



THE EFFECTIVENESS OF THE EXTRA JUDICIAL PROCEDURE OF NAME AND GENDER ALTERATION IN THE CITY OF FORTALEZA – CE AFTER ONE YEAR OF THE PROVISION N. 73 PERIOD IN THE NATIONAL COUNCIL OF JUSTICE

A EFETIVIDADE DO PROCEDIMENTO EXTRAJUDICIAL DE ALTERAÇÃO DE NOME E GÊNERO NO MUNICÍPIO DE FORTALEZA-CE APÓS UM ANO DE VIGÊNCIA DO PROVIMENTO N. 73 DO CONSELHO NACIONAL DE JUSTIÇA

Thiago Seixas Themudo

Possui doutorado em Sociologia pela Universidade Federal do Ceará (2004) e mestrado em Psicologia (Psicologia Clínica) pela Pontifícia Universidade Católica de São Paulo (1999), graduação em Ciências Sociais pela Universidade Federal do Ceará (1997). Atualmente é professor em tempo integral do CENTRO UNIVERSITÁRIO 7 DE SETEMBRO. Professor do Programa de Pós-Graduação em Direito Privado e Relações Sociais; titular da disciplina de Antropologia Jurídica à luz do Direito Privado. Coordenador do grupo de Pesquisa em Teorias do Desenvolvimento e Direito Privado.

Álisson José Maia Melo

Possui doutorado em Direito pela Universidade Federal do Ceará (UFC) (2018). Mestrado em Direito pela Universidade Federal do Ceará (UFC) (2013). Professor Permanente do Programa de Pós-Graduação em Direito do Centro Universitário 7 de Setembro (UNI7). Professor Titular de Direito Empresarial do Centro Universitário 7 de Setembro (UNI7).

Getúlio de Pessoa Coelho Filho

Possui mestrado em Direito em Relações Privadas pelo Centro Universitário 7 de setembro (2021). Graduado em Direito pela Universidade de Fortaleza(2007) e Tem experiência na área de Direito, com ênfase em Direito Privado.

ABSTRACT

This article aims to analyze provision n. 73 of the National Council of Justice (CNJ), 2018, which provides the alteration of sex and name of transgender people directly in the civil registry, as well as the

effectiveness of this norm in the city of Fortaleza one year after its publication. In the past, this registry alteration was conditioned to a medical diagnosis, a surgical intervention of sexual reversion, and a judicial process. Now, it allows the adaptation of trans people's gender condition to their civil registry by self-declaration. Enacted ten days after the WHO removed transsexuality from its list of diseases and disorders, the decision of the CNJ represented a significant advance in the field of rights of people excluded from their full citizenship due to an orientation of gender and sexuality that differs from the binary man/woman orientation. To accomplish this article, it articulates critical gender theories in law, to comprehend social and juridical struggles regarding sexuality, with research in the Civil Registry of Fortaleza. This analysis is justified as a better knowledge of the juridical context in which this innovation happens, as well as the causes that enabled or inhibited the access of the trans population to registry services, allowing the elaboration of public policies destined to amplify the number of beneficiaries by the right of civil registry alteration by self-declaration. It verifies that, despite the relevant numbers regarding the trans population in Fortaleza, it is still a very modest number.

Keywords: personality fundamental human rights. Name and sex registry alteration. Gender and transsexuality. Civil Registry.

RESUMO

Este artigo tem por objetivo analisar o Provimento n. 73 do Conselho Nacional de Justiça (CNJ), de 2018, que prevê a alteração de nome e sexo de pessoas transexuais diretamente no cartório, bem como a efetividade desta norma na cidade de Fortaleza um ano após sua publicação. Antes condicionada à um diagnóstico médico, a uma intervenção cirúrgica de reversão sexual e a um processo judicial, o citado Provimento permite a adequação da condição de gênero da pessoa trans ao seu registro civil por autodeclaração. Promulgada dez dias após a OMS retirar a transexualidade de sua lista de doenças e distúrbios, a decisão do CNJ representou um avanço significativo no campo dos direitos de pessoas excluídas de sua plena cidadania devido a uma orientação de gênero e sexualidade discrepantes com a orientação binária homem/mulher. Para realizar este artigo, são articuladas as teorias críticas de gênero no direito, a fim de compreender as lutas sociais e jurídica em torno da sexualidade, com uma pesquisa nos Cartório de Registro Civil de Fortaleza. Esta análise justifica-se na medida em que um melhor conhecimento do contexto jurídico em que esta inovação acontece, bem como das causas que possibilitaram ou inibiram o acesso da população trans aos serviços cartoriais, permitirá a elaboração de políticas públicas destinadas a ampliar o número de beneficiados pelo direito de alteração do registro civil por autodeclaração. Verifica-se que, apesar de números brutos significativos, em relação à população trans de Fortaleza, eles são ainda modestos.

PALAVRAS-CHAVE

Direitos humanos fundamentais de personalidade. Alteração registral de nome e sexo. Gênero e transexualidade. Registro Civil.

1 INTRODUCTION

Name and gender are an essential way of citizen identification regarding family and society to facilitate interpersonal and professional relationships (DE CUPIS, 2008, p. 179-180); but also “it marks the human person’s own identity” (SCHREIBER, 2013, p. 11). Due to this importance, the right to name and gender is extremely personal and has as one of its characteristic’s immutability or, in other words, the exception to exceptional situations, which are object of analysis in this paper, where name and gender are permanent identity marks. The defined name, established in Public Registry Law, configures a duty-right of a person since the identification by name is a way to establish rights, duties, and responsibilities (RODRIGUES JÚNIOR, 2015, p. 9).

This paper analyzes a new form, legally legitimate, of name and gender alteration, of extreme importance in the struggle against inequality, prejudice, and systematic violence suffered by the trans population in Brazil. This new legal mechanism, established in 2018 by the Provision no. 73 of the National Justice Council (CNJ), guarantees the alteration of civil name directly in public registry, by self-declaration, without the need of surgical sex reversion, psychiatric medical certificate, nor legal process, criteria demanded beforehand for social name alteration (MORAES, THEMUDO, 2020).

Just to have a glance at the violence numbers against sexual minorities in Brazil, more specifically against the trans population, there were 868 murders in the last eight years, making the country a global leader in this kind of violence in absolute numbers. This number represents almost three times of cases of the second country in this ranking, Mexico, where 256 cases occurred between June 2008 and June 2016. In relative numbers, analyzing the total of murders by each one million inhabitants, Brazil stands in fourth place, behind only Honduras, Guiana, and El Salvador (ANDRADE, CARTAXO, 2018).

