

***INCLUSIVE SOCIAL POLICIES IN JAPAN:
ECONOMIC BENEFITS OF LGBTQ+***

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Abstract

Since the 1990s, Japan has faced economic decline and demographic challenges. In response, the government has implemented pro-natalist and pro-family policies to solve the issue. A prominent discourse surrounding these policies, however, attributes demographic changes to the LGBTQ+ community. Contrary to this belief, the following article explores the economic benefits of LGBTQ+ inclusive social policies in Japan, emphasizing that such measures are not only a humanitarian necessity but also align with the country's economic self-interest. This article argues that strengthening LGBTQ+ rights and creating an inclusive society can contribute to economic growth, higher work performance, and improved foreign direct investment (FDI). Highlighting areas such as anti-discrimination laws, same-sex marriage, assisted reproductive treatment, and Comprehensive Sexuality Education (CSE), the article advocates for legal reforms and policy measures to promote LGBTQ+ rights and, in turn, positively influence Japan's economic landscape and societal well-being.

JEL classification: J13; J16; J24; J71; J78; F21

Keywords: LGBTQ+ right; social policy; economic development; economic policy; creative class; demographic challenges; human rights; FDI; Japan

Introduction and background

During the period known as the 'lost decade' in the 1990s, Japan transformed into "a demographically stagnating and hyper-ageing society" resulting in economic decline and demographic challenges.¹ This year marks 50 years of births below the replacement fertility rate of 2.1. In 1973 the birth rate reached the threshold of 2.1 and in 2022 it stood at the alarmingly low 1.2.² The Japanese government has responded with pro-natalist and pro-family policies to combat the issue.³

¹ Chiavacci & Hommerich, 2016:6; McCurry, 2023; JOICFP et al., 2023:3

² Yeung & Maruyama, 2023; Ministry of Health, Labour, and Welfare, 2021; Japan Fertility rate, 2022; Nakamura, 2023

³ Fu, 2011:907

A prevalent thought within some Japanese government circles is that one of the factors contributing to the demographic changes is LGBTQ+ people. For instance, according to multiple attendees at a closed meeting of the Japanese ruling party, LDP, in 2021, the State Minister of Education, Culture, Sports, Science and Technology, Kazuo Yana, asserted that LGBTQ+ people are “resisting the preservation of the species that occurs naturally in biological terms.”⁴ When questioned by the Asahi newspaper about the comment, Yana declined to respond, citing the closed-door nature of the meeting. In 2020, the assemblyman Masateru Shiraishi claimed during an assembly session of Tokyo’s Adachi Ward that his ward would “cease to exist” if LGBTQ+ people were protected by law.⁵ This statement was made in the context of the declining birth rate, but following a public outcry, Masateru officially apologized.⁶ In 2018, former parliamentary vice minister for internal affairs and communications, Mio Sugita, argued that taxpayer money used to support same-sex couples was misdirected, as she deemed them not to be “productive.”⁷ This statement, made as a contribution to the conservative magazine *Shincho 45*, faced heavy public criticism. Sugita only apologized and resigned from her post four years later in 2022.

The scrutiny faced by these politicians from the public underscores widespread support for LGBTQ+ rights, as further evidenced by a nationwide public opinion poll from November 2020, which revealed that 88% of respondents supported the implementation of laws and ordinances prohibiting bullying and discrimination against LGBTQ+ people.⁸

In objection to statements attributing demographic changes to the LGBTQ+ community, human rights activist Takeru Shimodaira of the Japan Alliance for LGBT Legislation argued that these statements are “based on discrimination and prejudice, as LGBT people are not responsible for Japan’s decreasing birthrate.”⁹ Indeed, research does not mention the LGBTQ+ community as a significant factor contributing to the declining birth rate in a country. The LGBTQ+ community in Japan faces significant challenges, including discrimination, stigmatization, a lack of legal protection, and a heightened risk of mental health issues not rarely resulting in suicide.¹⁰ Strengthening LGBTQ+ rights and promoting an inclusive society could begin to address some of these issues and enhance the well-being of LGBTQ+ people. This is not only beneficial from a humanitarian standpoint but also carries clear economic advantages for society, as demonstrated by several researchers, such as Richard Florida and M. V. Lee Badgett.¹¹ These economic advantages include higher levels of work performance and an improved FDI. This discourse was adopted in Japan to overcome the challenges of the ‘lost decade,’ although with a focus on “the knowledge economy and the rise of the creative class as an engine of economic growth” rather than

