

EN

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Answer given by Mr McGrath
on behalf of the European Commission
(22.1.2026)

Fundamental rights, including children's rights, the rights to family life and to education as enshrined in the Charter of Fundamental Rights of the European Union, are universal and indivisible rights. According to its Article 24, children shall have the right to such protection and care as is necessary for their well-being, taking the child's best interests as a primary consideration. Every child shall have the right to maintain contact with both his or her parents, unless that is contrary to his or her interests.

According to its Article 51(1), the Charter applies to Member States when implementing EU law. Substantive family law issues, such as the conditions for taking a child under care and the possible limitation of parental rights, do not fall under EU competence.

The Commission promotes and protects fundamental rights by ensuring that all legislative, policy and administrative measures falling under EU competence comply with the Charter. In cases where Member States' actions are not linked to the implementation of EU law, the Commission does not have direct competence to intervene.

In those cases, it is for the national authorities alone, including the courts, to ensure that their obligations regarding fundamental rights – as resulting from their internal legislation and from international agreements, including the United Nations Convention on the Rights of the Child and the Concluding Observations of the UN Committee on the Rights of the Child – are respected.