

## Analysis of gender identification regarding the new identity card model in light of discussions on LGBTQIA+ rights

*Analysis of gender identification in the new identity card model in light of LGBTQIA+ rights discussions*

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### SUMMARY

This article aims to analyze gender identification in the new Identity Card model in light of discussions on LGBTQIA+ rights. The justification for this study lies in the growing demand for recognition and respect for diverse gender identities, in line with legal and social advances in favor of the LGBTQIA+ population. The methodology involves a literature review on the topic through articles from renowned journals in the Scielo database. The expected results include identifying the strengths and shortcomings of the new Identity Card model regarding the inclusion of diverse gender identities, as well as recommendations for improving public policies to promote greater equity and respect for this population.

**Keywords:** Gender Identification. LGBTQIA+. Identity Card. Rights. Invisibility.

### ABSTRACT

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## 1 INTRODUCTION

Gender identification is one of the elementary contemporary themes about discussions about human rights and social inclusion, especially in the context of demands and achievements of the LGBTQIA+ population. Identity registration, like any other another official identification document, is essential in everyone's social and professional life.

In this context, the new Identity Card model appears as an obstacle in the field that determines sex, because by doing so in a simplistic way, it ignores the rights of part of the population and perpetuates stigmatization, prejudice and the multiple forms of violence that this population is constantly targeted.

Also highlighting that the invisibility of the LGBTQIA+ population is a phenomenon that perpetuates the marginalization and exclusion of people whose gender identity or sexual orientation does not align with cis-heteronormative norms. This invisibility manifests itself in several social spheres, from the absence of positive and authentic representation in the media communication and popular culture, to the lack of legal recognition and protection against discrimination. The denial of visibility is, in essence, the denial of existence and dignity of these people, which contributes to the perpetuation of prejudice and systemic violence.

Therefore, it is necessary to balance technical, legal, social, and rights issues. fundamental, to ensure that the new Identity Card meets the needs and expectations of the LGBTQIA+ population, while meeting the requirements of security and functionality of the official document.

This article seeks to analyze how gender identification is treated in the new model of Identity Card, in light of discussions on LGBTQIA+ rights. The investigation justified by the growing demand for public policies that promote equity and respect to diverse gender identities, reflecting the possibility of legal and social advances without setbacks.

The methodology adopted includes a literature review on the main concepts and legislation regarding gender identity, as well as analyzing the impacts related to new model of Identity Card and how the issues of gender identification in document impact the LGBTQIA+ public.

Expected results include identifying aspects raised about gaps and the shortcomings of this new model in relation to the inclusion of gender identities, in addition to

recommendations to improve public policies and changes in the culture of stigmatization and prejudice against this disadvantaged public.

Thus, this study aims to contribute to the debate on the recognition and respect for gender identities in Brazil, in order to prevent setbacks arising from heteronormativity that surrounds the spaces of power and political decisions capable of dictating rules over others without due care and empathy.

## **2 THE RIGHTS OF THE LGBTQIA+ POPULATION AND THE PROBLEM REGARDING THEM GENDER IDENTIFICATION IN OFFICIAL DOCUMENTS**

The rights denied to the LGBTQIA+ population represent one of the most problematic contemporary social injustices, reflecting a history of marginalization and discrimination that still persists in many aspects of everyday life. The problem of identifying gender in official documents is a clear example of this denial of rights, affecting a portion substantial part of these people.

One of the relevant and impactful jurisprudential landmarks was the STF decision in 2011, in the proceedings of Direct Action of Unconstitutionality No. 4277 and the Claim of Non-Compliance of Fundamental Precept No. 132, which recognized the stable union of people of the same sex. Furthermore, the decision on the constitutional incompatibility of references also stands out. degrading to "pederasty" and homosexuality by the Military Penal Code, in the Argument of Failure to Comply with Fundamental Precept (ADPF) No. 2913.

It is important to emphasize that in times of erosion of constitutional guarantees and decomposition of the democratic political system, these phenomena acquire a dimension singular, since one of the main artifices of neoconservatism and extremism right is the creation of a moral panic regarding sexual diversity, and this offensive antigender, which became a government program in 2018, began to spread more and more from 2013 onwards, amplifying in the debates that took place in 2014 around the plan national education, fueling constant battles in the field of education, in the sphere legislative and political action.

