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SUMMARY REPORT

Growing with Rights

Understanding and supporting the evolving capacities of the child

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Children's capacities grow within the worlds that surround them. Care, guidance and trust shape how independence is gradually learned.

Cover photo: Daiver, age 8, holds his mother's hand as they walk to school in the city of Itá, Paraguay. © UNICEF/UNI868823/ Brizuela

Key takeaways

The centrality of evolving capacities in understanding children's rights

'Evolving capacities' is one of the most influential ideas in child rights, recognizing that from birth all children are entitled to the full range of rights set out in the Convention on the Rights of the Child, including protection and appropriate guidance in the exercise of those rights. However, as children grow and develop knowledge, experience and judgement, they have increasing scope to exercise those rights for themselves, including by expressing views and participating in decisions affecting their lives. Respecting this process of gradual development is essential to interpreting and applying the rights and obligations set out in the Convention.

Throughout childhood, growing independence and judgement are shaped by children's experiences of participating in decisions affecting their lives, for example, from everyday choices around family life and friendships to more complex decisions related to education and health. For children in disadvantaged circumstances, these experiences are tested by barriers that limit opportunities to exercise rights and develop capacities, including discrimination on the basis of gender, disability or migration status, poverty, conflict or climate-related emergencies, or the absence of adequate family care or social protection.

Across these contexts, the Convention places primary responsibility on States to ensure that children's rights are respected, protected and fulfilled, while requiring parents and caregivers to provide appropriate direction and guidance consistent with children's evolving capacities (Article 5). In practice, these responsibilities are not always exercised in ways that give full effect to children's rights, contributing to persistent gaps between formal rights and children's lived experiences.

The overlapping dimensions of evolving capacities

The report presents a framework relying on 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, together with families and communities, share responsibility for providing the enabling conditions of health, education, play, safety and social inclusion that allow capacities to flourish.

Emancipatory

'Emancipatory' 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 a right that enhances learning, empathy and citizenship.

Protective

Children are entitled to continuing protection throughout childhood. The risks they face, and the forms of protection required, change as they acquire greater capacities and agency beyond family, and the growing ability to contribute to their own protection.

The evolving capacities framework bridges children's development with their rights to agency, autonomy and protection. 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 Convention identifies the family, in its diverse forms, as the key social unit and the natural environment for children's growth and well-being. It also underscores the State's responsibility to support parents and caregivers by addressing structural and social barriers and ensuring access to the material resources, social protection and supportive services children need for healthy development, particularly where children are affected by poverty, discrimination, displacement or lack of family care.

Determinants of children's evolving capacities

Across international law, scientific research and evidence from policy, practice and children's lived experience, several cross-cutting findings emerge:

- **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 and are influenced by experience, opportunity, social norms, political and economic environments, and the individual uniqueness of each child. Age alone can, therefore, never be a proxy for capacity, and other dimensions need to be considered.

- **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 and guidance, with opportunities to engage with risk in developmentally appropriate ways, to explore and to participate meaningfully.

- **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.

- **Social media, online platforms and artificial intelligence (AI) tools are reshaping how children relate, learn and communicate.** They also increase exposure to manipulation, exploitation, 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 associate trust, respect and listening by adults 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.

Implications for law, policy and practice

Legal age limits serve as protections in areas where the risks of harm are high. For example, in relation to issues such as early marriage, hazardous work, sexual consent or criminal responsibility, fixed or minimum legal age limits are used to prevent coercion, exploitation and irreversible harm, while also safeguarding children's well-being in line with societal expectations of maturity and protection. However, many matters affecting children's lives cannot be framed neatly within precise age limits, including, for example, decisions about health care, education or participation in legal or administrative proceedings.

In these situations, practitioners and other adults responsible for decisions affecting children must assess children's evolving capacities to determine how decisions should be made, including whether children should be heard, supported in shared decision-making or, where appropriate, enabled to make decisions for themselves, guided by the following principles:

- **Start from a presumption of capacity, not incapacity.** The starting point should be the assumption that children are capable of forming and expressing views and, in some contexts, of taking responsibility for decisions, with consideration given to what support, information or protection is required in a particular decision. Treating incapacity as the default presumption risks silencing children and undermining their rights.

- **Match decision-making processes to the nature and consequences of the decision.** Not all decisions require the same level of protection, assessment or formality. High-risk or irreversible

decisions may justify fixed thresholds or stronger safeguards, while everyday or reversible decisions call for greater scope for children's involvement and learning through experience. Attention needs to be given to the consistency of legal age thresholds across areas, taking into account available scientific knowledge.

- **Focus on conditions for participation, not just whether children are consulted.** Meaningful participation depends on how decisions are structured, including child-sensitive settings, accessible information, time for reflection and trusted support.

- **Recognize and challenge structural discrimination embedded in laws, institutions and social norms.** Gender bias, stigma toward children with disabilities, and exclusion of Indigenous, migrant and displaced children limit access to education, safety and participation. Inequality must be confronted in the systems and norms that sustain it, not treated as a deficit of the child.

- **Assess capacities in context, not in abstraction.** Judgements about children's capacities must take account of experience, stress, power relations and the environment in which decisions are made. Capacity is shaped by context and support, not simply by age or individual traits.

- **Avoid assigning responsibility without corresponding recognition and safeguards.** Where children are expected to assume responsibilities, adults and institutions carrying out assessments must ensure that children also have appropriate voice, protection and access to support. Expecting responsibility without recognition or protection exposes children to harm and undermines dignity.

- **Treat protection and participation as mutually reinforcing.** Protective action is most effective when it incorporates children's perspectives. Excluding children from protective processes can delay identification of harm and weaken responses, while dialogue and guidance strengthen safety and trust.

- **Reflect on adult roles and biases in decision-making.** Practitioners' assumptions, expectations and institutional norms shape outcomes for children. Ongoing reflection, training and supervision are necessary to ensure that decisions are informed by evidence and children's lived experiences rather than stereotypes or risk-averse defaults.

Respecting children's evolving capacities requires ongoing judgement about how rights are interpreted and applied as children's lives and environments change. This challenge arises across many areas, including the digital environment, where children's engagement often develops more rapidly than the legal, policy and regulatory responses intended to protect and support them. As digital systems, including AI, increasingly mediate children's access to information, services and relationships, States, regulators, parents and caregivers must ensure that protection, participation and regulation are calibrated to children's evolving capacities, rather than fixed assumptions about age or risk.

Early learning is about acquiring skills and building the foundations for judgement, confidence and participation over time.

A young child assembles a colourful puzzle at the As-Senniya site for internally displaced persons in Port Sudan. © UNICEF/ UNI913649/Satti

CHAPTER 1

Foundations for understanding evolving capacities

The Convention on the Rights of the Child recognizes all children as rights-holders from birth, entitled to care, protection and guidance. As children grow, they are entitled to increasing levels of independence and autonomy in the decisions that affect their lives. Article 5 of the Convention sets out the principle of evolving capacities, explaining that parents, caregivers and the State must provide "appropriate direction and guidance" that match the child's level of development.

1.1 Evolving capacities in the child rights framework

The concept of evolving capacities, as set out in the Convention, recognizes that children's ability to understand information, express views, make choices

BOX 1: Key terms

'Evolving capacities' refers to the gradual acquisition of cognitive, social, emotional, physical and moral capacities as children transition through childhood, and the consequent transfer of the exercise of rights from a parent and other carers to the child. The development of these capacities requires support and care, recognition and respect, as well as continuing and appropriate levels of protection.

and take responsibility in matters affecting them develops over time. Parents, caregivers and the State are required to provide guidance and support that is appropriate to the child's experience and stage of development.

Children's development can be understood through five closely linked core capacities: cognitive, physical, social, emotional and moral. These skills underpin vital functions such as communication, decision-making, judgement and independence, helping children manage more complex responsibilities as they mature (*see Table 1*).

Table 1: Core capacities in children's development

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

During childhood, it is generally presumed that children lack full competence across all aspects of these vital functions and require support in decision-making. Parents, caregivers, communities and the State have an obligation to provide social and legal protections that both reflect and respect children's developing competence and vulnerability.

