

Justices of the Constitutional Court scheduled oral argument of constitutional review for application Huei-Tai Case No. 12771 by Taipei City Government and application Huei-Tai Case No. 12674 by Chi, Chia-Wei

Press Release

For the constitutional review for application Huei-Tai Case No. 12771 by Taipei City Government and application Huei-Tai Case No. 12674 by Chi, Chia-Wei, which involve the provision that “two persons of the same sex may not establish legal marriage relationship” provided in Chapter 2, Part 4 of Civil Code, Justices of the Constitutional Court of Judicial Yuan scheduled an oral argument to take place in the Constitutional Court at 9:00 a.m. on March 24th, 2017.

The issues in this oral argument are as follows:

1. whether the provisions provided in Chapter 2, Part 4 of Civil Code allow two persons of the same sex to establish marriage relationship?
2. If the answer is no, do these provisions violate Article 22 of the Constitution which guarantees the freedom of marriage?
3. Do these provisions violate Article 7 of the Constitution which intends to guarantee the equality of people?
4. If the legislature establishes other system (such as same-sex couples) other than marriage, will the establishment of such system comply with the Article 7 and Article 22 that guarantee equality and freedom of marriage respectively?

For the purpose of clarifying the issues of this case, Justices of the Constitutional Court deem it necessary to proceed oral argument and obtain the opinions from petitioners and authorities concerned. Apart from notifying the petitioners, Taipei City Government and Chi, Chia-Wei, to appear before Court for oral argument, Ministry of Justice, the competent authority of the Civil Code, was requested to assign representatives to appear before Court. Considering that this case is closely related to the household matters, Justices also requested Ministry of the Interior and Household Registration Office of Wanhua District of Taipei City to assign representatives to participate in the oral argument.

Other matters concerning publicizing the oral argument, such as issuing Gallery Passes, establishment of courts with video devices, live broadcasting the oral argument, allowing people to attend the oral argument and media to take photo shots, as well as the live stream of the oral argument on Judicial Yuan’s website, were proclaimed in another announcement by Judicial Yuan.