



婚姻平權如何改變社會 ————— 台灣通過同婚後的 三年期社會追蹤報告

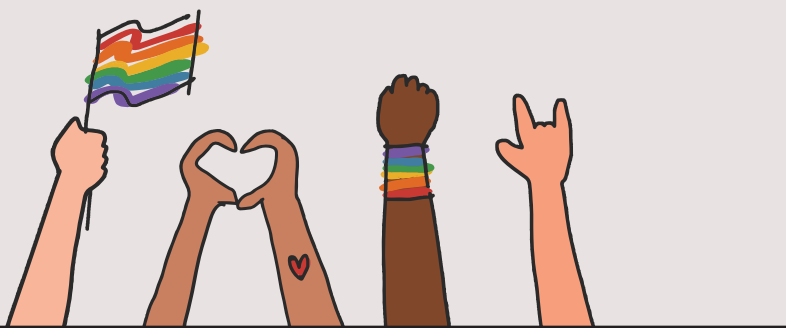
**A Panel Study:
How Marriage Equality
Has Changed
the Taiwanese Society**

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摘要

婚姻平權運動是台灣社會近年來最受矚目的社會運動之一；與其他社會運動不同之處，在於婚姻平權運動在三年半內幾乎試遍了台灣所有推動法律修正的管道：在國會提出法律修正案、經大法官解釋宣告現行法違憲，成為公民投票的題目，公投結果決定不能修正民法後，由行政院提出了與民法平行的專法，在 2019 年通過，讓台灣成為亞洲第一個同志可以合法結婚的國家。

推動婚姻平權的歷程中，台灣社會經歷了許多對同志社群的討論，有些言論認為台灣社會已經越來越能夠接納、理解多元社群的處境，也有些言論仍將同志視為異常，因而希望在法律上對同志做出區隔；隨著專法的通過，同性婚姻不再是台灣公民社會激辯的主題，同志跟異性戀一樣可以結婚、離婚，逐漸成為人民日常生活的現實。

專法通過後，官方與民間團體皆對「同性婚姻及性別相關議題接受度」進行調查、向社會大眾探尋意向，調查結果顯示社會大眾對同志是否可以結婚、養育子女等議題的支持持續提升，對同志的整體接受度也有逐年上升趨勢。

作為一個持續推動性別平權的組織，彩虹平權大平台希望可以透過本次綜合 2020 至 2022 年的社會態度調查與 LGBT 社群質化研究的結果，比對法律變動與社會態度間的交互作用，以及生活在台灣的社會大眾與同志社群間的互動，對於婚姻、家庭、社會的想像，以及日常生活中友善與歧視等，是否在法案通過之後有所改變。若有，是什麼樣的改變？

關鍵字

民意調查, 社會態度, 同性婚姻, 同性配偶收養, 人工生殖, 跨國同婚

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壹、婚姻平權的關鍵角色

回顧台灣婚姻平權運動的「關鍵角色」，可以分成「參與者」、「訊息面」與「制度面」三個面向來觀察。

表 1：台灣婚姻平權運動的「關鍵角色」

公民社會	訊息面	制度面
同志運動者長期參與	公民社會組織的證據和宣傳	司法訴訟與改革
公民社會蓬勃發展	受害者的證據和故事	立法行動及支持
對抗運動	媒體	性平法律與政策發展

一、公民社會

台灣的同志運動從 1990 年代起開始興起，而同志運動者在當時除了發聲爭取同志權益，更是積極參與廣泛與性別相關的各種運動，與其他的社會運動結盟創造改變，這些對長期推動跟努力是婚姻平權能夠實現的重要關鍵之一。舉例來說，1996 年由婦女團體主要發起，為了倡議女性人身安全、喚醒社會對於性侵害及性暴力關注的「女權火照夜路」遊行，隊伍中也有同志運動者的身影，聲援女性爭取「夜行權」的同時，主張同志也應該有「日行權」，便是台灣早期的性別運動的合作集結。

同志運動的主軸相當多元，從 1990 年代左右對抗社會對同志的污名，抗議警察的濫權盤查逮捕、批評媒體的歧視性報導。而 2000 年代起也開始有許多在法律上的修改倡議，訴求法律應保障同志組織家庭等完整人格權，回溯台灣同志遊行歷年來的遊行主題，就可見一斑：2006 年同志遊行主要訴求在爭取同志伴侶權益合法化，如結婚權、同居伴侶法、生育及收養子女權利；2010 年遊行關注實質同志政策及同志在政治、法律上的權益；2012 年遊行直接訴求「婚姻平權、伴侶多元」，希望國會修正民法婚姻規定並增加伴侶法的選擇；2018 遊行舉辦時，大法官會議第 748 號解釋已經做成，宣告同志也受到婚姻自由的平等保障，但反對勢力發起公投，不讓同性婚姻進入民法的篇章，同時反對性平教育，同志運動便轉為「防守狀態」面對公投¹，由此看來，訴求同志在法律上實質平等以及婚姻家庭相關權利為主題的年度遊行，這十

多年內就出現了四次之多，足見婚姻平權運動在台灣的發展並非一夕之事。

台灣有強壯且蓬勃發展的公民社會，也是婚姻平權在台灣能夠通過的主因之一。延續戒嚴前爭取言論自由跟政治權利的政治運動，女性、同志、勞工、環境、原住民等社會運動在 1987 年解嚴之後蓬勃發展，運動者間也彼此結盟、相互支持。而在 2010 年之後，則有了另外一波的公民運動浪潮，2014 年的太陽花運動，年輕世代為了抗議執政者對中國政策佔領國會，在街頭持續抗爭與倡議，帶動了另外一波年輕世代的賦權啟蒙，積極參與公共事務討論，而歷年的同志遊行也不再只是同志社群的盛事，而是看到許多年輕家庭帶著小孩，以直同志的身份參與遊行支持平等、正義等前進價值，也帶動了婚權議題的能見度與討論。

此外，台灣通過同婚法案的過程，與美國、法國、愛爾蘭等國家有一個類似的處境，也就是「對抗運動」的存在，社會中有一群激進保守背景的民眾，因為對於婚姻家庭的特定觀念、或是因為宗教信仰，對同志議題不僅僅持反對態度，更會集結成利益團體²，阻擋法案的修正與通過。而對抗運動的阻擋，雖然造成了台灣社會的對立與激化，讓 2016 年到 2019 年的台灣社會陷入兩極化的撕裂，但同時也促使台灣社會在那段期間深刻地面對、討論同志相關的議題，讓同志權益更加生活化、公共化。

¹ 2006 年遊行主題為「一同去家遊 Go Together」，2010 年遊行主題為「投同志政策一票 Out and Vote」，2012 年遊行主題是「革命婚姻——婚姻平權，伴侶多元」，2018 遊行主題是「性平攻略由你說·人人 18 投彩虹」。

二、訊息面

在婚姻平權的公共討論中，公民團體持續整理，並積極向社會呈現與同志相關的生命故事，不管是長期相伴的同志伴侶如何共同生活、身為家中有同志子女或孫子女的爸媽、甚至祖父母如何支持自己的孩子、直同志為什麼支持修法，讓同志的婚姻跟家庭受到法律認可，是提供給社會大眾重要的支持論據。

而同志團體對於無法結婚的同志伴侶會受到什麼樣的對待，持續追蹤、調查研究，甚至是讓實際「受害者」公開現身，直接以當事人的訴說來讓同志的現實處境得以呈現，更強化了社會對話的力道。由於法律不允許同性結婚，造成同性伴侶們權利受到實質侵害，甚至在一方過世後，面臨財務上的困境，這些「實際發生在你我身邊的故事」，透過媒體的傳播，有很強的滲透力，讓更多人理解修法的重要與迫切。

台灣媒體作為重要的訊息傳播管道，在過去並沒有對同志特別友善。1990 年代，媒體對同志有許多獵奇、歧視的報導，以窺探同志的方式達到獨家與娛樂的效果²，但在運動者持續推動媒體場域的多元友善後，近幾年台灣媒體在報導同志相關的主題時，較少再對同志直接貼上負面標籤，這個媒體環境的改變，當然對於民眾接受同志、社會最終能支持法案通過是有幫助的。

三、制度面

在關鍵法律與政策發展上，台灣經歷從 1980 年代起婦女運動對於民法親密關係法制的改革推動，以及 2006 年之後「性別主流化」政策影響，有許多與親密關係、身份相關的條文，都不再使用「夫/妻」等具有性別指向的文字，而是以「配偶」等中性用語代替，這些修正也讓以推動同性婚姻為主的婚姻平權運動更為順利，而不會碰到大量法律文字需重新調整的困境。在性悖軌法的部分，由於台灣的法律並未受英美法系的影響，沒有處罰男男性行為的規定，因此同志平權的修法討論，也不須在討論同性的合法婚姻前，先經歷同性性行為除罪化的挑戰。

在司法系統中，早在 1986 年就有同志運動者以「個案當事人」身份，進行婚姻登記受到拒絕後，透過司法訴訟、訴請大法官解釋來爭取權益，而後在 2015 年也陸續有地方政府及同志當事人將議題帶入司法院大法官，最終在 2017 年取得我國憲法法院宣告法規違反憲法所保障基本人權，成為同性婚姻最後一哩路的重要推進器。

立法系統從 2006 年至 2013 年，陸續有立法委員提案支持同性婚姻，而後到了 2016 年，即便國會經歷改選，仍持續有跨黨派相關法案提出，也讓法案在國會有更多被討論的紀錄。台灣屬於歐陸法體系，同性婚姻最終還是需要透過立法者通過相關法案，因此有立法者的行動與表態支持是十分重要的。

² 這些團體會不斷變換對外發聲的「名稱」，像是真愛聯盟、下一代幸福聯盟、台灣幸福家庭聯盟、台灣宗教團體愛護家庭大聯盟、彩虹愛家生命教育協會等等，但會一再重聲要保護孩子、保護婚姻家庭的價值，淡化他們宗教色彩。

³ 像是 1992 年台視新聞世界報導、1998 年華視新聞特搜隊，都是以潛入女同志酒吧偷拍的方式，進行窺視的報導。

貳、婚姻平權的法律變革

一、立法歷程簡述

2019 年，同性婚姻在台灣終於立法通過，然而法律的改變並非一蹴可及，以下就將區分為三個時間區段：2012 年以前的法律推動歷程、2012 年到 2016 年間首次有民間起草的民法修正案進入國會討論、2016 年國會改選後的第九屆立法委員如何經歷討論並最終通過同婚專法，介紹不同階段的修法討論。

（一）2012 年以前：性平修法改革、立委首度提出「同性婚姻法」

1990 年代起同志透過現身在對抗愛滋汙名、警察職權的恣意行使，也開始爭取法律修正，以法律規範校園及職場的性別歧視，像是 2002 年開始施行的《性別工作平等法》（立法之初尚稱《兩性工作平等法》，至 2008 年才以「性別」取代「兩性」），2004 年通過的《性別平等教育法》，或是在 2007 年在《就業服務法》中新增禁止性傾向歧視的條款，都是與同志社群相關的反歧視立法。而關於同志的婚姻及家庭權，最早在 2001 年，就有法務部提出「人權基本法草案」，草案第 24 條規定「為保障同性戀者人權，明定國家應尊重其權益，同性戀者得依法組成家庭及收養子女」，只可惜台灣史上第一次將「同性婚姻與子女收養」做為基本人權，置入成文法條的法案，直到 2003 年第三次被法務部公開提出時，都沒有進入立法院的實質討論。

2006 年，立法委員蕭美琴等人提案「同性婚姻法」，是第一個進入立法院的同性婚姻案，但本案遭其他立委反對列入院會討論議程，沒有機會進入法案實質討論。不過這個法案的提出，也開始促使民間團體開始討論對同性婚姻具體的想像，以及修法內容。

（二）2012 年至 2016 年：民間版婚姻平權民法修正案，首度進入立法院

2009 年台灣伴侶權益推動聯盟組成，並且開始討論與同性婚姻相關法案內容，透過修改民法的婚姻、家庭制度，讓親密關係法制更開放跟多元，受到民間團體的影響，2012 年末立法委員尤美女在立法院中提出開放同性婚姻的民法修正案。

由台灣伴侶權益推動聯盟起草的「多元成家三法案」，包含婚姻平權（同性婚姻）、伴侶、家屬三部分的民法修正案，終於在 2013 年 10 月進入立法院，民間版法案的出現帶動了社會的廣泛討論，不僅有許多支持者連署聲援，也有具宗教色彩的反同人士集結成「台灣守護家庭大聯盟」，極力反對同性婚姻的合法化。法案修正幅度大，議題複雜，加上對抗運動興起形成的輿論壓力，民間版的法案雖然通過一讀，也進入立法院司法法制委員會討論，但僅止步於此，沒有辦法繼續推進。同一時間，公民團體也徵求同志伴侶向各地戶政機關請求登記結婚，受拒絕登記後，集體發起訴訟與釋憲，採取立法與司法並行的運動策略。

（三）2016 年至 2019 年：立院、釋憲、公投，終至同婚專法通過

2016 年 10 月，發生了法籍教授畢安生在伴侶癌症過世後墜樓身亡的憾事，引發社會對於同性婚姻法案的高度關注，而改選過後的國會的各黨派，都有立委或是黨團提出以同性婚姻為主的民法修正案。法案在立院的討論依然受到對抗運動的影響，但公民團體強力動員捍衛，號召超過 25 萬人站上街頭支持同性婚姻，才讓法案能夠順利通過委員會審查，往前推進一小步。

而前一個階段的司法訴訟行動，則是在 2017 年有了正面的結果：2017 年 5 月 24 日，司法院大法官作成第 748 號解釋，宣告現行民法不允許同性結婚，是違反憲法中對於公民提供「婚姻自由之平等保障」，要求立法者在兩年內檢討修正，若屆期尚未修法，就讓同性伴侶直接依據現行民法結婚。大法官解釋後，對抗運動在 2018 年開始進行新的政治動員，發起公民投票，反對開放民法中同性婚姻，以及校園性別平等教育，並且取得最終投票的勝利。依照公投結果，民法修正案並未再有討論，而政府也依照公投法，提出符合大法官的憲法解釋的「司法院釋字第七四八號解釋施行法」，最終就以表決的方式通過了行政院所提出的專法版本。

值得一提的是，台灣由於特殊的國際地位，在一些國際公約的簽署上，有著嚴重的程序障礙，使得公約的效力處於未定的狀態，而台灣藉由制定國際公約的「施行法」，使得這些具有憲法地位的國際公約，產生拘束國家與公務員的效力。而釋字第

七四八號解釋施行法，便是為了捍衛憲法解釋再次闡明的基本權保障，同時避免與公投結果牴觸，產生的技術性的權衡，透過一種獨創的立法技術，讓同性伴侶可以結為「七四八關係」並登記成為彼此的配偶。