Add to that symbolic and psychological violence, produced by systematic practices of stigmatization and social exclusion, reflecting directly in the access to work and wages, to health, or in other words, to a whole group of rights that configure Brazilian citizenship (PACHECO, PACHECO, 2016). The constitution of a legitimate legal personality of this population through the change of civil registry, which allows

the relative adaptation of name and gender, represents a powerful weapon in the combat against these multiple forms of violence (MORAES, THEMUDO, 2020).

After several judicial processes in Brazilian Judiciary regarding the name and gender alteration against public registries, more precisely in birth and wedding certificates, the aforementioned legislation defines criteria on how to process the alteration of name and gender by extrajudicial means, directly in the Civil Registry of Natural Persons without the intervention of the Judicial Power (LANDO, LIRA, 2020).

This decision meets a global change in perception upon the trans condition. In 2018, The World Health Organization (WHO) removes, in the 11th Revision of International Disease Classification (ICD), the diagnosis of “transsexualism” and transvestitism”, substituting them by the notion of gender inconsistency. Therefore, this group of genders known until then as “mental illnesses” are now seen as “possible” psychological conditions, marked by a pronounced inconsistency between sex experienced by a person and the attributed sex to a person, without any harm to their cognitive or moral faculties (BENTO, PELÚCIO, 2012, p. 569-581).

Such a classification system determines the set of guidelines that direct the health practices and politics in the world. Since 2018, there was a profound shift in these guidelines concerning health policies for trans people, but also in the legal field once no longer a disease, the transgender finds its effective genealogy in the autonomy and personality sphere, hence, more than a matter of psychic disorder, but a matter of right (COACCI, 2019, p. 1-4).

The first reference to transsexuality as a scientific-medical territory occurred in 1910, when the psychiatrist Magnus Hirschfeld used the expression psychic transsexualism to designate, at the time, a pathological discrepancy condition between the biological sex and the psychological gender perception of a person. In other words, the condition of man or woman was defined exclusively by biology. In 1949, another psychiatrist, David O. Cauldwell, used the same expression to interpret a case study about a female transsexual. From the sixties onward, despite the presence of trans lifestyle still present in psychopathology manuals, it was being realized the scientific impossibility of strict divisions between biological characteristics exclusive of men and women; the field of gender and sexual pleasures were among these characteristics (COACCI, DE TILIO, 2019, p. 39-48).

In 1973, there was a significant change in the elaboration of the psychiatric diagnosis of transsexuality even though it was still being interpreted as a disease.

Norman Fisk, responsible at the time for the organization of the second Diagnostic and Statistical Manual of Mental Disorders (DSM-II), started to consider the self-reference of the being for the definition of psychic suffering, or in other words, attributions of pathological disorders would not be legitimate, capable of practical intervention, without the clear allegation of mental suffering of the object beings of this intervention. This guideline was applied in 1977 to the psychiatric category of “gender dysphoria” (ARAN, MURTA, 2009).

However, transsexuality was only formally incorporated into DSM in 1980, the year of its third edition. In 1994, the manual substituted the term transsexual, redefining it from the abbreviation Gender Identity Disorder (GID), indicating the specificity of trans life as a result of a profound difference between sex and gender; a condition until not so long ago ignored, or at least not tutored, by the field of rights (DE TILIO, 2018). Therefore, until 1990, the year of the publication of the 10th revision of GID, the trans lifestyle was then considered a mental illness, also indicated in the FG4.0 diagnosis, of CID-10. “This classification, joint to DSM, has guided official documents of Brazilian public politics of the transsexualized process” (COACCI, 2019).

In this sense, as a disease, only medicine could bring some encouragement through sex reversion surgery and complementary hormonal treatments. It is worth mentioning that until 2018, the alteration of the first name in the civil registry depended on this surgery and a legal process afterward (MORAES, THEMUDO, 2020). In 2012, due to the great mobilization of transgender movements throughout the world, which gained visibility through the *Stop Trans Pathologization* movement, the American Psychiatric Association (APA), when realized the revision of the 5th edition of DSM, substituted the term TIG, which still defined transgender as a disorder, by the notion of gender dysphoria in the attempt of not linking trans lifestyle to a mental illness, but still keeping its genealogy, its definition and practical reason in the medical knowledge field (AMEIDA, MURTA, 2013; DI TILIO, 2019).

Anticipating by six months the decision of WHO, the Federal Psychology Council also decided in 2018 that the transgender should not be taken as expressions of psychological disorder, but first as the social processes of gender and sexuality construction which have the same legitimacy and normality as other sexual identity construction processes. This abnormality condition previously imposed on the trans population was one of the main refusal factors of its identity recognition and its full citizenship in the legal field as well as in public policies (BENTO, 2012).

In this sense, the depathologization of trans condition, as well as the achievement of legal dignity through the civil registry, have been presented as the main demands of the social movements organized for the right of sexual minorities, such as the GATE and TGEU organizations, for instance (KÖLER, RECHER, EHRT, 2013).

The research, aiming to analyze the effectiveness of public policies from data gathering, adopts the inductive method, to extract concrete data from information offered by civil registries in the city of Fortaleza regarding the implementation of provision n73, of 2018, in the National Justice Council. About the procedures, the investigation also turns to secondary data to form the necessary theoretic base for the critical analysis of the collected data; the research is also bibliographic and documental. Specifically, concerning the production of primary data from the second half of 2018 to the first half of 2019, interviews were conducted in July 2019 with the full and substitutes of the civil registries in the capital of Ceará, based on a simple form, containing 4 quantitative and 2 qualitative items referring to the degree of implementation of social name and sex extrajudicial registration.

Methodologically, the research adopts an inductive approach. The development is organized into three parts, the first two regarding studies on the issue of gender with its medical, legal and social implications, by bibliographic and documental review, while the third one exposes and debates the accomplished survey. In the first part, it clarifies the concept and characteristics of name and gender inside a historical context of social and legal struggles against all forms of gender discrimination in light of constitutional protection of personality rights.

In the second, it analyses the legislative marks that discussed the edition of provision n 73 of the National Justice Council. In the third topic, it answers the hypothesis gathered for this work, with the positions about the effectiveness of the procedure with the Civil Registries of Natural People in Fortaleza, coming to important solutions regarding the theme in question.

It is important to highlight the role of queer theories in the reinvention of research on gender, not only for recognizing the unnaturalness of the man/woman binomial but also for understanding and criticizing the role played by gender binarism in the power structures of contemporary societies. Complementing this argumentation, decolonial thinking developed a rich discussion about the place of science and legal practices in the naturalization and perpetuation of contemporary forms of gender violence.

