon 21).

13 Hodos, 2018, pp. 34–60.

14 Bondi, 2010, pp. 145–190.

measures to prevent data breaches. Lawyers and other legal professionals must therefore not only follow existing confidentiality rules but also stay alert to new challenges that come with an increasingly digital world.

Formality, precision, and confidentiality shape how communication works in the legal world. They help keep the system professional, accurate, and respectful of privacy. At the same time, these qualities can create real challenges when cases involve children. Legal professionals often have to find a balance - keeping the formality that gives the process its dignity, using clear but simple language, and protecting confidentiality while still working closely with others. Doing this well takes not only legal skill but also empathy and sensitivity.

2.2. Key Communication Theories Relevant to Interdisciplinary Collaboration

Effective interdisciplinary collaboration relies on communication theories that help bridge the gaps between fields, terminologies, and professional priorities. Theoretical frameworks such as systems theory and the transactional model of communication provide insights into how individuals and groups interact, share information, and resolve conflicts in collaborative environments. Applying these theories in practice enhances the effectiveness of interdisciplinary teams, particularly in complex fields such as children's rights, where legal professionals must work closely with psychologists, social workers, and educators.

Systems theory, originally developed in biology and subsequently applied to social sciences, views organisations, teams, or groups as interconnected systems.¹⁵ Each part of the system contributes to and is affected by the others, emphasising the importance of collaboration and mutual understanding. In a collaborative setting such as a legal team working with social workers and educators, systems theory highlights the importance of interdependence. The failure or inefficiency of one component (e.g. miscommunication between a lawyer and a psychologist) can negatively affect the entire system. Systems theory thus encourages professionals to recognise their role within the larger context and adapt their communication to support the overall goals, such as safeguarding children's rights. In interdisciplinary meetings, systems theory suggests that effective communication requires clear role definitions, shared objectives, and feedback mechanisms to ensure all parts of the system are aligned. For example, in a case involving child protection, regular check-ins among legal, medical, and educational professionals ensure that decisions are informed by a holistic view of the child's needs.

The *transactional model of communication* emphasises the dynamic and reciprocal nature of communication.¹⁶ Unlike linear models, which view communication as a one-way process, the transactional model considers communication as continuous and interactive, with both parties simultaneously sending and receiving messages. This model recognises that communication is influenced by

¹⁵ Laszlo and Krippner, 1998.

¹⁶ Sameroff, 2009.

context, relationships, and feedback. In interdisciplinary teams, understanding the background, expertise, and expectations of colleagues is essential for effective communication. The model also highlights the importance of active listening, mutual respect, and adaptability when navigating the diverse perspectives of team members from different disciplines. In legal proceedings involving children, the transactional model underlines the importance of dialogue. For instance, during case review, a lawyer might seek clarification from a social worker about the child's home environment when providing legal updates to the team. This two-way exchange ensures that all professionals are aligned and responsive to evolving information.

The applications of systems theory and the transactional model of communication are a practical necessity for effective interdisciplinary collaboration. Viewing teams as interconnected systems reminds us that no single discipline holds all answers; instead, success depends on the seamless integration of each team member's unique perspective and skills. When communication is approached as a dynamic, two-way process, it encourages active listening, mutual respect, and adaptability.

In the context of children's rights, the stakes are high. The lives, safety, and well-being of children depend on the ability of legal professionals, social workers, educators, psychologists, and others to work together with a shared purpose. Systems theory helps these teams see the bigger picture – how each action, decision, or misstep can ripple through the system, affecting the outcomes for the child. Meanwhile, the transactional model ensures that these interactions are not one-sided but collaborative, allowing professionals to respond in real-time to new insights, challenges, and needs.

3. Organisational Communication

Within legal institutions, organisational communication refers to the internal processes through which information is shared, decisions are made, and tasks are coordinated. These processes are critical for ensuring the smooth operation of the courts, law firms, child protection agencies, and other entities involved in legal matters. Regarding children's rights, effective organisational communication is even more vital, as it directly affects the abilities of these institutions to deliver justice and protect children's rights.

In court, organisational communication is necessary to ensure that judicial processes run smoothly and fairly. Judges, clerks, administrative staff, and other personnel work together in a coordinated effort to manage caseloads, schedule hearings, issue rulings, and maintain court records.¹⁷ For instance, clerks must communicate effectively with judges to ensure that the case files are complete and accessible during proceedings. Meanwhile, the administrative staff coordinate with legal

¹⁷ Ng, 2007.

representatives to ensure that hearings are scheduled efficiently, minimising delays that could undermine the timely administration of justice. For children's rights, this communication has an added layer of complexity and importance. For example, courts handling child custody or welfare cases require seamless information flows between the various stakeholders, including social workers and legal guardians. Poor communication can lead to critical oversights, such as missing evidence or misunderstandings regarding the needs of the child, thus potentially jeopardising the case's outcome.

Communication within child protection agencies involves a diverse range of professionals, including social workers, legal representatives, and administrative personnel. These organisations often face high-stakes situations, where effective communication is critical to safeguarding the welfare of vulnerable children. For instance, social workers must share detailed reports about a child's living conditions, psychological state, or educational needs with the legal representatives who rely on this information to advocate for the child's best interests in court.

Breakdowns in communication can have devastating consequences in these cases. Misunderstandings or delays in information sharing might lead to inappropriate placements or insufficient interventions, further endangering the child. Therefore, establishing communication protocols such as standardised reporting templates and regular interdisciplinary meetings is essential to ensure that all professionals involved are working collaboratively toward the same goal.

Effective organisational communication within legal institutions is crucial for upholding children's rights. Several global cases and policies highlight the importance of internal communication systems in protecting children. A study conducted by the Child and Woman Abuse Studies Unit (CWASU) examined how professionals from diverse agencies (e.g. social services, law enforcement, healthcare providers, and educational institutions) communicate in the sensitive context of child protection cases.¹⁸ The results of the study revealed that effective collaboration and clear communication are indispensable for creating and implementing Child Protection Plans. These plans are critical tools used to ensure the safety and well-being of children at risk of harm. The study also highlighted that communication breakdowns between agencies often lead to significant delays in intervention, the mismanagement of critical information, and, in some cases, have dire consequences for the child's welfare. For example, when social workers fail to relay timely updates to law enforcement or when schools are not informed about a child's situation, opportunities for early intervention can be missed. The findings also emphasised that child protection cases are inherently multidisciplinary, requiring seamless information sharing and communication between professionals who may have vastly different areas of expertise and operational protocols. They also pointed to the need for ongoing training in child-sensitive communication practices. Across agencies, professionals must understand how to effectively communicate with children, who may be experiencing trauma or

18 Child and Woman Abuse Studies Unit, 2025.

fear, as well as with each other. Building trust and ensuring clarity in interactions can significantly improve the outcomes for children.

UNICEF and Save the Children collaborated to develop a comprehensive tool for guiding businesses in integrating children's rights into their policies and codes of conduct.¹⁹ Recognising the significant influence that businesses exert on children's lives through their operations, supply chains, and products, this tool offers a framework to help organisations align their practices with international standards on the protection and promotion of children's rights. Specifically, the tool emphasises the role of clear and effective internal communication in creating a culture of accountability and responsibility within businesses. By embedding children's rights into their policies, businesses can ensure that the employees at all levels are aware of their responsibilities toward children and understand how their actions and decisions may affect young lives. For example, clear internal communication protocols can help ensure that policies regarding child labour, ethical advertising, and community engagement are consistently applied across all departments and regions. The guidance also highlights practical steps for businesses, including the creation of dedicated training programs and awareness campaigns. These initiatives are designed to educate employees about the importance of children's rights and to provide them with the knowledge and tools to identify and address potential risks to children. Regular workshops, internal memos, and updates from leadership can reinforce these principles and demonstrate a company's commitment to ethical practices.

Furthermore, the tool advocates for transparent communication within organisations, ensuring that employees feel empowered to raise concerns or report violations of children's rights without fear of retaliation. This open dialogue is essential for fostering a culture of trust and integrity, where employees at all levels can contribute to their organisation's efforts to protect children. In addition to internal communication, the tool also stresses the importance of external reporting and engagement. Businesses are encouraged to communicate their commitments towards children's rights through public policies, sustainability reports, and stakeholder consultations. By doing so, they not only enhance their reputation but also contribute to broader global efforts to safeguard children's well-being. The tool developed by UNICEF and Save the Children thus provides businesses with actionable strategies to embed children's rights into their operations.

4. Professional Communication

Effective professional communication lies at the heart of legal practice, as it aids collaboration, mutual understanding, and ethical decision-making among legal professionals. It encompasses both intra-professional communication – interactions

¹⁹ UNICEF, 2013.

within the legal profession – and specialised approaches required for cases involving children.

Intra-professional communication refers to the interactions between judges, lawyers, legal aides, and other legal practitioners. This form of communication is essential for coordinating efforts, maintaining procedural consistency, and delivering coherent legal outcomes. Judges, lawyers, and legal aides must work collaboratively to ensure that cases are managed efficiently and fairly.²⁰ For example, lawyers need to present their arguments in a clear and logical way so that judges can make well-informed decisions. Legal aides support this process by organising documents, highlighting key points, and helping the proceedings run smoothly. Collaboration becomes even more important in complex cases that involve several legal professionals. In matters that cross jurisdictions, for instance, good communication between legal teams helps ensure that all procedures are followed correctly and that justice is delivered without unnecessary delay.

Cases involving children require a tailored approach to communication, as they often involve unique ethical, developmental, and emotional considerations. Legal professionals must adapt their communication strategies to ensure that the child's voice is heard and their rights are protected. In juvenile justice cases, communication must be child-friendly, considering the cognitive and emotional development of the child. This may involve simplifying legal language, using visual aids, or employing child psychologists to facilitate understanding.

In child welfare cases, professionals have to balance clarity with compassion. Communication needs to be straightforward, yet gentle enough to take into account a child's fears or past trauma. When speaking with a child about their living situation, for instance, social workers and lawyers should ask open-ended questions that invite honest answers rather than leading ones. This approach helps the child feel safe to share their experiences in their own words.

Legal professionals have a duty to stay impartial and to communicate in ways that do not shape or influence a child's words or views. Judges and lawyers should approach every case with an open mind, setting aside assumptions or personal opinions. Ethical communication also means giving children a real voice in the proceedings that affect them. According to Article 12 of the UN Convention on the Rights of the Child,²¹ children have the right to express their views in matters that concern them. Legal professionals must create environments where children feel safe and empowered to share their perspectives.

UNICEF has developed comprehensive guidelines that emphasise the critical importance of *child-sensitive communication in legal aid services*.²² Recognising that children are often among the most vulnerable participants in legal processes, these guidelines ensure that young clients are not only protected but also empowered to

20 Ng, 2007.

21 United Nations, 1989.

22 UNICEF, 2018.

participate meaningfully in decisions affecting their lives. One of the core tenets of these guidelines is the emphasis on building trustful relationships with child clients. Establishing trust is essential, as children may be reluctant to share their experiences due to fear, trauma, or lack of familiarity with the legal system. Legal professionals are encouraged to approach interactions with patience, empathy, and a genuine willingness to listen. By doing so, they can create a foundation of trust that allows the children to open up and express their concerns more freely.

Another key aspect of the guidelines is ensuring that children understand the legal proceedings. Legal jargon and complex procedures can be intimidating and confusing for adults, let alone children. To address this issue, UNICEF advocates for the use of age-appropriate language that simplifies legal concepts without undermining their importance. Legal professionals are also encouraged to explain each step of the process in a way that is relatable and comprehensible, thus enabling children to make informed decisions about their participation.

The guidelines further emphasise the importance of being attentive to non-verbal cues. Children may communicate their feelings, fears, or needs through body language, facial expressions, or tone of voice rather than words. As such, legal professionals must develop the skills to recognise and interpret these subtle cues, as they often provide valuable insights into the child's emotional state and unspoken concerns. Active listening and a keen awareness of non-verbal communication can help professionals address underlying issues that may not be immediately apparent.

Creating a supportive environment during legal consultations is another cornerstone of UNICEF's guidelines. This requires practical measures such as arranging seating to reduce formality, allowing the presence of a trusted adult, and ensuring that the physical space is welcoming and non-intimidating. A supportive environment also includes the professional's demeanour, such as approaching the child with kindness, understanding, and reassurance to alleviate anxiety and build confidence.

Additionally, the guidelines stress the importance of actively involving children in decisions that affect them. This aligns with the principle of child participation outlined in Article 12 of the CRC, which states that children have the right to express their views freely in all matters affecting them. By involving children in discussions and considering their opinions, legal professionals not only uphold this right but also ensure that the developed solutions are tailored to the child's needs and circumstances.

UNICEF has extensively documented examples of *child-friendly complaint mechanisms* designed to empower children by providing them with safe, confidential, and accessible ways to report the violations of their rights.²³ These mechanisms acknowledge the importance of children's agency in matters that directly affect them and aim to uphold their rights as outlined in the CRC, particularly Article 12, which emphasises a child's right to be heard.

23 UNICEF, 2019.

A defining feature of these mechanisms is their accessibility. Acknowledging that children come from very different circumstances and abilities, UNICEF promotes complaint systems that are simple to understand and easy to use, no matter the child's age, literacy level, or background. This includes offering multiple channels for lodging complaints, such as in-person reporting, hotlines, online platforms, or designated complaint boxes in schools or community centres. The materials that explain these options, such as brochures, videos, or posters, are created with child-friendly visuals and plain language so that every child can follow the process with confidence.

Another key element of these mechanisms is confidentiality. Many children hesitate to report violations of their rights because they fear being punished, judged, or not believed. Ensuring confidentiality helps create a safe space where they can speak about their experiences without fear of consequences. This protection is especially important in cases of abuse, neglect, or exploitation, where a child's safety and emotional well-being may already be fragile.

Just as important is the supportive role these mechanisms play. They do more than simply receive complaints, they are designed to guide children through the process and offer assistance at every step. Trained personnel skilled in child-sensitive communication play a crucial role in creating an environment where children feel respected and valued. These professionals help explain the potential outcomes of their complaints, provide emotional support, and ensure that children are not retraumatised during the reporting process.

The *Council of Europe* has developed comprehensive *guidelines* aimed at making justice systems more accessible, inclusive, and responsive to children's unique needs.²⁴ These guidelines, grounded in the principles of child-friendly justice, recognise that children are not merely passive recipients of protection but active rights-holders who deserve meaningful participation in legal processes.

One important recommendation is to provide specialised training for legal professionals for effective communication with children. Such training focuses on understanding the cognitive, emotional, and developmental stages of childhood and on giving professionals the skills to engage with children in ways that are age-appropriate and non-intimidating. For example, judges and lawyers are encouraged to use a more relaxed tone, avoid complex legal language, and listen actively to what children have to say. Approaches like these help children feel genuinely heard, respected, and valued in proceedings that have a direct impact on their lives.

The guidelines also emphasise the importance of adapting legal proceedings to be more child-friendly. This includes simplifying legal language and procedures so that they are understandable to children of various ages and developmental levels. For instance, instead of complex legal terminology, professionals are advised to use plain, everyday language when explaining legal processes, rights, and obligations. Visual aids, diagrams, and storytelling can also be employed to help children grasp complex concepts and navigate legal proceedings with greater confidence.

24 Council of Europe, 2010.

Additionally, the Council's guidelines advocate for procedural modifications that reduce the intimidating nature of traditional court settings. Examples include creating specialised child-friendly courtrooms with relaxed seating arrangements, allowing children to provide testimony via video to avoid direct confrontation with alleged perpetrators, and ensuring the presence of a trusted adult or support person during proceedings. These measures help minimise the stress and trauma children may experience while participating in the justice system.

Another vital aspect of the Council's guidelines is the focus on providing children with accessible information about their rights and the justice system. The guidelines recommend developing child-friendly materials such as booklets, videos, and online resources that explain legal concepts and procedures in a straightforward and engaging manner. These resources empower children to understand their roles, rights, and options within the justice system, fostering a sense of agency and confidence. The ultimate goal is to transform the justice system into a space where children's voices are not only heard but also acted upon, ensuring outcomes that reflect their best interests and support their development.

The *Child Rights International Network* (CRIN) has highlighted numerous examples from various jurisdictions of how legal processes can be adapted to better meet the needs of children.²⁵ These practices emphasise the importance of creating environments where children feel safe, respected, and empowered to participate in legal proceedings.

In many jurisdictions, judges who handle cases involving children receive *specialised training* to ensure they understand the unique developmental, psychological, and emotional needs of such young participants. For example, juvenile judges in France are specifically trained to handle cases involving minors. These judges not only focus on adjudication but also try to understand the social and familial context of the child, often by collaborating with social workers and psychologists to make decisions that prioritise the child's welfare.²⁶ Judges in child protection cases in Norway undergo extensive training in child psychology and trauma-informed practices. This training enables them to ask questions and interact with children in a way that minimises intimidation and builds trust. These efforts ensure that judicial decisions are informed by a comprehensive understanding of a child's circumstances and needs.²⁷

In many countries the use of *video testimonies* is a widely adopted practice aimed at reducing the stress children experience when appearing in court, particularly in cases of abuse or violence. In the United Kingdom courts allow children to provide testimony via pre-recorded video or live video links.²⁸ This practice not only spares children from the potentially traumatic experience of facing perpetrators in court, but also enables them to speak more freely in a less intimidating environment.²⁹

25 Child Rights International Network, 2011.

26 Liefwaard, 2016, pp. 905–927.

27 Skivenes and Søvig, 2016.

28 Youth Justice and Criminal Evidence Act 1999 (YJCEA), Arts. 27–28.

29 Plotnikoff and Woolfson, 2009.

The Family Court of Australia uses video technology to take testimonies from children in a separate, child-friendly room.³⁰ This method has proven effective in gathering accurate accounts while safeguarding the child's emotional well-being.³¹ These adaptations demonstrate how technology can be leveraged to protect children from the formal and often intimidating traditional courtroom settings.

Ensuring that children can understand legal processes is another critical component of child-friendly justice. Various legal systems have developed *materials tailored to the needs of children*, including those with disabilities. For instance, the Swedish Ombudsman for Children has produced simple, illustrated guides to legal rights and court procedures for children.³² These materials explain complex legal concepts in plain language, making them accessible even to younger children. In South Africa, legal aid organisations provide audio recordings and Braille versions of legal documents for children with visual impairments.³³ This inclusivity ensures that children with disabilities can actively participate in legal proceedings and understand their rights. Such measures demonstrate a commitment to making justice systems truly accessible to all children, regardless of their abilities or circumstances.

In addition to implementing specific communication strategies, some jurisdictions have taken significant steps for redesigning *child-friendly courtrooms*, ensuring that the physical environment aligns with the principles of child-friendly justice. Recognising that traditional courtrooms can be intimidating and formal, these adaptations aim to reduce anxiety and create a sense of safety. In Canada, several courts have introduced child-friendly spaces that prioritise the emotional well-being of young participants. These areas are equipped with toys, books, and comfortable seating, providing a relaxed environment for children who may be required to wait before giving testimony or attending hearings.³⁴ New Zealand has taken on a progressive approach with its specialised youth courts, creating informal layouts that prioritise collaboration and inclusivity. These courts aim to minimise the adversarial nature of traditional proceedings. Children are seated closer to judges and legal professionals, thus breaking down hierarchical barriers and encouraging open dialogue. This arrangement reduces the sense of intimidation that children might feel in a conventional courtroom. The youth courts in New Zealand often feature round tables instead of traditional courtroom layouts, enabling all participants to engage in discussions on equal footing. This setup encourages children to express themselves more freely.³⁵ Family courts in the UK have introduced similar initiatives, such as allowing children to meet judges in informal settings before proceedings; this is not

30 Family Law Act 1975 (Cth), Arts. 102C -102F.

31 Cashmore and Parkinson, 2007, pp. 43–60.

32 Barnombudsmannen, 2018.

33 'Any relevant court documents must be made available in Braille, large print, electronic and/or in audio format.' Child Witness Institute, 2022.

34 Proactive Information Services, 2015.

35 Lynch, 2008, pp. 215–228.

a systematic practice yet, but there are documented initiatives.³⁶ This personal connection helps children feel more comfortable and reduces the stress of appearing in court. In some courts, murals and artwork featuring nature or child-friendly themes are used to create a calming atmosphere.^{37,38} Additionally, courthouses have incorporated separate entrances and exits for children to avoid confrontations with other parties involved in the case.

These child-friendly initiatives have had measurable positive impacts. Studies from jurisdictions such as the UK and Norway report that children who experience such adapted legal processes feel more empowered and less traumatised by their involvement in the justice system. Feedback from legal professionals indicates that these practices improve the accuracy and reliability of children's testimonies, as children feel more comfortable and confident when sharing their experiences. By appointing specially trained judges, using video testimonies, providing accessible materials, and creating child-friendly environments, these jurisdictions set a standard for how legal systems can better serve children. These examples underline the necessity of embedding child-friendly communication strategies into the very fabric of justice systems worldwide.

5. Interprofessional Communication

Interprofessional communication is the cornerstone of effective collaboration in cases involving children's rights. Ensuring the well-being of children often requires the coordinated efforts of professionals from diverse fields, including social workers, psychologists, educators, medical practitioners, and legal professionals. Each brings a unique perspective and expertise to the table, contributing to a holistic understanding of the child's needs. However, the differences in professional terminologies, priorities, and ethical frameworks can create significant communication barriers, making collaboration challenging. Addressing these barriers is thus essential for safeguarding children's rights and ensuring decisions are made in their best interests.

Social workers are often at the forefront of child protection cases, being tasked with assessing family dynamics, evaluating living conditions, and identifying risks to the child's safety. Their ability to navigate sensitive family environments and provide detailed assessments of the child's home life is critical to understanding the child's experiences. Social workers also act as the link between families and other professionals, ensuring that all parties are informed about the child's needs and progress.

Psychologists contribute valuable insights to the emotional and cognitive development of children. Their assessments can uncover underlying mental health

³⁶ Jones, 2023.

³⁷ Sheahan, 2021.

³⁸ North Carolina Judicial Branch, 2023.

needs, emotional distress, or trauma that may not be immediately visible to other professionals. For example, in cases of suspected neglect or abuse, a psychologist's evaluation can reveal the psychological impact on the child and guide interventions aimed at recovery.

Educators also play a crucial role in interprofessional communication, as they have direct, daily interactions with the children. Teachers and school staff often observe behavioural changes, academic challenges, or social difficulties that may indicate underlying issues at home or in the child's personal life. Their input provides a critical perspective on how external factors are affecting the child's development and performance in an educational setting.

Medical practitioners bring yet another essential dimension to the collaborative effort, focusing on the child's physical health and development. Paediatricians and other healthcare professionals can identify signs of neglect, abuse, or malnutrition, and their assessments often form the foundation for immediate protective actions. For example, in a case where a child presents with unexplained injuries or developmental delays, the medical practitioner's observations and recommendations can guide the direction of the broader investigation.

Collaboration among these professionals is critical to forming a comprehensive picture of the child's circumstances. However, the effectiveness of such collaboration depends on overcoming significant challenges. Differences in professional terminologies, priorities, and ethical frameworks can create barriers to effective communication and coordination. For example, while a social worker might prioritise immediate safety, a psychologist may focus on long-term emotional stability, while a medical practitioner may highlight urgent health interventions. Without clear communication and a shared understanding of goals, these different priorities can lead to fragmented efforts and delays in action. In some cases, certain professions may dominate the discussions or decision-making processes due to perceived authority or expertise. For instance, legal professionals might overshadow contributions from educators or social workers, despite the latter's critical insights into the child's day-to-day experiences. These imbalances can lead to the undervaluation of certain perspectives, reducing the quality of the decisions affecting the child.

Child custody disputes present some of the most emotionally charged and complex challenges within family law, often requiring input from multiple professionals to ensure that decisions are made in the best interests of the child. A cross-disciplinary approach leverages the expertise of various specialists such as legal counsel, psychologists, social workers, and educators to provide a comprehensive understanding of the child's circumstances. A concrete example of such collaboration can be seen in the Unified Family Court system in Florida, United States,³⁹ which integrates legal professionals, child advocates, social workers, and mental health specialists. In cases involving custody disputes, psychologists are often brought in to conduct

39 Florida Courts, n.d.

thorough evaluations of the child's preferences, emotional bonds with each parent, and any underlying psychological needs. These evaluations may include interviews with the child, observational sessions with parents, and standardised assessments to gauge the child's emotional and mental health. Social workers complement this by providing detailed assessments of the living conditions in each parent's home. They evaluate factors such as housing stability, the availability of resources to support the child's needs, and the quality of parenting practices observed during home visits. For example, in a case where one parent may lack sufficient means to provide a safe environment, the social worker's report becomes instrumental in shaping the court's decision. Educators also play a vital role by offering insights into the child's academic performance, social interactions, and behavioural patterns within the school environment. A report from a teacher or school counsellor can highlight how a child's living situation is affecting their education and social development. For instance, if a child shows significant behavioural changes or declining grades during the dispute, this information provides the court with a clear understanding of the impact of instability on the child's well-being.

In New Zealand, the Family Court uses a multidisciplinary approach to resolve custody disputes. Judges frequently engage psychologists, known as "Court-appointed Specialists", who assess children's needs and preferences. The Care of Children Act 2004 mandates children's voices to be heard during custody proceedings, with the psychologist acting as a neutral party to ensure that the child's perspective is fairly represented.⁴⁰ Social workers also collaborate with the court to provide reports on home conditions and parenting suitability. While specific case details are confidential, the Family Court's protocols emphasise the importance of such multidisciplinary collaborations. For instance, the *Guideline: Family Court Counsellors*⁴¹ outlines the roles of various professionals, including psychologists and social workers, in providing comprehensive assessments to inform judicial decisions.

The success of these cross-disciplinary efforts hinges on effective communication among professionals. Sharing consistent, accurate, and timely information is essential for understanding the child's needs. For example, psychologists must communicate their findings in a way that is accessible to legal professionals who lack a background in mental health. Similarly, social workers and educators must translate their observations into actionable recommendations that align with the legal framework governing custody disputes. Cross-disciplinary approaches to child custody disputes demonstrate the value of interprofessional collaboration in law. By pooling the expertise of legal, psychological, social, and educational professionals, courts can make decisions that prioritise the child's best interests. Real-world examples, such as those from Florida and New Zealand, illustrate how these practices enhance the fairness and effectiveness of custody proceedings, ensuring that children's voices are heard and their well-being remains at the centre of every decision.

40 Ministry of Justice New Zealand, n.d.

41 New Zealand Disputes Tribunal, 2016.

6. Tools and Techniques for Effective Communication

The ability of professionals from different backgrounds to communicate clearly and empathically is at the heart of putting children's rights into practice. This requires using the right tools and techniques to ensure everyone understands each other, can work together smoothly, and, most importantly, children can take part in the process and have their voices heard.

Digital technology has completely changed how professionals handle the cases involving children. Tools such as online platforms for managing cases, shared databases, and secure messaging have become essential in information being shared quickly and accurately. Nowadays, social workers, psychologists, and legal experts can all access and update case details in real time, which helps prevent mistakes and saves time. Secure messaging lets teams discuss sensitive issues privately and make better, faster decisions.

Visual aids and simplified language are also critical tools for helping everyone involved, especially children or those new to legal terms, to really understand what is going on. Flowcharts can break down the steps of a legal process and infographics can turn complex information into something much easier to grasp. When we use such tools, we make sure all voices, especially children's, are included in decisions that matter to them.

Interdisciplinary collaboration is essential for addressing children's rights cases. Regular meetings and case reviews give everyone involved a chance to come together, share what they know, and figure out the best way forward. Picture a group made up of a psychologist, a social worker, a teacher, and a lawyer sitting down to talk about what's best for a child. The psychologist explains how the child is coping emotionally, the social worker brings updates about their home life, and the lawyer makes sure the legal steps are all in order. By pooling their insights, they can make sure nothing gets missed and that every decision puts the child's needs first.

Mediators or communication facilitators are especially helpful when the situation becomes tense, such is the case in tough custody battles. These neutral experts help keep conversations on track, making sure everyone gets to share their perspective and that proceedings remain respectful. Their involvement not only helps calm things down but also creates a space where everyone can work together and put the child's well-being first.

The legal field is also catching on to the power of plain language. Legal documents using complicated words and formal language can make it hard for parents, children, and even other professionals to understand what is really going on. Plain language initiatives are all about writing things simply and clearly so that everyone knows their rights and responsibilities. For example, court orders or custody agreements can be rewritten in everyday language, making sure everyone is in the loop and able to participate. In other words, this ensures that all parties fully understand their rights and obligations.

In cases involving children, it is especially important to create legal documents that the children themselves can actually understand. These documents translate legal concepts into age-appropriate language, often incorporating visuals and examples to help children grasp their meaning. Imagine a court giving a child a diagram that shows where they will live and when they will see each parent; this helps bring the legal process to life in a way that makes sense to them. Explaining things in this way helps children feel included and less anxious, because they know what is happening and what to expect.

To improve communication practices in legal and interdisciplinary contexts, it is important to look at what is working around the world and to involve trained professionals who know how to talk to children in ways that are clear and supportive.

One of the key recommendations we can draw from worldwide best practices is to have trained professionals dealing with children. These include:

1. **Child Advocates and Guardians ad Litem:** These professionals act as independent representatives for children in legal cases, ensuring that their voices are heard and their best interests prioritised. For example, in the United States, court-appointed guardians ad litem are trained in child development and communication,⁴² enabling them to provide insights into a child's perspective during custody and welfare proceedings.
2. **Trauma-Informed Specialists:** Professionals trained in trauma-informed care can help identify and address the emotional needs of children who have experienced neglect, abuse, or other adverse conditions. In Canada, Child and Youth Advocacy Centres employ trauma-informed advocates who work alongside legal and social service professionals to create a supportive environment for children.⁴³
3. **Child Psychologists and Forensic Interviewers:** In countries such as Norway and New Zealand, psychologists and forensic interviewers receive specialised training to conduct child-sensitive interviews. These professionals use evidence-based techniques, such as the National Institute of Child Health and Human Development (NICHD) protocol, to gather accurate information while minimising distress for the child.⁴⁴
4. **Mediators and Family Dispute Resolution Practitioners:** In Australia, Family Dispute Resolution Practitioners play a key role in facilitating communication between parents in custody disputes. These mediators are trained in conflict resolution and child-focused practices, thus helping families reach agreements that prioritise the child's well-being.⁴⁵

42 American Profession Guide, 2024.

43 Canadian Child Advocacy Centres, 2021.

44 Lamb et al., 2019, pp. 87–112.

45 Attorney-General's Department, n.d.

A big step forward is creating *specialised child-friendly units* within courts and legal organisations. These should be staffed by people trained to talk with children in ways that make them feel safe and understood. For example, the Family Court of Australia provides child-inclusive mediation services, where children can share their feelings in a comfortable setting, helping judges make decisions that really take the child's perspective into account.

