

# Japan same-sex marriage ban ruled unconstitutional again by courts

Saturday 6 April 2024, by [MAO Frances](#), [SHIRAIISHI Sakiko](#) (Date first published: 14 March 2024).

**Two more rulings in Japanese district courts have added weight to the push for same-sex marriage to be legalised.**

This week, courts in Tokyo and Sapporo ruled the nation's current ban was "unconstitutional", in line with previous landmark verdicts.

The rulings in separate cases found that the ban breached citizens' rights.

Even as they welcomed the verdicts, activists warned that the historic step of legalising same-sex unions would still need to come from lawmakers.

Currently, Japan remains the only G7 country not to fully recognise same-sex couples or offer them clear legal protection. But it is not an outlier in Asia, where Taiwan is the only place to allow same-sex unions.

While several municipalities and prefectures in Japan issue same-sex partnership certificates, which provide some benefits, they do not offer equal legal recognition.

Prime Minister Fumio Kishida's government has come under increased pressure on the issue in recent years as public support has grown significantly. Polls show up to 70% of the population supports same-sex unions.

But Mr Kishida has struggled to pass reforms in his own party in the face of fierce opposition from traditional leadership.

His government is yet to disclose any plans to change or review marriage legislation. But it has passed a law criminalising discrimination on the basis of sexuality - but this has been criticised by LGBT+ activists for stopping well short of recognising marriage equality.

On Thursday, a Sapporo court ruling said it was "strongly expected" that parliament would at some point "institutionalise an appropriate same-sex marriage law", noting the broad public support.

The court also found that: "Living in accordance with one's gender identity and sexual orientation is an inalienable right rooted in important person interests."

At least half a dozen legal cases challenging the marriage ban have been waged since since 2019. In 2021, the Sapporo court made a landmark ruling [declaring the ban unconstitutional](#).

The cases have been closely watched in a country still largely bound by traditional gender roles and family values.

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