表 2：關鍵法律與政策發展時間表⁴

2001	法務部提出「人權基本法草案」，草案第 24 條規定「為保障同性戀者人權，明定國家應尊重其權益，同性戀者得依法組成家庭及收養子女」。
2003	總統府人權諮詢小組第三度提出「人權基本法草案」，草案第 26 條規定「人民有依其自由意志結婚與組織家庭之權利。同性男女所組織之家庭得一法收養子女」。
2006	立法委員蕭美琴等人，提案「同性婚姻法」。
2011	以基督信仰團體為主要成員的「真愛聯盟」，跳出來反對性別平等教育課綱實施，是反同勢力政治操作的暖身前哨戰。各地同志團體紛紛投入這次抗爭。
2013	台灣伴侶權益推動聯盟起草多元成家三法案，達成 15 萬人連署，並於同年 10 月送進立法院。草案中的婚姻平權一案通過立院一讀，但沒有辦法繼續推進二讀。
2015	同志運動者祁家威跟伴侶盟合作再次提起大法官釋憲。他曾在 1986 年請求與同性公證結婚，並提出同性婚姻立法的請願，遭政府機構拒絕，2000 年時曾聲請釋憲但未被大法官受理。
2015	蔡英文播出支持婚姻平權影片，是台灣首個表態支持婚姻平權的總統候選人。
2016	1210 世界人權日，由婚姻平權大平台共同舉辦「讓生命不再逝去，為婚姻平權站出來」音樂會，估計有超過 25 萬人上街頭宣示支持同志平權，更顯現台灣公民運動的活躍。
2016	立法院跨黨派委員分別提出同性婚姻的民法修正案。12 月 26 日，婚姻平權民法修正案併案通過立法院司法法制委員會審查。
2017	5 月 24 日，司法院公佈大法官釋憲 748 號，行政與立法機關需在兩年內修法，逾期未完成法律修正或制定，同性二人得依現行民法規定登記結婚。此釋憲結果讓台灣成為亞洲第一個全域性以法律保障同性婚姻的國家。
2018	反同團體在釋憲後提出公投，九合一地方選舉與公投的投票日：反同組織所提出的三項公投案全數通過公投門檻，而支持婚姻平權及性別平等教育的二案，在資訊不對等的情况下遭到否決。
2019	行政院提出同婚草案，命名為《司法院釋字第七四八號解釋施行法》，5 月 17 日立法院三讀通過，於 5 月 24 日施行，當天全台超過 200 對同志新人登記結婚。

⁴ 本表參考筆者之一過去整理之表格，重新補充後續相關事件演進製成。朱一宸，同性婚姻平權運動與身分法變革——以台灣伴侶權益推動聯盟版民法修正案為中心，國立臺北大學法律學系法律專業組碩士論文，頁 202-212，2015，<https://hdl.handle.net/11296/95paw8>。

二、未竟之事

最終以專法形式通過的同性婚姻，規範內容保留了與異性戀相同的「婚姻」架構，讓兩個相同性別的人與異性戀一樣，到戶政事務所辦理「結婚登記」，婚後的權利義務也大致上與異性戀相同，也因此讓許多同志、或是同志的家人，感覺到他們的家庭與生命，被國家正常化看待。只是在後同婚時代的台灣，同性婚姻的合法並不等於婚姻平權，像是跨國同婚、同性配偶收養、人工生殖等，同志與異性戀間還是存在法律權益落差，因此公民團體仍持續為了真正的婚姻平權推動修法。

依照「司法院釋字第七四八號解釋施行法」登記的「同性配偶」，不與配偶的血親產生姻親關係，很多個別法律也不能一體適用，造成同為配偶但權利義務不同的法體系混亂狀況，以家暴法為例，家暴法中保障範圍包括「姻親」，若異性夫妻遭受到對方家人的言語或暴力行為，是可以向法院申請核發保護令來保障人身安全，但由於專法中載明，同性配偶與他方家人不建立姻親關係，如果同性配偶碰到同樣的情況，目前仍然無法得到法律的保障。

另外，同性配偶目前雖然可以結婚，但因為行政機關對於專法上的解釋，認定同性配偶並非人工生殖法下可以施行人工生殖的「不孕夫妻」，因而至今仍無法在台灣透過人工生殖技術養育子女。

涉外民事法律適用法的選法規則沒有隨著《司法院釋字第七四八號解釋施行法》一併調整修改，對於當事人一方非台灣籍時，必須要他的國籍國同性婚姻已是合法的，才能在台灣登記結婚。換句話說，台灣人想跟外國同性伴侶在台灣結婚，必須要對方是來自同性婚姻已經合法的三十個國家之一才行。

同性配偶只能收養配偶一方的親生子女，不能共同收養無血緣子女，但現行的收出養制度中，「單身」者符合一定條件即可成為收養人，並不會因為他的性傾向而異。也就是說，同性伴侶一旦結婚，就不能成為收養人。在收養子女的實際業務上，提供收出養服務機構的社工也會碰到，已婚的同性配

偶就算在親職能力上足以申請收養孩子，卻因為已經結婚而無法收養子女的困境。

在後同婚時代，彩虹平權大平台仍然在為了婚姻平權持續努力進行修法倡議，而在倡議的同時，我們也透過研究看到社會態度如何受到法律改變的影響，變得對同志更加友善，而這樣的調查也將有助我們持續說服立法者，與我們共同合作平權相關的修法。

參、社會態度

一、2020-2022 社會態度綜合分析

同婚通過後，不管是由官方或由民間團體進行的民意調查，都顯示出台灣民情、社會環境，連續幾年都維持在一個偏向友善的區間。

大平台在同婚通過施行後，每年五月會進行「社會態度調查」，向社會大眾詢問對同志、對同性婚姻與未竟之事相關的議題的看法，持續追蹤社會態度的變化。行政院也於連續數年辦理的「性別平等觀念電話民意調查」中，固定詢問與多元性別、校園與職場性別平等、同性婚姻與同性配偶收養等題目，調查顯示台灣民眾普遍接受多元性別的存在已經是日常生活的一部分，也認為同性戀者、跨性別者應該在校園、職場及其他公共場所受到平等的對待⁵。

在大平台的調查中，女性受訪者比男性受訪者更為友善、學歷越高者越友善，且世代差異顯著，同時，在日常生活中有熟識的親友是同志者也較友善，在所有的題目中都有較高的正面表態。2022年「有熟識的同志親友」的人在各年齡層中皆有增加，18-39歲的受訪者有61.9%有熟識的同志親友，較去年增加11.5%，40-64歲的受訪者有36.6%，較去年增加3.8%，65歲以上的受訪者有21.4%，較去年增加6.7%。人們在過去一年間大量的「看見同志」出現在他們的日常生活中，推估原因是社會環境變得更友善，也讓同志更願意出櫃。

⁵ 調查中同意「在職場上，不可以因員工是同性戀而影響他的升遷和考績」2020年76.90%，之後逐年增加2-3%的支持，2022年來到80.80%；覺得自己「可以與跨性別者當同事」三年來維持在89%上下，同意「跨性別者可以選擇自己最舒服自在的打扮，在學校讀書或在職場工作」2020年73.80%，2021年、2022年維持在76%上下。

表 3：民眾有沒有「熟識的親友是同志」

	2021	2022	變化
有	36.70%	40.80%	+4.10%
18-39 歲受訪者	50.4%	61.9%	+11.5%
40-64 歲受訪者	32.8%	36.6%	+3.8%
65 歲以上受訪者	14.7%	21.4%	+6.7%
沒有	62.50%	57.60%	-4.90%
未表態	0.90%	1.60%	+0.70%

同性婚姻的締結與結束狀態，依內政部官方統計⁶如表 4，截至 2022 年 8 月，已有超過八千對同性伴侶登記結婚，成為彼此的法定配偶。在大平台的調查中，台灣民眾對同性婚姻的態度在 2020 至

2022 年間有翻轉，從不支持的偏多到支持的偏多、然後過半，官方的調查中，2020 到 2021 年間支持者有明顯的成長，2022 年支持者與反對者的分布不再有顯著的移動。

表 4：同性伴侶結婚與離婚對數統計（2019 年 5 月至 2022 年 8 月）

	歷年總計	2022 ⁷	2021	2020	2019
總結婚對數	8,733	1,551	1,856	2,387	2,939
男男伴侶	-	-	535	674	928
女女伴侶	-	-	1,321	1,713	2,011
總離婚對數	1,388	399	508	371	110
男男伴侶	-	-	126	100	50
女女伴侶	-	-	382	271	60

表 5：民眾對「同性婚姻」支持度

		2020	2021	2022	相較去年	相較前年
大平台民調： 「相同性別的兩人跟一般夫妻一樣有結婚的權利」	支持	41.90%	47.90%	51.60%	+3.70%	+9.70%
	不支持	48.70%	42.50%	35.60%	-6.90%	-13.10%
	無意見	9.40%	9.60%	12.80%	+3.20%	+3.40%
性平處民調： 「同性伴侶應該享有合法結婚權利」	支持	52.5%	60.4%	60.9%	+0.5%	+8.4%
	不支持	46.0%	37.9%	37.4%	-0.5%	-8.6%
	無意見	1.5%	1.7%	0.7%	-1%	-1.2%

⁶ 相同性別 2 人結婚、離婚對數按性別及縣市分，行政院性別平等會：<https://gec.ey.gov.tw/Page/C94CF37B935BEC9/9cd73b79-e88f-4afb-a643-543cc4385589>，最後瀏覽日期：2022 年 9 月 11 日。

⁷ 此處 2022 年之數字為 2022 年 1 月至 8 個月統計數據加總，此項統計未顯示各別性別。各月人口資料，縣市出生死亡結婚離婚（按登記），內政部戶政司：<https://www.ris.gov.tw/app/portal/346>，最後瀏覽日期：2022 年 9 月 11 日。

而在同婚的未竟事項上，大平台調查中，支持同性配偶共同收養無血緣小孩的比例從 2020 年的 56.8% 來到 2022 年的 67.4%，較去年成長 8%。官方的調查中，同性配偶收養更獲得穩定且明顯的支持，從 2020 年的 66.6%，至 2022 年已成長到 71%。

表 6：民眾對「同性配偶收養無血緣子女」支持度

		2020	2021	2022	相較去年	相較前年
大平台民調： 「相同性別的兩人結婚後可以 收養小孩」	支持	56.80%	59.00%	67.40%	+8.40%	+10.60%
	不支持	38.40%	36.80%	25.90%	-10.9%	-12.50%
	無意見	4.80%	4.20%	6.70%	+2.50%	+1.90%
行政院民調： 「同性配偶應該有領養小孩的 權利」	支持	66.6%	67.2%	71%	+3.8%	+4.4%
	不支持	31.9%	32%	27.6%	-4.4%	-4.3%
	無意見	1.5%	0.8%	1.4%	+0.6%	-0.1%

在同性配偶使用人工生殖生育下一代的議題上，則沒有獲得收養無血緣子女這麼廣泛的支持，主要因素可能是「收養」本身帶有一些「公益」的性質，為無家的孩子找到合適的家的這件事情，民眾較容易有情感的投射。

雖然 2020 至 2021 年有微幅增加的支持者，但直

到將問題拆分為「女女配偶使用人工生殖技術」與「男男配偶求代理孕母」後，女女人工生殖才首度獲得 57.3% 過半的支持，男男代孕不支持的比例仍比支持多了 1.7%，對於人工生殖技術的人倫疑慮、是否會使用到他人的身體（包含生殖細胞）的一部分，仍然挑戰台灣人對家庭的想像、道德的界線，需要更多社會對話的空間。

表 7：民眾對「同性配偶使用人工生殖生育下一代」支持度

大平台民調： 「相同性別的兩人結婚 後，可以透過人工生殖 的方式生育下一代」				2022		女女	男男
		2020	2021	女女配偶 人工生殖	男男配偶 代孕	相較去年	相較前年
	支持	42.10%	44.80%	57.30%	45.00%	+12.50%	+0.20%
	不支持	50.10%	46.20%	34.80%	46.70%	-11.40%	+0.50%
	無意見	7.80%	9.00%	7.90%	8.30%	-1.10%	-0.70%

跨國同性婚姻的調查數據則令人有些擔憂，雖然三年來支持者都超過五成，反對者則穩定的維持在 33% 左右，2020 至 2021 年支持者微升 2.2%，但到了 2022 年是直接跌破 2020 年的數字；細看支持程度分別，會發現「非常支持者」三年間有增加而「非常不支持者」三年間也有減少，但「還算支持者」逐年減少、「不太支持者」逐年增加，流失的支持者往「中間選項」甚至是往「無意見」移動，態度不如其他議題有那麼明確的立場。

COVID-19 疫情肆虐，在 2021 年 5 月至 8 月跟 2022 年 4 至 5 月間，對台灣的日常生活、人際關係造成了非常大的影響，這兩次疫情爆發剛好介於 2021 年與 2022 年兩次調查之間，民眾對於跨國境的人口流動感到焦慮，對跨國同性婚姻的觀感與支持恐怕也造成影響，有待疫情趨緩、國際移動管制減少後，再繼續追蹤。

表 8：民眾對「跨國同性婚姻」支持度

		2020	2021	2022	相較去年	相較前年
大平台民調： 「同性結婚不應該受到國籍的不同而有差別」	非常支持	17.80%	17.00%	19.00%	+2%	+1.2%
	還算支持	36.00%	39.00%	32.70%	-6.3%	-3.3%
	不太支持	15.90%	16.70%	18.30%	+1.6%	+2.4%
	非常不支持	17.50%	16.30%	15.10%	-1.2%	-2.4%
	無明確意見	12.80%	11.00%	14.90%	+3.9%	+2.1%
	支持	53.80%	56.00%	51.70%	-4.30%	-2.10%
	不支持	33.40%	33.00%	33.40%	+0.40%	0.00%

二、人際關係親疏與友善度的關聯

過去的調查結果顯示有熟識的朋友是同志的受訪者，對於性別政策、不同性傾向的友善度較高，那麼當「人際關係」的親疏遠近不同時，是否也會影響到台灣社會的接受度呢？大平台設計了「陌生人」、「公眾人物（行政首長、民意代表）」、有一定權力差異的「老師或上司」、同儕的「同事或同學」，然後是有親屬與血緣關係的「親戚」與「自己的孩子」問項，試圖從不同的人際角色與互動去觀察。

「陌生人」的部分，我們透過對「同性伴侶公開表露親密的行為」，像是在路上看到兩男或兩女接吻，做為探知民眾態度的問項，我們同時也問了看到一男一女接吻的接受度作為對照組。

2022 年的調查結果與前一年相比，接受度大幅增加，不論是男男或女女的部分都增加近 10%，雖然與對照組相比還是有落差，但也顯示出過半民眾對同志表露親密行為，已逐漸視為日常。

表 9：民眾對「不同性別組合伴侶的親密行為」接受度

		男女			男男			女女		
		2021	2022	趨勢	2021	2022	趨勢	2021	2022	趨勢
在路上看到一男一女接吻、以及兩男接吻、兩女接吻的接受度	接受	69.8%	76.6%	+6.8%	40.80%	50.1%	+9.3%	49.7%	60.3%	+10.6%
	不接受	27.3%	18.1%	-9.2%	57.50%	46.1%	-11.4%	48.1%	35.5%	-12.6%
	無意見	2.9%	5.3%	+2.4%	1.70%	3.8%	+2.10%	2.2%	4.2%	+2.0%

在公眾人物的部分，三年來接受度微幅增加，維持在六成左右；老師、上司、同事、同學、親戚，三年接受度從六成五增加到七成，是很廣泛的接受度。但問到「自己的小孩」時，態度開始變得艱難，雖然 2020 年第一次問到這一題時，偏向接受的民眾有 49.2%，比偏向不接受的民眾 47.3% 多，但差距甚微，皆不過半；2021 年偏接受者才過半，並跟偏不接受者拉開 8.4% 的差距；2022 年偏接受者來到 59.2%，三年間成長了 10%，是一個非常明顯的改變。