These two theoretical bases integrate, from the point of view of gender research, what can be defined as a critical theory of gender in law, insofar as they dehumanize the current legal norms and practices that discipline gender issues, demonstrating their historical origins, its articulation with the hegemonic forms of power, and institutional violence, as well as the articulation with the movements of transformation of the social reality.

2 NAME AND GENDER AS PROTECTED GOODS BY BRAZILIAN LAW

The Federal Constitution of 1988 starts with title II dedicated to the protection of fundamental rights and guarantees, which are considered indispensable for human beings and that need to be respected to assure that all are worthy of a dignified, free and equal existence. The effectiveness of these fundamental rights and guarantees have as one of its basic pillars the constitutional principles of equality, which refuse the unequal discrimination and treatment amongst all society's individuals. Based on this principle, there should not be any discrimination due to sexual orientation or gender identification in order to protect the decriminalized minorities (OLIVEIRA, PEREIRA, 2013).

In Brazil there is a vast LBGT population that suffers daily countless prejudices and segregations inside the family environment; or outside of it, in the condition of a homeless, in the public institutions of health and education, in the job market, public spaces, by right; in their personal documents. Every single day transgender people are embarrassed by being called by a name that does not fit into their reality (GOMES, PEREIRA, 2017).

In an even more direct confrontation to the binary system than to the one promoted by homosexuality, that in some way is still intact to the genders of man and woman, transsexuality promotes a misalignment among sex, gender, and desire, transgressing, therefore, to the eyes of our hegemonic value system and also our legal system as referring laws to sex and gender (FOUCAULT, 1999, BORRILLO, 2010). Until 2018, as we have seen, the official reaction to this misalignment was the classification of trans people as sick and conditioned to a relative alignment through social name in the civil registry, and subject to medical treatment (ROSENVALD, 2019).

In the Brazilian rights field, however, transsexuality is still considered illegal, as a manifestation of “unlawful sexuality, not in line with legal order”, contributing therefore to social segregation of a personality considered deviating, non-legitimate also in its legal effects, such as patrimony and family (ROSENVALD, 2019).

Despite that, the legal field has been experiencing significant changes in the defense of trans population rights for at least two decades, reverberating the strengthening processes of the social movements in general, and the struggles concerning sexuality matters, in particular. “The fact is that groups, societies that for a very long time were excluded from the state’s national construction of modernity, have now risen demanding their rights as beings of right” (PACHECO, PACHECO, 2020, p. 203). As a consequence of such exclusion, these “new rights” seems to cover up all the areas of the social body, from the right to marry (DIAS, 2000), the access to suitable restroom according to each gender (BUNCHAFT, 2005), the access to the labor market (VIEIRA, 2017), the health and educational public policies that contemplate specificities, to the legitimacy and dignity in the trans rights, all of them defined in partnership with the trans community (MACHADO, 2010).

Going through all these specific struggles and demands is where the problem for trans people lie, once the discrepancy between the gender identity and the legal personality in the official documents express legal and symbolic illegitimacy of its condition. In other words, the depathologization will not allow full integration of the trans population to citizenship space while it is not joint by civil registry law alteration, making it compatible with trans people’s choice about their gender and sexuality (MORAES, THEMUDO, 2020).

As we have seen, the word “name” addresses a form of individualization of the natural person, and its designation is by which a person identifies herself/himself amongst family and society. It is about a personality right, therefore inalienable and indefeasible, essential for the exercise of rights and fulfillment of obligations (GONÇALVES, 2011). According to article 16 of the Civil Code: “Art. 16. Every person has the right to name, understood as first name and last name” (BRASIL, 2002).

The constitutive elements of name: first name, which is of the person and can be simple or composed; patronymic or last name, which is the family name; and eventually the suffix, which is a distinctive sign between the family person, which adds to the complement Junior, Son, Grandson or Nephew (TARTUCE, 2014).

The legal rule is in favor of the immutability of the civil name to avoid that the natural person changes their name constantly, which may result in damage to third parties, by either a whim or even malicious intent, aiming to hide their identity and harm security and correlated obligations. Therefore, the law and jurisprudence restrict in a meaningful way, the possibility of people altering their name as they please (RODRIGUES JÚNIOR, 2015).

The Public Registries Law, Federal Law nº 6.015 of 1973, brings some exceptions regarding name immutability, one of them being the individual decision in the first year of civil age of majority (art. 56), done out of court or motivated by law (art. 57) (BRASIL, 1973). In the family relations scope, spouses and companions may adopt the patronymic of their spouses and in case of divorce, they can remove it, and the same goes for the children, including the ones due to social affection.

The ideal is that immutability is seen as the impossibility of multiple alterations of a person's name throughout his/her life, whenever he/she pleases. In practice, what is verified is the fact of the owner of the name wanting to change it, even for intimate reasons, his or her name one single time, which does not seem unreasonable.

As a personality right, it does not sound reasonable that the person has to present strong legal reasons to alter his/her name. The alteration can be a result of a simple desire to change, by exclusive intimate issues (KUMPEL, 2017).

On the other hand, the other party understands that a name changeable by the owner's free will would make unnatural the single reason of this institute (person), once that it would not allow its link to the person's personality, for being ephemeral, nor it would serve to identify the person before collectivity. Indeed, the correct understanding of name immutability is in the sense that it cannot be altered without any strong legal reason and as long as it does not put at risk its values. Name immutability informs that there is no voluntary or whimsy modification (BRANDELLI, 2012).

Although there is no doubt that all people have a right to a name, however, some names, instead of guaranteeing the citizen's well-being, cause great discomfort to its owners and can be considered a serious violation, for a name that is not according to the physical and psychological condition of someone can cause countless disorders. Such a situation is common among trans people (FREIRE, 2016).

As said, a transsexual refers to one that possesses a gender identity different from their designated sex at birth, so there is a discrepancy among the physical traits

of the biological sex and the way the individual recognizes himself/herself regarding gender. It is about a person born with genitalia corresponding to the male or female sex but identified with the opposite gender. The biological sex is different from the psychological gender (FACHIN, 2014).

Imagine the embarrassment and the strong anguish of who has their registry name and sex that do not correspond to their self-perceived gender, independently of sex resignation surgery. All these issues arrived at court and took many years to reach a definite solution (MORAES, THEMUDO, 2020). For instance, in a case that took place in Santarém, state of Amazonas, a woman demanded through a public civil action to change her social name, but the courts denied her request. “[The] judge here in Santarém did not hold a hearing, did not ask for a witness, nor did he look in my face, he read his decision saying that I cannot change the name and that's it, he sent it to Belém”. (GONTIJO, 2018, p. 126-127).

