# Contemporary LGBTQ+ Politics in Japan

Policy Issues, Discourses and Developments, and the role of Foreign Actors

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# Contents

## Summary of key findings

1. Politics concerning LGBTQ+ people are increasingly salient in Japan
2. Compared to other OECD countries, Japan notably lacks LGBTQ+-inclusive legislation.
3. Pressure for change has come from domestic grassroots activists and international actors (e.g., media, NGOs, and governments).
4. The passage of the 2023 "LGBT Understanding Promotion Act" is viewed by some stakeholders and advocates as a small step forward, but most point out that it lacks concrete protective measures for minority groups.
5. There is a strong pushback from conservatives against the "LGBT Understanding Promotion Act."
6. Part of this pushback consists of a discourse about "foreign interference", which may impact future lawmaking if international actors' words and actions can be successfully construed as top-down and hypocritical by conservative opinionmakers.
7. Conservative religious organizations are among the most powerful groups seeking to block LGBTQ+-inclusive legislation from moving forward.
8. LGBTQ+ people in Japan are rendered invisible, which impacts attitudes and policymaking.

## Introduction

The Japanese government writes that it seeks to realize "a society where all people can exercise their abilities and find their lives worth living" and to "address prejudice and discrimination based on sexual orientation and gender identity" (MOFA 2023). Despite these commitments, the country's LGBTQ+[1] rights, inclusion and protections remain limited compared to its international peers.

Out of the 35 member countries analyzed, a 2020 OECD report marked Japan as one of the three lowest-scoring countries, along with Turkey and South Korea, in terms of legal LGBTI inclusion. In the report, Japan was one of three countries lacking legal protection against discrimination for LGBTI people, one of six countries to withhold legal recognition to same-sex relationships, and one of five countries requiring sterilization for a change of legal gender (OECD 2020). Though this sterilization requirement was ruled unconstitutional by Japan's Supreme Court in October 2023 and is no longer applicable, other restrictive requirements remain in place for those who seek to change their legal gender. In recent years, domestic advocates working for change on these fronts are increasingly joined by international actors seeking to help advance Japan's LGBTQ+ inclusion.[2]

To provide clear, up-to-date information on current LGBTQ+ politics in Japan, this report:

- Details and assesses key policy issues regarding Japan's LGBTQ+ communities;
- Identifies and analyzes factors affecting how the Japanese government engages in policymaking on the matter;

[1] This report primarily uses the term "LGBTQ+" when talking about matters pertaining broadly to people who are lesbian, gay, bisexual, transgender, or otherwise "queer." At the time of this writing, Japanese discourses and rights organizations generally tend to treat intersex people's societal issues as a separate topic, which is why the report uses the acronyms "LGBTI", "LGBTQIA+" or "LGBTQI+" only in reference to reports or statements that specifically used these terms.

[2] This includes the Dutch government and its embassy, which states online that "establishing the preconditions for inclusive, open societies and multilateral cooperation are among the cornerstones of Dutch foreign policies" (Kingdom of the Netherlands, n.d.).

- Enquires into the role of foreign actors, such as embassies and NGOs, with respect to LGBTQ+ rights in Japan.

The report draws on academic literature, news media and online resources, alongside six weeks of fieldwork in Japan, which included visiting LGBTQ+ events in Japan and interviewing relevant stakeholders and experts. For a list of interviewees and more information on methodology, see **Appendix**.

## Historical Background

Lesbian, gay, bisexual and trans movements took relatively longer to develop and gain traction in Japan, compared to countries such as the United States, the Netherlands and various other places in the "West." Some scholars suggest that this is the result of a lack of police repression, condemnation from religious institutions such as the church, and legal restrictions on crossdressing and same-sex sexual activities, making it difficult to build a community that shares "a common predicament, let alone an agenda for activism and reform" (McLelland and Suganuma 2009, 329).

Indeed, neither crossdressing nor same-sex sexual activity have been illegal in post-war Japan[3] and anti-queer religious doctrines have been comparatively absent, but as Khor (2010) cautions, "rather than indicating tolerance, the absence of laws or organized opposition could indicate the silencing of homosexuality or any form of sexual or gender transgression." In addition, Lunsing (1999, 302-303) argues that many gay and lesbian people were afraid that engaging in concrete activism could result in backlash and worsen their position within society.

Nevertheless, lesbian, gay, and transgender activists started to organize in the late 1980s and early 1990s to demand socio-political changes in Japan. Gay and lesbian rights group OCCUR (Japanese: 動くゲイとレズビアンの会) successfully sued the Tokyo Metropolitan Government after it had been refused lodging at a youth hostel, with the Supreme Court ruling in its favor in 1994.

Later that same year, Japan's first pride parade took place in Tokyo. More than a thousand queer people and their allies marched through the streets, rendering visible their existence and publicly voicing opposition against discrimination. One of the organizers, Teishiro Minami of ILGA Japan, detailed the ways in which same-sex couples were unable to enjoy equal rights (Asahi Shimbun 1994), such as a lack of inheritance rights and shared decision-making in medical emergencies. These are issues that still impact couples to this day.

From 1995 onwards, trans individuals and groups sprang into action, resulting in the first state-approved instance of the medical procedure commonly known as "Sex Reassignment

[3] Both have been subject to bans and repression in pre-war Japan, however.

Surgery" (SRS) in 1998. Further lobbying resulted in the 2003 Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder (GID Act), which made it possible for people to change their legal gender if they meet stringent conditions.

Earlier in 2003, Aya Kamikawa, a transgender woman, made headlines by winning a local assembly seat in Tokyo's Setagaya Ward, becoming Japan's first openly LGBT politician to hold public office. Explaining her reason to run for office, she stated that "I realized that we must (...) appeal to the general public by making ourselves and our problems visible" (Matsubara 2003).

In 2005, 28-year-old prefectural assembly member Kanako Otsuji decided to come out as lesbian for the same reason. In an interview she stated that "somebody had to [come out]. Before people can acknowledge the problems faced by sexual minorities, they have to see them. Otherwise the vicious circle continues" (Tsubuku 2005).

Two decades later, much has changed in Japan when it comes to the social position of LGBTQ+ people, but as the rest of this report highlights, key issues remain and the "vicious circle" mentioned by Otsuji has only partially been broken, with LGBTQ+ people remaining invisible to many.

## Marriage Equality

The Japanese government does not provide any form of legally recognized partnership for couples who are, from the perspective of the law, of the same sex. This creates socio-economic disadvantages. Couples lose out on spousal tax benefits as well as inheritance rights, for example.

Sho Kawasaki, who heads the group *Rainbow Saitama no Kai*, legally married his husband in the US, where his partner is from. However, in Japan they are excluded from spousal rights:

> *I am not particularly in great health. If, for example, I was to pass away first, my husband wouldn't have inheritance rights. So, I am not sure if he will have the right to continue living in our house after I'm gone. These kinds of worries about the future are a major problem. Not just institutionally, but psychologically too. It eats away at you. Many LGBTQ+ people struggle with their mental health, because these shortcomings of the social system leave them in a state of uncertainty.*[4]

Other issues include hospital visitation rights and the ability to be a party in medical decision-making when a partner is incapacitated, as well as spousal benefits such as bonuses and housing allowances, provided by employers.

