



**Towards Great Harmony:
The quest for stronger protection
against discrimination for LGBTIQ
people in Japan**



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This publication is commissioned by ILGA Asia - the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 LGBTI organizations in East, South, Southeast, and West Asia. The document has been produced in consultation with member organisations and key partners as suggested by member organisations in the country. Permission to quote or otherwise use the information has been provided by the informants.

The analysis in the report is intended to recommend ILGA Asia to produce a strategic plan for 2021-2025. Positions in the report lie with the participants of the consultations and interviews, and do not reflect the values and viewpoints of the collective network.

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Executive Summary

Japan's culture and major religions do not have a history of hostility towards homosexuality and the environment surrounding LGBTIQ people seems friendly as the state does not criminalize or oppress same-sex relationships. However, there are still many issues that need addressing. In this report, the researcher will briefly summarize the current situation, changes in recent years, and discuss challenges and key strategies based on the findings from consultations conducted.

One of the fundamental issues is that there is no comprehensive anti-discrimination law in Japan, even though there has been a discussion to pass the bill to promote public understanding of LGBTIQ issues.

After Shibuya and Setagaya wards have become the first issuing same-sex partnership certificates in 2015, more than 100 municipalities have now enacted same-sex partnerships covering more than 30 percent of the population. However, same-sex marriage is not yet recognized at the national level despite the fact that the Constitution of Japan does not explicitly prohibit marriage between same sex couple.

Trans people have been allowed to officially change their gender-marker under the Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder (Act on GID). However, in addition to the diagnosis as GID by two or more physicians, the requirements to legally change one's gender-marker are as follows: 1) 20 years old and beyond, 2) unmarried at the time he or she wishes to legally change his or her gender, 3) no minor children, 4) being deprived of their reproductive organs or reproductive ability and, 5) have a physical form that is endowed with genitalia that closely resemble the physical form of an alternative gender.

Recent prioritized movements in the community are 1) enactment of anti-discrimination law based on SOGIESC, 2) marriage equality, and 3) Pride House Tokyo. Human rights of trans people are also one of the critical agenda needed to be addressed.

Key strategies are shaping public opinion by involving the business sector and the general public through collecting online signatures, use of media and entertainment.

The challenges that the community is facing are lack of diversity within the decision makers, exhaustion from conflicts within the LGBTIQ community and lack of financial resources supporting LGBTIQ CSOs. Language is also a barrier for the activists to interact, share information and empower one another with those from other countries, but working for the same issue.





Background

Japan's culture and major religions do not have a history of hostility towards homosexuality and the environment surrounding LGBTIQ people seems friendly—as the state does not criminalize or oppress same-sex relationships. However, there are still many issues that need addressing.

The COVID-19 pandemic saw the postponement of the 2020 Tokyo Olympics, where many among the LGBTIQ community anticipated it to be an opportunity to move forward. However, the movement in mobilizing communities is progressing. On the other hand, marriage equality has not been achieved at the Constitutional level, and there is no anti-discrimination law based on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC).

In this report, the researcher will briefly summarize the current situation, changes in recent years, and discuss challenges, and key strategies based on the findings from consultations conducted.

Methodology

This study is compiled based on desk reviews and consultations with Japanese LGBTIQ organizations through the methods of semi-structured, one-on-one in-depth interviews and focus group discussions. Each consultation took approximately one hour or more and was conducted online from October to November 2020.

Consultation participants

The researcher first approached ILGA's member organizations in the list provided by ILGA Asia for the consultation. However, because of the limited number of member organizations in Japan, the researchers contacted other activists and informants with consideration of diversity of gender, sexuality, age, area of activity, and area of residence. 18 consultations were conducted with

a total of 22 informants, among them 14 were one-on-one interviews, and four were focus group interviews with informants coming from the same organization.

Limitations of the research

As the demography of the participants shows, the researcher could not include voices from youth activists for this consultation due to the lack of representation of this demographic in ILGA's memberships in Japan. The researcher also contacted former participants of ILGA conferences in 2017 (ILGA Asia Conference, Cambodia) and 2019 (ILGA World Conference, New Zealand) or their referrals, but none of them were youth activists.





Overview of the legal and political context, human rights protection, and environment surrounding CSOs in Japan

Politics

The Constitution of Japan came into effect in 1947 and its political system is one of Constitutional Democracy. Japanese governmental power has been distributed to three branches: the National Diet, the Cabinet, and the judiciary sections of the government. These entities serve as the legislative, executive, and judiciary branches respectively. The Cabinet office is a bureau that unifies the eleven ministries within the executive branch to drive policy. The emperor is “the symbol of the State and unity of the people”.¹ The emperor appoints the prime minister based on the nomination of the Diet, and chief judge of the Supreme Court based on the appointment of the Cabinet.

The Constitution of Japan proclaims a system of representative democracy in which the Diet is “the highest organ of state power”. The resolution of the National Diet designates the Prime Minister who has an executive power which includes the implementation of the law, running of day-to-day affairs and guiding foreign diplomacy for the nation, – Japan’s bicameral legislature.² Therefore, the party that holds control in the Diet will likely appoint their party leader to the Prime Minister. The Liberal Democratic Party (LDP) has held strong influence in national politics since 1955 and the current Prime Minister, Yoshihide Suga, is from the LDP.³

¹ Japan Fact Sheet, Governmental Structure: Changing with the times (*Web Japan*, 2021) <https://web-japan.org/factsheet/en/pdf/e08_governmental.pdf>

² Id.

³ A history of the Liberal Democratic Party (*Lib Dems*, 2021) <<https://www.jimin.jp/english/about-ldp/history/104227.html>>

Judicial system

Japan is a liberal democracy country that has six legal codes: the Constitution, the Civil Code, the Commercial Code, the Criminal Code, the Criminal Procedure Code, and the Civil Procedure Code. The Japanese legal system is a hybrid of the Civil Law and the Common Law system.

The independent standing of the judicial branch of the government is protected, and the constitution stipulates that “no disciplinary action against judges shall be administered by any executive organ or agency” and no organ or agency or the Executive be given final judicial power.⁴ There are five types of courts in Japan with a three-tiered judicial system: the Supreme Court, which is the highest judicial organ, followed by 4 lower courts: High Courts, District Courts, Family Courts and Summary Courts. A summary, family, or district court will be the court of first instance depending on the nature of the matter.⁵

Human rights protection

Japan has no national human rights institutions and still has not introduced individual complaints procedures that could investigate human rights violations. There is no law against racial, ethnic, or religious discrimination, and also no anti-discrimination law based on SOGIESC.⁶

Japan retains the death penalty. In addition, as Japan has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, its legal protection of the rights of migrant workers and their families is incomplete. A law, named “Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment” that prohibits sexual discrimination, is applied only to workplaces (*Appendix A*).

⁴ Web Japan (n 1).

⁵ The Japanese Judicial System (Japan Federation of Bar Associations) <https://www.nichibenren.or.jp/en/about/judicial_system/judicial_system.html>

⁶ Japan: Pass Equality Act before Olympics (Human Rights Watch, 25 March 2021) <<https://www.hrw.org/news/2021/03/25/japan-pass-equality-act-olympics>>

Operating environment for non-profits

The Act on Promotion of Specified Non-profit Activities states that Non-Profit Organizations (NPOs) that wish to become incorporated must submit documents required by the Act.⁷ In addition to the requirements to register as a corporation, NPOs that want to be an “Approved Specified Nonprofit Corporation” which is eligible for tax deductions for donations and is more credible as a non-profit entity, need to meet further requirements as follows:

1. Pass the Public Support Test⁸
2. Less than 50% of the entity's revenue comes from common interest activities
3. The management organization and accounting are appropriate
4. The content of the entity's project activities must be appropriate
5. Disclosure of information must be appropriate
6. Business reports, etc. must be submitted to the competent authorities
7. The applicant has no violations of laws and regulations, wrongful acts, or spreading of facts contrary to the public interest
8. A period of more than one year has passed since the date of establishment and
9. The applicant is not disqualified in any way.

