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OFFICIAL GAZETTE. YEAR CLI. NO. 49532. JUNE 4, 2015. PAGE 1.

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(June 04)**adding a section to Decree No. 1069 of 2015, Sole Regulatory Decree of the Justice and Law Sector, related to the procedure for correcting the sex component in the Civil Registry.****STATUS:** Compiled. [\[Show\]](#)

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Subtype: REGULATORY DECREE

The President of the Republic of Colombia, in exercise of his constitutional and legal powers, in particular those conferred by Article 189(11) of the Constitution,

CONSIDERING:

That Decree-Law 1260 of 1970 regulates the Civil Registry of persons and, in particular, the mechanisms for correcting it;

That Article 91 of the aforementioned decree, amended by Article 4 of Decree No. 999 of 1988, establishes that errors other than typographical, spelling, and those established by comparison with the previous document or by simply reading the folio, may be corrected by means of a public deed;

That, correlatively, Article 95 *ibid* determines that a change in civil status may proceed by final judicial decision or by the granting of a public deed;

That Article 617 of Law 1564 of 2012, General Code of Procedure, establishes that notaries are responsible for correcting errors in civil registries;

That it is necessary to determine the requirements and terms for implementing the issuance of the public deed provided for in Article 95 of Decree-Law 1260 of 1970;

The 1991 Constitution enshrines human dignity and the rights to free development of personality, privacy, and equality. Along with these rights, the right to

sexual and gender identity and freedom in Colombia has been recognized;

That, within the framework of the above, in Ruling T-063 of 2015, the Constitutional Court determined the following:

"Thus, although it is often colloquially stated that transgender people undergo a 'sex change,' what occurs in these cases is that there is a discrepancy between the heterosexual assignment made at birth and recorded in the registry, and the self-definition of identity carried out by the individual. In this vein, just as surgical intervention is performed to adjust a person's physical characteristics to their assumed sexual identity, it is not strictly speaking a 'sex change' operation, but rather a 'surgical sexual reaffirmation'. the modification of the civil registry data of transgender persons does not respond to a change with respect to a previous reality, but rather to the correction of an error derived from the lack of correspondence between the sex assigned by third parties at birth and the identity assigned by the individual themselves, the latter being relevant for the purposes of determining this element of civil status;

"7.2.5. Ultimately, the requirement imposed on transgender persons to go through the courts to obtain the correction of the sex recorded in the civil registry affects multiple fundamental rights referred to above and represents unequal treatment compared to that afforded to cisgender persons.

(...)

"Correction through a notary reduces the obstacles and exclusions suffered by transgender persons due to the higher costs and waiting times involved in resorting to legal proceedings, which, given their particular conditions of marginalization and exclusion, become an especially heavy burden to bear; it also eliminates the difference in treatment between cisgender and transgender persons, allowing the latter to make use of the procedure for correcting sex in the registry that is currently available to the former, and contributes to eliminating the tendency to pathologize gender identity. It is, therefore, a less harmful means in terms of affecting fundamental rights.

"Likewise, correction through a public deed allows the same degree of suitability to be achieved as the objectives sought through the voluntary jurisdiction procedure.

(...)

"7.2.8. In conclusion, given the existence of an alternative means that has legal coverage, is less harmful to fundamental rights, and is equally suitable for achieving the constitutional purposes satisfied by the voluntary jurisdiction process, the Chamber finds that the obligation imposed on the plaintiff to resort to the latter mechanism to correct the sex recorded in the civil registry is an unnecessary and burdensome measure for her rights, and that it also represents discriminatory treatment in relation to that afforded to cisgender persons, who can correct this information by means of a public deed (...);"

The Civil Registry seeks to protect the public interest and the principle of publicity in the proof of facts and acts relating to civil status, as well as to provide certainty regarding the information required for the assignment of social responsibilities, rights, and obligations to citizens, thereby preventing any evasion of compliance. Likewise, the Registry assures the owner of the registry data that it will not be modified, that their identity will not be altered or supplanted by other persons, thereby protecting their rights to legal personality and identity;

That it is necessary to implement the procedure provided for in Decree-Law

1260 of 1970; That in view of the foregoing,

DECREES:

Article 1. Addition. This decree adds Section 4 to Chapter 12 of Title 6 of Part 2 of Book 2 of Decree No. 1069 of 2015, which issued the Single Regulatory Decree for the Justice and Law Sector, as follows:

"Section 4.

Correction of the sex component

Article 2.2.6.12.4.1. Purpose. This section regulates the procedure set forth in Articles 91 and 95 of Decree-Law 1260 of 1970, when a person wishes to correct the sex component in the Civil Registry.