Maree (2004) discusses how some couples choose to use the adoption system to become legal family members. Such a workaround helps with some of the problems outlined above but has its drawbacks. First, it requires the older partner to become the legal "parent" of the younger partner—a situation that may be difficult to explain to others (NNN 2024). Furthermore, law firms warn about inheritance disputes with family members, and caution that—in the event of the legalization of same-sex marriage—the adoptive relationship could prevent the pair from marrying (VeryBest Law Offices 2021).[5]

[4] Interview with Sho Kawasaki, October 14, 2024. Translated by author.

[5] Article 736 of Japan's Civil Code specifies that even if an adoptive relationship is legally terminated, the parties continue to be banned from marrying each other. Considering the prevalence of LGBT couples' usage of the adoption system to gain legal recognition of their relationship, the possibility

Another option is to arrange inheritance through a legalized will. However, the risk of inheritance disputes remains, as legal heirs may file challenges. Moreover, Japan's gift tax would apply, which has a higher rate than the inheritance tax and lacks the inheritance tax's favorable spousal deductions. As such, if the assets consist primarily of real estate, the bereaved partner may be forced to decline their inheritance because of an inability to pay the statutory taxes.[6]

In addition, the lack of recognition sends a message that these relationships are socially of lesser value than those of opposite-sex couples. This is likely to negatively affect LGBTQ+ people in Japan on a psychological level. Based on data gathered in the Netherlands and Massachusetts, Badgett (2011, 311) concludes that gaining the right to get married increases a sense of social inclusion, even for same-sex couples who do not seek marriage.

## Local partnership systems

Starting in November 2015 with Tokyo's Shibuya and Setagaya wards, local governments have been introducing "partnership systems" to provide recognition for LGBT couples' relationships (Boon 2019). As of January 1, 2025, at least[7] 483 municipalities and prefectures, covering over 90 per cent of the national population, have implemented partnership systems.

These local policies have been able to provide some level of relief, as they grant the couples recognition as family with the same status as married couples with regard to municipal and prefectural services, such as public hospitals and housing. Research also suggests that these policies contribute to LGBT-friendly attitudes among citizens (Takashino et al., 2024). Nevertheless, they do not provide any legal recognition, since the legislative power to provide

exists, however, that lawmakers will keep these couples in mind when crafting marriage equality legislation to make sure they can nevertheless marry.

[6] Personal communications with Yoko Mizutani, November 20, 2024.

[7] Keeping track of the exact number of local governments with the policy has become increasingly difficult.

this recognition is reserved for the national government.[8] Legal issues such as inheritance rights thus remain unresolved in the absence of marriage equality, or other forms of legal recognition, which requires policy changes at the national level.

## An unwilling LDP

The national government, where the Liberal Democratic Party (LDP) has been in power for most of Japan's post-war history, is unwilling to engage in proactive policy making on the matter. It refuses to legally recognize the relationships of couples who are of the same legal sex. While opposition parties such as the Constitutional Democratic Party (CDP) and the Japanese Communist Party (JCP) have attempted to introduce marriage equality bills, these initiatives could not count on the LDP's support and the bills were consequently shelved. For this reason, LGBT couples have launched lawsuits throughout Japan since 2019, suing the government over the de facto marriage equality ban.

A frequently voiced claim by the LDP leadership and the Japanese state is that recognizing same-sex marriage would possibly contradict Article 24 of the Constitution, which states that:

> *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.*

Although Article 24 was written with the intention of ensuring equality between spouses and banning forced marriages, the LDP has argued that the phrase "marriage shall be based only on the mutual consent of both sexes" precludes same-sex marriages. The past three prime ministers, Shinzo Abe (2012-2020), Yoshihide Suga (2020-2021), and Fumio Kishida (2021-2024), have all argued that the constitution does not "suppose" or "envision" marriages between people of the same sex.

[8] Interview with Taiga Ishikawa, October 10, 2024.

This phrasing (using, in Japanese, the verb 想定する) is notably ambiguous. Yoko Mizutani, part of the plaintiffs' legal team in two *Marriage For All Japan* court cases, explains that:

> *Rather than claiming that Article 24 bans same-sex marriage, or that the Constitution does not take a stance on the matter and leaves it up to the state to decide, the government keeps saying same-sex couples are simply "not envisioned" by the Constitution. No matter how often we ask, the government refrains from elaborating on what this claim effectively means.*[9]

While this phrasing does not necessarily imply that the Constitution *bans* same-sex marriage,[10] the implication still seems to be that constitutional reform may be needed. On May 23, 2024, then-Minister of Justice Ryuji Koizumi (LDP) for instance said during parliamentary deliberations that "there are differing opinions on whether Article 24, Paragraph 1, allows for the introduction of same-sex marriage" and that it is difficult to say whether constitutional reform is necessary.[11]

It is important to note that there are many who disagree with this interpretation of the Constitution. Even within the LDP, there are people such Tomomi Inada, a traditionally conservative lawmaker with a background as a lawyer, who state that Article 24 does not preclude marriage equality (Tokyo Shimbun 2024).[12] On the other hand, opposition lawmakers, activists and legal experts have argued that it is the current lack of marriage equality that is unconstitutional. In the *Marriage For All Japan* lawsuits, which were filed based on this premise, the Osaka District Court has been the only court not to find issue with the lack of legal recognition for couples of the same legal sex. Nine of the ten other rulings

[9] Interview with Yoko Mizutani, September 28, 2024. Translated by author.

[10] As *Marriage For All Japan* (n.d.) also explains on its website: "The government merely states that the Constitution 'is not intended to recognize the establishment' of same-sex marriage, and has not said that same-sex marriage is 'unconstitutional' or that it 'should not be recognized.'"

[11] Assembly minutes of the House of Councillors' committee on judicial affairs, May 23, 2024.

[12] Inada nevertheless indicated she opposes same-sex marriage in a survey sent out by the NHK ahead of the 2024 House of Representatives election (NHK 2024).

meanwhile referenced Article 24 when declaring the current state of affairs to be constitutionally problematic.

*Tabel 1. Rulings in the Marriage For All Japan court cases*

| Court | Date | Ruling |
|---|---|---|
| **Sapporo District Court** | March 17, 2021 | Unconstitutional, based on Article 14 |
| **Osaka District Court** | June 20, 2022 | Constitutional |
| **Tokyo District Court (1)**[13] | November 30, 2022 | State of unconstitutionality[14], based on Article 24 §2 |
| **Nagoya District Court** | May 30, 2022 | Unconstitutional, based on Article 14 §1, and Article 24 §2 |
| **Fukuoka District Court** | June 8, 2023 | State of unconstitutionality, based on Article 24 §2 |
| **Tokyo District Court (2)** | March 17, 2024 | State of unconstitutionality, based on Article 24 §2 |
| **Sapporo High Court** | March 17, 2024 | Unconstitutional, based on Article 14 §1, and Article 24 §1 and §2 |
| **Tokyo High Court (1)** | October 30, 2024 | Unconstitutional, based on Article 14 §1, and Article 24 §2 |
| **Fukuoka High Court** | December 13, 2024 | Unconstitutional, based on Article 13, Article 14 §1, and Article 24 §2 |
| **Nagoya High Court** | March 7, 2025 | Unconstitutional, based on Article 14 §1, and Article 24 §2 |
| **Osaka High Court** | March 25, 2025 | Unconstitutional, based on Article 14 §1, and Article 24 §2 |

[13] There are two separate *Marriage For All Japan* cases in Tokyo.

