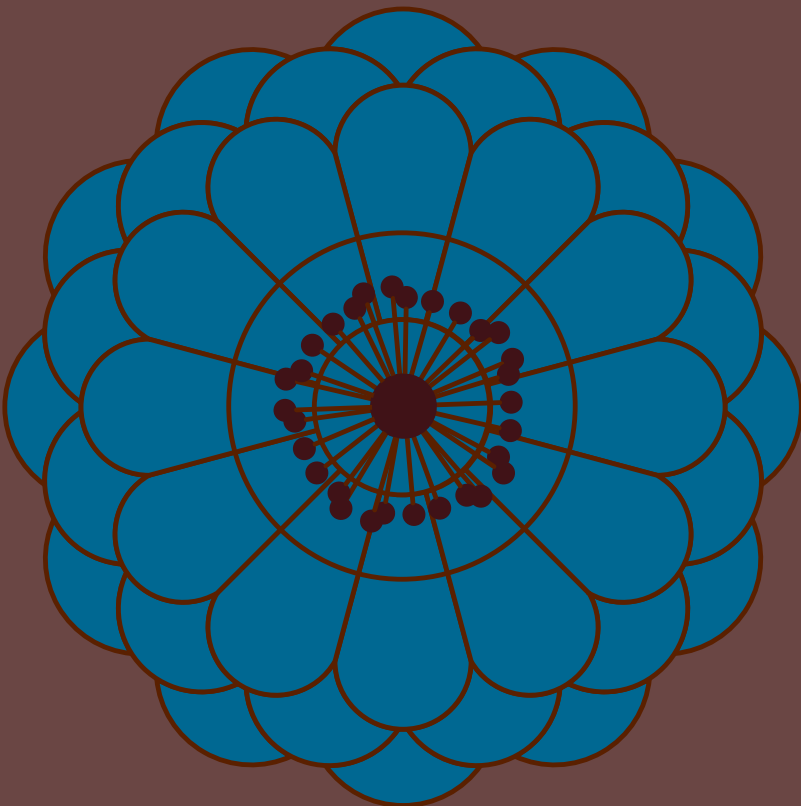
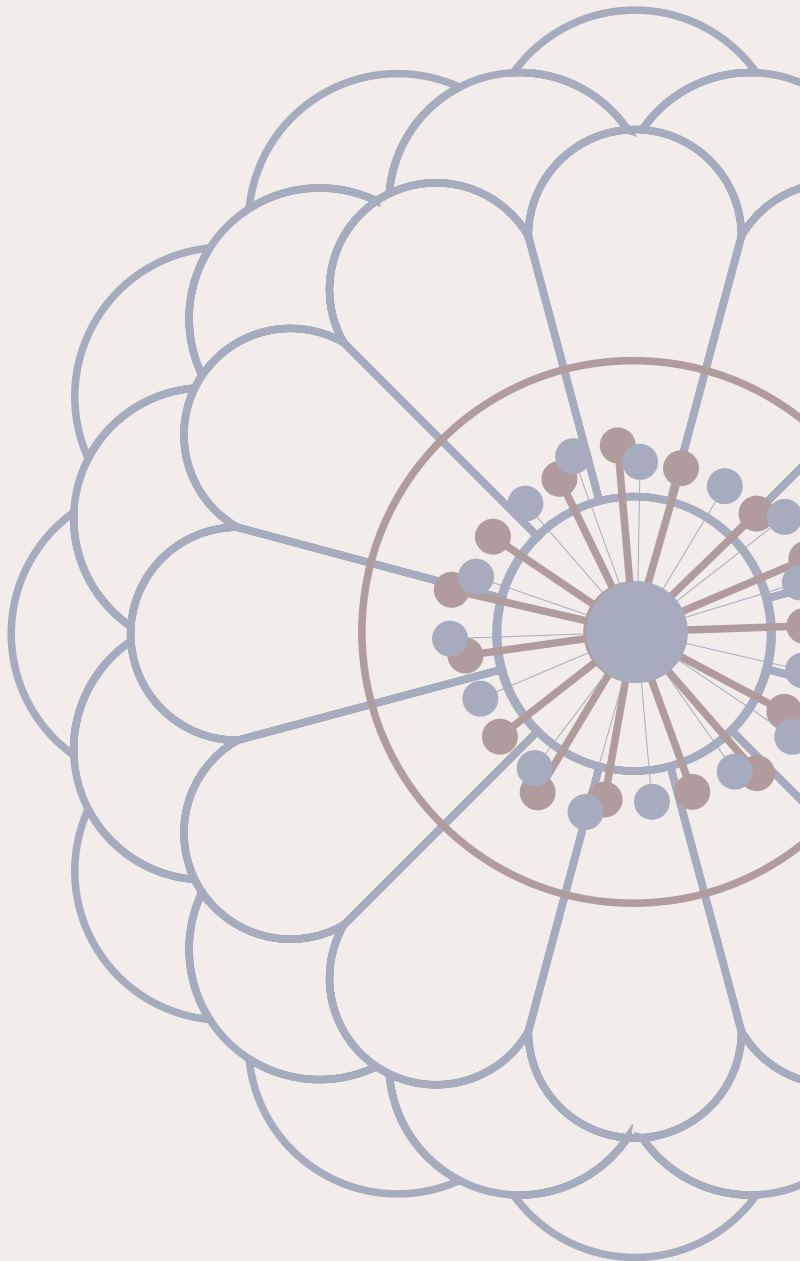
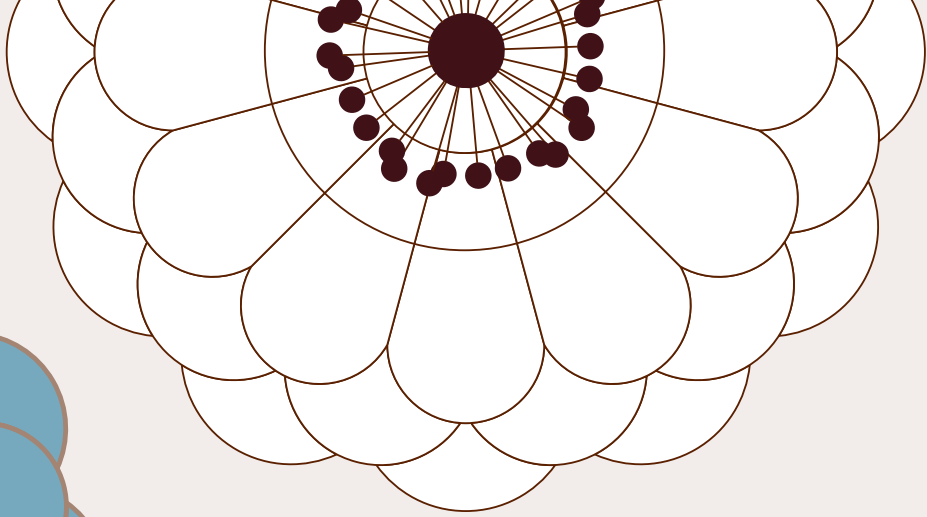
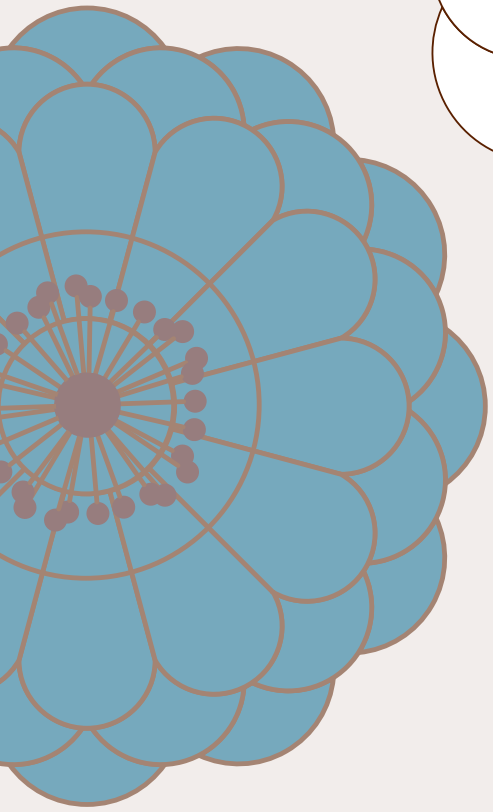


JAPAN

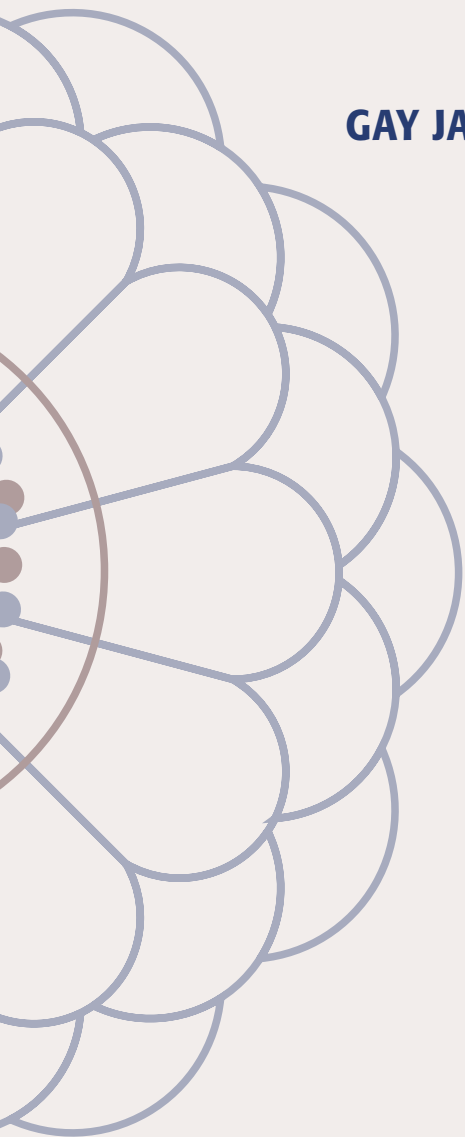




# STRIVING FOR DIGNITY AND RESPECT

Experiences of Violence and Discrimination as  
Told by LBT Persons in Japan

**GAY JAPAN NEWS**





## **CONTENTS**

INTRODUCTION.....	7
Summary of Findings.....	7
INTERVIEWEE DEMOGRAPHICS.....	8
COUNTRY CONTEXT.....	8
The Family.....	8
Women’s Rights.....	9
LGBT Rights.....	10
MANIFESTATIONS OF VIOLENCE.....	11
Emotional Violence by State Actors.....	12
Emotional Violence by Non-State Actors.....	12
Physical Violence.....	12
Indirect Discrimination or Violence.....	13
Direct Discrimination or Violence.....	13
Invisibility as Violence.....	14
Sexual Violence.....	15
Targeted as Women.....	15
Sexual Violence by Family Members.....	16
Intimate Partner Violence.....	16
WORKPLACE DISCRIMINATION AND VIOLENCE.....	18
IMPACT OF VIOLENCE AND COPING METHODS.....	21
ACCESS TO REDRESS AND SEEKING HELP FOR VIOLENCE.....	24
LAWS AFFECTING LBT PEOPLE.....	25
RECOMMENDATIONS.....	29
APPENDIX A: GLOSSARY OF TERMS.....	31
APPENDIX B: METHODOLOGY.....	32



Photo: Theresa Thadani





## INTRODUCTION

This research project was undertaken by Gay Japan News, a non-commercial online news source and advocacy group with volunteer staff members, and the International Gay and Lesbian Human Rights Commission (IGLHRC), a human rights non-governmental organization (NGO) with United Nations consultative status. Gay Japan News received funding from the Global Fund for Women to replicate the methodology in Japanese and carry out documentation. Prior to the research, Gay Japan News had submitted information based on interviews with stakeholders to the United Nations about the human rights situation of lesbian, gay, bisexual and transgender (LGBT) people in Japan. We lacked information about direct LGBT experiences, especially experiences of violence against lesbian, bisexual and transgender (LBT) people because documentation on this issue did not exist. This was the main reason that we decided to take part in this research project.

