



# Katiba

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# Cuba's Draft Constitution of 2018

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- Source of constitutional authority
- Human dignity
- Political theorists/figures
- Motives for writing constitution
- Preamble
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## Preamble

WE, CUBAN CITIZENS,

inspired by the heroism and patriotism of those that fought for a free, independent, sovereign, democratic, and socially just homeland forged through the sacrifice of our ancestors;

by the indigenous peoples who resisted submission;

by the slaves that rebelled against their masters;

by those that awoke the national conscience and Cuban desire for our liberty and homeland;

by the patriots that started the wars of independence against Spanish colonization in 1868 as well as those that, in the final charge of 1895, led them to the victory of 1898, which was taken away by the military intervention and occupation of Yankee imperialism;

by those that fought for over fifty years against imperialist domination, political corruption, the lack of rights and liberties, unemployment, and the exploitation imposed by capitalists and landowners;

by the members of the vanguard of the generation of the 100th anniversary of Martí's birth, who, nourished by his teaching, led us to the victorious popular revolution in January of 1959;

by those that, in sacrificing their lives, defended the Revolution and contributed to its definitive consolidation;

by those that completed heroic international missions together;

by the epic resistance and unity of our people;

GUIDED

by the ideal and example of Martí and Fidel, as well as the socio-political ideas of Marx, Engels, and Lenin;

DETERMINED

to carry forward the triumphant Revolutions of Moncada and Granma, of the Sierra, and of Girón that, sustained in the complete unity of all the revolutionary forces and the people, conquered national independence, realized the democratic transformations and initiated the construction of Socialism;

CONSCIOUS

that, in the edification of socialism, the leadership of the Communist Party of Cuba, born through the unitary will of the organizations that decisively contributed to the triumph of the Revolution, and national unity, constitute fundamental pillars and guarantees of our economic, social and political order;

IDENTIFIED

with the tenets displayed in the concept of Revolution, as expressed by the Commander in Chief Fidel Castro on the 1st of May of the year 2000;

WE DECLARE

our will that the law of the laws of the Republic be presided over by this profound yearning, finally achieved by José Martí,

"I wish that the first law of our Republic be the devotion of the Cubans to the full dignity of man;"

WE ADOPT

by our free vote, through a referendum, the following:

# Title I: Political Foundations

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## Chapter I: Fundamental Principles of the Nation

### Article 1

Cuba is a democratic, independent and sovereign socialist State, organized by all and for the good of all, as an indivisible and unitary republic, founded by the labor, dignity, and ethic of its citizens, whose essential objectives are the enjoyment of political liberty, equity, justice, and social equality, solidarity, humanism, as well as the well-being and prosperity of individuals and the collectivity.

### Article 2

The name of the Cuban State is the Republic of Cuba, the official language is Spanish, and the capital is Havana.

### Article 3

The defense of our socialist homeland is the greatest honor and the supreme duty of every Cuban. Treason is the most serious of crimes, whoever should commit treason will be subject to the most severe sanctions.

Socialism and the revolutionary political and social system, established by this Constitution, are irrevocable.

Citizens have the right to combat through any means, including armed combat when other means are not available, against any that intend to topple the political, social, and economic order established by this Constitution.

### Article 4

The national symbols are the flag of the lone star, the Bayamo Anthem, and the coat of arms of the royal palm.

The law defines the attributes that identify them, their characteristics, use, and conservation.

### Article 5

The Communist Party of Cuba, unique, Martiano, Fidelista, and Marxist-Leninist, the organized vanguard of the Cuban nation, sustained in its democratic character as well as its permanent linkage to the people, is the superior driving force of the society and the State. It organizes and orients the communal forces towards the construction of socialism. It works to preserve and to fortify the patriotic unity of the Cuban people and to develop ethic, moral, and civic values.

- Human dignity
- Reference to fraternity/solidarity
- Type of government envisioned

- National capital
- Official or national languages

- Duty to serve in the military

- Right to overthrow government

- National anthem
- National flag

- Preferred political parties

## Article 6

The Union of Young Communists, an organization of the vanguard Cuban youth, is recognized and supported by the State, contributes to the education of the youth in the revolutionary principles as well as the ethics of our society, and promotes their active participation in the edification of socialism.

## Article 7

The Constitution is the supreme norm of the State. All are obliged to comply with it. The orders and acts of the organs of the State, their leaders, staff, and employees will act in conformity with that which is prescribed by the Constitution.

## Article 8

All organs of the State, their leaders, staff, and employees have the obligation to strictly observe our socialist laws and to ensure that they are respected throughout the entire society.

## Article 9

The organs of the State, their leaders, staff, and employees are obligated to respect and attend to the people, to maintain close links with the people, and to submit to their oversight in the forms established within this Constitution and the laws.

## Article 10

Within the Republic of Cuba, sovereignty nontransferably resides in the people, from whom all the power of the State emanates. The people exercise this power directly or through the popular assemblies or other organs of the State that are derived from them in the form and according to the norms established by the Constitution and the laws.

## Article 11

The State exercises its sovereignty:

- a. Over the entire national territory, comprised of the Island of Cuba, the Isla de la Juventud, the other adjacent islands and cays, the interior waters, and the extended maritime territories established by the law as well as the aerospace that extends over these territories;
- b. Over the environment and the natural resources of the country;
- c. Over the natural resources, both living and nonliving, of the waters, the seabed, and the subterranean areas within the Republic's exclusive economic zones according to the territorial extensions set by the law and in accordance with international practices.

## Article 12

The Republic of Cuba repudiates and considers illegal and void the treaties, pacts, or concessions agreed to under conditions of inequality or that alienate or diminish its

• Duty to obey the constitution

• Ownership of natural resources

• Ownership of natural resources

• International law

sovereignty or territorial integrity.

Economic, diplomatic, and political relations with any other State may never be conducted under conditions of aggression, threat, or coercion from a foreign power.

## Article 13

The State's essential objectives include the following:

- a. To channel the efforts of the nation in the construction of socialism and to strengthen national unity;
- b. To maintain and to defend the independence, integrity, and the sovereignty of our homeland;
- c. To preserve national security;
- d. To guarantee equality in the enjoyment and exercise of rights as well as compliance with the duties consecrated in the Constitution;
- e. To promote sustainable development that secures individual and collective prosperity, and to work to achieve greater levels of equity and social justice, as well as to preserve and to multiply the achievements of the Revolution;
- f. To guarantee the dignity of people and their integral development;
- g. To strengthen and preserve the ideology and the ethics inherent to our socialist society;
- h. To protect the natural, historical, and cultural patrimony of the nation, and
- i. To secure the educational, scientific, technical, and cultural development of the country.

## Article 14

The socialist Cuban State recognizes and stimulates the social and mass organizations that bring together distinct sectors of the population, that represent their specific interests and that involve them in the tasks that edify, consolidate, and defend the socialist society.

The law establishes the general principles that these organizations are based upon and recognizes the practice of other associative forms.

## Article 15

The State recognizes, respects, and guarantees religious liberty.

In the Republic of Cuba, the religious institutions are separate from the State and they all have the same rights and duties.

The distinct beliefs and religions will enjoy equal consideration.

• Reference to art  
• Protection of stateless persons

• Human dignity

• Reference to science

• Freedom of religion

• Separation of church and state

## Chapter II: International Relations

### Article 16

The Republic of Cuba bases its international relations on the exercise of its sovereignty as well as on the antiimperialist and internationalist principles in accordance with the interests of the people and, in consequence:

- a. Ratifies its aspiration for a dignified, true, and valid peace for all states, based on the respect for independence and sovereignty of the people and their right to free determination, expressed in the liberty to choose their political, social, economic, and cultural system as an essential condition to secure peaceful coexistence between nations;
- b. Sustains the will to observe, without restrictions, the principles and norms that constitute international law, in particular the equality of laws, territorial integrity, the independence of states, the nonuse of threats of force in international relations, international cooperation for mutual and equal benefit and interest, the peaceful resolution of controversies on equal footing, and with respect to the other principles proclaimed in the United Nations Charter;
- c. Reaffirms its will to integrate and collaborate with the countries of Latin American and the Caribbean, whose common identity and historical necessity to advance towards political and economic integration to achieve true independence, will permit us to achieve our rightful place the world;
- d. Defends the unity of all countries of the third world and condemns imperialism, the enemy of peace and the people; fascism; colonialism; neocolonialism; or other forces of oppression in any form;
- e. Promotes the protection and conservation of the environment as well as responding to climate change, which threatens the survival of the human species, through the recognition of common, yet differential, responsibilities; the establishment of a more just and equitable international economic order as well as the eradication of irrational patterns of production and consumption;
- f. Defends and protects the enjoyment of human rights and repudiates any manifestation of racism or discrimination;
- g. Condemns the direct or indirect intervention in the internal or external affairs of any State and, therefore, also condemns armed aggression, and economic, financial, or commercial blockades, as well as any other form of political or economic coercion, physical violence against persons within other countries, or any other type of interference or threat to the integrity of the states and the political, economic, or cultural elements of nations;
- h. Rejects the violation of the nonrenounceable and sovereign right of all states to regulate the use of and the benefits from telecommunications within their territory, according to universal practices and to the international agreements they have subscribed to;