[14] *Japan Times* writer Kanako Takahara (2022): "Saying something is in an "unconstitutional state" is like giving a yellow card, or a warning, rather than going straight to a red card by saying it is unconstitutional. That gives parliament a grace period to rectify the situation."

## Family values

Concern over Article 24 is unlikely to be the real reason for hesitancy or opposition towards same-sex marriage. Instead, it seems to serve as a way to prevent the matter from moving forward. The Japanese constitution is the world's oldest unamended constitution, and this is at least partly due to requirements that make constitutional reform difficult. Article 96 stipulates that amendments need to be approved with a two-thirds supermajority in both houses of the National Diet, and with a regular majority in a referendum among Japan's citizens. By bringing up the constitution, LDP members can stall progress and justify their inaction without coming across as overtly homophobic to the public and the international community.

In 2018, conservative LDP lawmaker Mio Sugita penned an infamous article where she attacked LGBT-friendly policies as a waste of tax money because LGBT couples are supposedly unproductive in terms of childrearing, which led to so much controversy and criticism from the public that the magazine that published the article ceased publication entirely (Ohara et al., 2018). The LDP eventually distanced itself from Sugita's remarks, and in the years that followed it has become increasingly clear that the party and many of its lawmakers, even when they seek to block LGBTQ+ rights from moving forward, are careful to avoid being seen as *too* anti-LGBTQ+.

Rather than saying outright something along the lines of "homosexuality is wrong and therefore we must not allow same-sex marriage", the previous three LDP prime-ministers have alleged, with slight variations in phrasing, that since same-sex marriage "touches upon the very foundation of the family", "careful consideration" is needed (Carland-Echavarria 2023, 440). Here, the real reason for opposition against marriage equality comes to light: conservative values about what a family ought to look like. For conservatives in Japan, the idea of the "traditional" family is very important, as they consider it central to Japan's national identity (Kawasaka 2023, 187). We see this sentiment for instance in the following statements:

> *[The Sapporo High Court's ruling] recognizes same-sex marriage, which goes against the common-sense of the people and cannot be accepted. This is an unjust*

> *ruling that might just destroy the traditional family system, which forms the foundation of society. (Sankei Shimbun 2024)*[15]

> *If the CDP comes into power, not only will they introduce a separate-surname system for married couples, but a 'cultural revolution' under the name of a marriage equality law that legalizes same-sex marriage and changes [the terms] 'mother' and 'father' into 'parent' will await us too, and Japan will no longer be Japan. For the sake of the next generation, we must prevent a CDP government. (Kosaka 2024)*[16]

What these conservatives appear to be concerned about is Japan's so-called "ontological security": a concept that "refers to the sense of security a person or group of people needs to feel, based on maintenance of one's identity in a stable manner" (Kumagai 2015, 147). Because their image of what it means for Japan to be Japan involves the idea of a "traditional" family where a man and a woman enter into a marriage with the intent to produce children, they perceive same-sex marriage as a threat.

It is unclear how many individual LDP politicians subscribe to such views, or even how many of them oppose same-sex marriage. In the latest House of Representatives election, 37% of LDP candidates explicitly refrained from indicating a stance on the topic in a survey by JX Press and Nippon Television (Nippon Television 2024). The LDP has historically been a "big tent" rightwing political party and consequently lacks a unified ideology.

Many within the party, however, are associated with, or have ties to, the nationalist hardline conservative organization *Nippon Kaigi*, or conservative religious organizations such as the Unification Church and the shintoist *Jinja Honcho* and its associated *Shinseiren*. Associating with such groups often serves a strategic rather than an ideological purpose, providing LDP politicians electoral benefits by helping them to appeal to core voters (Gentry 2021).

In return, these organizations lobby within the LDP. For instance, seeking to undermine LGBTQ+-friendly policymaking, *Shinseiren* distributed pamphlets among lawmakers that

[15] Translated by author.

[16] Translated by author. Minoru Kosaka is the chief of the research division of conservative think tank "Japan Policy Institute."

reportedly said that "the reason why the sexual lifestyles of sexual minorities should not be justified is because they become social problems that ruin families and society" (Fujisawa 2022). One interviewee, a prominent advocate who wished to remain anonymous, said they believe the influence from rightwing religious groups like these is the biggest reason for the LDP's hesitancy and opposition towards marriage equality and other LGBTQ+-friendly policies.

While the current Prime Minister Shigeru Ishiba, who belongs to the more liberal wing of the LDP (Nishimura 2024), had previously made several statements in support of marriage equality, he has adopted a more cautious tone after becoming LDP leader. This is indicative of the strong grasp conservatives have on the party (Boon 2024). As recently as February 12, 2025, he said that the matter "concerns the family values of each and every citizen", and spoke of a need to pay "close attention" to debates in the Diet, marriage equality court cases, and public opinion (Kyodo News 2025).

## Public opinion

As for the general population's views on homosexuality, attitudes have shifted considerably in recent years. The international World Values Survey (Inglehart et al., 2022) consistently includes a question asking respondents to judge the "justifiability" of homosexuality on a scale from 1 ("never justifiable") to 10 ("always justifiable"). As Naka (2023, 3501) analyzes in more detail, the mean value in Japan was 2.52 in 1981 and has climbed up throughout the years to 5.14 in 2010 and, most recently, to 6.71 in 2019. While the question itself may sound odd to many (what, exactly, does it mean for a sexuality to be "justifiable"?), the WVS data nevertheless shows a clear trend of increasingly positive attitudes towards homosexuality in Japan.

Survey data on support for legal recognition of LGBT couples' relationships shows a similar trend for the past decade. Scholars characterizing Japanese support for same-sex marriage as "exceptionally low" (Tamagawa 2020, 24; 2023, 64) or "mixed at best" (Rich et al., 2019, 323) tend to cite an outdated international Ipsos survey from 2013, where only 51% of Japanese respondents supported legal recognition for same-sex couples, with 24% supporting same-sex marriage specifically. What the other 49% of Japanese respondents answered on this

question is left unclear in the publication by Ipsos (2013). In a domestic survey conducted by the *Nihon Yoron Chosa-kai* in March of the following year, 33.9% said they leaned towards opposing same-sex marriage if they had to choose, while a further 18.5% unequivocally opposed it, meaning that a combined 52.4% of respondents voiced at least some level of opposition (Nishi Nippon Shimbun 2014). Support for same-sex marriage in Japan in the early 2010s thus does appear to have been remarkably low. But in the years that followed since, surveys have shown a strong decline in opposition and increase in support.