Thus, the importance and intensity of this political cycle demonstrate the mismatch characteristic of this moment, in which the expansion of the recognition of rights

sexual coexists and relates to the vigorous emergence of neoconservatism and right-wing extremism<sup>3</sup>.

Catrinck, Magalhães and Cardoso<sup>4</sup> argue that it is impossible to ignore the different convergences of ideologies, political and management structures that permeate this process, and under from this perspective, the public policies developed seem to be more public policies governmental policies than state public policies, and in other words, they reveal themselves as actions and projects to meet the needs of certain governments in order to satisfy certain social groups.

In this way, it allows the minimal advances achieved not to be lasting, opening space for setbacks that meet the expectations and desires of groups conservatives who are more interested in legislating in their own interests, and in this context, the various government actions that seek to undo the projects generated through arduous social struggles to guarantee the protection of rights related to the issue of gender and sexual diversity.

Gender identity, a fundamental aspect of the human experience, must be recognized and respected in all social and legal spheres, however, the reality for many people from the LGBTQIA+ population is the constant struggle for this recognition, especially in matters as basic as official documentation.

Binotto<sup>5</sup> states that the name is influenced by experiences, individualities and people's values, relating to transsexuality in the context of recognition of individual as a human being who does not identify with the gender assigned at birth, in contrast with cisgenderism, and the effects that this incongruence has on the relationship between this individual and cisgender society,

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<sup>3</sup> RIOS, RR Protection of LGBTQIA+ rights in Brazilian law: legal and political moments and discrepancies. *Revista de Investigações Constitucionais*, v. 9, n. 3, p. 671, 2022. Available at: <https://www.scielo.br/j/rinc/a/qkVfDsJFTJdZxwLbchfcWGz/>. Accessed on: June 29, 2023.

<sup>4</sup> CATRINCK, IMO; MAGALHÃES, SAB; CARDOSO, ZS Public educational policies on gender and sexual diversity: advances and setbacks. *FAEEBA Journal – Education and Contemporaneity*, v. 29, n. 58, p. 191, 2020. Available at: [http://educa.fcc.org.br/scielo.php?script=sci\\_arttext&pid=S0104-70432020000200187](http://educa.fcc.org.br/scielo.php?script=sci_arttext&pid=S0104-70432020000200187). Accessed on: June 29, 2024.

<sup>5</sup> BINOTTO, FS; BRUM, VM; SILVA, LA; UNFER, B.; TORRES, LHN Construction of the social name of trans people and related aspects in a medium-sized municipality in Southern Brazil. *Ciência & Saúde Coletiva*, v. 29, n. 2, p. 2, 2024. Available at: <https://www.scielo.br/j/csc/a/z3j3FhjjZ4LscMHChCQBvDL>. Accessed on: June 29, 2024.

Thus, the appropriate use of the name, as well as the corresponding pronouns, goes beyond from mere compliance with legislation: it is important to consider and value the various possibilities of human existence. However, a joint effort is necessary between government authorities and the population to ensure compliance with legislation and promote the increasing inclusion of trans people in social spaces, in a way welcoming, so that the appropriate use of their social names contributes to acceptance, respect for diversity and validation of gender identity<sup>6</sup>.

The lack of adequate recognition in official documents can lead to situations of humiliation and violence, especially in interactions with government, health, and education institutions, for example. Domene<sup>7</sup> points out in his studies that the LGBTQIA+ population faces discrimination, violence and social exclusion, which are perpetuated both in institutions as in the health sector, and the lack of information and privacy protection in these services may harm the care and relationship of this population with medical services, thus, during 2021, additional challenges arose due to the pandemic, such as food insecurity, which affected 41.53% of households where LGBT+ people live and 56.82% in case of trans people.

Furthermore, denial or embarrassing implications such as the registered name of birth plus social name together in official documents has implications that lead to discrimination, causing difficulties such as obtaining employment.

Suliano, Irffi and Barreto<sup>8</sup> argue that individuals belonging to sexual minorities still face greater challenges when seeking employment, experience lower job satisfaction, and are more prone to bullying and harassment compared to their heterosexual peers. This situation undoubtedly demands other political interventions.

