

Contemporary Taiwanese Society LGBT Rights and the Road to Marriage Equality

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Abstract

Taiwan is acknowledged by many as being one of the most socially liberal and progressive societies in the Asia-Pacific region. Indeed, one of the ways in which the reader can evaluate such meaningful societal progression is in the development of acceptance of the LGBT community. However, others argue that the LGBT community is invisible in Taiwan, lacking in various areas of legal protection, and actively opposed by conservative groups with political influence whose key aim is the continued oppression of minority groups. This essay will attempt to analyze the reasons for which Taiwan is regarded as one of the most LGBT friendly communities in Asia by providing a solid understanding of government initiatives and examination of factors influencing opinion, alongside comparative perspectives from its regional neighbors, including China, Japan, the Philippines, South Korea, and Vietnam. Then it will attempt to explain the reasons why persons believe the statement of Taiwan as a nurturing environment to develop LGBT and their rights is wholly untrue. Although Taiwan is in many aspects a nation that is accepting of homosexuality, there are still specific groups with enough influence that they cannot only promote their interests at the expense of society at large, but also slow down legal progresses to hold back further advancement of the LGBT community.

Keywords: Asia Pacific; conservative groups; legal protection; LGBT friendly community; societal acceptance.

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Taiwan is acknowledged by many as being one of the most socially liberal and progressive nations in the Asia Pacific region. Indeed, one of the ways in which the reader can evaluate such meaningful societal progression is in the development of acceptance of the LGBT community. From 92 percent of people in 1984 believing that homosexuality was fundamentally wrong¹, to almost 75 percent of people demanding imminent marriage equality in 2016² coupled with meaningful support from both the government and NGOs, Taiwan provides a nurturing environment in which a robust community has grown, and has evolved into one of the most socially liberal and LGBT friendly nations in Asia. However, others argue that the LGBT community is invisible in Taiwan, lacking in various areas of legal protection, and actively opposed by conservative groups with political influence whose key aim is the continued oppression of minority groups.³ This essay will attempt to analyze the reasons for which Taiwan is regarded by many as one of the most LGBT friendly countries in Asia, and will do this through a solid understanding of government initiatives and examination of factors influencing opinion, alongside comparative perspectives from its regional neighbors. Alongside this, we will also attempt to understand the reasons for why many people believe this statement is wholly untrue, with the overall aim of understanding that whilst Taiwan is in many aspects a nation that is accepting of homosexuality, there are still specific groups with enough influence that they can not only promote their interests at the expense of society at large, but can also slow down legal processes in order to hold back further advancement of the community.

A fundamental way in which the reader is able to see societal acceptance of the LGBT community is through analyzing the opinions of society at large, and as a result of opinion polls we can see through this that Taiwan has not only developed rapidly in this aspect to the point where a majority believe that equality is of vital importance. Although in 2008 over 60 percent believed that homosexuality is wrong on some scale⁴, there has been a rapid and significant rise in support that has since been achieved for marriage equality, rising steadily the first half of the decade, from 40 percent supporting it in 2013⁵ to 71 percent of people supporting full marriage equality in 2016.⁶ Such positive trends in public opinion are evidence of not just acceptance LGBT people have from Taiwanese people, but also

¹ Yen-hsin Alice Cheng, Fen-Chieh Felice Wu, and Amy Adamczyk, 'Changing Attitudes Toward Homosexuality in Taiwan, 1995-2012' [2016] 48(4) Chinese Sociological Review 317, 318-319

² Joe Williams, 'Nearly Two Thirds of Taiwan Supports Marriage Equality Survey Finds' (Pink News, 30 November 2015) <<https://www.pinknews.co.uk/2015/11/30/nearly-two-thirds-of-taiwan-supports-marriage-equality-survey-finds/>> accessed 20 November 2021

³ Yu-Rong Chen and Ping Wang, 'Obstacles to LGBT Human Rights Development in Taiwan' [2010] 18(2) Positions Asia Critique 399, 400-401

⁴ Smith et al, 2008

⁵ 'Opposing Rallies for and against Homosexual Marriage Take to the Streets of Taiwan, with Parliament Split over Legislation' (ABC News, 30 November 2013) <<https://www.abc.net.au/news/2013-11-30/an-same-sex-rival-protests-taiwan/5127096>> accessed 20 November 2021