⁴ 生物学上、種の保存に背く。生物学の根幹にあらがう) [Seibutsugakujou, Tane no Hozon ni Somuku. Seibutsugaku no Konkan ni Aragau.] Asahi Shimbun, 2021; Tokyo Shimbun, 2021

⁵ The Japan Times, 2020

⁶ Shioiria, 2020; Nammo, 2020a, Nammo, 2020b

⁷ McCurry, 2018

⁸ Human Rights Watch, 2021; Kunizaki & Tsuboike, 2020

⁹ Aggarwal, 2020; Reuters, 2013

¹⁰ Yamashita, A., Gomez, C., & Dombroski, K, 2017:65, 67; Sasayama et al., 2022:132; Zhang, 2021:355; Amnesty International, 2017:14

¹¹ Badgett, M. L., Waaldijk, K., & Van Der Meulen Rodgers, Y, 2019; Badgett, M. L., Park, A., & Flores, A., 2018

diversity inclusion.¹² It would, however, be in the economic self-interest of the Japanese government to improve the rights and conditions of LGBTQ+ individuals. Building an open and inclusive society that accommodates everyone would be an advantageous course of action for Japan as a whole.

Theories on inclusive policies

Creative people drive economic growth

The concept of the creative class and its role in driving economic development has been explored for the past two decades. The creative class encompasses individuals engaged in knowledge-based professions, such as engineers, artists, and academics, who actively contribute to innovation and economic growth.¹³ Several researchers, including Florida, have posited that attracting and retaining members of the creative class is pivotal in nurturing vibrant and economically thriving cities. Consequently, cities should prioritize the creation of a conducive and inclusive environment for creative professionals, providing amenities, and cultural opportunities, and fostering a diverse, inclusive community. This strategic approach is believed to yield heightened economic prosperity and enhance the city's competitiveness. In this context, policymakers and influential people should adhere to the three core principles referred to as the "three T's": Technology, Talent, and Tolerance.¹⁴ These principles guide the cultivation of an environment that welcomes and empowers creative professionals. Drawing from this body of research, it has also been demonstrated that policies and societal acceptance of LGBTQ+ individuals can positively impact a country's economic growth and development. Studies indicate that economies characterized by openness, inclusivity, and tolerance are better positioned to seize opportunities and foster innovation within the knowledge-driven economy (e.g. Sweden).¹⁵

Empirical evidence supports the notion that individuals who experience happiness and maintain good health tend to exhibit higher levels of work performance and efficiency.¹⁶ When individuals are in good physical and mental health, they often exhibit higher levels of productivity, creativity, and job satisfaction.¹⁷ They are also more likely to have better work-related outcomes and contribute positively to their workplaces.¹⁸ Overall, this will increase efficiency, productivity, and output, which is vital in a situation where the labour force is decreasing. This is why organizations should prioritize employee well-being and offer wellness programs to enhance both physical and mental health among their employees.¹⁹

¹² Ström, 2013

¹³ Florida, 2002: 197; Florida, 2014: xiii

¹⁴ Florida, 2002: 198; Florida, 2014: xix

¹⁵ Tinagli et al, 2007

¹⁶ Seppälä, 2017; University of Oxford, 2019; Warwick, n.d.; Preston, 2017; Salas-Vallina, A., Pozo-Hidalgo, M., & Gil-Monte, P. R., 2020:2

¹⁷ Aldana, 2023; Seppälä, 2017; Salas-Vallina, A., Pozo-Hidalgo, M., & Gil-Monte, P. R., 2020:2

¹⁸ Salas-Vallina, A., Pozo-Hidalgo, M., & Gil-Monte, P. R., 2020:1–2; Aldana, 2023; Seppälä, 2017

¹⁹ Meister, 2021; Aldana, 2023

Declining birth rate and the LGBTQ+ community

The low birth rate in Japan is influenced by various factors, including but not limited to financial challenges (e.g., high cost of childcare), lack of access to parental leave, lack of sufficient availability of childcare subsidies, changing gender roles, policies favoring older people, and lack of family-friendly workplace policies.²⁰ Research does, however, not highlight the LGBTQ+ community as a significant factor contributing to the declining birth rate in a country. The focus should be to create an environment conducive to family planning and raising children, irrespective of the characteristics of the families involved. The birth rate could even potentially increase if additional rights were extended to same-sex couples, such as the right to adopt or utilize Assisted Reproductive Technology (ART).