When Ipsos, for instance, asked the same question from 2013 again in its worldwide surveys in 2021, 2023, and 2024, (**Table 2**) nearly 70% of respondents in all three surveys supported legally recognizing same-sex relationships, with roughly 40% supporting same-sex marriage specifically. In contrast to the 2013 survey, data released from these surveys also included how many respondents said they were "unsure" about their stance, and how many explicitly said they oppose legal recognition. What is notable here is Japan's remarkably low degree of opposition towards legal recognition for same-sex relationships. In the 2024 survey, Japan had the lowest percentage of respondents opposing legal recognition for same-sex relations out of all 23 countries that were surveyed.

*Tabel 2. Ipsos polling on support for same-sex marriage*

| Year | Support same-sex marriage | Support other legal recognition | Total support legal recognition | Not sure | Against legal recognition |
|---|---|---|---|---|---|
| **2013** | 24% | 27% | 51% | n/a | n/a |
| **2021** | 40% | 29% | 69% | 25% | 6% |
| **2023** | 38% | 31% | 69% | 22% | 9% |
| **2024** | 42% | 25% | 67% | 28% | 6% |

Other opinion polls such as those from the *Yomiuri Shimbun* (**Table 3**), which asked only about same-sex marriage specifically without including in the same question options pertaining to some other form of legal recognition, found higher levels of support for the policy, but also higher levels of opposition. What is clear is that those in favor now vastly outnumber those who oppose it.

*Tabel 3. Yomiuri Shimbun polling on support for same-sex marriage*[17]

| Year | Agree | Somewhat agree | Somewhat disagree | Disagree | Total agree | Total disagree |
|---|---|---|---|---|---|---|
| **2019** | 18% | 41% | 27% | 12% | 59% | 39% |
| **2020** | 19% | 42% | 24% | 13% | 61% | 37% |
| **2023** | 26% | 42% | 20% | 11% | 68% | 31% |
| **2025** | 23% | 41% | 21% | 13% | 64% | 34% |

[17] *Yomiuri Shimbun* surveys were originally published in the newspaper on August 31, 2019, November 24, 2020, September 9, 2023, and January 27, 2025, and were accessed through the *Yomidas* database.

## Legal Gender Change

The second major policy issue in recent years is reform of the Japanese law that enables a change of legal gender. At present, the Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder (GID Act), stipulates five requirements on top of the requirement for "relevant diagnoses" from two medical professionals:

- be older than 18 years old
- be unmarried at present
- be without children who are under the age of majority
- be without functioning reproductive glands * **Declared unconstitutional**
- have body parts that sufficiently resemble the genitalia associated with the gender you seek to register.

At the time the GID Act was enacted in 2003, such requirements—aside from the one that demands childlessness—were not completely out of the ordinary, compared to similar laws in other countries. In the Netherlands, for instance, until roughly a decade ago, the old version of the country's "Transgenderwet" (1985-2014) required that applicants were unable to reproduce and that their bodies had been changed to resemble that of the gender they sought to register through surgeries (Bakker 2018, 252), and until same-sex marriage was legalized in 2001, married applicants were forced to divorce.

International norms and human rights standards have continued to evolve in the two decades that have passed since the passage of the GID Act, however, and across the world many countries have been updating their laws on the matter. Recognizing that demanding sterilizing surgery as a requirement is a human rights violation, some countries such as Sweden in 2018 and the Netherlands in 2020 have even decided to issue financial reparations and official apologies for the sterilization requirements (NL Times 2020).

There have been attempts from trans rights groups and individuals to get the GID Act's strict requirements changed or softened since the law's inception. In 2008, an amendment was passed after much lobbying to change the third requirement—which initially barred anyone with children, regardless of those children's age, from changing their legal gender—to its current state (Gamberton 2022, 188). Now, 17 years later, changes to the law are once again under consideration, following recent court rulings.

## Recent developments

Recognizing the invasiveness of the sterilization requirement, a lower court in Shizuoka allowed Gen Suzuki, a trans man, to change his legal gender without fulfilling the requirement in October 2023. Two weeks later, Japan's Supreme Court also ruled the requirement to be unconstitutional in a different case, thereby voiding the requirement entirely for all subsequent applicants.

Due to the changes that hormone replacement therapy (HRT) can enact in the body, trans men have been able to satisfy the law's fifth requirement without undergoing sex reassignment surgery (SRS) for a while now, but on July 10, 2024, the Hiroshima High Court ruled that a trans woman had also been able to sufficiently satisfy the requirement without surgery in what may have been a first for Japan (Kyodo News 2024).

In yet another landmark ruling, the Supreme Court ruled on June 21, 2024, that a trans woman should be recognized as the legal parent of her biological child, conceived through artificial insemination after she had changed her legal gender (Endo 2024).

Amid these current circumstances, the governing parties are planning to revise the GID Act. An LDP policy document from June 27, 2024, mentioned removing the unconstitutional sterilization requirement, and the removal or amendment of the appearance requirement because of the possibility that it, too, will be ruled unconstitutional in its current form.

The document also proposes an entirely new requirement that applicants for a change of legal gender must have experienced discomfort towards the gender they were assigned at birth, and must also have lived a social life based on the gender they identify as for a set amount of time. The document does not name a timeframe, but a caucus of conservative LDP lawmakers proposed a term of 10 years of gendered "social life" before a change of legal gender (Nikaido 2024). This would be a severe restriction, forcing people to live in a way that opens them up to discrimination, in a country that notably does not offer robust legal protection against SOGI-based discrimination (see next chapter).

On July 3, 2024, Komeito (2024) publicly shared a document, created by its project team for SOGI-related matters on social media, to indicate that the party wants to:

- Remove the sterilization requirement, in light of the Supreme Court ruling that deemed it unconstitutional
- Review the requirement about physical appearance, potentially to make it less restrictive
- Consider ways to better ensure the legitimacy of the required diagnoses
- Review the necessity of the childlessness requirement
- Consider renaming the law, in light of the World Health Organization's (WHO) decision to replace "Gender Identity Disorder" with "Gender Incongruence" in the ICD-11.

The document is indicative on the one hand of Komeito's readiness to loosen up requirements, especially by potentially removing the clause about childlessness. On the other hand, it shows that Komeito wants to continue demanding physical procedures as a requirement, and possibly making the diagnostic requirement stricter.

Meanwhile, fifteen other OECD member countries allowed changes of legal gender without any required diagnoses, medical procedures or "real-life tests" as of 2019 (OECD 2020, 20).

## Anti-Discrimination Legislation

As a third key policy issue, there is Japan's lack of legislation to protect people from discrimination on the basis of their sexual orientation or gender identity (SOGI). This creates a situation where many people refrain from coming out, fearing negative repercussions in their workplace or in other aspects of their daily life.

A foreign English teacher told the report's researcher that a coworker, who is also queer, warned them it would be best not to be open about that aspect of their identity at work. Not only does this mean that they feel like they have to hide part of who they are while on the school grounds, but also for the rest of their day-to-day life in the place where the school is located:

> *I'd love to be out and talk about my experiences and be that role model for queer youth. It's part of why I got into education, to be the role model I wish I had. But if the schools or local board of education don't have my back, and then kids or parents complain, I'd be out of a job.*[18]

Another issue pertains to the housing market, where queer couples are at a disadvantage compared to straight couples. There are many landowners in Japan who will not rent to couples who are, from the perspective of the law, of the same sex.[19] This is motivated, for instance, by the idea that people who are family are more likely to step up and help if the other has trouble paying their rent. Struggling to be recognized as family in the absence of marriage equality, queer couples are thus generally seen as less desirable tenants, and without laws banning such discrimination on the housing market they often have more trouble finding a place to live together. One interviewee, Andromeda, told about her experience:

[18] Personal communications, September 17, 2024.

