



## Japanese court upholds same-sex marriage ban

### Description

#### **JAPAN: A collective lawsuit by several same-sex couples has been dismissed, thus upholding the gay marriage ban**

A district court in the city of Osaka ruled on Monday that Japan's ban on same-sex marriage was not unconstitutional, rejecting arguments made by three same-sex couples who filed the suit. The court also dismissed the plaintiffs' demand for 1 million yen (\$7,400) in damages for each pair.

*"From the perspective of individual dignity, it can be said that it is necessary to realize the benefits of same-sex couples being publicly recognized through official recognition," the court ruling said.*

Still, the present legislation recognizing unions only between a man and a woman is *"not considered to violate... the constitution,"* the court added, noting that *"public debate on what kind of system is appropriate for this has not been thoroughly carried out."* Japan's constitution establishes that *"marriage shall be only with the mutual consent of both sexes."*

The plaintiffs blasted the court's ruling, expressing fears that the decision would further complicate the lives of same-sex couples.

*"I actually wonder if the legal system in this country is really working,"* said plaintiff Machi Sakata, who married her US-citizen partner overseas. *"I think there's the possibility this ruling may really corner us,"* she added.

The rejected lawsuit was part of a coordinated action of filings by multiple same-sex couples in district courts across Japan back in 2020. The Osaka case is the second one to make it to a hearing. The first suit, heard by a Sapporo district court last March, yielded the opposite outcome.

Back then, the court ruled the same-sex marriage ban to be discriminatory and that the rights and

privileges granted under marriage should “*equally benefit both homosexuals and heterosexuals.*” The Sapporo court, however, did reject the plaintiffs’ demand for 1 million yen in compensation from the government.

While Japan has a far more liberal stance on homosexuality than most of its Asian neighbors, it still lags far behind the West in this respect. Same-sex couples cannot get married legally, although several municipalities and prefectures issue rather symbolic same-sex partnership certificates. The certificates do not offer any legal recognition but provide some benefits, such as ensuring hospital visitation rights and helping with renting property.

### **Category**

1. Main
2. Racism-Trans/Gender-LGBTQ+-Sex. crimes
3. Society-Family-Education

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