Article 2.2.6.12.4.2. Scope of application. The provisions of this section shall apply to persons seeking to correct the sex component of their Civil Birth Registry. They shall also apply to notaries and administrative authorities with powers related to the Civil Registry.

Article 2.2.6.12.4.3. Scope of the correction. The correction of the sex component in the Civil Birth Registry may consist of the registration of male (M) or female (F) sex.

The Unique Personal Identification Number (NUIP) will not be changed with the correction of the sex component in the Civil Registry. In the case of identity cards issued prior to March 2000, the numerical quota will be canceled so that a ten (10)-digit Unique Personal Identification Number (NUIP) can be assigned.

Article 2.2.6.12.4.4. Application requirements. The application must be submitted in writing and shall contain:

1. The name of the notary to whom it is addressed.
2. The name and citizenship card number of the applicant.

Article 2.2.6.12.4.5. Required documentation. To correct the sex component in the Civil Registry, in addition to the application referred to in the previous article, the following documentation must be submitted to a notary:

1. A simple copy of the Civil Registry Birth Certificate.
2. A simple copy of the citizenship card.
3. A sworn statement. In this statement, the person must indicate their desire to correct the sex field in the Civil Registry of Birth.

Paragraph 1. The statement shall refer to the person's sociocultural construction of their sexual identity.

Paragraph 2. No documentation or evidence additional to that listed in this article may be required.

Article 2.2.6.12.4.6. Limits on the correction of the sex component in the Civil Registry. A person who has adjusted the sex component in the Civil Registry of Birth may not request a correction within ten (10) years of the issuance of the Public Deed by the Notary.

The sex component may only be corrected twice.

Article 2.2.6.12.4.7. Rules for correction. For the purposes of correcting the sex component in the Civil Registry of Births, the following rules shall be observed:

The person requesting the correction of the sex component in the Civil Registry must submit a petition before a notary public. The request must be accompanied by the documents described in Article 2.2.6.12.4.5. of this section.

Once the petition has been filed with the complete documentation, the notary shall issue the public deed no later than five (5) business days after the request is submitted.

The correction shall be made by public deed, in which the supporting documents shall be recorded. Once the deed has been authorized, the corresponding page shall be replaced. The new folio shall contain the corrected data, and both folios shall contain reciprocal reference notes, in accordance with the provisions of Article 91 of Decree-Law 1260 of 1970, as amended by Article 4 of Decree-Law 999 of 1988.

The National Civil Registry shall make the corresponding correction to the Civil Birth Registry, within the scope of its competence. In accordance with the foregoing, it shall provide a copy of the replaced Civil Registry to the person who made the correction to the sex component, which shall contain the data of the registered person that were modified.

Paragraph. If the public deed is granted in a notary's office or office other than that in which the civil registry subject to correction is kept, the respective notary shall send a copy of the deed, at the expense of the interested party, to the competent civil registry official, so that the corresponding folio substitution can be made. This shall be done no later than three (3) days after the issuance of the public deed.

Article 2.2.6.12.4.8. Fee. For the purposes of issuing the Public Deed referred to in this section, the Notary Public shall be entitled to a fee for the "correction of errors or omissions in the Civil Registry," pursuant to paragraph 2 of Article 2.2.6.13.2.11.1.

Affects the validity of: [\[Hide\]](#)

Adds ["Section 4. Correction of the sex component DECREE 1069 of 2015"](#)

Adds [Article 2.2.6.12.4.1. DECREE 1069 of 2015](#)

Adds [Article 2.2.6.12.4.2. DECREE 1069 of 2015](#)

Adds [Article 2.2.6.12.4.3. DECREE 1069 of 2015](#)

Adds [Article 2.2.6.12.4.4 DECREE 1069 of 2015](#)

Adds [Article 2.2.6.12.4.5 DECREE 1069 of 2015](#)

Adds [Article 2.2.6.12.4.6 DECREE 1069 of 2015](#)

Adds [Article 2.2.6.12.4.7 DECREE 1069 of 2015](#)

Adds [Article 2.2.6.12.4.8. DECREE 1069 of 2015](#)

Article 2. *Validity.* This decree shall take effect on the date of its issuance.

Publish and comply.

Issued in Bogotá, D.C., on June 4, 2015.

JUAN MANUEL SANTOS CALDERÓN

The Minister of the Interior,
Juan Fernando Cristo Bustos.

The Minister of Justice and Law,
Yesid Reyes Alvarado.