

Session 6

Networking, Promoting and Advocating
for Strategies on Human Rights

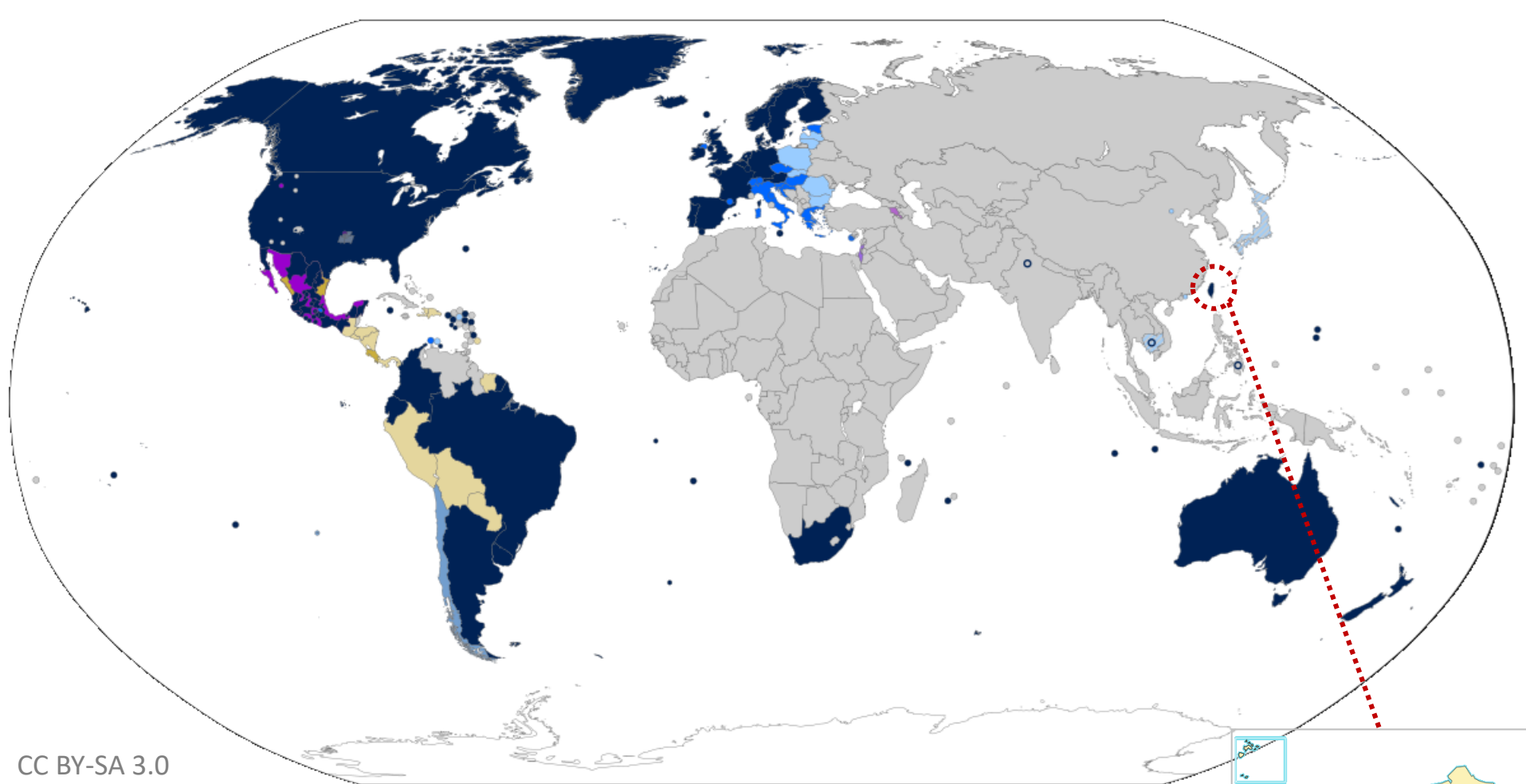
Taiwan Pride: Our Fight For Marriage Equality

Legislator Mei-Nu Yu
2019/07/13



photo credit : Marriage Equality Coalition Taiwan

**WHY TAIWAN CAN BE
THE FIRST in ASIA?**



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Same-sex union laws around the world

