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# Guidelines on Optimal Sexual Diversity in Physical Education and Sport

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Deepening Understanding of  
Sexual Orientation and Gender Identity



公益財団法人

日本スポーツ協会



スポーツ振興くじ助成事業

# Introduction

The Japan Sport Association commenced the Survey and Research on Necessary Consideration for LGBT Individuals in Sports Coaching as a research project in 2017 and in 2021 changed the project to the Education and Training on Optimal Gender Diversity in Physical Education and Sports in 2021 and continued this work. This project is being implemented with the cooperation of more than 10,000 sports coaches as well as sport organizations and experts.

The survey results revealed that LGBTQ+ individuals (refer to Terminology Relating to Sexual Diversity on page 6) whose rights pertaining to sexual orientation and gender identity are not protected are unable to enjoy sports as they would like and that it is necessary to eliminate discrimination and inequality.

The results also indicated that more than 60% of sports coaches want to explore what they can do about this situation and acquire additional knowledge.

This Handbook was prepared with the aim of serving as reference material for athletes, coaches, colleagues, and all persons involved in sport to examine this situation and take action together. This does not mean, however, that this Handbook specifies what is “right” for athletes and coaches who seek to enjoy sports. This is the same as there being no correct answer when coaches face individual athletes during coaching.

“Continuing to search for answers”: this is the true appeal of sports, and may very well be the responsibility of participants. Surveys and research will continue under this project, and revised handbooks will be released to reflect the opinions on those involved in sports coaching.

The surveys and research indicated that approximately 20% of coaches have little interest in this issue. We hope that such coaches who obtain this handbook will turn their attention to the difficulties faced in sports by those whose rights pertaining to sexual orientation and sexual identity (SOGI) are not guaranteed. There is an understanding in Japan and overseas that this is currently a priority issue that must be addressed by the sporting world, regardless of the level of competition.

It is my hope that actions that start with the acquisition of this Handbook can move the sporting world forward and contribute to the development of a society with no discrimination or inequality in sports.

August 2023

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# I Elements Comprising Sex

The society in which we live has adopted a gender binary system that divides the sexes into male and female in many areas. In sports too, nearly all events are divided into “men’s” and women’s” competitions. Sport is a physical activity that entails competition. Because of this, competition has been divided by sex to maintain fairness. The gender binary system in sport is accepted as an unquestioned given and is a system more rigid than those seen in general society.

Dividing people into “male” and “female” based on only one criterion of human sex, however, is in fact extremely difficult. It may not even be possible at all. There are in fact a diversity of human sexes and we can say that “100% male” and “100% female” do not exist. There are various elements that comprise sex. Furthermore, there are people for whom the ideal status of each of these elements varies. In this section, we discuss three of the elements that make up sex — physical sex (biological sex), gender identity, and sexual orientation — and examine the diversity that exists within each of them.

## 1

## Elements that comprise sex

Generally speaking, a determination is made whether a child is male or female at the time of birth. This determination is made based on physical characteristics (the presence and configuration of external genitalia). Many people have the male or female sexual organs that are considered “typical,” but in fact, this is not the case for everyone.



Physical sex is not necessarily manifested by external appearance, and there are slight variations among individuals in the X/Y chromosome types and sex hormones. With respect to the X/Y chromosome, generally, females have an XX chromosome and males have an XY chromosome, but even in the case where, for example, an individual has an XY chromosome, if androgen receptors are lacking (such as in Androgen insensitivity syndrome (AIS)), that individual may be born and raised female. There are diverse X/Y chromosome types, and while rare, there are males with XXY chromosomes and females with an X chromosome.

These characteristics are medically referred to as “Disorders of sex development,” but they are now coming to be referred to as “Differences of sex development (DSDs)”, in Japanese, “Karada no sei no samazamana hattatsu (Diverse development of physical sex)”

The disparities in sex hormones among individuals are large, but generally, males have high levels of testosterone (the so-called male hormone) while females have low levels, but there are males with low levels and many females with high levels of testosterone. In the case of an AIS female, even if testosterone levels are high, there are no or few receptors to react with the testosterone, and therefore, testosterone levels alone cannot serve as a criterion.

In the sport world, female athletes were subjected to sex verification tests (p. 16). Starting 1968, all athletes that participate in women’s events were examined for the presence and the form of the sexual organs, the X and Y chromosome types, levels of sex hormones, and other factors at the Olympic Games to determine eligibility to compete, but this practice was terminated in 2000.

## 2

# Gender identity

Gender identity also does not always fit into the gender binary system. For many people, their physical sex is in agreement with their sexual identity. However, there are also people for whom their physical sex and sexual identity do not agree, which is referred to as gender incongruence. In the past, this was referred to as gender identity disorder, but in 2022, the World Health Organization (WHO) eliminated the gender identity disorder category and recategorized gender incongruence as one of a diverse range of physical and mental status.

In this Guideline, persons who feel inconsistency between the sexes specified on their birth certificate and their self-identified sex are referred to as transgender (meaning transcending gender). Also, persons whose physical sex is male but who identify as female are referred to as “trans women,” and who physical sex is female but who identify as male are referred to as “trans men.”

I am a ...



It should be noted that there are different conditions of inconsistency between physical sex and gender identity, and there are also people who do not identify as either male or female or who shift between male and female.

There has been debate in the sport world whether athletes with gender incongruence should be permitted to compete in sports for the sex with which they identify. Since 2004, conditions have been established to enable athletes to compete in events for the sex with which they identify. The debate is ongoing even now, and the rules setting the conditions for competition are changing. Under the rules until now, the conditions for allowing trans women whose biological sex is male but who identify as female to participate in women’s events have been stricter than the conditions for participation by trans men in men’s events.

### 3 Sexual orientation



Humans form their identities in part in the context of their relationships with others. Sexual orientation, which entails strong emotions and feelings regarding others, is an important element of this. Heterosexual individuals, where males are attracted to females and females are attracted to males, constitute a majority, but there are also homosexuals who are attracted to the same sex, bisexuals who are attracted to both sexes (poly sexual and pansexual), and asexual individuals who are not attracted to either sex.

The WHO declared in 1990 that homosexuality is not subject to treatment, and in Japan, the then Ministry of Education removed homosexuality from problematic behavior (sexual misconduct).