There are three out of 1,200 Specified Nonprofit Corporations that work in LGBTIQ-related matters, totalling more than 100 LGBTIQ organizations, according to the list provided by the Cabinet Office.⁹

⁷ The Act requires that the organization does not set any unreasonable conditions for the acquisition or loss of qualification of its members and officers receiving remuneration are no more than one-third of all officers. In addition, the organization is not one whose primary purposes are to promote, support or oppose any political doctrine or policy and is not one whose purposes are to recommend, support or oppose any candidate for a specific public office, or any person holding public office, or any political party.

⁸ Public Support Test (PST) requires that the NPO receives at least 100 donations in the amount of 3,000 yen (approximately US\$29) or more in a year and overall spending on activities benefitting the NPO members should not exceed 50% of the total NPO activities.

⁹ Status of donations in Japan, the United States and the United Kingdom (寄附金に関する日米英の状況) (NPO) <<https://www.npo-homepage.go.jp/about/kokusai-hikaku/kifunichibeiei-joukyou>> It is difficult to get the accurate number of LGBTIQ-related organizations that currently exist in Japan. The reason for this is that there are many university circles/clubs and local voluntary groups that are not registered. However, there are 86 organizations that have endorsed the J-ALL alone (2019), and it is estimated that there are more than 100 organizations in existence.

These requirements make it hard for NPOs to receive an approved status. Currently there are 51,269 Specified Nonprofit Corporations in Japan and 1,152 of them (2.2%) are Approved Specified Nonprofit Corporations that are eligible for tax deductions on donations.¹⁰

In terms of financial situation, the amount of donations to NPOs as a percentage of GDP is 0.18% in Japan, which is extremely low compared to the U.S., which has 2.01%, and the UK, which has 0.75%.¹¹ Approximately 8% of the revenues of NPOs comes from donations, 11% from subsidies and grants, and 77% from program fees.¹² It shows that Japanese NPOs do not get enough financial support from the government and their revenues depend on the income from programs fees collected through events they conduct. As a result, 32% of the NPOs have no paid staff and the average salary of staff who engage in NPO activities tend to be low. According to Japan NPO Center (2020), the median of annual staff salary is 1.38 million yen (about US\$13,308; \$1≐103 yen) and 2.32 million yen (about US\$22,374) for full-time staff, whereas average annual salary for private companies in Japan is 4.32 million yen (about US\$41,662). The same is applied to LGBTIQ-related organizations. As mentioned earlier, there are few approved LGBTIQ-related NPOs, and only a small number of organizations have open accounting information. This situation indicates the economic vulnerability of LGBTIQ-related NPOs in Japan.

¹⁰ Size and Scope of NPOs (JNJPOC) <<https://www.jnpoc.ne.jp/en/nonprofits-in-japan/size-and-scope/>>

¹¹ NPO (n 9)

¹² Survey on Specified Non Profit Organisations (*The Cabinet Office* 2018)



Overview of LGBTIQ human rights and civil society movements in Japan

It is widely accepted that homophobia is not rooted in Japanese traditional culture and religion. Rather, Japanese culture was tolerant of homosexuality until Christianity came to Japan in 19th century. For instance, male homosexuality was expressed in arts in Edo Period, 17th to 19th century, such as *ukiyo-e* ("pictures of the floating world"), *ukiyo-e-zoshi* ("novels of the floating world), and the *kabuki*.¹³

However, after 200 years of national isolation, the Western culture was introduced at the opening of the country. According to Arai (2014), traditions and customs which had long been cherished in people's lives were replaced by Western values. In 1873, the Criminal Code, the Meiji

¹³ Gary Leupp, *Male Colors: The Construction of Homosexuality in Tokugawa Japan* (University of California Press 1997)

Legal Code of 1873, made sodomy a criminal act under Article 266. This was the first and only time in the history of Japanese law that same-sex activity was criminalized.¹⁴

This article cannot cover every single LGBTIQ issue in Japan in detail, but the researcher would like to highlight a couple of specific issues and provide a broad overview of the situation of LGBTIQ persons and their human rights in Japan.

Human rights of trans people

Trans people whose gender identity and gender expression differ from the gender-marker given at birth have been allowed to officially change it under the Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder (Act on GID) which came into effect in 2004 (*Appendix A*). It was the first legal gender recognition procedure in Japan. However, the law requires them to be diagnosed with “Gender Identity Disorder” (GID) by two or more physicians who are equipped with enough knowledge and experiences on these matters, even though the ICD-11, which the World Health Organization (WHO) officially adopted in 2019, formally de-psycho-pathologized trans-related categories, which have been removed from the Chapter on Mental and Behavioral Disorders. In addition to the diagnosis as GID, other requirements to legally change one’s gender-marker are as follows:

1. 20 years old and beyond,
2. unmarried at the time he or she wishes to legally change his or her gender,
3. no minor children,
4. being deprived of their reproductive organs or reproductive ability and,
5. have a physical form that is endowed with genitalia that closely resemble the physical form of an alternative gender.

The Act on GID was the first law to open a possibility for trans people to legally live with the gender that they identified with. However, the criteria, such as the deprivation of one’s ability to reproduce, including sterilization as a part of gender affirming surgery, violate their human rights, in particular their right to bodily integrity. In addition to the enforcement of medically

¹⁴ Yuki Arai, *Is Japan Ready to Legalize Same Sex Marriage?* (Cornell Law School, LLM 2014) <https://scholarship.law.cornell.edu/lps_LLMGRP/4/>

unnecessary sterilization, the requirements of being unmarried at the time of changing one's gender-marker, and having no minor children are also discriminatory. According to the research done by the Judicial Statistics, the number of people who changed their legal gender-marker during 2004 to 2019 reached 9,625. It was only less than 20% of the estimated number of trans population in Japan. This low ratio shows that these requirements are a huge barrier to accessing legal gender recognition for trans people.

The Act on GID paved the way for trans people who wished to change their gender-marker, to be able to legally change it. Given the circumstances in Japan during the time, the law could only be passed with the condition of a surgical requirement. If there had been a strong opposition to remove the surgical requirement, the law could not have passed in 2004.

One of the difficulties faced by the transgender community in recent years is the issue of discriminatory remarks made especially against trans women from some feminists. It became prominent when the women's university Ochanomizu University announced their acceptance of trans women in 2018.¹⁵ Some feminists who highlight the experiences of cisgender women who are survivors of sexual violence and oppression by men want to exclude trans women for their "safety". The exclusion demonstrates a worrying trend among feminists in Japan, where human rights of transgender people are conflated with the criminal acts of men.

Marriage equality and same-sex partnership

In Japan, same-sex marriage is not yet recognized at the national level. However, the Constitution of Japan does not explicitly prohibit marriage between same sex couple. The first sentence of Article 24 of the Japanese Constitution states "Marriage shall be based on the mutual consent of both sexes."¹⁶ The point of the discussion is

¹⁵ Junko Mitsushashi, Why transgender women are being attacked in Japan in 2019 (Bunshun, 27 April 2019) <<https://bunshun.jp/articles/-/11620>>

¹⁶ The Constitution of Japan: Article 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

the interpretation of “both sexes” because most people might consider it as man and woman. It is necessary to take into account the historical context when Article 24 was established. Before the Current Japanese Constitution was passed in 1947, two people were not allowed to get married without the permission of the head of the household in the family registry system under the “*ie seido*”.¹⁷ The will of the individual was not respected, and the will of women was especially unheard. Tokuhiko (2004) stated that the *ie seido* was established with the primary purpose to designate obligations of household members to the male head, who held the title deeds to family property and had rights over and responsibilities for other family members.¹⁸ Therefore, the main point of the phrase “consent of both sexes” in this constitution is the “consent” of two people that they can marry according to their own will.¹⁹ In addition to the historical context mentioned above when the Constitution was established, marriage between same-sex couples was not assumed at that time.