- Marriage open to same-sex couples (rings: individual cases)
- Legislation or binding domestic court ruling establishing same-sex marriage, but marriage is not yet provided for
- Same-sex marriage recognized when performed in certain other jurisdictions, and accorded greater rights than local same-sex unions (if any)
- Civil unions or domestic partnerships
- Limited legal recognition (partnership certificates, residency rights for foreign spouses, etc.)
- Country subject to an international court ruling to recognize same-sex marriage
- Same-sex unions not legally recognized



Republic of China
(Taiwan)



1. Taiwan's Historical and Political Background
2. Feminist Movement
3. LGBT Movement
4. Legislation, Interpretation of Justice and Referendum

1. Taiwan's Historical and Political Background

- Immigrant society
- Colonialism
 - Dutch Empire (1624-1662)
 - Spain (1626-1642)
 - Chin Dynasty (1683-1895)
 - Japan (1895-1945)
- Period of Martial Law (1949-1987)
 - Democratic and Social Movements
- 1987 Martial Law was lifted

2. Feminist Movement

- 1982 Awakening Magazine
- 1987.5 Dr. Sun Yat-Sen Memorial Hall Incident
- 1987.7 Martial Law was lifted
- **1987 Awakening Foundation**
- 1997 Executive Yuan: **Committee of Women's Rights Promotion**
- 2002 Act of Gender Equality in Employment
- 2012 Enforcement Act of Convention on the Elimination of All Forms of Discrimination against Women



Photo credit: Awakening Foundation

3. LGBT Movement

- 1990 **Wemen zhi jian (Between Us)** : the first lesbian group in Taiwan
- 1998 **Taiwan Tongzhi (LGBT) Hotline Association**
- 2000 Yeh Yong-Zhi Incident
- 2003- **Taiwan LGBT Pride**
- 2004 **Gender Equity Education Act**