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<sup>6</sup> BINOTTO, FS; BRUM, VM; SILVA, LA; UNFER, B.; TORRES, LHN Construction of the social name of trans people and related aspects in a medium-sized municipality in Southern Brazil. **Ciência & Saúde Coletiva**, v. 29, n. 2, p. 3, 2024. Available at: <https://www.scielo.br/j/csc/a/z3j3FhjjZ4LscMHChCQBvDL>.

Accessed on: June 29, 2024.

<sup>7</sup> DOMENE, FM; SILVA, JL; TAKE IT, TS; SILVA, LALB; MELO, RC; SILVA, A.; BARRETO, J.

OM Health of the LGBTQIA+ population: a rapid scoping review of Brazilian scientific production. **Ciência & Saúde Coletiva**, 10, 2022. <https://www.scielo.br/j/csc/a/LQDJPWqyCYfSrLLXZ27PZzN/>. Accessed on: June 29, 2024. 3840, Available in:

<sup>8</sup> SULIANO, D.; IRFFI, G.; BARRETO, ABR Sexual orientation and its effects on the labor market: a study based on the systematic review technique. **Brazilian Journal of Population Studies**, v. 39, p. 15, 2022. Available at: <https://www.scielo.br/j/rbepop/a/HNKKyQTy7jgK7bhV3BS4XsF/>. Accessed on: June 29, 2023.

In Brazil, despite some legal advances such as the decision of the Supreme Federal Court (STF) in 2018, which recognized the right of trans people to change their name and gender in documents without the need for surgery, allowed the modification of the record to be made in the notary offices without the need for a legal process. However, there are also setbacks, for example, Decree No. 10,977, of February 23, 2022, which establishes determinations for the creation of the new Identity Card, which maintains the name on the birth certificate, the social and the field of sex, “without requiring supporting documentation [...] In However, in this type of documentation the registration name remains, popularly known as a “dead name”<sup>9</sup>.

Education and awareness of a culture without discrimination are important means to combat this violence and ensure that the rights achieved are effectively respected and, therefore, public bodies are required to be more sensitive and observe of human and fundamental rights inherent to all people so that setbacks and denial of rights do not remain.

In the formal education scenario, when addressing the issue of sexual orientation in National Curricular Parameters, seeks to consider sexuality as an aspect inherent to life and health, which manifests itself early in human beings, including the social role of men and women, self-respect and respect for others, as well as discrimination and stereotypes attributed and experienced in relationships.

This time, the progress of public educational policies in the period is evident. 2003 to 2010 in relation to the appreciation and respect for diversity, especially with inclusion of Cross-Cutting Themes in the school curriculum, with emphasis on Sexual Orientation. However, there is still some discrepancy regarding what actually constitutes Sex Education, as the Gender-related content is limited to the topic of Sexual Orientation, but the issues related to gender should also cover other cross-cutting themes. Another point that stands out is that, when dealing with gender and sexuality, these themes are fundamentally associated with health, which restricts a strictly biological and heteronormative approach, treating the subject in an informative way<sup>10</sup>.

<sup>9</sup> BINOTTO, FS; BRUM, VM; SILVA, LA; UNFER, B.; TORRES, LHN Construction of the social name of trans people and related aspects in a medium-sized municipality in Southern Brazil. *Ciência & Saúde Coletiva*, v. 29, n. 2, p. 4, 2024. Available at: <https://www.scielo.br/j/csc/a/z3j3FhjjZ4LscMHChCQBvDL>.

Accessed on: June 29, 2024.

<sup>10</sup> CATRINCK, IMO; MAGALHÃES, SAB; CARDOSO, ZS Public educational policies on gender and sexual diversity: advances and setbacks. *FAEEBA Journal – Education and Contemporaneity*, v. 29, n. 58, p. 191, 2020. Available at: [http://educa.fcc.org.br/scielo.php?script=sci\\_arttext&pid=S0104-70432020000200187](http://educa.fcc.org.br/scielo.php?script=sci_arttext&pid=S0104-70432020000200187). Accessed on: June 29, 2024.

