



HUMAN  
RIGHTS  
WATCH

## “The Nail That Sticks Out Gets Hammered Down”

LGBT Bullying and Exclusion in Japanese Schools





# **“The Nail That Sticks Out Gets Hammered Down”**

LGBT Bullying and Exclusion in Japanese Schools

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## Summary

“In the world there are some weird people,” my high school health teacher said to introduce the lesson. Then she said sex between boys was the main cause of AIDS so we should stay away from homosexuals. That was the only time I heard about LGBT people from a teacher—except when I overheard them making gay jokes.

—Sachi N., 20, Nagoya, November 2015

He said, “No, this graduation ceremony isn’t about you. I’m not going to let your selfishness ruin the harmony of this school.”

—Natsuo Z., 18, Fukuoka, recalling a high school administrator’s response to a request to wear the male school uniform, August 2015

No child's safety or healthy development should depend on a chance encounter with a compassionate adult. In Japan, however, that is often the case for youth who identify as lesbian, gay, bisexual, or transgender (LGBT) or as other sexual and gender minority identities, or who are questioning their sexual orientation or gender identity.

Japanese LGBT children who attempt to report bullying and harassment to school officials play their luck, as the response depends entirely on an individual teacher or school staffer’s personal perspectives on sexual orientation and gender identity. There is no comprehensive training for school staff, and the guidelines that do exist are non-binding suggestions issued in April 2016, which predicate respect and accommodation for gender identity on the diagnosis of a mental disorder.

Based on interviews with more than 50 LGBT students and former students in fourteen prefectures throughout Japan—as well as teachers, officials, and academic experts—this report documents bullying, harassment, and discrimination in Japanese schools based on sexual orientation and gender identity or expression, and the poor record of schools when it comes to appropriately responding to and preventing such incidents.

Human Rights Watch found that despite official statements to the contrary, there are LGBT students in Japanese schools who, due to policy gaps, inadequate teacher training, and

weak enforcement mechanisms, are targeted by bullies because of their sexual orientation or gender identity.

The Japanese government has failed to institute effective anti-bullying policies that specify the vulnerabilities of LGBT students; adequately train school staff to respond to the needs of LGBT students and hold staff accountable for their actions; or uphold Japan's international human rights commitments with regard to educational content about sexual orientation and gender identity.

Students in Japan who have questions about gender and sexuality are left in a harmful lurch. Seeking information from official sources such as school libraries may leave them empty handed or with limited information—due, for example, to books that construe all gender identity issues as a mental disorder. Approaching school staff with questions can result in censoring or outright bullying. Even in cases of compassionate and supportive responses, the lack of teacher training means that students are at best faced with improvised knowledge based on teachers' personal views. The strong cultural desire to “maintain harmony” means that even teachers who do try to support LGBT students can be left, as one former teacher put it, “alienated in their own compassion.”

Hateful anti-LGBT rhetoric is nearly ubiquitous in Japanese schools, driving LGBT students into silence, self-loathing, and in some cases, self-harm. The information vacuum combined with pervasive hateful comments from students and teachers alike means sexual and gender minority children in Japan sometimes first struggle with their identities with shame and disgust.

Gender nonconforming children often have no choice but to be diagnosed with gender identity disorder (GID) before they can access education according to their appropriate gender. And regardless of whether children pursue a GID diagnosis, instead of being encouraged to explore and express their identity, they are slotted into a rigid system that mandates further medical procedures as part of the legal recognition process later in life—violating their basic rights to privacy and free expression under international human rights law and medical ethics standards.

Even when schools attempt to support and accommodate students who wish to have their gender identity recognized or who request protection from sexual orientation or gender

identity-based harassment, the response can be ephemeral. School officials, while demonstrating care for individual students, remain mired in policy structures that subtly incentivize the maintenance of school harmony over the protection of vulnerable students. Anti-bullying policies remain silent on the specific vulnerabilities and needs of categories of children, including LGBT children.

In a well-known case three decades ago concerning a student suicide following bullying with teacher complicity, a Japanese district court in 1991 ruled that the local government in charge of the school was not liable for the death because the school could not have foreseen suicide of the student as the result of bullying. To its credit, the government has dedicated some political capital to the issue, holding emergency meetings after high-profile cases and drafting policies. But the effective implementation of these policies is elusive as the government remains wed to the theory that “bullying can happen to any child in any school”—a truism that does not acknowledge that structural issues make certain students especially vulnerable to harassment and exclusion.

Japanese schools continue to promote conformity and harmony over rights. The national bullying prevention policy calls bullying a human rights violation, but then promotes moral education on social norms as a bullying prevention measure. The concerns and needs of individual students get lost.

These include issues of rigid gender stereotyping in schools forcing gender nonconforming students to curtail their freedom of expression; a harmful lack of information about sexual orientation and gender identity in both teacher training and school curriculum standards; and pervasive homophobic environments across all types and levels of schools. The government’s role in these abuses or failure to address them can amount to human rights violations.

As the debate over human rights for LGBT people in Japan continues to gain momentum and the national bullying policy comes up for review, the government should sharpen bullying prevention and response measures to specifically enumerate categories of people who are particularly vulnerable to school-based harassment and violence, including LGBT youth.



Governments are obligated to ensure the rights to health, information, and education, and the right to be heard, for all children. Japan has particularly fallen short with respect to transgender and gender nonconforming children. Strict gender segregation in Japan's schools, enshrined through school uniform policies and gender separation for some activities, can make navigating school life difficult for transgender and gender nonconforming children. Facilities that students can only access according to the gender they were assigned at birth create barriers for transgender children, who also face a discriminatory legal age limit and intimidating medical requirements in accessing gender recognition.

As the Bullying Prevention Act comes under a mandatory three-year review in 2016, the government should consider substantial revisions in line with its human rights commitments, including the right to education. Japan's government should take this opportunity to refine its anti-bullying policies to bring them in line with its international human rights obligations, including two recent United Nations Human Rights Council resolutions on ending sexual orientation and gender identity-based violence and discrimination that Japan has supported. This will mean identifying and combating the structural causes for bullying, many of which are highlighted in this report.

## Recommendations

### To the Ministry of Education, Culture, Sports, Science and Technology

- Specify categories of vulnerable students, including LGBT students, as part of the 2016 review process stipulated in the Bullying Prevention Act.
- Monitor schools for compliance with the principle of non-discrimination, intervene where the policies are failing, and include sexual orientation and gender identity in any data collection tools measuring bullying in schools.
- Work with nongovernmental organizations (NGOs) to develop and conduct research on school climates for LGBT students in which information is gathered directly from affected populations of children.
- Build on the 2016 Guidebook for Teachers Regarding Careful Response to Students related to Gender Identity Disorder as well as Sexual Orientation and Gender Identity, by developing teacher training materials on sexual orientation, gender identity, and human rights, and make such training mandatory for all current teachers.
- Ensure that all university programs for the education and certification of teachers include mandatory training on working with diverse students, including those who are LGBT and those who are questioning their sexual orientation or gender identity.
- Issue a revised directive that clarifying that schools should accommodate students according to their self-declared gender identity without requiring any medical examinations. Schools should ensure that students have full access to education—including school uniforms, lavatories, or documents—without a diagnosis of “Gender Identity Disorder.” This should include access to the lavatory the student is comfortable with, not only gender-neutral or disabled students’ facilities.
- Work with the Ministry of Justice and the Diet to revise Law 111 of 2003 (the Gender Identity Disorder Law), Japan’s legal gender recognition procedure, replacing humiliating mandatory procedures such as sterilization with self-identification criteria for legal gender recognition.

- Include information about sexual orientation and gender identity in the national sex education curriculum based on guidelines set forth by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Population Fund (UNFPA).

### **To the Ministry of Justice**

- Advise Diet members and submit a bill to revise the Gender Identity Disorder Law to bring it in line with Japan’s international human rights obligations and international best practice standards.

### **To the Ministry of Health, Labour and Welfare**

- Update all health care policies that affect transgender people to bring them in line with the World Professional Association of Transgender Health (WPATH) Standards of Care-7, standards set by international health and medical experts for health care systems to provide the best possible care for transgender persons.
- In conjunction with the Ministry of Education, Culture, Sports, Science and Technology’s directive to school boards, issue an urgent directive to psychiatrists and other mental health care professionals clarifying that children are not required to obtain a diagnosis of gender identity disorder in order to access education according to their gender identity.

### **To Municipal Governments and School Boards**

- Institute non-discrimination clauses in local anti-bullying policies that specifically mention sexual orientation and gender identity.
- In line with MEXT’s 2016 Guidebook and in partnership with LGBT NGOs, promptly create programs to conduct teacher training on sexual orientation, gender identity, and human rights, including distribution of resource materials for classrooms and referral instructions for teachers who need extra support.