Photo credit: people news

4. Legislation, Interpretation of Justice and Referendum

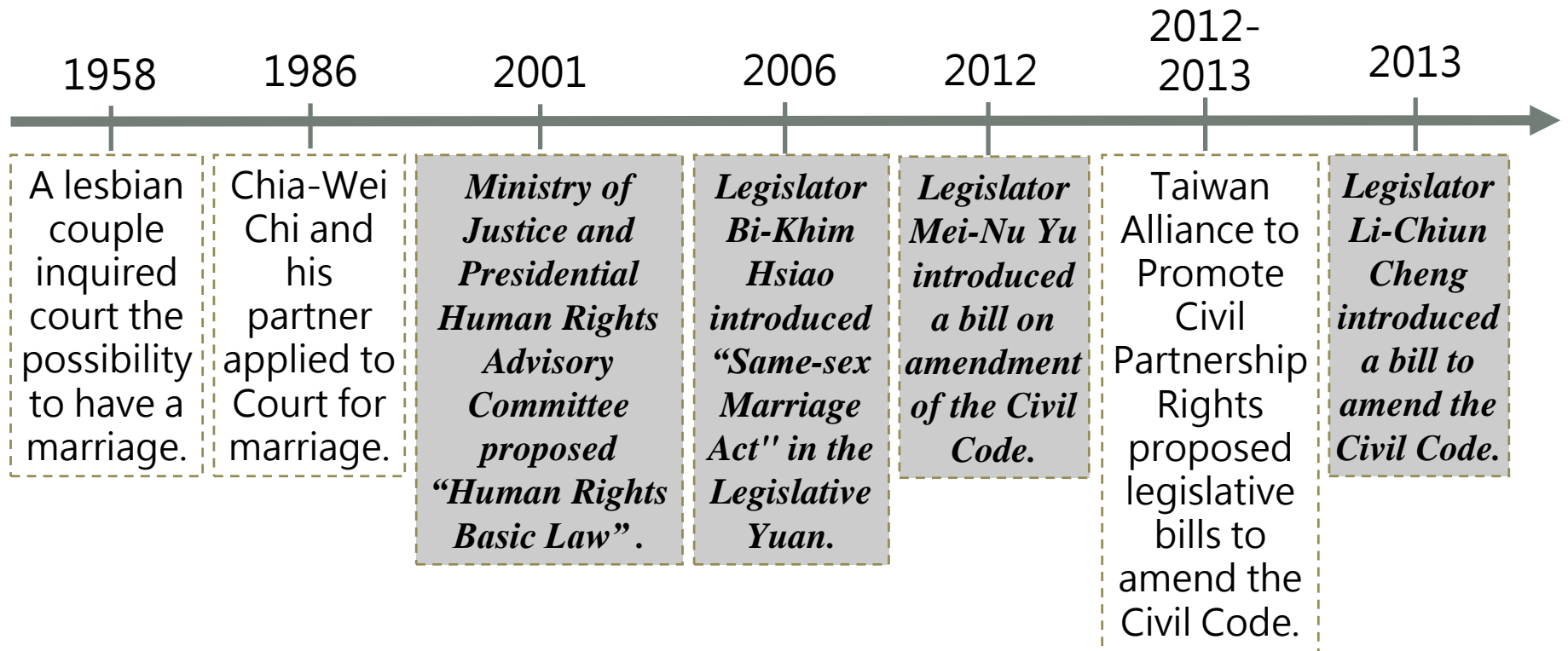
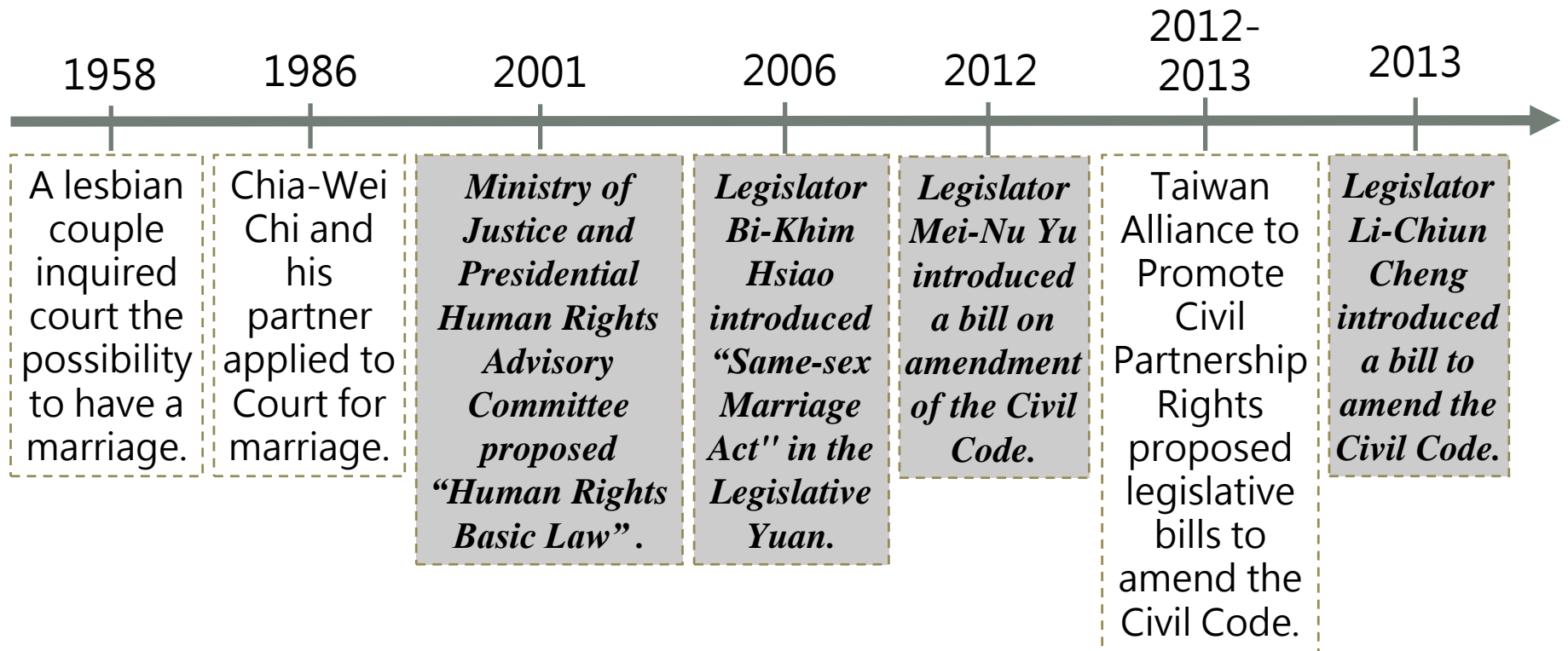