The percentage of persons whose rights relating to SOGI are not protected is believed to be in the 3% to 10% range. A survey of university students (approximately 3,200 persons) enrolled in sports related departments conducted by Fujiyama et al. (2014) determined that approximately 2% of persons feel a disagreement between their birth sex and self-identified sex and 6% to 7% of persons are homosexual or bisexual. Based on these results, it is believed that one in about 10 to 30 persons, or one to three persons per class are LGBTQ+.

However, the survey by Fujiyama et al. (2014) also revealed that students are unaware of the nearby presence of LGBTQ+ persons. In particular, more than 80% of the male students responded that “there are no” LGBTQ+ persons in their immediate circles (the ratio for female students was 50%). In addition, there was a strong tendency towards homophobia among the male students, and awareness regarding SOGI was low compared to the female students. Based on these results, it is believed that the male sports field is a particularly unwelcoming space for gay participants. In such spaces, the presence of such persons has become invisible and coming out is difficult, making it difficult for them to continue participating in and enjoying sports.

※Note: “Sexual orientation and gender identity demography”= 3.3%, Dentsu Diversity Lab (2018) = 8.9%, Tokyo Metropolitan (2022) = 9.5%

# Terminology Relating to Sexual Diversity

Terminology Relating to Sex	Gender	Socially and culturally formed sexual identity.
	LGBTQ+	A term that refers to lesbian, gay, bisexual, transgender, queer and questioning individuals combined with “+” (plus) to encompass various other identities. Used as a general term for sexual minorities.
	Queer	A term encompassing sexual minorities. In the past, this term was derogatory, but today it is used as a positive term that connects sexual minorities.
	Questioning	Persons who do not have an established gender identity or sexual orientation. Persons who intentionally do not make a choice.
	SOGI	An abbreviation for Sexual Orientation(SO) and Gender Identity(GI). SOGIE, which also includes self-expression, is also used.
Terminology Relating to Physical Sex	DSDs (Differences of Sex Development)	This refers to varied sexual development of the body in a biological sense, which means that the physical structure of the female body or the male body since birth is partially different from the stereotypical view. Medically this is referred to as “Disorders of sex development” and is also referred to as “intersex” in some Western political movements, but in actuality, the individuals concerned refuse to be identified by these comprehensive terms and recognize that they have physical conditions such as androgen insensitivity or Turner syndrome. There is misunderstanding and prejudice that DSDs means neither male nor female (Hermaphrodite), such persons cannot be distinguished as male or female or have both male and female characteristics, and that there is no distinction between the physical body and sex, but such expressions are now considered pejorative.
Terminology Relating to Gender Identity	Gender Identity:GI	An individual’s awareness of their own gender.
	Transgender	A general term for persons who feel uncomfortable with the sex assigned at birth, persons whose gender identity does not fit within the two categories of male or female, and persons who do not fit into the socially-expected sexual roles or gender representations. Broadly speaking, transgender includes transsexuals who have a gender identity opposite that assigned at birth and who seek gender reassignment treatment.
	FtM	Female to male. Used as an abbreviation for persons who transitioned from female to male (a transgender male) or want to make such a transition.
	MtF	Male to female. Used as an abbreviation for persons who transitioned from male to female (a transgender female) or want to make such a transition.
	Transphobia	Discriminatory or negative feelings or attitudes towards persons who are transgender or whose gender representation does not fit within the sexual norms of society.
Terminology Relating to Sexual Orientation	Sexual Orientation:SO	The orientation towards which an individual feels attractive including sexual interest.
	Lesbian	A woman who is attracted to women. A female homosexual.
	Gay	A man who is attracted to men. A male homosexual.
	Bisexual	A person who is attracted to both men and women.
	Homophobia	Discriminatory or negative feelings or attitudes towards lesbians, gays, bisexuals, or persons who are suspected of being lesbian, gay, or bisexual.
	Biphobia	Discriminatory or negative feelings or attitudes towards bisexuals or persons who are suspected of being bisexual.

## II Social Trends Relating to Sexual Orientation and Gender Identity (SOGI) in Physical Education and Sport

### 1

## Circumstances concerning protection of rights relating to Sexual Orientation and Gender Identity (SOGI)

### Why is it necessary to protect rights concerning us SOGI?

Historically, sexual and transgender individuals were discriminated or were isolated on the ground that they were suffering from a psychological disorder, and in some countries, were subject to criminal penalties. Even today, there are various forms of social and legal discrimination remaining. For example, homosexual conduct remains criminalized in about 70 countries around the world and is subject to the death penalty in six countries. In contrast, there are still few countries that legally prohibit discrimination against homosexuals.

Under these circumstances, LGBTQ+ people often face significant difficulties in their lives, education, employment, and establishing families. To be respected as individuals, they need equal protection of their fundamental human rights.

### How should protection of rights relating to SOGI be approached?

- 1 It is possible to protect the rights of LGBT persons by prohibiting discrimination on the basis of sexual orientation. For example, 32 of the 38 OECD countries (not including Japan) have established laws prohibiting employment discrimination on the basis of sexual orientation, and the Olympic Charter includes “sexual orientation” among the prohibited bases for discrimination.
- 2 It is also possible that discrimination on the basis of SOGI may be prohibited as gender-based discrimination. In countries that do not prohibit discrimination on the basis of sexual orientation such as the United States, discrimination on the basis of same-sex marriage is treated as discrimination based on the gender of an individual’s partner, and equality is required.
- 3 In areas other than marriage, in the United States, rights relating to SOGI are protected based on the right to privacy (a fundamental freedom protected by the 14th amendment to the United States Constitution) and family life, marital status, and sexuality are positioned as matters falling under fundamental freedoms in which the state should not intervene.

## International Human Rights Law

There are no treaties protecting rights relating to SOGI on the United Nations level, but the EU Charter of Fundamental Rights states in Article III-21, “discrimination based on ... sexual orientation shall be prohibited,” and this applies to 27 EU member states. With respect to Article 26 of the International Covenant on Civil and Political Rights, which provides, “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law,” the 1994 opinion of the United Nations Human Rights Committee in *Toonen v. Australia* held that sexual orientation is included in discrimination on the basis of “sex.” This means that member states of the Covenant (including Japan) must include the prohibition of discrimination based on sexual orientation within the scope of domestic application of the prohibition of discrimination in Article 26. In *X. v. Iceland* (May 13, 1977), the European Court of Human Rights held that sexual relationships are protected under the “Right to respect for private and family life” (Article 8 of the European Convention on Human Rights) as the “right to create and maintain relationships with others for the development and perfection of character within the area of love.”