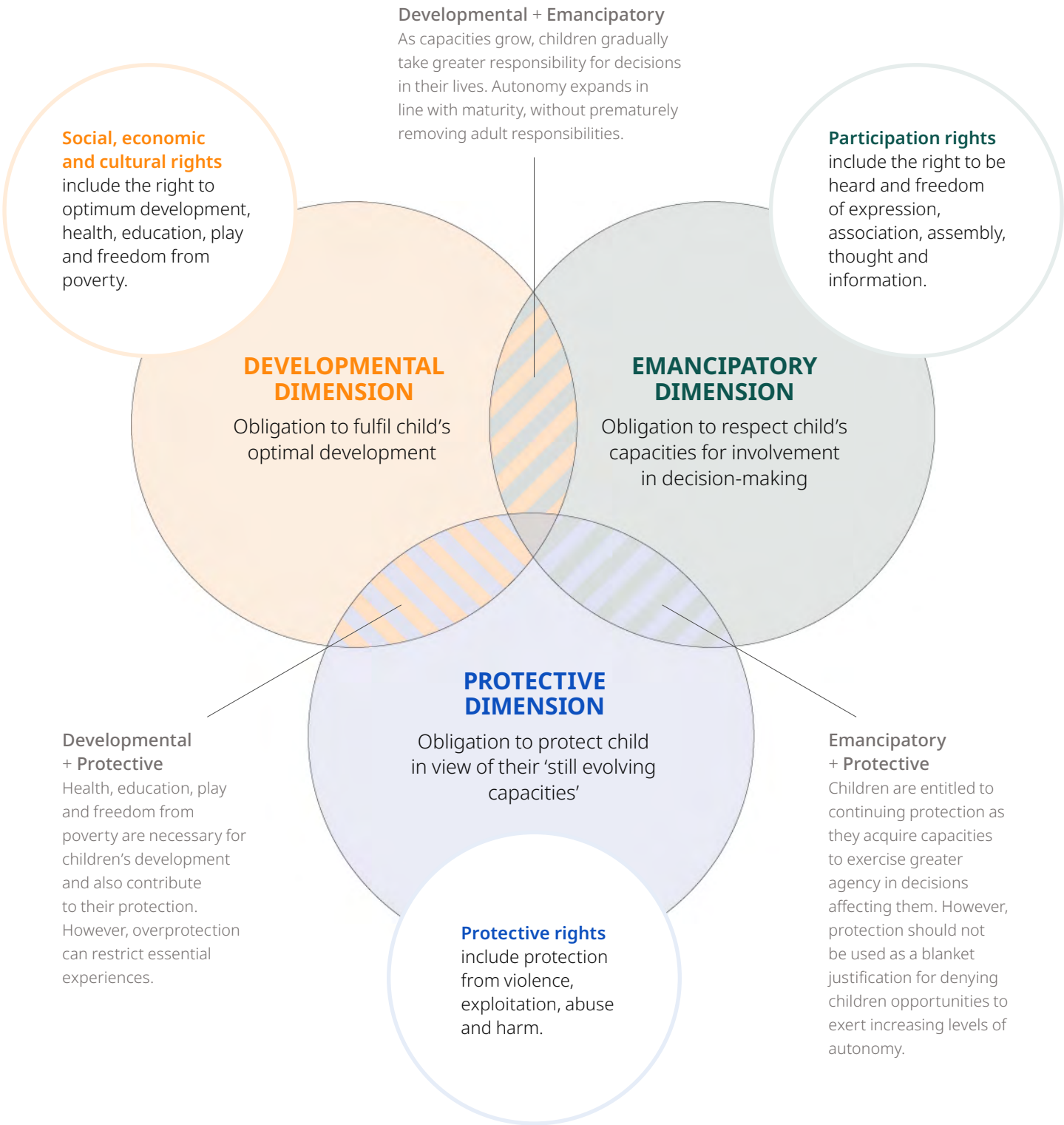
Articles 12 and 3 reinforce this understanding by establishing a principled approach for adult decision-making on behalf of children. Because children do not enjoy full autonomy, these provisions are necessary to ensure that decisions affecting them are guided by rights rather than adult discretion alone. Article 12 guarantees children the right to express their views in all matters affecting them and requires that those views be given due weight in light of the child's level of understanding, experience and maturity. Article 3 requires that the child's best interests be a primary consideration in all actions concerning them, with those interests assessed in relation to the child's evolving capacities and ability to understand and influence decisions.

This framework clarifies how evolving capacities shape the interpretation of the Convention. Adults retain responsibility for decision-making, but that responsibility must be exercised within clear limits, informed by children's perspectives and framed or circumscribed by their rights. Children should be neither treated as fully autonomous adults nor regarded as passive dependents, but recognized as rights-holders whose developing capacities must be taken into account in decisions made on their behalf.

Children's evolving capacities take shape through dynamic interactions between their developmental progress, their opportunities for agency and participation, and the protections and boundaries set by adults and institutions. These three dimensions, developmental, emancipatory and protective, offer a coherent framework for understanding how children grow with rights (*see Figure 1*).

In practice, the three dimensions of children's evolving capacities overlap continuously: Children express agency in ways that support their safety; protection provided in developmentally appropriate ways strengthens autonomy; and children's developmental pathways shape their readiness to participate and become decision-makers.

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



The **developmental dimension** reflects the obligation to support children's development under social, economic and cultural rights, including health (Article 24), education (Articles 28 and 29), play (Article 31) and freedom from poverty (Article 27). Children's capacities are shaped by physical, psychological and social development (Article 6), family relationships (Articles 5 and 18), resources and cultural context (Article 27), and individual agency. They are supported or constrained by the environments in which they live (Articles 3 and 6).

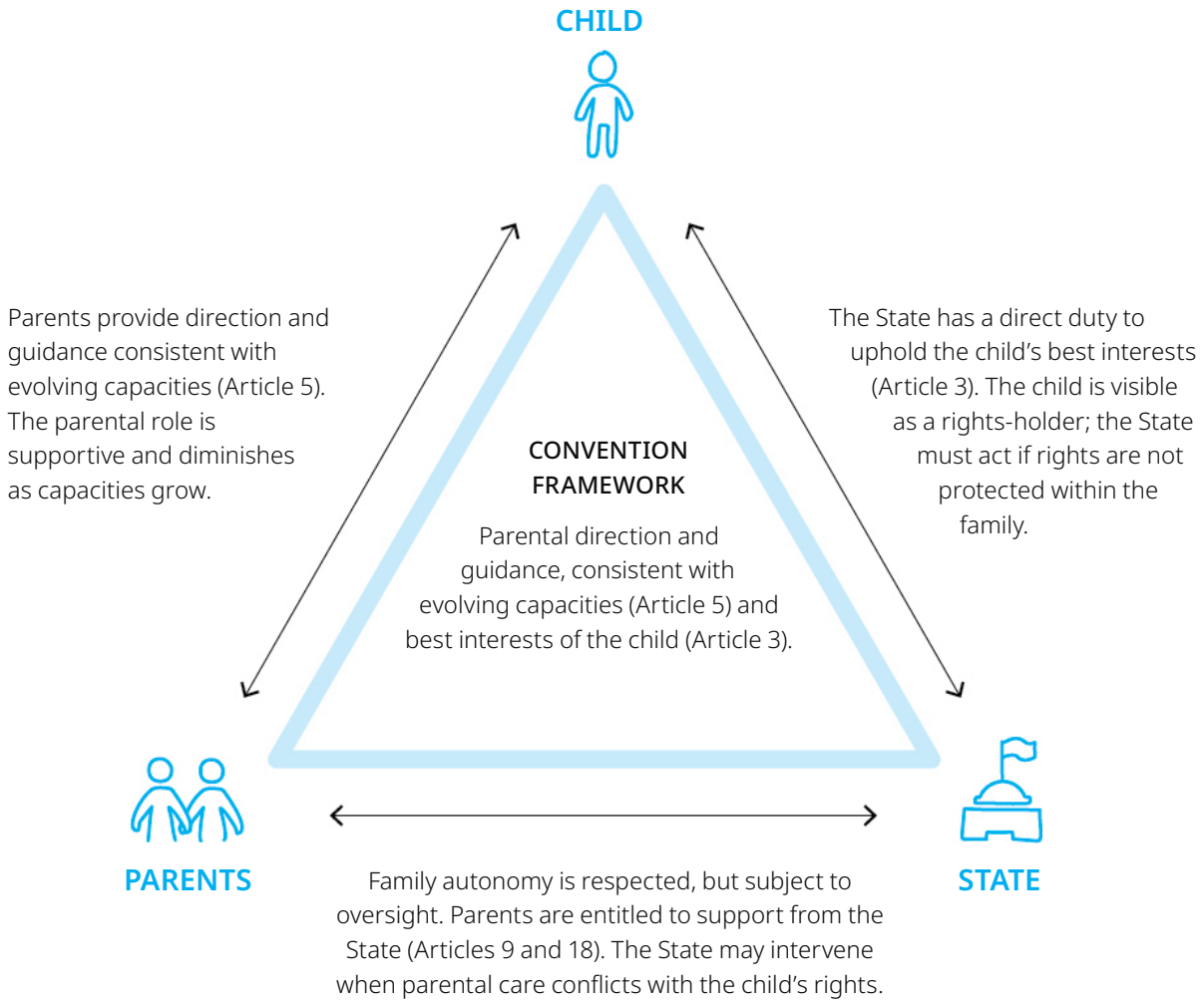
The **emancipatory dimension** concerns how children's evolving capacities are reflected in a gradual shift in decision-making authority over the course of childhood. While children's participation rights apply from birth and shape how adults involve children in decisions affecting them (Articles 12 and 5), respect for evolving capacities requires increasing recognition of children's ability to exercise rights for themselves and to assume greater responsibility as their understanding and competence develop (Article 5). The Convention gives effect to this progressive transfer of autonomy through participation and freedom rights, including the right to be heard (Article 12) and freedom of expression (Article 13), thought (Article 14), assembly (Article 15) and access to information (Article 17), which enable children to build judgement, confidence and responsibility over time.

