



Seminar regarding the Current Status of  
LGBTQ Rights in Japan

# Marriage Equality Lawsuits and Campaigns in Japan



Takeharu Kato

# Introductions



# Takeharu Kato



- Born and grew up in Japan and now living in Sapporo, Hokkaido
- Practicing Lawyer (2004-)
- Director of Marriage for All Japan (2019-)
- Member of the legal team of “Freedom of Marriage For All” lawsuit
- L.L.B, March 2000, Kyoto University
- Studied at New York University School of Law as a visiting scholar (2016-2017)

# Domestic Partnership in Sapporo



# Domestic Partnership in Sapporo

japantimes.co.jp



Sapporo, Hokkaido | ISTOCK

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## Sapporo to become first major city to recognize LGBT couples in June

KYODO

META

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MAR 21, 2017

[ARTICLE HISTORY](#)

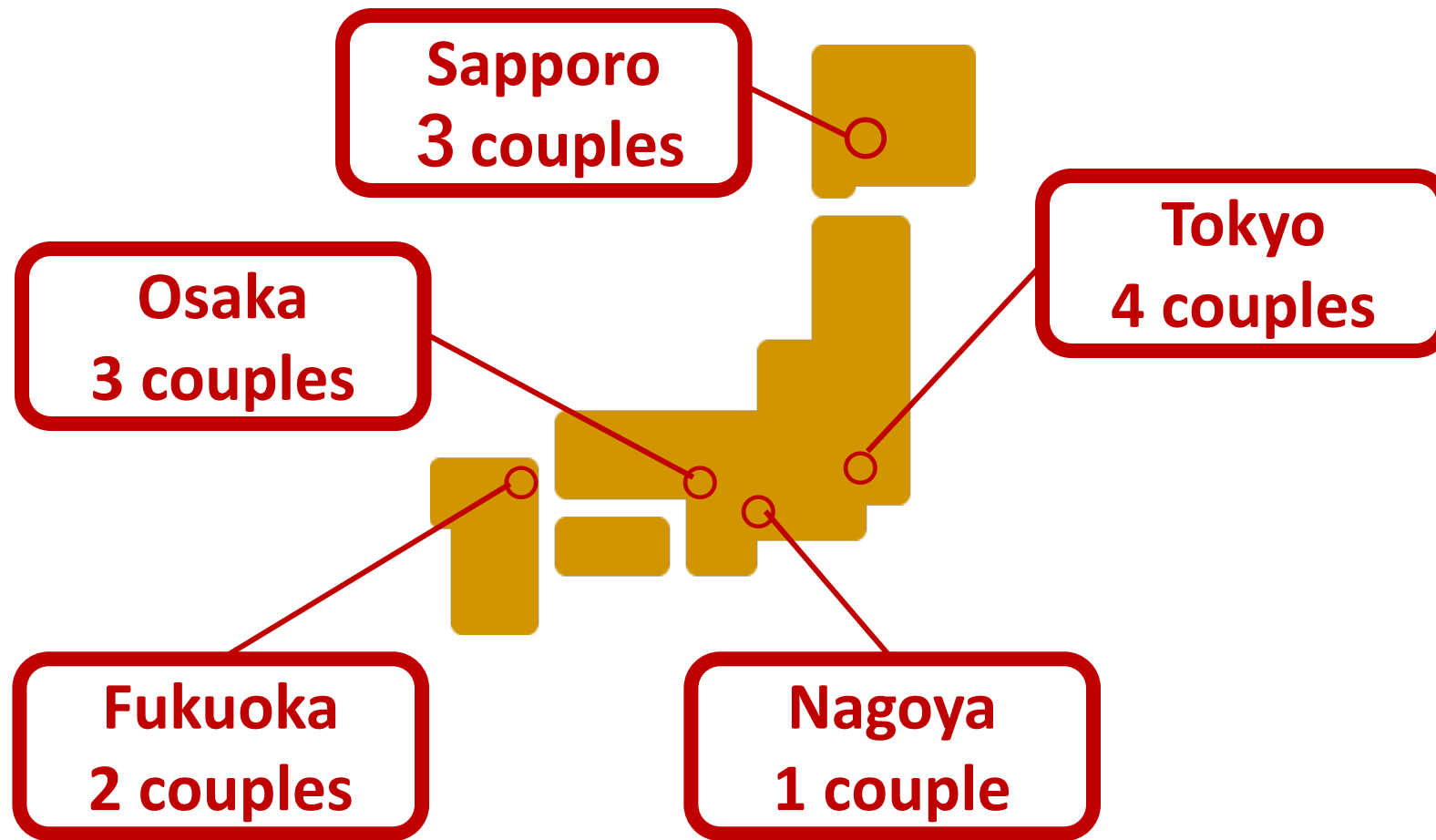
**SAPPORO** – The municipal government of Sapporo has said it plans to officially recognize same-sex partnerships between