## Legal protection of rights relating to SOGI in Japan

In Japan, there are no express provisions prohibiting discrimination on the basis of SOGI in the Constitution or laws. However, the Act on Promoting Public Understanding of Diversity of Sexual Orientation and Gender Identity comes into force on 23 June 2024. The law imposes an obligation on national and local authorities to make efforts regarding the formulation and implementation of measures with the aim of 'contributing to the realisation of a tolerant society' with regard to SOGI diversity. In particular, it states that efforts should be made to educate, raise awareness and improve the educational environment in schools. As a step towards an anti-discrimination law, this law is primarily aimed at the implementation of attitudinal change measures, and continuous implementation through policy and administration is desired.

Meanwhile there are earlier court cases, however, that recognized rights relating to SOGI. In a case relating to restrictions on the use of public facilities by gay and lesbian persons, the court held, “Administrative authorities are required to adequately protect the rights and interests of gay and lesbian persons, who are a minority” (Case Involving Youth House in Tokyo, Tokyo High Court Judgment of September 16, 1997). This case did not clarify the nature of rights relating to SOGI, but is significant as it imposed a duty to protect the rights of gay and lesbian individuals on administrative authorities.

The sexual harassment guidelines pursuant to the Act on Securing Equal Opportunity in Treatment between Men and Women in Employment were revised in 2016 as an administrative measure in the area of employment. The major change is that making sexual harassment of LGBTQ+ persons subject to the guidelines is specified as a measure that employers should take. As a result, employers are obligated to take preventive measures. With regard to local governments, in 2018, the Tokyo Metropolitan Government adopted the Ordinance on Achieving the Principles of Respect for Human Rights Set Forth in the Tokyo Olympic Charter, and this ordinance

includes a prohibition of discrimination based on SOGI.

### The path to equality

There is no law in Japan comprehensively prohibiting discrimination on the basis of SOGI, and as a result, discrimination occurs in educational, family, and social settings. It is hoped that laws prohibiting discrimination will be enacted based on application of the International Covenant on Human Rights and international trends. In the sport field also, there are calls for the elimination of discrimination in accordance with the Olympic Charter.

## 2

## Points of improvement in social systems and rising problems

Among those individuals who feel uncomfortable because of an inconsistency between their gender identity and physical sex may seek medical treatment in order to achieve a status closer to their gender identity. A person whose outward appearance does not match the gender on his or her family register may be subject to prejudice and may be treated inappropriately in the workplace and other settings.

The Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder came into effect in July 2004. Under this law, if a physician makes a diagnosis in certain conditions are met, it is possible to obtain a court judgment for a change in the handling of an individual's sex (the conditions were relaxed pursuant to an amendment in June 2008).

In terms of sexual orientation, homosexual and bisexual persons may in some instances be forced to leave the workplace due to their minority status. There is widespread recognition that such discriminatory treatment based on sexual orientation is unjustified, but prejudice and discrimination persist.

Under the legal system in Japan, there is no recognition of rights such as marriage and inheritance between persons of the same sex in a family register. However, various measures to ensure such rights are gradually spreading. For example, since Setagaya Ward and Shibuya Ward in Tokyo established same-sex partnership systems in 2015, more than 300 local governments have introduced similar systems to date. In addition, the number of companies that permit marital leave and provide marriage gifts, permit bereavement leave, and provide household allowances and so on to same-sex partners is increasing, and there are more instances where specific protections are provided under social welfare programs.

In the sporting world, the UNESCO International Charter of Physical Education, Physical Activity, and Sport, which was extensively amended in 2015,

provides that “the absence of human rights violations” is an essential environment for people to engage in sport. In addition, the Olympic Charter (Fundamental Principles of Olympism, Article 6) expressly indicates more than 10 forms of discrimination, “such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status,” and declares that discrimination shall not be tolerated.

Despite the existence of the Olympic Charter and other provisions, instances of exclusion and discrimination continue to occur in Japan and other countries. Sports are a competitive physical activity, and it is said that sexual discrimination and inequality are stronger than in other areas of society and also that their elimination tends to be slow.

### 3 Issues relating to physical sex and gender identity in sports (fairness, etc.)

In many sports, men and women compete separately with the aim of ensuring fairness. Because of this, there has been debate from the perspective of fairness when transgender athletes whose self-identified gender does not match their physical sex compete in events according to their self-identified gender, and a number of rules have been established to address this issue.

Under the rule applied by the International Olympic Committee (IOC) from 2016 to the spring of 2022, transgender athletes must first declare their self-identified gender. Once such a declaration is made, it cannot be changed for four years. For trans women to compete in women’s events, levels of testosterone (a male hormone) in the blood serum must be no more than 10 nmol (nanomoles) per liter for a period of one year before competing (there were no corresponding requirements for trans male athletes).

Prior to that (from 2004 to 2015), three conditions for competing according to one’s self-identified gender were imposed on both trans women and trans men: (1) the athlete underwent sex reassignment surgery before puberty or if after puberty, at least two years prior; (2) the athlete underwent verifiable and appropriate hormone therapy since surgery, and (3) the

Individuals can change their bodies and live their lives according to their self-identified gender



[Act on Special Cases]

Administrative authorities are required to protect the rights of by gay and lesbian persons



athlete's new sex is recognized by law. However, sex reassignment surgery imposes a heavy burden on the body, and no matter how powerful or successful the athlete is, he or she will not be able to compete for two years after surgery. In addition, transgender athletes have been unable to compete in events for their self-identified gender in countries and regions where gender reassignment is not legally recognized. Under new rules adopted since 2016, the requirements for (1) sex reassignment surgery and (3) legal recognition have been eliminated, and thus, the conditions have been eased.

On the other hand, trans women are subjected to criticism for competing in women's events or exposed to slander and defamation, even if their testosterone levels are kept within the standards. Laurel Hubbard of New Zealand, a transgender woman, competed in the over 87 kg women's weightlifting event at the Tokyo 2020 Games in 2021. Although she satisfied the criteria set by the IOC and qualified to compete in the Olympics, there was criticism that it was unfair for an athlete with a history of competing as a male athlete to compete in a woman's event, and there was also slander and defamation against Hubbard personally. Although the conditions established by rules for transgender athletes (particularly transgender man) to compete in events for their self-identified gender have been eased, there are still obstacles other than rules such as reputation that impede competition by transgender women.