The **protective dimension** emphasizes the obligation to safeguard children in view of their evolving capacities (Articles 3 and 5) and to uphold their protection rights (Article 19). Parents and guardians must provide guidance consistent with maturity (Article 5), balancing recognition of growing abilities with protection from harm (Articles 3 and 19). Family support (Article 18), community context and exposure to risk influence when protection is required, while children also contribute to their own protection (Article 12), making their perspectives essential in responses to violence, exploitation and abuse (Articles 19 and 32–36).

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

The overlaps and tensions arising across the three dimensions require clarity about the respective roles of parents and the State in protecting children from harm as their capacities develop. Article 5 provides the legal basis for this perspective, underscoring the respective roles and boundaries of parents and the State in supporting children's exercise of rights in practice, such as their freedom of expression and participation.

Figure 2: Balancing family privacy and children's rights



The Convention requires respect for the privacy of family life while also requiring protection of the child within the family. Parental direction is considered appropriate when it is consistent with the exercise of rights under the Convention as a whole. Article 5 of the Convention recognizes

the rights and responsibilities of parents and caregivers to provide direction and guidance to children. That direction and guidance must be appropriate to the child's development, consistent with the child's evolving capacities and directed towards enabling children to enjoy their rights to protection, participation and development. In this way, Article 5 requires the State to respect parental responsibilities while ensuring that parental guidance remains consistent with children's rights.

Respect for family life does not remove the State's responsibility to intervene where parental conduct undermines children's rights or exposes them to harm. It is vital that legal mechanisms, including access to courts, exist to allow children, or the State on their behalf, to enforce rights when parents breach them.

Box 2: Key terms

'Children' refers to everyone up to the age of 18, consistent with Article 1 of the Convention on the Rights of the Child.

'Adolescents' refers to children from age 10 until their 18th birthday, in line with the Committee on the Rights of the Child's General Comment No. 20.

'Parent' is used as a shorthand to include all persons responsible for a child's care, as defined in Article 5 of the Convention.

'Family' aligns with the Convention's preamble and General Comment No. 7 (Rev. 1), recognizing diverse family arrangements consistent with children's rights and best interests.

Article 19 illustrates the implications of this framework by prohibiting all forms of violence against children, making corporal punishment incompatible with appropriate discipline. Where parents exercise their responsibilities, duties or rights in ways that undermine children's rights, the State's obligation shifts from supporting parental roles to intervening to protect or uphold the rights of the child.

Article 18 specifies that the best interests of the child must be the parents' basic concern. The Committee on the Rights of the Child, the independent expert body responsible for monitoring implementation of the Convention, has clarified that this means ensuring "the full and effective enjoyment of all the rights recognized in the Convention". Parental responsibilities, rights and duties are therefore directed towards the realization of the child's rights.

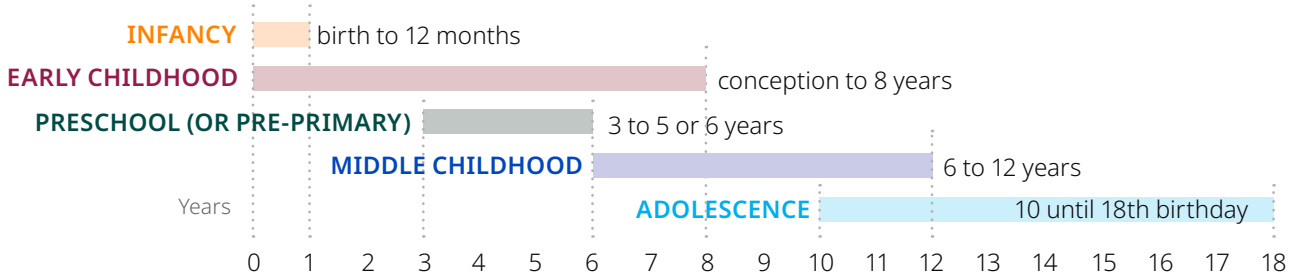
The Committee also links appropriate guidance to respect for the child's views, emphasizing that as children gain understanding and experience, parental direction should increasingly support shared decision-making and, where appropriate, enable children to exercise greater autonomy within protective and supportive relationships.

1.3 Child development and evolving capacities: Insights from science and practice

Children's development is a continuous, non-linear process influenced by genetics, relationships, culture and material conditions. Although individual children grow at different rates, evidence accumulated over several decades illustrates broad patterns in how physical, cognitive, social, emotional and moral capacities take shape throughout childhood and adolescence.

For data collection and programming purposes, UNICEF guidance points to a number of overlapping stages of development as children grow, each with distinct needs and vulnerabilities as children's physical, cognitive, social, emotional and moral capacities evolve (*see Figure 3*).

Figure 3: The overlapping stages of child development



Early childhood: Beginnings of learning, attachment and self-regulation

From birth through the early years, children's developing brains are exceptionally sensitive to their experiences of the world. Neural pathways emerge rapidly, shaped by interactions with caregivers, including the quality of stimulation and affection, as well as by stress and adversity. Studies show that responsive caregiving, characterized by attuned attention, reciprocal communication and emotional warmth, is foundational to the development of communication, problem-solving, emotional regulation and early understanding of right and wrong.

Young children learn through play, imitation and exploration (*see Box 3*). As they master basic motor skills, they build early forms of agency. They express preferences, assert boundaries and begin to understand the feelings and

intentions of others. This initial expression of autonomy is a critical building block to the complex decision-making capacities that emerge later in childhood.

BOX 3

The importance of play

Play is sometimes treated as a secondary or frivolous aspect of childhood, yet it is central to children's development and to the gradual acquisition of capacities that underpin learning, well-being and the exercise of rights.

Through play, children explore their environments, build relationships and make sense of social rules and expectations. It supports cognitive, social, emotional and physical development, strengthening skills such as problem-solving, self-regulation, cooperation and creativity. In situations of conflict, displacement or crisis, play takes on added significance, offering children a means to process distress, restore a sense of agency and experience moments of safety and normality.

As recognized in the Convention on the Rights of the Child, access to safe, inclusive and stimulating play environments is an essential condition for children's healthy development and evolving capacities.

Prolonged stress, exposure to violence or lack of stimulation can disrupt early development, with lasting consequences on children's health, learning and emotional resilience (*see Section 2.1*). These risks reinforce the obligation under the Convention to ensure that all children grow up in environments that support their development and well-being.

Middle childhood: Expanding competencies and social worlds

Middle childhood, often overlooked in policy discussions, has been the subject of a growing body of research that recognizes it as a period of significant and continuing growth. Children become increasingly capable of reasoning, empathy, understanding others' perspectives and communicating in more complex ways. As skills such as sustained attention, self-control and memory develop, children are better able to plan, solve problems and take greater responsibility for their actions.

Children learn to cooperate, negotiate rules, engage in group decision-making and navigate more complex moral and social expectations. They also begin

to assess risks with greater independence, while continuing to require adult support and guidance.

Box 4: Committee on the Rights of the Child guidance on adolescents' capacities and agency

In its General Comment No. 20, the Committee 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, including by provision of the necessary social and economic environments and opportunities to engage.

Adolescence: A second window of opportunity and vulnerability

Adolescence, spanning from age 10 up to 18, is now widely understood as a distinct phase of development, marked by profound biological, psychological and social change. Advances in developmental science show that this period involves significant brain reorganization, observable across cultures and contexts, as young people begin to shape their identities, relationships and life trajectories.

Brain development remains active throughout adolescence – particularly in regions involved in reasoning, emotional regulation, social understanding and assessing risk and reward – and continues into the early to mid-20s. Adolescents become better able to understand others' perspectives, interpret social cues and make judgements about fairness, supporting more meaningful participation in decisions affecting their lives across social and public life and digital spaces. Peer relationships take on more importance, with acceptance and belonging strongly influencing behaviour and sense of self.

Research points to an uneven pace of development within the adolescent's own brain, where processes linked to strong emotional responses and attraction to immediate rewards develop earlier than those responsible for planning, impulse control and self-regulation. This mismatch helps explain adolescents' motivation to seek new experiences and take risks, particularly in emotionally charged or peer-influenced situations.