International Standing

An improved situation for LGBTQ+ people and a strong commitment towards social inclusion will not only have positive effects domestically, but it is also important for the reputation and international image of Japan and Japanese businesses.²¹ To attract investment today it becomes increasingly important to manage companies based on gender equality and inclusiveness as large investment funds actively work to match demands of ethically driven customers. For instance, Norges Bank Investment Management, which manages the Norwegian government pension fund (the world's largest sovereign wealth fund), will vote against the appointment of board chairs from Japanese companies lacking female board members.²² Companies, and by extension, nations, that excel in gender equality tend to rank favorably in terms of business friendliness and competitiveness. This, in turn, can exert a positive influence on foreign direct investment (FDI). International organizations, including the United Nations' Sustainable Development Goals (SDGs), underscore the importance of gender equality, rendering nations adhering to these standards more appealing to nations and companies that are committed to these goals. Although the Ministry of Foreign Affairs in Japan and corporations emphasize its commitment to SDGs, major challenges remain, particularly in achieving Goal 5 (Gender equality), Goal 10 (Reduced inequalities), and Goal 16 (Peace, Justice, and Strong Institutions).²³ To ensure successful globalization, it becomes imperative for Japan and Japanese companies to enact laws and regulations specifically geared toward diversity and equality. This action is essential to keep pace with more progressive nations and companies on the global stage.²⁴

²⁰ The Economist Intelligence Unit, 2018:5, 8, 20-21

²¹ Janssens & Miller, 2023; King & Tomei, 2022

²² Reuters, 2023a

²³ OECD, n.d., Ministry of Foreign Affairs, n.d.

²⁴ Tinagli et al., 2007

Regulatory context

Anti-discrimination law

Japan stands out as the sole G7 country lacking comprehensive anti-discrimination legislation with explicit recognition of SOGIE (Sexual Orientation and Gender Identity/Expression).²⁵ Despite certain efforts to interpret existing constitutional provisions in an inclusive manner, the country has made limited progress in the context of global commitments to gender equality and LGBTQ+ rights. In comparison to other OECD nations, Japan ranks poorly in terms of LGBTQ+ inclusive legislation.²⁶ The enactment of comprehensive anti-discrimination legislation by the Japanese government would yield significant benefits. Not only would it strengthen LGBTQ+ rights and enhance the well-being of LGBTQ+ individuals, but it could also potentially yield economic benefits and demographic improvements for Japanese society. It is worth noting that Japan recently adopted a “promotion of understanding” law, though it falls short of the comprehensive legislation required to address the broader issues at hand. In an earlier version of the bill, the strong stance against discrimination based on sexual orientation and gender identity was softened. The revised wording states that “there should be no unfair discrimination,” a change criticized for potentially tolerating bigotry.²⁷ Akira Nishiyama from the Japan Alliance for LGBT Legislation is concerned that the Law will rather be used “as a deterrent to restrict education and activities at schools and companies” since this is the intention of many politicians.²⁸ Takeharu Katō, from the activist group Marriage for All Japan, initially found merit in the bill but changed his mind after revisions were made.²⁹

Legislation on same-sex marriage

Japan stands alone among the G7 nations in not nationally recognizing same-sex marriage and civil unions.³⁰ Consequently, same-sex couples face numerous challenges, such as difficulties related to hospital visits and living together.³¹ While 65.2% of municipalities recognized same-sex partnerships by January 10th, 2023, many couples are not able to receive certificates and they lack the same legal weight as formal marriage or civil unions.³² Several pioneering lawsuits have challenged this status quo, with the Sapporo district court, for instance, ruling it unconstitutional to ban same-sex marriage in March 2021.³³ Legal experts and courts have also argued that current laws do not inherently mandate marriage to be exclusively between one man and one woman, suggesting that legal recognition of same-sex marriage is indeed feasible. Despite growing public support for same-sex marriage,