From November 2010 to March 2012, Japan research team members interviewed 50 LBT people about their experiences of violence. In this research, “violence” referred to physical, emotional or sexual violence. Discrimination, which contributed to violence, was also included. During outreach, we had to refrain from using the term “violence” because it sounded too strong to respondents and even to some of the team members. In order not to scare people away, we explained the purpose of the research and listed violent acts to help people understand the focus of the research.

### Summary of Findings

The most frequently experienced form of violence for our LBT respondents was emotional violence – 31 interviewees reported that they were “hurt,” “stunned,” “unbearably injured,” or “humiliated” by emotional violence, which included being subjected to degrading words about sexual orientation or gender identity, and being forced to keep their identities invisible.

Sexual violence was another prevalent form of violence experience by 28 out of the 50 LBT respondents.

Perpetrators of violence were mostly non-state actors. There were only three documented cases of state actor violence in this research. This is because most of our respondents were very careful about which state actors they “came out” to, or to whom they disclosed their sexual orientation or gender identity. Usually, coming out to state actors was based on medical urgency or needing to legally change gender.

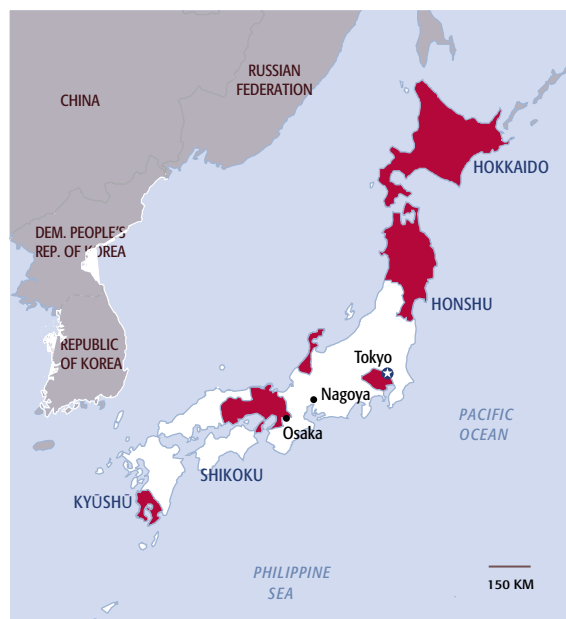
Almost all LBT respondents who experienced violence went to self-help groups for people who identified as *seku mai* (a Japanese term for sexual and gender minorities). None of our respondents who faced violence went to professionals like psychiatrists, psychologists or lawyers because they did not expect to receive LBT sensitive help.

# INTERVIEWEE DEMOGRAPHICS

For this project, we interviewed 50 people<sup>1</sup> who were survivors of some form of violence motivated by their sexual orientation or gender identity. Twenty-one respondents identified as transgender with diverse sexual orientation, fourteen identified as lesbians, eight identified as bisexual women, two identified as pansexual woman, and five used other identifiers, including “gender queer,” “non-heteronormative woman,” or FtX. (Some transgender people who do not identify as women or men, identify as female-to-X. This identity is often used by women who do not conform to the heteronormative culture and because of that would rather not identify themselves as female in Japan.)

## JAPAN

LOCATIONS OF LBT INDIVIDUALS INTERVIEWED



Interviews were conducted in six different regions, namely, Tohoku, Kanto, Chubu, Kansai, Chugoku, and Kyushu/Okinawa. The regions were selected on the basis of their geographic proximity to the

1 One interview with a transgender respondent had to be stopped. The respondent had a flashback during the interview and could not continue. The respondent did not want to reschedule.

project’s researchers. The different regions did not show differences in respondents’ experiences of violence. The only noteworthy difference was that respondents in Kanto and Kansai regions, which are Japan’s largest regions, had greater access to self-help groups.

The average age of our sample was 36 with the youngest being 22 and the oldest 58. Experiences of violence were not different because of the age of respondents.

Thirty-five respondents had finished tertiary level education while twelve had finished secondary level. (No information was available for two respondents.) The respondents’ level of education did not correspond to forms of violence they experienced.

# COUNTRY CONTEXT

## The Family

One of the most important relationships in Japanese society is the parent-child relationship. A 2007 white paper on national “lifestyle,” titled “A comfortable way of life for the Japanese people, founded on personal relationships,”<sup>2</sup> stated that the majority of Japanese people believe that only lineal and marital relationships constitute family. People are also expected to respect their parents and obey them, a belief influenced by Confucianism. Although today more people stay unmarried – due to economic barriers to forming one’s own family, few chances of meeting the right partner, and the younger generation increasingly being indifferent to marriage<sup>3</sup> – getting married and having children is still considered important to prevent a family

2 “White Paper on the National Lifestyle 2007: A comfortable way of life for the Japanese people, founded on personal relationships,” Japan Cabinet Office, accessed February 21, 2013, [http://www5.cao.go.jp/seikatsu/whitepaper/h19/06\\_eng/index.html](http://www5.cao.go.jp/seikatsu/whitepaper/h19/06_eng/index.html).

3 “Annual Population and Social Security Survey (The National Fertility Survey),” Ministry of Health, Labor and Welfare (2010), accessed February 21, 2013, [http://www.ipss.go.jp/ps-doukou/j/doukou14\\_s/doukou14\\_s.asp](http://www.ipss.go.jp/ps-doukou/j/doukou14_s/doukou14_s.asp).



name from going extinct. Equally significant, harmony in family relationships remains a priority to Japanese people in the same way that harmony in society is seen as important. This “harmony” in Japanese culture means that one does not bring shame to other family members and one does not advocate for their individual rights. Advocating for one’s own rights and defying traditional roles and family expectations can be considered selfish.

## Women’s Rights

The movement to stop violence against women in Japan started in the 1980s. The women’s and feminist movements have fundamentally changed the legal and social situation for women in Japan. In 1986, the Japanese government legislated the *Equal Employment Opportunity Law to ratify the Convention on the Elimination of All Forms of Discrimination Against Women* adopted in 1979 by the United Nations General Assembly.<sup>4</sup> In 1995, a group of feminists who took part in the Fourth World Conference on Women in Beijing started advocating for an anti-domestic violence law in Japan. The law was enacted in 2001 to protect victims of spousal violence.<sup>5</sup> *The Anti-Stalking Law* was enacted in 2002 – prompted by a 1999 case in which a woman was stalked and murdered by her ex-boyfriend.<sup>6</sup> In 1991, Korean women who had been sexually enslaved by the Japanese army during the Second World War broke their silence and came out as “comfort women,” revealing what they had suffered. After much denial of responsibility, the Japanese government set up the Asian Women’s Fund in 1995 to compensate them, which was operational until 2007.<sup>7</sup>

4 General Assembly Resolution 34/180 of December 18, 1979.

5 Law regarding Prevention from Spousal Violence and Protection of the Victims, Law No. 31, 2003, last amended on July 11, 2009 as Law No. 113, accessed November 8, 2012, <http://www.gender.go.jp/dv/dvhou.html>.

6 Anti-Stalking Law. Law No 81 of May 24, 2000.

7 “Regarding the Situation and Future of the Asia Women’s Fund,” Ministry of Foreign Affairs, accessed January 13, 2014, [http://www.mofa.go.jp/mofaj/area/taisen/murayama\\_kk.html](http://www.mofa.go.jp/mofaj/area/taisen/murayama_kk.html).

These developments on domestic and international levels heightened social awareness in Japan about violence against women. In 2001, the Japanese government launched the national *Campaign to End Violence Against Women*, which was headed by the Gender Equality Bureau of the Prime Minister’s Cabinet Office and renewed every year.<sup>8</sup>

Despite these positive steps, women’s human rights in Japan are still taken lightly. The Japanese government has failed to provide effective protection and redress for women who are victims of violence and have failed to adequately prevent all women from becoming victims of violence. For instance, in the 2011 *Survey on Violence between Men and Women*, conducted by the Gender Equality Bureau, 7.7% of women who responded said they were forced to have intercourse at least once and only 3.7% of them said they reported the rape to police.<sup>9</sup> According to the 1998 *Survey on Mental Health and Health of Children and Family* by Japan’s Sexology Information Center, 1 in 6.4 girls and 1 in 17.4 boys experience sexual abuse at least once until the age of 12.<sup>10</sup> According to 2012 data from the National Police Agency of Japan, police received 19,920 reports of domestic violence and 55 reports of murders of battered women over that twelve-month period.<sup>11</sup> This report only captures reported domestic violence, which suggests

8 “Campaign to End Violence against Women,” Gender Equality Bureau, Cabinet Office, accessed on November 9, 2012, <http://www.gender.go.jp/honbu/130605a.html>. The campaign describes violence against women as “violence by husband or partner, sexual assault, buying and selling sex, sexual harassment, stalking and others severely violates women’s human rights and is an important issue to be overcome to realize gender equal society. Violence in principle can never be tolerated against anyone regardless of their sex, perpetrator or relationship between victim and perpetrator. Violence specifically against women must be promptly tackled considering the situation regarding violence and social structure men and women live in.”

9 Information of Assistance in Incidents of Spousal Violence, Gender Equality Bureau, Cabinet Office, accessed January 13, 2014, [http://www.gender.go.jp/e-vaw/chousa/h24\\_boryoku\\_cyouasa.html](http://www.gender.go.jp/e-vaw/chousa/h24_boryoku_cyouasa.html).

10 T. Yoshida, “Children and Sexual Abuse,” Shueisha Shinsho (2001).

11 “2012 White Paper on Crimes,” National Police Agency, accessed on January 13, 2013, <http://hakusyo1.moj.go.jp/jp/59/nfm/mokuji.html>.

an incomplete picture of actual prevalence, which is usually much higher.<sup>12</sup>

Many women and girls, including women who are sexual minorities, still suffer from gender-based violence. Yet, LBT people in Japan often do not consider themselves to be included under the anti-domestic violence legislation or in the *Campaign to End Violence Against Women*. For the most part, this is because they are not explicitly covered by the legislation, which is premised on the notion that perpetrators of domestic violence can only be men or husbands, and also because they feel excluded by Japanese society as a whole. This exclusion and the silence around violence against LBT people in Japan were the impetus for the research and documentation project we undertook between 2010 and 2012.

## LGBT Rights

In the last ten years, more data has become available about the situation and experiences of gay and bisexual men.<sup>13</sup> However, very little data exists on lesbians, bisexual women and transgender men.<sup>14</sup> This lack of representation of lesbians, bisexual women and transgender men can be attributed to the silence surrounding issues of this population of Japanese society. On the other

hand, transgender women are visible in research and have become more socially recognized since the enactment of the *Gender Identity Disorder law* in 2003.<sup>15</sup> This law enabled all transgender people (women and men) to indicate their chosen gender in the *koseki* (family register), but only after they had been diagnosed with Gender Identity Disorder and thus acquiesced to defining their identity as a pathology.<sup>16</sup> *Koseki* is a legal document that works as a root document for other legal identity cards. It is the Japanese system of family registration by which births, deaths, marriages and divorces of Japanese nationals are recorded. It plays a central role in Japanese Family Law. The *koseki* contains the following information: a person's name, sex assigned at birth, dates of records and events such as adoption, marriage and death, names of the father and the mother, and the relationship to them, if adopted, names of the adoptive father and mother, if married, whether the person is a husband or a wife, if transferred from another *koseki*, the former *koseki*, and the person's registered permanent residence. The sex stated in the *koseki* is reflected in most of the important legal documents including pension books and applications for national health insurance and unemployment insurance. In some municipalities, the gender of each person does not appear on their national health insurance cards and driver's licenses as a result of advocacy by transgender people who showed that the gender column on identity cards constituted a barrier to them being able to access public services.

