



# “Marriage for All” Lawsuits & Our Campaign for Marriage Equality in Japan



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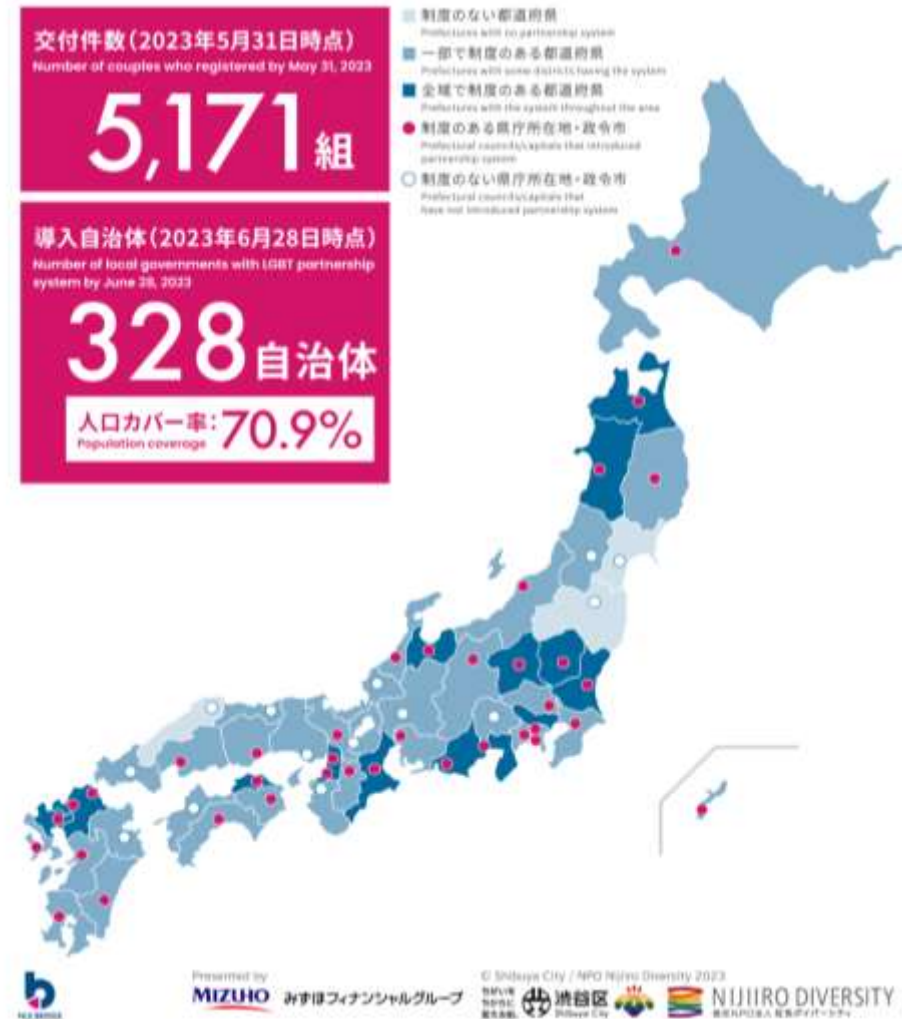
# Background

- In March 2015, Tokyo's Shibuya Ward passed Japan's first ordinance recognizing same-sex partnerships.