- Mandate that all teachers undergo training on sexual orientation, gender identity, and human rights, including access to education issues appropriate to the age group the teachers work with.

## To the National Diet

- Include in the draft non-discrimination legislation protections for students from discrimination on the basis of sexual orientation or gender identity, as well as the explicit anti-discrimination clause for administrators, teachers, counselors, other school staff, and other employees from discrimination in employment on the basis of sexual orientation or gender identity.

The comics in this report tell the stories of specific individuals Human Rights Watch interviewed, using their own words to describe their experiences. In a few instances the artist added language to provide necessary context. © 2016 Taiji Utagawa

# Why are gays treated as if we don't exist?

Y.N, College student



I was bullied when I was in elementary school. After that, I stopped going to school. However, I decided to go back to school when it was time for me to enter high school. For me, that decision required a lot of courage.

After I started going to school, I was able to get used to it better than I had expected, so I was a bit relieved.

No one imagines that there are gays around them. That's why everyone talks badly about gay people.

I wonder whether there are any gay people in this school

If there is, I will ask for an injunction not to come close to me.

Good morning!

Cheers!

But ever since I realized that I was gay, there was a feeling that dampened my heart.

You forgot your notebook at the Mc Donalds yesterday!

Oops I didn't realize!

Even though I had learned that there is nothing bad about being gay...

You are awesome! I love you

Stop it, people will think that you are really homos



Everywhere in my high school life, I heard discriminatory comments against gay people.

Gays live just like everyone else – we care about our friends and have dreams for the future.

But no one ever imagine how sad gay people would feel when they hear those comments.

**HA HA HA**

Hehe, what you said is discriminatory

Who cares about discrimination  
I want what I dislike to disappear

Then a thought came to me – if everyone realised that they have a gay classmate, maybe something would change.

I am shocked already just by the fact that you are gay – don't make more troubles in school too!

My mother strongly opposed.

Mom, I... want to come out at school

But, I still want everyone to know – that there are gay people around them.

Isn't it terrible he is making me seem like I'm gay

But at school, not only students but also teachers were making discriminatory comments. Hearing them every day was unbearable for me.

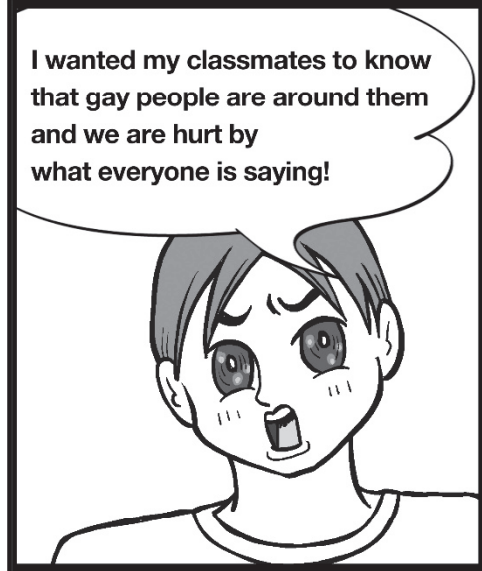
It would be horrible to become gay



Is that shirt serious!?

What is that!

One day, I took action. I stood in front of my classmates wearing a T-shirt that says "I am gay".

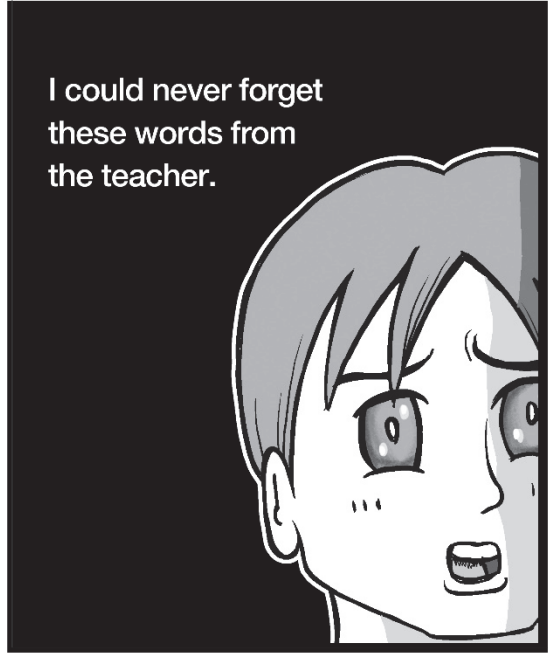


I wanted my classmates to know that gay people are around them and we are hurt by what everyone is saying!

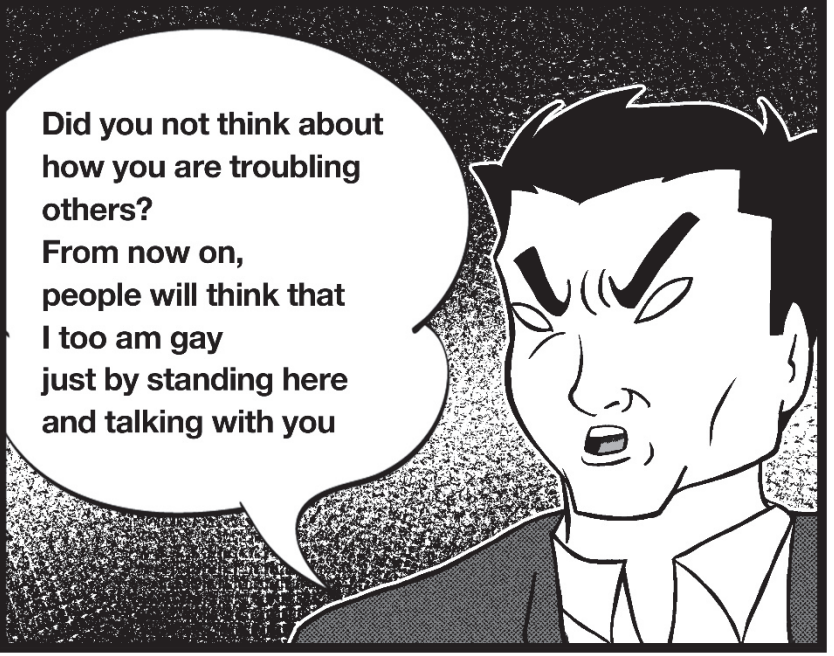


Wait in the classroom

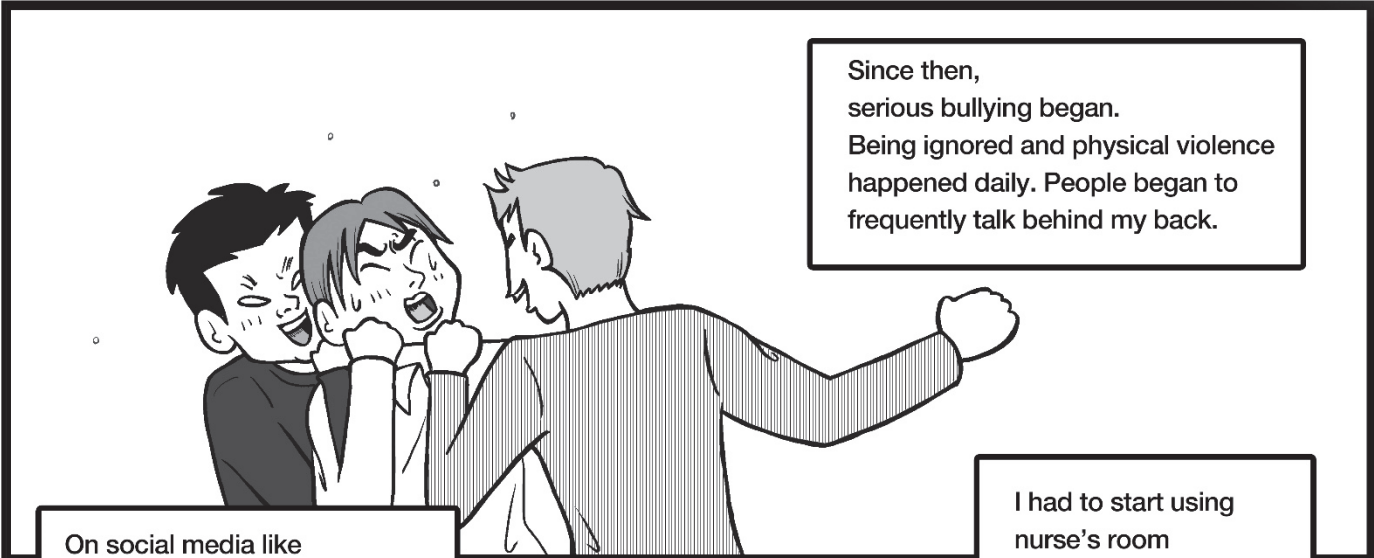
I was blamed for corrupting school's public morals and my mom was called to the school. The teacher had a chat with my mom in a separate room. They had no interest in hearing how I felt.