這個變化，也同時顯現在表 11「學校進行認識及尊重同志相關課程」的接受度上。大平台的調查中，對於得知自己的小孩在學校學習認識及尊重同志相關課程，2020 年有只 53% 的人偏向接受，但到了 2020 年來到了 73.5%，三年間支持者增加 20.5%、不接受者減少 21.98%，社會集體態度明確移動。但在行政院進行的調查中相似的題目中，雖然仍是接受者多，但趨勢上有一些來回震盪。2005 年性別平等教育法施行細則將同志教育納入性平課程，實施至今 17 年，接受過認識同志教育的這群青年正開始離開校園進入社會，後續的變化與趨勢值得繼續觀察。

表 10：民眾對「得知特定人是同志」的接受度

對象		2020	2021	2022	相較去年	相較前年
選區的行政首長（縣市長或總統）	接受	58.40%	61.10%	64.30%	+3.20%	+5.90%
	不接受	37.60%	35.50%	31.10%	-4.40%	-6.50%
	無意見	4.00%	3.40%	4.60%	+1.20%	+0.60%
選區的民意代表（縣市議員或立法委員）	接受	60.90%	64.20%	66.10%	+1.90%	+5.20%
	不接受	35.50%	32.60%	29.00%	-3.60%	-6.50%
	無意見	3.60%	3.20%	4.90%	+1.70%	+1.30%
老師／上司	接受	65.0%	68.7%	69.5%	+0.8%	+4.5%
	不接受	30.4%	28.1%	25.0%	-3.1%	-5.4%
	無意見	4.6%	3.2%	5.5%	+2.3%	+0.9%
同事／同學	接受	68.5%	72.2%	72.6%	+0.4%	+4.1%
	不接受	26.8%	24.1%	22.3%	-1.8%	-4.5%
	無意見	4.7%	3.7%	5.0%	+1.3%	+0.3%
親戚	接受	65.5%	68.5%	71.4%	+2.9%	+5.9%
	不接受	29.9%	27.1%	24%	-3.1%	-5.9%
	無意見	4.6%	4.4%	4.6%	+0.2%	+0%
我的小孩	接受	49.20%	52.30%	59.20%	+6.90%	+10.00%
	不接受	47.30%	43.90%	36.30%	-7.60%	-11.00%
	無意見	3.50%	3.80%	4.50%	+0.70%	+1.00%

表 11：民眾對「學校進行認識及尊重同志相關課程」的接受度

		2020	2021	2022	相較去年	相較前年
大平台民調：「得知我的小孩在學校學習認識及尊重同志相關課程」	接受	53.00%	70.00%	73.50%	+3.50%	+20.50%
	不接受	42.70%	25.60%	20.90%	-4.70%	-21.80%
	無意見	4.30%	4.40%	5.60%	+1.20%	+1.30%
行政院民調：「在國小階段，應該有讓學生學習正確認識同性戀、跨性別者的相關知識」	接受	60.10%	64.20%	62.40%	-1.8%	+2.3%
	不接受	39%	33.4%	36.5%	+3.1%	-2.5%
	無意見	0.9%	2.4%	1.1%	-1.3%	+0.2%

肆、LGBT 焦點團體

一、研究目的與訪談規劃

大平台在 2022 年初與英國西敏寺民主基金會（Westminster Foundation for Democracy, WFD）⁸ 合作，用「立法後審查」（Post-Legislative Scrutiny, PLS）⁹ 的研究方法，進行台灣婚姻平權立法後的社會變化評估研究，以經歷婚姻平權運動公民團體的角色，進行立法後的再檢討。

過去已有從社會大眾的角度進行過的量化研究，這次，我們期待從 LGBT 社群的角度出發，進行質化研究，作為對照；實際探訪 LGBT 社群對這幾年間法律與制度上的與社會態度上的改變，是否真的有感？對現在或未來的人生規劃，是否產生變化等。

在焦點團體進行前，我們邀請了台灣同志諮詢熱線協會、台灣同志家庭權益促進會、婦女新知基金會、台灣基地協會、高雄市女性權益促進會等長期致力於性別平等倡議、提供 LGBT 社群支持服務的公民團體，針對立法後組織在倡議議題方向的調整、服務社群狀態與需求的變化、中央及地方政府如何落實法律的改變等，進行聚焦會議，並對即將舉行的 LGBT 社群焦點團體訪談大綱進行調整修正。

團體們觀察到七四八 施行法通過後，團體所服務的 LGBT 社群，相較於未通過前，會更願意參與社群、尋找支持與連結，也有較高的意願對身邊的人出櫃，並且積極的安排未來的生活，諮詢結婚、收養與人工生殖等法律問題，並尋求支援與解決方案。與法律修改有直接業務關聯的中央政府機關，如戶政、內政，也有積極地對公務人員進行認識 LGBT、去除歧視的教育訓練，雖有城鄉差距，但整體仍是較正面地配合法律的改變。但在地方政府人口政策上，仍有零星福利措施產生實質差別待遇，例如各縣市政府的生育津貼、人工生殖補助、婚前健康檢查、甚至是婚配聯誼活動等，雖未明文排除 LGBT，但在實質的報名與申請過程中卻會受阻。另外，在政府部門將業務外包給一般民間團體執行時，也會因為執行者本身的性別意識落差，產生實質的差別待遇。

LGBT 社群焦點團體在 2022 年 1 月間舉行，綜合採用線上會議與實體團體方式進行，受訪者年齡介於 24 到 48 歲之間，順性別女性約占 57%，順性別男性約占 43%（未有跨性別者報名參加），居住地區分布台灣北部 28.5%、中部 50%、南部 21.5%。28.5% 已與同性伴侶結婚，42.8% 目前有同性別穩定交往伴侶。

⁸ Westminster Foundation for Democracy, <https://www.wfd.org/>（最後瀏覽日期：2022 年 9 月 22 日）。

⁹ 相關研究方法與說明可見 WFD 官方網站：<https://www.wfd.org/accountability-and-transparency/post-legislative-scrutiny>（最後瀏覽日期：2022 年 9 月 22 日）。

二、焦點團體分析與民調結果交叉對照

（一）社會友善程度與 LGBT 的出櫃、日常生活

在大平台的調查中，我們發現「有熟識的同志親友」的人在各年齡層中皆有增加，整體也較去年增加 4.1%，所以我們第一個討論的主題就是 LGBT 在七四八施行法通過後，是否有感覺到社會對同志變得更友善？因此也更願意向身邊的人出櫃？

「法律通過後，面對友善的環境，會有好像可以出櫃的想法，雖然沒有貿然出櫃，但有了這個念頭，在法律通過之前，是絕對不會有這個想法的。」

「法律通過沒有改變我的出櫃意願，但當我跟伴侶在路上牽手時，我自己會覺得『我這樣是沒有問題的』。」

多數受訪者認為七四八施行法（以下簡稱「專法」）的通過對台灣社會帶來強力影響，並有觀察到雖然是立專法的而不是修民法，仍是重要里程碑。感覺到自己是被社會接納的，在街上與伴侶表現得較親密時，會覺得比較安心，儘管面對到較不友善的人，也會因為自己已經被法律承認了而覺得站得住腳、更願意對公眾現身，這一點也可以回應大平台的調查中對「不同性別組合伴侶的親密行為」接受度（表 9）的變化，在過去一年接受度提升近 10%。

受訪者在專法通過前的出櫃程度，受到原生家庭中父母對同志接受度與職場管理特性的影響很大；通過後，法律的改變確實也在個人、家庭與職場、公眾生活及與政府組織的互動中，帶來不同程度的影響，受訪者幾乎都擴大了出櫃的對象範圍及出櫃程度；整體而言，法律帶動社會的性別意識與友善程度的提升，確實提高 LGBT 出櫃的意願。

但生活在非都市地區的受訪者也表示，非都市地區的居民「不認識同志」、缺乏對同志的想像，如果要出櫃，得花很多心力去解釋，尤其是法律的改變更難說明，因此，專法通過後，雖然出櫃意願有提高，但就實際生活層面而言，還是不一定會出櫃。對日常生活中會遇到但不熟的人（包含關係較遠的親戚），因為較難確知其友善程度，即便專法通過，也不見得會出櫃，而會傾向先介紹自己與同性伴侶 / 配偶的關係是朋友、室友，之後再觀察對方的

的態度決定自己是否要出櫃。

「鄰居的部分比較困擾，像是住在樓下的阿姨，我們沒有很熟，但坐電梯時會碰到，會被問是不是好朋友？我們就會先說對，是好朋友、室友。如果有熟一點才有可能會表示。」

已婚或有伴侶的受訪者表示專法通過後，在醫院陪病時，會傾向對醫護人員表明自己是患者的伴侶 / 配偶，而不再是朋友、室友，因為這個「法定身分」在醫療相關法律上的地位不同，院方的對待也會跟隨身分的不同進入標準化程序，因此受訪者會較願意在醫療場域中出櫃。女性受訪者在婦產科就診時說明自己有同性配偶，醫師也都能理解，不會做出多餘的揣測或醫療判斷。但在男性受訪者的醫療經驗中，則對於愛滋病的檢驗與治療有較負面的感受，有愛滋病被直接與男同志做因果連結的經驗。

「之前陪伴侶去急診，護士問我是誰，我回答『伴侶』，護士就直接寫沒說什麼就走了。通過前我不敢直接說是伴侶，會說是室友。」

「我要去做全身麻醉的檢查，護理師在等待處詢問陪我來的人是誰？我說配偶，他沒有說什麼。但進了診療室後，他跟我說，他覺得我可以直接告訴醫事人員我們的關係很好，他們受限於法規會有必須要問的問題，患者願意直接說，他們就不用猜，這樣反而能避免不必要的醫療風險，他很謝謝我。事後想起來，滿感動的。」

「結婚後我去看婦產科，醫生問我『已婚嗎？有可能懷孕嗎？』，我回答不可能，因為我跟女生結婚，我有太太。醫生就說『那我知道了』，反應很快。」

「我自己去婦產科就醫，也問有沒有可能懷孕，我也是一樣回答我的伴侶是女生。後來不管是哪科的醫院人員，也都知道法律該如何就如何。」

其他在一般公眾生活中需要出示身分證件（台灣的身分證上有標記配偶姓名的欄位，已婚者的配偶姓名會被表示，當配偶的姓名可能與特定生理性別有連結時，出示身分證等同是出櫃）的場合中，例如旅遊住宿、金融業務申辦等，至今都沒有遇過歧視

或刁難。已婚的受訪者回憶結婚時在戶政機關的登記經驗也很普通且順暢，非城市地區的戶政人員感覺起來確實對當事人感到有些好奇，但也沒有發生任何歧視性或不適當的表現。

（二）校園、職場

大平台調查在「知道自己的同事 / 同學是同志的接受度」（表 10）問題中，表示接受的比例三年間從 68.5% 到 72.6%。同婚專法通過後，多數受訪者表示有感覺到在職場出櫃變得更容易，已婚者立即享受到的制度性保障就是婚假，已婚者比較不用避諱自己的感情狀態，可以明確表明自己是已婚、有家庭的人，而不是單身。

但依職場的友善程度、人際關係緊密度不同，也有受訪者雖然已婚，但並沒有請婚假，因為請假需要經過人事部門與主管的簽審，是一種職場中較全面性的出櫃，職場本身不夠性別友善時，當事人會寧可不使用婚假與結婚補助，也不願意出櫃；有請婚假經驗的受訪者，感受到的狀況是「依法行事」，多數同仁並不會特別詢問結婚對象的性別，但也有表示以男性為主、理工背景的工作場域，除了更加保守，對多元性別的意識也較缺乏，會將婚姻預設為異性戀婚姻、並且以生育為主要目標。

「我跟伴侶 2014 年在美國登記結婚，回到台灣後，我有才感覺到身份登記跟真正生活狀態的落差，我其實是有家庭的，但身分證上我是單身，別人看你在法律上單身，會認為你在事實上也是單身，不需要照顧家庭，可以承擔較多的出差、外派工作。」

「我是 2019 年同婚生效當天就結婚了，但婚後我沒請婚假及結婚補助，考量職場環境狀態無法順利出櫃，直接放棄。」

而公司的態度，倚賴人事部門的積極程度，管理階層（個別部門主管）的友善表態也很重要。管理風格較高壓、溝通模式較單向的（例如軍隊、醫療、學校體系）的職場，或是產業類別或氛圍較傳統、年齡層較高、員工性別分布較單一的（例如以異性戀男性為主的同事及管理階層）場域，在專法通過前，受訪者嘗試出櫃的意願明顯較低。通過後，受訪者們在也開始觀察同事的態度、計畫出櫃。

「我的經驗是職場出櫃要看產業別，像是建築、營建業，這樣的產業比較陽剛，裡面有很多深櫃的人不太能出來。雖然也有女性主管，但一般來說比較保守。」

有幾位受訪者擔任教職，有人有以老師的身分在職場公開出櫃，並被學生祝福，有人則是不主動提及自己的身分認同與婚姻狀態，但若被詢問，會據實回答，也有人考慮到學生的年齡層、性別比（可能以未成年的生理男性為主），以及學校對多元性別認識與教育並不重視，並未感到安全友善，所以沒有出櫃。

「我現在學校的教務主任是靈糧堂的，所以我沒有打算講任何自己性傾向的事情。」

「我在學校工作，跟學生說我是同志都會得到正面的回饋。有些學生會有點驚訝，之後會收到同學私下的來信，覺得老師很勇敢，因為自己也是同志，但他們不敢講。」

氛圍較為保守的職場如軍隊與醫院，有在部隊服役過程中出櫃的受訪者們，表示軍隊仍是相對保守封閉的環境，在同階層的人際關係間，也常會有基於性別或性傾向的貶低性玩笑，例如戲稱不夠陽剛的男性太柔弱無法完成體力性任務。較年長或關係較遠的高階長官，也有明顯的性別不友善，且因階級不對等，出櫃有一定程度的風險，通常不會主動出櫃。醫院則視科別而異，受訪者表示除了精神科相對友善外，許多科別都還是有僵固的性別刻板印象與歧視。但軍隊與醫院在專法通過後，還是有感受到部分同仁主動釋出較友善的態度。

「我在醫院工作，醫療圈說白了很討厭同志，尤其是牙醫和外科這種會見血的科別，最討厭男同志，覺得男同志跟愛滋有直接的關聯。遇到愛滋男同志就很不友善，說很害怕被傳染，要把患者轉到醫學中心。」

「部隊整體環境是比之前稍微友善，但環境封閉、流言蜚語多，出櫃還是不容易，只要出櫃，就完全藏不住，其他單位的人就會以好奇、探問秘密的方式來詢問你的性傾向，但你其實根本就不認識對方。另外也會有異性戀者，戲稱要找另一個同性別

的人結婚去換婚假，來取笑軍中的同性伴侶。」

校園的部分，有學生觀察到過去有反覆公然發表性別與性傾向歧視言論紀錄的老師，在同婚專法通過後，已顯著收斂這樣的行為。老師則觀察到校園中的不友善言論有減少，但學校仍是保守場域且進步遲緩，但依照目前法律的發展，再過幾年，老師與學校就得面對來自同志家庭的學生與家長，學校勢必會有很多文件跟表格內容都需要調整（例如對家長的稱謂可能不再只是父與母），如果沒有法律的推進，這個改變在校園中是很難達成的。