⁶ Joe Williams, 'Nearly Two Thirds of Taiwan Supports Marriage Equality Survey Finds' (Pink News, 30 November 2015) <<https://www.pinknews.co.uk/2015/11/30/nearly-two-thirds-of-taiwan-supports-marriage-equality-survey-finds/>> accessed 20 November 2021

that they supportive of their equality in a legal sense. Alongside acceptance from in a societal perspective, legal rights are also a fundamental way in which we can understand LGBT acceptance, and from the beginning of this century, there has a been a steady development of rights developed to include Taiwan's gay community.

One of the most significant legal aspects which has facilitated acceptance of LGBT people in Taiwan is the Gender Equity Education Act⁷ (GEEA) which was enacted in 2004 Triggered in part by the suicide of a teenage boy who killed himself as a result of bullying as a result of his mannerisms (and corresponding negligence by school officials), the aim of this act was to promote gender equality, eliminate discrimination, and improve educational resources regarding sexual equality, specifically stating that 'no one shall be discriminated based on his or her sex, sexual orientation, gender temperament or gender identity'.⁸ The Ministry of Education annually budgets \$3.1 billion NTD to promote this law in educational institutions across the island.⁹

Taiwan's Ministry of Health & Well Being has also ratified the changing of gender on identification cards without first requiring reassignment surgery. Previously those who identified with the opposite gender not only had to undergo the transformative operation, but also undertake psychoanalysis, and many argued that the price and physical distress forced people to continue hiding their identity, or undergo unsafe procedures. From 2015 all gender assignment changes are reviewed by a special committee, followed by a six month waiting period.¹⁰ Separate from the GEEA Act, from since 2011 it has been mandatory for LG BT rights to be promoted in primary school textbooks, in an attempt to diminish any potential root causes for homophobia later in life.¹¹

From 2002 onwards, LGBT rights were enhanced in the military sphere, with a discriminatory ban on gay people guarding high level officials and military installations lifted.¹² Although previously gay people were not specifically targeted by law, many governing officials chose to regard homosexuality as a 'sexual orientation impairment' and in 1994 stated that psychiatrists could exempt people from military service if they were gay.¹³ Senior Military officials have stated that this change in law was a positive one, and

⁷ Gender Equity Education Act (adopted 4 June 2004, entered into force 23 June 2004)

⁸ Yu-Chieh Hsien, *Gender Equity Education in Taiwan: Policy, Schooling and Young People's Gender and Sexual Identities* (PhD Thesis, Longborough University 2010) 301

⁹ Ada L. Sinacore et al, 'Gender Equity Education Act in Taiwan: Influences on the School Community' [2019] 19(2) *International Journal for Educational and Vocational Guidance* 293, 293-294

¹⁰ Lii Wen, 'Gender Reassignment Rule to be Changed' (*Taipei Times*, 26 December 2014) <<https://www.taipeitimes.com/News/taiwan/archives/2014/12/26/2003607642>> accessed 20 November 2021

¹¹ Po-han Lee, 'LGBT Rights Versus Asian Values: De/Re-constructing the Universality of Human Rights' [2016] 20(7) *The International Journal of Human Rights* 978, 982-983

¹² 'CEO Brief: Taiwan' (*Outleadership*, 18 December 2020) <https://outleadership.com/wp-content/uploads/2021/01/CEO_CountryBriefs_Taiwan_Dec18.pdf>

¹³ 'CEO Brief: Taiwan' (*Outleadership*, 18 December 2020) <https://outleadership.com/wp-content/uploads/2021/01/CEO_CountryBriefs_Taiwan_Dec18.pdf>

correlated with Taiwan as a nation that values human rights.¹⁴ This evidences Taiwan's relative progression not just regionally, but internationally. The Philippines did not repeal a similar law until 2010¹⁵ and South Korea has ruled it constitutional to bar military personnel that engage in same-sex acts.¹⁶ At this same time, the United States was implementing a 'Don't Ask, Don't Tell' policy regarding homosexuality.¹⁷