• Right to self determination

• Customary international law  
• International law  
• International organizations

• Regional group(s)

• Protection of environment

• International law  
• Telecommunications



- Reference to fraternity/solidarity
  - International law
  - Terrorism
  - International organizations
  - Reference to fraternity/solidarity
  - International law
- i. Classifies wars of aggression or conquest as an international crime, recognize the legitimacy of battles of national liberation and armed resistance to aggression, as well as to consider it our international duty to act with solidarity with the assaulted party and with the people that fight for their liberation and self-determination;
  - j. Promotes complete and general disarmament, rejects the existence, proliferation, or use of nuclear weapons, weapons of mass destruction or those with similar effects, as well as cyberwarfare or the development and use of new weapons, including autonomous weapons that transgress International Humanitarian Law;
  - k. Repudiates and condemns terrorism in any of its manifestations, in particular, state terrorism;
  - l. Ratifies our commitment to the construction of a society of information and knowledge centered on the people and oriented towards sustainable development, in which all may create, consult, utilize, and share information and knowledge in order to improve their quality of life upon the foundation of the purposes and principles of the United Nations Charter; defends the cooperation of all states and the democratization of cyberspace, and condemns its use for purposes contrary to democratization, such as the subversion and destabilization of sovereign nations;
  - m. Bases its relations with countries that edify socialism on fraternal friendship, cooperation, and mutual assistance, established within our common objective to construct a new society;
  - n. Maintains friendly relations with countries that, having a different political, social, and economic system, respect our sovereignty, observe the norms of coexistence between states, abide by the principles of mutual coexistence, and adopt a reciprocal attitude with our country, and
  - ñ. Promotes multipolarity in international relations as an alternative to the domination and political, financial, and military hegemony that threaten the peace, independence, and sovereignty of peoples.

## Article 17

That which is prescribed in the international treaties ratified by the Republic of Cuba will integrate into the national juridical order, in accordance with that which is established in the law.

## Article 18

The Republic of Cuba, for the purpose of promoting the integration of Latin America and the Caribbean, may, through treaties, attribute the exercise of the faculties required to achieve integration to supranational entities.

- Reference to art
- Protection of stateless persons
- Reference to science

## Article 19

The Republic of Cuba concedes asylum to those that are persecuted because of their ideals or their fights for democratic rights, against imperialism, fascism, colonialism, neocolonialism, as well as any other form of domination, discrimination, or racism; for national liberty; for the rights and demands of laborers, peasants, women, students, indigenous people, and environmentalists; for their progressive political, scientific, artistic, or literary activities as well as for socialism and peace.

## Title II: Economic Foundations

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### Article 20

The Republic of Cuba is governed by an economic system based on the socialist ownership by all of the people of the fundamental means of production as the primary form of property as well as the planned direction of the economy, which considers and regulates the economy according to the interests of the society.

- Right to own property

### Article 21

The following forms of property are recognized:

- a. Socialist ownership by all of the people: in which the State acts as a representative and beneficiary of this as a property owner.
- b. Cooperative: that which is sustained through the collective labor of partner owners and through the effective exercise of the principles of cooperation.
- c. Mixed: that which is formed through the combination of two or more forms of ownership.
- d. Of the political, social, and mass organizations: those that they exercise over their belongings.
- e. Private: that which is exercised over specific means of production, according to that which is established in the laws.
- f. Personal: that which is exercised over one's belongings that, without constituting means of production, contribute to the satisfaction of the material and spiritual necessities of their owner.

The law regulates matters related to these and other forms of property. The State stimulates those of a more social character.

- Right to own property

### Article 22

The State regulates that property not be concentrated in the hands of non-state natural or juridical persons, with the purpose of preserving the limits compatible with the socialist values of equity and social justice.

The law establishes the regulations that guarantee their effective compliance.

## Article 23

The following are socialist property of the people: the lands that do not belong to individuals or cooperatives composed of these individuals, the subterranean areas, the mines, the natural resources both living as well as nonliving within the exclusive economic zone of the Republic, the forests, the waters, and the means of communication.

These goods are inalienable, imprescriptible, and may not be seized, and as such, they may not be transferred as property to natural or juridical persons.

The transfer of other rights over these goods will occur with prior authorization from the organ or authority empowered to issue this authorization, according to that which is foreseen in the law and always when such a transference is for the purpose of the development of the country and it does not affect the political, economic, or social foundations of the State.

Socialist ownership by all of the people includes other goods, whose legal regime is defined in the law.

## Article 24

The budgeted institutions possess goods that are socialist property of the entire population, over which the rights that correspond and accord with the provisions of the law are exercised.

## Article 25

The State creates and organizes businesses with the objective of developing economic activities, such as production or the provision of services. These businesses exercise the rights that are assigned to them over the corresponding goods that are socially owned by the people.

These businesses respond to the obligations contracted within their patrimony in correspondence with the limits determined by the law.

The State does not respond to the obligations within the contracts of these businesses and they do not respond to those of the State.

The law defines other forms in which this type of property may be managed.

## Article 26

A socialist state business is the primary subject of the national economy. The socialist state businesses perform with autonomy in their administration and management, as well as within their primary roles, the production of goods and services.

The law regulates the principles of their organization and operation.

## Article 27

The State directs, regulates, and monitors national economic activity.

Socialist planning constitutes the central element of the country's system of social and economic development management. The State's essential function is to plan strategic development and to harmonize economic activity for the benefit of the society, reconciling national and territorial interests as well as those of the citizens.

Workers participate actively and consciously in these processes, according to that which is established.

## Article 28

The State promotes and provides guarantees to foreign investment as an important element for the economic development of the country, which is based upon the protection and the rational use of the natural and human resources as well as respect for national sovereignty and independence.

The law establishes regulations with respect to foreign investment within the national territory.

## Article 29

Private property over land is regulated by a special framework.

The sale or transmission of this good may only be realized within the limitations established by the law, and without prejudice to the preferential right of the State to the acquisition of land through the payment of a just price.

Leasing, sharecropping, mortgage loans, and any other act that implies a burden or causes a cessation to individuals of the rights emanating from the right to privately own property are prohibited.

## Article 30

The expropriation of goods is solely authorized for the purpose of attending to reasons of public utility or social interest, with the required indemnity.

The law establishes the procedure for the expropriation, the required guarantees, the means to determine their utility and necessity, as well as the form of indemnity.

## Article 31

Labor is a primordial value in our society. It constitutes a duty, a right, and a source of honor for all laborers. Further, it is the principal source of the inputs that sustain the realization of individual, collective, and social projects.

The distribution of wealth according to the labor contributed is complemented by the equitable satisfaction of needs through the universal social services as well as other benefits.

## Title III: Citizenship

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## Article 32

Cuban citizenship is acquired through birth or through naturalization.

• Protection from expropriation

• Right to work  
• Duty to work

## Article 33

A person is a Cuban citizen through birth if:

- a. They are born within the national territory, with the exception of the children of foreigners that are in the service of their government or an international organization. The law establishes the requirements and the formalities for cases involving the children of foreigners who are not permanent residents within the country;
- b. They are born abroad to a Cuban mother or father, who were completing an official mission;
- c. They are born abroad to a Cuban mother or father, having previously complied with the formalities indicated by the law, or
- d. They are born outside the national territory to a mother or father native to the Republic of Cuba that has lost Cuban citizenship, as long as they reclaim it in the form indicated by the law.

## Article 34

A person is a Cuban citizen through naturalization if:

- a. They are a foreigner that acquires citizenship according to the provisions of the law.
- b. Having been arbitrarily deprived of their citizenship in their country of origin, they obtain Cuban citizenship at the discretion of the President of the Republic.

## Article 35

Cuban citizens within national territory are governed by this condition, according to the terms established in the law, and may not make use of any foreign citizenship.

## Article 36

Neither marriage nor divorce will affect the citizenship of spouses or their children.

## Article 37

Cubans may not be deprived of their citizenship, except for legally sanctioned causes, nor may they be deprived of the right to change their citizenship.

The law establishes the procedure to be followed in order to formalize the loss or renouncement of citizenship as well as the authorities empowered to decide in these cases.