（三）家庭

大平台調查在「知道自己的親戚是同志的接受度」問題中，表示接受的比例三年間從 65.5% 來到 71.4%；「知道自己的小孩是同志的接受度」問題中，則是從 49.20% 來到 59.20%（表 10）。

多數受訪者都有跟同世代的手足（含堂、表兄弟姊妹）出櫃，並且無論是在同婚專法通過前與後，出櫃經驗幾乎都是好的、獲得支持的；當家中有其他手足（包含堂表兄弟姊妹）是已出櫃同志時，受訪者的出櫃意願會受到先出櫃手足的出櫃經驗影響，當先出櫃手足的出櫃經驗是偏好的時候，受訪者較願意主動出櫃，但當經驗是偏壞的時候（例如引發了爭執、情感創傷），受訪者則傾向不向家人出櫃或直接與家人疏遠。「我的家人很保守，同婚通過之前，我姊姊就有被父母發現她有交女朋友，她們跟我父母見面的狀態也並太愉快，同婚通過之後更不好，我也被命令過年期間跟親戚見面不可以亂講話、透漏姊姊的狀態。」受訪者表示。

同婚專法通過後，父母、長輩對於多元性傾向的接受度有明確的變化，因為國家已經承認了、對於子女的未來獲得保障而感到安心，對他們來說也有一個合理的理由（因為國家承認了）去接受孩子的性傾向是沒有問題的，於是在法律通過後，會主動蒐集、注意同志議題和相關訊息（例如看多元性別議題的電影、報導）與子女聊，鼓勵子女盡快安排人生（與同性伴侶結婚），積極的接納子女的同性伴侶成為家庭成員，並建立「子女組織了自己的家庭」的認同狀態，像是年節返鄉活動、家族喪祭中的掛名、家族旅遊與活動等等，都會進入一種常態化的安排。受訪者向家人介紹自己的同性伴侶時，

會以「男 / 女朋友」稱呼，而家人對於這位同性伴侶，通常會以名字做稱呼，若需要再向其他人介紹，除了稱呼「子女的男 / 女朋友」外，也會以口語化的詞彙像是「逗陣的」（閩南語中稱呼有一定情感基礎的共同生活者）來稱呼。

「之前我父母如果在電視影集中看到同性情愫的劇情會排斥、轉台，但同婚通過後，他們會看全部的影集。我沒有刻意邀請他們這麼做，但他們會主動說他們想看這些影集。應該是為了多了解我一點吧，畢竟他們身邊沒有其他的同志。」

「結婚後，我媽主動提醒我保險受益人要去改成配偶，因為以前保的保險受益人都是寫媽媽。」、「媽媽覺得我們已經成家了，農曆年時，會詢問『你們要一起回來嗎？還是會在自己家裡過？』，也就是會考慮我們是一個家庭，而不是我是自己一個人。」

「伴侶的阿嬤過世時，他們有把我的名字寫在訃聞裡面，雖然要擺的位子有猶豫了一下，但最後我的名字有列在上面。」

農曆年與婚喪喜慶在台灣的家庭人際關係中，佔有很重要的份量，可以區分出彼此的親密感、認同感與親疏關係，從這些受訪者描述的內容，我們可以特別可以觀察到原生家庭主動接受同性伴侶的態度。

原本因為政治傾向或宗教信仰而對同志較有敵意的長輩，也因法律的改變，顯現出一種「木已成舟」的消極接受狀態，不會再嘗試扭轉子女的性傾向，但還是認為子女要想辦法完成「傳宗接代」的任務。也仍有部分受訪者的父母，於子女與同性伴侶結婚後，明確表示反對這樣的婚姻，家庭人際關係惡化，因此對法律的改變觀察比較消極，認為支持的就會支持，反之亦然，法律沒這麼積極的效果。

這裡有一個特別的觀察，在 2017 年 5 月 24 日大法官解釋 748 號宣告不讓同性伴侶結婚違反憲法保障後，到 2018 年 11 月 24 日同性婚姻公民投票前的這段時間，台灣社會進入一種強烈立場對峙的交鋒期，在受訪者已向家人出櫃，但家人並未明確

表示態度、明知但避而不談的家庭中，家人（尤其是父母）反而會因為擔憂公投結果會改變子女將來能否結婚的焦慮，而主動向子女開啟同性婚姻的討論與對話，甚至到公投前夕，家人會以同志的父母／家人的身分，向周邊親友出櫃拉票，請求支持、理解同性婚姻。也有過去未向家人出櫃的受訪者，是在這種沮喪的氛圍中（大法官對同性婚姻持正面態度，但於輿論顯示生活在周遭的人民卻反對同性婚姻），反而選擇向家人出櫃，而家人也因感受到輿論中的惡意，從保護子女的角度出發，傾向贊成法律應該有所修正以加強保護。

「公投結果出來那天我太難過了，於是向媽媽出櫃。我跟伴侶交往八年，在那之前我都跟媽媽說我們是室友。我跟媽媽說『謝謝你沒有把我趕出去』，她問我『為什麼？』，我說因為我是同志，她說就算你是同志也是我女兒。我感受到媽媽是需要時間接受這件事，這個法律通過的意義，是讓我媽媽可以用光明正大的理由接受不管怎麼樣你都是我女兒，我不會因此不愛你。」

「我有一個姑姑是來自反同教會的基督徒，公投前在家族間四處發反同主張的文宣，我媽媽就發平權主張的文宣回去。為了要幫我拉票，我媽媽跟所有人出櫃，當時親戚的反應就是我知道了，會支持，後來也沒有在在家裡見過返同的文宣。」

「公投的發生對我兩個家庭的媽媽來說有很大的轉變。我出櫃時媽媽不太支持，太太的媽媽也沒有很支持，即便我們都已經在美國結完婚回來台灣，他們都還是不太能接受。但同婚公投出來，我們的媽媽們都很緊張，變得非常關心，一直問會通過嗎？很怕公投的結果會阻擋我們在台灣結婚。」

而在組織自己的家庭的規劃，像是發展自己的親密關係與生養計畫，也受到法律的改變影響甚鉅。幾乎所有的受訪者都知道同婚專法跟民法的差異，包含跨國婚姻、收養子女、人工生殖利用的限制，以及與配偶的血親不成立姻親關係等，基本上都不影響個人的結婚意願；其中，不成立姻親關係反而激勵了一些受訪者願意與伴侶締結婚姻，因為相較於民法的婚姻，專法的婚姻顯得更個人主義一點，沒有把彼此的血緣家庭強制連結，與配偶的自主性更高。

「我婚前就知道專法跟民法的規定有差別，我也很高興專法不會跟配偶的親屬變成姻親。目前我跟另外一半的講法，是各自家庭各自負責，我覺得是好的。」

未婚的受訪者無論目前的伴侶狀態為何，大多在專法通過之前就已有結婚的人生規劃，專法通過後，則是讓他們從必需得存錢去國外結婚，變成可以在自己生活的地方結婚，覺得結婚變得方便很多。

「我一直都想要結婚，之前如果同婚沒過，就是想和伴侶去加拿大結婚和移居去那裡，現在同婚過了，就是多了一個選項在台灣結婚。」

過去並沒有結婚想法的受訪者，現在也有意識到親密關係的未來多了一些選項。但也有受訪者因為伴侶希望結婚，而專法通過使得結婚變得可能，面臨到需要去思考結婚與不結婚的現實差異與安排，以及需要回頭去處理自己的出櫃議題。受訪者認為如果要結婚，不可能不出櫃，但他原本沒有打算在目前的人生階段處理出櫃的議題，雖然知道專法的規定不會讓自己與伴侶的家人建立法律上的姻親關係，但仍認為婚姻是兩個家庭的結合，必須先處理自己在家裡的出櫃狀態，才有可能進入到婚姻的討論，但如果專法沒有通過，也不會覺得現在已經是可以處理出櫃議題的時機。

但在子女養育計畫上，法律限制就大幅壓縮了生養的意願，無法共同收養子女，也無法在國內使用合法的人工生殖輔助，使得有意願結婚及收養子女的同性伴侶們，為了能夠符合「單身收養」的條件，只能暫時放棄結婚，而已經結婚的同性配偶，就陷入了更難的選擇：離婚或放棄收養的念頭。受限於經濟條件與 Covid-19 國際疫情，去國外進行人工生殖的門檻提高、語言的隔閡也帶來更高的醫療風險，較年長的受訪者表示已放棄生育，較年輕的受訪者則認為未來爭取法律修改還是很機會，期待在法律修訂放寬限制後，再計畫生育。

「如果還需要再修法，就再去爭取，現在年紀比較輕，還可以再等，現在結婚考量的時間還沒到，還可以等，之後年紀大一點這樣的落差會不會影響到生小孩的規劃，但目前希望可以結婚、生養孩子。」

伍、結論

台灣的婚姻平權運動經歷了很長一段時間的醞釀，2006 年第一次進入立法院，但直到 2019 年才終於合法。從既有的社會態度調查來看，社會對於同志是否可以合法結婚的態度從不支持逐漸轉變為支持，在 2012 到 2015 年這段時間，大概有 50% 的民眾支持同志可以合法結婚，到了 2017 到 2019 年，因為反對勢力的集結，激起社會對於同志的刻板印象以及仇恨，贊成同性婚姻的比例下降到 40% 左右。不過法律及政治領域拉鋸討論的過程，婚權運動的能量反而進入相對高點，立法者也開始認真面對這個議題。

同婚通過之後，台灣人民對於同性婚姻的接受程度逐漸突破 50%，到了 2021 年有超過六成對同性婚姻及同性伴侶生養計畫抱持正面態度。在本次研究中進行的焦點團體，受訪者對於法律修正為個人及台灣社會帶來的正面影響給予很高的肯定，並且幾乎都有觀察到自己身處的環境與人際關係，對於多元性傾向的討論與接受度有所提升。

綜合量化與質化研究的結果，可以看到「婚姻平權」的社會運動，透過不斷的社會對話促成法律通過，而法律通過也讓台灣社會有了更友善的改變：周遭的人對同志釋出更多的善意，同志也更願意現身，於是人們也更有機會認識、理解同志，並對平權立法有更積極的表態與支持。

社會接受度也帶動了婚姻平權歷程中其他未竟之事的修法趨勢，家庭暴力防治法修正草案擴大納入同性配偶，涉外民事法律適用法修正草案，亦朝保障國民與本國法未承認同性婚姻之外國人民締結婚姻關係方向發展。748 施行法第 20 條同性配偶僅得收養他方親生子女的規定，修正草案也在往放寬限制的方向進行討論。

台灣政府在 2022 年也首次推動辦理「我國多元性別者（LGBTI+）生活狀況調查」，希望借鏡歐盟對多元性別者的調查框架¹¹，藉由大型問卷調查，建構台灣本土多元性別人口特徵與生活型態描述，相對於「性別平等觀念電話民意調查」，直接從 LGBTI+ 的角度去了解生活中的歧視、騷擾與暴力等狀況，是否隨著社會大眾的前進而有所改善，也期待能進一步為將來法律、政策的制定與修改帶來指引。

最後要特別提出的觀察是，雖然整體社會的態度往友善樂觀的方向靠近，但我們仍不能忽視在個別調查項目中，因各種資源落差，呈現出的城鄉、世代、跟教育程度上的差距；年輕世代有接受過性別平等教育，加上資訊與網路的進步，友善程度相當的高，由此觀之，要促成真正的性別平權，除了考慮訂定一個更全面的平等法或反歧視法，讓社會態度與法規互動建立可以相互支持的環境外，對成人的社會教育也是很需要再投入資源的區塊。

¹¹ A long way to go for LGBTI equality, FRA, <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>（最後瀏覽日期：2022 年 9 月 23 日）。

我們是誰

台灣彩虹平權大平台協會 前身為 **婚姻平權大平台**，於2016年11月組成，為推動2016婚姻平權法案的跨團體平台，由五個同志與性別組織組成：台灣同志諮詢熱線協會、台灣同志家庭權益促進會、婦女新知基金會、台灣同志人權法案遊說聯盟、GagaOOLala同志影音平台，共同投入平台運作，持續至2019年10月。

由於2019年5月24日台灣同婚合法上路，婚姻平權的推動已完成階段性任務，此後婚姻平權大平台逐步進行組織變更，於2020年5月正式立案並更名為「社團法人台灣彩虹平權大平台協會」。

我們的目標

期待透過政治參與、社會教育、國際合作等行動與工作項目，消除因性 / 別產生的各種不平等，讓友善同志成為生活的日常，邁向多元共好的台灣。

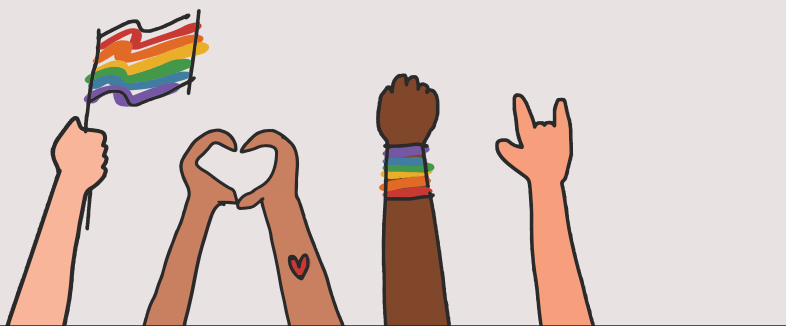
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Abstract

The marriage equality campaign is one of the social movements in recent years that receives the most attention in Taiwan. What differentiates it from other social movements is that, the marriage equality campaign exhausted almost all possible strategies that could lead to official legal changes in Taiwan during its three and a half years, including proposing a Civil Code amendment in the Legislature, petitioning for a constitutional interpretation, in which the Grand Justices announced the legal statutes in effect to be unconstitutional, and having a referendum. After the referendum result deemed that it was not possible to amend the existing Civil Code, the Executive Yuan proposed a special law parallel to the Civil Code, which was passed in 2019, rendering Taiwan the first country in Asia that allows same-sex couples to legally marry.

On this journey of promoting marriage equality, the Taiwanese society has witnessed many discussions about the LGBT community. While some people believe that the Taiwanese society has become more and more accepting and understanding of the living situations of diverse communities, others still view LGBT individuals as abnormal and thus, wish to incorporate in the laws differential treatments of the LGBT community. Thanks to the enactment of the special law, same-sex marriage is no longer a heavily-disputed topic in the Taiwanese civil

society. Same-sex couples can now marry and divorce just like heterosexuals, and same-sex marriage has become the reality in people's daily life.

Since the enactment of the special law, both governmental agencies and civil organizations have conducted surveys on “public acceptance of same-sex marriage and gender-related issues,” attempting to explore public opinions. These survey results have suggested that the public's support for issues such as whether same-sex couples can marry and raise children has continued to grow, and their overall acceptance of the LGBT community has also been increasing every year.

As an organization that continues to promote gender equality, Taiwan Equality Campaign (TEC) combines results of the annual social attitude survey conducted between 2020 and 2022 and the qualitative study of the LGBT community, with the hope to compare the interaction between legal changes and social attitudes, and if the interaction between the Taiwanese public and the LGBT community, people's ideas about marriage, family and the society, as well as the friendliness level and discrimination in everyday lives have changed since the enactment of the special law. If so, what changes have there been?

Keywords

public survey, social attitude, same-sex marriage, same-sex adoption, assisted reproduction, cross-border same-sex marriage

Key Factors and Actors in the Marriage Equality Campaign

In terms of key factors and actors in the marriage equality campaign in Taiwan, we can observe them from three aspects, including “participants,” “messages,” and “systems.”