It is worth noting that alongside Taiwan's legal framework providing the reader with strong evidence regarding the nation's approval and acceptance of LGBT people, both the government and social groups work alongside the community to promote and provide a vibrant and active scene. Taiwan has a vibrant and active LGBT movie scene, and it can actively be described as part of mainstream cinema, receiving both critical and commercial success. Contemporary Taiwan LGBT cinema covers many topics, from documentaries and dark topics to romantic comedies.¹⁸ Since 2013 there has been an annual 'Taiwan Queer Film Festival' running in Taipei, Kaohsiung and Taichung over several months and attempts to represent the multi-faceted nature of the Taiwanese LGBT community. The event is supported by the government and corporate sponsors alongside support from the community, which evidences the accepting nature of not just Taiwanese society and the government, but also the private sector.¹⁹

It would be unfair to analyze how accepting Taiwan is of the LGBT community without first reviewing the magnitude and popularity of the annual pride parade in Taipei. Since it was first held in 2003, Taipei Pride has grown exponentially to become the second largest LGBT event in the world with over 82,000 attendee's, attracting people from across Asia.²⁰ It has been hailed as a celebration of diversity, and an integral tool for the increase in LGBT knowledge. Since 2010 and 2011, there have also been Pride festivals in Kaohsiung

¹⁴ 'Asia's Silence on Gays in Military Broken by Taiwan' (*Palm Center*, 15 May 2002) <<https://www.palmcenter.org/asias-silence-gays-military-broken-taiwan/>> accessed 20 November 2021

¹⁵ Act Prohibiting Discrimination on the Basis of Sexual Orientation or Gender Identity or Expression (Sogie) and Providing Penalties Therefor (1st hearing 2 February 2002); 'The Philippines: Acceptance of Gays in the Military Does Not Mean Equality (Yet)' (*Outright Action International*, 18 March 2009) <<https://outrightinternational.org/content/philippines-acceptance-gays-military-does-not-mean-equality-yet>> accessed 20 November 2021

¹⁶ Military Penal Code (entered into force 20 January 1962) Art 92(6); Bae Hyun-jung, 'Court Upholds Ban on Gays in Military' (*The Korea Herald*, 31 March 2011) <<http://www.koreaherald.com/view.php?ud=20110331001070>> accessed 20 November 2021; 'Repealing Article 92(6) Republic of Korea's Military Criminal Act' (*Human Rights Watch*, 7 March 2019) <<https://www.hrw.org/news/2019/03/07/repealing-article-92-6-republic-koreas-military-criminal-act>> accessed 20 November 2021

¹⁷ Defense Directive 1304.26 (adopted 21 December 1993, entered into force 28 February 1994 to 20 September 2011)

¹⁸ Daoming Li, *Historical Dictionary of Taiwan Cinema* (1st edn, The Scarecrow Press, Inc. 2013)

¹⁹ '2021 Taiwan International Queer Film Festival Program Announcement' (*TIQFF*, 19 September 2021) <<https://en.tiqff.com/news/press/2021-taiwan-international-queer-film-festival-program-announcement-1>> accessed 21 November 2021

²⁰ David Prentice, 'Gay Rights on the March in Taiwan' (*The Diplomat*, 3 November 2016) <<https://thediplomat.com/2016/11/gay-rights-on-the-march-in-taiwan/>> accessed 20 November 2021

and Taichung respectively.²¹ In all cities, the rainbow flag upon important government buildings in each city, which is representative both of how accepting society is of LGBT people, and how much LG BT people have permeated society.²² It is important for the reader to contextualize Taiwan s relative acceptance of the homosexual community, and we can do this through a comparison of key variables with its regional neighbors.