²⁵ “Comprehensive anti-discrimination legislation and explicit recognition of SOGIE” Sasayama et al., 2022:132

²⁶ The White House, 2021; Iizuka, 2023; KYODO NEWS, 2023; OECD, 2020

²⁷ Reuters, 2023b; Fogelberg, 2023

²⁸ Khalil, 2023

²⁹ The Japan Times, 2023

³⁰ JOICFP et al., 2023:9

³¹ Dehars & Iskandar, 2020:3369; Yamashita, A., Gomez, C., & Dombroski, K., 2017:69; Marriage for All Japan, 2024; Komeito, 2023

³² Marriage for All Japan, 2024; Komeito, 2023

³³ JOICFP et al., 2023:10; Dooley & Ueno, 2021

particularly among younger generations, there remains resistance from the government citing ‘inflexible culture’ and arguing that it would require a change in the Constitution. A claim which has been renounced both by “the Japan Federation of Bar Associations and the courts”.³⁴ The Japanese government has also emphasized biological reproduction as a crucial requirement for marriage.³⁵ Japan’s Prime Minister Fumio Kishida is facing criticism for claiming that Japan’s ban on same-sex marriage is not unjust discrimination by the state since “constitutional freedom of marriage only envisions heterosexual unions”, a view challenged by LGBTQ+ activists who point to court rulings that suggest otherwise.³⁶

Finally, as reported by Reuters in 2013, research demonstrates that the notion that recognizing same-sex marriage would have a negative impact on the birth rate lacks empirical support.³⁷

Enacting legislation to legalize same-sex marriage in Japan would not only serve to strengthen LGBTQ+ rights and improve the well-being of LGBTQ+ individuals but could also yield economic benefits for society and enhance the quality of life for all citizens, thus potentially contributing positively to the declining birth rate.

ART and Same-sex adoption

Japan lacks statutory regulation for assisted reproductive treatment (ART) and so far, efforts to pass legislation have failed, leading to reliance on informal guidelines by the Japan Society of Obstetrics and Gynecology (JSOG).³⁸ These guidelines, however, effectively exclude single women, unmarried heterosexual couples, and lesbians.³⁹ There are some exceptions according to the Japan Times, as a survey conducted in December 2018 found that four medical facilities in Japan had offered assisted reproductive treatment to lesbian and transgender couples.⁴⁰ These guidelines are, however, strictly adhered to by most doctors, as non-compliance could result in expulsion from the Society and a loss of their license.⁴¹

A recent proposal, the Bill on Specified Assisted Reproductive Technology, aims to establish secure parent-child relationships and principles for ART. The bill aligns with Japan’s efforts to encourage childbirth, however, it does not address same-sex couples and single women reportedly because of a lack of consensus on these matters within the Japanese public.⁴² The cost of ART also presents a barrier, with the average IVF attempt costing ¥350,000 and subsidies limited to married couples.⁴³

Furthermore, while the Civil Code does not explicitly prohibit the adoption of minors by unmarried individuals or couples, court processing of adoption applications is rare in

³⁴ Croydon, 2021:1696

³⁵ JOICFP et al, 2023:10

³⁶ Shiraishi & Guinto, 2023; Yamaguchi, 2023

³⁷ Reuters, 2013

³⁸ Hibino & Allan, 2020:295

³⁹ Croydon, 2021:1693-1694; Ringler, 2016; The Japan Times, 2019; Japan Healthcare Info, 2017; Kaleidoscope Australia Human Rights Foundation, 2017; Kaleidoscope Australia Human Rights Foundation, 2015:8; Kilbride, 2022

⁴⁰ Croydon, 2021:1696; The Japan Times, 2019

⁴¹ Croydon, 2021:1694, 1697

⁴² Wernick, 2020

⁴³ Croydon, 2021:1696; The Economist Intelligence Unit, 2018:9

practice.⁴⁴ Fostering is possible but challenging, given that only a few couples are deemed capable because of existing prejudices.⁴⁵

To address these issues, the Japanese government would include same-sex couples, unmarried heterosexual couples, and single mothers in the Bill on Specified Assisted Reproductive Technology and in subsidies.