Table 1: Key factors and actors in the Taiwanese marriage equality campaign

Civil Society	Message	System
Long-term engagement	Evidence & advocacy of CSOs	Complementary litigations and reforms
Public events	Evidence & stories of victims	Legislators championing the bill
Counter movements	The Media	Jurisprudence and policy developments

Civil Society

The LGBT movement in Taiwan started to develop in the 1990s. While speaking up to fight for LGBT rights, LGBT activists at the time also actively participated in a wide range of social movements related to gender issues, and founded alliances with them to create changes. These long-term engagements and efforts have been one of the key reasons for marriage equality to be realized in Taiwan. For example, in the “Feminist Fire Lightens up the Night Streets” March initiated by women's organizations in 1996, the goal of which was to advocate for the personal safety of women and to raise public awareness of sexual assault and sexual violence, LGBT activists were also present. While supporting women's fight for “the right to walk at night,” they in the meantime advocated that LGBT persons should have the “right to daytime strolls.” This was one of the early collaborations within the gender movement in Taiwan.

The LGBT movement in Taiwan has involved very diverse themes, starting with fighting against the social stigma LGBT faced, protesting against police's abuse of power in making interrogations and arrests, and criticizing discriminatory media coverages in the 1990s. In the 2000s, there were many advocacy efforts for legal changes, demanding legal protection of LGBT's personality rights like forming a family. As we review the themes of previous Taiwan LGBT Prides, such trend can be observed: the Pride in 2006 mainly fought for the legalization of same-sex couples' rights, such as the right to marriage, cohabitation, reproduction, and adoption. In 2010, the Pride focused on actual LGBT policies and LGBT's political and legal rights. The 2012 Pride directly demanded “marriage equality and diverse partnerships,” hoping that the Legislature could amend the marriage-related statutes in the Civil Code, adding an option of

¹ Themes of Taiwan LGBT Pride were “Go Together” in 2006, “Out and Vote” in 2010, “I do! Do I? Equal right to marriage, diversity in partnership” in 2012, and “Tell Your Story, Vote for Equality” in 2018.

² These groups tend to constantly change their names when making public statements, such as True Love Alliance, Coalition for the Happiness of our Next Generation, Taiwan Coalition for Happy Families, Family Guardian Coalition, and Rainbow Family Life Education Association, but their messages remain the same, emphasizing protection of children and marriage as well as family values, while watering down their religious affiliation.

a partnership law. When the 2018 Pride took place, the Constitutional Interpretation No. 748 was already made, which guaranteed equal protection of marital freedom for LGBT. However, the opposition force petitioned for a referendum, which prevented same-sex marriage from being incorporated in the Civil Code as well as gender equity education from being implemented. In response, the LGBT movement turned itself to a “defense mode” while preparing for the referendum¹. As we can see, there were four Taiwan LGBT Prides in the past decade that appealed for the actual equality in law and rights related to marriage and family, showing that the rise of marriage equality campaign in Taiwan was not a sudden and short-lasting event.

Taiwan has a strong and striving civil society, which is one of the main reasons for the marriage equality bill to be passed in Taiwan. Following the political movement fighting for freedom of speech and political rights during the Martial Law period, women's, LGBT, labor, environmental, and indigenous rights movements strived in Taiwan after the abolishment of Martial Law in 1987, with activists allying themselves with and supporting each other. In 2010, another surge of civil movements started. In the 2014 Sunflower Movement, a young generation of activists occupied the Legislative Yuan to protest against the government's China policy, and the continuous demonstrations as well as advocacy efforts facilitated a new wave of empowerment and enlightenment among the younger generations, encouraging them to actively take part in discussions about public affairs. Meanwhile, Taiwan LGBT Pride has grown to become an important event involving more than just the LGBT community. Instead, many young families with children have been joining the march as LGBT allies, expressing support for progressive values like equality and

justice, which has also increased the visibility and discussions about issues regarding marriage equality.

In the meantime, Taiwan shares a similar experience with countries like the USA, France and Ireland while promoting the same-sex marriage bill, namely, the counter movements. A group of radically conservative citizens in Taiwan who were strongly against LGBT-related agendas based on specific ideas about marriage and family or due to their religious beliefs formed interest groups² to block the amendment to the Civil Code and the passing of the marriage equality bill. Although this counter movement caused tension and radicalization in the Taiwanese society, polarizing the public between 2016 and 2019, they in fact also enabled the Taiwanese society to profoundly face and talk about issues related to LGBT rights, making LGBT rights a more down-to-earth and publicized topic.

Messages

During public discussions about marriage equality, civil organizations continued to collect life stories about LGBT and present them to the public. These stories included long-term same-sex couples building their life together, parents with LGBT children or grandchildren, grandparents supporting their family members, LGBT-friendly straight people in favor of legislative amendments that would grant legal recognition of the marriage and family of same-sex couples. Stories like those were important supporting evidence for the public.

Furthermore, LGBT organizations continued to track and investigate what kinds of treatments same-sex couples who were unable to get married tended to receive, and even invited actual “victims” to openly share their experiences. Such first-hand accounts

demonstrated the living situation of LGBT individuals, and made public conversations more powerful. As same-sex marriage was not recognized by the law, rights of same-sex couples were damaged, with some people even facing financial difficulties after the death of their partner. Communicated through the media, these “true stories around us” were very infiltrative, allowing more people to realize the importance and urgency of amending the laws.

As an important channel of dispersing information, Taiwanese media was not particularly friendly towards the LGBT community in the past. In the 1990s, the media often pursued exclusive coverages and entertaining effects through witch-hunting, discriminatory stories that pried into LGBT people’s life.³ However, thanks to the continuous efforts made by activists to promote diversity and inclusion in the media, in recent years, Taiwanese media has become less likely to directly attach negative labels to the LGBT community when reporting on relevant topics. This change in the media environment has certainly helped the public become accepting of the LGBT community as well as supportive of the bill in the end.

Systems

In terms of key legislative and policy developments, after Taiwan underwent a campaign initiated by the women’s movement to reform statutes regulating intimate relationships in the Civil Code in the 1980s, followed by the “gender mainstreaming” policies that have been in effect since 2006, many legal statutes regarding intimate relationships and identities now

no longer use gender-specific languages like “husband/wife” but replace them with neutral terms like “spouse.” Such changes also contributed to the success of the marriage equality campaign, as a difficult situation in which a large number of legal terminologies would have to be re-adjusted was avoided. As for the sodomy law, because Taiwanese laws were not under the influence of the common law system and there was no statute that punished male-to-male sex, the marriage equality campaign did not have to face the challenge of decriminalizing homosexual sex first before attempting to legalizing same-sex marriage.

In the judicial system, already in 1986, a gay activist sought to fight for his rights through litigations and he petitioned on his own behalf for a constitutional interpretation after he was turned away when trying to register his marital status. Later in 2015, several local governments and LGBT individuals brought this issue to the Grand Justices, and finally, a ruling was made in 2017, which announced that the then-existing laws failed to protect the basic human rights guaranteed in the Constitution. And it was an important accelerator during the last mile of legalizing same-sex marriage.

In the legislative system, on the other hand, several legislators proposed bills that supported same-sex marriage between 2006 and 2013. In 2016, after the majority party changed in the Legislative Yuan, legislators from different parties continued to propose relevant bills, accumulating more records of such bills being discussed in the legislature. As Taiwan belongs to the civil law system, for same-sex marriage to be finally legalized, it was necessary for legislators to pass a legislative

³ For example, in a coverage by the “World News” of Taiwan Television in 1992 and another by the “News Quests” of Chinese Television in 1998, both journalist teams made their reportages by secretly filming in a lesbian bar.

bill, and therefore, action and expression of support coming from legislators were very critical.

Legal Changes in terms of Marriage Equality

Brief Introduction of the Legislative Journey

In 2019, the legislation to legalize same-sex marriage was finally passed in Taiwan. However, legal changes were not achieved overnight. In this section, we will discuss the actions taken by the marriage equality campaign to promote the legislation in three stages: legislative efforts before 2012, the first amendment to the Civil Code drafted by civil organizations being discussed in the Legislative Yuan between 2012 and 2016, and how members of the 9th Legislative Yuan elected in 2016 deliberated and finally passed the special law on same-sex marriage.

Prior to 2012: Reforms of legislations on gender equality, the first “Same-sex Marriage Act” introduced

In the 1990s, LGBT spoke up to fight against stigma associated with HIV/AIDS and abuse of police authority, while also seeking to modify the law to regulate gender-based discrimination on campus and in workplace. For example, the “Act of Gender Equality in Employment” taking effect in 2002 (the legislation was first named “Act of Equality between Men and Women in Employment,” and the use of men and women in the title was replaced by gender equality in 2008), the “Gender Equity Education Act” passed in 2004, and the clauses added in the “Employment Service Act” in 2007

that prohibit discrimination based on sexual orientation are all examples of anti-discrimination legislations relevant to the LGBT community. In the case of LGBT’s marital and family rights, it was first in 2001 when the Ministry of Justice proposed a draft bill of “Basic Human Rights Act,” in which Article 24 stipulated that “In order to protect the human rights of homosexual individuals, the state shall respect their rights, and homosexual individuals should enjoy the right to form families and adopt children according to the law.” Unfortunately, this bill, which for the first time in the history of Taiwan clearly defined “same-sex marriage and adoption” as basic human rights and wrote them into law, never underwent any official deliberation in the Legislative Yuan, despite that the Ministry of Justice had openly proposed the bill for 3 times up to 2003.

Legislator Hsiao Bi-khim and others proposed the “Same-sex Marriage Act” in 2006, which was the first bill that made to the Legislative Yuan. However, the bill did not have the chance to be officially deliberated because other legislators were opposed to including it in the agenda. Nevertheless, this bill facilitated civil organizations to start discussing their concrete ideas about same-sex marriage and how the law should be amended.

2012-2016: a same-sex marriage bill drafted by civil organizations being introduced to the Legislative Yuan for the first time

Founded in 2009, Taiwan Alliance to Promote Civil Partnership Rights (TAPCPR) began to discuss bill contents related to same-sex marriage, hoping to make the legal system concerning intimate relationships more open and diverse by changing the marriage- and family-related statutes in the Civil Code. Under the influence of civil organizations, in 2012, Legislator Yu Mei-nu proposed in the Legislative

Yuan an amendment to the Civil Code to legalize same-sex marriage.

The three “Diversified Family Formation” bills drafted by TAPCPR were officially introduced in the Legislative Yuan in October 2013, which included Civil Code amendments regarding marriage equality, civil partnership, and the multi-person family system. The appearance of bill initiatives made by a civil organization also facilitated broad public discussions. While many people signed a petition to express their support, religious anti-LGBT groups formed the “Grand Taiwan Family Protection Coalition” and were strongly opposed to the legalization of same-sex marriage. As the bills involved a wide range of legal modifications and complex issues and the counter movement generated strong public pressure, although the bills passed the first reading and were submitted to the Organic Laws and Statutes Committee of the Legislative Yuan for deliberation, they were not able to make further progress. In the meantime, civil organizations recruited same-sex couples to request to register their marital status at local household registration office, to file for a class action lawsuit, and to petition for a constitutional interpretation once they were turned down. By doing so, a campaign strategy that adopted legislative and judicial tools parallelly was established.

2016-2019: Legislature, constitutional interpretation, referendum, and enactment of the special law

An unfortunate incident took place in October 2016, when French professor Jacques Picoux died from falling down from a building after the decease of his same-sex partner. The incident led to intense public debates over the same-sex marriage bill. In the newly elected Legislative Yuan, legislators and party caucuses from all parties presented their own version

of a Civil Code amendment centering same-sex marriage. The bill still faced influences from the counter movement even after being deliberated in the Legislative Yuan, but civil organizations stood their ground and fought, calling more than 250,000 people to march on the street to express their support for same-sex marriage, which helped the bill to pass the committee review and to move forward in the end.

The litigation strategy from the previous phase also achieved a positive result in 2017. On May 24th, 2017, Grand Justices of the Judicial Yuan announced their No.748 interpretation, in which they declared that it was in violation of “the equal protection of marriage freedom” guaranteed for citizens by the Constitution that the then-in-effect Civil Code did not allow same-sex couples to marry, and they demanded legislators to review and amend the laws within two years. If an amendment was not to be made by then, same-sex couples shall automatically be allowed to enter a marital union in accordance with the Civil Code. After the constitutional interpretation was made, the counter movement began a new round of political mobilization in 2018 by petitioning for a referendum that aimed to prevent the Civil Code from being modified to allow same-sex marriage and to stop gender equity education from being implemented in schools. In the end, the counter movement won the referendum. Adhering to the referendum result, no further discussions were made about a Civil Code amendment. In response, the government proposed the “Act for Implementation of J.Y. Interpretation No. 748,” which was in accordance with both the Referendum Act and the constitutional interpretation. At last, the legislators voted to pass the special law proposed by the Executive Yuan.

It is worth mentioning that, because of

Taiwan's unique position in the international society, the country faces some severe procedural obstacles when signing some international conventions, rendering the effects of these conventions uncertain. By passing an implementation act for these international conventions, which should enjoy the same status as the Constitution, Taiwanese government manages to grant these conventions legal power to restrain the state and civil servants. The Act for Implementation of J.Y. Interpretation No. 748 was in fact a technical compromise that, on the one hand, affirmed the protection of basic rights reassured by the constitutional interpretation, while on the other hand, avoided any conflicts with the referendum result. Through this unique legislative technique, same-sex couples are now allowed to form a "No. 748 relationship" and become each other's officially registered spouse.

Table 2: Timeline of key legal and policy developments

2001	The Ministry of Justice proposed a draft bill of "Basic Human Rights Act," Article 24 of which stipulated that "In order to protect the human rights of homosexual individuals, the state shall respect their rights, and homosexual individuals should enjoy the right to form families and adopt children according to the law."
2003	The Presidential Office's Human Rights Consultative Team proposed for the third time the draft bill of "Basic Human Rights Act," in which Article 26 stated that "citizens have the right to marry and form families according to their free will. Families of same-sex couples may adopt children in accordance with the law."
2006	Legislator Hsiao Bi-khim and others proposed the "Same-sex Marriage Act."
2011	The "True Love Coalition," consisting of mainly Christian groups, was openly opposed to implementing gender equity education curriculum in schools, marking the warm-up battle for the political involvement of anti-LGBT force. Many LGBT organizations across Taiwan joined this fight.
2013	The three "Diversified Family Formation" bills drafted by TAPCPR successfully recruited 150,000 people to sign the petition, and were submitted to the Legislative Yuan in October the same year. The marriage equality bill passed the 1st reading but failed to move on to the 2nd reading.
2015	LGBT activist Chi Chia-wei worked with TAPCPR to petition once again for a constitutional interpretation. He once requested a civil marriage with a partner of the same sex and petitioned for a legislation on same-sex marriage but was turned down by the competent government authority. In 2000, he appealed for a constitutional interpretation but the petition was not accepted by the Grand Justices.
2015	Tsai Ing-wen aired a campaign video to support marriage equality, making her the first presidential candidate in Taiwan to openly express support for marriage equality.