I could never forget these words from the teacher.



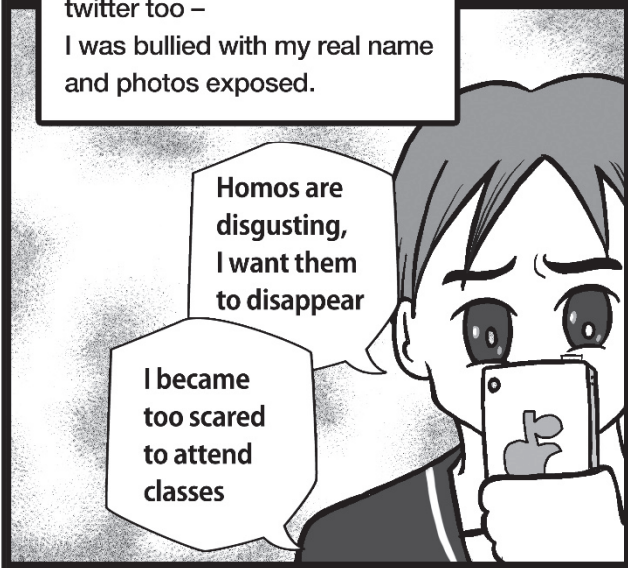
Did you not think about how you are troubling others? From now on, people will think that I too am gay just by standing here and talking with you



Since then, serious bullying began. Being ignored and physical violence happened daily. People began to frequently talk behind my back.

On social media like twitter too – I was bullied with my real name and photos exposed.

I had to start using nurse's room when changing clothes.



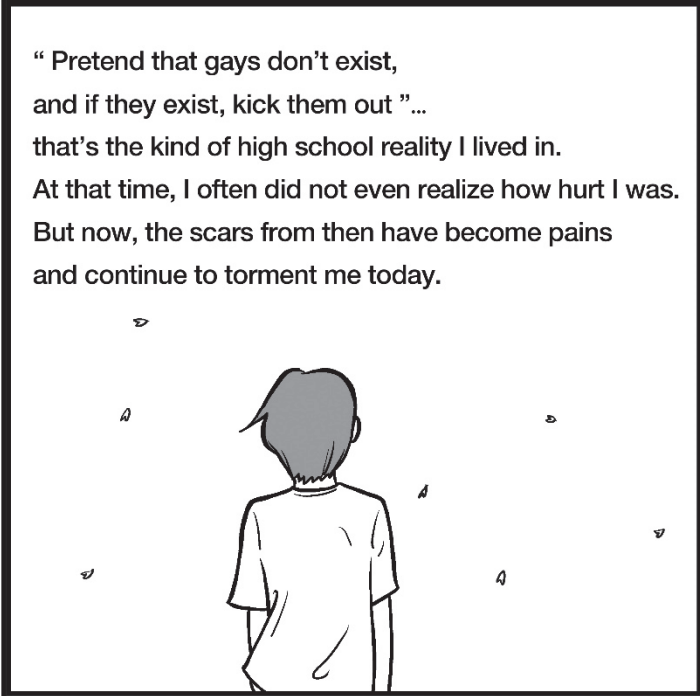
Homos are disgusting, I want them to disappear

I became too scared to attend classes



Go change in the girls' changing room!

Get out!



“ Pretend that gays don't exist, and if they exist, kick them out ”... that's the kind of high school reality I lived in. At that time, I often did not even realize how hurt I was. But now, the scars from then have become pains and continue to torment me today.



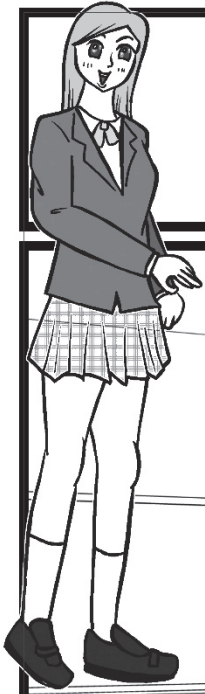
I know nothing about gays and all that. It is not bullying – just friends fooling around right?

Teacher hardly ever consulted with me.

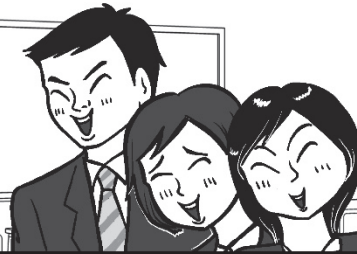


# Teachers who know nothing about LGBT

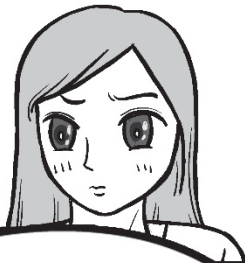
A.K, High school student



I knew that I liked people of the same sex, but I did not feel like coming out to anyone.



I thought:  
I should never say  
to anyone that  
I am a lesbian.



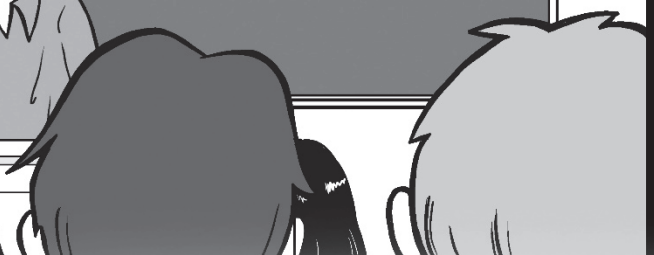
When I searched about homosexuality and gay people on the internet, I could tell that there are many people who don't feel comfortable about homosexuality. I saw rude comments like...

They can live but I don't want them to come near me

I will quit being friends if I find out they are homosexuals

"There are people who are homosexuals but they have an unnatural existence as human beings, and their morals are not good either."

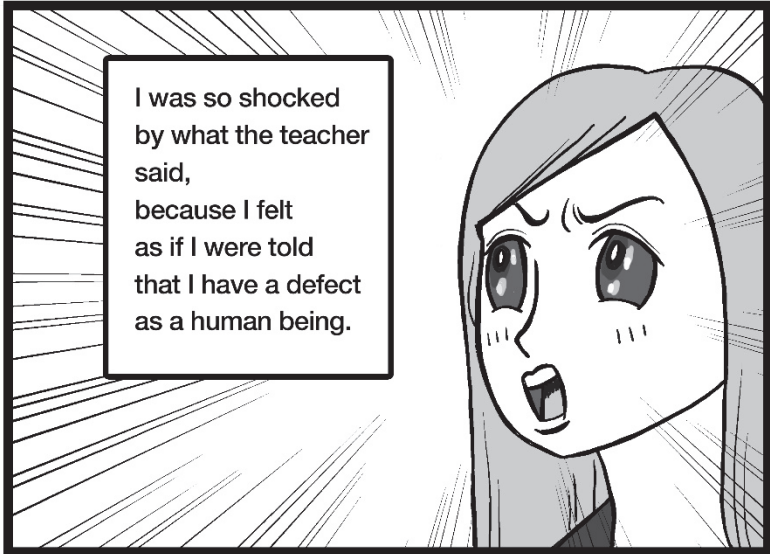
One day in class, the teacher said "it is natural for a woman to get married and have children."



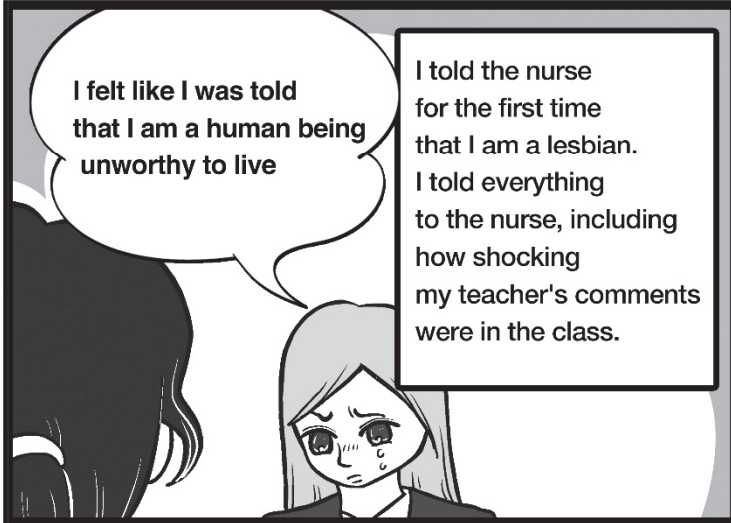


What happened?

I was so upset that I started crying.



I was so shocked by what the teacher said, because I felt as if I were told that I have a defect as a human being.