These findings underscore the importance of environments that recognize adolescents' growing capacities while providing appropriate support and safeguards. While some risk-taking can support learning, independence and creativity, it can also expose adolescents to harm, particularly in contexts of inequality, exclusion or inadequate protection. Opportunities for supported participation, trusted guidance and protection from exploitation

or violence contribute to adolescents' resilience, well-being and ability to exercise their rights as their capacities evolve.

BOX 5

Research reshaping understanding of adolescent brain development

Advances in neuroscience and developmental science have transformed understanding of adolescence as a period of continued brain development with important implications for participation, protection and responsibility. The following examples of research provide accessible entry points into the evidence base on adolescent brain development:

Blakemore, Sarah-Jayne, *Inventing Ourselves: The secret life of the teenage brain,* Transworld Publishers, London, 2018.
Synthesizes two decades of research on adolescent brain development, with a particular focus on social cognition, identity formation and peer influence.

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.
Demonstrates that adolescents may show adult-like social understanding in structured tasks, yet still find it more difficult to apply this understanding efficiently in real-time, socially complex situations. This distinction helps explain why adolescents' judgement can appear inconsistent across contexts, despite growing cognitive competence.

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.
Draws on data from multiple countries to show that sensation-seeking peaks during adolescence, while self-regulatory capacities continue to strengthen into early adulthood, with broadly similar developmental patterns across cultures.

Knoll, Lina J., et al., 'Window of Opportunity for Cognitive Training in Adolescence', *Psychological Science*, vol. 27, no. 12, 2016, pp. 1620–1631.
Provides experimental evidence that adolescence is a sensitive period during which specific cognitive skills are exceptionally responsive to experience and training.

Lansford, Jennifer E., and Prerna Banati, eds., *Handbook of Adolescent Development Research and Its Impact on Global Policy*, Oxford University Press, Oxford, 2018.
Brings together developmental science, social research and policy analysis to examine how adolescent development shapes outcomes across health, education, protection and participation worldwide.

Children exercise agency through exploration and imagination, testing ideas, choices and possibilities within environments that provide space to grow.

Riyad, age 12, makes a paper airplane at a child-friendly space in Bangladesh. ©UNICEF/ UNI908507/Rasnat

CHAPTER 2

How children's environments shape their capacities

Children's evolving capacities are shaped through the environments in which they grow and the relationships and conditions that surround them. Families, schools, communities, services and public institutions influence the opportunities children have to learn, express their views, take on increasing responsibility and exercise their rights.

Supportive, inclusive and responsive environments can strengthen children's capacities by fostering secure relationships, access to education and health care, and opportunities for play and participation. By contrast, poverty, discrimination, violence, exclusion or poorly designed systems can limit children's opportunities and constrain the exercise of rights, even where legal protections exist. In these ways, the developmental, emancipatory and protective dimensions of evolving capacities are influenced by the interconnected layers of children's environment – from family and peers through to wider social, economic and legal systems.

2.1 The developmental dimension: Growing capacities over the course of childhood

The developmental dimension of children's evolving capacities concerns how children learn, acquire skills and attain optimum well-being over time in ways that enable them to realize their rights. While the Convention recognizes the family as the primary setting for children's growth, it also requires the State to support parents and caregivers to secure the conditions necessary for children to enjoy their rights, including through an adequate standard of living, health care and education. Parents and caregivers have a responsibility to ensure that all children within the family are treated equally, without discrimination on grounds such as gender or disability.

While the family should be a space of care and protection, many children experience violence at the hands of their caregivers or witness violence between adult family members. Without timely intervention to prevent violence in the home, such experiences can have lasting consequences for children's physical and mental health. A substantial body of global evidence further documents the impact of childhood exposure to violence on cognitive and emotional development and social functioning into adulthood. Structured support that strengthens positive relationships between caregivers and builds their capacity to manage multiple responsibilities in constrained circumstances is essential to safeguarding children's well-being.

In practice, children's opportunities to build capacities depend on whether their environments reduce or reinforce existing disadvantages. Within close relationships, caregiving practices, safety and everyday expectations shape children's early experiences of support and security. Where children experience separation from family care, including through institutionalization or placement in alternative care, disruptions to stable relationships can undermine emotional security, learning and the development of trust, with lasting implications for well-being and capacity development.

Poverty is one of the most significant constraints operating within children's immediate environments. Material deprivation can begin before birth and shape learning, well-being and long-term outcomes. Poverty limits access to enriching experiences and often exposes children to sustained stress,

placing pressure on caregiving relationships and household stability. Chronic stress linked to poverty and adversity can disrupt learning, emotional regulation and mental health, with effects that accumulate across childhood and intensify in adolescence.

At the level of communities and institutions, schools, health services, social protection systems and public spaces can either reinforce family capacity or magnify disadvantage through exclusion, violence or poor-quality provision. Schools and play environments are key settings in which these dynamics are experienced. Schools can support learning, belonging and relationships, but they can also entrench disadvantage where children face violence, harassment, exclusion or low expectations.

Opportunities for leisure and play support confidence, creativity and social learning, yet they are often constrained by unsafe environments, overprotection, discrimination, crisis and displacement. As children spend more time in digital spaces, these environments can enable connection and creativity, while also exposing children to cyberbullying, social media pressures, risks to privacy, online predation and other harms that shape well-being and participation (*see Box 11*).

Laws, policies, economic conditions and social norms shape access to resources and determine how rights and protections are distributed. Gender inequality illustrates how social norms can constrain children's lives across different environments. In many social and cultural contexts, gender bias intensifies for girls during adolescence, shaping both their access to school and their experiences within it. Girls may attend school irregularly or never finish due to expectations around domestic and care work. Others may face harassment, violence or discrimination in and around schools that undermine safety, learning and participation. Social norms can also increase girls' exposure to harmful practices and sexual and gender-based violence, including child marriage, with consequences that extend into adulthood.

Discrimination and exclusion can operate through laws, institutions, social attitudes and everyday interactions. These dynamics shape children's opportunities to build capacities, including for children with disabilities, Indigenous children and children who migrate or are forcibly displaced. For children with disabilities, stigma and ableism create low expectations, segregation in schooling or services, and overprotection that limits

participation in everyday activities and decision-making. Indigenous children may face structural and cultural exclusion that undermines belonging and continuity of identity, and children who migrate or are displaced may be excluded in ways that restrict social participation and access to services.

Extreme adversity can become biologically and psychologically embedded, shaping children's capacities and limiting the realization of their rights, particularly in contexts of conflict, displacement and environmental shocks (*see Box 6*). Crises such as these cause lasting harm. However, not all children exposed to stressful circumstances experience the same detrimental consequences. Research shows that children are more likely to withstand challenges when they are enabled to build a sense of control over their lives while also being supported by a stable and committed parent or caregiver. A combination of supportive relationships, adaptive skill building and positive experiences creates the basis of what is known as resilience. Promoting resilience implies shifting from an exclusive focus on protection from imminent danger to an approach that seeks to build strength and adaptive capacities to facilitate healthy development.

BOX 6

The impact of adversity on evolving capacities: Protracted conflicts, insecurity and climate shocks

War, armed conflict and children's daily lives

Children's exposure to war has severe and lasting consequences for their well-being and capacities. In Gaza, Sudan and Ukraine, and in dozens of under-reported conflict emergencies, children grow up with violence, displacement and loss as part of everyday life.

Schooling is disrupted or unsafe, routines are repeatedly broken and stress is constant rather than exceptional. These conditions undermine learning, mental health and social development, and increase risks of family separation, exploitation and recruitment by armed groups.

Armed violence, insecurity and cumulative harm

Children are also affected by gang-related violence and armed criminal control in some settings. Where armed groups dominate neighbourhoods, children's movement is restricted, schooling is disrupted and fear shapes daily life.

Evidence from urban contexts, including Brazil, shows lower learning outcomes among children living in gang-controlled areas, reflecting the cumulative impact of sustained insecurity on education and well-being. Across these settings, harm extends beyond immediate exposure to violence. Prolonged disruption weakens caregiving relationships, erodes access to services and limits opportunities for recovery. Protecting children requires not only safety from violence but sustained support that restores stability, learning and psychosocial well-being over time.

Climate change as a driver of disruption and stress

Climate change is increasingly shaping children's health, well-being and capacities through multiple, interconnected pathways. Extreme heat, air pollution and wildfire smoke affect children's physical health, particularly in early childhood. Climate-related shocks such as floods, droughts and storms disrupt family life, displace households and heighten stress, undermining caregiving and stability.

At the community level, climate impacts threaten food security, access to safe water and basic services, increasing risks of malnutrition and disease. These pressures can generate toxic stress, especially when combined with poverty or displacement, with lasting effects on learning, mental health and development. For many children, climate change is not a future risk but a present condition shaping everyday life.

2.2 The emancipatory dimension: Respecting children's agency and participation

The emancipatory dimension of children's evolving capacities reflects competencies and activities through which they navigate the contexts and circumstances of their lives and exercise choices throughout their childhood. It requires a shift away from default assumptions of incapacity towards recognition of the agency, competence and judgement that children can demonstrate in different contexts.