12 The statistics cited above are not disaggregated based on sexual orientation or gender identity.

13 Research on "Hard-to-reach populations and stigmatized topics" such as Internet-based mental health research has focused on Japanese men who are gay, bisexual, or questioning their sexual orientation. Research on suicide has also focused on Japanese homosexual, bisexual or men questioning their sexual orientation. Y. Hidaka and D. Operario, "Internet and Suicide" (Nova Science Publishers, Inc., 2009); T. Homma, Ono-M Kihara, S. Zamani, Y. Nishimura, E. Kobori, Y. Hidaka, S.M. Rabari, and M. Kihara, "Demographic and behavioral characteristics of male sexually transmitted disease patients in Japan: a nationwide case-control study," *Sexually Transmitted Diseases*, Vol. 35 (2008).

14 "Survey on Sexuality of 310 Non-Heterosexual Women" by Sexuality Survey Group (Nanatumori Shokan, September 1995) is the only comprehensive documentation of experiences of lesbians, bisexual women and transgender women including their experiences of sexual harassment and sexual violence.

15 A variety of studies on transgender women's issues exist, including mental health, bullying in schools, and employment. These studies are conducted by members of the Japanese Society of Gender Identity Disorder, including Mikiya Nakatsuka, Katsuki Harima, Keichiro Ishimaru, and Yoshie Matsushima, accessed on January 31, 2014, [http://ikiru.ncnp.go.jp/ikiru-hp/110913\\_1/22.pdf](http://ikiru.ncnp.go.jp/ikiru-hp/110913_1/22.pdf).

16 Law Concerning Special Cases Regarding Gender of People with Gender Identity Disorder, Law No. 111, adopted on July 16, 2003, accessed November 6, 2012, <http://law.e-gov.go.jp/htmldata/H15/H15HO111.html>;

Law on Partial Amendments to the Law Concerning Special Cases Regarding Gender of People with Gender Identity Disorder, Law No. 70, adopted on June 18, 2008, accessed on November 6, 2012, [http://www.shugin.go.jp/itdb\\_housei.nsf/html/housei/16920080618070.htm](http://www.shugin.go.jp/itdb_housei.nsf/html/housei/16920080618070.htm).

The visibility of gay men and transgender women is also evident in Japanese television programs although these programs often mock them.<sup>17</sup> For the reason stated earlier, lesbians, bisexual women and transgender men tend to be far less visible in the daily television programs.

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LBT people are subject to stereotypes, mockery and negative attitudes.

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Overall, LGBT people are generally not portrayed by mass media or perceived by Japanese society-at-large as family members, friends, colleagues or neighbors. In Japanese society, anyone who is perceived as different from the majority is seen as abnormal or an outsider. This not only affects LGBT people<sup>18</sup> but also people with disabilities, *burakumin*,<sup>19</sup> ethnic minorities such as indigenous Ainu and Ryukyuan, Koreans, Chinese and newcomers,<sup>20</sup> people born out of wedlock, single-parent families, leprosy patients, and people with HIV/AIDS. Lack of human rights education in schools contributes to these misconceptions. In the case of gender and sexual minorities, lack of sex or sexuality education in schools contributes to these misconceptions.

In place of factual, positive and affirming information, LBT people are subject to stereotypes, mockery

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17 Gay men who appear in TV programs are often cross-dressing and laughed at by others. Transgender women who appear in TV programs are sometimes referred to and treated as men or called by the names they were given at birth.

18 Sam Shoushi, "Japan and Sexual Minorities" *FOCUS June 2008 Volume 52*, Asia-Pacific Human Rights Information Center, accessed on February 3, 2014, <http://www.hurights.or.jp/archives/focus/section2/2008/06/japan-and-sexual-minorities.html>.

19 The burakumin are descendants of outcast communities of the feudal era, which are mainly comprised of those with occupations considered "tainted" with death or ritual impurity (such as executioners, undertakers, workers in slaughterhouses, butchers or tanners), and traditionally lived in their own secluded hamlets and ghettos. "Burakumin," *Wikipedia*, accessed on February 3, 2014, <http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Burakumin.html>.

20 New comers are migrants who came to Japan mainly during the second wave of migration of foreign nationals in and after the 1980s. Solidarity Network with Migrants Japan homepage, accessed on February 3, 2014, <http://www.migrants.jp/v1/English/English.html>.

and negative attitudes. The prejudice towards people of diverse sexualities and gender identities is so subtle and invisible that LBT people in Japan internalize it. Many LBT people do not even consider this to be a form of violence; they take for granted that they will be mocked and believe they simply must bear it. One consequence of living in and internalizing a prejudiced environment is that when LBT people experience violence or discrimination, they keep it inside.

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They take for granted that they will be mocked and believe they simply must bear it.

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They fear unwanted attention to their sexual orientation and gender identity, and they fear that they might be mocked just like the gay and transgender characters on television or rejected by families, friends and neighbors.

## MANIFESTATIONS OF VIOLENCE

All of the LBT respondents interviewed for this project experienced some form of violence: emotional violence, sexual violence, and/or physical violence, and/or some form of discrimination that led to violence on the basis of their gender identity, sexual orientation or gender expression.

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The most frequently experienced form of violence among those interviewed was emotional violence.

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Perpetrators of violence were divided into two groups: state and non-state actors. Non-state actors include both institutions and private individuals. Respondents experienced violence both in the private and public spheres. State perpetrators included a municipal board of education, teachers and other school staff. Non-state perpetrators included medical professionals, private employers, and media. Private individuals who perpetrated violence included immediate family members, relatives, friends, partners or ex-partners, partner's family, classmates, colleagues, neighbors, landlords and passersby.

## Emotional Violence by State Actors

In Japan, men and women are expected to dress, talk and behave according to a strict code of conduct that has to be consistent with their sex at birth. This code of conduct is enforced at home, workplaces, medical institutions, public facilities and schools. In public and private schools (both of which must comply with directives from the Ministry of Education), uniforms are different for female and male students, especially in junior high and high schools – skirt and blouse for girls, suits or black stand-up collar shirts for boys.

- From elementary school to high school, teachers told K,<sup>21</sup> a transgender female-to-male respondent to, “behave like a woman.” K reported thinking, “I cannot be feminine, because I’m a man.” He silently bore his teachers telling him to act in accordance with his sex assigned at birth, because he did not expect them to understand his gender identity.
- Mami<sup>22</sup>, a transgender male-to-female school-teacher who looks womanly because of her long hair was told by school administrators to wear a tie or she would be “punished.” The Board of Education in Hokuriku region ordered her “to take a year off to participate in “some kind of training” and have sex reassignment surgery during the year off.” This instruction from the Board meant not being able to give her students notice that she was leaving for a year. Mami had been going to a gender clinic to get estrogen hormone injections and did not at the time want sex reassignment surgery, so she was “shocked” that the school required that she undergo surgery as a condition of employment.
- K, a transgender man respondent said, “My supervisor at university kept referring to me as she. I told him that what he was doing to me was violence because my dignity was hurt.”<sup>23</sup>

21 K, Yamashita interview, Kansai region, Japan, November 13, 2011.

22 Mami, Masuhara interview, Chubu region, Japan, February 12, 2012.

23 K, Yamashita interview, Kansai region, Japan, November 13, 2011.

## Emotional Violence by Non-State Actors

The most frequently experienced form of violence among those interviewed was emotional violence. In this study, emotional violence is interpreted as emotions that individuals feel as a consequence of violence. For instance, 31 respondents felt “hurt,” “stunned,” “unbearably injured,” or “humiliated” after degrading words were directed at them on the basis of their sexual orientation and gender identity, or when they encountered indirect commentary that rendered their identities invisible.

- One psychiatrist told an FtX<sup>24</sup> respondent that she “should not focus on your concerns about gender” but “the [more] important point is what she would do at work.”<sup>25</sup>
- Staff at a medical clinic told Aya,<sup>26</sup> a transgender woman, “not to come here like that.” Aya usually wears women’s clothing, however, the clinical worker told her to “wear a pair of jersey<sup>27</sup> when you come here” so as “not to confuse” other patients at the clinic. In this instance, Aya’s gender non-conformity appeared to take greater precedence for the clinic than her health needs.

## Physical Violence

A,<sup>28</sup> a transgender female-to-male college student, said, “[I]n my elementary school days, I had to carry a red satchel to school.” Elementary school students usually carry satchels in Japan. Red was a popular satchel color for girls and black for boys. A’s mother expected him to carry a red one. A “used to feel uncomfortable with the red satchel” since the color did not correspond to his gender

24 See Terminology.

25 Ajima, Uchida interview, Tohoku region, Japan, December 26, 2011.

26 Aya, Shimada interview, Kansai region, February 3, 2012.

27 Jersey refers to long-sleeved T-shirt and trousers made of jersey material. It is considered a unisex outfit and is usually worn by students.

28 A, Yamashita interview, Tokyo, Japan, January 29, 2011.



identity. His mother beat and slapped him and deprived him food when A did not wear the girl's school uniform she made for him.

## Indirect Discrimination or Violence

Perpetrators may not have always intended to hurt the respondents but often did nonetheless. Remarks that perpetrators made to respondents seemed to reflect their general contempt towards Japanese people with a non-conforming sexual orientation, gender identity or gender expression.

- Ajima,<sup>29</sup> who identifies as FtX “feels stared at” on trains and on the street. Ajima explained, “No one is quite hostile to me, but I know they [people on the street] are wondering what I am.” She experienced hostile gazes so often that she had to “normalize” the constant staring (meaning, accept the staring as understandable and pretend to accept it) in order to cope. Ajima also recalled that when coming out, “A friend of mine said ‘You must be kidding me!’ and didn’t take me seriously. It emotionally stunned me.”
- Nana,<sup>30</sup> a lesbian, recalled being suspended from piano lessons when she was young for unconsciously having expressed her attraction to another girl. The girl’s parents noticed and reported to her piano teacher. After her suspension was lifted, she was told to “be normal next time.”
- Ken, a closeted transgender man who has lived as a wife, mother, daughter-in-law and woman for most of his life said, “My neighbor sees me ... and questions, ‘Why doesn’t she wear a skirt?’ or ‘Why doesn’t she wear make-up?’ They wonder why I don’t set my hair [like other women.]” Ken represses his gender identity around his family, friends and neighbors and has to function as a woman. Only the LBT people he meets at a local sexual minorities group know his real gender

29 Ajima, Uchida interview, Tohoku region, Japan, December 26, 2011.

30 Nana, Yamashita interview, Tohoku region, Japan, July 1, 2011.

identity. Ken also recalled a moment when he tried to tell his friend about his gender identity by saying that he supported sexual minorities. “My friend said ‘These people are monsters.’ I know she didn’t mean it at me, but I was very hurt by that.”<sup>31</sup>

## Direct Discrimination or Violence

Derogatory terms and critical phrases directed at LBT people because of their gender identity, sexual orientation and/or gender expression was a commonly reported form of emotional violence.



