

## **DECISION C-577/11 The homosexuals have the right to form a family.**

In this judgment, the Constitutional Court asked Congress to make a law about gay marriage. The decision maintain the concept of marriage as defined in the Colombian Civil Code of 1887, according to which marriage is the union between a man and a woman, but they took an important step towards the recognition of rights for homosexual couples: they stated that homosexuals have the right to form a family. Therefore, the Court asked Congress to make a law for the legal acknowledgement of homosexual couples, with a deadline: If in two years this law has not been passed, homosexual couples may go before a Notary in order to legalize their union. The ruling held that the phrase “man and woman” in the definition of marriage is in conformity with the Colombian Constitution, but the justices were of the view that such phrase does not imply a prohibition against a legal bond between homosexuals, similar or equal to that of the heterosexual couples. In any case, the name and nature of that bond must be defined by Congress, which can hold a wider debate on this issue, provided that it results in a legislation comprehensive and complete, in order to enable same-sex couples to form a family.