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for every child

Growing with Rights

Understanding and supporting the evolving capacities of the child

Contents

Foreword 1

Executive summary 3

Introduction: Fulfilling children's rights in a changing global context 6
- The concept of evolving capacities 6
- The transformative legacy of the Convention on the Rights of the Child 8
- Background to this report 9
- Approach and structure of the report 13

PART I. Evolving capacities of children in the Convention: Contemporary global and scientific foundations 16
- **Chapter 1. Evolving capacities as a core concept in the child rights framework 17**
  - 1.1 Article 5 and the legal foundations of evolving capacities 17
  - 1.2 Unpacking the concept of evolving capacities in the Convention 20
  - 1.3 Evolving capacities and the right to be heard (Articles 5 and 12) 21
  - 1.4 Evolving capacities and best interests of the child (Articles 5 and 3) 23
  - 1.5 Parental responsibility, family life and the recognition of children as rights-holders 24
  - 1.6 Balancing parental authority, children's rights, and the State's protective role 27
- **Chapter 2. Child development and evolving capacities: Insights from science and practice 30**
  - 2.1 Determinants of children's development and evolving capacities 30
  - 2.2 The developing brain in early childhood 32
  - 2.3 Middle childhood 34
  - 2.4 Adolescence 36
  - 2.5 Supporting the development of children's capacities 40

PART II. Exploring the dimensions of children's evolving capacities 42
- **Chapter 3. The developmental dimension: Shaping children's evolving capacities 44**
  - 3.1 The foundations of children's holistic development: Families, communities and the State 45
  - 3.2 The role of peer environments and community life in shaping children's capacities 47
  - 3.3 The impact of adversity, discrimination and inequality on children's lives 52
  - 3.4 The impact of poverty on children's optimal development 58

3.5 The impact of crises on children 63
3.6 The intersecting nature of children's development 66
Chapter 4. The emancipatory dimension: Respecting children's agency and participation 68
4.1 Agency and capabilities 70
4.2 Agency as socially determined 71
4.3 Respecting children's right to participate 73
4.4 Children's capacities as civic actors 76
4.5 Inconsistency between responsibility and recognition of capacities 78
4.6 Barriers to children's agency and participation 81
Chapter 5. The protective dimension: Balancing protection and respect for autonomy 85
5.1 Framing protection within the Convention on the Rights of the Child 85
5.2 Navigating underprotection and overprotection 87
5.3 Children as participants in their protection 92
5.4 Age and the balance between protection and autonomy 95
5.5 Ensuring protection in contexts of participation 96
Chapter 6. Growing up digital: Children's evolving capacities in a transformed world 98
6.1 Balancing protection and empowerment in the digital environment 100
6.2 Policy implications for promoting, respecting and protecting children's evolving capacities in a digital world 102
6.3 Taking into account children's perspectives, experiences and views 107
6.4 Aligning policies with children's capacities: Looking ahead 111

PART III. Applications in law, policy and practice 113
Chapter 7. Children reflect on power, capacity and voice 114
7.1 Development of children's capacities for decision-making 116
7.2 Recognition of and respect for capacities for decision-making 117
7.3 Protection in line with capacities for decision-making 120
7.4 Factors beyond capacity that inform children's participation in decision-making 121
7.5 Children in difficult circumstances 123
7.6 Conclusions 124
Chapter 8. Legal age limits: What they are, when they apply and why they matter 126
8.1 Translating evolving capacities into legislation: Establishing age limits 126
8.2 Rationale for age limits 127
8.3 Considerations when establishing age limits 128
8.4 Minimum age for child marriage 129
8.5 Minimum age for child labour 131
8.6 Minimum age of sexual consent 134
8.7 Minimum age of criminal responsibility 137

Chapter 9. Assessing evolving capacities for the individual child **142**
9.1 Approaches and practical considerations in assessing children’s capacities 143
9.2 Individual characteristics of the child 146
9.3 The role of context and process in assessing children’s capacities 150
9.4 A practical framework for assessing children’s evolving capacities 154

Conclusion **159**

Endnotes **161**

Annex 1. Methods used to prepare this report **176**

Annex 2. Methodology of the Queen’s University Belfast children’s study **178**

Acknowledgements **180**

About us **181**

Foreword

Our understanding of what it means to be a child has shaped human societies and children's place within social structures. Children are full members of their societies, yet their status is largely determined by how their capacities are perceived, recognized and valued. Those capacities are in turn shaped by a variety of factors that shift with wider social, cultural, political and economic contexts. As these contexts change, so too do the debates about children's status and capacities. The impact of these developments cannot be understated; they inform laws, policies, and social norms and outcomes for child rights and well-being globally.

In 2005, the United Nations International Children's Fund (UNICEF) Innocenti published a study examining the concept of children's evolving capacities, as set out in the Convention on the Rights of the Child, which recognizes children as rights-holders who gain skills and judgement progressively as they grow and experience the world. The Convention also affirms the responsibility of parents, caregivers and the State to provide guidance in line with this recognition. Two decades later, the circumstances shaping childhood have shifted, and both our understanding of the concept of evolving capacities and progress towards upholding children's rights merit revisiting.

Three broad developments are especially significant:

The global landscape for realizing child rights has become increasingly fragile. Protracted conflicts, displacement, climate-related crises and widening inequalities now affect large numbers of children. The COVID-19 pandemic disrupted gains made over many years, and in many contexts, trust in public institutions has weakened. These pressures shape the environments in which children seek protection, stability and opportunities to participate.

A growing evidence base on child development has substantially refined our understanding of how children, particularly adolescents, acquire judgement, manage emotion and assess information and risk, emphasizing the importance of supportive relationships and meaningful participation. The task now is to ensure that this knowledge is translated into policies and practices that reflect these insights and realize the Convention's intent.

Finally, the digital environment has expanded rapidly. Artificial intelligence (AI) and other digital technologies have transformed children's learning, communication and social interactions. Although these developments have created new opportunities, they have also introduced risks linked to privacy, misinformation and exposure to harmful content. Unequal digital access continues to reflect broader patterns of exclusion.

These shifts have intensified familiar tensions between acknowledging children's growing capacity for agency and ensuring their protection. They also prompt reflection on whether children are growing up in optimum environments that support and promote their evolving capacities. Daily decisions made by parents, caregivers, professionals and policymakers continue to reveal diverse, but often limited, understandings of children's evolving capacities. Through this report, we hope to promote and support discussion on what it means, in concrete terms, for children to grow with rights.

Growing with Rights sets out an updated and coherent account of evolving capacities, reaffirming the Convention's relevance and authority at a time when its core principles are being tested by intensified pressures as well as new possibilities for children. The report brings together current evidence and practice to inform understanding of children's evolving capacities and their relevance to the realization of children's rights under the Convention. Its purpose is not to provide definitive answers but to support those working with and for children in asking the right questions. By examining approaches to strengthening the promotion, respect and protection of children's capacities, we offer this analysis as a contribution to continued discussion and thoughtful application of the Convention in advancing children's rights.

Omar Abdi
Deputy Executive Director, UNICEF

Executive summary

Growing with Rights: Understanding and supporting the evolving capacities of the child revisits one of the most influential ideas in child rights: As children develop knowledge, experience and judgement, they acquire the capacity to act for themselves and participate meaningfully in decisions affecting their lives. Respecting this process of gradual development, or 'evolving capacities', is essential to interpreting and applying the rights and obligations set out in Article 5, among others, of the Convention on the Rights of the Child.

Advances in neuroscience, developmental science and the social sciences have deepened understanding of how children's capacities emerge and change over time; the digital environment has transformed childhood; and factors such as crises linked to conflict, inequality and climate change have reshaped children's lives on a scale virtually unimaginable less than a generation ago. *Growing with Rights* explores how children's evolving capacities are reflected in law, policy and practice, and how understanding this concept can help those responsible for upholding children's rights act more effectively.

The report highlights three interdependent dimensions that need to inform understanding of evolving capacities:

- **Developmental:** Children's evolving capacities are shaped by the relationships and environments that surround them. States, families and communities share responsibility for providing the enabling conditions of health, education, play, safety and social inclusion that allow capacities to flourish.

- **Emancipatory:** This is used here not in the legal sense of emancipation, but to convey children's increasing agency and participation as their capacities develop. Children's agency must be recognized in law and practice. Participation is not optional; it is a right that enhances learning, empathy and citizenship.

- **Protective:** Safeguarding children requires balancing guidance and autonomy. Overprotection can silence and disempower, while underprotection can expose children to harm. Debates over how much independence children should have in decision-making have become more complex in areas such as internet access, where excessive restrictions can hinder participation and privacy, while too few protections can invite risks.

When children's capacities are respected, participation deepens protection and strengthens resilience. When protection is provided in ways that build competence and confidence, it supports their development and prepares them to exercise their rights safely and independently.

The evolving capacities framework connects children's development with their rights to agency and autonomy.

The Convention identifies the family as the key social unit and natural environment for children's growth and well-being. In addition, it highlights the State's role in supporting parents and caregivers by ensuring they have the material resources, social protections and supportive services needed for healthy development. Special attention is needed to overcome the structural and social barriers faced by children most affected by poverty, discrimination, displacement or lack of family care.

Across legal, scientific and social perspectives, several cross-cutting findings are evident:

- **Children's capacities develop continuously through childhood in a non-linear way**. Cognitive, social, emotional, physical and moral skills are core capacities that develop at different rates. Age alone is never an adequate proxy for actual capacities.

- **Supportive environments are decisive**. Stable, nurturing relationships with parents and caregivers, safe schools, and inclusive communities enable children to realize their potential. Poverty, discrimination and violence constrain development and limit opportunities for autonomy and participation.

- **Legal age limits serve as practical thresholds**. Despite the limitations of age as a decisive indication of capacity, fixed legal age limits are necessary in some contexts. They indicate when children's choices, responsibilities and protections can be given legal effect to respect their capacities, safeguard their well-being and reflect societal expectations of maturity and morality.

- **Adolescence is a period of rapid growth in the capacities that support a safe transition to adulthood**. Research on adolescent brain development indicates that skills in reasoning, emotional regulation and decision-making keep evolving into young adulthood. It is vital for adolescents to receive continuing and appropriate protection, guidance and opportunities for meaningful participation.

- **Evolving capacities in the digital context**. Social media, online platforms and emerging AI tools are reshaping how children learn and communicate. They also increase exposure to manipulation, exploitation and misinformation, breaches of privacy, and risks to mental health. These challenges raise questions about whether public institutions and the technology industry are doing enough to uphold children's rights and take into account their developing capacities.

- **Children's voices make their agency visible**. In global consultations conducted for this report, children described how they seek to influence decisions at home, in schools and online. They associated adults' trust, respect and willingness to listen with greater confidence, motivation and protection. Their perspectives highlight the importance of ongoing child-focused research that informs how autonomy, protection and participation are understood in children's lives.

The report encourages readers to view children as active participants in planning and decision-making, and to adapt communication and expectations to each child's age, understanding and experience. These insights are at the heart of the report and are intended to promote debate, encourage reflection, and help inform law, policy and practice in line with the obligation to promote, respect and protect the capacities of every child to exercise their rights.

Introduction: Fulfilling children's rights in a changing global context

The concept of evolving capacities

From birth, children undergo rapid and far-reaching development. Their physical, cognitive, social, emotional and moral capacities expand as they learn to communicate, form relationships, make choices and assume growing responsibility (*see Box 1*).[1] Though this process continues across the life course, childhood is universally recognized as a critical stage in the development of those capacities. In law, adults are generally presumed to have full competence to act on their own behalf. Children, by contrast, are generally considered to be reliant on adults to safeguard their interests and to support their involvement in decision-making while their competence is developing.

BOX 1

Core capacities in children's development

The definition of evolving capacities used in this report is grounded in the 2005 UNICEF publication *The Evolving Capacities of the Child*, which describes evolving capacities as children's gradual acquisition of skills, competencies and understanding that enable them to take increasing responsibility for their own lives, in line with their maturity and circumstances.

According to the 2005 report, children's development can be understood through five closely linked core capacities: cognitive, physical, social, emotional and moral. These capacities underpin vital functions such as communication, decision-making, judgement and independence, enabling children to manage more complex responsibilities as they mature. During childhood, it is generally presumed that children lack full competence across all aspects of these vital functions and therefore require support in decision-making. As a result, parents, caregivers, communities and the State have an obligation to provide social and legal protections that reflect children's level of competence and vulnerability.

Core capacities	Examples of how children demonstrate these capacities
Cognitive	Reasoning, problem-solving, understanding cause and effect, analysing and evaluating information, anticipating consequences, and making informed decisions

Physical	Building coordination, mobility and practical self-care skills, completing tasks independently, and ensuring personal safety and health
Social	Communicating effectively with others, negotiating, cooperating, participating in group decisions, and building and maintaining relationships
Emotional	Recognizing and managing feelings, demonstrating empathy, building resilience, coping with stress, and exercising self-control in decision-making
Moral	Understanding ethical principles, differentiating right from wrong, recognizing fairness and justice, taking responsibility for actions, and respecting others' rights

The concept of evolving capacities underpins a recognition of all children as rights-holders. It affirms that as children acquire greater competencies, the need for protection diminishes, and their capacity to engage more fully in decisions that affect them increases. Children's development is shaped by a wide range of factors, including nutrition, health care, education, leisure and play, psychological safety, and the quality of their social and material environments. The concept also reflects that children mature at different rates depending on context, culture and lived experience, and their ability to make decisions develops gradually and non-sequentially across various domains such as family life, education, health and civic participation, among others. It calls for legal, policy and practice measures that provide children opportunities for their evolving capacities to be supported and expressed through meaningful participation.

The recognition that children's need for protection decreases as their competence grows is set out explicitly in Article 5 of the Convention on the Rights of the Child (*see Box 2*), which affirms the role of parents and others in providing appropriate guidance and direction, consistent with the child's evolving capacities. It is foundational to understanding and applying the Convention as a whole, highlighting that children are not simply passive recipients of rights but active participants in their own lives, with increasing capacity to act as they develop.

BOX 2

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

A starting point for understanding the concept of evolving capacities is the framework for analysis and action set out in the Convention on the Rights of the Child. The Convention was the first international legal instrument to recognize that protecting children must be balanced with respect for their evolving capacities to take responsibility for and make decisions about their lives. This principle has reshaped legal and policy frameworks and continues to inform debates on childhood, capacities and decision-making.

The transformative legacy of the Convention on the Rights of the Child

The Convention on the Rights of the Child was adopted in 1989 during a period of political transition, when more than 100 countries were revising their constitutions or undertaking major reforms to reflect commitments to human rights, democratic principles and the rule of law. Since then, it has become the most widely ratified human rights treaty in history, with all but one United Nations Member State having ratified it. The concluding observations issued by the Committee on the Rights of the Child, the international body responsible for monitoring State compliance with the Convention, provide clear evidence of widespread reform, including strengthened protections and greater recognition of children as active rights-holders with agency and evolving capacities, reflecting the far-reaching impacts of the Convention.

For example, since ratifying the Convention, many countries have raised the minimum age of marriage and equalized it for boys and girls, extended the school leaving age, and established a minimum age of criminal responsibility. Many countries have also introduced separate justice systems for children and implemented restrictions or prohibitions on child labour, though significant gaps remain. In addition, the right of children to be heard has been increasingly recognized in law and practice. Statutory provisions have been introduced in many jurisdictions to uphold a child’s right to participate in judicial proceedings, family law matters, school governance

and local decision-making processes. Legal reforms have also established minimum ages at which children can be involved in decisions about their health care, adoption, and access to sexual and reproductive health services (SRH).

The work of the Committee on the Rights of the Child over the past 35 years has also provided a much more detailed interpretation and analysis of the rights set out in the Convention. There is now a significant body of expert legal opinion in the form of its concluding observations and general comments, which guide understanding of the concept of evolving capacities and its resulting implications for law, policy and practice. Awareness of children's right to protection, and its implications and scope, is now better understood by policymakers. Legislation, policies and programmes across the world have been introduced to promote and respect children's rights, providing strengthened evidence about what is needed, what works and the consequent impact.

Background to this report

The United Nations has pointed to growing evidence of a pushback against children's rights and respect for their evolving capacities in favour of a stronger emphasis on parental rights.[2] In addition, climate change and environmental degradation are negatively impacting the lives of many more children. Indeed, the Committee on the Rights of the Child has argued that: "The extent and magnitude of the triple planetary crisis, comprising the climate emergency, the collapse of biodiversity and pervasive pollution, is an urgent and systemic threat to children's rights globally."[3]

Furthermore, the United Nations estimates that hundreds of millions of children live in conflict zones, facing profound and often devastating immediate and long-term consequences, including death and injury, intergenerational trauma, and the destruction of civilian infrastructure.[4] Tens of millions of children are displaced each year as a result of conflict and violence.[5] The promised benefits of democratic change have also failed to materialize for far too many children. In many countries, democratic processes continue to be undermined by disinformation, political violence, and the harassment and intimidation of journalists and protestors. These developments have significant implications for children's development and protection, their opportunities for participation, and their future potential.[6]

Given these shifts and their tremendous impact on children and families, it is time to re-examine how the concept of evolving capacities is being applied and understood to advance child rights. Three key areas of change have emerged, which warrant a revisiting of the concept and its application.

1. Emerging scientific evidence on child development and capacities

Scientific knowledge of neurodevelopment has advanced significantly. Since the 2000s, evidence from nutrition and child development research has identified the first 1,000 days of life as a critical period for shaping a child's development.[7] Without adequate nutrition, care, security and stimulation during this period, children are seen as unlikely to reach their full potential. While this foundation remains vital, other research has underscored adolescence as another key stage for growth, learning and the exercise of personal agency.[8]

There is now more comprehensive evidence on what children need throughout the life course to thrive, including clearer insights into adolescents' evolving capacities, potential vulnerabilities, and the factors that shape risk and resilience. There is also greater evidence and awareness of the harm caused by toxic stress, discrimination, exclusion and conflict. This reinforces the importance of building environments that promote, protect and respect children's capacities from early childhood through adolescence and beyond, into adulthood.

It is now better understood that children's development is shaped by a range of factors, including individual experience, social and cultural context, opportunity, support, and agency. These elements evolve at different rates and in different ways. Physical, cognitive, social, emotional and moral capacities do not develop according to exact timelines, nor do they progress in a linear or uniform manner. As a result, assessing a child's capacities is a complex process and cannot rely on age alone. Advances in scientific understanding have clarified how children acquire capacities and the conditions that support or constrain their development. Yet cognitive ability alone does not eliminate the need for protection. A child may demonstrate well-developed reasoning skills but still be susceptible to emotional manipulation or social pressure.

2. The expanded digital environment

One of the most significant changes in the last 20 years has been the expansion of the digital environment and its relevance in children's lives, and more recently, the rapid growth and impact of AI. Since the public launch of the World Wide Web in 1993, the internet and digital technology have provided unprecedented opportunities for connection, creativity, and involvement in social, educational and cultural life. Many children now see online access as an essential means of realizing their rights.[9] Children's engagement in this space has also supported the development of new skills and capabilities, from communication and collaboration to creativity and digital literacy.

As digital connectivity has become increasingly important for opportunity, disparities in children's access have also become more evident. An evidence review found that, although most data for internet access and digital technology use are focused on adults, there are gaps in both access to and meaningful use of digital technology for children, especially for girls.[10] For instance, children with disabilities face not only economic barriers but also exclusion due to the inaccessible design

of hardware and software. Children from poorer communities may be further disadvantaged as digital participation becomes ever more central to education, work and social opportunities.

Alongside these disparities, the digital environment introduces new risks. The design of online platforms is adult-focused and often fails to take account of children as users, as well as their rights and capacities. Children may face online exploitation and violence, cyberbullying, data theft, privacy breaches, and algorithm-driven content that promotes harmful behaviours. The digital space has amplified misinformation, misogyny, racism and other harmful ideologies.

The negative impact of increasing screen time, especially social media, social connection, feelings of social isolation, and mental health and well-being is increasingly being discussed, including by children.[11] Although evidence is still emerging, there are growing concerns that high levels of screen time could be linked to negative effects on cognitive, language and social skills. Questions remain about whether the potential harm to children's developing capacities is related to the amount of time spent online, the nature of what they are exposed to, or a combination of both.

These shifts have also affected the relationship between adults and children. As access to information expands, including unfiltered access to content considered 'adult', and digital experiences become more embedded in everyday life, approaches to children's evolving capacities must also adapt. Many adults find it difficult to navigate these technologies themselves, which makes it even more crucial to consider how children engage with decision-making and exercise their rights in this context. These changes raise vital questions about the measures needed to recognize and facilitate children's participation and agency while ensuring their protection in a digital world that continues to expand in reach and influence.

3. Expanded opportunities for children's engagement

While children's participation in the digital sphere has been a particularly visible development, involvement for many children has also grown in social, legal and political domains. Increased levels of participation among children have led to enhanced recognition of their capacities to contribute expertise, insight and perspectives on matters that affect them. Article 12 of the Convention has driven the development of laws and policies, the creation of participatory spaces, and the production of research, tools, guidance and training that promote children as active agents in their own lives. In 2011, the adoption of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure created a new pathway for accountability, enabling children to directly approach the Committee to seek remedies for child rights violations.

Many children across the world have embraced these opportunities, and they are shaping agendas and driving change. Today, children are more visible in shaping solutions, leading

school-based climate initiatives, creating digital tools for social good, participating in child parliaments, or advocating for inclusion in education and health. Many are using the digital environment to network, communicate and campaign and have taken on active roles as researchers, peer educators, advocates and spokespeople at local, national and international levels. However, it is important to recognize that millions of children, particularly those in challenging or hostile environments, continue to face significant barriers in exercising their right to be heard. Child rights activists also face increasing repression as civic space comes under threat in many parts of the world.[12]

That children have a right to participate, individually and collectively, is now increasingly recognized and understood. Participation supports development, affirms agency and enhances decision-making, especially when policies and services are designed to meet children's needs. Experiences across diverse contexts have deepened our understanding of building and sustaining participatory environments and the capacities children demonstrate when given meaningful opportunities.

As recognition of children's rights has grown, questions continue to emerge about how to respect their evolving capacities while ensuring appropriate protection, particularly in relation to the roles and responsibilities of parents and guardians. The Convention affirms that children should be supported to exercise their agency and take part in decisions that affect them within a broader assessment of their best interests.

These tensions raise practical questions about how the concept of evolving capacities is understood and reflected in law, policy and practice, for example:

- Who determines a child's capacities, on what basis and what informs that determination?
- Do assumptions of incapacity lead adults to undervalue children's views?
- Should respect for autonomy take precedence over rights to protection, and if so, when?
- Should a child's decision, reasoned within the limits of their experience and constraints, be respected even if it carries negative long-term consequences?

In a rapidly changing world, these questions require ongoing attention from children, parents and guardians, States, and society at large. The key is to balance respect for children's capacities with ensuring the appropriate level of protection necessary for them to realize their rights throughout childhood and into adulthood.

Approach and structure of the report

This report aims to inform, raise awareness and promote debate on the effective implementation of a child rights approach to law, policy and practice, principally focused on recognizing children's evolving capacities (*see Box 3 for use of key terms*). It is intended for policymakers, academics and professionals globally, and seeks to strengthen the case for a rights-based approach, with particular attention to children's increasing agency and participation in decision-making.

BOX 3

Use of key terms

In this report, some terms are used repeatedly and sometimes interchangeably. Their use is guided by the Convention on the Rights of the Child.

Children: This report uses the term 'children' to include everyone up to the age of 18, consistent with Article 1 of the Convention on the Rights of the Child.

Adolescents: Some chapters use the term 'adolescents'. The Committee on the Rights of the Child acknowledges that adolescence is not easily defined solely by age, as puberty begins at different times for different children. However, in General Comment No. 20 (2016), the Committee adopted a pragmatic approach and identified adolescence as the period from age 10 until the child's eighteenth birthday, to ensure consistency in data collection. This report uses the term 'adolescents' in the same way.

Parent: Throughout this publication, the term 'parent' is used as a shorthand to include everyone with responsibilities for the day-to-day care of a child. Accordingly, 'parent' is intended to include "members of the extended family or community as provided for by local custom, legal guardians, or other persons legally responsible for the child", as set out in Article 5 of the Convention.

Family: This report aligns with the preamble to the Convention, which refers to the family as "the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children". Further, General Comment No. 7 (Rev. 1, 2006), para. 15 states: "The Committee recognizes that 'family' here refers to a variety of arrangements that can provide for young children's care, nurturance and development, including the nuclear family, the extended family, and other traditional and modern community-based arrangements, provided these are consistent with children's rights and best interests."

The analysis and findings are based on a wide-ranging literature review and guided by consultations with experts across disciplines, including neuroscience, cognitive development, psychology, mental health, education, sociology, human rights and child rights, child protection, and gender studies (*see Annex 1 and Acknowledgements*), as well as global consultations with children to explore their experiences, perceptions and aspirations. The report does not aim to be exhaustive. Rather, it seeks to inform, raise awareness and prompt debate. Examples have been selected with expert guidance to highlight central issues, reflect contextual diversity, and ground the discussion in evidence and research. They are illustrative rather than prescriptive, intended to encourage exploration, dialogue and critical questioning rather than provide fixed answers.

The chapters are organized into three parts, designed to take the reader from foundational concepts rooted in the Convention on the Rights of the Child and supported by current knowledge, through in-depth analysis of the key dimensions of children's evolving capacities, to practical and policy applications for both present and future contexts.

Part 1 (Chapters 1 and 2) lays the foundations for the study by drawing on the child rights framework and findings from current scientific research.

- Chapter 1 establishes the child rights framework as the foundation of the report, structured around the developmental, emancipatory and protective dimensions, and introduces the principle of gradualism.
- Chapter 2 reviews current scientific knowledge on how capacities develop across childhood and adolescence, highlighting the role of environments and relationships in supporting or constraining this process.

Part 2 (Chapters 3 to 6) examines the developmental, emancipatory and protective dimensions in depth, considering how evolving capacities are shaped by families, peers, institutions and wider contexts, and concludes with a chapter on the digital environment and its impacts, both evidenced and still emerging.

- Chapter 3 explores the developmental dimension, focusing on family, education, peers, play and social determinants that influence growth and resilience. It highlights the responsibility of States to create enabling environments through legislation and policy that support children's development.
- Chapter 4 addresses the emancipatory dimension, emphasizing children's agency, participation in decision-making, and opportunities for civic and everyday engagement.
- Chapter 5 considers the protective dimension, analysing how duty-bearers balance shielding children from harm with enabling them to exercise their capacities.

- Chapter 6 highlights the implications of digital technologies as an area where the developmental, emancipatory and protective dimensions need to be considered together to strengthen recognition of children's capacities across different domains.

Part 3 (Chapters 7 to 9) looks at applications in law, policy and practice, illustrating how evolving capacities are operationalized in different domains.

- Chapter 7 presents findings from global consultations with children, showing how they perceive their involvement in decisions at home, school, in communities, health care and online.
- Chapter 8 analyses how legal frameworks set age thresholds in areas such as child marriage, labour, sexual consent and criminal responsibility, and the implications for children's rights.
- Chapter 9 examines how evolving capacities can be assessed and supported in everyday practice, with a focus on professionals across systems that engage with children. It outlines approaches to engaging with children in ways that respect their agency, protect their well-being and strengthen adult responsibilities in decision-making.

The report concludes with a brief reflection on the recommendations arising from these explorations and on potential uses.

PART I

Evolving capacities of children in the Convention: Contemporary global and scientific foundations

Part I comprises two chapters that lay the foundation for understanding the evolving capacities of the child. They set the scene by examining the global context in which children currently live, the meaning of evolving capacities under the Convention on the Rights of the Child and the key stages of childhood development that inform how the concept is applied. Together, they address the broader environment, the law and the science relevant to children's evolving capacities.

Chapter 1 unpacks the concept of evolving capacities, as articulated and reinforced across the articles of the Convention. It also explores the relationships between parents, children and the State, and the implications these have for the protection and respect of children's rights.

Chapter 2 provides an overview of the key developmental stages of childhood from infancy to adolescence, exploring the different capacities acquired during that transition. It emphasizes the critical importance of recognizing children's own individuality and life experiences and understanding how these interact with and shape their development and evolving capacities.

1. Evolving capacities as a core concept in the child rights framework

1.1 Article 5 and the legal foundations of evolving capacities

The Convention on the Rights of the Child explicitly recognizes children as rights-holders, independent from their parents and adults around them. Because children from birth cannot exercise all their rights themselves, the Convention introduces, in Article 5, the concept of evolving capacities.

Article 5 provides a framework for understanding how children progressively develop capacities to exercise their rights, recognizing the need for appropriate support as they grow. It also affirms children's entitlement to receive guidance and direction in a manner consistent with their evolving capacities. It redefines the role of parents, not as owners, but as duty-bearers responsible for supporting children's full and active enjoyment of their rights.[13]

The concept of evolving capacities is recognized as a defining feature of the child rights framework and is informed by other foundational principles of the Convention, including respect for the child's views and the best interests of the child. The Convention seeks to strike a careful balance: ensuring that children's growing agency is respected while avoiding exposure to the full responsibilities of adulthood before they are ready. While all rights apply equally to all children at all times, the nature of their implementation must reflect each child's age and capacities.

Following from this, the concept of evolving capacities encompasses three interrelated dimensions: developmental, emancipatory and protective. These dimensions guide how children's rights are interpreted and applied in law, policy and practice.

Developmental dimension. Fulfilling children's right to develop their capacities is a core obligation under social, economic and cultural rights, including health, education, play and freedom from poverty. Capacities are shaped by physical, psychological and social development, family relationships, resources, cultural context, and individual agency. They are also supported or hindered by the environments in which children live.

Emancipatory dimension. The emancipatory dimension focuses on children's right to participate in decisions affecting them, rather than on legal emancipation. It highlights children's agency based on recognition of their capacities to exercise rights as well as to take on increasing levels of responsibility as these capacities develop throughout childhood. Central to the emancipatory dimension are participation rights, as set out in the Convention, including the right to be heard and to freedom of expression, assembly, thought and access to information. Because capacities emerge differently across contexts, meaningful participation depends on environments that enable and support children's involvement.

Protective dimension. The protective dimension highlights the obligation to safeguard children in view of their evolving capacities and to uphold their protection rights. Parents and guardians must provide guidance consistent with maturity, balancing recognition of growing abilities with protection from harm. Family support, community context and exposure to risk influence when protection is needed. In addition, children also contribute to their own protection, making their perspectives essential in responses to violence, exploitation and abuse.

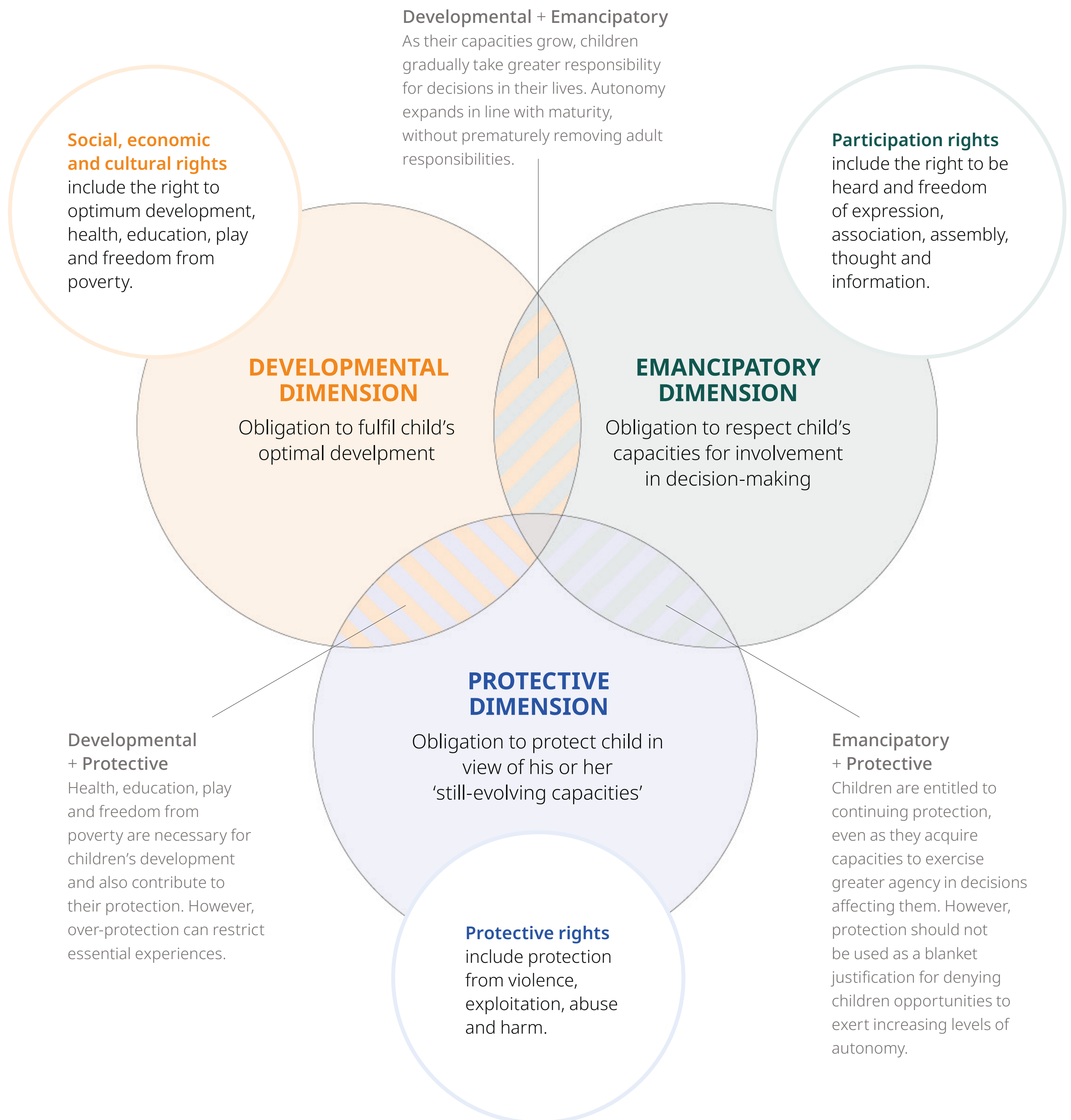
Across the three dimensions, important overlaps and potential tensions emerge. For example, recognizing and respecting children's capacities to exercise freedom of expression must be balanced against potential risks, threats and harm. As their capacities develop, children also contribute to their own protection. Adults must take their perspectives and lived experiences into account when designing measures to protect them from violence, exploitation, abuse and other forms of physical and psychological harm. Recognizing children's growing agency and decision-making capacity is complex and must always be balanced with equal recognition of their entitlement to protection throughout childhood. Chapters 3 to 6 explore these issues, highlighting how protective measures can adapt to reflect each stage of children's development.

Enabling environments, roles and responsibilities. A coherent application of the developmental, emancipatory and protective dimensions is essential to realizing children's rights in practice. Beyond this, environments in which children live, including their families, schools, communities and wider political contexts, play a decisive role in shaping their capacities, as they influence opportunities to express views, learn about their rights and participate meaningfully in decision-making. Recognizing that capacities develop at different rates and in response to various contexts requires approaches that are flexible, child-centred and responsive to individual circumstances. Article 5 provides a clear legal basis for this perspective and lays the groundwork for further analysis of the roles and boundaries between parental and State responsibilities in respecting and enabling children's evolving capacities in the next sections.

Article 5 affirms that, as children grow, their ability to exercise rights develops progressively, and the means for realizing their rights under the Convention must adapt accordingly. This recognition

of evolving capacities underscores that children require protection and guidance appropriate to their level of experience and understanding, while also affirming their gradual acquisition of autonomy from birth through to adulthood.

Figure 1: Children's evolving capacities in the context of their rights



1.2 Unpacking the concept of evolving capacities in the Convention

At the heart of exercising human rights is the principle that individuals, as rights-bearers, have the autonomy to make decisions for themselves: to determine their own choices and shape their own lives. Autonomy – comprising agency, independence and rationality – underpins the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Autonomy is central to laws that assert personal and physical integrity and respect for individuals' ability to make their own choices, express their own views and take responsibility for their own lives. By contrast, a presumption of incapacity generally applies to children's decision-making, whether expressed formally within a country's legal framework or informally through social norms.

The gradual development of children's decision-making capacities. The Convention applies to all children up to their eighteenth birthday, covering diverse stages of development. There can be no assumption of autonomy for children from birth. Instead, parents and guardians are responsible for making decisions on their child's behalf until they deem it appropriate to hand over responsibility to the child or until a legal age threshold is reached. For example, a newborn has the right to health but lacks the capacity to exercise judgement on decisions related to that right, such as consenting to surgery. A six-year-old needs adult support and guidance on what information they can appropriately access and how to avoid harm in public spaces. Conversely, a teenager is usually capable of understanding information and contributing to, or making, decisions affecting their rights, including expressing their views in a classroom or a court of law.

The ultimate aim of the Convention on the Rights of the Child is not to argue for equality of capacities with adults. Rather, it affirms that, as human beings, children have rights, including the same right to dignity. The Convention also recognizes the need to respect the evolving capacities of children as they exercise those rights in childhood. Therefore, the Convention explicitly recognizes that the implementation of children's rights must involve adaptation as they grow from relative immaturity to emerging autonomy.

By focusing on capacities rather than age alone, the wording of Article 5 acknowledges that different environments, cultures, circumstances and individual experiences are just as important as age when determining degrees of competence, and that children's capacities can vary depending on the context and the rights they need to exercise. Children, therefore, require different degrees of protection and participation, as well as opportunities for autonomy across different contexts and areas of decision-making.

Evolving capacities as an enabling principle. Although the Committee on the Rights of the Child has not identified evolving capacities as a general principle,[14] the scope of evolving capacities

has been expanded through the work of the Committee. While Article 5 refers specifically to the exercise of rights within the family context, the Committee considers it an "enabling principle" with wider relevance for realizing all rights.[15] Essentially, evolving capacities are understood as "processes of maturation and learning whereby children progressively acquire knowledge, competencies and understanding, including acquiring understanding about their rights and about how they can best be realized."[16]

The concept of evolving capacities in Article 5 is supported by Article 12, the right to be heard, and Article 3, consideration of the child's best interests. These additional provisions introduce guard rails to strengthen the protection of the child's rights when adults are exercising those rights on the child's behalf.

1.3 Evolving capacities and the right to be heard (Articles 5 and 12)

Traditionally, in societies around the world, adult decision-making has seldom taken children's perspectives into account. Article 12 introduced a radical shift by requiring that children no longer be seen as passive recipients of adult decisions. Instead, they must be recognized as having agency and be given the chance to influence decisions, with their voices, concerns, and perspectives acknowledged. Article 12 not only mandates that children be listened to but also that their views be given proper consideration.

BOX 4

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

The Committee has identified Article 12 as a fundamental principle of the Convention that must be considered when implementing all other rights (*see Box 4*). Crucially, the right to be heard belongs to all children capable of forming a view. Article 12 does not restrict expression to spoken or written language: Children of all ages, including infants and very young children, those with significant learning difficulties, and those who do not speak the majority language, can communicate in different ways. States are obliged to support them so that their right to be heard can be achieved.[17] The expression of views is a right, not an obligation, and no child should ever be compelled to provide views unwillingly.

The concept of evolving capacities and the right to be heard are closely interwoven. Evolving capacities do not determine whether children hold rights, but they influence how those rights are realized in practice. Listening to children and taking their views seriously contributes to recognizing and realizing their individual and other rights. This relationship is reflected in Article 5, which frames the gradual acquisition of decision-making rights. Article 12 ensures that children's voices are heard and taken seriously in that process. From a developmental perspective, the right of children to be heard is highly significant. Listening to children is not only a matter of respect for their views and emerging autonomy but also a critical dimension of their development. It becomes increasingly important as children grow, enabling their experiences to shape policies that reflect their perspectives, insights and priorities.

Critically, Article 12 does not only state that children's views must be listened to, but also that they must be given due weight in accordance with their age and maturity. In practice, this means that children's views must be taken into account whenever decisions or actions affect them. However, as with Article 5, adults will continue to make decisions on children's behalf until children acquire sufficient capacity to exercise particular rights independently. Whether and when they may do so depends on the nature of the right and the applicable legal framework.

Articles 5 and 12 are interconnected in that they both recognize that capacities cannot be determined by age alone. While all children have the right to express views, children with greater understanding, maturity and relevant experience should have proportionally more influence in decision-making. As in Article 5, Article 12 acknowledges maturity as a key factor; similarly the Committee has recognized that "information, experience, environment, social and cultural expectation, as well as level of support all contribute to the development of a child's capacities to form a view."[18]

1.4 Evolving capacities and best interests of the child (Articles 5 and 3)

Children's evolving capacities are integral to the obligation in Article 3 for States as well as parents, guardians, and all public or private bodies to give primary consideration to children's best interests. They are also instrumental in determining what those best interests are in decision-making (*see Box 5*).

BOX 5

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 3, which addresses the child's best interests, exists because children are not automatically recognized as fully autonomous. Since many decisions are made on their behalf, the Convention provides a guiding framework for how these decisions should be made. It states that "in all actions concerning children, whether by public or private social welfare institutions, courts, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration." The Committee on the Rights of the Child has identified the best interests of the child as a guiding principle across all settings where decisions about children are made. The principle is also explicitly referenced in Article 18 (parents' basic concern), Article 20 (removal from parental care), Article 21 (adoption, where best interests are paramount), Article 9 (non-separation from families), Article 10 (family reunification), Article 37 (separation from adults in detention) and Article 40 (procedural safeguards in criminal proceedings).

The Committee has issued General Comment No. 14 to have children's best interests taken as a primary consideration, offering the following guidance: First, in accordance with Article 5, parents must provide direction and support towards the goal of realizing children's rights: "The concept of the child's best interests is aimed at ensuring both the full and effective enjoyment of all the rights recognized in the Convention and the holistic development of the child."[19] The responsibility to consider the child's best interests cannot be reduced to what adults happen to think is best; decisions must be directed towards fulfilling children's rights. Second, the Committee insists that the best interests must take into account children's views and their evolving capacities. As General Comment No. 14 notes: "As the child matures, his or her views shall have increasing weight in the assessment of his or her best interests."[20] This means that children will progressively gain greater influence over the determination of their best interests, in line with their growing capacities to understand the implications of decisions and choices affecting them.

1.5 Parental responsibility, family life and the recognition of children as rights-holders

Article 5 provides a framework for understanding the intricate relationship between parental rights and children's rights. As explained earlier (Section 1.1), the concept of evolving capacities has three key aspects related to ensuring children's rights, with parents and caregivers playing a crucial role in each. First, parents are essential in creating environments that support children's rights to family life, care, play, education, health and an adequate standard of living. Second, parents must protect children from harm, violence and exploitation and safeguard them from inappropriate risks, given their age and vulnerability. Last, parents have a critical role in ensuring the right of children to take increasing levels of responsibility for their actions and decisions, based on their gradual acquisition of capacities.

Although Article 5 emphasizes the importance of parents in these roles and acknowledges limits on State intervention in family matters, it also challenges the traditional view of children as property of or as subordinate within the family by setting guidelines for how these responsibilities should be exercised. This understanding within the Convention balances historical traditions in human rights law, where respect for family privacy has long been a guiding principle, with a stronger focus on the child as a rights-holder.

The principle of respect for family privacy is well established in international law. It is reflected in Article 17 of the International Covenant on Civil and Political Rights (ICCPR), Article 8 of the European Convention on Human Rights, and Article 18 of the African Charter on the Rights and Welfare of the Child.

In its General Comment No. 17 on Article 24 of the ICCPR, addressing the protection of the child, the United Nations Human Rights Committee states: "Responsibility for guaranteeing the necessary protection lies with the family, society and the State."[21] Although the Covenant does not indicate how such responsibility is to be apportioned, it is primarily incumbent on the family, which is "broadly interpreted to include all persons comprising it in the society of the State party concerned, and particularly on the parents, to create conditions to promote the harmonious development of the child's personality and his enjoyment of the rights recognized in the Covenant."[22] Under international law, children are placed primarily under their parents' jurisdiction, with State responsibility limited to intervention when the family is deemed to be failing to protect the child's welfare.[23] Arguably, this treatment of the family as a private domain has historically kept children largely invisible as rights-holders and outside community and State protection.[24]

The Convention on the Rights of the Child aligns with other human rights treaties in its commitment to respecting the primacy of the family and protecting it from undue interference by the State. It reaffirms the primary responsibility of parents for their children and places this at the centre of its normative framework. The preamble highlights the family as "the fundamental group of society and the natural environment for the growth and well-being of all its members, and particularly children".

Several articles underline parental rights and responsibilities, establishing clear limits on State interference in family life. Article 18 states that parents hold the primary responsibility for their children's upbringing and development. Article 9 restricts the State's power to separate children from their parents against their will, while Article 10 requires the State to promote family reunification. Article 29, which concerns educational goals, affirms that education should include respect for parents. Additionally, Article 5 stresses that States must respect parents' rights and responsibilities to guide and direct their children.

The role of parents or primary caregivers is to manage and guide the transition from childhood to adulthood in a manner consistent with the best interests of the child. The Committee on the Rights of the Child has noted: "Parents should take into account the views of children while providing appropriate direction and guidance to children. As a child grows and matures, greater weight should be given to the views of the child, with parents adjusting their guidance and direction to reflect the child's evolving capacities in the exercise of their rights. Soliciting and hearing children's views are requirements both when providing direction and guidance, and when assessing and determining the child's best interests."[25]

The Committee has also been clear that States should not exercise their powers to interfere in family life unless the child's rights are being violated. It has expressed concerns when States seek to override the rights and responsibilities of parents without considering the rights of the child. In

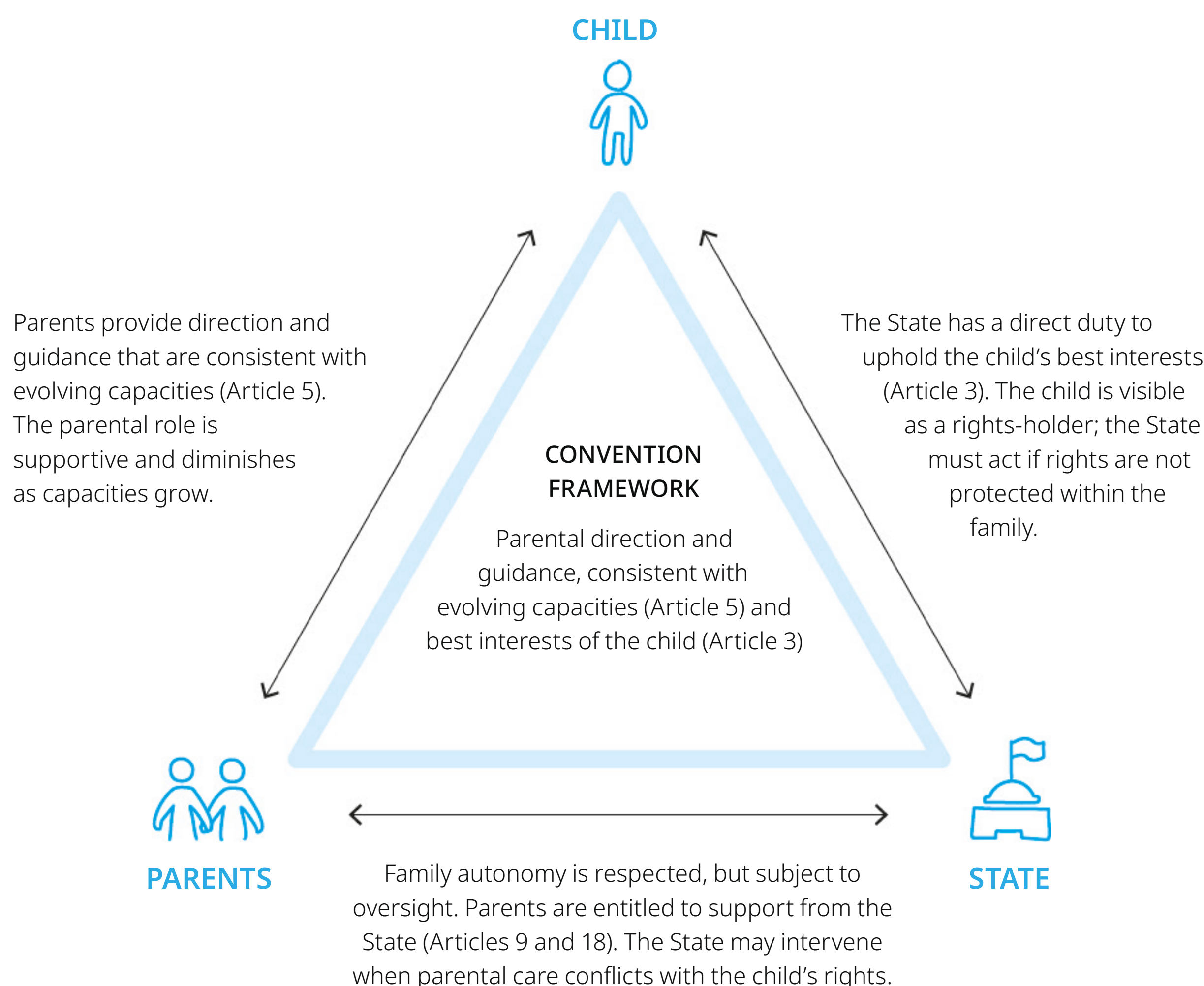
its General Comment on Article 12, it reiterates the obligation to respect parents' duties to provide direction and guidance.[26] The Committee has consistently urged States to adopt comprehensive policies and programmes that support parents, extended families, legal guardians and community members in fulfilling these roles.[27] Acknowledging parental primacy does not confer unlimited authority; the Convention makes clear that family privacy is bounded by children's status as individual rights-holders.

