

## **R1 WE EXIST - A EU WIDE THIRD LEGAL GENDER MARKER**

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Agenda item: 8. Resolutions

### **Motion text**

#### **WE EXIST - A EU WIDE THIRD LEGAL GENDER MARKER**

The Federation of Young European Greens proposes to introduce a third legal gender marker within the European Union.

A third, non-binary legal gender option will be established alongside existing gender markers across the European Union. Legal recognition should be based on self-declaration, respecting the right to self-determination. This would give individuals the opportunity to define their own gender.

A non-binary, third legal gender marker would guarantee the right to live outside the binary division of man and woman. Everyone must have the right to be recognized as their authentic self before the law. To achieve this goal, relevant EU institutions and Member States should initiate legislative processes to enable the adoption and harmonization of a non-binary legal gender marker and ensure its consistent recognition across the Union.

#### **1. Justifications**

##### **1.1 Right to Self-Determination and Equality**

A non-binary legal gender marker would strengthen the self-determination and equality of individuals belonging to gender minorities. It would make visible a significant group of people who do not identify as either women or men. The current binary system maintains a narrow understanding of gender and excludes non-binary individuals. This leads to misgendering and increases discrimination and social invisibility.

##### **1.2 Legislation and International Context**

Gender diversity is increasingly recognized within European legal frameworks that prohibit discrimination based on gender identity and expression (European Commission, 2020). Currently, public authorities, employers, and education providers are expected to prevent discrimination and actively promote equality (European Commission, 2020). Introducing a non-binary legal gender marker would align Member States with broader EU principles of fundamental rights. While many jurisdictions still limit legal recognition to a binary system, several EU countries have already introduced a third marker, including Malta, Germany, Austria, the Netherlands, and Denmark (Equaldex, 2026; Holzer, 2018). Expanding this approach across the EU would promote consistency and equal treatment between Member States.

In line with the General Data Protection Regulation (GDPR), individuals have the right to accurate and up-to-date personal data in official records (Holzer, 2018). Hence for non-binary individuals the gender based data is not accurate and up-to-date as the official records are not providing the X marker therefore violating GDPR.

## 1.3 Well-being and Reduction of Discrimination

Heteronormative and binary gender norms contribute to minority stress and increased risks of discrimination, violence, and mental health challenges for gender-diverse individuals. A non-binary legal marker allows individuals to be recognized as their authentic selves, which has been shown to significantly improve well-being and health (European Commission, 2020). Many gender non-conforming individuals report a sense of "at last being seen" and validated by the state once they obtain legal recognition (European Commission, 2020).

## 1.4 Education, Authorities, and Services

Legal developments in gender recognition encourage increased awareness and competence regarding gender diversity among healthcare providers, educators, and social service professionals (European Commission, 2020). Updating statistical systems and administrative practices to reflect diverse identities improves service accessibility and strengthens trust in public institutions across the European Union (European Commission, 2020; Holzer, 2018).

## 2. Recommendations Based on Malta's Model

The Federation of Young European Greens therefore calls for the principles of the Maltese model, a proposed EU-wide framework should include:

- Adopt a model allowing individuals to change their legal gender through a

58 simple administrative process. Without medical, psychological, or age-  
59 based requirements (European Commission, 2020).

- 60 • Introduces an "X" marker on official documents (IDs, passports, residence  
61 permits) to represent "unspecified" or "undeclared" gender (Holzer, 2018).  
62 Gender markers should be removed from documents where they are  
63 unnecessary, such as driving licenses (Holzer, 2018).
  
- 64 • Align with International Civil Aviation Organization (ICAO) standards to  
65 ensure cross-border mobility (Holzer, 2018). To prevent travel barriers  
66 caused by binary reservation systems, states should provide practical  
67 solutions, such as the option to hold two passports (one binary, one "X")  
68 (Holzer, 2018).
  
- 69 • Allowing parents to postpone the gender registration of newborns until the  
70 child's 18th birthday, enabling them to determine their own legal gender  
71 later (Holzer, 2018).
  
- 72 • Put expansive laws, like Malta's GIGESC Act, which requires all public and  
73 private institutions to include inclusive gender options on official forms  
74 and prohibits discrimination based on gender identity and expression  
75 (Holzer, 2018).

## 76 Sources

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