

First in Asia: Taiwan's top court rules in favour of same-sex marriage

Friday 26 May 2017, by [HAAS Benjamin](#) (Date first published: 24 May 2017).

Landmark ruling will mean country is first in Asia to allow gay couples to marry and cements reputation as beacon of liberalism.

Taiwan is to become the first country in Asia to legalise same-sex marriage, after the island's constitutional court ruled current laws defining unions as between a man and a woman are invalid.

Taiwan's highest court, the council of grand justices, said barring gay couples from marrying violated "the people's freedom of marriage" and "the people's right to equality".

"Sexual orientation is an immutable characteristic that is resistant to change," the court said in its ruling. "The freedom of marriage for two persons of the same sex, once legally recognised, will constitute the collective basis, together with opposite-sex marriage, for a stable society."

The island's parliament has two years to amend or enact laws addressing same-sex unions, otherwise gay couples will automatically be allowed to register under the current framework. Two of the 14 justices dissented and one recused himself.

The debate over the past year on same-sex marriage and the court's ruling is unique in Asia, where attitudes towards gay couples remain hostile in many countries.

The ruling comes after Chi Chia-wei, who has been campaigning for LGBT rights for decades, sued when he was barred from marrying his partner of 30 years, with the city government of Taipei supporting the lawsuit.

"I am very happy about this result. I have been waiting for justice for 42 years," Chi said in an interview after the ruling, marking the date he came out as gay in 1975, when Taiwan was under martial law.

"At last the government will be able to modify the law within two years, or sooner if the Democratic Progressive party pushes harder," he added, referring to the island's ruling party.

Supporters of marriage equality gathered outside the court in the capital, Taipei, and erupted in celebration after the ruling, shouting: "We can marry now!" while opponents tore up flyers and threw them at the court in disapproval.

"It's one major step towards legalisation and yet another sign that Taiwan is ready to assume a leadership role in the defence of human rights in the region," said J Michael Cole, a senior fellow at the University of Nottingham's China Policy Institute.

"This goes beyond the extension of rights to LGBT individuals: it's about the young generation's identity as Taiwanese."

The Taiwanese president, Tsai Ing-wen, openly supported legalising same-sex marriage during her campaign, but in the year since she came to power and amid low approval ratings, she declined to aggressively push for amending the law.

Legislation stalled in parliament after it was introduced last year and the current parliamentary session ends on 31 May. Opponents of the bill spearheaded by religious groups threatened to turn out against any legislator that voted in favour of gay marriage.

Tsai's attitude had cost her support among younger members of her party and young people in general, Cole said.

The apparent suicide of a French professor in Taiwan in October, after he failed to marry his partner of 35 years, galvanised the fight for gay marriage.

In the same week as the Taiwanese court ruling, two men were caned in Indonesia for consensual gay sex and a South Korean military court convicted a soldier for having a same-sex relationship in what rights groups called a "witch-hunt".

Benjamin Haas in Hong Kong

Same-sex marriage globally

Same-sex marriage is currently legal in about 20 countries around the world, 13 of which are in Europe:

- In April 2001 the Netherlands became the first country in the world to allow gay and lesbian couples to marry in a civil ceremony.
- Twelve European countries followed: Belgium, Britain (except Northern Ireland), Denmark, Finland, France, Iceland, Ireland, Luxembourg, Norway, Portugal, Spain, and Sweden.
- Some European countries only allow gay men to enter into civil partnerships, including Austria, Croatia, Germany, Greece, Hungary, Italy and the Czech Republic.
- In October 2014 Estonia became the first former Soviet republic to authorise this kind of civil union.
- Canada authorised same-sex marriage in June 2005.
- In June 2015 a historic supreme court decision legalised gay marriage across the US.
- Mexico's federal capital led the way in Latin America towards civil unions in 2007 and full marriages in 2009. Same sex marriages are also legal in Argentina, Uruguay, Brazil and Colombia.
- South Africa is the only country in Africa where gay people can legally marry.
- In the Middle East, Israel recognises gay marriages performed elsewhere, though such marriages are not performed in Israel itself.
- New Zealand passed a law in April 2013 allowing gay marriage.

P.S.

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