Contested interpretations of parental authority and children's rights. While the Convention clearly recognizes the importance of the parental role, the possibility of State intervention in matters traditionally viewed as private between parents and children remains highly sensitive. Some critics argue that the Convention diminishes parents' authority and reduces them to mere caregivers with little more than a duty to respect children's rights.[28] Parents' rights groups have claimed that the treaty undermines parents' authority, particularly in relation to religious and sex education.[29] They further contend that by recognizing children's emerging autonomy, the Convention encourages children to become adversaries of their parents.[30]

Yet, the text and spirit of the Convention are clear. The Convention is explicit in affirming the importance of the family and provides protection for the family against undue State interference. It recognizes the role of parents or other persons legally responsible for the child in providing appropriate direction and guidance consistent with the child's evolving capacities.[31] However, it also affirms the right of children to protection from the State in cases where parents are failing to provide adequate protection. The Committee on the Rights of the Child has stated: "Parents' responsibilities, rights and duties to guide their children is not absolute but, rather, delimited by children's status as rights-holders. The provision of direction and guidance by parents must be exercised in a manner to respect and ensure children's rights."[32]

In short, parents play a vital role in the development of their children, providing essential direction and guidance until the child can assume partial or full responsibility for the exercise of their rights. The concept of children's evolving capacities is central to the recognition of children's status as rights-holders independent from their parents, and contributes to protecting the child from arbitrary family control.[33]

Figure 2: **Balancing family privacy and children's rights**



1.6 Balancing parental authority, children's rights and the State's protective role

As indicated above, parental freedoms to provide direction and guidance are not unfettered. Through Articles 5 and 3, the Convention establishes a direct responsibility on the part of the State towards the child, challenging the traditional presumption of parental ownership and affirming the child as an independent rights-holder within the family.[34] The privacy of the family is not absolute: The State may intervene when parenting fails to respect the child's evolving capacities or support the exercise of those rights.[35] The family is protected from arbitrary State interference, but cannot exercise unlimited or absolute control over the child. The rights of parents to provide direction and guidance do not arise from any notion of 'ownership' of the child, but from the responsibilities inherent in parenthood until the child is capable of exercising those rights on their own behalf. Article 5 sets out two interlinked limitations on parental freedoms: Guidance must be consistent with the child's rights, and it must be provided in a manner consistent with the child's evolving

capacities. The State has a duty to uphold these limits, intervening when parental direction conflicts with the exercise of the child's rights under the Convention.

Ensuring appropriate parental guidance, consistent with child rights. The Convention requires that the protection of the family should be equally balanced with the protection of the child within the family.[36] Although neither the drafters nor the Committee have defined the term 'appropriate' precisely, the Convention and its interpretation establish clear boundaries. Parental direction is considered appropriate when it is consistent with the exercise of rights under the Convention as a whole.[37]

While most parents strive to act in their children's best interests and seek to protect their rights, there are situations in which parents fail to do so. In abusive family situations, a policy of minimal State intervention can leave children vulnerable. Legal mechanisms, including access to courts, must therefore exist to allow children, or the State on their behalf, to enforce rights when parents breach them.

Article 5 reflects this balance: The State must respect parental responsibilities, but any direction and guidance given by parents or caregivers must be 'appropriate', or consistent with the child's rights under the Convention. By inserting this phrase, the drafters of the Convention underscore the delicate balance between the rights of children and the correlative rights of parents.[38] Article 5 removes any suggestion that parents or other caregivers have carte blanche to impose whatever direction or guidance they believe is suitable.

Article 18 specifies that the best interests of the child must be the parents' basic concern, and the Committee has explained that this means ensuring "the full and effective enjoyment of all the rights recognized in the Convention".[39]

Accordingly, the rationale for parental responsibilities, rights and duties is to ensure the realization of the child's rights. The Committee has affirmed that an adult's judgement of a child's best interests cannot override the obligation to respect those rights.[40] Article 19, for example, prohibits all forms of violence, making corporal punishment incompatible with 'appropriate' discipline.[41] Likewise, cultural or religious justifications cannot legitimize harmful laws, policies or practices that permit child marriage, female genital mutilation, or discrimination that denies girls their full and equal human rights.[42] Where parents exercise their responsibilities, duties or rights in a manner contrary to the rights of the child under the Convention, the State's obligation shifts from support for the responsibilities, rights and duties of parents to a greater focus on the obligation to protect or uphold children's rights.[43]

The Committee also links 'appropriate' guidance to respect for the child's views. It calls for a child-centred approach in which parents engage through dialogue and example, encouraging children's participation and their freedom of thought, conscience and expression.[44] Listening to children is required when providing direction and determining the child's best interests.[45] Article 5 emphasizes that guidance should progressively enable children to exercise their rights for themselves. As the Committee notes, the more a child understands and experiences, the more parental direction should shift from instruction and advice, ultimately to an exchange on equal terms.[46]

Guidance consistent with the evolving capacities of the child. The nature and degree of direction and guidance must reflect the child's capacities. Children should not be burdened with responsibilities beyond their developmental stage, but their existing capacities must be recognized and respected.

According to the Committee, Article 5 draws on the concept of 'evolving capacities' to describe the processes of maturation and learning through which children progressively acquire knowledge, competencies and understanding, including awareness of their rights. Respecting young children's evolving capacities is crucial for the realization of their rights, particularly from birth to school age, when physical, cognitive, social and emotional development is rapid. Article 5 recognizes the principle that parents and caregivers have a continuing responsibility to adjust the level of guidance they provide, taking into account the child's interests, wishes and emerging capacities for autonomous decision-making and understanding of their own best interests. While younger children generally require more direction, individual variations in capacities, even among children of the same age, must be considered.[47]

The Committee underscores that capacities do not develop uniformly across all aspects of a child's life or at the same pace. Judgements about how much influence children should have over decisions must take into account the level of risk, potential for exploitation and understanding of child development.[48] It also stresses that different groups of children are often treated with differing levels of respect for their capacities, which contravenes the principle of universality of child rights. In many cultures, for example, girls are often afforded unequal respect for their capacities, and may be denied opportunities to exercise autonomy in decisions affecting their lives, such as marriage, while children with disabilities are often overprotected, infantilized and denied opportunities for emerging independence.[49]

For all children, decision-making and other capacities expand gradually as they gain competence, confidence and understanding. Article 5 affirms that as children grow, develop, mature and expand their social circle beyond their family, they are entitled to an increasing level of responsibility, agency and autonomy in exercising their rights. These evolving capacities must be recognized and respected by all adults with responsibility for their care.[50]

2. Child development and evolving capacities: Insights from science and practice

2.1 Determinants of children's development and evolving capacities

Childhood development is a continuous, non-linear and complex process that is significantly influenced by the environmental and situational factors surrounding the child (*see Box 6*).

The concept of childhood has varied widely across societies and over time. For instance, the age at which children are considered competent to work or marry has varied historically and continues to vary across societies. From birth to adolescence, expectations and assumptions about the degree of their physical, cognitive, social, emotional or moral development have been shaped by the economic, social and cultural contexts in which they grow up. In many countries, children assume adult responsibilities irrespective of determinations of capacity, and often before developing the agency and independence needed to make decisions in matters that affect them. By contrast, in some contexts, children are shielded from significant social and economic responsibilities until well into early adulthood.

Efforts to realize children's rights must be informed by evidence of how their capacities evolve. Advances in scientific knowledge now offer a way to understand children's capacities and inform a more consistent, evidence-informed approach to supporting children's evolving capacities and creating the conditions that allow them to flourish. Developments in neuroscience and cognitive studies provide a shared framework for understanding children's capacities while recognizing that context continues to shape how these capacities emerge. This growing body of evidence offers critical insights into how children develop, what supports or impedes that development, and how they interact with their environments, influencing their own growth. In a constantly developing field, the following overview provides brief insights drawn from existing literature and the experts consulted for the report.

BOX 6

The overlapping stages of childhood

Article 1 of the Convention on the Rights of the Child defines 'child' as every human being below 18 years. For statistical and programming purposes, UNICEF guidance points to a number of overlapping stages of development across childhood and adolescence. This report uses these stages as reference points, with each highlighting distinct needs and vulnerabilities as children's physical, cognitive, social, emotional and moral capacities evolve.[51]

Infancy: from birth up to 12 months
Early childhood: from conception to 8 years
Preschool or pre-primary years: from 3 to 5 or 6 years
Middle childhood: from 5 or 6 to 12 years
Adolescence: from 10 to 18 years

Understanding child development for rights-based policy, law, services and practice. The development of evolving capacities is a complex process shaped by neurological maturation and by the interaction of biological and psychosocial factors with the political, social, economic and cultural environments in which children live. Each child's personality and engagement also play a role in this dynamic. In early childhood, the realization of rights related to care, including the rights to family life, health care, education and an adequate standard of living, as well as protection from discrimination and violence, is especially critical. From birth, children thrive when parents and caregivers listen and respond to the child's signals, such as body language, eye contact, crying or smiling. As children move into middle childhood and adolescence, they become increasingly independent and capable of decision-making and responsibility. Their agency grows as they participate more actively in relationships and environments beyond the family.

For governments to establish laws, policies and services that respect, protect and fulfil children's rights, it is essential to understand the nature of childhood development: how it unfolds, what influences it and how children themselves shape the process. This understanding underpins the creation of environments consistent with children's rights, needs and capacities throughout childhood and informs the discussion in this chapter of the physical, psychological and social significance of key stages in the development of children's evolving capacities.

The role of environments in shaping children's capacities. Restrictive environments, shaped by influences ranging from the immediate to the broader societal level, can hinder the development of children's capacities, while enabling environments help them to thrive.

The social ecological model[52] provides a useful framework for understanding these interacting structures because it recognizes that a child's development is shaped not only by their immediate surroundings but also by the broader systems and structures that affect their daily lives. The impact of children's environments on their evolving capacities is complex and cannot be captured with precision. However, a considerable body of evidence offers broad guidance on the characteristics of enabling and restrictive contexts.

This chapter explores contemporary scientific understanding of how children's capacities evolve in the early years through adolescence. It considers the dynamic interaction across neurological, physical, emotional and cognitive development, highlighting advances in adolescent brain research. Emphasis is placed on the critical role of the child's immediate environment, especially the quality of relationships with parents and caregivers, in shaping developmental pathways.

2.2 The developing brain in early childhood

Encountering the world. The human infant is born immature compared with infants of other species, with substantial brain development occurring after birth. It is now known that this development begins shortly after conception and continues into the twenties. Genes establish the basic 'blueprint' for the brain's structure, but the way that this unfolds is heavily influenced by environmental signals. After birth, newborns are entirely dependent on parents to regulate physiological states, sleep-wake rhythms, feeding cycles and social interactions.[53] The brain's fluidity, which allows for this responsiveness, affords functional benefits by enabling it to develop in accordance with its immediate environment. This flexibility or plasticity also brings increased vulnerability to adverse environments or experiences. Exposure to stress prenatally, perinatally and in the early years can affect brain architecture, with significant long-term impacts on development, including physiology, behaviour, cognition and the ability to form emotional relationships.[54] Evidence from related studies indicates that the child's right to optimal development requires investment in providing families with information, support, facilities and services to ensure the best possible environment for the child to thrive from infancy.

Although the brain remains capable of being moulded by experience throughout life, the interactions a child has in the early years play an especially powerful role in shaping development. While the processes that modify brain structure during pregnancy are strongly determined by genetics and physiological events, postnatal development occurs through continuous interaction between genes and the environment.[55] After birth, this development is heavily influenced by the relationships children form with those around them. These bonds can model, adjust and reorganize genetic expression.[56] For example, a warm and responsive caregiving relationship may activate genes that support healthy emotional regulation, whereas chronic neglect may suppress them.

For healthy brain development to occur, three interrelated conditions must be in place. First, the brain must be sufficiently mature and capable of learning from the external environment. Second, the child must receive stimulation from those caring for them. Third, the child must experience affection and acceptance. A child's healthy brain development is placed at risk when they are exposed to chronic stress, threats, or emotional, psychosocial or physiological deprivation.[57] However, the corollary of the high degree of neural plasticity in very young children is that their brains are also highly responsive to enriching or nurturing environments and compensatory experiences that can help restore healthy developmental processes.[58]

Emotional connection and interaction. From around 18 months,[59] children begin to show insight into the feelings and intentions of others, even before they have the language to express them.[60] As soon as they begin to speak, they start to talk about their own minds and those of others. Initially focused on their own desires, by age 2 they begin to express what they want or need, both verbally and non-verbally. By around 4 to 5 years of age, children can articulate beliefs and distinguish their own views from those of others, recognizing that others may think differently. These developments mark important early steps in the evolving capacities to form, express and act on independent views: a foundation for the exercise of rights.

The forms of interaction between parents and babies vary across cultures, with some emphasizing communication through voice and eye contact (distal style) and others through touch and posture (proximal style).[61] While practices differ, mutual responsiveness between babies and caregivers plays a vital role in supporting social, emotional and cognitive development across cultures.[62] These early exchanges stimulate the brain to form neural connections, laying the groundwork for the capacities that underpin later learning and decision-making. If not activated through sustained engagement, some brain circuits may be lost through a process known as pruning, which begins at birth.[63] A lack of stimulation in this early period can, therefore, limit a child's developmental potential.

Researchers have found that children as young as 7 months are sensitive to group behaviours. Even at this early age, babies can differentiate between actions by individuals that are not consistent with those in their social group.[64] This capacity to recognize whether patterns of interactive behaviour are consistent with their 'in-group' could potentially be explained as an evolutionary survival strategy. Early sensitivity to group norms suggests that social awareness has its foundation in interactions in infancy, and that it contributes to the later development of moral judgement, identity and independent decision-making.

Language and play. Language is important as the very first pedagogic tool, enabling a baby to comprehend and interpret their natural environment. Babies as young as 4 months begin to understand speech that communicates information and emotion. They gradually develop skills for responding to external demands through imitation and by discerning and absorbing

the rules, values and attitudes of the world around them. They learn how to sequence activities and, in so doing, prepare for the more complex actions required as they grow, acquire greater independence and develop more advanced cognitive capacities.[65]

Play is central to the development of language. It contributes to the child's progression from dependence and parental regulation to independence and self-regulation and strengthens the child's sense of agency. The development of babbling and games which stimulate engagement and interaction with the individuals around them gradually progresses into more physically active forms of play, including hopping, jumping, skipping and running. Fantasy play and dress-up, for example, contribute to children's emotional and social development, while games such as tag and hide-and-seek support motor skills.[66]

Play is brain-building and enhances curiosity, which supports memory and learning and helps children manage stress, including during life transitions. Through play, children also begin to solve problems and focus their attention, promoting the growth of executive functioning, the set of skills that underlie the capacities to plan, meet goals, maintain concentration and display self-control. These skills concern *how* children learn rather than what they learn[67] and are central to the development of cognitive flexibility, inhibitory control and working memory. Collectively, these skills enable children to build sustained attention, better problem-solving and mental flexibility.[68]

Emerging independence. During the second year, toddlers learn to explore their world, develop the beginnings of self-awareness and use their parents as a home base (secure attachment), frequently checking to be sure that the world they are exploring is safe.[69] As children become independent, their ability to socially self-regulate becomes apparent: They can focus their attention and solve problems.[70] With increased executive functioning skills, they can begin to reflect on how they should respond by managing their emotions, behaviour and attention, rather than reacting impulsively. These skills and capacities will continue to develop and consolidate over the next few years through middle childhood as the child enters school and gains a wider set of experiences.

2.3 Middle childhood

Brain development and physical abilities. Middle childhood, broadly defined as the years from starting school at around age 5 or 6 until age 12, has received far less attention than early childhood or adolescence. This stage is now gaining recognition as a period when external experiences strongly influence brain development. Access to stimulating environments, meaningful relationships and engaging activities plays a vital role in helping children realize their full capacities.[71] While genetics initiates development, experiences shape outcomes in health, intelligence, emotional balance and social well-being.

The interaction between brain and environment is mutually reinforcing. New experiences reshape neural pathways, supporting the development of new physical, cognitive and social skills. These, in turn, open up further opportunities for growth, building a sense of achievement and self-confidence.[72] While families play a central role in nurturing development, communities, teachers, health professionals and supportive physical environments also make a vital contribution.

During the middle years, children acquire enhanced physical abilities to use their movements more purposefully as their brains learn how to focus on activity more effectively.[73] Opportunities to practise motor skills provide the stimulation needed to strengthen and refine them. Physical activity plays an integral role in building self-confidence and supporting learning, offering a sense of achievement and security while creating opportunities to form peer relationships, strengthen communication, and foster adaptability and creativity. Taking part in physical activity contributes to emotional well-being and strengthens resilience as children approach adolescence.[74]

A similar positive cycle is seen between physical activity and academic performance: Multiple studies show that physical activity stimulates growth factors and proteins that protect and support the brain, enhancing memory, concentration and attention.[75] For example, physically fit children from similar socioeconomic backgrounds and with comparable body mass index scores perform better on attention and complex memory tests than those who were less fit. These studies support the view that exercise during middle childhood contributes to the structure and function of the brain, thereby enhancing future neurocognition.[76]

Cognitive and social development. Middle childhood is marked by children becoming less dependent and more actively engaged in their family and community structures. Their thinking evolves to become more abstract, their behaviours and emotions become more controlled, and their decisions become more independent.[77] During this period, the brain consolidates the neural pathways that control cognition, language and social competencies, giving children greater capacity to respond selectively to stimuli and understand information more effectively.[78] This stage marks a critical period when exposure to a wide range of experiences and stimuli can strengthen cognitive abilities and language skills.[79]

Children's social worlds begin to expand as they become more aware of their own feelings and learn to see them as distinct from others. This process draws on intelligence, communication, insight and empathy. Children also deepen their understanding of rules and learn to differentiate right from wrong, developing a greater capacity for altruism and morality.[80] While this capacity to see another person's point of view is partly shaped by genetics, it is significantly enhanced through parental guidance and modelling.[81] During this period, children begin to form lasting ways of understanding and relating to the world around them.

2.4 Adolescence

Understanding adolescence. Adolescence marks the psychological and social transition from childhood to adulthood, beginning with the hormonal and physical changes of puberty (*see Box 7*). It is also a period of major psychological shifts in identity, self-awareness and cognitive flexibility. Research shows that several brain regions continue developing through adolescence and into adulthood, especially those linked to social cognition.[82]

BOX 7

Committee guidance on adolescents' capacities and agency

General Comment No. 20 describes adolescence as a period of growing capacities, creativity and vulnerability, and affirms adolescents as agents of change and valuable contributors to society. The Committee seeks to challenge the predominant narrative of this period as problematic and give voice to the capacities of adolescents if they are provided with the necessary social and economic environments and opportunities to engage.[83]

Understanding brain development during adolescence has advanced considerably in the past two decades. It is now recognized as a period of very significant growth and a distinct biological phase, as evidenced by analysis across different societies, species and historical periods.[84] During this time, children undergo profound changes and begin to "invent themselves".[85] They start shifting their orientation from parents and family towards stronger attachments with their peer groups. Although adolescence is often viewed negatively, the processes of change are, in fact, driven by biological imperative, with survival depending on innovation, risk-taking, increased independence, earning acceptance within the wider social group, and understanding risk, exploration and uncertainty.

These processes are highly relevant in the gradual recognition of children's ability to begin to exercise rights as their capacities evolve. While younger children are more directly influenced by their environments, adolescents increasingly begin to shape their own worlds and make choices about who and what they want to become.

A critical period of capacities development. One of the most important insights from neuroscience is that adolescent brains are physically distinct from those of both younger children and adults. Adolescence is a unique stage of brain development, marked by significant

structural and functional changes. Four key changes are particularly notable: a major improvement in basic cognitive abilities and logical reasoning; an intensification of emotions and sensitivity to rewards and punishments; and, in later adolescence, the development of planning, risk-reward evaluation and complex decision-making, along with stronger emotional processing and self-control. Research has shown, for example, that training in non-verbal reasoning and numerosity, the ability to perceive and compare quantities, is linked with performance in mathematics and has greater effects in late adolescence than in early or mid-adolescence. Such findings challenge the traditional assumption that earlier is always better for learning and highlight the importance of educational opportunities in later adolescence.[86]

The hormones that trigger physical changes during early adolescence also affect mood, making adolescents more easily swayed by emotion, particularly during this period of life when they may be experiencing rapid and sometimes stressful changes in peer relationships, school expectations, family dynamics and safety concerns.[87] The stress response, which activates hormones that enable the body to react to pressure, occurs more quickly in adolescents than in adults, whose more mature brain development allows a more regulated response. Mood swings tend to be more pronounced in adolescence.

While positive nurturing environments for early childhood are vital, evidence also indicates that continued support throughout adolescence is important because learning and the capacity to learn do not end in the early years. For children who have experienced adversity in early childhood, adolescence can offer opportunities to recoup lost ground. However, there is also evidence indicating that there are certain harms faced by children in early childhood from which it is not possible to recover, even with later support and care. For example, insufficient nutrition in pregnancy and the first two years of life can lead to stunting, which is associated with shorter adult height, lower educational attainment, reduced income, lower birth weight in the next generation and increased risk of chronic lifestyle-related diseases.[88]

Social understanding and awareness. Both genetic inheritance and childhood experiences influence who a person becomes, but during adolescence, the importance of a sense of self intensifies. Humans are social beings seeking connection from birth. Social interaction is central to well-being and happiness, and the ability to understand and relate to others becomes more sophisticated and complex throughout childhood and adolescence. A significant part of the brain is focused on building capacities for social interaction.[89]

From an early age, people experience basic emotions such as fear, anger or happiness. These differ from social emotions, which involve the ability to understand how others might feel or think about a situation. Between late childhood and adulthood, children develop an enhanced ability to understand what other people are thinking and to evaluate the subtle meanings, thoughts,

feelings, wishes and intentions behind speech and behaviour. Social emotions such as guilt or embarrassment become more complex as children increasingly understand how others might perceive their behaviour. For example, embarrassment requires insight into another's point of view.[90]

Throughout childhood, children gradually develop awareness of people's intentions and feelings and the ability to anticipate how others will respond to situations. These skills depend on a complex set of cognitive processes, which is known as the social mind. The capacity to understand the minds of others was once thought to change little after the age of 5 or 6, but research now recognizes that the brain continues to undergo significant structural changes during adolescence. These developments underpin adolescents' increasing ability to empathize and understand different perspectives[91]and navigate social complexities. Experiments requiring adolescents to demonstrate insight into another person's perspective show steady improvement from late childhood through adolescence and into adulthood. These findings highlight that the capacity to make decisions and take corresponding actions in response to another person is still developing until a relatively late stage.[92]

The capacity to integrate the perspectives of others when judging the reasonableness or fairness of their behaviour also increases during adolescence.[93] In addition, those who are better able to consider another person's thoughts and actions are more likely to be trusting of others, showing greater level of sophistication and discrimination in deciding how much trust and reciprocity to adopt, as opposed to simply generalized increases in prosocial or generous behaviour.[94]

Need for peer acceptance. Adolescents begin to focus more intensely on how others judge them and attach more importance to such opinions than they did in earlier childhood. A deep and complex sense of self, particularly the social self, emerges during this period, shaped most powerfully by peers of similar age and experiences.

Adolescence brings heightened social awareness and preoccupation with the reactions of others, possibly because adolescents tend to rely more than adults on imagining how they would feel in a situation rather than engaging in detached cognitive processes. Their brains are especially attuned to tracking emotional or socially stimulating activity around them, which can make it harder to sustain attention on less emotionally engaging tasks, such as classroom learning. The ability to filter out distractions continues to develop into adulthood, gradually strengthening the capacity to stay focused.[95]

As patterns of social behaviour shift during this period, the opinions of peers begin to outweigh those of family members. Research indicates that adolescents are significantly more likely than adults to interpret rejection by friends as a sign of personal unworthiness, often leading to heightened

anxiety. They also care more deeply about how they are perceived within their social group, which increasingly shapes their sense of self-worth as they progress through this stage of development.[96]

This growing need for peer approval is confirmed in research showing that, while younger adolescents demonstrate comparable levels of generosity irrespective of whether they knew or liked someone, older adolescents increasingly differentiate and show greater prosocial behaviour towards friends. This means that as they grow older, adolescents place more weight on people's identity, and their membership and role in the peer group become increasingly important.[97]

The patterns of change are not universal. For example, adolescents in some high-income countries, especially girls, tend to spend more time with friends and less time with parents and family.[98] Adolescent boys also spend less time with family but more time alone, often online, while maintaining similar amounts of time with friends.[99] These patterns reflect not only stages of puberty but also cultural context. In countries such as India, Japan and the Republic of Korea, adolescents have been found to spend as much time with their families as they did when they were children.[100] Expectations and pressures, including parental attitudes towards academic performance, the need to find employment, domestic obligations, concerns over the protection of adolescent girls, prioritization of strong community and familial ties, also influence these patterns.

However, a sense of self does not depend solely on how others view adolescents or on how adolescents think others view them. It also involves the ability to reflect on their own responses and understand the sources of emotional reactions. This form of introspection increases during adolescence before levelling off in adulthood. In addition, it includes the growing capacities of adolescents to assess their confidence in their decisions of actions.[101]

Risk-taking. Adolescence is a period of increasing independence, with growing scope to make choices that often involve some degree of risk, for example, in sports, music, fashion, meeting new people and going to new places. A certain amount of risk-taking is important, providing adolescents with the opportunity to test boundaries, make new friends, learn from mistakes, and develop skills that support growth and creativity. However, risks can also lead to harm. Risky behaviours often involve choice, have uncertain outcomes and may result in negative consequences.[102]

Research on adolescent brain development helps explain why risk-taking increases during this period. This tendency has been linked to a mismatch between two key parts of the brain: the limbic system, which drives reward-seeking, and the prefrontal cortex, which is responsible for self-control and future thinking. The limbic system matures earlier, making adolescents highly sensitive to rewards. In contrast, the prefrontal cortex, which serves to inhibit impulsive behaviour, continues to develop throughout adolescence and into early adulthood.[103]

This imbalance limits the regulation of risk-taking impulses that adults, with their fully developed prefrontal cortex, can manage more effectively. Adolescents' stronger preference for immediate rewards also contributes to greater risk-taking than in adults. In the company of peers and emotionally charged situations, 13- to 16-year-olds take significantly more risks than older adolescents or adults.[104] Contributing factors include reduced self-regulation, conformity to group expectations and the desire for acceptance. Peer approval adds further pressure, increasing adolescents' susceptibility.[105] Research indicates that adolescents, young adults and adults take comparable risks when alone, without peer pressure or the need for approval. In these 'cold' contexts, adolescents are no more prone to risk-taking than adults, challenging the common perception that they are inherently risk-takers. By contrast, in 'hot' contexts involving peers, such as parties or driving with friends, adolescents are more likely to engage in risky behaviours like drug use or speeding. While peer influence also affects adults, the impact is significantly stronger during adolescence.

Risk-taking behaviour in adolescence is influenced by multiple factors and is not determined solely by neurological development. Under laboratory conditions, girls and boys exhibit similar levels of risk-taking; however, in real-world settings, such behaviours are significantly shaped by social, economic and cultural influences. For example, while both sexes engage in comparable levels of risk-taking until early adolescence, behaviour patterns begin to diverge, with boys notably more likely to engage in risky behaviours. Furthermore, evidence suggests that adolescents with higher cognitive skills, such as mathematics and reading, tend to take greater risks, while those with stronger executive functioning, such as impulse control and conscientiousness, are less likely to do so.[106]

Patterns of risk-taking and the influence of peers are evident in many cultures. A study undertaken with 5,000 young people from 11 countries (China, Colombia, Cyprus, India, Italy, Jordan, Kenya, the Philippines, Sweden, Thailand and the United States) found consistent trends in risk-taking and self-regulation. Among study participants, risk-taking increased between pre-adolescence and late adolescence, peaked at age 19, and declined thereafter. By contrast, self-regulation rose steadily from pre-adolescence into young adulthood, levelling off between the ages of 23 and 26. While the magnitude of these trends varied across countries, the overall developmental patterns were largely similar.[107]

2.5 Supporting the development of children's capacities

As children progress through early childhood and beyond, their confidence, competence and understanding develop as their social connections, relationships, expectations and opportunities

to participate expand. The positive impact of creating space for children to test new boundaries is widely recognized in child development theory. One influential framework refers to the "zone of proximal development", which distinguishes between what a child can do alone and what they can do with support.[108] Within this zone, development is fostered through scaffolding, where new skills build on existing ones with help from a responsive and enabling environment. This process allows children to attempt tasks they could not complete on their own, reinforcing the value of supported participation in building capacities.

Participation supported by adults creates a virtuous circle: The more children are able to engage, the more competent they become, and the more effectively they can participate. This dynamic operates because children acquire competence in proportion to the scope they have to exercise agency over their own lives. Put in practical terms, the most effective preparation for building self-confidence is to achieve a goal for oneself and not merely to observe someone else achieving that goal.[109] Children come to understand the world through their own activities in communication with others. The importance of this analysis lies in the fact that children's capacities to participate are enhanced by environments where adults respect and value their contributions and actively work with them to build their skills.

The experience of active participation serves to build and strengthen children's capacities to engage and contribute to decisions in their lives. Evidence increasingly shows that routinely taking children's views and experiences into account – within the family, at school and in other settings – helps develop children's self-esteem, cognitive abilities, social skills and respect for others.[110] Children themselves consistently report acquiring new skills, enhanced self-confidence and greater capacity to engage in decision-making across different settings.

The development of interaction and participation begins in early childhood but takes on greater significance during adolescence when both the emergence of a discrete identity and separation from primary caregivers occur. The desire to discover an authentic self appears to be universal across societies. In cultures that value interdependence, this may involve psychological separation while maintaining strong emotional and physical ties to family.[111]

Studies across different ethnic and cultural contexts reveal comparable increases in age-related conflicts between parents and adolescents, reflecting a shared drive for greater independence.[112] The nature of parent–child relationships, including parenting style, influences how adolescents express this growing desire for independence, and, in turn, their behaviour affects parental responses. As a result, adolescents bring a unique dimension to interactions with parents, in turn shaping parents' experiences of parenting.

PART II

Exploring the dimensions of children's evolving capacities

Across the three dimensions introduced in Chapter 1, there are significant overlaps and sometimes tensions. Children's capacities can be undermined or strengthened by the environments in which they live. These factors shape the opportunities children have to express their views and learn about their rights, the extent of their inclusion or exclusion in society, and the level and quality of education they can access. Chapters 3 to 5 unpack the concept of evolving capacities through the three interlinked dimensions, which show how evolving capacities are relevant across children's civil, political, social, economic and protection rights.

Chapter 3 explores evolving capacities as a developmental concept. Children's development, capacities and emerging autonomy are strengthened through the realization of their rights to education, play, health, family life, care and an adequate standard of living, among others. Correspondingly, children's capacities are impeded when those rights are violated, for example, through poverty, conflict or stress. This chapter reviews current evidence to inform the measures needed to create the economic, social and cultural environments that enable children to achieve optimum capacities.

Chapter 4 focuses on the emancipatory dimension. It addresses the need for recognition of and respect for the capacities children have to exercise their rights for themselves. The concept of evolving capacities in Article 5 addresses the transition of decision-making from parents to children and has implications for children's exercise of their civil rights, including their participation, civic engagement, agency, and the gradual assumption of increasing levels of responsibility for decisions that affect them. The chapter explores these issues and some of the barriers children face as they seek to achieve greater autonomy.

Chapter 5 deals with evolving capacities as a protective concept. Children are entitled to continuing protection throughout their childhood because of their age and vulnerability, including protection from activities, environments, experiences or information likely to cause them harm. The chapter explores cultural dimensions that define protection and harm, the role of risk in children's lives, the importance of children's own contribution to their protection and the changing nature of protection, consistent with children's evolving capacities.

Chapter 6 addresses children's experience of the digital environment as a domain with multiple significant impacts on children's capacities, including the development of new skills and access to new information and spaces where they function independently, often invisibly, and form new communities and identities. The analytical framework of development, agency and protection is applied to guide how best to enable children to thrive while protecting their development and well-being in an increasingly digital world, where relationships, connections and opportunities continuously shift.

3. The developmental dimension: Shaping children's evolving capacities

This chapter explores the multiple interlinked factors that influence children's evolving capacities and optimum development within the context of the family, community, institutions and wider society. The analysis is anchored in the Convention's provisions on economic, social and cultural rights, including the rights to health (Article 24), social security (Article 26), an adequate standard of living (Article 27), education (Articles 28–29), rest, play and cultural life (Article 31), and protection from economic exploitation (Article 32). It is also underpinned by Article 6, which affirms every child's right to survival and development "to the maximum extent possible", extending beyond biological survival to encompass the full development of personality, talents and abilities. The analysis is situated within the broader child rights framework, which affirms the indivisibility of all rights. From this perspective, fulfilling children's rights is inseparable from creating the conditions that enable their evolving capacities to flourish.

As Chapter 2 explains, children's physical, cognitive, emotional, social and moral capacities evolve through a dynamic process. This reflects the development of the child's biological and psychological characteristics, which draw on their individual and genetic developmental history, their immediate physical and social environment, the community and networks around them, and broader social, political and economic conditions, including the general beliefs and attitudes of the society in which the child lives. All children need nurturing care to develop their potential: good health and nutrition, safe and secure environments for both children and caregivers, and opportunities for early learning and responsive caregiving.[113] When these needs are met, children are more likely to be protected from adversity. Such protection allows capacities to evolve effectively and contributes to lasting benefits for health, productivity and social cohesion across the life course.

Supporting children's optimum development requires attention to the ways in which families, communities, society, institutions and State action interact to determine the process and outcomes of childhood development.[114] This chapter outlines the key conditions that support children's development and their evolving capacities, then examines how adversity, inequality, violence and discrimination can undermine these conditions, preventing many children from developing the skills and capacities needed to enjoy childhood and transition safely to adulthood.

The chapter argues that families, communities and the State share responsibility for creating nurturing and just environments that enable children's capacities to take root and grow.

3.1 The foundations of children's holistic development: Families, communities and the State

Parental responsibilities and State support. The Convention places children's holistic development at its centre, affirming their right to realize their physical, cognitive, emotional, social and moral capacities (*see Chapter 1*). This development does not occur in isolation but is shaped by the environments and relationships in which children grow. Central to this is the family. As the preamble states, "The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding". The Convention, therefore, positions the family as the primary setting in which children's evolving capacities should be nurtured and respected. Under Articles 18 and 27, the State is required to support parents, materially and socially, to ensure children have access to nutrition, clothing, housing, health care, education and other conditions necessary for their development. In this way, while the family is recognized as the primary setting for children's development, family life and wider caregiving environments must operate consistently with the Convention's obligations to respect, protect and fulfil children's rights and evolving capacities.

As elaborated in Chapter 1, parents or other primary caregivers are the main providers of children's care and play a vital role in supporting their developing abilities as they grow. The Committee on the Rights of the Child has recognized parents' central role in early childhood, emphasizing that through these relationships, "children construct a personal identity and acquire culturally valued skills, knowledge and behaviours."[115] Providing security, emotional stability, encouragement and protection is fundamental to parenting and remains critical through adolescence.[116]

The role of communities, the State and the wider environment in helping families. Families form the initial foundation for children's developing capacities, but their ability to nurture is profoundly shaped by the broader ecology surrounding them. Data across 99 countries show wide disparities in young children's early environments. For example, only 56 per cent of children aged between 2 and 5 receive early stimulation, with rates ranging from 71 per cent in wealthier households to 43 per cent in poorer ones. Where reported, around a quarter of children lack adequate supervision and 77 per cent experience violent discipline.[117]

When communities offer accessible health services, safe schools and spaces for play, families are better able to care for their children. Conversely, when such support is lacking, the strains

on parents intensify. Policies and prevailing social norms can either reinforce family strengths or compound the pressures they face, including persistent inequality, harmful practices or discrimination. Families do not operate in isolation from their wider environment and approaches to raising and nurturing children vary significantly across social and cultural contexts.[118] Parents and caregivers, and the children in their care, are affected by the conditions, dynamics and power structures of their environment, as well as by violations of rights that arise from inadequate living conditions and other adverse circumstances. In meeting their responsibilities to support families and children's evolving capacities, States must ensure that family environments are consistent with the Convention. This includes providing adequate conditions and upholding the full set of rights that children are entitled to and that are necessary for the development of their capacities.

The Committee on the Rights of the Child acknowledges the challenges faced by many families and urges States to fulfil their obligations to provide a comprehensive range of support to enable families to provide the quality of care necessary for children's optimum development and capacities. Such support includes implementing policies that ensure decent work and family income, adequate housing, family-friendly working hours, social protection, childcare services, parenting education, early childhood education and health care.

Children separated from family care. Some children become separated from their parents as a result of poverty, illness, conflict, displacement, migration, imprisonment or the death of one or both caregivers. Others face separation because families lack access to income support, disability services, mental health care or inclusive education. Inadequate policies and quality services increase the risk of separation, even when parents want to care for their children.[119]

The Committee has consistently argued that if a child must be placed away from parents, they should, as far as possible, remain within their extended family, foster care or small family group homes, rather than in institutional care. The United Nations places responsibility on States to provide alternative care consistent with children's best interests and with attention to continuity in their upbringing, taking account of their national, ethnic, religious, cultural and linguistic background and ensuring standards of care conducive to children's optimal safety, well-being and development.[120]

Negative impacts of institutional care. The Committee has warned that institutionalization often results in violations of children's rights and can hinder the development of their evolving capacities. It notes that large-scale institutions typically lack individualized care and emotional attachment, which can lead to developmental delays, neglect, stigmatization and long-term harm to children's physical, emotional and social development. According to the Committee, institutional care should be used only as a last resort, for the shortest possible duration and subject to regular review, in line with the child's best interests and evolving capacities.[121]

Although millions of children have historically been placed in institutions due to a lack of family support and limited alternatives, the global consensus is that residential institutions pose significant risks for children's development and well-being. A global review found consistent developmental harm linked to institutionalization. While the number of children in institutions is declining in many countries, millions still reside in large facilities and continue to face significant developmental risks.[122]

Children most vulnerable to separation from family care often experience multiple, intersecting disadvantages, including disability, poverty, gender or minority status. Institutional care is linked to developmental delays, and the longer a child remains in such care, the greater the risk of harm. Studies report adverse impacts on physical growth, brain development (including reduced head circumference), cognition, socioemotional development and attention. In over 80 per cent of cases reviewed, children in institutions scored below average compared with those in family-based care. Low levels of secure attachment to a caregiver, essential for healthy socioemotional development, were also common. Age and sex were found to influence outcomes, highlighting the need for disaggregated assessment.[123]

3.2 The role of peer environments and community life in shaping children's capacities

Social engagement beyond the family. Community life provides the everyday environments where children interact with wider social worlds outside their families. Here, they encounter local services such as early learning centres and schools, play spaces, health and childcare services, neighbourhood spaces including spiritual and religious centres, and, crucially, their peers who share these settings. These environments are where children first experience independence, test social roles and participate in groups, making them pivotal for developing children's sense of identity and agency. As Chapter 2 highlighted, this becomes especially significant in adolescence, when the search for autonomy, risk-taking and peer approval strongly influence development.

For many children, these settings also determine whether they are included or excluded on the basis of culture, language, disability, gender, social status or other factors. Indigenous children may experience schooling that ignores or stigmatizes their language and traditions, or conversely, may find in local programmes, spaces that affirm their culture and strengthen belonging. Children from minority, migrant or refugee backgrounds may encounter solidarity and acceptance among peers or bullying, hostility, or outright exclusion.

The Convention highlights the importance of these spaces through the rights to education (Articles 28–29), to rest, leisure, play and cultural life (Article 31), and to protection from violence and exploitation (Articles 19, 32, 34). What happens in these daily contexts can reinforce the care and protection offered within families or expose children to discrimination, exclusion and harm. They are the settings in which evolving capacities are exercised and may be expanded or constrained. Schools offer a key institutional example of how such environments shape children's cognitive, physical, social, emotional and moral capacities.

The centrality of schooling to children's development. The Convention emphasizes the right to education as integral to children's development. Article 28 establishes the right of every child to free, compulsory primary education and access to secondary education, while Article 29 focuses on the aims of education, demanding that it must be directed to "the development of the child's personality, talents, mental and physical abilities to their fullest potential". In pursuit of that aim, education must promote respect for human rights, the child's parents and culture, and the natural environment, while preparing the child for life in a free society. The Committee on the Rights of the Child has emphasized that education must take account of "the child's special developmental needs and diverse evolving capacities."[124] This means education must aim to develop children's optimum capacities and must be delivered throughout their school life in ways that respect their evolving capacities.

The Convention on the Rights of the Child (as well as the International Covenant on Economic, Social and Cultural Rights, Article 13, the Convention on All Forms of Discrimination against Women, Article 10 and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 30) requires States to ensure that the right to education is enjoyed without discrimination of any kind, demonstrating that the right to education applies to persons of all ages, including young children. This right is reinforced by the Committee's General Comment No. 7 (2005), which affirms that the right to education begins at birth. In their concluding observations, United Nations treaty bodies consistently recognize the right to early childhood care and education as a component of the right to education.[125] The Committee "interprets the right to education during early childhood as beginning at birth and closely linked to young children's right to maximum development",[126] in line with evidence that shows early life experiences shape brain architecture, forming the basis for lifelong learning, behaviour and health.[127]

The experience of violence in schools. For many children, the reality of schooling is far from this vision. Violence, harassment and gender bias continue to drive children, especially girls, out of education. Violence perpetrated by teachers and other students remains a continuing problem for many millions of children. In a sample of sub-Saharan African countries, more than one in three children reported being physically attacked in school. In Central America, two in five

students reported psychological bullying, and in Senegal and Zambia, more than 1 in 10 students experienced sexual harassment at school over a four-week period.[128] Data from the UNICEF Europe and Central Asia region showed that around 7 per cent of 11-, 13- and 15-year-old children reported having bullied others. Analysis revealed that boys were more likely to be perpetrators of violence, and girls were more likely to be cyberbullied.[129] Cyberbullying has become a significant feature in the lives of children. Data from the Healthy Behaviour of School-aged Children study indicate that one in six children across Europe has experienced cyberbullying.[130]

Violence, including cyberbullying, has profound consequences for children's learning. Corporal punishment is consistently associated with poorer learning outcomes, with the most negative impact on the poorest students.[131] Evidence from Ethiopia, Jamaica, Pakistan, Peru and Viet Nam confirms this negative association,[132] while a randomized trial in Jamaica showed that reducing corporal punishment improves learning outcomes.[133] Similarly, studies from Latin America, Botswana, Ghana and South Africa show that bullying leads to lower achievements in maths and reading.[134]

Violence in and around schools, including corporal punishment, bullying and sexual violence, has serious and lasting effects on children's learning, mental health and future opportunities. Studies consistently show that violence is linked to lower academic performance, especially in literacy and numeracy, with the poorest students most affected. Sexual and gender-based violence leads to stigma, early pregnancy, school dropout and long-term psychological harm, including anxiety, depression and suicidal thoughts. Violence in schools undermines individual potential and societal development, including gender equality.[135]

When teaching holds children back. Harsh discipline in schools can affect both student learning and behaviour.[136] Where curiosity and questions are viewed as disruptive and inappropriate, there is little scope for children to play an active participatory role in their own learning. Such restrictive approaches to teaching focus narrowly on cognitive development, despite research showing that social and emotional skills are foundational to learning.[137]

Skills such as patience, persistence, self-control, motivation and self-confidence flourish in quality learning environments and contribute to individual development and wider social benefit.[138] As Chapter 2 highlights, these capacities are closely linked to adolescent brain development, which continues into the late teens; schools that nurture them play a decisive role in helping young people consolidate self-regulation and decision-making at a critical stage of growth.[139] Teachers play a crucial role in supporting these capacities, but they need training to help children develop self-regulation and executive function skills, which can be taught through participatory and play-based learning.

Promoting the development of capacities through play. Play takes place at home and also in community spaces where children engage with peers and experience play as part of daily collective life. Beyond the family, the opportunities children have to play are created, or constrained, by the availability of safe spaces, supportive community norms and institutions that recognize their value. Schools, childcare centres, libraries, playgrounds, cultural organizations and local initiatives all provide the environments in which play can flourish.

Article 31 of the Convention introduced the right to play, recreation and participation in cultural and artistic life, acknowledging for the first time in international law the central place of play in children's lives and the need for activities to be appropriate to the age of the child. In this way, the Convention recognizes both children's evolving capacities in determining how play opportunities should be provided, and the importance of play in children's development.

The Committee on the Rights of the Child has described play as an essential component of physical, social, cognitive and emotional development, contributing to creativity, imagination, self-confidence and self-efficacy.[140] Far from being frivolous, play is critical to brain development, supporting socio-emotional and executive functioning, learning and adaptive behaviour, and helping to reduce stress.[141] The Committee defines play as behaviour that is non-compulsory, driven by intrinsic motivation rather than as a means to an end, and involving the exercise of autonomy through physical, mental or emotional activity.[142] Its key features include fun, uncertainty, challenge, flexibility and non-productivity.

Examples of experimental studies and contextualized learning show that play is a powerful, yet often neglected approach to supporting children to develop skills and thrive. In Bangladesh, disadvantaged children in a play-based programme outperformed peers in communication, motor skills, problem-solving and personal-social development, narrowing early learning gaps.[143] In Uganda, a community-designed curriculum, 'Let's Play and Have Fun', used a play-based, child-friendly pedagogy that drew on local songs, rhymes and stories to promote language learning and gender equality, positively influencing norms from an early age.[144]

Another study found that children who engaged in one-to-one play sessions with teachers over a year had lower stress hormone levels and improved behaviour compared with a control group.[145] A global review of evidence identified more than 300 studies from around the world supporting an association between learning through play and children's holistic (i.e., cognitive, social, emotional, physical and creative) skills.[146]

As children move into adolescence, play and recreation take on different forms. For older children, having time and space to be with peers, explore emerging independence, and develop a sense of identity and belonging is vital to their development and transition to adulthood. Many adolescents

engage in gaming, creating music, making videos, social networking and building a shared culture with others.[147] Yet the positive potential of creative and playful online activity can be undermined by features that make it difficult to disengage, create data protection and privacy risks, and lead to exposure to hate or a lack of safety. Poorly designed online spaces do not allow adolescent risk-taking without exposure to harm.[148] These dynamics are explored in greater depth in Chapter 6, which examines the digital environment and its implications for children's evolving capacities.

BOX 8

Barriers to the right to play

Children show an extraordinary capacity to find moments of fun and imagination, even in the most difficult circumstances: in camps and settlements for displaced populations, during school lessons, or in the working day. Yet many millions are denied the time or space to access safe and meaningful opportunities to play.

The Committee on the Rights of the Child has highlighted the particular vulnerability of children in detention or institutions, those with disabilities, and those living in conflict or humanitarian crises, who are especially likely to be denied opportunities for play. In many contexts, girls face further restrictions: Burdened with domestic chores and childcare responsibilities or expected to withdraw from public spaces in adolescence, they lose the chance to benefit from the social dimensions of play and recreation.[149] In her landmark 1996 report, Graça Machel, then the United Nations Secretary-General's Expert on the Impact of Armed Conflict on Children, emphasized that children in conflict zones need more than material provision; they also require the intellectual and emotional stimulation provided by structured group activities such as play, sport, drawing and storytelling.[150]

In many environments, play is simply unsafe: Open sewers, polluted water, traffic hazards, gang violence or unexploded ordnance can all turn play into a source of danger rather than joy. Fears for children's safety can lead to overprotection, with surveillance and restriction limiting their freedom. Beyond this, children may also be excluded from public spaces by hostility and suspicion, a reality that weighs particularly heavily on adolescents.