The Convention gives effect to this dimension through civil and political rights, including the right to be heard, freedom of expression, association and assembly, access to information and respect for privacy.

Box 7: Key terms

'Participation' refers to children (individually or collectively) forming and expressing their views and influencing matters that concern them directly and indirectly. It refers to the child's right to be heard (Article 12), which recognizes that not only do children have the right to express their views, but these views must be properly heard and acted upon by adults making decisions. The underlying implication is that change is mediated by adults.

'Agency' refers to performing actions that bring about change. Here, children directly exercise choices by making decisions, big and small, that affect their own lives, but also the world around them. This may include resisting social expectations, organizing collective actions with peers to claim or advocate for change and navigating challenging environments by making choices for themselves based on risks and opportunities. Children's agency is not mediated by adults. As agents, children make decisions that, in turn, influence how others, including adults, make decisions.

As children's competence in communication, reasoning and social interaction grows, the ways in which they exercise agency change. Participation, therefore, takes different forms at different ages. A five-year-old may express agency through everyday interactions, such as indicating preferences about food, clothing or play, resisting or accepting adult direction, or seeking comfort and reassurance. These actions influence how adults respond and how daily decisions are made. A 15-year-old, by contrast, may participate more directly in discussions about education, health care or family responsibilities, expressing views, weighing options and anticipating consequences. These differences illustrate how participation is an evolving process, not a fixed threshold.

As they grow older, children engage more actively with others and begin to influence outcomes. Recognizing this role requires acknowledging that children's choices and relationships shape decisions in their own lives and beyond. Children express their agency through everyday interactions within families or peer groups, as well as through collective action, resistance to harmful practices or civic engagement. Children's agency is relational and context-dependent, shaped by social norms, power relations and the risks children face. Children's capacities are not respected when their views are dismissed as immature or, conversely, treated as exceptional and surprising, reinforcing the assumption that competence is rare rather than a normal feature of childhood.

Children's opportunities to exercise agency are unequal. Within families, children's views are often overshadowed by adult authority. Beyond the family, laws, policies and institutional practices frequently assume that children's interests can be represented without hearing them directly, while gender norms, disability, migration status and other forms of exclusion further constrain participation. In some contexts, girls face tightened restrictions during adolescence, while children with disabilities often encounter low expectations and overprotection that limit everyday decision-making.

In many contexts, children are expected to assume adult-like roles such as caregiving, income generation or survival in crisis, demonstrating significant competence and resilience. However, these same children are frequently excluded from decision-making processes that affect their lives, denied legal standing or dismissed as lacking capacity. This inconsistency constitutes a recurring injustice, leaving them exposed, marginalized and required to carry responsibility without the corresponding recognition of their agency, voice or entitlement to influence the conditions shaping their lives.

Being heard is a fundamental human right essential to dignity and the realization of children's evolving capacities. Article 12 places a clear obligation on adults and institutions to presume children's capacity to express views and to give those views due weight. Accordingly, participation must be designed and assessed not simply by whether children are consulted, but by whether the conditions exist for their views to be expressed freely, taken seriously and able to influence outcomes (*see Box 8*).

Box 8: Nine basic requirements for quality children's participation

The Committee on the Rights of the Child outlines what adults and institutions must do to ensure children's participation is genuine rather than tokenistic, specifying that participation must be:

- transparent and informative
- voluntary
- respectful
- relevant to children's lives
- child-friendly
- inclusive of marginalized children
- supported by trained adults
- safe and sensitive to risk
- accountable, with feedback on outcomes

To better understand how children experience decision-making in practice, a study in 17 countries led by the Centre for Children's Rights at Queen's University Belfast explored children's perspectives on the extent to which they take part in decisions affecting their lives. Children reflected on decisions at home, in school, in health care, online and in their communities. Across diverse contexts, children described a shared view that they were not seeking unrestricted autonomy, but recognition, respect and meaningful involvement in decisions affecting them, alongside guidance and protection appropriate to their situation (*see Box 9*).

These perspectives highlight the value of ongoing, child-focused research that informs how autonomy, protection and participation are understood in children's everyday experience. Such findings reinforce that respecting evolving capacities is not about removing protection but enabling children to exercise their rights in ways that build confidence, judgement and responsibility.

BOX 9

Children's perspectives on power, capacity and voice: Insights from the Queen's University Belfast study*

Capacities for decision-making develop through experience

Children described decision-making as a capacity that develops over time and through practice, requiring opportunities to exercise it. They noted that adults often assume incapacity rather than recognizing emerging competence.

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

> *"The more informed you are, the more freedom you have to make decisions."*
> Girl, 17, Republic of Moldova

> *"If you see me as a baby, then you'll see me as a baby and continue spoon-feeding everything."*
> Child, 10–17, Maldives

Recognition and trust matter as much as age

Children were frustrated by adults distrusting their capacity to be involved in decisions that affect them, particularly in school.

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

Children frequently linked their exclusion from decision-making to adult authority and assumptions about incapacity, rather than to the nature of the decision itself.

> *"They don't trust you enough and don't take you seriously as I would like."*
> Child, 10–17, Maldives

At the community level, children described opportunities to speak that felt symbolic rather than influential.

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

Protection and participation must be balanced

Children recognized the need for protection, valuing adult guidance and shared responsibility, particularly for complex or high-risk decisions.

> *"Decisions are made for children because they don't know the world as well."*
> Girl, 15, England

> *"I need help deciding sometimes, but for other things I can decide on my own."*
> Girl, 14, Maldives

* Lundy, Laura, Evie Heard and Elizabeth Graty Hood, 'Children's Participation in Decision-Making: The Conditions of Evolving Capacity', journal article forthcoming.

Constraints shaping participation

Children recognized that their influence over decisions was shaped not only by their abilities, but by adult-imposed conditions, limited choices, financial constraints and institutional power.

> *"We can choose subjects, but only from what the school has already decided."*
> Girl, 16, Scotland

In digital environments, children reported limited control over algorithm-driven content.

> *"You can choose what to watch, but the content is pushed to you anyway."*
> Boy, 17, Thailand

Gender, status and circumstance affect whose voices are heard

Some girls described restrictions on raising concerns about health, safety and bodily integrity. Children in alternative care, detention or displacement reported limited scope for decision-making.

> *"Most girls don't have anyone to talk to about menstruation."*
> Girl, 17, Cambodia

> *"They decide everything for us because they think it's for our own good."*
> Girl, 16–18, Romania (detention)

> *"They give me orders like I'm in the army."*
> Girl, 9, Haiti (refugee camp)

2.3 The protective dimension: Balancing protection and respect for evolving autonomy

The three dimensions of children's evolving capacities are interdependent, but the protective and emancipatory dimensions sit in particular tension. Protection reflects children's vulnerability arising from physical immaturity, dependency on adults and limited access to power, resources and justice, while emancipation requires respect for children's agency, voice and participation as rights-holders.

The Convention sets out a comprehensive framework for protection through interlinked rights, including protection from abuse, violence and exploitation; from activities harmful to health or development; and through child-specific systems of care, recovery and justice as reflected, inter alia, in Articles 3, 19 and 24(3). The principle of the best interests of the child provides an overarching protective lens, requiring that decisions affecting children prioritize their

well-being and development while remaining consistent with respect for their rights, including the right to participation, and for their evolving capacities.

Respect for evolving capacities within the protective dimension means not only recognizing children's increasing competence as they grow but also ensuring that they are not exposed to responsibilities, risks or demands beyond what they can reasonably manage at a given stage. This requires judgements that go beyond assessments of individual ability alone. A child's demonstrated capacity to undertake a particular activity is not, on its own, sufficient justification for exposing them to potential harm. Protective decisions must also take account of power imbalances, long-term consequences for children's development and the wider social and institutional contexts shaping their lives. Central to navigating this balance is the distinction between risk and harm. Harm refers to actual negative impacts on children's physical safety, mental health, dignity or development. However, risk refers to the possibility and severity of harm occurring. A certain amount of risk-taking is important, providing adolescents with the opportunity to test boundaries, make new friends, learn from mistakes, build resilience 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. What is perceived as risky or harmful varies across social, cultural and historical contexts, shaped by norms about childhood, responsibility and acceptable behaviour.

In some settings, practices such as early marriage or harsh discipline have been justified as culturally appropriate or necessary for social order, particularly where children are expected to assume adult responsibilities at a young age. However, cultural acceptance does not eliminate harm, and nor does a child's ability to cope with the long-term consequences of exposure to violence, exploitation or deprivation. Under the Convention, any practice that undermines children's health, dignity or development cannot be justified by tradition or perceived maturity.