In November 2021, the IOC issued the Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations. The IOC requested that international federations (IFs) establish eligibility for international competition and ensure that athletes are not structurally excluded from competition on the grounds of their gender identity or physical sexual diversity. In response, individual IFs have been reviewing their rules and establishing new rules since the spring of 2022, and the debate concerning the rules is likely to continue for some time.

## Sport For All



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## 4

# Issues relating to sexual orientation in sports (homophobia, etc.)

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In the field of sports, homophobia is deep-rooted and poses serious problems, particularly in men's sports.

In 2013, Jason Collins, a National Basketball Association (NBA) athlete in the United States, became the first openly gay professional athlete in one of the four major sports in the U.S. Until then, no one had come out as gay in a major American sport.

Ian Thorpe, an Australian swimmer who won five Olympic gold medals, came out in 2014 after retirement. In an interview, Thorpe commented, "I wondered if Australia wanted a gay champion and felt insecure about it." He also revealed that he struggled with depression for many years and even considered suicide. Thus, it can be said that the sport world was an uncomfortable place where individuals whose rights relating to SOGI are not recognized such as gay persons were subjected to psychological burdens.

Even so, at the Tokyo 2020 Games in 2021, there were at least 186 athletes who came out as LGBTQ+. This is more than three times the 56 athletes who came out at the Rio de Janeiro Games in 2016. In recent years, the number of athletes coming out as homosexual or bisexual has been increasing.

Looking to the current situation in Japan, of the 186 athletes who came out as LGBTQ+ at the Tokyo 2020 Games, none were from Japan, the host country. According to a survey of about 10,000 certified sports coaches, 72% responded that there are and were no LGBTQ+ individuals in their circles (Okatsu et al., 2019). It can be said that even now, LGBTQ+ individuals in Japan are not visible. Openly gay athlete Thomas Daley of the UK won the gold medal in the men's synchronized 10m platform at the Tokyo 2020 Games, and sent a positive message to LGBTQ+ youth after the games. We are seeing more LGBTQ+ athletes demonstrating their full potential, like Daley. The Tokyo 2020 Games were held with "diversity and harmony" as their vision, and it is hoped that sporting environments where people involved in sports can learn about gender diversity, accept each other, and demonstrate their individuality and capabilities will continue to be created in the future.

# III Issues and Challenges that LGBTQ+ and Other Persons Face in Sport Scenarios

Here, we discuss the issues and challenges that LGBTQ+ and other individuals face in in sport scenarios from two perspectives: (1) actual sport activity scenarios, and (2) responses by coaches and teammates. We examine suitable responses by making reference to hints concerning responses.

## 1

### Issues and challenges in sport scenarios

Difficulties & disagreeable situations	Hints to responses
The colors and styles of men's and women's uniforms or athletic wear are different.	Consider whether it is necessary to distinguish between men and women.
Women's official clothing includes only skirts.	Consider the uniforms or athletic wear that can be worn regardless of sex. Allow individuals to select their own clothing.
Groups are divided by positioning "men here and women there."	Consider whether it is necessary to separate men and women. Consider activities that men and women can participate in together.
Everyone used the same locker room for practice, something I hated.	Provide individual rooms that can be used by anyone. Allow athletes to use rooms used by coaches.
During training camp, the rooms were divided between men and women without asking about preferences, something I found unpleasant.	Ask each individual's preference in advance or create opportunities for individuals to express their preferences. A request is made, take that request into consideration and make a determination through discussion with the individual. Each individual's situation (e.g., the extent to which they have come out) will differ, so try to respond while respecting the individuals wishes.
At training camp, I did not like using the bath with others.	In the case of a shared bath, divide use into time segments. Make it possible for individuals to use one-person baths.

# 2

## Difficulties & disagreeable situations in responses by coaches and teammates

Difficulties & disagreeable situations	Hints to responses
<p>Disparities in the ways men and women (or boys and girls) are addressed.</p>	<p>Ask each individual how they want to be addressed and what they want to be called.</p>
<p>I heard a coach saying things like, “Gays are creepy” and “I hate gays” and this made me feel resentful and confused about my own existence.</p>	<p>Children listen attentively to the things that coaches say. It is often said that children are more likely to be hurt by the language used by adults rather than their peers. If you inadvertently say something inappropriate, say, “What I said was wrong.”</p>
<p>Teammates called team members “homo,” “fag,” “lesbo,” or “dyke,” but the coaches didn’t pay any attention.</p>	<p>Coaches should point out to team members that expressions such as “homo,” “lesbo,” and “fag” are derogatory and should instruct members not to use these terms. Also, coaches should not turn a blind eye to the use of this type of language. Children also quickly adopt words that are used on TV. Coaches should tell team members that such language can be hurtful to some people and that spreading rumors is not good.</p>
<p>When I went to talk to the coach about an issue, the coach told my teammates without my approval.</p>	<p>This conduct is referred to as “outing.” Disclosing an individual’s sexual information or sexual orientation without their consent is an invasion of privacy. Coaches who were consulted about such matters should be sure to confirm with the individual what the individual wants and act accordingly.</p>

### Case Involving Outing at Hitotsubashi University (Tokyo District Court, February 27, 2019)

A Hitotsubashi University graduate student who was outed by a classmate fell from a school building in what is believed to be suicide in August 2015. The student’s surviving family members sued the classmate and the university for compensatory damages. The family and classmate reached a settlement in January 2018, but the case against the university was dismissed by the court (February 2019).