For these reasons, it can be said that the first sentence of Article 24 does not explicitly forbid same-sex marriage and it is possible to legalize same-sex marriage without going against the constitution. However, the law called “Civil Law” states that a marriage should not be amended to legalize same-sex marriage. Even though the law does not clearly forbid same-sex marriage, the terms used in the law such as “husband and wife,” define marriage as something between a man and a woman.²⁰ Therefore, current interpretation of the law is that a union between individuals of the same sex is not prescribed in the definition of marriage.²¹

From the discussions above, the National Diet have to amend the law in order to legalize same-sex marriage. But the current ruling government is conservative and very cautious about this movement.

¹⁷ *ie seido*: According to Article 750 of the old Civil Code, the head of the family had the legal right to consent to the marriage of family members, and no marriage could take place without the consent of the head of the family.

¹⁸ Yuki Arai (n 14).

¹⁹ Constitution and Same-Sex Marriage (*Marriage for all Japan*, 2021) <<https://www.marriageforall.jp/marriage-equality/constitution/>>

²⁰ Civil Code: Article 750. A husband and wife shall adopt the surname of the husband or wife in accordance with that which is decided at the time of marriage.

²¹ *Marriage for all Japan* (n 19).

In the meantime, the introduction of same-sex partnership system at the local government level is the current trend.

After Shibuya and Setagaya wards being the first issuing same-sex partnership certificates in 2015, more than 100 municipalities have now enacted same-sex partnerships covering more than 30 percent of the population.²² This recent progress was not the consequence of intentional and strategic collaborative efforts, but rather a result of shifts in public opinion.²³ It could be explained as a reflection of Japanese culture which values harmony and the characteristics of civic activism, where Japanese society at large moves together with the prevailing public opinion at the time.

This move has influenced the private sectors to allow same-sex partners to be designated as beneficiaries of life insurance policies, and to ensure that same-sex partners are eligible for the same benefits as heterosexual couples. However, the benefits from same-sex partnerships are limited within the municipality and the certificate is not widely recognized. Even though the municipality has issued a certificate, it's up to each organization to recognize them as partners. Heterosexual de facto marriages are more socially recognized as married couples and, for example, can take their partner into social security support or receive a survivor's pension after the partner's death. However, these schemes are not applied to same-sex couples. Also, same-sex couples could be denied visitation or contact when their partner is hospitalized due to an accident or illness. Even though there is no law that limits the visitation to a patient's legal family member, one's same-sex partner might be refused contact when the partner is not recognized as a next-of-kin by the hospital. There is growing a consensus amongst the informants that recognition of same-sex partnerships at the local government level will continue to grow, while there are still barriers to legalize same-sex marriage at the national level.

²² The data is as for April 1st, 2022

²³ A ward is a subdivision of the cities of Japan that are large enough to have been designated by government ordinance. Shibuya and Setagaya ward are two of 23 special wards of Tokyo Metropolis that have a municipal status.

Employment and workplace

Discrimination and prejudice against LGBTIQ persons in the Japanese workplace has yet to go away. While some companies have begun to eliminate the gender column on résumés, there have been cases where job offers have been rescinded the moment one comes out with a non-conforming gender identity during a hiring interview, or when one is outed for “good” by one’s boss. In fact, only 10% of LGBTIQ people are out to their colleagues, bosses and employers in the workplace because of fear of losing their jobs or concern that they will be harassed.²⁴ The 2016 amendments to the Sexual Harassment Guidelines in the employment setting issued by the MHLW now recognizes all forms of harassment, regardless of the sexual orientation or gender identity of the person being harassed.²⁵ In 2020, another established guideline for implementation of the Act on Promotion of Comprehensive Labor Measures by MHLW states that harassment based on sexual orientation or gender identity constitutes a psychological attack, and outing constitutes an infringement of the individual’s privacy.²⁶

More and more companies are participating in the “work with Pride” (wwP) campaign that is organized and run by a voluntary organization to support and promote LGBTIQ initiatives by corporations and other organizations, as well as the initiatives in the Tokyo Rainbow Pride and the parade.²⁷ As of December 8, 2020, 138 companies and organizations have expressed their support for a marriage equality (legalization of same-sex marriage) campaign called Business for Marriage Equality.²⁸ However, these initiatives are mostly limited to big firms with global operations, companies of foreign origins, and the official sponsors of the Tokyo Olympics. According to the Report of Diversity Promotion Project in the Workplace FY2019, 40.6% of companies with 1,000 or more employees are aware of

²⁴ Reiwa Gen, AIDS Outbreak Trend Annual Report (*AIDS Prevention Information Network*, 15 September 2019) <<https://api-net.jfap.or.jp/status/japan/nenpo.html>>

²⁵ The guideline prohibited the sexual harassment only against female employees when it was enacted. However, it was amended to recognize all sexual harassment regardless of their gender, including the harassment by a person of the same sex.

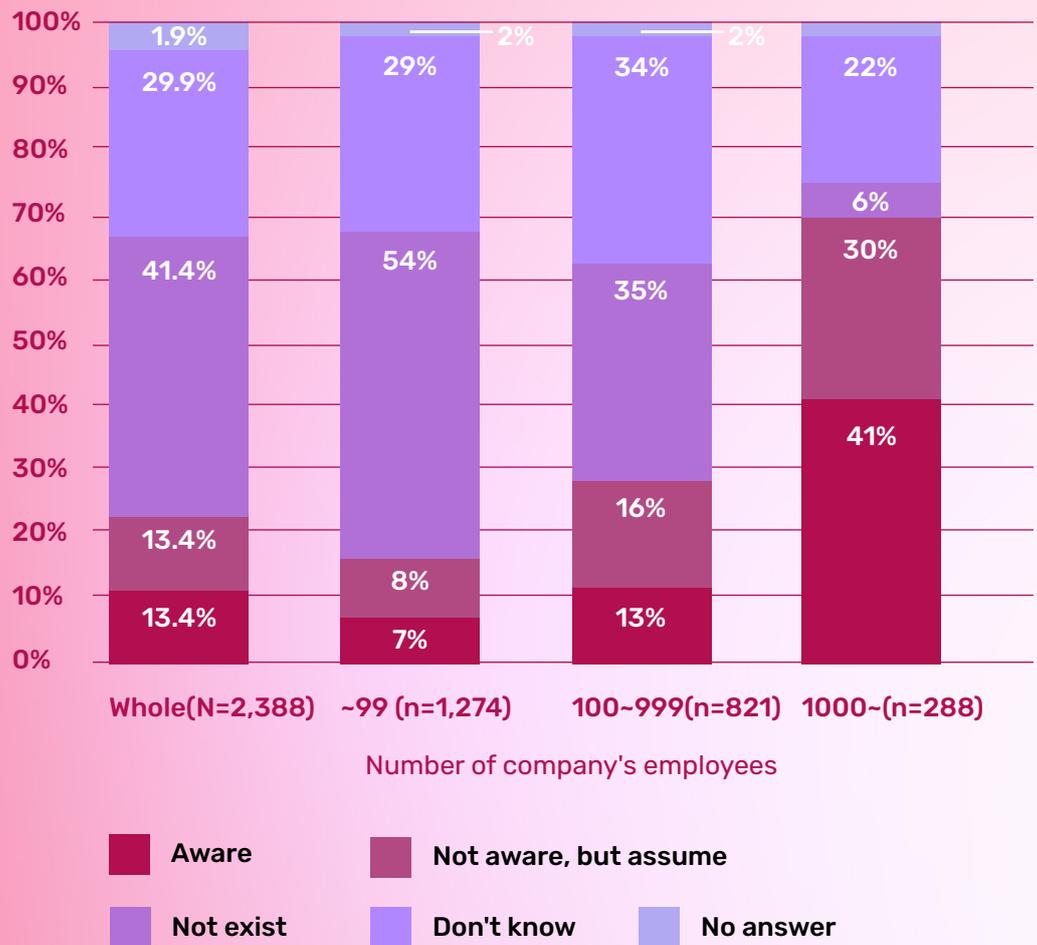
²⁶ This guideline about harassment is more based on power relationships in workplace than sexual harassment. It is called “Power Harassment” in Japan.