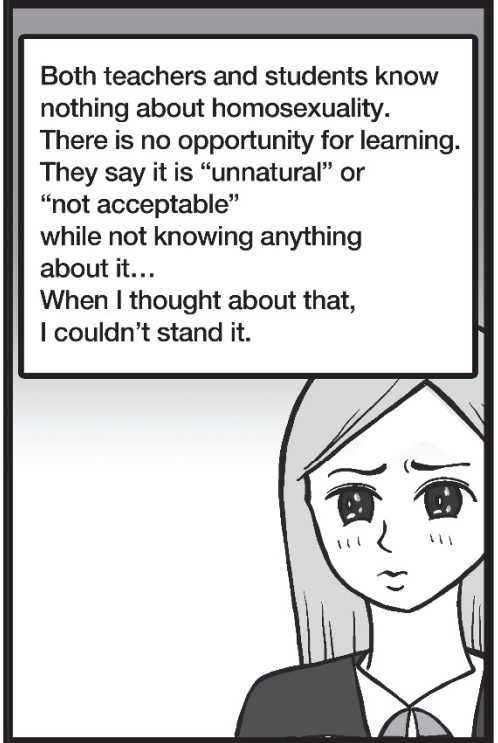
I felt like I was told that I am a human being unworthy to live

I told the nurse for the first time that I am a lesbian. I told everything to the nurse, including how shocking my teacher's comments were in the class.



I went to the nurse's room...

Tell me what happened

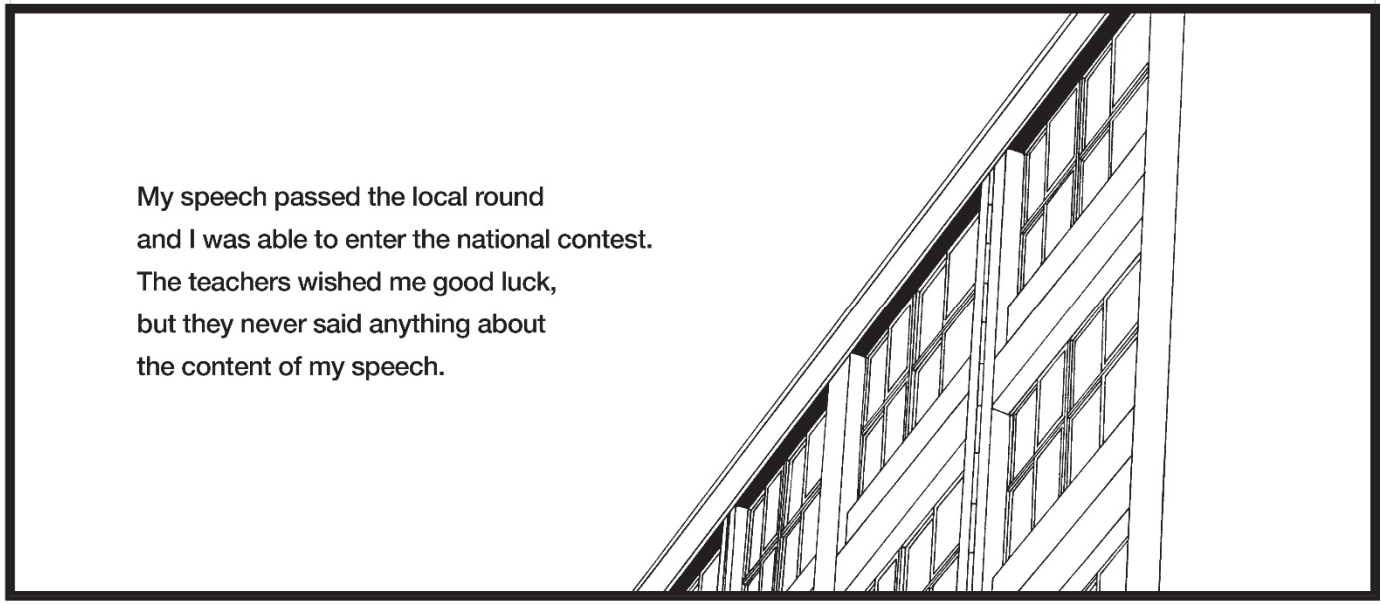
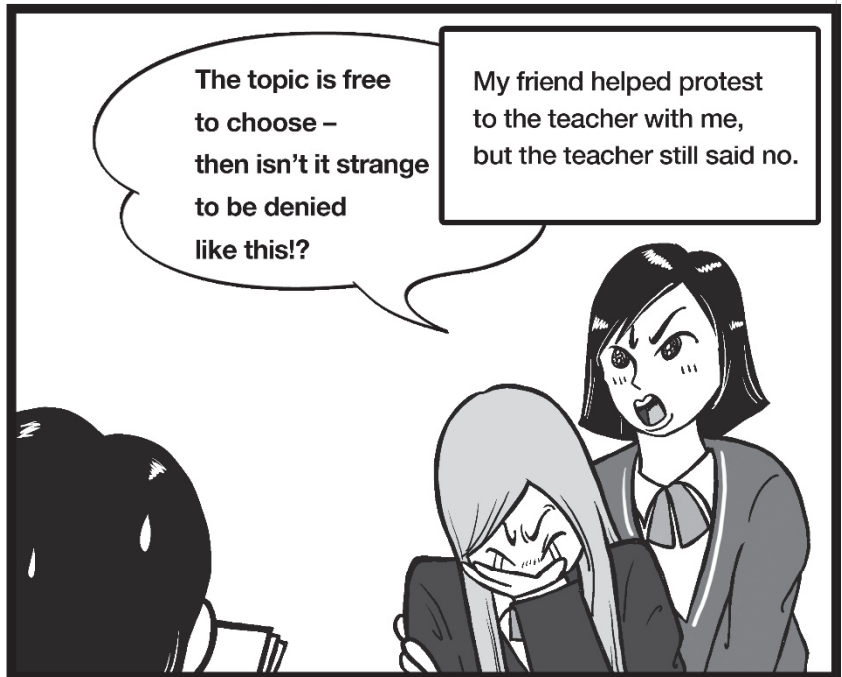
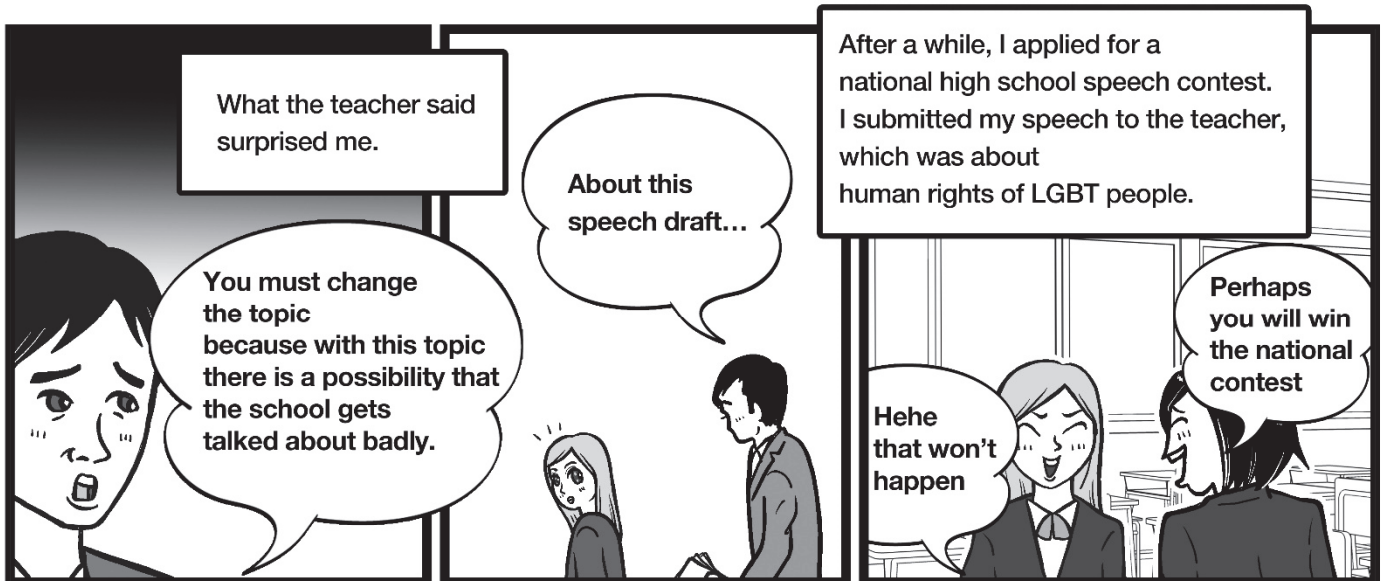