[19] Foreign residents in Japan are similarly discriminated against on the housing market, and queer couples where at least one partner is not a Japanese national are therefore doubly disadvantaged when looking for housing.

> *Being two men [from the perspective of the law], looking for housing… it's almost impossible to find a place. Even with the apartment I have right now, we told the real estate agency we were two guys looking for a place, and then they prepared for us this document to present to the prospective landlord that said we were in a romantic relationship and not just friends. But then when we were applying and going through the paperwork, the landlord went 'well, how do I know they are a couple? They could just be lying.'*[20]

In the end, Andromeda and her partner got the place, but the process was more stressful and time-consuming than it would have been if the pair was an unmarried cisgender, heterosexual couple. The extent to which discrimination on the housing market is a common pattern was made especially visible in October 2024, when a real estate agent in Fukuoka was criticized for listing houses as not available to LGBT couples in much the same way one would list houses as not available to people with pets (Asahi Shimbun 2024).[21]

For rights organizations, this incident underscores the need for Japan to implement anti-discrimination laws (J-ALL 2024). Although an anti-discrimination law might be unable to fully tackle such discrimination, because landowners can refrain from stating the actual reason why they refuse to rent to the couples, the signal sent by the state that this kind of discrimination is wrong can be expected to still drive the number of cases down.

Attempts to get such a law introduced have been ongoing since at least 2015, when the group Japan Alliance for LGBT Legislation (J-ALL) was formed and put together a concrete proposal on May 17 of that year (J-ALL 2015). In 2016 and 2018 left-of-center opposition parties submitted bills for a law that would ban SOGI-based discrimination from businesses and government agencies, but neither bill was passed by the Diet.

[20] Interview with Andromeda, September 27, 2024.

[21] The real estate agency apologized for the phrasing. According to the agency, the "LGBT not allowed" tag was not supposed to be seen by customers and was created to differentiate listings from ones that explicitly do allow LGBT couples to move in.

## The LGBT Understanding Promotion Act

During deliberations in the Diet, the anti-discrimination law that opposition parties and advocacy groups had initially proposed eventually turned into the Act on Promotion of Public Understanding of Diversity of Sexual Orientation and Gender Identity (LGBT Understanding Promotion Act). This law was passed in 2023, following domestic and international pressure, but the contents of this law are not seen as particularly helpful by LGBTQ+ advocates and rights groups. The law does not ban discrimination. Instead, it instructs the national government to formulate and implement policies that will improve the public's understanding of "the diversity of sexual orientation and gender identity" and encourages local governments and businesses to similarly promote understanding. The law does not define *how* understanding should be improved and instead contains a provision instructing the national government to formulate a "basic plan" for this purpose.

Rather than cheering for its passage, domestic advocates initially protested against it, fearing that the law would only open the door to more discrimination, due to subtle changes to the law's wording made by the LDP, Komeito, and two right-of-center opposition parties (Van der Veere 2023; Pride House Tokyo 2023). In particular, a line about how care ought to be taken when bringing this law into practice, to ensure that "*all* citizens, regardless of sexual orientation or gender identity, can live life with peace of mind" caused much worry among LGBTQ+ advocates, who mentioned the possibility that this phrase could be used as a pretext by opponents to argue against visibility and accommodations for LGBTQ+ people.

During interviews conducted for this research, it became clear that the LGBTQ+ community—or at least, those who engage consistently in advocacy and activism—had somewhat changed their evaluation of this law since its passage. A representative of an organization that had initially protested against its passage, now spoke of it as a small step in the right direction, since it has given local governments and businesses an incentive to do more to promote LGBTQ+-inclusion.[22] CDP lawmaker Taiga Ishikawa said that while he had feared the law might put a brake on local governments' LGBTQ+-friendly policies, this fear has thus far not materialized and the number of partnership systems, for instance, continues to grow.

[22] Interview, September 17, 2024.

Nevertheless, he mentioned a need to remain vigilant, since the law's "basic plan" has yet to be formulated.[23]

Rather than fears about the law's possible negative consequences, many interviewees spoke about the government's lack of initiative to put the law's aims into practice. Dr. Saori Kamano, director of Waseda University's Institute of Sexual Orientation and Gender Identity Research, said that "it is as if nothing is happening [with the LGBT Understanding Promotion Act]. As far as we can see from the outside, the 'basic plan' is yet to be formulated. I don't think they have a detailed plan on what to do to 'promote understanding' yet."[24] Another interviewee, a public official working for a prefectural government, mentioned that their superiors were still waiting for concrete guidance from the national government.[25]

[23] Interview with Taiga Ishikawa. October 10, 2024.

[24] Interview with Saori Kamano, October 11, 2024.

[25] Interview, October 7, 2024.

## Opposition

While LGBTQ+ rights advocates criticize the LGBT Understanding Promotion Act as lacking in substance, the drafting process (Carland-Echavarria 2022, 16) and the law's passage prompted strong pushback from conservatives both within and outside the LDP, describing the law as a major threat to social order and safety.

An editorial in the Yomiuri Shimbun (2023), Japan's most widely circulated newspaper, criticized PM Kishida harshly for the law's passage. With phrases such as "the government should take immediate steps to prevent social confusion", and "how will women-only spaces be protected from crime?", the editorial framed the law as a cause of disorder and potential danger towards (cisgender) women. Although the law does not stipulate anything in relation to so-called "women-only spaces", opponents suggest that the law may lead to an "invasion" of women's restrooms and public baths by ill-intentioned men. In the wake of the law's enactment, conservative members of the LDP formed the "Parliamentary League for Protecting the Safety and Security of All Women and Ensuring Fairness in Women's Sports", alleging that women's spaces were in danger.

This rhetoric is not specific to Japan, but rather reflective of a global trend (Shimizu 2022, 384) and highlights how contemporary Japanese anti-LGBT discourses, and especially anti-trans discourses, mirror recent discourses in other countries such as the UK, the USA and the Netherlands. In discussions surrounding planned amendments to the Netherlands' own "Transgenderwet", fears surrounding "women's safety" are similarly raised with great frequency by politicians and opinion makers, despite experts' attempts to explain that there is no reason to expect the amendments to represent a danger to cisgender women (Naezer et al., 2023).

What we see both in the Netherlands and in Japan is an emerging transnational alliance between traditional social-conservatives and the more recent anti-trans "gender-critical" movement that has its roots in certain strands of feminism. As Akiko Shimizu writes in the afterword to Yutori Takai's Japanese translation of Shon Faye's *The Transgender Issue*: if anti-gender discourse is a "glue" that has united coalitions of rightwing forces with varying goals and ideologies, transphobic discourses are a "superglue" that has some feminists joining

ranks with hardline conservatives (Shimizu 2022, 386-387). A key example of this alliance is the 2022 public endorsement of LDP politician Eriko Yamatani by the Japanese author Yoriko Shono, in a blog post. In many ways, the two seemed like polar opposites: while Shono has been known as a prolific leftwing feminist, Yamatani is known as a rightwing social-conservative with a track record of opposing policies associated with gender equality. What unites the two is that they identify trans women as a threat (Würrer 2024).

