

Act on Special Cases in Handling Gender for People  
with Gender Identity Disorder (Japan) Law No. 111 of  
2003 (Effective Jul. 16, 2004) \*

*Translation by Chiaki Ota* \*\*

ARTICLE 1: PURPOSE

This Act provides the statutory handling of special cases for people with Gender Identity Disorder.

ARTICLE 2: DEFINITION

In this Act, “Gender Identity Disorder” means a person, despite his/her biological sex being clear, who continually maintains a psychological identity with an alternative gender (hereinafter, “alternative gender”), who holds the intention to physically and socially conform to an alternative gender, and who has been medically diagnosed in such respects by two or more physicians generally recognized as holding competent knowledge and experience necessary for the task.

ARTICLE 3: PROCEDURE TO CHANGE THE TREATMENT OF GENDER

1. The Family Courts are authorized to adjudicate a change in the handling of gender upon the application of a person with Gender Identity Disorder who fulfills the following requirements:

- i. The person is 20 years or older;
- ii. The person is not presently married;

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\* Sei Dōitsusei Shōgaisha no Seibetsu no Toriatsukai no Tokurei ni Kansuru Hōritsu [Act on Special Cases in Handling Gender for People with Gender Identity Disorder], Law No. 111 of 2003 (Japan). This translation is not a translation of the entire Act. Although all of the articles are included in this translation, most of the supplemental provisions have not been included. The Asian-Pacific Law and Policy (“APLPJ”) editors commissioned this translation in order to complement APLPJ’s Volume 14, Issue 2 essay *Japan’s 2003 Gender Identity Disorder Act: The Sex Reassignment Surgery, No Marriage, and No Child Requirements as Perpetuations of Gender Norms in Japan*, written by Hiroyuki Taniguchi, Associate Professor at Takaoka University of Law in Japan. Professor Taniguchi presented this essay at APLPJ’s Spring 2012 symposium, *Rainbow Rising: Community, Solidarity, and Scholarship*.

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- iii. The person does not presently have a minor child;
- iv. The person does not have gonads or permanently lacks functioning gonads; and
- v. The person's physical form is endowed with genitalia that closely resemble the physical form of an alternative gender.

2. In making an application as provided for in the previous section, an applicant must submit medical certification indicating the applicant's status as a person diagnosed with Gender Identity Disorder as provided for in Article 2 above and other matters as may be provided for by Ordinance of the Ministry of Health, Labour, and Welfare, including but not limited to the progress or results of any medical treatments.

ARTICLE 4: STATUTORY HANDLING OF PEOPLE ADJUDICATED TO HAVE CHANGED THEIR GENDER

1. People who are adjudicated to have changed their gender, except as may be specifically provided otherwise in the laws, are regarded as having changed to an alternative gender in the application of the Civil Code (Law No. 89 of 1896) and all other laws and regulations.

2. Except as may be specifically provided otherwise in the laws, the provisions in the previous section shall not affect personal status and/or any rights and obligations arising prior to the adjudication of having changed one's gender.

ARTICLE 5: APPLICATION OF DOMESTIC RELATIONS TRIAL ACT

In the application of the Domestic Relations Trial Act (Law No. 152 of 1947), the adjudication of a person's change in gender is regarded as a listed matter included in Article 9, Section 1 thereof.

SUPPLEMENTAL PROVISION (EXCERPTED)

*Effective Date*

This law will come into effect one year after the date of its promulgation (July 16, 2004).