

R01 * WE EXIST - A EU WIDE THIRD LEGAL GENDER MARKER

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Agenda item: 8. Resolutions

Motion text

1 The Federation of Young European Greens calls for the introduction of a third
2 legal gender marker across the European Union. Alongside existing markers, a
3 non-binary option must be recognized in all Member States and grounded in self-
4 identification, fully respecting the right to self-determination.

5 Everyone has the right to be recognized as themselves in the law.

6 A third legal gender marker would allow people to live beyond the outdated
7 binary of “man” and “woman.” No one should be forced into categories that erase
8 their identity. Legal recognition must reflect the diversity of those it serves.
9 To make this a reality, EU institutions and Member States must work together to
10 develop and implement legislation that ensures the recognition and
11 standardization of a non-binary gender marker across the European Union.

Why a third gender marker matters

Right to Self-Determination and Equality

14 A non-binary legal gender marker would strengthen the self-determination and
15 equality of people belonging to gender minorities. It would make visible a
16 significant group of people who do not identify as either women or men. The
17 current binary system maintains a narrow understanding of gender and excludes
18 non-binary individuals. This leads to misgendering and increases discrimination
19 and social invisibility. As the marker must be based on self determination no
20 one should be forced to obtain the third gender marker, this applies to intersex
21 people and children.

Legislation and EU Context

23 Gender diversity is increasingly recognized within European legal frameworks
24 that prohibit discrimination based on gender identity and expression (European

25 Commission, 2020). Public authorities, employers, and education providers are
26 already expected to prevent discrimination and actively promote equality
27 (European Commission, 2020).

28 Introducing a non-binary legal gender marker would better align Member States
29 with the EU's fundamental rights principles. While many countries still rely on
30 a binary system, several have already introduced a third gender marker,
31 including Malta, Germany, Austria, the Netherlands, and Denmark (Equaldex, 2026;
32 Holzer, 2018). Expanding this approach across the EU would improve consistency
33 and ensure equal treatment between Member States.

34 A third gender marker is the bridge to obtaining no gender marker, as the third
35 gender marker's role is to visibilize non-binary people while totally removing
36 the third gender marker prior to a third would risk invisibilising non-binary
37 people further. At a time of rising anti-gender rhetoric in Europe, a third
38 gender marker is also about protection. Legal recognition is a concrete
39 safeguard to expand the narrow premises gender non-conforming asylum seekers
40 face in their right to protection from the EU member states.

41 **Data Accuracy & Rights**

42 Under General Data Protection Regulation (GDPR), personal data must be accurate
43 and up to date. For non-binary individuals, binary-only gender systems are
44 neither accurate nor representative. Denying the option of an "X" marker
45 effectively means storing incorrect personal data, which conflicts with core
46 data protection principles. (Holzer, 2018)

47 **Well-being and Reduction of Discrimination**

48 Binary gender norms contribute to minority stress and increased risks of
49 discrimination, violence, and mental health challenges for gender-diverse
50 individuals. A non-binary legal marker allows individuals to be recognized as
51 their authentic selves, which has been shown to significantly improve well-being
52 and health (European Commission, 2020). Many gender non-conforming individuals
53 report a sense of "at last being seen" and validated by the state once they
54 obtain legal recognition (European Commission, 2020). As non-binary identity
55 would be recognized in the law it would enforce recognition in the society which
56 would enhance social visibility.

57 **Public Authorities, and Everyday life**

58 A third gender recognition would encourage increased awareness and establish
59 national gender diverse education among healthcare providers, educators, and

60 social service professionals (European Commission, 2020). Updating statistical
61 systems and administrative practices to reflect diverse identities improves
62 service accessibility and strengthens trust in public institutions across the
63 European Union (European Commission, 2020; Holzer, 2018). Additionally a third
64 gender marker would increase a non-binary infrastructure as a third option would
65 be required such as toilets and changing rooms, as single sex spaces can be a
66 stressful place for gender-nonconforming people.

67 **Call to Action:**

68 Malta currently represents the most progressive model in the EU, combining self-
69 determination, strong protections for intersex people, and an accessible
70 administrative process.

71 FYEG calls on all EU Member States to follow this lead:

- 72 • Legal gender change through self determining administrative procedures, no
73 medical or psychological check ups.

- 74 • Introduce an “X” gender marker on all official documents such as ID cards,
75 passports, residence permits.

- 76 • Remove gender markers where they are unnecessary, such as on driving
77 licenses.

- 78 • Align with international travel standards to ensure freedom of movement.

- 79 • Provide practical solutions to avoid travel issues, including the option
80 of dual documents if needed one X and one binary.

- 81 • Guarantee quick processing times within 30 days.

- 82 • Allow parents to delay gender registration for newborns, ensuring children
83 can decide their own identity later, important for intersex children.

- 84 • Children at 16 years can decide with parents agreement to obtain the X

85 marker.

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- Implement strong anti-discrimination laws requiring inclusive gender options in both public and private sectors.
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88 Sources

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Supporters

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