Indeed, as several interviewees emphasized, among LGBTQ+ people it is trans people in particular, and especially trans women, who have become the targets of hateful rhetoric in Japan in recent years, especially in discussions surrounding the LGBT Understanding Promotion Act and changes to the GID Act.[26]

The contemporary Japanese anti-trans discourse is influenced by anglophone discourses from the US and the UK. This is reflected, for instance, in the borrowed usage of the English acronym TRA (trans rights activist) as a pejorative towards people perceived as being supportive of trans rights[27], but there are also country-specific dimensions to it. Owing to the cultural significance of public bathing facilities (*onsen* or *sento*) and the fact that these facilities are, at present,[28] generally sex-segregated, these specific "women-only spaces" have become a central point in Japan's discussions surrounding trans rights and acceptance.

[26] Two separate statements released on international Transgender Day of Remembrance in 2024, one by 97 Japan-based filmmakers and one by 51 Japan-based novelists, declaring opposition to LGBTQ+ discrimination also made note of this uptick in transphobia (Shoji et al., 2024; Kotomi et al., 2024).

[27] In anglophone discourses, gender-criticals are known to use the acronym TRA to evoke a connection to MRAs (men's rights activists), a movement with an anti-feminist and misogynist reputation. It is unclear whether Japanese gender-criticals are aware of this background, but much like their anglophone counterparts, they use it with pejorative intent, instead of as simply a way to indicate people who could reasonably be characterized as activists. A notable example is the phrase "稲田朋美のような自民党議員のTRA" (LDP parliamentarians who are TRAs, such as Tomomi Inada), used in an opinion piece by the "gender critical" author Atsushi Koyano.

[28] Mixed-bathing used to be common in pre-modern Japan (Korhonen 2018).

## Relative Invisibility

Fearing discrimination, many queer people in Japan refrain from being out in most parts of their daily lives. The author of this report has met several people in Tokyo's queer district, *Shinjuku Nichome*, who told her that this was the only place where they were open about their sexual orientation, for instance. Owing to this phenomenon, reports from Ipsos (2013; 2021; 2023; 2024) consistently show that a significantly lower share of the Japanese population knows of LGBT people among their friends, relatives or colleagues, compared to populations of other countries.

This may hinder LGBT-friendly policy-making both by the government as well as by businesses and other institutions. During a talk at the Gunma Pride Parade, philosophy scholar Yutori Takai for instance said that at the university where they work, they initially encountered the idea that there are no LGBTQ+ students at the university when they sought to get policies implemented to support those students.

LGBTQ+ people can be especially invisible in areas outside the Tokyo Metropolitan Area. Yukiko Yamamoto, a former representative of the *Iwate Rainbow March*, says that in Iwate Prefecture there are people who seem to think that, because they have never met an openly queer person, there are none within their town or within the region.[29] As can be seen in the many slogans along the lines of "we exist here too!" and "we're already here", a key aim of pride parades and events outside Tokyo is to make local LGBTQ+ populations visible. Holding these events is not always easy for the numerous small-scale groups organizing them across Japan, however. During fieldwork performed for this report, and in line with previous observations by Fujiwara (2021, 33-34) about the financial difficulties faced by LGBTQ+ organizations in Japan, organizers described having trouble to secure the required funds and manpower.

[29] Personal communications with Yukiko Yamamoto, May 31, 2023, and October 24, 2024.


*Figuur 1. A banner at the Niigata Pride Parade held on November 12, 2022, in Nagaoka City reads both "we are here" and "there are LGBTQIA+ people in Niigata"*

Another factor in LGBTQ+ people's invisibility is their exclusion from government statistics. In past editions of the national census, couples of the same legal sex were not counted as couples even if they registered themselves as such on the document. Dr. Saori Kamano, who does research on the way surveys cover—or fail to cover—matters relating to people's SOGI, said that she and others have been urging the government to count these couples since 2005, but thus far the government has refused to listen.[30] This decision from the national government renders invisible the many queer households and families who are already living in Japan, and obscures the demand for policies to recognize their relationships and tackle problems they face. In October 2025, Japan will hold its 22nd national census. If the couples are counted this time, it would make a major difference in terms of visibility.

[30] Interview with Saori Kamano, October 11, 2024.

## The Role of Foreign Actors

While much advocacy on the topics outlined in this report has come from grassroots groups and individuals in Japan, international organizations and foreign governments have also increasingly sought to play a role.

In 2016, special rapporteurs of the United Nations issued a statement urging for revisions to the GID Act, which they deemed to be in violation of human rights norms due to its harsh requirements and pathologization of transgender identity (OHCHR 2016). In 2019, the World Professional Association for Transgender Health (WPATH 2019) similarly strongly urged for several changes to the law.

In 2018, the American Chamber of Commerce in Japan (ACCJ 2018) urged the Japanese government to extend marriage rights to LGBT couples, in a statement endorsed by four other chambers of commerce operating in Japan.[31]

In the run-up to the 2020 Tokyo Olympics, international NGOs such as Human Rights Watch (HRW) joined local groups to call for the introduction of a national law "that prohibits discrimination on the basis of sexual orientation or gender identity", in order to "uphold the Olympic Charter and bring domestic law in line with international human rights standards" (HRW 2020). Yamamura (2023, 125), writes that this transnational campaign, which came to bear the name "Equality Act Japan", managed to mobilize both domestic and international support, while also utilizing the momentum of the Olympics to push for change.

When Japan hosted the G7 in 2023, this international event was similarly instrumentalized as a conduit for transnational pressure. Foreign news media repeatedly pointed out in their reporting that Japan is the only G7 member state lacking anti-discrimination legislation to protect LGBTQ+ people and a legally recognized form of partnership for couples who are, at least from the perspective of the law, "same-sex."

[31] The Australian & New Zealand Chamber of Commerce in Japan (ANZCCJ), British Chamber of Commerce in Japan (BCCJ), Canadian Chamber of Commerce in Japan (CCCJ) and Ireland Japan Chamber of Commerce (IJCC).

Analyzing the events that led to the LGBT Understanding Promotion Act, Yuichi Kamiya of J-ALL points out how a political opportunity window suddenly opened up in early February 2023 (Kamiya 2023a, 13; Kamiya 2023b, 23), after an aide of PM Kishida made bigoted remarks on February 3. News of this incident spread quickly and was widely reported overseas, prompting the international community to speak up and placing LGBTQ+ issues firmly on Japan's domestic political agenda. A month later, ambassadors of other G7 countries as well as the European Union sent a joint letter to Prime Minister Kishida, urging him to take serious action on this front. Two months later, US ambassador Rahm Emanuel posted a video featuring representatives of 15 foreign missions[32] to Japan, encouraging Japan to introduce legislation to ensure LGBTQ+ rights. Such statements, paired with the international spotlight of being the G7 host, appear to have played a big role in creating momentum for the LGBT Understanding Promotion Act.