## Article 38

Cuban citizenship may be recovered in the cases and the form prescribed by the law.

# Title IV: Rights, Duties, and Guarantees

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## Chapter I: General Provisions

### Article 39

The Cuban State guarantees to a person the nonrenounceable, indivisible, and interdependent enjoyment and exercise of human rights, in correspondence with the principles of progressivity and nondiscrimination. Their respect and guarantee are obligatory for all.

The rights and duties recognized in this Constitution are to be interpreted in accordance with the international human rights treaties ratified by Cuba.

### Article 40

All people are equal before the law, are subject to equal duties, receive the same protection and treatment from the authorities, and enjoy the same rights, liberties, and opportunities, without any discrimination for reasons of sex, gender, sexual orientation, gender identity, ethnicity, skin color, religious belief, disability, national origin, or any other distinction injurious to human dignity.

The violation of this principle is proscribed and is sanctioned by law.

### Article 41

The State works to create the necessary conditions to facilitate the equality of its citizens, and to educate every one of them from the earliest age with respect to this principle.

### Article 42

The rights of the people are only limited by the rights of others, collective security, the general well-being, the respect for public order, the Constitution, and the laws.

## Chapter II: Individual Rights

### Article 43

The State guarantees all citizens the right to life, liberty, justice, security, peace, health, education, culture, and holistic development.

### Article 44

The people have the right to the free development of their personality and must conduct themselves with respect, fraternity, and solidarity.

### Article 45

Women and men enjoy equal rights and responsibilities in economic, political, cultural, social, and familiar matters. The State guarantees that both are offered the

- International law

- General guarantee of equality

- Human dignity
- Equality regardless of gender
- Equality regardless of skin color
- Equality regardless of origin
- Equality regardless of religion
- Equality regardless of sexual orientation
- Equality for persons with disabilities

- General guarantee of equality

- Right to culture
- Right to health care
- Right to life

- Right to development of personality
- Reference to fraternity/solidarity

- Equality regardless of gender

same opportunities and possibilities.

The State encourages the full participation of women in the development of the country and protects women from all types of violence.

## Article 46

The State respects and guarantees the right of people to their personal and familiar privacy, to their image, dignity, and honor.

## Article 47

No one may be submitted to forced disappearance, torture, nor cruel, inhumane, or degrading treatment or punishment.

## Article 48

Any person, as a guarantee of their legal security, enjoys the right to due process and, in consequence, enjoys the following rights:

- a. To not be deprived of liberty, unless by a competent authority;
- b. To not be detained nor processed, unless for just cause, by a competent authority and for an established time period;
- c. To the presumption of innocence until declared guilty through a final sentence of a court;
- d. To be processed and condemned by a competent, independent, impartial, legally preestablished court in virtue of laws established prior to the crime;
- e. To be treated with respect for their dignity and physical, mental, and moral integrity;
- f. To receive legal assistance to exercise their defense;
- g. To be notified of the charges against them and to access the evidence.
- h. To communicate with their relatives, in the case they are arrested or detained. In the case of foreigners, a notification to their consulate will be made;
- i. To not be deprived of their rights without a resolution from a competent authority or a final ruling or a court, and
- j. To present pertinent resources against the corresponding legal or administrative resolutions.

## Article 49

Within the penal process, no violence nor coercion of any kind may be exercised over a person to force them to issue a declaration.

• Human dignity  
• Right to privacy

• Prohibition of cruel treatment  
• Prohibition of torture

• Guarantee of due process

• Presumption of innocence in trials

• Judicial independence  
• Principle of no punishment without law

• Right to counsel

• Right to examine evidence/witnesses

• Regulation of evidence collection  
• Protection from self-incrimination

All evidence obtained in violation of this precept is null by law and the responsible party will be sanctioned according to the law.

No person may be obligated to self-incriminate, or to testify against their spouse or family members up to the fourth degree of consanguinity and second degree of affinity.

## Article 50

Whoever is deprived of liberty illegally has the right to submit a writ of Habeas Corpus to a competent court, according to the requirements established in the law.

## Article 51

Within its penitentiary policy, the State favors the social reintegration of persons deprived of liberty, guarantees the respect for their rights as well as compliance with the norms established for their treatment within prison establishments.

## Article 52

The home is an inviolable space. One may not enter in another dwelling without permission of the inhabitants, except through a warrant issued by a competent authority following the legal formalities and for a motive previously defined by the law.

## Article 53

Correspondence and other forms of communication between persons are inviolable. They may only be intercepted or registered through a warrant issued by a competent authority in the cases and with the formalities established by the law.

Documents of information obtained in violation of this principle do not constitute evidence within any legal proceeding.

## Article 54

People have the right to enter, remain, transit, and exit from the national territory, or to change their residence or domicile without any other limits than those established by the law.

## Article 55

All people have the right to know what is contained about them in archives or any other form of public registry, as well as to see that they not be divulged, and that they be corrected, rectified, or updated according to the requirements of the law.

## Article 56

All people have the right to receive information from the State that is true, adequate, and timely, according to the established regulations.

## Article 57

The State guarantees the liberty of use and enjoyment of property, according to that which is established by the law.

• Protection from unjustified restraint

• Regulation of evidence collection  
• Right to privacy

• Regulation of evidence collection  
• Right to privacy

• Freedom of movement

• Right to information



## Article 58

Confiscation of belongings or property may only be applied as a sanction issued by a competent authority in the cases and through the procedures determined by the law.

When the confiscation of property is ordered in an administrative procedure, a person is always guaranteed the ability to defend their right before the competent courts.

## Article 59

The State recognizes, respects, and guarantees the liberty of thought, conscience, and expression.

Conscientious objection may not be invoked with the intention of evading compliance with the law or impeding another from the exercise of their rights.

## Article 60

Citizens' right to a free press is recognized. This right is exercised according to the law.

The fundamental means of social communication, in any of their forms, are the socialist property of all people, which ensures their use at the service of the entire society.

The State establishes the principles of organization and operation for all means of social communication.

## Article 61

The rights of assembly, demonstration, and association for legal and peaceful purposes are recognized by the State whenever they are exercised with respect to public order and in compliance with the precepts established by the law.

## Article 62

Any person has the right to profess or not profess their religious beliefs, to change them, and to practice the religion they prefer with the required respect to other beliefs and in accordance with the law.

## Article 63

The laws do not have a retroactive effect, except in penal matters when they are favorable to the accused or to the sanctioned person, and in the case of other laws, when they expressly permit it with regard to matters of social interest or public utility, which they must explicate in their content.

## Article 64

People have the right to direct complaints and petitions to the authorities, who are obligated to process them within a suitable period, granting pertinent and timely responses according to the law.

- Freedom of expression
- Freedom of opinion/thought/conscience

- Freedom of press

- State operation of the media

- Freedom of assembly
- Freedom of association

- Freedom of religion

- Protection from ex post facto laws

- Right of petition

- Provisions for intellectual property

## Article 65

People's intellectual property rights are recognized, according to the law and to international treaties.

The rights acquired are exercised by the author and owners in correspondence with public policy.

- International law

- Right to transfer property

## Article 66

The State recognizes the right to succession in the case of death. The law regulates its content and scope.

## Chapter III: Social, Economic, and Cultural Rights

- Right to found a family

## Article 67

The State protects families, motherhood, fatherhood, and marriage.

The State attributes to families, conceived of as the basic cell of society, essential responsibilities and functions in the upbringing and education of new generations as well as in the care of and attention to seniors.

- Right to marry

- Right to marry

## Article 68

Marriage is a voluntary union between two legally eligible people for the purpose of creating a shared life. It rests in the absolute equality of rights and duties of spouses, who are obligated to maintain the home and to raise their children through joint effort, in a way that is compatible with the development of their social activities.

The law regulates the formalization, recognition, and dissolution of marriage, and the rights and obligations that these acts are derived from.

- Provision for matrimonial equality

## Article 69

All children have equal rights, whether they are conceived within or outside of marriage.

All titles regarding the nature of one's birth are abolished.

The State guarantees, through suitable legal procedures, the determination and the recognition of paternity.

- Rights of children

- Mentions of social class

## Article 70

Parents have the obligation to feed their children, to aid them in the defense of their legitimate interests and in the realization of their just aspirations, as well as to actively contribute to their education and to raise them as citizens with moral, ethical, and civic values in correspondence with life within our socialist society.

Children, in turn, are obligated to respect and assist their parents.

## Article 71

Violence within the family, in any of its manifestations, is considered destructive to the harmony and unity of the family and is punishable.

## Article 72

The State, society, and families protect and pay special attention to children, adolescents, and minors in order to guarantee their harmonic and holistic development as well as the full exercise of their rights.