Photo: Theresa Thadani

- Classmates of Kanaya,<sup>32</sup> a bisexual woman in her early 20s, wrote, “That bitch is a les<sup>33</sup>” on a window of the bus she took daily to school.
- When Suzuki,<sup>34</sup> a non-heteronormative woman, age 25, was caught by her mother in a moment of intimacy with a friend, her mother asked “Are you *les*?”

31 Ken, Masaki interview, Tohoku region, Japan, February 7, 2012.

32 Kanaya, Yamashita interview, Tohoku region, Japan, July 2, 2011.

33 See Terminology.

34 Suzuki, Ragi interview, Kanto region, Japan, March 7, 2012.

- The mother of the partner of Takeru,<sup>35</sup> a heterosexual transgender man, 50, kept telling him, “You’re disgusting” when she found out that Takeru and her daughter were in a serious relationship. The mother said to him, “You betrayed me. What have you done to my daughter?”
- Aya,<sup>36</sup> a transgender woman, said that when she was little, “Even my brothers would call me *okama*.” As an adult, Aya ran for election as a City Assembly member, and she disclosed her gender identity. Throughout her campaign whenever she gave speeches, passersby flung the same derogatory word at Aya that her brothers had used.
- Kazuko<sup>37</sup> was accused of having a relationship with her same-sex colleague. Her cousin said to her, “Are you out of your mind? I am going to tell your mother and her parents what’s going on. You destroyed the whole family.”
- For six months, the parents of Airi,<sup>38</sup> a lesbian, kept pressuring her to enter a psychiatric institution. They went to the apartment where Airi lived with her partner and shouted, “Open the door!” They blamed her partner, So<sup>39</sup>, for their relationship. Airi remembers her parents, “getting excited and starting to hit the table.”
- A, an FtM respondent, said he felt “hurt” when his female classmate approached him and asked whether he had a sanitary pad.<sup>40</sup> The classmate was aware of A’s gender identity and meant this to hurt him.

35 Takeru, Masaki interview, Kanto region, Japan, February 17, 2012.

36 Aya, Yamashita interview, Kansai region, Japan, January 3, 2011.

37 Kazuko, Masaki interview, Tohoku region, Japan, February 25, 2012.

38 Airi, Masaki interview, Tohoku region, Japan, February 5, 2012.

39 So, Masaki interview, Tohoku region, Japan, February 24, 2012.

40 Hideto, Masaki interview, Tohoku region, Japan, December 28, 2011.

## Invisibility as Violence

Six respondents said they did not experience violence because their sexual orientation or gender identity was not visible. Since they were exposed to negative attitudes and statements daily, this made them careful not to disclose their sexual orientation and gender identity so that they, or even their families, would not face discrimination or violence. However, for some, being in the closet was also a form of violence.

- Ueki,<sup>41</sup> a 22-year-old lesbian, said, “I’ve always had that feeling of being oppressed, not being able to tell who I really am, lying about myself to friends, and disappointing my mother if [I] came out...I haven’t come out for 22 years. I’ve taken it for granted now [to feel this way.]”
- Kimura, a bisexual woman, said that she had never experienced violence “in a clear way,” but she actually experienced psychological violence. Kimura felt “hurt every time someone said something hostile or prejudiced” about people of sexual minorities.
- Yuki, a bisexual woman who encountered denial by her family when she came out, stopped trying to talk about her sexual orientation to other people. She said, “[Clear forms of] violence is not an issue for me. For me, [the issue is] that I do not feel myself anymore [by the denial and other unintended yet abusive words by others.]”
- Mami, a transgender male-to-female school teacher who worked as a male teacher, said, “I wouldn’t mind being out [about my gender identity] and facing violence, but I do mind having my family members affected by me being out.”

41 Ueki, Masuhara interview, Chubu region, February 11, 2012.





felt the sexual violence was because of their gender as women, which they felt made them vulnerable to sexual violence (like cisgender women). However, transgender men who experienced sexual violence felt their changed gender was disregarded and they were targeted for sexual violence as women.

- Male colleagues at an after-work get-together touched Yoshihara, a transgender woman. She said, “I’m touched frequently. If a man touches a woman [who is biologically female,] it will be a problem. But if he touches me, that does not seem to become a problem.” In Japanese culture, people don’t touch, kiss or hug people they are not familiar with or close to. Being touched by a co-worker with whom there is no close relationship creates much discomfort and is experienced as disrespect.
- Meg, a transgender woman, felt the same. She said, “[My male colleague] started shaking hands with me and ended up touching my buttocks... It would be sexual harassment if he had been touching an ordinary woman, right? But is it also sexual harassment if he’s touching me?”
- Ozawa,<sup>48</sup> a woman in her fifties who identified her sexual orientation as “questioning,”<sup>49</sup> was molested on a train and encountered exhibitionists on the streets multiple times in her life. She said: “I’ve only been living as a very ordinary girl and woman. [People] won’t be able to tell [that I’m lesbian] by my appearance. In that sense, I share difficulties that women generally face. No special difficulty [because of my sexual orientation].”
- Nami,<sup>50</sup> a lesbian, remembered being sexually abused by her father intermittently when she was in the fifth or sixth grade. The reason she gave was “because of being born as a girl.”

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48 Ozawa, Yamashita interview, Tohoku region, January 14, 2012.

49 See Terminology.

50 Nami, Ragi interview, Kansai region, Japan, February 29, 2012.

- Neko,<sup>51</sup> a bisexual woman recalled her cousin touching her breasts in her early twenties. She said, “People hold you up in the sky when you are little, right? He held me in the sky like that and touched my breasts. I wasn’t sure if it was intentional or unintentional, but I couldn’t tell anyone. So, I felt it was wrong.”

## Sexual Violence by Family Members

Our findings showed that members of the family sometimes perpetrated sexual violence. In two earlier examples of sexual violence by family members, respondents attributed the assaults to their being women or girl children. But others spoke of the violence being directly related to their sexual orientation or gender identity. A transgender woman spoke of her experience.

- Mao,<sup>52</sup> a transgender woman, said, “[My uncle] touched [my breasts]... after I had breast implants. He did it repeatedly.”
- Ken,<sup>53</sup> a transgender man, said, his father-in-law attempted to rape him twice “for being perceived as a woman.”

## Intimate Partner Violence

Twelve of the 28 respondents experienced sexual violence by their partner, ex-partner or a date.

- Shoko<sup>54</sup> experienced being stalked by her ex same-sex partner. The ex hid and waited for her to come home and raped her. After the incident, she fled to Tokyo for safety without informing the ex.

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51 Neko, L’Heruex interview, Kansai region, December 26, 2011.

52 Mao, Uchida interview, Tohoku region, Japan, January 24, 2012.

53 Ken, Ken, Masaki interview, Tohoku region, Japan, February 7, 2012.

54 Shoko, Masaki interview, Tokyo, Japan, February 18, 2012.

# NANA

Nana, 33 years old, is a lesbian residing in a town in Tohoku with her parents, younger brother, and a cat. She was working as a bar hostess when we spoke to her. Her highest level of education is junior college. She has experienced sexual, psychological and economic violence because of her sexual orientation.

Her piano teacher in elementary suspended her because Nana unconsciously expressed her attraction to another girl at the piano school. The girl's parents had noticed it and reported to the piano teacher. After her suspension was lifted, Nana was told to "be normal next time." She remembers being "very hurt as a child."

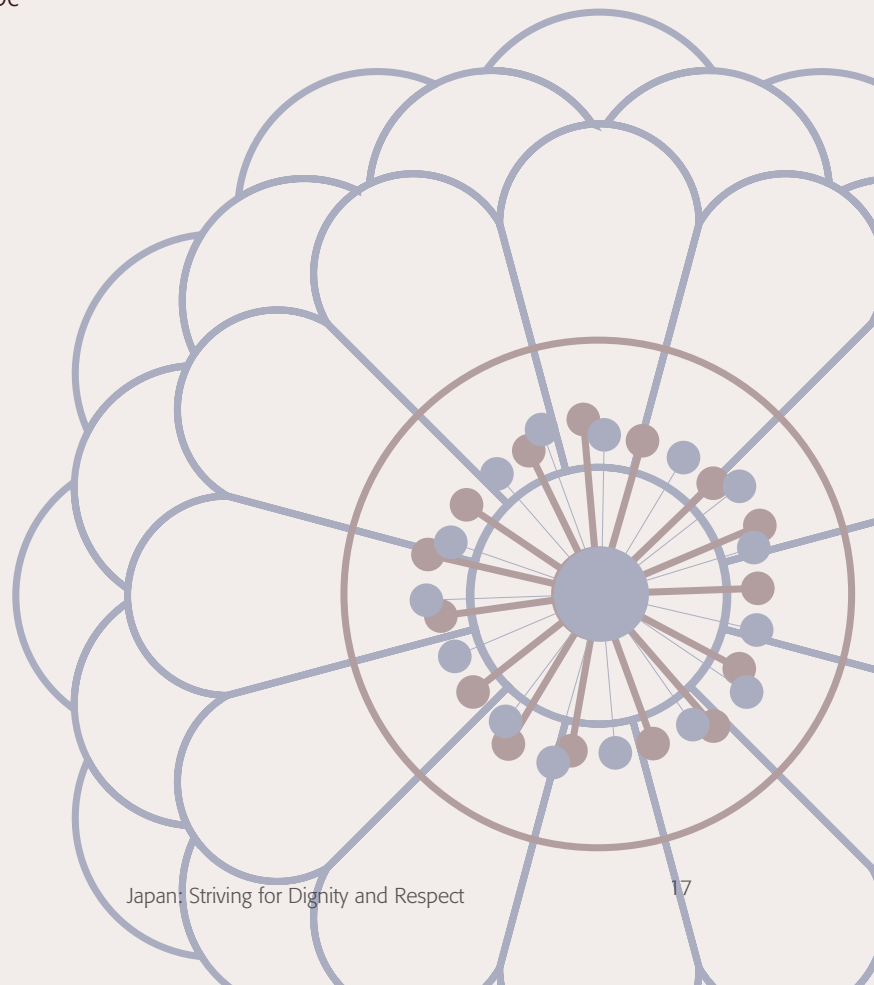
When she was 21, Nana's aunt "found out" Nana's sexual orientation from her gender expression. The aunt pressured her to go to a psychiatrist to be "cured."

In junior college, she dated a man to "cure" her sexual orientation. The man raped Nana, resulting in physical injuries. He also stalked Nana. She did not tell anyone about what happened because she thought, "it was my fault." She did consider calling the police when she was being stalked but was afraid. "Police would ask questions and my lesbianism would eventually be revealed. I thought they might blame me for letting the man rape or stalk me," she said.

Nana came out voluntarily to a music teacher when she was 23. The teacher had a positive response, saying "[Being attracted to someone of same-sex] is natural and there are a lot of people like you in the US."

After graduating from junior college, Nana worked as a caregiver at a center for people with disabilities. When her colleagues asked what kind of man she considered her type, Nana responded, "I'm attracted to women." Her colleagues started ignoring her. She reported them to her employer. He told her that the center could not allow her to look after women clients because "we aren't sure if you might do something wrong to other women." For three years, Nana faced daily discrimination and isolation at her job. She suffered depression. The conditions affected her ability to continue working and she quit. She suffered economically as a consequence.

In 2007, Nana established an LGBT organization in her town to help herself and to help other LGBT people who also faced violence, discrimination and isolation.