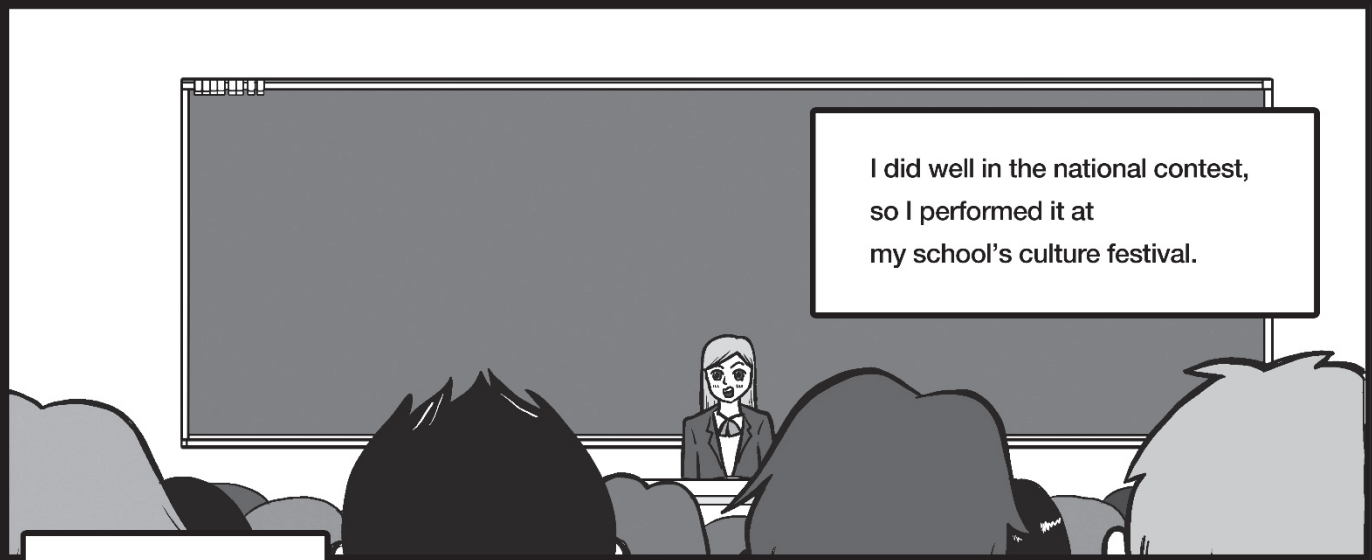
Both teachers and students know nothing about homosexuality. There is no opportunity for learning. They say it is "unnatural" or "not acceptable" while not knowing anything about it... When I thought about that, I couldn't stand it.



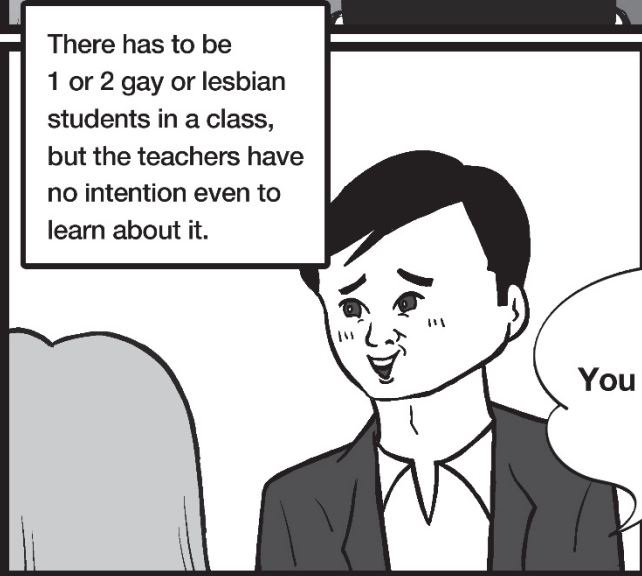
The nurse said "I cannot answer you well, because I know nothing about homosexuality. There is no opportunity to learn about it, so I think other teachers have no idea about it either."

Will you teach me about homosexuality ?



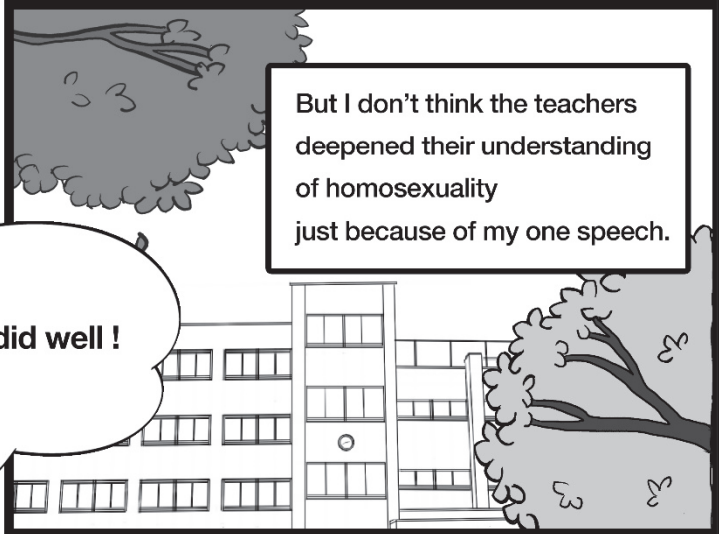


I did well in the national contest, so I performed it at my school's culture festival.

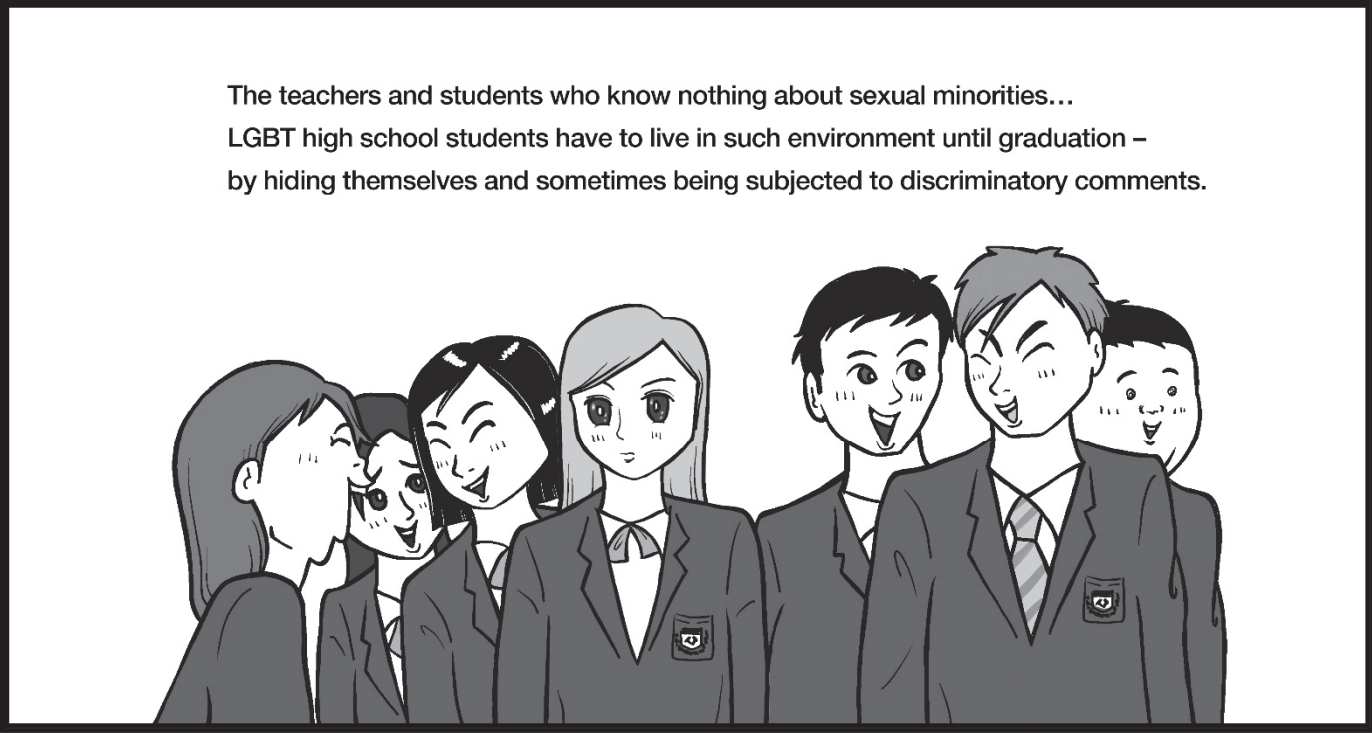


There has to be 1 or 2 gay or lesbian students in a class, but the teachers have no intention even to learn about it.

You did well !