Urbanization adds further barriers by reducing access to parks, forests and other natural settings, while the growing dominance of academic work and adult-organized activities leaves little scope for self-directed play. Community and development programmes often reinforce these patterns by prioritizing nutrition, immunization and schooling.

Finally, children's increasing presence in the digital environment exposes them to a global commercial culture rarely mediated by parental or community values.[151] Marketing and commercialization by toy and game manufacturers can stifle creativity, reinforce stereotypes, and in some cases threaten children's safety or compromise their privacy.

3.3 The impact of adversity, discrimination and inequality on children's lives

The impacts of gender inequality on girls' experiences, lives and development. The evolving capacities of girls and their opportunities to fulfil their potential are powerfully influenced by the construction and imposition of gender roles in societies around the world. Gender interacts with but is different from sex, which refers to biological and physiological characteristics, such as chromosomes, hormones and reproductive organs.[152] By contrast, gender refers to a complex system of roles, expressions, identities, performances and qualities that are given gendered meaning by a society, based on sex. It is hierarchical and results in intersecting inequalities and forms of discrimination based on ethnicity, disability, social and economic status, age and geographic location. These gender roles can and do also change over time as social norms become either more permissive or restrictive.

Gender bias and resulting discrimination begin in childhood, with children facing unequal gender norms prescribing their behaviour, expectations and access to resources and opportunities (*see Box 9*). However, as girls enter and progress through adolescence, the gendered nature of their role in society starts to intensify, shaping their lives and life chances. Whereas adolescence for boys generally brings greater freedom and autonomy, for girls, gender- and age-related social norms can be more rigidly enforced.[153] Critically, girls face a shrinking rather than an expanding world in the years of early adolescence, leaving behind comparatively freer childhoods and entering the more restrictive adult gendered roles of their cultural community.[154]

The implications are profound, with lifelong detrimental consequences. Girls are often confined to roles as potential mothers, wives and caregivers, with their mobility restricted to activities within the home in preparation for a life of domestic care. Time use studies show that girls consistently spend more time on domestic care work than boys.[155] Although gender parity has been achieved in primary and lower secondary schooling, and girls in many countries outperform boys on several measures of achievement, the gender gap widens in upper secondary schooling, affecting girls' transition into employment and, in several countries, contributing to the prospect of early marriage.[156]

BOX 9

How social norms serve to impede the development and rights of girls

Many girls across the world are denied the opportunity to fulfil their potential as they progress through childhood, in accordance with their evolving capacities, across the following domains of their lives.[157, 158]

Education and learning

In general, in the Global South, education trajectories for girls flatten out more than for boys, especially for those from the most disadvantaged backgrounds.[159] A key driver of this pattern is the tendency to keep girls at home to protect them from sexual violence and to demonstrate the sexual purity demanded by prevailing social norms.[160] Even where girls are permitted to go to secondary school, they commonly have poor attendance as families prioritize domestic chores and caring responsibilities over education and learning. These activities are seen as more relevant to girls' futures, which are primarily understood as being associated with marriage and childbearing.

Bodily integrity

The right to bodily integrity becomes increasingly important for girls as childhood progresses and their capacities evolve. However, prevailing social norms serve to impede their gradual autonomy. Child marriage remains a significant threat, reinforced by social norms that place a high priority on girls' ability to produce children.[161] For example, a third of girls in developing countries are married before the age of 18, and nearly 10 per cent are married before the age of 15.

Inevitably, girls from the poorest and least-educated families are at greatest risk.[162] In cultures that practice female genital mutilation/cutting and other harmful traditional practices, adolescent girls are at further risk.[163] They are also especially vulnerable to sexual and gender-based violence, again, supported through gender norms characterized by gender inequality and unequal power relations.[164]

Physical and reproductive health and nutrition

In countries where social norms prioritize boys, girls can face disadvantages from birth, with their nutrition and physical health compromised in favour of boys. For example, they may lack protein and nutrients as they are likely to be fed less than boys.[165] Social norms can also impact their experience of puberty and menstruation through restrictions on their day-to-day activities while they are menstruating, lack of opportunity to be informed about or negotiate sex and contraception, and limited control over their health care.

Psychosocial well-being challenges facing adolescent girls

Social norms also impact girls' psychosocial well-being and development. They contribute to girls' susceptibility to mental health problems in late adolescence. Evidence from Viet Nam, for example, documents how adolescent girls often have far fewer opportunities than boys to enjoy leisure time or engage in informal play with peers – activities that are crucial for building identity, confidence and overall well-being.[166] The Committee on the Rights of the Child, for example, has stressed that "play and recreation facilitate children's capacities to negotiate, regain emotional balance, resolve conflicts and make decisions."[167] This is a central dimension of their evolving capacities through childhood. However, in certain contexts, adolescent girls are likely to be isolated from peers within the confines of the home, with restricted mobility, and, where they are married as children, deprived of the support of their own family.

Voice and agency

With far less access to public spaces, adolescent girls are deprived of opportunities to express their views and participate in civic discourse, and the associated potential to build skills and confidence in having a public voice.[168] Even where they are afforded access to physical or public spaces, learned assumptions about their role in society, reinforced by social norms that impose expectations of docility, mean that they will commonly cede their opinions to others and lack the confidence to assert their views, whether in the family, school or wider community.

Economic empowerment

With far lower investment in or recognition of the evolving capacities of girls, expectations of them in terms of economic empowerment are typically lower than for boys. As they progress through adolescence, girls begin to internalize these differences and lower their own economic aspirations to match those held by their parents.[169] Furthermore, their access to employment opportunities is likely to be narrower than for boys, and often limited to agriculture, the informal labour market and domestic work.

However, despite the formidable challenges that girls face, it is important to recognize that, with appropriate support, resources, encouragement and recognition, they can – and indeed do – begin to exercise agency, assert their capacities and challenge harmful social norms that restrict their development. Evidence from many low- and middle-income countries shows that when girls are provided with dedicated programmes offering safe spaces, awareness raising, skills training and peer support to build self-confidence and self-efficacy, they contribute to transforming attitudes to gender equality, child marriage and restrictions on mobility outside the home.[170]

To achieve sustained cultural transformation in the opportunities available to girls, it is necessary to invest in engagement with boys and men to tackle norms of masculinity and support families to recognize the value of a more gender-equitable lens. It is equally important to work with local

communities to support girls as they transition through adolescence, strengthen school systems to acknowledge and invest in girls' capabilities, and reinforce the services and systems on which their development depends.[171]

Equality, non-discrimination and inclusion in promoting children's development. Childhood is a crucial period for building self-esteem and identity. Children's self-concept and role in society stem from everyday experiences such as relationships, media content, social practices, public attitudes and cultural assumptions. Growing up in a society where they consistently experience being treated as less worthy, unacceptable or as outsiders can quickly lead to children internalizing these attitudes, resulting in assumptions of inferiority and subsequent low self-esteem.[172]

Every child has the right to protection from discrimination on any grounds (Article 2). Discrimination can occur based on multiple factors, including disability, sex, race, ethnicity, religion or parental status, and this may be compounded by intersecting forms of exclusion.[173] The forces that contribute to discrimination are often complex and can be rooted in socio-economic, racial and ethnic power imbalances, as well as entrenched cultural and religious traditions and beliefs. The impact on children's development can be profound.

Stress linked to persistent discrimination has been associated with heightened cortisol levels and long-term risks of fatigue, anxiety, depression and cardiovascular disease.[174] Internalizing negative stereotypes has also been shown to contribute to poor educational outcomes and gaps in educational achievement.[175]

Racism undermines children's development in multiple ways. It can be structural, through laws, policies and institutions that entrench inequities; cultural, through prevailing stereotypes and assumptions; and interpersonal, through bullying, exclusion, hate speech, hostility and violence. Each form contributes to stress, limits opportunities and reinforces patterns of disadvantage.[176] Children who migrate or are displaced can also face xenophobia. Around the world, migrants are often seen as outsiders and pushed to the margins of society. While nationality and race are often key factors in their exclusion, economic status can further compound their disadvantage.[177]

The emotional and psychological damage caused by racism is made worse by the fact that marginalized children are also more likely to have limited access to the services they need or to receive poor-quality services, thereby undermining the ability of parents to provide the support necessary for their children's development. In fact, racism can be seen as a form of violence that leads to health disparities.[178]

Social exclusion of Indigenous children. The consequences of discrimination are especially visible for groups that have endured systemic exclusion across generations. For Indigenous children, colonization and social exclusion have combined to sever cultural continuity and entrench disadvantage, with profound effects on health, identity and opportunities to develop their capacities. Indigenous cultures often view childhood through a multi-generational lens in which babies are seen as future ancestors with obligations to generations yet to come. Attachment is understood not only to parents but also to land, community and spiritual continuity.[179] This perspective affirms children's value and agency from birth, situates their development within collective relationships rather than solely individual progress, and provides resilience through identity and belonging. When these systems are disrupted by colonization and continuing discrimination, stigmatization and exclusion, children are deprived not only of material resources but also of the cultural frameworks that support their capacities to flourish.[180]

BOX 10

Addressing exclusion through intercultural and bilingual education

Indigenous children, who are often marginalized and discriminated against within their countries, have consistently seen the development of their capacities impaired throughout their childhood. Measurement of educational outcomes has steadily highlighted discrepancies between Indigenous children and their non-Indigenous peers.

A study in Latin America and the Caribbean has identified various factors, including limited access to education services (including early childhood education), poorer quality provision in schools with a majority of Indigenous students, and early development gaps linked to poverty, disease and nutritional deficits. However, even when controlling for socioeconomic differences among students, lower achievement among Indigenous children persists.

One key element relates to the discrimination and lack of cultural adequacy in education systems, which puts Indigenous children at a significant disadvantage. Teachers may have lower expectations for Indigenous children, which negatively affects learning. Schooling is usually in Spanish, a second language for many Indigenous children who speak their Indigenous language in their families and communities.

Indigenous cultures are often insufficiently integrated into teaching approaches and curricula, compromising the cultural relevance of education. Intercultural and bilingual education has been shown to be effective in supporting the learning capacities of Indigenous children, involving

parents in children's education, encouraging community engagement and strengthening children's self-esteem, with favourable outcomes.

In Panama, for example, the Jandenkä intercultural and bilingual education programme in preschool mathematics has incorporated the language, culture and mathematics practices of the Ngäbe, Panama's largest Indigenous group. The programme builds on traditional ways of counting in the Indigenous language, which depend on the object concerned. Evaluations have shown significant progress among children, equivalent to nine additional weeks of mathematics instruction, and notable improvements in parents' and teachers' relationships and in parental involvement in mathematics.[181]

In Canada, First Nations communities established their own child and family service agencies to respond to the legacy of residential schools, where children were forcibly separated from families and endured institutional neglect and abuse. Yet these agencies were systematically underfunded and could not meet children's needs or support cultural practices. Civil society movements have mobilized for justice, equality of access to services and recognition of past harms through public education, advocacy and legal challenges, creating opportunities for empowerment, dignity and resilience within affected communities. Notably, children have been supported to participate as key drivers of social justice and civil rights movements, engaging in public education and outreach events, interacting with politicians and community leaders, producing public service announcements, attending court proceedings, and marching in solidarity to call for equity for First Nations children many times.

Box 10 provides illustrative examples of how cultural recognition, inclusive policy and children's participation can strengthen capacities in Indigenous communities. Indigenous children face the compounded effects of exclusion and cultural loss, as well as persistent barriers that limit recognition of their capacities. These experiences demonstrate how prevailing attitudes, policies and social structures can devalue children and restrict the environments needed for their development to flourish.

BOX 11

Barriers faced by children with disabilities

An estimated 240 million children worldwide live with disabilities, representing 1 in 10 of all children. They face disproportionate risks of violence, exclusion from education, poorer health outcomes, malnutrition and institutionalization (*see Section 3.1*). They are less likely to be registered at birth, less likely to access humanitarian aid or development programmes, and more vulnerable to multidimensional poverty than children without disabilities.[182] These overlapping forms of exclusion limit the opportunities for children with disabilities to realize their evolving capacities on an equal basis with others.

The most pervasive barriers are attitudinal. Ableism, the belief that persons with disabilities are less capable or less valuable, drives stigma, segregation, institutionalization and exclusion from community life. These attitudes often become internalized by children, undermining their self-esteem and restricting their opportunities to develop. Overprotection, though sometimes well intentioned, can further deny children the space to exercise responsibility, participate in decisions and develop autonomy. Addressing these barriers requires more than service provision. A 2021 global study by UNICEF revealed that achieving systemic social and behaviour change requires time, investment, and integrated communication, programme and advocacy interventions.[183] Understanding the beliefs and attitudes, characteristics, contexts, and challenges of target populations is key to properly designing and implementing complex programmes to respond to the drivers of exclusion and stigma.

A Council of Europe study in six European countries found that children with disabilities often concealed their impairments when communicating online, fearing rejection or bullying. While the digital environment provides opportunities to present themselves without stigma, their concealment reflects the persistent prejudice they face offline. These experiences illustrate how social attitudes and policy failures intersect to deny respect for capacities and opportunities for development.[184]

3.4 The impact of poverty on children's optimal development

Impact of poverty on the development of capacities. Poverty undermines children's evolving capacities in profound and lasting ways. Article 27 affirms not only the right of every child to an adequate standard of living, but also the State's obligation to assist parents and guardians to secure the conditions necessary for children's physical, mental, spiritual, moral and social

development. In other words, children must have the resources to thrive in every aspect of life in recognition that their youth and evolving development make them especially vulnerable and in need of protection from poverty. Despite the commitment in the Sustainable Development Goals to eradicate extreme poverty by 2030, progress is far from adequate: An estimated 900 million children globally face multidimensional poverty, meaning they lack necessities in at least three key areas: health (nutrition, sanitation), education (school attendance) and living standards (cooking fuel, electricity, housing).[185]

Living in poverty profoundly harms children's development, depriving them of enriching experiences and potentially exposing them to heightened stress.[186] A growing body of evidence indicates that children's capacities are influenced more by their context than their genetic heredity, as was previously assumed.[187] Such findings highlight that poverty is a critical barrier to development, and that the most effective interventions must focus on enhancing household resources and ensuring they reach children, starting in their earliest years.[188]

The devastating impact of material deprivation begins before birth and continues through early childhood. As seen in Chapter 2, inadequate maternal nutrition causes profound harm to child survival, physical growth and cognitive development, with the consequences enduring throughout life: Children are more likely to perform poorly in school, to have reduced earning capacity and to remain trapped in intergenerational cycles of deprivation.[189] Children from low-income households are likely to have poorer language skills and less ability to perform executive functions such as emotional regulation and self-control.[190]

BOX 12

The cumulative effect of poverty and inequality

Understanding the impact of material poverty on children's development has broadened to include the multiple dimensions and pathways through which income poverty leads to deprivations in other areas – nutrition, education, health – that adversely affect children's overall development throughout childhood. Multi-year cohort studies provide unique insights into these patterns and the linkages between poverty and inequality, and between household effects and child-specific outcomes.

Using data from a 20-year-long longitudinal study in the United Kingdom that followed thousands of children born in the early 2000s, a 2020 UNICEF study examined how poverty affected mental well-being, physical health and cognitive skills.[191] To determine whether these patterns change

over time, 14-year-old children were grouped into categories based on the frequency of their experiences with poverty across six different points in time during their childhood, from 9 months.

At 14 years of age, children in the lowest-income households were 2.6 times more likely to have a poor vocabulary and 1.8 times more likely to be obese compared to children in the richest group. Children who had experienced poverty were also significantly more likely to be obese and slightly more likely to be depressed at 14 years of age. Children who had lived in more persistent poverty also had poorer vocabulary skills, suggesting that developmental disadvantage builds over time, especially as acquiring new skills builds on earlier ones.

Young Lives, a four-country longitudinal study in which cohorts have been studied at key points between the ages of 1 and 22 in Ethiopia, India, Peru and Viet Nam, similarly reports on the specific issues faced by the poorest children in their datasets.[192] Over five survey rounds, four waves of qualitative research, two school effectiveness surveys and several sub-studies, Young Lives gathered around 150 million items of information on 12,000 children, their caregivers, households, siblings, peers, communities and school classmates.

The findings revealed that economic growth has had a positive effect on children, evidenced in improved infrastructure development, services expansion, new opportunities and improved outcomes. However, the poorest children were often unable to benefit from these gains. Social and structural inequalities, including those related to caste, ethnicity or language, gender, and low parental education, restricted their access to quality services and opportunities.

Pressures arising from family ill health, debt, seasonal migration and other factors often led to children having to work to support families, even in middle childhood. The 'multiplier' effects of poverty on children's capacities and development need far greater attention – with risks in one domain, such as caregiver time and health, potentially creating consequences for child nutrition or emotional support.

Although education, particularly early childhood education, can play a part in offsetting these early disadvantages, through, for example, economic support, better infrastructure and improved teaching quality, its impact is inadequate to offset the consequences of poverty – and schools frequently reinforce these inequalities. Children from wealthier households are often encouraged through selective grouping and advanced opportunities, while poorer children face lower expectations, limited support and fewer resources. More affluent parents with the time and resources are able to promote their children's knowledge, skills and abilities, while poorer families

have far fewer such opportunities.[193] Parents from disadvantaged families often struggle to engage with schools, encountering barriers of powerlessness, frustration and alienation.[194]

The mental health consequences of stress. Children's mental health is shaped by everyday stressors, the chronic pressures of poverty, and toxic stress arising from extreme adversity in the absence of nurturing relationships. When such pressures are intense and prolonged, they can trigger a toxic stress response that hinders optimal brain development and leads to cognitive, psychological and health difficulties, including anxiety, nervousness and depression.[195] Toxic stress can overwhelm a child's ability to cope, disrupt brain architecture, and result in long-term cognitive, emotional and physical impairments (*see Box 12*).[196] These pathways illustrate how deeply social and economic conditions penetrate children's lives, and how wider norms, laws and policies influence the environments in which capacities evolve.

The effects can begin even before birth. Maternal stress during pregnancy can alter foetal development through reduced oxygen supply and hormonal changes, increasing risks of anxiety, hyperactivity, aggression and later-life illnesses such as diabetes and heart disease.[197] Early infancy is another sensitive period: Inadequate secure attachment or stimulation can have lasting consequences for learning, emotional regulation and social integration. Because the brain is especially responsive to environmental inputs during these windows, deprivation can produce deficits that are extremely difficult to reverse and heighten vulnerability to stress in adulthood.[198]

As children grow, these early vulnerabilities can be reinforced by the conditions in which they live. Many children in poverty experience sensory deprivation, nutritional deficits and persistent uncertainty, all of which generate chronic stress. This sustained pressure affects memory, learning and long-term health, and is associated with higher risks of adult chronic conditions, including cardiovascular disease, stroke, some cancers, asthma, chronic obstructive pulmonary disease, kidney disease, diabetes, overweight or obesity, and depression, as well as increased health-risk behaviours.[199]

These pressures intensify during adolescence, a time of rapid physical, emotional and social changes. Globally, one person in six is aged between 10 and 19 years, and for many, these developmental shifts occur alongside poverty, abuse or violence, increasing adolescents' vulnerability to mental health problems. Yet adolescence also offers an important opportunity: The brain's plasticity enables repair and adaptation, and with supportive environments, appropriate services and nurturing relationships, adolescents can build resilience, strengthen coping strategies and recover from stress-related harm.

Across these stages, stress operates as a pathway linking adversity to development. Institutional and economic adversity – including poverty, institutionalization, conflict and exclusion – can

become biologically and psychologically embedded, shaping children's capacities and affecting the realization of their rights. Children have a right to the highest attainable standard of health, including mental health (Article 24), and to recovery and reintegration when they experience neglect, abuse, exploitation or armed conflict (Article 39). Despite these protections, an estimated one in seven adolescents worldwide lives with a mental health condition, often unrecognized and untreated, exposing them to stigma, exclusion, educational difficulties and health risks.[200]

Developing capacities to be resilient and recover from adversity. However, not all children exposed to stressful circumstances experience detrimental consequences. Some children develop adaptive capacities to overcome adversity, while others do not. Research indicates that whether children experience stress because of poverty, parental substance abuse or serious mental illness, experiences of war and conflict, personal violence or chronic neglect, those who are more able to recover from adversity have had at least one stable and committed relationship with a supportive parent, caregiver or other adult. Children who are supported through difficulties by someone who values, protects and stands by them are more likely to develop the capacities that enable them to withstand and overcome the challenges they have faced. Such support also helps children build capacities, including the ability to plan, monitor and regulate behaviour and adapt to changing circumstances, enabling them to respond to adversity and thrive.[201]

Furthermore, where children are supported to build a sense of control over their lives and to believe in their own capacity to overcome hardships, they are far more likely to adapt positively to adversity. This combination of supportive relationships, adaptive skill-building and positive experiences creates the basis of what is known as resilience.[202] In other words, resilience is not a consequence of an intrinsic characteristic or quality. It can be considered an outcome, a process or a capacity, but ultimately it is a positive, adaptive response in the face of significant adversity, which transforms potentially toxic stress into tolerable stress.

One of the consequences of this understanding of resilience is recognition that it is not sufficient merely to remove a child from a stressful or unsafe environment. It is equally important to invest in the child to build their capacities to heal and counterbalance the negative effects of violence and maltreatment. A commitment to promoting resilience means a shift from focusing exclusively on protection from imminent danger to adopting a strength-building approach that promotes the adaptive capacities that facilitate healthy development.

BOX 13

Children express their views on mental health

Children are increasingly vocal about their experiences of mental health. In 2020, the European Union consulted over 10,000 children for its child rights strategy.[203] The consultation revealed a striking scale of distress. Almost 1 in 10 reported suffering from mental health problems such as depression or anxiety. The prevalence rose sharply with age: from 2 per cent at age 11 to 14 per cent at age 17. Gender differences were marked: 11 per cent of girls reported mental health problems compared to 3 per cent of boys, while 22 per cent of girls said they felt sad most of the time compared to 14 per cent of boys.

Vulnerabilities were especially acute among minorities. Almost half of LGBTIQ+ respondents and one-third of children with disabilities reported feeling sad or unhappy most of the time, as did 21 per cent of children from ethnic minorities and 30 per cent of children identifying as migrants. Many cited anxieties about the future, challenges at school, loneliness, family conflict and bullying as the main drivers of their unhappiness. Children emphasized protective factors: family support, friendships, trusted adults, sport, exercise and music. Girls reported using most of these coping strategies more than boys, with the exception of sport. In contrast, LGBTIQ+ children reported seeking support online more often than any other group, though only one in four said they had a trusted adult to confide in.

3.5 The impact of crises on children

Children in armed conflict situations. Children are exposed to long-running armed conflict in the form of war, with widespread and long-term consequences for their well-being and development. For example, according to UNICEF, in Gaza City, over 450,000 children face “devastating consequences” from military operations, with 70 per cent experiencing sleep disturbances and psychological distress.[204] Similarly, the adolescent years have been particularly challenging for Ukraine’s teenagers, for whom school closures, absence of proper shelters, lack of connectivity and constant stress have led to immense learning losses and mental health challenges.[205] Feelings of sadness, anxiety and loneliness are prevalent among girls.[206] Finally, since the conflict in the Sudan began in April 2023, UNICEF estimates that over 15 million children are in need of humanitarian assistance, with schools remaining closed or destroyed, and children facing grave risks of violence, recruitment by armed groups and separation from families.[207]

As populations of children exposed to conflict increase globally,[208] significant knowledge gaps remain regarding these effects. Limited attention has been given to improving access to

evidence-based mental health and psychosocial supports in conflict and armed violence settings.[209] A review of evidence on how war-related traumatic events impact the development of Syrian refugee children,[210] the largest population of refugees from one country in modern history, assessed the experience of potentially traumatic events at different stages of displacement (pre-, peri- and post-migration) and concluded that both parents and children are at an elevated risk of mental health issues, including psychopathology and psychosomatic symptoms. Accumulating stressors created risks of sub-optimal developmental outcomes and delays in multiple domains, though hints of resilience also emerged.

More specifically, findings from a longitudinal study in Rwanda,[211] covering a unique sample of 732 caregivers of children aged between 6 and 36 months living in extremely poor rural households found that caregiver trauma and daily hardships can affect parenting behaviours through emotional dysregulation, particularly affecting parental acceptance or rejection of their offspring. Other studies point to the impacts of exposure to local organized violence during pregnancy on a child's birthweight,[212] and early life stress on children's development and future life outcomes.[213] The impacts of localized gang violence can also persist into later years. A study conducted in Brazil revealed that students living in gang-controlled areas scored about 10 points lower on standardized tests compared to those in non-controlled regions – an impact equivalent to losing roughly six months of learning.[214]

Children in armed forces and armed groups. The involvement of children in armed forces and armed groups has significant long-term health and social consequences. The Committee on the Rights of the Child has taken a clear view that no child should be recruited voluntarily, manipulated or otherwise coerced into armed groups below the age of 18 years.[215] In these situations, children are subjected to extreme external pressures, which influence their options, understanding, capacities and decision-making. Such pressures also deny children their rights, including access to education, health care, family life, play, protection from violence and exploitation and even their very lives. These pressures and denial of rights have a profound impact on children's developmental capacities over the life course.

Research has shown that even where children physically survive their experience, the consequent psychosocial damage is compounded by stigma and discrimination within their communities in the post-conflict period.[216] The degree of impact of trauma and its subsequent long-term psychosocial adjustment and social reintegration varies and is shaped by individual factors, such as age, gender, experience of violence, and the degree of risk and protection within their family, among their peers, and in the wider community. Harm can be partially mitigated where children are provided with strong family and community support.[217]

A longitudinal study of children formerly associated with armed groups in Sierra Leone not only found that these children had been subjected to life-threatening violence, rape or loss of a parent, but also found elevated rates of mental health problems in adulthood 15 years later, including anxiety, depression and post-traumatic stress disorder.[218] Further, children who had perpetrated violence struggled with interpersonal deficits, hostility and aggression in later life. Children involved in armed groups at younger ages were found to suffer from anxiety and depression. However, modifiable protective factors were also identified, such as improving access to education and addressing community stigma and family rejection.

Strategies to mitigate the negative consequences of exposure to conflict have also been tested. These include integrating evidence-based mental health interventions into education[219] and livelihoods/entrepreneurship[220] programmes aimed at addressing the mental health needs of individuals affected by conflict in childhood. They also include investing in family-based prevention as well as improving social and family acceptance.

The impact of climate change on children's health and development. Climate change provides a powerful example of impacts on children's development – and capacities – through multiple pathways at different levels of the social ecology of child rights.[221]

At the level of the individual child, biological systems are affected through hazards like wildfire smoke that worsen asthma, and through extreme heat, which can cause dehydration and organ damage in early childhood.

At the level of the family, climate-related events such as flooding can displace families, disrupt the nurturing environment around children, and cause stress and adversity.

At the community level, food production may be disrupted, heightening risks of malnutrition and undernutrition. Environmental stressors can also limit access to safe drinking water, with long-term consequences. For example, extreme weather events such as flooding, landslides or heavy rain can contaminate water with chemicals that directly affect the developing brain, leading to lasting impairments in learning, memory and behaviour. These factors, directly and in combination, undermine the optimum development of children's capacities.

A narrative review of research between 2012 and 2023 identified four types of negative impacts associated with climate-related events: stress and mental health disorders, increases in illnesses, malnutrition leading to reduced growth and disruptions in caregiving and family functioning.[222] More recently, extreme climate events have been linked to toxic stress in children, especially when accompanied by displacement, poverty, or family disruption. Environmentally driven adverse childhood experiences may intensify trauma and increase long-term mental health risks.[223]

While more evidence is needed to understand more clearly the causal pathways between climate-related events and these associated effects, UNICEF's finding that nearly half of the world's children face an "extremely high risk" from climate change because of their exposure to multiple environmental hazards highlights the need to improve the evidence base and responses to climate change.[224]

3.6 The intersecting nature of children's development

The discussion in this chapter shows that children's evolving capacities cannot be understood in isolation. An integrated perspective is required to reflect the indivisibility of their rights and to recognize that the development of children's physical, cognitive, social, emotional and moral capacities is shaped at every stage by the interplay of environments.

The comprehensive and indivisible nature of children's rights demands a holistic approach at all levels of society, recognizing that children's human rights are essential for the development, respect and protection of their optimum capacities. Within this wider understanding, the social ecological model helps to illustrate how influences at multiple levels combine either to expand or to constrain children's opportunities for growth. From this perspective, evolving capacities are understood not as a purely individual attribute but as a relational and contextual process.

The promotion of children's rights and their evolving capacities depends on supportive families and peers, inclusive schools, equitable social and economic structures, and legal and policy frameworks that respect their agency while ensuring protection. Conversely, environments characterized by poverty, discrimination, violence or exclusion hold back the development of capacities, with consequences that endure across the life course.

Recognizing this interdependence has important implications. It requires States and other duty-bearers to move beyond narrow interventions that focus on individual children or families, and adopt comprehensive strategies that strengthen the environments in which childhood unfolds. It also calls for a rights-based approach that understands the fulfilment of economic, social, cultural, civil and political rights as inseparable, and that places children's evolving capacities at the centre of policies and programmes.

Enhancing family capacity is central to the goal of improving children's developmental potential.[225] However, measures of development are still primarily based on evidence from high-income Western countries, and it may not be appropriate to generalize. New approaches are needed that are respectful of diversity and validated globally.[226] Interventions must also be multidimensional: Improving birthweight through nutrition and pregnancy planning, strengthening household

resources, and providing parental support for language development, creativity and motivation. On their own, none of these interventions is sufficient to create environments in which children can achieve their optimum development.

Ultimately, the principle of evolving capacities, viewed through the social ecological lens, challenges societies to create conditions in which every child can realize their rights, supported by guidance, protection and opportunities that are appropriate to their maturity. In doing so, it provides both a framework for assessing the adequacy of existing systems and a roadmap for transformative change in law, policy and practice.

4. The emancipatory dimension: Respecting children's agency and participation

This chapter addresses the emancipatory dimension of evolving capacities, focusing on how children's agency and participation are central to the exercise of their rights. The Convention anchors children's agency in a broad spectrum of civil and political rights. Article 12 establishes the foundation for children's participation rights, affirming their right to express views and have them given due weight in accordance with their age and maturity. Articles 13 to 15 recognize freedom of expression, religion, conscience, association and assembly; Article 16 affirms the right to privacy; and Article 17 affirms the right to information.

These provisions affirm that children, like adults, are entitled to exercise agency in matters that affect them – rights that are central to their human dignity. Each step in acquiring competence, whether in communication, reasoning or managing relationships, broadens the scope for children to influence decisions and participate meaningfully in decision-making on issues that affect them. In practice, children's participation looks very different at different ages. A five-year-old, for example, will contribute in ways distinct from an adolescent, highlighting the importance of understanding participation as evolving and age-appropriate.

The concept of agency. Children are not merely passive recipients of adult decision-making. Over the course of childhood, they demonstrate increasing levels of moral capacity and responsibility to act for themselves, actively shaping and influencing their own lives.[227] Culture and context influence their socialization, but children also bring their innate resources to their own development.[228]

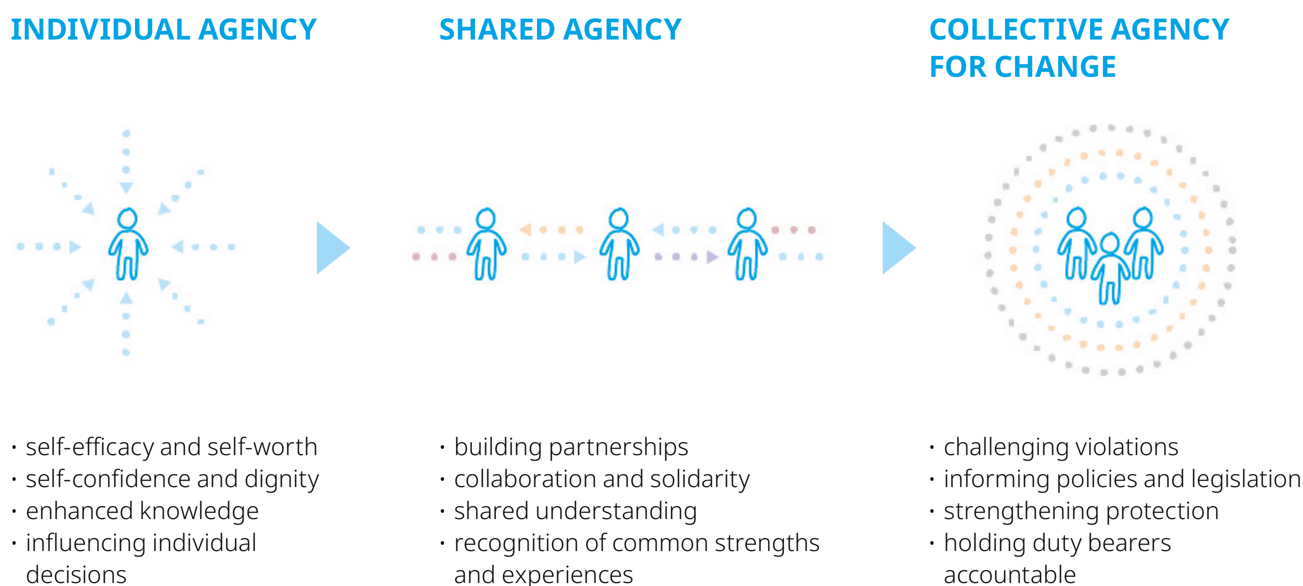
Even in the absence of formal avenues such as voting or direct access to courts, children nevertheless have found informal ways to influence issues of concern to them. However, it was not until the Convention on the Rights of the Child that children were afforded recognition of their right to respect for their capacities, together with an obligation on States to embed that recognition, where appropriate, in legislation and practice.[229]

Accordingly, the Committee on the Rights of the Child has consistently pressed States to introduce specific legal thresholds in areas such as access to health services or treatment, sexual consent, adoption, change of name, and applications to family courts.[230] Its intention has never been to prescribe a uniform age for all matters. Rather, the aim is to ensure that children's evolving

capacities are taken into account by the State and that they are recognized as active, competent rights-claiming subjects as they grow. This recognition includes understanding children not only as actors who take action, but as agents whose choices and relationships influence others and help bring about change.

For practical purposes, it is important to distinguish between the terms 'actor' and 'agent' because they convey different understandings of children's capacities, including across different disciplines. For the purposes of this discussion, an actor is simply someone who takes action.[231] For example, a young child who tidies their toys when asked is acting, but without influencing the broader situation. An agent, by contrast, acts in relation to others in ways that help to bring about change. A child who organizes classmates to ask for safer playground equipment, or who refuses an arranged marriage, is exercising agency because their choices affect not only themselves but also the people and structures around them. To conceptualize children as agents is to recognize them as doers and thinkers whose decisions and actions can challenge social expectations[232] and impact their own life trajectories and the world around them.[233] Agency can also be understood in terms of the capacity of individuals to resist social expectations.

Figure 3: Progression of children's agency



As children's opportunities expand, agency is expressed individually, with others and collectively, with these forms coexisting and reinforcing one another.

4.1 Agency and capabilities

The capabilities approach[234] provides a helpful lens for understanding how children's evolving capacities can be recognized and supported. It is a normative framework concerned with people's ability to achieve a life they value, rather than simply their formal right or freedom to do so. It provides a way of understanding the economic, human, political, emotional and social assets and resources that enable individuals to become who they aspire to be.[235, 236] In relation to children, it encompasses competence and purposive agency, focusing on their skills, knowledge and voice, consistent with their rights to bodily integrity and autonomy, social connectedness, access to and control over resources, opportunities for learning and development, and the ability to express views.[237]

Individual and collective capabilities. A central feature of this framework is the distinction it draws between individual and collective capabilities. At the individual level, it highlights the opportunities that allow each child to gain the skills and freedoms needed to live a life they value, to set their own goals and to express their voice. Looking only at the individual, however, can obscure the fact that children's rights and competencies also grow out of their relationships and shared experiences.

Collective capabilities capture this wider dimension. They depend on trust and cooperation, shared learning and the chance to act together. When these conditions are present, children's status as a group is strengthened, enabling them to influence institutions and structures. Without this recognition, children's agency risks being reduced to isolated achievements, rather than being seen as both a personal and a collective force for change.

Within this framework, agency must be understood as more than the capacity to act. It reflects the capacities, competencies and activities through which individuals navigate the contexts and positions of their lives and exercise choices.[238] For children, as for adults, agency is fluid and context-dependent.[239] Children continually adapt their actions according to where they are, who they are with and what they are doing, often negotiating tensions between their own priorities and those of their families or communities. These dynamics are evident in the responsibilities children take on within families. In many communities, girls are expected to care for younger siblings. Where these responsibilities limit schooling or confine girls to the home, opportunities to develop their capacities are curtailed. Similarly, in contexts of conflict, poverty or the AIDS epidemic, children who care for parents or manage households acquire significant skills in coping with economic and social demands, but often at great personal cost.

Agency and capacities. Within the capabilities framework, capacities and agency are closely related but distinct. Capacities refer to the physical, cognitive, emotional, social and moral

dimensions that evolve as children grow. Agency is the use of those capacities in practice to influence outcomes. All children can demonstrate agency, whether through small everyday acts, such as a toddler crying to communicate a need, or an adolescent making decisions that affect the lives of others. What differs is the level of competence to anticipate and manage consequences.[240]

Cross-cultural research has found that where children's lives are organized largely apart from adult activities, adults take more responsibility for directing and managing what children do. In societies where children are more integrated into adult work and community life, they tend to acquire skills through observation, imitation and shared participation.[241] In both cases, agency is strengthened through interaction, and it is best understood as relational rather than as a linear progression toward independence. Children can be both dependent and independent at the same time, negotiating roles that are complex and often inconsistent.[242]

4.2 Agency as socially determined

Children's exercise of agency does not take place in a vacuum. The social context is profoundly influential in shaping agency, and children's capacities, choices and preferences are informed by their interactions within their social sphere. This understanding is core to the central tenet of the social ecological approach, which recognizes that children develop in a social context, beginning with the family and community and extending to the wider social fabric, including economic, political and social forces and structures, as outlined in Chapter 3.[243] These contexts influence the children's capacities in respect of voice, bodily integrity, opportunities for education and work, access to health care and overall well-being. Restrictive environments limit these opportunities and weaken the potential for collective action.[244]

The prevailing social context needs to be understood to determine the extent and nature of agency that can be exercised. Girls, for example, face different demands and constraints than boys at different stages in the life course, and these are highly dependent on context within the family and household, and at community, state and global levels.[245] The choices and actions open to boys will be greater than those available to girls, particularly after puberty. This does not mean that girls are less capable of exercising agency. It means that the risks, opportunities and consequences they must consider are different.

Agency is often judged according to assumptions about the desirability of a particular decision. A refusal to enter into an arranged marriage is commonly seen as a strong expression of agency because it challenges entrenched cultural and family expectations and accepts the risks that follow. Compliance, by contrast, may be dismissed as a lack of agency. In reality, a girl may have weighed her limited options and decided that accepting the marriage offers her the best chance

of a secure future, irrespective of the negative outcomes associated with early marriage. Once married, her agency does not disappear; she continues to exercise it in daily life, but may need support to expand her influence and overcome barriers to major life choices.

In some cultural contexts, agency is not defined by making independent choices but by the ability to support and sustain family relationships. From this perspective, agency is understood through interdependence: The capacity to meet the needs of others and to contribute to the family's well-being over time. Agency, therefore, can be seen as both an individual act of resistance and a long-term commitment expressed through care and responsibility.[246]

Recognizing children's agency within the family. One of the significant achievements of the Convention has been to render the child visible as an individual rights-holder within the family. This does not make the family irrelevant, nor does it diminish the influence of parents. As set out in Chapter 1, Article 5 emphasizes the role of parents and caregivers in supporting children's evolving capacities and increasing agency. What is notable is that the relationship between children and adults is interactive. Children do not simply absorb adult influence but actively engage with, shape and respond to it.[247] They are participants in family life, which, in turn, shapes their own developmental pathways. Agency is also fostered when children contribute through everyday tasks, caregiving and decision-making appropriate to their age and maturity level. Such participation helps build confidence, skills and a sense of responsibility, and demonstrates that agency is exercised in daily routines and relationships.

Recognizing children's agency within families also challenges children's traditional invisibility in policy. Laws and policies have often assumed that the interests of 'the family' can be represented without giving separate weight to children's perspectives.[248] In practice, this has led to privileging parental authority at the expense of children's rights, for example, allowing parents to deny children knowledge of their origins in cases of assisted reproduction.

In reality, children's perspectives often diverge significantly from those of adults in the family. Acknowledging children as agents means recognizing their entitlement to speak out about their rights and to have their views taken into account alongside those of adults. This recognition applies to decisions about residence and contact after parental divorce, decisions about schooling, marriage or child labour, among others. However, parents may exert considerable influence over a child's views, and the weight given to those views needs to be assessed according to whether they are expressed freely and without coercion (*see Chapter 9 for a more detailed discussion*). Affirming children's agency does not deny the cultural and familial dynamics that shape their lives but does assert their status as rights-holders whose perspectives deserve recognition both on their own and within the family.

4.3 Respecting children's right to participate

Article 12, the right of children to be heard, places no age limit on its exercise. The Committee on the Rights of the Child has stressed that the phrase "capable of expressing a view" must not be read as a limitation but as "an obligation … to assess the capacity of the child to form an autonomous view to the greatest extent possible." States and adults involved in children's lives should therefore presume the child's capacity to form views, rather than require them to prove it.[249] The weight accorded to children's views must reflect their age and maturity, while recognizing that age alone does not determine capacity.[250]

Children encounter many barriers to being heard, including poverty, conflict, homelessness, discrimination, prejudice, overprotection and the failure of adults and the broader society to recognize their legitimacy in the public sphere. These factors silence or marginalize their perspectives, limiting their opportunities to contribute to decisions that affect their lives. Nevertheless, children of all ages show they can express their views and influence decision-making when heard. Their persistence underlines the need to create environments that acknowledge and support their evolving capacities. Experience points to three interdependent dimensions that must be considered to ensure participation is meaningful: the nature of participation, the process of participation and the quality of participation.[251]

The nature, process and quality of children's participation. The nature of participation can be understood at three levels:

- Consultative participation occurs when adults seek children's perspectives to inform legislation, policies, service design or budgetary allocations. It is adult-led and initiated, offering limited direct agency to children but recognizing the value of their knowledge and perspectives.
- Collaborative participation involves children and adults working in partnership, sharing decision-making and responsibility for outcomes.
- Child-led participation allows children to set their own priorities, with adults facilitating and supporting as needed. This approach provides the greatest degree of agency, empowerment and influence. The digital environment has expanded opportunities for children to initiate their own agendas and pursue issues of concern to them.

In practice, most engagement with children takes the form of consultation. While this represents progress by offering children the opportunity to provide input into decisions that affect them, it leaves them reactive rather than proactive and limits their control over the agenda. Consultation remains a legitimate means of reaching many children, but it affords little scope for agency.

By contrast, collaborative and child-led approaches enable children to exercise greater influence, to build confidence and a sense of empowerment, and to develop skills and capacities.

The process of participation is equally critical. Participation strengthens children's development only when the process is designed to ensure their involvement is effective and respected. Four conditions are essential:[252] First, children need safe and inclusive opportunities to form and express their views. Second, they require access to accurate and appropriate information and recognition of their right to communicate views in the medium of their choice. Third, they must have direct access to decision-makers so their contributions can influence outcomes. Finally, while Article 12 does not oblige States to act on every view expressed, it does require children's views to be given due weight and to receive feedback on how those views have been considered.

If any of these conditions are absent, the process risks becoming tokenistic. Participation fails to offer children meaningful engagement, weakens their contributions, and undermines recognition of their evolving capacities and their further development.

Quality participation also requires that attention be paid to the nine basic requirements elaborated by the Committee on how to create meaningful, effective, safe and ethical opportunities for children to express views and be taken seriously (*see Box 14*).[253] Respect for children requires their views to be sought in an open and encouraging manner, listened to attentively, considered with seriousness and integrity, and responded to in ways which demonstrate accountability. Feedback is crucial for children to know whether and how their contributions have influenced outcomes. When participation processes are opaque or dismissive, children quickly lose trust, and their willingness to engage in the future is undermined. Conversely, when they see that their involvement has shaped decisions, their confidence and sense of agency are reinforced, contributing to the development of their capacities.[254] These requirements are intended as a practical guide to help ensure children's participation is not rhetorical or tokenistic but a genuine driver of empowerment and capacity development. Without these standards, the quality of the experience is undermined, along with the benefits for children's development and the realization of their right to be heard.

Furthermore, engaging children to express their views must be undertaken in a manner consistent with their evolving capacities. The methodology for creating opportunities for participation will be very different for a 17-year-old compared to a 12-year-old.[255] The support and guidance provided must recognize developmental considerations, such that, as children grow older, they become more capable of taking responsibility for themselves.

Despite progress, the scope for all children to experience these opportunities to influence learning and develop fully is far from universal. Too many governments, professionals and institutions

continue to construct and consider children as passive recipients of adult-provided information, denying them a voice or opportunities to build their capacities through participation in their own learning. It is essential to recognize that being heard is a right fundamental to human dignity, and to build on the significant body of knowledge on children's capacities to make positive contributions to their own lives.

BOX 14

Basic requirements for quality children's participation

The Committee on the Rights of the Child has set out nine requirements that States, parents and other duty-bearers must uphold to ensure children's participation is ethical and meaningful.[256] These criteria identify what adults and institutions must do to create conditions in which children can exercise their right to be heard.

1. Transparent and informative
Children must be provided with complete, accessible and age-appropriate information about their right to participate, the scope of the participation activity, its purpose and the potential impact of their involvement.

2. Voluntary
Children should never be coerced into expressing views. Participation must be based on informed consent and the child's own willingness to take part.

3. Respectful
Children's views must be treated seriously, with respect for their evolving capacities, dignity and individuality.

4. Relevant
Participation should be linked to issues that are meaningful to the children involved, ensuring their input is not tokenistic or symbolic.

5. Child-friendly
Environments, language, processes and materials must be tailored to children's age, capacities and needs to enable genuine participation.

6. Inclusive
Participation opportunities must actively seek to involve children who are marginalized or discriminated against, ensuring diversity and equity.

7. Supported by training
Adults involved must be trained to understand children's rights, facilitate participation ethically and respond appropriately to children's views.

8. Safe and sensitive to risk
Participation must take place in a safe environment, with attention to protection from harm, abuse and exposure – especially for children involved in sensitive issues.

9. Accountable
Children must be informed about how their views have been interpreted and used, and what the outcomes of their participation were. Feedback is essential.

4.4 Children's capacities as civic actors

From participation to civic agency. When children's participation is recognized and supported, it not only affirms their right to be heard but also equips them with the skills and confidence they need to engage as civic actors. Through participation, they can become agents of change, working within their communities and beyond to influence social and policy transformation. One way they do this is by joining with others to pursue shared goals.

Article 15 of the Convention on the Rights of the Child affords children the right to freedom of association and assembly. The Committee on the Rights of the Child has consistently stressed the need to respect and protect this right, recognizing its significance for children's evolving capacities and aspirations to engage with others in civic and public life. As early as 2006, the Committee highlighted the growing role of youth-led organizations in enabling children to participate actively at national and international levels.[257]

In more recent years, children have increasingly exercised their right to freedom of association and assembly through participation in mass protests and demonstrations. Many children make direct contributions to these movements, including through the use of digital tools for mobilization, creative forms of expression and inclusive organizing practices that bring together diverse voices. For many children, particularly those from marginalized communities, protest has emerged as a critical platform for civic engagement, serving as one of the few accessible

channels through which they can express their grievances in contexts where traditional avenues for participation – such as youth councils, consultative mechanisms or formal political processes – may be limited, ineffective or entirely absent. This underscores the important role that freedom of assembly plays in ensuring children's participation.