²⁷ WWP 2020 (*Work with Pride*) <<https://workwithpride.jp/seminar/#2020offset>>; Nakagawa Saori, Creating LGBT-friendly work environments (*NHK World- Japan*, 13 December 2019) <<https://www3.nhk.or.jp/nhkworld/en/news/backstories/739/>>.

²⁸ Corporate support for widespread marriage equality (Business for Marriage Equality) <<http://bformarriageequality.net/accj/>>

the presence of LGBTIQ persons in their company, while 13.2% of companies with 100 to 999 employees and 7.1% of companies with 99 or fewer employees are aware of it.²⁹ The smaller the company, the lower the degree of recognition from the company (Figure 1).

Figure 1:
Awareness of the presence of LGBTs in the company

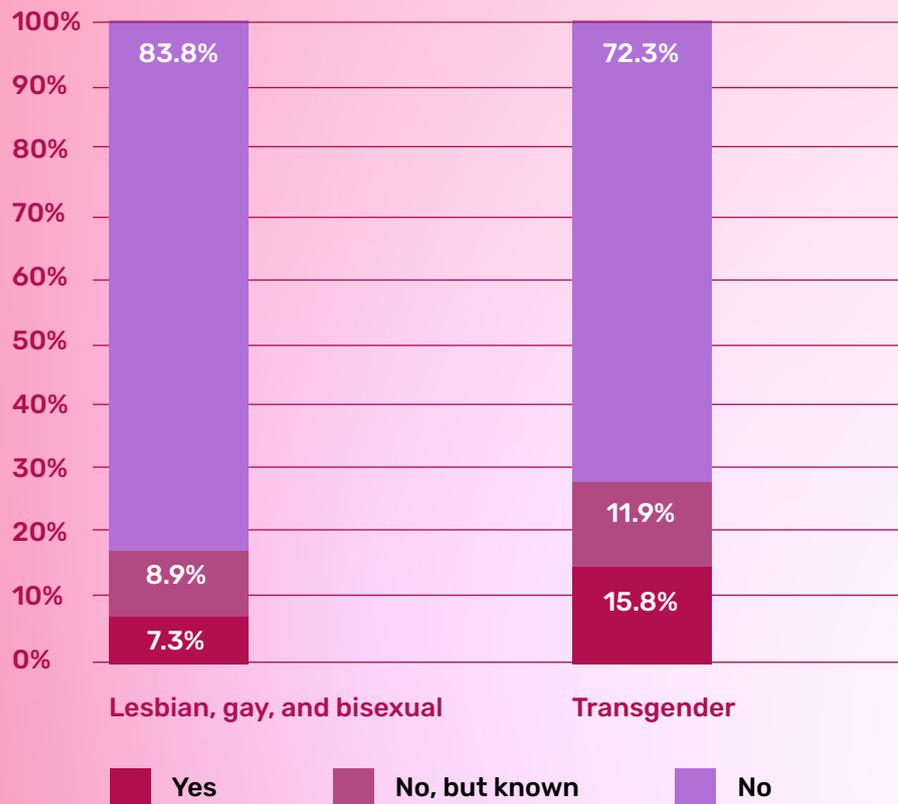


MHL(2020)

²⁹ The survey was conducted as a project of the MHLW by Mitsubishi UFJ Research and Consulting Co in 2019. In addition to the questionnaire survey of 2,388 companies with 50 or more employees, and the online questionnaire survey of 4,884 workers, interviews with related organizations and companies for the purpose of compiling a collection of case studies were conducted. The report was named as "Shokubaniokeru daibasiti suishin jigyou houkokusyo" in Japanese.

In addition, 83.8% of lesbian, gay, and bisexual persons, and 72.3% of transgender individuals said that they have not disclosed their sexual orientation and/or gender identity to anyone in their current workplace (Figure 2).

Figure 2:
Have you come out to at least one person in your current workplace that you are a sexual minority?



MHL(2020)

There are LGBTIQ persons who think that it is not always necessary to come out in their workplace, as the data shows. However, when they want to come out, it is still difficult for them to do so in their workplace due to various risks, such as discrimination and harassment. 99.7% of Japanese companies are small to medium-sized enterprises (SMEs), and 68.8% of employees work for SMEs.³⁰ This situation implies that most companies do not feel the need to address LGBTIQ issues because they are not visible. Therefore, there is still room for improving the workplace environment through legislation.

³⁰ SMEs that support Japan (*Be a Great Small*) <<https://www.smrj.go.jp/recruit/environment.html>>.

Education

One of the advances in schools recently observed in Japan is the guideline named “Regarding the Careful Response to Students with Gender Identity Disorder” directly issued by the Japanese Ministry of Education, Culture, Sports, Science, and Technology (MEXT) in 2015. The guideline explains several measures that schools should take to accommodate transgender students. In the following year, 2016, MEXT issued another guideline called “Guidebook for Teachers Regarding Careful Response to Students related to Gender Identity Disorder as well as Sexual Orientation and Gender Identity”. The MEXT revised its policy in 2017 to prevent bullying of students because of their sexual orientation or gender identity. They announced to all public and private schools from elementary schools to high school through the local education board to promote proper understanding within teachers and staff about gender identity and sexual orientation and informed them about the necessary measures they need to take as an educational institution.

Even though there is no mention about discussing LGBTIQ matters in the official school curriculum guideline issued by the MEXT, it has not prohibited such discussions in class. Each school can choose the textbooks they prefer on the topic from several different companies, and there are school textbooks that deal with sexual orientation and gender identity in subjects such as health and physical education, home economics, biology and social studies.

However, the MEXT did not include a section on learning about LGBTIQ in the official curriculum guideline when they published it in 2017 which happens only once every ten years. It is not mandatory for teachers to cover LGBTIQ issues in their class.