Comprehensive Sexuality Education

Being able to make informed decisions about starting families and developing respectful and social relationships might yield long-term benefits like positively influencing family planning decisions, and thus potentially contributing to an increase in the birth rate. For this, sexuality education is imperative. Sexuality education is largely absent in many schools in Japan, and when present, it often falls short of meeting the standards of Comprehensive Sexuality Education (CSE).⁴⁶ This is a significant concern, considering the many benefits of CSE,⁴⁷ for instance, lower rates of sexually transmitted infections, reduced teen pregnancy and sexual abuse, decreased social stigma, enhanced social well-being, and a safer and more informed society.⁴⁸ Furthermore, the benefits of CSE extend to educational outcomes, contributing to young people's academic success and future career achievements, particularly for marginalized students including sexual minorities.⁴⁹ The Ministry of Education, Culture, Sports, Science and Technology (MEXT) should take proactive steps toward the implementation of CSE. Such implementation would not only yield immediate benefits for public health and well-being but also contribute to economic and innovative growth since a healthier and more informed workforce is likely to incur lower healthcare costs. Moreover, a society that promotes CSE tends to be more open and accepting of diverse perspectives and experiences, fostering an environment favorable to creativity and innovation.

Limitations

This paper has provided an overview of the economic benefits of LGBTQ+ inclusive social policies in Japan. However, several limitations must be addressed. First, the text could benefit from more statistical data from Japan that would strengthen the argument regarding the positive impact on the economy. While it is very probable that conclusions from the non-Japanese data used can be applied to Japan as well, Japanese data would provide an even stronger case. However, an international comparative perspective is important. Second, while there is clear evidence that inclusive policies can improve economic growth, the efficiency of certain policies is difficult to quantify for a specific country. Again, more data is needed to provide such an in-depth analysis. Third, a few examples, such as same-sex marriage, have been raised highlighting the problems and potential for improvement of LGBTQ+ rights in

⁴⁴ Kaleidoscope Australia Human Rights Foundation, 2017:8

⁴⁵ Ryall, 2022

⁴⁶ Hashimoto et al., 2012; Ishiwata, 2011; Sato, T. et al., 2021; Fu, 2011

For more information on CSE, refer to the introduction provided by the World Health Organization (WHO) at the following link: <https://www.who.int/news-room/questions-and-answers/item/comprehensive-sexuality-education>

⁴⁷ Sato, T. et al., 2021:2; Goldfarb & Lieberman, 2021:13

⁴⁸ Goldfarb & Lieberman, 2021:14, 16, 22–23

⁴⁹ Goldfarb & Lieberman, 2021:22–23

Japan. These issues are, however, only a fraction of all the complications to be addressed, and a more detailed picture, including, for instance, transgender matters, would be more comprehensive.

Conclusion and further research

This article argues that promoting LGBTQ+ rights and adopting inclusive policies in Japan is not only a humanitarian necessity but also aligns with the country's economic self-interest. Creating an inclusive society will not only benefit the well-being of LGBTQ+ individuals but all people in addition to driving economic growth and strengthening the international standing of Japan.

To further explore this topic, several pathways can be envisioned. To begin with, more Japanese-specific statistical data is needed to strengthen the empirical basis regarding the positive impact of specific LGBTQ+ inclusive policies on the economy in Japan. Moreover, one could conduct comparative studies focusing on countries such as Taiwan (or countries in Europe) that have successfully implemented LGBTQ+ inclusive policies (e.g. comprehensive anti-discrimination laws and same-sex marriage) to explore economic and demographic impacts and draw lessons for Japan. It would also be interesting to look deeper into and compare the diversity inclusion (LGBTQ+ inclusivity) processes within Japanese corporations and foreign (progressive countries) owned corporations. This is to assess the practices' impact on employee satisfaction and corporate performance and identify successful corporate strategies that contribute to both a supportive work environment and economic growth. Finally, one could also explore the potential of the EU-Japan Strategic Partnership Agreement (SPA) which goes beyond traditional trade and economic relations, to address matters such as human rights.⁵⁰ The SPA could serve as a model for addressing LGBTQ+ inclusivity and diversity contributing to building stronger diplomatic ties and partnerships.

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⁵⁰ Ström, P., Söderberg, M., & Malmström-Rognes, Å., 2021

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