



LGBTQIA+ HISTORY: Marriage Equality

The Japanese Constitution defines marriage as “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”. Through most interpretations, this definition does not allow for same-sex marriage.

Same Sex Partnership Certificates In Japan

Ever since 2015, more and more cities in Japan have introduced partnership certificates for same-sex couples. To date, there are seven places:

- ★ Shibuya, Tokyo
- ★ Setagaya, Tokyo
- ★ Iga, Mie
- ★ Takarazuka, Hyôgo
- ★ Naha, Okinawa
- ★ Sapporo, Hokkaido
- ★ Fukuoka, Fukuoka

Chiba and Yokohama are currently under consideration, but there is also a push in other areas to introduce such certificates.



Legal Status

Though these same-sex partnership certificates are stated to be equivalent to marriage, they are not legally recognized as marriage certificates. Therefore, they are more of a symbolic gesture than legally binding. Nevertheless, they can be helpful when fighting for civil matters like hospital visitation rights.

<https://savvytokyo.com/behind-japans-sex-partnership-policy/>

Marriage to a non-Japanese abroad

In 2009, the Justice Ministry started providing Japanese nationals a document allowing them to marry a foreign spouse but only in countries where same-sex marriage is recognized. While this has been recognized as a positive move towards marriage equality, lack of concrete laws in Japan can further complicate processes like spousal visas for couples married in this way.



<https://www.japantimes.co.jp/news/2009/03/28/national/ministry-clears-path-to-same-sex-marriage/>

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Marriage as Trans

Trans individuals cannot transition while still married, to either sex, or have children under 20 years old. Thus, a different-sex couple where one partner is trans, and wishes to transition, must divorce and cannot be remarried after the trans partner is legally recognized. Trans individuals must also undergo sterilization before being legally recognized as their gender making a different-sex marriage one where biological children cannot be had.

<https://www.nbcnews.com/feature/nbc-out/forced-surgery-sterilization-japan-s-trans-community-faces-uphill-battle-n870411>



Adult Adoption

Adult adoption has been a solution to same-sex marriage for same-sex partners in Japan. A partner is able to adopt another into their family, affording their partner the same legal rights and protections that a family member has. Complications arise for couples in which one partner is foreign though because spousal visas are not provided in this way.

<http://openprivatelife.blogspot.jp/2013/06/japan-gay-marriage-lgbt-adoption.html>



Domestic Violence Challenges

Same-sex partners are excluded from the Law for the Prevention of Spousal Violence and the Protection of Victims due to not being legally recognized spouses. This poses a challenge to victims of domestic abuse who are in a same-sex relationship seeking help because a legal backbone with which to do so is lacking.

<https://www.japantimes.co.jp/news/2017/06/03/national/social-issues/lgbtq-abuse-victims-suffering-silence/>

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What we can do

The important thing now is to keep fighting and making our community visible.

Go to protests.

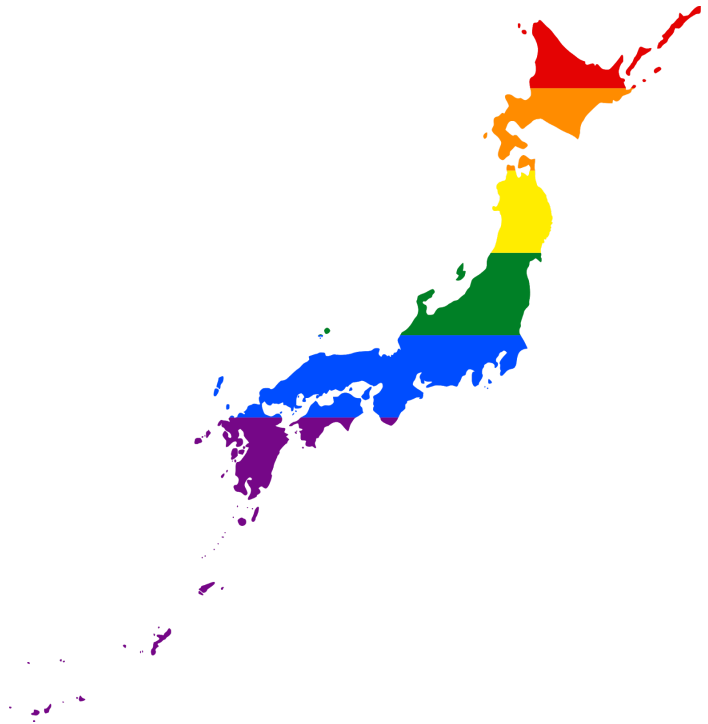
Celebrate pride.

Be open for discussion.

Do the best of what is in your power to support other people in our community to create a brighter future- together.

The Equal Marriage Alliance of Japan has issued a petition for Same-Sex Marriage. We need to spread awareness to politicians in order to be heard and make an impact.

More information and the actual petition can be found at the link below:



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Public Opinion

This survey conducted in 2015 shows that the majority of the Japanese public voted in favor of same-sex marriage.



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State of Marriage Equality around the World

The efforts for marriage equality around the world continue, as of 2017 over 24 countries recognized same-sex marriages and in 2018 the number has grown. The journey is not without challenges, for example Bermuda. In early 2018, Bermuda rolled back same-sex marriage, the first territory to do so after recognizing it last year, and in its place now recognizes same-sex partnerships.

Despite the challenges, victories continue. In late 2017 Australia’s parliament passed legislation legalizing same-sex marriage after a referendum had over 60% of the voters in favor of same-sex marriage. Taiwan is also slated to become the first country in Asia to legalize same-sex marriage after the Council of Grand Justices, the country’s highest court, ruled that denying same-sex couples the right to marry went against “the people’s freedom of marriage” and “the people’s right to equality”.

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