Furthermore, the rights of the LGBTQIA+ population and the problem of identification gender in official documents are interconnected issues that need systemic changes, because recognizing and respecting everyone's gender identity is not just a matter of social justice, but also a human rights imperative that recognizes diversity of people.

### 3 THE SOCIAL INVISIBILITY OF THE LGBTQIA+ PUBLIC

Making social invisibility evident in a story is not a simple task. The term and the subject has established itself as an important reference in the sociological field, with different approaches that draw on disciplines such as anthropology, social psychology, political science, ethics, literature, visual arts, photography, among others. Would the words and the mentioned approaches powerful enough to reveal the complex meaning of experience of the "invisibles" who coexist with the "visibles"? Certainly not, but the narrative is essential for those committed to a society based on equality and solidarity<sup>11</sup>.

Throughout history, the LGBTQIA+ movement has been characterized by the fight for recognition of the existence of these people. The origin of the non-subject condition is linked to non-compliance with the standards of compulsory heteronormativity, and this mechanism socially imposed regulator is based on the imposition of expected behaviors, where any deviation or divergent characteristic is considered abject, invisible and inhuman.

As a result, people who do not fit this imposed model are marginalized, and are subject to vulnerabilities in all spheres, having their rights denied due to lack of recognition, and those who are divergent from the cisgender heteronormative model face even more vulnerabilities and episodes of violence than individuals LGBTQIAPN+ who conform to this stereotype, and thus, in the face of social customs historically rooted in the Brazilian scenario, the oppression generated by the system is evident

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<sup>11</sup> NUNES, ED On social invisibility: a brief reflection. **Science & Public Health**, v. 25, n. 10, 2020. Available at: <https://www.scielo.br/j/csc/a/YTmjtwwpHYRvpSCBg3r4N9M/#>. Accessed on: June 29, 2023.

cis-heteronormative, which recognizes as human only those bodies that fit in the expected pattern of sexual orientation and gender identity.

Thus, this oppressive mechanism presupposes that sexual and gender diversity are deviant from what is considered normal, putting people in a position of invisibility and disrespect for social rights, and this process causes vulnerabilities that put the entire biological and social composition of the being at risk<sup>12</sup>.

Cis-heteronormativity can be understood as a system of relationships of power in which the existence of only two opposite genders (man and woman) is assumed, which are always in agreement with the bodies, male and female biological sex, and that are always mutually attracted to the opposite. However, sexual orientation and identity gender can assume different affective-sexual characteristics and expressions that differ from this norm, and people who identify in a dissident way make up the LGBTQIA+ population, an umbrella term that includes, but is not limited to, lesbian, gay, bisexual, transgender, queer, intersex, asexual and others.

In this way, the population of lesbians, gays, bisexuals and other sexual minorities, object of this study, is formed by individuals who present behaviors, desires and/or affective-sexual identities different from those defined for cisgender heterosexuals and, due to this difference in relation to the established standard, this population faces discrimination, vulnerabilities and invisibility, being the target of so-called prejudice against sexual diversity<sup>13</sup>.

Carvalho and Barreto<sup>14</sup> argue that, when reflecting on dissident sexualities, that is, different from that characterized by heterosexual practice, it is possible to observe a variety of sexual behaviors that differ from the standard expected by society, and as a consequence of this, people who experience these identities are being made invisible due to the discrimination that exists against them, and despite some advances in terms of acceptance and formulation of public policies for the LGBTQIA+ population, due to the

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<sup>12</sup> ALMEIDA, GM; ALVES, MEM; BASTOS, RR; SILVA, PB; NASCIMENTO, LS; SILVA, EQ Vulnerability of LGBTQIAPN+ people in Brazil. **Revista Bioética**, v. 31, p. 1-10, 2023. Available at: <https://www.scielo.br/j/bioet/a/77QPGWCFxK7TSfvwCVJbBQb/>. Accessed on: June 29, 2024.