Firstly, Taiwanese approval to marriage equality is significantly higher than the regional average, which stands at 36 percent.²³ Not only that but Taiwan significantly outperforms its regional neighbors. In Japan, 56 percent of people feel that homosexuality is acceptable, which is higher than both South Korea (39 percent) and China (21 percent).²⁴ Residents of Taipei, in comparison to those in Shanghai and Hanoi have generally more progressive views, with 46 percent of those polled seeing homosexuality as ‘normal’ - in comparison to 23 percent and 16 percent respectively.²⁵ The legal situation is also incredibly disparate Japan, whilst voting for the promotion for the end of violence and oppression as a result of sexual identity in the 2011 and 2014 UN Human Rights Councils Resolutions, has yet to implement similar strategies at home, where LGBT people have stated that they feel ‘under siege’.²⁶ In China, whilst some have started (unsuccessfully) to petition the government to recognize same sex marriage.²⁷ LGBT individuals still face an uphill battle, from only 5 percent of LGBT people-being out to friends or family and a severe lack of LGBT friendly spaces, to the censorship of any LGBT content in the mainstream media, with the government stating that it refuses to broadcast abhorrent forms of sexual behavior.²⁸

²¹ Staff Writer, ‘Kaohsiung Expects Pride Parade to Boost Tourism’ (*Taipei Times*, 7 November 2020) <<https://www.taipeitimes.com/News/taiwan/archives/2020/11/07/2003746518>> accessed 21 November 2021; ‘Taichung to Usher in 2020 Pride Parade with Music, “Rainbow Products”’ (*Focus Taiwan*, 12 November 2020) <<https://focustaiwan.tw/society/202011120012>> accessed 21 November 2021

²² David Prentice, ‘Gay Rights on the March in Taiwan’ (*The Diplomat*, 3 November 2016) <<https://thediplomat.com/2016/11/gay-rights-on-the-march-in-taiwan/>> accessed 20 November 2021; Staff Writer, ‘Kaohsiung Expects Pride Parade to Boost Tourism’ (*Taipei Times*, 7 November 2020) <<https://www.taipeitimes.com/News/taiwan/archives/2020/11/07/2003746518>> accessed 21 November 2021; ‘Taichung to Usher in 2020 Pride Parade with Music, “Rainbow Products”’ (*Focus Taiwan*, 12 November 2020) <<https://focustaiwan.tw/society/202011120012>> accessed 21 November 2021

²³ Alyssa Rosenberg, ‘Opinion: How the World Feels about LGBT People’ (*The Washington Post*, 17 May 2016) <<https://www.washingtonpost.com/news/act-four/wp/2016/05/17/how-the-world-feels-about-lgbt-people/>> accessed 21 November 2021

²⁴ ‘The Global Divide on Homosexuality’ (*Pew Research Center*, 4 June 2013) <<https://www.pewresearch.org/global/2013/06/04/the-global-divide-on-homosexuality/>> accessed 21 November 2021

²⁵ Yongliang Feng et al, ‘Adolescents' and Young Adults' Perception of Homosexuality and Related Factors in Three Asian Cities’ (2012) 50(3) *Journal of Adolescent Health* 52, 53-54

²⁶ Kanae Doi, ‘Dispatches: Japan’s Evolving Public Debate on LGBT Rights’ (*Human Rights Watch*, 7 December 2015) <<https://www.hrw.org/news/2015/12/07/dispatches-japans-evolving-public-debate-lgbt-rights>> accessed 21 November 2021

²⁷ Tom Phillips, ‘China Court Refuses to Allow Gay Marriage in Landmark Case’ (*The Guardian*, 13 April 2016) <<https://www.theguardian.com/world/2016/apr/13/china-court-refuse-gay-marriage-landmark-case>> accessed 22 November 2021

²⁸ Lilian Shen and Thorben Pelzer, ‘China's LGBT Community Still Fighting for Their Rights 2016’ (*CNN*, 18 June 2016) <<https://edition.cnn.com/2016/06/17/opinions/china-shanghai-pride-lgbt-rights/index.html>>

Whilst marriage equality remains elusive in Taiwan, since early 2015 various municipalities and jurisdictions have allowed LGBT couples to register their relationships with the government. It should be noted by the reader that relationship registration does not allow for any benefits that civil partnerships nor marriages entail, and have been described by equal rights campaigners as mocking. That said, it can also be seen as an innovative way in which specific areas of Taiwan are evidencing that the state is not moving fast enough for them, and attempting to make their own inclusive strides and show respect to the community.²⁹

The reader can see that in both a legislative and social & cultural context, Taiwan is a country that appears much more aligned in terms of LG BT progression with the West, and stands out as an exemplar in Asia. However, it is of critical importance that we are aware of factors that not only stand in the way of equal rights and acceptance for the LGBT community in Taiwan, but are actively working to repress and stigmatize the community.

