

Abstract

Taiwan displays the greatest tolerance for sexual minorities in Asia and will be the first Asian state to legalize same-sex marriage. In May 2017, a panel of grand justices of the Constitutional Court ruled that the definition of marriage as a union between a man and a woman in Taiwan's civil law violated constitutional guarantees of equal protection. The panel also ruled that the current law should be amended within two years in order to let same-sex marriages be registered.

Sexuality in Singapore is micromanaged by the state through its various apparatuses and agencies including written laws. Most significantly homosexuality still remains illegal in Singapore. Yet it has also been hailed by many as one of the new emerging gay capitals of Asia because the public LGBT party was held from 2001 to 2004 and the annual Pink Dot rally organized by sexual minorities and their supporters began in 2009 and over 26,000 people attended it in 2016.

In Japan, there is no law discriminating against sexual minorities and transgender people can undergo gender reassignment surgery on the condition that he or she is diagnosed with gender identity disorder. Many sexual minorities however are afraid of coming out because transgender people who do not want to have a phenotypical sex change are not assumed to exist and there is no law to protect them.

This research aims to analyze what brought these three states such different attitudes and political processes in order to clarify the consequences on sexual minority issues as well as the characteristics of each civil society that shape these differences.

The most important factor in Taiwan is that the "free space" has expanded rapidly after the martial law was lifted in 1987. Sexual minorities who had been suppressed for a long time started standing up for their own rights. Secondly thanks to the Gender Equal Employment Bill (2001) and the Gender Equal Education Bill (2004), the young generation regards gender equality as natural. Thirdly the Taiwanese government which had isolated itself from the international community for a long time, has supported the expansion of the rights of sexual minorities to show to the world that Taiwan is a democratic country.

Three factors can be said about Singapore. Firstly it inherited the British penal code prohibiting sexual intercourse of same-sex couples after its independence. Secondly sexual minorities have been oppressed by the authoritarian government since independence till today and no democratization movement has occurred so far.

Lastly the government has strengthened monitoring sexual minorities and at the same time highly recommended traditional “Family Values” (heterosexual couples with children) for fear of HIV/AIDS. Same-sex couples were regarded as an unstable factor in the society since they did not give birth to children. Under the free and generous political atmosphere in the late 1990s, however, the penal code prohibiting homosexuality was amended but the section 377A which criminalizes an act of “gross indecency” between males was not abolished. Recently the “culture war” concerning the abolition or the continuation of 377A has become intense and the government has started regulating movements for sexual minorities.

On the other hand, the idea of sexual role allotment (husbands work outside and wives stay home) has been deeply rooted in the society and many regard a legally married heterosexual couple as normal in Japan. In addition, a law concerning gender identity disorder maintains or even strengthens the present legal system supporting the assumption of heterosexuality. These days however some local self-governing bodies such as Shibuya Ward in Tokyo have started legally officiating same-sex partnerships, giving gay or lesbian couples the same rights as married heterosexual couples. Even some conservative politicians admit the Japanese society is changing as the movement has gained much support with the public.