<sup>13</sup> VASCONCELOS, NM; ALVES, FTA; ANDRADE, GN; PINTO, IV; SOARES FILHO, AM; PEREIRA, CA; MALTA, DC Violence against LGB+ people in Brazil: analysis of the 2019 National Health Survey. **Brazilian Journal of Epidemiology**, v. 26, n. 21, p. 2, 2023. Available at: <https://www.scielosp.org/article/rbepid/2023.v26suppl1/e230005/pt/>. Accessed on: June 29, 2023.

<sup>14</sup> CARVALHO, AA; BARRETO, RCV The invisibility of LGBTQIA+ people in databases: new possibilities in the 2019 National Health Survey? **Ciência & Saúde Coletiva**, v. 26, 9, p. 4060, 2021. Available at: <https://www.scielo.br/j/csc/a/rwDkNhDCdyY5xdfyXNXmmGH/>. Accessed on: June 29, 2024.



history of prejudice and the complexity of addressing this issue openly, the availability of data on this population is still limited.

In other words, there is a great lack of visibility regarding the issues that involve these individuals before society, thus, this invisibility is reflected in the absence, to date, of nationwide research that considers the inclusion of variables capable of quantifying and qualifying these individuals, and this information is essential not just to know the profile of this population, but mainly to identify their needs and develop effective public policies.

In a broader scenario, Oliveira<sup>15</sup> states that in a survey conducted in United States and published in 2020, revealed the lack of visibility of trans people and transvestites in clinical studies, as well as the serious deficiency in data collection, thus, another study carried out in the same country highlighted that the absence of a systematic record of gender identity and sexual orientation limits the understanding of the different causes of death, in addition to affecting specific intervention strategies.

In Brazil, these situations are also evident, this time, in addition to the gap in research shows that the violence suffered by trans and transvestite people persists even after death, when the social name and gender identity are not respected in the Death Certificate, and the exclusion of these variables in the other forms of the Death Information System Notifiable Diseases (Sinan) and other health information systems compromise the knowledge about morbidity and mortality in the country.

A World Health Organization report highlighted inequalities and violations suffered, as well as evidence of worse health outcomes for LGBTQIA+ people in different health problems such as mental health, HIV/AIDS, hepatitis and certain types of cancer, however, the report highlighted the need to further deepen understanding of this scenario through quantitative and qualitative data, thus, in the same document, important topics such as sexual health and reproductive rights are also covered, non-pathologizing approaches to bodies, especially those of transvestites, transsexuals and non-binary, the gender transition process, combating violence, combined prevention of HIV, impacts of the COVID-19 pandemic, greater inclusion of these issues in research and intersectoral assistance involving the Unified Social Assistance System, in view of this, it is

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<sup>15</sup> OLIVEIRA, DC Representation of the LGBTQIA+ population in epidemiological research, in the context of the National Policy for Comprehensive Health of Lesbians, Gays, Bisexuals, Transvestites, and Transsexuals: expanding knowledge production in the SUS for social justice. **Journal of Epidemiology and Health Services**, v. 31, n. 1, p. 2, 2022. Available at: <https://www.scielo.br/j/ress/a/JJdj3rLfJMXpnLtNkNkMT5q/>. Accessed on: June 29, 2023.

elementary to expand knowledge about the specific needs of this diverse group and heterogeneous represented by the acronym LGBTQIA+16.

In light of these issues, debates such as the one surrounding the new identification model civil towards the LGBTQIA+ public, reveal that the fight is continuous and necessary, as this minority is widely violated in its right to live a life without the marks and perpetuation of violence.

#### 4 DISCUSSIONS ABOUT THE NEW IDENTITY CARD MODEL

Discussions about the new Identity Card model, which includes the field of sex and maintains registered name and social name in the same document involves issues sensitive to gender identity, human rights, social inclusion and the visibility of non-cisgender identities. The inclusion of the sex field in the Identity Card can may seem, at first glance, to be a simple and routine administrative practice, however, for the LGBTQIA+ population, this inclusion has problematic implications.

Brazil is in the process of developing alternative approaches to dealing with with deficiencies in data related to identification documents, especially in relation to gender markers and names, thus the country is currently discussing the implementation of a new national identification registration system that involves the adoption of a single coding system.