This law certainly was not the law LGBTQ+ advocates had asked for and had worked towards for nearly a decade, but the fact that the LDP passed it despite strong opposition from within the party itself is notable. Poorly received by not just Japan's LGBTQ+ community but by conservative politicians and voters as well, the passage of the law should arguably be understood as a PR move, aimed at improving Japan's reputation on the global stage and getting the international community to tone down its criticism.

## "Foreign interference"

The above-described encouragement and criticism from the international community have not been without controversy. In response to US ambassador Rahm Emanuel's Twitter posts in 2023, encouraging the Japanese government to take action against discrimination, conservatives in Japan increasingly speak of "foreign interference" (or 内政干渉 in Japanese) on the topic of LGBTQ+ policies (Rich 2023). LDP politician Masamune Wada tweeted the following:

> *If US Ambassador Emanuel wants to use his position as US Ambassador to Japan to influence Japan in any way, we will take action to make him immediately*

[32] The video features representatives of the US, the EU, Argentine, Ireland, Denmark, Sweden, Australia, Finland, the Netherlands, the UK, Norway, Belgium, Canada, Germany, and Iceland.

> *return to his home country. How we promote understanding for LGBT people is something we decide domestically, and tolerant Japan is completely different from, for example, countries that do not recognize homosexuality for religious reasons, and have introduced legal restrictions and perpetuated discrimination. (Wada 2023)*[33]

So far, this backlash against perceived foreign interference seems to focus almost entirely on the role played by the US and especially by Ambassador Rahm Emanuel. With regard to this discourse, Taiga Ishikawa pointed out when interviewed for this report that Japan's own Ministry of Foreign Affairs writes on its website that "human rights and fundamental freedoms are universal values. Furthermore, the human rights situations of each and every country are legitimate interests for the international community, and concern towards it should not be seen as foreign interference" (MOFA 2024). Ishikawa also explained that some degree of complaints about foreign involvement is perhaps inevitable:

> *There might be people who speak of it as 'foreign values' as a result, but working on LGBTQ+ legislation from within Japan alone is difficult, so if it helps achieve results, I think the benefit of international support outweighs the negatives. And even if laws were achieved entirely domestically, similar objections might still arise. It is a common narrative across the world. I recently visited Laos, where I talked with local activists. There, too, it gets branded as "Western values," and since neighboring Thailand is about to introduce same-sex marriage, there's also talks of "Thai values influencing the country."*[34]

A representative of an LGBTQ+ organization who wished to remain anonymous similarly said that "there will always be some degree of backlash", before pointing out the following:

> *What remains important, though, is that the public sees that this is a social movement led by Japanese LGBTQ+ organizations. This idea of other countries trying to push their ideology on Japan is not what is happening. Human rights*

[33] Translated by author.

[34] Interview with Taiga Ishikawa. October 10, 2024. Translated by author.

> *protection for LGBT people in Japan, and for people here in general, that is something we want, and this is a movement that originates from us.*[35]

Still, despite the points raised above, the impression of "foreign interference" can have severe repercussions. For example, on the topic of whaling, scholars have pointed out that international criticism has entrenched, or even created rather than diminished, support for it in Japan. Hirata (2005, 142) writes that "the Japanese public resents what it perceives as Western interference in its own indigenous behavior." Japanese opposition to the global anti-whaling norm has become a matter of national pride and identity (Sund 2007, 113; Kato 2015, 492; Kolmaš 2020), as the top-down approach and words chosen by the international anti-whaling camp provided material for the Japanese pro-whaling camp to depict itself as defenders of Japanese sovereignty and cultural identity opposing a foreign threat. In contrast, the "foreign interference" frame used in the debate on LGBTQ+ politics is not as prominent and does not appear to find resonance outside the conservative camp, but the possibility does exist for it to affect future policy-making, if given the chance to grow further.

In the debate on whaling, perceptions of an unfairly singled-out Japan (Sund 2007, 127), and a seemingly hypocritical stance of Western countries that are fine with pig-, kangaroo-, and cow-slaughter (Hirata 2005, 142) but criticize whale-hunting as culturally "barbaric", despite their own recent histories of prolific whale hunting (Sund 2007, 115), fueled resentment against the international anti-whaling norm. Perceived or observed singling-out, hypocrisy, and failure to reckon with domestic track records on LGBTQ+ rights may breed similar resentment and objections on this topic too. An approach to Japanese LGBTQ+ inclusion that is in line with the following response from a representative of the Dutch embassy, on the other hand, would likely mitigate such risks:

> *What we are doing is not specific to Japan. We do it worldwide, and it is part of our broader commitment to human rights, both abroad and in the Netherlands. I think it is important that you do not just look at how to improve something elsewhere without also working on it in the Netherlands. There are unfortunately trends that show that the LGBTQI+ community in the Netherlands is also under much pressure. Therefore, it is important that we show in the Netherlands, too,*

[35] Interview, September 17, 2024.

> *that everyone is welcome regardless of who you love, what your religion is, or the color of your skin.*[36]

Currently, in both the USA and various European countries, LGBTQ+ rights and inclusion are increasingly under threat, or even actively being rolled back (OHCHR 2022; OHCHR 2023; Middleton 2024; Thoreson 2025). In a column in the *Sankei Shimbun*—one of Japan's most read newspapers—conservative commentator Rui Abiru took aim at the perceived hypocrisy of US Ambassador Rahm Emanuel's support for LGBTQ+-friendly legislation in Japan:

> *Emanuel has repeatedly made promotional statements about the LGBTQ Understanding Promotion Act. (...) Republican opposition means a similar bill is unlikely to pass in the United States. This has not stopped Emanuel from relentlessly pushing the US Democratic Party's agendas on Japan. (Abiru 2023)*

In a piece in new left magazine *Jōkyo*, literary critic Atsushi Koyano (2024, 96) similarly speaks about the divided situation among Japan's allies while trying to justify reluctance or opposition towards transgender acceptance in Japan:

> *"But in the UK, where this movement began, there is already a backlash, with Prime Minister Truss*[37] *clearly stating that there are only two biological sexes. In the United States, the Republican Party is anti-TRA*[38]*, so the current situation is one where each state treats it differently, and it can be said that there is a global chaos, while in places like Spain and Germany, they are still about to start with transgenderism just like in Japan, so it is important to remain vigilant."*[39]

[36] Interview with Rob Anderson, October 17, 2024. Translated by author.

[37] It seems Koyano may have mixed up former PM Truss with former PM Sunak.

[38] Originally from an anglophone context, the abbreviation TRA stands for "trans rights activist" and is a term often used in a derogatory manner by those who seek to oppose the advancement of transgender inclusion. For more context, see footnote 26.

[39] Translated by author.

## Supporting local movements

Aside from direct encouragement or criticism towards the Japanese government, international actors also work on LGBTQ+ inclusion in other ways. Actors such as the Dutch embassy seek to support local groups by taking part in Pride Parades, providing funding to and (co-)organizing events, sharing information, and creating networking opportunities.[40] Interviewees of this report mentioned feeling empowered by this type of support. Many expressed a desire to learn more about LGBTQ+ politics of other countries in order to combat misinformation, acquire knowledge of best practices to push for, and learn from foreign movements.[41]

[40] Interview with Kim Dang, October 17, 2024.

