



**JAPAN – SOGI LEGISLATION COUNTRY REPORT**  
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Please note: This document was prepared by law students and highlights publicly-accessible information about legislation available at the time it was prepared. It is not exhaustive, nor is it updated on a regular basis. The information provided here is not a substitute for legal advice or legal assistance, and the International Human Rights program at the University of Toronto Faculty of Law cannot provide such advice or assistance.

***Summary***

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The [Penal Code](#), 2007 establishes a minimum age of consent that does not discriminate on the basis of sexual orientation.

*Law Number 111*, 2003, also known as the *Law Concerning Special Cases in Handling Gender for People with Gender Identity Disorder* (text in [english](#) and [japanese](#)), enables certain individuals to obtain a legal change to their gender classification.

***Legal Provisions***

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**SEXUAL ACTIVITY AND AGE OF CONSENT**

***Penal Code, 2007:*** Article 176 of the [Penal Code](#) equalizes the age of consent for same-sex and opposite-sex sexual activity (13 years). This is often modified by local laws specific to individual Japanese prefectures.

*Article 176:* A person who, through assault or intimidation, forcibly commits an indecent act upon a male or female of not less than thirteen years of age shall be punished by imprisonment with work for not less than 6 months but not more than 10 years. The same shall apply to a person who commits an indecent act upon a male or female under thirteen years of age.

<http://www.japaneselawtranslation.go.jp/law/detail/?id=1960&vm=04&re=02&new=1>

## GENDER IDENTITY RECOGNITION

**Law Number 111, July 16, 2003 (also known as the *Law Concerning Special Cases in Handling Gender for People with Gender Identity Disorder*)** (text in [english](#) and [japanese](#)): The *Law Concerning Special Cases in Handling Gender for People with Gender Identity Disorder* enables certain individuals to obtain a legal change to their gender classification. At least two medical experts must deem the individual in question to have what the law refers to as "Gender Identity Disorder" in order for them to qualify.

*Article 1:* This law is to establish the legal gender status of people with Gender Identity Disorder.

*Article 2:* For the purposes of this law, a person with Gender Identity Disorder is defined as someone who has a clear biological gender but psychologically has a persistent cross-gender identification and possesses a desire to adapt oneself physiologically and socially to that other gender. A person is properly diagnosed with Gender Identity Disorder if at least two medical experts with sufficient knowledge and experience have issued concurring medical opinions diagnosing that person as such.

*Article 3:* A family court can issue a judgment for a change in gender classification if the person requesting the change is a person with Gender Identity Disorder and meets the following conditions:

1. is 20 years of age or older,
2. is not currently married,
3. has no children,
4. possesses no gonads or persistent lack of gonadal function; and,
5. possesses organs that appear to be genitalia of the opposite sex.

In order to be able to apply for a change in gender classification, a medical diagnosis concerning the results of medical examinations about the person with Gender Identity Disorder must be submitted along with the patient's history of medical treatment and medical certification conforming to Ministry of Health, Labor and Welfare regulations.

*Article 4:* Under the [Civil Code](#) (Law Number 89 of 1896) and other regulations, a person who has received a judgment changing gender classification is regarded as having changed to the new gender, except in specific instances where the law states otherwise.

The preceding regulations, except in specific instances where the law states otherwise, do not affect the person's social standing or rights and obligations prior to the judgment changing gender classification.

Translation from: Norton, Laura H., " Neutering the Transgendered: Human Rights and Japan's Law No. 111," *Georgetown Journal of Gender and the Law*, Vol. 7, Issue 2 (2006), pp. 187-216. No official English translation of the law exists, though a summary of its provisions by the International Christian University Center for Gender Studies can be accessed at <http://subsite.icu.ac.jp/cgs/article/0402002e.html>.