Another important change is requiring all professionals who work with children to participate in interprofessional training programs. Governments should require *cross-disciplinary training* to equip professionals with the skills needed to collaborate effectively on child welfare cases. In Sweden, there is a growing push for this kind of cross-professional education, and ongoing training is offered so that everyone can learn more about children's rights and how to communicate with. Studies show that most actors in child protection – including lawyers, social workers, and laypersons – report needing more education in children's rights and how to communicate with children. Sweden's Judicial Training Academy provides continuous training in relevant legal fields (e.g. family and social welfare law).⁴⁶

Creating *child-friendly justice systems* is also vital. Legal environments can be intimidating for children, which can hinder their ability to fully participate. Many jurisdictions have introduced adaptations to address this issue. In Scotland, the Vulnerable Witnesses Act allows children to provide testimonies via video links, thus offering a more comfortable and less formal alternative to appearing in court.⁴⁷ In the Netherlands, there are some documented cases of using small consultation rooms or meeting rooms for children in judicial proceedings, including interviews without parents being present. These are intended to reduce the pressure on children and help them express their views more freely.⁴⁸

The development of *standardised communication* protocols is another key recommendation. Consistent methods for sharing information and managing cases can significantly enhance collaboration among professionals. In the United Kingdom, the Integrated Children's Services system employs shared digital case files accessible to all relevant stakeholders. This approach promotes transparency, reduces redundancies, and ensures that all team members are working with the same up-to-date information.

Encouraging *child participation* in decision-making is a cornerstone of child-centred justice. Empowering children to actively contribute to decisions affecting their lives not only upholds their rights but also leads to better outcomes. In Germany, the *Participation in Family Law Proceedings* project allows children to meet judges and share their perspectives in age-appropriate ways.⁴⁹ This initiative ensures that chil-

46 See: Swedish Judicial Training Academy [Online]. Available at: <https://portal.ejtn.eu/en/About-us/Members/Sweden/> (Accessed: 12 December 2024).

47 Scottish Government (2019) Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019: Implementation plan.

48 Janssen, 2022.

49 Dethloff and Schröder, 2021, pp. 185–204.

dren's voices are heard and valued, reinforcing their sense of agency and trust in the legal system.

To sustain and refine these efforts, governments and academic institutions must *invest in the research* and monitoring of communication practices. Ongoing studies can evaluate the effectiveness of existing systems and identify areas for improvement. European Union's *Child-Friendly Justice* project⁵⁰ serves as an exemplary model of conducting comparative research to highlight best practices across member states. These findings provide evidence-based guidance for policymakers and practitioners seeking to improve child-focused justice systems.

Finally, the importance of funding for multidisciplinary teams cannot be overstated. Financial support is essential to maintain the collaborative efforts of professionals from various fields. For example, in New Zealand, the Family Court integrates social workers, psychologists, and legal experts to provide comprehensive assessments of children's needs. This multidisciplinary approach ensures that decisions consider all aspects of a child's well-being, from emotional and psychological factors to physical and social conditions.

Certain techniques, such as plain-language orders, child-friendly explanatory sheets, and multidisciplinary case conferences, are policy-level changes that can be implemented administratively within existing mandates. Other elements, including video-link testimonies or the establishment of child-specific court units, typically require legislative amendment or practice directions. Mapping each technique to its legal basis clarifies the pathways for reform and the responsible actors.

All of these steps can make a real difference in how we communicate, work together, and make decisions when children are involved. Through specialised units, interprofessional training, clear protocols, and research initiatives, legal and social systems can ensure stronger protection of children's rights and genuine inclusion of their voices in decision-making processes.

7. Summary

Effective communication keeps children safe and supports their rights, being the bridge that connects different professionals, fields, and systems. In the sensitive world of child welfare and justice, communication is not just a technical skill. Rather, it shapes how children are seen, supported, and given a voice in both legal and social settings. The words used in legal documents and the way a child is spoken to during an interview both matter enormously. As such, how professionals communicate can change not just outcomes, but also how children feel as they move through a complicated system.

This chapter has looked at the challenges and possibilities that come with communication in organisations and across different professions. It shows that lawyers,

50 European Union Agency for Fundamental Rights, 2015.

social workers, psychologists, teachers, and doctors need to work side by side - not just to be efficient, but to make sure every decision genuinely puts the child's best interests first. When professionals trust one another, speak clearly, and lead with empathy, they can break down barriers and create systems that truly work for children.

Global initiatives such as child-friendly justice systems, multidisciplinary teams, and tools such as digital platforms and plain language documentation are changing how we view children's rights. These approaches are not just minor procedural improvements, but show a real commitment to making sure children's voices truly matter in the decisions about their lives. For example, child-friendly courtrooms, trauma-informed training, and teams that bring different experts together make the justice system more accessible, inclusive, welcoming and less overwhelming for children.

To improve communication even more in settings focused on children, we need to be intentional at every level – professional, organisational, and policy. Professionals should have access to strong training that helps them connect with children and work well with others. Organisations need to emphasise collaboration and inclusion in their communication protocols. Moreover, policymakers play their part by creating frameworks that make these practices the norm and by supporting long-term funding for multidisciplinary efforts.

Protecting children's rights takes more than just good intentions from professionals. It calls for systems to be built around children. By learning from the best ideas worldwide, we can create structures that genuinely protect every child's dignity and rights. Communication is not just a means to this end; it is the very foundation for building a world where children are truly heard, understood, and supported in all parts of their lives.

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Effectiveness-Supporting Methods, Strengthening the Soft-Skills and Communication Competences

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ABSTRACT

Strengthening the communication competencies of professionals who come into contact with children, and a wider knowledge of children's individual needs and age characteristics is an important prerequisite for the fuller enforcement of children's rights. The declaration and guaranteeing of children's rights is an important prerequisite at the level of legal regulation affecting different areas of law, but their actual practical implementation depends on the knowledge of the professionals with whom the affected age group comes into contact. Recognising this is an important step forward at both international and national level. This will not only mean greater protection for children and wider recognition of their specific needs but will also make cooperation between relevant professionals and institutions more effective. Therefore, complex training programs are important in all relevant fields, which aim to develop 'soft-skills' such as communication, problem-solving or the ability to cooperate in addition to 'hard-skills'.

KEYWORDS

communication competences, soft-skills, child-friendly communication, general key competence in justice system, speech, language and communication needs (SLCN), system-abuse, institutional violence

1. First Impressions and Communication

Training professionals working in institutions that come into contact with children is an important prerequisite for legal and professional operation. In addition to theoretical knowledge, it is particularly important to strengthen those competencies and individual abilities, the lack or limitation of which can have a number of negative effects, both directly and indirectly; ultimately, it can lead to the failure or obstruction of the enforcement of children's rights.

For young people who come into contact with the authorities – regardless of their current role – the professionals working there represent adult society, the state itself.

Erika Váradi-Csema (2025) 'Effectiveness-Supporting Methods, Strengthening the Soft Skills and Communication Competences' in Erika Váradi-Csema (ed.) *Interdisciplinary and Child-Friendly Communication*. Miskolc-Budapest: Central European Academic Publishing. pp. 153–166. https://doi.org/10.71009/2025.evcs.iacfc_11



Both the experience of stigma and psychological victimization (whether in concrete form in criminal proceedings or through secondary victimization) can cause disappointment, a feeling of abandonment and hopelessness. This loss of trust can have a lifelong impact on children's attitudes towards adults, authorities and, ultimately, on their attitude towards following the rules (i.e. law-abiding behaviour). The impact of such failures and negative experiences on both the mental state and the later behaviour of young people is very significant. If the institution does not function well, if the authorities do not cooperate well, if the problems are systemic, then ultimately these not only impair the efficiency of the justice system, child protection, etc., but also lead to phenomena such as abuse of the system or institutional violence. In these cases, the authorities that should represent or protect the interests of children (including, in addition to child protection, education, justice, health care, social institutions, etc.) do not, or do not perform their duties well, abuse their power, or "just" function dysfunctionally. These anomalies can ultimately violate the rights of children and cause traumatic experiences for those involved, even though the professionals involved do not necessarily commit a violation of the law.

The experiences of children who come into contact with authorities depend significantly on the communication and problem-solving skills, empathy and patience of professionals.

The level of communication competence and the ability to speak one language is of paramount importance in the context of (especially criminal) justice. In the field of criminal justice, not only the effectiveness of evidence, the enforcement of internationally recognized and declared children's rights, or the enforcement of principles specifically related to criminal proceedings (such as the principle of fair trial) must be taken into account, but also the effectiveness of criminal proceedings and crime prevention – ultimately achieving the fundamental criminal policy objectives of improving public safety and ensuring the well-being of the host society and children.

Strengthening the soft skills of professionals, supporting their conflict management skills, etc. is a recognized goal at both international and nation-state levels.

As a good practice, we can focus on the results of Hungarian judicial training to date. In relation to other actors of the Hungarian justice system – such as the police, the legal profession or the prosecution – there have also been, albeit at different levels, recognition of the need for the expansion of practical knowledge, the most active in this area has been the judge training and the Hungarian Academy of Justice. More competence-building programs (with a scoring value) should be needed in the other legal profession.

2. Definition and Types of (General) Competences

Given the specifics of the target group, it is important to clarify that competence is more than a skill¹. It is a skill, a competence, an aptitude – that is, the ability to successfully solve a complex task in a given context. Accordingly, its elements are the mobilization of knowledge, cognitive and practical skills, social and behavioural components, as well as attitudes, feelings and values.

According to József Nagy², general competence is a set of psychological components that are necessary for the everyday individual and social existence of every person. Within this, personal, social and cognitive competences are known. Specific competence is special knowledge, the task of which is to create a state change for the benefit of oneself and others. It includes special abilities, habits, skills and knowledge.

The three elements of the general key competence, which are relevant to the topic and are interconnected, are communication, cooperation and problem-solving competence: communicative competence is the ability of an individual to exchange information in a common set of signs in the interaction of two or more people; it includes the expression of feelings, awareness; it also includes elements such as authenticity, empathy, non-manipulative or non-game/game/trauma communication; it has now been extended to the ability to use information and communication technologies and the need for digital literacy; cooperative competence is a set of skills based on the cooperation of participants, which can be mobilized to achieve different goals and which also plays a significant developmental role in self-assessment and problem solving; it includes elements such as social behaviour, logical reasoning and inference, and debate culture; important principles of cooperative competence include individual and shared responsibility, equal participation, supportive cooperation and parallel interactions; problem-solving competence is the ability to apply cognitive processes in real situations; consists of identifying, understanding, representing, then solving a problem, and communicating the solution; it includes analytical, quantitative, analogical, and combinatorial thinking.

3. The European Framework of Judicial Competencies

The importance of competencies is demonstrated by the fact that they are also regulated at the member state level, in line with international expectations.

The framework and main directions of specific Member State solutions are determined by the Union strategies. The evaluation of the earlier (2011–2020) European

1 Somogyvári, 2015, pp. 61–68.

2 Nagy, 1996, p. 206.

judicial training strategy³ shows that overall the strategy has achieved most of its objectives. The flagship target of training half of all legal practitioners (i.e. 800 000⁴) on EU law between 2011 and 2020 was reached in 2017⁵. The strategy has helped to increase the number of training activities, but also promoted new types of activity, such as exchange programs. It has helped improve training on EU law for several categories of legal practitioners, especially judges and prosecutors. It has also built the capacities of networks such as the European Judicial Training Network (EJTN) and reinforced EU-level networks and training providers⁶.

The next Strategy – „Ensuring justice in the EU – a European judicial training strategy for 2021–2024” set out a number of new objectives. In doing so, the needs of the various legal professions were also taken into account. It was important to involve as wide a range of professionals from the field of justice as possible. Thus, although the primary objective was to train judges and prosecutors, the strategy covered all legal professionals: court staff, lawyers, notaries, bailiffs, mediators, legal interpreters and translators, court experts, and – as a new target group – partly prison staff and probation officers.

The annual report of the European Commission about the European judicial training⁷ informed about the fact, that it could be observed the decreasing tendency in connection with the training activities on EU law. (It means, that under 50% of judges and prosecutors participated in continuing training activities on EU law⁸ – although between 2011–2023 the number of participated justice professionals from the EU is more than 2 million⁹.) As EU law training has been a priority for many years, Member States have extensive experience in training methodology. Drawing on this, a number of good practices can be named, for example on the field of innovative training methodology from Romania (Recording, Broadcasting, Online Podcasting, Recording and Transcription of Training Activities and their Availability on the Internet¹⁰) or Bulgaria (Comprehensive Online e-Learning Strategy¹¹), on the field of

3 European Commission, 2019.

4 In 2011, half of the practitioners in the EU would have equalled 700,000, whereas in 2018, half of legal practitioners was approximately 800,000. These calculations are based on the data of the CEPEJ Reports regarding the number of legal practitioners in the EU Member States. European Commission, 2019.

5 European Commission, 2020a, p. 1.

6 Ibid.

7 European Commission, 2024.

8 Ibid., p. 3.

9 Ibid., p. 5.

10 See more: IT-25. Romania: Pilot Project - European Judicial Training: “Lot 1 – Study on best practices in training judges and prosecutors”, carried out by the European Judicial Training Network.

11 See more: IT-22. Bulgaria: Pilot Project - European Judicial Training: “Lot 1 – Study on best practices in training judges and prosecutors”, carried out by the European Judicial Training Network [Online]. Available at:

https://e-justice.europa.eu/sites/default/files/2014-06/IT_22_Bulgaria_EU_en.pdf?id=e831eee0-1f88-497f-9d8e-91c9e8e527b9 (Accessed: 28 October 2025).

training tools to favour the correct application of EU law and international judicial co-operation for example from Hungary (Poland, Czech Republic, Slovakia) (Judges and Prosecutors from Neighbouring Countries/Regions are Trained Together in EU Law (and Language), Reflecting the Existing ‘Operational Co-operation’¹²) and on the field of training needs’ assessment for example from Croatia (Assessing Regional Training Needs¹³). The researchers are constantly monitoring the needs of professionals, related to EU law¹⁴.

Despite the extensive experience and knowledge related to the trainings, the Strategy strongly emphasized: the training of lawyers lags behind that of other legal professionals, and this gap must be filled.

The Strategy made some important findings and set objectives in relation to competences („Necessary components of practitioners’ training beyond EU law”¹⁵):

1. European judicial training should go beyond legal education and support the development of professional skills. The law and legal principles do not function in a vacuum, so justice practitioners need to acquire multidisciplinary competences.
2. While it is a national responsibility, training in ‘judge craft’ (the set of skills and attitudes of being a judge) is central for the efficiency of justice, the relationship of trust between justice systems and members of the public, and trust between practitioners in cross-border cooperation.
3. Key training topics for judges include judicial conduct, resilience, unconscious bias, case and courtroom management, and leadership.
4. In addition, to acquire the requisite know-how, attitudes and expertise, all justice practitioners need training on non-legal knowledge and skills, e.g. as provided by behavioural sciences, psychology, anthropology, economics and cognitive linguistics.
5. The development of legal language skills is essential to enable smooth dialogue between practitioners, which in turn promotes mutual trust in cross-border judicial proceedings. Mastering foreign languages helps justice practitioners to understand foreign legal systems and concepts and increases participation in cross-border training activities.

It should be emphasized that the Strategy also referred to the importance of children’s rights. The rights of children, the rights of people with disabilities and adaptation of

12 See more: ITT-39. Hungary: Pilot Project – European Judicial Training: “Lot 1 – Study on best practices in training judges and prosecutors”, carried out by the European Judicial Training Network.

13 See more: TNA-05. Croatia: Pilot Project - European Judicial Training: “Lot 1 – Study on best practices in training judges and prosecutors”, carried out by the European Judicial Training Network.

14 See more about the results: European Commission, 2021.

15 Ibid., pp. 5–6.

justice systems to these groups, the specific challenges faced by victims of gender-based violence – all appeared as featured areas¹⁶.

(It is worth highlighting that under the new EU Strategy on the rights of the child, the Commission committed to propose in 2022 a horizontal legislative initiative to contribute to training of justice professionals on the rights of the child and child friendly justice, in line with the European judicial training strategy for 2021-2024, and through the European Judicial Training Network (EJTN), the Justice and CERV programs, as well as the European Training Platform of the EU e-justice portal and to strengthen the implementation of the 2010 Guidelines on Child-friendly Justice with the Council of Europe.¹⁷)

Although the focus of the trainings is on hard skills – including knowledge of EU law or children rights – the strengthening of soft skills was also an objective of the judicial training strategy for 2021–2024. The significance of these is particularly important in relation to the enforcement of children’s rights in practice.

On 11–12 June 2025 the European Judicial Training Network organised its 2025 General Assembly, over hundred delegates gather to shape the future of European justice. The European Commission, on 12 August 2025, published a call for evidence on the 2025–2030 European Judicial Training Strategy.

Further development of the European Strategy for Judicial Training 2025–2030 and close integration with the Digitalisation Strategy for the Judiciary¹⁸, which will entail increased training activity in digital competences, including AI. The gap of digital competencies is relevant. Until 2024 only 4,9% of the reported training activities focused on digitalisation and AI, for continuing training, 2,5% on digitalisation and AI and 24% on IT-skills¹⁹.

4. Competence-Strengthening Among Judges – One Good Example

The Hungarian judicial training, which can be identified as a good practice, – based on this content competence – provides a wide range of services in a complex way, striving to strengthen hard skills and soft skills together, and from a geographical (central, local/regional, self-educational) and methodological point of view. Although shifts in focus can be observed, child-centred justice, for example, remains in focus.

From 2020, iCorso – i.e. the Electronic Court Training Registration System – will provide additional support for trainings, significantly simplifying their transparency, the organization, planning and availability of trainings, for example. In addition to

¹⁶ European Commission, 2020a.

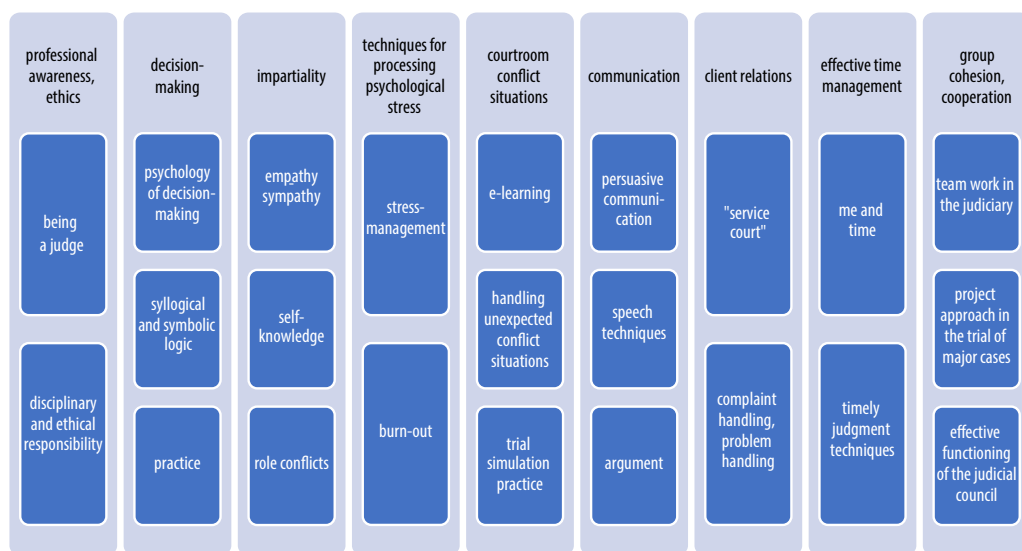
¹⁷ Child-friendly justice: Thematic area 4 of the EU strategy on the Rights of the Child EU actions to support justice systems that uphold the rights and needs of children. See more: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/rights-child/child-friendly-justice_en (Accessed: 28 October 2025).

¹⁸ Bitkom, 2025.

¹⁹ European Commission, 2024, p. 3.

the possibility of self-education, bachelor's training, professional training, competence development and international training courses are also available.

Figure 1. Complex training system to strengthen the communication skills of justice experts²⁰



In recent years, significant efforts have been made in the field of training of judicial professionals, in particular in the area of judicial training, which can be identified as good practice and is also a priority. As can be seen from the decisions of the President of the National Office for the Judiciary concerning the annual educational plans²¹, the training programme is not only complex in terms of its subject matter and the targeted competencies, but it is also mutually based on and mutually reinforcing in terms of time, regional availability and the facilitators of the training. It was developed in the 2010s in several phases²²:

1. 2014: basic training for lecturers; teaching the first module of each competence to future instructors (15–15 people); preparation of two e-learning courses;
2. 2015: teaching the second module per competence for future teachers; organization of trainings; at local level: launch of the first modules; launching e-learning courses;

²⁰ Author's own work.

²¹ 82.SZ/2023. (X.5.) NOJ decision on the 2024 central education plan.

²² Director of the Hungarian Academy of Justice (2014) '2014.NOJ. XXXVI.C.1.1./6. Information on the training programme of the Hungarian Academy of Justice on 17 March 2014 – for the period from 19 December 2014', p. 4.

3. 2016: teaching the third module to future trainers on competences where the third module already existed and could be taught locally; at local level: the promotion of the second modules;
4. 2017: launch of further master's programmes if necessary; centre (Budapest): launch of third modules; at local level: launch of third modules (where possible).

Information about competencies was available not only in the form of trainings, but also through other programs and events. (For example, on 16–17 October 2014, the MIA organised an international conference entitled “Court and Communication”.)

In addition to judicial professionalism and ethics, decision-making, impartiality, communication and rhetorical skills, client relations, effective conflict management, team cohesion and cooperation, the competence trainings for judges²³ also dealt with (newer) topics such as effective time management or the management of psychological stress. These are also indirectly important, as inadequate management of stress, for example, can lead to burnout.

Training programs have recently expanded not only in their offer, but also in their availability. In addition to on-site in-person trainings, complex online platforms are also available, specially adapted to the needs of the target group. In 2025, in addition to profession-focused trainings, ICT-based (e.g. presentation techniques, IT competencies) programs strengthening foreign language competencies were also available to applicants, in addition to the previous main topics²⁴.

5. Competence-Training for Police Officers and the Question of Specific “Police-Personality”

At the same time, the training palette of other actors in the judiciary is not so structured. The competence map of each profession may be different, so the training of professionals operates on different bases and within a different framework. Thus, for example, professionals working in the penitentiary system, who spend their working hours indoors and in a very strictly regulated manner at the level of legislation, have to be strong in other competencies (such as psychological endurance and emotional intelligence) than a lawyer, for example. „Qualification and know-how of personnel – both educational and psychological – is necessary to reach adequate professional decisions and steps, and optimal solutions in spite of risky conditions.” – writes Barbara Fibiné Babos²⁵.

23 82.SZ/2023. (X.5.) NOJ decision on the 2024 central education plan.

24 See: Draft 2025 Central Education Plan [Online]. Available at: https://birosag.hu/sites/default/files/2024-12/2025._evi_oktatasi_terv.pdf (Accessed: 14 May 2025).

25 Fibiné Babos, 2020, p. 7.

In terms of the ability to communicate with children, the police play a particularly important role. This institution is the gateway to the entire system of justice. Whether the minor is a victim, a perpetrator or ‘only’ in a moral danger zone, he or she gets his or her first impressions of the authority in this context. Although there are of course different training tasks and methods due to the professional tasks of the police, the question has been raised at the international level as well: is there a separate, specific “police personality”? Although²⁶ research does not uniformly establish the existence of special police personality, it has unanimously proven that there are personality traits that make people more likely to choose this career.

It appears that in terms of the Temperament and Character (TCI) dimensions, police officers are lower on the novelty seeking (NS), harm avoidance (HA) and cooperativeness (C) subscales, while the self-directedness (S), persistence (P) and self-transcendence (ST) subscales scored significantly higher compared to the control groups. A recommendation for competence development was already made in 2018, but its practical implementation is not common. Larger-scale competency-focused training is primarily carried out on a campaign basis, in relation to projects for staff.

Other research²⁷, such as the Revised NEO Personality Inventory (NEO-PI-R) questionnaire, reported that police officers scored significantly higher average scores on the Sociability, Sense of Duty and Consideration subscales compared to firefighters who appeared as a control group.

And the research conducted with the Big Five Inventory questionnaire²⁸ highlighted the significantly higher Emotional Stability values of police officers (interestingly, however, they were less likely to avoid conflict than the control group). Overall, police officers have proven to be much more conservative, not showing much openness, especially to new experiences.

Competence training for police officers is also ongoing in Hungary. One of the good examples is the 2007 Twinning project²⁹, which provided basic competence training for 4,000 Hungarian law enforcement professionals (i.e. included police officers).

6. Competency-Map of Institutions – Similarities

The process of adjudication presupposes the successful cooperation of several institutions for a common great goal³⁰. This would mean that all professionals involved would have to meet the same competence expectations.

Although the “European judicial training strategy for 2021-2024” itself states that the characteristics of the field must be taken into account when training professionals, it contains little further information in this area.

26 Malét-Szabó et al., 2018, pp. 17–18.

27 Ibid., p. 18.

28 Ibid.

29 Hegyi, 2016, pp. 29–30.

30 See more details: Váradi-Csema, 2023, pp. 87–142.

It is up to the Member States to determine the necessary steps to achieve the desired result. In Hungary, for example, their frameworks are setting out in the annexes of Government Decree No. 10/2013. (I. 21.)³¹: the Evaluation Sheet of Competence-Based Work Behaviour (Annex 3) and the Competence Map of Performance Evaluation (Annex 4).

The concept of competence formulated by the law is of a general nature. According to this, competence is the combination of knowledge, proficiency, skills, abilities, social roles or values necessary for the performance of public service tasks, self-image, personality traits that help employment and motivation for efficiency.

Individual professional areas are able to formulate special competence expectations through different laws – if there is one. Staying with the Hungarian example:

1. Decree of the Ministry of the Interior on the recommended elements of the performance evaluation of the professional members of certain armed forces under the direction of the Minister of the Interior, the procedural rules related to the application of the recommended elements, the order of qualification and the evaluation of organisational performance (No. 26/2013 (VI.26.)³²),
2. Decree of the Ministry of the Interior on the performance evaluation of judicial employees employed by judicial expert institutions (No. 30/2020 (VII.31.)³³),
3. while, for example, the Act LXVIII of 1997 deals with the service relationship of judicial employees³⁴.

While in most cases the annexes contain the specific competencies (expected and assessed), the detailed rules for the performance evaluation of judicial employees are set out in the regulations of the President of the National Office for the Judiciary (NOJ), for example, in the case of judges.

The NOJ Instruction on the Performance Evaluation of Judicial Employees (No. 10/2018 (XII.19.)³⁵) distinguishes between basic and professional competencies. Basic competence is the general preparedness, knowledge, proficiency, skills, ability, and all the personal characteristics necessary for the performance of the duties and position, as well as the sum of all the personal characteristics that affect work performance, while professional competence is the specific skills, skills, abilities and personal characteristics that affect the work performance of court clerks, court clerks, clerks, clerks and managers, other than the basic competencies.

31 Government Decree No. 10/2013 (I. 21.) on individual performance evaluation in public service.

32 Decree No. 26/2013 (VI. 26.) BM on the recommended elements of performance evaluation of professional staff members of certain armed forces under the control of the Minister of the Interior, the procedural rules related to the application of the recommended elements, the classification system, and organisational performance evaluation.

33 Decree No. 30/2020 (VII. 31.) BM on the performance evaluation of judicial employees employed by the forensic expert institution.

34 Act LXVIII of 1997 on the service relationship of judicial employees.

35 10/2018. (XII. 19.) OBH instruction on the performance evaluation of judicial employees.

To what extent do the uniform public service competence requirements correspond to the competence needs of the specific institutions that arise in practice? A Hungarian research³⁶ compared the basic police competencies and the Unified Public Service Core Competencies. The conclusion of the wide-ranging study is that the two competency rankings are very similar to each other both in terms of the entire test sample and only in terms of the police sample. The 11 most important core competencies identified: 1. Decision-making ability 2. Problem-solving skills 3. Responsibility 4. Sense of rules, discipline 5. Cooperation skills 6. Situational awareness, insight into the essence 7. Psychological endurance 8. Communication Skills 9. Conflict management 10. Independence 11. Striving for quality. This also means that it is worthwhile and necessary to define a uniform collection of basic competencies for public service.

At the same time, it is also exciting to see that the competencies defined (and expected) by the interviewed practical law enforcement professionals are partly different: The numbers before the behavioural traits indicate the corresponding competencies as follows: 1. Self-development skills 2. Sense of rules, discipline 3. Flexibility, adaptability 4. Decision-making ability 5. Cooperation skills 6. Responsibility 7. Problem-solving skills 8. Conflict management 9. Communication skills 10. Self-confidence, self-confidence 11. Independence 12. Ability to control oneself 13. Psychological endurance 14. Empathy 15. Striving for quality 16. Performance orientation 17. Organisational skills 18. Creativity 19. Situational awareness, insight into the essence.

7. The Importance of Competencies and Some Advice to Youth Justice Practitioners

The soft skills of professionals working in any area of the judiciary – especially their communication competencies – fundamentally determine the experiences, possible victimisation, traumatisatisation – and ultimately psychological satisfaction – of the children who appear there. Of course, this is also true for other professional fields, such as child protection.

In connection with the latter, it is worth mentioning³⁷ the competency-focused research of Leinonen et al. with traumatized adolescents professionals appearing in substitute care, and their experiences of encountering the institution.