photo credit : The Reporter

4. Legislation, Interpretation of Justice and Referendum



4. Legislation, Interpretation of Justice and Referendum

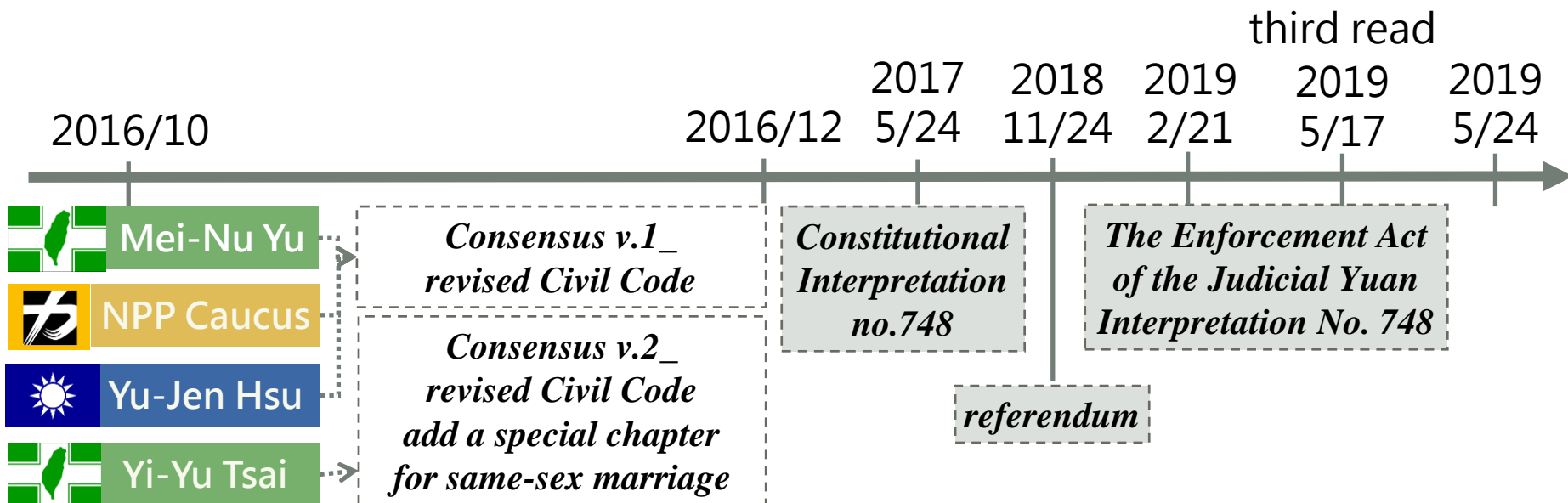


photo credit : Marriage Equality Bees

Professor Jacques Picoux and his partner



photo credit: Yen-jong Lee



蔡英文 Tsai Ing-wen ✓

2015年10月31日 · 🌐

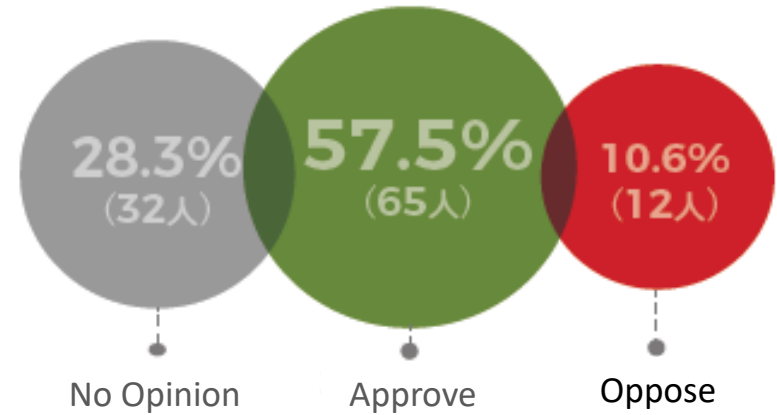
我支持婚姻平權
我是蔡英文

I'm Tsai Ing-wen.
I support marriage equality.



