

Legitimacy of parents to request the change from civil name to social name of transgender son in death certificate

Currently, transgender people's right to use their social names has been passed in both resolutions and the judiciary. However, because of the prolonged silence from the legislature regarding various rights related to the LGBTIQ population, these groups continue to suffer from social and legislative invisibility. An individual's name is a relevant aspect of their personality which needs to be consistent with the gender image that the person adopts. Brazil allows transgender people to adopt their social name in various documents, including their birth registration, while ignoring their reality: the high rates of murder and suicide not only of transgender people, but also of people outside the heteronormative pattern. The consequence of this is that many die – even though they may already be in the process of transition – before exchanging their civil name for their social one. They are further humiliated by receiving a death certificate with a civil name inconsistent with their appearance and gender identity.

The justification for this is the fact that personal rights can only be exercised by their holders and not by their parents. This is seen in the case of Victória, whose parents filed a request for an alteration of the death certificate but had their petition rejected for *ad causam illegitimacy*. This case shows how necessary a legislative change is in regards to the right to an individual's name. There is no illegitimacy when it comes to human dignity and a respect for privacy and honour – rights supposedly adhered to by the Brazilian Constitution. Transgender people who have died are worthy of respect and deserve to receive a death certificate according to their chosen gender identity. This is especially true in a homophobic country where homosexual or transgender people are forced to immigrate, not knowing if they will return home let alone have time to request a name change for themselves. This is why parents should be given permission to file this type of request.

This article puts forth the hypothesis that individual rights must be interpreted according to a social evolution and bring dignity to transgender people by allowing parents to change the name appearing on their death certificate.

KEYWORDS: *Transgender; Social name; Death certificate; Legitimacy; Individual rights.*