Embarrassment and anguish are some of the consequences of violence and social exclusion, usually accompanied by labor, community, and family exclusion, in the case of gender minorities. The big problem in the naturalization of gender in the male/female binarism is precisely to lose perspective on the historical character of the constitution of gender identities, as well as its articulation to the devices of power and contemporary forms of violence (GUATTARI, ROLNIK, 1999).

The political significance of gender identities was one of the great contributions of queer theory, not only for intellectual debate but also, above all, for the critical instrumentation of social movements and the direct contribution to cultural and legal changes on gender (PINO, 2007, p. 152).

Queer theory is a syncretic movement, formed by philosophical influences from French poststructuralism and cultural studies, which emerged in the United States in the late 1980s, as opposed to sociological styles on "sexual minorities" that uncritically reproduced a cisgender view of the social order, for they recognized sexuality as a function of gender (GONTIJO, 2018, p. 122).

Even recognizing the social and historical characteristics of sexuality, Sociology continued to reproduce non-scientific, normalizing concepts of gender. In other words, minorities continued to be perceived and treated as deviant, abnormal, perverse, requiring, therefore, medical treatment and psycho-moral guidance that allow their adaptation to the territories established with supposedly normal sexuality (MISKOLCI, 2009, p. 151).

The term queer precisely means deviation, abnormality, perversion. Queer theory, on the other hand, will promote a transvaluation of this curse. When uttered for the first time by Teresa de Laurentis, in a conference given in California in 1990, the intention was precisely to depathologize the supposed deviant, to recognize the otherness of the most diverse processes of organization of sexuality unassimilable by gender binarism (MISKOLCI, 2009, p. 152)

For Judith Butler (*apud* GUSMÃO et al., 2020, p. 4), the expression queer does not intend to designate a new identity, or new gender identities constituted according to the same logic of cis-normative binarism. It is much more about an alliance between the various actors marked by the violence of exclusion, in the “identity no place”, and by the production of invisible and unspeakable bodies. In other words, it is the very notion of gender identity, in its heteronormative limitation, that must be challenged as a transversal form of struggle for social, political, and economic rights

[...] queer means to stand against normalization – wherever you come from. Its most immediate target of opposition is, surely, society's compulsory heteronormativity; but it would not escape his criticism of the normalization and stability proposed by the identity policy of the dominant homosexual movement. Queer clearly represents the difference that is not either assimilated or tolerated and therefore its form of action is much more transgressive and disturbing (BUTLER, 2003, p. 38)

The non-identification of transgenders with the gender legally imposed by society creates a terrible discrepancy between body and soul, sometimes with devastating effects on mental health and physical integrity. The importance of depathologizing transsexuality, for example, comes from the fact that it is no longer necessary, through sex reversal surgery, and legal proceedings, for a mandatory adaptation of the trans person to the body condition of a woman as a condition for changing your social name and gender in civil documents.

Changing the name and gender by self-declaration represents, therefore, an important step in recognizing the autonomy and dignity of people in the constitution of their own identities, without the need for a violent process of indirect adaptation of transsexuality to heteronormativity (PINO, 2007, MORAES, THEMUDO, 2020).

The necessary articulation between changing the name to a pre-established gender limits this autonomy and the full legal recognition of gender, body, and desire differences. There is still an obligation to determine whether the name is for a man or a woman. If this situation legally solves the issue of trans people, it does not

contemplate the paradox of intersex and fluid genders, which do not find possible meaning to their desiring-production, to their bodies, in male or female genders. According to Butler (2006), some subjectivities experience a kind of “identity paradox”, that is, they do not recognize themselves in any of the socially available sexual identities, although they need one to organize socially viable forms of life.

In Brazil, the organization of gender identity is not yet possible outside these territories, as a way to preserve the social control exercised by the man/woman categories. The perspective of the social and legal struggles in Brazil around gender issues must be driven towards the suppression of the definition of gender in civil documents and social identities themselves, that is, by recognizing the right to non-identification of the biological sex (LANDO et. al., 2018, p. 53).

3 THE PROCESSING FORMS AND THE IMPORTANCE OF NAME AND GENDER EXTRAJUDICIAL ALTERATION

Name and gender extrajudicial alteration was the traditional modality, in which there was only a process if the parties proved the factual situation before a State representative, the judge, and this person, after a long legal process, would deny or grant the request through a sentence that would allow the so intended name and gender alteration (GOMES, PEREIRA, 2017).

To accomplish sex alteration, and eventually, first name change, it was necessary a legal warrant according to the sentence of the final decision. In the emitted certificates the regarding information must be omitted, however, there must also be the observation that there is a registration, except in the certificates of the whole content, that substantiate the integrity of the registry content (KUMPEL, 2017).

At first, it was denied the right to name alteration even if the person had gone through the sex (genitalia) reassignment procedure (SCREIBER, 2013, p. 207-208). Considering the principle of human dignity, some legal decisions were gradually issued, which demonstrated a sensitivity to the social and psychological needs of transsexual people (SARDINHA, 2019). It occurs that the long processes dragged themselves in Justice and for many times ran into one issue: the sex reassignment surgical procedure (RODRIGUES JÚNIOR, 2015, p. 10).

Even so, the Superior Court of Justice changed the understanding when judging the Special Resource nº 1.626.739-RS that had a reporting judge the Minister Luís Felipe Salomão. In the court’s comprehension, the already established

jurisprudence should go through an evolution, in the light of fundamental rights, therefore guaranteeing the right to social name and sex registry change without the need for surgical sex reassignment procedure.

The affirmation of the principle of human dignity, disconnected from heteronormative guidelines, is ensuring an important expansion of the very notion of humanity in contemporary societies. In this sense, dignity would be taken for autonomy, the right to self-constitution, even if outside the traditional gender territories. This autonomy presents itself as one of the main fight strategies against the still consolidated forms of gender domination and violence. In this sense, the law would present itself through a paradoxical condition, insofar as it legitimizes the most archaic forms of social violence, one would say colonial, while enabling, through decisions such as Provision 73, new legal norms and practices effectively emancipatory, one would even say decolonial (CARVALHO, 2020, p. 148; GOMES, CARVALHO, 2021, p. 95).

However, there must be in the registry that the name alteration was due to a legal decision, but, to preserve the person's intimacy, the reason must not be informed. In the words of the Supreme Court of Justice:

10. Consequently, in the light of fundamental rights corollary of the fundamental principle of the human person's dignity, it is inferred that the right of transsexuals to sex reification in the civil registry cannot be conditioned to the demand of sex reassignment surgery, for many it is economically unreachable (as it seems to be the case in question) or even unfeasible from a medical view (BRASIL, 2017).

