

PRESS RELEASE

IAFL APPLAUDS RECOGNITION OF LGBT RIGHTS IN THE ASIA PACIFIC REGION

FOR IMMEDIATE RELEASE

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The International Academy of Family Lawyers (IAFL) in conjunction with their Asia Pacific Chapter welcomes and applauds four major developments in recognition of LGBT rights in the Asia Pacific region.

In September 2018, the Supreme Court of India unanimously ruled to decriminalise homosexual sex in a landmark judgment for gay rights in that country, the world's most populous democracy. The Indian Supreme Court declared unconstitutional a 160-year-old law banning homosexual activity, stating that the provision of the criminal code amounted to discrimination on the basis of sexual orientation and was illegal.

In December 2018, in a landmark decision, the Singapore High Court allowed the adoption of a child of a gay male couple born with a surrogate by the child's own biological gay parent on the basis of the need to promote the welfare of the child and regard it as paramount despite other public policy.

On 17 May 2019 Taiwan's parliament became the first in Asia to legalise same-sex marriage, after the Taiwanese Constitutional Court in 2017 ruled that the constitutional right to equality and freedom of marriage guaranteed same-sex couples the right to marry under the Taiwanese constitution.

Most recently on 6 June 2019, the Hong Kong Court of Final Appeal unanimously granted a same sex-couple who had validly married in New Zealand, the same right to employment and tax benefits that an opposite-sex married couple has under Hong Kong law. The Court held that it is circular logic to justify the restriction of these benefits to opposite-sex married couples simply because heterosexual marriage is the only form of marriage recognised in Hong Kong law. It uses the fact that the couple has a different sexual orientation from others as the very justification to deny them equality, despite their analogous position.

The IAFL is an international organisation of over 820 practising lawyers from 58 countries who are recognised by their peers as the most experienced and skilled family law specialists in their respective countries. The IAFL reaffirms our support of efforts towards ensuring human dignity within all relationships, full equality of the LGBTI community and in issues concerning marriage, families, parenting and ending domestic violence throughout the world.

While these legal changes are all different in their reach, they will improve the rights of LGBTI people in each of these jurisdictions. The IAFL especially welcomes these measures in the Asia Pacific region, where issues of criminalisation of and discrimination against LGBTI people continue to be of concern in some jurisdictions. We call on all governments in our region to review their laws in relation to LGBTI people and their families.