Over the past several years, there has been an emergence of right wing conservative groups in Taiwan, in response to social liberalization period of the 1990s and beyond. Despite many of these groups first emerging as charities (for example ‘The happiness of the Next Generation Alliance’) and referring to themselves as the “silent majority” whose aim is to protect women and children, they have evolved into groups with a strong religious core, wielding enviable political influence on both the Blue & Green coalitions, with a key aim of sexual repression and the delegitimization of LGBT people. These groups have generally been founded by the Christian Church which, although not a major religion Taiwan, has been proficient in aligning its message and aims with the traditional views of the community to bolster its power.³⁰

Indeed, through these groups, the Christian Church has been able to utilize its influence to make lawmakers enact several laws that directly violate the rights of Taiwanese homosexuals. It has been argued that three laws in particular aim to suppress the LGBT community under the guise of child protection. Firstly, is the Anti-Obscenity Law³¹ (Article 235), which aims to restrict the promotion & display of obscene materials. This law was used to prosecute Lai-Cheng Che, the owner of one of the most prominent gay bookstores

accessed 22 November 2021; Hannah Ellis-Petersen, ‘China Bans Depictions of Gay People on Television’ (*The Guardian*, 4 March 2016) <<https://www.theguardian.com/tv-and-radio/2016/mar/04/china-bans-gay-people-television-clampdown-xi-jinping-censorship>> accessed 22 November 2021

²⁹ ‘Gay Rights Group Says Kaohsiung Decision “Makes Fun of Them”’ (*Focus Taiwan*, 19 May 2015) <<https://focustaiwan.tw/society/201505190031>> accessed 22 November 2021

³⁰ Wendy Lee, ‘Pro- and Anti-gay Marriage Demonstrators Rally in Taipei’ (*Taiwan News*, 17 November 2016) <<https://www.taiwannews.com.tw/en/news/3031855>> accessed 21 November 2021; Yu-Rong Chen and Wang Ping, ‘Obstacles to LGBT Human Rights Development in Taiwan’ [2010] 18(2) *Positions Asia Critique* 399, 420-421

³¹ Criminal Code of the Republic of China (adopted 10 March 1928, entered into force 1 September 1928) Art 235

in Taiwan.³² Despite legally importing all his products, a shipment of gay magazines were seized, and Mr Che successfully charged under this law for the dissemination of obscene products. He was also the victim of homophobic slurs during questioning, which implies a degree of homophobia from the authorities.³³

The second of such discriminatory laws is the Suppress Sexual Transaction Law (Article 29), which prohibits both the use of the internet or the media to broadcast or broker sexual transactions. Members of the LGBT community have traditionally used alternative sources in order to not only find people to engage sexually with, but also share news and information, and the predominant method of which being the internet (and only enhanced in a post smartphone world). Many people have been taken to court as a result of communications in LGBT specific forums, and as a result the law can be viewed as a direct attack on LGBT expression and communication methods.³⁴

Thirdly, the Children & Juvenile Welfare Act³⁵ (an amalgamation of two previous laws) designates that anyone under the age of 18 is a child, and should therefore be restricted from any kind of adult-orientated content, and mentions of homosexuality are included in this, with potential penalties being levied not just on the child, but on the parent and website too, it imposes self-censorship to the point that information or even the chance to meet new friends is removed from the realm of possibility. In all cases above, ISP providers are obligated upon request by law to provide the private details of any user requested, removing the safety net of anonymity.³⁶ When the internet is one of the strongest tools in dissemination of LGBT ideas and a vital communication and mobilization tool outside of mainstream media biases, an attack on internet freedom is an attack on homosexuality.³⁷

Whilst these conservative groups have political influence that directly affect the pace of legal changes and media bias in Taiwan, the role of the family and its traditional values which are still maintained to this day cannot be under-emphasized as a factor in why

³² Wen-chen Chang, 'Public Interest Litigation in Taiwan: Strategy for Law and Policy Changes in the Course of Democratization' in Po Jen Yap and Holning Lau (eds.), *Public Interest Litigation in Asia* (1st edn, Routledge 2010) 132-157