- Shiho,<sup>55</sup> a woman who identified her sexual orientation as “towards other women,” was sexually assaulted on a date with a man. She said, “Even though he was my date, sex wasn’t consensual. He kissed me in a car but didn’t stop there. My body froze. I couldn’t move.” Shiho said that she went on this date with a man because she wanted to “cure” her sexual orientation.
- Nana, a lesbian respondent, tried to “cure” her sexual orientation by going on a date with a man when she was in college. However, she said that she realized, “I couldn’t sleep with a man [and my sexual orientation wouldn’t be ‘cured’].” Nana told the man she did not want to have sex with him, but he did not listen, and he raped her.
- Masato, a female-to-male transgender man, had thought that his gender identity would be “changed” if he went on a date with a man. In his attempt, a man raped him.
- Ohtsuki,<sup>56</sup> a woman who identified as pansexual, was forced to have sex with her boyfriend. She said, “He not only forced me to have sex, but was uncooperative about contraception. There weren’t physical injuries on my body, but I felt sick the next day after he forced me.”

Sexual violence by intimate partners was, in four cases, accompanied by severe physical violence, including kicking, punching, being dragged around, and having things thrown by the perpetrator. The combination of sexual and physical violence resulted in intense suffering.

- Aya,<sup>57</sup> a transgender woman and lesbian, was once a “husband” to a woman in legal marriage. She said: “[I experienced] so-called forced sex. I was exposed to verbal abuse on a daily basis. The worst thing was when she put a knife on my chest.

That’s how far it went. She also beat me and kicked me, but being forced to have sex was the most difficult. It lasted for 25 years. I did not doubt I was [being] forced although at that time, because I had this belief that [because I was born] a man, [I] should be able to perform sexually as a man, I thought it was wrong of me not being able to do so. I expected myself to perform a man’s role in sex. That was a job and role I believed I had to fulfill as a man.”

- Tanaka,<sup>58</sup> a transgender female-to-male “gender queer” whose sexual orientation is pansexual, said he experienced forced sex and unwanted sexual touching by his male partner.
- K,<sup>59</sup> a transgender woman who was in a same-sex relationship, said her partner had “thrown things” at her while she was forced into having a threesome with the ex-partner of her partner. Her partner would “vent her anger on objects kicked around in a room,” which scared K.

## WORKPLACE DISCRIMINATION AND VIOLENCE

The workplace was another sphere where transgender respondents experienced emotional violence and discrimination. In Japan, job applicants are generally required to attach a photograph and circle a gender column in their curriculum vitae. When the legislation regarding gender change in the *koseki* (the family registry) was passed, it made it possible for some transgender applicants to change their sex as it appeared on legal documents. The legislation to legalize changed gender did not protect transgender employees from violence or discrimination after they were hired.<sup>60</sup>

55 Shiho, Shimada interview, Kyusyu/Okinawa region, Japan, February 6, 2012.

56 Ohtsuki, Yamashita interview, Tokyo, Japan, February 17, 2012.

57 Aya, Shimada interview, Kansai region, February 3, 2012.

58 Tanaka, L’Heruex interview, Kansai region, January 29, 2012.

59 K, Yamashita interview, Kansai region, November 13, 2011.

60 Law concerning Special Cases regarding Gender of People with Gender Identity Disorder, Law No. 111, adopted on July 16, 2003, accessed on November 6, 2012, <http://law.e-gov.go.jp/>

## TANAKA

Tanaka is 45 years old and resides in Osaka city, Osaka prefecture, with three roommates in a large shared housing complex. His highest level of education is a university degree. He is currently a freelance writer and receives welfare assistance from the government.

Tanaka feels that people who do not know him perceive him as a straight man. Most people in the gay community in which he is active perceive him as gay. Before he began his hormone treatments, he was perceived as a woman. But Tanaka identifies as a pansexual “gender queer” transman.

Being pansexual and polyamorous, Tanaka has had relationships with people of various gender identities. His first romantic relationship was when he was 17 years old with a heterosexual woman. The relationship lasted three years. Since then, Tanaka has not attempted a relationship with a heterosexual person and has focused on queer people.

Coming out was complicated due to his complex gender identity. His parents have been relatively supportive although recently his mother was upset when she found out that Tanaka was taking hormones. Tanaka left home when he was 25.

Tanaka lived with a partner who turned out to be a domestic violence offender. The partner physically and emotionally attacked Tanaka. He suffered brain injuries resulting in a current disability, which Tanaka refers to as “a disturbance of higher cerebral function.” He said that hospitals and clinics denied him treatment because he is transgender.

After many incidents of abuse from his partner, Tanaka ended the relationship and told the partner to leave the home. The partner left but Tanaka continued to receive threats. Tanaka has told people, including women’s rights scholars and activists, about the domestic violence he experienced, but he says that they are not supportive of him as a survivor of violence. He feels this is because he is not a woman in a heterosexual relationship.

He wrote a book in 2006 called “Transgender Feminism” but excluded his experiences of violence because he was being stalked by his former partner. Tanaka felt that more people supported his sexual and gender identities than his identity as a domestic violence survivor.

- Mamoru,<sup>61</sup> a transgender immigrant man from Burma, who had lived in Japan for ten years, worked for a travel agency and was called “*homo*”<sup>62</sup> by his boss after he submitted a medical certificate that indicated his Gender Identity Disorder. He showed the certificate to his boss to tell him that he was medically permitted to get male hormone injections. The boss looked surprised to see the certificate and

asked him how he had sex with his girlfriend. He made fun of Mamoru’s gender identity and verbally and sexually harassed him, which constituted discrimination and sexual harassment against him in the workplace. Mamoru was “hurt by what the boss said ‘as a joke.’”

- Masaki,<sup>63</sup> a transgender man, was denied a job interview at a convenience store after he answered the store manager’s question about why his curriculum vitae left out information about his education. Masaki told the manager that he was from a “women’s-only” high school, which revealed his transgender identity.

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htmldata/H15/H15HO111.html; Law on Partial Amendments to the Law concerning Special Cases regarding Gender of People with Gender Identity Disorder, Law No. 70, adopted on June 18, 2008, accessed on November 6, 2012, [http://www.shugiin.go.jp/itdb\\_housei.nsf/html/housei/16920080618070.htm](http://www.shugiin.go.jp/itdb_housei.nsf/html/housei/16920080618070.htm).

61 Mamoru, T interview, Tokyo, Japan, February 21, 2012.

62 See Terminology.

63 Masaki, Ambo interview, Tohoku region, Japan, December 8, 2011.



- Anne,<sup>64</sup> a bisexual woman who worked for a non-governmental organization, heard a fellow human rights activist call a gay novelist “disgusting” while they were having lunch at the office. That word, she said, “took an option away from me to come out and even to tell him about the LGBT human rights work” in which she was involved.

LBT respondents experienced workplace discrimination that led to other types of violence – mainly verbal violence. Transgender respondents’ gender expression made them more visible than lesbians and bisexual women, who tended not to disclose their sexual orientation especially in the workplace. Lesbians and bisexual respondents indicated that unless they revealed their sexual orientation, people they worked with assumed they were heterosexual. One lesbian respondent who revealed her sexual orientation to her supervisor and colleagues, however, did experience verbal discrimination, including her supervisor over three years repeatedly telling her that she was not suitable as a caregiver for women with disabilities because she “might abuse other women.”

Sexual violence in the workplace was also reported in this research. The most common types of workplace sexual violence experienced were unwanted touching and coerced sex and sexualized and verbally abusive language. This is similar to the experiences of heterosexual women in Japan.<sup>65</sup>

There were five cases where respondents experienced emotional violence or discrimination in *shukatsu*, which is a unique job hunting mechanism for fresh graduates in Japan.<sup>66</sup> Hiro,<sup>67</sup> a

respondent who identified as “gender neutral,” said, “I didn’t tie my hair or wear makeup [for job interviews]. There was no company after all that hired me. Gender is reinforced in *shukatsu*. So, I came to think that I had to find a workplace where [gender conformity is not required so that] I can last.”

*Shukatsu* is a term shortened from *shusyoku katsudo*, which means job hunting. Third year undergraduate students and first year Masters degree students usually submit their curriculum vitae online, take a written test, and visit companies that they want to work for to set up interviews. In *shukatsu*, most of the female students wear black women’s suits (with skirts) and male students wear black men’s suits (with pants). Many universities offer make-up courses for students in *shukatsu*. This semi-formal gendered dress code constitutes a serious barrier for non gender-conforming and non-heteronormative students whose gender expression is different from the rest of society. A possible reason we only had a couple of interviewees mentioning the *shukatsu* was because our respondents were older, and therefore were not students when the mechanism of *shukatsu* was introduced.

- Taka,<sup>68</sup> a transgender man, was denied a job on four separate occasions after he disclosed his transgender identity during the job interviews. One of the people interviewing Taka said to him, “We won’t hire you because such people [with Gender Identity Disorder] are troublesome.”

Our transgender female-to-male and transgender male-to-female respondents often experienced emotional violence because of the gap between the sex they were assigned at birth and their gender identity. It is difficult for anyone to have to express a gender which does not match their inner and deeply felt sense of being female, male or something other.

64 Anne, Ambo interview, Tohoku region, Japan, January 11, 2012.

65 1289 rape cases and 7027 cases of indecency through compulsion (where majority of the victims were women while there were male victims) were reported in 2010, accessed on November 9, 2012, [http://shiwawasenamida.org/m05\\_02\\_02](http://shiwawasenamida.org/m05_02_02).

66 “Reality of LGBT Shukatsu – Positive Foreign-Affiliated Companies towards Hiring, Negative Japanese Companies”, Aera, September 28, 2012, accessed on November 8, 2012, <http://dot.asahi.com/aera/2012092800036.html>.

67 Ragi interview, Kansai region, Japan, February 8, 2012.

68 Taka, Masaki interview, Tohoku region, Japan, January 30, 2012.



# IMPACT OF VIOLENCE AND COPING METHODS

Our research findings showed that LBT people who experienced violence that was linked to their sexual orientation, gender identity, or gender expression suffered severe mental health consequences. Some attempted suicide or had suicidal thoughts; some practiced self-injury; most felt depressed or had flashbacks; several felt sick or had other physical symptoms such as hyperpnea, vaginal pain, addiction, and not being able to sleep. Some turned to alcohol or drug use as a way of coping, and others developed addictions. Several also experienced self blame, loss of confidence, and low self-esteem.

- Nana,<sup>69</sup> who was raped and lost a job because of her sexual orientation, went to the cliff to die and spent a whole night watching over the sea. She stopped herself from committing suicide. She said “I couldn’t see any hope in keeping on living. I had no one and no job while I felt sick [from being raped.]”
- Nami,<sup>70</sup> a lesbian who was sexually abused by her father and her classmates for being a woman, “periodically thought of committing suicide.” Her accumulated experiences angered her to the extent that she overdosed, became unconscious and was brought to a hospital.
- Ozawa,<sup>71</sup> a lesbian who was raped by a man who she “dated” said, “I was sick for a week after the intercourse. I told myself it [sex with a man] was supposed to be good. I had flashbacks and felt very upset. The whole world looked loud and different. I felt so consumed for a week. I kept telling myself it was natural for a woman to experience those.”
- Nomiya,<sup>72</sup> a transgender lesbian who was kissed by a man without her consent, said

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69 Nana, Yamashita interview, Tohoku region, Japan, July 1, 2011.

70 Nami, Nami, Ragi interview, Kansai region, Japan, February 29, 2012.

71 Ozawa, Yamashita interview, Tohoku region, Japan, January 14, 2012.

72 Nomiya, Yamashita interview, Tokyo, Japan, February 11, 2011.

she “blamed myself for not seeing it coming and for letting it happen to myself.”

