

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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