# 3 Incidents that led to athletes considering giving up sports

Incidents that led to athletes considering giving up sports	Hints to responses
Men and women (boys and girls) are always separated for events	<p>Many competitions and matches are divided by men and women (or boys and girls). In the case of recreation and activities that are not particularly competitive, examine the necessity for separating the sexes and have the sexes participate together in cases where it is not necessary.</p>
Teams are always divided between men and women (boys and girls)	
Lack of understanding by coaches	<p>Coaches should understand that there are various sexes.</p> <p>When an athlete comes to you to discuss matters (including coming out), ask them what they want to talk about and what they would like you to do, and be sure to talk with the athlete about future responses. In many cases, an individual will request that information regarding their coming out be kept confidential. Take care that you do not inadvertently out someone.</p>
Uncertainty about coming out to teammates	<p>Coming out can be a considerable burden. No one should be compelled to come out, but it may be necessary for a team to create an environment and atmosphere where individuals feel safe coming out.</p>
Uncertainty about ability to continue competing after sex reassignment surgery.	<p>Coaches should gather information in advance regarding the measures and responses of sport organizations. When consulted, it may be necessary to approach associations and groups so that the athlete can continue competing.</p>

[Reference Materials]…●“There Are Gradations In Sex”(2015), Handbook prepared by Yodogawa Ward, Abeno Ward, and Miyakojima Ward in Osaka City ●“Basic Principles and Guidelines on LGBT Persons and Others at the University of Tsukuba”(2018), University of Tsukuba Diversity and Accessibility Career Center ●“Faculty and Staff Guide on Consideration for and Responses to Sexual Minority Students,”4th ed., (2021), Office for Promotion of Equality and Diversity, Waseda University

# 4

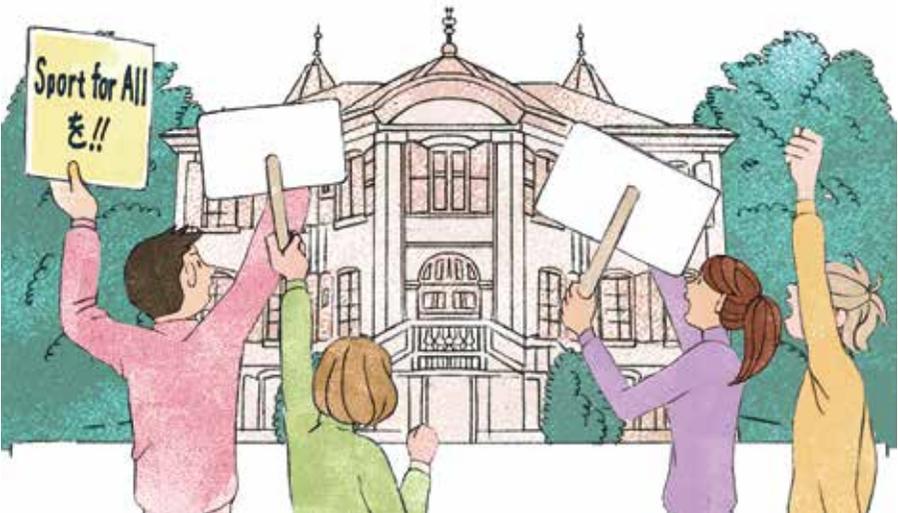
## Sex Verification Tests in Sports

Sex verification tests of female athletes have been conducted in the sporting world since the 1960s. Various methods have been used to test whether an athlete is eligible to participate in a women's event including visual confirmation of the genitalia (1966 to 1968), testing to examine the X/Y chromosomes (1968 to 2000), and tests to check the amount of male hormone (testosterone) (2011 to 2015).

What became clear from these tests is that the human body takes various forms, and in reality, there are women and men with body types that vary by birth such as the size and shape of the external genitalia, the composition of chromosomes, and the amount of sex hormone production. Nonetheless, there have been many instances where an athlete was deprived of the right to participate in sports and was subject to an unfair invasion of privacy despite the absence of any fault on the part of the athlete.

In 2014, Dutee Chand, an Indian sprinter, was not permitted to compete after tests revealed that she had higher blood serum testosterone levels than the typical female reference level. However, she appealed to the Court of Arbitration for Sport (CAS) on the grounds of the unfairness of the testing provisions, and her claims were recognized and the provisions were suspended.

In 2018, however, World Athletics (WA) established new rules on participation for athletes with DSDs (the DSD rule). At the Tokyo 2020 Games in 2021, this rule prevented female athletes with high testosterone levels, such as Caster Semenya (South Africa), the gold medalist in the women's 800 m races at London 2012 and in Rio de Janeiro 2016, from competing in some women's events (medium-distance races from 400 m to 1 mile (approximately 1600 m)).



# IV Qualifications to Compete Relating to Diverse Sexes

In highly competitive sports, some athletes face difficulty in competing in competitions because of the binary gender system that has been unquestioned. Here, we examine changes in rules and current conditions and use them to identify hints for considering future rules.

## Changes in rules in the sport world relating to sex differentiation

The International Olympic Committee (IOC) eliminated testing of the sex of female athletes in 2000. There were two main reasons for this: (i) medically, it is not possible to clearly distinguish between the sexes using only one standard, and (ii) not violating human rights should be more important than maintaining fairness and competition.

In 2004, the IOC and World Athletics (WA) established rules permitting transgender athletes to compete under certain conditions. These rules were the first step in enabling athletes to compete in their own way according to their own gender identities. Subsequently, the use of serum testosterone levels as a standard and the appropriateness of those values have been debated in relation to participation by transgender female athletes. It was extremely gratifying that transgender female athletes competed in the Tokyo 2020 Games for the first time in history in accordance with the IOC Olympic Charter, but it has also been pointed out that it is necessary to re-examine the rules from the perspective of competitive fairness. In November 2021, the IOC announced a new framework encouraging international sport bodies to establish standards for fair competition without violating human rights (see table).

In basketball, tall athletes are not excluded from competition on the grounds that their height is an unfair advantage. Similarly, with respect to the sex characteristic, it is necessary to create a system that recognizes that both women and men are born with a variety of body traits, and with regard to gender identity, it is necessary to create a system that allows them to compete according to their identity.

### Ten Principles of the IOC Framework on Fairness, Inclusion and Non-discrimination on the Basis of Gender Identity and Sex Variations (November 2021)

- |                                |  |
|--------------------------------|--|
| 1. Inclusion                   | 6. Evidence-Based Approach               |
| 2. Prevention of Harm          | 7. Primacy of Health and Bodily Autonomy |
| 3. Non-Discrimination          | 8. Stakeholder-Centered Approach         |
| 4. Fairness                    | 9. Right to Privacy                      |
| 5. No Presumption of Advantage | 10. Periodic Reviews                     |



\*Up-to-date information can be confirmed on the Japan Sport Association website.  
<https://www.japan-sports.or.jp/medicine/tabid1242.html>

# V Examples of Responses and Measures

## 1

### What sport organizations can do: Clarifying their stances as organizations

One of the first things that national federations (NFs) that govern national competitions, prefecture level competition organizations, and physical education and sports associations should do is to establish consultation services relating to discrimination and inequality based on SOGI. Some examples of such efforts can already be observed. It is desirable that a consultant with specialized knowledge such as an attorney or psychological counselor be in charge of such consultation desks. In many cases, an existing consultation desk that addresses issues of harassment and female athletes also deals with matters relating to SOGI. It is important to broadly publicize information that the desk is available to consult on issues concerning LGBTQ+ individuals.