## Article 73

The State, society, and families have the obligation to protect and aid the elderly and to promote their social integration.

## Article 74

The State, society, and families have the obligation to protect and aid disabled persons. The State guarantees the required conditions for their rehabilitation or the improvement of their quality of life.

## Article 75

Any person that is able to work has the right to obtain a dignified employment according to their choice, qualification, aptitude, and the demands of the economy and society.

## Article 76

Labor is remunerated according to the quantity, complexity, quality, and results obtained, which expresses the socialist principle of distribution: "from each according to their ability, to each according to their labor."

All people receive the same salary for work of equal value.

## Article 77

Child labor, performed by children or adolescents, is prohibited.

The State grants special protection to adolescents that are 15 to 16 years old. In exceptional circumstances defined by the law they are permitted to work with the purpose of guaranteeing their holistic development.

## Article 78

Workers have the right to a break, which is guaranteed through the eight-hour workday, a weekly break, and annual paid vacations.

The law defines other cases in which exceptions may be made to approve alternative working hours with respect to breaks.

## Article 79

The right to social security is recognized. The State, through the system of social security, guarantees the adequate protection of all workers impeded from working due to age, maternity, paternity, disability, or illness.

In the case of a worker's death, the State grants similar protection to his or her family.

## Article 80

The State guarantees the right to protection, security, and health at work through the adoption of suitable means to prevent work-related accidents or illnesses.

Whoever suffers an accident during their labor or contracts a work-related illness has the right to medical attention as well as to a subsidy or pension in the case of a temporary or permanent incapacity to work.

## Article 81

The State, through social assistance, protects persons without resources or shelter, those who are unable to work, those that require care from family members, and the families that, due to low income, require it, according to the law.

## Article 82

The right to a dignified shelter is recognized.

The State works to make this right effective through shelter construction programs, with the participation of entities and of the population, in correspondence with the norms of territorial and urban order and the laws.

## Article 83

Public health is a right of all people. The State guarantees access to medical attention, protection, and recuperation services, free of charge.

The law defines the mode in which health services are provided.

## Article 84

Education is a right of all the people and the responsibility of the State, the society, and families.

The State guarantees free and affordable education services to its citizens for their holistic development, from preschool until the undergraduate level, according to the social demands and to the necessities of the socio-economic development of the country.

The law defines, among other questions, the scope of the obligatory studies and the basic general preparation that, at a minimum, must be acquired by all citizens.

Postgraduate and adult education is guaranteed according to the established regulations.

## Article 85

People have the right to physical education, sports, and recreation as an essential element of their quality of life.

The plans of study of the national system of education guarantee the inclusion of the teaching and practice of physical education and sports as part of the holistic development of youth, adolescence, and childhood.

The State works to guarantee the necessary resources dedicated to the promotion and practice of sport and the recreation of the people as well as for the preparation and development of athletic talent.

## Article 86

All persons have the right to live in a clean and stable environment.

The State protects the environment and natural resources of the country. It recognizes their close linkage with the sustainable development of the economy and society to make human life more rational and to secure the survival, well-being, and security of current and future generations.

## Article 87

All people have the right to water, with the required allowance and rational use.

The State works to guarantee the access to potable water and to its sanitation, in correspondence with the economic and social development achieved.

## Article 88

The right to food of all persons is recognized. The State works to achieve the food security of the entire population.

## Article 89

All people have the right to consume quality goods and services that are not counter to their health and the right to access truthful and adequate information about these items, as well as to receive a dignified and equitable treatment in accordance with the law.

## Article 90

All people have the right to participate in the artistic and cultural life of the nation. The State promotes culture and the distinct artistic formats in accordance with cultural policy and the law.

## Chapter IV: Civil and Political Rights and Duties

### Article 91

The exercise of the rights and liberties foreseen in this Constitution implies responsibilities. The duties of Cuban citizens, in addition to those others established by this Constitution, are:

- a. To serve and defend the homeland;
- b. To comply with the Constitution and the other laws of the nation;
- c. To contribute to the public expenditures in the form established by the law;
- d. To demonstrate the required respect to the authorities and their agents;
- e. Perform military or social services according to the law;

- f. To respect the rights of others and to not abuse one's own rights;
- g. To conserve and protect the goods and resources that the State and society provide to the people;
- h. To comply with the requirements established for the protection of environmental health and hygiene;
- i. To protect the natural resources as well as the cultural and historic patrimony of the country and to safeguard the preservation of a clean environment, and
- j. To act, in one's relations with other people, according to the principle of human solidarity and with respect to the norms of a proper social coexistence.

• Protection of environment

• Right to culture

• Reference to fraternity/solidarity

## Article 92

Cuban citizens have the right to participate in the formation, exercise, and monitoring of the power of the State, for which purpose they may, in accordance with the laws:

- a. Be registered within the electoral registry;
- b. Propose and nominate candidates;
- c. Elect officials and be elected for office;
- d. Participate in elections, plebiscites, referendums, popular consultations, as well as other forms of democratic participation;
- e. Make pronouncements regarding the release of documents or information for the purposes of accountability that are provided by elected officials;
- f. Revoke the mandate of elected officials;
- g. Exercise the powers of the legislature as well as the power of constitutional reform;
- h. Perform public functions or roles, and
- i. Be informed of the management of the organs and authorities of the State.

• Referenda

## Chapter V: The Rights and Duties of Foreigners

### Article 93

Foreigners with residency in the Republic are equal to Cubans:

- a. In the Protection of their person and property;
- b. In the obligation to observe the Constitution and the law;
- c. In the obligation to contribute to the public expenditures in the form and quantity established by the law;
- d. In their submission to the jurisdiction and rulings of the courts of justice as well as the authorities of the Republic, and
- e. In the enjoyment of the rights and compliance with the duties set forth within this Constitution under the conditions and within the limits established by the law.

The law establishes the cases and the form in which foreigners may be expelled from the national territory as well as the authorities empowered to decide in these cases.

## Chapter VI: Jurisdictional Guarantees of Rights

### Article 94

A person whose rights are made vulnerable and suffers injury or harm due to organs of the State, their leadership, officials, or employees, as the result of a wrongful act or omission of their duties, has the right to issue a complaint before the courts, to receive restitution of the rights, and to obtain, in accordance with the law, the corresponding reparation or indemnity.

The law establishes the pertinence and the preferred procedure, expedited and concentrated, for compliance with this right.

## Title V: Principles of the Educational, Scientific, and Cultural Policy

### Article 95

The State orients, fosters, and promotes education, the sciences, and culture in all of their forms.

In its educational, scientific, and cultural policy, the State attends to the following:

- a. That it be based on the advances in science and technology as well as the universal and progressive Cuban pedagogical traditions;

- b. Teaching is a function of the State, it is secular, and is based on the contributions of science as well as on the principles and values of our society;
- c. Education must promote knowledge of the nation's history and develop a high level of ethical, moral, civic, and patriotic values within students;
- d. The State's policy promotes the participation of citizens in the realization of their educational and cultural policy;
- e. It orients, fosters, and promotes physical culture and sport in all of its forms as a means of education and a means to contribute to the holistic development of the citizens;
- f. Scientific and technical research with a focus on development and innovation is encouraged, prioritizing that which is oriented towards solving problems of social concern and that benefit the population;
- g. It favors the incorporation of people with scientific aptitude;
- h. Artistic creation is free and its content respects the socialist values of Cuba. The forms of expression through art are free;
- i. With the purpose of elevating the culture of the people, the State fosters and develops artistic education, the vocation of creation, the cultivation of art, and the capacity to appreciate it
- j. It defends the Cuban identity and culture, cares for the artistic, patrimonial, and historic wealth and ensures its protection. The goods that belong to the cultural patrimony of the nation are inalienable, imprescriptible, and may not be seized, and
- k. It protects the monuments of the nation and the locations notable for their natural beauty and recognized artistic or historical value.

## Title VI: The Structure of the State

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### Chapter I: Principles of the Organization and Function of the Organs of the State

#### Article 96

The organs of the State are formed and develop their activities upon their foundation in the principle of socialist democracy, which are expressed in the following rules:



- a. All the representative organs of the power of State are elected and renewable;
- b. The people monitor the activities of the State organs, the representatives, the delegates, and the functionaries;
- c. Elected representatives have the duty to release required documentation regarding the performance of their duties and may be removed from office at any moment;
- d. Each State organ develops, within the scope of its competency, its assigned initiative by taking advantage of local resources and possibilities as well as through the incorporation of the social and mass organizations to their activity;
- e. The orders of the superior State organs are obligatory for the subordinate State organs;
- f. The subordinate State organs respond to the superior organs and they submit documentation regarding their management, and
- g. The liberty of discussion, the exercise of criticism as well as self-criticism, and the subordination of the minority to the majority govern in all of the collegial State organs.