Some LBT respondents changed their gender expression to conform to the type of femininity and masculinity that the society expected in order to avoid discrimination and violence, which in many cases exacerbated a sense of self-loathing, acute discomfort, and even physical pain. Some respondents lost friends and social contacts, experienced isolation, dropped out of school, were unable to complete their education, suffered job loss and loss of employment opportunities, or were evicted or had difficulty finding housing.

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More than half of the 50 LBT people we interviewed considered committing suicide – five of them actually attempted to kill themselves.

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- One transgender female-to-male respondent did not finish high school as a consequence of violence he experienced from his junior high school classmates because of his gender identity and gender expression.
- Tanaka, who experienced a combination of physical, sexual, verbal and emotional violence by his transgender female-to-male partner, suffered neurological injuries including memory loss and flashbacks.
- Hiroki,<sup>73</sup> a transgender man, said, “[My colleague] kept telling me to wear women’s uniforms [at work.] When I wore them, I got headache, nausea and rapid heartbeat. I could barely function. In the night, I couldn’t sleep. Because of this, I had no option but to quit.”
- Aya,<sup>74</sup> a transgender woman, had medical problems for five years when she worked as a company worker. She said, “I would often get duodenal ulcers, arrhythmia and alopecia areata” as a result of too much stress that she had from pretending to be a man at work.

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73 Hiroki, Uchida interview, Tohoku region, Japan, January 31, 2012.

74 Aya, Yamashita interview, Kansai region, Japan, January 30, 2011.

Twenty-seven respondents thought about suicide at least once in their lifetime while five of them actually attempted it. In fact, we lost one of our interviewees after all the interviews were completed.<sup>75</sup>

It has been pointed out by Dr. Mikiya Nakatsuka, gynecologist at the gender clinic in Okayama University, that the mental health of people whose gender identity and gender expression are different from the sex they were born with is worse than those whose gender identity corresponds to the sex assigned at birth.<sup>76</sup> In our sample population, 27 people considered suicide. It was characteristic that most of the respondents who attempted suicide said they did not think they would “actually do it” but the idea of suicide came to them as a result of the violence experienced and because they felt “hopeless about their future.”<sup>77</sup>

- Kazuko<sup>78</sup> said that she considered suicide because she “couldn’t see hope to live” after a relative accused her of having a lesbian relationship with her colleague.
- A,<sup>79</sup> a transgender man, said, “I was in the fifth grade in an elementary school and didn’t really understand what life and death actually meant when I thought of killing myself.” He wondered, “Could [I] be dead by jumping off from a building?”

- Kimura,<sup>80</sup> a bisexual woman who felt hurt each time she experienced discrimination in her daily life, was “often attacked by the impulse of wanting to take her own life.” She attributed this feeling with “being a woman and a daughter in today’s Japanese society.” Kimura said that the exclusion of people of different gender identities and sexual orientations, even if unintentional, made her feel that she “didn’t exist.”

Some of our respondents were denied access to employment or compelled to leave their jobs because of their gender identity or sexual orientation.

Some are confined to working at the few places where their gender expression is accepted. Masato,<sup>81</sup> a transgender man, was treated as a male worker at his workplace for two years after he came out. His boss told him that his coming out would be accepted at his branch but not at other branches of his company. He was told to “behave as a woman” if he wanted to attend meetings and training seminars jointly held by other branches or companies, which deprived him of opportunities to communicate with his colleagues outside his branch.

When transgender people do not apply to have their gender marker changed on official documents – in some cases for not wanting to be defined as having a disorder – they are vulnerable to discrimination and exclusion. Hiroto, a transgender man said, “I tried to apply for high school at the age of 21. The school said to me that they could not accept me after seeing my gender listed as woman on the health insurance card because they didn’t have any precedent of having a transgender student and didn’t want any trouble to happen to me.”<sup>82</sup>

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75 See Profiles.

76 “Gender Identity Disorder: Attempted Suicide and Self Injuries Deteriorating due to Worsening Economic Situation”, *Mainichi Shimbun*, October 12, 2012, accessed on November 8, 2012, <http://mainichi.jp/feature/news/20121012ddm012040056000c.html>. According to the 1999 survey by Okayama University, 50 percent of patients who came to their clinic suspecting Gender Identity Disorder had attempted suicide or practiced self injuries. Suicide attempts among those who were diagnosed with Gender Identity Disorder decreased to 31 percent in 2007, four years after legislation was passed on gender change in koseki. Suicide attempts rose again in 2009 because of the economic recession and was approximately 60 percent in 2010.

77 A, Yamashita interview, Tokyo, Japan, January 29, 2011.

78 Kazuko, Masaki interview, Tohoku region, Japan, February 25, 2012.

79 A, Yamashita interview, Tokyo, Japan, January 29, 2011.

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80 Kimura, Masuhara interview, Chubu region, Japan, February 11, 2012.

81 Masato, Masaki interview, Tohoku region, Japan, January 29, 2012.

82 Hiroto, Masaki interview, Tokyo, Japan, January 5, 2012.

Taka was 38 years old and residing in Akita city, Akita prefecture, when we spoke to him. He committed suicide six months after we conducted our last interview with him. His highest level of education was a high school diploma and he was unemployed and receiving welfare assistance from the government at the time of his death.

When asked about his gender, Taka expressed that he was a straight man while he felt that those who had known him by his “past gender” would have identified him as a woman. At the time of his interview, he had been admitted to a hospital where he was being treated as a woman in a ward for females.

Recalling his childhood, he remembered not being able to confide in others about his identity, and struggling to understand “what [he] was.” He first started to realize that what he had been experiencing was Gender Identity Disorder around 27 years old, and he felt he didn’t have enough courage then to freely express his gender through clothing, hairstyle, etc.

When he was twenty years old, Taka’s boss who did not know that Taka identified as a man, “playfully” attempted to touch Taka’s breasts. Taka considered this as sexual violence and felt that his dignity was violated on several levels – his boss felt entitled to commit sexual violence because he thought Taka was a woman, and Taka’s gender identity was invisibilized.

When he could not find employment opportunities because of his gender identity, he felt that he was finally able to explore his identity more and gain a better understanding of Gender Identity Disorder and his growing desire to meet others like him.

Taka experienced difficulty explaining his gender to strangers, including in institutions like hospitals, and also to the people closest to him. He felt that the label “Gender Identity Disorder” conveyed something “bent out of its shape and peculiar” and that women diagnosed with Gender Identity Disorder were perceived as “something unpleasant to be around” and “people who aren’t into men.”

When he was 37 and looking for employment, Taka came out at four job interviews and was blatantly told each time that he was being denied a job due to his Gender Identity Disorder. Several times, he insisted to no avail that “although [he is] a female, [he could] work as hard as a male.”

Taka gradually lost confidence in himself after the many job rejections. He gave in and circled “female” under the gender column of his curriculum vitae. Claiming to be female became more and more difficult as he was getting hormone injections to look and sound more like male.

When Taka told his job interviewer that he had Gender Identity Disorder, he was dismissed. People rejected the idea that he was a man. An uncle adamantly told Taka to “dress more like a woman,” that Taka was a woman, and that he would be “cured” if he got [female] hormone injections.

The challenges he faced created great psychological distress, and at times made him wonder “why he had to be born that way.” He grew depressed and felt that his transgender identity was at the root of his depression. He never reached out to mental health professionals because he felt they were unreliable.

When Taka was twenty, he first began considering suicide. At the time, he did not know about his GID and felt that he could not go on living. He tried to improve his situation by throwing away things he felt he didn’t need, but it only made him feel like he had less to live for. He attempted suicide by pouring gasoline over himself and setting himself on fire but recovered from the burns after three days in a coma. Even after his miraculous recovery, Taka felt he had no reason to live.

At the end of his interview with us on January 30, 2012 for this research project, Taka shared that he wanted to help others who were struggling with being from a sexual minority. This gave the impression that he was thinking of the future. However, on the early morning of July 23, 2012, Taka once again poured gasoline on himself and set a fire. He died that day.

# ACCESS TO REDRESS AND SEEKING HELP FOR VIOLENCE

According to the 2011 Research on Violence between Men and Women that the Prime Minister's Cabinet Office conducts every three years, women who were sexually assaulted were reluctant to report the violence to the police or otherwise seek help for several reasons. Some felt "it was embarrassing (46.2 percent of 91 respondents who said they had not sought help in the Research)," some "did not want to recall the incident (22 percent)" and some said, "[I] thought that everything would be all right if I endured [what happened] (20.9 percent)."<sup>83</sup> Our respondents expressed similar sentiments.

For transgender people, access to support was different before and after the Gender Identity Disorder legislation<sup>84</sup> was enacted.

A number of the respondents in our research did not seek help when they experienced violence. The reasons included: "seeking help from someone didn't even come to mind,"<sup>85</sup> "did not know such [self-help groups] existed,"<sup>86</sup> "I didn't

think it was acceptable to talk about sexuality or sex. I believed that I was not supposed to tell anyone about it,"<sup>87</sup> and "this idea that I had to do something [about the situation] by myself was so strong that I could not think of a possibility of seeking help."<sup>88</sup> They also said that general lack of understanding for LBT people and personal daily experiences of not being accepted by society discouraged them from seeking help. Some respondents who had previously experienced insensitivity when they sought help said they did not want to repeat the experience.

That said, a good number of respondents went to self-help groups for sexual minorities, which might be a reflection of the fact that we identified our respondents through grassroots groups. Except for one respondent, all of them found the help they received from these groups to be appropriate and helpful. Respondents also approached friends, family and partners who they trusted about their experience. Often the fact that someone merely offered to be present and to listen made the respondents feel heard and visible for once.

- Ueki, a lesbian respondent said "Just being able to talk about it to someone who would listen to me and sympathize with me helped very much."<sup>89</sup>
- A pansexual woman, Aoki,<sup>90</sup> who had attempted suicide when she was in high school, said her close friend made her promise to "give a call if she was thinking about committing suicide," which stopped her from committing suicide.

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83 7.7 percent of women indicated that they experienced forced sex by "some of the opposite sex" in the survey in 2011 by the Cabinet Office. Among them, 28.4 percent sought help and 67.9 percent did not seek help. 3.7 percent reported to the police, accessed on November 9, 2012, [http://shiwawasenamida.org/m05\\_02\\_02](http://shiwawasenamida.org/m05_02_02).

84 Law concerning Special Cases regarding Gender of People with Gender Identity Disorder, Law No. 111, adopted on July 16, 2003; Law on Partial Amendments to the Law concerning Special Cases regarding Gender of People with Gender Identity Disorder, Law No. 70, adopted on June 18, 2008. The Law allows transgender people who are diagnosed as Gender Identity Disorder by two doctors to change their legal genders in family registry, root document for all legal documents and cards under five conditions including sterilization.

85 Ozawa, Yamashita interview, Tohoku region, January 14, 2012 and Kazuko, Masaki interview, Tohoku region, Japan, February 25, 2012.

86 Amami (lesbian), Shimada interview, Kyusyu/Okinawa region, February 5, 2012.

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87 Nami, Ragi interview, Kansai region, Japan, February 29, 2012. Neko (bisexual woman) L'Heruex interview, Kansai region, December 26, 2011, also says "Interested in sex or having sexual desire are not considered good [in Japanese society.] I oppressed myself very much by the idea."

88 Mao (transgender woman), Uchida interview, Tohoku region, December 14, 2012.

89 Ueki, Masuhara interview, Chubu region, February 11, 2012.

90 Aoki, Ozawa interview, Kanto region, July 1, 2011.

Several respondents sought help from medical professionals including psychiatrists and psychologists. Some found their interventions appropriate and helpful while others did not. Our interviews showed that there were mental health professionals who thought that their clients' gender identity or sexual orientation was "not the heart of their issue" while our respondents wanted to be heard as LBT people.