Despite these legal decisions, trans people still did not have the necessary security for the effectiveness of their personality rights where name is according to their body or identification, which led the Republic Attorney General's Office to propose the Direct Action of Unconstitutionality (ADI) nº 4.275, that intended to obtain the substitution of first name and civil sex of trans people independent from sex reassignment surgery.

The Republic Attorney General's Office justified the request from the fundamental right of gender identity, supported by the constitutional precepts of the human person's dignity (art. 1º, III), equality and liberty (art. 5º, caput), privacy (art. 5º, X) and sealing of hateful discrimination (art. 3º, IV) (LINS JÚNIOR, MESQUITA, 2019).

The judgment of ADI nº 4.275 by the Federal Supreme Court (STF) gave strength to the subject, with a decisive content, properly guaranteeing, recognizing the

gender identity as a personality aspect and that the self-identification made into a document, independently of sex reassignment, is enough to grant the fundamental rights name and gender alterations in civil registries. For the Supreme Federal Court, the human person's dignity is the immediate foundation to recognize the fundamental right of free personality development (BRASIL, 2018).

To regulate and unify the alteration procedure of name and gender extrajudicially across Brazil, avoiding divergences in the control made by the State Courts, the National Justice Council (CNJ) edited on June 28, 2018, the Provision no. 73, that disposes about the registration of the first name and gender alteration contained in birth and marriage certificate of the transgender person in the Civil Registry of Natural People (RCPN).

It is about an optional procedure to the user, accomplished based on the autonomy of the requesting person, who should declare, before the RCPN registrar, the will to proceed with the identity adequacy with first name, gender, or both registrations. The service to the presented request does not depend on a previous legal approval or proof of sex redefinition surgery and/or hormonal treatment, as well as presentation of the medical or psychological report (MORAES, THEMUDO, 2020). This is an important achievement that legitimizes new subjectivation processes outside the heteronormative territory and disconnected from medical and psychological normalization, sciences traditionally used in the most diverse and sometimes perverse forms of social control (FOUCAULT, 2002).

The registrar must identify the requesting person by capture, in its own term, according to the constant model of the appendix of this provision, the person's qualification, and signature, aside from checking the original personal documents. The requirement will be signed by the requesting person in the presence of the registrar of the RCPN, indicating the intended alteration (BRASIL, 2018). The requesting person must declare the inexistence of a legal proceedings to claim the intended alteration.

4 THE EFFECTIVENESS OF NAME AND GENDER ALTERATION BY EXTRAJUDICIAL IN THE CITY OF FORTALEZA-CE

The name and gender alteration of transsexual people, with a legal character in the past, as it was said, became to be processed with the Civil Registry of Natural People, in the responsibility of the requesting person. The rejection of the

administrative request does not res judicata and the Official, through a based decision, forwards the case to the Permanent Judge Inspector (RODRIGUES, 2018, CARVALHO, 2018).

The accomplishment of the fundamental human rights does not resume itself to the normative or case law prevision of rights declaration, and it must consider the inclusion of other instances, related to the implementation and realization of these rights. The effectiveness of rights requires the development of institutions capable of the necessary articulation between norm and the implied social actors, contributing to the formation of an affirmative juridical culture.

In order to verify the effectiveness of the procedure after one year of its validity, a field research was made in Civil Registries of the city of Fortaleza, the fifth largest capital of Brazil, with a population of 2.6 million inhabitants, according to IBGE data (IBGE, 2019), to know about the name and alteration process done extra judicially. The city of Fortaleza has ten civil registries: RCPN Registries of 1st to 5th Zones and in the Districts of Parangaba, Antônio Bezerra, Messejana, Mondubim e Mucuripe (CEARÁ, 2020).

A query was conducted with the registrars about the numbers of name and gender alteration requests that were made through applying the 2018 provision nº 73 of CNJ from the second half of 2018 to the first half of 2019, the results obtained from the requests. Unfortunately, only four out of the ten registrars responded to the survey and were selected for data composition, while the other registries did not want to inform or did not know.

After the positive manifestations, interviews were scheduled in the period of July 2019, all of them performed in person, with the following questions asked:

- 1) How many requests to change the name and gender were applied since the validity of Provision 73 of the CNJ, that is, one year until the interview date?
- 2) How many requests are in process?
- 3) How many requests were refused/returned?
- 4) What are the reasons for the refusal/return?
- 5) How many requests were accepted?
- 6) In your opinion, what are the biggest obstacles to requests for name and gender change of transsexual people?
- 7) What are your suggestions for leveraging the number of name and gender change requests?

Table 1 sums up the quantitative results informed.

Table 1 – Name and gender alteration requests in the city of Fortaleza

Registry	Requests	Accepted	Pending
RCPN Registry of 1st Zone	44	43	0
RCPN Registry of 2nd Zone	48	48	0
RCPN Registry of Parangaba District	18	16	2
RCPN Registry of Antônio Bezerra District	26	17	4

Source: elaborated by the authors.

One can infer from Table 1, from an extrapolation of disclosed numbers, that there is a general acceptance of Provision nº 73, of 2018, of CNJ in the city of Fortaleza, and the existence of resistances by the extrajudicial fulfillment was null. However, the small number of requests after more than a year of the implementation of the provision can be a sign of the population's misinformation or even of insecurity and vulnerability and the constant feeling of lack of protection that these people are submitted to. Data published in 2021 by the General Public Defender of the State of Ceará indicate that the total number of requests and approvals was 122, and in 2020 there were 67 requests, all of which were also granted (DPCE, 2021). In the research carried out, however, there is no data on the distribution of these requests in all Civil Registry Offices in Fortaleza.

The questions with subjective content are quite interesting. Initially, regarding the reasons for the refusals, the responsible for the Registry of RCPN of the 1st zone, João de Deus Registry, declared that the only refusal registered occurred due to the formation of the name intended by the person of interest. The registrar authority can refuse a request for name registration. In this case, due to the refusal in extrajudicial via, the person forwarded the request to the responsible judge that, agreeing to the registry's decision, refused the request. Due to the judge's negative, the part of interest complied and altered the intended name and the request was properly registered.

The responsible for the RCPN Registry of Antonio Bezerra District informed that all refused requests occurred due to an absence of presenting mandatory documents. According to article 4º, § 6º, of Provision nº 73, of 2018, of CNJ, in the act of the requirement a series of documents must be presented, in addition to the required age of majority. In the case of children and adolescents under 18 years of age, a lawsuit is necessary.

Art. 4º [...]