2016	On December 10th, the International Human Rights Day, the “Cherish Every Life, Support Marriage Equality” Concert co-organized by the Marriage Equality Coalition (MEC) was estimated to have attracted more than 250,000 people to march on the street to express their support for LGBT equal rights, demonstrating the activeness of civil movements in Taiwan.
2016	Legislators from different parties proposed their respective draft bill of the Civil Code amendment. On December 26th, the Organic Laws and Statutes Committee completed its review of the marriage equality bill.
2017	On May 24th, the Judicial Yuan announced Constitutional Interpretation No. 748, which stated that the executive and legislative authorities shall revise the law within two years. If authorities were to fail to revise the existing law or to draft new legislations, same-sex couples shall enjoy the right to enter a marital union in accordance with the Civil Code. This constitutional interpretation made Taiwan the first country in Asia to grant same-sex marriage legal protection on the national level.
2018	Anti-LGBT groups proposed a referendum after the constitutional interpretation was made. On the day when local elections and the referendum were held, the three referendum proposals submitted by anti-LGBT groups were all approved, while the two proposals that supported marriage equality and gender equity education were denied as a result of informational gaps.
2019	The Executive Yuan proposed a draft bill on marriage equality with the title of “Act for Implementation of J.Y. Interpretation No. 748,” which was passed on May 17th and enacted on May 24th. On the day, more than 200 same-sex couples registered marriage.

Unfinished Businesses

Same-sex marriage is at last legal in Taiwan thanks to a special law, the content of which retains the same structure of a “marital union” as in heterosexual marriage, allowing two individuals of the same sex to enjoy the right to register their marital status at a local household registration office. Same-sex spouses also share similar marital rights and obligations as heterosexuals in general, which makes many LGBT and their family members feel that their family and life are treated normally by the state. Yet, in this post-same sex marriage era, the legalization of same-sex marriage does not equal to marriage equality, as gaps in legal rights still exist between same-sex and heterosexual spouses when it comes to issues like cross-border same-sex marriage,

joint adoption, and assisted reproduction.

Therefore, civil organizations have to continue to push for more legal changes to achieve true marriage equality.

As “same-sex spouses” registered in accordance with the Act for Implementation of J.Y. Interpretation No. 748 do not establish a relation by marriage (in-laws relation) with their spouse’s blood relatives, and many individual laws can not be applied in a “one-size-fits-all” manner, it has resulted in a chaotic legal system, within which legal spouses have different rights and obligations. Taking the Domestic Violence Prevention Act for example, as its protection scope includes relatives by marriage, if a heterosexual

individual experiences verbal or physical violence from a family member of his or her spouse, the individual is entitled to file to the court for a restraint order to protect his or her personal safety. However, because it is stipulated in the special law that individuals in a same-sex marriage do not form a relation by marriage with their spouse's family members, if a person in a same-sex marriage experiences the same situation, he or she will not be able to receive the same legal protection at the moment.

In addition, although same-sex couples are allowed to marry now, they do not enjoy the right at the moment to have children using assisted reproduction technologies, as authorities deem that, under the special law, they do not meet the definition in the Assisted Reproduction Act of an "infertile couple" that is entitled to using assisted reproduction technologies.

Since the selection rules in the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements have not been adjusted along with the Act for Implementation of J.Y. Interpretation No. 748, if one party in a same-sex marriage is not a Taiwanese national, the couple can only register their marriage in Taiwan when same-sex marriage is also legal in the country of the foreign national. In other words, if a Taiwanese national wishes to marry his or her foreign partner in Taiwan, it is only possible when the partner is a national of one of the thirty countries where same-sex marriage is already legalized.

Same-sex spouses are only allowed to adopt the birth children of either party in the marriage but not to adopt jointly children who are not related to either one of them by blood. However, in the current adoption system, single individuals are also entitled to adopt

children as long as they fulfill certain criteria, regardless of their sexual orientation. It means that, once a same-sex couple marries, they are no longer allowed to adopt. In practice, social workers at adoption agencies also encounter dilemmas when married same-sex couples are not entitled to adopt because of their marital status, despite that they are eligible in terms of parental abilities.

In the post-same sex marriage era, TEC continues to push for legal changes to achieve marriage equality. Parallel to our advocacy work, we've observed through conducting research how social attitudes have changed along with legal changes, becoming friendlier towards the LGBT community. Such studies shall also help us continue to convince legislators to work with us on making more legal changes for equal rights.

Social Attitudes

2020-2022 Synthetic Social Attitude Analysis

Since the legalization of same-sex marriage, public surveys conducted by the government and civil organizations have all shown that, public attitudes and the social environment in Taiwan have continued to remain in a rather friendly zone in recent years.

TEC has been conducting a "Social Attitude Survey" every May since the legalization of same-sex marriage, exploring the public's opinions towards LGBT, same-sex marriage and other agendas we wish to further promote, and has been continuously tracking changes in public attitudes. The Executive Yuan has also included questions about diverse gender identities, gender equality on campus and in workplace, same-sex marriage and same-sex adoption in its "Public Survey on Gender Equality" for years, results of which have

indicated that, Taiwanese people have in general accepted diverse gender identities as a part of their everyday life, and have come to believe that homosexual and transgender individuals should be treated equally in school, workplace and other public places.⁵

According to TEC's survey, female respondents are friendlier than males, people with a higher educational level tend to be friendlier, and there are significant differences among generations. Meanwhile, respondents that have close family members or friends identifying themselves as LGBT are also friendlier, demonstrating a more

positive attitude in terms of all questions. In 2022, the number of respondents who "have close family members or friends identifying themselves as LGBT" has increased in all age groups, while 61.9% of respondents between the age of 18 and 29, 36.6% of those between the age of 40 and 64, and 21.4% above the age of 65 all said so, showing a respective increase of 11.5%, 3.8% and 6.7% in each age group compared to the previous year. People have "seen" many more LGBT persons in their daily life for the past year, and the reason behind is believed to be a friendlier social environment, which can encourage LGBT to come out.

Table 3: Whether respondents have "close family members or friends identifying themselves as LGBT"

	2021	2022	Difference
Yes	36.70%	40.80%	+4.10%
Respondents between the age of 18-39	50.4%	61.9%	+11.5%
Respondents between the age of 40-6	32.8%	36.6%	+3.8%
Respondents above the age of 65	14.7%	21.4%	+6.7%
No	62.50%	57.60%	-4.90%
No answer	0.90%	1.60%	+0.70%

⁵ In the 2020 survey, 76.9% of respondents agreed that "in workplaces, employees' promotion and merits should not be affected by their homosexual identity." The percentage has grown by 2% to 3% each year and reached 80.8% in 2022. The percentage of respondents believing that "I can be co-workers with transgender individuals" has remained around 89% for three years, while the percentage of respondents agreeing that "transgender people should be able to choose their most comfortable look in school or in workplace" was 73.8% in 2020, and has stayed around 76% from 2021 to 2022.

Table 4 presents the Ministry of Interior's official statistics on the conclusion and termination of same-sex marriage.⁶ As of August, 2022, more than 8,000 same-sex couples had registered to be married and become each other's legal spouse. TEC's survey has observed some tipping points of Taiwanese people's attitude towards same-sex marriage between 2020 and 2022,

as the number of people supporting same-sex marriage started to exceed the number of people who didn't, and then became the majority. In the official study conducted by the Executive Yuan, the number of supporters also grew significantly between 2020 and 2021, while the ratio of supporters to opponents shows no clear change in 2022.

Table 4: Numbers of married and divorced same-sex couples (May 2019 - August 2022)

	Total	2022 ⁷	2021	2020	2019
Total number of married couples	8,733	1,551	1,856	2,387	2,939
Male-male	-	-	535	674	928
Female-female	-	-	1,321	1,713	2,011
Total number of divorced couples	1,388	399	508	371	110
Male-male	-	-	126	100	50
Female-female	-	-	382	271	60

Table 5: Respondents' support for "same-sex marriage"

		2020	2021	2022	Compared of the year before	Compared to 2 years before
TEC Survey: "Two individuals of the same sex should enjoy the same right to marry as heterosexual couples."	Supportive	41.90%	47.90%	51.60%	+3.70%	+9.70%
	Unsupportive	48.70%	42.50%	35.60%	-6.90%	-13.10%
	No opinion	9.40%	9.60%	12.80%	+3.20%	+3.40%
The Executive Yuan Survey: "Same-sex couples should enjoy the right to legally marry."	Supportive	52.5%	60.4%	60.9%	+0.5%	+8.4%
	Unsupportive	46.0%	37.9%	37.4%	-0.5%	-8.6%
	No opinion	1.5%	1.7%	0.7%	-1%	-1.2%

⁶ Gender Equality Committee of the Executive Yuan. Statistics on the number of married and divorced same-sex couples, grouped by gender and city/county. <https://gec.ey.gov.tw/Page/C94CF37B935BEC9/9cd73b79-e88f-4afb-a643-543cc4385589>, last reviewed on Sep. 11th, 2022

⁷ The number of 2022 is the sum from January to August in 2022. No gender data is available yet here. Department of the Household Registration of the Ministry of Interior. Monthly demographic data: birth, death, marriage and divorce in each city/county (registered). <https://www.ris.gov.tw/app/portal/346>, last reviewed on Sep. 11th, 2022

When it comes to the “unfinished businesses” of the marriage equality campaign, TEC’s survey shows that the percentage of respondents who support same-sex spouses’ right to adopt jointly non-biological children has grown by 8% from 56.8% in 2020 to 67.4% in 2022. In the official survey, support for joint adoption by same-sex couples has shown a more stable and obvious growth, from 66.6% in 2020 to 71% in 2022.

Table 6: Respondents’ support for “same-sex couples adopting non-biological children”

		2020	2021	2022	Compared of the year before	Compared to 2 years before
TEC Survey: “Two individuals of the same sex may adopt children after getting married.”	Supportive	56.80%	59.00%	67.40%	+8.40%	+10.60%
	Unsupportive	38.40%	36.80%	25.90%	-10.9%	-12.50%
	No opinion	4.80%	4.20%	6.70%	+2.50%	+1.90%
The Executive Yuan Survey: “Same-sex spouses should have the right to adopt children.”	Supportive	66.6%	67.2%	71%	+3.8%	+4.4%
	Unsupportive	31.9%	32%	27.6%	-4.4%	-4.3%
	No opinion	1.5%	0.8%	1.4%	+0.6%	-0.1%

Meanwhile, the issue regarding same-sex spouses’ right to make use of assisted reproduction technologies to have children has not received such broad support as the issue of same-sex adoption. The main reason may be that “adoption” is an action with a certain “charitable” nature and that finding a suitable home for homeless children is more relatable for people emotionally.

Although the number of supporters increased slightly from 2020 to 2021, it was when the question was divided into two parts of “female-female spouses adopting assisted

reproduction technologies” and “male-male spouses seeking surrogates” that the former question won over the majority, with 57.3% of respondents supporting it. In the meantime, the percentage of respondents not supporting surrogacy for gay couples was still 1.7% higher than the percentage of supporters. Moral concerns about assisted reproduction technologies, such as whether use of parts of other people’s bodies (including reproductive tissues) is necessary, still challenge Taiwanese people’s idea about families and their moral boundaries. Hence, more public conversations are needed.

Table 7: Respondents' support for "same-sex spouses' adopting assisted reproduction technologies to have children"

TEC Survey: "Two individuals of the same sex may make use of assisted reproduction technologies to have children after getting married"		2020	2021	2022		Female-female	Male-male
				IUI/IVF for Female-female spouses	Surrogacy for male-male spouses	Compared of the year before	Compared to 2 years before
	Supportive	42.10%	44.80%	57.30%	45.00%	+12.50%	+0.20%
	Un-supportive	50.10%	46.20%	34.80%	46.70%	-11.40%	+0.50%
	No opinion	7.80%	9.00%	7.90%	8.30%	-1.10%	-0.70%

Statistics on cross-border same-sex marriage, on the other hand, have been slightly concerning. Although the percentage of supporters has exceeded 50% in these three consecutive years, the percentage of opponents has also remained stably around 33%. From 2020 to 2021, the percentage of supporters increased mildly by 2%, but the number in 2022 has turned out lower than in 2020. Looking closely, it can be observed that, while the number of respondents being "highly supportive" has increased in all three years, and respondents being "highly unsupportive" have decreased, the number of respondents being "somewhat supportive" has decreased year by year, and respondents being "somewhat unsupportive" have grown yearly. The lost supporters have moved their

position to a "moderate option" or even to "no opinion," showing an attitude not as clear as towards other issues.

The COVID-19 pandemic had a drastic impact on Taiwanese people's daily life and interpersonal relationships between May and August in 2021 and again between April and May in 2022. Both outbreaks happened to occur during the period of this survey being conducted in 2021 and 2022, and it was likely that during these periods, people felt anxious about cross-border movement of people, which influenced their perception of and support for cross-border same-sex marriage. We shall continue to track the development on this issue once the pandemic eases and fewer restrictions on international travel are in force.

Table 8: Respondents' support for "cross-border same-sex marriage"

		2020	2021	2022	Compared of the year before	Compared to 2 years before
TEC Survey: "Same-sex couples should be allowed to marry regardless of their respective nationality"	Highly supportive	17.80%	17.00%	19.00%	+2%	+1.2%
	Somewhat supportive	36.00%	39.00%	32.70%	-6.3%	-3.3%
	Somewhat unsupportive	15.90%	16.70%	18.30%	+1.6%	+2.4%
	Highly unsupportive	17.50%	16.30%	15.10%	-1.2%	-2.4%
	No opinion	12.80%	11.00%	14.90%	+3.9%	+2.1%
	Supportive	53.80%	56.00%	51.70%	-4.30%	-2.10%
	Unsupportive	33.40%	33.00%	33.40%	+0.40%	0.00%

Correlation between closeness of interpersonal relations and friendliness level

Previous surveys showed that respondents with close friends being LGBT tended to be friendlier towards gender policies and different sexual orientations. In this case, does the level of closeness of interpersonal relations also affect Taiwanese people's acceptance? In our survey, TEC provided options like "stranger," "public figure (government leader, legislator)," "teacher or supervisor" with a certain power difference, fellow "co-worker or classmate/schoolmate," as well as people with family and blood relation like "relative" and "own child," to try to observe people's attitudes based on different interpersonal roles and interactions.

In terms of a "stranger," we attempted to explore respondents' attitude towards "same-sex couples openly engaging themselves in affectionate behaviors," such as "seeing two males or two females kissing each other on the street." We also used "seeing one male and one female kissing each other" as the control group.

Survey results in 2022 have shown a large improvement in people's acceptance compared to the previous year, with an increase of 10% in both the male-male and female-female scenarios. Although a gap to the control group was still observed, the survey has nevertheless suggested that more than half of the public have grown to treat affectionate interactions of same-sex couples part of their everyday life.

Table 9: Respondents' acceptance of "affectionate behaviors in couples of different gender combinations"

Acceptance of seeing one male and one female kissing each other, compared to seeing two males or two females kissing each other		Male-female			Male-male			Female-female		
		2021	2022	Trend	2021	2022	Trend	2021	2022	Trend
	Accepting	69.8%	76.6%	+6.8%	40.80%	50.1%	+9.3%	49.7%	60.3%	+10.6%
	Not accepting	27.3%	18.1%	-9.2%	57.50%	46.1%	-11.4%	48.1%	35.5%	-12.6%
	No opinion	2.9%	5.3%	+2.4%	1.70%	3.8%	+2.10%	2.2%	4.2%	+2.0%

In the case of a public figure, people's acceptance has grown slightly for the past years, remaining around 60%. People's acceptance of teachers, supervisors, co-workers, class/schoolmates, and relatives being LGBT has grown in the three years from 65% to a rather high level of 70%. However, when asked about their "own child," the question would become more difficult. When the question was first introduced in 2020, 49.2% of respondents tended to accept, slightly higher than the percentage of respondents who did not, which was 47.3%. But the difference was very small and none of the group exceeded 50%. In 2021, the percentage of accepting respondents became higher than 50%, showing a difference of 8.4% from respondents who did not accept. The percentage of respondents who tend to accept has grown to 59.2% in 2022, demonstrating a very obvious change with a growth of 10% in three years.