- Sachiko,<sup>91</sup> a transgender woman said, "[They] listened to me [at the clinic] for my suffering and they treated me about my physical symptoms. But nothing else was really done about the difficulties I had because of my gender identity." She said, "This was before the enactment of the Gender Identity Disorder legislation."
- Z,<sup>92</sup> a lesbian respondent, felt "so isolated" being lesbian. She felt sick for being compelled to wear pantyhose at work for being a woman. When she sought counseling from a women's center, she said "the counselor didn't understand difficulties of sexual minorities" because the counselor asked her whether she wanted to become a man.

A group of respondents said they did not ask for or receive any support or assistance to deal with the sexual violence they experienced. The vicious cycle of direct and indirect discrimination they face on a daily basis, the respondents' own fear of revealing their sexual orientation and gender identity, and having no one to turn to for help, pushed LBT rape survivors to the edge. Two respondents said they thought about committing suicide after they suffered sexual violence.

Suicide was culturally familiar to our respondents. In Japan, around 30,000 people committed suicide every year between 1988 and 2012.<sup>93</sup> More than half of the 50 LBT people we

interviewed considered committing suicide – five of them actually attempted to kill themselves. Many thought of committing suicide when they felt isolated, or after situations or prolonged periods in which they felt others denied or invisibilized their sexual orientation, gender identity and gender expression.

- Ken, a transgender man who hid his gender identity and lived as a woman because he was in a heterosexual marriage with a cisgender husband, and had children, said, "I didn't actually commit it [suicide], but I wished that my life would end soon. I thought that I'd be happier that way." He said, "I couldn't think there was my future [when I would live as a man]."

## LAWS AFFECTING LBT PEOPLE

There are no domestic laws that explicitly criminalize homosexuality or non-conforming gender identities in Japan. Between 1873 and 1880 during the Meiji era, anal sex was illegal, with consensual anal sex subject to ninety days imprisonment and non-consensual anal sex subject to ten years imprisonment.<sup>94</sup> This was the only time when sexual acts associated with male homosexuality were specifically criminalized. Female homosexuality has never been explicitly criminalized throughout the country's history.

The Japanese Constitution stipulates the separation of organized religion and state.<sup>95</sup> It is believed that there are no domestic laws based on morality or religion, but in some cases, men, women, and particularly those of diverse sexualities and gender expressions, find that morality affects the application of laws that seem

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91 Sachiko, Masaki interview, Chugoku region, Japan, March 17, 2012.

92 Z, Yamashita interview, Tokyo, Japan, January 30, 2011.

93 "Transition of the Number of People Committed Suicide", *Jiji Press*, March 9, 2012, accessed November 10, 2012, [http://www.jiji.com/jc/v?p=ve\\_soc\\_tyosa-jikenjisatsu](http://www.jiji.com/jc/v?p=ve_soc_tyosa-jikenjisatsu).

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94 Scanned copy of the original text, Digital Library from the Meiji Era, accessed November 8, 2012, <http://kindai.ndl.go.jp/view/>

95 Article 20, Japanese Constitution, accessed November 8, 2012, [http://www.kantei.go.jp/foreign/constitution\\_and\\_government\\_of\\_japan/constitution\\_e.html](http://www.kantei.go.jp/foreign/constitution_and_government_of_japan/constitution_e.html).







Taniguchi, Associate Professor at Takaoka University of Law, who explained that there are several similar cases of domestic violence involving same-sex partners where protection orders were granted. Courts, however, do not usually make domestic violence cases public and case details are not known. Judgments in these types of cases depend on the awareness of judges. How accurately and thoroughly same-sex domestic violence is recorded also varies from one police station to another and depends on the awareness of the police officer hearing the complaint of the victim. All this affects how well the voices of same-sex domestic violence victims are heard.<sup>102</sup>

Sexual harassment is defined in the sexual harassment legislation, Law 113 and Law 42, both of which speak to places of employment.<sup>103</sup> However, the presumption is that this form of violence only occurs to cisgender women and transgender people who legally change their name.

Although there is no legislation regarding the rights of LGBT individuals, the Japanese government has recently put in place several policies that specifically refer to people of diverse gender identity and sexual orientation. In 2008, during the Universal Periodic Review at the United Nations Human Rights Council, the Japanese government declared that it would accept a recommendation to take measures to eliminate

discrimination, including on the basis of sexual orientation and gender identity.<sup>104</sup> The latest Basic Plan on Gender Equality (2010) includes “people who are put in difficult situations because of sexual orientation or people with Gender Identity Disorder.” The latest Outline of Policies for Suicide Prevention Measures (2012) says “[the government] promotes understanding towards sexual minorities, which have a higher rate of people with suicidal thoughts based on a belief that there is lack of understanding, prejudices and other related problems.”<sup>105</sup>

Based on the Suicide Prevention Policy Outline, the Ministry of Health and Labor funds *yoriso* hotlines,<sup>106</sup> which are toll-free hotlines for people in crises. Since March 2012, one hotline was set up for sexual minorities, which received 384,000 calls (3.6%) from April 2012 to March 2013 – out of the over 8.5 million calls taken by the *yoriso* hotlines combined during that same period. More than a half of the sexual minority line callers are in their twenties and thirties, 6.4% of sexual minority callers shared experiences of sexual violence, and 67.3% said they had or have suicidal thoughts.<sup>107</sup> This state initiative revealed some of the realities that LGBTI people in Japan face for the first time on such a large scale.

In 2010, the Ministry of Education, Culture, Sports, Science and Technology issued a memorandum entitled “Educational Counseling for

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August 31, 2010, accessed on November 8, 2012, [http://blog.livedoor.jp/tomo\\_1515/archives/51779379.html](http://blog.livedoor.jp/tomo_1515/archives/51779379.html).

102 Hiroyuki Taniguchi, Associate Professor, Takaoka University of Law, February 1, 2014.

103 Law concerning Securing Equal Opportunities, Treatment and Others in the Areas of Employment, Law No. 113 adopted on July 1, 1972, Law No. 42 last amended on June 27, 2012, accessed February 20, 2013, <http://www.mhlw.go.jp/general/seido/koyou/danjokintou/dl/kt-ej.pdf>. These laws state: “Employers shall establish necessary measures in terms of employment management to give advice to workers and cope with problems of workers, and take other necessary measures so that workers they employ do not suffer any disadvantage in their working conditions by reason of said workers’ responses to sexual harassment in the workplace, or in their working environments do not suffer any harm due to said sexual harassment.”

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104 Conclusions and Recommendations of the Report of the Working Group on the Universal Periodic Review on Japan, Paragraphs 2 and 3, A/HRC/8/44, May 30, 2008, accessed November 8, 2012, [http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/JP/A\\_HRC\\_8\\_44\\_Japan\\_E.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/JP/A_HRC_8_44_Japan_E.pdf).

105 Outline of Policies for Suicide Prevention Measures adopted on August 28, 2012, accessed November 8, 2012, <http://www8.cao.go.jp/jisatsutaisaku/taikou/pdf/20120828/honbun.pdf>.

106 Suicide Prevention Policy Outline, accessed on November 8, 2012, <http://279338.jp/>.

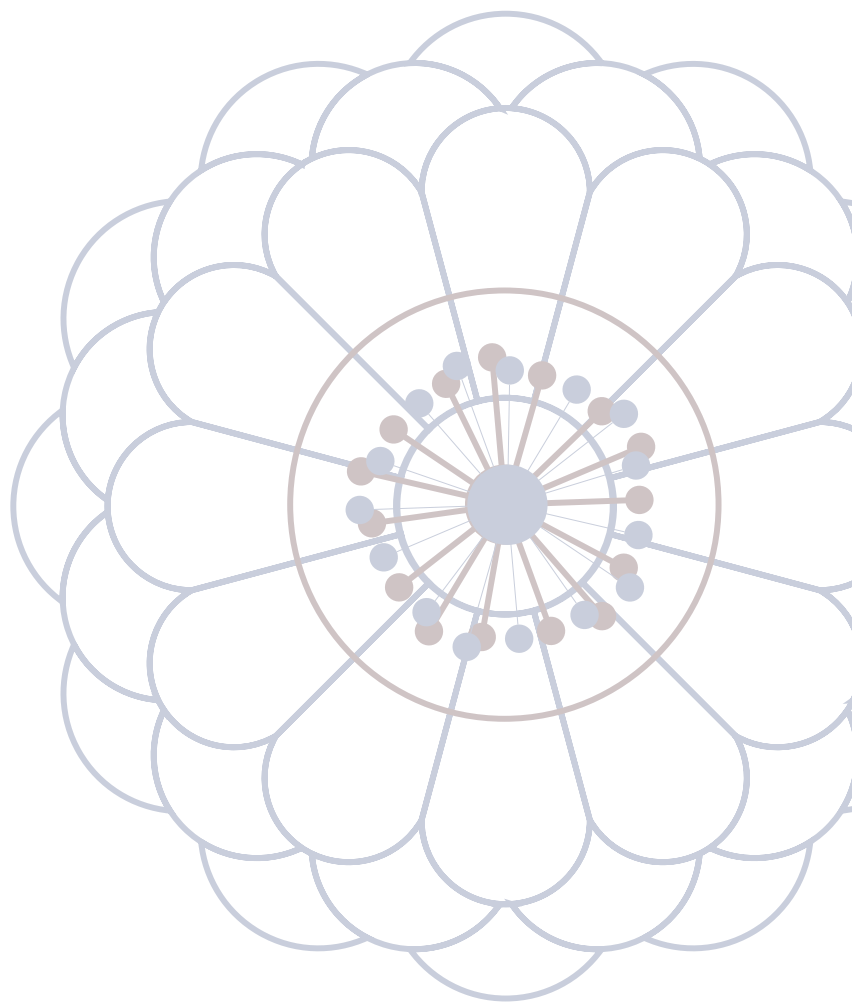
107 *Yoriso* Hotline Report, Social Inclusion Support Center, August 30, 2013. Younger callers, according to the hotline report, “can be because people of sexual minorities become aware of their gender identity and sexual orientation at younger stage.”

Pupils and Students Facing Difficulties”<sup>108</sup> after a news report about a transgender pupil in an elementary school.<sup>109</sup> The school allowed a transgender girl to dress in girl’s clothes and to be treated as a girl by teachers. The memorandum instructed stakeholders in educational institutions, including teachers, school nurses, school counselors, and staff to cooperate on measures to address the emotions of non-gender conforming students with adequate consideration.

Japan is a party or signatory to the following international conventions: International Covenant on Economic, Social, and Cultural Rights (ratified), International Covenant on Civil and Political Rights (ratified), Convention on the Elimination of All Forms of Discrimination Against Women (ratified except its Optional Protocol), Convention On The Rights of the Child (ratified), International Convention on the Elimination of All Forms of Racial Discrimination (ratified), Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment Or Punishment (ratified), and Convention On the Rights of Persons with Disabilities (signed).

