

European court to hear landmark case regarding discrimination against non-binary people

[News](#), [Civil Rights and Freedom](#), [Court of Justice of the European Union](#), [Non-binary](#), [Strategic Litigation](#)

The Court of Justice of the European Union is to decide on lawsuit over the lack of provision of an option for non-binary persons, which may have a far-reaching effect

On Monday, April 29, the Court of Justice will be required to answer the question: Does GDPR and European non-discrimination law require organisations to provide an option for non-binary persons in their forms?

The hearing follows a lawsuit filed by the [Mousse Association](#), representing 64 individuals, against France's national state-owned railway company's (SNCF) practice of forcing passengers to choose between the civil titles "Mr" or "Ms" when purchasing train tickets. If the association wins the case, private and public organisations in the 27 European Union States will have to either stop collecting gender markers when it is unnecessary or provide an option for non-binary persons in their forms.

This would be a significant step forward for the rights of non-binary persons, but also LGBTI people who do not identify within the gender binary.

The case relies on the General Data Protection Regulation (GDPR), invoking the principles of data minimisation and accuracy and European non-discrimination law. It aims to set a significant precedent for the inclusion of all gender identities in the European Union, by requiring forms without any reference to gender markers or with inclusive options.

According Senior Strategic Litigation Officer with ILGA-Europe, Marie-Hélène Ludwig: "The upcoming hearing is a crucial step to put an end to the misgendering and discrimination faced by non-binary persons who are forced to choose in their day-to-day lives between two options that do not correspond to their identity."

According to Mr Étienne Deshoulières, the lawyer representing the Mousse Association: "This procedure is not only a fight against outdated forms, but a battle for the recognition and respect of each individual in their singularity. It defends the right of every person not to be trapped in the gender binary that does not correspond to their true identity. It is a question of respect for fundamental rights to self-determination, non-discrimination and the protection of personal data."

ILGA-Europe, alongside Transgender Europe (TGEU), are providing support to the applicants and their lawyers in this case.