What is needed next is an effort to improve the knowledge of coaches concerning SOGI. It is possible to raise awareness throughout the sport world by providing information and clearly showing a stance of nondiscrimination on the basis of SOGI as an organization through opportunities such as coach training.

In the case of NFs, the main focus should be placed on making competition more comfortable for LGBTQ+ persons in Japan with a view to the measures taken by international sports organizations and on establishing standards that enable participation by transgender female athletes and DSD athletes. The conditions are likely to vary from event to event, but with the assumption that there are individuals who wish to participate in sport, it is desirable that investigations be conducted with experts on the conditions that are necessary for participation without excluding these individuals from a comprehensive perspective including fairness and dangers.

#### Reference Cases

##### Training and environmental development

- Training on LGBT issues during governance training (Japanese Para-Sports Association)
- Incorporation of LGBT-related courses into update training for coaches with an emphasis on coaching (Japan Sailing Federation)
- Inclusion of measures for environmental development with consideration for LGBT individuals and training on LGBT individuals in business planning (Japan Sailing Federation)

##### Athlete participation

- International sport federations created standards for participation by LGBT athletes, and domestic rules were established based on those standards (Japan Triathlon Union)
- An MtF athlete was to compete as a woman using her regularly-used name, but in response to a request from other female athletes, the athlete in question and the hosting organization engaged in discussions, and it was agreed that the athlete could compete as a woman but records would be for reference purposes only and the athlete would not be eligible for medals (Japan Triathlon Union)
- Pursuant to a request from a member, a registered member changed their sex (Ski Association of Japan)
- Although difficulties are anticipated concerning competition by MtF athletes, a basic stance of permitting competition if the conditions are satisfied was adopted (Japan Wushu Taijiquan Federation)

## 2

## Principles of responses: Determine the intentions of concerned individuals

We understand that rights relating to SOGI are not generally recognized but, the difficulties faced vary from person to person. Just as each person is an individual and has different perspectives and ideas, we cannot assume that the values and aspirations of each concerned individual are the same. Therefore, when consulted by someone, whether as an organization, coach, or teammate, it is first necessary to determine the intentions of that person through discussion such as what consideration they want and how open they want to be. The basic principle for subsequent action is to consider with the concerned individual what responses should be taken and to find points of mutual understanding. It is desirable to provide reasonable accommodations to the extent that they do not impose excessive burdens based on reasonable consideration.

People often commented that they don't know how to deal with LGBT individuals. Also, since this is a matter that relates to sexuality, it is closely related to personal privacy. Therefore, when an LGBT individual consults with you, it is necessary to indicate in advance that you will not ask more than what is necessary, and the consulting individual need not answer any questions they do not want to answer.

As a coach or teammate, discriminatory and derogatory speech or conduct such as ridiculing an individual for being LGBT or laughing at the wearing of women's or men's clothes are of course out of the question, but special treatment or attitudes are not necessary. It is important to keep in mind that it is common sense for people to interact with one another by treating each other as equals.

Consultation Hotline	<ul style="list-style-type: none"> <li>● <b>Japan Sport Law Support and Research Center, Sports Consultation Hotline</b> Consults on issues concerning systems and legal questions <a href="http://jssl-src.org/?page_id=31">http://jssl-src.org/?page_id=31</a></li> </ul>
Information Sources	<ul style="list-style-type: none"> <li>● <b>Japanese Society of Gender Identity Disorder (GID)</b> Provides referrals to healthcare personnel with specialized knowledge and institutions with mental health professionals <a href="http://www.okayama-u.ac.jp/user/jsgid/index.html">http://www.okayama-u.ac.jp/user/jsgid/index.html</a></li> </ul>
	<ul style="list-style-type: none"> <li>● <b>Pride House Japan</b> A project that provides information and conducts events relating to LGBT issues on the occasion of the Tokyo Olympics and Paralympic Games <a href="http://pridehouse.jp/">http://pridehouse.jp/</a></li> </ul>
	<ul style="list-style-type: none"> <li>● <b>Nijihiro Diversity</b> An organization that conducts training and consulting for companies and other organizations and works to support LGBT individuals in sports <a href="http://nijihirodiversity.jp/">http://nijihirodiversity.jp/</a></li> <li>● <b>nexdsd Japan</b> A support organization for persons with DSDs and their family members. Offers individual consultations including responses concerning athletes with DSDs. <a href="http://nexdsd.com">http://nexdsd.com</a></li> </ul>

## 3

## Physical facility development: Take action with the assumption that LGBT persons are present



Something that sport organization and operators of competitions can do is the provision of locker rooms and bathrooms. For example, spaces for private use can be created in locker rooms through the use of curtains, tents, partitions and so on, and in addition to the locker rooms for men and women, space can be provided for use by anyone regardless of sex. In cases where temporary bathrooms are installed, it is desirable

that some of them be designated as gender-neutral.

These hardware-related measures will result in expenditures of time and money, and some are of the opinion that it is inefficient to take measures without even knowing if there are any concerned individuals. It is not possible, however, to discern visually who might be affected. It is clear that LGBTQ+ individuals and other sexual minorities make up 3% to 10% of the population (p. 5), and accordingly, implementing these types of measures is necessary based on the assumption that concerned individuals include not only athletes, but also spectators and event operators.

With respect to administrative procedures, measures regarding the “sex” column on documents can be implemented. In the context of sport, there are cases where sex information is necessary, but it is necessary to re-examine athlete registration, competition applications, and other such documents from the perspective of whether sex information is really needed. Even in cases where this information is needed, innovations such as athletes to fill in the sex information freely rather than selecting from two options (male/female) will reduce the burdens on the concerned individuals.