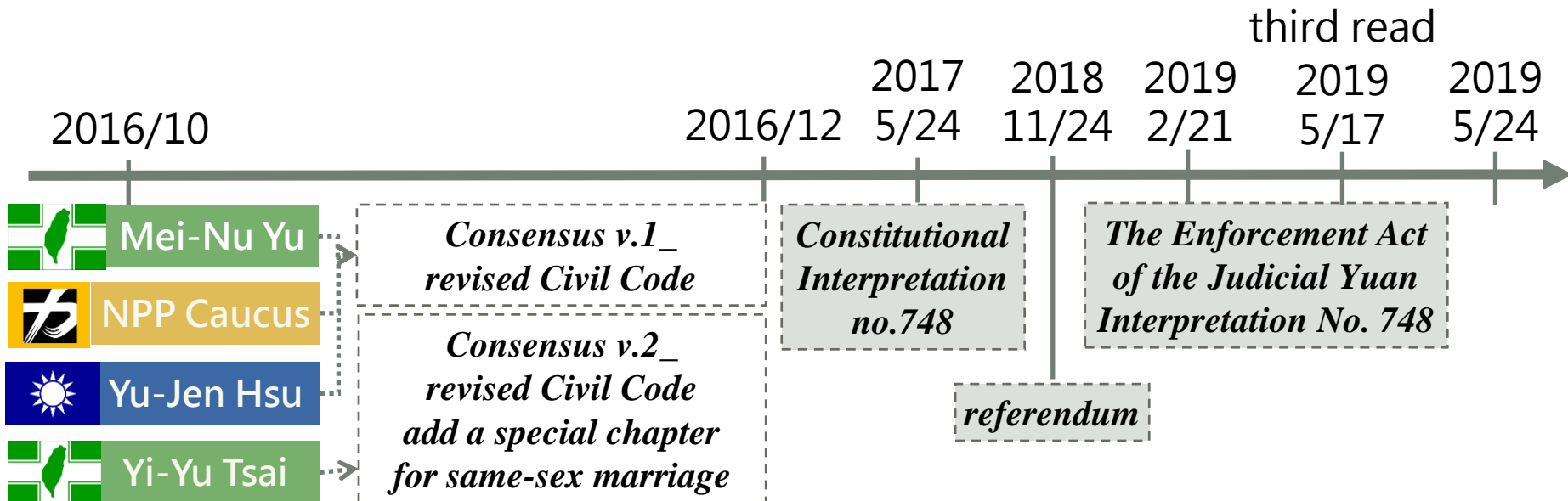
DPP participated in Taiwan LGBT
Pride parade from 2014 to 2016.

Do you support same-sex marriage? -9th(2016-2020) Legislators



Oct 2016, Legislator Mei-Nu Yu and her DPP colleagues submitted same-sex marriage bills, revising the Civil Code.

4. Legislation, Interpretation of Justice and Referendum



10th Dec 2016,
more than
250 thousand
people
gathered in
front of the
Office of the
President in
support of
marriage
equality.