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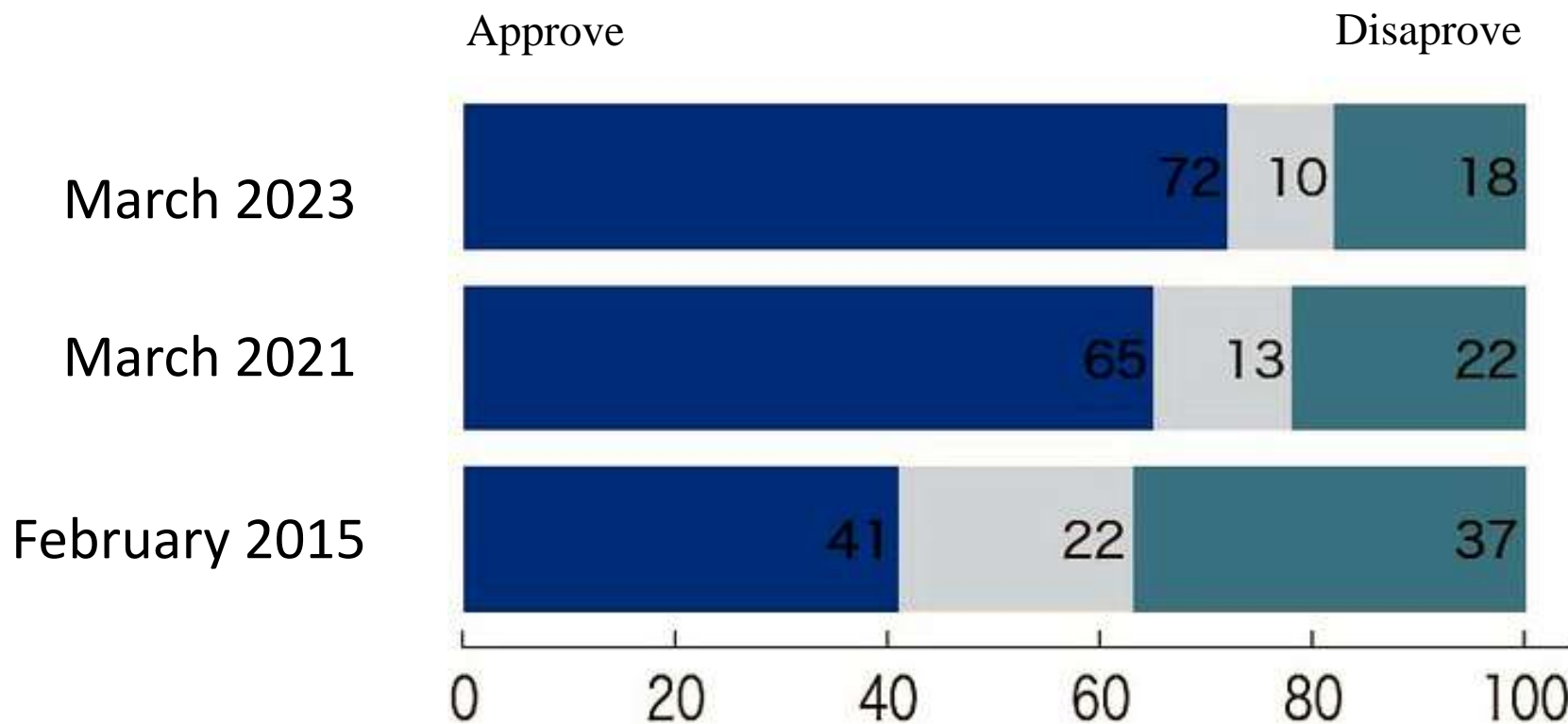
As of June 2023,  
**328** local governments have introduced ordinance or guideline for same-sex partnership recognition and **5,171** couples have registered their relationships





# Background

According to the poll in 2023, more than 70% of people in Japan are in favor of same-sex marriage



# Background

- Negative Attitude of the government

Same-sex marriage “is an issue that will alter the way we think about family, values, and society.” (PM Kishida)

“I hate even to see them (same-sex couples) and do not want to live next door to them.”

“Allowing same-sex marriage would cause quite a few people to abandon this country.” (Then-Executive Secretary to PM Masayoshi Arai)



# “Marriage for All” Lawsuits

February 14, 2019:

Lawsuits filed in four district courts: Tokyo, Osaka, Nagoya and Sapporo.

September 5, 2019:

Lawsuit filed in Fukuoka District Court

March 21, 2021:

Additional lawsuit filed in Tokyo District Court

In the lawsuits, the plaintiffs claim

**① The law that does not recognize same-sex marriage between persons of the same sex violates the Constitution.**

**② It is illegal for the Diet to neglect a law that violates the Constitution.**



# Article 24 of the Constitution

- Paragraph 1

Marriage shall be based only on the mutual consent of **both sexes** and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis.

- Paragraph 2

With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.



# Article 14 (1) of the Constitution

All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.



# Mar. 17, 2021 Sapporo District Court: Landmark “Unconstitutional” Ruling!!





# Mar. 17, 2021 Sapporo District Court: Landmark “Unconstitutional” Ruling!!

## Landmark Ruling Cracks Door Open for Same-Sex Marriage in Japan

A court found that it was unconstitutional for the country not to recognize the unions. But change would come only if Parliament passes legislation.



## NEWS

Asia China India

## Japan court finds same-sex marriage ban unconstitutional

17 March



INTERNATIONAL · JAPON

## Japon : un tribunal juge anticonstitutionnelle la non-reconnaissance du mariage homosexuel

L'archipel est le dernier pays du G7 à ne pas reconnaître l'union entre personnes du même sexe.