### Reference Cases

- At the national competition held each year, consideration is given to athletes so they can select from multipurpose, men’s, and women’s bathrooms (Japan Wushu Taijiquan Federation)
- Separate men’s and women’s changing rooms are provided in temporary tents, but each has private spaces to accommodate individuals who are uncomfortable changing in front of others as well as for breast feeding (Japan Triathlon Union)
- There are 26 sports centers for individuals with disabilities throughout the country that have family changing rooms, multi-purpose bathrooms, and other facilities (Japanese Para-Sports Association)

## 4

## Actions that coaches and teammates can take:

## ① Creating environments that facilitate participation

Above all else, coaches and teammates who are active in the field need to create environments in which LGBTQ+ concerned individuals can participate. To do this, it is necessary to acquire knowledge and information about SOGI and deepen understanding. As in the case of responses by sport organizations, it is necessary to act on the assumption that there are concerned individuals present. For example, when coaching, it is necessary to take care not to engage in speech or conduct that identifies individuals by sex or to thoughtlessly divide practice groups by sex.

Also, in the case of transgender persons, it is important to respect that person's gender identity. Gender identity cannot be changed by the individual or by others. If you are consulted, listen to the person's wishes and give the highest priority to that person's intentions rather than their outward appearance or biological gender.

Coaches and teammates adopting a clear stance that homophobia will not be tolerated is also important for the participation by such persons. Regardless of gender, no individuals should be excluded from sports on the basis of sexual orientation, and there is a tendency for gay men in particular to be excluded and they may be the targets of attacks and at higher risk. Therefore, it is necessary to adopt the stance that homophobia will not be tolerated in order to enable concerned individuals to participate with a sense of security.

## Q&amp;A : What should I do?

**Q** During a match, I heard a member of the other team ridicule LGBTQ+ persons.

**A** Inform the referee or the coach of the other team that discriminatory speech or conduct occurred and call attention to it. In all circumstances, clarifying the stance that homophobia and other discrimination against LGBTQ+ individuals will not be tolerated will lead to the development of environments throughout the sports world where such individuals can participate with peace of mind.



## 5

## Actions that coaches and teammates can take: ② Take care not to out others

Each individual will face different issues and will want different responses. Therefore, if someone consults you as a coach or teammate or comes out to you, listen to the person and identify specifically what issues they are facing and how, who, and to what extent they would like action to be taken. After doing this, it is important to discuss with the individual possible support that could be provided.

At that time, the most important thing to be careful about is not to out the individual. Never tell others that an individual came out for details about coming out without that person's consent. This also applies with respect to others involved with the team. In some cases, it may be necessary to provide information to a third party in order to respond to the needs of the concerned individual, but in such cases, be sure to confirm with the person who came out about with whom and to what extent you may discuss their issues.

This does not mean, however, that the person who is consulted or to whom an athlete comes out as to solve everything. Rather than attempting to do so on your own, it may be advisable to consult with a consultation hotline and so on of a sport organization or other organization referenced in this Handbook. If consulting with someone nearby, however, it is necessary to exercise due care not to out someone.

### Q&A : What should I do?

**Q** Someone came to me to consult about their issues or to come out to me ...

**A** Take action in the following order

- (1) Listen to everything the person has to say.
- (2) Thank them for speaking with you.
- (3) Ask what the person needs and examine together what can be done.
- (4) Confirm the extent to which information may be shared.
- (5) (If possible,) Refer the individual to a professional or other information source.

Thank you for speaking with me. I will of course respect your privacy.





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# Key Support Methods

\* Excerpt from Safe Space Kit by GLSE (2021, U.S.)

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## Points to keep in mind when LGBTQ+ students come out to you

- Provide the support that students want. Note that not all students necessarily need help.
- Be a role model of acceptance. ➔ Show that you respect their rights concerning SOGI and you are intolerant of homophobia and transphobia. The students will see you as a supportive educator.
- Recognize the student's courage to come out to you.
- Hear them out.
- Conversation with students is confidential. Respect their privacy and assure them that you will not share the information with a third person without their consent.
- Ask questions that demonstrate understanding, acceptance and compassion.

### Suggested questions

- Have you told anyone else?
- Do you feel safe in school (or work place)?
- Do you have adults that support you in your life?
- Do you need any help of any kind?
- Have I ever offended you unknowingly?

- Remember that the student who has come out to you is the same person as before the disclosure. ➔ If you are shocked, try not to let the surprise lead you to view or treat the student any differently.
- Do not conform to outdated and fixed norms concerning gender or sexual orientation.
- Be prepared to give referrals such as to counselors and consultation services to students when they ask you questions you cannot answer.

## Some additional things to keep in mind when students come out to you as transgender:

- Validate the student's gender identity and expression. ➔ Use the pronoun and name that the student requests. For example, if the student says "woman", then use "she" or use gender neutral language.
- Remember that gender identity is separate from sexual orientation.

### What not to say when students come out to you:

- “I knew it!” → This expression indicates that you make assumptions based on preconceptions.
- “Are you sure?” “You’re just confused” “It’s just a phase – it will pass.”
- “You haven’t found the right woman yet” said to a presumed male student or “the right man” said to a presumed female student . → This assumes that all men must like women and all women must like men.
- “Don’t tell anyone about this.” → This implies that being LGBTQ+ must be kept hidden.
- “You can’t be homosexual. You’ve had relationships with people of the opposite sex.”

### Suggested responses when you observe behaviors that hurt LGBTQ+ persons :

- Identify the behavior and warn the individual. → For example: “I heard you use the word ‘homo’. The term is derogatory and its use will not be tolerated in this class.”
- Make sure to educate the person after stopping the behavior. → Decide whether you will provide guidance privately or publicly for an entire team as necessary.
- Support the targeted student. → Suggest that the student visit a counselor only if they request support.
- Hold the offending students accountable. → Make sure disciplinary actions are fairly applied for all types of name-calling, bullying and harassment in accordance with school or team policy.