# “Freedom of Marriage For All” Lawsuit

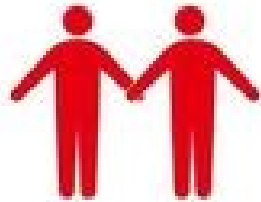


# Overview of the Lawsuit



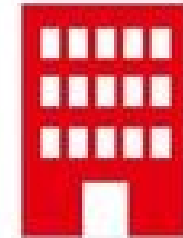
# What These Lawsuits Seek?

Parliament is failing to create legislation allowing for same-sex marriage. (Lack of Legislative Action)



Plaintiffs

Same-sex couples are suffering mental and emotional damages. Parliament must pay up. (Judicial redress demands to the state)



Courts

But what we really want:

**A verdict of recognition that denial of same-sex marriages is unconstitutional.**



# Legal Arguments



- Article 24-1 of the Japanese Constitution

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.

# Legal Arguments

## Article 24 (1) of the Constitution

- Guarantees to all the freedom to get married
- It DOES NOT ban same-sex marriage but instead actually demands it as a right

## Article 14 of the Constitution

- Guarantees equality of all under the law.
- It is thus an unreasonable discrimination that same-sex and different-sex couples are treated differently.

Therefore **It is unconstitutional that same-sex marriages are not allowed.**

# Counterarguments of the Government

- Constitution Article 24(1) “both sexes” = man and woman
  - Same-sex marriage is “not expected” in Constitution.
- Constitution permits differences between heterosexual couples and homosexual couples.
  - The issue of violation of Article 14(1) does not arise.
- The purpose of the civil marriage system is reproduction.
  - It is reasonable for the civil law to allow only heterosexual marriages.

# Updates



- Court proceedings have been generally delayed due to the impact of the COVID-19 pandemic.
- In Sapporo, we had a final court hearing on October 28, 2020.
- The nation's first judgment will be handed down at the Sapporo District Court on **March 17, 2021**.

