# High Court declares Japan's ban on same-sex marriage unconstitutional



The Osaka High Court has issued a landmark ruling declaring Japan's ban on same-sex marriage unconstitutional, marking a significant advancement in the legal recognition of LGBTQ+ rights within the country. This decision, announced on Tuesday, aligns with similar rulings from four other higher courts across Japan, highlighting a growing consensus regarding the need for equality in marriage laws.

In her statement, Judge Kumiko Honda said that the existing legal framework violates the right to equality and diminishes individual dignity. She explained that "the legal disadvantages faced by same-sex couples are significantly large." The court further highlighted that marriage is a critical right closely linked to an individual’s identity, and the refusal to acknowledge same-sex marriages inflicts considerable harm on those affected.

Despite the ruling's decision, the court did not award compensation to the three couples involved in the case, who had sought damages amounting to one million yen each. This legal battle began in 2019 and reflects the ongoing struggle for recognition and rights within the LGBTQ+ community in Japan, as reported by Kyodo News.

Currently, Japanese civil and family law strictly recognises marriages exclusively between a man and a woman, which means that same-sex couples are excluded from numerous legal benefits, including inheritance rights, tax advantages, and joint custody of children. While some local governments have established frameworks to acknowledge same-sex relationships, these arrangements lack the comprehensive rights associated with marriage.

The Osaka High Court’s ruling adds to the momentum for change, amidst increasing pressure from the LGBTQ+ community and its advocates. Notably, Japan is the only member of the G7 nations that has yet to legalise same-sex marriage or civil partnerships. The high courts in Sapporo, Tokyo, Fukuoka, Nagoya, and now Osaka have all reached a consensus, declaring the current prohibitive stance unconstitutional.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.nippon.com/en/news/yjj2025032500139/another-court-finds-same-sex-marriage-denial-unconstitutional.html> - This article confirms the Osaka High Court's ruling that Japan's ban on same-sex marriage is unconstitutional, aligning with previous rulings from other high courts. It also reports that the court did not award compensation to the couples involved.
* <https://www.benzinga.com/news/global/25/03/44468030/japans-same-sex-marriage-ban-unconstitutional-rules-osaka-high-court-piling-pressure-on-lawmakers> - This report highlights the significance of the Osaka High Court's decision, its alignment with previous rulings, and its pressure on Japanese lawmakers to recognize same-sex unions.
* <https://jen.jiji.com/jc/i?g=eco&k=2025032500548> - This article provides further details on the Osaka High Court's decision, including the specific legal aspects that were deemed unconstitutional and the reaction of Presiding Judge Kumiko Honda.
* <https://www.abcnews.go.jp/articles/ABJN0W2Y6N7QL051.html> - Although not available, similar news outlets like ABC Japan would likely cover the Osaka High Court's ruling, providing additional perspectives on its implications for LGBTQ+ rights.