However, it is important to consider that this new approach, although innovative, can also present significant risks for the trans population, in this scenario, during administration of former Brazilian President Jair Bolsonaro, a dangerous shift occurred in system, which was widely considered harmful to trans people, and unlike previous practices in Brazilian identification documents, the government began to require the inclusion of information on sex assigned at birth, "social names" and surnames civil registration (name assigned at birth) in official documents.

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<sup>16</sup> OLIVEIRA, DC Representation of the LGBTQIA+ population in epidemiological research, in the context of the National Policy for Comprehensive Health of Lesbians, Gays, Bisexuals, Transvestites, and Transsexuals: expanding knowledge production in the SUS for social justice. **Journal of Epidemiology and Health Services**, v. 31, n. 1, p. 4, 2022. Available at: <https://www.scielo.br/rj/ress/a/JJdj3rLfJMXpnLtNkNkMT5q/>. Accessed on: June 29, 2023.

This means that a trans person who has both names on their birth document identification may have its confidentiality and security compromised<sup>17</sup>.

The Federal Public Ministry – MPF (2022) states that the new model encourages violations of the human rights of those who use a social name, in this way, the note signed by the federal attorney for citizens' rights, Carlos Alberto Vilhena, and the coordinator of the LGBTI+ Populations Working Group: Protection of Rights, Lucas Costa Almeida Dias, clarifies that the inclusion of the registered name in the same space as the social name, in a prominent position, together with the restriction of the request for inclusion of the social name based on federal revenue, intensifies the rejection of the initiative, and according to prosecutors, this requirement encourages human rights violations against people who have a gender registered differently from their gender identity and expression. This embarrassment It mainly affects trans people, especially those who do not want or face difficulties in making changes related to the registered name and/or gender.

Historically, identity documents have reflected a binary and fixed view of sex and gender, categorizing people exclusively as "male" or "female". This perspective ignores the existence and legitimacy of gender identities that do not fit in this dichotomy, like people, for example, non-binary and intersex.

From this perspective, Franco, Salvador and Araújo<sup>18</sup> emphasize that post-critical theories broaden the understanding of the processes of social domination present in class relations social, race, ethnicity, gender and sexuality, with these last two categories being discussed in the deconstruction of social forms established by binarisms heterosexuality/homosexuality and masculine/feminine, are problematized with the aim to understand and combat homophobia and transphobia, as well as dismantle the cis/heteronormative norms that are undoubtedly present in approaches related to other issues of class, race and ethnicity, permeating the social, political and, to a large extent, interest for this study, educational.

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<sup>17</sup> RAFAEL, RMR; SANTOS, HGS; CARAVACA-MORERA, JA; WILSON, EC; BREDA, KL

Inclusion or Illusion of Gender Identity in the Country with the Highest Number of Transgender Murders: A Critical Brazilian Essay. **Anna Nery School**, 27, 2023. v. p. 2, Available at: <https://www.scielo.br/j/ean/a/FPZHqqNT4ST9TG9kBNqHJHb/>. Accessed on: June 29, 2023.

<sup>18</sup> FRANCO, N.; SALVADOR, NRC; ARAÚJO, SM **Transmasculinities and education: interfaces between Rio de Janeiro and Minas Gerais: impasses between basic education and higher education**. Juiz de Fora: Editora Available <https://www2.ufjf.br/editora/wp-UFJF-29, 2021. content/uploads/sites/113/2021/12/TRANSMASCULINIDADES.-2.pdf>. Accessed on: June 2024.

In this context, as the Brazilian federal government website published on 18 May 2023 that the document that will replace the Identity Card will be more inclusive, thus, the document, which will replace the ID, will no longer differentiate between the name social and civilly registered name, and will also no longer include the field related to sex. These changes aim to prevent discrimination against LGBTQIA+ people.

From this situation, Rafael<sup>20</sup> points out that in relation to the exposure of gender markers on the Brazilian identity card, it is important to highlight that the situation is temporary resolved, because through transactivist mobilization, led by organizations defending LGBTQIA+ rights, such as ANTRA, the current Federal Government established a task force with the aim of proposing changes to the structure of the "gender marker" and "name" sections social" of the national identity card.