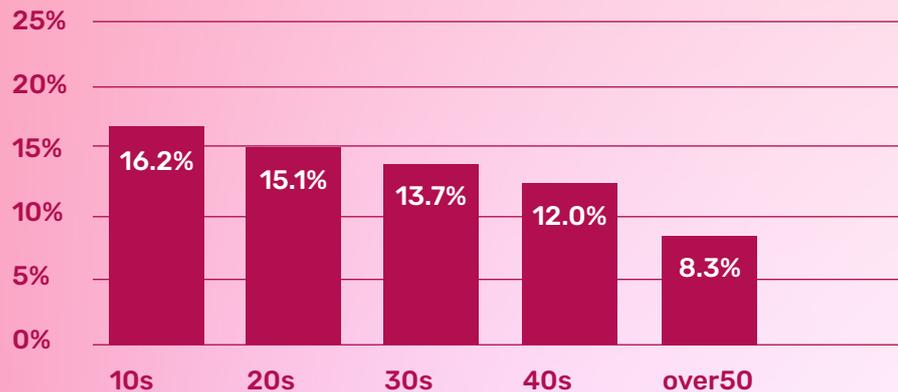
Bullying that targets LGBTIQ students is common in Japan. According to the research conducted by Hidaka (2016), a professor at Takarazuka University's School of Nursing, 47.8% of teenage LGBTIQ students said they were bullied at school.³¹

Another online survey conducted by Hidaka (2015) on 20,821 gay and bisexual men showed that 14.0% of all respondents had attempted suicide in their lifetime, 13.7%

³¹ Yasuharu Hidaka, LGBT 当事者の意識調査 ～いじめ問題と職場環境等の課題～(Reach Online 2016 for Sexual Minorities) <https://health-issue.jp/reach_online2016_report.pdf>

of those in their 30s, 15.1% of those in their 20s, and 16.2% of those in their teens, with the proportion tending to lower with age.³² This results showed that the younger the age, the higher the likelihood of attempted suicide

Figure 3:
Attempted suicide



Hidaka(2015)

In regard to the capacity of school teachers and staff in dealing with diverse gender and sexuality, Hidaka (2015) highlighted the lack of training and knowledge about sexual orientation and gender identity within school teachers in his study. The research stated that more than 90% of the 5,979 school teachers (kindergarten, primary school, junior school and senior-high school) answered that they had never encountered any information about LGBTIQ issues in their training program to become teachers.³³

In any case, the first and most urgent step in promoting the understanding of LGBTIQ issues in Japanese education is to promote this understanding and awareness within teachers and staff.

³² Yasuharu Hidaka, *Gay and Bisexual Men's Health Report (2015)* <https://www.health-issue.jp/Health_Report_2015.pdf>

³³ Id.

Sex Crime Law

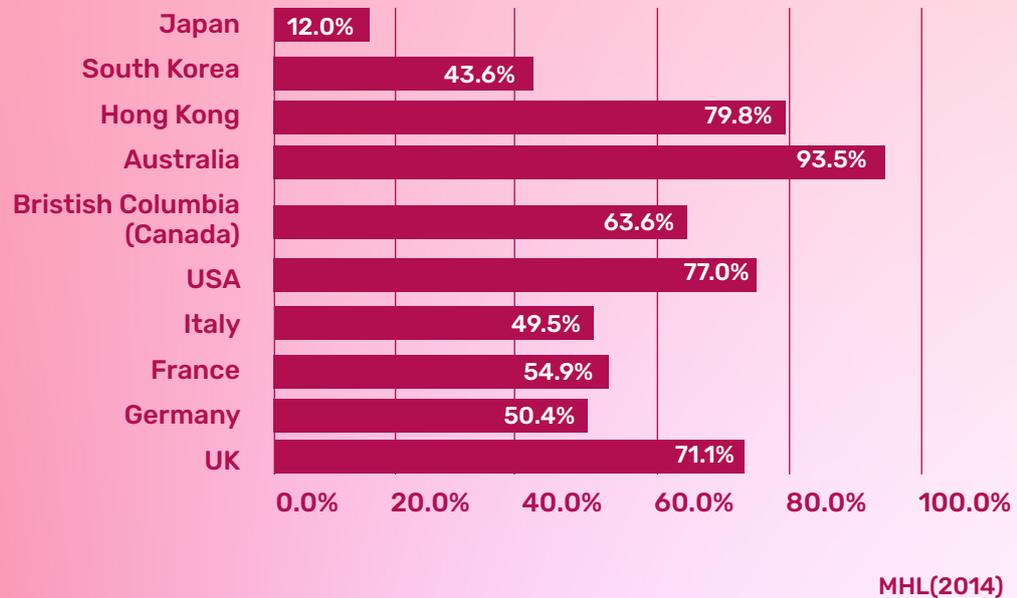
Japan has implemented the Sex Crime Law since 1907, and has amended it for the first time in 120 years in 2017. The amendment has widened the definition of rape, made the term of imprisonment lengthier, and allowed prosecution when victims did not press charges. The definition of rape in the previous law, which had been limited to vaginal penetration by a penis, was expanded to become “forced sexual intercourse” which included forced anal and oral intercourse, therefore not limiting possible victims to females only (recognizing males as possible victims). However, it does not mean that the Sex Crime Law applies to survivors regardless of their gender. As the crime of forced sexual intercourse is based on the premise that the assault is committed with male genitalia, so assaults with foreign objects, instruments, fingers, and even knives are not punishable under the current law. Therefore, sexual violence which does not involve male genitalia, including sexual violence happening among LGBTIQ people, is not prosecuted by the law. Also, support centers for sexual violence survivors assume that survivors are women, and sometimes men and LGBTIQ persons are refused counseling. Although there has been some improvement with the supplementary resolution of the law revision in 2017, there are still some places that reject men and LGBTIQ persons who seek help. There is a need to change the definition of sex crime to encompass all acts of sexual violence, including those that do not involve male genitalia.

Foster care by same-sex couples

While most of the children who need social care are taken care of by foster parents in countries and territories such as Australia (93.5%), Hong-Kong (79.8%), and the U.S. (77%), only 12.0 % of those children are taken care of by foster parents in Japan.³⁴

³⁴ AIDS Trends Committee, About the current state of social care (reference material) (社会的養護の現状について(参考資料)) (Ministry of Health, Labour and Welfare, 2014) <https://www.mhlw.go.jp/bunya/kodomo/syakaiteki_yougo/dl/yougo_genjou_01.pdf>

Figure 3:
Percentage of children placed in foster care among those who are in need of social care in each country before and around 2010



It means that most of the children who need caretakers are growing up in childcare institutions. At the same time, there are same-sex couples and couples with at least one trans person who has not changed their gender-marker, who want to raise a child. There is no law that prohibits foster caring by same-sex couples. In fact, a gay couple in Osaka City was certified as foster parents, and the MHLW expressed their acceptance of the situation in 2017.³⁵ However, the current foster care system assumes foster parents to be heterosexual couples, as evidenced by the use of the word "spouse" in the Tokyo's foster care certification criteria. It is necessary to raise awareness of this issue with stakeholders such as local governments, child guidance centers, and foster parent associations to support same-sex couples who wish to raise a child.

Others

Regarding the situation of LGBTIQ people, there are also other challenges such as other disabilities, HIV/AIDS, sex workers, poverty, disaster responses, and assisted reproductive health care.

³⁵ What is forest parent system (*Rainbow Foster Care*, 7th April 2017) <<https://rainbowfostercare.jimdofree.com/%E9%87%8C%E8%A6%AA%E5%88%B6%E5%BA%A6%E3%81%A8%E3%81%AF/>>



Recent prioritized movements in the community

Anti-discrimination law based on SOGIESC

In 2018, the Tokyo Metropolitan Government established a local ordinance to ban SOGIESC-based discrimination in line with the Olympic Charter. However, Japan has not been implementing a comprehensive anti-discrimination law at the national level despite of the recommendations from the human rights treaty bodies and the Universal Periodic Review from 2008. There are already several anti-discrimination laws in place on specific issues, such as Act on Elimination of Discrimination against Persons with Disabilities, Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment, and Act on Promotion of Measures to Eliminate Unjust and Discriminatory Speech and Behaviors against Persons from Abroad etc., and it will be complicated to reorganize all issues under one law. Therefore, the next step would be to enact an anti-discrimination law that specifically focuses on LGBTIQ rights. There are three draft bills proposed to protect LGBTIQ human rights: Anti-discrimination law against LGBTIQ by Japan Alliance for LGBTIQ Legislation (*J-ALL*), LGBTIQ Understanding Enhancement Law by LDP, and Anti-Discrimination based on SOGIESC by coalition of four opposition parties and a group (The Constitutional Democratic Party of Japan, Democratic Party For the People, Japanese Communist Party, Social Democratic Party, Liberal Party and Group of Independents).³⁶ None of them have not resulted in any legislation. Currently,