## **Chapter II: The National Assembly of People's Power and the Council of State**

### **Section One: The National Assembly of People's Power**

#### **Article 97**

The National Assembly of People's Power is the supreme organ of the power of the State. It represents the entire population and expresses their sovereign will.

#### **Article 98**

The National Assembly of People's Power is the only organ with legislative and constituent power within the Republic.

#### **Article 99**

The National Assembly of People's Power is composed of representatives elected through a free, equal, direct, and secret vote of the electors, in the proportion and according to the procedure determined by the law.

#### **Article 100**

The National Assembly of People's Power is selected for a term of five years.

• Structure of legislative chamber(s)

• Secret ballot  
• First chamber selection

• Term length for first chamber

This term may only be extended by the Assembly itself through an agreement adopted by a majority of no less than two thirds of the total number of its members in cases of exceptional circumstances that impede the normal process of elections and only while those circumstances persist.

## Article 101

The National Assembly of People's Power, upon convening a new legislature, selects its President, Vice President, and Secretary from among its representatives.

The law regulates the form and the procedure through which the Assembly is constituted, and the election is realized.

## Article 102

The National Assembly of People's Power elects from among its representatives the Council of State, the organ that represents it between one or another period of sessions, executes its agreements, and performs the other functions that the Constitution and the law attribute to it.

## Article 103

The following duties correspond to the National Assembly of People's Power:

- a. To agree upon reforms to the Constitution, according to that which is established in Title XI;
- b. To issue a general and obligatory interpretation of the Constitution and the laws, in necessary cases, in correspondence with the procedure foreseen in the law;
- c. To approve, modify, or derogate the laws and to submit them to the prior consultation of the people when deemed appropriate, with attention to the nature of the legislation concerned;
- d. To adopt agreements in correspondence with the laws in force and to ensure their enforcement;
- e. To ensure the constitutionality of the laws, decrees with the force of law, presidential decrees, decrees, and other general provisions in accordance with the procedures foreseen in the law;
- f. To completely or partially revoke decrees with the force of law and agreements of the Council of State that contradict the Constitution or the laws;
- g. To completely or partially revoke the presidential decrees, decrees, agreements, or general provisions that contradict the Constitution or the laws;

- Federal review of subnational legislation
- National vs subnational laws
- Constitutional interpretation
- Municipal government

- Economic plans

- Budget bills

- International law
- Treaty ratification
- Power to declare/approve war

- Legislative committees

- Legislative oversight of the executive

- h. To completely or partially revoke the agreements or rulings of the municipal assemblies of the People's Power that violate the Constitution, the laws, the decrees with the force of law, the presidential decrees, decrees, and other provisions dictated by an organ that is hierarchically superior, or those that affect the interests of other localities or the generals of the country;
- i. To discuss and approve the general objectives and methods of the annual plans as well as the country's medium- and long-term social and economic development;
- j. To approve the principles of the management system of the national economy;
- k. To discuss and to approve the budget of the State and to monitor compliance with it;
- l. To arrange the monetary, financial, and fiscal systems;
- m. To establish or to extinguish taxes;
- n. To approve the general guidelines of the country's internal and external relations;
- ñ. To declare the State of War or to declare War in the case of military aggression and to approve peace treaties;
- o. To establish and to modify the political-administrative division; to approve regimes of administrative subordination, special systems of regulation for municipalities or other territorial demarcations as well as the administrative districts according to that which is established in the Constitution and the laws;
- p. To appoint permanent or temporary commissions and friendly parliamentary groups;
- q. To exercise the highest levels of supervisions over the organs of the State;
- r. To be familiar with and to evaluate the reports and analyses of the State business systems that are pertinent due to their size as well as their social and economic transcendancy;
- s. To be familiar with, evaluate, and to adopt decisions regarding the accountability reports presented to it by the Council of State, the President of the Republic, the Prime Minister, the Council of Ministers, the People's Supreme Court, the Attorney General of the Republic, the Comptroller General of the Republic, and the organizations of the Central Administration of the State, as well as of the provincial governments;

- t. To create or to extinguish the organizations of the Central Administration of the State or to arrange any other organizational method that is appropriate;
- u. To grant amnesty;
- v. To arrange for the convocation of referendums or plebiscites in the cases foreseen in the Constitution and in others that the Assembly itself considers appropriate;
- w. To agree upon its regulation and that of the Council of State, and
- x. The other duties conferred to it by this Constitution.

## Article 104

The National Assembly of People's Power, in the exercise of its duties:

- a. Chooses the President and Vice President of the Republic;
- b. Chooses its President, Vice President, and Secretary;
- c. Chooses the members of the Council of State;
- d. Designates, at the proposal of the President of the Republic, the Prime Minister;
- e. Designates, at the proposal of the President of the Republic, the Deputy prime ministers and other members of the Council of Ministers;
- f. Chooses the President of the People's Supreme Court, the Attorney General of the Republic and the Comptroller General of the Republic;
- g. Chooses the President and the other members of the National Electoral Council;
- h. Chooses the vice presidents and the magistrates of the People's Supreme Court as well as the lay judges of this body;
- i. Chooses the deputy attorneys general and deputy comptrollers general of the Republic;
- j. Designates, at the proposal of the President of the Republic, the provincial governors, and
- k. Revokes or substitutes the people it has chosen or designated.

The law regulates the procedure to make these duties effective.

## Article 105

The National Assembly of People's Power in its operations is governed according to the following principles:

- a. The laws and agreements that it emits, except those exceptions foreseen in the Constitution, are adopted by a simple majority vote;
- b. It meets for two ordinary periods of sessions each year and for extraordinary sessions when they are convoked by the Council of State or requested by one third of their members. The extraordinary sessions will deal with the issues that motivated it;
- c. In order to hold its sessions, the presence of more than half of the total number of the members of the Assembly is required; and
- d. Its sessions are public, except when the Assembly itself agrees to hold them with closed doors due to the interests of the State.

## Article 106

The following duties correspond to the President of the National Assembly of People's Power:

- a. To comply with and to ensure respect for the Constitution and the laws;
- b. To preside over the sessions of the National Assembly of People's Power and the Council of State, and to ensure the application of the bylaws of both organs;
- c. To convoke the ordinary sessions of the National Assembly of People's Power;
- d. To convoke the ordinary and extraordinary sessions of the Council of State;
- e. To propose the daily agenda of the National Assembly of People's Power and the Council of State;
- f. To sign laws, decrees with the force of law, and agreements adopted by the National Assembly of People's Power and the Council of the State, as needed, and to issue the publication of the agreements of both organs in the Official Bulletin of the Republic;
- g. To direct the international relations of the National Assembly of People's Power and the Council of State;
- h. To direct and to organize the labor of the permanent and temporary commissions that are created by the National Assembly of People's Power or the Council of State, as needed;

- i. To direct and to organize the relations of the National Assembly of People's Power and the Council of State with the State organs;
- j. To ensure compliance with the agreements of the National Assembly of People's Power and the Council of State;
- k. To ensure suitable bonds between the representatives and the electors, and
- l. The other duties that this Constitution, the National Assembly of People's Power or the Council of State assign to it.

## Article 107

In the case of absence, sickness, or death of the President of the National Assembly of People's Power, the Vice President will serve as a substitute in the President's role in accordance with the law.

## Section Two: Representatives and Commissions of the National Assembly of People's Power

### Article 108

The representatives have the duty of carrying out their work for the benefit of the interests of the people, to maintain bonds with their electors, to attend to their approaches, proposals, suggestions, criticisms, and to explain the policies of the State to them. Additionally, they report on their performance with respect to their duties according to that which is established in the law.

The National Assembly of People's Power adopts the methods that guarantee the suitable bonds of the representatives with their electors and with the local organs of the People's Power in the territory in which they were elected.

### Article 109

No representative may be detained nor submitted to a penal process without the authorization of the National Assembly of People's Power or the Council of State if the Assembly is not meeting, except in cases of flagrant crime.

### Article 110

Serving as a representative does not grant personal privileges nor economic benefits. During the time that they discharge their duties, representatives will receive the same remuneration as their place of work and they will maintain their link to it for the relevant purposes.

### Article 111

Representatives' mandate may be revoked at any moment in the form, for the causes, and according to the procedures established in the law.

• Immunity of legislators  
• Standing committees

• Compensation of legislators

• Removal of individual legislators

## Article 112

Representatives have the right to ask the Council of State, the Council of Ministers, or the members of one or the other questions during the sessions of the National Assembly of People's Power; they also have the right for their questions to receive a response during the sessions during which they are asked or during the next session.