36 Malét-Szabó et al., 2018, pp. 27–28.

37 Leinonen et al., 2023, pp. 339–356.

Figure 2. Essential elements of youth care³⁸

Elements of the encountering			
Affective	Institutional level: power structures in communication	Individual level of the professional: professional's individual ways of work	Individual level of the adolescent: adolescent as a unique individual
Cognitive	Trauma-informed approach	Knowledge of the psychological development of an adolescent	Know-how on substance abuse issues
Behavioural	General communication skills: can be taught via education	Endogenous abilities and internal skills: impossible to attain via education	–
Ethical	The respect of human dignity	The appropriateness of the welfare professionals' comments	The adolescents' possibility to maintain autonomy in the interaction

All this means that all communication competencies – and individual elements of it separately – are detected in the case of children who meet the institution. In all cases, their role in certain elements of competence is particularly decisive, since the majority of children who come into contact with any actor of the judiciary are themselves injured, wounded actors who require particularly sensitive treatment. But even in the absence of this, due to the operational characteristics of the judiciary, appearing there can cause anxiety, stress, fear and uncertainty in young people who are not familiar with the process and do not understand the language, but from whom a formal procedure expects active participation.

Minors have special speech, language and communication needs (SLCN).³⁹ However, recognizing and identifying this is not only an expectation in connection with new trends that focus on children's rights, such as trauma-informed youth justice or the sensor-focusing lawyering.

The SLCN has typically very high frequency in the youth justice population. Youth justice practitioners should approach their work with the expectation that the young people they encounter will have vulnerabilities in one or more domains of communication, unless there is specific evidence to contradict this. Such difficulties may be related to a wider diagnosis (such as an Autism Spectrum Condition, Learning Disability or Learning Difficulty), may arise from environmental factors or may relate to a specific SLCN diagnosis. There are frequently multiple causative and predictive factors at play, with the relationships with anxiety led behaviours, resilience, vulnerability, protective factors. The common connecting element is communication and its characteristics.

In this context, it is recommended that the following be taken into account when interacting with minors:

³⁸ Author's own work based on Leinonen et al., 2023, p. 351.

³⁹ See more details: Dockrell et al., 2017, p. 14.

1. Find out what the child/young person's communication strengths and preferences are
2. Use simple language
3. Use short chunks of language
4. Speak very slightly more slowly than you would normally do
5. Ask the child/young person to repeat back in their own words what you have said
6. Give pointers for what they should listen to
7. Give an overview first
8. Give extra time for the child/young person to listen and process
9. Use visual aids to support understanding
10. Give reminders of appointments
11. Give a variety of tasks
12. Give positive messages
13. Give positive feedback
14. Ask what would help
15. Say when *you* have not understood what has been said
16. Make written materials simple and clear

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Communication Cultures, Organisational Culture, the Importance of Interculturality

Erika VÁRADI-CSEMA

ABSTRACT

At the level of the individual, the organisation and a society, the communication process, the prevailing communication style, the accepted and applied signals are significantly influenced by the cultural framework and roots of the given community. The aim of this chapter is to provide a brief overview of this issue, in the course of which the role of cultures is highlighted at the social, organisational and individual levels.

The chapter also discusses about the definition of culture, the role on the field of negotiation styles, and the importance of organisational culture, especially when it comes to interactions between or within organisations.

KEYWORDS

organisational culture, communication culture, communication negotiation styles, concept of good governance, democratic techniques, interculturality

The reason for communication barriers and blockages is often none other than the difference in the field of culture. This can be just as problematic when talking about interpersonal interactions as it is when talking about inter-organisational or intra-organisational communication.

1. The Concept of Culture

The *concept of culture* is present in the literature in many approaches¹. The term itself comes from the Latin word to work, cultivate, which was initially used in the context of agricultural activity and only later was it filled with the indirect meaning of elaborating people, developing their knowledge, skills, abilities or character. As a result, the content of the term has been known for centuries, but its specific meaning depends to

1 Csemáné Váradi and Jacsó, 2018, pp. 85–94.

Erika Váradi-Csema (2025) 'Communication Cultures, Organisational Culture, the Importance of Interculturality' in Erika Váradi-Csema (ed.) *Interdisciplinary and Child-Friendly Communication*. Miskolc-Budapest: Central European Academic Publishing. pp. 167–177. https://doi.org/10.71009/2025.evcs.iacfc_12

a great extent not only on the given historical and geographical environment, but also on the aspect from which it is approached. Thus, for example, culture can mean the common state of consciousness of a defined circle of people within a given environment, while according to other conceptions, it does not express the environment of individuals, but rather their typical and characteristic patterns of behaviour and lifestyle. If we try to grasp the concept in the broadest sense, we can distinguish between material and symbolic culture. While the former encompasses material goods and beings arising in connection with the activities of the given community, such as monuments, furniture or buildings, the latter mainly covers the so-called symbolic beings. It is the totality of individual consciousnesses that constitute elements of their consciousness in all personal aspects of the given community, and consequently the affected people believe that this also exists in relation to the other members of the community, and based on this, a common system of symbols is attached to it, which guarantees the intelligibility and clarity of the interaction².

Important components of culture include, therefore, in addition to symbols, common cultural values, rules, beliefs or knowledge, including everyday and scientific knowledge.

However, it is also important to mention that the concept of culture is also greatly influenced by the fact from which field of science and within it we want to approach it. A good example of this is the sociological approach, in which a normativist-creativeist, structuralist approach can appear as well as a creativeist or rationalist approach. These are marked differences in terms of their content. For example, according to the normativist conception, all the actions of an individual within a society are related to values, rules and roles jointly created and accepted by the members of the society. It follows from this that social phenomena are actually indirectly determined by the common culture of society itself, influencing its frameworks, directions and centres of gravity. In contrast, according to the structuralist approach, culture primarily influences social phenomena by conveying the conditions of the given society and the determining effect of a structure. An important difference in approach to these is the conception of the creationist approach and culture, which assigns a much greater role to the weight of actions and interactions, and according to which there is no pre-existing culture, it always develops in a specific situation and only applies to it.

2. Culture and Communication

In addition to the sociological side, culture can also be approached from an anthropological, psychological and communicative perspective. Accordingly, the content of the concept changes.

The concept of culture can also be encountered depending on whether it approaches the terminological issue primarily at the level of the community and from

2 See more for example in: Farkas, 2005.

the point of view of the phenomenon to be defined, or whether it focuses primarily on the specific person who is under its influence and partly shapes it. According to the former, “culture is the sum of material and spiritual values created by mankind, an area of culture, or the manifestation of a people in a certain era”³. According to the latter approach, “culture is the sum of all the knowledge, values, reflexes, behavioural models and schemes, habits and beliefs that the individual can partly observe and acquire in the course of socialisation in the environment that raises him/her”⁴. According to Judit Hidasi’s approach, culture is “an intellectual and material world owned, used, shaped and mediated by a given community, which is interpreted in the same way by the members of the community”⁵.

The *significance of culture* is vividly expressed by Judit Hidasi in her book when she writes that “our perception of reality and our relationship to reality is determined by our culture, and more specifically by the language of the given culture, and we interpret and understand the information we receive through its filter”⁶.

Culture thus plays an important role both in terms of the prevailing style of communication and in terms of the ability to correctly identify the content of the messages sent. This is especially important when interpreting non-verbal messages that are decisive for communication.

However, the specific cultural norms to be followed depend significantly on the current position of the individual and the circumstances of interpersonal interaction. Different rules of communication must be followed during an informal or formal meeting, just as the specific protocol and language of communication are developed in the case of certain professions.

Intercultural competence has two components. On the one hand, it encompasses knowledge about other cultures and, in a narrow sense, soft skills. It is the ability to communicate and cooperate effectively with people from different cultures despite differences.

A prerequisite for this is a personal attitude towards the other culture. That is, striving to understand cultural differences, openness to understanding and accepting the interests, needs, and perspectives of others, and respect for differences and diversity.

Compared to some other competencies, an important element of intercultural competence is therefore knowledge of different cultures, their behaviours, customs, norms, etc. This also includes accepting the typical communication style of the other culture.

Interculturality is a priority at both international and EU level. For example, it could be read in the relevant document of Council of Europe:

3 Korpics, 2011.

4 Józsa, 1976, p. 143.

5 Hidasi, 2004, p. 14.

6 Ibid., p. 28.

„The “White Paper on Intercultural Dialogue” presented here, emphatically argues in the name of the governments of the 47 member states of the Council of Europe that our common future depends on our ability to safeguard and develop human rights, as enshrined in the European Convention on Human Rights, democracy and the rule of law and to promote mutual understanding. It reasons that the intercultural approach offers a forward-looking model for managing cultural diversity. It proposes a conception based on individual human dignity (embracing our common humanity and common destiny). If there is a European identity to be realised, it will be based on shared fundamental values, respect for common heritage and cultural diversity as well as respect for the equal dignity of every individual.”⁷

Intercultural competence can be developed. And this must be kept in mind already during education, as indicated by UNESCO’s 2006 guidelines on education:

‘Interculturality is a dynamic concept and refers to evolving relations between cultural groups. It has been defined as “the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.” Interculturality presupposes multiculturalism and results from ‘intercultural’ exchange and dialogue on the local, regional, national or international level.’⁸

3. Organisational Communication Culture and Two Types of Negotiation

Communication is also important in specific situations, such as communication and exchange of information within or outside an organisation, but in a professional capacity.

When working as a professional, particularly when resolving problems and conflicts of interest within or between organisations, two major communication styles are typically used: interest-based negotiation and positional (position-based) bargaining. It is important to note, however, that these communication panels are also used by individuals when it comes to family disputes or even neighbourhood disagreements.

People mostly negotiate from a position⁹. They choose a position, argue for their standpoint, and then concede to meet halfway. A classic example of this is the bargaining mechanism, where opposing parties take up different positions in succession and try to hold on to them as long as possible.

In the meantime, they can decide between two roles: the gentle negotiator or the tough negotiator.

7 Council of Europe, 2008.

8 UNESCO, 2006, p. 17.

9 For more information see e.g.: Kertész, 2010.

The “gentle negotiator” is always looking for an agreement, so he/she will make concessions to maintain a good relationship. He/she trusts the other person, often changes his/her position with offers and will even take a one-sided loss to reach a deal that the other party will accept.

The “hard position defender”, on the other hand, aims to win, does not trust the other person, and fights for the solution that suits him/her best by threatening, demanding unilateral advantages, and keeping his/her underlying interests in the dark. Whichever style of communication is taken by the “hard position defender”, in practice it always results in a “win-lose” or “lose-lose” position, so in the event of conflicts or conflicts of interest, it never leads to a real solution.

The interest-based (“gentle”) negotiation technique developed in the Harvard Negotiation Project, however, has the potential to lead to a “win-win” solution. Here, the parties aim to find a solution on the merits and seek mutual benefits where possible. Of course, interests may also conflict; in this case, they seek to base the agreement on a set of criteria independent of the will of the parties¹⁰.

The essence of the Harvard method is that the goods involved in a conflict are merely embodiments of the parties’ interests, but are not identical to them. The range of goods corresponding to interests is in reality much wider. Thus, accepting this basic proposition allows the range of possible goods to be extended. Since we also function as human beings as professionals, a number of subjective elements may already play a role in the preceding processes. These must therefore be taken into account when negotiating and seeking solutions.

At the same time, it is a very important criterion for effective communication that the parties are able to put aside their emotions and to assess the specific professional issue or problem objectively. Even if there is a disagreement between the parties about the other person, this should be kept separate from the subject of the negotiation. The values behind the emotions are the defining assumptions of the individual’s subject and world view, which are formed over a long period of time during personality development, and cannot be changed by a negotiation meeting. However, the interests that correspond to the values that the parties consider important can be expressed in various ways. Finding common ground makes it possible to engage in a principled discussion, i.e. one that corresponds to their moral principles and defining values, rather than a positional (position-based) bargaining.

10 Fisher, Ury and Patton, 1998, pp. 10–12.

Table 1. Main elements of negotiation styles¹¹

	Position-Based (Positional) Bargaining	Interest-Based Negotiation
the negotiating parties	opponents	negotiating partners
interpersonal relationship	is put at risk because of the offensive behaviour	is reinforced by cooperative behaviour
contact	present-focus	future-oriented
trust	not required	the establishment of a necessary precondition
interests of the parties	are mutually exclusive	can be satisfied at the same time
information	are being suppressed	are mutually shared
goods	limited	expandable
accessed at	win-lose (maximum trade-off)	winner-winner
attitude to problems	maintaining, and if possible strengthening, the position	finding a common solution that is acceptable to all stakeholders
focus	the goal is profit, the pursuit of self-interest	the aim is a common solution, to this end the identification of needs and interests (problem focus)
duration	fast in the short term, but not durable	time-consuming but durable results in a solution
psychological satisfaction	no satisfaction, or only on one side and in the short term	longer-term satisfaction on both sides

Since the party choosing a positional (position-based) bargaining approach defines in advance what it wants to achieve and aims to win as much as possible, which it compares to its initial negotiating position (i.e. how much it has conceded or won in relation to it), it does not share the information it has available to it when communicating with the other party, but rather focuses on discovering the other party's shortcomings and weaknesses (even before the negotiation).

In contrast, a party to an interest-based negotiation seeks to take into account and, where possible, satisfy not only its own interests but those of its partner. It therefore shares the information available to it in its communication in order to identify needs.

The two styles of communication are characterised by a different psychological climate, which has a knock-on effect on the quality of communication and the subjective well-being of the parties. While the main feeling in positional (position-based) bargaining is distrust, hostility and a corresponding atmosphere, in interest-based negotiation it is trust. And this effects not only the clients' long-term feelings and the subjective well-being in connection with the concrete case, but also how psychologically satisfied they are when they leave the negotiating table.

11 Based on Csemáné Váradi and Gilányi, 2010.

4. Communication and Organisational Culture

The style of communication that professionals use depends very much on the *organisational culture* of the institution.

In general, it can be said that conflicts within an organisation can be different in nature and for different reasons, depending on the nature of the organisation and the personnel involved. Thus, they may arise from external opposition: between the organisation and other institutions (whether in a subordinate, co-subordinate or subordinate-to-inferior relationship); between the organisation and a specific person or group of persons; and internal conflict: between the organisation (head office) and a department or between individual departments; between individuals, regardless of their departmental affiliation, or between an individual and a group of individuals.

Accordingly, some of the conflicts may be structural in nature and may arise, for example, from differences in decision-making competences. In contrast, in interest-based conflict situations, hierarchical affiliation does not necessarily play a role, but rather the perceived or real conflict between the parties due to the finite nature of resources. But it can also include situations where one party within the organisation tries to secure its own needs at the expense of the other. As an organisation is necessarily also a sum of individuals, there can be a significant degree of relational, needs-based or informational conflict, where the conflict between the parties may arise from lack of information, the different needs of the parties concerned or even inadequate communication.

However, an organisation always operates within the framework of a society. It is therefore – partly directly (e.g. because of the legal framework) and partly indirectly – significantly influenced by the environment in which it operates.

In connection with the latter - partly also taking into account the possible conflict situations related to administrative legislation and the application of law by public authorities – a theoretical question may arise: “can a society be able to name interests and needs, to create a system of values and norms that overrides the individual interests and needs of the persons existing in it, and is capable of uniting them, of leading them in one direction? Is this achievable as a voluntary commitment by those concerned? Or is this a mere illusion, and the suppression of current individual priorities and interests can only be achieved under duress?”¹²

According to the proponents of the integration theory¹³, it is precisely through small units such as workplace communities or the family that societies are able to act as an integrating force towards their members. And this force is sufficient to induce a state of equilibrium, ensuring that a society can function essentially without great shocks. This is where shared values play a key role as an important basis for cohesion.

12 See in more detail: Csemáné Váradi, 2013, p. 11.

13 Dahrendorf, 2019.

In contrast, domination theory takes the view that these small communities exist only because of a kind of constraint, such as a subordinate or dependent situation between the workplace manager and his/her colleagues, or between the father and his/her family members. But this is not able to ensure continued stability, given that shared values are pushed into the background, giving way to interests. The temporary nature of hierarchical structures keeps processes in constant motion, which is further strained by the tensions arising from the situation in the actors.

The way in which members of society relate to particular social structures is significantly influenced by their values or interests. The former presupposes a more durable attachment, stronger loyalty and, through value identity, more integrated behaviour with the structure, while an interest-based relationship is much less stable and durable due to the volatility and temporary nature of needs and wants.

Accordingly, the effective functioning of an organisation and the frequency of conflicts have a significant impact on whether its employees are connected to their workplace on a value or interest basis. It also has a significant impact on the ability of the Hungarian public administration to cope with the many challenges posed by the new developments of recent years in particular.

It is a feature of democratic states that they guarantee a wide range of opportunities for citizens to express their opinions and assert their interests. This in itself requires a change of attitude on the part of any organisation with the power to use coercive means – especially in view of the constant expansion of citizens' rights. In Hungary for example the recent years have brought a real change for the national administration. The idea of good governance now sees citizens and other actors in society as partners. A well-functioning, efficient system of relations cannot be imagined without the so-called “good governance”. This cannot be achieved without the inclusion of so-called “democratic techniques” and their incorporation into everyday behaviour – particularly when it comes to conflict management.

However, conflicts can arise not only with the public administration's immediate or wider environment, but also with society¹⁴. The institutional system itself can also generate conflicts. These can be within the organisation; between persons or interpersonal conflicts.

5. Personal Communication in the Organisation

Conflicts *within an organisation* arise from the antagonism between different departments. However, it also includes cases of disagreement between large groups of people within an organisation, regardless of the internal structure, or the exclusion of one person, even within an organisation. *Interpersonal* conflict situations differ from the former not only in the number of people involved, but also in the dynamics of the conflict and the methods used.

14 Csemáné Váradi, 2014, pp. 9–29.

Intra-personal conflicts may not only take the form of a decision-making dilemma; they may also arise, for example, from a difference in value priorities between the individual and the organisation. But also beyond that: an employee's feelings about the organisation¹⁵ are significantly influenced by what he/she considers more important: the adequacy of his/her job or the organisation as a whole, the realisation of the interests of the individual or the workplace community. But equally important are whether the individual is relationship-oriented or task-oriented, plans for the long or the short term, requires weak or strong control, or belongs to the risk-takers or risk-averse group.

They also partly determine the extent to which an employee is able to meet the role expectations of his/her status within the organisation.

In addition to social roles, it is the so-called acquired roles related to the position and job within the workplace that have a significant impact on the daily life of the individual. Knowing and following these roles – especially in a changing and evolving institution – can be difficult, and deviating from them or not complying with them sufficiently can generate conflicts in the environment. The more diverse or complex an organisational structure, the more diverse the role expectations may be. Different competencies are required for subordinate, managerial or co-worker behaviour, so it is very difficult to meet them all at the same time.

While it is social roles – such as the typical female or male role expected in a given society – that can have a fundamental impact on all other roles an individual plays, the impact of acquired roles is not negligible. A set of values or personality expectations linked to a worker's status may over time become so ingrained in the worker's behaviour patterns that they are followed even when they are in their social role (e.g., as a husband, they may express themselves at home as a boss at work, or as a wife, they may communicate with their husband as a teacher communicates with young students).

In addition to the identity of value priorities and the employee's feelings about the organisation, the chances of internal or external conflict are also significantly influenced by the quality of the organisational climate.¹⁶

Subjective perceptions play a more important role in the assessment of the workplace climate. Tensions stemming from deeper conflict, cultural or attitudinal differences otherwise hidden by everyday behaviour complying with the role expectations of the workplace also affect the employee's "well-being".

Polite workplace communication will make it invisible to others how badly you are perceived and disturbed by, for example, the other person's frequent phone calls, "too much talking and too much talking", well-known jokes, boring games, attitude towards your own position or even contempt for your customers. The negative feelings, the thoughts that are not expressed – because they are considered unspeakable – the tension and inner conflict that the situation creates, precisely because it is not

15 See more on this in Bakacsi, 2004.

16 For more on this see: Szőke-Milinte, 2006.

being dealt with or resolved, are constantly growing and can destroy the sense of a good working atmosphere that was initially perceived as good. Yet, a good working climate can significantly reduce even the tension that arises from role conflict. An individual's anxiety is caused by doubts about his/her ability and capacity to meet the expectations – actual or perceived – of the position or job.

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Communication as a Tool of Crime Prevention and Effective Justice

Erika VÁRADI-CSEMA

ABSTRACT

Experiencing a crime has serious negative effects. Participation in the criminal proceedings, appearing as a witness of the victim, answering questions from the authorities is a serious psychological burden and involves reliving the events. If the victim is unable to process the trauma of suffering a crime, if he is not able to get answers to his questions, these will have negative consequences that affect his or her life. Because of our belief in the justice of the world and our insistence on our right to decide over our own lives, the victims do not understand why they have ended up in this situation. However, in the formal procedure there is no way – as this is not its function – to get answers to the questions burning in them. However, alternative techniques – such as mediation used in various mediation procedures or during diversion – can provide an opportunity to lay down psychological burdens and close the case.

However, the chapter not only takes into account the psychological characteristics of the victim situation and shows the positive effect of mediated communication with the perpetrator, but also discusses why these solutions can effectively help prevent re-breaking norms.

KEYWORDS

victim, offender, well-being, mediation, communication, crime prevention

1. Introduction – Diversion and Crime Prevention

The most serious attack on social norms is when the specific conflict provokes a reaction from those involved that is contrary to criminal law. At the same time, committing a crime in itself generates a myriad of direct and indirect conflict situations, thus undermining individual and social well-being. We are convinced that alternative conflict management techniques, especially mediation, can prevent or mitigate these negative consequences.

In criminal proceedings, the child, i.e. the person under the age of 18, may appear as a perpetrator, as a victim or as a witness. However, in the context of mediation, and

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in particular mediation, the position of a perpetrator or a victim may be particularly important (provided, of course, that the age, maturity and legal criteria are met).

In countries with decades of experience with, for example, various diversion options, such as mediation, out-of-court settlements¹ or victim-offender agreements², it has been long known that these are more effective in preventing recidivism and in helping the victim to heal than other responses available under criminal law.

For example, in Austria, following the introduction of out-of-court settlements in 1989, it was already true by the second half of the 1990s that around two thirds of all prosecutions of juvenile offenders were ended by informal diversion³. 87.6% of the prosecution of juveniles who had committed a conflict-resolving offence (e.g. assault, etc.) and 71.7% of those of adults concluded with out-of-court reparation. The follow-up studies⁴ clearly showed that the long-term impact was more than the application of a criminal law instrument for both parties. For example, 75% (!) of those involved in out-of-court reconciliation (accused, victim)⁵ were fully satisfied with the procedure and only 5% were dissatisfied.

2. Crime Prevention Attitude of Mediation – Focusing on the Perpetrator

In the case of juveniles who can be held criminally liable, criminal substantive and procedural law is also guided by the principle of distinctive treatment, keeping in mind the special prevention goal, the solution being education. In addition to the classic forms of punishment of criminal law, alternative sanctions and various legal institutions aimed at diversion are even more suitable for achieving the goal of (re) integration, while at the same time enforcing the educational effect more effectively⁶.

Referring to the former case, during mediation the victim becomes a living person for the young person from an “impersonal concept”, a character full of names, feelings, pain and suffering. All the experiences that arise from meeting the victim and the fact that the perpetrator understands the negative effects caused to the victim and unintentionally experiences the emotional outbursts caused by his/her actions can no longer be neutralised by the usual techniques. The experiences of mediation are so

1 „Außergerichtlicher Tatausgleich“ (ATA) – It is a mediation-like form of out-of-court redress operating in Austria, which has been part of the criminal law of juveniles since 1989 (pilot projects have been carried out in this regard since 1985).

2 „Täter-Opfer-Ausgleich“ (TOA) –The procedure with elements of mediation is known in Germany, which first appeared in the juvenile criminal justice system in 1990 after previous model experiments.

3 Csemáné Váradi, 2002, pp. 9–16.

4 For example, the two-year follow-up survey of perpetrators and victims involved in extrajudicial compromise at the Linz Mediation Service in 1996. The research and its results will be presented by Josef Lins, Professor at the Institute of Sociology at the Johannes Kepler Universität Linz. Lins, 1998.

5 The data was provided by 82% of the perpetrators and 65% of the victims.

6 See this in more detail: Csemáné Váradi, 2013, pp. 31–32.

strongly fixed in the young person that in the event of the possibility of a subsequent crime, they cannot be easily swept aside in the deliberation process preceding the act, and in a significant number of cases, the memories that arise are an obstacle to committing a new crime.

In relation to the latter, an important fact that enhances the educational effect is the quick and direct reaction to the crime. This is reinforced by the trust that society, the immediate community and the victim himself/herself provide through mediation, which advances to the young person. They take the victim's person seriously, and thus he/she becomes an active participant in the procedure; a person who has the freedom to decide but has to bear the consequences of his/her decision as a serious, "quasi-adult" partner. All this means a kind of increased pressure for the young person, who feels the expectations shown towards him/her. They are being treated as adults, given moral credit, and consequently, those affected anticipate and at the same time declare that they trust them: they are able to live up to the promises they have made, and are able to follow positive behavioural patterns. The "initiation into adulthood" of the young person in this sense strongly magnifies the educational effect associated with the entire procedure.

It is a fact that adults and juveniles who are defendants in proceedings using conflict management techniques have very positive recidivism rates compared to their peers sentenced to other formal sanctions, as confirmed by other *previous* studies⁷. For example, while the recidivism rate is 22% for those who commit light bodily harm sentenced to a fine by the court, and 47% for those with a criminal record, while the same is 10% and 30%, respectively, in the case of an out-of-court settlement! These results are convincing from the point of view of both the perpetrators and the victim – and much better than those measured in formal proceedings – even if, unfortunately, the change is not so positive for all perpetrators or victims.

On the perpetrator's side, the vast majority of the changes following the mediation procedure are primarily conclusions concerning the avoidance of similar situations in the future. The acquisition of the ability to understand, the opening up to the interests and feelings of the other party in conflict situations, and the stronger appearance of empathy are important prerequisites for staying away from committing a new crime. The outstandingly good relapse statistics related to mediation techniques can also be traced back to this to a significant extent.

3. Crime Prevention Attitude of Mediation – Focusing on the Mitigation the Consequences of Victimisation

The UN Guidelines on Justice in Cases involving Child Victims and Witnesses of Crimes use the term "child sensitive" to mean an approach "that assesses the child's

7 For more details see for example: Csemáné Váradi, 1993, pp. 155–170; Csemáné Váradi, 1994, pp. 207–234.

right to protection and takes into account the child's personal needs and opinions⁸". These are also important criteria in relation to mediation, regardless of the fact that it can only take place with the consent of the victim.

Among them⁹, some of the changes following the mediation procedure may be related to later (more conscious) behaviours that can better prevent re-victimisation, while the other part may be related to the attitude towards the perpetrator(s), referring to two important processes.

One is that a significant percentage of the victims involved in the study were able to move on, as a result of breaking away from the victim situation and the emotional distance from it, to process it on a cognitive level, and to draw the necessary conclusions.

The other is that many of them have become able to practice forgiveness, which is an important momentum of breaking away from the victim's self-image.

The victim situation is typically also a conflict situation. In order for such a tense state to be effectively resolved, the parties must acquire and bring forward a number of skills during the process. Thus, with the help of the mediator, they become capable of participating in the process in a meaningful way, of listening to each other, understanding their motivations, accepting each other, taking responsibility, apologising and accepting, and learning the lessons.

The lack of processing of the conflict situation, the victim role is a serious burden for the parties – psychological, physiological, psychosomatic, and indirectly physical and organic. As time goes on, it becomes more and more difficult for them to get out of this, and the other party involved in the conflict actually becomes part of their everyday life.

4. Direct and Indirect Positive Effects of Mediation

Although it is particularly important to understand the perpetrator or victim situation of minors, to prevent stigmatisation, slipping into a negative self-esteem spiral, and to help process psychological processes, the responsibility of professionals is increasingly present in relation to this vulnerable, sensitive group.

With forgiveness, the offended party actually gives himself/herself the gift of freedom and provides himself/herself with the opportunity to live all the experiences and apply the skills he/she had before. However, a number of questions and doubts may arise in those affected; The most important of these are those that are connected to themselves: would not this mean neglecting what has happened, and at the same time devaluing one's own person, giving up one's own protection? The answer is clearly no, since "forgiveness must be distinguished from pardon (which is a legal concept), forgiveness (which includes justification of the act), the search for

8 Committee of Ministers, 2012, p. 80.

9 For more details see: Csemáné Váradi, 2014, pp. 67–90.

excuses (which would imply that extenuating circumstances led to the act), forgetfulness (which means the fading of the memory trace of the offense), and denial (which refers to the fact that the person is unable or unwilling to face the wrongs he/she has suffered). Furthermore, forgiveness is not the same as reconciliation, which refers to the restoration of a damaged relationship.”¹⁰

On the perpetrator side, it should be emphasised that with regard to the criminogenic psychological factors characteristic of this age stage, it can be stated that possible negative experiences related to criminal proceedings, as well as solutions that make the moral element of the crime understood and are able to achieve actual remorse, also have an increased effect. Other advantages of the mediation procedure are important, such as the fact that it can also mobilise the microenvironment of the young person. The persons involved in the resolution of the original conflict, whether they are representatives of the family or the community, are themselves given the opportunity to express the negative effects caused by the act and to find a solution that takes into account the interests of those affected. In this way, mediation provides an opportunity to do what formal proceedings commonly do not: to actually resolve the original conflict between the perpetrator and the victim. Moreover, it is also necessary for the perpetrator to settle his/her relationship with both his/her wider and closer environment.

Mediation makes it possible to dispense with or reduce state intervention by mobilising the educational power of the juvenile’s microenvironment and, if necessary, by involving other areas of law (child protection, labour policy, social policy, local community policy, etc.) in prevention.

10 About the theory of McCullough and Witvliet see more details: McCullough and Witvliet, 2002, pp. 446–457 quoted by Szondy, 2006, p. 17.