The Committee has increasingly emphasized the obligations of States to create enabling legislation and provide support for children to establish their own organizations. Its General Comment No. 20 on adolescents underscores this point, urging States to guarantee adolescents' right to association and peaceful assembly, to provide safe spaces for girls and boys, to recognize children's clubs, parliaments and forums as legally constituted bodies, and to protect adolescent human rights defenders, particularly girls who face gender-specific threats and violence.[258]

Children's opportunities for civic engagement are influenced by the same contextual factors that shape their evolving capacities more broadly, including social and gender dynamics. Rights discourse often constructs 'children' and 'childhood' as a single undifferentiated category, giving insufficient attention to how gender inequalities and age affect children's opportunities.[259] This failure can result in girls being doubly excluded from recognition as agents in their own lives, both because of their age and gender.[260]

Moreover, agency is often acknowledged primarily when exercised in the public or political sphere. In many contexts, especially with the onset of adolescence, girls' lives become increasingly constrained, and opportunities for participation outside the home are limited. Their engagement is more often likely to occur within families, peer networks and local communities, where it remains largely invisible.[261]

BOX 15

Children's engagement in civic activism

In recent years, there has been a growing focus on children's capacities to contribute across the civic sphere in pursuit of equitable and sustainable global futures. Adolescents, for example, have been included as key actors in peace and sustainability efforts, as demonstrated by United Nations Security Council Resolution 2250, which asserts their "important and positive contribution in the maintenance and promotion of international peace and security".[262] The resolution affirms the role youth can play in the prevention and resolution of conflicts and recognizes their contribution as central to the sustainability, inclusiveness and success of peacekeeping and peacebuilding efforts.

Accompanying this recognition that adolescents can engage positively in political action is a commitment to support them through the recognition of their rights and related skills-building.[263]

However, the focus on children's participation has largely assumed involvement in formal structures such as youth parliaments or in broader social movements. This obscures the reality of adolescents' participation and how they are increasingly using online spaces and youth-generated activism to exercise their voice and agency.[264]

These spaces have been used, for example, by children entering the politics of environmental activism, where they have demonstrated considerable capacities to inform and influence the debate. Through the Fridays for the Future movement initiated in 2018, millions of children, in particular adolescents, began to demand more serious attention to the climate crisis from world powers. This movement played a significant role in bringing together young activists from both the Global North and South. Their demands around climate justice, anti-fossil fuel action, and the duty of care for children and the future began to permeate the approach taken at the United Nations Framework Convention on Climate Change conferences.[265] In these ways, children demonstrate their capacities to engage in lived citizenship across formal and informal spaces and, through these routes, to act and challenge conventional politics.[266]

4.5 Inconsistency between responsibility and recognition of capacities

A recurring concern raised by children is that even when they assume adult responsibilities and burdens, they are denied rights and recognition afforded to adults in comparable situations. This leaves them vulnerable and excluded from decision-making arenas. The problem can be particularly acute for children in households headed by children. For example, in many rural areas in Kenya, traditional law prevents children (and women) from inheriting property, so when parents die, the home can be seized by adult (typically male) relatives, leaving children homeless.[267] Children who are carers are expected to take on adult roles and forfeit much of their childhood, but this is rarely accompanied by recognition of their capacities to be involved in decision-making processes. Injustices also persist in legal standing; for example, children may be allowed to work, yet are often denied the right to bring a case to court if their rights are violated in disputes with employers or instances of medical malpractice in SRH services.[268]

The sense of exclusion is also repeatedly raised by children caught up in conflict zones. During armed conflict, both boys and girls are often coerced or pressured into joining armed groups, exposing them to tremendous risk and harm. However, when peace negotiations and reconstruction efforts are underway, children are widely excluded, and their voices and concerns are denied. In Ethiopia, despite the involvement of thousands of boys in the civil war, post-conflict research reveals that adolescent and youth voices were largely ignored in the reconciliation and

peace dialogue process. As a 17-year-old boy from Amhara observed: "They want us only for fighting, but then in peacetime, they don't want to remember us, whether alive or dead."[269] In the development of humanitarian services for children in post-conflict Sudan between 2011 and 2013, there was, in principle, recognition of the importance of children's voices and perspectives. However, in practice, programming excluded children's voices through a common failure to understand children as simultaneously vulnerable and competent.[270]

These experiences reveal a deep-seated injustice. When circumstances demand, children are required to take on difficult, challenging and often dangerous responsibilities and, in so doing, demonstrate remarkable capacity. However, these burdens come at a significant cost to their right to life, protection from injury, health and development, education, safety and their rights as children, such as the right to play. Crucially, these responsibilities are not accompanied by equivalent respect for their capacities to participate in decision-making arenas where they could contribute to shaping the policies needed to improve their lives. Promoting the best interests of children in post-conflict situations must include recognition of both participatory and protection rights. Efforts to promote child participation must also take into account the potential risks involved.[271]

The discrepancy between children's actual capacities and the capacities they are believed to have calls for a broader examination of biases and societal presumptions, and of their impact on children's agency. Chapters 8 and 9 examine how to address these discrepancies and respect children's evolving capacities from a policy and practice perspective.

Children as carers. Children contribute to and often carry significant responsibilities within the family, especially as carers.[272] Their informal caring can be understood as a continuum along which children's caregiving activities vary. At one end of the spectrum, children may be involved in limited caring responsibilities for a few hours each week, depending on their age and sex, and at the other, they may be providing full-time and substantial caregiving. A smaller percentage of children find themselves towards this end, with major caregiving responsibilities for other members of the family. Box 16 provides an overview of the wide range of possible activities for which children may have responsibility.

BOX 16

Examples of care work undertaken by children globally[273]

Household chores	Preparing meals, washing dishes, sweeping, cleaning and tidying, doing laundry, fetching water and firewood, heating water for baths, shopping, cultivating vegetables and other produce for household consumption, tending livestock, cutting wood, running errands
Health care	Collecting, giving and reminding a parent, sibling or other relative to take medication, accompanying them to hospital and providing care while in hospital, assisting with mobility, preparing special meals, cleaning, treating and dressing sores, infections and wounds, massaging
Personal care	Washing and bathing a parent or relative, helping them to eat, dress and use the toilet
Child care	Getting siblings ready for school, bathing them, supervising them, resolving their conflicts, helping with their schoolwork
Emotional support	Talking to and comforting a parent, sibling or relative, giving guidance, advice, and 'being there' for them, e.g., helping a parent understand a new language in a new country
Self-care	Washing, taking medication, getting ready for school, studying privately, pursuing personal development and training, building life and livelihood skills
Income generation	Cultivating crops and produce to sell, rearing livestock, fishing, casual agricultural or construction work, working in a factory, shop or bar, selling goods or cooked food, domestic work, running errands for neighbours, begging
Household management	Allocating tasks, organizing school or vocational training, paying school fees, reminding a parent, sibling or relative about appointments, paying bills, budgeting, planning ahead, making household decisions
Community engagement	Maintaining social networks, cooperating with relatives, neighbours, friends and faith groups, participating in community, school or youth meetings, activities and events

While children rise to meet the demands placed on them in challenging situations and demonstrate capacities to undertake significant levels of responsibility, it is also important to recognize that they are children. They should not be expected to bear these burdens alone or without support. Children need love, emotional support and guidance. Many continue to function and meet their responsibilities but without these supports, they become far more vulnerable to negative outcomes. Children looking after sick parents often receive ongoing emotional care, but those taking full responsibilities after their parents' deaths are less likely to have this source of support and are consequently at higher risk of adverse physical, emotional and developmental outcomes. Children need respect and recognition for the work they are undertaking, but this must be supported by formal and informal safety nets to alleviate their burdens and share responsibilities, helping to prevent long-term negative impacts.

Strong social ties and access to peer and community support are also vital.[274] Research on children with key caring responsibilities shows that the quality of the relationship between children and those they care for, especially the close bonds that develop when children care for parents or adult relatives, is a crucial factor in protecting children from negative outcomes and enhancing their well-being.

However, evidence from research on child carers across Angola, Nigeria, Uganda and Zimbabwe indicates that the supports needed to strengthen their capacities to manage the burdens were absent.[275] The children highlighted a lack of support in accessing help for their daily needs, heavy responsibilities such as working to earn money and find food, limited community assistance, inadequate access to health facilities, and overwhelming burdens that impeded their ability to go to school.[276] As a result, child carers suffered emotional and physical stress, loss of self-esteem and difficulties in dealing with grief and loss.

The available evidence suggests that, depending on the context, caring responsibilities can have both positive and negative outcomes for children's present and future well-being. These effects extend to their personal development, health, education, family relationships, peer interactions, social participation, employment prospects and socially expected transitions to adulthood.[277] While caring responsibilities may help children develop competencies that support them psychologically and socially, they often come at a high cost. It is necessary to distinguish between the capacities children develop when circumstances demand them, and what this means for their broader developmental opportunities and potential.

4.6 Barriers to children's agency and participation

Presumption of incapacity. Although there is growing recognition of children's evolving capacities, as established in the Convention and discussed in Chapter 2, deeply embedded

social norms and assumptions often prevent these capacities from being fully respected. Parallels can be drawn with women who were traditionally cast as weak and in need of male protection, a view used to justify denying them political, economic and social rights. Women's inherent differences, manifested in generally lower physical strength but also the capabilities for biological reproduction, were historically invoked to legitimize structural discrimination that has compounded and intensified their disadvantage.[278] Of course, despite these restrictions, women nevertheless exercised agency within the limits available to them.

Similarly, for children, the invisibility of their capacities arises from both inherent vulnerabilities, including physical immaturity, limited experience and knowledge, and structural vulnerabilities, including lack of political and economic power and the denial of civil rights. The constraints imposed by their limited status in society undermine opportunities for development and recognition of the capacities they already have. These constraints are institutionalized through legislation and policies that cast children as incapable of agency or meaningful participation.

As a result, children face an enduring presumption of incapacity, with childhood constructed as a deficit stage in comparison with adulthood. Blanket assumptions that children, simply by virtue of their age lack capacity, lead to failure to recognize or respect the contributions they can make, and deny recognition of their evolving capacities. Perceptions of vulnerability are also gendered, with girls more readily assumed to lack agency and capacity for participation than boys.

The nature and scope of children's capacities are heavily influenced by their environment and experiences, the expectations placed on them, and the support and encouragement provided by adults around them. As highlighted in Chapter 2, age alone is an inadequate proxy for capacity: Social ecological factors strongly determine what children can do and how their contributions are valued. However, children participate in complex and demanding aspects of responsibility and negotiation, and their actual contributions and the capacities they demonstrate through those contributions are commonly denied appropriate recognition.

The myth of children as disruptive and disrespectful. A further barrier to recognizing children's agency stems from pervasive narratives that portray those who speak up, including in civic and political processes, as inherently disruptive, disrespectful or even violent. This characterization serves to delegitimize children's civic engagement and, in some cases, justify restrictive responses. For instance, research across multiple countries demonstrates that youth-led protests are overwhelmingly peaceful, with young people employing creative, non-violent tactics to advance their demands.[279] Yet, evidence from countries including Bangladesh,[280] Kenya,[281] Nepal[282] and Madagascar[283] reveals patterns of disproportionate force used against peaceful demonstrations led by young people, with significant child participation, including tear gas, arrests and physical violence. This framing of children as threats rather than

rights-holders not only contradicts empirical evidence but also serves to justify the denial of their rights to freedom of expression and assembly.

Denying the capacities of children with disabilities. Children with disabilities experience an intersectional failure of recognition, both as a consequence of their childhood status and their disability. Not only are they denied spaces and opportunities for engagement and development afforded to other children, but they are also commonly viewed through a deficit approach that defines them by their disability rather than their potential as children.

The Convention on the Rights of the Child acknowledges this explicitly in Article 23, affirming that children with disabilities are entitled to a full and decent life with dignity, self-reliance and participation (*see also Chapter 3*). In practice, children with disabilities are often denied spaces and opportunities for engagement. Legal, cultural, social and economic barriers restrict their participation, and for girls with disabilities, these barriers are compounded by gender discrimination.

As Chapter 3 showed, barriers are not only physical or institutional but also attitudinal. Prevailing assumptions of incompetence, overprotection, exclusion from education, lack of awareness and insensitivity among professionals reinforce isolation and invisibility, denying children the social interaction and opportunities for play essential to their development, as guaranteed in Article 31. Around the world, children with disabilities are routinely denied access to family life, culture, education and information, and rarely have the chance to voice their experiences, despite Article 12's affirmation of the right to be heard. Many are assumed to have limited capacity to learn or take responsibility for themselves, creating a vicious circle: Negative attitudes deprive them of the very experiences they need to acquire skills and confidence, which in turn reinforces perceptions of incapacity.

The Convention on the Rights of Persons with Disabilities challenges these practices. Article 3(a) identifies as a general principle "respect for inherent dignity, individual autonomy, including the freedom to make one's own choices, and independence of persons". It also explicitly recognizes the evolving capacities of children with disabilities. This principle echoes Article 5 of the Convention on the Rights of the Child, which requires parental and State guidance to be consistent with children's evolving capacities. These provisions affirm that autonomy cannot be categorically denied to children with disabilities. Instead, they call for support to strengthen decision-making capacities, for recognition and respect for the agency already exercised, and for protection from responsibilities or decisions that are not appropriate to their age or maturity. Ending discriminatory attitudes and creating genuine opportunities for children with disabilities to inform and influence decisions that affect their lives is essential to fulfilling these commitments.

Exceptionalizing children's capacities. Responses to children articulating their concerns are often shaped by two unhelpful reactions. Traditionally, their views have been rendered invisible: dismissed as irrelevant, juvenile or of no consequence merely because they come from a young person. This reflects the same presumption of incompetence discussed earlier in this chapter and, historically, parallels the way women's voices have been disregarded across cultures and generations.

At the other extreme, with the expansion of platforms for children's expression, particularly through digital spaces and organized forums for youth participation, adults may respond with exaggerated surprise when children demonstrate competence, activism, insight or understanding. This "exceptionalizing discourse"[284] rests on the assumption that only a few extraordinary children are capable of such engagement, while the majority are presumed incapable. In effect, these attitudes reinforce stereotypes and perpetuate inequality.[285] They are often accompanied by uncritical enthusiasm for anything children say, with a celebration of the mere fact of speaking rather than the substance of their views.

In adult arenas, proposals and arguments are contested, debated and refined. By contrast, dismissing children outright on the grounds of youth or applauding them uncritically undermines recognition of their agency and participation. Of course, removing the filters that prevent adults from hearing children as rights-holders is essential and requires recognizing the barriers they may have had to overcome in order to speak, while affirming their courage and determination.

However, respecting children's voices requires treating them with seriousness and integrity. This does not mean agreeing with everything proposed, but engaging critically, as would be expected with adult contributions. Without such engagement, unqualified praise risks patronizing children, denying them the chance to develop and defend their ideas, and inhibiting the emergence of meaningful collaboration and intergenerational dialogue.[286]

5. The protective dimension: Balancing protection and respect for autonomy

This chapter turns to the third dimension of children's evolving capacities elaborated in Chapter 2: protection. The protective dimension emphasizes the obligation to safeguard children as their capacities evolve and to uphold their protection rights under the Convention.

While the Convention on the Rights of the Child recognizes children's evolving capacities to exercise choice and take responsibility for themselves (Articles 5 and 12), it also places obligations on parents and others responsible for children's care to provide appropriate guidance, consistent with those capacities. Balancing these obligations remains challenging for the field of children's rights. It requires clarifying the distinction between risk and harm, recognizing diverse cultural assumptions, and understanding that children are individuals with agency, aspirations, and different expectations and needs.

5.1 Framing protection within the Convention on the Rights of the Child

The Convention places strong and consistent emphasis on protection, more so than other human rights treaties. It explicitly acknowledges that children, by virtue of their immaturity, lack of power and dependency, are entitled to additional layers of protection. These protections take on different but interlinked forms.

Protection from abuse includes rights that ensure adults cannot use their power over children to cause them harm, as reflected in rights to protection from all forms of violence (Article 19), sexual and other forms of exploitation (Articles 34 and 36), and trafficking (Article 35). These protections recognize children's relative physical vulnerability and powerlessness, compounded by a lack of legal autonomy or access to justice.

Protection from harmful activity recognizes that certain adult activities are inappropriate for children and can undermine their health and development, including exploitative work (Article 32), harmful drugs (Article 33) and participation in armed conflict (Article 38). These protections are not based on a lack of capacity, since children clearly can and do engage in these activities,

but instead aim to safeguard childhood as a period entitled to freedom from activities that would seriously hinder their optimal development.

Protection to provide care addresses the need for systems which recognize children's greater vulnerability, such as a dedicated child justice system (Articles 37 and 40) and measures to promote recovery after exploitation or abuse (Article 39).

In addition, the obligation to give primary consideration to children's best interests provides another protective arc. The Convention requires that the best interests of the child be a primary consideration in all actions concerning them (Article 3), placing this responsibility on States Parties and others making decisions affecting children. In General Comment No. 14 (2013), the Committee on the Rights of the Child elaborated this principle as "a substantive right, an interpretative legal principle, and a rule of procedure", emphasizing that it must guide the implementation of all other rights. The principle is also reflected in provisions on non-separation from parents (Article 9), responsibilities of parents (Article 18), care for children deprived of their family environment (Article 20), adoption (Article 21), and children deprived of liberty and involved in the juvenile or criminal justice system (Articles 37 and 40).

When the Convention asserts that children are entitled to respect for their evolving capacities, it refers not only to their gradual acquisition of greater capacities as they grow but also to the importance of ensuring that they are not burdened with responsibilities or demands beyond their capacities at any given age. As with determining when children have sufficient capacities to take responsibility for their own decisions, the challenge lies in determining what levels of protection are needed, at what ages and who decides. It also raises the question of whether a child's capacity to undertake certain activities or responsibilities should be the sole determinant for permitting them to do so or whether wider societal judgements about children's best interests should guide legislation and policy decisions. Similarly, it invites consideration of whether blanket policies, such as legal age thresholds, can be justified, given the inadequacy of age alone as a predictor of capacity.

However, when interpreted in the context of the Convention as a whole, this wide range of protection rights and the consequent obligations on States and adults should be interpreted with full respect for children's agency and capacity to contribute to their own protection. Children play an active role in their own protection, and relevant laws, policies, services and decision-making must take full account of their perspectives and experiences. Protective rights acknowledge childhood as a unique period of development and place specific obligations on States to create environments that recognize children's vulnerability and support their dignity, agency and optimal development. Systems must be in place to prevent actions that exploit or abuse children and to ensure alternative, positive approaches to caring for them.

5.2 Navigating underprotection and overprotection

Differing perspectives on childhood. As highlighted in Chapter 4, social ecological contexts shape perspectives on childhood that, in turn, influence how children are raised, the expectations placed upon them, and the assumptions made about the level of protection they need and their capacities to take on responsibilities. In one context, pre-pubescent children may be expected to contribute to income generation and managing the household; in another, these responsibilities are deferred until late adolescence or adulthood.

Most societies recognize the transition from childhood to adulthood through cultural or social rituals. However, the age at which this transition is marked, and the responsibilities or status it confers, differ significantly and also change over time. For example, among the Maasai, initiation rituals for boys include circumcision and the passing on of traditional knowledge related to livestock care, conflict resolution, oral history and cultural responsibilities.[287] In Inuit communities, children, historically boys around the age of 11 or 12, are taken on hunting trips to begin assuming roles that, within the community, are associated with adulthood.[288] In many places today, similar knowledge is shared with girls via outcamps to pass on traditional skills to the next generation. Children absorb knowledge and develop capacities through exposure to their local environments (*see Box 17*). Such practices reflect cultural perceptions of readiness and responsibility rather than legal or full adult status. By contrast, in other contexts, the transition to adulthood is formally delayed, with children remaining in education and economic dependency until the age of 18 and beyond.

These cultural and contextual variations in the timing and meaning of adulthood underline the complexity of implementing universal standards for protection and responsibility. They raise fundamental challenges for parents, policymakers and practitioners in ensuring that children's rights to protection are upheld while also respecting their evolving capacities. This balance is central to the protective dimension. One key challenge is to ensure that children receive appropriate protection in accordance with their vulnerability while also enabling them to take on increasing responsibility for themselves. Achieving this balance requires judging what level of risk is acceptable for the child to face.

BOX 17

Survival through cultural knowledge in adolescence

When children are entrusted with skills and responsibilities at ages that reflect cultural perceptions of their capacities, they may demonstrate extraordinary resourcefulness and resilience in the face of crisis.

In 2023, a plane crashed in Colombia's remote Amazon region, leaving a 13-year-old girl and her three young siblings stranded. The adults' bodies were quickly recovered, but the children went missing for 40 days before being found around three miles from the wreckage, surviving together in a jungle known for its dangers.

Their survival was possible because the eldest had been raised with ancestral knowledge passed down by her grandmother. She recognized edible plants, found safe water, and knew how to avoid poisonous plants and dangerous animals. Despite her grief and trauma, she showed remarkable resourcefulness in caring for her siblings until they were rescued. Colombia's Minister of Defence at the time observed: "It was because of her that her three younger siblings could survive by her side, thanks to her care and her knowledge of the jungle."[289]

Children need consistent rules and boundaries to guide behaviour and protect them from harm as they learn to navigate the world, for example, rules about relationships, access to potentially inappropriate media content, or expectations regarding their contributions and role within the family. However, over-reliance on external controls on children's behaviour can lead to children growing up without opportunities to learn how to assess risk and build the capacity to make informed judgements for their own safety. Potential harm not only includes threats to children's physical safety, but also risks to their emotional well-being, dignity and developmental opportunities.

The acquisition of skills can be particularly vital for children growing up in fragile contexts, where they may be at risk of losing adult support, or for children in alternative care. As discussed in Chapter 4, participation rights also play a role here, since exercising agency can be a way for children to learn to weigh risks and responsibilities. This challenge is especially acute for children who lack stable adult support, whether in fragile contexts or in alternative care.

How context mediates the risk of harm to children. It is essential to differentiate risk and harm because they require different protective responses. Harm is an actual impact, such as physical injury, psychological distress or impeded development. By contrast, risk can be understood as the chance of a situation causing harm coupled with the severity of harm that could arise.

What is perceived as constituting risk and harm to children is culturally and historically contextual. Norms not only influence the age at which responsibilities are conferred but also shape the everyday behaviours expected of children, from their role in the family to how they form relationships and interact with peers. Assumptions about what can be expected of children at different ages, their role in society and where protection itself might impose harm differ hugely across societies. Cultural factors not only shape interpretations of risk and harm but also may intensify or mitigate their impact.

When a behaviour is socially accepted within a community, it is less likely to cause negative emotional outcomes. For example, attitudes towards romantic or sexual relationships during adolescence vary widely across cultures. In many societies and communities, such relationships are broadly accepted as a normal part of a child's social development.[290] In others, however, any such involvement is strongly discouraged or condemned.

Similarly, while child marriage is now widely recognized as a child protection concern, marriage at 16 or 17, when socially endorsed, may cause less emotional harm than when it is condemned and associated with stigma and social exclusion. Nevertheless, other consequences linked to child marriage, such as early pregnancy and loss of education, persist regardless of social acceptance. In short, to determine the extent of harm associated with a particular behaviour or activity, it is necessary to consider not only the age and capacity of the child, but also the degree of acceptance and support in the environment in which it takes place.

Children differ greatly in how they experience and respond to harm, and their capacities to take on responsibilities vary widely, depending not only on age but also on the social and cultural contexts in which they are growing up. Some 14-year-olds may be able to manage paid work or a relationship with someone of a similar age without it undermining their well-being, while others of the same age might be placed at risk by the same responsibilities. These variations underline why age alone is an unreliable marker of readiness. At the same time, harm, understood here as threats to children's physical safety, emotional well-being, dignity or development, always carries consequences, even when an individual child feels able to cope, or a community regards the activity as acceptable. Protective standards, therefore, need to be framed on the presumption of children's vulnerability, while still allowing space to recognize evolving capacities and take children's perspectives into account.

The situation is significantly different in, for example, a relationship between a child and an older or more experienced person who may be more capable of manipulation, abuse or coercion. In such cases, the imbalance of power heightens the risk of harm. Much of children's vulnerability does not stem solely from a lack of capacity but from their lack of power and status to exercise their rights, negotiate decisions and resist exploitation.

In summary, faced with the same behaviours or activities, children's degree of exposure to risk of harm will be mediated by:

- the degree of social and cultural acceptance of the behaviour or expectation;
- the level of support afforded by key adults in the child's life;
- the degree of agency experienced by the child in coping with the activity or situation;
- the child's individual personality and strengths; and
- the nature and extent of potential impact.

Balancing protection with children's exposure to risk. Different cultural contexts can result in profoundly different perspectives on the type of exposure to risk and forms of discipline needed to support a child's transition to adulthood. In some communities, harsh discipline is interpreted as a means of reinforcing endurance, with the goal of building strength and protection rather than punishment. Although cultural acceptance can influence how children experience such treatment, harsh disciplinary practices are now widely regarded as abusive, harmful to their development and a breach of children's right to protection from violence.

Unless approaches to protection also recognize and respect children's participation and agency, they can have negative and unintended consequences. Without parental and caregiver support and guidance, an excessively overprotective environment can instead leave children more vulnerable. This dynamic is particularly evident in the digital environment, where overly restrictive parenting approaches can lead children to conceal their online activities.[291] Research conducted with 248 American parents revealed that while restrictive parental monitoring of adolescent digital use was positively associated with problematic internet use, active monitoring within close family relationships was not.[292] In this context, restrictive parenting was assessed as the imposition of strict limits on digital access, compared with an approach where parents had a close relationship with their child and knowledge of their activities, including online (*see Box 18*).

Restrictions can also result in negative outcomes that fall disproportionately on girls.[293] For example, a study in Ghana, Malawi and South Africa found that parental constraints on digital access, although well intentioned, became a substantial barrier to education and improved livelihoods for girls, especially in rural areas.[294] In such cases, protective efforts risk undermining the strengthening of girls' capacities.

Parents can play a significant role in building children's capacities to understand risk, exercise judgement, and acquire the confidence to explore new experiences and accept growing levels of responsibility. With appropriate support, even very young children can be empowered to protect themselves; for example, a study showed that after carefully designed training on body awareness, young children could learn to recognize inappropriate sexual requests, even from 'good' people.[295] Building on these early capacities, broader support for life skills such as critical

thinking, decision-making and understanding consent strengthens children's ability to negotiate the challenges they face as they move through childhood.[296] Empowerment, capacity building and recognition of emerging autonomy need to become the foundation of protection systems, drawing on the resilience, strengths and contributions of children themselves.

Striking a balance between avoiding risk and building appropriate capacities. Concerns have been raised that heightened risk aversion and an increasing parental focus on safety can limit children's social, emotional and intellectual development and make it harder for them to become independent adults capable of coping with life's inevitable challenges, including negotiating, taking responsibility, managing conflict and exploring the world and its boundaries.[297] Research shows that overprotection can contribute to children's internalized fear and lack of confidence and can hinder adolescents' psychological, academic and social development by undermining their need for autonomy, competence, self-efficacy and ability to cope with challenges.[298]

BOX 18

Balancing protection with adolescents' growing agency and participation

While keeping children safe is a primary function of parenting, trying to eliminate all risk in a child's life can stunt their development, sense of independence, and ability to confront adversity. Concerns have been expressed that growing parental focus on the safety of their children may be responsible for the internalization of fear and lack of confidence among children themselves.[299]

A significant number of studies provide evidence that overprotection may hinder psychological, academic and social functioning in adolescents. It is argued that high levels of protection may not be developmentally appropriate and may inhibit adolescents' psychological needs, with a negative and long-term impact on various aspects of functioning by undermining their need for autonomy, feelings of competence, self-efficacy and coping behaviours.[300]

However, a study using longitudinal data from the Netherlands examined the impact of parental overprotection on the functioning of adolescents between ages 11 and 16.[301] It defined overprotection as "overprotective, anxious parenting with a tendency for control attempts".[302] Further, it stated: "Overprotective parents try to ensure their child's safety and well-being by being excessively involved in their child's daily activities and experiences."[303]

The data examined the impact of overprotection on academic performance, pro-social behaviour and internalizing problems, taking into consideration parenting by mothers and fathers and the degree of parental warmth or rejection.

The study found that, although adolescents who reported higher levels of parental overprotection showed more maladaptive behaviours and poorer academic achievement at age 11, these problems were no longer strongly evident by age 16. The impact of overprotection diminished significantly as the children progressed through adolescence. Unsurprisingly, the study also indicated that parental warmth was a significant factor in countering the potential negative impact of overprotection.

The study also revealed that as adolescents spent increasing amounts of time with friends and at school and relied more on peers for support and advice, the strength of associations between parents' overprotection and academic and social functioning decreased. Adolescents' own agency and exercise of choices are highly influential; far from being passive 'victims' of their parents' boundaries, they are able to take increasing levels of control over their own lives and interact positively with the environment around them.

5.3 Children as participants in their protection

Protection of children has traditionally been understood as an adult responsibility undertaken on their behalf. A common argument against involving children is that their protection and participation are in tension and that creating opportunities for them to speak out could jeopardize their safety and well-being. However, excluding children from protective processes overlooks a crucial source of information: children's own perspectives on the violence and harm they experience. It also risks overlooking important differences between the views of adults and children. Effective protection requires recognizing and integrating children's experiences and capacities.

There is growing evidence that meaningful protection is only possible when children are listened to, and their ability to represent their experiences is respected. Participation is not in conflict with protection. Protection and active participation are mutually reinforcing. Multiple factors influence a child's capacity to take responsibility.

Children's contribution to the understanding of risk and harm. Children bring a unique perspective on the risks and threats they face and the impact these have on their lives. Their insights are vital for understanding what actually happens to them, supporting advocacy to tackle

violence and informing the strategies needed to achieve that end. Children hold information unavailable to adults unless the time and space are created for them to be heard.

The critical role of children's perspectives in exposing the realities of violence was demonstrated in a United Nations study[304] involving around 1,000 children from all regions. Across all contexts, children spoke with striking consistency about their experiences of violence in the home, at school and in care. A recurring theme was the rejection of corporal punishment, with many describing it as unbearable and unjust. These collective testimonies demonstrated children's remarkable sophistication in recounting prior experiences and underscored the urgent need to ban corporal punishment, reinforcing international calls for its prohibition.[305]

Respecting children's capacities to articulate their experiences also makes it possible to recognize the widely differing risks they face depending on their contexts. For example, boys and girls, particularly during adolescence, encounter profoundly different risks and threats: Girls may face child marriage, intimate partner violence, female genital mutilation, 'honour' killings or trafficking, while boys face harmful initiation rites, coercion into militias, extremist groups and gangs.[306] Children living in poverty, in institutions or on the streets, children who identify as LGBTIQ+, and minority and Indigenous children all face distinct threats to their safety and bring equally important insights and proposals for ending violence.[307]

The need to respect children's expertise and their capacity to identify both the risks they face and potential strategies for addressing them is of particular importance in the digital sphere. The Committee on the Rights of the Child recognizes the key contribution that children can make in ensuring a safer online world and strongly urges States to involve children in the development of legislation, policies, programmes, services and training.[308] However, very little progress has been made in ensuring that children's unique experiences as users inform legislative and policy developments in online environments.[309]

Protection fails without children's voices. Historically, children have experienced abuse without recognition of their capacities to articulate their own experiences. Over the past 50 years, a catalogue of inquiries has exposed systemic physical and sexual violence against children in care homes, institutions for children with disabilities, faith-based entities and organizations, and residential schools in many countries.[310] The presumption that adults act in the best interests of children, coupled with the belief that children lack the capacity to contribute to their own protection, has resulted in suffering with no mechanisms for escape, accountability or redress.

Evidence from investigations highlights a consistent lesson:[311] Perpetrators could continue abusing because children either did not know they had a right to greater protection or were silenced. That silence stemmed from multiple factors, including fear of retaliation, absence of trusted adults, the

automatic belief in adults' accounts over children's, and the failure of police and child protection agencies to act when children did speak. These conditions allowed abuse to persist, unchallenged, for decades. Recommendations of the Australian Royal Commission, among others, affirm that children must be involved in the strategic development, design, implementation and evaluation of child protection initiatives, that staff must be sensitive to enabling children to communicate concerns, and that accessible complaint mechanisms must be in place.[312]

The silencing of violence also extends beyond institutional settings. Many children are denied the opportunity to articulate the violence they experience within their families.[313] The vulnerability of adolescent girls is often compounded by a cultural expectation that, after puberty, they must not be seen by men other than their husbands or close male relatives, cutting them off from public spaces and limiting their ability to challenge abuse.

Vulnerability and assumptions of incapacity of children with disabilities.[314] Children with disabilities are disproportionately vulnerable to physical, sexual and emotional abuse. Multiple factors contribute to the risks they are exposed to, including communication barriers, social isolation and widespread assumptions of incapacity. Many children with disabilities are out of school, lack contact with trusted adults outside their families and remain largely invisible within their communities. A staff member at a non-governmental organization in Uganda described how children with disabilities are targeted because of their vulnerabilities: "They [children with disabilities] are more vulnerable than someone who can speak, walk, run … Like that girl you found in the wheelchair, someone can take advantage … how will (she) crawl (away)?"[315]

Children with disabilities face sequential barriers that severely limit their capacity to protect themselves. Isolation from other children, school and other sources of information means they are often unaware that sexually violent behaviour towards them constitutes abuse. Perpetrators exploit this by presenting abusive acts as normal or suggesting that the child should be grateful and compliant. This risk is particularly acute for children who require intimate care and may not understand that some forms of touching are inappropriate.

Even when children understand that what is happening is wrong, they may not know they have a right to protection or how to report the violence. They are less likely than non-disabled children to have contact with, or access to, trusted adults outside the home and often lack information about helplines and child protection services. Even when such information is available, children who are deaf, blind or have restricted mobility may find it impossible to reach help.

Dependency on family members, who may themselves be perpetrators or closely connected to them, traps many children in violent situations. They may also risk punishment if they do seek help.

Even if all such obstacles are overcome and they succeed in reporting abuse, it is common for the police and courts to refuse to believe a child with a disability, assuming that they lack the capacity to make a reliable report or to serve as a credible witness.

Few cases are reported, limiting awareness of the scale of abuse. This, in turn, leads to low state investment in prevention and response, and further discourages reporting. Breaking this cycle of abuse requires full recognition of the rights of children with disabilities to be heard, access justice and have their capacities to articulate their own experiences respected.

Children contribute to their own protection. The growing number of opportunities for children to express their views has generated strong evidence that they can exercise agency and contribute their strengths and resources to their own protection. Children's climate activism, including the visibility and strength of their campaigning, provides clear evidence of both their concern and capacity to engage in a complex field of advocacy. As the Committee on the Rights of the Child stated in its General Comment No. 26 (2023) on children's rights and the environment: "Child human rights defenders, as agents of change, have made historic contributions to human rights and environmental protection. Their status should be recognized, and their demands for urgent and decisive measures to tackle global environmental harm should be realized."[316]

As discussed in Chapter 4, participation plays a critical role in the emancipatory dimension of evolving capacities. It contributes to children's development and belief in themselves, creating a virtuous circle; when they learn about their rights and are listened to and taken seriously, they become more able to exercise those rights, which strengthens their self-esteem and confidence.[317] This emerging confidence is further reinforced through collective forms of participation, where children work with others to achieve change, realize their rights and hold others to account. In this way, they learn that a shared voice is more powerful and effective.[318] Children who are empowered to speak out and who believe they can make a difference are less vulnerable to abuse and exploitation and better equipped to help build safer, more inclusive communities.

5.4 Age and the balance between protection and autonomy

A clear implication of Article 5 of the Convention is that parents and caregivers must respect children's capacities to exercise rights on their own behalf but avoid imposing excessive demands beyond their capacities. Parents also have a duty to provide the necessary protection to prevent such overreach. The degree of protection required is greatest in children's earliest years when children are wholly dependent. Still, even from a very early age, children begin to explore

boundaries, exercise choices and test constraints. Gradually, their capacity for active engagement and independence grows stronger.

As Chapter 2 highlighted, adolescence is a period of great developmental change. Children begin to forge new identities, break away from parental constraints and align themselves more closely with their peers. These years bring significant life changes, including physical development, sexual maturation, a growing need for autonomy and social expectations, new responsibilities, and increased exposure to risk-taking. Adolescents often challenge protective childhood constraints and assert their wish to exercise more choices for themselves.

While children remain entitled to all protections under the Convention, a distinction must be made between universal protection rights, such as protection from violence, sexual and economic exploitation, and exposure to the adult criminal justice system, which apply irrespective of age or capacities, and forms of protection that are contextual and should adapt according to age and maturity.[319] For example, the level of protection from explicit or disturbing information or decisions relating to friendships, social activities or sexual relationships may diminish as children acquire understanding and capacity to navigate these matters and to exercise those choices for themselves. Adolescence is also a period of increased exposure to harm through sexual experimentation, substance use, unwanted sexual attention and abuse, and multiple online risks, including sexual or economic exploitation, privacy violations and data theft. These emerging risks call for protective approaches that are responsive rather than restrictive, developed through dialogue and engagement with children.

5.5 Ensuring protection in contexts of participation

Children often encounter adult reluctance to uphold their right to participate on the grounds that doing so may expose them to harm. Adults may judge that children lack the capacity to assess such risks for themselves. To address these perceived risks, a clear distinction must be made between the process and outcomes of participatory decision-making and between individual and collective participation.[320]

At the level of individual participation, children might be involved in decisions about health care and treatment, civil or criminal proceedings, child protection conferences, or care placements and parental contact. Concerns in these contexts typically focus on whether participation, given their capacities and understanding, might emotionally harm children, place them at risk or burden them in ways they cannot manage. How children experience participation is therefore critical to ensuring it does not result in harm.

When children participate collectively, as a constituency, they might be involved in advocacy or campaigning on legislation, policy-making, service design or budgetary allocations. They may offer feedback on effectiveness, organize peer networks, clubs or committees, or engage as human rights defenders. In these cases, concerns centre on the risks to which they may be exposed and their capacities to assess and manage those risks.

Children involved in individual and especially collective activities may face bullying, exploitation, retaliation, unwanted media exposure or, in extreme cases, serious violence by state actors.[321] Certain groups of children can be more exposed to risk than others, such as LGBTIQ+ children and those advocating for sexual and reproductive rights or other issues perceived to be sensitive.[322] In all such contexts, the central concern is not whether children have the right or capacity to engage but whether the environment and adult support are adequate to mitigate risks.

The nine basic requirements for meaningful and ethical participation, outlined in Chapter 5 (*see Box 14*) and developed by the Committee on the Rights of the Child, are therefore essential.[323] These requirements include transparency, voluntariness, respect, relevance, child-friendliness, inclusiveness, training for adults, safety and accountability. Together, they help ensure that participation protects children from harm while enabling them to contribute safely and effectively.

Recognition must also be given to the growing impact of the digital environment in children's lives, where participation often takes place independent of adult mediation. Strategies must empower children to understand risks, seek guidance when needed and draw on their experience of using social media to inform relevant policy and regulatory frameworks.[324] Article 12 does not require decision-makers to follow children's views irrespective of consequences. Rather, it mandates that children's views be given due weight in accordance with their age and maturity. In collective participation, such as consultations on corporal punishment, age limits for child labour or child protection policy design, children's views are not determinative but should help shape priorities within a broader consultative process.

In decisions affecting individual children, the appropriate weight also depends on factors such as the potential impact or risk of the decision, the strength of the child's views, the effect on other rights, and an overall assessment of the child's best interests.[325] Chapters 8 and 9 explore these interdependencies in greater detail. Avoiding harm requires sustained investment in ethical, high-quality opportunities for children to express their views, alongside a rights-based approach to determining how those views are considered.

6. Growing up digital: Children's evolving capacities in a transformed world

This chapter examines children's experience of the digital environment as a phenomenon with multiple significant impacts on their evolving capacities. The digital environment contributes to the development of new skills and access to new information, and provides children with the ability to enter spaces where they function independently, often invisibly, and form new communities and identities. However, these opportunities are accompanied by risks and challenges that may affect children's development, agency and protection. To examine these tensions, the framework of development, agency and protection is applied as an essential set of intersecting elements underlying child rights. It helps address the questions facing legal and policy constituencies seeking to enable children to thrive while safeguarding their development and well-being in an increasingly digital world, in which relationships, connections and opportunities continuously shift.

The digital environment has transformed children's lives in ways unimaginable a generation ago and is now a permanent part of childhood everywhere. Ten years ago, an estimated one third of internet users were children.[326] More recently, an estimated 71 per cent of all 15- to 24-year-olds use the internet, making them the most connected age group, albeit with some disparities by gender and other social and economic factors (*see Box 19*).[327] The influence of this new reality will continue to grow, as AI plays a greater role in daily life (*see Box 20*).

BOX 19

Gender inequalities in digital access

The Committee on the Rights of the Child has emphasized the critical importance of digital access for the realization of children's rights. It is a dimension of children's lives that affords them the space for growing independence in line with their evolving capacities. The Committee also highlighted concerns over girls' unequal access and has stressed that "specific measures will be required to close the gender-related divide for girls and that particular attention is given to access, digital literacy, privacy and online safety."[328]

While 81 per cent of men and 75 per cent of women globally owned mobile phones in 2023, significant disparities persist across countries; there are 244 million fewer women than men using

the internet worldwide. In Pakistan, 22 per cent of women without a phone cited lack of family approval as the primary obstacle, compared to 4 per cent of men. A survey of girls and their parents in Ethiopia, India, Jordan, Kenya, Nigeria, Rwanda and the United Republic of Tanzania showed that parents tended to believe that girls require more protection than boys from potential online distractions and temptations.[329]

Digital skill gaps between genders are narrowing, but disparities remain stark across income levels and countries. A 2024 United Nations Educational, Scientific and Cultural Organization (UNESCO) report highlighted several examples: Countries with the largest gender disparities in digital skills, disadvantaging young women, are typically low-income nations in sub-Saharan Africa (Chad, Gambia) and South Asia (Nepal, Pakistan). Young women are significantly underrepresented in spreadsheet skills compared to young men.

In contrast, in some countries among the Caribbean (Turks and Caicos) and Pacific Small Island Developing States (Tuvalu), the Middle East (Egypt and Oman) and Southeast Asia (Thailand and Viet Nam), men are less represented, with more women possessing digital-based skills, for instance, working with spreadsheets.[330]

The Committee on the Rights of the Child has commented: "The digital environment is becoming increasingly important across most aspects of children's lives, including during times of crisis, as societal functions, including education, government services and commerce, progressively come to rely upon digital technologies." It emphasizes that States must respect the evolving capacities of the child in the gradual acquisition of competencies, understanding and agency. This is of particular significance in the context of the digital environment, where children can engage with greater independence from parental supervision. The risks and opportunities children encounter in the digital environment change depending on their age and stage of development, and States need to be guided by those considerations when designing measures to protect and to facilitate children's access.[331]

The digital environment presents unique challenges in balancing children's growing agency and autonomy as they build capacities and confidence online with the need to protect them from harms they might not recognize or be able to resist. The dominant narrative, voiced by governments and the media, tends to concentrate on harm, highlighting concerns about exposure to cyberbullying, sexual exploitation and abuse, online hate, pornography, invasion of privacy, theft, and the collection and sale of personal data.

Contextualizing these concerns is essential; every new technological advancement is accompanied by fears about potential harmful consequences that might ensue. Many of those anticipated harms turn out to be unfounded.[332] And while some risks are genuine, the digital environment also offers children significant opportunities to develop skills, knowledge and creativity. It provides unprecedented spaces, systems and opportunities for learning, social interaction, music and culture, networking, civic engagement, and more.

The digital environment shapes children's lives in ways that have implications for decisions about their capacity at multiple levels: Within families, within schools, at the State level in relation to statutory age limits, and at the level of government and the tech industry in relation to platform regulation and design.

6.1 Balancing protection and empowerment in the digital environment

Neither a risk-free internet nor the removal of the internet from children's lives is possible.[333] While States must regulate tech companies to guard against egregious violations of children's rights, States must also support children's evolving capacities by helping them develop the awareness, knowledge and skills to recognize and manage online risks, as well as risks arising more broadly from the digitalization of society.[334] As addressed in Chapter 2, exploration of some degree of risk-taking during adolescence is necessary because it is one of the ways adolescents test boundaries and learn to differentiate risk from harm. The focus should not be on maintaining children in a protective cocoon, but rather on building their capacities to navigate the online world, including its links to offline experiences, safely.

Achieving a safe and positive online experience that promotes, respects and protects children's evolving capacities remains fraught with challenges. Children exercise many of their rights through the online environment, including the rights to information, freedom of expression and association, play and access to culture, education and family contact. Yet many of their rights are also at risk online or as a result of digitalization, such as the right to protection from violence and all forms of exploitation, and the right to privacy. As children engage online, they are constantly making choices and decisions that affect how these rights are exercised or protected.

BOX 20

AI and its implications for children's evolving capacities

AI refers to "a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments".[335] These systems interact with people and their environments in multiple ways, constantly improving, adapting and retooling through these interactions. The pace of AI system development, relative to human endeavour, is a matter of much attention and debate.

Guidance from UNICEF[336] points to a core issue regarding the impact of AI systems on children's rights: AI is transforming the world in ways that have significant impacts on children's skills and opportunities and exposure to risks. Yet these systems are typically developed by adults with insufficient attention to children's needs or rights. Design choices pay little consideration to the way children use AI, and how its direct and indirect impacts are mediated by the specific stages of children's emotional, cognitive, physical and social development.

AI learning systems are often trained on data that are not representative of children's characteristics. As a result, they may undermine child rights and development and heighten the risks of algorithmic bias. When such applications are used in health, education or social welfare systems, they can render invisible the specific needs and rights of some children. Other concerns include the exacerbation of inequality between those who have access to digital and AI tools for skills development and those who are excluded not only from access but also from engagement, participation and shaping AI. A further serious concern remains about protecting the data of children who, when interacting with AI systems, may inadvertently compromise their own privacy in ways that lead to ethical violations of their rights.

Children's distinct physical and psychological characteristics demand special consideration in the way AI systems are designed and applied, as these systems increasingly influence the information, services, opportunities and risks children encounter. It is crucial to acknowledge that AI will further mediate and shape children's development and education, and that they will experience growing and sustained exposure to AI throughout their lives.

UNICEF regularly updates its guidance on AI and children[337] to reflect the evolving policy and technology landscape – such as the emergence of AI companions and the environmental impacts of AI systems to which children are most vulnerable. As the forthcoming updated guidance states: "Because of children's evolving capacities, AI rules and systems should be age appropriate,

recognizing the particular protection needs of younger children while empowering adolescents' agency as they mature. In practice, this means treating childhood not as a single user profile but adapting to developmental stages."

Over the past decade, neurotechnology[338] has increasingly combined with AI, nanotechnology, and virtual or extended reality, leading to fast-paced advancements that are beginning to affect children's rights in various ways. Neurotechnology refers to tools that monitor, decode or influence the brain and nervous system, encompassing both medical and non-medical applications. It includes invasive devices such as brain implants for treating neurological disorders and non-invasive wearables aimed at improving focus, sleep or emotional regulation. Brain–computer interfaces, a subset of neurotechnology, enable direct communication between the brain and external devices. While implantable neurotechnology is rarely used in children, non-invasive forms are increasingly accessible and may feature more regularly in children's daily lives in areas such as education, health and play.

Although neurotechnology offers developmental benefits when used ethically and safely, it also poses risks to children's rights – such as privacy, freedom of thought and cognitive development – if not properly regulated. As the sector rapidly evolves, a child rights-based regulatory approach is essential to protect and empower children. It should be evidence-informed, with States establishing clear ethical guidelines and standards for neurotechnology research involving children and for technologies used by, or likely to influence, children.

6.2 Policy implications for promoting, respecting and protecting children's evolving capacities in a digital world

Effective policymaking in the digital world must be grounded in evidence, drawing in particular on insights from children themselves about the nature and extent of the risks they face and the potential for both benefit and harm. Children's experiences are shaped by factors such as age, the type of content accessed, time spent online, offline vulnerabilities and the availability of support. There continues to be no international human rights standard establishing age thresholds for capacity to access a mobile phone or any specific online platform. This absence remains a significant gap in the policy landscape underpinning the digital environment.

In its General Comment No. 25 (2021), the Committee made clear that recognition of children's evolving capacities must be given to "the changing position of children and their agency in the modern world, to their competence and understanding, which develop unevenly across areas

of skill and activity, and to the diverse nature of the risks involved. Research methodologies and the subsequent interpretations of findings are themselves the subject of debate. These issues must be balanced with the importance of children exercising their rights in supported environments and the range of individual experiences and circumstances."[339] General Comment No. 20 also insists that digital providers must offer services that are appropriate for children's evolving capacities.

General Comment No. 25 was produced in response to growing concerns about how to realize children's rights in the digital environment. It conveyed a clear message: The starting point must be equitable, safe access and opportunity in the online environment, together with the clear obligations of States and the technology industry to ensure that children's rights are not put at risk or violated. The Committee explicitly rejected the use of protection arguments to justify restricting children's access, although it did call for age-appropriate materials and age-verification systems.[340]

Evidence on benefits and harms associated with online activity. To date, the interpretation of the evidence in respect of benefits and harms remains a matter of significant dispute. Differences in methodologies and coverage across studies, and the challenges of measuring harm linked to online activity, result in different conclusions. Moderating factors, such as the type of internet use, the role of parental involvement and guidance, and access to other opportunities, shape associations between online activity and outcomes. As a result, there are widely differing perspectives on the extent to which online activity enhances or impedes children's development, and whether the available evidence justifies imposing restrictions and age limits on children's access to online platforms, particularly social media.