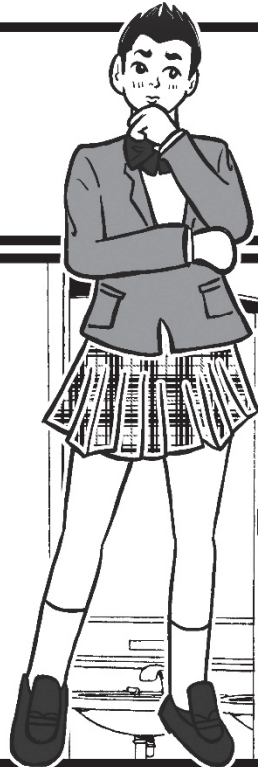
But I don't think the teachers deepened their understanding of homosexuality just because of my one speech.



The teachers and students who know nothing about sexual minorities...  
LGBT high school students have to live in such environment until graduation –  
by hiding themselves and sometimes being subjected to discriminatory comments.

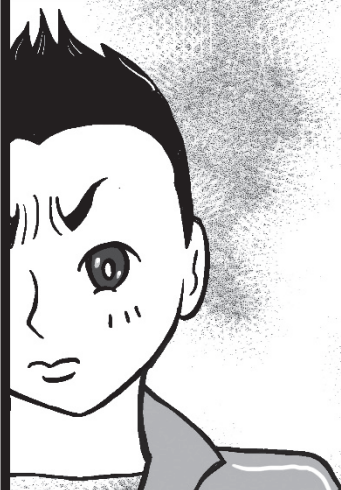
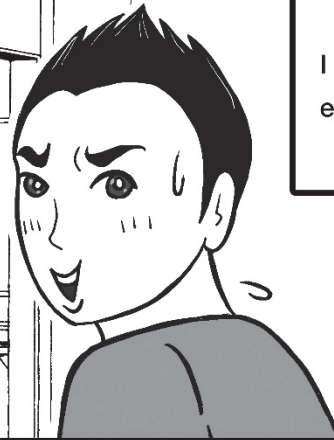
# Do minorities have to make an effort to fit into the majority?

H.T, High school student



Ok,  
no one is  
here

I always have to  
enter toilets secretly.



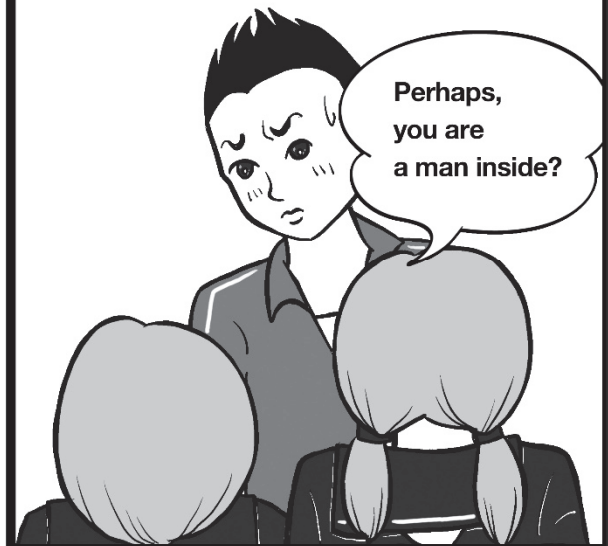
Please don't use  
female toilets  
because  
it is disgusting

I feel uncomfortable being a female.  
So it is painful to act like a woman.  
I cannot make myself look like a woman either.  
When I was in junior high,  
my classmates often approached me  
harshly about it.

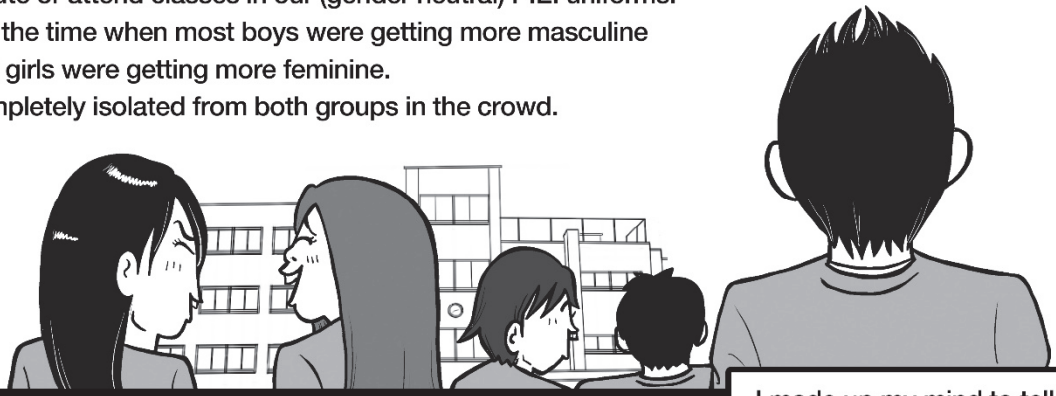
These things kept going,  
so there was a time  
when I became depressed  
and could not go to school.



Perhaps,  
you are  
a man inside?



I eventually entered high school but that school did not allow students to commute or attend classes in our (gender neutral) P.E. uniforms. That was the time when most boys were getting more masculine and most girls were getting more feminine. I was completely isolated from both groups in the crowd.



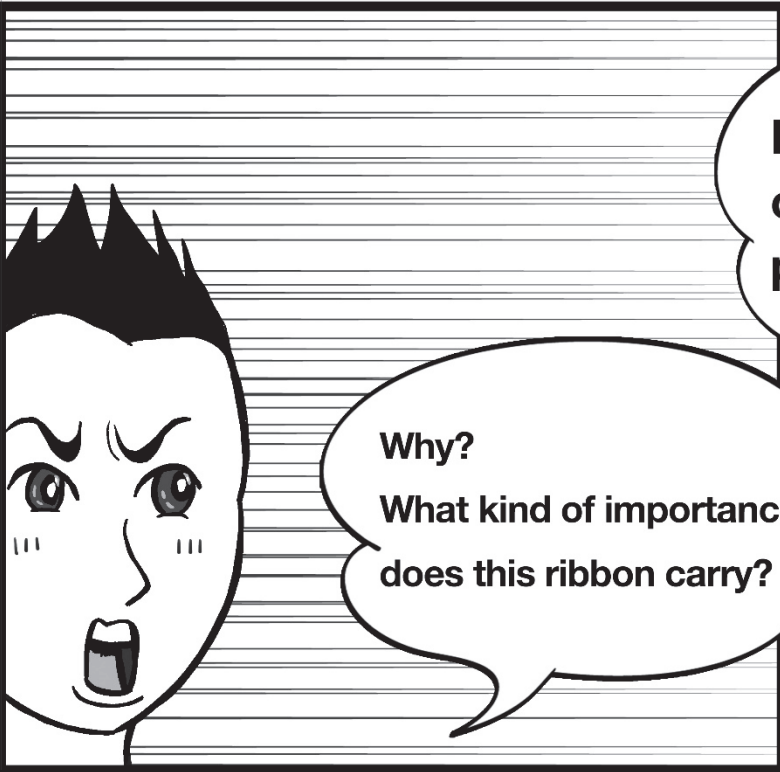
I made up my mind to tell my teacher that I felt uncomfortable about my gender and made a request regarding my uniform.

And... if possible... I want to be granted permission to use the male toilets

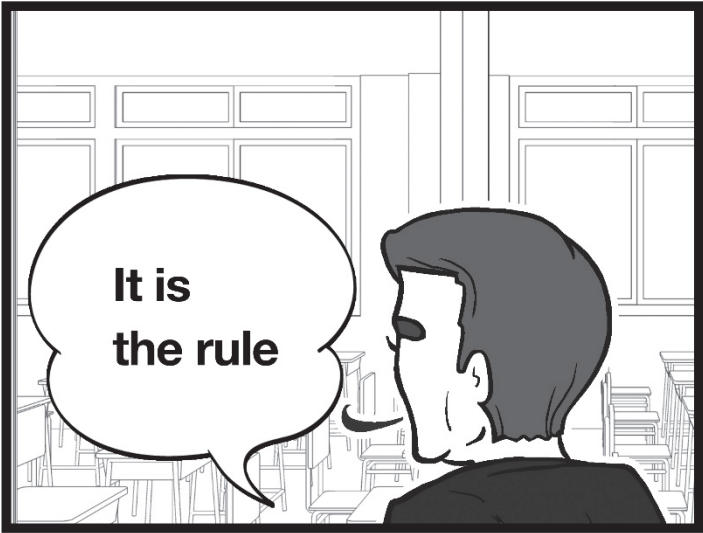
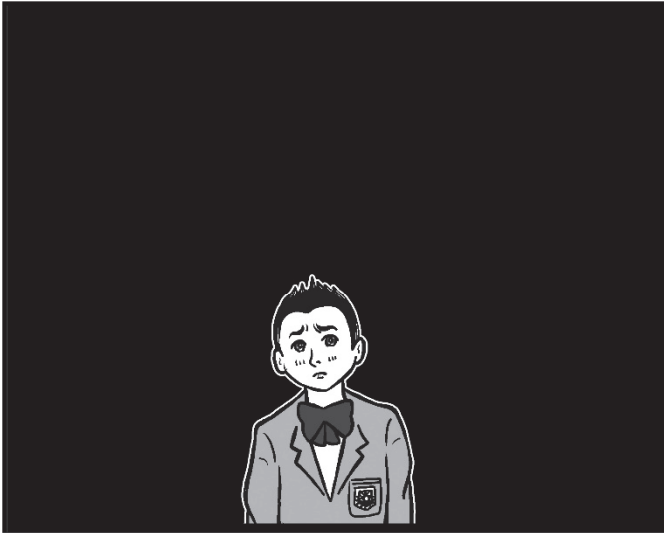


Can I at least take this ribbon off the uniform during commutes?