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Communication and Crime Prevention from Psychological Point of View

Erika VÁRADI-CSEMA

ABSTRACT

Suffering a perceived or real victimization could be recorded as a serious traumatic event in the life of a person. However, it is important to emphasize that the chapter does not only focus on the victims of norm-violating human behaviour or crimes, but on all human conflicts where the person concerned identifies themselves as victims. (e.g. peer-group conflicts, toxic family relationships, burdensome parenting methods)

The impact of this is not only related to the course of formal proceedings. Becoming an “actor” in the judiciary can be accompanied by serious psychological pressure, stress and anxiety. To experience during the formal procedure, that there is no opportunity to share the most important psychological effects, but at the same time, to experience different new negative feelings, not only cause reliving previous events, but can even lead to new traumatization (or becoming a repeat victim). Spiritual reassurance and psychological satisfaction are lacking, as even the faith in world- just-hypothesis and in the existence of control over our own fate is broken. The person does not understand why all this happened to them – but they do not immediately receive an answer to their question.

The aim of the chapter is to present what human needs are violated in a victim situation, and to what extent and why communication-focused transformative mediation can help to free oneself from the negative effects of victimization through their restoration.

KEYWORDS

victimization, negative effects of toxic relationships, human needs, Maslow-pyramid, transformative mediation, communication

Experiencing a conflict – if it is not resolved or does not end in a win-win situation – can causes several negative effects on the person concerned. In this, we often suffer psychological damages, which, if we do not process them, can carry with us for the rest of our lives. However, the deeply buried psychological traumas preserved this way are stacked on top of each other, and in the end they are able to become a strong, hard shell that is very difficult for us to break alone. But within this hard shell, negative experiences continue to work, eventually consuming the individual’s mental health and quality of life.

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Therefore, in the course of these thoughts, although I use the term victim, I do not refer it to the victim of the crime in the narrow sense, but to all persons who have received wounds during their conflicts.

1. The Psychological Effects of the ‘Victim’ Situation Based of Maslow’s Pyramid of Needs

Although there is debate about the *raison d’être* of the pyramid of needs *associated with Maslow’s* name – more precisely, about the hierarchy of the individual levels and their building on each other¹ – there is no question about the existence of basic needs, which arise partly from the functional needs of man as a human organism, and partly from the continuous development of the personality and age-dependent role changes characteristic only of the human species².

In its most direct form, a victimisation situation – in terms of its psychological effects – attacks the security needs at the second most important basic level of the hierarchy of needs (the conditions necessary for subsistence, such as after eating). However, the victim may not only suffer from a loss of security; they often feel that they have lost control over their life, the predictability of everyday life, and that they are most likely able to create the life security they want with a proper, conscious lifestyle.

Although these negative experiences have the strongest effect on the affected person, the harmful consequences of victimisation do not stop at this threshold. They also affect psychological needs such as trust, which significantly affect the quality of everyday social relationships. Committing a crime can shake a number of relationships of trust: trust in the immediate or wider environment, in the community, in the members of society, or even in order, the importance of observing moral norms, and the decisiveness of justice as an ideal. In other words, these are the trust factors that are the pillars of a person’s outlook on life.

The prolonged dissatisfaction of these emotional needs alone is capable of triggering psychological problems that (also) affect everyday behaviour, such as anxiety, loneliness or abandonment. The distrust of those appearing in the victim’s environment, as a basic attitude, can not only generate serious difficulties in the management of private and professional relationships of appropriate quality, but in the long run it pushes the individual towards a passive behavioural strategy, an introverted personality. In the causal context of the loss of control and trust that is not treated in its effects, on the basis of the continuous fear of the occurrence of a new victim situation, generalised anxiety disorder³ may even develop in the last case. Generalised anxiety disorder (GAD) is characterised by worrying about a wide variety of things that appear

1 For more details see: Forgács, 2017.

2 Tezcan, Aydemir and Genc, 2017, p. 217.

3 Kerekes, 2012, pp. 76–79.

for at least six months, almost daily. In addition to this continuity, a characteristic symptom of GAD is that it is often present as a kind of general feeling, without a rational cause or reason. Although in some cases this inner tension can be particularly intense, even experiencing a slight level of anxiety – precisely because of its duration – is stressful for the body. All this can cause constant fatigue, persistent anxiousness, rapid heartbeat, high blood pressure and other psychosomatic symptoms, the severity of which is amplified by the patient's experience that he/she is unable to overcome these on his/her own, or only with great effort.

Returning to the scope of human needs, even in the “absence” of psychiatric disorders, crime can cause the impairment of a new, even higher level of need; and that is *recognition*. The category is divided into two sub-elements, depending on who we expect to manifest it: ourselves or our environment? Of the two, in my opinion, the former may be more impaired. The victim's situation typically does not (or only indirectly, in certain special circumstances) affect the existence of respect or social prestige from others, or its specific level of appearance. On the other hand, the vulnerability and feeling of helplessness associated with being a victim, the passivity of the “suffering position”, the answer to the question “why me” are all approaches that deeply affect self-esteem and strongly influence self-image. Not accepting ourselves affects our self-confidence, even when we know and believe that there are things we are good at. Self-image is based on this. Self-rejection due to the ‘sticky’ loser position of the victim causes a loss or a significant decrease in self-esteem, which ultimately distorts the mental image we have of ourselves. In addition to self-confidence, self-esteem and self-esteem involved in experiencing a victim situation play a significant role in the quality of self-image.

A person's outlook on life is determined by the totality of the person's personality traits that he/she attributes to himself/herself. The closer the current self-image is to the version that embodies the self-ideal that a person wants to achieve, the more balanced their personality is, the more positive their subjective well-being, and the more comfortable they feel in their own skin. A victim's self-image can be very far from his/her ideal self-image owing to his/her own situation. The image of a successful, proud, energetic person who is able to control his/her life and a loser (“loser”), who is ashamed of what has happened, forced into the role of living it, and passively drifting with the events, are very far from each other. And who would gladly choose the latter? Self-contempt and rejection can generate further psychological problems.

2. Without Words ...

In terms of its effects, the possible consequences of psychological problems that deteriorate into psychiatric disorders⁴ are also alarming and can have a negative impact either directly or indirectly on the affected environment, the smaller community,

4 Szabó, 2018.

and ultimately on society as a whole. Aggression or antisocial behaviour, mood and emotional disorders (such as anger, irritability) appear in the context of behavioural changes, increasing the risk of unlawful behaviour. Impairment of cognitive functions – such as attention and concentration disorders – or disorders of work and social performance (e.g. reduced work performance) affect the individual's activity and efficiency at work as a whole. Behavioural changes such as suicide attempts or psychosomatic symptoms (sleep disturbance, physical complaints) predict the likelihood of exploiting health care and sick leave. While these effects can be expressed in monetary terms, the damage experienced by a child growing up in a family where the parent is unable to pay attention to him/her or perform his/her “tasks” due to his/her inner mental problems cannot be described. In terms of its other effects, such as the incomplete social role, showing indifference towards others, deteriorating social interactions, it is a negative direction for both the narrower and wider community and society as a whole. Due to the harmful consequences directly for the victim and indirectly for the other parties involved, these psychological changes represent a serious risk factor even if the previously indicated diagnostic symptoms do not develop⁵.

‘Subjective Well-Being’ (SWB), which according to Máté Szondy is⁶ the most commonly used equivalent of the scientific concept of happiness, is *the third element in addition to life satisfaction and a high level of positive emotions*. Supporting the ability to forgive and satisfying emotional needs is one of the most important areas of victim support. “... Poor mental state, depression, or post-traumatic effects can be confirmed in those who have a low willingness or ability to forgive.”⁷

Studies of “positive health psychology”⁸ have confirmed that an individual's positive attitudes, such as self-esteem, inner harmony, or optimism, are a stronger predictor of their health behaviour. And although the relationship may seem distant, in reality, a well-functioning system of alternative solutions can itself make a significant contribution to the creation of a more successful society.

The successful resolution of conflicts and disputes has consequences that are not only observed in this area. The ability *to self-accept or forgive has become an accepted determining factor in the subjective well-being of citizens*. Those who are able to forgive are more easily able to nurture and improve their personal relationships, and cope with the negative changes affecting their lives. In fact, these people are much more satisfied with their lives on the whole⁹.

It is important to note that the fact that someone feels comfortable in their situation depends much less on the presence of positive emotions than on the absence of

5 APA (American Psychiatric Association), 2016.

6 Szondy, 2004, pp. 53–72.

7 For more details see for example: Szondy, 2006, pp. 15–34.

8 See more about this: Bagdy, 2011, pp. 49–102.

9 For more details see: Szondy, 2007, pp. 221–239.

negative ones. Thus, those who are able to accept themselves and create their inner harmony are able to experience a much stronger subjective well-being precisely because of the lack of this negative attitude¹⁰.

3. Communicating to Reach the Ability to Forgive and Self-Acceptance

The ability to forgive and self-acceptance¹¹, therefore, improves an individual's relationships, affects their psychological and emotional state, their optimistic or pessimistic attitudes, and ultimately how many happy moments they can create for themselves. At the same time, this is also true in reverse, as a pessimistic attitude, i.e. anticipating and almost expecting negative events obviously reduces the chance of the individual experiencing their social relationships as subjectively good.

Processing emotional injuries sustained during conflicts and healing psychological wounds is no small task.

Mihály Csíkszentmihályi formulated the paradox¹² that although we would assume that the most uplifting feeling of happiness hits the individual in a kind of tranquil, relaxation state, this is not really the case. These moments are related to hard work, increased physical or mental performance, which aims to complete a task or achieve a result. In this sense, the feeling of happiness is thus created by the individual himself/herself.

Each person can be described at a given moment by the challenges they experience and the skills they feel at the time, and the multitude of everyday challenges and skills determines the average level of strength in coping with the challenges and the abilities that affect them. This varies for each person and can be considered a kind of basic point. If the challenge is not high enough and the skill level is low, the individual begins to feel bad. Although relaxation is still a refreshing feeling for a while, the further reduction of challenges makes you listless and then apathetic. Another negative deviation from the baseline is if challenges are not accompanied by skill levels. This can lead to anxiety and the development of specific worry or fear.

If a person experiences all this as a result of an effort to resolve a challenging conflict situation that requires the involvement of skills outside the comfort zone, he/she will strengthen his/her assertive behaviour beyond his/her sense of flow and ability to apply consensus-seeking conflict management techniques.

10 For more details see Szondy, 2006, pp. 15–34.

11 For more details see: Csemáné Váradi, 2014, pp. 67–90.

12 Csíkszentmihályi, 2001.

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Part III

**Interdisciplinary Approach –
The Faces of Communication**

Communication and Media

Erika VÁRADI-CSEMA

ABSTRACT

The media, which provides the framework for the information society of the 21st century, influences people's lives in many ways and through many channels as the fourth branch of power. This is true directly for young people and the professionals who work with them, and indirectly for younger generations through the latter. The image that the mass media paints of certain social groups or generations, the way in which their characteristics are presented, and the extent to which the written press is supportive or critical, all have serious consequences for the people concerned. For example, the continuous negative portrayal of a specific group of professionals, be they teachers or police officers, strongly influences parents' attitudes towards teachers, schools, or those responsible for public safety, which ultimately serves as a model for children. Therefore, the aim of this chapter is to review the most important information related to mass communication, mass media, and the media in order to strengthen media literacy.

KEYWORDS

mass media, mass communication, methods of media, function of mass media, information selection, media literacy

In the globalized world of the 21st century information society, individuals are surrounded by an unmanageable amount of information every day. This information, in the form of news items of varying content and nature, floods us through all the channels created by information and communication technology, significantly influencing our general mood, our thoughts and, ultimately, our well-being.

Although humanity's ability to adapt to its environment is exemplary, it seems that it is becoming increasingly difficult to cope with the tsunami of information surrounding us on a mental and cognitive level. Defending ourselves against the impact of negative news is just as difficult, as there are very few opportunities to escape from the world of information; but it is equally difficult to follow the principle of conscious media use and to develop the ability to distinguish between fake news, misleading information, and reality.

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1. Media – Mass Media – Mass Communication

Although we all live in this, do we know what the concept of media and mass media means? How different is mass communication and what are its specific operational characteristics? Who decides what information we can get? At all – do we see reality or do we make our decisions and control our lives based solely on a distorted, manipulated worldview – and that of the next generations, for whom the digital world is already the scene of socialization.

Mass communication is a specific type among communication channels and forms. Yet mass communication is part of our daily lives, and in order to avoid its pitfalls, media literacy is essential.

The essence of media literacy is that the receiver, when evaluating messages, should be aware of all the negative events that can lead to distortions of information and the success of manipulative content. This is particularly important in an ever-evolving world of communication and digital technology. Several experts, like Henry Jenkins, has already drawn attention to the basic assumptions that characterise the new age of communication. These include the fact that communication now flows through a variety of channels, surrounds the receivers and reaches them in a variety of forms and through a variety of media¹.

The primary question – both for the media and for the person consuming it –, is how far can the reader, viewer, internet user maintain their relative independence, personality and will? Is the recipient able to act as a conscious person, as a citizen and as a media consumer? Indeed, mass communication experts agree that “the extent and direction of the media’s influence on people’s thinking and behaviour is unpredictable”².

Media *can be* most simply defined as a set of mass communication tools. In a *narrower sense*, mass communication refers to communication using traditional media such as print, radio, television, and the internet.

However, *a broader* approach blurs the formal boundaries; in fact, it includes all communication channels that are capable of conveying messages to the public.

The concept of media is therefore linked to mass media as a specific form of communication.

However, the concept of media does not refer to communication per se, but to mass communication.

1 Sulák, 2013.

2 Bajomi-Lázár, 2007, p. 143.

2. The Mass Communication as a Mediator of Media Messages

Mass communication is “the movement of information between social structures mediated by individuals, in which the transmitter of the communication, whether individual or institution, permanently takes the role of the speaker in relation to a set of receivers who are temporally and/or spatially distant”³.

Mass communication through the media is *characterised* by several specific features: the flow of information is one-way; one party is always in the position of the transmitter (e.g. broadcasters) and the other is always in the position of the receiver (e.g. TV viewers). The roles are not reversed and there is no feedback – or not through the communication channel (e.g. the TV viewer may write a letter as a result of the flawed, untruthful, offensive, etc. content of the program, but this information is fed back to the broadcaster through another channel); the communicator and the receiver are distant in space and/or time; the flow of information requires some means of communication; the information is delivered to all recipients with the same content (e.g.: everyone can watch the same TV news on a given channel at a given time); the possibility is created for information to flow between different social structures through individuals (e.g.: public administration as a social structure).

The current operational situation is communicated to the population through the individual citizens (individuals) watching the news, as another social structure.

The elements of the concept imply its mass nature and the linking of information to events of social – rather than individual, personal – significance (if a news item reports the birth or divorce of a child, it is linked to an individual who is significant to the community in some way (e.g. a well-known writer, singer or actor)).

A similar definition is used by András Szekfű: “Mass communication is a periodic form of communication in which the same message can be conveyed to a large number of recipients simultaneously or almost simultaneously by means of a technical device (medium).”⁴ In other words: the large number of recipients, the simultaneity and identity of the message, the technical medium are also emphasised here. However, a new element is periodicity, i.e. intermittence, repetition.

An important element of mass communication is its “*mass*” nature. This refers to both the extremely large audience and to the “mass production” of messages. For this reason, there is a conceptual approach in the literature that “mass communication is an industrial process of information production, in which the masses of a certain elementary or secondary education, created by urbanisation and the industrial revolution, are on the receiving end, organised into reading camps that can be described by socio-demographic indicators. On the production side, there is the *organised, industrialised production of messages*, using the market research and marketing methods of the

3 See in more detail: Janousek, 1972.

4 Béres and Horányi, 2001, p. 5.

modern economy, partly to observe and partly to create the recipient needs that the product will satisfy.”⁵)

Partly related to this is the fact that the vast majority of the information communicated – unlike in other forms of communication – disappears or dissipates after it has been communicated.

The “mass character” has a major impact both on the production side, and the recipient side as well. The fact is that the content of the communication is defined by the producers, and transmitted in a form and by means that reach all members of the otherwise very diverse audiences, with their different levels of education, interests, etc.

The *functions of mass communication*, therefore, include information and appeal, as well as the expression of emotion (if the producer wants to create an effect), the appearance of contact (if he/she wants to make people believe that the information is only for a specific target group) or entertainment (if he/she wants to play an aesthetic role and teach, educate or cultivate).

Whatever the function of mass communication, producers need information. The birth of news starts in the first departments. In modern systems, although broadcasters themselves employ their own *data gathering* specialists (e.g. reporters, local – and often volunteer – correspondents), the information is not collected by them, but by news agencies operating as separate systems.⁶

Given the sheer size of the information collected, it is necessary to select it beforehand. This can take place in the so-called *processing units* – for example, studios, newsrooms – where the data are received via various channels (e.g. telephone, satellite Internet etc.). This is where the information will be communicated. The last “actor” in the birth of news taking the form of mass communication is the *broadcaster*. This in itself depends on the type of media. It includes, for example, the technical editing and printing of a newspaper, just as much as a television studio and its transmitter. The content and the final form of the messages are therefore developed in the second unit and are not modified in the final stage.

In terms of content, there are three broad categories of publications: political (e.g. commentaries), educational and entertainment. In terms of their purpose, they can be value-free, objective, neutral news, or news through which the communicator intends to influence directly.

5 Ibid.

6 In 1835, Charles-Louis Havas founded the “Agence Havas of Paris”, the first news agency in the modern sense, which can be considered the “forerunner” of today’s AFP (Agence France Presse). The oldest news agency still in operation today is Reuters. It was founded in 1851 (by the way, Paul Julius Reuter used a telegraph or telegraphic device to transmit stock market news, where there was no technical background he used carrier pigeons and even the world’s first undersea cable.) See more details: Gábor Vermes: The emergence and evolution of news agencies in Kiss, 2009.

Advertising, the role of which will be discussed later, is present in mass communication regardless of the type and purpose of the communication. The media, as has been explained, is the totality of mass media.

Media is in fact the plural form of the Latin word *medium*, which means “intermediate”, “mediating element” (i.e. the transmission of information in communication by writing, speech, gesture, gesture, facial expression, emphasis, etc.). (E.g. in Hungarian, the term *medium* has long been used to refer to a person who delivers the message, mediates between the other world and the earthly world, for example during a séance or at a funeral service.) In a broad sense, every person, device and object is a medium if it conveys information in a given interaction.

3. The Mass Media and Information Selection

The media is therefore the sum of all mass media and institutions, and as such, it has a significant weight in the life of a country.

This is due to a number of reasons. On the one hand, it stems from the specific nature of mass communication. In the classical process of knowledge acquisition, the individual acquires first-hand experience, analyses and interprets the information received. He/she decides what he/she considers relevant and how he/she evaluates it. In contrast, in this form of data acquisition, *the process is fragmented*. It is not the individual who experiences events, who sees and hears what is happening around him/her. It is collected by the data collectors who are in contact with the producers, it is classified by the processors, who decide whether it is important and, if so, with what sign and value it is passed on to the individual, i.e. the viewer, listener or reader.

One of the foundations of the power of the media is that the *information is selected* by the professional collaborators, and the citizen, as a recipient, receives only the pre-filtered and interpreted part of the data, facts and events, which is not the same as the whole of reality, especially the reality experienced by the individual. The vulnerability of the recipients, i.e. the viewers, listeners and readers, in this respect is further increased by the fact that the communication can be of two kinds as regards their purpose: they can be *aimed at directly influencing the target audience*, or they can be ‘neutral’. However, the fact remains that the media, overtly or covertly, confessedly or secretly, to a lesser or greater extent or to some extent, but - in general - wants to shape the mindset of the population. (Of course, this intention to influence is also expressed in a positive way, as countless scientific and educational programmes aim to improve the public’s worldview.)

The influence of the media can be seen in the amount of time the public spends on it. However, a precondition for this is that the recipients have access to the information.

Modern media embraces several forms. The history of its development is linked to the history of human communication, which has seen five major revolutions: the

emergence of speech, the emergence of writing (from hieroglyphics), the printing of books, the rise of computing and finally, the internet.⁷

While previous communication revolutions, including the advent of Gutenberg's printing press, primarily connected social structures, the information revolution has created a digital divide in geographical, social, generational, etc. terms. This has brought with it a restructuring of communities, and the emergence of the World Wide Web, as a final act, has only intensified the process.

An important prerequisite for human communication to have evolved this way was technical progress in the production of communication products (for example, the development of movable type printing technology or the development of computer technology); building infrastructure to carry information (such as the discovery of the railways or the telegraph); the development of an autonomous media system (e.g. the removal of ecclesiastical or political influence), the development of the supply and demand side of the media market (information gathering and publishing became profitable; the demand for information customer demand, first from commercial businesses (market information) and then from the public interested in policy.⁸

Accordingly, primary media are the means of communicating information (e.g. the clay tablet, papyrus, codex) along with the messengers. Secondary media are the print media (the 'Gutenberg galaxy'), which have been present since the mid-15th century. Tertiary media arrive in the 19th century, starting with the telegraph and ending with the appearance of television⁹. The last, fourth, is the digital media that followed the analogue media ("digital Gutenberg").

Television has played a prominent and for many years unique role in the development of the media. From the 1920s, with the first regular radio broadcasts the media began to break down into sub-systems – print and electronic media – which was amplified by regular TV broadcasts from the 1930s onwards.

4. The 'Old' Media

The 20th century and the technical invention of broadcasting, which emerged at the time, were the greatest milestones in the development of *mass communication*.

The spread of reading and writing – especially the so-called "flat vision" required for this – made it possible to interpret what was seen on the TV screen. Whereas certain indigenous peoples, who had a primarily oral – and not written – culture, thinking not in terms of

7 Forgó, 2011.

8 Habermas, 2007, pp. 610–614.

9 This European media era began, ahead of the American, with the coverage of the 1936 Berlin Olympics. The director Leni (Helene Bertha Amalie) Riefenstahl also made a film about the event, using techniques such as the hitherto unknown speed camera, telephoto lenses and aerial shots with the help of 43 camera operators. The Olympics was a special occasion for the mass media in Hungary, too, as it was the first live radio broadcast.

planes but in terms of special dimension, found it difficult to imagine how people could have appeared in the “film box” when they first encountered this technology.

The main forms of media are *on-line* and *off-line media*; in other subdivisions, *print*, online and *offline media*; *electronic*, *on-line* and *mobile media*.

They share the common characteristics of *visuality*, complexity (the ability to affect several sensory areas at once) and the diversity of linguistic and non-linguistic codes. Another important similarity is that each of the different media sub-systems has the capacity to transmit information, inform, shape public opinion or entertain, as well as to provide a form of social control over the functioning of other institutions. The basis for this is the power of the public sphere.

Although the speeches of the ancient orators or the bloody sword of the war caller can be considered mass communication in its key elements, the first real manifestation of modern mass communication by machine is the *print media*. Wall hangings, pamphlets and books were mass media aimed at a substantial number of people. The *print media*, which still dominated in the 1800s and had the richest history, merged the written (e.g. newspaper, book) and the visual (e.g. postcard, poster).

It can be grouped according to several aspects, such as regularity of publication (e.g. daily, weekly, periodical); the place of publication, distribution (e.g. national, regional, local; domestic or cross-border); content (e.g. political-public, entertainment, miscellaneous); the target audience (e.g. professional, youth, children); by the language used (e.g. monolingual, bilingual or multilingual).

Although radio was the dominant mass communication channel in the first half of the 1900s, the century ended with the worldwide dominance of television. The difference between the two major branches of *electronic media* lies in the channel of message transmission; while radio is auditory, television is audiovisual.

Electronic media can also be categorised according to the following features: the scope of distribution (e.g. national, regional, local; domestic or cross-border); the owner (e.g. public, private, NGO); the function (e.g. public service, commercial); the content of the programmes broadcast (e.g. news, music, literature, sport); the nature of the programmes broadcast (e.g. age group, stratum, minority).

However, at the end of the 20th century, a new media¹⁰ emerged – the *internet* and then *mobile media* – and although their importance is very high, the electronic media still dominate.¹¹

5. The Electronic Media

The two major forms of electronic media are *on-line* and *off-line* media. The difference lies in computer technology and telecommunications, and the need to connect the

10 Forgó, 2013, pp. 18–44.

11 Komenczi, 2008.

communication to a network. While the former requires some type of internet connection, the latter uses other technologies to deliver information to the audience.

The two main types of *off-line electronic media* are *television* and *radio*, which can be either commercial or public service media.

The decisive difference is the form of funding, which is also the context in which the different functions are defined.

Commercial media operate on a business basis. The – predominantly – international businesses are profit-driven, so viewership is crucial in securing advertising revenues.

The public service media are largely funded by public money provided by the state. Accordingly, it is expected to provide balanced and impartial coverage, thorough and responsible news reporting, objective information, sensitivity and responsibility for social problems, and value creation.

However, under national law, all national television stations must broadcast at least 20 consecutive minutes of prime-time news.

Another large group of *electronic media* is *on-line media*. It is characterised by an astonishing pace of development, an integrating role (it embraces and reproduces almost all other forms of media, from cinema to newspapers), and a rapid – though often superficial – response to events.

A significant proportion of the more than two billion *internet users* are also social media consumers. It is a media platform within online media that delivers messages to target audiences through social interaction. It is unique in that it transforms otherwise typical content consumers into content editors by inducing them to change roles. Some of its known forms include *Facebook* and *Twitter*. If Facebook users were citizens of a country, it would be the third most populous place in the world after China and India, with 500 million inhabitants!

Another form of electronic online media is *mobile media* - that is, media on portable, wireless devices such as mobile phones.

By 2008, the number of mobile phones had already reached 3 billion, and more than 50% of the world's population owned one. It follows that telephones are the most typical portable electronic, telecommunications and multimedia device. Their number will continue to rise as smartphones become cheaper. A “smartphone” is defined as a mobile telecommunications device that not only provides the classic functions of a telephone (voice communication, messaging, voicemail), but also functions as a computer, camera, location navigation device, TV set, voice recorder, film recorder, etc.

Its reach is illustrated by the fact that the Twitter social media page of a well-known US show (a daily television talk show hosted by actress Ellen DeGeneres since September 2003) is followed on mobile phone by around 80% of its fan base, which exceeds the population of Norway.

6. Under the Wawes of Information-Tsunami – and Human Brain’s Ability

It is a fact that the number of ‘citizens’ of the global internet society is growing unstoppably: in 2014, 3 billion people used the world wide web regularly, and in 2024, 5.5 billion people. That’s 67.5% of the world’s population!

But the amount of data transmitted is also huge: by the end of 2024, it was close to 149 zettabytes¹²!

The development of mass communication has accelerated at an incredible pace. While it took 38 years for radio to spread (i.e. to reach 50 million listeners), 13 years for television, 4 years for the internet, 3 years for iPod (Apple’s portable music and video player, it took 9 months for Facebook, the best-known social media network!¹³

This accelerated speed of development, the extremely rapid and pulsating pace of online media and the relativisation of time is illustrated in the following figure, which sizes up what happened on the internet in one short minute in 2012.

In a *single minute*¹⁴, 639,800 gigabytes of data traffic were transferred online, 204 million emails were sent, 30 hours of video content were uploaded to YouTube, and 1.3 million videos were viewed on the same site. More than 2 million searches were made on Google, 277,000 people logged on to Facebook, more than 320 Twitter sign-ups were made, around 100,000 Twitter posts were published, 20 million photos were viewed on Flickr while 3,000 photos were uploaded, LinkedIn added more than 100 new members and \$83,000 worth of goods were purchased on the largest US e-commerce site, Amazon.¹⁵

However, the development did not stop. The data for 2024 is even more astonishing.

12 Hutchinson, 2024.

13 Barát, 2011, pp. 151–164.

14 See: What happens in a minute on the internet? In Enterprise applications of social media [Online]. Available at: <http://kozmedia.blogspot.com/2012/04/mi-tortenik-egy-perc-alatt-az.html> (Accessed: 16 November 2024).

15 Ibid.

Figure 1. One day in internet, 2024¹⁶

This unbelievable pace of development raises a number of questions – especially regarding young age groups socializing in the online space.

However, this amount of information raises questions about the *human brain's ability to synthesise, process and interpret this*. Does not the constant stream of news create tension and anxiety? In general, can individuals cope with the information overload that social media can throw at them?

In the beginning, primitive organisms stored their information in their genes.

It took 150 million years, and the evolution of amphibians and reptiles, for the brain's information storage capacity to reach the genes' 109 bits.

¹⁶ Author's own work based on Hutchinson, 2024.

The human brain had a storage capacity of about 10^{13} bits¹⁷ at its inception, which is about a thousand times the storage capacity of our genes. (There are different figures (between 10^9 – 10^{15})).¹⁸

In principle, we have great potential. Our brain's neural cell population is made up of about 20 billion cells, which operate in a modular system (quasi small groups), with trillions of connections between them, of widely varying strength and content. The problem, according to neurobiologists, is that we do not have sufficient amount of genes to 'build' the networks that the human brain needs to bring them to life.¹⁹

It is also a fact that the human brain develops up to the age of 20, so the digital generation, today's Z- and α-generation children and young people, are better able to adapt mentally to new challenges. However, it is important to note that "humans are not simple information processing machines". From the moment of receiving information, everyone is unique in how they process, evaluate and interpret events. In this process, the individual relies heavily on his/her genetic heritage as well as on his/her recollections, experiences and knowledge. *This is why a given fact or statement means one thing to one person and something else to another.* However, everyday influences, real lifelong learning, imply a constant process of selection and forgetting. Thus, everything that is not considered important in the processing of information is forgotten. This means the temporary recording and then the erasure of millions or billions of short-term traces of memories a day, which are later classified as superfluous (e.g. what colour were the bus driver's eyes; who was exiting the building through a side door when the door opened).²⁰

7. In the Hands of the Owner of Information

However, two further questions may surface in the context of the media. On the one hand, the filtering and evaluation of facts, data and events, i.e. the decision on how important it is for the individual is no longer made by the individual, but by a professional, for example a data processing assistant in a news studio. Similarly, the news producer evaluates the unscreened source information before it reaches the individual. The decision is thus again taken out of the hands of the citizen, who is placed in a kind of *passive, receptive status*, who, to put it bluntly, "does not have to think".