Age-based guidelines and evidence. Current international guidelines recommend that infants and toddlers under 2 years old have no screen use at all, and that children aged 2 to 5 years have less than one hour of screen use per day. However, the evidence shows that these guidelines are largely disregarded.[341] Clearly, children under 5 lack the capacity to take responsibility for their own screen use, making parental oversight critically important – though such oversight diminishes as children grow older.

A range of harms associated with younger children's use of digital technology has been documented in studies across disciplines. These include impacts on sleep quality, attention, inhibitory control and language development.[342] For example, one systematic review on digital usage and child development found that children, unsurprisingly, spend significant time online, but that time spent is associated with positive and negative effects on children's cognitive development and learning.[343] It also found that children derive benefits from online engagement and recommended that the focus be on equipping children and parents to manage the nature, timing and duration of online activity – maximizing benefits and minimizing harm.

Negative outcomes reported across studies include decreases in verbal intelligence, language skills and concentration; lower levels of openness to new experiences; greater emotional instability; poorer social skills; difficulties in establishing interpersonal relationships; and disrupted parental–child interaction. Evidence points to negative effects of screen-based media consumption on sleep health and links these effects to screen time displacing sleep, media content stimulating the brain and light emissions disrupting circadian timing.[344] However, many studies were not designed to test causal direction, and substantially more research is needed before firm conclusions can be drawn across outcomes. Future research should examine the full extent of children's engagement in digital spaces, listen to children about these experiences and situate findings within their broader life circumstances and conditions.

Many findings are based on correlational rather than causal analysis, and a significant proportion of studies rely on self-reports and single-informant data primarily measuring time spent online.[345] Meta-analytic evidence suggests that experiments reducing social media time provide little evidence for causal effects and that the associations between digital technology, including social media, and adolescent mental health are smaller than often assumed, with few opportunities to separate cause from effect.[346]

A similar perspective emerges from global research into children's digital experiences, offering constructive guidance for navigating this complex and sometimes conflicting body of evidence.[347] Findings suggest that overall the internet can positively affect children's mental health and well-being, and that what children do online matters more than how long they spend online.[348] Children's offline mental health intersects with how they engage with the internet, each reinforcing the other. Some children may be more vulnerable than others, but vulnerability varies depending on the type of online risk. Research also shows a strong link between offline and online vulnerability: Children who are protected in offline settings are less likely to be exposed to harm online or, if exposed, better equipped to respond to it. Furthermore, risks do not usually occur in isolation – children exposed to one risk are also likely to experience others.[349] These findings underscore the challenge of applying the precautionary principle to protect children, and the corresponding risk of overprotection that may unduly restrict children's opportunities to benefit from the digital environment.

Responsibility for empowering, supporting and protecting children online, in accordance with their capacities, exists at multiple levels. It rests with parents in relation to their individual children, with schools in relation to children as students and with States in relation to all children as rights-holders, including by holding the technology industry accountable for respecting children's rights and providing remedies for violations. Children also have a role in developing the skills and capacities to make informed judgements about their online activities, but need the guidance of supportive adults to do so.

Supporting safe and informed digital engagement. Parents continually make judgements and determinations about the specific effects of screens and gaming, in terms of both time and content, on their child's development and well-being, aligned with the child's capacities to make safe and informed choices. Many are grappling with the inherent tension between recognizing the considerable benefits of internet use for children's development and ensuring appropriate protection from potential harms. It is not possible to lay down clear markers on the appropriate number of hours children should spend online each day, the types of content they should view or the age at which they should have access to a screen. Individual context is critical in determining what is reasonable for each child. Age also plays a role.

What is clear is that support, guidance and dialogue between key adults and children play vital roles in shaping the quality of children's engagement with the online environment. Children's capacities to understand potential harm, regulate their online behaviour and mitigate risks vary greatly but can be improved through encouragement and support from parents and sometimes peers. Trusting relationships can enhance children's confidence as internet users and reinforce their ability to maximize opportunities and manage or avoid risks associated with growing up in a digital world.[350]

Analysis indicates that in most countries where parents provide supportive mediation to children, children demonstrate higher digital skills and slightly less exposure to online risks.[351] However, in many parts of the world, this level of involvement may be unrealistic due to other pressures in parents' daily lives. Furthermore, parents cannot be burdened with full responsibility for ensuring that their children's online experience is positive and safe. States must act to ensure that the necessary guard rails are in place to promote children's active engagement without exposing them to damaging or harmful behaviour or material. Such measures involve strict regulation of tech companies.

Managing digital access to promote learning and well-being. School administrations are responsible for making judgements regarding the effects of mobile phone use on academic achievement, which in turn has an impact on students' physical and mental health and social relationships. Around the world, school policies vary widely: Some enforce outright bans, while others restrict access only during class time. There are increasing concerns that mobile phone use during school hours may hinder learning, well-being and personal safety. However, to date, few studies have systematically examined the impact of school smartphone policies on students' academic performance or other outcomes.

A review of the available evidence indicates a lack of consistent support for banning, restricting or allowing more flexible use of mobile phones.[352] For example, while some studies show that restrictions can lead to improved academic performance, especially for less advantaged children

or those struggling in school, others suggest no academic benefit. With only limited evidence available, it remains unclear which policies are most effective for the entire student body or for children of different ages.

The evidence remains similarly inconclusive regarding the impact on children's physical activity, healthy development and social interaction. A *Lancet* study involving over 1,000 children across 30 schools in England, with a variety of phone usage policies, found no evidence that restrictive policies are linked to overall phone and social media use or improved mental well-being in adolescents.[353] By contrast, a study conducted by the University of York found that banning mobile phones in schools positively influenced sleep and mood.[354]

Children possess valuable expertise and should be involved in all policy decisions within schools. Additionally, policies aimed at limiting access must account for students with diverse learning and social needs. For example, some children with disabilities may depend on digital access in ways that are essential to their learning, relying on specific online programmes or accessibility features.[355]

Regulating the digital environment to protect children's rights. States are engaged in discussions about the positive and negative impacts of digital usage on children's cognitive, social, emotional and physical development. They have a key role to play in both regulating the tech industry to ensure safe, positive and protective online environments that align with evidence on children's evolving capacities, and in monitoring and enforcing compliance. Without this protective regulatory framework, children lack protection from adults seeking to exploit their youth and vulnerability, as well as from the consequences of their own inexperience and limited understanding.

These measures aim to create opportunities for children to engage in behaviours within an environment that protects them from risks posed by their own actions or the actions of others. The broad measures required are detailed in the Committee's General Comment No. 25 on children's rights in the digital environment, including, for example, ending the practice of exposing children to potentially harmful, extreme or commercial content, safeguarding children's privacy, preventing unlawful collection of their data, and stopping unauthorized digital surveillance.[356]

States can also impose requirements for age-appropriate privacy settings, expanded availability and use of parental controls, increased use of age ratings and content classification, and the establishment of codes for online advertising. These measures aim to provide safer opportunities and enable children to access relevant online information and advice.[357] When protective frameworks are in place, parents and other caregivers are more likely to support and facilitate children's internet access, affording them greater opportunities to develop their skills within a

relatively secure environment that would otherwise be denied them.[358] In this way, legislation helps create a safe space where children can develop their abilities and gain greater autonomy. By contrast, a growing number of countries are legislating to impose restrictions on children's access, including bans on mobile phone use below a specified age, restrictions on access to social media and blanket policies on usage in schools.

6.3 Taking into account children's perspectives, experiences and views

One challenge is that the internet has been designed without sufficient consideration for children's needs and developmental milestones. Every child has the right to access the digital world safely, and without such access in the modern world, they are at a significant disadvantage. Currently, the internet's design is based on assumptions of adult-level maturity, meaning that it exposes children to a complex environment that can hinder rather than support their capacities and developmental goals. As children grow, their ability to engage with and understand potential risks evolves. For example, younger children need adult guidance and typically engage in activities like playing with child-focused apps, connecting with family or listening to music. They are unlikely to be aware of risks such as digital habit formation or creating a digital footprint, and therefore require adults to create a protective environment to ensure their online experiences are developmentally appropriate and safe.

As children grow older, the nature of their engagement broadens, and their understanding of and engagement with online opportunities deepens. In adolescence, for example, they become increasingly peer-oriented, as the need to belong to their social group, including in online spaces, intensifies and is shaped by special codes, jokes and routines, as well as unwritten rules of self-disclosure within their groups that guide behaviour.[359] The digital environment provides them with more opportunities to connect in spaces where parents are not present, which can lead to greater independence and less supervision than in the offline world.

At the same time, children can be accessed by malicious actors and private companies that offer platforms which manipulate, influence and monetize personal information without consent. The use of algorithms to target children's interests and direct their content informs the material they access and shapes their perspectives on the outside world, significantly affecting their development, including their sense of self, body image and political opinions.[360] Therefore, the period when parents become less able to manage or guide children's activities coincides with increasing exposure of children to potential exploitation and the commercialization of their private data. Many children understand that the business model of the tech industry is to foster addiction

to maximize profits. However, with children as with adults, knowing this motivation does not necessarily give them the power to resist its influence.

Denying children opportunities to acquire skills and knowledge, build social networks, and enjoy cultural experiences through their online engagement would be highly counterproductive for their developing abilities, self-determination, and emerging autonomy. However, to optimize these benefits, the environment they encounter must be appropriate to their developmental levels and should not expose them to harm that they may find difficult to recognize or resist. At the same time, attention must be paid to capacities that are inhibited or fail to develop as a consequence of online engagement. High levels of online activity can prevent children from engaging in physical activity, direct social contact, and experiencing the natural world, elements that are essential for optimal health and development throughout childhood. With the expansion of AI tools and their unfiltered accessibility to children, this issue has heightened the level of concern.

Consulting children. During the drafting of General Comment No. 25, a global consultation was conducted to gather children's perspectives on their online experiences (*see Box 21*). A total of over 700 children from 27 countries across all regions participated. Contrary to the common adult narrative on risk and harm, their consistent message was that they see the digital environment as critical to realizing their rights in today's world, and efforts should be made to ensure all children have regular and reliable access to digital technology and connectivity.[361]

What also consistently emerges from consultations with children is a desire for a more private, protective and transparent digital world that is age-appropriate and enabling of their interests, relationships and opportunities. They strongly insist that parents, caregivers, governments and commercial companies should respect their rights, especially access to truthful information in their own language, privacy, and protection from violence and inappropriate content.[362]

These findings reveal that children have demonstrated capacities to recognize the tensions between access to the digital environment and the associated risks. They firmly believe that online access is an essential part of their lives, but they also see the potential dangers and want action taken to limit exposure to harm. A greater focus is needed on the positive aspects of digital interactivity, the strategies children use to define and address the challenges they face, and how engagement processes can help them develop skills to contribute to a more fulfilling and safe online experience.

BOX 21

Views of adolescents from around the world[363]

Positive aspects		Negative aspects	
The benefit	**What children say**	**The harm**	**What children say**
Information	Digital technology enables us to research and know more about nutritious food and so on. Health-related info is much more accessible online. It is very easy for us to search for remedies.	**Spending too much time online**	Spending too much time on the phone … can impact your eyesight and give you headaches, and also … your neck or back can hurt. In this digital era, children spend more time with devices. This interrupts their time for food, physical exercises and rest, so children's health is affected. Spending too much time on the internet causes people to not play, not socialize with parents and friends, and can cause … mental illness.
Physical fitness	You can play music and do FitDance or Zumba. My girlfriend does physical exercise with her cell phone. She is in good shape.	**Negative self and body image**	Spending too much time on the internet causes people to not play, not socialize with parents and friends, and can cause … mental illness. You can develop unrealistic expectations from [seeing] photographs [that have] a negative impact on mental health and body image.
Uplifting content	When you are sad, the internet can help you see something that brings you joy and makes you happier. It's good *craic* [fun] reading everyone's posts. It's good for your mental health.	**Access to illicit drugs**	You can buy shisha and electronic cigarettes [online] and also learn ways of doing drugs. You can buy strange ingredients such as cocaine and marijuana on the internet.
Access to mental health support	We can seek help on the internet. There is growth in support NGOs, (and) easy access to books and teachers.	**Collection of data**	Apps aren't free just because they don't cost money. They sell your data, which in many ways is worse … These [apps] make money on your information, rather than what you pay. It's never a fair trade for your personal information. These platforms sell information to other companies, therefore it's always important to keep … certain information [to yourself].

Positive aspects		Negative aspects	
The benefit	**What children say**	**The harm**	**What children say**
Connection and community	Digital technologies can be healthy for us, because we can find old friends on social networks. I use social media to give positive messages to people – stay strong! – and connect with friends and relatives all over the world.	**Influence of marketing**	The internet provides a helpful learning environment and is a supportive tool to aid in learning. Sometimes, ads tell lies or the picture and the product are not the same. Digital influencers ... produce false information and content.
Learning opportunities	The internet helps children learn more. Some things might be found on the internet that are not taught in our classrooms. It is also a medium for research. Sites now provide free online teaching courses which kids can use to educate themselves. The internet provides a helpful learning environment and is a supportive tool to aid learning.	**Generational conflicts**	Our parents do not fully understand our problems, such as phones we use for projects, laptops, etc. And so, we lack support. My parents do not support me online because they are afraid of harm. Spending too much time on the phone [negatively] impacts connection with family. There are also some parents who are too busy using social media or too busy at work, so they forget to take care of their children.
Contact with family	I use digital technology to get in touch with dad, who works at an offshore rig. Technology helps in connecting families anywhere in the world. Communication helps families to solve problems together, despite being away from each other.	**Exposure to harmful material**	A lot of malicious information and content is available online and [there are] threats like child predators. Parental guidance is necessary for children's safety.

However, emerging evidence suggests that young people are starting to question their online engagement. A survey in the UK found that two thirds of 16- to 24-year-olds believe social media does more harm than good, and three quarters support stronger regulation to protect younger users.[364] Half believe they spent too much time on social media when they were younger, with regret most common among those who started using it at the youngest age. An EU-wide consultation with children seems to suggest a growing demand for adults to take more responsibility by imposing stricter limits on their online activity. These findings show that children are aware of their own levels of addiction and the difficulty of quitting voluntarily, especially when their peer group is still active online. Therefore, they feel that adults should take a more proactive role in helping them disconnect from their phones.[365]

6.4 Aligning policies with children's capacities: Looking ahead

The policy challenge with respect to children's rights and access to the digital environment must be addressed by promoting, protecting and respecting their rights. However, there are no simple solutions for creating a positive and safe environment for all children in line with their evolving capacities. Clearly, more research is needed to better inform children, parents, schools and the government on more effective ways to promote, protect and respect children's rights in the digital environment.

Although developmental factors make younger children particularly vulnerable to exploitation, the level of vulnerability varies greatly depending on the individual child, the support they receive from peers and adults, and the nature of their engagement. Taking an overly protective approach prevents children from accessing the developmental, educational, social and cultural benefits that a digital environment can provide. Conversely, exposing children to the unpredictable nature of the internet without filters is irresponsible, given their developmental stage and relative vulnerability. As one child in the UK said, "We want to be on the internet to learn and to share, but we are not ready for the whole adult world."[366]

There is a clear need for governments to act to limit the influence of the tech industry in practices that expose children to unregulated adult environments. Children deserve age-appropriate, child-sensitive and safe spaces in both the physical and digital worlds. The same principles should apply online. If such a safe environment were established, children could freely explore and take advantage of the opportunities the internet offers without the current dangers. Children possess clear and informed opinions on what changes are needed and should play a central role in shaping policies aimed at achieving those goals.

However, the challenge goes beyond children's activities online, the content they encounter, and how these experiences affect their development and future skills. Concerns also include the amount of time they spend online and the related consequences. So far, research shows mixed results on the effects of online activity on children's mental and physical well-being, social skills, and cognitive and language development. Some governments are applying a cautious approach in response to increasing public concern by limiting internet access, especially for younger children. Yet, investing solely in measures that block or restrict children's online access is insufficient. It is equally essential for governments to create physical environments that provide children with safe and engaging opportunities for play, creativity, sports and social interaction. When recreational and social spaces are lacking, children naturally turn to the internet for their activities. Enhancing children's potential requires offering them opportunities for learning, expression and participation both online and offline.

In summary, respecting children's capacities to engage online requires listening to children, taking their perspectives seriously and using their views to inform decisions on design, content and access. This should be achieved through dialogue with parents, professionals and governments. Protecting children's capacities involves ensuring they are not exposed to harmful content or experiences. Governments and the tech industry must take active measures in consultation with children, parents and key professionals to identify the most effective approaches, including establishing appropriate age thresholds.

Promoting children's optimal development requires investment in access to safe, high-quality, diverse and age-appropriate content for all children, including children with disabilities and children from marginalized and discriminated-against communities. Additionally, governments should invest in creating opportunities and services that support children's learning, play and social interaction in real life, beyond digital engagement.

PART III

Applications in law, policy and practice

Part III addresses the implications of children's evolving capacities in relation to decision-making – when, where and how the responsibility for making decisions on issues affecting children's lives transfers from the adult to the child.

As the chapters thus far have highlighted, the concept of evolving capacities has significant implications for the realization of children's civil, political, social, economic and protection rights. In this section, the focus turns more specifically to an exploration of how law, policy and practice need to address children's evolving capacities in respect of decision-making in their lives.

Chapter 7 presents findings from children on their experiences of how adult judgements of children's capacities inform decisions affecting them, children's perspectives on the rationale underpinning those decisions, and where children would like to see greater recognition of and respect for their contributions to decision-making. The insights emerge from focus group discussions.

Chapters 8 and 9 seek to unpack the difference between issues that necessitate fixed age limits and those where individual assessment of capacity is needed. Very clearly, age cannot be applied as a proxy for the individual capacity of every child for informed decision-making. There is nevertheless a need for age limits in those areas of children's lives where the absence of limits can expose them to inappropriate burdens and responsibilities, as well as to the risk of harm and exploitation.

Chapter 8, in particular, looks at age limits in respect of marriage, sexual consent, child labour and criminal responsibility. In so doing, the chapter offers a framework for how such limits need to be determined, taking a holistic approach to children's rights in light of the best available evidence.

Chapter 9 turns to those aspects of a child's life where assessment of the child's individual capacities must inform whether – and to what extent – they can take responsibility for decisions affecting them, for example in relation to health care, family placements or as witnesses in criminal proceedings. It offers an overview of the considerations that must inform the way those individual assessments of a child's capacity are undertaken.

7. Children reflect on power, capacity and voice

Throughout this report, evidence has been drawn from research and consultations with children concerning multiple dimensions of their lives.[367] As such, it reflects aspects of their lived experiences, perspectives and concerns related to the promotion, respect and protection of their evolving capacities, as set out in Article 5 of the Convention on the Rights of the Child. However, to date, limited research has been undertaken to explicitly investigate how children experience decision-making in their day-to-day lives in relation to their evolving capacities.

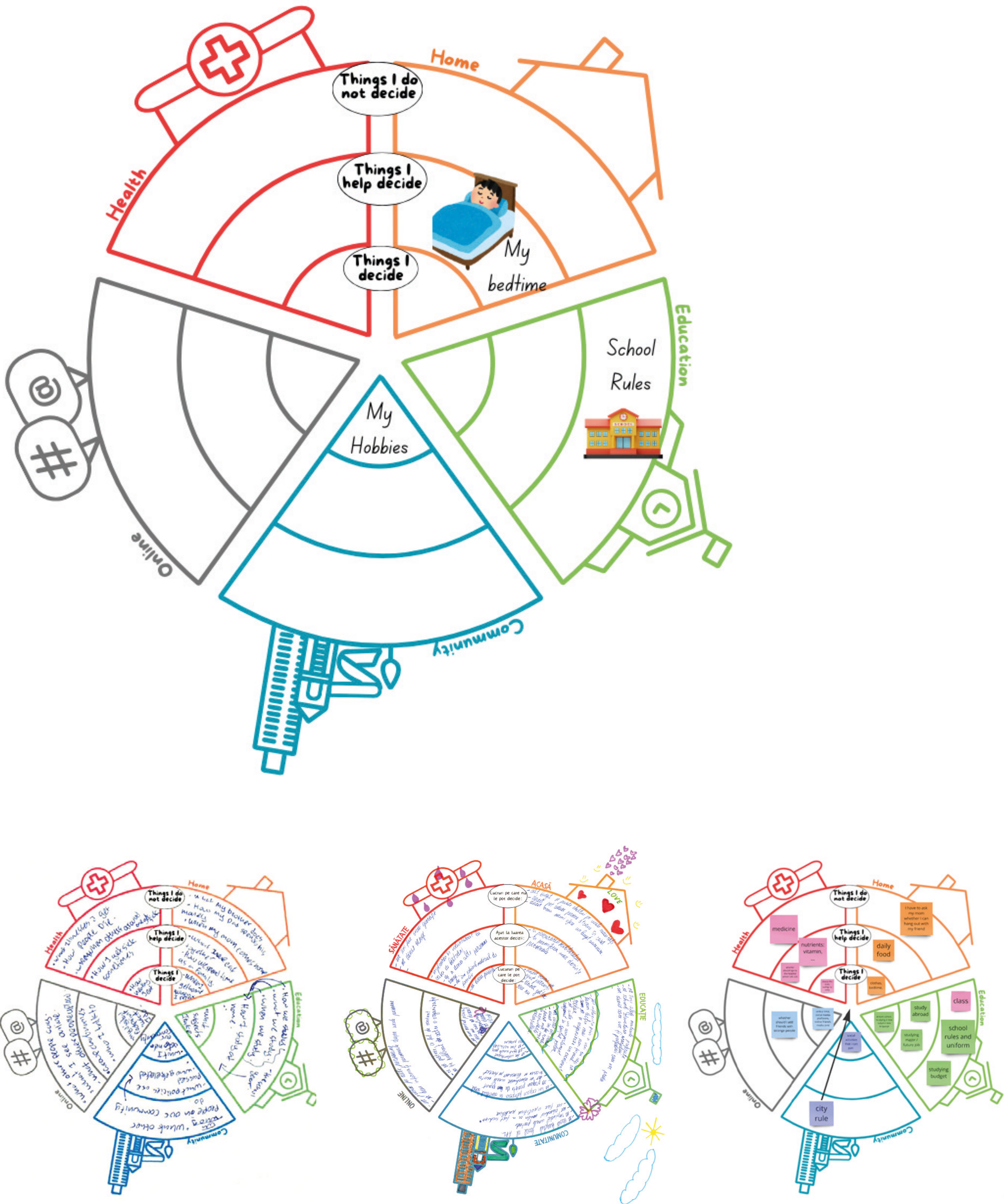
To address this gap and enrich this report, the Centre for Children's Rights at Queen's University Belfast conducted a small-scale study that sought the views of children on decisions that impact their lives at home, in school, in health care, online and within their wider community. The findings provide insights into children's concerns, their understanding of age and capacity, the need for both opportunity and protection in decision-making, and the boundaries that inhibit their freedoms to take responsibilities.

Over 150 children participated in focus group discussions held in 17 countries to explore the following questions (*see Annex 1 for methodology*):

- Which decisions affect your life?
- Who makes those decisions?
- How do you feel about the way decisions are made?
- Where and why would you like to have more influence?
- What needs to happen to change how decisions are made?

Figure 4: Tapping into children's perceptions and feelings

Queen's University facilitators used a 'decision wheel' activity to ask children about decisions in their lives in a way that supported children to reflect on and communicate their own experiences, interpret those responses and co-author recommendations for adults.



7.1 Development of children's capacities for decision-making

A consistent theme emerging from participants was their recognition that capacities to take responsibility for decision-making is a process that develops throughout childhood. Age was highlighted as a critical factor in determining when they were perceived as, and indeed felt confident in, having the necessary competence to make decisions for themselves.

> *"When I was younger, my parents decided for me. As I got older, I started choosing for myself."*
> Girl (16–18 group), Romania

> *"I wasn't asked when I was younger because I wasn't capable of making this decision. Being older, if I provide clearer arguments, my decision is taken more seriously. Where I want to go or where I want to spend the summer, now I just inform my parents and, to some extent, ask if I can attend certain activities."*
> Girl (17), Republic of Moldova

Growing older was associated with adults seeing children as more responsible and with children developing better judgement and articulating their views more effectively. However, there was also an understanding that not all children mature in the same way at the same age, with significant differences shaped by different lived experiences. A recurring theme in some discussions was children recognizing that they need practical experience in decision-making to build their capacities and acquire skills. In other words, they understood that only by being given opportunities to take responsibility could they develop better decision-making skills. Participants also noted that adults need to recognize and better understand the skills children already have, rather than assuming that adults always know best.

> *"How people view us – if you see me as a baby, then you'll see me as a baby and continue spoonfeeding everything."*
> Child (10–17 group), Maldives

> *"I need to show [to adults] that it is safe for me to do certain things on my own."*
> Boy (9), Sri Lanka

Linked to their experience was the emphasis that a number of children placed on the importance of information to support their involvement in decision-making. They recognized that access to information enhances their awareness, understanding and capacity to make better decisions, arguing:

> *"There needs to be information. The more informed you are, the more freedom you have to make decisions. If you consider yourself capable, you can make other decisions as well. You must be informed to be able to make a decision."*
> Girl (17), Republic of Moldova

Some of the older children noted that they did not necessarily gain more freedoms as they grew older. Rather, the nature of the restrictions they faced began to change. Instead of parents or other adults controlling their behaviour, older children were expected to regulate it themselves. In other words, growing older did not bring greater opportunities to exercise freedom of choice, but rather a responsibility to exercise self-control.

> *"We used to have more choice in Reception and Year 1, but now we don't have as much choice."*
> Child (6–8 group), England

> *"But at the same time, when we get older, they use it against us. They say that since you are older, you shouldn't behave this way and that way."*
> Child (10–17 group), Maldives

7.2 Recognition of and respect for capacities for decision-making

The findings reveal that children are often unhappy because adults do not recognize or respect their capacities to be involved in decisions that affect them. Although many children said they value and depend on being protected from adult responsibilities until they feel prepared, they also emphasized that many adults fail to acknowledge the capacities they already have and exclude them unnecessarily.

Children were often particularly critical of teachers, whom they felt to be much less collaborative than parents and more prone to making unilateral decisions – an approach many of them opposed. Many children would like to see a greater spirit of engagement on those issues.

> *The teachers also decided that we are not allowed to go to the toilet during class. They're not actually allowed to do that, are they? That's assault, bodily harm."*
> Girl (12–14 group), Germany

When asked why they thought they were excluded, the children often linked it to the fact that adults have status and power, which children are denied. In several cases, they also recognized that, while adults have the power to make decisions affecting children, they do not always do so wisely or fairly. There was a perception among some children that adults are given authority based on presumed capacity, whereas children are denied authority because of assumed incapacity.

> *"The teacher is big. I am small. The teacher decides everything."*
> Boy (9–10 group), Germany

> *"At school, teachers decide who is good and who isn't, even if they don't really know you."*
> Girl (16–18 group), Romania

The level of trust adults have in children's capacities was also seen as a key factor in whether children are given the opportunity to take responsibility for decisions. Children remarked on adults' failure to acknowledge and trust the capacities of children.

> *"I feel like they don't trust you enough and don't take you seriously as I would like to be."*
> Child (10–17 group), Maldives

> *"The children attributed their lack of influence to a lack of trust from adults. Many felt that adults assume they are too young or inexperienced to make responsible choices. Decision-making is often dominated by authority figures – whether at home, school or within the social care system – who rarely seek children's opinions. The children believe that gaining more influence starts with being heard and trusted."*
> Facilitator notes, Romania

However, a point was also made that some of the onus was on children to demonstrate that they were worthy of being trusted. For example:

> *"I need to show [to adults] that it is safe for me to do certain things on my own."*
> Boy (9), Sri Lanka

At the wider community level, children expressed a common belief that although they might be given the opportunity to express their views on potential decisions, nothing they said was later acted upon. This contributed to a feeling that they were not taken seriously, and they perceived this as dismissive and condescending.

> *"We're told we have the options of getting in touch with the local council if there's something we need to report, which might make something technically a decision I make with others, but you don't usually receive a response, so this feels more like something you don't get a say on."*
> Child (15–18 group), England

> *"We are given the opportunity to speak up, but they don't give us a platform to speak. They need to take us seriously and not invalidate our feelings."*
> Girl (16), Maldives

Indeed, most children felt completely excluded from decisions at the community level, with some children strongly voicing a wish for more engagement. They noted that, outside home and school, they generally had no idea who was making decisions.

> *"Some children felt that decisions were made 'behind closed doors' and that public consultations were either inaccessible or tokenistic."*
> Facilitator notes, Wales

Children also highlighted several specific areas where they wish to have more involvement in decision-making. These issues emerged across various domains. Regarding family life, a desire was expressed to influence the amount of time spent together as a family.

> *"I would like to have more influence on the decisions about the time we spend together in the family, for example, around dinner, because I want us to have a good time with each other and fun, too."*
> Boy (16), Cambodia

In relation to education, many children wanted more influence over the range of subjects they could choose. Their options for what to study were limited by what schools offered and how timetables were scheduled; they wanted more influence in how subjects were grouped to allow for greater free choice.

Participants were not explicitly asked how gender influenced decision-making. However, some groups consisted entirely of girls, and they offered insights into the types of decisions that particularly affect them, as well as how these decisions might be more restrictive for girls. They expressed feelings of isolation and powerlessness when it came to exercising agency over actions and behaviours that cause them distress or harm. Being denied a voice meant they could not raise issues that were of significant concern to them. For example:

> *"I would like to continue this discussion and talk about menstruation and sexually transmitted diseases. In this community, people don't really understand menstruation, how to take care of it or what to do when it is painful. Most girls don't have anyone to talk to about it."*
> Girl (17), Cambodia

> *"I would like to have more influence on what is happening in the community. For example, help decide topics for discussion with the organizations active here. In fact, I would like to start my own activity, for example, against bullying, against sexual violence ... I would like to learn more and promote children's rights and participation. Fathers should stop abusing their daughters; this causes mental health issues. Girls should not be left alone, but supported to go to school, to learn and develop."*
> Girl (17), Cambodia

7.3 Protection in line with capacities for decision-making

The idea of childhood as a period of entitlement to and necessity for additional protections to shield children from full adult responsibilities was highlighted by several children. They emphasized the importance of extra safeguards for younger children and noted that their lack of experience required adults to have greater control over decision-making. Many children valued adult guidance and support in various aspects of decision-making, especially from their parents.

> *"Decisions are made for children because they don't know the world as well, and need to learn more."*
> Girl (15), England

Some children expressed the view that, because they didn't yet have the capacity to make fully informed decisions on their own, they put their trust in their parents to help them make better choices. Similarly, others indicated that they felt anxious about the potential risks of making decisions without support, commenting that they were happy to let their parents or other adults make decisions with them at times because they were worried about the consequences of making the wrong decisions.

> *"...it makes you feel more comfortable and willing to talk, personally – you feel safe when you have influence, but I would worry if my decision would have a negative impact on myself or others, it depends on the decision."*
> Girl (15), England

> *"[One] participant replied that they tried to put themselves in their parents' shoes and that even though it is a bit uncomfortable or awkward to have those conversations, they believe it is necessary to set rules."*
> Facilitator notes, Ireland

Some children distinguished between decisions they had the capacity to fully own and those where a more collaborative approach was beneficial and the responsibility was shared.

> *"I consult with my parents sometimes, for more complex matters, I need their consultation and their money. For things that don't require money, I make the choice, like which path to take to school, who to sit with in class."*
> Boy (17), Republic of Moldova

> *"I need help in deciding because I am indecisive and get anxious when I have to make a decision, so I need the help of my mother to make decisions."*
> Girl (14), Maldives

Interestingly, they also highlighted the potential risks of both assigning too much responsibility to children too early and denying them the responsibilities that they do have the capacity to take on.

> *"I believe I will get more freedom, but also will know whether what I am doing is right or wrong."*
> Child (10–17 group), Maldives

7.4 Factors beyond capacity that inform children's participation in decision-making

The findings also reveal that children are acutely aware that recognition (or not) of their capacities is not the only factor influencing their opportunities to make or inform decisions that affect them. They mentioned a range of additional external factors that were significant.

Conditions placed on children's choices. For many children, the freedom to make choices was contingent on conforming to demands imposed by adults. In other words, it had no connection to their ability to make informed decisions. Instead, it spoke to the potential for adults to use their power over children to direct or control their behaviour. The choices available to children were therefore seen as contingent on complying with adult rules. A number of examples were cited:

> *"We cannot refuse the teachers' decision to organize a concert, as it will affect our grade and relationships with other students."*
> Girl (17), Moldova

> *"My father says I have to ... Well, I don't want to eat at all. My father says, 'Then you're not allowed to play in the hallway.' Then I have to go and eat. But sometimes I say I don't feel like it. I don't feel like it, but he won't let me."*
> Girl (10), Germany

Structural and environmental limits on influence. External factors often limit children's level of involvement in decisions. In other words, adults have already decided on the range of options available for children to choose from. For example, many children remarked that they could select which subjects to study at school, but these options were pre-determined by what the school was offering and how the timetable had been arranged. This meant that children often found that decisions they made themselves were actually choices within a restricted framework determined by others, rather than free decisions on their part.

> *"I would like more influence on hobbies – especially around what is on offer, as many activities are not accessible, and young people are not consulted around what they would like to see in the community. Probably funding is the main reason."*
> Child (15–18 group), England

> *"What I have for lunch is the only thing I get to decide at school, but I don't get to decide what is on the menu."*
> Girl (16), Scotland

> *"Sometimes it feels like you're making a decision, but really, it's already been made for you."*
> Girl (16-18 group), Romania

Most children said that if they disagreed with a decision, they felt nothing they said would influence the outcome.

> *"Sometimes I want to spend a particular time on a subject. However, teachers don't agree on giving us the amount of time we want to spend and let me decide my pace. For example, they give five days to memorize a certain lesson and recite it to them. So, we don't get much of an influence in decision-making, even if we say we cannot learn within that time frame. Basically, it's the teacher's choice. This is either due to communication issues or they just don't listen to children."*
> Girl (13), Maldives

A similar perception was expressed regarding the opaque nature of how the digital environment operates and children's inability to influence their online experience. Children were very aware of the power of the tech industry in driving their online content and the extent to which algorithms control the material they access. Several children expressed a desire for much greater involvement in how that environment is created and managed.

> *"A 17-year-old boy noted that while he can choose what to consume, algorithms push content onto his feed beyond his control".*
> Facilitator notes, Thailand

Financial limitations on choice. Many children were acutely aware of, and realistic about, how socioeconomic conditions constrain their choices. While parents and others might otherwise allow them more influence, limited family income reduces the options available to them. These constraints could indicate that children in wealthier families have more opportunities to make decisions. For example, one child observed:

> *"When school offers the chance to do things after school, I can't just sign up without asking anyone else and start going. I need to make sure I can be picked up on time, or that we can afford the equipment that might be needed. This is a joint decision I make with my parents."*
> Child (15–18 group), England

7.5 Children in difficult circumstances

It was clear among the focus groups that the level of children's involvement in decision-making often depends on their personal situation. Children living in **alternative care** spoke to additional constraints on the decisions they can make:

> *"Children in residential care mostly said they only decide whether to study after class and not much else … those in residential care worry that they will continue to have limited decision-making power until they leave the system."*
> Facilitator notes, Bulgaria

Children who have been in contact with the **justice system** raised additional issues regarding their involvement in decision-making. Specifically, children in detention centres expressed frustration that the lack of opportunities to participate was a consequence of distrust linked to their previous behaviours or decisions.

> *"Since we're here because of bad decisions, they don't let us make many on our own … The centre decides for us because they think it's for our own good."*
> Girl (16–18 group), Romania

Children in **refugee camps** similarly believed that their status influenced what they could do and the decisions they could make.

> *"I want to be with my mom instead of being in the shelter camp and also instead of being with my other family members. They always give me orders like I'm in the army and have no right to reply."*
> Girl (9), Haiti

7.6 Conclusions

Although representing only a small snapshot of children's experiences, the study's findings offer valuable insights into how children perceive decision-making in their lives. Children acknowledged that childhood is a gradual process of developing decision-making abilities and understanding, and largely appreciated the protection provided by parents from excessive responsibilities.

However, a strong message emerged from the consultations: Children want to have a say in decisions that impact them. While acknowledging that adults rightly make many decisions, they also wish to participate in a collaborative process with relevant adults. Lack of engagement leads to a sense of powerlessness and a feeling of not being trusted, respected or taken seriously. Children believe they have critical perspectives that can inform required decisions. Many participants clearly felt that they were given too few opportunities for involvement, especially outside the family. To build their capacity to take on increasing responsibilities, they emphasized the importance of access to information, having adults trust them, and creating chances to learn and develop the skills needed for informed decision-making. Children want adults to make time to include them and actively involve them in decision-making, rather than simply telling them what to do. This wish to contribute to decisions is shared by younger children, who also strongly feel they should have the opportunity to be heard and taken seriously.

The participating children articulated their understanding that multiple factors, beyond perceptions of their own capacities, serve to impose boundaries on their involvement in decision-making. They cited, for example, behaviour, trust, socioeconomic factors and situations where decisions were pre-determined at a higher level, thereby limiting the options available to children.

Overall, the findings suggest that children are not asking for radical change. They seek recognition, respect for their dignity, and the chance to contribute and influence the issues that

matter to them. Addressing these concerns from children would undoubtedly lead to greater harmony in families, schools and communities, lead to better-informed decisions, and provide children with opportunities to develop greater skills, confidence and self-esteem.

The Children and Youth Advisory Group, which collaborated on the study, concluded with the following recommendations for parents and other significant adults in children's lives:

- Create a safe environment that allows children to make decisions without fearing your reaction if they choose what you consider the 'wrong' decision.
- Listen to children's opinions about their decisions.
- Develop child-sensitive mechanisms that enable children to participate in decision-making.
- Encourage children to ask questions about decisions, both before and after they are made.
- Give children all the necessary information to make informed decisions, including potential positive and negative outcomes.
- If parents cannot help guide a decision, consult experts who can provide answers (via the internet or within the community).
- Recognize and celebrate when children make decisions, especially if they are considered 'good'.
- Ensure teachers and other adults who spend significant time with children are educated about children's rights and the concept of evolving capacities.

8. Legal age limits: What they are, when they apply and why they matter

8.1 Translating evolving capacities into legislation: Establishing age limits

Finding a balance between respecting children's right to exercise increasing autonomy and maintaining an appropriate level of protection from harm presents a significant challenge, especially when children may be exposed to serious risks. Protection is required regardless of children's individual capacities.

In day-to-day life, most decisions and everyday issues affecting children are worked out within the family without external involvement. These decisions include what a child eats, who their friends are, whether they own a mobile phone, what time they go to bed and whether they have a boyfriend or girlfriend. Parents balance such matters against a combination of factors, such as cultural expectations, community and social norms, the child's maturity and personality, and their own assessment of risk and opportunity. The degree to which children can influence these decisions often emerges through negotiation and dialogue, and at times, through conflict.

However, there are circumstances in which it is not appropriate to rely solely on the child's family to make decisions, particularly when the potential for harm to the child is significant. In such cases, legislation is necessary to uphold children's right to protection. This is often done through legal age limits, which vary depending on the issue. The Committee on the Rights of the Child has provided guidance on age across a range of legal and policy areas.[368] In some instances, the Committee has recommended a specific threshold; in others, it has required that one be established without prescribing what the age limit should be.

The Committee has also provided specific guidance in sensitive legal areas. It strongly encourages States to establish a minimum age of criminal responsibility at no younger than 14 years – and preferably older,[369] based on evidence of children's evolving capacities and best interests. In relation to sexual consent, the Committee adopts a more flexible approach, urging States to strike an appropriate balance between children's right to protection and recognition of their evolving capacities when determining a minimum age. This issue is discussed further in section 8.6.

8.2 Rationale for age limits

The Convention on the Rights of the Child defines a child as a human being below the age of 18 years, unless majority is attained earlier under national law (Article 1). This definition establishes a universal legal boundary for childhood, while leaving scope for States to set an earlier age of majority. Within that overall framework, the Convention makes clear that childhood is not a homogeneous period. Children's evolving capacities mean that, while age is not a reliable proxy for determining the capacity of any individual child, there are a number of circumstances where fixed age limits are, nevertheless, necessary. The rationale for such age limits is as follows:

Administrative practicality: In many arenas of children's lives, decisions need to be made about their access to certain administrative services and activities – for example, opening a bank account or a business, accessing certain films, buying fireworks, or applying for a driver's licence. It is simply not practicable for the personnel providing those services to assess the capacities of any individual child to understand the consequences of those actions. Service providers are unlikely to know the child personally and therefore have no reliable basis for judging their understanding of the issues involved. Accordingly, a fixed age limit is needed to avoid the risk of potential harm to those children who may lack the necessary capacities, and to provide clarity and guidance for service providers.

Establishing markers of emerging autonomy: The Committee on the Rights of the Child has emphasized the need for States to introduce age thresholds that recognize when children can begin to exercise individual decisions for themselves, for example, when making decisions about their own health care, consenting to adoption or changing their name. In general, once they have reached that age threshold, children are entitled to exercise those rights for themselves. In the area of health, the Committee further emphasizes that children should not be prevented from exercising decision-making rights solely because they have not yet reached the designated age, if they can demonstrate the capacity to do so. In addition, the Committee stresses that adolescents should have the right to access confidential medical counselling, irrespective of age, and without requiring the consent of a parent or guardian.[370]

Protecting children from harm, exploitation and abuse: In the absence of clear age limits, children would be left without protection, either from adults seeking to take advantage of their relative inexperience or from the consequences of their own limited understanding. Age limits serve to protect children from exploitation or abusive practices by those who have power over them. International standards, including guidance from the Committee on the Rights of the Child, recommend setting 18 as the minimum age for activities such as tobacco and alcohol use, marriage, hazardous or exploitative work, and participation in armed conflict. In many of these

areas, the issue is not that the child lacks the capacity to take part. Rather, their age means that such engagement is more likely to harm their development, undermine rights such as access to education and protection from violence, and limit future life opportunities.

Without an implementable legislative framework to protect them, children's lack of physical, economic or political power leaves them vulnerable to adult control, including being coerced into harmful activities against their will.[371] In addition, without fixed age limits, some children will make these choices themselves, exercising their agency in ways that seem to them the best option available, for example, leaving school for work or marrying early, even when the consequences may be detrimental to their development and well-being. However, legislation in some areas can allow flexibility, for example, by recognizing the right of children to work for limited numbers of hours in work that is not harmful or exploitative. Protective laws do exist in many contexts, but their effectiveness depends on implementation, which too often falls short.

Legislative guard rails to facilitate children's emerging autonomy: The State also has an explicit role in introducing a legislative and policy framework that defines the boundaries within which children at certain ages can engage in particular activities. These boundaries ensure protection from experiences that exceed their developmental capacities or expose them to risk. Such guard rails facilitate the development of emerging autonomy by opening up opportunities for engagement. For example in some countries, children are permitted to drive before the age of 18, under specific conditions. This typically includes lessons to develop driving skills, supervision by a qualified instructor, visible markers of inexperience such as learner (or 'L') plates, and a final practical test to assess competency and promote the safety of the new driver and others on the road. Such frameworks enable children to develop key skills in a safe, structured way, offering protection for themselves and for others as they build the capacity to take increasing responsibility behind the wheel. Similar arguments apply in the context of the digital environment, as discussed in Chapter 6.

8.3 Considerations when establishing age limits

In drawing up a legislative and policy framework in accordance with children's evolving capacities, this report suggests that States need to take into consideration the following questions:

1. What guidance do international human rights standards provide?
2. What is the nature and degree of harm associated with both overprotecting and underprotecting children?
3. Does the issue require a fixed age threshold?
4. Where are the boundaries of responsibility between the State and the family?

5. What does the evidence on child development tell us about how different capacities emerge?
6. Have the perspectives, experiences and views of children been elicited?

These questions are drawn from the analysis presented in previous chapters and can be addressed in relation to a wide range of policy areas. However, their implications are illustrated briefly below in four important but often contested areas of age limits in legislation: child marriage, child labour, sexual consent and age of criminal responsibility.

8.4 Minimum age for child marriage

1. What guidance do international human rights standards provide?

There is now a broad consensus within the international community that the minimum age for marriage should be 18 years, and that any marriage of a child under that age constitutes forced marriage.[372]

In its General Comment No. 20 on adolescence, the Committee on the Rights of the Child affirms that the minimum age limit should be 18 years.[373] Under international human rights law, a marriage is defined as being forced if it is not freely and consensually entered into. For example, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination Against Women both emphasize that no marriage can be entered into without the free and full consent of the intending spouses.[374]

For free and informed consent to be given, an individual must possess the cognitive capacity to understand the meaning of and responsibilities associated with marriage, which entails having access to appropriate information about their potential spouse, understanding the implications of the institution of marriage, and recognizing their rights to choose if, when and whom to marry. Accordingly, marriage should not be permitted before children have full maturity and capacity to act.

2. What is the nature and degree of harm associated with both overprotecting and underprotecting children?

The harms associated with child marriage have been well documented.[375] It disproportionately impacts girls, robs them of childhood, threatens well-being, exposes them to a higher risk of domestic violence, denies them education, increases risks associated with childbirth and isolates them from peers. Furthermore, it imposes significant responsibilities from which children are entitled to protection in accordance with their capacities as children.

However, across the globe, despite the agreed standards at the international level, significant numbers of girls are exposed to child marriage. Levels are highest in West and Central Africa, where nearly 4 in 10 young women are married before the age of 18. Lower levels of child marriage are found in Eastern and Southern Africa (32 per cent), South Asia (28 per cent), and Latin America and Caribbean (21 per cent). The prevalence of child marriage is decreasing globally, with the most progress in the past decade seen in South Asia, where a girl's risk of marrying in childhood has dropped by more than a third, from nearly 50 per cent to below 30 per cent. The total number of girls married in childhood stands at 12 million per year, and progress must be significantly accelerated to end the practice by 2030 – the target set out in the Sustainable Development Goals. Without further acceleration, more than 100 million additional girls will marry before their eighteenth birthday by 2030.[376]

It could be argued that fixed age limits overprotect children who consider they have the capacity to understand the implications of marriage and to make a free and informed decision. However, rights must be understood as interrelated and indivisible. In the context of marriage, alongside a child's wishes and feelings, consideration must be given to best interests, optimum development, the best possible health, protection from abuse, education, play, and recognition of still-evolving capacities. In light of the very real risk of violation of these rights and the potentially enduring harm that may result, there is a strong case for the balance to weigh in favour of adopting a protective approach to child marriage.

3. Does the issue require a fixed age threshold?

A minimum legal age for marriage is necessary to protect all children from possible harm. While some children may have the capacities to exercise agency and make an informed choice, most will not – and the assessment of who is capable is particularly prone to biases and conflicts of interest. Without a protective and enforceable age limit, children may enter into marriages before they are cognitively, physically, sexually, socially and emotionally capable. In addition, without a protective legal framework, many children may be subject to coercion from parents and family and therefore not in a position to make a free or informed choice. Given the degree of potential harm associated with child marriage and the inability of many children to exercise any choice in the matter, it is therefore necessary to prioritize legislative protection for all children, irrespective of individual capacity.

4. What are the boundaries of responsibility between the State and the family?

As signatories to the Convention, States have clear obligations to respect, protect and fulfil the rights of every child within their jurisdiction. In order to respect children's still-evolving capacities, ensure their right to protection from harm, and fulfil their social and economic rights, the State has a legitimate role in introducing legislation to establish a minimum age. In some jurisdictions,

a general age limit is introduced, with provisions permitting marriage below that age where there is parental or judicial approval. However, it can be argued that marriage has legal and social significance sufficient to justify limiting parental authority. At the same time, States should also understand the drivers of child marriage and provide the necessary services to support families to comply with the law, including programmes on addressing social norms, social protection, information and awareness.

5. What does the evidence on child and adolescent development tell us about how different capacities emerge?

The existing research on adolescent neuroscience indicates that children's cognitive, social, emotional, physical and moral capacities continue to evolve well into their twenties (*see Chapter 3*). Therefore, it is questionable whether they have the capacity before the age of 18 to commit to a decision on marriage, given its long-term and life-changing consequences. Furthermore, many children live in communities where they are subjected to societal and familial pressures that undermine their ability to give free and informed consent to marriage when they are still children.