In practice, States and child protection systems have often failed to integrate protection from harm with recognition of children as active participants in their own protection. For example, while children have first-hand knowledge of the risks they face and how harm is experienced in their daily lives, they are often excluded from protective processes. This paradox undermines

Box 10: Between underprotection and overprotection

Parents and others responsible for children's care and protection often oscillate between underprotection and overprotection when applying children's evolving capacities.

Underprotection arises when children are exposed to violence, exploitation or adult responsibilities without adequate safeguards, support or recognition of their rights. This is particularly evident when children live in poverty, conflict displacement or alternative care or are burdened with heavy caregiving roles.

Overprotection occurs when risk is treated as synonymous with harm and control replaces guidance. Excessively restrictive approaches can deny children opportunities to learn how to assess risk, exercise judgement and build confidence, with negative consequences for autonomy, well-being and development, especially during adolescence.

early identification of abuse and reinforces power imbalances. Evidence from investigations into systemic violence in care homes, institutions for children with disabilities, alternative care settings and detention facilities shows that harm persists where children are silenced, disbelieved or lack safe and accessible ways to report concerns. Listening to children strengthens protection by making risks visible and responses more effective.

Another recurring contradiction across contexts is that children are expected to assume significant responsibilities when circumstances demand it, yet, as discussed in Section 2.2, they are denied recognition as capable participants in decisions that affect their lives. When responsibility is assigned without corresponding recognition, voice or support, children are left to manage risks and consequences without access to safeguards, guidance or avenues for redress.

This gap between responsibility and recognition exposes children to harm and undermines their dignity. Respecting evolving capacities requires acknowledging this contradiction and recognizing that assigning responsibility without corresponding recognition and support can itself amount to a denial of rights. Protective approaches that ignore children's agency risk producing unintended harm. Overly restrictive measures, whether in families, institutions or digital environments (*see Box 11*), can drive behaviour underground, weaken relationships of trust and limit opportunities for children to develop the skills needed to navigate risk safely.

Conversely, protection that is rooted in dialogue, guidance and proportionate support can strengthen children's capacity to make informed decisions and to seek help when needed. Even young children can acquire protective skills when supported appropriately, and these capacities can be built progressively across childhood through education, participation and trusted relationships. Protection, understood in this way, is an enabling condition for children's rights, development and well-being, rather than a justification for control or exclusion.

BOX 11

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

Three dimensions, one framework

Children are growing up in a digital environment that is now a permanent and defining feature of childhood worldwide. Digital technologies shape how children learn, communicate, form relationships, access information and exercise rights, often in spaces where they act with increasing independence and limited adult visibility. These environments create new opportunities for development and participation, while also exposing children to risks they may not recognize or be able to manage alone.

The framework of children's evolving capacities provides an essential way of understanding these dynamics:

- The developmental dimension highlights how children acquire digital skills, judgement and confidence over time through experience and interaction.
- The emancipatory dimension draws attention to children's growing agency, voice and participation online, including the exercise of rights to information, expression, association, play and culture.
- The protective dimension focuses on safeguarding children from harm, exploitation and rights violations, while recognizing that protection must be proportionate and responsive to children's capacities as they develop.

In digital spaces, these dimensions are strongly interdependent and frequently in tension. Growing skills and confidence can expand participation and autonomy, while also increasing exposure to risks, commercial pressures and forms of harm that may be difficult to anticipate or resist. Overemphasis on risk can lead to restrictive approaches that undermine children's opportunities to learn and participate, but insufficient protection can leave children exposed, particularly where power imbalances, data-driven systems and commercial interests shape digital environments.

These tensions are intensified by the rapid expansion of AI. AI systems increasingly mediate the information, services and opportunities children encounter, yet are often designed without adequate attention to children's rights, developmental stages or lived experiences. Algorithmic bias, data exploitation and surveillance can heighten risks and deepen inequalities, while child-sensitive design and governance can, if properly implemented, expand access to learning, creativity and support.

Age-sensitive considerations in protecting children

Age and developmental stage matter: Younger children require greater guidance and protective scaffolding, while adolescents need increasing scope to exercise judgement and autonomy alongside effective safeguards. Applying the evolving capacities framework to the digital environment underscores that responsibility is shared:

- Parents and caregivers support children's safe and informed engagement.
- Schools shape access in ways that promote learning and well-being.
- States regulate digital environments and hold industry accountable.
- Digital providers design systems appropriate to children's capacities at different stages of development.

Listening to children

Across all dimensions, children's perspectives are indispensable. Children consistently demonstrate insight into both the benefits and risks of digital engagement, as well as into the forms of support they need. Respecting children's evolving capacities in a digital world depends on balancing protection and empowerment, and on listening to children's views in decisions about design, access and regulation.

Collective experiences shape individual capacities. Belonging, cooperation and mutual support influence how children learn to act for themselves and with others.

Three cousins, Sidra, Ali and Hassan, play 'pancake hands' in Antakya, Türkiye. © UNICEF/UNI459374/Secker

CHAPTER 3

Applications in law, policy and practice

Applying children's evolving capacities in law, policy and practice requires clarity about how decisions affecting children's lives are structured and justified. Some decisions require fixed age limits to protect children from harm, exploitation or undue responsibility, while others must be guided by consideration of an individual child's capacity.

3.1 Legal age limits: Recognizing and protecting evolving capacities

Children's capacities develop progressively over childhood and adolescence, shaped by biological maturation, experience, relationships and social context. While age alone is an unreliable proxy for the capacity of any individual child, legal systems that impose age limits are, nevertheless, necessary in

many areas of children's lives. These limits play a critical role in translating recognition of children's evolving capacities into enforceable protections, particularly where the potential for harm is significant and individual assessment is impracticable or unsafe.

In everyday life, most decisions affecting children are negotiated within families, shaped by cultural expectations, social norms, perceptions of risk and the child's emerging maturity. Through dialogue, negotiation and sometimes conflict, children gradually gain influence over decisions affecting them. However, there are circumstances where reliance on family decision-making, particularly if families are stressed or under pressure, can lead to decisions that undermine the protection of children's rights and well-being. Legal age limits provide protection by establishing boundaries that apply to all children, regardless of individual capacity.

The Convention defines childhood as extending to 18 years of age, while recognizing that children's capacities are not static or uniform. Within this framework, age limits are justified not because children are incapable of exercising agency, but because certain decisions or activities carry risks that can undermine children's development, dignity or future life chances. In these contexts, the purpose of age limits is protective rather than punitive, and developmental rather than restrictive.

Several rationales underpin the use of fixed age thresholds. In many areas of public life, administrative practicality makes individual capacity assessment unworkable. Service providers cannot reasonably assess each child's understanding or maturity when granting access to services or activities such as driving, employment or financial transactions. Fixed age limits provide clarity, consistency and protection for children who may lack the necessary capacities, while offering guidance to those responsible for implementation (*see Box 12*).

Age limits also serve as markers of emerging autonomy. Legislation establishes thresholds at which children are recognized as entitled to exercise decisions for themselves, for example, in aspects of health care or legal identity. However, importantly, in the context of health, the Committee also emphasizes that where children can demonstrate sufficient capacity below that age, they should not be prevented from

exercising decision-making. This guidance reflects an understanding of child and adolescent development as uneven and context-specific, rather than linear.

Age limits are used to protect children from harm, exploitation and abuse. In the absence of clear legal thresholds, children may be exposed to coercion by adults or encouraged to assume responsibilities that exceed their developmental capacities. International standards, therefore, recommend minimum ages for activities such as marriage, work, participation in armed conflict and criminal responsibility. In many of these areas, the concern is not that children lack the capacity to participate, but that such participation is likely to cause lasting harm, disrupt education, undermine health or foreclose future opportunities.

Evidence from child and adolescent development reinforces the importance of this protective approach. Neuroscience shows that cognitive, emotional and psychosocial capacities continue to mature well into early adulthood. Adolescents may demonstrate adult-like reasoning in calm settings, yet struggle to regulate impulses, assess long-term consequences or resist peer pressure in emotionally charged contexts. These developmental realities are particularly relevant in areas such as criminal responsibility, sexual consent and hazardous work, where decisions can carry irreversible consequences.

At the same time, rigid or overly protective age limits can themselves generate harm. Where thresholds are set too high or applied without sensitivity to context, they may deny adolescents opportunities to exercise agency, access information or develop skills essential to their autonomy and well-being. For example, criminalizing consensual sexual activity between adolescents or denying children access to the courts to seek redress can undermine protection rather than strengthen it. The challenge lies not in choosing between protection and autonomy, but in calibrating age limits in ways that reflect developmental evidence, rights interdependence and the realities of children's lives.

Box 12: Age limits as developmental guardrails

Legal age limits are often treated as blunt restrictions, but many function as guardrails that protect children while supporting growing autonomy. Driving is a familiar example. Most legal systems do not simply permit or prohibit driving; they create staged pathways, with supervised training, visible markers of inexperience, such as L plates, and competency testing. The purpose is to open access gradually while reducing risks for learner drivers and others.