This change can also be observed in people's acceptance of "schools organizing courses on learning about and respecting LGBT," as shown in Table 11. According to TEC's survey, in 2020, only 53.5% of respondents tended to accept it when finding out that their children were given courses on learning about and respecting LGBT. Yet, in 2022, the percentage has grown to 73.5%, showing an increase of 20.5% in three years, while the percentage of respondents who did not accept has reduced by 21.98%. The public's collective attitude has clearly shifted. However, in the survey conducted by the Executive Yuan, a swinging trend has been observed despite a higher percentage of supporters. In 2005, the Enforcement Rules for the Gender Equity Education Act included LGBT education into the gender equality curriculum, and after 17 years of implementation, this group of teenagers who have received LGBT education are starting to leave school and become a member of the society, so the ensuing changes and trends are worth to be further observed.

Table 10: Respondents' acceptance of "finding out a certain individual being LGBT"

Subject		2020	2021	2022	Compared of the year before	Compared to 2 years before
Government leader of one' s constituent (major or the President)	Accepting	58.40%	61.10%	64.30%	+3.20%	+5.90%
	Not accepting	37.60%	35.50%	31.10%	-4.40%	-6.50%
	No opinion	4.00%	3.40%	4.60%	+1.20%	+0.60%
Representative of one' s constituent (county/city council representative or legislator)	Accepting	60.90%	64.20%	66.10%	+1.90%	+5.20%
	Not accepting	35.50%	32.60%	29.00%	-3.60%	-6.50%
	No opinion	3.60%	3.20%	4.90%	+1.70%	+1.30%
Teacher/supervisor	Accepting	65.0%	68.7%	69.5%	+0.8%	+4.5%
	Not accepting	30.4%	28.1%	25.0%	-3.1%	-5.4%
	No opinion	4.6%	3.2%	5.5%	+2.3%	+0.9%
Co-worker/ schoolmate/ classmate	Accepting	68.5%	72.2%	72.6%	+0.4%	+4.1%
	Not accepting	26.8%	24.1%	22.3%	-1.8%	-4.5%
	No opinion	4.7%	3.7%	5.0%	+1.3%	+0.3%
Relative	Accepting	65.5%	68.5%	71.4%	+2.9%	+5.9%
	Not accepting	29.9%	27.1%	24%	-3.1%	-5.9%
	No opinion	4.6%	4.4%	4.6%	+0.2%	+0%
My own child	Accepting	49.20%	52.30%	59.20%	+6.90%	+10.00%
	Not accepting	47.30%	43.90%	36.30%	-7.60%	-11.00%
	No opinion	3.50%	3.80%	4.50%	+0.70%	+1.00%

Table 11: Respondents' acceptance of "schools organizing courses on learning about and respecting LGBT"

		2020	2021	2022	Compared of the year before	Compared to 2 years before
TEC Survey: "Finding out that my child is given courses on learning about and respecting LGBT in school. "	Accepting	53.00%	70.00%	73.50%	+3.50%	+20.50%
	Not accepting	42.70%	25.60%	20.90%	-4.70%	-21.80%
	No opinion	4.30%	4.40%	5.60%	+1.20%	+1.30%
The Executive Yuan Survey: "In elementary school, students should be given the opportunity to learn correctly about homosexuality and transgender."	Accepting	60.10%	64.20%	62.40%	-1.8%	+2.3%
	Not accepting	39%	33.4%	36.5%	+3.1%	-2.5%
	No opinion	0.9%	2.4%	1.1%	-1.3%	+0.2%

LGBT Focus Group

Research purpose and interview design

In early 2022, in collaboration with the Westminster Foundation for Democracy (WFD)⁸ in the United Kingdom, TEC adopted the method of "post-legislative scrutiny (PLS)"⁹ and conducted a synthetic social study to examine changes in the Taiwanese society after the legalization of same-sex marriage, with the aim to reflect on the legislation outcomes once again from the perspective of a civil organization that was part of the marriage equality campaign.

In the past, quantitative studies from the public's viewpoint have been conducted. Thus, this time, we look to conduct a qualitative study from the perspective of the LGBT community as a comparison, and to explore if the LGBT community has indeed felt any difference in both the legal system and social attitudes for the past years, and if they have made changes to their current or future life plans accordingly.

⁸ Westminster Foundation for Democracy: <https://www.wfd.org/> (Last reviewed on: Sept. 22, 2022)

⁹ Relevant research methods and their introduction can be found on WFD's official website: <https://www.wfd.org/accountability-and-transparency/post-legislative-scrutiny> (Last reviewed on Sept. 22, 2022)

Before hosting a LGBT community focus group, we invited five civil organizations that had long been committed to advocating for gender equality and to providing the LGBT community with support services to a meeting, including Taiwan Tongzhi Hotline Association, Taiwan LGBT Family Rights Advocacy, Awakening Foundation, the Taiwan GDI Association, Kaohsiung Women's Rights Promotion and Development Association.¹⁰ In the meeting, changes in these five organizations' advocacy work in the wake of the legislation, changes in the status and needs of their services, and how the central and local governments had realized these legal changes were discussed, while a discussion guide for the upcoming LGBT focus group was revised and adjusted.

The aforementioned organizations have observed that, since the enactment of the Act for Implementation of J.Y. Interpretation No. 748, compared to before the law was passed, the LGBT community, for which they provide services for, has become more willing to participate in the community, to look for supports and connections, and has shown a higher willingness to come out to the people around them, as well as to actively plan for their future, consult on legal issues such as marriage, adoption, and assisted reproduction, and seek supports and solutions. Government agencies that have been directly affected by these revisions of the laws, such as the household registration office and the Ministry of Interior, have been actively providing public servants with educational training about the

LGBT community and anti-discrimination. Although a gap between urban and rural areas is still to be observed, public servants have been rather positive when it comes to adapting themselves to the legal changes. However, in terms of the population policies of local governments, there are still sporadic welfare measures with substantial discrimination, such as maternity allowances from counties and municipalities, subsidies for assisted reproduction technologies, pre-marital health examinations, and even matchmaking activities. While these measures do not expressly exclude LGBT individuals, they do encounter obstacles while trying to sign up or apply for these services. In addition, when government agencies outsource their business to NGOs, some substantial discriminating treatments may also occur due to a lack of gender awareness of these service providers in the private sector.

A LGBT focus group was convened in January 2022 with both online and physical meetings. Interviewees were between the ages of 24 and 48. Cisgender women accounted for approximately 57%, while cisgender men accounted for approximately 43% (No transgender people signed up to participate in the group). In terms of their residence, 28.5% of group participants lived in northern Taiwan, 50% in central Taiwan, and 21.5% in southern Taiwan. 28.5% of interviewees were married with a same-sex partner and 42.8% of them were in a stable relationship with their same-sex partner.

¹⁰ Taiwan Tongzhi Hotline Association: <https://hotline.org.tw/>; Taiwan LGBT Family Rights Advocacy: <https://www.lgbtfamily.org.tw/>; Awakening Foundation: <https://www.awakening.org.tw/>; Taiwan GDI Association: <https://www.gdi.org.tw/>; Kaohsiung Women's Rights Promotion and Development Association: <https://zh-tw.facebook.com/kapwr/>

Cross analysis of the focus group and public survey results

Public friendliness, coming-out and everyday life of LGBT

In TEC's survey, we found out that the number of people who "had close family members or friends identifying themselves as LGBT" increased in all age groups, with an overall growth of 4.1% compared to the previous year. Thus, our first theme to be discussed in the focus group was if LGBT people indeed felt that the society had become friendlier towards LGBT, and therefore, had become more willing themselves to come out to the people around them since the enactment of the Act for Implementation of J.Y. Interpretation No. 748.

"Since the law was passed, facing this friendly environment, I sometimes feel like maybe I can come out of the closet. I haven't come out spontaneously yet, but I do have this thought. This idea never occurred to me before the law was passed."

"The law has not changed my willingness to come out, but when I hold hands with my partner on the street, I have the feeling that 'it is okay to do so.'"

Most interviewees believed that the enactment of the Act for Implementation of J.Y. Interpretation No. 748 (the special law) had a strong impact on the Taiwanese society, and observed that although it was presented in the form of a special law, rather than an amendment to the Civil Code, it was still an important milestone. They felt accepted by the society, and when they behaved more intimately with their partner on the street, they were more likely to feel at ease. Even when facing unfriendly people, they felt more able to stand up for themselves and were more willing to show themselves to the public because they had been recognized by the law. This also echoes the change in people's acceptance of

"affectionate behaviors in couples of different gender combinations (Table 9)" shown in TEC's survey, which has increased by nearly 10% in the past one year.

Among the interviewees, the extent of coming out before the enactment of the special law was greatly influenced by the acceptance level of their parents and the characteristics of their workplace. After the enactment of the special law, changes in the law indeed had varying degrees of impact on individuals, families, workplaces, public lives, and interactions with government agencies. Almost all interviewees expanded the scope and extent of coming out of the closet. Overall speaking, the law has led to an improvement in gender awareness and friendliness in the society, and it has also increased the LGBT community's willingness to come out.

However, interviewees living in non-urban areas also said that non-urban residents "didn't know about LGBT" and they lacked an understanding of LGBT people. If they wished to come out, they had to put a lot of effort into explaining, especially changes in the law that were more difficult to explain. Therefore, after the special law was passed, although the willingness to come out increased, they did not always choose to come out in their everyday life. When facing people whom they might run into everyday but were not familiar with (including distant relatives), because it was more difficult to know their degree of friendliness, they did not necessarily come out, despite the special law. Instead, they tended to introduce their same-sex partner as a friend or a roommate first and then decide whether to come out based on others' attitude.

"I am more troubled by my neighbors, for example, the lady living downstairs. We are not very close with each other, but when we

see each other in the elevator, we are asked if we are good friends. We usually say yes first, that we are good friends and roommates. We would only come out to people with whom we are more familiar with.”

Interviewees who were married or had a same-sex partner said that since the special law was passed, when accompanying their partner in the hospital, they tended to indicate to medical staff that they were the patient's partner/spouse rather than a friend or roommate. Because of the different status of this "legal identity" in medicine-related laws, the hospital's treatment would also follow standardized procedures. Therefore, interviewees were more willing to come out in healthcare-related scenarios. When female interviewees explained that they had a same-sex spouse while visiting obstetrics and gynecologists, their doctors were able to understand and did not make unnecessary speculations or medical judgments. However, in terms of male interviewees' healthcare experiences, they had more negative feelings associated with the testing and treatment of HIV/AIDS, and they had experienced how HIV/AIDS was directly attributed to being gay men.

“I went to the emergency room with my partner once. The nurse asked me who I was, and I said the spouse. The nurse just walked away without saying anything. Before same-sex marriage was legalized, I didn't dare to say so. I used to say I was a roommate.”

“I had to do an examination that required general anesthesia. A nurse asked me in the waiting room who was with me. I said: my spouse. He did not say anything. After we entered the consultation room, he told me that it was great that I was able to tell healthcare professionals our relationship. Because they were required by the law to ask certain

questions, if patients were willing to tell them directly, they did not have to guess, which helped them avoid unnecessary medical risks. He was grateful to me. I felt quite touched when recalling this encounter later.”

“I went to see a gynecologist once after getting married. The gynecologist asked me if I were married and if it was possible for me to be pregnant. I said it was not possible because I was married to a woman, and I had a wife. The doctor simply responded ‘I see.’ A very quick response.”

“I went to see a gynecologist by myself and was also asked if I might be pregnant. I answered that my partner was a woman. Since then, no matter which specialist I've been to see, healthcare professionals always behave according to the law.”

In other daily situations where ID cards may need to be presented to others (on Taiwan's ID card, there is a field indicating the name of one's spouse, and when the name of one's spouse may be linked to a specific biological sex, showing one's ID card is equivalent to coming out), such as arranging accommodation when traveling, application for financial services, and others, interviewees had not encountered any discrimination or difficulty either. Married interviewees said that their experience with the household registration office when registering their marriage was ordinary and smooth. Household registration offices in non-urban areas did seem a little curious about the interviewees, but interviewees did not experience any discriminatory or inappropriate treatment.

Campus and Workplace

In TEC's survey, when asked about their "acceptance of finding out their co-worker/classmate/schoolmate is homosexual" (Table 10), the percentage of accepting respondents has increased from 68.5% to 72.6% in three years. Since the enactment of the special law, most interviewees expressed that they'd found it easier to come out in their workplace. One institutional protection that married interviewees were able to enjoy immediately was marriage leave. Married interviewees found that it was less required for them to avoid talking about their relationship status but instead, they could explicitly tell others that they were married and had a family, rather than saying they were single.

However, depending on the degree of friendliness and closeness of interpersonal relationships in the workplace, some interviewees did not ask for marriage leaves even though they were married, because the request for leaves needed to be signed and reviewed by the personnel department and their supervisor, which could lead to a more comprehensive form of coming out in the workplace. When a workplace itself was not gender-friendly enough, interviewees would rather not use marriage leaves and marriage subsidies than to come out. Interviewees with experiences in requesting for marriage leaves had a sense that everyone was just "doing things by the book". Most co-workers did not specifically ask about the gender of their spouse. Yet in the meantime, some said that a workplace dominated by males with a background in science and technology was not only more conservative, but also lacked awareness of gender diversity. People tended to assume marriage to be between a man and a woman and to mainly serve the purpose of reproduction.

"My partner and I got married in the US in 2014. I only started to feel the gap between legal status and real life after we moved back to Taiwan. On my personal ID I was single although I actually had a family. When others saw that you were legally single, they tended to assume you were really single and didn't have to take care of a family, and thus, you could travel more for work or be relocated."

"I got married on the same day when the special law took effect in 2019. Yet I didn't take marriage leaves, nor did I apply for marriage subsidies. As I couldn't come out in my workplace, I just gave them up."

A company's attitude depends on the positivity of the personnel department, and a friendly attitude of the management (heads of individual departments) is also very important. In workplaces with a high-pressure management style and a rather unilateral communication pattern (such as the military, healthcare, and school systems), or in those belonging to a more conventional line of industry, or ones with a more conservative atmosphere, employees of older ages, and a rather one-dominant gender distribution of employees (such as when colleagues and managerial staff are dominated by heterosexual men), before the enactment of the special law, interviewees were significantly less willing to try to come out. Since the enactment, interviewees had been observing their co-workers' attitude and planned to come out.

"My experience is that it depends on industries whether one should come out in the workplace. For example, industries like architecture and construction are more masculine, in which many people are deeply in the closet and can't come out. Although there are also female supervisors, they are still more conservative in general."

Among the several interviewees with a teaching job, some had come out publicly in the workplace as teachers and were blessed by students, while others did not take the initiative to mention their gender identity and marital status. But when asked, they answered truthfully. Some people took into account the age and gender distribution of students (who might mainly be underage cisgender males), and the fact that the school did not pay attention to gender diversity awareness and education. In this case, they did not find the environment safe and friendly, and thus, chose not to come out.