### Dos and Don’ts of Acting in Allyship With Students

- Listen. → Students feel unsafe to express themselves when their SOGI rights are not guaranteed.
- Respect confidentiality. → If you inform others, it may create an unsafe environment for the student.
- Be conscious of your biases. → Desirable supporters are aware that homophobia, transphobia, and hetero sexism affect them and they confront these attitudes.
- Continuously hone your knowledge → Desired supporters update their understanding of LGBTQ+ terminology and the latest issues that are being faced.
- Don’t think that you have an answer for everything → If you don’t know how to solve a problem, consider that the best approach may be to tell the student that you will think about a solution after investigating or to introduce the student to an outside expert.
- Do not make unrealistic promises. → Doing so can damage the relationship you have with the student as an ally.
- Do not make assumptions and perpetuate stereotypes about gender identity or sex orientation. → Be sure to listen to the student and ask how you can support them.

## VII Role Models

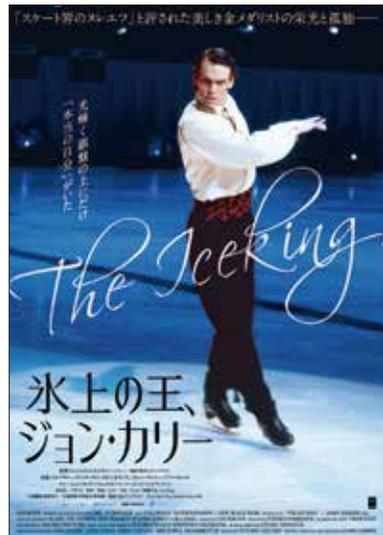
A documentary film featuring John Curry, his glory days and solitary life

### The Ice King

- Produced: 2018, UK
- Director: James Erskine
- Duration: 89 minutes

Storyline: A documentary film featuring John Curry, a legendary skater who redefined figure skating as a major sport and elevated it into an exalted art form. After he won a gold medal at the Innsbruck 1976 Winter Olympics, the first thing the media reported was his sexuality, which was not supposed to be made public. The presence of a medalist publicly known to be gay at a time when homosexuality was not accepted surprised the world and gave rise to considerable debate. John was trifled with by the times and treated unfairly, but he did not yield and aspired to excellence. The film depicts the story of an athlete who kept skating and dancing while alienating people in spite of his hunger for love.

[Reference]…<https://www.uplink.co.jp/iceking/#intro>  
©New Black Films Skating Limited / ©2018 Dogwoof 2018



A handbook produced by Pride House Tokyo

### Sports for Everyone

This handbook was produced by Pride House Tokyo, an organization that operates a hospitality facility to offer information concerning LGBTQ+ issues. It provides basic information about LGBTQ+ issues that everyone should know, issues that LGBTQ+ persons face when participating in sports, and tips to create an environment where everyone can enjoy sports.

<http://pridehouse.jp/handbook/>



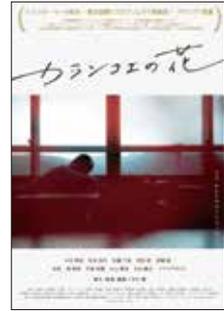
A grand prix film at the Tokyo International Lesbian & Gay Film Festival

## Karankoe-no-Hana

- Produced: 2016, Japan ■ Writer, Director, Editor: Shun Nakagawa
- Duration: 39 minutes

Storyline: “Maybe someone in our class is LGBT?” One day, a lecture titled “About LGBT” was given to a class in the second year of high school. No such lecture was given in other classes. It had repercussions on the students in their daily life. What behavior resulted from an internal struggle unique to adolescence?

[Reference]…<https://kalanchoe-no-hana.com/>



A film showcasing family bonds and conflict.

## About Ray

- Produced: 2015, US ■ Director: Gaby Dellal ■ Duration: 92 minutes
- Available on DVD & Blu-ray for ¥4,290 (excluding taxes) from Happinet Media Marketing Corporation

Storyline: Ray, a 16 years old transgender boy, tells his mother that he will live as a man both in body and mind. Ray's mother was embarrassed at this sudden confession, while his grandmother, an out lesbian supported Ray's decision. The film portrays Ray, who wants and tries to be himself, and his family.

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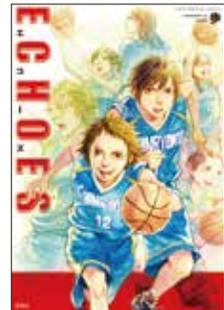
An animated film about basketball that addresses issues of gender dysphoria.

## ECHOES

- Animator: Ayumi, Takarajimasha ■ Released: December 10, 2016

Storyline: Sei Igarashi, an excellent athlete on a women's basketball team, is unsociable and out of place on the team. Sei is attracted to Asuka. The two bond as they train for the national championships. Sei has special feelings she could not tell anybody about. Is this friendship, adoration, or something else....

[Reference]…<http://konomanga.jp/manga/echoes>



A report prepared by Human Rights Watch, an international human-rights body

## The Nail That Sticks Out Gets Hammered Down: LGBT Bullying and Exclusion in Schools in Japan

- Copyright © 2016 Human Rights Watch All rights reserved.
- Printed in the United States of America
- ISBN: 978-1-6231-33481 Cover design by Rafael Jimenez

The cartoons in this report are based on stories told by individuals interviewed by Humans Rights Watch based on their own words. In some scenes, text has been added for story development.

© 2016 Taiji Utagawa

[Reference]…[https://www.hrw.org/sites/default/files/report\\_pdf/japan0516\\_japanesemanga\\_web\\_3.pdf](https://www.hrw.org/sites/default/files/report_pdf/japan0516_japanesemanga_web_3.pdf)



# Guidelines on Optimal Sexual Diversity in Physical Education and Sport

## Deepening Understanding of Sexual Orientation and Gender Identity

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To download  
the Guidelines (PDF)  
and the English version,  
scan the QR Code

# Eight Things Everyone Involved in Sport Should Know

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- 1 There is a diversity of sexes.

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- 2 Respect the diversity of sex.

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- 3 Make an effort to acquire accurate understanding and information concerning LGBTQ+ issues and the diversity of sexes.

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- 4 Coaches should reflect on their thoughts and statements regarding gender identity and sexual orientation.

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- 5 Ask individuals what they want you to do and respect their wishes.

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- 6 Create places for athletes to consult and make it possible to provide information.

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- 7 If someone comes out to you, don't take action on your own initiative, but rather, ask that person's intentions. Take care not to out someone.

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- 8 If you are consulted, do not immediately send the person to a doctor, make them submit a diagnostic report, or recommend compulsory medical intervention.



**JSP**

Japan Sport Association