On the other hand, there is also the question of how the media can attract and keep the attention of the news consumer and make him/her classify and treat the

17 A bit is the smallest unit of information. Byte, which is of English origin, is a larger unit {8 bits}. 1 bit is the smallest amount of information that can be received in interaction with the outside world; it is the answer to a question that needs to be answered. It is either yes or no – i.e. no more information is revealed, but in its absence no information is received and no interaction takes place.

18 Fülöp, 2001.

19 Fülöp, 1996, p. 85.

20 Fülöp, 1996.

information as being important (i.e. retain it, not erase it), while an unimaginable amount of information is being flooded into the individual's mind every day.

Understanding the characteristics of mass media, its main mechanisms of operation, and the ability to process and interpret the information it conveys are important prerequisites for both adults and younger generations to be able to form their own opinions and filter out fake news and misinformation.

Fake news" is "fabricated information that mimics news media content in form but not in organisational process or intent. Fake-news outlets, in turn, lack the news media's editorial norms and processes for ensuring the accuracy and credibility of information. Fake news overlaps with other information disorders, such as misinformation (false or misleading information) and disinformation (false information that is purposely spread to deceive people)."²¹

A radio play was elevated to the status of a defining event of the American media era. In 1938, Orson Welles and his fellow actors performed an adaptation of H. G. Wells' *War of the Worlds* in a one-hour radio program. But radio listeners all over America believed that the monsters on Mars, armed with death rays, had attacked the Earth. "The next morning the newspapers reported a tidal wave of terror sweeping across the nation. It became obvious that it was a panic of national proportions."²²

Today, however, the situation is much more serious. "The rise of fake news highlights the erosion of long-standing institutional bulwarks against misinformation in the internet age. Concern over the problem is global. However, much remains unknown regarding the vulnerabilities of individuals, institutions, and society to manipulations by malicious actors." – as Lazer et al. conclude their research²³.

Making the world media-free is not possible. However, it is important to be able to interpret the information received and to teach the younger generation to do the same.

21 Lazer et al., 2018, pp. 1094–1096.

22 Cantril, 1981, pp. 78–88.

23 Lazer et al., 2018, p. 1094.

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Communication in the Digital World

Erika VÁRADI-CSEMA

ABSTRACT

The aim of this chapter is to give a short review about the main characteristics of online communication focusing on the minors.

The iGeneration prefer the ‘computer-mediated communication’ (CMC) or ‘mobile-mediated communication’ (MMC) versus face-to-face communication.

The online communication has different forms and platforms, which are depend from the age of users. The online communication has a lot of positive elements, but very important risk-factors which are not or only to a limited extent recognized by the younger (and of course other) generations.

KEYWORDS

online communication, iGeneration, FTF vs M2M communication, risk-factors

The communication characteristics of young people are significantly influenced by the prevalence of online platforms and the emergence of this specific interaction space. This could be a major opportunity for young people with social anxiety, for example, to engage in meaningful communication, as they do not have to “be seen” in front of others. However, the specificities of the online space do not seem to be able to overcome these disadvantages; in fact, negative characteristics (such as harassing, rude comments) are also capable of such triggering harmful consequences that weaken self-esteem in adolescents with personality disorders.

1. Information Society and Communication

ICT is the communication habitat of today’s youth, the alpha generation born after 2005 and the so-called *Z generation* born between 1995 and 2005. While alphas are surrounded by this technology as a natural medium from birth, the Z generation is the first global generation to be digitally socialised, which has a profound impact on their lifestyles and perceptions. The internet and media play such a prominent role in their lives that they cannot imagine everyday life without them. They are terrified of missing out, so they are constantly in touch online, which requires a computer

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and a mobile phone (often a status symbol, a symbol of social belonging). They live among digital devices, in virtual communities, and as they maintain their relationships on social networking sites, they spend most of their free time online. They also have another life, another self (or multiple selves), thanks to the realistic nature of computer games. To keep their online character (avatar) ‘alive’, their daily activities require a constant and increasingly time-consuming online presence. All of this partly reinforces the negative tendencies that young Hungarians already have: a quarter of them feel that they cannot fit into their immediate environment and find it much easier to make friends in the virtual space. This suggests that the role of online communication has increased significantly for both generations.

2. Characteristics of Online Communication

Online communication – be it in the form of ‘computer-mediated communication’ (CMC) or ‘mobile-mediated communication’ (MMC) – although fast, time/place-limited, cannot replace the depth of face-to-face communication (FTFC) and can more easily lead to inappropriate interpretations (and thus consequences). Non-verbal cues such as the tone of voice, volume, intonation, facial expressions, gestures or proxemics, which play a prominent role in identifying the content of messages and help to determine the correct verbal meaning are completely excluded or marginalised. Besides the use of underlining, highlighting, italics, exclamation marks or question marks, emoticons can be used to replace them – with the possibility of different interpretations being significant.

Online communication also carries risks beyond this. Anonymity and easy accessibility can increase users’ vulnerability to many online communication risks such as harassment, hate speech or other cyber threats to privacy and online data. Moreover, regular visits to so-called ‘destructive sites’ and the values and messages expressed there can also have a negative impact on young people. Thus, several international studies have shown that there is a significant correlation between the frequency of visits to these social media sites and young people’s propensity to self-harm (including suicide)¹.

Online communication risks typically fall into three broad categories²: content risks mean that a young person may encounter content that is not age-appropriate and not formally addressed to them (e.g. internet pornography); contact risk means that the young person encounters content that is directed at them that is harassing or manipulative; behavioural risks are the idea that a child’s digital footprint or previous online behaviour is seen as part of a larger network of interactions (and managed accordingly).

1 Csemáné Váradi, 2021, p. 106.

2 Livingston and Smith’s theory is analysed in Macaulay et al., 2020, pp. 1–25.

For any of these risks, it is true that their existence can lead to offensive activities, creating the potential for cyber-attacks. In any case, social media communication is characterised by a higher incidence of cyber aggression³ frequency. Age-independent in its effects, intentional harm caused by the use of electronic means is the risk that the person or group concerned will find the online activity or the content transmitted offensive, derogatory, harmful or at least undesirable (for example, online communication with sexual content among young people can pose a particular – and particularly high-risk – of victimisation⁴).

Online communication has specific features in terms of content, form and technology. One striking example is the asynchronous nature of online *chat*. Synchronicity is a natural element of real-time, face-to-face discourse, regardless of the specific technical platform (3D, telephone, internet (e.g. Skype)) on which it takes place. However, online conversation only has this synchronicity if certain conditions are met: i.e. everyone is uniformly available at a given time in the same virtual space. Without this, the exchange of information becomes difficult, the logical flow becomes fragmented, and by the time a reply arrives, it may be inconsequential and meaningless because of the messages sent in the meantime. The management of the communication is therefore left in the hands of the receiving party, increasing the potential frustration level of the sending party. Even with patient partners, it is true that time lags and changing external events can create new situations. The previous message may be reinterpreted by the receiver, leading to new misunderstandings in communication and unjustified emotional reactions (the chances of this happening are also higher because of the targeted communication toolbox, often using abbreviations or slang of foreign language origin⁵, with a few words).

3. Specific Forms of Communication

The *specific form of communication* may also have a number of characteristics that are more significant for young people in the online space. It was already true in the early 2000s⁶ that 12-17 year olds are not only highly active on these platforms, but around a quarter (28%) are so-called ‘multichannel’ teenagers – i.e. they use all interaction channels provided by mobile phones and internet access together, and are also present on social networking sites. At the same time, 31% of young people still regularly spent time with friends outside school, and 38% ‘socialised’ online every day. Even then, communication was still mainly in the form of instant messages (28%) and live chat on mobile phones (35%), with less frequent use of email.

3 Ibid., pp. 1–2.

4 Budde, Witz and Böhm, 2022, pp. 119–133.

5 For example, the phrase WTF, LOL is often used.

6 Lenhart et al., 2007.

The data shifted slightly towards the online space by 2012, but a marked change occurred in the years that followed. In 2018, research⁷ reported that teens have moved beyond face-to-face communication⁸. In parallel, the extent of social media engagement in face-to-face interactions has increased significantly.

While in 2012 almost half of the respondents preferred FTF communication, by 2018 this was only a third. This also means that they preferred to interact via SMS rather than live. There was also a noticeable change in two phenomena affecting interaction between young people. The proportion of those who said that time spent on social media “takes away from time spent with friends in person” has increased from 2012 to 2018 (34% to 42%). But even when young people are together, it is often not face-to-face attention that dominates, but rather preoccupation with the phone.

By 2018, more than half of the asked age-group said that ICT “often distracts me when I should be paying attention to the people I am with” (44%–54%).

Changes in communication platforms have been significantly accelerated by the emergence of the pandemic. Although other forms of real-time, voice-based personal interaction supported by ICT, such as telephony, Skype or other software, were still available, they also seem to be taking a back seat to text-based form of interaction.

But it is not only the specific form of communication that has changed, but also the duration supported by ICT⁹. In fact, media consumption has grown faster in the last two years than in the four years preceding the epidemic.

The time spent with social media, browsing, content creating, e-reading or other digital activities.

The time spent reading is at its lowest, just a few minutes, and unfortunately it has not changed even with the pandemic shutdown. (The so called monitor-time increased to 5:33 hours (children between ages 8–12) and to 8:39 hours per day (youth between the ages 13–18)).

Boys in all age groups spend more than an hour more time online, but there is also a significant difference by social status, with teenagers from lower-income families spending more than 3 hours longer on social media than their better-off peers.

The most common online activities for both age groups are watching videos and playing computer games. This is followed by social media. The growing role of this, along with an increase in age, is illustrated by the amount of time spent on it.

The mere fact that children and young people primarily use their mobile phones as their technical basis for connecting to the internet has many other consequences. According to research¹⁰ conducted in 2023, American (US) 11–17-year-olds use their phones for more than 4.5 hours a day. If we consider that more than half of them receive more than 200 messages, almost a quarter of which are during school hours and 5% specifically during late (night) hours. This means that almost half (42%) of

7 Rideout and Robb, 2018.

8 This was the title of the press release reporting the results of the research. See for example: Steinmetz, 2018.

9 For more on this, see: Rideout et al., 2022.

10 Radesky et al., 2023.

their mobile phone activity is related to social media. The specific form of social media depends on age. Among 8–12 year olds, social networking is more popular on Snapchat (13%), Instagram (10%), Facebook (8%), Discord (5%), Pinterest (4%), while among 13–18 year olds it involves Instagram (53%), Snapchat (49%), Facebook (30%), Discord (17%), Twitter (16%)¹¹.

4. The Importance of Online Communication Among Minors and Its Risk-Factors

Three facts show the importance of the online media world in young people's lives: on the one hand, that they cannot imagine their lives without the internet and its services; of the top five platforms, YouTube was the most important source of entertainment – where watching online videos exceeds listening to music; social networking (and the social networking services Snapchat and Instagram provide) also ranked lower in importance; on the other hand, they may do so at the expense of or in parallel with other activities, such as eating, travelling, studying or socialising with peers, in the light of increased media time; thirdly, only 5% of 8–12 year olds and 3% of 13–18 year olds do not watch YouTube or use social media daily; however, 47% of minors spend more than 4 hours a day on YouTube and 20% of minors spend more than 8 hours a day on it¹²; this is true for the whole population: three out of four 8–18 year olds, i.e. 75% of the population, are “prisoners” of the virtual space for more than 4 hours a day, and 41% for more than 8 hours; but there is a significant increase (29% to 41%) in the proportion of young people who use these tools for more than 8 hours a day for entertainment and socialising.

In addition to the countless positive effects of online communication, it also threatens with serious dangers.

As a direct effect – in addition to health and psychological risks – distorted values (idols, the specific mechanisms of action of online models), the unrealistic, often traumatized image of the world (climate anxiety as a psychological illness), the higher incidence of addictions (snuff videos,, deep-internet), the positive valuation of crime and other behaviors (computer games, funny violence), cyberbullying (which can also lead to cybersuicide).

Indirect effects include self-esteem disorders in this context, strong peer pressure to participate, or various victim situations – and not only in the context of cyberbullying. For example, offensive communication or victim blaming in the context of anonymity are unfortunately typical of online communication.

11 For more on this, see: Ibid.

12 It is important to note that the multitasking mode makes the calculation of time different from the principles used in mathematical summation.

5. Shortcomings and strengths – or some thoughts on digital communication

Although the digital space is a place for learning, entertainment, socializing, gaming, and even romantic relationships in terms of the socialization of young people, communication in this space has many peculiarities¹³.

There are undeniable differences between digital and traditional communication, which are fundamentally due to the specific technical requirements of the latter.

Based on the concept of digital communication, it is a specific form of communication that uses electronic devices, information and communication technologies, and networks to transmit messages.

The differences basically stem from this and are evident in a number of areas, whether it be the medium that „delivers” the message (analog vs. digital); costs (variable: the digital platform is more economical for longer distances or larger market players) or speed (digital is naturally faster). While interactivity in both cases depends significantly on the specific form of communication (face-to-face interaction vs. postal mail // real-time conversation (e.g., Skype) vs. sending an email to the office after working hours).

Both forms of communication have advantages and disadvantages.

While *digital communication* is fast, effective, and accessible from anywhere due to the capabilities of the medium, it is also vulnerable in this regard, partly due to its technical background and partly due to the effective sharing of messages. This can lead not only to misinterpretation due to the absence of nonverbal messages, but also to psychological closure on the part of the recipient due to information overload resulting from productivity.

Traditional communication may be much more limited and slower in comparison (e.g., geographical distance), but at the same time, it is easier to build trust and strengthen relationships between parties due to the nonverbal messages that come through the now complete communication channels.

It is also important to note that, for a number of reasons, digital communication can have a greater impact on the everyday lives of children and young people (and pose a greater challenge for them) than traditional communication.

A particularly 'good' example of this is the phenomenon of cyberbullying. Digital communication has a strong appeal for this age group, as it can reach the target person regardless of time and place. The negative impact of this is not only the difficulty of escaping the pressure of constant and continuous presence, but also the impossibility of escaping harassing behavior such as cyberbullying.

Whereas in the case of classic forms of school bullying – precisely because of the characteristics and limitations of traditional communication: there is the possibility of separation (physical distancing); the bullying does not continue outside school hours;

¹³ Weng, 2024.

the fact is known only to a limited group of people (only those who have been involved become aware of it); the right to forget remains; over time, it becomes „boring,” the supportive passivity of classmates disappears, and the behavior of the active bully also changes; thus, the process of „healing/processing” can begin; along with this, the feeling of humiliation associated with the abuse may ease after a while.

Since age, physical characteristics, etc. generally play a role in becoming a victim, the abusive behavior typically stops as these change.

In contrast, in the case of cyberbullying – precisely because of the nature of the platform and thus of communication – there is no possibility of separation (the bully can „follow” the victim everywhere with their cell phone); the bullying communication is continuous, regardless of place and time (it does not stop on weekends or during school breaks); an unknown number of people become aware of it (e.g., anyone can save the images); the ‚right to be forgotten’ is lost (messages, pictures, etc. can be re-uploaded at any time, on various social media sites, even under new profiles); thus, the psychological pressure and anxiety remain, and the processing process cannot begin; as a result, the feeling of humiliation does not subside, quite the contrary! Given that the victim does not know the perpetrator (either by number or by name), this feeling becomes even more severe.

Overall, digital communication can be much more dangerous than traditional communication, precisely because of its invisibility. It is therefore particularly important that the younger generations (also) learn the techniques and psychological methods that *strengthen* their *resilience* and *their ability to resist harassing behaviour*.

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Communication – Conflicts – Alternative Techniques – As A Good Example of the Supportive Role of Communication in the Fight Against Bullying and as a Tool of Early Problem Recognition

Erika VÁRADI-CSEMA

ABSTRACT

An important prerequisite for the applicability of children's rights is the recognition of the fact of the violation and the possession of the necessary knowledge. Children's communities – partly due to the lack of information and partly due to peer (group) pressure – are often accepting of offensive, verbal, psychological or physically abusive behaviour. In addition to the family, school provides the most decisive medium for the socialization process, so it would be very important if teachers also reacted with sufficient sensitivity to forms of behaviour that endanger children's rights, with the aim of early problem recognition. Creating an atmosphere of trust with children makes it possible to involve communication-focused methods that help solve problems, resolve conflicts by involving the affected community - and convey clear messages to children. These experiences are not only important in connection with resolving a specific situation or with setting an example, but also because they enable students to behave assertively, to take action against peer abuse, to strengthen their empathetic skills and ultimately contribute to the more effective exercise of their children's rights.

KEYWORDS

school violence, bullying, peer-groups, teacher-student conflict, early problem recognition, mediation, facilitation, alternative conflict resolution

The rights guaranteed by various laws concerning children – and the related obligations of adult society – can only be fully enforced if we manage to identify as early as possible those target groups who are particularly at risk or who need special support to exercise their rights due to their other shortcomings.

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1. Early Problem Recognition to Prevent the Problem-Behaviour and Victimization

The difficulty of early problem recognition is caused by the fact that the family, which is closest to the child, either does not have sufficient knowledge regarding the correct identification of the signs, or the root cause of the problem itself (whether it is emotional neglect or poorly chosen parenting methods). But beyond this, there may be many other reasons why the parent – although he or she perceives the problem – does not seek help. A sense of shame and the awareness of one's own inadequacy can be a serious inhibiting factor.

Thus, it would be particularly important that the school, which is the other most important living space for children, is able to recognize these problems and provide support that meets the child's needs. In practice, however, this is often not the case – partly due to teachers' lack of communication skills or other obstacles (e.g. burnout). This is particularly worrying because children can easily become victims of bullying within their own peer group in the school environment. However, teachers often either do not take on the task of handling the conflicts that arise in this way (due to a lack of soft skills) or do not choose the most appropriate solution to resolve them.

Partly due to age specificities and partly due to the interdependence of children over a long period of time, small communities can present a myriad of conflict situations. In such situations, the teacher has a duty to prevent the escalation of deepening conflicts between children and to ensure a harmonious, calm classroom atmosphere. However, in the absence of individual sensitivity and aptitude, this can pose a difficulty for teachers who have had no or only theoretical exposure to specific expertise during their training. There are, of course, ways of restoring order and ending conflicts, but this is essentially a repressive, sanctioning reaction, typically within the guidelines and procedures laid down in school rules and disciplinary procedures.

Whether the school offers other alternatives for students who misbehave depends to a large extent on the professional perception of the head of the institution. However, when taking into account, in particular, the classroom situations that are embodied in bullying in schools, which generates serious conflicts, this punitive attitude alone cannot be sufficiently effective¹. It does not address the root of the problem but covers superficial solutions or reactions that cannot be considered solutions. But for other, non-bullying conflicts, it is also true that traditional institutional responses are generally unable to provide an adequate response.

The main reason for this is that they fail to take into account the age-specific characteristics of the conflict, the interpersonal relationships and the heightened emotional state and sensitivity that are inherent in both prepuberty and adolescence.

1 Csemáné Váradi, 2023b, pp. 51–71.

2. Usage of Alternative Techniques to Solve the Consequences of Problem-Behaviour

We are convinced that the real solution would be the inclusion of alternative techniques such as facilitation, mediation or conference models², which are able to help both in resolving problems and preventing the emergence of new conflicts with the means of communication.

In order to promote this, we can find good examples in many countries of resolving school conflicts with alternative methods. As a good practice, we would like to highlight a Hungarian example – due to the extensive nature of the project, the number of people involved, the methodological complexity and the results of the follow-ups. In 2008, the former Ministry of Education and Culture's Secretariat of State for Public Education presented a draft program entitled "The introduction of alternative dispute resolution, interest-based negotiation and restorative techniques in the operational and educational practice of vocational training institutions".

The project had two important benefits. Firstly, it demonstrated their relevance and necessity, as teachers have shown great interest in practice-oriented programmes to strengthen their conflict management techniques, with high satisfaction feedback. The final module was aimed at training multipliers, which enabled participants typically heads of vocational training institutions to incorporate conflict management and alternative dispute resolution techniques into their own school's disciplinary procedures protocol. Thus, and this is another major achievement this approach has been able to continue to work successfully after the programme ended. The need for this among teachers and institutions can be truly felt when we know: over the 3-year project period, 120,000 students in 600 secondary vocational education institutions have been introduced to this approach.

In fact, each alternative conflict management method, although involving different groups of people, relies essentially on the resources that the target group, the student body concerned, possesses. The common theoretical background of all these techniques is based on the belief and assumption that children, with sufficient maturity, are able to express themselves in such situations, reacting responsibly and maturely to the problem with a reinforcing attitude and decision in accordance with the conformist behavioural expectations and values of the majority.

Facilitation and mediation can be most effective in cases where the conflict involves a narrower group; that is, there are typically two or three actors in the story³. This also means that these solutions are mainly related to ad hoc, situational conflicts, rather than to protracted, recurrent phenomena such as school bullying.

The school environment can support both and be a definitely useful solution. As teachers themselves are not mediators or facilitators, the involvement of professionals

2 Csemáné Váradi, 2019, pp. 19–30.

3 Ibid., pp. 21–23.

provided by various educational services, or the use of these services of the Education Mediation Service, or possibly other supportive solutions (e.g. NGOs, associations - Partners Hungary, Foresee) may be a genuine solution⁴.

3. Fight Against Bullying with the Help of Communication

However, given the fact that conflicts between children rarely involve only two or three individuals and typically affect the class as a whole, and the fact that a significant proportion of conflicts are not one-off, but protracted, the solution I have found most effective is the use of community conferencing⁵. The conference model is all about involving all stakeholders in the discussion. In its simplest form, the whole class sits down in a circle and, led by the facilitator, discusses, analyses and interprets the problem together. This is very important because, in addition to the two people involved, between whom the conflict is essentially taking place or who are, for example, the “protagonists” of a school bullying incident the pack leader (the henchmen, if there are any) and the victim the others can also have their say. With the guidance of a good facilitator, it is possible to create an atmosphere where children feel free to speak their minds regardless of whether the bully is in the same circle.

The conference model is also of great importance, for example in tackling harassment cases. The class is given the opportunity to express how unpleasant and disturbing it is for them to experience this on a daily basis; how it affects them emotionally and how they can identify more with the victim. This provides significant psychological support to the victim, while sending a clear message to the perpetrator, typically the pack leader, the active participant. The conference model also provides an opportunity to present a meaningful deterrent to bullying activity⁶. The active harasser engages in this disruptive, abusive, typically verbal behaviour primarily because it gives him/her a sense of prestige and attention, support and leadership that he/she perceives as positive. If the bully is faced with the fact that in practice this is exactly what he/she is not getting, if he/she sees and hears that others are more against him/her and judge him/her negatively rather than look up to him/her, that he/she cannot attain a dominant role in the classroom this way, then the reason for continuing this no longer exists. Obviously, bullying in schools can have many different causes from the active bully's side and can be triggered by serious psychological problems or even psychiatric disorders that require the intervention of a professional. In most cases, however, this is not the reason, but the aforementioned need for attention, positioning and finding a desirable role in the internal hierarchy of the establishment. In such cases, however, the conference model helps to reinforce these negative opinions and enables the establishment to show a sense of unity in the face of the active harasser.

4 See more details about the topic: Váradi-Csema, 2025.

5 Csemáné Váradi, 2014, pp. 67–90.

6 Csemáné Váradi, 2023a, pp. 26–33.

The opinion thus clearly expressed is an immediate demonstration to the class that it is no longer worth pursuing this activity for this purpose.

Adequate sensitivity of the facilitator(s) involved is of paramount importance. With the ability to create a protected psychological environment during the process, so that with the right introductory questions and dissolving techniques, they can partially enable classmates who are not directly involved to open up and express their views. On the other hand, they always have to respond appropriately to the communication challenges at hand with well-targeted questions, so that they can adequately summarise, reflect and thus amplify the community's opinion towards both the victim and the active harasser, the pack leader or the henchmen. Moreover, the method has the great advantage of being able to break down the otherwise typically passive behaviour and attitude which is usually characteristic of the class in such cases of school bullying and through this, to activate them to share their opinions and sometimes persuasively to take a stand in connection with the problematic behaviour and the conflict situations that arise.

There is one more important positive element of the conference model: it is forward-looking as a third structural element of facilitation. In other words, it looks at what can be done to ensure that this does not happen in the future. Since the whole class is involved in the discussion and psychic activation is performed in the early stages with the help of facilitators through well-directed questions, by this time the children become very open and receptive to thinking together about possible solutions. This is what is known as “empowerment”, because it is not a matter of the victim being left alone to tell the typically not “single person” group of bullies what he/she thinks about the bullying. On the other hand, his/her expectation will be that this situation will end as soon as possible, and that the abusers will apologise⁷. It is an opportunity to brainstorm, to engage the collective wisdom. This is because the community concerned will work together to draw up solutions that will support the victim to ensure that similar behaviours do not occur in the future. Moreover, it is also productive to involve children in answering the question of how the active bully or bullying group can make amends for the negative effects they have caused, what commitments they can make to overcome any aggression or anger management problems they may have, or to be able to succeed in other areas (such as sports). This can be a useful and positively valued way of raising awareness or prestige for the purpose for which the bullying activity or behaviour was otherwise originally intended⁸. And in the long term, it has a very important impact on increasing the community's sensitivity and responsiveness which is particularly valuable in view of the general attitudes that can be experienced in the space created by 21st century information and communication technologies, social media, etc.⁹

7 Csemáné Váradi, 2014, pp. 67–90.

8 Csemáné Váradi, 2023b.

9 Csemáné Váradi, 2021, pp. 95–112.

Taking responsibility for your actions is an important part of all alternative techniques. Conversations give the perpetrator the opportunity to experience responsibility and to make amends in some way, face to face with the victim¹⁰.

4. Focusing on the Experts

The ideal school employs teachers who are sensitive, communicative, committed and attentive to children, using the positive psychology method, but who not only impart laxative knowledge, but also educate and act as a model and role model for children. But this requires harmonious, energetic, balanced and empathetic professionals.

In fact, teachers work with their own personality, body, soul and faith. But how can they maintain this, what can they rely on and where can they draw strength from? Can mediation help this process?

We are convinced that it can whatever the “school” conflict is interpersonal and/or workplace conflict (e.g. with colleagues, parents, head teacher); organisational conflict (specific features of the institutional system); or conflicts with children (where other methods are more likely to be involved).

It is very important to record one more fact in this context. The teachers works with their own personality, their own soul, their “body” and performs their everyday tasks, i.e. his/her ultimate and determining support in coping with difficulties is actually themselves. According to Katalin Borbáth’s study¹¹, the results showed that the effectiveness of teachers’ work is closely related to their level of emotional balance, satisfaction, and readiness for joy. And their mental well-being also has a positive effect on the emotional development and activity of students.

Therefore, if we are thinking of a successful, effective school, which can recognize the problem-behaviour of children and their messages, we cannot neglect to pay special attention to the mental well-being of the teachers and to the provision of the support tools referred to above – especially focusing on the strengthening their communicational competences.

10 Bencsikné Baktai, 2012.

11 Borbáth, 2020, pp. 299–317.

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General and Special Techniques of Mediation

Tibor KERTÉSZ

ABSTRACT

This chapter explores the fundamental and specialized techniques mediators employ to facilitate constructive conflict resolution, focusing particularly on the principles of transformative mediation. Emphasizing self-determination, empowerment, and mutual recognition, it presents mediation as a process that enables parties to remain owners of their conflicts while enhancing their communication and understanding. The text distinguishes between general techniques – such as active listening, questioning, paraphrasing, reframing, summarizing, and recognition – which are essential in all mediation processes, and special techniques – such as caucusing, venting, mirroring, storytelling, and silence – that are used selectively based on contextual and methodological considerations. Each method is explained with practical examples, highlighting the mediator’s skill in choosing and applying them appropriately. By integrating these approaches, the chapter provides a comprehensive framework that supports mediators in promoting clarity, empathy, and cooperation, ultimately leading to sustainable, mutually satisfactory agreements rooted in transformative practice.

KEYWORDS

Mediation Theory, Transformative Mediation, Conflict Resolution Processes, Dispute Resolution, Communication Strategies, Facilitative Mediation, Emotional Regulation, Mediator Skills, Questioning Techniques, Active Listening, Paraphrasing, Neutral Reframing, Summarising Techniques, Recognition in Mediation, Reality Testing, Caucusing, Feedback Methods, Storytelling in Mediation, Empowerment, Self-Determination

1. Executive Summary

This chapter, titled *Special and General Techniques of Mediation*, delves into the various methods employed by mediators to facilitate effective conflict resolution. A significant emphasis is placed on *transformative mediation*, which underscores the importance of parties defining their own identities and maintaining ownership of their problems throughout the process. This approach highlights the crucial role of interactions between parties, with these interactions shaping the methods utilised in transformative mediation.

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The chapter categorises mediation techniques into *special* and *general* methods, depending on the contexts in which they are applied. *General techniques* are foundational and widely applicable, forming the bedrock of the mediation process. These include active listening, reframing, and summarising, all aimed at enhancing understanding and communication between parties. By fostering a supportive environment, these techniques help parties articulate their needs and concerns more clearly.

In contrast, *special techniques* are tailored to specific situations and may involve more direct intervention by the mediator. These methods might include caucusing, where the mediator meets privately with each party to explore issues in depth, or reality testing, which involves challenging parties' perceptions and assumptions to uncover underlying interests and facilitate realistic solutions. These techniques are crucial when parties face significant communication barriers or when emotions run high.

Through detailed explanations and practical examples, the chapter provides mediators with a comprehensive toolkit to navigate various conflict scenarios effectively. By understanding and applying both general and special techniques, mediators can better support parties in reaching mutually satisfactory resolutions, maintaining the integrity of the transformative approach that values self-determination and constructive interaction.

