

M/F/X/Other: 6 countries pushing for non-binary registration in Europe

[Blog](#), [Legal Protection](#), [Non-binary](#)

At the end of September, we welcomed a step forward towards non-binary gender recognition in Greece. Do you know what non-binary genders can be registered in Europe? In this blog, we showcase five countries allowing the registration of gender markers other than male or female, or using no gender markers at all in their official documentation.

In September of this year, the [Magistrate's Court of Kallithea in Greece](#) recognised non-binary gender identities, stating that the right of the individual to their names is a “statutory element” of their identity. Allowing for non-binary gender markers in official documents is primarily an issue of accuracy, privacy, and respect for a person: non-binary people who must choose between only ‘male’ or ‘female’ gender markers are unable to have their documents match their identities, and as a result are often exposed to privacy violations because of assumptions about their sex assigned at birth.

When your government does not acknowledge or respect who you are, the psychological consequences can be significant. A major [survey](#) this year of LGBTI people, conducted by the EU Agency for Fundamental Rights (FRA), indicated that over 50% of trans respondents identified somewhere outside of the binary, while in the [EU Trans Study](#), released in June 2020, one-quarter of the respondents who had not changed their legal gender said that the gender marker they needed were absent. Public opinion is also moving toward supporting non-binary markers: 46% of respondents to the [2019 Eurobarometer](#) supported a third gender marker.

These six European countries are on the vanguard in their growing recognition of non-binary gender, and represent a shift towards equality. One way or the other, they are pointing the way forwards for gender markers.

Belgium

The passing of Belgium’s gender recognition legislation in 2017 [was largely celebrated](#), although it fell short in some respects. Since its enforcement in 2018, a change of gender marker and name is possible in through simple administrative procedure, although minors still have to bring along a medical certificate and a waiting period is required. Despite this positive development, the only choices of gender are, still, male and female. However, in 2019 the Constitutional Court ruled in favour of a non-binary gender option on birth certificates, which could lead to even more positive changes when the ruling is implemented in law. “Persons having a non-binary gender identity should have the possibility of adapting the sex shown on their birth certificate to reflect their gender identity,” the ruling [said](#).

Iceland

[Since 2019](#), Icelandic given names are no longer male or female in the national registry, thanks to the Gender Autonomy Act. Moreover, Icelanders registering their gender as “X” can take gender neutral family names meaning “the child of” instead of surnames designating an individual as someone’s son or daughter. However, this option is not available to those registered as male or female.

Germany

The category “divers” was introduced on driving licenses, birth certificates and other official documents in [2019](#), thanks to the efforts of activists and in particular, Vanja, a German citizen whose demands to be officially registered as “other” were rejected until 2017. However, this third gender category is technically only available only to intersex people who provide a medical certificate at the moment, which means it excludes trans people, non-binary people and intersex people who cannot present a certificate.

Malta

Since 2018, people who do not want to register their gender as male or female in Malta can mark “X” on their IDs. Not many laws in Malta differentiate according to gender. However, as ILGA-Europe found out in [this research](#) on non-binary gender registration models in Europe, individuals with an “X” on their IDs may encounter obstacles in the healthcare system, similar to those experienced by intersex people or trans men when, for example, trying to schedule gynaecologist visits. As stated in our research, “this is why it is crucial for anti-discrimination laws to cover gender identity, gender expression and sex characteristics in all spheres of life, including public and private actions.”

Netherlands

By 2025, Dutch ID cards will be gender-free. The government seeks to end “unnecessary” registration of gender where it is irrelevant. The cities of Amsterdam and Utrecht have already removed gender markers in some documents. However, as reported in [ILGA-Europe’s research](#), “reducing the dissemination and recording of gender information in the Netherlands does not in itself abolish the civil status registration of (binary) genders. For certain purposes, for instance when people come in contact with gender-specific laws (e.g. affirmative action laws or prison allocations), one’s legal gender as registered in the civil registry matters. However, if gender is less important for official identification purposes, it could become also less relevant for the organisation of society in general.”