Similar logic applies in areas with high stakes for children's development and rights. Where power imbalances and the risk of exploitation are pronounced, fixed minimum ages can prevent children from being exposed to responsibilities and consequences they cannot reasonably manage or avoid. When combined with education, accessible services and effective enforcement, age limits can provide structured protection while enabling children's capacities to expand safely over time.

Legal age limits are not a denial of children's evolving capacities, but one of the mechanisms through which those capacities are recognized and protected under the Convention. When grounded in evidence, informed by children's perspectives and implemented alongside supportive measures for families and communities, age limits can function as developmental guardrails that protect children from harm while enabling the gradual exercise of autonomy consistent with their evolving capacities.

Table 2 summarizes how legal age limits are used across key areas of children's lives to balance protection from harm with recognition of children's evolving capacities, drawing on international standards, developmental evidence and children's perspectives. Examples from child marriage, child labour, sexual consent and criminal responsibility illustrate how a common set of considerations is applied across different legal contexts. These considerations structure the analysis by identifying the rationale for age limits, the risks of overprotection and underprotection, the role of developmental evidence, and the respective responsibilities of the State and the family.

Table 2: Legal age limits: Rationale and considerations

Considerations	Child marriage	Child labour	Sexual consent	Criminal responsibility
1. Guidance from international standards	The Committee on the Rights of the Child sets the minimum age as 18; below 18, marriage is considered forced.	The International Labour Organization establishes a minimum age of 15 for work and 18 for hazardous work.	The Committee recommends that States define a minimum age that balances protection and evolving capacities.	The Committee recommends that States raise the minimum age to 15 or 16.
2. Risks of underprotection and overprotection	Underprotection leads to loss of education, health risks, social isolation and increased exposure to violence.	Children may be exposed to exploitation, injury and loss of education; overprotection may deny adolescents experience in age-appropriate work.	Children may be exposed to sexual exploitation; overprotection may criminalize consensual adolescent activity and restrict access to health services.	Children may be exposed to further criminalization; access to diversion programmes to reduce reoffending may be denied.
3. Need for fixed age limits	Fixed minimum age limits are essential to prevent coercion and irreversible harm, regardless of children's individual strengths and experience.	Fixed limits are required to prevent exploitation, while allowing age-appropriate work under safe conditions for older adolescents.	Limits protect children from sexual activity for which they lack capacity or agency to consent, and from prosecution where sexual exploitation occurs.	Limits protect children from being convicted of crimes before they can understand the implications of their actions.

4. Roles of State and family	States set the minimum age for all children, overriding parental decisions.	States establish the legal age limit that applies to all children; a family's decision may apply to age-appropriate work.	States set the legal threshold; parents and schools provide information, guidance and support.	States determine the age of responsibility; parents support children's understanding of lawful behaviour.
5. Evidence on child and adolescent development	Cognitive, emotional and social capacities continue developing into early adulthood, supporting delaying marriage until at least 18.	Ongoing physical and psychosocial development makes hazardous work disproportionately harmful.	Cognitive capacity may emerge before emotional maturity; power imbalances limit a child's ability to refuse or negotiate.	Adolescent brain development affects impulse control, risk-taking and susceptibility to peer influence.
6. Insights from children's perspectives	Children highlight drivers of early marriage and the need for protection and alternatives.	Children distinguish between harmful and beneficial work and emphasize education, safety and rest.	Children identify pressures, risks and the need for accurate information and services.	Children's insights may inform strategies to address drivers of criminal behaviour and reduce reoffending.

3.2 Assessing children's evolving capacities in practice

The requirement to assess children's capacities arises across many areas of children's lives where decisions affecting them must be made, for example, concerning health care, family responsibilities, education, protection and justice. In these contexts, the question is not whether children have capacities, but how those capacities should be understood and taken into account in relation to a particular decision, for example, how much weight to give a child's views in family court proceedings, whether an adolescent can consent to medical treatment or how a child should be supported to participate in decisions that carry long-term consequences. Assessing children's capacities is finely balanced also because such assessments are shaped by adult perceptions and potential biases, institutional practices and prevailing social norms.

Where children's capacities are discounted, constrained or overridden in decision-making processes, children may be silenced and their rights undermined; where they are assumed or relied upon without adequate safeguards, they may be exposed to harm or inappropriate responsibility. These tensions make clear that assessing evolving capacities entails applying objective criteria while taking into account normative and contextual considerations.

Box 13: Establishing conditions for meaningful capacity assessment

Child-sensitive assessment depends not only on what is asked of children, but how and where decisions are discussed. Research highlights the importance of settings that reduce pressure, allow time for reflection and support reasoned expression. Children, particularly adolescents, demonstrate more consistent decision-making capacity in calm contexts than in emotionally charged or group-influenced situations.

Open-ended questions, clear information provided in age-appropriate forms and opportunities to explain views in children's own words all strengthen the reliability of assessments.

Conversely, leading or closed questions, intimidating environments or assumptions about credibility can distort how children's capacities are perceived. Child-sensitive processes are a prerequisite for fair assessment, not an added safeguard.

In practice, such assessments require an approach that is systematic, rights-based and attentive to the conditions under which children form and express views. The Convention provides a clear starting point for assessing children's evolving capacities, while also reflecting the inherent complexities of this task. Under Article 12, children are presumed capable of expressing views, and those views must be given due weight in accordance with age and maturity.

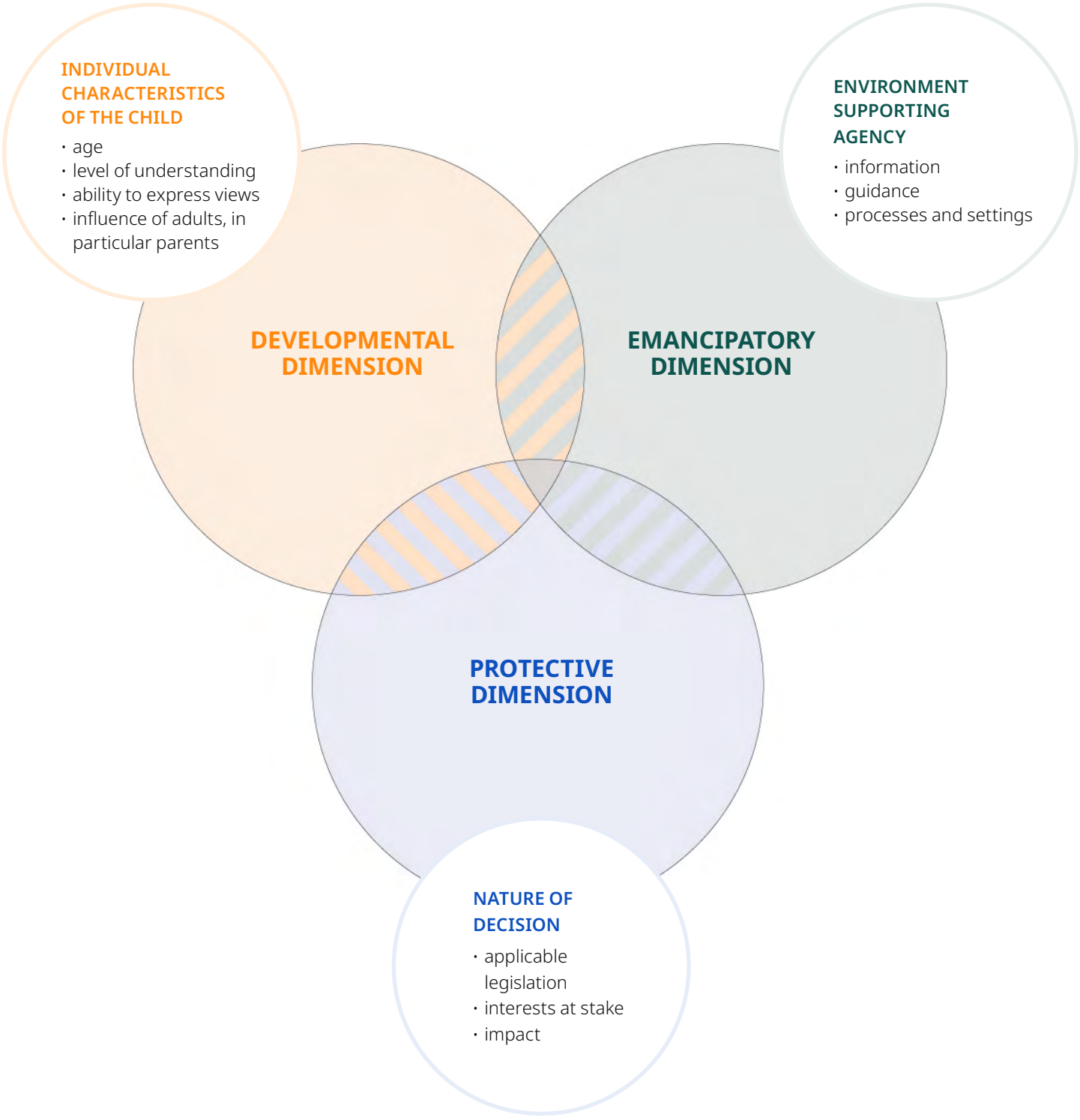
The Committee has consistently emphasized that children should not be prevented from exercising all decision-making rights solely because they have not reached a designated age, if they can demonstrate sufficient capacity. At the same time, the Convention recognizes that children may require protection from decisions or responsibilities that could expose them to harm or undermine their development. Law, policy and practice are therefore required to navigate this balance in concrete and often contested decision-making contexts.