In 2008, the UN Human Rights Committee made a recommendation to the Japanese government about the application of the International Covenant on Civil and Political Rights: “The State party should consider amending its legislation, with a view to including sexual orientation among the prohibited grounds of discrimination, and ensure that benefits granted to unmarried cohabiting opposite-sex couples are equally granted to unmarried cohabiting same-sex couples, in line with the Committee’s interpretation of article 26 of the Covenant.”<sup>110</sup>

In the international sphere, the Japanese government has consistently expressed support for the right to non-discrimination on the basis of sexual orientation and gender identity. The Japanese government supported the 2008 General Assembly statement that everyone had human rights irrespective of sexual orientation or gender identity. Japan also voted for the resolution on human rights and sexual orientation and gender identity at the Human Rights Council in 2011. These moves are positive steps and the government’s interaction with intergovernmental bodies on this issue may well have contributed to recent positive developments in Japan. However, there is still a long way to go for the legal protection for LBT people to be achieved.



108 Memorandum regarding Educational Counseling for Pupils and Students Facing Difficulties, Ministry of Education, Culture, Sports, Science and Technology, April 23, 2010, accessed on November 8, 2012, <http://cshnet.jp/wp-content/>

109 “GID Boy accepted as “girl” in 2nd-grade elementary school in Saitama,” *Kyodo*, February 12, 2010, accessed on January 13, 2014, <http://www.47news.jp/CN/201002/CN2010021201000727.html>.

110 CCPR/C/JPN/CO/5 30 October 2008 para. 29.

# RECOMMENDATIONS

The following are our recommendations for different stakeholders whose actions have impact on the lives of LBT people (including those who do not use the terms lesbian, bisexual or transgender but prefer to identify as having other sexual orientations and gender identities).

## GOVERNMENT OF JAPAN

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### **We recommend that the government of Japan:**

- Mandate comprehensive training to both national and local government officials about the experiences and needs of LBT people and other sexual and gender variant people, specifically focusing on LBT people who are victims of violence. The training should, in particular, target the following sectors: civil counseling service (under the Ministry of Health, Labor and Welfare, Ministry of Justice and Cabinet Office), and the police and officers at correction facilities and schools (under the Ministry of Education, Culture, Sports, Science and Technology). The training should include information about violence in the home and ways to intervene when parents are the perpetrators of violence against LBT members of the family.
- Create support programs for people who are victims of violence because of their sexual orientation, gender identity or gender expression.
- Provide nationwide suicide prevention services for LBT people as stipulated in the latest Policies for Suicide Prevention Measures, adopted by the cabinet on August 28, 2012.
- Ensure that staff at all municipal offices are informed of the government memorandum<sup>111</sup> restricting who can request the residential certificates of survivors of domestic violence, child abuse and sexual violence.
- Ensure that local government officials who provide services to the general public are trained on the special needs of LBT individuals, and are knowledgeable about the services that LBT survivors of family violence can receive, including livelihood protection allowance.
- Provide life skills and job training for LBT survivors of violence, including dating violence, intimate partner violence, and other family violence. The training should help LBT people become economically independent.
- Revise the Penal Code provisions on rape to allow for the criminalization of forced intercourse that is not limited to penile-vaginal penetration in order to bring justice to all rape victims regardless of their gender, sexual orientation or gender identity.
- Legislate comprehensive anti-discrimination protections that cover discrimination on the basis of sexual orientation, gender identity or gender expression.

## SCHOOLS

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### **We recommend that the Ministry of Education mandate that schools:**

- Teach their students that it is acceptable to be different from the majority in terms of gender identity, sexual orientation and/or gender expression.
- Accept with sympathy the students who come out or struggle about their sexuality.

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111 "Residential Certificate Obtainment Restriction Expanded to the Cases of Abuse from October", Kyodo, September 26, 2012; <http://www.47news.jp/CN/201209/CN2012092601002610.html> retrieved February 21, 2013.

- Create a safe space at the school infirmary where students can find sympathetic listeners when they need to talk about their struggles with their sexuality or about violence they might be going through because of their gender identity, sexual orientation and/or gender expression.
- Provide secure safe toilet and lockers for students who may be or are transgender or those who for other reasons do not feel comfortable with the narrow gender definitions.
- Provide comprehensive training to teachers and staff on the experiences and specific needs of those people who are the victims of violence to be able to offer appropriate and sufficient support. The training should tell their attendees that home can sometimes be the most dangerous place and that parents can be perpetrators of violence.

## **JAPANESE MEDICAL ASSOCIATION (JMA) AND JAPANESE SOCIETY OF CERTIFIED CLINICAL PSYCHOLOGISTS**

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- Provide comprehensive training to staff about the experiences and specific needs of LBT people who are the victims of violence, including training on how to provide sensitive services that respect their sexual orientation, gender identity or gender expression.

## **WOMEN'S ORGANIZATIONS**

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**We recommend that women's centers, centers for gender equality that receive public/state funding, and publicly and privately funded shelters for women domestic violence victims/survivors:**

- Provide comprehensive training to their staff about the experiences and specific needs of victims of violence, including those who may be victims of violence because of their gender identity or sexual orientation. The goal of this training should be to enable their staff to offer appropriate and sufficient support. The training should include that domestic violence also can happen in same-sex relationships, that transgender men can be victims of domestic violence by being perceived as the “wife” or “girlfriend” by their perpetrators, and that transgender women sometimes face violence because they are perceived as women or girls and thus “inferior.”
- Secure an individual shelter room for survivors of violence who are LBT as they may require special consideration because of their appearance.
- Respect the sexuality of those survivors of violence who are sexual minorities as their sexuality is an integral part of their self-identity and could be related to violence they experience.

All stakeholders should work in cooperation with LBT groups in their community, as this is likely to generate a stronger notion of societal acceptance and protection, so that those who have suffered violence because of gender identity, sexual orientation and/or gender expression will feel less isolated and more empowered to push for change.

**Finally, for those of you who are LBT or identify as people with other (i.e., non-conforming) sexual orientations and gender identities, and who have experienced violence, we would like you to:**

- Acknowledge that you have worked very hard till today in a society where people tend to forget even the existence of people who have a different sexual orientation, gender identity or gender expression. Many certainly do not think of us as their family, friends, classmates, students, coworkers, clients or neighbors.
- Know that although it seems lonely, there are accepting and understanding people in Japan, and there are services and information that can help you.
- Always remember that you deserve respect and dignity.

# APPENDIX A:

## GLOSSARY OF TERMS

**Bi/bisexual** refers to an individual who has sexual and romantic desires for both female and male individuals. “*Bi*” is a widely-used shortened form that can be both derogatory and non-derogatory in Japan.

**FtM** is a term for female-to-male (FTM) transgender or transsexual person who was assigned female at birth but identifies as male.

**FtX** refers to a female-to-X (FTX) transgender or transsexual person, who was assigned female at birth, and where “X” is used because the person does not identify as female or male. In addition, it is used by women who do not conform to the heteronormative culture and because of that would rather not identify themselves as female.

**Gender Identity Disorder** is the formal diagnosis for gender dysphoria and can be made by two or more physicians under the Japanese system. A person who wishes to change their gender marker on their official documents in Japan must fulfill various criteria, one of which is to be diagnosed with Gender Identity Disorder.

**Homo** is a derogatory word usually referring to gay men in Japan that comes from “homo”sexual.

**Les** is a derogatory word referring to lesbian in Japan, contrary to “lesbian/*bian*.”

**Lesbian/*bian*** refers to a woman who has sexual and romantic desires for other women. The shortened form “*bian*” is also preferred among lesbians in Japan to casually refer to themselves as being sexually and emotionally attracted to women.

**MtF** is a term for male-to-female (MTF) transgender or transsexual person who was assigned male at birth but identifies as female.

**New half** is a Japanese-English word for transgender women or “shemale” that can be used pejoratively. However, transgender women in show business and sex work have reclaimed this word and use it as a self reference.

**Non-heterosexual** is mostly used by lesbians, bisexual women and other sexual minorities, who are reluctant to identify themselves as lesbian or bisexual, to describe their sexual orientation, meaning “(at least) *not* heterosexual.”

**Queer** is an umbrella term for, and proudly used by, lesbians, gays, bisexuals, transgenders, and anyone who does not fit the heteronormative culture.

**Questioning** is a term describing someone’s ambiguous state of sexual orientation or gender/sexual identity. Sometimes the term is used by someone who is not confident enough or does not have the self-awareness to know if she is lesbian/bisexual because she has no experience of same-sex sexual contact.

**Okama** is a term used to refer to gay men or sometimes transgender women in a derogatory sense. However, some of the gay men have reclaimed this word and use it as a self reference.

**Pansexual** is a term for an individual who has sexual and romantic desires for individuals of any gender or sexual identity.

**Seku mai** is an umbrella term in Japanese for sexual/gender minorities.

**Trans/transgender** refers to an individual whose gender/sexual identity does not match the individual’s birth sex; also referred to as “trans” for short.



## APPENDIX B: METHODOLOGY

The Japan team interviewed 50 LBT individuals who were Japanese or Asian nationals living in Japan at the time of the interview. Interviewees were contacted in person by the country coordinator<sup>112</sup> or by one of the interviewers who already knew them. Outreach was also done via email through LGBT groups known to the interviewers.

Interviewee candidates did not have to identify themselves as LBT to qualify for an interview. Those who were not included in this research were people who were born biologically female and identified as heterosexual woman and people who were born biologically male and were not transgender. Many interviewee candidates had experienced violence but were often unaware that it was violence and only became aware of it during their interview.

We also interviewed fifteen stakeholders who were known to the country coordinator or other interviewers on the documentation team. Details about the research project were communicated via email or face to face. Only those who agreed to be interviewed became our stakeholder interviewees.

The Japan team was made up of ten interviewers based in Tohoku, Kanto, Chubu and Kansai regions. A Tohoku-based country coordinator identified interviewer candidates through her contacts in sexual minority/LGBT groups. Selection criteria for interviewers included an understanding of LGBT people and issues and understanding of the research project focus.

Potential interviewers participated in a group training or one-on-one training session presented by the country coordinator who was trained by IGLHRC. After the training, only candidates who showed their willingness to conduct interviews for this research project were selected for the documentation team.

IGLHRC developed the documentation tools with

input from the participating country teams. The average length of the Japan interviews was two hours for LBT respondents and one hour for stakeholders. LBT interviewees were asked about their 1) background, 2) awareness and attitudes toward sexual orientation and gender identity, 3) coming out, 4) experiences of discrimination, 5) experiences of violence because of sexual orientation and gender identity (physical, emotional, sexual, by state institutions), 6) impact of violence, and 7) experiences of seeking help. Interview venues were LGBT community spaces, cafes, karaoke rooms, conference rooms, women's centers or interviewee's residences if they were convenient and safe for our respondents.

Prior to an interview, the interviewer explained the theme, purpose, use of the research data, and confidentiality protocol. IGLHRC's protocol required all interviewers to make available a list of mental health and counseling resources for LBT interviewees. A wellness plan was also part of the documentation protocol. The government-sponsored hotline served as a crucial resource for both interviewers and interviewees to use as needed. After a respondent agreed to be interviewed and signed the consent form, the interviewer explained the format, procedure and length of the interview. Respondents were informed that they could take a break from an interview whenever they wanted to and request for the interview to stop at any time. They could request that their recorded interview be deleted after the interview.

Interviews were conducted from November 2010 to March 2012; all were conducted in Japanese except for one stakeholder interview conducted in English. Interviews were transcribed in Japanese. Data for this country chapter was obtained from coded and un-coded original Japanese transcripts. Data analysis was conducted by the Japan country team, which received data analysis training from IGLHRC.

In 2011, just as the documentation was starting, the Japan team experienced a devastating tsunami and earthquake, forcing the project to be suspended for nearly three months. The Japan Coordinator had to start the project from scratch – with a new team of interviewers who she trained, using a condensed version of the training provided by IGLHRC to the core research team prior to the launch of this project.

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112 Azusa Yamashita, Co-director, Gay Japan News.