

Court Rules That Ontario Must Recognize Same-Sex Marriages

By CLIFFORD KRAUSS

TORONTO, July 13 — A provincial court has ruled that the Ontario government is obliged to recognize the right of gays and lesbians to marry people of their own gender, a decision that was hailed by gay rights advocates as a major legal victory that would have national consequences.

The 3-to-0 ruling by the Superior Court on Friday came in response to a lawsuit filed by a lesbian couple and a gay male couple to compel the provincial government to register

their marriage ceremonies as legally binding.

A Toronto church performed a joint wedding ceremony for the two couples in January 2001, but the Ontario government refused to register the marriages.

The court, citing Canada's Charter of Rights and Freedoms, which prohibits discrimination, also ruled that the federal Parliament had two years to enact legislation extending marriage rights to same-sex couples. If the Parliament refuses, the definition of marriage will change in the

province alone.

Ontario and federal officials did not immediately comment on the decision, but they had 15 days to appeal it to higher courts. An eventual Supreme Court hearing on the issue is considered likely.

"We are now, in the eyes of the court and society, legally recognized spouses," said Joe Varnell, one of the men who filed the suit. "Now only the government has to catch up."

However, experts expect considerable legal wrangling before the Supreme Court decides. Regulations

about marriage are divided between the provincial and federal governments. The provinces have the power to register marriage ceremonies, but the federal government regulates marriage qualifications. A federal regulation states that marriage is between a man and a woman.

Gay and lesbian groups across the country cheered the decision on Friday as a major step toward making Canada the second country after the Netherlands to recognize the right of gay partners to marry each other.

"I'm amazed," said Mona Green-

baum, coordinator of the Lesbian Mothers Association of Quebec. "I think it just means that if the provincial governments agree to gay marriage, then the federal government will have to eventually go along."

A suit similar to the Ontario one was struck down in British Columbia, but the lower court decision is being appealed. Another similar case is being considered in a Quebec provincial court.

Last month, the Quebec Legislature unanimously granted same-sex couples the right to form "civil unions," a status gay couples also have in Vermont, which entitles them to virtually the same rights and obligations as married couples have.

The new Quebec law also gives gay couples equal rights to adopt children, and include them in wills, pensions and insurance plans. Under certain circumstances, a birth certificate in Quebec can now include the names of two men or two women as equal parents.

Ontario and Quebec have the two largest populations of the 10 provinces, and they usually set the agenda for policies across Canada. Six provinces already grant some parental rights to same-sex couples, as do many states in the United States.

SUPPORT THE FRESH AIR FUND