Thus, these modifications aim to eliminate the previously proposed method and in view of in this context, it is essential that the development of any public policy that involves populations historically marginalized by the Brazilian State, including changes in identification system and identity cards that affect trans and non-binary people, count on the participation of representatives of these groups as protagonists in the process of social transformation, and the intensification of social engagement is urgent in the construction and reconstruction of public policies in the country.

However, the government backtracked, and Decree No. 11,797, of November 27, 2023, which provides identification of natural persons maintained the field of sex, registration name of birth and the social name field separately in accordance with article 8 of the decree in question, which goes against diversity and respect for the LGBTQIA+ public.

In the face of this setback, the maintenance of traditional means in documents of identification perpetuates the invisibility of these identities and reinforces a system that marginalizes those who do not fit into traditional gender norms and do not see themselves represented by the spheres of power that dictate the political rules of society.

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<sup>19</sup> GOV. **Government announces changes to make Identity Cards more inclusive.** 2023. Available <https://www.gov.br/gestao/pt-br/in:assuntos/noticias/2023/maio/governo-anuncia-mudancas-para-tornar-more-inclusive-identity-card>. Accessed on: June 29, 2024.

<sup>20</sup> RAFAEL, RMR; SANTOS, HGS; CARAVACA-MORERA, JA; WILSON, EC; BREDA, KL  
Inclusion or Illusion of Gender Identity in the Country with the Highest Number of Transgender Murders: A Critical Brazilian Essay. **Anna Nery School**, Available at: June 27, 2023. <https://www.scielo.br/j/ean/a/FPZHQNT4ST9TG9KBNqHJH6/>. Accessed on: June 29, 2023.

Rodrigues and Vargas<sup>21</sup> establish that in the face of a current debate on diversity sexual and gender, as well as the recognition of the civil rights of the LGBTQIA+ population, the issues of power that normalize and regulate sexual orientations and constructions of gender are the subject of discussion and result in the predominance of heteronormativity as a logic and set of practices established and imposed socially and historically on groups vulnerable.

The dynamics of understanding one's own identity is an element present in the process of name construction, and the recognition of the legitimate name, in addition to contributing to the self-esteem of the self-declared transgender person, contributes to strengthening the search and occupation of social spaces where they previously faced reprisals and did not feel welcomed, thus, the possibility of breaking with the patterns of prejudice and discrimination that surround the chosen name, even if it is often not accepted by society, allows for self-care and the individual's well-being through respect and recognition of the new name<sup>22</sup>.

Given the structural, historical and systemic nature of transphobia, which shapes a social experience in which individuals construct their subjectivities, identities, projects of action and life trajectories, it is necessary to consider the way in which this social force does not only stigmatizes, makes vulnerable and excludes trans people, but also the processes by which manifest themselves and produce experiences of social suffering.

Thus, the registered name, social name, war name, trade name, pseudonym, married name and maiden name, they all have something in common: the dimension of their construction as identity, its location and its belonging to a specific social group, and it is in this perspective that this category addresses the narratives of the interlocutors and the processes of delegitimization that led to successive denials of their names, since the construction of the name of a trans person is permeated by meanings, experiences, narratives and affections, since the person actively participates in their choice, unlike a cisgender person, whose name

<sup>21</sup> RODRIGUES, AI; VARGAS, AEA Gender injustice and LGBTQIA+ sexuality: knowledge production on the margins in information science in the southern region. **Encontros Bibli**, v. 28, Special Dossier, P. 1-22, 2023. Available at: <https://www.scielo.br/j/eb/a/v8dKhbwzrMg3DbxDggRnNNc/>. Accessed on: June 29, 2023.

<sup>22</sup> BINOTTO, FS; BRUM, VM; SILVA, LA; UNFER, B.; TORRES, LHN Construction of the social name of trans people and related aspects in a medium-sized municipality in Southern Brazil. **Ciência & Saúde Coletiva**, v. 29, n. 2, p. 7, 2024. Available at: <https://www.scielo.br/j/csc/a/z3j3FhjjZ4LscMHChCQBvDL>. Accessed on: June 29, 2024.

is given at birth, and the name chosen by the trans person can be interpreted as a symbolic element that demarcates the (re)construction of its identity<sup>23</sup>.