³³ Yu-Rong Chen and Wang Ping, 'Obstacles to LGBT Human Rights Development in Taiwan' (2010) 18(2) *Positions Asia Critique* 399

³⁴ K. Jacobs, *Netporn* (1st edn, Rowman & Littlefield 2007)

³⁵ The Protection of Children and Youths Welfare and Rights Act (adopted 28 May 2003, entered into force 28 May 2003)

³⁶ Josephine Chun-juel Ho, 'Queer Existence Under Global Governance: A Taiwan Exemplar' (2010) 18(2) *First Asia Order Critique* 537, 538-539

³⁷ Chung-yi Cheng and Kenneth Yang, 'Internet, Computer-Mediated Communications and Gay Rights Movements in Taiwan' in D. Papademas (eds.), *Human Rights and Media* (1st edn, Emerald Publishing 2011) 161-181

society may not be as accepting of the LGBT community as many wish. Indeed, some have even stated that family is the greatest obstacle to acceptance.³⁸

Traditional family values in Taiwan have their origins in Confucianism. The family and its structure play an integral role in Confucian societies, and these values underline the importance of the continuation of the family name and bloodline, alongside the maintaining of standard gender roles of men and women in society, thereby directly promoting the traditional views of masculinity and femininity. In this context, it can be argued that homosexuality is a direct threat to the family in Taiwan, as it homosexuality not only subverts traditional gender stereotypes, but also puts in jeopardy reproduction and the continuity of the family lineage.³⁹ Alongside this, with the man seen as the head of the house hold and key to the future of the family, filial piety puts intense pressure on Taiwan's homosexual community.⁴⁰

At the expense of their own identity, many homosexuals in Taiwan choose not to tell their families about their sexuality. Although this can be hidden fairly easily at a young age, as the individual grows older, family pressure for marriage and children becomes more difficult to avoid. Rather than telling them the truth and facing their confessions being met with ignorance, attempts to change it or, at worst, ostracization, they choose to keep it a secret, and as a result choose to either live life constantly assessing the risk of whether their parents know and incrementally testing their acceptance and understanding, creating a double life lo appease their parents' wishes, or simply walking away, creating a purposeful distance between themselves and their family so that they can live their life without it impacting upon others, none of which present the reader with any indication that Taiwanese families are accepting of LGBT identifying people. Therefore although it can be argued that people are accepting of the LGBT community in Taiwan, their stance on the issue can change when it directly impacts their family. and homosexuals generally work within the realm of filial piety rather than try to break the mold.⁴¹

It may be a factor of all the above that has been a roadblock to marriage equality in Taiwan. despite a change in the law being viewed as an imminent necessity by the majority of the population, lawmakers have been slow to follow through and marriage equality continues to be a long, drawn out battle for Taiwanese LGBT groups. The marriage equality movement started in earnest in 2003 when the Executive Yuan proposed a change in law, but was ultimately rejected by the legislature, and this was repeated in 2013 and 2014 respectively.⁴² Following the election of President Tsai Ying-Wen who openly courted

³⁸ P. Y. Tseng, *The Process of Gay and Lesbian Subject Interacting with the Family Context* (Master Dissertation, Fu Jen Catholic University 1999)

³⁹ Feng et al, 55-56

⁴⁰ Wang et al, 408-409

⁴¹ Wang et al, 415-416

⁴² Po-han Lee, 'LGBT Rights Versus Asian Values: De/Re-constructing the Universality of Human Rights' [2016] 20(7) *The International Journal of Human Rights* 978, 979-980

LGBT people on the basis that marriage equality would be a priority for her government⁴³, people were disappointed when there was little progress made on acting upon this during her first few months at the helm. In October, attempts were once again started to remove gender from Taiwan's marriage code, with sixty-six lawmakers (a majority) signaling that they will approve such a bill. However rather than be brought up as a result of public support, this bill was likely drafted as a result of public outrage at the death of Jacques Picoux, who committed suicide following his long term partner's death from cancer as a result of Taiwanese law allowing his partner's family mom excluding him from any arrangements regarding his funeral, restricting visitations in his final days, and being refused the right of ownership over the property they both shared.⁴⁴ This shows the reader not only the possibility of courting LGBT for votes, but also attempting to deal with the issue only when it becomes an issue for the government as opposed to genuinely making a positive impact for the community.