## Article 113

The National Assembly of People's Power, in order to better exercise its functions, creates temporary and permanent commissions composed of representatives, according to the principles of organization and operation foreseen in the law.

Between the periods of sessions of the National Assembly of People's Power, the Council of State coordinates the work of the commissions of the Assembly and guarantees the necessary conditions for their operation.

## Article 114

The representatives and the commissions have the right to request that the organs or entities provide the necessary collaboration for them to carry out their operations, and they are obligated to provide it within the terms established by the law.

## Section Three: The Council of State

### Article 115

The Council of State is collegial, responsible before the National Assembly of People's Power, and reports to it regarding all of its activities.

The decrees with the force of law and agreements that the Council of State adopts will be sent for ratification by the National Assembly of People's Power in the upcoming session.

### Article 116

The President, the Vice President, and the Secretary of the National Assembly of People's Power are also a part of the Council of State, which is composed of the other members selected for it.

Members of the Council of Ministers may not be members of the Council of State, nor may the highest authorities of the judicial, electoral, or State monitoring organs be members of the Council of Ministers.

### Article 117

The following duties correspond to the Council of State:

- a. To ensure the implementation of the Constitution and the laws;
- b. To give a general and obligatory interpretation, in necessary cases, for the laws in force;

- c. To issue decrees with the force of law and agreements between one or another period of sessions of the National Assembly of People's Power;
- d. To arrange for the holding of extraordinary sessions of the National Assembly of People's Power;
- e. To agree upon the date of the elections for the periodic renovation of the National Assembly of People's Power;
- f. To analyze the legal proposals submitted for the consideration of the National Assembly of People's Power;
- g. To ensure the implementation of the agreements of the National Assembly of People's Power;
- h. To suspend the presidential decrees, decrees, agreements, and other provisions that contradict the Constitution and the laws, informing the National Assembly of People's Power in the first session held after said suspension;
- i. To suspend the agreements and decrees of the municipal assemblies of the People's Power that do not comply with the Constitution or the laws, the decrees with the force of law, the presidential decrees, decrees, and other orders issued by an organ of superior rank within the hierarchy; or those that affect the interests of other localities or the generals of the country, informing the National Assembly of People's Power in the first session that is held after said suspension;
- j. To revoke or to modify the agreements and other orders of the provincial governors or councils that contradict the Constitution, the laws, the decrees with the force of law, the presidential decrees, decrees and other dispositions issued by an organ that is superior in rank within the hierarchy, or when they affect the interests of other localities or the general interests of the country;
- k. To choose, designate, suspend, revoke, or substitute, between periods of the National Assembly of People's Power's sessions the individuals that may occupy the roles that this Assembly is responsible for deciding, with the exception of the President and Vice President of the Republic, the President, Vice President, and Secretary of the National Assembly of People's Power, the members of the Council of the State, and the Prime Minister. The President of the People's Supreme Court, the Attorney General of the Republic, the Comptroller General of the Republic, and the President of the National Electoral Council, may only be suspended from the exercise of their responsibilities.

In all cases, the Council of State informs the National Assembly of People's Power during its next session of the corresponding actions;

• Extraordinary legislative sessions

• Head of state decree power  
• Constitutional interpretation

• Federal review of subnational legislation  
• National vs subnational laws  
• Constitutional interpretation  
• Municipal government

• Federal review of subnational legislation  
• National vs subnational laws  
• Constitutional interpretation  
• Subsidiary unit government



• Power to declare/approve war

**l.** To assume, upon the proposal of the President of the Republic, the powers to declare the State of War or to declare War in case of aggression or to make peace, which the Constitution otherwise attributes to the National Assembly of People's Power, when it is in recess and may not be convened with the security and urgency required;

**m.** To give instructions of a general character to the courts through the Council of Government of the People's Supreme Court;

• Legislative committees

**n.** To create commissions;

• International law  
• Treaty ratification

**ñ.** To ratify and to renounce international treaties;

**o.** To designate and to remove, upon the proposal of the President of the Republic, the chiefs of Cuba's diplomatic missions within other states;

**p.** To exercise, between periods of the National Assembly of People's Power's sessions, the monitoring and supervision of the organs of the State;

**q.** During the periods that take place between the sessions of the National Assembly of People's Power, to create or to extinguish the organizations of the Central Administration of the State or to arrange any other organizational means that is deemed proper;

**r.** To approve the methods of foreign investment that correspond to it;

**s.** To examine and approve, between periods of the National Assembly of People's Power's sessions, the adjustments that are necessary to realize the budgetary provisions of the State;

• Legislative committees

**t.** To coordinate and to guarantee the activities of the representatives and of the permanent or temporary working commissions, and

**u.** The other powers conferred by this Constitution and the laws established by the National Assembly of People's Power.

## Article 118

All decisions of the Council of the State are adopted by a simple majority vote of its members.

## Article 119

The mandate entrusted to the Council of the State by the National Assembly of People's Power expires once the new Council of State elected in virtue of the Council's periodic renovations takes office.

## Chapter III: The President and Vice President of the Republic

### Article 120

The President of the Republic is the Chief of State.

### Article 121

The President of the Republic is elected by the National Assembly of People's Power from among its representatives, for a period of five years, reports to the Assembly, and is responsible for the management of the Assembly.

To be elected President of the Republic an absolute majority vote is required.

The President of the Republic may exercise the role for two consecutive periods, after which a person may not run for office again.

### Article 122

To be President of the Republic, one must have reached the age of thirty-five, enjoy full civil and political rights, be a Cuban citizen by birth, and not possess any other citizenship.

One must also be under the age of sixty in order to be elected to a first term in office.

### Article 123

The following duties correspond to the President of the Republic:

- a. To comply with and ensure respect for the Constitution and the laws;
- b. To represent the State and to direct its general policies;
- c. To direct in matters related to foreign policy, relations with other states, and with regard to the defense and security of the nation;
- d. To sign the laws and decrees with the force of law emitted by the National Assembly of People's Power or the Council of State, and to arrange for their publication in the Official Gazette of the Republic in accordance with the law;
- e. To present to the National Assembly of People's Power, upon election by this body, in that session or the following session, the members of the Council of Ministers;
- f. To propose to the National Assembly of People's Power or to the Council of State, according to whom the matter corresponds, the selection, designation, suspension, revocation, or substitution of persons occupying the roles of the Prime Minister, the President of the People's Supreme Court, the Attorney General of the Republic, the Comptroller General of the Republic, the President of the National Electoral Council, the members of the Council of Ministers, and the provincial governors;

• Name/structure of executive(s)

• Head of state selection  
• Eligibility for head of state  
• Head of state term length  
• Legislative oversight of the executive

• Head of state selection

• Head of state term limits

• Minimum age of head of state

• Eligibility for head of state

• Head of state powers

• Duty to obey the constitution

• Foreign affairs representative

• Attorney general  
• Cabinet selection  
• Electoral commission  
• Supreme court selection  
• Head of government selection  
• Subsidiary unit government

- g.** To be familiar with, evaluate, and adopt decisions regarding the reports presented by the Prime Minister documenting his or her management, as well as those of the Council of Ministers, or those of the Executive Committee;
- h.** To discharge the duties of Commander in Chief of the armed forces and to determine their general organization;
- i.** To preside over the Council of National Defense and to propose to the National Assembly of People's Power or to the Council of State, as necessary, to declare the State of War or War in cases of military aggression;
- j.** To order a general mobilization when the defense of the country requires it, as well as to declare a state of emergency or a situation of disaster, in the cases foreseen in the Constitution, giving notice of the decision as soon as possible to the National Assembly of People's Power or to the Council of State; in the event that they may not be convened, the proper legal remedies will be applied;
- k.** To promote in rank and role the top officials within the hierarchy of the military institutions of the nation and to order their cessation, in accordance with the procedure foreseen in the law;
- l.** To decide on the granting of Cuban citizenship, to accept renunciations, and to issue orders regarding the loss of Cuban citizenship.
- m.** To propose, in accordance with the provisions of this Constitution and the law, the suspension, modification, or revocation of the orders and agreements of the organs of the State that contradict the Constitution or the laws, or that affect the general interests of the country;
- n.** To issue, in the exercise of the office's powers, presidential decrees and other orders to bring his or her decisions into force.
- ñ.** To create commissions or temporary working groups for the realization of specific projects;
- o.** To propose to the Council of the State the designation or removal of the chiefs of Cuba's diplomatic missions within other states;
- p.** To concede or to retract the rank of the ambassador of the Republic of Cuba;
- q.** To grant decorations and honorific titles;
- r.** To grant or to deny, on behalf of the Republic of Cuba, the approval of the diplomatic representatives of other countries;
- s.** To receive the credentials of the chiefs of foreign missions.