Le Monde avec AFP

Publié le 17 mars 2021 à 05h58 · Mis à jour le 17 mars 2021 à 12h10 · Lecture 2 min.







# Mar. 17, 2021 Sapporo: Landmark “Unconstitutional” Ruling!!

“The fact that the Constitution provides heterosexuals with the opportunity to use the institution of marriage, but does not provide homosexuals with the legal means to enjoy even some of the legal effects of marriage, violates **Article 14(1)** of the Constitution to the extent described above.”

# A Series of “Unconstitutional” Rulings



Osaka : Constitutional



Tokyo 1<sup>st</sup> and 2<sup>nd</sup> : State of Unconstitutionality



Nagoya : Unconstitutional



Fukuoka : State of Unconstitutionality



# Mar. 14, 2024 Sapporo High Court: The Court Finds Violations of Articles 24 and 14 (1)!!



# Mar. 14, 2024 Sapporo High Court: The Court Finds Violations of Articles 24 and 14 (1)!!

Article 24 of the Constitution need not be interpreted solely in terms of its wording; it is appropriate to interpret it in the context of a clearer recognition of respect for the individual.

It is reasonable to assume that **Article 24(1)** of the Constitution includes the intention to provide for marriage as a free association between persons, and **guarantees not only marriages between “both sexes”, that is, opposite -sex couples, but also same-sex couples to the same extent.**