2. Who is the Mediator? What is Mediation?

Mediators are professionals who use specific methods to assist clients who turn to them. Mediators help to create a dialogue to clarify the situation between the clients, to provide help in the more precise understanding of their emotions, to assist in facilitating a lasting resolution to their conflict, and ideally, to prevent further conflict situations. However, clients often cannot articulate their expectations from mediation precisely; they only know that they need help. Occasionally they expect solutions from the mediator, while at other times, they simply want them to help regulate their conversation within structured frameworks. In fact, several factors may influence what clients expect from mediators, but the most important is how the clients experience the conflict and what it means to them.

Transformative mediation, the presentation of its general and special techniques undertaken in this chapter, essentially poses this question to itself: what is our relationship to conflicts, what role do we assign to them, do we view them as opportunities or rather as annoying actors in our lives?¹ Accordingly, the mediators interpret their own role and see in what way they can meet the clients' expectations. It is quite characteristic that clients, upon arriving for mediation, think in binary

1 Baruch Bush and Folger, 2004.

terms²: to divorce or not, to take responsibility for their actions or not, to stay with the company or to quit. The mediators' responsibility and the impact of the techniques they use ultimately enable the parties to better understand each other's perspectives and motivations, as well as broadens the spectrum of possible solutions during the mediation process.

All of this leads us to a unique set of methods and techniques that transformative mediators employ in their work. In this approach, mediation defines the possibility of self-determination for the parties as the most important value: that is, the parties remain "owners" of their own problem or conflict at every point in the process. Furthermore, the development of the interaction between the parties or its positive change is an important element, as is their active participation in the process. These principles will guide us through the mediation process; they determine the manner and purpose of the mediator's intervention and thus the mediation techniques employed.

3. What are Mediation Techniques?

In this section, we elaborate on the techniques of transformative mediation that the mediator must apply with proficiency during the process. Let us start by defining the concept of "mediation technique."

If we were to define the term, we might say that a technique or mediation method is a specific action or series of actions, or the application of a systematic process in a given situation. It is important to note that none of the methods presented here as mediation techniques are exclusively characteristic of mediation. However, what defines them as mediation techniques is that they are applied in a specific sequence and with a specific purpose during the process. The ability to apply these techniques appropriately in the right situation is specifically a question of mediator skills and expertise. Inexperienced mediators often fall into the misconception that questioning is the sole method of mediation. While it is true that the mediator does ask many questions and employs specific types of questions, questioning alone is not the only tool at our disposal.

4. The Possible Classifications of Mediation Techniques

4.1. Based on the Nature of Techniques

Let us first take a broader look at the nature of techniques:

The mediator plays multiple roles simultaneously in the process because the parties have turned to a mediator due to issues in their communication, they are emotionally involved in the conflict situation, and for these reasons, they are not

² Lempereur et al., 2021.

able to negotiate effectively with each other. The process that would allow them to handle their problems without external assistance is not functioning between them. If an agreement is reached between the parties, the mediator will again need his/her facilitative skills in formulating the agreement: he/she must assist the parties in reaching an agreement that complies with all their interests and needs, effectively addresses the problem between them, and to which they are committed during and after the mediation process.

Accordingly, we can fundamentally divide our conflict resolution techniques into four groups: facilitative techniques, communication techniques, techniques that facilitate the handling and processing of emotions and techniques that generate agreement options. First, let us take a closer look at these.

4.1.1. Facilitative Techniques

The mediator first utilises his/her facilitative skills in guiding the process. The mediator's facilitative skills are required even before the mediation session itself, as the parties often do not understand what mediation entails, have many questions about the process, and may be uncertain or resistant about whether they want to participate in such an emotionally challenging process. If all parties decide to participate in the mediation, then it is the mediator's responsibility to organise the mediation session, regulate the communication between the parties (giving them the floor, obliging certain rules). Furthermore, the mediator occasionally summarises what the parties have said, directs attention to needs and interests, and ensures that the parties have discussed all important issues they wanted to clarify within the framework of the mediation.

4.1.2. Communication Techniques

Throughout the entire process of transformative mediation, it is the mediator's task to improve and facilitate communication between the parties and address communication breakdowns. Enhancing communication between the parties is defined as one of the goals of transformative mediation. Transformative mediation starts from the premise that the parties will need effective communication to uphold any agreements reached during mediation: if their relationship persists after the conflict resolution process, effective communication will be indispensable. Therefore, communication techniques are those techniques that facilitate the improvement of communication between the parties.

Communication techniques include questioning techniques, primarily reflective questioning, but also active listening – techniques that encourage the parties to engage more actively and understand each other better.

4.1.3. Handling Emotions, Reframing

Managing emotions is an important objective of the transformative mediation approach. Clients involved in conflict often come to mediation with strong emotions, as conflicts emotionally affect them. However, as mediators, we know that behind

emotions, there are always needs and interests. Therefore, it is important to work with emotions, ensuring that all emerging needs and interests are addressed in mediation. Techniques in this category include exploring needs and interests, such as neutral reframing or paraphrasing.

4.1.4. Generating Agreement Options

After uncovering and discussing emotional needs, the mediator moves on to the phase of developing the agreement. Mediators do not create the agreement themselves; instead, after identifying and discussing the clients' emotional needs, they merely facilitate the process of developing an agreement that reflects those needs. In this phase, various consensus-building techniques can be applied, with brainstorming being the most well-known. Generating options helps the parties identify creative decision-making possibilities that meet all their interests, thus determining the content of the agreement that will serve as the outcome of their dispute.

4.2. Classification of Mediation Techniques Based on their Application Conditions

The behaviour and attitudes of the various participants in mediation sessions can vary significantly. Since the mediator determines the depth of the mediation approach and intervention based on the needs of the parties, mediation techniques can fundamentally be divided into two groups. If we classify mediation techniques based on when and under what conditions their application becomes necessary, we arrive at the following:

4.2.1. General Techniques of Mediation

This category includes mediation techniques that should take place in every mediation, regardless of the complexity of the case. Therefore, we use them universally in every mediation because these techniques elevate mediation beyond mere negotiation or facilitated discussion.

4.2.2. Special Techniques of Mediation

The other group comprises techniques whose application is not universal and only arises in specific situations where their use is essential. We apply techniques in this category when there is a specific methodological justification. We will elaborate on these methodological justifications later, but to put it simply for now: we do not apply special techniques in “simple” cases; otherwise, the situation may become difficult for the parties to interpret.

5. General Techniques of Mediation

First, let us look at the communication, facilitative methods, and techniques for handling emotions, which constitute the “mandatory” elements of mediation, and determine how to apply them.

5.1. Questions, Questioning Techniques

In mediation training, novice mediators often hear the situation assessment: “I did not know what to ask.”

Indeed, asking the right questions is the foundation of mediation and is not as simple as one might think. However, a well-directed question can reverse an extremely difficult mediation situation, giving the parties the feeling that the mediator truly understands the situation and can handle it. If nothing comes to mind, however, the parties quickly take control, and amidst a barrage of insults, we find ourselves at a loss. Questions are of paramount importance at every stage of the mediation process, but as Duve points out³, by asking questions, the mediator strongly directs the process. And although one significant advantage of mediator questions is that the mediator asks questions that the parties themselves would not ask each other, the mediator still significantly influences the flow of information in the process. So let us make sure that our questions help but do not “interrogate” the clients.

5.1.1. Types of Questions

Let us explore what we need to know about the types of questions that can be used in mediation. This overview is by no means exhaustive; we’ll only review the most common and effective questions: A) Closed-Ended Questions; B) Open-Ended Questions.

1. Closed-Ended Questions

Closed-ended questions are those that do not begin with a question word and can be answered with a simple “yes” or “no” or with a single piece of information. E.g.: Did you know each other before?; Do you live in a house with a garden? ; Do you enjoy living here?; Do you like soccer?

Closed-ended questions are not necessarily advantageous in mediation. Since parties tend to provide short, straightforward answers or respond with a “yes” or “no” to closed-ended questions, both the mediator and the other party obtain limited information. Closed-ended questions often give the clients the feeling of being “interrogated,” and soon their behaviour in the process will reflect this: instead of communicating with each other, they simply answer the mediator’s questions. The greatest problem with this approach is that it hinders the process of exploring needs, eventually causing the mediation process to stall. Another characteristic of closed-ended questions is that they are extremely labour-intensive: the mediator tires quickly, runs out of questions, and the process reaches an impasse. Additionally, closed-ended questions allow the mediator to strongly direct the process, as they ask questions and expect answers, so the conversation does not necessarily go in the direction the parties or the mediator would prefer.

3 Duve et al., 2019.

Closed-ended questions can also begin with question words, but in terms of the quality of the question, they do not add much. Let's look at two examples: E.g.: How long have you known each other?; How long have you been living in a house with a garden?

The response to these questions is likely to be a brief answer, providing only a single piece of information.

Of course, this does not mean that closed-ended questions are unacceptable in mediation. There are situations where their use is appropriate, for example when we want to find out if the parties have reached a decision on the issue being discussed. Appropriate closed-ended questions include: So, am I understanding correctly that the solution proposed by John is acceptable to you?; Is it suitable for you if we continue the discussion tomorrow at 2.00 p.m.?

However, we should make sure that the ratio of closed-ended questions to open-ended questions is lower, and we should only use them when a short, straightforward answer is actually needed.

2. Open-Ended Questions

Open-ended questions are those that begin with a question word and encourage the parties to provide elaborative answers. If we take the above examples as a basis, the same questions in the form of open-ended questions would look like this: E.g.: What was your relationship like?; What are your living conditions like?; How do you feel in this living environment?; What is your relationship with sports like?

From the perspective of the mediation process, open-ended questions are clearly beneficial. When comparing the examples referred to above, it becomes evident that open-ended questions allow for more detailed, informative answers and open the door to further questions because they contain additional information that the mediator probably would not have asked for otherwise. Additionally, it is harder to pose open-ended questions that include suggestions or reflect the mediator's opinion, making them impartial and more effective by encouraging the parties to think, reframe their opinions, and not directing the process, as it was mentioned earlier. Thus, the parties do not expect the mediator to provide the solution but see the conflict as their own problem to solve.

Open-ended questions have various types from the perspective of mediation:

1. Informational Questions
2. Motivational Questions
3. Reflective Questions
4. Circular Questions
5. BATNA/WATNA

Now let us briefly review the most important types of questions with some examples.

1. Informational Questions

This question type encourages the sharing of information related to understanding the conflict. It is typically used at the beginning of the mediation process or when transitioning to a new, previously unexplored topic. Typical question words include: Who? What? When? Where? How many? With whom? Since when? E.g.: How long have you known each other?; How long have you had this contract?; With whom do you usually discuss these issues?

While the purpose of informational questions is to enhance understanding and gather information, it is advisable to ask them as openly as possible, as this has clear methodological advantages.

By posing an open-ended informational question, we obtain additional information, thus aiding the mediator's work and mutual understanding between the parties.

2. Motivational Questions

Questions related to the parties' emotions and motivations are essential tools in the empowerment process. They help the parties understand each other's perspectives and interpret emotions correctly. However, they must be used cautiously because, although they can have a very positive impact on the parties, they can easily be interpreted as accusatory questions. Typical question word: "Why?" E.g.: Why was this relationship important to you?; Why would you like things to be resolved between you again?

However, we never ask questions in a way that blames the parties. An inappropriate "why" question, for example, would be: "Why did you have to leave your wife?"

3. Reflective Questions

This question type works with the parties' empathetic abilities and aims to enable them to understand the other party's situation, role, and needs. Reflective questions are most commonly used in role reversal, a mediation technique. There are no typical question words; instead, the typical formulation looks like the mediator always addresses questions about the other party's emotions, situation, etc., to one party. E.g.: What do you think is important to Peter?; How do you think Eva feels?; What do you think the neighbour's attitude would be towards such a proposal?; How do you think Eva would react to such a suggestion?

4. Circular Questions

There are also no typical question words for circular questions; only the typical formulation. Circular questions are posed by addressing the question to every

participant. Circular questions are appropriate when the parties already interpret the problem in such a way that they understand that it needs to be solved through their cooperation, and they are clear about the responsibilities and lessons learned. Typically, these questions are raised towards the end of the mediation process. E.g.: What did each of you learn from this case?; What does each of you think about their role in the situation?; What does each of you need to do differently to prevent a similar situation?

5. BATNA / WATNA

These two types of questions are characteristic when we feel that the mediation process has stalled. The mediator asks these questions to motivate the parties to consider the consequences of ending the mediation and thereby motivates them to participate in the mediation process and make further efforts to resolve the situation. It is crucial to note that these two types of questions can only be applied in separate negotiations, the so called caucuses. Otherwise, this may mean the end of the process. The reason for this is that the BATNA / WATNA question types refer to the weakest points of the parties' positions, and in the case of a stalled process, the parties will not be honest in each other's presence.

BATNA stands for "Best Alternatives To Negotiated Agreement," and typically these questions probe the best outcome that could be achieved without negotiation. E.g.: What do you think would be the best outcome of this conflict if there is no agreement today?; What is the best outcome that can be achieved in this situation from your perspective? What would the benefits be for you by continuing the discussion?

WATNA, on the other hand, is the opposite, standing for "Worst Alternatives To Negotiated Agreement."

WATNA questions aim to focus on what the parties stand to lose if there is no agreement or if negotiations fail. E.g.: What do you lose if there is no agreement now?; How long will it take for you to receive money if the case continues in court?; What costs and inconveniences will you incur if there is no agreement now?

The types of questions presented above are related to the dynamics of mediation and the process of empowerment. Accordingly, the sequence of asking questions is as presented in this chapter. At the beginning of mediation, when we are occupied with understanding the situation, we typically ask informational questions. Then, when we also want the parties to understand who did what and why, the proportion of motivational questions increases, followed by reflective questions when we focus on the impact of the conflict on the other. Circular questions help the parties draw lessons together from the discussion. If the process is stuck, BATNA/WATNA questions come into play.

5.2. *Paraphrasing*

Paraphrasing is often considered one of the least “intrusive” mediation techniques in the literature, yet it is extremely important from the perspective of the mediation process, because the consistent use of paraphrasing can prevent misunderstandings between the parties⁴. This technique has several objectives. Firstly, its application ensures that the parties understand that the mediator not only heard but also precisely comprehends what they said, allowing them to clarify the conveyed information. Additionally, the technique helps the parties to hear the other party’s viewpoint more accurately and formulated in a different way, thereby contributing to a better understanding of each other’s positions⁵, through the examination of several mediation sessions, concluded that clients are often more inclined to accept paraphrased information when it comes from the mediator rather than directly from the other party. Thus, its goal is to clarify what has been said or present it to the parties in a way interpreted by the mediator. However, this interpretation can also be wrong, just as the other party can misinterpret what was said. Therefore, the use of the paraphrasing technique not only facilitates the mediator’s but also the other party’s better understanding, by correcting falsely understood information.⁶

Paraphrasing is applied by the mediator rephrasing an information heard from the parties in his/her own words, and then asking for its accuracy.

For example:

Client: Well, I can not take it anymore. I have waited too long, my patience has run out.

Mediator: So, waiting is difficult for you.

Client: The problem with all this is that when he turns up the volume of that awful music, the windows vibrate, it is as if someone is banging on all the walls simultaneously.

Mediator: So, loud music is a problem for you.

Excessive use of paraphrasing can make mediation monotonous and time-consuming as it may seem like everything is being repeated twice. Therefore, even in this case, strive to apply paraphrasing when deemed necessary for a more accurate understanding.

5.3. *Neutral Reframing*

Neutral reframing is one of the most commonly used techniques for exploring needs and is an indispensable mediation tool. When parties are involved in a conflict, they often become so focused on their own positions and emotions that they are unable to listen effectively or pay attention to the other party.⁷ Consequently, it is the mediator’s

4 Garcia, 2019.

5 Ibid.

6 Duve et al., 2019.

7 Stitt, 2016.

task to clarify the needs and interests underlying the party's emotions through the effective use of the neutral reframing technique.

By reframing the emotions behind insults and accusations into the language of needs and by using neutral language in the process, the mediator helps the parties maintain their composure. Essentially, by consciously applying this method, the mediator simultaneously assists in reducing the intensity of emotions, enhancing mutual understanding, and addressing emotional needs and topics to be clarified during the mediation.

Neutral reframing also holds strategic importance in mediation. Parties become truly capable of modifying their perceptions and evaluations of the conflict when they genuinely understand each other's perspectives⁸. By defining the topics of mediation and positively formulating needs, we facilitate this process of capability enhancement, shifting the focus from positions to needs and interests.

When applying this technique, the mediator observes the emotion associated with the message formulated as an insult and identifies the actual need behind it. Once identified, the mediator asks whether they understood what was expressed correctly.

For example:

Client: This constant, stupid fuss coming from the neighbour is unbearable.
(peace, quiet)

Mediator: So if I understand correctly, you need peace and quiet at home?

or

Client: He is just rude. He is such a lout that he thinks saying hello is some kind of sexual disease. (Respect)

Mediator: So if I understand correctly, you would need respect?

or

Client: He never shuts up when I'm speaking. Since I have known him, there has not been a sentence I could finish. (Listening)

Mediator: So if I understand correctly, you would like the other person to listen to you?

We use this technique when we see real emotions and related needs behind the spoken statement. Use it boldly, as it is hard to go wrong or miss with this method: the worst that can happen is that the client clarifies and, rejecting the mediator's question, accurately formulates his/her own needs.

Client: He does not tell me anything. No matter what happens, I am the last one he talks to. (Honesty)

Mediator: So if I understand correctly, you would like him to be honest with you?

Client: No, I am not saying he is lying, but that he tells me everything last.
I just want to feel important.

As we saw in this example, in the first instance, the mediator connects the complaint with honesty. However, the client corrects and articulates very precisely what she expects from the other person.

Essentially, the mediator in this situation does nothing but separate the person from the problem and the criticised attitude⁹, and reframes the situation: it is not the other person who is the problem, but the situation we are facing.

This method essentially forms the basis of every mediation process: it brings out the needs and achieves that the parties talk about their needs and interests instead of blaming each other for the conflict. We assist them in redefining the problem and seeing it not as a conflict caused by the other, but as a situation with a possible solution to which both can contribute, even if in different ways.

A successful mediation process eventually reaches the point where the parties recognise: there is no conflict between them at the level of expressed needs. Who would answer “no” to the question, “Do you want a reliable, honest partner?” Perhaps honesty and reliability mean different things to the parties, yet they agree on the need itself, which provides a good starting point for discussing how to satisfy these needs, what needs to be done differently so that both can get what they want. Often, this method may seem strange to the parties because they do not understand why it is necessary to delve so deeply into examining and uncovering the root causes of the conflict. However, by delving deeper, we can find the real causes of the problem and deal with them, thereby preventing the problem from recurring.¹⁰

Keeping the eye contact or making notes

Eye contact, as a nonverbal signal, is crucial for the dynamics of the process. It expresses the mediator’s impartiality, encourages the parties, and builds trust. It indicates to the parties that the mediator is genuinely interested in what they are expressing, pays attention to them, and values what they say. Therefore, maintaining a balanced eye contact is important for mediation.

We should be mindful of when we replace maintaining eye contact with note-taking. Note-taking often raises suspicions and may give the impression to the parties that the mediator is preparing to breach confidentiality commitments. When we take notes, we lose eye contact with the parties, which can have an unfavourable effect. Our clients primarily expect our undivided attention¹¹, which can be much more important to them in the initial stages of mediation than facts, details, or anything else. Therefore, we should carefully consider when and what we write down. It is most practical if the mediator only writes down the topics that arise and will be discussed during the mediation, and even then, only in a single word. This minimises the unpleasant effects of losing eye contact and does not raise suspicion among the parties.

9 Haynes, Haynes and and Sun Fong, 2012.

10 Lempereur et al., 2021.

11 Whatling, 2012.

5.4. Summarising

The technique of summarising helps the parties to precisely understand what has been said during the discussion. It also contributes to better focus on the current topic, clarifies the main points of the debate for them, and can help the mediator shed light on their common ground. In doing so, the mediator can serve as a liaison between the parties.¹²

It also helps the parties avoid repetitions, as they have heard in the mediator's summary that the given information has already been discussed. The mediator's summary allows the parties to supplement the previously stated information if needed. For example: "So far, it has been mentioned that... Is there anything you would like to add to this?"

Summarising should be used when it is sensed that the parties are starting to repeat themselves regarding the discussion of a particular issue, and when transitioning to discussing the next topic is desired. Summarising also helps when we need to organise our own thoughts, pause the mediation process for a moment, or refocus the parties on the current topic.

5.5. Recognition

Recognition as a method receives undeservedly little attention in the literature of mediation. Yet, a well-timed recognition can save the process and is essential for the parties to become capable of changing their opinions about each other.

Recognition can come from the mediator when acknowledging the parties' willingness to participate in the process.

For example: "Thank you for coming and taking the time to discuss the situation with each other."

However, it is even more effective when the parties recognise each other. In this case, it is the mediator's task to ensure that the recognition from one party is heard by the other.

Client: "I know he is a good soccer player. I was really proud of him when they won that match."

Mediator: "Did you hear how X spoke positively about your talent in soccer? What does it mean to you when you hear this?"

Recognising a positive attribute in the other party and being able to respond to this acknowledgement is not a simple task for parties in conflict, but it has immense power when achieved. Beyond assisting the parties in emotionally processing the conflict, the ability to respond to recognition sends an important message to the mediator as well: it demonstrates that the parties are turning towards each other and want to hear one another.

¹² Garcia, 2019.

5.6. Reality Check

We are discussing this technique last among the general techniques. The use of reality testing is the responsibility of the mediator: it is used to examine with the parties the feasibility of a proposed solution.

Examples: You both mentioned that a quick resolution is important to you. How well does this proposal meet that requirement? What costs do you think this would entail? How do you think your surroundings would react to this solution?

Its application helps ensure that the parties consider all important circumstances before making a decision and signing the agreement.

6. Special Techniques in Mediation

These specific techniques in mediation, as I mentioned earlier, are employed when the mediator has methodological reasons for doing so. The explanation for this is that each of the mediation methods to be presented next has an impact on the process that we must be prepared to handle. These methods either disrupt the communication process between the parties or place the mediator's previously impartial role in a different light. Sometimes, by assuming the role of the "devil's advocate," they ask the clients uncomfortable questions that they may not be ready to answer, or they confront the parties with information that they themselves did not want to acknowledge. Therefore, we must also consider what methodological reasons we may have for employing these special techniques, as well as what potential "dangers" they may pose from the perspective of the process or the parties.

6.1. Caucus

During a caucus, we move the clients from the joint session into a separate room and continue the discussion there with each of them until we deem it necessary or possible to return to the joint session. A caucus is advisable when we feel that the parties are avoiding an important emotional issue, and we sense that they will not discuss it until the other party is present. Additionally, we can use it when we observe that the conversation has stalled, or when we start to detect signs of positional negotiation styles in the parties again. Caucusing is one of the rather debated techniques within mediation practice. Advocates of the caucus often emphasise its advantage in handling emotional outbursts of the parties and effectively addressing processual and emotional impasses in mediation. Opponents of the caucus argue that its use elevates the mediator above the parties, moving him/her out of his/her neutral role. One of the most important points of critique is that when the mediator caucuses with one party or the other, the mediator is the only one among all participants who has access to all available information. The parties share all confidential information with the mediator, and – it is up to the mediator to decide what, when, and in what order to pass

on this information, thus influencing the parties with “managing” extra information. However, neither influencing the parties nor managing the information can be justified from the perspective of transformative mediation.

In my approach, the technique of caucus is limited but applicable. As previously discussed, we describe the caucus as a “special” technique, which also implies that it is not applied in every mediation situation. If we do decide to use a caucus, we should have a proper methodological justification. What could be our methodological justification?

Let us consider these reasons:

1. If we feel that the parties are stuck on some emotional issue.
2. If the parties are skirting around an important emotional issue and react sensitively to it in each other's presence.
3. If the parties ask to share certain information with us only.
4. If the parties are reverting to positional bargaining.
5. Following an emotional “peak” when we want to de-escalate a heated emotional reaction.
6. When a specific mediation method is recommended to be used only in caucus (such as venting or BATNA/WATNA).
7. If a weaker or less assertive client needs to collect themselves, organise their thoughts, or seek advice from their supporters.
8. To regain the cooperation and commitment of the parties, typically when we feel that their trust in the mediation process has been compromised.
9. If we want to prompt the parties' advisors to reconsider their roles and behaviours.
10. If we want to analyse the risks of the available solution options.

The unjustified or excessive use of the caucus technique is always harmful because with the transformative mediation method, we aim to enable the parties to communicate effectively with each other, understand each other's perspectives better, respect each other, recognise each other, and become capable of treating each other with “tactful honesty”. But how should they do it if they are not even in the same room?

6.1.1. *Types of Caucuses*

When opting for a caucus, there are various ways¹³ of conducting it, depending on which participant in the process is encountering the above-mentioned obstacles.

1. *Simple Caucus*

Separate discussions with representatives from one side or the other of the conflict. So, if one side comprises a minor client with a parent, a counsellor, and a lawyer, and the other side comprises two clients and a lawyer, in the first round of the caucus, we speak separately with the minor-parent-counsellor-lawyer group, and then with the other side, i.e. the two clients and their lawyer.

13 Boulle and Alexander, 2008.

2. *Caucus with the Parties*

In this case, we only meet with the directly involved parties in the conflict, so they remain in the room, and we ask the counsellors, observers, and lawyers to step out. In the first round, only the two clients are in the room. If necessary, in the second round, we meet with one party and their supporters, and in the third round, with the other party and their supporters. The second and third rounds do not always ensue.

It is worth choosing this method in cases where the parties need to discuss an emotional issue that they would find difficult to talk about in front of the “audience.” However, a mediation conversation held in a smaller circle can help in communication. It is also advisable when the parties disagree about the role of the supporters. (One party insists on being in, and the other party insists on being out.) If we want to speak with the parties without their supporters or lawyers, this often poses difficulties, especially if the lawyers react sensitively, which is understandable considering their role. Therefore, it is important to precisely communicate the purpose, timeframe, and procedure of such caucus sessions.

3. *Caucus with the Supporters*

We only meet with the supporters (e.g., the lawyer), and the parties do not participate in the discussion, so we ask them to wait while we talk to their supporters. It is advisable to use this method when we want to motivate the supporters (e.g., the lawyer) to reconsider their roles. E.g., we want to achieve a more positive attitude from the lawyer.

4. *Caucus with Each Client*

In this case, we ask both supporters and the other client to wait while we speak with one client. Only one client and the mediator remain in the mediation room. In the second round, the other client remains in the mediation room with the mediator, without supporters.

It is advisable to use this method when: We need to address the parties’ strong emotional reactions; We need to share some confidential information with a specific client; We request some confidential information from one of the clients.

In all cases, it is crucial to communicate every step of the caucus to the clients: they need to know how long each step will take, precisely what will happen, and what will occur with the information they share with us. Failure to do so risks the clients questioning our impartial helper role and jeopardises the process itself.

6.2. Silence

It may seem surprising that silence is a technique, but indeed it is. In situations where we ask embarrassing questions from one party or when the parties are formulating an answer which is difficult, it is advisable to wait until the response is framed. Let us accept that the parties do not have ready answers to all our questions. There are

times when it is really necessary for them to reconsider their position and have time to verbalise their response. In such cases, silence is an appropriate method. Another situation may arise where our client does not want to answer the question posed and would be very grateful if the mediator would help them out of the situation with another question. But we wait for the answer... Haynes even suggests that the longer the silence, the better the quality of the mediator's previous question¹⁴.

During the application of the silence technique, the mediator must keep in mind why he/she is doing what he/she is doing. If he/she knows that he/she is using silence as a technique, then the situation will not be uncomfortable for him/her; it will be the client who will want to break the awkward silence. However, we should be careful that the parties do not start playing games with this or think that the mediator cannot ask questions or has lost control over the process.

6.3. Testing

Testing, in essence, is simply the intentional application of the summarisation technique with deliberately poor content. So, some information is conveyed, but the clients are not very cooperative, the information conveyed is insufficient, unclear, or for any other reason, incomprehensible. The mediator, by applying this technique, draws attention to the fact that the communication of the parties is unclear or prone to misunderstanding, thereby motivating them towards a more precise articulation of the issue.

Our methodological justification for using this method may be that we have noticed that the clients constantly misunderstand each other, so it is like watching two separate movies, the stories do not connect. If the parties visibly talk past each other, the mediator could point this out and clarify, but let us remember: our goal is to transform, "correct," and restore their communication, rather than taking over the role from them and acting as interpreters of what the other has said. Its excessive use may also give the impression that the mediator is not in control of the situation.

For example:

Mediator: So, then what happened was that Peter gave you an assignment to install blinds.

Client: No, I said it was not blinds, it was an awning. You know, the thing you can install in front of a window, and you can roll it out with a handle. It blocks the sun from the window and is much better than blinds because the sun does not hit the window. So, the apartment does not heat up as much.

As the example demonstrates, by asking the question, the mediator awakened the client to the fact that they misunderstood what was said, so in their response, they were more precise.

¹⁴ Haynes, Haynes and and Sun Fong, 2012.

6.4. Feedback

This method can be specifically applied in situations where the parties are not paying attention to each other properly, and it is obvious to the mediator that they do not understand what the other has said. It is typically used in situations where we see that certain information is repeated multiple times, but the other party seems to ignore it for some reason.

For example:

- Peter: This pig did not even pick up the phone. I called day and night, but no response, he never called back.
- Paul: I was in the hospital, and I had surgery. I did not have my phone with me. I would have picked it up if I could, but please understand that it was impossible then.
- Peter: And why was it that when I sent a message, there was no response either? This whole situation is unacceptable. He disregarded me completely!
- Paul: Please understand that I was in the hospital. I had a car accident, I was post-surgery, lying helpless. How could I have answered the phone?
- Mediator: Peter, could you please repeat to me what Paul has just said?

As seen in the example, one client is emotionally involved in the conflict situation to the extent that he can only repeat himself, but he does not hear the important information that was actually said by the other party. It is typical in these situations that the client cannot answer the question because he did not actually hear what the other party said.

How does the dialogue continue?

- Peter: Well, I do not know, he said so many things.
- Mediator: I see, could you repeat what Paul said about why he did not call you on the phone?
- Peter: Well, I do not really know.
- Mediator: Paul, could you please repeat what you said about this?
- Paul: Yes, I ended up in the hospital, I had surgery...