- Designation of commander in chief

- Advisory bodies to the head of state
- Power to declare/approve war

- Emergency provisions
- Standing committees

- Selection of active-duty commanders

- Right to renounce citizenship
- Conditions for revoking citizenship

- Head of state decree power

- Foreign affairs representative

- Deputy executive
- Foreign affairs representative

The Vice President may assume this function in exceptional circumstances;

- t. To grant pardons and to request concessions of amnesty from the National Assembly of People's Power;
- u. To participate by his or her own right in the meetings of the Council of State and to convene them when deemed necessary;
- v. To preside over the meetings of the Council of Ministers or the Executive Committee, and
- w. The other powers that are assigned through this Constitution and the laws.

## Article 124

To be Vice President of the Republic, one must have reached the age of thirty-five, be in full enjoyment of their civil and political rights, be a Cuban citizen through birth and not possess any other citizenship.

The Vice President is elected in the same form and for the same period as the President of the Republic.

## Article 125

The Vice President of the Republic performs the responsibilities and possesses the powers delegated or assigned by the President of the Republic.

## Article 126

In the case of absence, illness, or the death of the President of the Republic, the Vice President will temporarily substitute for the President until the new President of the Republic is elected by the National Assembly of People's Power.

While the role of the Vice President of the Republic remains vacant, the National Assembly of People's Power will select a substitute.

If the absence is definitive, both in the case of the President or in the case of the Vice President of the Republic, the National Assembly of People's Power will select their substitutes. Until an election is realized, the President of the National Assembly of People's Power will assume, during the interim, the role of the President of the Republic.

The law regulates the procedures for substitution in these cases.

## Article 127

The President and the Vice President of the Republic remain in office until the election of their successors takes place within the National Assembly of People's Power.

## Chapter IV: The Government of the Republic

### Section One: The Council of Ministers

#### Article 128

The Council of Ministers is the highest executive and administrative organ and it constitutes the Government of the Republic.

#### Article 129

The Council of Ministers is composed of the Prime Minister, the Deputy Prime Ministers, the Ministers, the Secretary, and the other members determined by the law.

The Secretary General of the Workers' Central Union of Cuba will participate in the sessions of the Council of Ministers by his or her own right.

#### Article 130

The Prime Minister, the Deputy Prime Ministers, the Secretary, and other members of the Council of Ministers determined by the President of the Republic will compose the Executive Committee.

The Executive Committee may make decisions regarding the questions sent to the Council of Ministers during the periods that take place between its sessions.

#### Article 131

The Council of Ministers is responsible and must periodically submit reports of its activities to the National Assembly of People's Power.

#### Article 132

The following duties correspond to the Council of Ministers:

- a. To ensure compliance with the Constitution and the laws;
- b. To organize and to direct the execution of the political, economic, cultural, scientific, social, and defense activities agreed to by the National Assembly of People's Power;
- c. To propose the general goals of the annual plans, including the medium- and long-term social and economic development plans of the State, as well as the general methods for their achievement, and, once they have been approved by the National Assembly of People's Power, to organize, direct, and monitor their execution;
- d. To approve and to submit international treaties for the decision of the Council of State;

- e. To direct and to monitor foreign commercial relations as well as foreign investment;
- f. To prepare the budget of the State and, once approved by the National Assembly of People's Power, to ensure its execution;
- g. To implement and to demand compliance with the approved objectives in order to strengthen the monetary, financial, and fiscal systems;
- h. To prepare legislative proposals and to submit them for the consideration of the National Assembly of People's Power or the Council of State, as appropriate;
- i. To provide for the national defense, the maintenance of internal security and order, and the protection of citizens' rights, as well as to safeguard lives and property in case of natural disaster;
- j. To direct the administration of the State, as well as to unify, coordinate, and supervise the activity of the organizations of the central administration of the State, the national entities as well as the local administrations;
- k. To be familiar with, evaluate, and make decisions regarding the reports provided by the provincial governments;
- l. To authorize the creation of territorial delegations and other entities of the organizations of the central administration of the State, as well as superior business management organizations.
- m. To create, modify, or extinguish subordinate or appointed entities of the Council of Ministers or of the organizations of the central administration of the State;
- n. To orient and to monitor the management of the provincial governors;
- ñ. To designate or to substitute, upon the proposal of the governors, the provincial deputy governors;
- o. To approve or to authorize the appropriate forms of foreign investment;
- p. To execute the laws and agreements of the National Assembly of People's Power, as well as the decrees with the force of law and the decrees of the Council of State, presidential decrees, and, in necessary cases, to issue the corresponding regulations;
- q. To issue decrees and agreements with a foundation in and in compliance with the laws in force and to monitor their implementation;

• Budget bills

• Subsidiary unit government

• Head of government decree power

• Federal review of subnational legislation  
• Municipal government

r. To propose to the Council of State the suspension of the agreements of the municipal assemblies of People's Power that contravene the law and other policies in force or that affect the interests of other communities or the general interest of the country;

• Federal review of subnational legislation  
• Subsidiary unit government

s. To suspend the agreements and other policies of the provincial councils and the other councils of the municipal administrations that are not in accordance with the Constitution, laws, decrees with the force of law, presidential decrees, decrees, or other policies of the superior organs, or when they affect the interests of other localities or the general interests of the country, reporting to the Council of State or to the National Assembly of People's Power, for the corresponding purposes as appropriate;

• Federal review of subnational legislation  
• Subsidiary unit government

t. To revoke completely or partially the policies issued by provincial governors when they contravene the Constitution, the laws, the decrees with the force of law, presidential decrees, decrees, or other policies issued by a hierarchically superior organ, or those that affect the interests of other localities or the general interests of the country;

u. To revoke completely or partially the policies of the chiefs of the State's central administration organizations when they contravene the higher norms that they are obligated to comply with;

v. To create the commissions deemed necessary to facilitate compliance with the tasks assigned to it;

w. To designate or to substitute leaders and officials in accordance with the powers conferred by the law;

x. To submit its statutes for the approval of the National Assembly of People's Power or of the Council of State, and

y. The other duties conferred to it through the laws or assigned by the National Assembly of People's Power or by the Council of State.

## Article 133

The Council of Ministers is collegial and its decisions are adopted through a simple majority vote of its members.

## Article 134

The Council of Ministers remains in office until the government within the new legislature is designated.

## Section Two: The Prime Minister

### Article 135

The Prime Minister is the Head of Government of the Republic.

• Name/structure of executive(s)

## Article 136

The Prime Minister is designated by the National Assembly of People's Power, upon the proposal of the President of the Republic, for a period of five years. To be designated as the Prime Minister, one must obtain an absolute majority vote in favor.

## Article 137

The Prime Minister is responsible before the National Assembly of People's Power and before the President of the Republic, to whom the Prime Minister must report to and inform of his or her activities, those of the Council of Ministers or of its Executive Committee, on the occasions indicated to the Prime Minister.

## Article 138

To be Prime Minister, one must be a representative within the National Assembly of People's Power, have reached the age of thirty-five, be in full enjoyment of the civil and political rights, be a Cuban citizen through birth, and not possess any other citizenship.

## Article 139

The following duties correspond to the Prime Minister:

- a. To comply with and to ensure respect for the Constitution and the laws;
- b. To represent the Government of the Republic;
- c. To convene and to direct the sessions of the Council of Ministers or its Executive Committee;
- d. To attend to and to monitor the development of the activities of the State's central administration organizations, the national entities, or the local administrations;
- e. To assume the direction of any of the State's central administration organizations;
- f. To notify the President of the Republic when the pertinent organizations are interested in replacing members of the Council of Ministers and, in each case, to propose the corresponding replacement;
- g. To monitor the labor of the heads of the State's central administration organizations;
- h. To deliver instructions to the provincial governors;
- i. To adopt, in exceptional circumstances, decisions regarding the executive-administrative issues within the competency of the Council of Ministers, when the urgent character of the situation or the issue to solve require it, informing this body or its Executive Committee of the decision after the fact;



- j. To designate or to substitute leaders or officials, in accordance with the powers conferred by the law;
- k. To sign legal orders adopted by the Council of Ministers or by its Executive Committee and to indicate their publication in the Official Gazette of the Republic;
- l. To create commissions or temporary working groups for the realization of specific projects, and
- m. Any other duty assigned by the Constitution and the laws.