³⁶ Anti-discrimination law against LGBTIQ: It was proposed by the J-ALL based on a list of difficulties through interviews with the LGBTIQ people and organizations involved and the insights of experts. As a law for the elimination of discrimination and other difficulties caused by sexual orientation and gender identity, and for the support of the LGBTIQ, it sets legal obligations for administrative agencies and companies, including the prevention and prohibition of indirect and direct discrimination, harassment of LGBTIQ people, the requirement of reasonable accommodation, and the prohibition of retaliation. The law also specifies support measures such as the establishment of

J-ALL, Human Rights Watch, and the Athlete's Ally have launched an international petition campaign named Equality Act Japan that calls on the Japanese government to introduce and enact legislation to protect LGBTIQ people from discrimination before the Olympics.³⁷ The Equality Act Japan campaign has gathered 106,250 online signatures that ask for the introduction of the LGBTIQ Equality Act from Japan and abroad, and submitted them to the ruling Liberal Democratic Party on March 25, 2021.³⁸



consultation centers and educational activities to reflect the difficulties faced by LGBTIQ people.

LGBTIQ Understanding Enhancement Law: The LDP's basic approach is to create a society that accepts the diversity of sexual orientation and gender identity. It focuses on promoting understanding of LGBTIQ people by deepening understanding of LGBTIQ people through human rights education and awareness-raising with the aim of reducing "discriminatory feelings that arise because of ignorance". It does not include a prohibition against discrimination. It also takes a cautious stance on the legalization of same-sex marriage.

Anti-Discrimination based on SOGIESC: It establishes policies and plans for the national and local governments to promote the elimination of discrimination on the basis of sexual orientation or gender identity, and prohibits government agencies and businesses from discriminating against people based on their sexual orientation or gender identity. At the same time, it requires that government agencies and businesses should provide equal opportunities in employment (recruitment and hiring), prevent harassment, and work to prevent bullying in schools and other institutions. There are penal codes for discrimination.

³⁷ It is an international signature campaign by the J-ALL, Human Rights Watch, and Athletes Ally, with the same contents and different name from Anti-discrimination law against LGBTIQ persons.

³⁸ Human Rights Watch (n 6).

Marriage equality

The Sapporo District Court ruled that the government's failure to recognize same-sex marriage is unconstitutional in the country's first judicial ruling on marriage equality on March 17, 2021.³⁹ (*The Japan Times, Ltd., 2021*). The judge sided with the plaintiffs who claimed that the government was violating Article 14 of the Constitution that ensures the right to equality, describing it as “discriminatory” (*The Japan Times, Ltd., 2021*).⁴⁰ Doi (2021) expressed that “It’s a significant and emotional moment in Japan for a court to affirm the dignity of the lesbian, gay, bisexual and transgender (LGBTIQ) community in such clear and unambiguous terms” and that “(It) is a groundbreaking ruling in the long-fought battle for marriage equality.” However, the Court rejected the demand for damages of the pain that they suffered by not being able to legally marry. The Judge agreed with the government and argued that there was no violation of Article 24 of the Constitution by saying that it related to heterosexual marriage and did not mention same-sex marriage (*The Japan Times, Ltd., 2021*).

As mentioned previously, same-sex partnership has been recognized not only in a number of municipalities but also prefectures with certificates. There is a consensus among the informants that recognition of same-sex partnerships at the local government level will continue to grow. However, recognition by the local government is not widely recognized. There are still barriers to legalize same-sex marriage at the national level.

In fact, the recent studies conducted by Kawaguchi, Kamano, Ishida, Kazama, Hiramori & Yoshinaka (2020) and by Dentsu showed that 64.5% of 2,632 respondents and 78.4% of 60,000 respondents respectively agreed with same-sex marriage.⁴¹ However, the influence of the traditional family system and conservative ruling party is also strong. General Incorporated Association Marriage for All Japan (MFAJ) that consists of lawyers, lobbyists, and public relations professionals are currently preparing for a collective lawsuit for same-sex marriage in five different

³⁹ Japan court rules failure to recognize same-sex marriage unconstitutional (*The Japan Times, March 17 2021*)

⁴⁰ Article 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.

⁴¹ 「LGBT 調査 2018」についての補足説明 (Dentsu, 2019) <<https://www.dentsu.co.jp/news/release/pdf-cms/2019002-0110-2.pdf>>

locations across Japan. They have had their seventh trial and submitted the 35,509 signatures they collected in support of same-sex marriages to the Sapporo district court in October, 2020. MFAJ also held a meeting about marriage equality in the National Diet members' office building on November 26, 2020 to report on the current status of the freedom of marriage for all lawsuits. The complainants in the lawsuit from all over the country gave talks and there was a speech about the economic impact of marriage equality on the country and businesses. 16 National Diet members participated in the event and it was live streamed on YouTube with more than 28,000 views on November 26th, 2020. It demonstrates the high level of public attention paid to the matter. The verdict of the Sapporo that came out in March 2021 and other trials are still ongoing. Eventually they will have to go all the way to the Supreme Court to decide whether the National Diet needs to amend the law to recognize same-sex relationships or not. If one of them wins, they will have a tailwind of success.

Pride House Tokyo

Pride House Tokyo is a project in which organizations, individuals, and businesses across sectors work together to establish a hospitality facility to provide information and content on LGBTIQ matters and other sexual minorities, as well as a variety of diversity-related events and content, in conjunction with the timing of the Tokyo Olympics and Paralympics. The Pride House Tokyo Consortium opened Japan's first permanent LGBTIQ center called Pride House Tokyo Legacy in October 2020, on the National Coming Out Day, in Shinjuku, Tokyo. In order to provide a safe place to disseminate information about LGBTIQ issues, 35 organizations and professionals, 15 companies, 18 embassies, one EU delegation, athletes and sports officials are working together across sectors.

It includes a multipurpose space for offline and online events, private spaces for consultation and counseling support, and a library that houses Japan's LGBTIQ community archives.

Pride House Tokyo Legacy is the first official program of the Organizing Committee of the Olympic and Paralympic Games in the history of Pride House. Also, it is a collaboration not only with domestic LGBTIQ organizations, but also with non-profit organizations working in other fields, businesses and embassies.



Key strategies

Shaping public opinion

In changing policies and laws, one of the things politicians care about is public opinion, whereas human rights should be protected whether society agrees with them or not. Shaping public opinion through various ways is key to convincing the government in Japanese culture which values harmony and cares what others think. With that in mind, using the media and involving the business sector to shape public opinion are the strategies that have worked well and will continue to work.

Involvement of general public by using online signatures

A strategy that is working effectively right now is gathering online signatures. For example, activities to eliminate the gender column on work résumés and the legalization of same-sex marriage have utilized online signature sites to collect tens of thousands of signatures. Submitting these signatures to a ministry has a lot of social impact. It is also easier for online media and newspapers to cover the news as the number of signatures shows how many people were interested in the issue. Furthermore, each activist takes extra effort to contact their media contacts and newspapers directly, as well as the press office of the Diet so that the issue can get more and more public attention. In fact, with more than 10,000 signatures collected, NPO POSSE which mainly works for labor issues submitted a request to the Ministry of Economy, Trade and Industry (METI) which has jurisdiction over the most widely used Japanese Industrial Standard (JIS) resume format, to remove the gender column from résumés.⁴²

The METI responded that the government does not require a gender column on résumés, and asking for

⁴² Japanese Industrial Standards (JIS) specifies the standards used for industrial activities in Japan. The standardization process is coordinated by the Japanese Industrial Standards Committee and published through the Japanese Standards Association.

personal attributes, such as gender, is not appropriate, and provided administrative guidance to the Japanese Standards Association (JSA).⁴³ As a result, the JSA deleted the illustrated example of the JIS resume format with gender columns. In addition, Kokuyo, a major stationery manufacturing company, began selling résumés without gender columns in 2020.