"The Director of Educational Affairs at the school where I am currently employed is a member of the Bread of Life Christian Church, so I do not plan to share anything about my sexual orientation."

"I work at a school, and I always get positive feedback when coming out to my students. Some students may be a bit surprised, and sometimes I receive private messages from them telling me that they find me very brave, because they are also LGBTQ+ themselves but don't dare to tell anyone."

Other conservative workplaces include the military and hospitals. Some interviewees that came out during their mandatory military service described the military still as a relatively conservative and closed environment. Even among soldiers of similar ranks, interpersonal interactions often involved derogatory jokes based on gender expression or sexual orientation, such as mocking the guys who were too weak and not masculine enough to complete the required physical tasks. Senior officers who were older or of a higher rank could demonstrate a clearly unfriendly attitude towards gender diversity as well. Furthermore, considering the inherited inequality of the

military hierarchy, there is a certain degree of risk to come out, and thus, interviewees usually did not choose to come out actively. In hospitals, situations vary depending on the department. Interviewees said that in addition to the relatively friendly psychiatric department, rigid gender stereotypes and discrimination still persisted in many other departments. However, since the passing of the special law, they had indeed noticed that some colleagues took the initiative to show a more friendly attitude in the military and the hospital.

"I work at a hospital, and to be honest, the healthcare professionals tend to strongly dislike LGBTQ+. Especially dentists and surgeons, who have contact with patients' blood during work, dislike gay men in particular, because they associate gay men directly with HIV/AIDS. They are very unfriendly towards gay men with HIV/AIDS, saying they are afraid of being infected and wish to refer these patients to a medical center."

"The military has become slightly friendlier compared to the past. However, it is a rather closed environment and rumors are likely to circulate, so it is still difficult to come out. As soon as you come out to one person, it will no longer be a secret. Then people from other units may curiously pry about your sexual orientation, even though you don't know them at all. There are also heterosexuals who would joke about getting married with someone of the same sex in order to take marriage leaves, so as to mock those same-sex couples in the military."

As for school campus, some students have observed that teachers who used to repeatedly and openly make discriminatory remarks about gender and sexual orientation have significantly reduced such behaviors since the

enactment of the law. Teachers have observed a decrease in unfriendly remarks on campus, but school is still a conservative field and making slow progress. However, based on the current development of the law, in a few years, teachers and schools will have to face students and parents from rainbow families. Schools will be required to make revisions and adjustments to many documents and forms (for example, titles for parents may no longer be just father and mother). Without the advancement of the law, this change would have been difficult to achieve.

Family

TEC's survey shows that, the percentage of respondents expressing acceptance when "finding out that their relative is LGBT" has grown from 65.5% to 71.4% in three years, and the percentage of accepting respondents in the question of "finding out my own child is LGBT" has increased from 49.2% to 59.2% (Table 10).

Most interviewees had come out to their brothers and sisters of the same generation (including both male and female cousins) and both before and after the enactment of the same-sex marriage law. Their experiences were mostly positive and supportive. When they had brothers and sisters (including both male and female cousins) in the family who had already come out, the willingness of interviewees to come out was affected by their experiences of coming out. When the experience of coming out was positive, interviewees were more willing to take the initiative to come out, but when the experience was bad (for example, disputes and emotional trauma were caused), they tended not to come out to their family or to directly alienate themselves from the family. "My family is very conservative. Before same-sex marriage was legalized, my parents discovered that my sister had a girlfriend. The

meeting between them and my parents was not pleasant. Since the special law was passed, their relationship has worsened, and now my sister doesn't even come home for Lunar New Year. I am also told by my parents not to say anything about my sister to our relatives," said an interviewee.

Since the enactment of the special law, the acceptance of different sexual orientations among parents and elders has clearly changed, because the state has recognized them. They feel relieved that their children's future is guaranteed, and for them, there is also a legitimate reason to accept their children's sexual orientation, thanks to the state's recognition. As a result, since the law was passed, they have taken the initiative to collect and pay attention to information related to LGBTQ+ issues (such as watching movies and reports about LGBTQ+ issues), chatting with their children, encouraging their children to arrange their future as soon as possible (such as getting married with their same-sex partner), actively accepting their children's same-sex partner as a family member, and establishing a mindset that "my child has now his or her own family." Also, arrangements, for example, regarding Lunar New Year's reunion, naming in family funerals, family trips and other activities, have become a routine for them. When interviewees introduced their same-sex partner to their family members, they called them "boy/girlfriend", and their family members usually referred to their same-sex partner by name. If they needed to introduce the partner to other people, in addition to calling them their "boy/girlfriend", they also used colloquial words like "buddy" (Hokkien for those who live together with a certain affectionate foundation).

"In the past, when my parents saw scenes about same-sex relationships on TV, they

tended to feel uncomfortable and switch channels. However, ever since same-sex marriage was legalized, they've started to finish these shows. I didn't ask them to do so, but now they tell me actively that they want to watch such shows. I think they probably want to learn more about me. After all, they don't know any other LGBTQ+ in their social circle."

"After I got married, my mother reminded me actively that I should change the beneficiary of my insurance to my spouse, as it used to be my mother." "Because we are already married, for Lunar New Year, my mother asked us if we'd come home together or if we wanted to spend the holiday alone. In other words, she now thinks we are already a family and I am not by myself."

"When the grandmother of my partner passed away, the family included my name in the obituary. Although they hesitated a bit where to put it, they included me in the end after all."

Lunar New Year, weddings, funerals and other festive events play a very important role in the family relations of Taiwanese people, which can be used to identify intimacy, sense of identity and closeness in the relationship. Based on the descriptions of these interviewees, we can particularly observe an active attitude of their birth family to accept their same-sex partner.

Elders who were originally more hostile to LGBT because of their political spectrum or religious beliefs have also shown a state of negative acceptance, as "the die is cast," due to changes in the law. They no longer try to reverse their children's sexual orientation, but they still believe that their children must find ways to complete the task of "passing down the family's legacy." Parents of some interviewees still clearly expressed their opposition to same-

sex marriage even after their children married a same-sex partner, resulting in a deteriorating family relationship. In such cases, interviewees had a more passive observation about legal changes, as they believed that supporters were always going to support, and vice versa. The law did not have such a positive effect.

Here is a special observation. From May 24th, 2017, the day when No. 748 Interpretation ruled that the then in-effect Civil Code was unconstitutional for prohibiting same sex couples to get married, to November 24th in 2018, the day of the referendum on same-sex marriage, the Taiwanese society found itself in a period of confrontation between strongly opposing positions. In families where interviewees already came out to their family without the family clearly expressing their attitudes or talking about this topic, their family members (especially parents) in turn took the initiative to start discussions and dialogues about same-sex marriage with their children because they were worried that the result of the referendum could change the outcome of whether their children would be able to get married in the future. Furthermore, upon the referendum, their family members even came out as LGBT parents/family members to solicit votes from relatives and friends, asking for support for and understanding of same-sex marriage. Some interviewees who had not come out to their family in the past, on the other hand, chose to come out to their family in this depressing atmosphere (while the Grand Justices expressed a positive attitude towards same-sex marriage, public opinions showed that the people living around them were against it), and their families turned out to agree that the law should be amended to grant more protection, as they felt the hostility in the public opinions and thus, tried to protect their children.

"I was so sad the day when the referendum results were announced, so I came out to my mother. My partner and I had been together for 8 years and I always told my mother that we were roommates. I told my mother, 'thank you for not kicking me out,' and my mother asked me 'why should I?' I said because I was gay, and she told me that I was still her daughter, gay or not. I sensed that my mother needed time to process this information, and the meaning of this law is that now my mother has a legitimate reason to say that I'd be her daughter no matter what happens, and she is not going to stop loving me."

"An aunt of mine is a member of an anti-LGBTQ church. She was giving out anti-LGBTQ materials to family members prior to the referendum, and my mother returned with materials that supported marriage equality. In order to get more votes for my side, my mother came out to everyone. The reaction of my relatives was like 'okay I got it and I'd support you.' Afterwards I didn't see any anti-LGBTQ leaflets at home anymore."

"The referendum brought a major change to both our mothers. My mother was not very supportive when I came out, neither was the mother of my wife. Although we already got married in the US before returning to Taiwan, they still had trouble accepting us. However, when the referendum was scheduled, they both became very nervous and concerned, constantly asking us if the referendum would be passed. They were very worried that the referendum would hinder us from getting married in Taiwan."

Plans about building one's own family, such as developing one's own intimate relationship, childbirth and child-raising, have also been greatly impacted by changes in the law. Almost all interviewees were aware of

the differences between the special law and the Civil Code, including restrictions on cross-border marriage, adoption, use of assisted reproduction technologies, as well as the non-establishment of in-laws with blood relatives of one's spouse. Basically, all these issues did not affect their willingness to marry. In addition, the non-establishment of in-laws had in fact inspired some interviewees to enter an marital union with their partner. It is considered that, compared to the marriage in the Civil Code, marriages under the special law are more individualistic, as two parties are not forced to bind their respective birth family and blood relatives together. Thus, both parties in a same-sex marriage enjoy a higher level of autonomy.

"I knew that there were differences between the special law and the Civil Code before getting married, and I am happy that the special law does not make me in-laws with the blood relatives of my spouse. My partner and I have an understanding that we are each responsible for our own family, which is a good thing in my opinion."

Regardless of their ongoing relationship status, most of the unmarried interviewees had already planned to get married before the enactment of the special law. After its enactment, they found getting married much easier as they no longer had to save money to get married abroad but were able to do it where they grew up.

"I've always wanted to be married. Before same-sex marriage was legalized in Taiwan, we thought about moving to Canada and marrying there. Now that the law has been passed, we also have the option to marry in Taiwan."

Interviewees who had not thought about getting married in the past were then

aware of more options in terms of intimate relationships for their future. Nevertheless, some interviewees faced the dilemma that they needed to consider the practical differences and arrangements between getting married or not, and to deal with their own issues about coming-out as their partner wished to get married and the enactment of the special law made it possible. Some interviewees believed that if they were to get married, it would be impossible not to come out, but they did not plan to deal with this issue at this stage of their life. Although they were aware that regulations in the special law did not require them to establish a legal in-laws relationship with their partner's family, they still believed marriage to be a union of two families. One had to first deal with his/her own coming-out in one's own family before one could move on to the possibility of marriage. It should be noted that if the special law had not been passed, they still would not have considered now an appropriate timing to deal with the issue of coming out.

In terms of parenting plans, legal restrictions indeed have greatly reduced the willingness of same-sex couples to have children because joint adoption is not allowed, and there are no legal subsidies for them for adopting assisted reproduction technologies in Taiwan. As a result, same-sex couples who wish to get married and adopt children together have to give up on getting married first so that they can fulfill the criteria to adopt as a single person. Meanwhile, couples who are already married face a more difficult dilemma: getting divorce or giving up on adoption. In addition, financial conditions and the Covid-19 pandemic have made the threshold for seeking assisted reproduction services in other countries higher. Also, language barriers could lead to more medical risks. Older interviewees said that they'd given up on having children, while younger ones believed that there's still a

chance in the future to revise the law, and they expected to continue their parenting plan once these legal restrictions were to be loosened.

"If more legal modifications need to be made, then we will fight for that. I am still young now and can wait. I haven't reached the age to consider marriage, so I can wait. I don't know if my plan of having children would change as I grow older, but now I wish I can get married and raise children."

Conclusion

Taiwan's marriage equality campaign was brewing for a long time. The draft bill entered the Legislative Yuan for the first time in 2006, and was only finally legalized in 2019. Judging from the available results from the social attitude survey, the public's attitude towards whether same-sex couples are allowed to marry legally has gradually changed from unsupportive to supportive. During the period from 2012 to 2015, about 50% of the public supported same-sex couples' right to legally marry. From 2017 to 2019, due to the build-up of opposition forces and the counter movement, social stereotypes and hatred of LGBTIQ+ people rose, and the percentage of people supporting same-sex marriage dropped to about 40%. However, in the process of tug-of-war discussions in the legal and political fields, the energy of the marriage rights movement reached a relatively high point, and legislators finally began to face this issue seriously.

After same-sex marriage was legalized, the acceptance of same-sex marriage in Taiwan gradually broken through 50%. By 2021, more than 60% of people held a positive attitude towards same-sex marriage and same-sex couples' parenting plans. In the focus group

conducted in this study, interviewees gave high affirmation to the positive impact of the legal amendment on both individuals and the Taiwanese society in general, as almost all of them observed that their environment and interpersonal relationships had improved in terms of discussions about and acceptance of diverse sexual orientations.

Combining the results of existing quantitative research and of this qualitative study, it can be observed that as a social movement, the marriage equality campaign led to the passing of the law through continuous social dialogues, while the legalization has also contributed to friendlier changes within the Taiwanese society: people express more positive and friendly attitudes towards LGBT, and LGBT are also more willing to step out of the shadow. Hence, the public has more opportunities to get to know and understand LGBT, as well as to express more actively their support for equal right legislations.

Social acceptance has also led to the trend of carrying on with other legal amendments that were unaccomplished in the process of marriage equality campaign. The draft amendment to the Domestic Violence Prevention Act expands its scope to include same-sex spouses. The draft amendment to the Act Governing the Choice of Law in Civil Matters Involving Foreign Elements is also developing towards ensuring that Taiwanese and foreigners whose origin country has not yet recognized same-sex marriage to be able to enter into a marital union in Taiwan. Finally, Article 20 of the Act for Implementation of J.Y. Interpretation No. 748 stipulates that same-sex couples are only allowed to adopt their spouse's biological children, and the draft amendment with the aim to loosen the limitation is currently also under discussion.

In 2022, Taiwanese government conducted its first “Living Situation Survey on LGBTI+ in Taiwan,” with the hope to construct an overall understanding of the demographic characteristics and living situations of LGBTI+ people living in Taiwan via a large-scale survey that is based on the research framework for LGBTI+ developed by the European Union. Compared to the “Public Survey on Gender Equality,” this study directly explores from the perspective of LGBTI+ whether problems like discrimination, harassment and violence they face have improved along progresses in the general public. It is also expected to shed light on the future direction of legal and policy design and revisions.

A final observation to be made here is that, despite that the general public attitude is moving to a friendly and optimistic direction, we shall not overlook the differences shown in individual survey questions between urban and rural areas, among generations and educational levels because of all different kinds of resource gaps. As younger generations have received gender equity education and benefit from the informational advancement and the internet, they show a very high level of friendliness. Considering this, to achieve true gender equality, in addition to drafting a more comprehensive Equality Act or Anti-discrimination Act so that interaction between social attitude and legal statutes can lead to a mutually supportive environment, social education for adults is also an area that requires much investment of further resources.

Who We Are

Taiwan Equality Campaign was previously known as "Marriage Equality Coalition Taiwan," a cross-organizational workforce established in November 2016. The coalition was formed by five different LGBT rights and women's rights groups and promoted marriage equality through advocacy, social education, and international cooperation. After Taiwan legalized same-sex marriage on May 24th, 2019, the coalition transformed into Taiwan Equality Campaign in May 2020 and became an officially registered organization that advocates for LGBT rights beyond marriage.

Our Goal

Through programs including political participation, social education, and international collaboration, Taiwan Equality Campaign aims to eliminate all forms of gender/ sex inequality and make Taiwan a more diverse and inclusive country.

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