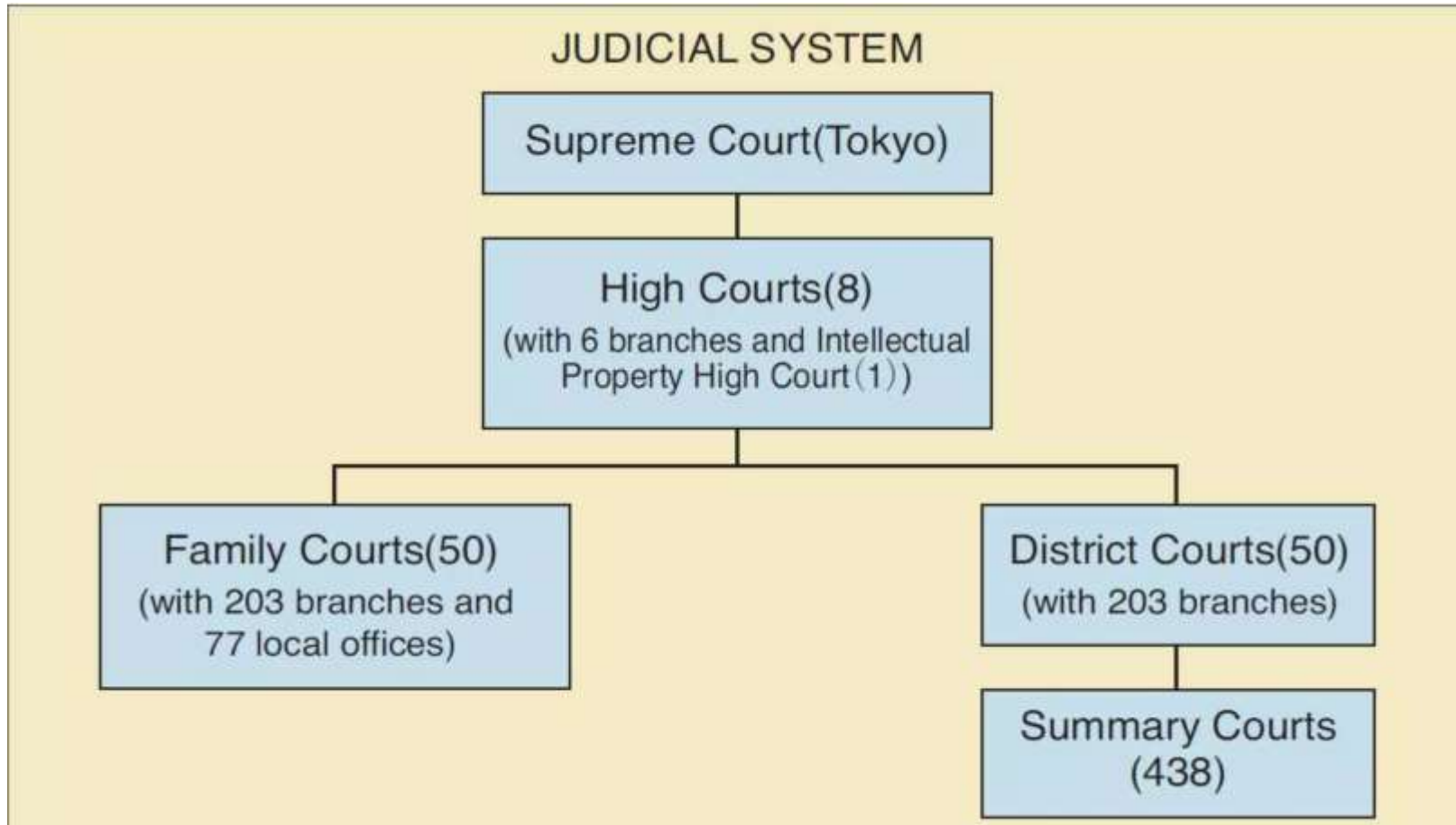


# Comparison of Seven Rulings

	Article 13	Article 24 (1)	Article 24 (2)	Article 14 (1)
Sapporo D.	○	○	○	×
Osaka D.	○	○	○	○
Tokyo D. 1 <sup>st</sup>	—	○	×	○
Nagoya D.	—	○	×	×
Fukuoka D.	○	○	×	○
Tokyo D. 2 <sup>nd</sup>	—	○	×	○
Sapporo H.	○	×		×

○ : Constitutional    × : State of Unconstitutionality    × : Unconstitutional    — : No Mention

# We Appealed to the Supreme Court!!





# What is MFAJ?

Our Mission:

To realize a society where all people regardless of sexuality have a **choice** to marry



1. Fully support the “Marriage for All” lawsuits ( judicial route )
2. Lobby lawmakers ( legislative route )
3. Raise public awareness

# Lobbying



LDP

Komeito



CDP

DPFP

JCP



# Lobbying



**Diet Caucus for Marriage Equality**



# Public Education



Panel session feat.  
Evan Wolfson  
with LLAN (Sapporo)

Good Spouses Day  
(November 22)



Tokyo Rainbow Pride



# Business Collaboration

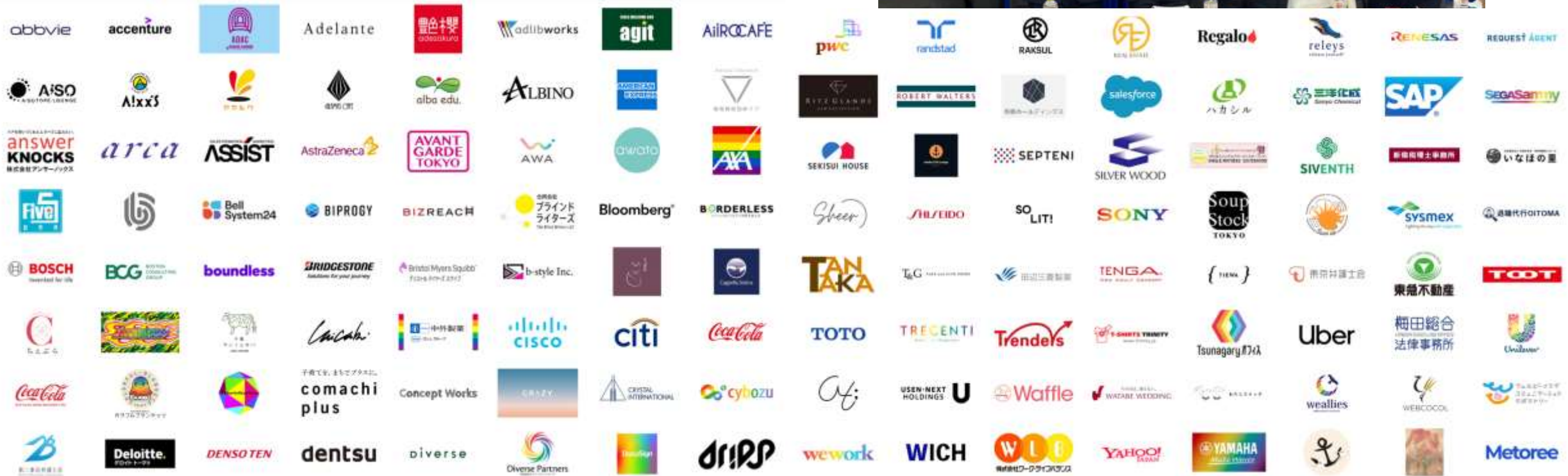


Collaboration  
with LUSH



# Business Collaboration

## Business for Marriage Equality





# International Collaboration



Pride 7 Summit



ILGA Asia Conference



NYC Visit





Thank you!!