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Marriage Equality in Taiwan: Enforcement Act of Judicial Yuan Interpretation No. 748

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Marriage Equality in Taiwan: Enforcement Act of Judicial Yuan Interpretation No. 748. Yen-Jung Tseng

Abstract

Taiwan is the first country in Asia to legalize same-sex marriage. This poster briefly introduces the history of Taiwan of legalizing same-sex marriage and points out what need to be done in the future.

Anti-LGBT groups protested with tremendous resources

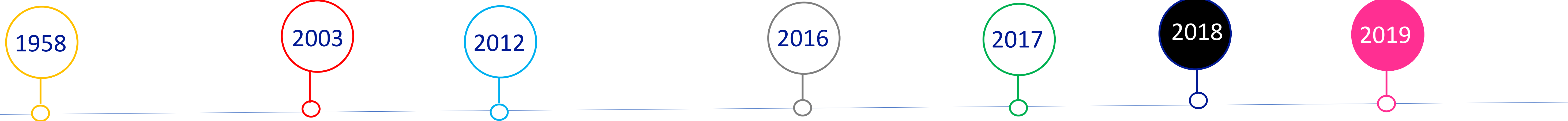


Concerns from Anti-LGBTQ Groups²

1. Same-sex marriage could **violate the traditional culture** and the meanings of marriage.
2. Same-sex marriage could seduce people into **being gay**.
3. Same-sex couples **could not give birth** to children, which could lead humans go extinct.
4. Same-sex families **could not provide good parenting**.

The main text of the Three Anti-LGBT Referenda³

1. Do you agree with using means other than the marriage regulations in the Civil Code to protect the rights of two people of the same gender to build a permanent life together?
2. Do you agree that the marriage regulations in the Civil Code should define marriage as between a man and a woman?
3. Do you agree that during the elementary and junior high school stage, the Ministry of Education and schools at all levels should not implement LGBT education as stipulated in the Gender Equity Education Act's implementation rules?



The government's human rights commission drafted a basic human rights law that included same-sex marriage but not passed. The first pride parade was held.

4 polls showed that more than 50% people in Taiwan **SUPPORT** same-sex marriages.¹

Constitutional Interpretation No. 748 : Constitutional court rules same-sex marriage prohibition unconstitutional. It gave legislative yuan two years to amend existing laws or pass new ones. (25 May 2017)

Enforcement Act of Judicial Yuan Interpretation No. 748. (17 May 2019)

Enforcement Act of Judicial Yuan Interpretation No. 748⁴

- ✓ Married same-sex couples have rights in areas such as **taxes, insurance, medical decisions, and child custody.**
- ❑ Same-sex couples can NOT get married if one comes from the country that does not legalize same-sex marriage.
- ❑ Same-sex couples can NOT adopt a child "as a couple" if the child has no blood relationship with one of them.
- ❑ Same-sex couples can NOT use the artificial reproductive technology in Taiwan to have a baby.

References

- ¹Yen-Jung Tseng (2013) Lesbian Parenting. National Taiwan University.
- ² Summarized from the websites of the anti-LGBTQ groups i.e. <https://taiwanfamily.com/related-posts/artice02>
- ³Translated by Wikipedia: https://en.wikipedia.org/wiki/Same-sex_marriage_in_Taiwan
- ⁴Laws & regulations database, Ministry of Justice. <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=B000008>



(screenshot: The Telegraph)