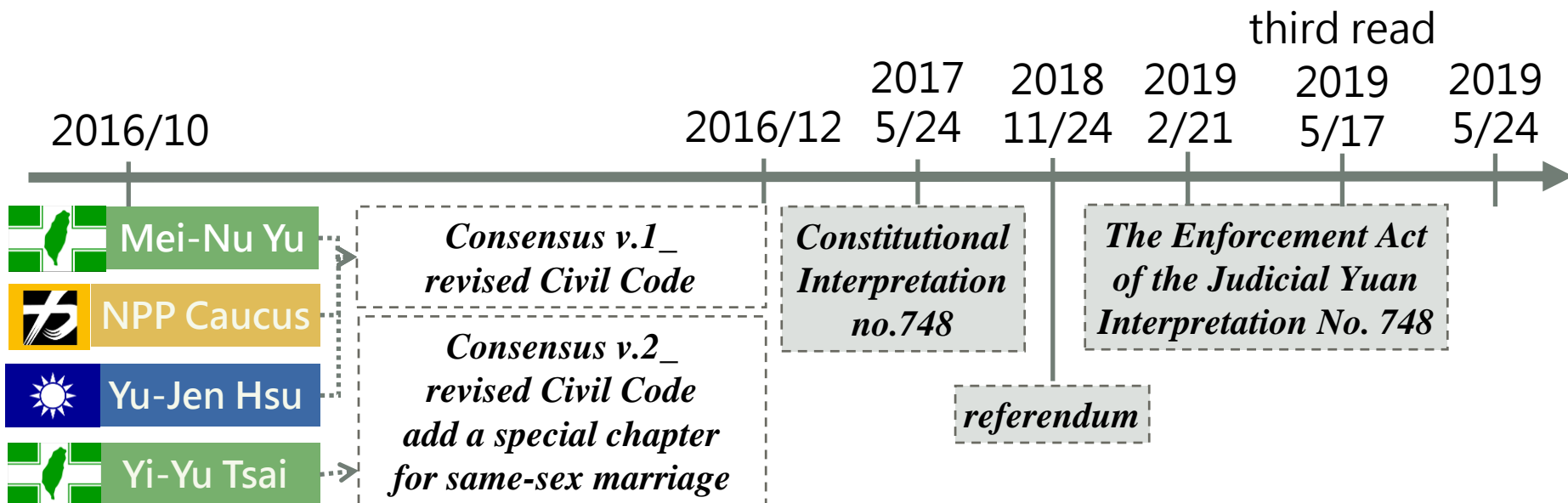


photo credit : Marriage Equality Coalition Taiwan

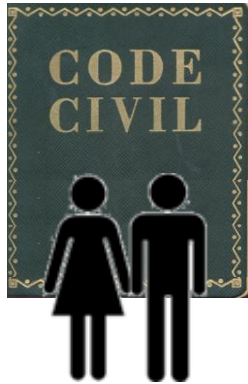


26th Dec 2016, Legislators reached consensus in Judiciary, Organic Laws and Statutes committee, passing two versions of Civil Code amendment bills to the Legislative Yuan Sitting.

4. Legislation, Interpretation of Justice and Referendum



Constitutional Interpretation no.748



Chapter 2 on Marriage of Part IV on Family of the Civil Code not allow two persons of the same sex to create a permanent union of intimate and exclusive nature for the purpose of living a common life.

e.g. Article 972

An agreement to marry shall be made by the male and the female parties in their own [con]cord.

2017/5/24

Constitutional Interpretation no.748



**Judicial Yuan
Constitutional
Court**

1. The said provisions are in violation of constitution's guarantees of both the **people's freedom of marriage under Article 22** and **the people's right to equality under Article 7**.
2. The authorities concerned shall amend or enact the laws **within two years**. If the authorities concerned fail to amend or enact the laws within two years, two persons of the same sex shall be allowed to have their marriage registration effectuated.

Amici Curiae Briefs in Support of Same Sex Marriage

- LGBT Families
- Life Stories of LGBT
- Legal Study
- Justices and Prosecutors
- Political Science
- Graduate Institutes of Gender Study in Taiwan
- Gender Equity Education
- Public Health
- Social Workers
- Psychiatry
- Psychology
- Clinical Psychology
- Christianity (Priests and Theology professors)



ETtoday
東森新聞雲

24th May 2017, The Constitutional Court of Taiwan announced Constitutional Interpretation no.748, ruled that same-sex marriage is a Constitutional right.

The New York Times

17 Things That Happened for the First Time in 2017

By TRICIA TISAK DEC. 4, 2017



L.G.B.T. activists and allies celebrate the Taiwanese top court's landmark decision in May.

Sam Yeh/Agence France-Presse — Getty Images

This is an article from [Turning Points](#), a magazine that explores what critical moments from this year might mean for the year ahead.

1. Taiwanese court rules in favor of same-sex marriage

Taiwan's constitutional court has ruled that the country's civil laws barring same-sex marriage are unconstitutional, giving the legislature two years to fix current laws or enact new ones allowing gay marriage — which would make the island nation the first in Asia to do so.

2018/11/24 Referendum

	Questions	Results	
		For	Against
10	Do you agree that marriage defined in the Civil Code should be restricted to the union between one man and one woman?	7,658,008 (72.48 %)	2,907,429 (27.52 %)
12	Do you agree to the protection of the rights of same-sex couples in co-habitation on a permanent basis in <u>ways other than changing of the Civil Code</u> ?	6,401,748 (61.12 %)	4,072,471 (38.88 %)
14	Do you agree to the protection of same-sex marital rights with marriage as defined in the Civil Code?	3,382,286 (32.74 %)	6,949,697 (67.26 %)

The Enforcement Act of the Judicial Yuan Interpretation No. 748

司法院釋字 第748號 解釋施行法



Photo credit: gogogoeball fb page



photo credit : Marriage Equality Coalition Taiwan



photo credit : Marriage Equality Coalition Taiwan



photo credit: homeislovetw

The answer is simple. It's **LOVE** and **ACCEPTANCE**.

Conclusion

- Migration and Colonialism
- Feminist Movement:
 - Awareness
 - Legislation
 - Participation of Decision Making
 - Domesticalization of CEDAW
- LGBT Movement's Efforts
 - Key Persons: Chia-Wei Chi
 - Rising of LGBT Pride Parade
 - Prominent Incident
- Nomination of the Progressive Justices by President Ing-Wen Tsai

Next Steps

- Adoption of non-blood children
- Artificial Reproduction
- Foreign partners are eligible for same-sex marriage