

性同一性障害者の性別の取扱いの特例に関する法律

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

(平成十五年七月十六日法律第百十一号)

(Act No. 111 of July 16, 2003)

(趣旨)

(Purpose)

第一条 この法律は、性同一性障害者に関する法令上の性別の取扱いの特例について定めるものとする。

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

(定義)

(Definitions)

第二条 この法律において「性同一性障害者」とは、生物学的には性別が明らかであるにもかかわらず、心理的にはそれとは別の性別（以下「他の性別」という。）であるとの持続的な確信を持ち、かつ、自己を身体的及び社会的に他の性別に適合させようとする意思を有する者であつて、そのことについてその診断を的確に行うために必要な知識及び経験を有する二人以上の医師の一般に認められている医学的知見に基づき行う診断が一致しているものをいう。

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.

(性別の取扱いの変更の審判)

(Rulings of Changes in Recognition of Gender Status)

第三条 家庭裁判所は、性同一性障害者であつて次の各号のいずれにも該当するものについて、その者の請求により、性別の取扱いの変更の審判をすることができる。

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:

一 二十歳以上であること。

(i) is not less than 20 years of age;

二 現に婚姻をしていないこと。

(ii) is not currently married;

三 現に未成年の子がいないこと。

(iii) currently has no child who is a minor;

四 生殖腺がないこと又は生殖腺の機能を永続的に欠く状態にあること。

(iv) has no reproductive glands or whose reproductive glands have permanently lost function; and

五 その身体について他の性別に係る身体の性器に係る部分に近似する外観を備えていること。

(v) has a body which appears to have parts that resembles the genital organs of those of the Opposite Gender.

2 前項の請求をするには、同項の性同一性障害者に係る前条の診断の結果並びに治療の経過及び結果その他の厚生労働省令で定める事項が記載された医師の診断書を提出しなければならない。

(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.

(性別の取扱いの変更の審判を受けた者に関する法令上の取扱い)

(Treatment under Laws and Regulations of Persons Who Have Received a Ruling of a Change in Recognition of Gender Status)

第四条 性別の取扱いの変更の審判を受けた者は、民法（明治二十九年法律第八十九号）その他の法令の規定の適用については、法律に別段の定めがある場合を除き、その性別につき他の性別に変わったものとみなす。

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 前項の規定は、法律に別段の定めがある場合を除き、性別の取扱いの変更の審判前に生じた身分関係及び権利義務に影響を及ぼすものではない。

(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.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

1 この法律は、公布の日から起算して一年を経過した日から施行する。

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

(検討)

(Review)

2 性別の取扱いの変更の審判の請求をすることができる性同一性障害者の範囲その他性別の取扱いの変更の審判の制度については、この法律の施行後三年を目途として、この法律の施行の状況、性同一性障害者等を取り巻く社会的環境の変化等を勘案して検討が加えられ、必要があると認めるときは、その結果に基づいて所要の措置が講ぜられるものとする。

(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 国民年金法等の一部を改正する法律（昭和六十年法律第三十四号）附則第十二条第一項第四号及び他の法令の規定で同号を引用するものに規定する女子には、性別の取扱いの変更の審判を受けた者で当該性別の取扱いの変更の審判前において女子であったものを含むものとし、性別の取扱いの変更の審判を受けた者で第四条第一項の規定により女子に変わったものとみなされるものを含まないものとする。

(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).

附 則 〔平成二十年六月十八日法律第七十号〕

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

(施行期日)

(Effective Date)

1 この法律は、公布の日から起算して六月を経過した日から施行する。

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

(経過措置)

(Transitional Measures)

2 この法律の施行の日前にされたこの法律による改正前の性同一性障害者の性別の取扱いの特例に関する法律第三条第一項の規定による性別の取扱いの変更の審判の請求に係る事件については、なお従前の例による。

(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.

(検討)

(Review)

3 性同一性障害者の性別の取扱いの変更の審判の制度については、この法律による改正後の性同一性障害者の性別の取扱いの特例に関する法律の施行の状況を踏まえ、性同一性障害者及びその関係者の状況その他の事情を勘案し、必要に応じ、検討が加えられるものとする。

(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.

附 則 [平成二十三年五月二十五日法律第五十三号]

Supplementary Provisions [Act No. 53 of May 25, 2011]

この法律は、新非訟事件手続法の施行の日から施行する。

This Act comes into effect as of the day on which the new Non-Contentious Case Procedures Act comes into effect.