



Written by [Dave Bohon](#) on October 28, 2011

Brazilian Appeals Court Rules for Homosexual Marriage

A top court in Brazil has weighed in on homosexual marriage, ruling that two women can legally tie the knot. According to the Associated Press, Brazil's Supreme Tribunal of Justice (STJ) is the nation's highest court to side for same-sex marriage. In May Brazil's Supreme Court ruled that homosexual civil unions could be recognized, despite the constitution's restriction that such unions were restricted to a man and a woman. The high court stopped short of ruling in favor of same-sex marriage.



But in June "a state court judge ruled that two men could legally change their civil union into a full marriage," reported the AP, and since then "several couples have petitioned to have their civil unions recognized as full marriages. Some of those have been approved at lower courts, others blocked."

The October 25th ruling by the STJ trumped two lower court verdicts against the lesbian couple, who have been living together for the past five years in the southern state of Rio Grande do Sul. The ruling, based on the Supreme Court's May decision on civil unions, will allow the couple to enter into a civil marriage.

As reported by [LifeSiteNews.com](#), the STJ "ruled that ... given that the Constitution 'facilitates the conversion of a stable union into marriage,' it must conclude that 'sexual orientation cannot serve as a pretext to exclude families from the juridical protection represented by marriage.'"

LifeSite quoted Luiz Mello, coordinator of the Study and Research Group on Gender and Sexuality at the Federal University of Goiás, as saying that while the court's ruling is not binding, it could have significant legal repercussions in the nation. "It isn't a decision with binding effect, but it creates an important precedent," said Mello. "Now, all of the registry offices and state courts that are thinking about denying this right must remember that the STJ has decided in favor of it."

The decision is not likely to sit well with the Brazilian people. A national survey conducted last summer found that 55 percent of Brazilians rejected the Supreme Court's ruling in favor of civil unions, reinforcing a 2010 poll that found a 60 percent rejection.

Thus far, Argentina and Mexico City are the only jurisdictions in predominantly Catholic Latin America where homosexual "marriage" has been legalized.

Photo: "The Justice," a sculpture by Alfredo Ceschiatti in the front of the Supreme Federal Court of Brazil



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