[41] As an illustration of this desire, most interviews held for this report ended with the Japanese interviewee becoming the interviewer, so to speak, as they would ask the report's author various questions about policies, developments and activism in the Netherlands.

## Conclusion

Since the passage of the GID Act in 2003, which allows trans people to change their legal gender, no substantial legislation on LGBTQ+ politics has been passed by Japan's parliament. Consequently, LGBTQ+ inclusion in Japan is relatively low compared to other OECD member states, with no legal recognition for same-sex unions, no concrete anti-discrimination protections, and notably strict requirements for a change of legal gender.

Momentum for change on these three fronts has grown considerably in recent years, following bottom-up domestic activism and advocacy. While local governments' "partnership systems" are unable to fully resolve queer couples' legal problems, the policy's spread across Japan since 2015 is indicative of, and likely a driving factor in, the continuing normalization of LGBTQ+ relationships. Among the general population, opposition against same-sex marriage is markedly low. The biggest obstacle towards marriage equality is the ruling LDP, which has been in power for almost the entirety of Japan's postwar history. Despite a series of recent court rulings in favor of marriage equality, declaring the current situation unconstitutional, the LDP has thus far refrained from taking action. This could change under PM Ishiba, who is part of the more liberal wing of the party than the previous three PMs.

Court rulings in 2023 and 2024 relating to changes of legal gender have put revision of the GID Act firmly on the political agenda. While the sterilization clause has already been voided by a Supreme Court ruling, ruling parties are now also considering the removal or amendment of the clause that currently makes demands about the appearance of applicants' genitals. Furthermore, the LDP's junior coalition party Komeito favors abolishing the childlessness clause. On the other hand, the two parties want to tighten the law's diagnostic criteria, and the LDP is considering introducing a new requirement that applicants first "live socially" as their gender identity for a yet-to-be-determined amount of time.

Efforts for anti-discrimination legislation have been ongoing since at least 2015. Anti-discrimination bills were initially rebuked by the LDP and later amended into the LGBT Understanding Promotion Act, which passed in 2023 amid much attention and encouragement from the international community to take steps against discrimination. This law does not protect against discrimination, and the government has yet to work out a plan

to "promote understanding", but its passage indicates some degree of receptiveness to voices from outside Japan.

At the same time, it has also given rise to discourses about "foreign interference" on the topic of LGBTQ+ legislation. Such discourses will likely strengthen if involvement from international actors can be construed as top-down and hypocritical by conservatives. As such, it is vital that international actors' work is part of a broader commitment, internationally *and* domestically, to LGBTQ+ people's wellbeing. Otherwise, foreign policy aimed at improving human rights situations for LGBTQ+ people in Japan may end up undermined by an inability to firmly protect LGBTQ+ rights at home.

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## Appendix: Methodology

In addition to an analysis of relevant academic literature, news media, and online resources, this report is based on fieldwork conducted in Japan between September 6, 2024, and October 21, 2024. The researcher consulted resources at Pride House Legacy Tokyo and Waseda University's Gender and Sexuality Center, visited topic-related events, and conducted 12 semi-structured interviews.

The author attended the following events as part of the research:

| Event | Organizers | Date | Location | Description |
|---|---|---|---|---|
| **Genkan** | WAIFU, and 元違和感 (*motoiwakan*) | September 15 | Tokyo | Queer culture event, featuring a screening of the documentary "WE EXIST -私たちの居場所-" |
| **Court Case** | Marriage For All Japan | September 26 | Chiyoda Ward, Tokyo | Hearing of a lawsuit regarding Japan's lack of marriage equality, followed by a debriefing. |
| **Call4 fifth anniversary festival** | Call4 | September 28 | Minato Ward, Tokyo | Relay talk, featuring Gen Suzuki and his lawyer Yoko Mizutani |
| **Fukushima Rainbow March** | Fukushima Rainbow March | October 5 | Fukushima City, Fukushima | Pride parade |
| **Gunma Rainbow Pride Parade** | ハレルワ (*Hareruwa*) | October 6 | Maebashi City, Gunma | Pride parade |

Interviewees were primarily LGBTQ+ advocates and stakeholders knowledgeable of the subject matter, and included the following people:

- Lawyer Yoko Mizutani, part of the legal team of *Marriage For All Japan*.
- Soshi Matsuoka, a journalist specialized in reporting on LGBTQ+ issues and the founder of human rights organization *Fair*.
- Shinya Yamagata, a longtime LGBTQ+ rights activist and a plaintiff in the second *Marriage For All Japan* lawsuit in Tokyo.

- Minori Tokieda, of *Rainbow Tokyo Kitaku* and J-ALL.
- Sho Kawasaki, of *Rainbow Saitama no Kai*.
- Ritsu Miyake, of *Iwate Rainbow March*.
- Andromeda, one of the founders of *Stand For LGBTQ Life*.
- Upper House representative Taiga Ishikawa, of the Constitutional Democratic Party of Japan.
- Dr. Saori Kamano, the director of Waseda University's Institute of Sexual Orientation and Gender Identity Research.
- Rob Anderson, Deputy Head of Mission, and Head of Public Diplomacy, Politics and Cultural Affairs at the embassy of the Kingdom of the Netherlands in Japan.
- Kim Dang, policy officer at the department of Public Diplomacy, Politics and Cultural Affairs at the embassy of the Kingdom of the Netherlands in Japan.
- A prefectural employee tasked with LGBTQ+-related work, who wished to remain anonymous.
- An LGBTQ+ rights advocate associated with a prominent organization, who wished to remain anonymous.

Interviews were conducted in Japanese, English or Dutch, and face-to-face or online, depending on circumstances and preferences. In most cases, audio recordings were made for the sake of analysis, but on one occasion, this was not possible because doing so would infringe upon the privacy of third parties. Two interviewees wished to remain anonymous, while all others gave permission to have their names listed. All interviews aided the researcher in gaining a firm understanding of the matters discussed in the report, but for the sake of brevity the report only features citations from a selection of interviews.

Although not officially part of the fieldwork conducted for the report, leisure time spent in LGBTQ+ spaces—including, but not limited to, queer district *Shinjuku Nichome* and Tokyo's ballroom scene—provided additional insights into experiences of Japan's LGBTQ+ communities. The English teacher cited in this report, who spoke about how they are unable to be openly queer at work, was for instance encountered in such a setting and subsequently approached for further comment.

To a gain a clearer understanding of Japanese anti-LGBT discourses, the researcher analyzed posts on X (formerly Twitter), statements from politicians, and editorials from the conservative newspapers *Yomiuri Shimbun* and *Sankei Shimbun*, as well as articles from the summer 2024 issue of New Left magazine *Jōkyo*, which contained several pieces by prominent critics of transgender inclusion and acceptance. The researcher also contacted three conservative organizations—the Japan Policy Institute (JPI), the Institute for Peace Policies (IPP), and the Japanese Society for History Textbook Reform—with the request to interview representatives or spokespeople, but the first two organizations declined and the third one did not respond.