

# 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.