Assessments of children's capacities vary widely across settings and professions. They are shaped not only by the child's individual characteristics, but also by the environment in which decisions are made, the information available to the child, the attitudes and assumptions of adults and the processes through which views are elicited. Where assessments lack clarity, consistency or transparency, outcomes can have profound consequences, affecting access to services, participation in proceedings, protection from harm and recognition of autonomy. A structured approach is therefore essential to support rigour, consistency and legitimacy, while remaining sensitive to context.

Figure 4 situates capacity assessment within this complexity, illustrating how judgements about children's evolving capacities are shaped by the interaction of three interdependent dimensions – developmental, emancipatory and protective – in line with the evolving capacities framework. No single dimension can determine the outcome of an assessment; instead,

decisions about children's participation and responsibility require these three dimensions to be considered together, and in relation to the specific decision at hand.

Figure 4: Applying development, autonomy and protection in assessing children's capacities



A robust approach to assessing children's evolving capacities recognizes the influence of experience, information and support, and decision-making contexts on children's development. Building on the three dimensions of evolving capacities, guiding questions have been identified as a framework for professionals to support structured, context-sensitive judgement (*see Table 3*). These questions are intended to be used together, not sequentially, and to translate the concept of evolving capacities into practice in ways that are consistent with the Convention, attentive to children's agency and responsive to risks and protection needs.

Table 3: A practical framework to guide assessment of children's evolving capacities

Developmental dimension: Individual characteristics of the child	**Emancipatory dimension: An environment supporting the child's agency**	**Protective dimension: The nature and implications of the decision**
• What is the child's age, and are there legal or practical presumptions attached to it? • Do prevailing assumptions or social norms influence how the child's age is interpreted? • What level of understanding does the child demonstrate in relation to this decision? • Does the child understand the risks, benefits and likely consequences of the decision for their life? • Is the child able to express views freely when given appropriate opportunities and support?	• Has the child received relevant and sufficient information about the decision to be taken? • Has information been provided in a form appropriate to the child's age, maturity and understanding? • Has the child been offered guidance or support in forming a view, and from whom? • Are the settings and processes child-sensitive, non-intimidating and conducive to reflection? • Do adult attitudes, relationships or expectations influence how the child's views are received or weighted?	• What legal framework governs the decision, including any presumption or requirement to assess capacity? • Does the law require the child's views to be heard or allow the child to exercise autonomy in this context? • What other interests are at stake, and how might they affect recognition of the child's agency? • What is the likely impact of the decision on the child's life, including long-term consequences? • What are the risks of harm associated with the decision, and with excluding the child from the process?

Conclusion

This summary report has shown that children's evolving capacities are not an abstract concept, but a practical and indispensable lens for interpreting and applying children's rights in a changing world. Evolving capacities shape how children's rights are realized and exercised through the interdependent developmental, emancipatory and protective dimensions, across everyday decisions and in conditions of profound adversity, including armed conflict, displacement and climate-related disruption. In such contexts, children's capacities are often underestimated or overridden, even as children are expected to adapt, cope and contribute.

Aligning action with children's evolving capacities in law, policy and practice requires coherent choices about how decision-making processes are designed, how risks are understood and managed, and how children's agency is taken into account. Respect for evolving capacities does not come from isolated rules or individual assessments. It emerges when protection, participation and responsibility are considered together across the life course of childhood.

The following points highlight cross-cutting considerations for aligning action with a children's rights perspective:

1. The concept of evolving capacities needs to be embedded as a guiding principle across legislation and policy, ensuring coherence across developmental, emancipatory and protective dimensions of child rights. Evolving capacities encapsulate the spirit of the Convention: Adults have a key role to play in guiding and supporting children in this process, fostering their autonomy, not merely protecting them.

2. Investment in adult capacity is essential. Parents and caregivers, relevant professionals, policymakers and implementers all require support to understand and respond appropriately to children's evolving capacities. Respecting evolving capacities does not dilute adult responsibility; it refines it. It calls on parents, professionals and governments to recognize when to protect, when to guide and when to step back. In doing so, societies help cultivate generations capable of empathy, critical thought and shared accountability.

3. Children's participation and intergenerational dialogue need to be institutionalized at all levels, from everyday decision-making in families, schools and care settings to more formal and permanent participation mechanisms at local, national and international levels of governance. Children and adolescents are ready and willing to contribute to their own development and protection in ways that respect their capacities and lived realities.

4. Oversight and accountability need to be strengthened through the development and application of rights-based guidance to emerging domains of risk and opportunity, including digital and environmental contexts. As these domains increasingly shape children's lives, ensuring that protections and participatory opportunities evolve alongside them is essential to upholding children's rights.

Applying children's evolving capacities in practice does not require choosing between protection and autonomy, or between fixed rules and individual judgement. It requires sustained attention to how responsibilities, risks and decision-making authority are allocated across families, institutions and the State. When grounded in developmental evidence, informed by children's perspectives and guided by the Convention, such approaches support protection while enabling the gradual and meaningful exercise of autonomy consistent with children's evolving capacities.

This report does not offer prescriptive answers for every context. Instead, it provides a framework to support more coherent, rights-based and context-sensitive judgement. Its purpose is to encourage reflection, dialogue and action that place children's evolving capacities at the centre of decision-making, recognizing this as essential to children's safety, dignity and ability to exercise rights throughout childhood and beyond.

BOX 14

Related UNICEF Innocenti publications

This publication is a summary of ***Growing with Rights: Understanding and supporting the evolving capacities of the child*** (2026). The report builds on the 2005 Innocenti Insight report listed below.

United Nations Children's Fund Office of Strategy and Evidence – Innocenti, ***Growing with Rights: Understanding and supporting the evolving capacities of the child***, UNICEF Innocenti, Florence, February 2026.
This report revisits and updates the evolving capacities framework two decades on, examining how changes in children's lives and environments shape the exercise of rights across childhood. The analysis integrates the developmental, emancipatory and protective dimensions of evolving capacities to inform law, policy and practice.

Lansdown, Gerison, ***The Evolving Capacities of the Child***, Innocenti Insight, UNICEF Innocenti, Florence, 2005.
This landmark Innocenti Insight introduced the concept of children's evolving capacities as a foundational principle for interpreting and applying the Convention on the Rights of the Child. The report set out how children's capacities develop progressively through experience, supported by guidance and protection appropriate to their maturity.

Acknowledgements

Authors: Gerison Lansdown, Vanessa Sedletzki, Ramya Subrahmanian

The authors would like to acknowledge the following colleagues and experts for their extensive engagement, advice and review.

Reviewers: Cécile Aptel, Theresa Betancourt, Miles Hastie, Ratna Jhaveri, Daniel Kardefelt-Winther, Raul Mercer, Jodi Quas, Gwyther Rees, Linda Richter, Camila Texeira, Sheila Varadan, Steven Vosloo

Technical Expert Group: Theresa Betancourt, Zulfiqar Bhutta, Cindy Blackstock, Iroise Dumontheil, Nora Groce, Nicola Jones, Sonia Livingstone, Laura Lundy, Caroline Moreau, Candice Odgers, Bolajoko Olusanya, Linda Richter, Suzanne van de Groep, Sheila Varadan

Steering Group: Cécile Aptel, Maria Herczog, Philip Jaffé, Ratna Jhaveri, Benyam Dawit Mazmur, Madhu Mehra, Raul Mercer, Najat Maalla Mjid, Vikram Patel

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Editor: Joan Howe

Research and administrative support: Saki Tomita, Tessa Maria Griffiths

Design: Giovanna Burinato

Proofreading: Tate & Clayburn

Partner: *Growing with Rights: Understanding and supporting the evolving capacities of the child* and the Queen's University Belfast children's participatory study were made possible thanks to the support of Oak Foundation.

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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 and 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.

Published by
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In partnership with
Oak Foundation
https://oakfnd.org/

Suggested citation
United Nations Children's Fund Office of Strategy and Evidence – Innocenti, *Summary Report – Growing with Rights: Understanding and supporting the evolving capacities of the child*, UNICEF Innocenti, Florence, February 2026.

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