It is important to understand one of the primary reasons in the past for the failure of such amendments to Taiwan's Marriage Act is conservative Christian influence groups. For the past several years, members of Christian groups have undertaken signature campaigns and organized rallies with the aim of attempting to galvanize and exaggerate the severity of opposition to marriage equality. Many of the heads of these Christian organizations had strong connections to evangelical groups in the U.S. which have used their influence to create grassroots movements in Africa to restrict LGBT rights. By not only exaggerating the lack of support for marriage equality from society, these groups also actively lobbied legislators, business leaders (who also carry political clout) and politicians. Alongside attempting legal blockades on LGBT rights, they have also unleashed stringent attacks on their characters, linking LGBT people to bestiality and the spread of AIDS.⁴⁵ Alongside this, they have been integral to organize rallies opposing LGBT people on the same day as Taipei Pride, and have vocally aligned themselves with Nazi's, physically handled Pride participants, and been accused of acting maliciously.

Whilst we have seen how both law and society at large embrace the LGBT community, it is also important to be aware that people may see some requests from the LGBT community as a potential restriction on their own rights. There are currently no laws regarding hate speech, and unless some sort of physical violence is involved, people generally see little issue with ridiculing or criticizing others, even within the LGBT community. Often those

⁴³ Maya Oppenheim, 'Tawian's First Female President Tsai Ing-Wen: Democracy Campaigner, Gay Rights Champion and Cat-Lover' (*The Independent*, 17 January 2016) <<https://www.independent.co.uk/news/people/tawian-s-first-female-president-tsai-ingwen-democracy-campaigner-gay-rights-champion-and-catlover-a6817151.html>> accessed 22 November 2021

⁴⁴ Harriet Agerholm, 'Taiwan on Verge of Becoming First Asian Country to Allow Same-Sex Marriage' (*The Independent*, 1 February 2017) <<https://www.independent.co.uk/news/world/asia/taiwan-first-asian-country-same-sex-marriage-end-of-year-lgbt-rights-a7555471.html>> accessed 22 November 2021

⁴⁵ J. Michael Cole, 'Keeping Legislators Honest – LGBT Style' (*Thinking Taiwan*, 7 May 2014) <<http://thinking-taiwan.com/2014/keeping-legislators-honest-lgbt-style/>> accessed 22 November 2021

who actively engage in hate speech against minorities claim that they are speaking as part of the populace, and attempts to demand the government put pressure to apologize often result in the response that people are free to air their opinion. It is possible that these opinions and thoughts are based in long standing discriminatory opinions. If people do not understand why hate speech is not the same as free speech and therefore tacitly accept it as a social norm, this has serious implications for how people can openly denigrate not just LGBT people, but those who come from any minority not specifically protected by law.⁴⁶

We have seen that whether analyzed as a standalone country or in a comparative model against its regional neighbors, Taiwan in both a legal and societal aspect is largely accepting of the LGBT community, and its growing reputation as a safe space for LGBT people can be perceived as accurate. Despite this, there are still several factors at play which not only continue to undermine the rights of LGBT people today, but also pose a direct threat to future progression. Although there is a legal framework in place and continued financial, cultural and societal support for the community, gaps in legislature and continued conservative influences (in a religious, traditional and political sense) have slowed down progress, and have the potential to negate a competitive advantage for Taiwan in the international arena. A key finding from the analysis was that both in terms of conservative groups and traditional family values, both had strong underlying influence from religion. We see that to varying degrees, hate speech is regarded somewhat as the norm in Taiwan, and regardless of party currently in power, the right to discriminate others can be seen as a person's right to speak freely. In this context, can we argue that democratization and liberalization itself can be a wall against accepting LGBT as the norm?

⁴⁶ Yu-Rong Chen and Wang Ping, 'Obstacles to LGBT Human Rights Development in Taiwan' [2010] 18(2) *Positions Asia Critique* 399, 411-412

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