In addition, as mentioned, The Equality Act Japan campaign has gathered 106,250 online signatures not only in Japan, but also from abroad, and submitted them to the ruling Liberal Democratic Party to ask for the introduction of the Equality Act.⁴⁴

It is effective to gather online signatures to involve the general public in the movement, and show the politicians that public opinion is being formed and the topic is receiving significant public attention.

Use of media and entertainment

On top of online signatures, using manga, cartoons, TV dramas, documentary movies, and YouTube as a bridge to spread awareness is also very effective.

Manga and cartoons are very popular for all ages ranging from children to adults in Japan. In addition to TV dramas and book comics, many adults nowadays enjoy reading manga in the form of e-books as well. A manga called *"My Brother's Husband"* which is about a gay couple, won various awards in Japan and has been turned into a drama series and broadcasted on television. In some TV dramas, they do not specifically focus on LGBTIQ themes but they choose gay people as a part of the story, portraying them as friends of the main character. Such a style of portrayal can subtly convey the fact that there are LGBTIQ people in our daily lives. More and more LGBTIQ people are also appearing in variety shows. Considering the cultural characteristics of Japan, it is very effective to showcase the existence of LGBTIQ people to a wide range of people who are not interested in LGBTIQ issues through entertainment such as dramas and manga. It can open doors to readers whether he or she is a part of the LGBTIQ community.

⁴³ Japanese Standards Association (JSA) is the Japanese industrial standard development organization. JSA promotes standardization and management system in Japan through the following activities

⁴⁴ Human Rights Watch (n 6).

Involvement of business sector

More companies are participating in LGBTIQ related activities, such as the wwP campaign, Pride House Tokyo, and Business for Marriage Equality. For instance, Sony Corporation extended some of the staff benefits that apply to spouses, such as wedding allowances, condolences, rent subsidies, and participation in employee family events to same-sex partners in 2016.⁴⁵ KDDI Corporation has introduced a system to recognize the children of same-sex couples as their children, called the “family-ship system” in 2020, in addition to the revision the definition of spouse in their internal regulations to include same-sex partners as spouses in 2017.⁴⁶ This initiative has been introduced as the best practice in wwP 2020. Even though there is still room for improvement in terms of workplace environment, the social impact of the involvement of well-known firms in LGBTIQ related issues is large.

Collaboration with other support systems

Integrating with the general social support movements that promote LGBTIQ issues within those target groups of support is an effective strategy in two ways: it makes uninterested people aware of LGBTIQ issues, and ensures that LGBTIQ persons are not excluded from social welfare support. Examples include the field of gender-based violence support, foster care, unemployment support, HIV/AIDS, and drug addiction support. People who do not understand LGBTIQ issues are the ones who are not exposed to information related to the LGBTIQ community. Given that some LGBTIQ persons have multiple issues, some of the social welfare workers who are not aware of this situation have unknowingly excluded them when offering help. This exacerbates the situation for LGBTIQ persons who already need social support. That is why it is strategically useful and necessary to approach the issue from a different angle and spread awareness about LGBTIQ people in the midst of various social issues, and to support LGBTIQ people with real and complex difficulties.

⁴⁵ Sony Corporation is a Japanese multinational conglomerate corporation and operates as one of the world's largest manufacturers of consumer and professional electronic products, the largest video game console company, the second largest video game publisher, the second largest record company, as well as one of the most comprehensive media companies, being the largest Japanese media conglomerate by size and the largest Japanese media conglomerate by revenue.

⁴⁶ KDDI is a Japanese telecommunications operator and it provides mobile cellular services.

Other than that, there are also some LGBTIQ people who actively become members of administrative or academic committees, and full-time employees of the government to speak up for the community. It also seems strategically effective as they are given an official position to give opinions, and their voices have more credibility.





Challenges

1

Politics: Lack of diversity within the decision makers

There are House of Councilors and council members from the LGBTIQ community, and two councilors who have physical disabilities were elected in 2020. However, diversity in politics is greatly lacking, with even the advancement of women being left far behind. Therefore, one of the challenges to improve human rights issues of LGBTIQ persons in Japan is the senior male dominated political sphere.

According to the Global Gender Gap Report 2020 by the World Economic Forum, which shows the countries' progress towards gender parity in four dimensions: Economic Participation and Opportunity, Educational Attainment, Health and Survival and Political Empowerment, Japan was placed at the 121st out of 153 countries. Especially, the gender gap in political empowerment was the worst - at the 144th, among those four dimensions. In fact, only 9.9% of the House of Representatives were women in 2020, and it was the 165th out of 191 countries in terms of women's participation in politics.⁴⁷ The average age of the members of the House of Representatives has been around 55 years old. According to Kawaguchi, Kamano, Ishida, Kazama, Hiramori & Yoshinaka (2020), men were more likely than women to oppose same-sex marriage, and the elders were more likely than the younger generation to oppose it. The same applies to same-sex attraction and sexual acts. More men than women, and more older people than younger people, tended to find them disgusting. As the data shows, the decision makers in politics in Japan are mainly dominated by older men who are influenced

⁴⁷ Initiatives for Gender Equality in Politics in Other Countries (Gender Equality Bureau, 2020) <<https://docs.google.com/document/d/1hluE37b8lbhtewDyEH0QltcZZwebijeRj3rUPzkXf8l/edit>>

by traditional-family based values. Even though most of the population agree with marriage equality, for example, it is difficult to legalize it without agreement from these politicians.

2

Exhaustion from conflicts within the LGBTIQ Community

Most activists expressed conflicts within the Japanese LGBTIQ community during the consultation, and that it is not always a good thing to be united as an “LGBTIQ community”. The unity of the LGBTIQ community in Japan has the potential to make differences that exist among its less visible members. In addition, specializing in their own fields of activity and conducting advocacy campaigns would be effective in terms of utilizing their expertise. However, the conflicts between gay and bisexual men and lesbian and bisexual women, transgender persons and those who identify themselves as having gender identity disorder, intersex persons and those who identify themselves as having a disorder of sex development exist. For instance, LGBTIQ-related organizations still tend to be represented by gay individuals, illustrating the dominance of men over women and the dominance of cisgender people over transgender people. If the community wants to have an impact on society, it is essential to collaborate across attributes and fields.

Transgender and Gender Identity Disorder

In the transgender community, the term GID used in Japan leads to argument between those who identify as transgender and refusing to be pathologized, and those who identify as having GID claiming that they need access to medical care and surgical requirements, and should not be considered as undergoing “forced” sterilization. Because of this argument, the removal of surgical requirements for gender reassignment has also been criticized by some of the community members, mostly those who identified as having GID.

Intersex and disorders/Differences of Sexual Development (DSD)

The intersex community is divided into those who identify as a member of the LGBTIQ community, and parties who do not want to be included in the LGBTIQ community because they claim that their issue is just a physical condition called DSD. Among those who identify as intersex, there are those who identify themselves as neither male nor female. On the other hand, some intersex people argue that they have a clear identity as either male or female and do not want to be mixed with gay or transgender persons.