6. Have the perspectives, experiences and views of children been elicited?

Children's input is of significant relevance in understanding the drivers of child marriage, what needs to change to support the legislation, how to disseminate and raise awareness, and how to achieve more effective law enforcement. Children can bring unique and vital perspectives to the issue. They can make a strong contribution to ensuring that legislation is introduced, implemented and managed in ways that are least likely to undermine family solidarity and relationships. In doing so, space must be created for children themselves to define the questions to be explored, the methodologies for gathering data and the analysis of findings.

8.5 Minimum age for child labour

1. What guidance do international human rights standards provide?

Article 32 of the Convention on the Rights of the Child states that children have the right "to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development". The Minimum Age Convention (No. 138)[377] sets 15 years as the minimum age for work, and 18 years for work that could jeopardize the health of the child. International standards differentiate between child work that is acceptable and child labour that is harmful to children. The Committee on the Rights of the Child affirms that States must introduce protective legislation, including minimum ages for work, as well as minimum school leaving ages, consistent with Convention No. 138. It also emphasizes that all children under 18 years of age

should be protected from hazardous work, with special attention paid to girls involved in domestic labour and other often 'invisible' work.[378]

2. What is the nature and degree of harm associated with both overprotecting and underprotecting children?

The harms of hazardous work are extreme and include denying children access to education and health care. Many children are exposed to physical and mental harm, economic or sexual exploitation, and even slavery.[379] In 2019, a systematic review of findings across low- and middle-income countries found child labour to be associated with multiple adverse health outcomes, including poor growth, malnutrition, higher incidence of infectious and system-specific diseases, behavioural and emotional disorders, and decreased coping efficacy.[380]

However, age-appropriate forms of work can play an important developmental role in the lives of adolescents, equipping them with skills that help them to learn responsibilities and, where necessary, contribute to their families' economic well-being and support their access to education.[381]

A global study undertaken to explore the experiences of working children aged 5 to 18 years demonstrates children's capacities to differentiate between work that harms and benefits them. For many children in the study, work afforded them appreciation from their families, a sense of pride and responsibility in what they were doing, the opportunity to learn skills and earn an income, good working conditions, building solidarity, support and protection from those around them, and an opportunity to gain a feeling of independence.[382] Work offered them a real sense of self-esteem and affirmed their capacity to contribute to their family and community.

However, children in the study also highlighted risks, including exposure to emotional, physical and sexual violence, accidents and injury, poor working conditions, too much responsibility, tiredness, too little time for studies, and not being listened to when they had concerns or worries. They cited specific risk factors, such as heavy or hazardous work, long hours, working at night and on the street, not living with parents, parental poverty, situations of conflict and disaster, and working for someone outside the family. Notably, a persistent theme was that, for girls, simply being a girl rendered them more exposed to the risk of harm. These findings suggest that it is the nature of the work children are undertaking, the hours involved, the conditions and contexts, and the potential violations of other rights that represent the problem. The level and nature of protection provided need to reflect those realities.

3. Does the issue require a fixed age threshold?

Although young children are deemed to have the capacities to work in many areas of the labour market, this should not be determinative. The fact that children demonstrate capacities to work

in often extremely challenging environments does not mean that they should be coerced or encouraged to do so. Without a fixed age limit in law, children will not be protected from the risk of being forced to engage in child labour, which may lead to the losing their right to education, among other associated harms. It is therefore essential that States introduce minimum age limits below which children are entitled to be in full-time education and cannot be recruited into the labour market.

However, once they reach the national legal minimum working age, adolescents have the right to perform light work under appropriate conditions and consistent with their evolving capacities, with due respect given to their rights to education and to rest, leisure, play, recreational activities, cultural life and the arts.[383]

4. Where are the boundaries of responsibility between the State and the family?

States have a responsibility to provide the legislative and regulatory framework to protect the right of every child to education and to protect them from exposure to inappropriate work. However, they also have a responsibility to provide support to parents in efforts to end child labour and protect children as their capacities evolve, through investment in programmes to promote school-to-work transitions, social and economic development, poverty eradication programmes and universal and free access to quality, inclusive primary and secondary education.[384] Parents have the responsibility to ensure that their children are not exposed to experiences that will undermine their development while also supporting children to realize their right to education.

5. What does the evidence on child and adolescent development tell us about how different capacities emerge?

Although children may have the physical capacities to engage in hazardous work, such work is likely to have a disproportionately damaging impact on them in view of their still-developing bodies and greater vulnerability to harm. It is necessary to assess the case for children's engagement in work not only by recognizing their capacity to undertake certain tasks or responsibilities at a given moment, but also by considering the consequent impact of that work on their future potentialities or long-term development.

Most children engaged in child labour are likely to experience multiple and intersecting forms of deprivation, including lack of access to resources such as education and exposure to risky situations without parental support. It can therefore be argued that exposing children prematurely to labour is likely to result in severe limitations to the breadth of their experiences and consequent capabilities in childhood, which may in turn irreversibly limit their future potentialities across the life course.[385]

6. Have the perspectives, experiences and views of children been elicited?

The Committee on the Rights of the Child has emphasized that children should be listened to when policies relating to child labour are being drafted, as well as when policies addressing its root causes are developed.[386] However, working children, as with all other groups in society, do not have a monolithic perspective on the role of work in their lives. Any policy designed to address children's work and labour needs to ensure that it engages children across age groups to hear their views and experiences.

Children have a significant contribution to make to the child labour debate. Their experiences of the drivers of child labour, the measures needed to bring it to an end, the important role that work can play in their lives and how to ameliorate harm bring different perspectives to the table. Being able to contribute to the family economy and to play a key role in helping the family survive can provide children with dignity, meaning and status by giving them a discrete role and defined responsibilities. Consultations with children highlight their capacities to engage in nuanced reflection on the role of work in their lives. In particular, many children conceptualize the relationships within the family as interdependent, with themselves playing a key role in its cohesion and sustainability.[387]

In a study cited earlier, children provided a coherent analysis of the type of work they could and could not do and the rationale for that analysis.[388] They highlighted that work should not place excessive physical burdens on them and should be near their home and in a safe environment. Importantly, they emphasized that work should not interfere with their education and that there should be sufficient time for rest and play. They identified protective factors, including regular school attendance, membership in a working children's association, love and care from their family, opportunities to be heard in decisions about their work, parental employment, and government investment in school infrastructure and other basic services.

8.6 Minimum age of sexual consent

1. What guidance do international human rights standards provide?

Age of sexual consent refers to the minimum age at which a person is considered to have the legal capacity to consent to sexual intercourse.[389] Unlike for marriage, there is no universally recognized standard in international law for the age of sexual consent. Accordingly, the legal age varies substantially across the globe.

The Committee on the Rights of the Child encourages States to take into account the need to balance protection and evolving capacities and define an acceptable minimum age when

determining the legal age for sexual consent. Furthermore, it recommends that States avoid criminalizing adolescents of similar age for factually consensual and non-exploitative sexual activity.[390] It also stresses that there should be no discrimination in age between boys and girls or between consent in respect of heterosexual or lesbian and gay relationships.

2. What is the nature and degree of harm associated with both overprotecting and underprotecting children?

The determination of an age of sexual consent needs to strike a balance between protecting children of different ages from harm and respecting adolescents' agency and securing their access to appropriate SRH services, information and education.[391]

The determination of an age for sexual consent has multiple implications. If a protective approach is adopted and sexual consent is defined in line with the age of marriage at 18 years, it can lead to criminalization of consensual and non-coercive sexual activity between adolescents. Because such laws are usually associated with a lack of access to SRH information and services and are largely ineffective at reducing sex among adolescents, they can actually increase the likelihood of risky behaviour, pregnancy and poor SRH outcomes.[392]

Imposing a high age of consent also denies the agency and capacity of adolescents with respect to their sexuality and SRH and fails to acknowledge adolescent development and the reality of adolescents' lives in many parts of the world. If sexual activity is either criminalized or strongly stigmatized, it can lead to adolescents seeking or being coerced into child marriages as a means of avoiding social or legal sanctions. The imposition of a high age of consent as a means of protecting children from sexual activity can, conversely, serve to undermine protection.

Sexual consent permitted in law below the age of marriage can be contentious in many contexts because it is construed as endorsement of sexual activity outside marriage; however, such provisions acknowledge the reality that many adolescents engage in sexual activity and help ensure they can obtain the information and services necessary to protect their health and well-being.

3. Does the issue require a fixed age threshold?

A fixed minimum age of sexual consent is essential to protect children from sexual activity for which they lack the capacity or agency to give meaningful consent. Without such a legal threshold, predatory adults may exploit children and later claim the child consented. A clearly established age limit ensures that claims of consent by a child below that threshold cannot be used as a defence. It also protects them from possible prosecution if they are sexually exploited. The Committee on the Rights of the Child has stressed that there should be no discrimination in age limits between boys and girls, and has recommended that States avoid criminalizing adolescents of similar ages for consenting and engaging in non-exploitative sexual activity.[393]

4. Where are the boundaries of responsibility between the State and the family?

As previously argued, States have a responsibility to introduce legislation establishing minimum ages of consent that are consistent across the entire population of adolescents. It is not a policy issue to be determined by parents as an aspect of their responsibilities, rights and duties. These age limits need to be widely understood, and appropriate measures need to be in place to ensure enforcement and redress for adolescents when they are violated. The Committee on the Rights of the Child emphasizes that States should introduce a legal presumption of capacity to seek and have access to preventive or time-sensitive SRH information and services.[394] Accordingly, States must ensure the provision of age-appropriate, accessible and safe SRH information and services without exposing children to stigma, shame or discrimination.

However, parents and schools also have a key role to play in ensuring that children are informed about the nature, implications and risks of engaging in sexual conduct, the meaning of informed consent, how to ensure protection, and where to go for help when needed.

5. What does the evidence on child development tell us about how different capacities emerge?

Children's capacity to make informed choices about sexual activity differs from one individual to another. Levels of maturity and understanding can vary widely. Furthermore, a child may have the physical maturity to engage sexually and the cognitive capacity to understand and access the necessary protections, but not the emotional maturity to manage the consequences and potential risks of a sexual relationship.

Accordingly, a number of assessments need to be balanced in the determination of a legal age. First, there is the reality that many adolescents want to explore and discover sexual relationships, and in so doing they must be properly protected by being able to seek out and access appropriate information without fear of prosecution. Setting a high age of sexual consent may result in more unprotected sex, risky sexual behaviour and unplanned pregnancies. It also places adolescents at risk of being prosecuted or convicted for behaviours that would not be criminalized if they were adults.

However, the minimum age of consent needs to be high enough to prevent premature exposure to sex before children are physically and emotionally prepared, and to support them in resisting pressure to engage in sexual activity before they feel ready to do so. Other criteria also warrant consideration, notably age gaps or other differential power dynamics between partners, which may render some children less capable of withstanding pressure to engage in sexual activity.

6. Have the perspectives, experiences and views of children been elicited?

The voices of children are essential in any policy debate relating to both the age at which consent

should be determined and how it should be implemented. It is children themselves who best understand the pressures they experience, the risks they confront, and the implications of both overprotecting and underprotecting them in respect of sexual activity.

In terms of public health communication on sexual consent and staying safe, children can be active contributors to the design of communication strategies, helping to identify how messages can be framed in ways that resonate with their peers, who should deliver them, and which media platforms are most effective.

8.7 Minimum age of criminal responsibility

1. What guidance do international human rights standards provide?

Under Article 40 (3) of the Convention, States parties are required to establish a minimum age of criminal responsibility, but the article does not specify the age. However, in its General Comment No. 24 on children's rights in the justice system, the Committee on the Rights of the Child recommends that States parties establish an age of at least 14 years as the minimum age of criminal responsibility. Furthermore, in view of emerging evidence on adolescent brain development presented in Chapter 2 of this report, it encourages States to adopt a higher age, for example, 15 or 16 years, and urges them under no circumstances to reduce their current minimum age of criminal responsibility.[395] However, legislation in many countries falls well below this limit and, in some cases, is being reduced.[396]

2. What is the nature and degree of harm associated with both overprotecting and underprotecting children?

In the context of criminal responsibility, the concept of protection takes on a slightly different meaning. It relates to the question of how to balance the protection of children from bearing the responsibility for actions they cannot fully understand and from engaging with criminal proceedings they cannot fully comprehend due to their evolving capacities, and the protection of the wider public from the consequences of any criminal behaviour by children.

If the minimum age is set too low, for example, below 14 years, young children will be at risk of being caught up in the criminal justice system and burdened with lifelong criminal records if national legislation does not provide for their automatic removal. Furthermore, there is evidence indicating that the incarceration of children may increase the likelihood of reoffending on release.[397]

By contrast, a significant body of evidence shows that introducing higher ages of criminal responsibility, together with programmes that divert children from the criminal justice system, have far higher rates of success in preventing recidivist behaviours. The most significant factor

in reducing offending among children is minimal formal intervention and maximum diversion to programming that is not closely linked with systems of criminal processing.[398] A more protective system both provides protection to society as a whole and increases the likelihood of children moving away from crime into more productive and positive lifestyles.

3. Does the issue require a fixed age threshold?

In many areas of law, the challenge lies in determining where age boundaries should be drawn and the extent to which children can contribute their perspectives. These boundaries are powerfully influenced by tradition, culture, religion, and political and socioeconomic context but should, as far as possible, be informed by current scientific understanding of children's development.

For example, evidence on adolescent brain development indicates that risk-taking is a natural part of this stage of evolving capacities, and that this should be considered when an adolescent may be held criminally responsible. As indicated in Chapter 2, the brain's limbic system, which generates rewards arising from risk-taking, matures before the prefrontal cortex – the brain's control centre for impulsive behaviour. This mismatch means that adolescents may struggle to control impulses that could lead to criminal actions, especially in high-emotion contexts or with peers they hope to impress and from whom they expect approval. This knowledge should inform both the age at which criminal responsibility is set and the degree of accountability that children bear for their actions if they have reached that age threshold.

The introduction of a minimum age of criminal responsibility at the time of the commission of an offence means that children cannot be held responsible in criminal law proceedings below that age. Once children are at or above that minimum age, at the time that they commit an offence, they can be formally charged and subjected to child justice procedures.

Prior to the Convention on the Rights of the Child, many states did not have any legislation providing a minimum age of criminal responsibility. This meant that children were tried for crimes irrespective of their age and level of capacity, usually within the adult criminal justice system. The introduction of a fixed legal age below which children cannot be held criminally liable is necessary to reflect recognition of children's still-evolving capacities and to protect them accordingly.

Some States have introduced systems that permit the use of a lower minimum age of criminal responsibility in cases where, for example, the child is accused of committing a serious offence. Another approach, adopted in a number of States, is to apply two minimum ages of criminal responsibility (for example, 7 and 14 years) in order to allow for a more flexible approach to individual assessment of capacity. In these legal systems, in principle, the higher age is used unless the prosecution can demonstrate that younger children have the maturity to understand the implications of their actions, particularly in the case of serious violent offences.

However, the Committee on the Rights of the Child has suggested that these lead to discriminatory practices, notably by presuming that the seriousness of the crime demonstrates a level of maturity. The Committee opposes both these systems and argues for a single standardized age limit for criminal responsibility without exception.[399]

4. Where are the boundaries of responsibility between the State and the family?

The determination of a legal age of criminal responsibility is the responsibility of the State, not of individual parents. This ensures consistency and appropriateness in the treatment of children and reflects the State's wider public obligations. In this context, parents and other primary caregivers are responsible for providing care and protection and for supporting children to exercise increasing agency in line with their capacities. They also play an important role in helping children understand the boundaries between criminal and acceptable behaviour.

5. What does the evidence on child development tell us about how different capacities emerge?

Developmental and neuroscience evidence indicates that adolescent brains continue to mature well beyond the teenage years and into the mid-20s. The stages of development have significant implications for certain kinds of decision-making. As described in Chapter 2, adolescence is characterized as a period of growing independence, opportunities and desire for engagement in more risk-taking behaviours. Research on adolescent brain development indicates that these patterns of behaviour are driven by differential stages of development in different parts of the brain. The limbic system, which drives reward seeking, develops before the prefrontal cortex, which is responsible for self-control and future thinking and inhibits impulsive behaviour.[400] This imbalance means that adolescents are less able to regulate risk-taking impulses than adults. Research therefore suggests that although adolescents generally acquire the same cognitive abilities as adults at age 16, their psychosocial maturity is not fully developed until their twenties.[401]

This knowledge of adolescent development is essential in determining the minimum age of criminal responsibility. It provides grounds for arguing that adolescents should be deemed less accountable than adults for three reasons.[402] First, their still-developing sense of responsibility makes it difficult for them to control impulses under some conditions. Second, they are more vulnerable to peer pressure and the need for peer approval, and much of the risk-taking linked to subsequent criminal activity is perpetrated by adolescents in groups.[403] Third, their capacities are still evolving, with the consequence that their character traits are more transitory than those of adults, and they may well grow out of the behaviours leading them into criminal activity.

It is not possible to determine a specific age at which every child develops sufficient maturity to be justifiably held accountable for their behaviour. However, although every child has agency,

the period of adolescence is, without question, a period during which children are more likely to be attracted to and drawn into anti-social or criminal activity, particularly in groups.

The patterns of behaviour in which they engage are influenced by brain development at any given age, and it is likely to be a phase that they grow out of as their brain matures. Furthermore, they are far more likely to continue with criminal activity if they are brought into the criminal justice system during their adolescent years.

6. Have the perspectives, experiences and views of children been elicited?

Children have a vital contribution to make to understanding the factors that lead to engagement in criminal activity and the measures, resources and services that are needed to provide them with constructive alternatives. In addition, they can be active participants in designing such services. Children can offer invaluable insights into the impact of being caught up in the criminal justice system and how diversionary approaches affect their behaviour, attitudes and life chances.

BOX 22

Legal age limits: Rationale and considerations

	Child marriage	Child labour	Sexual consent	Criminal responsibility
1. What guidance do international human rights standards provide?	18 years old (Committee on the Rights of the Child)	15 years old for full-time work and 18 years old for hazardous work (International Labour Organization Convention No. 138)	No international standard; the Committee recommends that States define the legal minimum age (Committee)	14 years old; the Committee recommends raising it to 15 or 16 years (Committee)
2. What is the nature and degree of harm associated with both overprotecting and underprotecting children?	Allowing marriage below the age of 18 underprotects children. It is associated with loss of education, risks to mental and physical health, social isolation, and increased vulnerability to domestic violence.	Exposing children to child labour below the minimum age may lead to physical harm, economic and sexual exploitation, and loss of education. Denying them the right to engage in age-appropriate work may deny children opportunities to develop their capacities.	If the minimum age is set too low, children may be exposed to sexual pressure and exploitation. If the minimum age is too high, its overprotective approach fails to reflect normal adolescent development.	If the minimum age is too low, it underprotects by burdening children with lifelong criminal records. There is also a risk that they may be exploited in criminal activities at a younger age and then denied access to diversion programmes that reduce the risk of reoffending.

	Child marriage	Child labour	Sexual consent	Criminal responsibility
3. Does the issue require a fixed age threshold?	A fixed age threshold protects children from being forced into marriage without their consent.	A fixed age threshold protects children from being forced into work without their consent.	A fixed age threshold protects children from engaging in sexual activity for which they lack capacity or agency to give consent. It also protects them from prosecution if they are sexually exploited.	A fixed age threshold protects children from being convicted of crimes before they can understand the implications of their actions.
4. What is the boundary between the State and individual family responsibility?	The State is responsible for establishing the legal minimum age that applies to all children, overriding parents' decisions.	The State is responsible for establishing the legal minimum age that applies to all children; parents' decisions may apply to age-appropriate work.	The State sets a benchmark age below which sexual activity is not allowed; the role of parents is to create a supportive and informed environment to protect children.	The State determines the age of criminal responsibility; the role of parents is to help children understand the boundaries of criminal and acceptable behaviour.
5. What does the evidence on child and adolescent development tell us about how different capacities emerge?	Cognitive, social, emotional, physical and moral capacities continue to develop until the mid-20s, supporting the argument for delaying marriage decisions until at least 18 years.	Children's bodies are still growing throughout adolescence, and the dangers of hazardous work can negatively affect their development.	Levels of maturity and capacity to engage in sexual activity vary significantly and may not align with the emotional capacity to understand consequences and risks.	The brain's still-developing prefrontal cortex (which controls rational thinking) in adolescence can lead to impulsive risk-taking and heightened susceptibility to peer pressure.
6. What role can children play in protecting themselves and others, in light of the evidence on child and adolescent development?	Act as advocates to protect themselves and others against early marriage.	Act as advocates to raise awareness of the law, campaign for legal reform or protect others from illegal work.	Build capacities to avoid inappropriate or unwanted sexual activity when supported by comprehensive sexuality education.	Promote positive behaviours and friendships, and discourage peer pressure that leads to criminal activity.
7. How do children's perspectives and experiences inform laws, policies and practices?	Helps to understand the drivers of early marriage and the measures needed to protect against it.	Reveals children's experiences of work, the nature of work they undertake, the harm and potential benefits it brings, and what must change to ensure work does not cause harm.	Informs the debate on the appropriate age for sexual consent and how it may overprotect or underprotect them.	Informs strategies to address the drivers of criminal behaviour and reduce offending.

9. Assessing evolving capacities for the individual child

The previous chapter identified the dimensions to consider when setting age thresholds in legislation that governs the extent to which children can make decisions for themselves, focusing on the areas of marriage, work, sexual consent and criminal responsibility. The discussion on legal age thresholds underscores the need to strike a balance between recognizing children's evolving capacities and increasing autonomy over their own lives. At the same time, children must be protected from activities or decisions that could impair their long-term development and opportunities or have consequences they cannot fully grasp.

While legislation informed by national or international norms sets fixed ages for some decisions or activities, it may also allow the level of decision-making or autonomy to be determined for each individual child through an assessment of their capacities. This approach is consistent with the child's right to be heard under Article 12 of the Convention on the Rights of the Child, which states that the child is capable of freely expressing their views, and that those views must be given due weight in accordance with the child's age and maturity. The Committee on the Rights of the Child has interpreted the provision as requiring a presumption that children are able to express views. However, the extent of influence will depend on assessing the child's capacities in relation to the matter under consideration.

A key challenge lies in assessing children's capacities to make certain decisions autonomously. Careful consideration must therefore be given to how much weight should be accorded to their views in decision-making processes. The development of these capacities is influenced by multiple factors and may differ significantly across areas of decision-making, depending on the child's experience and a range of contextual elements. In addition, perceptions of children's capacities also vary, shaped by social and cultural norms and by the views of those making the assessments. Those views are themselves influenced by the surrounding environment and wider social structures.

However, a robust approach to assessing the child's capacities is critically important. Depending on the decision, the outcome of the assessment can have a significant impact on the child's life. A well-defined framework is therefore essential to ensure rigour, consistency and legitimacy.

Rigour is needed to guarantee a process that takes account of all relevant factors and affords appropriate respect to the capacities of the child. Consistency is important across disciplines and professions, especially as practices may vary across different settings. Lack of harmonization can lead to significant discrepancies in how children's capacities are assessed and understood.

Finally, legitimacy helps ensure that both the child and other actors understand the basis and process of decision-making. This contributes to the child's sense of fairness and supports their own development, while also giving meaning to the decision for other stakeholders involved or affected.

There are numerous instances in which a child's capacities may be assessed, ranging from highly formal settings to more informal, everyday decisions. These include assessments in the justice system, such as in family courts deciding on adoption, custody or alternative care, where the child's capacity to express views and the weight to be given to those views must be considered. Assessments also occur in criminal proceedings, including assessments of the validity of a child's testimony.[404] In medical settings, assessments may focus on the child's capacity to provide consent for various interventions, including counselling, examination, treatment and surgery. Education and vocational decisions may involve evaluating a child's capacity to choose a course of study or professional training. Assessments may also involve decisions within the family, concerning the child's capacity to do certain things independently, such as going out alone, making personal choices about friendships and relationships, choosing what to eat, what to wear, or how to style their hair.

This chapter does not aim to offer detailed guidance, but rather to provide a framework for reflecting on approaches to assessing a child's capacities, drawing on the analysis developed throughout the study as well as research on capacity assessments. It presents a range of elements to consider when assessing children's capacities to take responsibility for decision-making or in determining the weight to be accorded to their views. The chapter concludes by outlining an assessment framework grounded in how children's evolving capacities have been conceptualized here.

9.1 Approaches and practical considerations in assessing children's capacities

Broadening the lens on capacity assessment. Research on the assessment of a child's capacities remains limited. Most available research that informs this chapter has focused on medical consent, where extensive guidance and jurisprudence are available, and on child participation in judicial proceedings, particularly in family law. Other fields, such as education, child protection and migration, have received less attention.

Assessing a child's capacities is situational and fluid. Drawing on elements presented in this report and on findings from existing research that highlight similar concerns, such assessments require stepping back from approaches that focus solely on the child's individual characteristics.

Instead, they must consider the nature of the decision at stake, the broader environment in which the assessment takes place, and how the assessment is conducted. This requires a shift in perspective: The child must be recognized as a subject rather than treated as an object of assessment. The child's environment, individuality, volition and agency must be taken into account in designing and conducting appropriate assessment processes.

A primary element in the assessment of a child's capacities is the nature of the decision to be taken, including the applicable legislative framework, the complexity of the decision and the impact of the decision on the child's life.

The role of law in shaping assessment practices. Children's legal capacity is a twofold concept. Passive legal personhood acknowledges that children have rights of their own. These include the rights recognized in the Convention on the Rights of the Child, as well as, for example, access to property and inheritance. However, under passive legal personhood, children are not responsible for their actions and cannot exercise these rights independently, without a legal representative. With active legal personhood, children are recognized as legally competent to make decisions.[405]

As previously emphasized in Chapter 8, for some issues affecting children's lives, fixed ages are determined in law for all children, regardless of individual capacity. By contrast, other areas of legislation may allow for children to exercise autonomy if they are deemed to have the capacity to make a decision or form a view. In these cases, assessments of capacity determine the extent to which children can exercise agency in the decision-making process.

Approaches to children's capacities in legislation vary from country to country and from one topic to the next. The law can either require that the child demonstrate certain capacities or presume that the child has the capacity, unless proven otherwise. The distinction is important. Where the law requires proof of capacity, professionals are required to assess, document and validate the child's capacity. Where the law presumes capacity, professionals do not assess the child's competence to make a decision or express a view unless they find that the child lacks capacity.

For example, in Ontario, Canada, the Health Care Consent Act, 1996 contains a presumption of capacity for everyone, including children, regardless of age: "A person is presumed to be capable with respect to treatment, admission to a care facility and personal assistance services."[406] In Swiss legislation, *capacité de discernement* (capacity of understanding) is defined in Article 16 of the Swiss Civil Code as "any person who is not deprived of the ability to act reasonably due to their young age, mental deficiency, psychological disorder, intoxication, or other similar causes". Here, a primary criterion remains age, although that age is not specified.

In other legislation, children are required to demonstrate capacity, as in the South African Children's Act 38 of 2005, which provides that children can consent to medical treatment if they are over 12 years of age and are of sufficient maturity and have the mental capacity to understand the implications of the treatment.[407] In relation to children's level of understanding, the French Civil Code provides that a child *capable de discernement* (who has the capacity to understand) may be heard by the judge in proceedings. However, if the child requests to be heard, the judge is obliged to proceed.[408]

Legislation provides the backdrop for determining approaches and the level of justification required. However, as examined below, the application of these principles in practice can have a significant bearing on how children's capacities are assessed.

When other interests override a child's agency. The nature of the decision often influences assessments of capacities, especially when other interests are at stake. The best interests of the child, or the affirmation of parental choices, may affect the level of agency afforded to the child in the decision-making process.

In some cases, the child may not be called on to make choices or express views, especially in situations where conflicting interests arise. Notably, professionals may treat incapacity as a protective mechanism in situations such as contentious divorce proceedings. Evidence from UK jurisprudence indicates that when a parent is perceived as acting inappropriately in asserting a child's right to have views considered, decision-makers may give less weight to the child's views; in such cases, welfare considerations may be privileged over participation.[409] While the rationale for this approach may be a concern that the child may not have expressed views freely, it also suggests an assumption that the child may not have the capacity to express their own views. Research on adoption cases in Norway has also found that young children, aged 6 and under, did not have their capacities assessed, and the corresponding justifications recorded for those decisions largely overlooked the children themselves.[410]

In other cases, particularly involving SRH services, the requirement for parental consent may reflect prevailing cultural norms aimed at preventing children from engaging in sexual activity outside marriage or at an age considered too low. Yet at the policy level, it has been found that the requirement for parental consent in HIV/AIDS testing, for example, represented a major barrier to testing among adolescents in low- and middle-income countries.[411] In individual cases, challenges in seeking and obtaining parental consent may arise in accessing contraception or termination of pregnancy.

For this reason, as previously mentioned, the Committee on the Rights of the Child has underlined that there should be no age limits for medical counselling.[412] Uruguay's Children and Adolescents'

Code echoes this approach, affirming that every child must have access to information and health services and that "professionals must respect the confidentiality of the consultation and offer the best forms of care and treatment when appropriate." It also provides that "the progressive autonomy of adolescents must be respected", including when health decisions are made in conjunction with parents or other trusted adults.[413]

Recognizing the impact of decisions on children's lives. The impact of a given decision on children's lives is a central element in the assessment of their capacities and can serve either to argue for or against recognizing their engagement in the decision. Some decisions may be considered so high-stakes, complex or potentially irreversible that they limit recognition of the child's full agency and capacities. Conversely, it may be argued that, given the importance of the decision, children's capacities need to be understood in a broad sense to ensure that they have significant influence on the outcome. As discussed in Chapter 5, this will depend on the context and the potential for harm.

However, perceptions about the complexity and severity of the decision need to be assessed in light of the child's individual situation. For example, children with serious medical conditions often develop considerable expertise regarding their condition and its possible treatments, enhancing their competence and understanding. Recognizing their capacities and providing appropriate information may also open up opportunities for them to make choices that extend beyond the medical domain, including decisions related to broader life preferences. This includes setting priorities for how they want to spend their time, pursue hobbies or choose their course of study. Studies conducted in the United States have found that a two-thirds majority of adolescents with cancer want to be actively involved in medical decisions and prefer shared responsibility in decision-making. In practice, however, decision-making often centres on parents, with only 7 per cent of decisions involving children alone, and 19 per cent involving both children and parents.[414]

9.2 Individual characteristics of the child

The individual characteristics of the child are crucial in assessing their capacities. The child's age is often considered a primary element. Nevertheless, developments in law and jurisprudence, based on developmental research and the child rights approach, have recognized the importance of considering additional factors, particularly the child's level of understanding and ability to express their will freely. A focus on these individual characteristics, however, has inherent limitations.

Age as a legal and practical benchmark. The child's age is often a primary criterion in legislation, and, as argued in the previous chapter, there are strong reasons to advocate for setting legal age thresholds in certain contexts. Capacity assessments take place where the law

provides for flexibility in determining a child's capacity. However, in practice, both professionals and non-professionals, including parents, rely primarily on age when determining the level of autonomy to be granted. This approach is rooted in the persisting belief that age is an objective reference point, even when the law has stepped away from this view to take into account current scientific knowledge highlighting that evolving capacities do not follow a linear path.

Studies of practices in institutional settings suggest that age thresholds are frequently used to decide a child's capacity to participate in proceedings or to determine the weight accorded to their views. In France, following a change in legislation removing age limits for hearing a child in family proceedings, jurisprudence has confirmed that an assessment of a child's capacity to express views cannot solely rely on age, but must consider a range of factors.[415] However, a study of family judges found that, in practice, age remains the primary consideration: Each judge set a personal lower limit, usually between 7 and 12 years, below which the child is not considered sufficiently capable to be heard. The exact threshold varied across the sample.[416]

In a similar vein, Norwegian legislation provides that children over 7 years of age, and younger children "who are capable of forming their own views," should have an opportunity to give their opinion, and that their views should be considered in accordance with their age and maturity before an adoption decision is made, while children over 12 years must give their consent.[417] A study of adoption decisions by Norway's county boards found that children's views are unlikely to be given due weight, and sometimes not even sought, especially in the case of younger children.[418]

Cognitive development and competence. Article 12 of the Convention makes clear that age alone cannot determine the weight accorded to a child's views. Maturity needs to be considered as well. In General Comment No. 12 on the child's right to be heard, the Committee affirms that maturity "refers to the ability to understand and assess the implications of a particular matter and must therefore be considered when determining the individual capacity."[419]

The Gillick case in the United Kingdom[420] has provided the foundation for a competence test and paved the way for the 'mature minor doctrine', which aims to assess whether a child under 18 years old is mature enough to form a considered view. The court ruled that a girl could receive contraceptive treatment, provided the doctor found that she had "sufficient understanding and intelligence" to "understand fully what is proposed", including "moral and family questions, especially her relationship with her parents, long-term problems associated with the emotional impact of pregnancy and its termination".[421]

Capacity is defined in relation to a person's level of understanding of the decision and its implications. Canadian legislation states, for example: "A person is capable with respect to a treatment, admission to a care facility or a personal assistance service if the person is able to

understand the information relevant to making a decision about the treatment, admission or personal assistance service, as the case may be, and able to appreciate the reasonably foreseeable consequences of a decision or lack of decision."[422] Likewise, as mentioned above, South Africa's Children's Act states that children may consent to medical treatment if they are over the age of 12 and have sufficient maturity and mental capacity to understand the benefits, risks, and social and other implications of the treatment.[423]

The child's own experience also plays a determining role. When children are exposed to knowledge and discussions about a particular topic, they develop capacities to think more critically about the decision at stake. For example, children with long-term medical conditions such as diabetes are often found to understand their health needs more than is typically recognized.[424] Similarly, children who regularly use health care services tend to show greater agency and autonomy in negotiating and participating in decision-making with their parents and health care staff.[425]

Independence and influence in expressing views. An important factor in assessing the weight of a child's views is the extent to which they may be influenced by parents and others. This requires a careful balance between a child's right to express their views freely under Article 12 and the duty of parents to provide guidance in line with their child's evolving capacities, as described in Article 5. The key issue is whether the child can make a decision with some level of independence from adult influence.[426] The degree of such influence and independence will vary depending on the nature of the issue and the significance of the parents' interest in the matter.

The question of influence is particularly relevant in family proceedings, where children may be disproportionately exposed to one parent's view or feel a strong sense of loyalty. A study of family judges in France asked a sample of 28 voluntary judges the criteria they use to assess a child's maturity. The study found that, after the child's level of understanding, the second most important maturity criterion was the child's ability to resist parental or other external influence.[427] Similarly, case law in the United Kingdom related to family proceedings has identified undue influence as one of the main considerations in assessing a child's capacity to instruct a lawyer, without a guardian acting as an intermediary.[428]

Jurisprudence on children's refusal of medical treatment on religious grounds – such as declining blood transfusions – has typically rejected the validity of children's capacities to make a decision that seriously compromises their chances of survival. This reflects a concern that the child's view may not have formed with sufficient exposure to alternative perspectives.[429] However, in medical decisions, parental guidance can also support rather than hinder the child's capacities to make an informed choice by enabling a deliberative process. South Africa's Children's Act distinguishes between consent to medical treatment and to surgery, allowing children over 12, if mature

enough, to consent to medical treatment. However, decisions on surgery require that "the child is duly assisted by his or her parent or guardian."[430]

Limitations of solely individual focus. As explored in Chapter 5, perceptions of childhood as a state of deficit or incapacity continue to limit children's opportunities to take part in decision-making. However, while adults are presumed competent unless serious doubts arise, children are typically required to demonstrate full understanding to be recognized as competent. In complex fields such as medicine and law, most adults possess only a limited technical knowledge and understanding, yet they are not required to prove their competence. The assumption that children are inherently less competent than adults, commonly referred to as a 'competence bias',[431] has been identified as a way to justify children's exclusion from decision-making and to deny their capacities.

A study of the weight given to children's views in family law and criminal proceedings in Sweden has found that, despite legislation requiring courts to hear from children, such views receive only limited consideration in practice. Assessments of their capacity in family cases, or of their credibility in criminal proceedings, often result in dismissal of their views on the claim that they are too young, immature, or influenced by an adult. Accordingly, this can be construed as "an expression of a discriminatory bias towards children in terms of their capacity to form views and ability to give credible statements."[432]

In France, the study of family court judges found a notable bias in judges' readiness to hear children's views based on the existence of siblings. A child with siblings was more likely to be considered competent to be heard in family cases, either because the judge wanted to hear a plurality of perspectives within the family or to avoid giving younger siblings the impression that their views mattered less than those of older siblings.[433]

Likewise, limitations on the recognition of children's capacity to make medical decisions are often anchored in presumptions of incapacity, driven by social norms. These presumptions affect whether health care professionals inform children about their condition or involve them in decisions related to their health.[434] Moreover, a broader issue in assessing children's capacities to provide medical consent is the double standard between children and adults. Adults are presumed to understand the nature of treatment and its implications unless proven otherwise, while children are required to demonstrate full understanding of medical options before being allowed to decide. This discrepancy has led to recommendations against overly strict interpretations of the scope of the child's understanding.[435]

Overall, in many circumstances, the assessment of children's capacities reflects the context in which the decision is taken, rather than considerations based on the child's individual characteristics.

9.3 The role of context and process in assessing children's capacities

As has been consistently argued in this report, particularly in Chapters 3 and 4, a sole focus on children's individual characteristics overlooks the profound influence of the environment in which decisions are made and their capacities are assessed. Children's capacities to make choices and express informed views are shaped by the broader context and conditions surrounding decision-making. Opportunities to consider different perspectives through access to information and deliberation, the establishment of trust with those involved in the decision, and supportive conditions for reasoned thinking, understanding and expression all have a significant bearing on the extent to which children are able to demonstrate their capacities.

Research on the impact of the environment and process on capacity assessments, together with the limitations of an individual-focused approach, questions the adequacy of assessments based solely on the individual child's characteristics. These findings call for a much stronger emphasis on establishing appropriate processes and conditions as key to making more accurate determinations of children's capacities.

The scaffolding process presented in Chapter 3 illustrates how children increase their capacities through adult support, both in developing their competencies and in actively participating in decisions. This relational approach, in which the child's agency is combined with adult guidance, is particularly relevant when considering how capacities develop and are assessed. It emphasizes the role of adults, especially parents, and highlights the importance of the setting in which children's capacities are assessed, particularly the level of formality and methods used, as valuable tools that facilitate children's ability to express their capacities.

Information as a precondition for capacity. The first step lies in providing the child with adequate information about the matter to be decided, as this shapes the child's level of understanding. How that information is shared, however, is as critical as its content.

In the medical field, for example, children's participation and consent rest on a right to information about their condition. While health care professionals once withheld information from both adult and child patients, this practice began to shift in the last quarter of the twentieth century, with full disclosure becoming the norm for adults. However, the change did not initially extend to children, including adolescents, as parents retained the responsibility – and discretion – to decide how much information to share. Current thinking recognizes that, for children to be given the opportunity to have a say in decisions affecting their health, they need to receive information in a manner appropriate for their age, maturity and condition.[436]

In practice, research shows the continued reluctance of parents to provide full disclosure to their children when the illness is very serious.[437] Parents may fear causing distress, undermining hope or prompting the child to refuse treatment. Parents also grapple with cultural expectations and their own emotions.[438] For health care professionals, the issue may be a lack of communication skills as well as concerns about patient satisfaction or feelings of professional failure.[439] Yet, withholding information denies parents and professionals the opportunity to hear the child's views and support collaborative decision-making, not only about treatment, but also about how the child wishes to live in light of their condition. Disclosure helps the child feel respected and involved; care is delivered with and for the child, not simply to the child.[440]

In the context of capacity assessment, research suggests parents, professionals and other relevant adults must reflect on how their own attitudes and openness to informing the child and discussing sensitive issues may impact the child's capacity to make a decision or express informed views.

The role of adult guidance in supporting children's capacities. The relational approach assumes a certain level of openness and awareness on the part of adults in supporting children's capacities to make decisions. Such openness may vary depending on the area concerned and adults' skills and perceptions. For example, parenting roles in the context of medical decisions and their implications differ from parental guidance about day-to-day decisions. The child's proactive efforts to seek cooperation from adults in decision-making are, in themselves, an expression of capacity and create an obligation on professionals to involve the child in the process. The extent to which a child actively inquires about their own medical condition has been found to create a corresponding duty of professionals to disclose information about that condition.[441]

The relational approach relies on the establishment of a trusting, cooperative relationship between the child and other adults involved in the decision. This relationship can significantly influence the child's capacities, and in particular, the ability to express views. Studies on children's capacity to provide a valid testimony in criminal matters have demonstrated the instrumental nature of the relationship established with the investigator.[442] However, this aspect is too often ignored in assessments of capacities, including in family proceedings.[443]

Appropriate settings and processes for capacity assessment. The importance of appropriate settings and processes for assessing children's capacities has emerged from advances in research on brain development, especially during adolescence, as well as from growing attention to the validity of children's views and testimonies in judicial proceedings.

As explained in Chapter 2, brain development research shows a mismatch in the development of two critical parts of the adolescent brain. This mismatch means that adolescents are more

likely to engage in risky, impulsive behaviours when in groups or emotionally heightened ('hot') situations, while they demonstrate decision-making capacities similar to adults when acting independently in calm ('cold') contexts. Applied to medical decisions, this understanding suggests that adolescents have the capacity to make an autonomous decision when appropriate conditions are in place: a deliberative process, time for reflection and reduced social pressure.[444] The context in which the medical decision is made, not just the nature of the decision itself, is highly relevant for determining capacities of children and adolescents to give informed consent. Health care professionals are encouraged to consider the adolescent's emotions and to create appropriate conditions for thoughtful reflection and decision-making.[445]

In the justice system, capacity assessments determine the weight given to the child's views and the admissibility of their testimony in criminal cases. The outcome of these assessments can significantly influence the result of proceedings, and in turn, shape the child's life and his or her perception of justice and accountability. However, as noted earlier, such assessments are often based on the underlying presumption of children's incapacity. This observation has prompted efforts to explore and address the obstacles to recognizing children's full capacities in judicial contexts.

Developmental research indicates that children as young as 3 and a half years of age can distinguish between truth and lies. However, analyses of court records and the questions posed to children suggest that their capacity for truth-telling is frequently underestimated, as evidenced in the high rate of errors in their responses, even among children presumed to possess truth–lie competence. Findings indicate that children tend to give inaccurate answers to yes/no questions, and especially 'do you know…' questions, more often than open questions beginning with 'what', 'where', or 'when'.

Similarly, questions starting with 'have you ever…' often produce confusing responses, in part because their complex structure is difficult for children to process. Asking open-ended, getting-to-know-you questions (for example, about a prior birthday) increases children's comfort level narrating and provides insight into their communicative abilities. For adolescents, interviewers should combine open-ended prompts with sharing information about themselves on a topic of interest, which promotes trust and encourages adolescents to be forthcoming later.[446]

Leading questions which imply a preferred answer should be avoided, as they increase errors, especially in younger children.[447] When best practices are not followed, accuracy and credibility are both compromised.[448] Professionals who question children about suspected harm, but also about their health, living arrangements or well-being, need to be trained in best practices to ensure that the information youth provide is accurate and complete.

Research with five- to six-year-old victims of maltreatment found that children were able to reason about lying when asked about the behaviour of a third person rather than their own. This was thought to be because the implications were less personally distressing.[449] On the basis of these findings, some researchers question the validity of truth–lie competency assessments and recommend moving away from assessing children's conceptual understanding. Instead, they propose administering a child-sensitive version of the oath.[450]

Concerns about inaccurate assessments of children's capacities as witnesses in criminal proceedings have contributed to low rates of prosecution and conviction. In response, integrated service models for child victims and witnesses, such as Child Advocacy Centres in the United States and the Barnahus model in Europe and beyond, have been developed to support the use of children's testimonies in criminal cases, while also upholding child victims' rights to care and rehabilitation. These models are based on the recognition that, with appropriate support and a child-sensitive environment, children can provide valid testimony which may be accepted as evidence in court.[451] These considerations can be applied across similar situations when a child's views are being elicited.

Recognizing capacity as a rule, not an exception. Various proposals centre on the need to recognize children's capacity as a rule, and to require that assessments focus on demonstrating a lack of capacity, including whether the child has been adequately supported. One such proposal draws on Article 12 of the Convention on the Rights of Persons with Disabilities, which states that "persons with disabilities enjoy legal capacities on an equal basis with others" and that States must provide persons with disabilities with "the support they may require in exercising their legal capacity." The Committee on the Rights of Persons with Disabilities, in its General Comment No. 1 on the topic, adopts a "competence bias", asserting that this provision does not apply to children, due to their evolving capacities. Building on the support-based approach, the argument holds that the onus should fall on adults to provide children with the assistance they need to exercise their capacities.[452]

As discussed previously in Chapter 5 and elsewhere, there are strong reasons for protecting children from making decisions they are not developmentally ready to understand, and this is the very rationale for the concept of evolving capacities. It is also important to acknowledge that assessment outcomes are shaped by processes which warrant closer scrutiny.

Proposals have been made to introduce into French legislation a presumption of understanding for children over the age of 10, requiring judges to hear their views in family proceedings unless they can demonstrate a lack of capacity ('discernement').[453] The rationale for selecting age 10 is supported through debatable calculations based on judges' responses, which reflect individual perceptions and social norms. Nonetheless, the proposal is valuable in recognizing that children,

at least those above a specific age, possess inherent competence in this context. Since it is the judge who ultimately makes the decision, the presumption of capacity is particularly relevant and could help reshape approaches to assessing capacity.

9.4 A practical framework for assessing children's evolving capacities

This chapter has highlighted both the challenges and the necessity of assessing children's evolving capacities in practice. It emphasized that such assessments cannot be reduced to rigid age thresholds or assumptions about incapacity, but must instead be systematic, balanced and grounded in children's rights – always questioning how the process itself may influence perceptions of capacity.

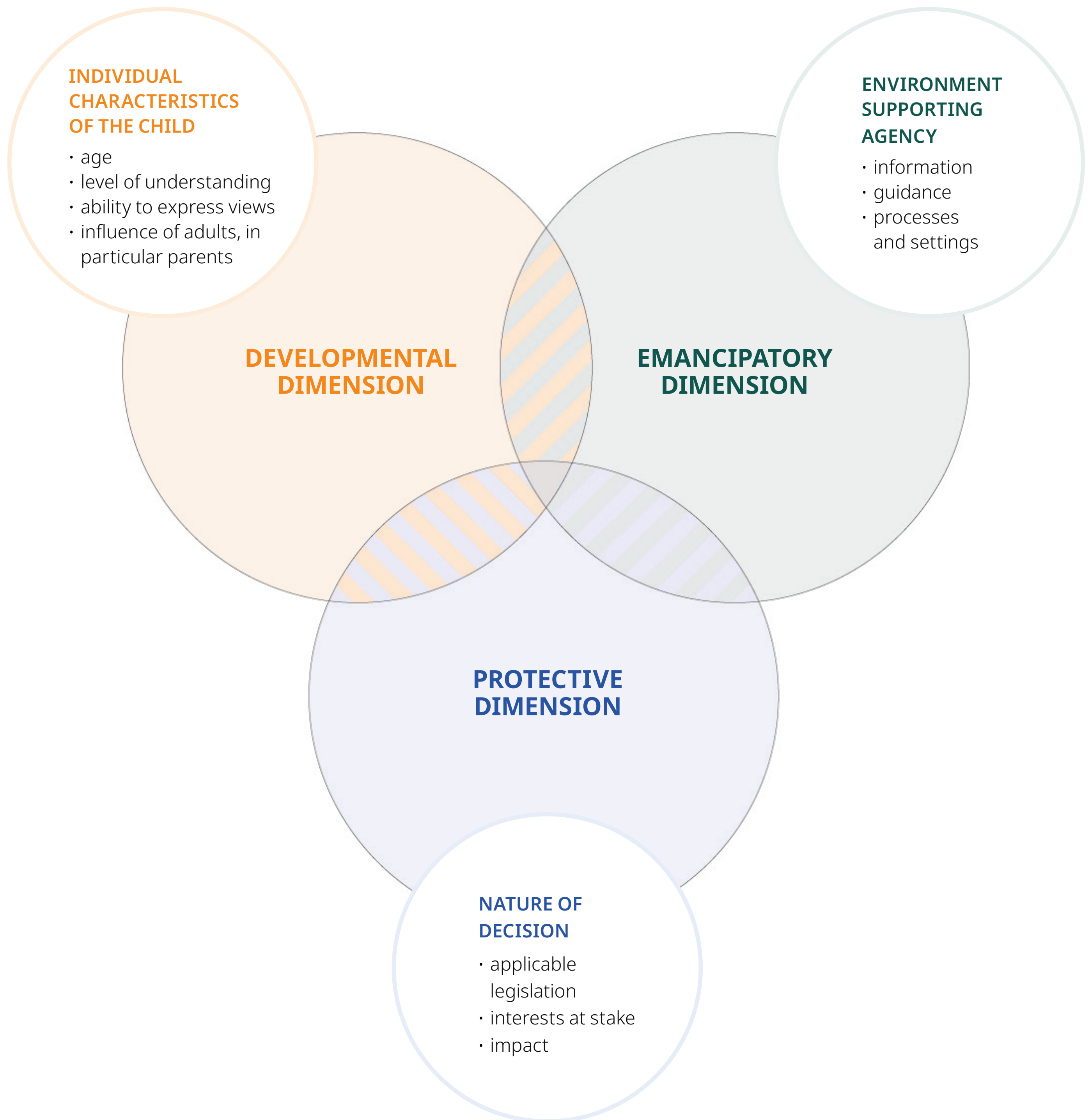
Building on the three dimensions of evolving capacities – developmental, emancipatory and protective (introduced in Chapter 2 and explored in detail in Chapters 3 to 5) – the following framework sets out guiding questions for professionals. These questions are organized around three areas of inquiry:

1. characteristics of the child (reflecting the developmental dimension);
2. the environment supporting the child's agency (reflecting the emancipatory dimension); and
3. the nature of the decision (reflecting the protective dimension).