What the mediator accomplishes with this is that Peter, in this moment, pays attention to the other party's words for the first time and will react to them. This helps us guide the clients to not talk past each other and ensure that the information conveyed actually reaches the clients.

Use this technique with moderation. Some clients may find this situation uncomfortable, feeling as if they are being "quizzed" or feel embarrassed. In this case, their commitment to mediation may decrease, or they may lose trust in the mediator.

6.5. Venting

Venting is a rarely used technique and can be quite risky. Its use is only recommended if we feel capable and prepared to handle the situation that develops. It is preferable

to use venting in separate negotiations, and its application in joint discussions is only recommended for more courageous mediators. Consider its use when you see that one or all of the parties are emotionally involved in the conflict to an extent that it hinders their participation in the process. A typical situation is when, regardless of the question we ask, the response solely paints the other party's vile nature, diabolical essence, and character flaws.

In this situation, in separate negotiations, we ask one party and then the other to describe how they see the other person. In these cases, the parties often use unqualifiable words to describe each other, assuming the worst about the other and presenting them as evil, corrupt individuals. By providing sufficient time, the steam often comes out with the insults, and after the individual has "let off steam," it becomes easier to sit back down at the negotiating table.

However, it may also happen that emotions run wild in such situations, and the parties are not willing to continue participating in the process afterward. So, once again – only use it if you can handle the situation it generates.

6.6. Mirroring

The purpose of mirroring is to confront the parties with the fact that they did not hear something, misunderstood something, or there is some contradiction in what they said. When using "mirroring," be mindful that an ill-formulated statement can be misunderstood by the parties, or it can create the impression that you are agreeing with one party or representing their position.

Mirroring can be applied in several ways:

1. The mediator, turning to one party, recalls what the other party said.

For example:

Peter: "I have changed a lot lately. I realised that what I was doing could not go on like that. Maybe this case was needed for me to come to my senses. Since then, I have been going back to school, learning a profession, working, and I know I am going to get back on my feet. Simply because I have to."

Mediator: "What do you think about this?"

Paul: "Peter's problem is that he grew up like this. He does not know the value of work. Lazy, irresponsible, and he does not learn from his mistakes. He has always been like this, and he will never understand it."

Mediator: „Well, actually, I just heard from Peter earlier that, according to his own assessment, he has changed a lot, he is working, studying, and he is convinced he will get back on his feet. What do you think about that?"

In this application, mirroring is essentially an alternative to feedback, used when feedback is not effective.

2. Another application of mirroring is when we draw attention to contradictions or changes in the content of statements made by one client. When doing this, be careful to phrase it as a question rather than making statements. Not using statements is crucial to the mediator's impartiality.

For example:

"If I remember correctly, we have been discussing some form of financial compensation so far, but now you have mentioned that you would rather rely on Peter's active participation in restoring his business reputation. Am I seeing a change in this?"

3. We can also use mirroring to provide feedback on the client's emotional state.

For example:

"It seems to me that you are having a hard time talking about this?"
or "I see that this is emotionally touching you deeply."

6.7. Storytelling

"Storytelling" proves to be excellent in situations where we deal with clients who have difficulty communicating or are uncertain. Based on experience, it can be most effectively applied in situations involving adolescents or cases where emotions are so deeply involved that they hinder effective communication.

In the storytelling method, we ask one client to express his/her statement as a story, and then we invite the other party to share his/her thoughts and recollections related to the story.

For example:

"Husband": "I miss the sense of freedom I used to feel around her."

Mediator: "What do you mean by the sense of freedom?"

"Husband": "Well, I do not really know, it is just a liberating feeling."

Mediator: "Could you tell us a story of a time when you felt that sense of freedom with your wife, the one that you now miss?"

"Husband": "Sure. I remember when we were walking in that big park once. And we bought an ice cream..."

In this example, the "husband" narrates the story at length, and then the "wife" recalls her related memories. The act of storytelling helps individuals articulate their emotions more easily and concretely.

Let's look at another example:

Wife: "My husband is basically a good person. But it is very difficult with him."

Mediator: "What do you mean by that?"

Wife: "Well, I do not know exactly. It is just hard."

Mediator: "Could you tell us a story that demonstrates why your husband is a good person?"

And later: "And would you share with us a story that shows why it is difficult with him?"

Storytelling can be great help for clients who have difficulty communicating or for adolescent clients. Stories are often clearer and more comprehensible than examples.

7. Summary

In this chapter, we have reviewed the main techniques that a mediator can employ during the mediation process. Some of these techniques form the basis of mediation, and indeed, a mediation process is unimaginable without their application. We have looked at some methods that serve to improve understanding between the parties, as well as those techniques that are suitable for enhancing communication between the parties.

We have also discussed some special techniques of mediation that intervene more radically in the process or in the communication between the parties. We have explored their areas of application and the potential difficulties in their use, elaborating in detail on the methodological reasons for their application.

Although the basic techniques of a mediator are indispensable for an effective mediation process, the key to success often lies in how consciously the mediator applies them. Behind the application of each method, there are always important methodological justifications, the thorough understanding of which are essential.

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Questioning Technique as a Conflict Prevention and Resolution Tool

Tibor KERTÉSZ

ABSTRACT

This chapter explores the pivotal role of questioning techniques in mediation as both conflict prevention and resolution tools. It emphasises that effective mediation depends not only on asking the “right” questions but on applying a strategic sequence and structure that fosters reflection, empathy, and self-awareness. The study highlights the importance of mediators listening attentively to clients’ responses, as answers reveal underlying needs, emotions, and motivations. Through the concept of strategic questioning and “scaffolding,” the text demonstrates how mediators can guide clients – particularly adolescents – towards meaningful participation and empowerment in the process. The chapter analyses various question types, including informational, motivational, reflective, and circular questions, explaining their functions in building understanding and promoting transformative dialogue. By examining both the psychological and methodological dimensions of questioning, this work underlines its significance as a cornerstone of mediator competence and an essential instrument for sustainable, empathetic conflict resolution.

KEYWORDS

Strategic Questioning, Mediation, Conflict Resolution, Transformative Mediation, Communication Techniques, Empowerment

1. Executive Summary

In mediation, questions stand as indispensable tools, forming the backbone of communication and resolution strategies. The efficacy of mediation hinges not merely on asking the “right question,” but rather on the strategic combination and sequencing of question types conducive to the desired outcomes. Moreover, listening accurately to clients’ responses is pivotal, as their answers often reveal unspoken needs and desires.

Understanding the dynamics of client responses to questions is essential. Lack of response may stem from various factors, including misunderstanding, reluctance, or

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unreadiness to answer. It is imperative to acknowledge that even seemingly neutral questions carry symbolic meanings, which clients decode within their unique contexts.

The mediator's role extends beyond mere inquiry; they facilitate clients in maintaining control over substantive issues, employing strategic questioning techniques to enable clients to articulate their thoughts effectively. The timing and manner of posing questions influence the quality of responses significantly, underscoring the importance of adherence to established guidelines.

Strategic questions follow a logical sequence, encouraging clients to delve deeper into their cognitive processes and emotional landscapes. Both open-ended and closed-ended questions find relevance in mediation, each serving distinct purposes in fostering understanding and empathy among parties.

Furthermore, scaffolding our questions aids clients in comprehending the importance of information sharing and emotional expression in mediation, fostering a conducive environment for resolution. By adhering to the rules of strategic questioning, mediators can enhance client participation and facilitate transformative shifts in their perception of conflicts.

Ultimately, the strategic use of questions in mediation serves as a catalyst for profound shifts in client perspectives, leading to holistic resolutions and lasting peace. As mediators navigate the complexities of conflict resolution, mastering the art of questioning emerges as a cornerstone skill, enabling them to guide clients towards mutual understanding and resolution.

The careful use of questions in mediation and conflict resolution is crucial, as it guides the conversation and influences the results. Well-crafted questions help clarify viewpoints, encourage self-reflection, and lead participants to solutions that benefit everyone. However, most research focuses on approaches designed for adults, leaving a gap in our understanding of how to effectively involve children in these processes. This article aims to fill this gap by exploring questioning techniques that are tailored for children. The goal is to improve children's participation and ensure that their opinions are not just heard but truly valued and considered in mediation and conflict resolution processes that affect their rights and well-being. In doing so, this work seeks to contribute to a more thoughtful and inclusive approach to resolving disputes involving children.

Thus, in this study, we review the main types of questions that should not be missing from the mediator's toolkit, as well as their applications, taking a closer look at the methods that make it easier for adolescents to participate effectively in the mediation process and feel as competent participants. Knowledge of this process, or rather method, can be of great help to us, conflict resolution professionals, in making our work more effective.

However, in spite of our best efforts, even well-formulated questions may sometimes fail to elicit the desired response or engagement, particularly when working with children. This can occur due to various factors such as the child's emotional state, developmental stage, or the complexity of the situation. When faced with such

challenges, mediators must be flexible and adaptable, ready to rephrase questions, use alternative communication methods, or take breaks as required. It is crucial to remember that the overarching goal of mediation is to empower clients, especially children, to feel a sense of control throughout the process and over the outcome. Therefore, the mediator's presence and questioning techniques should consistently serve this objective. This principle should underpin all considerations about the role and types of questions used, ensuring that the mediation process remains child-centred and empowering.

2. Why Are Questions Essential?

Questions undoubtedly are among our most crucial abilities and techniques, constituting the primary and most frequently used elements in the mediator's toolkit. They form an integral part of our everyday lives. Each day, we pose questions, each with its own purpose: to learn more about the world or the people important to us, to clarify a situation, or to express our interest in others. Questions serve a pivotal role in mediation, extending beyond mere information gathering. Their most crucial function is to inspire and encourage clients to reflect deeply on their situation, roles, needs, and potential solutions. The primary purpose of questioning should be to empower clients, aligning with the core objective of mediation. The most effective questions are those that maximise client empowerment in understanding and resolving their case. Well-crafted inquiries can guide clients to recognise their underlying motivations, concerns, and future needs. Through this reflective process, clients may strengthen their sense of responsibility, competence, and agency. These elements are fundamental to constructive, participatory dialogue. When such empowerment is successfully achieved, it paves the way for win-win outcomes and sustainable, long-term solutions. Thus, the art of questioning becomes a powerful tool for facilitating client-driven resolution and personal growth.

Naturally, our questions vary depending on the purpose for which we ask them, and their types and complexities can differ. Our conversational partners may not always be ready to answer, so we might receive a response, or probably a rather surprising answer, or even no response at all to our questions. We cannot ignore how our conversational partners will interpret our questions: whether they understand or misunderstand, whether they can answer or attempt to avoid answering.

Despite asking and answering questions daily, in my experience, participants in mediation training often say they "did not know what to ask," even though questions are indeed integral parts of our everyday lives, and furthermore, as mediators, we have numerous other tools and mediation methods at our disposal to support clients during a mediation process besides questions. Yet, the feeling of not knowing what to ask repeatedly arises among novice mediators.

Additionally, in mediations involving young people, there is the problem that school-aged youths are not accustomed to the types of questions that are typical in

mediation: at school, they often have to answer questions, but research indicates that teachers' questions follow a completely clear pattern. Eighty percent of teachers' questions are solely informational, which does not "engage" students at a cognitive level, while only 20% of teachers' questions are deeper cognitive questions¹. Regardless of the question we ask, whatever its purpose may be, it will lead to different outcomes, and the result will not always meet our expectations.

According to Chiles, it is *the combination of question types employed* that will lead to the desired outcome², rather than the "right question," which may not occur to us amid the emotional storms of the mediation process.

3. What Should I do with the Answer?

Even during training sessions, I often "reassure" mediator students that instead of worrying about whether they are asking the right question, another mediator role is far more crucial: the ability to listen. Therefore, the question that should arise in them, as well as in experienced mediators like us, should not be whether I know what to ask, but rather whether *I hear what the clients are answering*. And if I do hear them, am I able to deal with the information, emotions, thoughts, or even the silence that emerges in the mediation process as a result of the question?

Following one of our mediation sessions, a colleague and I revisited the case we were working on, and the topic of effective questioning techniques resurfaced. As a result of our conversation, we came to the conclusion that we phrased as follows: "*If I ask the right questions, the clients will tell me what they want me to ask them.*"

So we concluded that no matter how much we worry about what question to ask, the mystery of further questions, or the "right" questions, lies in the clients' responses: one question leads to another, if I indeed hear what the clients are answering.

However, clients are not always ready for this. It often happens that even if I ask a question, there is no answer, or I receive an answer with which I find it difficult to proceed. My many years of mediation practice and experience have taught me that this is a natural, almost foreseeable, and predictable moment in every mediation session that is moving towards the clients eventually understanding each other. Because if there is no response to a question, essentially, in my own experience at least, there can be three reasons: *the client did not understand the question, the client does not want to answer the question, or the client cannot answer the question because they are not ready to respond.*

And here we come to why it is relevant to examine this topic from the perspective of adolescents, as adolescent clients are often not ready to respond. Whether it is because they do not know what to answer or how to behave in the given situation, or whether it is because the answer itself is "not ready" since they have not thought about

1 Gall, 1984.

2 Chiles, 2023.

the conflict situation from the perspective of the mediator's approach, ultimately we always come back to the same point: adolescent clients often cannot answer our questions.

4. The Hidden Meanings of Our Questions

It is also important to understand that our questions, no matter how neutral and value-free we try to pose them, *carry a symbolic meaning* in the given situation; *our clients decode them* according to their mental states, so despite our efforts, we rarely ask – if at all – “value-free,” neutral questions.

To illustrate this point, consider the following example: In a family mediation session involving a divorcing couple, the mediator asks, “How often do you think it would be appropriate for the children to visit their father?” While the mediator intends this as a neutral, open-ended question to facilitate discussion about custody arrangements, it may carry different symbolic meanings for each party: The mother might interpret this as the mediator implying that the father should have limited visitation rights, potentially reinforcing her own desires. The father, on the other hand, might perceive the question as suggesting that his role should be reduced to “visits” rather than equal parenting time, feeling that the mediator is biased against him.

This example demonstrates how a seemingly neutral question can be interpreted differently based on each individual's mental state, fears, and desires, underscoring the challenge of asking truly “value-free” questions in emotionally charged situations.

During questioning, an unintentional “metacommunication” process takes place between the client and the mediator, and the respondent can easily decode the questions posed as the mediator's personal and professional evaluations of the respondent.³ Since this process is inevitable, it is necessary to understand it, as it can harbour numerous pitfalls: we can easily create the impression that we are biased or have formed evaluations about one or the other party. In a child custody mediation, the mediator asks the parents, “How do you think your current work schedules impact your children's daily routines?” This question seems neutral, aiming to explore the practical aspects of custody arrangements. However, it can be interpreted differently by each party: The mother might see this as validation of her concern that the father's long work hours make him less available for childcare. The father could interpret it as implying that he is not as involved in the children's lives, making him defensive about his parenting role. This would ultimately render the mediation process impossible.

Consequently, assuming that the questioning technique is applied correctly, in line with the transformative mediation approach, the mediator *assists the parties in maintaining control over the substantive issues of mediation*.⁴

3 Whatling, 2012.

4 Haynes, 1993.

However, let us not forget that even a simple question like “Do you live with your parents?” can carry various meanings for the respondent depending on the context. It may depend on whether it is a social worker asking the question or whether we are filling out a form in an office. However, if the question is raised during a mediation session when we are discussing with the clients how much sacrifice the parents have made for their child’s education, we can easily see that our question will inadvertently be decoded in a way that implies ingratitude on the part of the adolescent client for not acknowledging their parents’ sacrifices.

Therefore, it is important to remember that not only is the raising of questions or the listening to and understanding of answers important in the mediation process, but so is the issue: *whether they come in the appropriate context and at the right moment, thus preventing clients from attributing “hidden meanings” to them.* No matter how we pose our questions, clients interpret them at every moment of the mediation process and may attribute significance to them.

The mediator only becomes aware of how the client actually interpreted the question when he/she hears the response. Seemingly harmless and methodologically well-founded, open-ended questions such as “What do you think is the reason we met today?” encompass the value that we have something to do today, that “we should figure something out together,” or our adolescent client may interpret the question as “So I did something wrong, and this is a form of punishment.” It is much less likely that our clients will interpret the question as an indication of our interest in their opinions, ideas, thoughts, or stance on the situation.

As a result, numerous values and principles emerge when the mediator, particularly in the early stages of the process, works with open-ended questions to explore positions, issues, needs, and interests. By further using such questions, the mediator may be able to foster an understanding of the fundamental mediation principles – namely, that it is *the participants in the dispute, not the assisting third party, who will determine the outcome of the mediation process.*

Returning to Haynes’ assertion that the client is the “owner of the answer” and ultimately decides how to interpret the question⁵, let us recall that it is not necessarily the question that matters, but rather the response to the question, or more precisely, the process of asking the question itself: yes, if I ask the right questions, clients will tell me what they want me to ask them. They can effectively express their opinions in response to these questions as competent participants, rather than reflecting on assumed values behind the mediator’s questions. It is this capacity-building process that we must strengthen with our applied methods and questions: the process progresses well when clients clearly assume behind the mediator’s questions and methods the “value” that they alone are in the position to define and specify the problems and needs, their interests. Consequently, the clients’ second assumption follows: that following the exploration and understanding of their values and needs, they alone are in the position to reach the necessary agreement for a potential resolution. These two

5 Ibid.

recognitions help clients realise that they alone are capable of finding the appropriate solution to the problem.

5. Strategic Questioning Technique

But how do we arrive at this realisation? What helps prevent clients from attributing evaluations to questions posed by the mediator, and consequently, from expecting the mediator to solve the problem, but rather take appropriate steps themselves in that direction? Based on the points discussed so far, we can summarise that our questions do not stand alone; they cannot be independent of the clients' responses and should convey the value that the responders are the "masters," thus guiding the content of mediation. Our questions can be considered a method, a technique applied on a methodological basis, only if they follow a certain direction: *they reflect on the information heard from the clients, on the emotions they show.*

We will soon discuss the most commonly used types of questions in mediation, but to understand strategic questioning techniques, we need to clarify that our questions – depending on the purpose for which they are raised and to what extent they prompt clients to think – can be categorised as *higher order thinking or lower order thinking* questions according to Chiles' classification⁶. However, the sequence of our questions is extremely important: to be able to answer higher order questions; clients must have already received answers to numerous low order questions, and I need to understand and process the information derived from these.

Higher-order questions elicit deeper and critical thinking, but clients need to be prepared for this.

The timing and contextual appropriateness of questions in mediation are paramount to their efficacy. Consider the scenario where a mediator, at the outset of the process, poses the question, "What do you think the other party felt in this situation?" Despite the mediator's well-intentioned effort to foster empathy and perspective-taking, this inquiry may be premature if the clients have not yet reached a stage of emotional readiness or acquired sufficient insight into the conflict dynamics. At this juncture, the parties may lack the requisite emotional distance, contextual understanding, or cognitive capacity to engage in such perspective-taking exercises. Consequently, they find themselves ill-equipped to provide a meaningful response, as they have not yet progressed to a point in the mediation process where they can effectively analyse and articulate the emotional landscape of the other party. This underscores the importance of aligning questioning strategies with the clients' evolving emotional and cognitive states throughout the mediation journey.

The power of our questions lies in their quality, not quantity: no matter how many informational questions I ask, if they do not help clients in developing empathic communication with each other.

6 Chiles, 2023.

5.1. *Why do I run out of Questions?*

Again, I would bring up as an example that in mediation training sessions, I often hear mediator students say, “Although I raised the question, I did not get an answer. So, I moved on to another question. Then, I ran out of questions.”

To this, I usually respond, as I have already written: if I did not get an answer to a question, there could be three reasons: the client did not understand the question, does not want to answer, or cannot answer. In any case, *moving on is definitely not the appropriate reaction.*

If the clients don not understand the question, then I should pose it differently. If they do not want to answer, it is not right to help them avoid answering an important question by posing another question. And if they cannot answer, *I am helping them by allowing them to respond.*

Asking further questions often does not work. This way, the client may quickly feel interrogated, and in the absence of assessable answers, questions can indeed run out at a certain point, and our mediation process may stall.

5.2. *How to Apply Strategic Questioning Technique?*

We must never forget that our questions are part of a process and their usefulness and meaning lie solely within the framework of this process. The strategic questioning technique, or as Benjamin Johnson termed it, specifically recommended for work with juveniles: “*scaffolding*”, *assists our clients in becoming capable of answering questions.*

To describe this process more accurately, let us take a look at a few examples.

First, let us see an example of what to avoid. A juvenile client came to a mediation session with his mother for restorative justice mediation. The boy is present as the offender, his mother as a supporter, and on the other side sits the boy’s uncle as the victim of the crime. The story is very simple: the boy “borrowed” his uncle’s motorcycle to go to a party one evening, and at the end of the successful evening, he had a minor accident with the motorcycle. The motorcycle was wrecked, but the boy was unharmed.

Let us see how the mediator began the mediation after the opening statement:

Mediator: I would like everyone to tell us why we are here.

Victim: Launches into a long story about how important the motorcycle was to him and how angry he is at the boy for wrecking it. He is not upset because of its monetary value, but rather because the boy could have been hurt, and the boy does not understand what a foolish thing he had done.

Mediator (to the boy): And why do you think we are here today?

Offender: (Shrugs.)

Mediator: But you heard what your uncle said. Why do you think we are here?

Offender: (After a brief pause) For this.

Mediator: Do you live with your parents?

- Offender: Yes.
 Mediator: What did your parents say about what happened?
 Offender: No response.
 Mediator: (After a short wait) What do you think now about what happened?
 Offender: No response.

As we can see in the above example, despite the mediator's efforts, he/she will eventually run out of questions because no information is coming from the client. However, upon deeper reflection on why this is happening, it quickly becomes clear that a methodological error is causing the procedural deadlock: the mediator's questions do not follow a clear direction, so the juvenile offender does not understand what he should be answering, cannot assess what is expected of him in the process, and instead of facilitating the understanding of all these, the mediator keeps trying with new topics.

Regardless of how good a particular question is, *the quality of the response will depend on whether the question arrives at the right time, adequately prepared and scaffolded. Accordingly, the manner in which the question is raised clearly determines the quality of the response as well.*

In the presented example, the juvenile client cannot meet the expectations set by the questions. However, it is especially true for juveniles that if they do not understand how to answer a question meaningfully, then we will not receive a substantive answer, no matter how methodologically appropriate the question may be. For the juvenile client to understand the expectations, they must be capable of participating in the process and answering the questions. Remember: good questions should be asked at the right time for the clients when they have become capable of responding. It is only in this situation that they will tell us what they would like us to ask them.

Now let us look at another example: a conversation between the mediator and the client in a mediation following a traffic accident. Both the offender and the victim visibly arrived agitated to the mediation session. After a brief introduction, the mediator tried to address the emotional side of the conflict by asking both parties if they had been emotionally affected by the events. After both responded affirmatively, the following conversation took place:

- Mediator: Has the insurance company paid for the damage?
 Client: Well, the thing is, I have not been able to look at the car since then. My life has been a mess since then. I do not know what will happen to me now. Wherever I turn, I do not get real help.
 Mediator: When did you start dealing with the insurance?
 Client: The offender did not treat me like a human being. I was just waiting for him to at least apologise. I did not expect him to help with the insurance.
 Mediator: So, what is next with the settlement?
 Client: I do not know. Unfortunately, I still limp; my health has deteriorated since then. It is really painful for me.

Mediator: Do you feel you have enough information to reach an agreement?

Client: (After a short pause, the client's response.) I would prefer if we finished this conversation instead.

Indeed, sometimes clients signal what they really want to talk about even without the right questions. However, if the mediator does not pick up on this, despite open-ended informational questions, the clients will still feel unheard, and their participation in mediation becomes pointless.

No matter how hard the mediator works to get the parties to talk about the content side of the conflict, they are often too emotionally affected to discuss substantive issues. Clients should have been prepared for these types of questions, or at least the mediator should have understood the correlation that until the clients are less emotionally involved in the conflict, they are not ready to answer questions about content.

This is one of the basic principles of the strategic questioning technique: we can only ask our clients good questions at the right time, after adequate preparation, and only by doing so can we get meaningful answers to these questions. Only these questions will prompt them to communicate their real problems, feelings, needs, and desires. It then depends on the mediator's ability to hear his clients' responses. Mediators with diverse professional backgrounds may face different challenges with these question types and values in practice, even if they understand them theoretically.

This can be explained by differing methodological expectations related to different professions. For example, social workers, probation officers, teachers, or lawyers will face different challenges. In conversations with lawyers, I have noticed how often they point out the difference in questioning technique or style when compared to mediators. As lawyers, the questions they use primarily serve to effectively focus on fundamental facts and circumstances and obtain legally relevant information - because this is what their profession's rules expect of them. A lawyer colleague once summarized this difference professionally, saying, "I would never ask a question in court if I did not already know the answer!"

However, in mediation, we almost exclusively work with such questions: in most cases, we have no idea what answer to expect to the question, yet we must be prepared to work with this information in the future: we need to reflect on it and immediately incorporate it into the process, while resisting the temptation to give advice to our clients, and we must also be mindful of the limited time, limited communication or empathic skills of our clients all along, as being the professionals, our clients still expect from us the conflict resolution process to move in some interpretable direction.

These expectations may result in the mediator focusing solely on his/her questions, feeling that as long as he/she is asking, at least he/she is directing the process. Based on the aforementioned points, it seems obvious now that this is one of the trap situations in the mediation process. Strategic questioning technique can help avoid this trap situation.

5.3. The Five Basic Rules of Strategic Questioning Technique

Let us briefly review how questions should be built upon each other in the mediation process. We will present the basic types of questions and their application in point 5., but first, let us look at the “rules” of using strategic questions in general.

5.3.1. Tell them what you are going to ask, then ask, and then tell them what you asked

Returning to the example of the young person borrowing a motorcycle from his uncle, let us see how the first rule works. In this dialogue let us call the young person Tom.

- Mediator: “Tom, I heard how your uncle described his experience with the incident, and I would like to ask a question about that. Do you remember what your uncle said about it?”
- Tom: “Yes, I remember.”
- Mediator: “My question regarding this is, what do you think, how did the incident affect your uncle?”
- Tom: “I do not know.”
- Mediator: “I see, Tom, I am asking this because both your uncle and your parents talked about how much the incident affected them, and they would like to understand all this better. Can you help them with that?”

As we can see, the mediator does not just ask the question and wait for the answer but precisely contextualises it, helping the question’s understanding. First, he/she states what he/she is going to ask about, reminding the client of previously mentioned information. Then, after stating the question, he/she asks for help in clarification. With this method, we can get a more complete, thoughtful answer and allow the client adequate time for considering the response.

5.3.2. Go Back to the Question

All the above does not obviously mean that our young client would suddenly spend minutes analysing his uncle’s emotional reaction to the conflict situation, but *we can facilitate his more effective participation in the situation*. The first response, however, will likely not be more than an uncertain attempt.

Let us see how the conversation continues:

- Tom: “I know everyone is angry at me because I did something stupid. And when I got home after the accident, everyone was arguing with me. Everyone was mad with me.”
- Mediator: “I understand, I hear you when you say this was very uncomfortable for you. What do you think could have been the reason they argued with you? What were your parents and your uncle feeling?”
- Tom: “I think they were worried, scared. And disappointed in me.”

As we can see, the client does not answer the first question or interprets it only from his perspective. He cannot empathise with the other party’s situation or at least is not prepared to answer yet. The mediator acknowledges his standpoint, then returns to

the question. This enables the client to respond meaningfully to an unfamiliar and uncomfortable question.

5.3.3. *Stick to the Concept of Sequencing of Questions: From Lower Order Thinking to Higher Order Thinking*

Our questions, as we will see in point 5., follow a logical sequence, arranged *according to the depth of cognitive performance required to answer them*. Answering informational questions related to a conflict situation usually does not pose much difficulty because clients can recall the events relatively accurately. In contrast, answering motivational questions requires not only recalling previous information but also reflecting on it, as they may not have been confronted with these questions before. *Reflective questions require not only information but also empathic communication between the parties.*

So, let us follow the logical sequence of question types used in mediation, and return to informational questions only when a *new topic arises during the process*.

5.3.4. *Give Time for Understanding and Processing the Question*

As mentioned earlier, mediation questions can sometimes surprise clients. So, let us dare to stay silent sometimes: silence is also a mediation technique, and our clients need time to understand, process, and then consider their answer.

We can give time in various ways: staying silent and waiting for the answer, taking a break, or holding a caucus. If we see that the client is having difficulty answering the question, we can also reflect on the situation: ask him/her what he/she needs to be able to answer.

5.3.5. *Analyse the Hidden Meaning and Listen to the Answer*

And again: let us not forget that clients interpret our questions. So, we should make sure exactly what the client understood from the question. This principle underscores the importance of active listening and clarification in mediation. Clients, especially children, may interpret questions through the lens of their own experiences, fears, and expectations, potentially leading to misunderstandings. To mitigate this, mediators should employ follow-up questions and reflective listening techniques to verify the client's interpretation. For instance, after posing a question, a mediator might ask, "Can you tell me what you understood from my question?" This approach not only ensures clarity but also empowers clients by involving them in the communication process. It is particularly crucial when working with children, as their cognitive and emotional development may influence how they perceive and respond to questions. By consistently checking for understanding, mediators can create a more effective, client-centred mediation environment.

6. Basic Types of Mediation Questions

6.1. Open-Ended and Closed-Ended Questions

First, I would like to clarify that in my opinion, *both open-ended and closed-ended questions are appropriate methods in mediation*. I also do not believe that the quality of a mediation process is determined by the proportion of open-ended to closed-ended questions. One of our most important mediation techniques, neutral reframing, can be most effectively applied in the form of a closed-ended question.

Let us take a look at the following example: Our client says the following: “He lies like a rug. Not a word of his can be believed!”

The mediator identifies the emotional need behind the offensive expression, which is trustworthiness, and asks: “So, if I understand correctly, you will need a trustworthy partner?” As we can see, here we applied an important mediation technique in the form of a closed-ended question, as we were specifically interested in whether we, as mediators, interpreted the client’s words correctly and thus needed a yes or no answer.