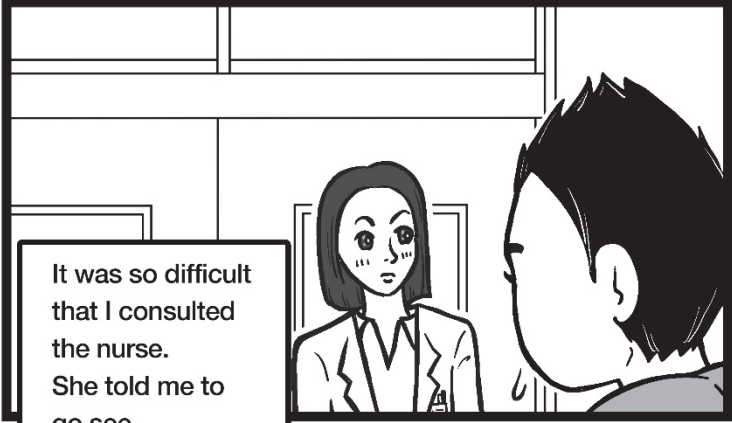
Both of those cannot be permitted



Why? What kind of importance does this ribbon carry?



The psychiatrist I saw knew almost nothing about gender identity or gender identity disorder (GID). That's when I learned that it was really difficult for me as a high school student, to even find a doctor who can answer my concerns.



It was so difficult that I consulted the nurse. She told me to go see a psychiatrist.





But my father wouldn't allow me to go.

Go when you can afford the fees yourself !



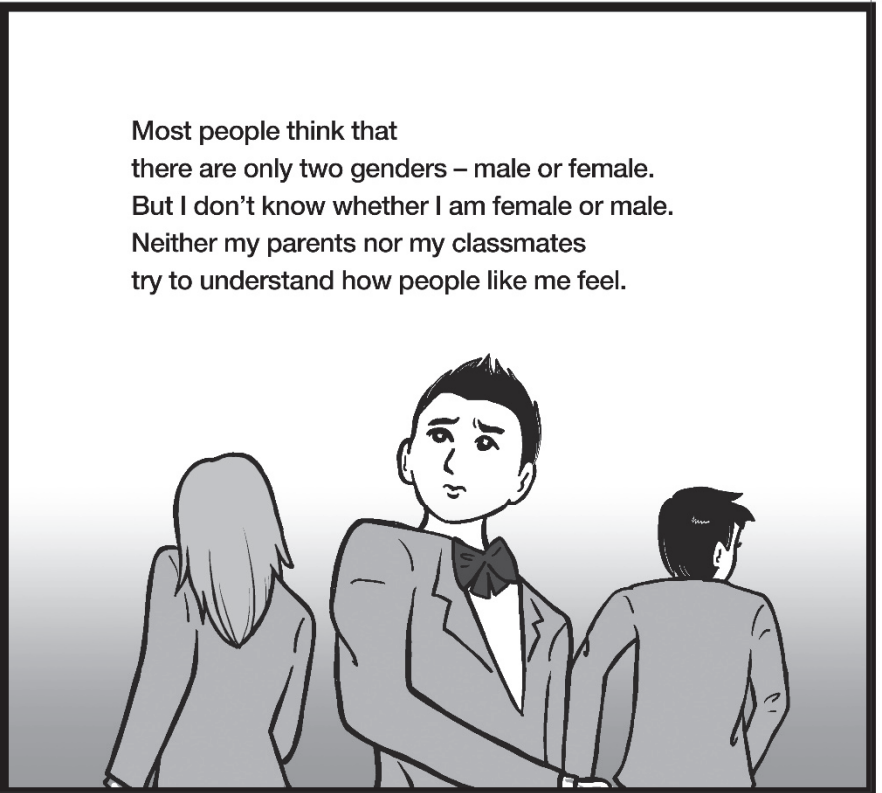
I heard that there is a doctor who is knowledgeable about the field of gender identity in S prefecture

If I was transgender, I wanted a proper diagnosis before attending college or getting a job. I asked my father if I could see a doctor from a different hospital...



I understand...

My mother tells me "you should wear a Kimono and present yourself to your grandma at the coming-of-age ceremony..."

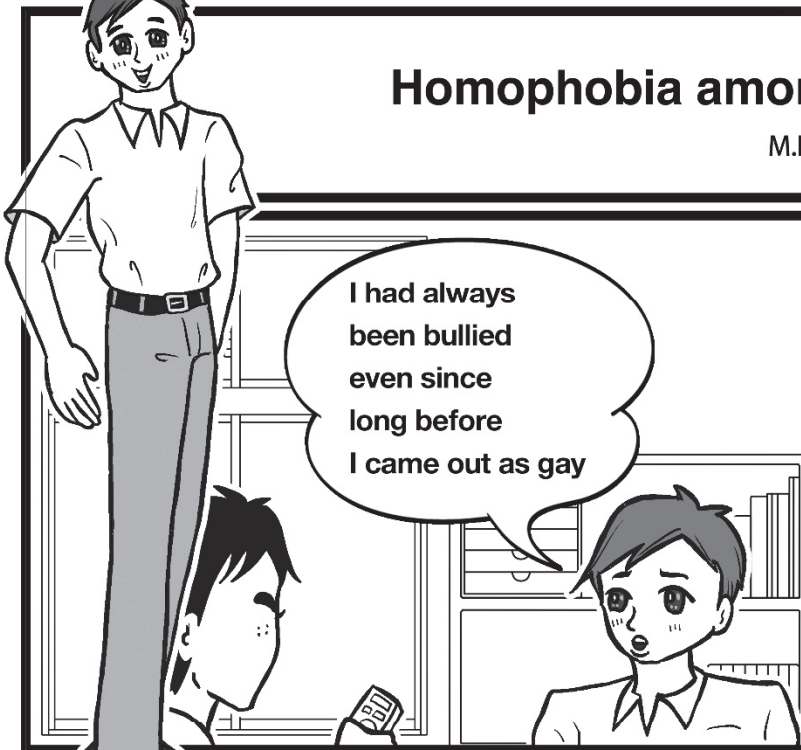


Most people think that there are only two genders – male or female. But I don't know whether I am female or male. Neither my parents nor my classmates try to understand how people like me feel.

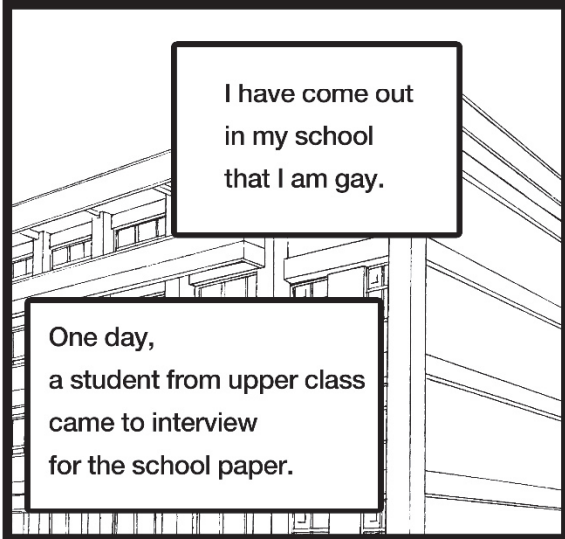


# Homophobia among teachers

M.F, High school student




I had always been bullied even since long before I came out as gay



I have come out in my school that I am gay.

One day, a student from upper class came to interview for the school paper.

I always thought: I should not be who I am I always have to pretend as someone else.