Lack of collaboration beyond attributes and field of activism

There are few cisgender LGB people who are actively involved in the activities of transgender people. Most cisgender LGB community members do not speak out when discriminatory comments towards transgender women are made. The trans community feels that the representation of trans people in the LGBTIQ community is not enough, and the same can be said about bisexual people as well. In terms of initiatives surrounding different issues, activities for the legalization of same-sex marriage have gotten attention from within and outside the LGBTIQ community in Japan, but activities related to HIV/AIDS, sexual violence, disaster response, foster care and assisted reproduction, seniors, youth, people with disabilities, and sex work have not received as much attention from within and outside the community. Activists do not have enough time and financial resources to support those who work on other issues. This makes some activists who work for minorities within the LGBTIQ community feel left behind.

3

Lack of financial resource supporting LGBTIQ CSOs

Even though the Gross Domestic Product (GDP) per capita of Japan reached US\$402, 467.⁴⁸ and classifies Japan as a high-income country, the financial situation of organizations engaging in LGBTIQ issues and projects is dire. One of the problems of activism in Japan is the difficulty of raising funds domestically as a non-profit organization.

As mentioned previously, in addition to the small amount of donations to NPOs, which was a small percentage of the GDP (0.18%) in Japan,⁴⁹ 8% of the revenues of NPOs come from donations, 11% come from subsidies and grants, and 77 % come from program fees.⁵⁰ It shows that Japanese NPOs do not get enough financial support from the government, and their revenues depend on the income from programs fees of events they conduct. As a result, according to the Japan NPO Center (2020), 32% of the NPOs in general have no paid staff and the average annual salary of full-time staff who engage in NPO activities is 2.32 million yen (about US\$22,374), whereas average annual salary for private companies in Japan is 4.32 million yen (about US\$41,662).

Another study by The Cabinet Office (2018) stated that more than 63.3% of NPOs operate with a staff team of 10 or less, and 41.7% of them operate with a budget of less than 10 million yen (about US\$97,087; \$1≐103 yen). Considering the cost of living in Japan, this makes it quite difficult to hire a full-time staff. This is the current state of specified non-profit corporations in general in Japan, and many LGBTIQ organizations, including voluntary organizations which are not registered to the local government, are likely to be operating below this level. Even though there is no law to limit or prohibit freedom of association, expression and assembly for LGBTIQ people or organizations, it is also difficult to solicit donations because

⁴⁸ GDP Per capita (The World Bank) <<https://data.worldbank.org/indicator/NY.GDP.PCAP.CD>>

⁴⁹ NPO (n 9)

⁵⁰ The Cabinet Office (n 10)

the culture of giving is not well established, and traditionally, people tend to be of the opinion that those who work for NPOs should not earn money.

Given this situation, most participants said that they wanted to engage more in their activities but could not spare enough time because they were working while also being involved in their activities. Also, they were not able to hire a full-time staff member who can commit to the job. The fact that there are only a few out of more than 100 LGBTIQ organizations that publicly report their accounting information and can hire full-time staff itself shows the financial challenges faced by the Japanese LGBTIQ community.



Chart 1

	30s	40s	50s	60s	70s	Not disclosed
Age	8	3	2	1	2	2

Chart 2

	Cisgender woman	Cisgender man	Trans woman	Trans man	Non-conforming	Not disclosed
Gender Identity	9	6	2	3	1	1

Chart 3

	Gay	Lesbian	Bisexual	Pansexual	Not disclosed
Sexual Orientation	6	6	3	1	6 *including heterosexual trans

Chart 4

	Tokyo	Kanto (except Tokyo)	Tohoku	Kansai	Hokkaido	Hokuriku	Chubu	Kyushu
Area	9	4	3	2	1	1	1	1



Appendices

Appendix A

Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder

Act No. 111 of July 16, 2003

(Purpose)

Article 1 This Act provides for special cases in handling gender status under laws and regulations with regard to persons with gender identity disorder.

(Definitions)

Article 2 The term "Person with Gender Identity Disorder" as used in this Act means a person whose biological gender is evident, but who holds a persistent conviction under which they psychologically identify themselves as being of the opposite gender (hereinafter referred to as the "Opposite Gender"), and who has the intention of physically and socially conforming with the Opposite Gender, and has received concurrent diagnoses on such identification with the Opposite Gender from two or more physicians equipped with the necessary knowledge and experience to give accurate diagnoses on this matter, based on generally accepted medical knowledge.

(Rulings of Changes in Recognition of Gender Status)

Article 3 (1) A family court may make a ruling of a change in the recognition of the gender status of a person who is a Person with Gender Identity Disorder and who falls under all of the following items, at the request of such person:

- (i) is not less than 20 years of age;
- (ii) is not currently married;
- (iii) currently has no child who is a minor;
- (iv) has no reproductive glands or whose reproductive

glands have permanently lost function; and
 (v) has a body which appears to have parts that resembles the genital organs of those of the Opposite Gender.

(2) A person who makes a request as referred to in the preceding paragraph must submit a medical certificate issued by a physician which contains particulars specified by Ordinance of the Ministry of Health, Labour and Welfare, such as the results of the diagnoses referred to in the preceding Article and the progress and results of treatment with regard to the Person with Gender Identity Disorder referred to in said paragraph. (Treatment under Laws and Regulations of Persons Who Have Received a Ruling of a Change in Recognition of Gender Status)

Article 4 (1) Unless otherwise provided for by law, with regard to the application of the Civil Code (Act No. 89 of 1896) and other laws and regulations, a person who has received a ruling of a change in recognition of gender status is deemed to have been assigned to the Opposite Gender.

(2) Unless otherwise provided for by law, the provisions of the preceding paragraph do not affect the personal status or any rights or obligations that arose prior to a ruling of change in recognition of gender status.

Supplementary Provisions [Extract]

(Effective Date)

(1) This Act comes into effect as of the day on which one year has elapsed from the date of promulgation.

(Review)

(2) The range of Persons with Gender Identity Disorder who may request a ruling of change in recognition of gender status, and other aspects of the system regarding rulings of change in recognition of gender status are to be reviewed approximately three years after this Act comes into effect, taking into consideration matters such as the status of the enforcement of this Act and changes in the social environment surrounding Persons with Gender Identity Disorder, etc.; and measures are to be

taken as required based on the result of such review, if said measures are found to be necessary.

(3) Females provided for in Article 12, paragraph (1), item (iv) of the Supplementary Provisions of the Act for Partial Revision to the National Pension Act (Act No. 34 of 1985) and in the provisions of other laws and regulations that refer to said item are to include persons who have received a ruling of change in recognition of gender status and who were females before receiving such ruling of change in recognition of gender status, and to exclude persons who have received a ruling of change in recognition of gender status and who are deemed to have been assigned to the female gender pursuant to the provisions of Article 4, paragraph (1).

Supplementary Provisions [Act No. 70 of June 18, 2008]

(Effective Date)

(1) This Act comes into effect as of the day on which six months have elapsed from the date of promulgation.

(Transitional Measures)

(2) With regard to cases involving a request for a ruling of a change in recognition of gender status which are made prior to the day on which this Act comes into effect, pursuant to the provisions of Article 3, paragraph (1) of the Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder prior to revision by this Act, the provisions in force at the time in question will continue to apply.

(Review)

(3) The system regarding rulings of change in recognition of gender status for Persons with Gender Identity Disorder is to be reviewed as required, based on the status of the enforcement of the Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder as revised by this Act, and taking into consideration the status of Persons with Gender Identity Disorder and persons concerned therewith, along with other circumstances.

Supplementary Provisions [Act No. 53 of May 25, 2011]
This Act comes into effect as of the day on which the new
Non-Contentious Case Procedures Act comes into effect.

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ILGA Asia is the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 member organizations in East Asia, South Asia, Southeast Asia and West Asia.

Our vision is a world where Asia is a safe place for all, where all can live in freedom and equality, be properly informed in the nature of sexual orientation and gender identity & expression and sex characteristic (SOGIESC) rights, have access to justice, and diversity is respected.

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