On the other hand, I would like to define more precisely what I mean by open-ended questions from the perspective of mediation. Often, in the literature, open-ended questions are defined as those starting with question words (Who? When? Where?), and closed-ended questions are those to which clients respond with a yes or no. However, from the perspective of mediation, the situation is not so simple: for us, an open-ended question is any question to which the parties respond with more information, elaborating on their opinions, viewpoints, or emotions regarding the question. Therefore, simply starting a question with a question word does not make it an open-ended question, and the lack of a question word does not make another question closed-ended.

Let us look at some examples.

Mediator: “When did this happen?” Client: “Tuesday evening.”

In this case, the question starts with a question word, but it is still a closed-ended question because the client responds with a single time. And this is indeed the textbook definition of a closed-ended question.

However, if I rephrase the question, the following dialogue takes place:

Mediator: “I do not quite understand, could you please tell me more about the situation when all this happened?”

Client: “Yes, it was on a Tuesday. I remember it well because I was going to work, and I had to get up early. Then, just as I was getting ready to leave, I noticed that...”

In this second example, although our question did not start with a question word, we obtained much more information, as the manner of questioning helped the client understand precisely what the “expectation” was regarding the answer. So, we did

not just get a single piece of information; we got a whole series of impulses, through the thorough discussion of which we can also help the clients understand each other more precisely.

Thus, an open-ended question is a question to which our clients provide substantive, elaborative answers rather than a single short piece of information. Let us look at some other examples, as understanding this difference is essential for the professional effectiveness of a mediator.

Table 1. From unhelpful to effective questions⁸

Questions that do not help	Better try	Correct question
Do you live in a house?	What kind of a house do you live in?	Could you tell me about your living conditions?
Have you met since then?	When did you last meet?	How has your relationship evolved since then?
Did you notice that he was drunk?	How drunk was he?	What impression did he make on you then?
Did he behave badly?	How did he behave?	What feelings did this evoke in you?
Have you been working together for a long time?	How long have you been working together?	What is your relationship like?

The examples also aim to demonstrate that the quality of our questions does not necessarily depend on the application of question words but rather, as the name suggests, on how much we open up the end of the question, that is, how much opportunity we give our clients to elaborate on their opinions, viewpoints, or emotions on the subject.

In Whatling's formulation, the primary purpose of open-ended questions is not necessarily to obtain information through them, but rather to prompt our clients to reflect on themselves, their own situations, and their own emotions.⁹

Indeed, with such simple questions as the open-ended questions presented above, we can touch upon our clients' opinions, feelings, thoughts, attitudes, desires, and needs. *This process inevitably leads to much higher-quality results than simply asking informational questions.*

However, these types of questions need to be prepared because clients are not accustomed to such methods of work, and juvenile clients even less so because they are used to not being required for resolving a problematic situation or a conflict situation. Typically, this is done by adults on their behalf, and their opinions, ideas, feelings about the topic do not matter much. Therefore, in a mediation process, they are unexpectedly, unpreparedly confronted with the typical questions of a mediator, also making their participation difficult.

By preparing our questions, we ultimately contribute to *helping our clients understand that in mediation, sharing information, feelings, thoughts is essential for*

⁸ Author's own work.

⁹ Whatling, 2012.

understanding each other. Understanding each other leads to the clients' ability to solve their own conflict, find their own solution, as ultimately, they themselves will have to live with the consequences of their agreement (or the lack of agreement).

Thus, adequately applied questioning techniques help our clients in the important realisation: that they themselves are the best experts on solving their own problems.

Questions are hence important tools for promoting thinking and stimulating social interaction, which is one of the explicit goals of transformative mediation.¹⁰

6.2. The Mediator's Most Important Types of Questions

Let us now consider the most important types of questions used in mediation. I will mention four types here¹¹: informational questions, motivational questions, reflective questions, and circular questions.

6.2.1. Informational Questions

The purpose of informational questions is primarily to gather information at the beginning of the mediation process that is not already available. The answers to these types of questions typically not only help the mediator understand the disputed situation but also assist the parties in obtaining further information. In many conflicts, we encounter situations where communication between the parties has either stopped or become very inefficient. For these reasons, the answers to informational questions can also provide new information for the parties. Even with this type of question, we should always strive to encourage the parties to respond with open-ended questions. Informational questions may reappear at another point in the process as new questions and topics arise that require information. It is noteworthy that according to Ciles, the use of informational, "factual" questions *provides greater control over the process*¹², which is why it is important to transition to other types of questions as soon as possible.

As mentioned earlier, school-age children are typically accustomed to informational questions due to school socialisation, so using these questions can prepare the juvenile client to respond to unfamiliar questions in the mediation process. We can start with familiar topics such as sports, favourite TV shows, friends, hobbies, thus avoiding them getting stuck in an already unfamiliar and uncomfortable situation.

Completely "harmless" questions can also give the feeling that it is perfectly okay to have a conflict, it is okay to want different things, have different needs and desires, have different musical tastes, or have different habits, convictions.¹³

10 Bush and Folger, 1997.

11 Kertész, 2010.

12 Ciles, 2023.

13 Stacey and Robinson, 1997.

6.2.2. Motivational Questions

Motivational questions address the feelings, viewpoints, and perspectives of the parties and are essential questions. Their use is necessary because they provide insight into the background of the other party's decisions. These are typically "why-questions," which are often cautioned against in the literature because "why-questions" are often phrased in a blaming or offensive manner.

However, let us consider whether the problem lies with the word "why" or rather with the manner of formulation?

Let us look at some examples.

It is obviously wrong to ask the client, "Why did you do this?" – the flawed nature of the question is hard to miss, and it is easy to see that the response will either be deep silence or a self-justifying answer. Neither of these helps in the mediation process.

Behind the question "Why did you not help when you saw that your classmate needed assistance?" the mediator's judgement is obviously heard, indicating that he/she thinks that assistance should have been expected, so the omission of it was not the correct behavioural form. It is difficult to respond constructively to this blame.

As a mediator, I argue that the proper application of a "why-question" can help greatly in understanding the other party's perspectives. However, it is undeniable that answering the "why" question is particularly challenging even without a conflict situation: for example, do we have an obvious answer as to why we do things that we are aware of having health risks?

In the mediation process, clients face similarly challenging situations: *why-questions are higher-order questions, so answering them requires higher cognitive performance, more time is required for the parties to think through their responses, and more time is required to prepare such questions.*

If, however, we wish to avoid the "why-question" because we would find it difficult to raise it without making a judgemental statement in the given situation, then it may help in the formulation of motivational questions to *focus on the reasons for the motivation* rather than on the actual motivation. Thus, instead of the question "Why did you leave your family?" we can ask, "What were the reasons that led to you making this decision?"

Or, when dealing with young people involved in a school fight, instead of the question "Why did you fight?" we can expect better results with raising the question "What caused you to become so angry?" Recalling my earlier statement, whatever the purpose of the mediator's question, ultimately, the interpretation of the respondent determines the type of response.

Why-questions can be very important if we can exclude blame from them; let us look at two examples: "Why is this relationship important to you?"; "Why would you like these questions clarified?"

With these why-questions, we provide an opportunity for the clients to understand each other's motivations without judgement.

In summary, properly applied motivational questions can divert clients from the blame characteristic of their conflict story so far, and although they cannot change the

past, by establishing constructive communication, they get the opportunity for more effective future cooperation. This is also the conflict-preventive role of mediation.

6.2.3. *Reflective Questions*

By consistently applying reflective questions, I essentially motivate clients to consider the established problem, the conflict situation, *from the perspective of the other party*. In my experience, reflective questions are the most important elements of the mediator's questioning toolkit; with reflective methods we can often achieve that the conflicting *clients approach each other for the first time during the process*. Their effect on the parties is often surprising: they frequently pause and contemplate, find it difficult to answer the question, and sometimes without the assistance of the other party, they are unable to do so. This is often due to what I had mentioned earlier: they do not have ready answers to reflective questions because they have not seen the situation from the other party's perspective before; they are now confronted with the question for the first time. And this is exactly what we ask of clients: for a moment, try to see the other party's perspective. Convey what they think, why a topic is important to the other party, what feelings it arouses, how they feel in the conflict, what motivates them, why they made the decisions that caused the conflict. *These newly considered perspectives often lead to a complete transformation of the clients' perception of the conflict.*

Let us now look at some examples of this extremely important type of question: "What do you think, how is Eve feeling right now?"; "What do you think, why is this important to his/her father?"; "What do you think, how does his/her son feel in this situation?"

"What do you think, how did the child feel when he found out about the decision that was made?"

Covey described in his renowned book, "The 7 Habits of Highly Effective People," as the fifth rule, *to seek first to understand, then to be understood*.¹⁴ With this simple advice, he/she emphasises the importance of empathetic communication: and as a mediator, it is also advisable to motivate clients to consciously apply reflective methods because empathy towards understanding each other, the other party's situation, and feelings will positively affect the relationship between the parties. *Empathy will reconnect the parties, enabling the understanding of the conflict from a completely different perspective* – that of the other party. Even if we do not accept it, at least we can understand the concerns, motivations behind the other party's decisions, and this process leads to the establishment of trust beyond empathy. All this is the cornerstone of an honest, open communication: as I often phrase it in connection with mediation: *the process truly begins to work when the parties communicate with each other in a "tactfully honest" manner.*

14 Covey, 2020, p. 273.

6.2.4. Circular Questions

Circular questions are essentially the results of this process: if the parties have become capable of communicating honestly and sensitively with each other in the earlier stages of mediation, sharing their thoughts, emotions, opinions with each other, then *the mediator's task is to gradually withdraw from the process*: to give the parties the opportunity to communicate directly without his/her assistance, guidance and moderation. By applying circular questions, the mediator no longer addresses a question to one client but rather raises a new topic that the parties have not previously discussed with each other. Each client answers these questions.

Let us look at some examples: “How do you feel about how well we have covered the topics we defined at the beginning of mediation?”; “How do you feel about how much this conversation helped you?”; “What do each of you think now about the roles played in the situation?”; “What have you learned from this case?”; “What do you think needs to be done to prevent similar situations in the future?”

With these questions, as we can see, the mediator is actually trying to close the emotional part of the mediation process and slowly shift to substantive questions, that is, to develop a possible agreement between the parties. However, it is necessary to note that the mediator should *resist the temptation to move too quickly at this point*. I would like to recall once again that the mediator's questions – no matter how methodologically justified they are – are interpreted by the clients, and if we do our job well, they will tell us what they would like us to ask them.

So if the response from the client to the question, “How do you feel about how well we have covered the topics we defined at the beginning of mediation?” is, “Well, I do not know, it would have been good to talk more about how our children feel in the situation, but why should I talk to someone who constantly lies?” – then it is clearly visible that our clients are not ready to move on, as they are still concerned with the emotional aspect of the conflict, trust, reliability, honesty. Therefore, the mediator must focus on *evaluating the responses* to determine how ready the clients are to move on.

However, there is no need to be afraid of this: if we have asked questions that are methodologically justified in our opinion, and the clients indicate with their answers that they are not ready to move on, then we have not done anything wrong, we have not missed anything. Simply return to those topics that the clients find relevant and do not try to rush them. Never forget that the “case,” the “conflict” belongs to the clients, it is up to them to solve it, and they also have to live with the consequences of the solution. The longer a conflict lasts and the more it affects us emotionally, the more time it takes to build trust and empathetic communication. We can only fail in the process if, focusing on our own questions, we fail to hear the response from the clients. So our questions follow a certain order according to strategic questioning techniques, and while we ask them, we cannot ignore the scaffolding of the questions. And remember: we have more to do with the answer than with formulating the next question.

7. Summary

In our article, we have reviewed why our questions are important, the significance attributed to them by our clients, and subsequently we have overviewed the methods of strategic questioning technique, emphasising the importance of question sequencing and scaffolding.

Even though, as indicated at the beginning of the study, mediation is inconceivable without questions, it is surprising how little attention is paid to this in the mediation literature. We find a great deal of methodological assistance on proper questioning techniques in schools, or in legal and advocacy work. The questioning techniques required for “interrogation” are specifically instructed in the training of investigators.

Somehow, from the perspective of mediation, discussions on questioning techniques are still rare, and they do not go beyond general formulations or listing question types. Thus, many mediators can only rely on their own experiences during their methodological development.

I hope that the methods and practical advice presented in this paper will contribute to the work of conflict resolution professionals, facilitating the application of more effective work methods.

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Final Message: Communication From an Interdisciplinary Point of View – Or Communication in the Service of Individual and Social Well-Being

Erika VÁRADI-CSEMA

ABSTRACT

Professionals working with children face numerous challenges in their daily work, which significantly affect their well-being, mental state, and psychological well-being. However, the impact of these factors is even more significant, as they directly and indirectly influence the enforcement of children's rights and the effectiveness of cooperation with children. These professionals often represent adult society to children. In most cases, this is when the child is vulnerable, emotionally wounded, or in need of support for some other reason. The nature of their cooperation with professionals and the experiences they gain in this way are not only important in terms of the successful handling of the specific case. A single positive experience can make a particular professional a role model for children. Their behaviour and reactions can thus become exemplary, serving as a model in the socialization process of young people.

Whether we examine it on an individual or societal level, the fact remains that communication is the means to finding emotional balance or social peace. Impaired communication skills, a poorly chosen communication style, or the inability to decode and interpret the other party's communication messages can lead to feelings of failure, frustration, and even burnout in the long run.

This chapter provides a brief overview of the two main types of well-being: subjective and social well-being. The latter has a significant impact on the sensitivity of the environment surrounding younger age groups, for example in relation to the enforcement of children's rights and the detection of violations.

KEYWORDS

definition of well-being, subjective well-being, social well-being

1. Introduction

Although we all aspire for a peaceful, harmonious and balanced life, there is no denying that our daily lives are fraught with tensions, conflicts and struggles of all

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kinds. Although our attention to problems varies greatly, in the modern, fast-paced, self-centred consumer society of the 21st century, looking after ourselves is primarily about our material well-being, comfort and quality of life. Few people take the time to process the difficulties they face every day, to find peace of mind. Yet, the loss of individual well-being has a serious direct and indirect negative impact not only on the individual in fact on all aspects of his/her life but also on the environment. Ultimately, it also affects social well-being. The latter is also a serious problem because its deterioration affects everyone along the social-psychological continuum - even those who are not in contact with the individual. The deterioration in the social well-being of a country or community, and the general malaise affects – through the citizens who experience it – the generations who, because of their vulnerability (e.g. young children, very old), would not perceive the deteriorating psychological environment.

Individual well-being and social well-being interact in a spiral, through a system of direct and indirect relationships. Preventing negative changes and reducing their impact is an important goal for all individuals and communities. Mediation is, I believe, one of the most effective tools in this regard.

Finding and maintaining inner peace and successfully dealing with potential conflicts and challenges depends significantly on our communication skills. These skills can be both a tool and an obstacle to creating well-being, whether on an individual or societal level.

As professionals working with children, this is an even more important challenge, as it directly and indirectly influences the quality of our work with children and, ultimately, the effectiveness of children's rights enforcement.

The quality of our direct interaction with minors and the effectiveness of our cooperation with children or other professional organisations depend significantly on our current state of mind. However, the degree of our commitment to our work, our ability to process any failures, and the onset of burnout also indirectly influence the level of soft skills that support successful professional work.

Communication is the most important tool for asserting our interests and professional position and performing our other tasks. Our communication skills and chosen communication style significantly influence the achievement of our goals. Ineffective communication behaviour or poor communication skills, on the other hand, can be a serious obstacle in this process.

Our general well-being and current state of mind have a significant impact on our successes or failures as professionals. The positive or negative experiences we have at work have a significant effect on our mental state and emotional balance.

However, these issues are even more important for professionals who work with children. The experiences that children have when they encounter professionals representing adult society do not only have a direct impact on them. They can influence their image of the adult world, their trust in the functioning of the authorities, as well as their role as role models in the socialisation process.

In everyday practice, it can be noted as a generally negative experience that neither the authorities, nor institutions and professionals dealing with children place

sufficient emphasis on these issues. However, their impact indirectly influences the level of enforcement of children's rights.

2. Individual (Subjective) Well-Being

A balanced, harmonious life is the basis of our individual well-being. The World Health Organisation published a definition of mental health as early as 1948, suggesting that mental health is the basis of spiritual well-being. "Health is not the absence of disease: health is a state of complete physical, mental and social well-being."¹ Avoiding or preventing illness is only the first stage in the process of ensuring mental well-being. The second or third stage is to treat any problems that may have already developed and then to rehabilitate them by appropriate means. This is equally important, as it is necessary to ensure that any possible secondary effects can be dealt with appropriately.

Subjective well-being is a broader concept than life satisfaction. Life satisfaction is an important but not the only element of subjective well-being. While life satisfaction is exclusively cognitive in nature, subjective well-being in its broader sense includes, in addition to the motive of satisfaction, positive and negative emotional components, which are, by definition, affective in nature.

The level of subjective well-being is determined by a number of factors and is influenced, for example, by the individual's resilience, coping strategies or typical conflict management techniques. A particularly important element of mental well-being is the ability to accept oneself, to take stock of one's strengths and weaknesses, and to develop a realistic self-image. If you come out of your disputes as a "loser", if you are unable to assert your interests adequately, if you suffer a lot of hurt and psychological pain in the process, you will be reluctant to face up to the role of "loser". The individual will find it difficult to accept himself/herself, because everyone wants to be successful and to win. But without acceptance, one cannot move on.

It is also important to know whether the individual has a savouring technique and what the specific level of savouring is. This complex notion refers to the extent to which we are able to enjoy life, to notice (!) and take in the (often small) positive events of everyday life (e.g. beautiful clouds, crossing the zebra crossing, etc.) or to turn otherwise neutral or even negative events into positive ones. In doing so, it is important to "rewrite history" that is, the ability to reframe events as they are experienced. The technique, which is named after Monthly Lefko, is one of the most important methods of cognitive behavioural therapy (CBT). It involves questioning and reinterpreting the automatic thoughts that shape our emotional and behavioural responses to situations. By reframing thoughts, individuals learn to recognise different biases and replace them with more realistic, positive thoughts. (For example, when we make mistakes, we usually conclude that "I'm not good enough". However,

1 Polacsek, 2008, p. 1.

this thought can cause anxiety or self-esteem problems. If we are able to reframe our thoughts, the main message of what happened will be “everyone makes mistakes sometimes, and I can learn from that.”)

3. Social Well-Being and Its Aspects

Keyes is credited with the concept of social well-being².

Social well-being is the ability to participate in, feel valued as a member of, and relate to a wider social environment; for example, the local community, society as a whole and the environment we live in. The feeling that we can make a meaningful impact on the people around us and the world improves our personal well-being. It can also tangibly improve the quality of the community we live in, creating greater social well-being.

Participation in community development activities almost always requires cooperation with nearby residents. For example, when a neighbourhood is organising the renovation of a city park, people of different ages may find themselves side by side at an information booth or shovelling dirt side by side over many weekends. Parents can meet each other’s parents while cleaning up a playground. Sharing these considerable, infrequent activities with others can form strong bonds and open up relationships that would not develop in our normal professional or personal lives.

It is included albeit under a different name as a question to be examined in EU well-being research³, alongside “evaluative wellbeing” (which is an individual’s general value judgement about how well their life is going, including their overall satisfaction with their life and their overall sense of happiness); “emotional wellbeing” (includes everyday positive feelings, such as happiness and enjoyment of life, and the absence of negative feelings, such as anxiety and depression); “functioning” (which includes a sense of autonomy, competence, the ability to commit, the existence of a life purpose and purposefulness, self-confidence, optimism and flexibility); “vitality” (which includes rest, good sleep, a feeling of recharge, and the ability to face life’s challenges) and “supportive relationships” (which are related to the individual’s feeling that there are people in his/her life who provide him/her with support, friendships, appreciation, and with whom he/she can discuss intimate issues).

Community wellbeing in this interpretation (community wellbeing) encompasses an individual’s feelings about their own community, including the level of trust in others, a sense of being supported by the community, and experiencing good neighbourliness.

² Nagy and Oláh, 2012, p. 51.

³ Jeffrey, Abdallah and Quick, 2018, p. 5.

4. Individual and Social Well-Being in the 21st Century

Both individual and societal well-being are significantly affected by the presence of conflicts and the issue of whether they are dealt with appropriately.

Conflict is a feature of both human existence and social existence. However, in the 21st century, there are a number of circumstances digitalisation, interculturality, internationalisation (e.g. blended families) that can generate new conflict situations. In addition, the fast-paced world does not encourage us to take time for ourselves, to work through our problems with others and to nurture our relationships⁴.

Ultimately, we are left with legal solutions even in situations where we are highly emotionally sensitive. For example, in the field of civil law, family law, children may come into contact with the procedure either directly (e.g. child custody) or indirectly (e.g. as victims of divorce) and may have a negative experience, even a life-long one. Mediation can help to enforce the rights to information and expression, and to ensure the best interests of the child.⁵

4 Based on the conference presentation in Istanbul, 13-14 May 2025; Váradi-Csema, 2025.

5 Csemáné Váradi and Németh, 2020, pp. 8–18.

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Part IV

**Journey From the Present to
the Future**

Summary – Good Practices

Erika VÁRADI-CSEMA

ABSTRACT

The chapter formulates short concluding thoughts on the importance of communication in connection with the enforcement of children's rights. The importance of more effective contact with children and communication competencies has increased especially as a result of the recent research results, the specific characteristics of the information society and the recognition of the impressions that children have during encounters with the authorities. New concepts such as trauma-focused justice have emerged. These expectations formulated at the international level and the recommendations of organizations dealing with children clearly make it necessary to expand the knowledge of professionals in the field and to strengthen their practical skills.

KEYWORDS

role of communication, youth justice, children rights, good practices, neurodivergence, trauma-informed justice

1. Children and Communication Competences

The role of communication for children and young people, both as such and as a mediating medium, is of utmost importance. Its importance is also reflected in the fact that

1. minors have a number of neurological and psychological characteristics that have a direct impact on their communication;
2. these emphasised communicative particularities, the difficulties of recognition resulting partly from the level of maturity of the age and partly from other pathological attitudes, affect the communication of children who are perpetrators, victims, children in moral danger zones or children in state care;
3. the role of verbal statements and non-verbal messages in criminal proceedings, and in particular as a factor influencing judicial decision-making, carries considerable weight;

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4. thus the role of children's and young people's reported communication difficulties, and in particular their language development (language development disorders, is multiplied in their position as perpetrators and victims;
5. this phenomenon is sometimes due to the lower level of linguistic competence of professionals involved in the broader justice system and the consequent "impairment" of the quality of their communication with minors.

Despite these facts, it is regrettable to conclude that the issue of communication competences, but also the issue of skills development in general, is not sufficiently emphasised either in the justice system¹, nor in education in general.

2. Special Needs of Children

Thus, children are not learning the importance of self-awareness and self-esteem, nor the way of expressing it. In a way that would work within an already difficult set of conditions at this age. Partly related to this is the fact that by the end of adolescence, young Hungarians become the group with the lowest self-esteem among the age groups in the EU.

This is also a consequence of the fact that the issue is being pushed into the background in terms of professional training; in fact, in recent times there has been a serious shift in emphasis towards a narrow focus on professional skills, for example in the area of complex programmes developed in the training of judges, which has been regarded as exemplary.

Communication can be a cause of various mental health problems in young people, as well as a mediating tool for dealing with existing mental "challenges". If the psychological problem is not identified, it can follow the young person for the rest of his/her life. According to the WHO², anxiety disorders are the most common mental disorders worldwide. The age of onset of symptoms is typically before the age of 21 (but for social anxiety disorder, for example, it is typically around the age of 13!), yet only around one-third of people with an anxiety disorder see a professional for treatment.

3. Support the Communication of Children

Communication support, as a key good practice, can be implemented along several different models³, which have common elements. For example, the neutrality required

1 Despite the fact that some communication problems, such as distortions, are not uncommon in this group. See for example: Sibony, 2021.

2 For more details see: WHO, 2017.

3 See: Hanna et al., 2013, pp. 527–542.

of mediators, which allows children to experience the procedure as less stressful (in particular, as the neutrality of proxy investigators may, for example, allow the technique of “cross-examination”). Exploring the way the procedure is conducted may alleviate children’s pre-trial fears.

The mere fact that certain rights are guaranteed by law (such as the right to information) does not mean that children’s rights are actually enforced. If the authorities do not take into account the child’s communication skills, level of comprehension, development, etc., this can lead to a violation of children’s rights in practice. For example, ‘the United States Supreme Court set forth the definition of competency as whether [the defendant] has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding of the proceedings against him.’⁴

Even in the absence of (significant) mental health disability, in the case of adolescents, developmental immaturity may in fact cause the child to be incompetent. Determining the extent to which (that based on criminal law) punishable minor is mature and capable of understanding the processes taking place around them and interpreting the information they receive (and thus actually exercising their rights guaranteed by law) is a difficult question. How and by whom can the minimum level of this be determined? According to some professional opinions, this is fulfilled if the youth ‘has a basic understanding of the purpose of the proceedings and can communicate rationally with counsel.’⁵

However, professionals may themselves operate differently, depending on their core profession, so diverse questioning styles may confuse them. Although counselors have been known to be inadequately prepared for a hearing involving a child, in the case of lawyers, the need to be informed with the involvement of mediators certainly requires them to be immersed in the case documents beforehand.

In addition to communication assistance, which can be seen as a level of innovation, a similar good practice is the Australian Criminal Justice Support Network, where independent 3rd parties provide support to vulnerable procedural actors in the justice process. Research⁶ also reports successful feedback in this regard (particularly in terms of, for example, the spectacular difference in the legal consequences applied). Of course in case of juveniles, the Justice Support Network’ operation must be in line with the requirements of Article 12 of the UN Convention on the Rights of the Child: i.e. they must ensure that they are child-friendly.

4. Communication in the Justice System

Given the importance of communication within the criminal justice system, and the fact that communication among young people in general has changed and become

4 Grisso et al., 2003, p. 333.

5 Bonnie and Grisso, 2000, p. 91.

6 Reeve et al., 2017.

more difficult, it is important to improve it in general. It would therefore be important to provide more opportunities for improving verbal skills, partly by reforming teaching methods (e.g. training methodology) and partly by reassessing the specific form of assessment (e.g. by reinstating or increasing the proportion of oral assessments).

This is an important expectation for several reasons:

1. In connection with the *socio-emotional development* it is important to note: „The temporal gap between the arousal of the socio-emotional system, which is an early adolescent development, and the full maturation of the cognitive control system, which occurs later, creates a period of heightened vulnerability to risk taking during middle adolescence.”⁷
2. This fact has very important effects on the *decision-making process* of minors, especially on juveniles: „patterns of development in the prefrontal cortex, which is active during the performance of complicated tasks involving long-term planning and judgment and decision-making, suggest that these higher order cognitive capacities may be immature well into late adolescence.”⁸
3. Numerous studies have proven that “that psychosocial immaturity may affect a young person’s decisions, attitudes and behaviour in the role of defendant in ways that do not directly implicate competence to stand trial, but that may be quite important to how they make choices, interact with police, relate to their attorneys, and respond to the trial context”⁹.
4. However, the immaturity resulting from the uneven development of brain regions has a much broader (negative) impact than we might think. It also affects areas that are outside the scope of criminal law, such as judicial decision-making. As relevant research has confirmed: “In general, deficiencies in risk perception and future orientation, as well as immature attitudes toward authority figures, may undermine competent decision-making in ways that standard assessments of competence to stand trial do not capture.”¹⁰
5. As a result, their behaviour, passivity, and rude gestures may lead to false conclusions about their negative personalities, criminal attitudes, and lack of respect for the law and social norms. This, in turn, will significantly influence the professional position, legal decisions, and reactions of the representatives of the authorities involved in the proceedings.
6. For this reason (among others), it is important that everybody „who deals with young persons charged with crimes (particularly their attorneys) should be alert to the impact of psychosocial factors on youths’ attitudes and decisions, even when their understanding and reasoning appear to be adequate”¹¹.

7 Steinberg, 2009, pp. 459–466.

8 Steinberg and Scott, 2003, pp. 1009–1013.

9 See more e.g.: Grisso et al., 2003, pp. 333–363.

10 Ibid., p. 351.

11 See more about this: Ibid., pp. 333–363.

Partly in connection with the above facts, partly in connection with the communication difficulties of the new generation of young people, and partly with the changing professional expectations, the implementation of further changes in the operation of the various institutions.

5. New Trends and New Needs in Connection with Communication Competences

Strengthening the soft-skills of professionals is also important because there is an increasing need and expectation for authorities who come into contact with children to have complex knowledge and strong competencies in the field of communication and problem-solving.

New concepts such as the *sensor-focused* approach or *trauma-informed* justice are emerging as a way forward for future development.

The aim of the former approach is to draw conclusions about the child's personality, psychological state and well-being by analysing the processing process of stimuli from their environment and their brain response to them in the case of young people and young children with communication difficulties. This provides significant help to complement limited verbal communication and at the same time helps professionals¹² to recognize individual needs and thus enforce the child's procedural rights.

The peculiarity of trauma-informed justice is that, in addition to recognizing already existing traumas¹³ (e.g. PTSD), it prevents encounters with criminal justice – for example, through institutional violence, inadequate communication, etc. – from having a negative impact on the affected children, a short-term or long-term (new) traumatic event. This requires a serious change of attitude¹⁴ from the professionals working in the judiciary, with special attention to the way of communicating with children. The first encounter with the judiciary or other institutions has a decisive impact on the child's subsequent life.¹⁵

I am convinced that a happier, more serene, conflict-free adult life requires individuals to be able to understand themselves, their feelings and express their needs and interests; just as an effective justice system child protection and crime prevention – which is even more consistent with the principles, and is fair, child-friendly, non-stigmatising and non-damaging – cannot be imagined without quality professional communication.

¹² Thomas et al., 2025.

¹³ Trauma can poison the lives of children in society in many ways. See more details about traumas in Máté, 2022.

¹⁴ Cogan et al., 2025.

¹⁵ Zettler, 2020, pp. 113–134.

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