Proskauer

In Historic First for Asia, Taiwan Legalizes Same-Sex Marriage

International Labor and Employment Law on **May 28, 2019**

On May 17, 2019, the Taiwanese Parliament approved a bill legalizing same-sex marriage, making Taiwan the first country in Asia to adopt such legislation. Under the new law, same-sex couples now are able to marry legally, effective May 24, 2019.

The Parliament's actions came about as a result of a 2017 decision by the Taiwanese Constitutional Court. In that decision, the court rejected the Taiwan civil code's definition of marriage as being between a man and a woman as unconstitutional. The court offered the Taiwanese government two years to amend that provision in light of its ruling.

Instead of amending the definition, Taiwanese lawmakers opted to pass a new law altogether. The Parliament had debated three separate bills. Two of those bills had been offered by conservative groups and would have recognized same-sex unions by terms other than "marriage." The Parliament rejected those versions and instead passed the most progressive of the three bills, one permitting same-sex couples to apply for marriage. Interestingly, this is despite the fact that a 2018 Taiwanese referendum showed that the majority of Taiwanese people oppose same-sex marriage.

After learning that the law had passed, Taiwan's President Tsai Ing-wen tweeted "On May 17, 2019 in #Taiwan, #Lovewon. We took a big step towards true equality, and made Taiwan a better country."

Certain issues with the law remain, including that it may not allow cross-national same-sex marriages and only allows same-sex couples to adopt children that are blood relatives. But advocates are still pleased with the progress that this law signifies, and hope that it signifies the start of a broader trend across Asia.

Taiwan has long been considered the most progressive country in Asia in terms of gay rights, and its annual gay pride parade draws visitors from many other countries. In neighboring China, same-sex marriage is still illegal, but homosexuality was decriminalized in 1997. Taiwan's progressive step forward is especially welcome in light of recent actions taken in Brunei, which we reported on in our April 17, 2019 blog post.

View Original

Related Professionals

- **Jordan B. Glassberg**
  Associate