

Germany's Interior Ministry is doing its job re Self ID laws. Will their European counterparts follow?

Germany was supposed to be among the countries passing self-ID (or self-determination) laws regarding gender identity in 2022 itself, and latest by this year. A priority of current 'queer' movements, self-ID is demanded as a basic human right for transgender people, i.e, the right to change the 'gender' on their identity documents by a mere self-declaration, rather than a more lengthy administrative process. It has to be noted here that 'gender' is not the intended detail of most ID documents, which seek to record 'sex'. But of course, the influence of the 'gender movement' has all but wiped this fact from the public consciousness, who now falsely believe that birth certificates, drivers licenses, passports etc., seek to record a self-perception of individuals (gender) rather than sex (an observable, unchangeable fact, recorded as *male* / *female*). However, since these bills purport to change 'gender' markers, and use the concept of gender to justify the same, the terminology of 'gender' is used in the rest of this article.

Championed and portrayed as a priority of progressives, 'self-ID' bills, as they are called were passed in [Scotland](#), [Finland](#) and [Spain](#) earlier this year. Passage in Scotland received a fair bit of media attention, as the UK Government has moved to [veto the Bill](#), echoing the concerns of the UN Special Rapporteur on Violence Against Women who [warned](#) of negative ramifications of such a bill for women. The Independent Expert on Sexual Orientation and Gender Identity saw fit to easily [dismissed](#) any risk to women and declared it a 'human rights priority'. Germany was supposed to follow suit. Except, it would seem the Interior Ministry has finally woken up to the dangerous consequences of allowing a change of ID documents with ease, on the mere strength of a self declaration.

[Spiegel magazine](#) reported on 8 July 2023 that the Self ID bill, which was due to be debated by the Cabinet this month, did not even make it onto the agenda and is in fact now postponed indefinitely. While the Justice Ministry and the Ministry for Family, Senior Citizens, Women and Youth believed they had contended with objections and risks, the Interior Ministry raised objections - viz., that self-ID would make it easier for criminals to change their identity, making investigations harder, if not impossible. In fact, given that the German bill allows for change of name and 'gender' to be repeated annually without limitation, tracing of original identities is practically made impossible - hence the Interior Ministry's concerns. Representatives of Law enforcement emphasized that even if someone were to be facilitated in changing their name and 'gender' marker, investigating authorities should still be able to find the original name and identity markers in their databases. This, of course, is a problem - the german self-ID bill prohibits disclosure of the 'original' gender (sex) marker and name without exceptional reason. The original name and distinctive identity markers of such individuals therefore, could effectively disappear from databases, and new identities take their place. Such issues with investigation take on additional significance given the expansion of obligations on EU Member states to [prevent money laundering](#), [tax evasion](#) and [cybercrime](#), where identity fraud or evasion is a key element. A similar concern has been voiced with respect to asylum seekers. As Germany grapples with an extraordinary number of asylum seekers, and as the number of rejections also rise, the Interior Ministry has expressed fear that the provisions of the self-ID bill could be used to camouflage their identity and avoid detection. Further they fear that even if asylum seekers with failed claims were detected, that such a law would enable home

countries refusing to take them back (against contractual agreements) since their identities have changed.

Concerns about self-ID have typically revolved around the impact on the rights of women and the concerns of women who value their sex-based rights. This, even though concerns about its impact on the value of identity documents have been expressed before. A focus on these concerns served an important purpose for proponents of gender self-identity. By framing problems with self-ID as being limited to the concerns of women, supporters of self-ID have also been able to paint those women as hysterical and an over-reaction. However, the issue with self-ID is not just about its impact on women and girls. It militates against fundamental assumptions behind the existence of ID documents and records - of consistency, of traceability, and accuracy. In a time when identity fraud, money laundering and other crimes that involve camouflaging one's identity is rising, the risks posed by such a law are huge. Yet, interior ministries elsewhere fail to adequately address this issue.

In short, the German Interior Ministry seems to be one of the first amongst its counterparts in western countries to wake up this obvious, glaring issue with the idea of self-ID - that identity markers, including our names and sex, exist not to validate every individual's internal sense of self or self-perception, but function as vital administrative markers, allowing governments and society to know *who* they're dealing with. This concern lays bare the lie at the heart of the push for self-ID exemplified by campaigns with [reductive slogans](#) in support of self-ID - 'I am who I say I am' from prominent organisations such as Amnesty International. That while trans-activists and those claiming to be transgender demand changes in laws, on the basis that 'gender' is a social construct and self-determined, and therefore it is a human right for them to be able to change it, what they are really demanding is change in an observable, unchangeable fact, of vital importance for the maintenance of law and order. By being able to change their recorded sex, that they term as 'gender', the 'sex' marker is rendered unreliable and meaningless, and any distinction between women and men in law becomes incapable of being maintained. By the standard set by Amnesty International's campaign of course, no aspect of identity - name, age, or other antecedents, ever needs verification or consistency and records should be capable of being changed at everyone's demand.

Two standard arguments may be made to oppose any concern over these risks. Firstly, that changing of one's name has historically been permitted. Married women of course, have been changing their surname for most of recent history and individuals have had recourse to changing their names through an administrative or judicial process. However, the self-ID law is not simply a name change process, it permits change of a marker that effectively removes an individual from one category and places them in another, making traceability far more difficult. Furthermore, as mentioned, Self ID laws routinely require that the original name / gender (sex) marker be sealed, and only disclosed if sufficient reason for disclosure is given. While it may still be possible, therefore, to *find the original* identity of an individual, such laws make it incredibly difficult and taint the information in databases, used for investigation. After all, since the original name and markers can only be disclosed *if* sufficient cause is proven, it is not findable unless they are already suspect. Databases and records in which only the new name / markers are recorded, routinely used to find suspects, therefore become unreliable. How this obvious and glaring issue with self-ID has not been raised with more seriousness before, remains a mystery.

A second argument may be that in the *absence of existing proof* that such laws are routinely used by criminals to hide their identity, this concern is unfounded. This, of course, is a classic argument of those who argue for relaxation of ID requirements for transgender people - that since there is not *yet* evidence of widespread damage by virtue of such extraordinary privileges they should be permitted. However, abandoning common sense precautions and protocols *currently existing for very good reasons* because problems with abandoning such precautions are not yet recorded, is fatally illogical - naturally, problems with abandonment of common sense processes would only surface and become obvious long after the processes are abandoned. Moreover, the effect of these laws would amount to a distortion of the information available, and hence harder to measure. To elucidate, the potential use of a criminal by self-ID laws to escape detection would not immediately be noticed as an ill effect of the self-ID law, precisely because the negative consequence (i.e. an easy change of identity and removal of the old one from records) facilitates non-detection of the issue. Averting to the examples of [Denmark](#), [Norway](#) or the [Netherlands](#) which have had self-ID for a while, as proof that these laws do not cause such problems, is therefore useless. The very effect of these laws is to render such consequences invisible.

Germany's Interior Ministry in fact, seems to be the only one doing its job - that of assessing the compatibility of new laws with the imperatives of administration and the rule of law. The question now becomes, will other Ministry's acknowledge this issue? Or will they continue to pretend that the 'gender' marker on documents (which typically recorded sex i.e. male/female) can be changed at will with no negative consequences?

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