Together, these areas aim to ensure that assessments of children's capacities undertaken by professionals are context-sensitive, consistent with the Convention on the Rights of the Child and attentive to the full range of factors that shape children's capacities (*see Box 23*).

To complement the guiding questions, Figure 5 illustrates how the three dimensions of the concept of evolving capacities intersect within a practical framework. It depicts the relationships between them and their connection to the overarching concept, underscoring that the developmental, emancipatory and protective dimensions must be considered together rather than in isolation when assessing children's capacities.

Figure 5: **Applying development, autonomy and protection dimensions when assessing children's capacities**



BOX 23

Assessing evolving capacities as a developmental concept: The individual characteristics of the child

1. What is the child's age?

a. Are there presumptions of incapacity in relation to the child's age in law?
b. Are there presumptions of incapacity in relation to the child's age in practice?
c. If so, do assumptions and prevailing social norms influence these presumptions?

2. What is the child's level of understanding of the issue?

a. Does the child understand the elements to be considered in making the decision?
b. Does the child understand the risks, benefits and long-term implications of the decision?
c. Does the child understand how the decision will affect their life?
d. What factors may influence the child's level of understanding, including any previous experience with the topic?
e. Would the decision be complex for an adult as well? If so, is it justifiable to apply different standards to children's level of understanding?

3. Is the child able to freely express views?

a. Has the child been consulted about the decision to be taken?
b. Has the child expressed views regarding the decision to be taken?
c. If not, have steps been taken to provide the child with appropriate tools, opportunities and processes to express such views?

Assessing evolving capacities as an emancipatory concept: An environment supporting agency

4. Has the child received relevant information about the decision to be taken?

a. Has the child been fully informed of the situation? Has any information not been disclosed to the child?
b. Has information been provided on the various dimensions and implications of the decision?
c. Has the child been provided with the information in a format appropriate to the child's age and understanding?
d. Who provided the child with the information? Do they feel competent and comfortable providing this information to the child?

5. **Has the child been given appropriate guidance in making the decision or forming a view?**
    a. Has the child expressed a desire for guidance or to be involved in the decision?
    b. Has a trusting relationship been established between the child and the person assessing their capacities?

6. **Are settings and processes supportive of the child's ability to form a view and exercise agency?**
    a. Is the setting in which the child makes or contributes to the decision child-sensitive and non-intimidating?
    b. Are professionals interacting with the child trained in child-sensitive communication?
    c. Are questions formulated in a manner that enables the child to provide a clear and accurate answer, free from misunderstanding and fear of judgement?
    d. Is the child given the opportunity to reflect in a 'cold' context (*see Sections 3.4 and 9.3*), away from peer or other emotional pressure?
    e. Does the child's view or choice align with that of adults in a guiding or decision-making position? If not, how does this influence adults' assessment of the child's capacities?
    f. Do adults interacting with the child making the decision believe that the child has the capacity to make an informed contribution or choice in the decision-making process? If not, do they believe that an adult in a similar situation would be more competent?

Assessing evolving capacities as a protective concept: The nature of the decision

7. **What is the applicable legislation for the decision?**
    a. Does the law provide for the child's autonomy in decision-making or require that the child's views be heard for certain decisions?
    b. Does the law contain a presumption of capacity?
    c. Does the law contain a requirement (explicit or implicit) to assess the child's capacity?
    d. How does the law define parents' roles and responsibilities in decision-making (for this particular decision)?

8. **What is the subject of the decision?**
    a. What other interests are at play in the decision?
    b. What are the implications for the child when their capacities are assessed?

9. What is the impact of the decision on the child's life?

a. Will the decision lead to significant changes in the child's life?

b. What are the potential risks associated with the decision?

c. What are the implications of excluding the child from the decision-making process?

Conclusion

When the Convention on the Rights of the Child was adopted in 1989, its drafters recognized that, because children do not have full autonomy, realizing their rights requires a different approach from that applied in more general human rights frameworks. Children grow *with* rights, not *towards* rights. All rights apply to all children from birth. What changes over time is that, as children's capacities develop, responsibility for exercising those rights shifts gradually from adults to the children themselves.

The concept of evolving capacities provides an essential lens that enables us to understand, interpret and implement the rights set out in the Convention. It introduces a language and approach that brings together the three dimensions integral to the holistic nature of the Convention: development, emancipation and protection.

Children require support to realize their rights throughout the course of childhood if they are to reach their optimum capacities. They require recognition of and respect for their full range of capacities: those they are born with, and those which continue to grow, emerge, and strengthen throughout childhood. For this reason, the concept of evolving capacities applies across the Convention in its entirety, and parents, caregivers and the State have a duty to protect children both from the inappropriate burdens of adulthood while they are still children and from excessive restrictions to their agency and ability to exercise their rights.

This report has sought to update how we understand and apply children's evolving capacities in the context of a changing world, emphasizing the significant contribution that children themselves can make in terms of understanding their own lives and the decisions that affect them. Building on this, the analysis sets out the ways in which evolving capacities must inform measures to ensure the meaningful implementation of children's rights.

However, the report is not a blueprint. Rather, it proposes a framework for engaging with complex intersections of age, capacities and rights throughout childhood. This framework offers a way of understanding what the rights of children mean as they transition through childhood as well as setting out the questions that should inform legal and policy reform. It also underscores the imperative of listening to and respecting children's perspectives, especially where different rights, interests and views must be balanced.

The global community made a commitment to centre child rights in laws, policies and practice when it endorsed and took forward the Convention on the Rights of the Child. Much progress has been made in advancing laws, systems, policies and services that provide the appropriate

scaffolding for child and adolescent development. Yet, as this report shows, there are inconsistencies and gaps in existing conditions and environments intended to support children's development to the maximum extent possible. Addressing these gaps requires thoughtful acceleration of investments in child rights.

As such, the report puts forward ideas that can unite thinking and action across the course of childhood by taking a children's rights perspective:

1. **Embed the concept of evolving capacities** as a principle across legislation and policy, ensuring coherence across the developmental, emancipatory and protective dimensions of child rights. Evolving capacities encapsulate the spirit of the Convention: Children are not merely to be protected until they become citizens; they are citizens whose participation, guided and supported, strengthens democracy itself.
2. **Invest in adult capacity.** Parents and caregivers, relevant professionals, policymakers, and implementers all need support to understand and respond to children's evolving capacities. Respecting evolving capacities does not dilute adult responsibility; it refines it. It requires parents, professionals and governments to recognize when to protect, when to guide and when to let go. In doing so, societies cultivate generations capable of empathy, critical thought and shared accountability.
3. **Institutionalize child participation and intergenerational dialogue at all levels,** from hearing children's voices in the family, schools, care settings and other places, to establishing more permanent child and adolescent advisory mechanisms and other participation channels at different levels of governance. Children and adolescents are ready and willing to contribute to their own development and protection in ways that respect their capacities.
4. **Strengthen oversight and accountability** by developing and applying rights-based guidance to new domains of risk and opportunity, including digital and environmental rights and protections, so that children's rights are upheld as these issues become more pressing.

Hopefully, the issues and ideas explored and discussed throughout the report, drawing on evidence, acknowledging the realities of children's lives and factoring in the complex challenges they face, will help deepen understanding of how the concept of evolving capacities must guide the realization of children's rights.

Endnotes

INTRODUCTION

1 Lansdown, Gerison, *The Evolving Capacities of the Child*, Innocenti Insight, United Nations Children's Fund Innocenti, Florence, 2005, pp. 15–41.

2 Office of the High Commissioner for Human Rights, *Guidance Note on Child Rights Mainstreaming*, United Nations, Geneva, July 2023, p. 2.

3 Committee on the Rights of the Child, General Comment No. 26 on children's rights and the environment with a special focus on climate change, CRC/C/GC/26, 2023, para. 14.

4 United Nations, 'New Era of Crisis for Children, as Global Conflicts Intensify and Inequality Worsens', *UN News*, 13 January 2025, <https://news.un.org/en/story/2025/01/1158771>, accessed 10 February 2026.

5 United Nations Children's Fund, 'Displacement', last updated June 2025, <https://data.unicef.org/topic/child-migration-and-displacement/displacement/>, accessed 8 December 2025.

6 United Nations Children's Fund Innocenti – Global Office of Research and Foresight, *Global Outlook 2024: Prospects for children – Cooperation in a fragmented world*, UNICEF Innocenti, Florence, January 2024.

7 Black, Robert E., et al., 'Maternal and Child Undernutrition: Global and regional exposures and health consequences', *The Lancet*, vol. 371, no. 9608, 19 January 2008, pp. 243–260; Indrio, Flavia, et al., 'The Key 1,000 Life-Changing Days', *Global Pediatrics*, vol. 4, June 2023, art. 100049.

8 United Nations Children's Fund Innocenti – Global Office of Research and Foresight, *Innocenti Handbook on Adolescence: Research and practice perspectives*, UNICEF Innocenti, Florence, 2022.

9 Third, Amanda, and Lilly Moody, *Our Rights in the Digital World: A report on the children's consultations to inform UNCRC General Comment 25*, 5Rights Foundation and Western Sydney University, London and Sydney, 2020.

10 Tyers-Chowdhury, Alexandra, and Gerda Binder, *What We Know About the Gender Digital Divide for Girls: A literature review*, United Nations Children's Fund Office of Innovation, New York, 2021, p. 3.

11 Zablotsky, Benjamin, et al., 'Associations Between Screen Time Use and Health-Related Behaviors and Outcomes Among US Teenagers', *Preventing Chronic Disease*, vol. 22, 10 July 2025, art. e240537.

12 United Nations Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/55/50, 2024, para. 6.

CHAPTER 1

13 Tobin, John, and Sheila Varadan, 'Article 5: The right to parental direction and guidance consistent with a child's evolving capacities', in *The UN Convention on the Rights of the Child: A commentary*, edited by John Tobin, Oxford University Press, Oxford, 2019, pp. 175–176.

14 The Committee identified Article 2 on non-discrimination, Article 3 on the best interests of the child, Article 6 on optimum development and Article 12 on the right to be heard as four general principles to be applied in implementing all other rights. For further discussion on this point, see Hanson, Karl, and Laura Lundy, 'Does Exactly What It Says on the Tin? A critical analysis and alternative conceptualisation of the so-called general principles of the Convention on the Rights of the Child', *The International Journal of Children's Rights*, vol. 25, no. 2, 2017, pp. 285–306.

15 Committee on the Rights of the Child, General Comment No. 7 on implementing child rights in early childhood, CRC/GC/C/7/Rev.1, 2005, para. 17.

16 Ibid.

17 Committee on the Rights of the Child, General Comment No. 12 on the right of the child to be heard, CRC/C/GC/12, 2009, paras. 16 and 21.

18 Ibid., para. 29.

19 Committee on the Rights of the Child, General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration, CRC/C/GC/14, 2013, para. 4.

20 Ibid., para. 44.

21 Human Rights Committee, Rights of the Child (Article 24), HRI/GEN/1, 1992, para. 6.

22 Ibid., para. 6.

23 Both the Human Rights Committee and the Committee on the Rights of the Child have adopted a broad definition of family. See, for example, Human Rights Committee, General Comment, CCPR/C/19/Rev.1/Add.15, 1990, para. 2; and CRC/C/GC/7, 2005, para. 15.

24 Van Bueren, Geraldine, *The International Law on the Rights of the Child*, Martinus Nijhoff Publishers, Dordrecht, 1995, pp. 67–77.

25 Committee on the Rights of the Child, 'Statement on Article 5 of the Convention on the Rights of the Child', 2023, para. 8.

26 CRC/C/GC/12, para. 84.

27 See also CRC/C/GC/7/Rev.1, paras. 20–24; and Committee on the Rights of the Child, General Comment No. 20 on the rights of the child during adolescence, CRC/C/GC/20, 2016, para. 21.

28 'Why Won't America Ratify the UN Convention on Children's Rights?', *The Economist*, 7 April 2013.

29 Weld, Sara Pankenier, 'Why Does the US Stand Alone in Opposing Children's Rights?', *Newsweek*, 20 November 2025.

30 Nowell, Cecilia, 'Almost 200 Countries Guarantee Children's Rights. Why doesn't the United States?', *The Guardian*, 1 July 2025; Fagan, Patrick F., *How U.N. Conventions on Women's and Children's Rights Undermine Family, Religion, and Sovereignty*, Backgrounder No. 1407, The Heritage Foundation, Washington, D.C., 5 February 2001.

31 CRC/C/GC/20, para. 19.

32 'Statement on Article 5', 2023, para. 9.

33 Ibid., para. 10.

34 Varadan, S.R., 2022, 'Article 5 of the UN Convention on the Rights of the Child: Parental guidance and the evolving capacities of the child', Doctoral thesis, Leiden University, Meijers-reeks, MI–391, <https://hdl.handle.net/1887/3421100>.

35 See, for example, the Universal Declaration of Human Rights, Article 16; the International Covenant on Civil and Political Rights, Article 23; and the International Covenant on Economic, Social and Cultural Rights, Article 10.

36 Detrick, Sharon, Jaap Doek and Nigel Cantwell, *The United Nations Convention on the Rights of the Child: A guide to the 'travaux préparatoires'*, Martinus Nijhoff Publishers, Dordrecht, 1992, pp. 157–162.

37 Tobin and Varadan, 'Article 5', p. 172.

38 Alston, Philip, 'The Legal Framework of the Convention on the Rights of the Child', *United Nations Bulletin of Human Rights: The rights of the child*, vol. 91, no. 2, United Nations, Geneva, 1992.

39 CRC/C/GC/14, para. 4.

40 Committee on the Rights of the Child, General Comment No. 13 on the right of the child to freedom from all forms of violence, CRC/C/GC/13, 2011, para. 61.

41 Committee on the Rights of the Child, General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, CRC/C/GC/8, 2006, para. 28.

42 Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, Vienna, 25 June 1993, A/CONF.157/23, para. 8.

43 'Statement on Article 5', 2023, para. 12.

44 CRC/C/GC/7, para. 17.

45 CRC/C/GC/14, para. 44.

46 CRC/C/GC/12, para. 84.

47 CRC/C/GC/7, para. 17.

48 CRC/C/GC/20, para. 20.

49 Lansdown, Gerison, 'Children with Disabilities', in *Human Rights and Disability Advocacy*, edited by Maya Sabatello and Marianne Schulze, University of Pennsylvania Press, Philadelphia, PA, 2014, p. 103.

50 'Statement on Article 5', 2023, para. 5.

CHAPTER 2

51 United Nations Children's Fund, *Programme Guidance for Early Childhood Development*, New York, UNICEF, August 2017, p. 13; United Nations Children's Fund, 'Adolescent Development and Participation', <www.unicef.org/adolescence>, accessed 15 September 2025.

52 Tong, Peiru, and Ai Shidong, 'Review of Studies Applying Bronfenbrenner's Bioecological Theory in International and Intercultural Education Research', *Frontiers in Psychology*, 2024.

53 Doria, Vanessa, et al., 'Emergence of Resting State Networks in the Preterm Human Brain', *Proceedings of the National Academy of Sciences of the United States of America*, vol. 107, no. 46, 2010, pp. 20015–20020; Takahashi, Emi, et al., 'Emerging Cerebral Connectivity in the Human Fetal Brain: An MR tractography study', *Cerebral Cortex*, vol. 21, no. 1, 2011, pp. 56–64; Mehler, Jacques, et al., 'A Precursor of Language Acquisition in Young Infants', *Cognition*, vol. 29, 1988, pp. 143–178; DeCasper, Anthony J., and William P. Fifer, 'Of Human Bonding: Newborns prefer their mother's voices', *Science*, vol. 208, 1980, pp. 1174–1176.

54 Lupien, Sonia J., et al., 'Effects of Stress Throughout the Lifespan on the Brain, Behaviour and Cognition', *Nature Reviews Neuroscience*, vol. 10, 2009, pp. 434–445.

55 Bick, Johanna, and Charles A. Nelson, 'Early Adverse Experiences: What does the latest brain research tell us?', in *A Good Start: Advances in early childhood development*, edited by Teresa Moreno, Bernard van Leer Foundation, The Hague, 2015, pp. 10–14.

56 Mattick, John S., and Mark F. Mehler, 'RNA Editing, DNA Recording and the Evolution of Human Cognition', *Trends in Neurosciences*, vol. 31, no. 5, 2008, pp. 227–235.

57 Hart, Harriet, and Katia Rubia, 'Neuroimaging of Child Abuse: A critical review', *Frontiers in Human Neuroscience*, vol. 6, 2012, art. 52; Bick, Johanna, et al., 'Effect of Early Institutionalization and Foster Care on Long-Term White Matter Development: A randomized clinical trial', *JAMA Pediatrics*, vol. 169, no. 3, 2015, pp. 211–219.

58 Nelson, Charles A., et al., 'Cognitive Recovery in Socially Deprived Young Children: The Bucharest Early Intervention Project', *Science*, vol. 318, no. 5858, 2007, pp. 1937–40; Vanderwert, Ross E., et al., 'Timing of Intervention Affects Brain Electrical Activity in Children Exposed to Severe Psychosocial Neglect', *PLOS One*, vol. 5, no. 7, 2010, e11415.

59 Blakemore, Sarah-Jayne, *Inventing Ourselves: The secret life of the teenage brain*, Transworld Publishers, London, 2018, p. 106.

60 Buttelmann, David, Malinda Carpenter and Michael Tomasello, 'Eighteen-Month-Old Infants Show False Belief Understanding in an Active Helping Paradigm', *Cognition*, vol. 112, no. 2, August 2009, pp. 337–342.

61 Sullivan, Mary C., and Margaret M. McGrath, 'Proximal and Distal Correlates of Maternal Control Style', *West Journal of Nursing Research*, vol. 21, no. 3, 1999, pp. 313–329.

62 Keller, Heidi, et al., 'Distal and Proximal Parenting as Alternative Parenting Strategies During Infants' Early Months of Life: A cross-cultural study', *International Journal of Behavioral Development*, vol. 33, no. 5, 2007, pp. 412–420; Bigelow, Anne E., et al., 'Maternal Sensitivity throughout Infancy: Continuity and relation to attachment security', *Infant Behavior and Development*, vol. 33, no. 1, 2010, pp. 50–60.

63 National Scientific Council on the Developing Child, 'Early Experiences Can Alter Gene Expression and Affect Long-Term Development', Working Paper No. 10, 2010, pp. 1–2.

64 Powell, Lindsey J., and Elizabeth S. Spelke, 'Preverbal Infants Expect Members of Social Groups to Act Alike', *Proceedings of the National Academy of Sciences of the United States of America*, vol. 110, no. 41, 2013, pp. 16349–16354; Jin, Kyong-Sun, and Renée Baillargeon, 'Infants Possess an Abstract Expectation of Ingroup Support', *Proceedings of the National Academy of Sciences of the United States of America*, vol. 114, no. 31, 2017, pp. 8199–8204.

65 Cypel, Saul, 'Humanization in Newborn Care: Interpersonal relationships and their importance to the neurobiological organization', *Einstein*, vol. 5, 2007, pp. 69–73.

66 Walker, Caren M., and Alison Gopnik, 'Pretense and Possibility: A theoretical proposal about the effects of pretend play on development – Comment on Lillard et al. (2013)', *Psychological Bulletin*, vol. 139, no. 1, 2013, pp. 40–44.

67 Center on the Developing Child at Harvard University, 'What is Executive Function?', 16 April 2019, <https://developingchild.harvard.edu/resources/what-is-executive-function-and-how-does-it-relate-to-child-development/>, accessed 8 December 2025.

68 Yogman, Michael, et al., 'The Power of Play: A pediatric role in enhancing development in young children', *Pediatrics*, vol. 142, no. 3, September 2018, e20182058.

69 Mahler, Margaret S., Fred Pine and Anni Bergman, *The Psychological Birth of the Human Infant*, Basic Books, New York, 1975.

70 Bodrova, Elena, Carrie Germeroth and Deborah J. Leong, 'Play and Self-Regulation: Lessons from Vygotsky', *American Journal of Play*, vol. 6, no. 1, 2013, pp. 111–123.

71 Rappley, Marsha D., and Joshua Ryan Kallman, 'Middle Childhood', in *Developmental-Behavioral Pediatrics*, 9th ed., edited by William B. Carey, Allen C. Crocker, William L. Coleman, Ellen C. Elias and Heidi M. Feldman, Saunders, Philadelphia, 2009, pp. 50–61.

72 Mah, V. Kandace, and E. Lee Ford-Jones, 'Spotlight on Middle Childhood: Rejuvenating the "forgotten years"', *Paediatrics and Child Health*, vol. 17, no. 2, 2012, pp. 81–83.

73 Child and Youth Health Network for Eastern Ontario, Children's Hospital of Eastern Ontario, and United Way/Centraide Ottawa, 'Middle Childhood Matters: A Framework to Promote Healthy Development of Children 6 to 12', <https://delta-kids-bucket.s3.amazonaws.com/uploads/resource/resource_file/56/Middle%2BChildhood%2BMatters%2B-%2BA%2BFramework%2Bto%2Bpromote%2BHealthy%2BDevelopment%2Bof%2BChildren%2B6%2Bto12.pdf>, accessed 6 March 2026.

74 Schonert-Reichl, Kimberly A., and Pippa Rowcliffe, *Middle Childhood Inside and Out: The psychological and social worlds of Canadian children ages 9-12*, United Way of the Lower Mainland, Burnaby, B.C., 2005; Rappley and Kallman, 'Middle Childhood', p. 61; Browne, Gina, et al., 'When the Bough Breaks: Provider-initiated comprehensive care is more effective and less expensive for sole-support parents on social assistance', *Social Science & Medicine*, vol. 53, 2001, pp. 1697–1710.

75 Chaddock, Laura, et al., 'Basal Ganglia Volume is Associated with Aerobic Fitness in Preadolescent Children', *Developmental Neuroscience*, vol. 32, 2010, pp. 249–256; Chaddock, Laura, et al., 'A Neuroimaging Investigation of the Association Between Aerobic Fitness, Hippocampal Volume and Memory Performance in Preadolescent Children', *Brain Research*, vol. 1358, 2010, pp. 172–183.

76 Åberg, Maria A. I., et al., 'Cardiovascular Fitness is Associated with Cognition in Young Adulthood', *Proceedings of the National Academy of Sciences of the United States of America*, vol. 106, no. 49, 2009, pp. 20906–20911.

77 Child and Youth Health Network for Eastern Ontario, Children's Hospital of Eastern Ontario, and United Way/Centraide Ottawa, 'Middle Childhood Matters'.

78 Toga, Arthur W., Paul M. Thompson and Elizabeth R. Sowell, 'Mapping Brain Maturation', *Trends in Neurosciences*, vol. 29, 2006, pp. 148–159.

79 Szaflarski, Jerzy P., et al., 'A Longitudinal Functional Magnetic Resonance Imaging Study of Language Development in Children 5 to 11 Years Old', *Annals of Neurology*, vol. 49, no. 5, May 2006, pp. 796–807.

80 Mah and Ford-Jones, 'Spotlight on Middle Childhood', p. 82.

81 Roberts, William and Janet Strayer, 'Empathy, Emotional Expressiveness and Prosocial Behavior', *Child Development*, vol. 67, 1996, pp. 449–470; Hetherington, E. Mavis, et al., *Child Psychology: A contemporary view*, 6th ed., McGraw-Hill, Boston, 2006.

82 See, for example, Blakemore, Sarah-Jayne, 'Development of the Social Brain During Adolescence', *Quarterly Journal of Experimental Psychology*, vol. 61, no. 1, 2008, pp. 40–49.

83 CRC/C/GC/20, para. 2.

84 Blakemore, *Inventing Ourselves*, p. 3.

85 Ibid., pp. 19–20.

86 Knoll, Lina, et al., 'A Window of Opportunity for Cognitive Training in Adolescence', *Psychological Science*, vol. 27, no. 12, 2016, pp. 1620–1631.

87 Arain, Mariam, et al., 'Maturation of the Adolescent Brain', *Neuropsychiatric Disease and Treatment*, vol. 9, April 2013, pp. 449–461; *Innocenti Handbook on Adolescence*; Lansford, Jennifer E., and Prerna Banati, eds., *Handbook of Adolescent Development Research and its Impact on Global Policy*, Oxford University Press, Oxford, 2018.

88 See, for example, Duc, Le Thuc, 'The Effect of Early Age Stunting on Cognitive Achievement among Children in Vietnam', Young Lives Working Paper No. 45, Department of International Development, University of Oxford, Oxford, February 2009.

89 Blakemore, *Inventing Ourselves*, p. 97.

90 Burnett, Stephanie, et al., 'Development During Adolescence of the Neural Processing of Social Emotion', *Journal of Cognitive Neuroscience*, vol. 21, no. 9, 2009, pp. 1736–1750.

91 Blakemore, *Inventing Ourselves*, p. 111.

92 Dumontheil, Iroise, Ian A. Apperly and Sarah-Jayne Blakemore, 'Online Usage of Theory of Mind Continues to Develop in Late Adolescence', *Developmental Science*, vol. 13, no. 2, 2010, pp. 331–338.

93 Güroğlu, Berna, Wouter van den Bos and Eveline A. Crone, 'Fairness Considerations: Increasing understanding of intentionality during adolescence', *Journal of Experimental Child Psychology*, vol. 104, no. 4, December 2009, pp. 398–409.

94 Blakemore, *Inventing Ourselves*, p. 117.

95 Ibid., pp. 131–132.

96 Ibid.

97 Güroğlu, Berna, Wouter van den Bos and Eveline A. Crone, 'Sharing and Giving Across Adolescence: An experimental study examining the development of prosocial behavior', *Frontiers in Psychology*, vol. 5, art. 291, April 2014, pp. 1–13.

98 Anderson, Monica and Jingjing Jiang, Teens, *Friendships and Online Groups*, Pew Research Center, Washington, DC, 2018; Furman, Wyndol and Duane Buhrmester, 'Age and Sex Differences in Perceptions of Networks of Personal Relationships', *Developmental Psychology*, vol. 28, no. 5, 1992, pp. 1016–1024.

99 Anderson and Jiang, *Teens, Friendships and Online Groups*; Notten, Natascha, and Peter Nikken, 'Boys and Girls Taking Risks Online: A gendered perspective on social context and adolescents' risky online behavior', *New Media & Society*, vol. 18, no. 6, 2016, pp. 966–988.

100 Larson, Reed W., and Suman Verma, 'How Children and Adolescents Spend Time Across the World: Work, play, and developmental opportunities', *Psychological Bulletin*, vol. 125, no. 6, 1999, pp. 701–736.

101 Weil, Leonora G., et al., 'The Development of Metacognitive Ability in Adolescence', *Consciousness and Cognition*, vol. 22, no. 1, 2013, pp. 264–271.

102 Lansford and Banati, *Handbook of Adolescent Development Research*, pp. 1–23.

103 Steinberg, Laurence, 'The Science of Adolescent Brain Development', in *Human Rights and Adolescence*, edited by Jacqueline Bhabha, University of Pennsylvania Press, Philadelphia, PA, 2014, pp. 63–67.

104 Gardner, Margo, and Laurence Steinberg, 'Peer Influence on Risk-Taking, Risk Preference, and Risky Decision-Making in Adolescence and Adulthood: An experimental study', *Developmental Psychology*, vol. 41, no. 4, 2005, pp. 625–635.

105 Steinberg, Laurence, 'A Social Neuroscience Perspective on Adolescent Risk-Taking', *Developmental Review*, vol. 28, no. 1, March 2008, pp. 78–106; see also, for example, Blakemore, *Inventing Ourselves*, p. 117, pp. 143–144.

106 Andreoni, James, et al., 'Risk Preferences of Children and Adolescents in Relation to Gender, Cognitive Skills, Soft Skills, and Executive Functions', *Journal of Economic Behaviour & Organization,* vol. 179, November 2020, pp. 729–742.

107 Steinberg, Laurence, et al., 'Around the World, Adolescence is a Time of Heightened Sensation Seeking and Immature Self-regulation', *Developmental Science*, vol. 21, no. 2, 2018, e12532.

108 Vygotsky, Lev S., *Mind in Society: The development of higher psychological processes*, edited by Michael Cole, Vera John-Steiner, Sylvia Scribner and Ellen Souberman, Harvard University Press, Cambridge, MA, 1978.

109 Chawla, Louise, and Harry Heft, 'Children's Competence and the Ecology of Communities', *Journal of Environmental Psychology*, vol. 22, nos. 1-2, 2002, pp. 201–216.

110 See, for example, Centre for Teaching and Learning, University of Oxford, 'Encouraging Active Learning in Large Class Teaching', 2024, <https://www.ctl.ox.ac.uk/large-class-teaching>, accessed 8 December 2025; Covell, Katherine, and R. Brian Howe, *Rights, Respect and Responsibility: Report on the RRR Initiative to Hampshire County Education Authority*, Children's Rights Centre, Cape Breton University, Nova Scotia, 2005; Kirby, Perpetua, and Sara Bryson, *Measuring the Magic? Evaluating and researching young people's participation in public decision-making*, Carnegie Young People Initiative, London, 2002; Kränzl-Nagl, Renate and Ulrike Zartler, 'Children's Participation in School and Community: European perspectives', in *A Handbook of Children and Young People's Participation: Perspectives from theory and practice*, edited by Barry Percy-Smith and Nigel Thomas, Routledge, London, 2009, pp. 155–174.

111 Scharf, Miri and Ofra Mayseless, 'Finding the Authentic Self in a Communal Culture: Developmental goals in emerging adulthood', *New Directions for Child and Adolescent Development*, no. 130, 2010, pp. 83–95.

112 Bornstein, Marc H., and Diane L. Putnick, 'Parent–Adolescent Relationships in Global Perspective', in *Handbook of Adolescent Development Research*, pp.107–129.

CHAPTER 3

113 World Health Organization and United Nations Children's Fund, *Nurturing Care for Early Childhood Development: A framework for helping children survive and thrive to transform health and human potential*, WHO and UNICEF, Geneva, 2018.

114 Bronfenbrenner, Urie, *The Ecology of Human Development: Experiments by nature and design*, Harvard University Press, Cambridge, MA, 1979; Bronfenbrenner, Urie, ed., *Making Human Beings Human: Bioecological perspectives on human development*, SAGE Publications, Thousand Oaks, CA, 2005; Bronfenbrenner, Urie, and Pamela A. Morris, 'The Bioecological Model of Human Development', in *Handbook of Child Psychology: Theoretical models of human development*, edited by Richard M. Lerner and William Damon, 6th ed., John Wiley & Sons, Hoboken, NJ, 2006, pp. 793–828.

115 CRC/C/GC/7, para. 16.

116 CRC/C/GC/20, para. 50.

117 United Nations Educational, Scientific and Cultural Organization and United Nations Children's Fund, *Global Report on Early Childhood Care and Education: The right to a strong foundation*, UNESCO and UNICEF, Paris and New York, 2024, pp. 40–42.

118 Bray, Rachel, and Andrew Dawes, 'Parenting, Family Care and Adolescence in East and Southern Africa: An evidence-focused literature review', Innocenti Discussion Paper 2016-02, United Nations Children's Fund Innocenti, Florence, 2016.

119 United Nations General Assembly, Global study on children deprived of liberty, A/74/136, 2019, para. 61.

120 Ibid., paras 11–23; United Nations General Assembly, Guidelines for the alternative care of children, A/RES/64/142, 2010.

121 CRC/C/GC/14, para. 61; CRC/C/GC/7, para. 36 (b); A/RES/64/142, para. 21.

122 Van IJzendoorn, Marinus H., et al., 'Institutionalisation and Deinstitutionalisation of Children: A systematic and integrative review of evidence regarding effects on development', *The Lancet Psychiatry*, vol. 7, no. 8, 2020, pp. 703–720.

123 Ibid.

124 Committee on the Rights of the Child, General Comment No. 1 on the aims of education, CRC/GC/2001/1, 2001, para. 1.

125 CRC/C/GC/7, para. 28.

126 Ibid., para. 28.

127 Center on the Developing Child at Harvard University, *From Best Practices to Breakthrough Impacts: A science-based approach to building a more promising future for young children and families,* Harvard University, Cambridge, MA, 2016, pp. 7–18.

128 Evans, David, and Susannah Hares. 'Violence in Schools Is Bad for Learning', Center for Global Development Blog, 24 October 2023, <https://www.cgdev.org/blog/violence-schools-bad-learning>, accessed 10 December 2025.

129 United Nations Children's Fund, *Policy Brief: Ending violence against children in Europe and Central Asia*, UNICEF Europe and Central Asia Regional Office, Geneva, 2025, p.10.

130 World Health Organization Regional Office for Europe, 'One in Six School-Aged Children Experiences Cyberbullying, Finds New WHO Europe Study', News release, WHO Regional Office for Europe, Copenhagen, 27 March 2024.

131 Maiti, Abhradeep, 'Effect of Corporal Punishment on Young Children's Educational Outcomes', *Education Economics*, vol. 29, no. 4, 2021, pp. 411–423; Kumar, Deepak, et al., 'Corporal Punishment and Praise in Indian Schools: Caste-based heterogeneity on children's cognitive skills', *International Journal of Educational Development*, vol. 89, March 2022, art. 102554.

132 Evans and Hares, 'Violence in Schools'.

133 Baker-Henningham, Helen et al., 'Evaluation of a Violence-Prevention Programme with Jamaican Primary School Teachers: A cluster randomised trial', *International Journal of Environmental Research and Public Health*, vol. 16, no. 15, 2019, art. 2797.

134 Evans and Hares, 'Violence in Schools'; Román, Marcela, and F. Javier Murillo, 'Latin America: School bullying and academic achievement', *CEPAL Review*, no. 104, August 2011, pp. 37–53.

135 Smarrelli, Gabriela, et al., *Violence in Schools: Prevalence, impact, and interventions*, Center for Global Development, Washington, D.C., 2024, pp. 1–10.

136 Banzon-Librojo, Lorelie Ann, Melissa R. Garabiles and Liane Peña Alampay, 'Relations Between Harsh Discipline from Teachers, Perceived Teacher Support, and Bullying Victimisation among High School Students', *Journal of Adolescence*, vol. 57, 2017, pp. 18–22.

137 Greenberg, Mark T., *Evidence for Social and Emotional Learning in Schools*, Learning Policy Institute, Palo Alto, CA, 2023, p. 26.

138 Heckman, James J., Rodrigo Pinto and Peter A. Savelyev, 'Understanding the Mechanisms Through Which an Influential Early Childhood Programme Boosted Adult Outcomes', *American Economic Review*, vol. 103, no. 6, October 2013, pp. 2052–2086.

139 Schweinhart, Lawrence J., and David P. Weikart, *Lasting Differences: The High/Scope preschool curriculum comparison study through age 23*, High/Scope Educational Research Foundation, Ypsilanti, MI, 1993.

140 Committee on the Rights of the Child, General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, CRC/C/GC/17, 2013, para. 14(c).

141 Yogman, et al., 'The Power of Play'.

142 CRC/C/GC/17, para. 14(c).

143 Bangladesh Rural Advancement Committee, *Play Lab Research Brief Bangladesh*, BRAC Play Labs, Dhaka, 2021.

144 Bangladesh Rural Advancement Committee, *Let's Play and Have Fun: Play Lab curriculum for children aged 3–5*, BRAC Play Labs, Kampala, 2021.

145 Hatfield, Bridget E., and Amanda P. Williford, 'Cortisol Patterns for Young Children Displaying Disruptive Behaviour: Links to a teacher–child, relationship-focused intervention', *Prevention Science*, vol. 18, no. 1, 2017, pp. 40–49.

146 *Global Report on Early Childhood Care and Education*, p. 66.

147 Committee on the Rights of the Child, General Comment No. 25 on children's rights in relation to the digital environment, CRC/C/GC/25, 2021, paras. 106–107.

148 Pothong, Kruakae, and Sonia Livingstone, 'What Works for Children's Play in a Digital World and What Needs to Change?', London School of Economics, 11 May 2022, <https://blogs.lse.ac.uk/parenting4digitalfuture/2022/05/11/digital-play/>, accessed 8 December 2025.

149 CRC/C/GC/17, para. 16.

150 Graça Machel, Impact of armed conflict on children, United Nations General Assembly, A/51/306, 1996, para. 179.

151 CRC/C/GC/20, para. 51.

152 World Health Organization, 'Gender', WHO Health Topics, <www.who.int/health-topics/gender#tab=tab_1>, accessed 8 December 2025.

153 Kågesten, Anna et al., 'Understanding Factors that Shape Gender Attitudes in Early Adolescence Globally: A mixed-methods systematic review', *PLOS ONE*, vol. 11, no. 6, 24 June 2016, e0157805.

154 Gender and Adolescence: Global Evidence Consortium, *Conceptual Framework*, GAGE, London, 2017, p. 2.

155 Conconi, Adriana et al., *Rethinking the Care Economy and Promoting Gender Equality for All Ages by Reducing and Redistributing Unpaid Care and Domestic Work*, Policy brief, T20 Brazil Task Force 1, 2024.

156 Bonfert, Anna, and Divyanshi Wadhwa, 'Tracing Global Trends in Education: A tale of old and new gender gaps', World Bank Gender Data Portal, 18 April 2024, <http://genderdata.worldbank.org/en/data-stories/a-tale-of-old-and-new-gender-gaps>, accessed 8 December 2025.

157 Gender and Adolescence: Global Evidence Consortium, *Adolescence and Gender Norms*, Policy note, GAGE, London, 2018.

158 Banati, Prerna, et al., 'Gender-Responsive Age-Sensitive Social Protection: A conceptual framework', Innocenti Working Paper WP-2020-10, United Nations Children's Fund Innocenti, Florence, August 2020.

159 United Nations Educational, Scientific and Cultural Organization, *Global Education Monitoring Report 2022: Gender report – Deepening the debate on those still left behind*, UNESCO, Paris, 2022, p. 14.

160 Jones, Nicola, et al., *What Works to Tackle Child Marriage in Ethiopia: A review of good practice*, Overseas Development Institute and United Nations Children's Fund, London, 2016.

161 Chen, Shuning, et al., 'The Persistent Challenge of Child Marriage: A global overview', World Bank Gender Data Portal, 4 December 2025, <https://genderdata.worldbank.org/en/data-stories/child-marriage>, accessed 8 December 2025.

162 Ibid.

163 United Nations Children's Fund, *Female Genital Mutilation/Cutting: A global concern*, UNICEF, New York, 2016.

164 Harper, Caroline, Nicola Jones, Anita Ghimire, Rachel Marcus, and Grace Kyomuhendo Bantebya, eds. *Empowering Adolescent Girls in Developing Countries: Gender justice and norm change*, Routledge, London, 2018.

165 Burnham, David, 'Nutrition of Adolescent Girls in Low- and Middle-income Countries', *Sight and Life*, vol. 27, no. 3, 2013, pp. 26–37.

166 Jones, Nicola, Elizabeth Presler Marshall and Tran Thi Van Anh, 'Intersecting Inequalities: The impact of gender norms on Hmong adolescent girls' education, marriage and work in Viet Nam', in *Empowering Adolescent Girls in Developing Countries*, p. 135.

167 CRC/C/GC/17, para. 8.

168 Harper, Caroline, and Rachel Marcus, 'What Can a Focus on Gender Norms Contribute to Girls' Empowerment?', in *Empowering Adolescent Girls in Developing Countries*, p. 33.

169 Aranda-Jan, Clara, and Qursum Qasim, 'Increasing Access to Technology for Inclusion: Evidence and practice note', Gender Thematic Policy Notes Series, World Bank Group, Washington, D.C., 2023.

170 Marcus, Rachel, Maria Stavropoulou and Nikki Gupta-Archer, *Programming with Adolescent Boys to Promote Gender Equitable Masculinities: A rigorous review*, Gender and Adolescence: Global Evidence, London, 2018.

171 *Adolescence and Gender Norms.*

172 Shonkoff, Jack P., Natalie Slopen and David R. Williams, 'Early Childhood Adversity, Toxic Stress, and the Impacts of Racism on the Foundations of Health', *Annual Review of Public Health*, vol. 42, 2021, pp. 115–134.

173 United Nations Children's Fund Innocenti – Global Office of Research and Foresight, *The Changing Childhood Project: A multigenerational, international survey on 21st century childhood*, UNICEF Innocenti, Florence, November 2021.

174 Huynh, Virginia W., et al., 'Everyday Discrimination and Diurnal Cortisol During Adolescence', *Hormones and Behavior*, vol. 80, April 2016, pp. 76–81.

175 Spencer, Steven J., Christine Logel and Paul G. Davies, 'Stereotype Threat', *Annual Review of Psychology*, vol. 67, 2016, pp. 415–437; Ganley, Colleen M., et al., 'An Examination of Stereotype Threat Effects on Girls' Mathematics Performance', *Developmental Psychology*, vol. 49, no. 10, October 2013, pp. 1886–1897.

176 Shonkoff, Slopen and Williams, 'Early Childhood Adversity'.

177 Aslanishvili, Teona, et al., 'Vulnerability, Discrimination and Xenophobia', Innocenti Research Brief 2022-03, United Nations Children's Fund Innocenti, Florence, 2022.

178 Sanders-Phillips, Kathy, 'Racial Discrimination: A continuum of violence exposure for children of color', *Clinical Child and Family Psychology Review*, vol. 12, no. 2, June 2009, pp. 174–195.

179 Pascoe, Bruce, *Dark Emu: Aboriginal Australia and the birth of agriculture*, Magabala Books, Broome, Australia, 2018.

180 Australian Institute of Health and Welfare, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*, AIHW, Canberra, 2015.

181 Näslund-Hadley, Emma, and Humberto Santos, Skills Development of Indigenous Children, Youth, and Adults in Latin America and the Caribbean, Inter-American Development Bank Technical Note No. IDB-TN-02410, IDB, February 2022, pp. 19–20.

182 United Nations Children's Fund, *Fact Sheet: Children with disabilities*, UNICEF, New York, August 2022; Jones, Lisa, et al., 'Prevalence and Risk of Violence Against Children With Disabilities: A systematic review and meta-analysis of observational studies', *The Lancet*, vol. 380, no. 9845, 2012, pp. 899–907; United Nations Children's Fund, *Seen, Counted, Included: Using data to shed light on the well-being of children with disabilities*, UNICEF, New York, 2021.

183 *Seen, Counted, Included*.

184 Lundy, Laura, et al., *Two Clicks Forward and One Click Back: Report on children with disabilities in the digital environment*, Council of Europe, Strasbourg, 2019.

185 United Nations Children's Fund Innocenti – Global Office of Research and Foresight, *The State of the World's Children 2025: Ending child poverty – Our shared imperative*, UNICEF Innocenti, Florence, 2025, p. 28.

186 Rakesh, Divyangana, et al., 'Macroeconomic Income Inequality, Brain Structure and Function, and Mental Health', *Nature Mental Health*, vol. 3, 2025, pp. 1318–1330.

187 Flynn, James R., *Are We Getting Smarter? Rising IQ in the twenty-first century*, Cambridge University Press, Cambridge, 2013.

188 Black, Maureen M., and Linda M. Richter, 'Different Is Not Deficient: Respecting diversity in early childhood development', *The Lancet Child & Adolescent Health*, vol. 6, no. 12, December 2022, e26.

189 United Nations Children's Fund, *Child Nutrition Report 2024: Child food poverty – Nutrition deprivation in early childhood*, UNICEF, New York, June 2024.

190 Noble, Kimberly G., M. Frank Norman and Martha J. Farah, 'Neurocognitive Correlates of Socioeconomic Status in Kindergarten Children', Developmental Science, vol. 8, no. 1, pp. 74–87.

191 United Nations Children's Fund Innocenti – Global Office of Research, *Report Card 16: Worlds of influence – Understanding what shapes child well-being in rich countries*, UNICEF Innocenti, Florence, 2020.

192 Boyden, Jo, et al., *Tracing the Consequences of Child Poverty: Evidence from the Young Lives study in Ethiopia, India, Peru and Vietnam*, Policy Press, Bristol, 2019.

193 Martorell, Reynaldo, et al., 'Weight Gain in the First Two Years of Life Is an Important Predictor of Schooling Outcomes in Pooled Analyses From Five Birth Cohorts From Low- and Middle-Income Countries', *Journal of Nutrition*, vol. 140, no. 2, February 2010, pp. 348–354.

194 Hartas, Dimitra, *Parenting, Family Policy and Children's Well-Being in an Unequal Society*, Palgrave Macmillan, London, 2014.

195 Ropper, Allan, Martin Samuels and Joshua Klein, *Adams and Victor's Principles of Neurology*, 10th ed., McGraw-Hill, New York, 2014.

196 National Scientific Council on the Developing Child, 'Excessive Stress Disrupts the Architecture of the Developing Brain', Working Paper No. 3, updated edition, Center on the Developing Child at Harvard University, Cambridge, MA, 2014.

197 Berk, Laura E., *Child Development*, Eastern Economy Edition, Prentice Hall, New Delhi, 2015, p. 105.

198 Lupien, et al., 'Effects of Stress Throughout the Lifespan'.

199 Nelson, Charles A., et al., 'Adversity in Childhood Is Linked to Mental and Physical Health Throughout Life', *BMJ*, vol. 371, 2020, m3048.

200 World Health Organization, 'Adolescent Mental Health', 1 September 2025, <www.who.int/news-room/fact-sheets/detail/adolescent-mental-health>, accessed 8 December 2025.

201 National Scientific Council on the Developing Child, 'Supportive Relationships and Active Skill-Building Strengthen the Foundations of Resilience', Working Paper No. 13, Center on the Developing Child at Harvard University, Cambridge, MA, 2015.

202 Ibid.

203 ChildFund Alliance, Eurochild, Save the Children, United Nations Children's Fund and World Vision, *Our Europe, Our Rights, Our Future: Children and young people's contribution to the new EU Child Rights Strategy and the Child Guarantee*, Eurochild, Brussels, 2021.

204 United Nations Children's Fund, *Humanitarian Situation Report No. 43: State of Palestine*, UNICEF Gaza, 30 September 2025.

205 United Nations Children's Fund, 'Three years of full-scale war for Ukraine's children', UNICEF Europe and Central Asia Region, 21 February 2025, <www.unicef.org/eca/stories/three-years-full-scale-war-ukraines-children>, accessed 29 November 2025.

206 Ibid.

207 United Nations Children's Fund, *Humanitarian Situation Report No. 31: Sudan*, UNICEF, Geneva and New York, 26 June 2025.

208 United Nations Children's Fund, 'Not the New Normal: 2024 one of the worst years in UNICEF's history for children in conflict', Press release, UNICEF, New York, 27 December 2024, <www.unicef.org/press-releases/not-new-normal-2024-one-worst-years-unicefs-history-children-conflict>, accessed 8 December 2025.

209 Betancourt, Theresa S., Laura Rawlings and Ramya Subrahmanian, 'Strengthening Adaptive Social Protection for Children in Crisis: The role of implementation science', World Bank Blogs, 3 June 2025, <https://blogs.worldbank.org>, accessed 29 November 2025.

210 Smeeth, Demelza, et al., 'War Exposure, Post-Traumatic Stress Symptoms and Hair Cortisol Concentrations in Syrian Refugee Children', *Psychoneuroendocrinology*, vol. 133, 2021, art. 105418.

211 Jensen, Sarah K. G., et al., 'Intergenerational Impacts of Trauma and Hardship Through Parenting', *Journal of Child Psychology and Psychiatry*, vol. 62, no. 8, 2021, pp. 989–999.

212 Svallfors, Signe, et al., 'Armed Conflict and Birthweight: The role of organized violence and anti-coca fumigation in Colombia', Social Science & Medicine, vol. 381, 2025, art. 118285.