# “Marriage for All Japan” Campaign



# Background of Establishing MFAJ

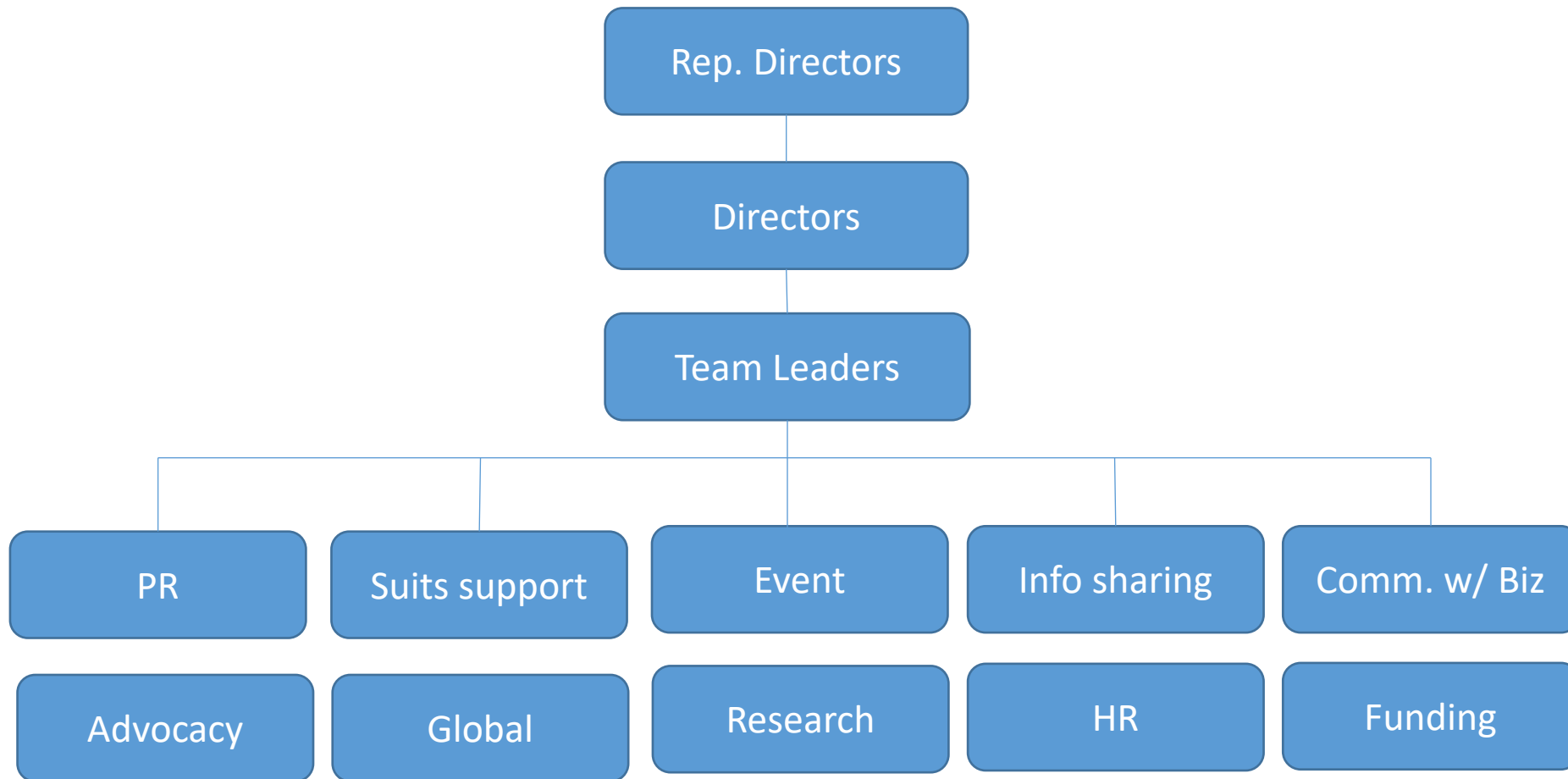
- Realization of marriage equality is difficult only by lawsuit  
→ Ultimate goal is the legislation by the Diet
- Necessity of strategy and concrete actions based on it  
(lawsuit is one of the means)

**MARRIAGE  
FOR  
ALL  
JAPAN**

# Organization of MFAJ



# Organization of MFAJ





# We Need Your Support!



- Donation

- a) Monthly Supporter

- b) One-time-Donation

- <https://www.marriageforall.or.jp/donation-en/>

- Petition to the Courts

- <https://bit.ly/36k1ddz>

- Show your support in SNS

- Twitter: @marriage4all\_    FB: @marriageforalljapan

- IG: @marriageforalljapan

A collection of various high-heeled shoes in different colors and styles arranged in a semi-circle on a teal background. The shoes include red, orange, pink, purple, blue, and green. The text "Thank you!!" is overlaid in the center.

Thank you!!