

EN

E-000288/2026

Answer given by Ms Lahbib

on behalf of the European Commission

(19.3.2026)

As already set out in the replies to written questions P-004175/2025¹, E-004108/2025², E-004040/2025³ and E-004172/2025⁴, the Commission is firmly committed both to protecting children and to safeguarding the fundamental rights of lesbian, gay, bisexual, trans, non-binary, intersex and queer (LGBTIQ+) people. These objectives are not mutually exclusive and must be pursued together, in full respect of the Treaties and the Charter of Fundamental Rights⁵ (the Charter).

Article 24 of the Charter provides that children have the right to express their views freely in all matters concerning them, and that those views must be taken into account in accordance with their age and maturity⁶. This provision does not affect national rules on legal capacity, nor does it predetermine specific procedural models for legal gender recognition. Rather, it requires – where the Charter is applicable pursuant to its Article 51(1), i.e. to the Member States only when they are implementing EU law - that, in any process affecting a child, the child's best interests are a primary consideration and that their voice is duly heard and assessed appropriately, in line with the principle of evolving capacities⁷, which recognises that children's ability to make decisions grows with age and maturity.

The Commission fully respects Member States' competences in determining the conditions and procedures for legal gender recognition, while encouraging them to ensure that such frameworks respect the child's right to be heard and that any limitations are proportionate to the child's best interests. The LGBTIQ+ equality strategy 2026–2030⁸ aims to ensure equal treatment and protection from discrimination for all persons, including children, in line with EU law.

¹ https://www.europarl.europa.eu/doceo/document/P-10-2025-004175-ASW_EN.html.

² https://www.europarl.europa.eu/doceo/document/E-10-2025-004108_EN.html.

³ https://www.europarl.europa.eu/doceo/document/E-10-2025-004040_EN.html.

⁴ https://www.europarl.europa.eu/doceo/document/E-10-2025-004172_EN.html.

⁵ https://eur-lex.europa.eu/eli/treaty/char_2012/oj/eng.

⁶ In line with article 12 of the United Nations' Convention on the Rights of the Child (UNCRC), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

⁷ Article 5 of the UNCRC, to which all Member States are party.

⁸ https://commission.europa.eu/document/download/b4952371-4308-47ad-b995-02c539b75dda_en?filename=JUST_template_comingsoon_standard.pdf.