213 Hazer, Livia, and Gustaf Gredebäck, 'The Effects of War, Displacement and Trauma on Child Development', *Humanities & Social Sciences Communications*, vol. 10, 2023, art. 909.

214 Monteiro, Joana, and Rudi Rocha, 'Drug Battles and School Achievement: Evidence from Rio de Janeiro's favelas', *Review of Economics and Statistics*, vol. 99, no. 2, May 2017, pp. 213–228; Grupo de Estudos dos Novos Ilegalismos da Universidade Federal Fluminense, Instituto Fogo Cruzado and United Nations Children's Fund Brazil, *Education Under Siege: Effects of armed violence on learning and school dropout in schools in Greater Rio*, UNICEF Brazil, Rio de Janeiro, August 2025.

215 Committee on the Rights of the Child, General discussion on children in armed conflict, report of the second session, September–October 1992, CRC/C/10, para. 67.

216 Betancourt, Theresa S., *Shadows into Light: A generation of former child soldiers comes of age*, Harvard University Press, Cambridge, MA, 2025.

217 Ibid.

218 Betancourt, Theresa S. et al., 'Stigma and Acceptance of Sierra Leone's Child Soldiers: A prospective longitudinal study of adult mental health and social functioning', *Journal of the American Academy of Child & Adolescent Psychiatry*, vol. 58, no. 6, 2019, pp. 653–663.

219 Ibid.

220 Freeman, Jordan A., et al., 'Integrating Youth Readiness Intervention and Entrepreneurship in Sierra Leone: A hybrid type II cluster randomized trial' *Journal of the American Academy of Child & Adolescent Psychiatry*, vol. 63, no. 7, 2024, pp. 708–719.

221 Center on the Developing Child at Harvard University, *Growing Up in a Warming World: How climate change is affecting the availability and safety of water in the developmental environment*, Harvard University, Cambridge, MA, 2024.

222 Proulx, Kerrie, et al., 'Climate Change Impacts on Child and Adolescent Health and Well-Being: A narrative review', *Journal of Global Health*, vol. 14, May 2024, art. 04061.

223 Thapa, Subash, Santhosh Giri and Allen G. Ross, 'Extreme Weather and Climate-Related Adverse Childhood Experiences Are a Humanitarian Crisis During the 21st Century', *Communications Medicine*, vol. 5, no. 1, August 2025, art. 357.

224 United Nations Children's Fund, *The Climate Crisis Is a Child Rights Crisis: Introducing the Children's Climate Risk Index*, UNICEF, New York, 2021, p. 4.

225 Cunha, Flavio, and James Heckman, 'The Technology of Skill Formation', Working Paper No. 12840, Cambridge, MA, 2007.

226 Black and Richter, 'Different Is Not Deficient'.

CHAPTER 4

227 Limone, Pierpaolo, and Guisi Antonia Toto, 'Origin and Development of Moral Sense: A systematic review', *Frontiers in Psychology*, vol. 13, May 2022, art. 887537.

228 Boyden, Jo, Birgitta Ling and William Myers, *What Works for Working Children*, United Nations Children's Fund International Child Development Centre, Florence, 1998.

229 Abebe, Tatek, 'Reconceptualising Children's Agency as Continuum and Interdependence', *Social Sciences*, vol. 8, no. 3, 2019, art. 81.

230 CRC/C/GC/20, paras. 39–40.

231 Mayall, Berry, 'Generation and Gender: Childhood studies and feminism', in *Childhood in Generational Perspective*, edited by Berry Mayall and Helga Zeiher, Institute of Education, London, 2003, pp. 87–108.

232 Durham, Deborah, 'Apathy and Agency: The romance of agency and youth in Botswana', in *Figuring the Future: Globalization and the temporalities of children and youth*, edited by Deborah Durham and Jennifer Cole, School for Advanced Research Press, Santa Fe, NM, 2011, pp. 151–158.

233 Ansell, Nicola, and Lorraine van Blerk, 'Doing and Belonging: Toward a more-than-representational account of young migrant identities in Lesotho and Malawi', in *Global Perspectives on Rural Childhood and Youth: Young rural lives*, edited by Ruth Panelli, Samantha Punch and Elsbeth Robson, Routledge, London, 2007, pp. 17–28.

234 Robeyns, Ingrid, 'The Capability Approach', *The Stanford Encyclopedia of Philosophy*, Spring 2025 Edition, edited by Edward N. Zalta and Uri Nodelman.

235 Kjørholt, Anne Trine, 'Childhood as a Social and Symbolic Space: Discourses on children as social participants in society', PhD dissertation, Norwegian University of Science and Technology, 2024, 1503-8181, <https://hdl.handle.net/11250/264979>.

236 Unterhalter, Elaine, 'The Capabilities Approach and Gendered Education: An examination of South African complexities', *Theory and Research in Education*, vol. 1, no. 1, 2003, pp. 7–22; Sen, Amartya, 'Capabilities, Lists, and Public Reason: Continuing the conversation', *Feminist Economics*, vol. 10, no. 3, 2004, pp. 77–80; Nussbaum, Martha C., *Women and Human Development: The capabilities approach*, Cambridge University Press, Cambridge, 2000.

237 Jones, Nicola, Kate Pincock and Bassam Abu Hamad eds., *Adolescents in Humanitarian Crisis: Displacement, gender and social inequalities*, Routledge, 2021.

238 Robson, Elsbeth, Stephen Bell and Natascha Klocker, 'Conceptualizing Agency in the Lives of Rural Young People', in *Global Perspectives on Rural Childhood and Youth: Young rural lives*, pp. 135–148.

239 Ibid.

240 Alderson, Priscilla, *Children's Consent to Surgery*, Open University Press, Buckingham, 1993, pp. 188–194.

241 Rogoff, Barbara, et al., 'Guided Participation in Cultural Activity by Toddlers and Caregivers', *Monographs of the Society for Research in Child Development*, vol. 58, no. 8, serial no. 236, 1993.

242 Abebe, 'Reconceptualising Children's Agency'.

243 Bronfenbrenner, Urie, 'Ecology of the Family as a Context for Human Development: Research perspectives', *Developmental Psychology*, vol. 22, no. 6, 1986, pp. 723–742.

244 Jones, Pincock and Hamad, *Adolescents in Humanitarian Crisis*.

245 Gender and Adolescence: Global Evidence Consortium, *Gender and Adolescence: Why understanding adolescent capacities, change strategies and contexts matters*, 2nd ed., GAGE, London, 2019.

246 Abebe, 'Reconceptualising Children's Agency'.

247 Bugental, Daphne Blunt, and Joan E. Grusec, 'Socialization Processes', in *Handbook of Child Psychology: Social, emotional, and personality development*, vol. 3, edited by Nancy Eisenberg, John Wiley & Sons, Hoboken, NJ, 2006, pp. 366–428.

248 Lansdown, Gerison, 'Children's Welfare and Children's Rights', in *Children in Society: Contemporary theory, policy and practice*, edited by Pam Foley, Jeremy Roche, Stanley Tucker, Bloomsbury Publishing, London, 2000, pp. 114–125.

249 CRC/C/GC/12, para. 20.

250 CRC/C/GC/12, para. 29.

251 Lansdown, Gerison, *Conceptual Framework for Measuring Outcomes of Adolescent Participation*, United Nations Children's Fund, New York, 2018, pp. 7–11.

252 Lundy, Laura, '"Voice" is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child', *British Educational Research Journal*, vol. 33, no. 6, 2007, pp. 927–942.

253 CRC/C/GC/12, paras. 134–135.

254 Ibid., paras. 32–34.

255 Lansdown, Gerison, Shane Jimerson and Reza Shahroozi, 'Children's Rights and School Psychology: Children's right to participation', *Journal of School Psychology*, vol. 52, 2014, p. 5.

256 CRC/C/GC/12, paras. 131–134.

257 Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion: Recommendations, para. 33.

258 CRC/C/GC/20, para. 45.

259 De Graeve, Katrien, 'Children's Rights from a Gender Studies Perspective: Gender, intersectionality and ethics of care', in *Routledge International Handbook of Children's Rights Studies*, edited by Wouter Vandenhole, Ellen Desmet, Didier Reynaert and Sara Lembrechts, Routledge, London, 2015, pp. 147–163.

260 Taefi, Nura, 'The Synthesis of Age and Gender: Intersectionality, international human rights law and the marginalisation of the girl-child', *International Journal of Children's Rights*, vol. 17, no. 3, 2009, pp. 345–376.

261 Hooghe, Marc, and Dietlind Stolle, 'Good Girls Go to the Polling Booth, Bad Boys Go Everywhere: Gender differences in anticipated political participation among American fourteen-year-olds', *Women and Politics*, vol. 26, nos. 3–4, 2004, pp. 1–23.

262 United Nations Security Council, Resolution 2250 on youth, peace and security, S/RES/2250 (2015), 9 December 2015.

263 Brennan, Mark, Pat Dolan and Edward Odera, 'From Regiments to Radicals: The critical need for empowering youth as radical agents of change', *Education, Citizenship and Social Justice*, vol. 17, no. 3, 2022, pp. 210–223.

264 Pincock, Kate, Nicola Jones, Lorraine van Blerk and Nyaradzayi Gumbonzvanda, eds., *Young People in the Global South: Voice, agency and citizenship*, Routledge, London, 2024.

265 Nisbett, Nicole, and Viktoria Spaiser, 'Moral Power of Youth Activists: Transforming international climate politics?', *Global Environmental Change*, vol. 82, September 2023, art. 102717.

266 Buire, Chloé, and Lynn A. Staeheli, 'Contesting the "Active" in Active Citizenship: Youth activism in Cape Town, South Africa', *Space and Polity*, vol. 21, no. 2, 2017, pp. 173–190.

267 Gaciuki, Perpetua, 'Child Headed Households: The emerging phenomenon in urban informal settlements in Kenya', *Developing Country Studies*, vol. 6, no. 11, 2016, pp. 1–10.

268 Maganga, Tafadzwa, 'Youth Demonstrations and Their Impact on Political Change and Development in Africa', *Conflict Trends*, no. 2, 2020; Mansouri, Fethi, 'Youth and Political Engagement in Post-Revolution Tunisia', *British Journal of Middle Eastern Studies*, vol. 49, no. 1, 2022, pp. 104–120.

269 Pincock, Kate, Alexander Betts, and Evan Easton-Calabria, *The Global Governed? Refugees as providers of protection and assistance*, Cambridge University Press, Cambridge, 2020, p. 182.

270 Jones, Nicola, Kate Pincock and Workneh Yadete, 'Youth movements and political protest: Opportunities and limitations of Ethiopia's Qeerroo movement in affecting transformative change', in *Young People in the Global South: Voice, agency and citizenship*, pp. 237–248.

271 Ibid.

272 Evans, Ruth, ‘Children as Caregivers’, in *Handbook of Child Well-Being: Theories, methods and policies in global perspective*, edited by Asher Ben-Arieh, Ferran Casas, Ivar Frønes, Jill E. Korbin, Springer Reference, Heidelberg, 2014, pp. 1893–1916.

273 Adapted from Evans, Ruth, and Saul Becker, *Children Caring for Parents with HIV and AIDS: Global issues and policy responses*, Policy Press, Bristol, 2009; Evans, Ruth, ’Children’s Caring Roles and Responsibilities within the Family in Africa’, *Geography Compass*, vol. 4, no. 10, 2010, pp. 1477–1496.

274 Bray, Rachel, *A Literature Review on Child Carers in Angola, Nigeria, Uganda and Zimbabwe*, Save the Children UK, London, 2009.

275 Ibid.

276 Ibid.

277 Joseph, Stephen, et al., ’Young Carers Research, Practice and Policy: An overview and critical perspective on possible future directions’, *Adolescent Research Review*, vol. 5, no. 1, 2020, pp. 77–89.

278 Lansdown, Gerison, ’Children’s Rights’, in *Children's Childhoods: Observed and experienced*, edited by Berry Mayall, Falmer Press, London, 1994.

279 United Nations Children’s Fund Innocenti – Global Office of Research and Foresight, *Youth, Protests and the Polycrisis*, UNICEF Innocenti, Florence, March 2024.

280 United Nations Children’s Fund, ’At Least 32 Children Killed in Bangladesh Violence’, Press release, UNICEF South Asia Regional Office, Kathmandu, 2 August 2024, <www.unicef.org/press-releases/least-32-children-killed-bangladesh-violence>, accessed 23 December 2025.

281 United Nations Children’s Fund, ’UNICEF Expresses Deep Concern for Children’s Safety Following Protests in Nairobi and Other Parts of Kenya’, Press release, UNICEF Kenya, Nairobi, 13 July 2023, <www.unicef.org/kenya/press-releases/unicef-expresses-deep-concern-childrens-safety-following-protests-nairobi-and-other>, accessed 23 December 2025.

282 United Nations Children’s Fund, ’UNICEF is Deeply Alarmed by Reports of Violence Against Children During Today’s Protests Across Nepal’, Facebook post, UNICEF Nepal, Kathmandu, 8 September 2025, <www.facebook.com/unicefnepal/posts/unicef-is-deeply-alarmed-by-reports-of-violence-against-children-during-todays-p/1197750359051390/>, accessed 23 December 2025.

283 United Nations Children’s Fund, ’UNICEF Statement on the Protection of Children Amid Protests in Madagascar’, Press release, UNICEF Eastern and Southern Africa Regional Office, Nairobi, 5 October 2025, <www.unicef.org/esa/press-releases/unicef-statement-protection-children-amid-protests-madagascar>, accessed 23 December 2025.

284 Briscoe, Felecia, Gilberto Arriaza and Rosemary C. Henze, *The Power of Talk: How words change our lives*, Corwin Press, Thousand Oaks, CA, 2009, p. 94.

285 Taft, Jessica, ’Is It Okay to Critique Youth Activists? Notes on the power and danger of complexity’, in *Children and Youth as Subjects, Objects, Agents*, edited by Deborah Levison, Mary Jo Maynes and Frances Vavrus, Springer, Cham, 2021, pp. 193–207.

286 Ibid.

CHAPTER 5

287 United Nations Educational, Scientific and Cultural Organization, ‘Enkipaata, Eunoto and Olng’esherr: Three male rites of passage of the Maasai community’, Nomination file no. 01390, UNESCO, 2023, <https://ich.unesco.org/en/USL/enkipaata-eunoto-and-olng-esherr-three-male-rites-of-passage-of-the-maasai-community-01390>, accessed 24 November 2025.

288 Nuñez, Christina, and Leticia Pfeffer, ’13 Amazing Coming-of-Age Traditions from Around the World’, *Global Citizen*, 21 July 2016, <www.globalcitizen.org/en/content/13-amazing-coming-of-age-traditions-from-around-th/>, accessed 8 December 2025.

289 ’Indigenous Knowledge, Bravery, Vigilance: How young siblings survived in Colombia’s perilous jungle’, *The Guardian*, 12 June 2023.

290 See, for example, Fernández-Fuertes, Andrés A., and Antonio Fuertes, ’Physical and Psychological Aggression in Dating Relationships of Spanish Adolescents: Motives and consequences’, *Child Abuse & Neglect*, vol. 34, no. 3, 2010, pp. 183–191.

291 Bulger, Monica, et al., ’Where Policy and Practice Collide: Comparing US, South African and European Union approaches to protecting children online’, *New Media & Society*, vol. 19, no. 5, 2017, pp. 1–15.

292 Hernandez, J. Maya, et al., ’Parental Monitoring of Early Adolescent Social Technology Use in the US: A mixed-method study’, *Journal of Child and Family Studies*, vol. 33, 2024, pp. 759–776.

293 Livingstone, Sonia, et al., *Young Adolescents and Digital Media Uses, Risks and Opportunities in Low- and Middle-Income Countries: A rapid evidence review*, Gender and Adolescence: Global Evidence, August 2017.

294 Porter, Gina, et al., ’Youth, Mobility and Mobile Phones in Africa: Findings from a three-country study’, *Information Technology for Development*, vol. 18, no. 2, 2012, pp. 145–162.

295 See, for example, Ahn, Si Nae, ’A Systematic Review of Interventions Related to Body Awareness in Childhood’, *International Journal of Environmental Research and Public Health*, vol. 19, no. 15, 2022, art. 8900.

296 See, for example, United Nations Children’s Fund, ‘Child Development’, <www.unicef.org/parenting/child-development>accessed 8 December 2025; Hayes, Eileen, *Encouraging Better Behaviour: A practical guide to positive parenting*, National Society for the Prevention of Cruelty to Children, London, 2002.

297 Lukianoff, Greg, and Jonathan Haidt, *The Coddling of the American Mind: How good intentions and bad ideas are setting up a generation for failure*, Penguin, New York, 2019.

298 Mathijs, Louise, et al., 'Overprotective Parenting and Social Anxiety in Adolescents: The role of emotion regulation', *Journal of Social and Personal Relationships*, 2023, pp. 1–22.

299 Lukianoff and Haidt, *The Coddling of the American Mind*.

300 See, for example, Segrin, Chris, et al., 'Parent and Child Traits Associated with Overparenting', *Journal of Social and Clinical Psychology*, vol. 32, no. 6, 2013, pp. 569–595; Markus, Monica Th., et al., 'Factors of Perceived Parental Rearing Styles: The EMBU-C examined in a sample of Dutch primary school children', *Personality and Individual Differences*, vol. 34, no. 3, 2003, pp. 503–519; De Roo, Marthe, René Veenstra and Tina Kretschmer, 'Internalizing and Externalizing Correlates of Parental Overprotection as Measured by the EMBU: A systematic review and meta-analysis', *Social Development*, vol. 31, no. 4, 2022, pp. 962–983.

301 Arslan, İldeniz B., et al., 'When Too Much Help Is of No Help: Mothers' and fathers' perceived overprotective behavior and (mal)adaptive functioning in adolescents', *Journal of Youth and Adolescence*, vol. 52, no. 5, 2023, pp. 1010–1023.

302 Young et al., as cited in Arslan et al., 'When Too Much Help Is of No Help', p. 1011.

303 De Roo et al., as cited in Arslan et al., 'When Too Much Help Is of No Help', p.1011.

304 Pinheiro, Paulo Sérgio, Report of the Independent Expert for the United Nations study on violence against children, United Nations General Assembly, A/61/299, 2006.

305 Pincock, Stephen, 'Paulo Sérgio Pinheiro: Giving a voice to children', *The Lancet*, vol. 373, no. 9657, 2009, p. 21.

306 CRC/C/GC/20, para. 27.

307 United Nations Educational, Scientific and Cultural Organization, *Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/ expression*, UNESCO, Paris, 2016.

308 CRC/C/GC/25, para. 17.

309 Third, Amanda, Sonia Livingstone and Gerison Lansdown, 'Recognizing Children's Rights in Relation to Digital Technologies: Challenges of voice and evidence, principle and practice', in *Research Handbook on Human Rights and Digital Technology: Global politics, law and international relations*, edited by Ben Wagner, Matthias C. Kettemann and Kilian Vieth, Edward Elgar Publishing, Cheltenham, 2019, p. 75.

310 See, for example, Republic of Ireland Commission to Inquire into Child Abuse, *Final Report*, 2009, <www.childabusecommission.ie/rpt/>, accessed 8 December 2025; Butler-Sloss, Elizabeth, *Report of the Inquiry into Child Abuse in Cleveland: Presented to Parliament by the Secretary of State for Social Services by Command of Her Majesty, 1987*, HMSO, London, 1988.

311 Lansdown, Gerison, 'Strengthening Child Agency to Prevent and Overcome Maltreatment', *Child Abuse & Neglect*, vol. 110, part 1, 2020, art. 104398.

312 Australian Royal Commission into Institutional Responses to Child Sexual Abuse, *Final Report: Recommendations*, 2017.

313 Guglielmi, Silvia, et al., *The Lives They Lead: Exploring the capabilities of Bangladeshi and Rohingya adolescents in Cox's Bazar, Bangladesh*, Gender and Adolescence: Global Evidence, Yale University and Innovations for Poverty Action, London, 2019, p. 5.

314 Ellery, Frances, Gerison Lansdown and Corinna Csaky, *Out from the Shadows: Sexual violence against children with disabilities*, Handicap International and Save the Children UK, London, 2011.

315 Banks, Lena M., et al., '"If He Could Speak, He Would Be Able to Point Out Who Does Those Things to Him": Experiences of violence and access to child protection among children with disabilities in Uganda and Malawi', *PLOS One*, vol. 12, no. 9, 2017, e0183736, p. 8.

316 CRC/C/GC/26, paras. 2 and 4.

317 Theis, Joachim, 'Children as Active Citizens', in *A Handbook of Children and Young People's Participation*, pp. 345–346.

318 Vis, Svein Arild, et al., 'Participation and Health – A research review of child participation in planning and decision-making', *Child and Family Social Work*, vol. 16, no. 3, 2011, pp. 325–335; Lansdown, *Conceptual Framework*.

319 Lansdown, Gerison, and Marie Wernham, *Are Protection and Autonomy Opposing Concepts?*, International Planned Parenthood Federation, London, 2012.

320 Willow, Carolyne, *Children's Right to be Heard and Effective Child Protection*, Save the Children Sweden, Regional Office for Southeast Asia and the Pacific, Bangkok, 2010.

321 CIVICUS: World Alliance for Citizen Participation and Save the Children, *Peers and Partners: Empowering children to take civic action*, CIVICUS and Save the Children, London, September 2017.

322 CRC/C/GC/20, paras. 33, 45 and 48.

323 CRC/C/GC/12, paras. 132–134.

324 Third, Livingstone and Lansdown, 'Recognizing Children's Rights'.

325 Willow, *Children's Right to Be Heard*.

CHAPTER 6

326 Livingstone, Sonia, John Carr and Jasmina Byrne, *One in Three: Internet governance and children's rights*, Global Commission on Internet Governance Paper Series No. 22, Centre for International Governance Innovation and Chatham House, Waterloo, ON, November 2015, p.1; Livingstone, Sonia, 'How Can We Make the Internet Safe for Children in Practice?', London School of Economics British Politics and Policy, 7 July 2023, <https://blogs.lse.ac.uk/politicsandpolicy/how-can-we-make-the-internet-safe-for-children-in-practice/>, accessed 8 December 2025.

327 International Telecommunication Union, 'Facts and Figures 2024: Youth internet use', ITU, 2024, <www.itu.int/itu-d/reports/statistics/2024/11/10/ff24-youth-internet-use/#:~:text=Worldwide%2C%2079%20per%20cent%20of%20people%20aged%2015,been%20slowly%20shrinking%20over%20the%20last%20four%20years>, accessed 20 October, 2025.

328 CRC/C/GC/20, para. 11.

329 United Nations Educational, Scientific and Cultural Organization, *Global Education Monitoring Report 2024: Gender report – Technology on her terms*, UNESCO, Paris, 2024.

330 Ibid.

331 CRC/C/GC/25, paras. 3 and 19.

332 Orben, Amy, 'The Sisyphean Cycle of Technology Panics', *Perspectives on Psychological Science*, vol. 15, no. 5, September 2020, pp. 1143–1157.

333 Peleg, Noam, and Sheila Varadan, 'Contemporary Children's Rights Issues in Middle Childhood', in *Children's Rights and Children's Development*, edited by Jonathan Todres and Ursula Kilkelly, New York University Press, New York, 2025.

334 Hasebrink, Uwe, Sonia Livingstone and Leslie Haddon, *Comparing Children's Online Opportunities and Risks across Europe*, London School of Economics and Political Science, London, 2009.

335 Organisation for Economic Co-operation and Development, *OECD Explanatory Memorandum on the Updated OECD Definition of an AI System*, OECD, Paris, 2024.

336 United Nations Children's Fund Innocenti – Global Office of Research and Foresight, *Policy Guidance on AI for Children*, UNICEF Innocenti, Florence, 2020.

337 Ibid.

338 United Nations Children's Fund Innocenti – Global Office of Research and Foresight, *Neurotechnology and Children's Rights – Preparing for the future*, UNICEF Innocenti, Florence, July 2025.

339 CRC/C/GC/25, para. 20.

340 Ibid., para. 114.

341 World Health Organization, *Guidelines on Physical Activity, Sedentary Behaviour and Sleep for Children Under 5 Years of Age*, WHO, Geneva, 2019.

342 Morawska, Alina, Amy E. Mitchell and Leigh R. Tooth, 'Managing Screen Use in the Under-Fives: Recommendations for parenting intervention development', *Clinical Child and Family Psychology Review*, vol. 26, no. 4, 2023, pp. 943–956.

343 Ricci, Raquel Cordeiro, et al. 'Impacts of Technology on Children's Health: A systematic review', *Revista Paulista de Pediatria*, vol. 41, 2022, art. e2020504.

344 LeBourgeois, Monique K., et al., 'Digital Media and Sleep in Childhood and Adolescence', *Pediatrics*, vol. 140, suppl. 2, 2017, pp. S92–S96.

345 Odgers, Candice, and Michaeline Jensen, 'Adolescent Development and Growing Divides in the Digital Age', *Dialogues in Clinical Neuroscience*, vol. 22, no. 2, 2020, pp. 143–149.

346 Ferguson, Christopher J., 'Do Social Media Experiments Prove a Link with Mental Health: A methodological and meta-analytic review', *Psychology of Popular Media*, vol. 14, no. 2, 2025, pp. 201–206.

347 Livingstone, Sonia, 'A Child Rights Approach to Online Risks and Opportunities' in *Les droits de l'enfant à l'ère digitale: Faut-il protéger les enfants des écrans?*, edited by Philip D. Jaffé, Jean Zermatten, Nicole Langenegger Roux, Özlem Lakatos, Christian Nanchen and Zoé Moody, University of Geneva, Geneva, 2022, pp. 17–25.

348 Ibid.

349 Livingstone, Sonia, et al., 'Maximizing Opportunities and Minimizing Risks for Children Online: The role of digital skills in emerging strategies of parental mediation', *Journal of Communication*, vol. 67, no. 1, 2017, pp. 82–105.

350 Ibid.

351 Livingstone, Sonia, 'Are the Kids Alright?', *Intermedia*, vol. 47, no. 3, 2019, pp. 10–14.

352 Rahali, Miriam, Beeban Kidron, and Sonia Livingstone, *Smartphone Policies in Schools: What does the evidence say?*, London School of Economics and Political Science Digital Futures for Children and 5Rights Foundation, London, 2024.

353 Goodyear, Victoria A., et al., 'School Phone Policies and Their Association With Mental Wellbeing, Phone Use, and Social Media Use (SMART Schools): A cross-sectional observational study', *The Lancet Regional Health – Europe*, 2024, art. 101211.

354 University of York, 'School Smartphone Ban Better for Sleep', News release, University of York, York, 2024.

355 Lundy, et al., *Two Clicks Forward*.

356 CRC/C/GC/25, paras. 67–78.

357 Livingstone, Sonia, et al., 'Protection of Children Online: Does current regulation deliver?', Media Policy Brief 21, Media Policy Project, London School of Economics and Political Science, London, 2018.

358 Ibid.

359 Bauwens, Joke and Lien Mostmans, 'Children's Moral Agency in the Digital Environment', in *The Routledge Companion to Digital Media and Children*, edited by Lelia Green, Donell Holloway, Kylie Stevenson, Tama Leaver and Leslie Haddon, Routledge, London, 2021; Livingstone, Sonia, 'Children's Privacy Online: Experimenting with boundaries within and beyond the family', in *Computers, Phones and the Internet: Domesticating information technology*, edited by Robert Kraut, Malcolm Brynin, and Sara Kiesler, Oxford University Press, Oxford, 2006.

360 Peleg and Varadan, 'Contemporary Children's Rights Issues'.

361 Bauwens and Mostmans, 'Children's Moral Agency'.

362 Third and Moody, *Our Rights in the Digital World*.

363 Adapted from Third and Moody, *Our Rights in the Digital World*.

364 The New Britain Project, 'Protecting Young People Online: Public attitudes to smartphones, social media & online safety', New Britain Project, London, 2023, <www.newbritain.org.uk/social-media>, accessed 8 December 2025.

365 ECPAT International, Eurochild and Terre des Hommes Netherlands, *Speaking Up for Change: Children's and caregivers' voices for safer online experiences*, Eurochild, Brussels, 2024.

366 5Rights Foundation, *Freedom Security Privacy: The future of childhood in the digital world*, 5Rights Foundation, London, 2020. p. 66.

CHAPTER 7

367 Lundy, Laura, Evie Heard and Elizabeth Graty Hood, *Children's Participation in Decision-Making: The conditions of evolving capacity*, Queen's University Belfast, forthcoming 2026.

CHAPTER 8

368 See, for example, Committee on the Rights of the Child, General Comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child, CRC/GC/2003/4, 2003; Committee on the Rights of the Child, General Comment No. 10 on children's rights in juvenile justice, CRC/C/GC/10, 2007; Committee on the Rights of the Child, General Comment No. 20 on the implementation of the rights of the child during adolescence, CRC/C/GC/20, 2016; and various concluding observations to States parties.

369 CRC/C/GC/20, para. 40.

370 CRC/C/GC/20, para. 39.

371 Malhotra, Ragini Saira, and Ramya Subrahmanian, 'Children's Work and Labour: Rethinking policy responses from the perspective of children's rights and capabilities', in *Protecting the World's Children: Public health, human rights, capabilities*, edited by Susan Bissell and A. K. Shiva Kumar, Oxford, Oxford University Press, 2025.

372 Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, Joint General Recommendation No. 31 and General Comment No. 18 on harmful practices, CEDAW/C/GC/31/Rev.1 CRC/C/GC/18/Rev.1, 2019; United Nations General Assembly, Report of the Secretary-General, A/77/282, 2022; Sustainable Development Goal 5.3, Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

373 CRC/C/GC/20, para. 39.

374 International Covenant on Civil and Political Rights, Article 23(3), adopted 16 December 1966, entered into force 23 March 1976, United Nations Treaty Series, vol. 999, p. 171; Convention on the Elimination of All Forms of Discrimination against Women, Article 16(1)(b), adopted 18 December 1979, entered into force 3 September 1981, United Nations Treaty Series, vol. 1249, p. 13.

375 Girls Not Brides, 'Child Marriage and Health', <www.girlsnotbrides.org/learning-resources/child-marriage-and-health/>, accessed 8 December 2025. Underlying data from UNFPA, *Girlhood, Not Motherhood: Preventing adolescent pregnancy*, New York, United Nations Population Fund, 2015; World Health Organization, *Global Health Estimates 2015: Deaths by cause, age, sex, by country and by region, 2000–2015*, Geneva, WHO, 2016; and Population Council, *Evidence Brief: Exploring the association between FGM/C and early/child marriage*, 2020.

376 United Nations Children's Fund, 'Child Marriage', <https://data.unicef.org/topic/child-protection/child-marriage/> accessed 24 November 2025.

377 International Labour Organization, Minimum Age Convention, 1973 (No. 138).

378 CRC/C/GC/20, para. 86.

379 International Labour Organization and United Nations Children's Fund, *Child Labour: Global estimates 2024 – Trends and the road forward*, ILO and UNICEF, New York and Geneva, 2025.

380 Ibrahim, Abdalla, et al., 173 Child Labor and Health: A systematic literature review of the impacts of child labor on child's health in low- and middle-income countries', *Journal of Public Health*, vol. 41, no. 1, 2019, pp. 18–26.

381 CRC/C/GC/20, para. 85.

382 Barros, Ornella, Nicolas Meslaoui and Claire O'Kane, *It's Time to Talk*, Kindernothilfe and Terre des Hommes, Duisburg, Germany, 2018.

383 CRC/C/GC/20, para. 85.

384 Ibid.

385 Malhotra and Subrahmanian, 'Children's Work and Labour'.

386 CRC/C/GC/12, paras. 116–117.

387 Ensor, Marisa O., 'Child Labor', in *Encyclopedia of Immigrant Health*, edited by Sana Loue and Martha Sajatovic, Springer Reference, New York, 2011, pp. 412–415.

388 Barros, Meslaoui and O'Kane, *It's Time to Talk*.

389 Petroni, Suzanne, Madhumita Das and Susan M. Sawyer, 'Protection versus Rights: Age of marriage versus age of sexual consent', *The Lancet Child & Adolescent Health*, vol. 3, no. 4, 2019, pp. 274–280.

390 CRC/C/GC/20, para. 40.

391 CRC/C/GC/20, 2016, para. 59

392 United Nations Population Fund Asia Pacific Regional Office, *Rights versus Protection: Marriage, sexual consent and medical treatment*, UNFPA, Bangkok, 2021.

393 CRC/C/GC/20, paras. 38–40.

394 Ibid., para. 39.

395 Committee on the Rights of the Child, General Comment No. 24 on children's rights in the child justice system, CRC/C/GC/24, 2019, para. 22.

396 Child Rights International Network, 'States Lowering Age of Criminal Responsibility', CRIN, <https://archive.crin.org/en/home/what-we-do/policy/stop-making-children-criminals/states-lowering-age-criminal-responsibility.html>, accessed 24 November 2025.

397 University of California, Los Angeles School of Law Juvenile Justice Project, *The Impact of Prosecuting Youth in the Adult Criminal Justice System: A review of the literature*, UCLA School of Law, Los Angeles, July 2010.

398 McAra, Lesley, and Susan McVie, 'Youth Justice? The impact of system contact on patterns of desistance from offending', *European Journal of Criminology*, vol. 4, no. 3, 2007, pp. 315–345.

399 CRC/C/GC/24, paras. 26–27.

400 Steinberg, Laurence, 'A Dual Systems Model of Adolescent Risk-Taking', *Developmental Psychobiology*, vol. 52, no. 3, 2010, pp. 216–224.

401 Mercurio, Ezequiel, et al., 'Adolescent Brain Development and Progressive Legal Responsibility in the Latin American Context', *Frontiers in Psychology*, vol. 11, 2020, art. 627.

402 American Psychological Association, Amicus curiae brief in Roper v Simmons, 543 U.S. 551, Washington, DC, 2005.

403 Gardner and Steinberg, 'Peer Influence on Risk-Taking.

CHAPTER 9

404 Children's capacities to understand the legality of their actions when suspected or accused of having breached penal law are excluded, as these involve issues of criminal responsibility, rather than decisions on capacity to make autonomous choices or devolve decision-making to others, in particular parents or legal guardians, which is the focus here.

405 Kurki, Visa, 'Active but Not Independent: The legal personhood of children', *Griffith Law Review*, vol. 30, no. 3, 2021, pp. 395–412.

406 Ontario, Health Care Consent Act, 1996, S.O. 1996, c. 2, Sched. A, s. 4(2).

407 South Africa, Children's Act 38 of 2005, s. 129.

408 France, Code civil, art. 388–1.

409 Tisdall, Kay, 'Challenging Competency and Capacity? Due weight to children's views in family law proceedings', *The International Journal of Children's Rights*, vol. 26, no. 1, 2018, pp. 159–182.

410 McEwan-Strand, Amy and Marit Skivenes, 'Children's Capacities and Role in Matters of Great Significance for Them: Analysis of the Norwegian County Boards' decision-making in cases about adoption from care', *The International Journal of Children's Rights*, vol. 28, no. 3, August 2020, pp. 632–665.

411 Rosen, Joseph G., Elizabeth M. Stone and Michael T. Mbizvo, 'Age-of-Consent Requirements and Adolescent HIV Testing in Low- and Middle-Income Countries: Multinational insights from 51 population-based surveys', *International Journal of STD & AIDS*, vol. 34, no. 3, 2023; Joint United Nations Programme on HIV/AIDS, 'Parental Consent Undermines the Right to Health of Adolescents', UNAIDS, 16 March 2020, <www.unaids.org/en/resources/presscentre/featurestories/2020/march/20200316_parental-consent>, accessed 8 December 2025.

412 CRC/C/GC/20, para. 39.

413 Uruguay, Código de la Niñez y la Adolescencia, art. 11(bis).

414 Weaver, Meaghann S. et al., 'Adolescents' Preferences for Treatment Decisional Involvement During Their Cancer', *Cancer*, vol. 121, no. 24, 2015, pp. 4416–4424; Wyatt, Kirk D., et al., 'Shared Decision-Making in Pediatrics: A systematic review and meta-analysis', *Academic Pediatrics*, vol. 15, no. 6, 2015, pp. 573–583, cited in Taub, Sara, and Robert Macauley, 'Responding to Parental Requests for Nondisclosure to Patients of Diagnostic and Prognostic Information in the Setting of Serious Disease', *Pediatrics*, vol. 152, no. 4, 2023.

415 France, Cour de cassation, Première chambre civile, 18 March 2015. No. 14-11.392. *Bulletin civil I* no. 58, 2015. Also noted in *Revue juridique personnes et famille*, no. 5, May 2015.

416 Mallevaey, Blandine, et al., Audition et discernement de l'enfant devant le juge aux affaires familiales, Université catholique de Lille, Lille, October 2018.

417 Norway, Act of 16 June 2017 No. 48 relating to adoption, entered into force 1 July 2018, Lovdata, <https://lovdata.no/dokument/NLE/lov/2017-06-16-48>, accessed 8 December 2025.

418 McEwan-Strand and Skivenes, 'Children's Capacities and Role'.

419 CRC/C/GC/12, para. 30.

420 Gillick v West Norfolk and Wisbech Area Health Authority [1986] AC 112 (HL).

421 Daly, Aoife, 'Assessing Children's Capacity: Reconceptualising our understanding through the UN Convention on the Rights of the Child', *International Journal of Children's Rights*, vol. 28, 2020, pp. 471–499.

422 Ontario, Health Care Consent Act, s. 4 (1).

423 South Africa, Children's Act, s. 129 (2).

424 Alderson, Priscilla, Katy Sutcliffe and Katherine Curtis, 'Children's Competence to Consent to Medical Treatment', *Hastings Center Report*, vol. 36, no. 6, November–December 2006, pp. 25–34.

425 Fucci, Stefania, 'L'écoute des enfants dans les contextes de soins', *Revue des sciences sociales*, no. 63, 2020, pp. 88–95, as cited in Steering Committee for Human Rights in the Fields of Biomedicine and Health and Steering Committee for the Rights of the Child, *Guide to Children's Participation in Decisions about Their Health*, Council of Europe, Strasbourg, August 2025, pp. 27–28.

426 Dunn, Laura B., et al., 'Assessing Decisional Capacity for Clinical Research or Treatment: A review of instruments', *American Journal of Psychiatry*, vol. 163, 2006, pp. 1323–1334, as cited in Henderson-Dekort, Emmie, Hedwig van Bakel and Veronica Smits, 'The Complex Notion of the Capacity of a Child: Exploring the term capacity to support the meaningful participation of children in family law proceedings', *Social Sciences*, vol. 11, 2022, art. 98, p. 7.

427 Brunel, Maïté, Blandine Mallevaey and Nathalie Przygodzki-Lionet, 'Évaluer le discernement: Une perspective biopsychosociale', *Pratiques Psychologiques*, vol. 28, no. 4, 2022, pp. 225–234.

428 SS v SBH (2019), cited in Daly, 'Assessing Children's Capacity'.

429 Re E (A Minor) (Wardship: Medical Treatment) [1993] 1 FLR 386.

430 South Africa, Children's Act, s.129 (3).

431 Tisdall, 'Challenging Competency'.

432 Mallevaey et al., *Audition et discernement de l'enfant*.

433 Ibid.

434 Alderson, Priscilla, and Jonathan Montgomery, *Healthcare Choices: Making decisions with children*, vol. 2, Institute for Public Policy Research, London, 1996, as cited in Daly, 'Assessing Children's Capacity'.

435 Daly, 'Assessing Children's Capacity'.

436 Taub and Macauley, 'Responding to Parental Requests', p. 3.

437 Ibid.

438 Ibid., p. 4.

439 Ibid., p. 4.

440 Ibid., p. 3.

441 Ibid.

442 Brunel, Mallevaey and Przygodzki-Lionet, 'Évaluer le discernement'.

443 Mallevaey, *Audition et discernement*.

444 Steinberg, Laurence, 'Does Recent Research on Adolescent Brain Development Inform the Mature Minor Doctrine?', *The Journal of Medicine and Philosophy*, vol. 38, no. 3, 2013, pp. 256–267.

445 World Health Organization, *Assessing and Supporting Adolescents' Capacity for Autonomous Decision-Making in Health-Care Settings: A tool for health-care providers*, WHO, Geneva, 2021.

446 Dianiska, Rachel E., Jodi A. Quas and Thomas D. Lyon, 'Using Rapport Building to Improve Information Yield When Interviewing Adolescents: A systematic review and call for research', *Child Abuse & Neglect*, vol. 154, 2024, art. 106898.

447 Quas, Jodi A., et al., 'Questioning the Child Witness: What can we conclude from the evidence thus far?', *Trauma, Violence & Abuse,* vol. 1, no. 3, July 2000, pp. 223–249.

448 Golding, Jonathan M., et al., 'Perceptions of Child Sexual Abuse Victims: A review of psychological research with implications for law', in *Memory and Sexual Misconduct: Psychological research for criminal justice*, edited by Joanna Pozzulo, Emily Pica and Chelsea Sheahan, Routledge, New York, 2020, pp. 100–131.

449 Lyon, Thomas D., and Joyce S. Dorado, 'Truth Induction in Young Maltreated Children: The effects of oath-taking and reassurance on true and false disclosures', *Child Abuse & Neglect*, vol. 32, 2008, pp. 738–774.

450 Evans, Angela D., and Thomas D. Lyon, 'Assessing Children's Competency to Take the Oath in Court: The influence of question type on children's accuracy', *Law & Human Behavior*, vol. 36, 2012, pp. 195–205.

451 Wenke, Daja, *Enabling Child-Sensitive Justice: The success story of the Barnahus model and its expansion in Europe*, Council of the Baltic Sea States Secretariat, Stockholm, 2017.

452 Tisdall, 'Challenging Competency'.

453 Mallevaey et al., *Audition et discernement de l'enfant*.

454 Malhotra, Ragini Saira, and Ramya Subrahmanian, 'Children's Work and Labour: Rethinking policy responses from the perspective of children's rights and capabilities', in *Protecting the World's Children: Public health, human rights, capabilities*, edited by Susan Bissell and A. K. Shiva Kumar, Oxford, Oxford University Press, 2025.

ANNEX 1

Methods used to prepare this report

Research approach

Growing with Rights: Understanding and supporting the evolving capacities of the child builds on UNICEF Innocenti's 2005 study, *The Evolving Capacities of the Child*. It provides child rights policy, practice and research audiences with an updated synthesis of evidence on how major developments in the global landscape over the past two decades have affected children's capacities, and how these shifts are shaping the interpretation and implementation of child rights.

For this report, the research process included a literature review and interviews with researchers and advocates. A Steering Group and a Technical Expert Group were convened to provide advice at key stages.

Literature review

The literature review followed several parameters. First, it revisited the topics addressed in the 2005 publication to identify more recent studies and emerging knowledge. The objective was to assess whether understandings have evolved and to complement earlier knowledge with updated findings, including in neuroscience and brain development. The review adopted a life-course approach, examining more recent evidence and understandings of children's evolving capacities in early childhood, middle childhood
and adolescence.

Second, the review sought to capture key changes affecting children's lives since 2005, particularly major challenges facing today's children and how these have influenced their capacities. It focused on identifying how significant factors in children's environments have evolved, including social norms, socioeconomic development, technological progress, major crises and disruptions, and law and policy reforms, as well as research analysing the effects of these changes on children's development, agency and capacities.

Third, the review examined a range of international standards, including recent jurisprudence from the United Nations Committee on the Rights of the Child, laws, policies, guidance tools and related analyses, to refine the framework of the report and consider practical applications of the concept of evolving capacities.

Bilateral interviews

Bilateral, semi-structured interviews were conducted with a dozen researchers, using tailored questions developed for each specialist, based on their research and potential contribution to the

report. The interviews aimed to clarify findings from their work, identify other relevant sources, and explore the significance of these findings for understanding children's evolving capacities and their potential use in guiding interventions. They also helped to identify additional sources and experts and triangulate key conclusions from the literature review.

Expert consultations and advisory groups

An expert consultation was held in Florence, Italy, in June 2024, bringing together leading academics and practitioners from diverse fields, including neuroscience, law, sociology, social work, psychology, public health and medicine. Its purpose was to share the latest research on child and adolescent development across disciplines, reflect on the implications of this evidence for understanding evolving capacities in varied economic, social and cultural contexts, and explore its application to the fulfilment, protection and respect of children's rights, with a focus on respect for their evolving capacities. The consultation's discussions and insights informed the report's development and guided the selection of sources for the literature review.

A high-level Expert Steering Group was established to provide overall guidance on the report's development and contribute to a deeper understanding of the implications of evolving capacities. In addition, a Technical Expert Group offered specialized expertise from a range of professional fields. Both groups were consulted on key issues, potential references and the publication's outline. Some members also conducted peer reviews of the draft, assessing content and verifying that sources were up to date and reliable. Both groups provided ongoing guidance on resources, materials and research throughout the development of this report.

ANNEX 2

Methodology of the Queen's University Belfast children's study

Research approach

In line with the child rights-based approach to research developed by the Centre for Children's Rights at Queen's University Belfast, the research team, composed of Professor Laura Lundy, Dr Evie Heard and Elizabeth Graty Hood, worked with an international Child and Youth Advisory Board from the Child and Youth Friendly Governance Project to develop the research questions and methods.

The advisory board identified key areas of children's lives where decisions are made (for example, within the family, at school, in their community, online or at the doctor's) and advised on the development of the research tools and instructions to support facilitators in encouraging children's engagement. In particular, the advisory board helped the research team design a facilitator pack that included the 'decision wheel' activity for asking children about decisions in their lives in ways that helped them to reflect on and communicate their own experiences, interpret their responses and co-author recommendations for adults.

Recruitment and participants

The research team used social media and contact lists to invite organizations around the world to work with children in facilitated focus groups using decision wheels. In all, 154 children took part in 17 focus groups across 10 different countries. Three groups were convened internationally. The participants included 56 boys, 89 girls and three children with diverse gender identities. The groups included refugee children, children living in children's homes and children who had contact with the justice system. Adult facilitators led mixed gender focus groups either in person or online. All facilitators received detailed guidance on methodology, ethical procedures and safeguarding measures.

Data collection and analysis

Children completed their decision wheel in different ways, including by annotating or drawing directly on it, using sticky notes, or, in online sessions, posting comments. Facilitators then discussed a series of fixed questions with their groups to explore the children's perspectives on how decisions were made and the levels of involvement they experienced in reality compared with what they ideally wanted in decision-making processes.

After the session, facilitators uploaded photos of the completed decision wheels for the research team and provided a written summary (in English) of the children's responses, including a

verbatim recording where possible. The research team reviewed the photos and summaries, conducted a thematic analysis of the data and discussed the findings with the Child and Youth Advisory Board, who offered their perspectives and interpretation of the results.

Ethics and consent

Ethics approval was obtained from Queen's University Belfast. Consent to participate was obtained from participating organizations, children and, where appropriate, parents/guardians.

Funding

Funding was provided by the Oak Foundation. The full study will be published in 2026.

Focus group participants

Anna Freud (England), Cardiff Council (Wales), Child-Friendly Justice Network (international), Child Rights Coalition Cambodia (Cambodia), Child Rights Information Centre (Moldova), Children and Young People's Commissioner Scotland (Scotland), Children's Ombudsperson's Office (Maldives), International Center for Children and Family (Cambodia), IMA/MEVA – CARE Haiti (Haiti), Kinder Republic (Sri Lanka), Social Activities and Practices Institute (Bulgaria), SOS Children's Villages (Cambodia), Terre des Hommes (Romania), UNICEF East Asia and Pacific Regional Office, Young People's Action Team, University of East London & School 360 (England), Youth Climate Justice Project at University College Cork (Ireland), Youth Focus North West (England), and Rita Richter Nunes, independent researcher, (Germany)

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Cover photo: As capacities evolve, children engage with more complex decisions, learning to weigh options, anticipate consequences and take responsibility. Sanjay, age 16, plays a game of chess at the Bilaspur Dishant Centre in Chhattisgarh, India. © UNICEF/UNI625837/Magray

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About us

UNICEF, the United Nations agency for children, works to protect the rights of every child, everywhere, especially the most disadvantaged children in the toughest places to reach. Across more than 190 countries and territories, we do whatever it takes to help children survive, thrive and fulfil their potential.

UNICEF Office of Strategy and Evidence – Innocenti accelerates progress for children by working to ensure that policies and programming are informed by high-quality evidence. As the global custodian of child-related official statistics, it works closely with governments and partners to strengthen national statistical systems. Through world-leading data, research and foresight, it underpins UNICEF's global leadership on children's rights and serves as the organization's hub for setting strategy and monitoring programmes. With the active engagement of young people and other partners, it supports advocacy and dialogue aimed at improving the lives of children everywhere.

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