§ 6º The requesting person must present at RCPN, in the act of the request, the following documents:

- I – updated birth certificate;
- II – updated wedding certificate, if the case;
- III – personal identity copy (RG);
- IV – a copy of national civil identification (ICN), if the case;
- V – a copy of Brazilian passport, if it is the case;
- VI – a copy of the private individual registration (CPF) in the Ministry of Finance;
- VII – electoral card copy;
- IX – a copy of social identity, if it is the case;
- X – proof of address;
- XI – civil distributor certificate of the place of residence of the last five years (state/federal);
- XII – criminal distributor certificate of the place of residence of the last five years (state/federal);
- XIII – criminal execution certificate of the place of residence of the last five years (state/federal);
- XIV – protest notary office certificate of the place of residence of the last five years;
- XV – Electoral Justice certificate of the place of residence of the last five years;
- XVI – Work Justice certificate of the place of residence of the last five years;
- XVII – Military Justice certificate, if it is the case (BRASIL, 2018).

The necessary amount of documentation was also pointed out as a decisive factor for the approval of the requirements by the RCPN Registry of the Parangaba District. Regarding the identified obstacles, the representative of the RCPN Registry of the 2nd Zone, Jereissati Registry, exposed one of the biggest barriers in the presence of third parties to give intermediation service. On the other hand, the RCPN Registry of the Parangaba District identifies as one of the biggest barriers the resistance by the people interested, when informed about the whole process, regarding the excess of bureaucracy. In the official's versions, there was actually a de-bureaucratization of the process, which is no longer necessary a legal process. And so that there are no economic barriers to the enforcement of the right, every procedure is free.

In relation to the improvements suggestions, the responsible for the RCPN Registry of the 1st Zone emphasized that the Public Defender's office has been fulfilling a relevant role in orientating the disadvantaged population when they seek the institution. And the RCPN Registry of the Antonio Bezerra District recommended a broader communication of the procedure, especially regarding the necessary documents for the exercise of the right.

5 FINAL CONSIDERATIONS

After the analysis of the name, focused on immutability characteristics, as well as the issue of gender in the birth certificates of transsexual people, aligned with society's transformation concerning worrying about the human person's dignity and social context, it is verified the correctness of the legal decisions when drawing away the need of sex reassignment surgery to have the possibility of these alterations.

After the Federal Supreme Court decision with binding effect, it is understood that the National Justice Council was right by bringing a direct standard procedure to this alteration to all the Civil Registries of Natural People all over Brazil in order to give more dignity to transsexual people. Regarding the effectiveness of the name and gender alteration extrajudicial processing, having as a parameter the city of Fortaleza, the fifth largest city in Brazil with almost 3 million inhabitants, the conclusion is that the extrajudicial process has been showing itself more effective and meeting the intended result by the National Justice Council, which is the speed and security of this right's effectiveness of the interested and still avoiding several processes occurring in the Judiciary Branch.

With one year of the effectiveness of Provision nº 73 of CNJ, ratified in a pioneering way in the State of Ceará, we observed that in the Civil Registries of Natural People which were visited, more than 160 people had their dignity attended quickly, avoiding wearing out with the Judiciary. Therefore, it is the reason that it is concluded that the procedure is very effective. There is still a long way ahead, once there is a secular and yet systematic exclusion of the trans population. From the birth certificate to other civil documents, there is a path to be followed which is not automatic; it demands information, education, and shelter until the full exercise of citizenship in all society's spheres.

REFERENCES

ALMEIDA, G.; MURTA, D. Reflexões sobre a possibilidade da despatologização da transexualidade e a necessidade da assistência integral à saúde de transexuais no Brasil. **Revista Latinoamericana de Sexualidad, Salud y Sociedad**, Rio de Janeiro, v. 14, p. 380-407, 2013. Disponível em: https://www.scielo.br/scielo.php?script=sci_arttext&pid=S1984-64872013000200017&lng=en&nrm=iso&tlng=pt. Acesso em: 30 maio 2020.

ANDRADE, Maria; CARTAXO, Mônica; CORREIA, Daniel. Representações sociais no sistema de justiça: proteção normativa e políticas públicas para o apenado LGBT. **Revista Brasileira de Políticas Públicas**, v. 8, n. 1, 2018. Disponível em: <https://>

www.publicacoesacademicas.uniceub.br/RBPP/article/view/5092. Acesso em: 30 maio 2020.

ARÁN, M.; MURTA, D. Do diagnóstico de transtorno de identidade de gênero às redescrições da experiência da transexualidade: uma reflexão sobre gênero, tecnologia e saúde. **Physys: Revista de Saúde Coletiva**, Rio de Janeiro, v. 19, n. 1, p. 15-41, 2009. Disponível em: https://www.scielo.br/scielo.php?script=sci_arttext&pid=S0103-73312009000100003&lng=en&nrm=iso&tlng=pt. Acesso em: 30 maio 2020.

BELTRÃO, Silvio Romero (coord.). **Direito civil: estudos em homenagem a José de Oliveira Ascensão**. v. 2: direito privado. São Paulo: Atlas, 2015, p. 3-13.

BENTO, Berenice. A campanha internacional pela despatologização das identidades trans: entrevista com o ativista Amets Suess. **Revista Estudos Feministas**, Florianópolis, Ponto de Vista, v. 20, n. 2, p. 481-484, maio/ago. 2012. Disponível em: https://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-026X2012000200008. Acesso em: 30 maio 2020.

BENTO, Berenice; PELÚCIO, Larissa. A despatologização do gênero: a politização das identidades abjetas. **Revista Estudos Feministas**, Florianópolis, v. 20, n. 2, p. 569-581, maio/ago. 2012. Disponível em: https://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-026X2012000200017&lng=en&nrm=iso&tlng=pt. Acesso em: 30 maio 2020.

BORRILLO, Daniel. O sexo e o direito: a lógica binária dos gêneros e a matriz heterossexual da lei. **Meritum**, Belo Horizonte v. 5, n. 2, p. 289-321, jul./dez., 2010. Disponível em: <http://www.fumec.br/revistas/meritum/article/view/1092>. Acesso em: 30 maio 2020.

BRANDELLI, Leonardo, **Nome civil da pessoa natural**. São Paulo, Saraiva, 2012.

BRASIL. **Lei nº 6.015, de 31 de dezembro de 1973**. Dispõe sobre os registros públicos, e dá outras providências. Brasília: Presidência da República, 1973.

BRASIL. **Lei nº 10.406, de 10 de janeiro de 2002**. Institui o Código Civil. Brasília: Presidência da República, 2002. Disponível em: http://www.planalto.gov.br/ccivil_03/leis/2002/110406.htm. Acesso em: 30 maio 2020.