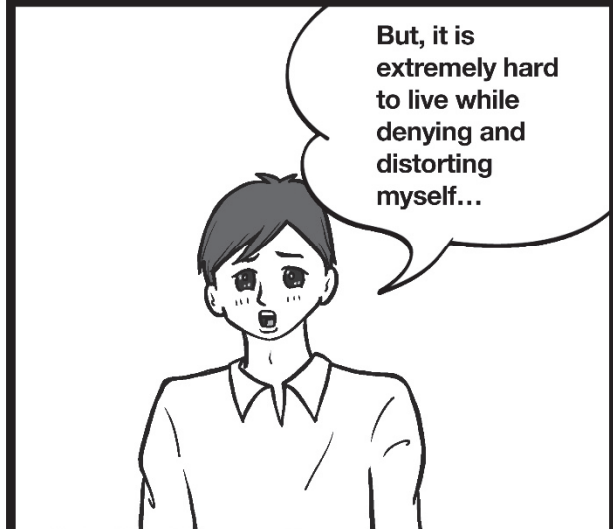


I had been subjected to serious physical violence since I was little, because the way I talked and acted was different from other boys



So that is why you came out as gay

Yes



But, it is extremely hard to live while denying and distorting myself...

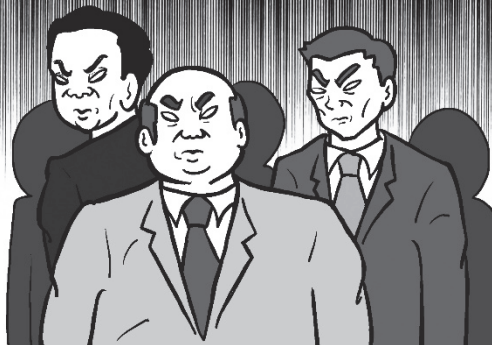
There were scribbles on notebooks I had to turn in... Things I needed to turn in were stolen and trashed... It continued in a way so that there is no place for me in the classroom



I was attacked even more seriously after I came out.



There are also teachers who explicitly show their homophobia

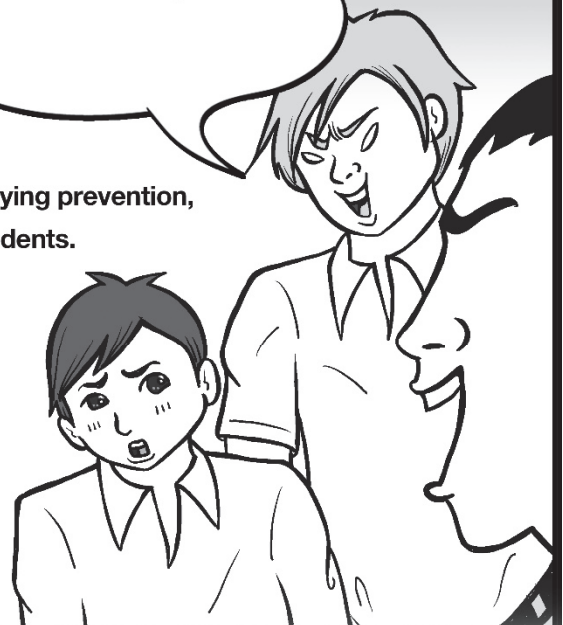


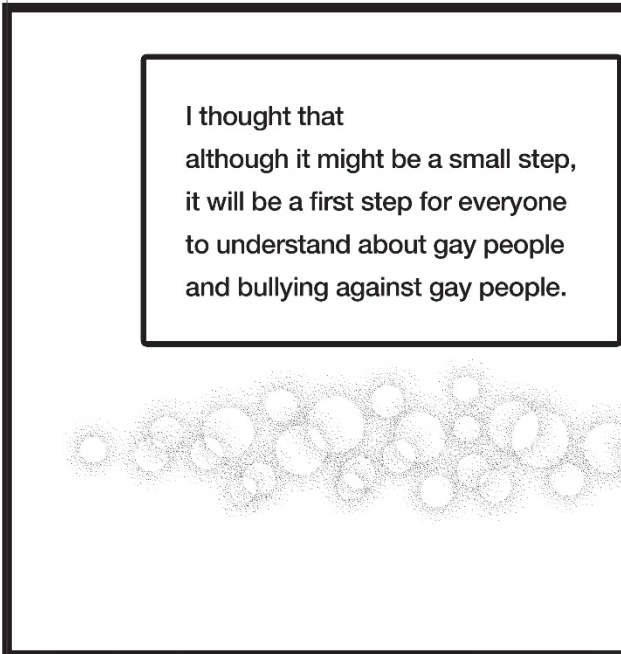
Then I realized something



**Homos, die**

My school puts efforts into bullying prevention, and teachers always watch students. But they pretend not to see, when bullying takes place because of being gay







No...

The article with my interview is nowhere to be seen...

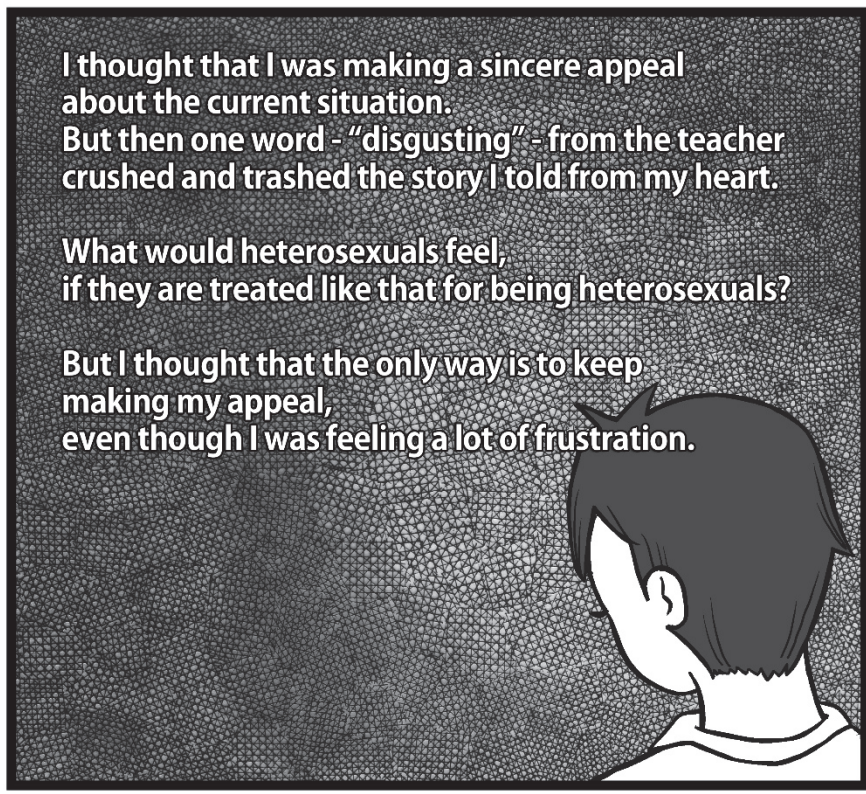
But...  
I could not hide my shock when I read the school newspaper.



Don't publish such a disgusting article !



A teacher... requested to take away the article right before the publication...



I thought that I was making a sincere appeal about the current situation. But then one word - "disgusting" - from the teacher crushed and trashed the story I told from my heart.

What would heterosexuals feel, if they are treated like that for being heterosexuals?

But I thought that the only way is to keep making my appeal, even though I was feeling a lot of frustration.



I am sorry that it ended up like this when you took the courage to speak out...

# “The Nail That Sticks Out Gets Hammered Down”

## LGBT Bullying and Exclusion in Japanese Schools

School bullying is a notorious problem in Japan. Students target peers they perceive to be different with harassment, threats, and sometimes violence—including by singling them out based on their real or perceived sexual orientation or gender identity. The Japanese government compounds and even fuels this problem by promoting social conformity and a climate of “harmony” in schools, and by insisting that no student is more vulnerable to bullying than any other. In doing so, it fails to address the vulnerabilities of lesbian, gay, bisexual, and transgender (LGBT) students.

Based on more than 100 in-depth interviews with sexual and gender minority youth and Japanese education experts, *“The Nail That Sticks Out Gets Hammered Down”* examines the shortcomings in Japanese policies that expose LGBT students to bullying and inhibit their access to information and self-expression. Lack of comprehensive sex education, silence on LGBT topics in the national curriculum, and inadequate teacher training on sexual orientation and gender identity all contribute to LGBT students’ vulnerabilities. Policies that require transgender people to obtain a diagnosis of gender identity disorder as a first step toward gaining legal recognition are harmfully rigid and discriminatory, and can have a particularly harsh impact on youth.

While Japan’s education ministry has taken positive steps in recent years to recognize, understand, and protect LGBT students, further action is needed to develop specific policies to address bullying. As the public debate on LGBT rights in Japan gains momentum around same-sex marriage and employment non-discrimination, the government has an opportunity to bring its policies in line with its international human rights commitments, including the right to education free from discrimination for all children.



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