

# Referendum: Taiwan votes down same-sex marriage as China welcomes midterm results

Saturday 1 December 2018, by [KELLEHER Patrick](#), [Press Agencies](#) (Date first published: 25 November 2018).

**LGBT activists said it was a major blow to the island's reputation as a rights trailblazer.**

Voters in Taiwan have rejected same-sex marriage in a referendum, a setback to LGBT couples hoping their island will be the first country in Asia to let same-sex couples share child custody and insurance benefits.

The vote on Saturday, organised by Christian groups that make up about 5% of Taiwan's population and advocates of the traditional Chinese family structure, contradicts a May 2017 constitutional court ruling. Justices told legislators then to make same-sex marriage legal within two years, a first for Asia, where religion and conservative governments normally keep the bans in place.

Although the ballot is advisory only, it is expected to frustrate lawmakers mindful of public opinion as they face the court deadline next year. Many legislators will stand for re-election in 2020.

"The legislature has lots of choices on how to make this court order take effect," said referendum proponent Chen Ke, a Catholic pastor in Taiwan and an opponent of same-sex marriage.

Ruling party lawmakers backed by president Tsai Ing-wen had proposed legalising same-sex marriage in late 2016, but put aside their ideas to await the court hearing. Opposition to same-sex marriage crested after the court ruling. Opponents have held rallies and mobilised votes online.

Courts will still consider local marriage-licensing offices in violation of the law if they refuse same-sex couples until May 2019, a Ministry of Justice spokesperson said last week.

"The referendum is a general survey, it doesn't have very strong legal implications," said Shiao Hong-chi, a professor of gender studies and communications management at Shih-Hsin University in Taiwan. "One way or another it has to go back to the court."

Voters approved a separate measure on Saturday calling for a "different process" to protect same-sex unions. It is viewed as an alternative to using the civil code. A third initiative, also approved, asked that schools avoid teaching LGBT "education".

Amnesty International told the government it needed to "deliver equality and dignity".

"This result is a bitter blow and a step backwards for human rights in Taiwan," Amnesty's Taiwan-based acting director, Annie Huang, said. "However, despite this setback, we remain confident that love and equality will ultimately prevail."

Taiwanese also elected candidates from the China-friendly opposition Nationalist party to a majority of mayoral and county magistrate posts, reversing the party's losses in 2014.

China welcomed the defeat of Taiwan's pro-independence ruling Democratic Progressive party (DPP) at the local elections, saying it showed people wanted peaceful relations with Beijing.

The vote dealt a major blow to President Tsai Ing-wen's hopes of re-election in 2020, forcing her to quit as DPP leader as the Beijing-friendly main opposition Kuomintang (KMT) made gains in the face of China's increasing pressure on the island.

The DPP has been left in control of only six of Taiwan's cities and counties, compared with at least 15 for the KMT. The losses included one of its most steadfast strongholds, the southern city of Kaohsiung.

"The [election] results reflected the strong will of the Taiwan public in hoping to continue to share the benefits of the peaceful development of relations across the Taiwan Strait, and their strong wish in hoping to improve the island's economy and people's wellbeing," said a statement by China's policy-making Taiwan Affairs Office and carried by state media.

Tsai and the DPP have faced a mounting backlash over domestic reforms as well as concerns about deteriorating ties with China, which still sees self-ruling Taiwan as part of its territory to be reunified.

Tsai told reporters that she would take "complete responsibility" for the defeat as she resigned as chair of the party.

Beijing has intensified pressure on Taiwan under Tsai, upping military drills, poaching diplomatic allies and successfully convincing international businesses to list the island as part of China on their websites.

The DPP is traditionally pro-independence and Tsai has refused to acknowledge Beijing's stance that Taiwan is part of "one China", unlike her KMT predecessor, Ma Ying-jeou.

Ahead of the vote, Tsai and DPP officials repeatedly accused China of meddling in the lead-up to the elections by operating a "fake news" campaign. Beijing has denied the allegations.

## **Agencies**

- The Guardian. Sun 25 Nov 2018 04.38 GMT First published on Sat 24 Nov 2018 19.04 GMT: <https://www.theguardian.com/world/2018/nov/24/anti-gay-marriage-groups-win-taiwan-referendum-battle>

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## **Taiwan votes against same-sex marriage**

Taiwan has voted against introducing same-sex marriage, and has [instead voted to restrict marriage](#) to being between a man and a woman only.

However, it is possible that same-sex marriage – or civil partnerships – could be introduced down the line regardless of the referendum result.

This is because Taiwan's High Court ruled in May 2017 that not allowing same-sex marriage was

unconstitutional.

[CNN reports that there is “broad disagreement”](#) among legal experts in Taiwan as to whether the government is mandated to make the referendum result law.

Meanwhile, [the Guardian reports that Taiwan’s government clearly stated in advance of the referendums](#) that the result would have no impact on the High Court’s decision to legalise it.

The result puts Taiwan lawmakers in a bind: they have been instructed by the High Court that keeping same-sex marriage illegal would be unconstitutional, but have been told by the country’s citizens that they do not want same-sex marriage legalised.

### **‘A bitter blow’ for Taiwan**

Amnesty International Taiwan’s Acting Director, Annie Huang [said the result was “a bitter blow and a step backwards for human rights in Taiwan.”](#)

“However, despite this setback, we remain confident that love and equality will ultimately prevail,” she added.

Amnesty International said the referendum results do not change “the need to provide legal recognition to same-sex unions,” however added that the results will “cast a shadow on how that will be implemented.”

Some are now concerned that the referendum result could lead to eventual legislation for same-sex couples being weakened.

### **US Evangelicals against same-sex marriage**

US-based evangelicals reportedly flocked to the country in advance of the vote to lobby against LGBT+ rights.

According to Taiwanese marriage campaigner Jennifer Lu, American activists from the National Organisation for Marriage were responsible for “instigating the three anti-LGBTQ measures on the ballot.”

### **Patrick Kelleher**

- Pink News. 25 November 2018, 10:24 AM:  
<https://www.pinknews.co.uk/2018/11/25/taiwan-same-sex-marriage/>
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