BRASIL. Conselho Nacional de Justiça. **Provimento nº 73 de 28/06/2018**. Dispõe sobre a averbação da alteração do prenome e do gênero nos assentos de nascimento e casamento de pessoa transgênero no Registro Civil das Pessoas Naturais (RCPN). Brasília: CNJ, 2018. Disponível em: <https://atos.cnj.jus.br/atos/detalhar/2623>. Acesso em: 30 maio 2020.

BRASIL. Superior Tribunal de Justiça. **Recurso Especial nº 1.626.739 – RS (2016/0245586-9)**. Quarta Turma. Relator Min. Luis Felipe Salomão. Julgado em 9 maio 2017. Brasília: STJ, 2017. Disponível em: <https://scon.stj.jus.br/SCON/>. Acesso em: 30 maio 2020.

BRASIL. Supremo Tribunal Federal. **Ação Direta de Inconstitucionalidade 4.275 Distrito Federal**. Plenário. Relator Min. Marco Aurélio, relator para o acórdão Min. Edson Fachin. Julgado em 1 mar. 2018. Brasília: STF. 2018. Disponível em: <https://jurisprudencia.stf.jus.br/>. Acesso em: 30 maio 2020.

BUNCHAFT, Maria Eugênia. Transexualidade e o “direito dos banheiros” no STF: uma reflexão à luz de Post, Siegel e Fraser. **Revista Brasileira de Políticas Públicas**, Brasília, v. 6, n. 3, dez. 2016. Disponível em: <https://www.publicacoesacademicas.uniceub.br/RBPP/article/view/4112>. Acesso em: 30 maio 2020.

BUTLER, Judith. **Problemas de gênero: feminismo e subversão de identidade**. Rio de Janeiro: Civilização Brasileira, 2003.

BUTLER, Judith. **Deshacer el género**. Barcelona: Paidós, 2006.

CARVALHO, Dimas Messias de. Do direito fundamental à alteração do prenome e do gênero da pessoa transgênero - Prov. 73/2018 CNJ. **IBDFAM**, Belo Horizonte, Artigos, 10 set. 2018. Disponível em: <http://www.ibdfam.org.br/artigos/>. Acesso em: 30 maio 2020.

CARVALHO, Rayann K. Massahud de. A utopia decolonial: o projeto transmoderno, pluriversal e o direito à diferença de igualdade. **Revista PerCursos**, v. 21, n. 47, set./dez. 2020, p. 130-152.

CEARÁ. Tribunal de Justiça. Cartórios. **Portal do Tribunal de Justiça do Estado do Ceará**, 8 jan. 2020. Disponível em: <https://www.tjce.jus.br/cartorios/>. Acesso em: 30 maio 2020.

COACCI, Thiago. Como funciona a despatologização na prática? **Revista Estudos Feministas**, Florianópolis, Resenhas, v. 27, n. 2, p. 1-4, 2019. Disponível em: https://www.scielo.br/scielo.php?pid=S0104-026X2019000200800&script=sci_arttext. Acesso em: 30 maio 2020.

DE CUPIS, Adriano. **Os direitos da personalidade**. 2. ed. São Paulo: Quórum, 2008.

DE TILIO, Rafael. Despatologização da transexualidade: revisão integrativa da literatura científica nacional. **Revista Brasileira de Sexualidade Humana**, v. 29, n. 1, p. 39-48, jan./jun. 2018. Disponível em: https://sbrash.emnuvens.com.br/revista_sbrash/article/view/40. Acesso em: 30 maio 2020.

DIAS, Maria Berenice. Transexualidade e o direito de casar. **Seleções Jurídicas**, Rio de Janeiro, Edição Especial, p. 34-36, jun. 2000. Disponível em: [http://www.mariaberenice.com.br/manager/arq/\(cod2_788\)1__transexualidade_e_o_direito_de_casar.pdf](http://www.mariaberenice.com.br/manager/arq/(cod2_788)1__transexualidade_e_o_direito_de_casar.pdf). Acesso em: 30 maio 2020.

FACHIN, Luiz Edson. O corpo do registro no registro do corpo; mudança de nome e sexo sem cirurgia de redesignação. **Revista Brasileira de Direito Civil**, Rio de Janeiro, v. 1, p. 36-60, jul./set. 2014. Disponível em: <https://rbdcivil.ibdcivil.org.br/rbdc/article/view/130>. Acesso em: 30 maio 2020.

FOUCAULT, Michel. **A história da sexualidade: a vontade de saber**. Tradução de Maria Thereza da Costa Albuquerque e J. A. Guilhon Albuquerque. 13. ed. Rio de Janeiro: Graal, 1999.

FOUCAULT, Michel. **Os anormais**. São Paulo: Martins Fontes, 2002.

FREIRE, Lucas. Sujeitos de papel: sobre a materialização de pessoas transexuais e a regulação do acesso a direitos. **Cadernos Pagu**, n. 48, 2016. Disponível em: https://www.scielo.br/scielo.php?script=sci_arttext&pid=S0104-83332016000300502&lng=en&nrm=iso&tlng=pt. Acesso em: 30 maio 2020.

GOMES, David F., CARVALHO, Rayann K. Massahud de. Poderá o direito ser decolonial. *Revista Direito e Práxis*, v. 12, n. 1, 2021, p. 77-101.

GOMES, Jordhana Maria Costa; PEREIRA, Fabio Queiroz. Pobreza e gênero: a marginalização de travestis e transexuais pelo direito. **Revista de Direitos Fundamentais & Democracia**, Curitiba, v. 22, n. 2, p. 210-224, maio/ago. 2017. Disponível em: <https://revistaeletronicardfd.unibrazil.com.br/index.php/rdfd/article/view/800>. Acesso em: 30 maio 2020.

GONÇALVES, Carlos Roberto. **Direito civil: parte geral**. 18. ed. São Paulo: Saraiva, 2011.

GONTIJO, Fabiano de Souza. Biologia, direito, perspectiva *queer* e intersexualidade. **Teoria Jurídica Contemporânea**, v. 3, nº 1, janeiro-junho 2018, p. 120-139.

GUATTARI, Félix; ROLNIK, Suely. **Micropolítica: cartografias do desejo**. Petrópolis: Vozes, 1999.

GUSMÃO, Letícia Lages, et. al. O aprisionamento do gênero pela categorias do Direito e os efeitos na educação: apontamentos sobre a teoria *queer*, pedagogia da autonomia e questões sobre pessoas trans. **Revista de Direito da Faculdade Guanambi**, v. 7, n. 1, jan./jun. 2020, p. 1-22.

IBGE (Instituto Brasileiro de Geografia e Estatística). **Estimativas da população residente para os municípios e para as unidades da federação brasileiros com data de referência em 1º de julho de 2019**. Rio de Janeiro: IBGE, 2019. Disponível em: <https://www.ibge.gov.br/estatisticas/sociais/populacao/9103-estimativas-de-populacao.html>. Acesso em: 30 maio 2020.