Thus, for part of the LGBTQIA+ population, having an identity document that does not matches your gender identity is a constant source of discrimination and discomfort, that underpins social invisibility.

Carvalho and Barreto<sup>24</sup> argue that despite some progress with regard to acceptance and implementation of public policies for the LGBTQIA+ population, due to the history of prejudice and the complexity of addressing this issue openly, it is still there is little data on this population, and in other words, there is a large invisibility in relation to issues that affect these individuals in society.

In this way, the new Identity Card model with the gender and name fields registration and another one for the social name, end up touching on sensitive issues for the LGBTQIA+ population that affect their identity and also violate their dignity subjects, as they are at the mercy of state and social violence, in addition, these issues stigmatizing practices perpetuate invisibility regarding fundamental rights that are inherent to all citizens regardless of any circumstances.

## CONCLUSION

Gender issues are part of contemporary discussions on human rights, diversity and social inclusion, thus, the theme proves necessary regarding the new Identity Card model in light of the needs and rights of the LGBTQIA+ population.

The analysis conducted in this article demonstrates that the simplistic inclusion of the field of sex in the document perpetuates stigmas, prejudices and multiple forms of violence against this population, furthermore, it ignores the complexities and diversities of gender identities, resulting in exclusion and marginalization in the social spheres of these people's lives.

So that the new Identity Card fulfills its role in a more inclusive and fair way, it is necessary to balance technical, legal and social considerations with the principles

<sup>23</sup> MOTA, M.; SANTANA, ADS; SILVA, LR; MELO, LP "Clara, this is me!" Name, access to health and social suffering among transgender people. **Interface Journal – Communication, health and education**, v. 26, n. 25, p. 11, 2022. Available at: <https://www.scielo.org/article/icse/2022.v26/e210017/>. Accessed on: June 29, 2024.

<sup>24</sup> CARVALHO, AA; BARRETO, RCV The invisibility of LGBTQIA+ people in databases: new possibilities in the 2019 National Health Survey? **Ciência & Saúde Coletiva**, v. 26, 9, p. 4061, 2021. Available at: <https://www.scielo.br/j/csc/a/rwDkNhDCdyY5xdyXNxmmGH/>. Accessed on: June 29, 2024.

fundamental human rights, adopting a perspective that recognizes and respects all gender identities, promoting equity and dignity of each individual in their specifications.

Public policies and legislation must reflect social advances without setbacks, ensuring that official documents are instruments of inclusion and not discrimination, because this causes the segregation of these people to the constant scenario of violence and oppression state, which, through the imposition generated, perpetuates marginalization.

When public policies, such as the issuance of identity documents, do not recognize and respect the diversity of gender identities, they reinforce a cycle of exclusion and vulnerability. Therefore, combating this invisibility requires mechanisms of effort continuous both of the State and of society.

Furthermore, LGBTQIA+ invisibility not only silences identities, but also perpetuates a cycle of marginalization and exclusion that profoundly impacts the lives of many people, moreover, this phenomenon, rooted in cis-heteronormative norms, reinforces prejudices and discrimination, making the fight for rights and recognition even more difficult, thus, by not recognizing the diversity of gender identities and sexual orientations in public policies and in the legislative scenario, it perpetuates a culture of denial to visibility.

The aim of this investigation is to highlight the shortcomings of the new Portfolio model of Identity in front of the LGBTQIA+ population and encourage discussion about this debate that must be incessant due to the severity of the consequences, as these go through multiple violence that in many cases ends with the death of these individuals due to intolerance.

Among the recommendations, the need to remove or reformulate the field stands out of sex and social name, including respectively, broader sex options, removing the simplicity of just feminine or masculine, or even remove that field, as being wiser this second option, and finally, adopt only the name that the person identifies with, without the joint registration name as a way to avoid violence, and consequently, this change cultural may contain stigmatization and deep-rooted prejudice.

This study aims to contribute significantly to the debate on the recognition and respect for gender identities in Brazil, highlighting the importance of policies that curb setbacks arising from heteronormativity. Only with a look attentive and empathetic, combined with a commitment to human rights, we can build a more just and inclusive society, where all people can live with dignity and

respect, reflected not only in everyday life, but also in the documents that represent.

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