



WORLD PROFESSIONAL ASSOCIATION FOR TRANSGENDER HEALTH

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April 11, 2024

MP Takeshi Iwaya

Chair, Bipartisan Parliamentary LGBT Caucus

Members, Bipartisan Parliamentary LGBT Caucus

Via email:

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Your Excellency:

The World Professional Association for Transgender Health (WPATH) is the only international, interdisciplinary professional association dedicated to the scientific study of gender dysphoria and the evidence-based best practices in transgender health. We are a non-profit association with over 4000 members in the fields of medicine, mental health, law and ethics, providing science-based recommendations in the Standards of Care Version 8, available at www.wpath.org.

We have also advised governments around the world with respect to transgender health and human and civil rights. Our mission is to encourage education and research to ensure that the highest possible standards of health, social services, and justice are available to transgender people around the world.

We, WPATH's leadership, write to congratulate you as elected officials in Japan who are currently working to amend the "Gender Identity Disorder Special Cases Act," following the Supreme Court judgment in 2023.

As you are aware, Japan's law regulating legal recognition for transgender people requires a diagnosis of "Gender Identity Disorder" (GID) before any transgender person can apply to secure legal recognition of their appropriate gender. In addition to providing a certificate attesting to the fact that the individual has been diagnosed with GID, an applicant to the court must meet the following qualifications:

- Be 18-years-old or older;
- Be presently unmarried;
- Not presently have any underage children;
- Not have gonads or permanently lack functioning gonads; and
- Have a physical form that is "endowed with genitalia that closely resemble the physical form of an alternative gender."



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In order to align Japan's new policy with international medical best practices, such as WPATH SOC8, all of the above provisions require revision.

The requirement of a "GID" diagnosis is outdated by over a decade, pathologizing and is no longer in use in the medical or mental health care fields in either clinical or research settings. The requirement of single marital status and not having minor children amounts to discrimination on the basis of marital status; and the requirement of surgeries that sterilize amounts to coerced sterilization—a widely-recognized human rights violation, which the Supreme Court of Japan has acknowledged. While revising the "GID Special Cases Act" by removing the surgery requirement per the Supreme Court's order, we urge you to resist the temptation to insert a requirement that transgender people undergo hormone therapy as a requirement. Hormone therapy is an important part of some transgender people's health care; for other transgender people, it is not desired or necessary. And for some individuals, hormone therapy may be contrary to the medical advice of their physician due to specific health conditions. Therefore, requiring it as a pre-requisite for legal gender recognition amounts to a form of coercion, similar to the surgery requirement.

As the world's pre-eminent professional organization concerned with transgender health, WPATH is aware of the importance that gender recognition can play in facilitating the health and wellbeing of transgender people. We share here the official WPATH Identity Recognition Statement.

WPATH Identity Recognition Statement:

The World Professional Association for Transgender Health (WPATH) recognizes that, for optimal physical and mental health, persons must be able to freely express their gender identity, whether or not that identity conforms to the expectations of others. WPATH further recognizes the right of all people to identity documents consistent with their gender identity, including those documents which confer legal gender status. Such documents are essential to the ability of all people to enjoy rights and opportunities equal to those available to others; to access accommodation, education, employment, and health care; to travel; to navigate everyday transactions; and to enjoy safety. Transgender people, regardless of how they identify or appear, should enjoy the gender recognition all persons expect and deserve. Medical and other barriers to gender recognition for transgender individuals may harm physical and mental health. WPATH opposes all medical requirements that act as barriers to those wishing to change legal sex or gender markers on documents. These include



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requirements for diagnosis, counseling or therapy, puberty blockers, hormones, any form of surgery (including that which involves sterilization), or any other requirements for any form of clinical treatment or letters from doctors.

WPATH argues that marital and parental status should not be barriers to recognition of gender change and opposes requirements for persons to undergo periods living in their affirmed gender, or for enforced waiting or 'cooling off' periods after applying for a change in documents. Further, court and judicial hearings can produce psychological, as well as financial and logistical barriers to legal gender change, and may also violate personal privacy rights or needs. WPATH advises that appropriate gender recognition should be available to transgender youth, including those who are under the age of majority, as well as to individuals who are incarcerated or institutionalized. WPATH recognizes that there is a spectrum of gender identities, and that choices of identity limited to Male or Female may be inadequate to reflect all gender identities. An option of X, NB (nonbinary), or Other (as examples) should be available for individuals who so choose. WPATH urges governments to eliminate barriers to gender recognition, and to institute transparent, affordable, and otherwise accessible administrative procedures affirming self-determination, when gender markers on identity documents are considered necessary. These procedures should be based in law and protect privacy.

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Medical and other barriers to gender recognition for transgender individuals may harm physical and mental health. WPATH opposes all medical requirements that act as barriers to those wishing to change legal sex or gender markers on documents. These include requirements for diagnosis, counseling or therapy, puberty blockers, hormones, any form of surgery (including that which involves sterilization), or any other requirements for any form of clinical treatment or letters from doctors. People experience their lives under many different circumstances and may lack the means or the opportunity to overcome these barriers, yet their gender identity is an innate characteristic that they deserve to have recognized.

We are greatly appreciative of the attention that you, as members of the Diet's caucus on LGBT issues, are paying to the careful revision of Japan's law. These are complex components of human experience, and we urge you to consider them with due diligence. Please contact us if we may be of assistance in the process of reforming this law.

Sincerely and respectfully,

Marci Bowers, MD

President, World Professional Association for Transgender Health (WPATH)

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