KÖHLER, Richard; RECHER, Alecs; EHRT, Julia. **Legal gender recognition in Europe: toolkit**. [S.l.]: TGEU, 2013. Disponível em: <https://tgeu.org/wp-content/uploads/2015/02/TGEU-Legal-Gender-Recognition-Toolkit.pdf>. Acesso em: 30 maio 2020.

KUMPEL, Vitor Frederico. **Tratado notarial e registral**. 1ª ed, v. II. São Paulo: YK, 2017.

LANDO, George André; LIRA, Roberta Julliane de Lima Santos. A desjudicialização da alteração do nome e do gênero no registro civil da pessoa transexual. **Gênero e**

direito: periódico do Núcleo de Estudos e Pesquisas sobre Gênero e Direito, João Pessoa, v. 9, n. 2, p. 15-46, 2020. Disponível em: <https://periodicos.ufpb.br/ojs2/index.php/ged/article/view/50714/>. Acesso em: 30 maio 2020.

LANDO, George et al. A fluidez do gênero e o direito à não identificação do sexo biológico. **Revista Feminismos**, v. 6, n. 1, jan./abr. 2018, p. 46-56.

LEFEBVRE-TEILLARD, Anne. **Le nom propre et la loi. Mots :** les langages du politique, n. 63, p. 9-18, 2000. Disponível em https://www.persee.fr/doc/mots_0243-6450_2000_num_63_1_2201. Acesso em: 30 maio 2020.

LINS JUNIOR, George Sarmento; MESQUITA, Lucas Isaac Soares. Neoconstitucionalismo ou supremocracia? uma análise do ativismo judicial no reconhecimento do nome social de pessoas trans na Ação Direta de Inconstitucionalidade nº 4.275. **Revista de Direitos Fundamentais & Democracia**, Rio de Janeiro, v. 24, n. 1, p. 161-190, jan./abr. 2019. Disponível em: <https://revistaeletronicardfd.unibrasil.com.br/index.php/rdfd/article/view/1442>. Acesso em: 30 maio 2020.

MACHADO, Carla. Transexualidade, direitos e saúde: aspirações e demandas das mulheres transexuais, na visão crítica de uma mulher transexual. In: ARILHA, Margareth; LAPA, Thaís; PISANESCHI, Priscila (orgs). **Transexualidade, travestilidade e direito à saúde**. São Paulo: Oficina Editorial, 2010.

MISKOLCI, Richard. A teoria queer e a sociologia: o desafio de uma analítica da normalização. **Sociologias**, Porto Alegre, ano 11, n 21, jan/jun. 2009, p. 150-182.

MORAES, Vitor Storch de; THEMUDO, Tiago Seixas. O direito à mudança do prenome e do sexo registrais pela autopercepção de gênero. **Revista Direitos Fundamentais & Democracia**, Curitiba, v. 25, 2020. Disponível em: <https://revistaeletronicardfd.unibrasil.com.br/index.php/rdfd/article/view/1515>.

OLIVEIRA, José Sebastião de; PEREIRA, Márcio Antônio Luciano Pires. Da alteração do gênero sexual do transexual junto ao registro civil sem prévia submissão à cirurgia de transgenitalização como um direito da personalidade à concretização da identidade real: aspectos legais, doutrinários e jurisprudenciais. In: CONPEDI/UNINOVE (org.). **Relações privadas e democracia**. Florianópolis: FUNJAB, 2013, p. 143-169. Disponível em: <http://www.publicadireito.com.br/publicacao/uninove/livro.php?gt=98>. Acesso em: 30 maio 2020.

PACHECO, Rosely; PACHECO, Isabela. Direito, violências e sexualidades: a transexualidade em um contexto de direitos. **Revista Estudos Socio-Jurídicos**, v. 18, n. 2, jul./dic, 2016. Disponível em: <https://revistas.urosario.edu.co/xml/733/73346379007/index.html>. Acesso em 30 maio 2020.

PINO, Nádía Perez. A teoria *queer* e os *intersex*: experiências invisíveis de corpos *des-feitos*. **Cadernos Pagú**, v. 28, janeiro-junho 2007, p. 149-174.

RIOS, Roger Raupp; RESADORI, Alice Hertzog. Direitos humanos, transexualidade e o “direito dos banheiros”. **Revista Direito & Práxis**, Rio de Janeiro, v. 6, n. 12, set./

dez. 2015. Disponível em: <https://www.e-publicacoes.uerj.br/index.php/revistaceaju/article/view/16715>. Acesso em: 30 maio 2020.

RODRIGUES, Marcelo Guimarães. Mudança administrativa do prenome e do gênero nos assentos de nascimento e casamento de transgênero – Provimento 73 da Corregedoria Nacional de Justiça. **Migalhas**, Ribeirão Preto, Migalhas de Peso, 26 jul. 2018. Disponível em: <https://www.migalhas.com.br/depeso/284394/mudanca-administrativa-do-prenome-e-do-genero-nos-assentos-de-nascimento-ecasamento-de-transgenero-provimento-73-da-corregedoria-nacional-de-justica>. Acesso em: 30 maio 2020.

RODRIGUES JUNIOR, Otávio Luiz. O direito ao nome, à imagem e outros relativos à identidade e à figura social, inclusive a intimidade. In: SIMÃO, José Fernando;

ROSENVOLD, Nelson. A transexualidade no direito privado. **Actualidad Jurídica Iberoamericana**, Madri, n. 10, p. 198-223, feb. 2019. Disponível em: <http://www.revista-aji.com/revista-numero-10/>. Acesso em: 30 maio 2020.

SARDINHA, Cristiano de Lima Vaz. **Cartórios e acesso à justiça**. 2. ed. Salvador: JusPodivm, 2019.

SCHREIBER, Anderson. **Direitos da personalidade**. 2. ed. São Paulo: Atlas, 2013.

TARTUCE, Flávio. **Direito civil 1: Lei de Introdução e Parte Geral**. 10. ed. São Paulo: Método, 2014.

VIEIRA, Cláudia Roberta Leite. Essa pele que habito: reflexões sobre transexualidade, discriminação e abuso às garantias constitucionais no contexto do direito do trabalho. **JURIS**: Revista da Faculdade de Direito, Rio Grande, v. 27, n. 1, p. 67-80, 2017. Disponível em: <https://periodicos.furg.br/juris/article/view/6680/0>. Acesso em: 30 de maio, 2020.

Recebido em 01/09/2020

Aprovado em 02/11/2021

Received in 09/01/2020

Approved in 11/02/2021