### **Section Three: Members of the Council of Ministers**

#### **Article 140**

The following duties correspond to the members of the Council of Ministers:

- a. To represent the Council of Ministers or the Prime Minister under circumstances that demand it;
- b. To comply with the agreements and other decrees of the Council of Ministers and its Executive Committee that correspond to them and to report to the Prime Minister regarding their compliance;
- c. To complete the tasks assigned to them by the Prime Minister and to exercise the duties that, in each case, are delegated to them;
- d. To manage the matters and projects pertaining to the Ministry or organizations under their supervision, issuing the necessary resolutions and decrees;
- e. To issue, where it is not the express function of another state organ, the provisions required for the execution and application of the laws, decrees with the force of law, and other provisions that concern them;
- f. To attend the Council of Ministers sessions, with full voting rights, and present proposals for laws, decrees with the force of law, decrees, resolutions, agreements, or any other proposal deemed appropriate;
- g. To designate or substitute executives and functionaries with the powers granted to them under the law, and
- h. Any other duty assigned to them by the Constitution and the laws.

## Section Four: The State's Central Administration

### Article 141

The number, denomination, mission, and functions of the ministries and other organizations that form part of the Central Administration of the State are determined by law.

## Chapter V: The Laws

### Article 142

The initiative of the laws pertains to:

- a. To the President of the Republic;
- b. To the Representatives of the National Assembly of People's Power;
- c. To the Council of State;
- d. To the Council of Ministers;
- e. To the commissions of the National Assembly of People's Power;
- f. To the National Council of the Workers' Central Union of Cuba and to the national leadership of other social and mass organizations;
- g. To the Council of Government of the People's Supreme Court, with regards to issues pertaining to the administration of justice;
- h. To the Attorney General of the Republic with regard to issues within the Attorney General's competence;
- i. To the Comptroller General of the Republic with regard to issues within the Comptroller General's competence;
- j. To the National Electoral Council, with regard to electoral matters, and
- k. To the citizens. In this case it will be an indispensable requirement that initiative is exercised by a minimum of ten thousand electors

The law establishes the procedure to make its exercise effective.

### Article 143

The laws and decrees with the force of law issued by the National Assembly of People's Power or by the Council of State will, in all cases, enter into force on the date that the normative provision itself determines.

The laws, decrees with the force of law, presidential decrees, decrees, resolutions, and other dispositions of a general interest issued by the competent bodies will be published in the Official Gazette of the Republic. The law establishes the procedure for the publication of normative provisions as well as the procedure for them to enter into force.

## Chapter VI: The Tribunals of Justice

### Article 144

The function of imparting justice emanates from the people and is exercised in their name by the People's Supreme Court as well as the other tribunals that are established by the law.

The law establishes the objective principles of the judiciary's activity and regulates the organization of the courts; the extension of their jurisdiction and their competencies; the form in which they are constituted in order to administer justice; the participation of the lay judges; the requirements to serve as a magistrate within the People's Supreme Court or as a judge; the form of election of these as well as the causes and procedures for the removal or the cessation of their functions.

### Article 145

The courts constitute a system of State organs, structured with functional independence from any other.

The People's Supreme Court exercises the maximum judicial authority and its decisions are definitive.

Through its Council of Government, it does not exercise the legislative initiative or the regulatory power, it makes decisions and dictates norms that all courts are obligated to comply with, and, based upon their experiences, it imparts obligatory instructions to establish a uniform judicial practice in the interpretation and application of the law.

### Article 146

The magistrates and lay judges of the People's Supreme Court are elected by the National Assembly of People's Power or by the Council of State.

The law determines the election of other judges.

### Article 147

The magistrates and judges, in their function of imparting justice, are independent and do not owe obedience except to the law.

Additionally, they are irremovable from their position as long as there are no concurrent legal actions for the cessation of their duties or removal from their office.

### Article 148

The sentences and other final resolutions of the courts, issued within the limits of their competence, must be obligatorily obeyed by the organs of the State, the entities, and the citizens; both those who are directly affected by them as well as those without a direct interest in their execution must take part in them.

• Structure of the courts

• Eligibility for supreme court judges  
• Supreme court selection  
• Supreme/ordinary court judge removal

• Judicial independence

• Supreme court selection

• Supreme court term length

• Judicial independence

## Article 149

In the judicial proceedings the lay judges participate within, they have the same rights and duties as the professional judges. The performance of their judicial duties, given their social importance, has priority with respect to their habitual occupation.

## Article 150

The audiences of all courts are public, except in cases in which State security, morality, public order, or respect for the person harmed by the crime or their family necessitate that they are held behind closed doors.

## Article 151

The People's Supreme Court reports to the National Assembly of People's Power regarding the results of its activities in the form and with the frequency established by the law.

## Article 152

The ability to remove magistrates or judges corresponds to the organ that elects them.

## Chapter VII: The Attorney General of the Republic

### Article 153

The Attorney General of the Republic is the organ of the State that has, as its fundamental mission, the exercise of oversight over criminal investigations as well as the exercise of the public penal action in representation of the State; additionally, the Attorney General ensures that the organs of the State, the entities, and the citizens observe strict compliance with the Constitution, the laws and other legal provisions.

The law determines the other objectives and functions, as well as the form, extension, and opportunity in which the Attorney General will exercise the powers of the office.

### Article 154

The Attorney General of the Republic constitutes an organic, indivisible, and functionally independent unit that is subordinate to the President of the Republic.

The management and regulation of the activity of the Attorney General's Office throughout the entire national territory corresponds to the Attorney General of the Republic. The organs of the Attorney General's Office are organized vertically throughout the country, are subordinate only to the Attorney General of the Republic and are independent of all local organs.

### Article 155

The Attorney General of the Republic and the deputy attorneys general are elected and may be removed by the National Assembly of People's Power or by the Council of State.

## **Article 156**

The Attorney General of the Republic reports to the National Assembly of People's Power regarding his or her performance in the form and with the frequency established by the law.

## **Chapter VIII: The Comptroller General of the Republic**

### **Article 157**

The Comptroller General of the Republic is the organ of the State that has as its fundamental mission the supreme oversight of administrative management and to ensure the proper and transparent administration of public funds.

The law regulates the other functions and aspects related to the Comptroller General's performance of his or her duties.

### **Article 158**

The Comptroller General of the Republic enjoys autonomy and functional independence from any local organ, is vertically structured throughout the country and is subordinate to the President of the Republic.

The Comptroller General of the Republic is its maximum authority and the management and regulation of the Comptroller's Office throughout the country corresponds to this office.

### **Article 159**

The Comptroller General of the Republic reports to the National Assembly of People's Power regarding his or her performance in the form and with the frequency foreseen by the law.

### **Article 160**

The Comptroller General of the Republic and the deputy comptrollers general are elected or removed by the National Assembly of People's Power or the Council of State.

## **Title VII: The Territorial Organization of the State**

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### **Article 161**

The national territory, for political and administrative purposes, is divided into provinces and municipalities; their number, limits, and denomination are established by the law.

The law may establish other divisions or attribute regimes of administrative subordination and systems of special regulation to the municipalities or other territorial demarcations as it determines, based on their geographic location or their economic and social importance. In all cases, the representation of the people

through the organs of people's power must be guaranteed.

Administrative districts may be organized within the municipalities, in accordance with the law.

## Article 162

Provinces enjoy juridical personhood with all the legal effects thereof and are organized by the law as an intermediate level between the Government of the Republic and the municipalities. They have a territorial extension that is equivalent to the total of the municipal territories within their territorial demarcation, which is under the direction of a provincial government.

## Article 163

The municipality is the local society, organized by the law, that constitutes the primary, fundamental political unit in the organization of the nation; a municipality enjoys autonomy and juridical personhood, including all the legal effects thereof, with a territorial extension determined according to the necessary economic and social relations of its population as well as the interests of the nation, with the purpose of satisfactorily achieving the local necessities. A municipality is supported through its own funds in addition to allocations that it receives from the Government of the Republic for the purposes of economic progress, the social development of its territory, and for other goals of the State, under the direction of a Municipal Assembly of People's Power and its Council of Administration.

## Article 164

The autonomy of the municipality includes the election of its authorities, the ability to decide how to use its resources as well as the exercise of the competencies that correspond to it in accordance with the Constitution and the laws.

The autonomy is exercised in accordance with the principles of solidarity, coordination, and collaboration with the other territories of the country and without harming the interests of the nation.

# Title VIII: Local Organs of People's Power

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## Chapter I: The Provincial Government

### Section One: General Provisions

## Article 165

Each province is governed by a provincial government composed of a Governor and a provincial council.

## **Article 166**

The provincial government's fundamental mission is to work for the social and economic development of the territory, in accordance with the general objectives of the country and to act as a coordinator between the Government of the Republic and the municipalities, for which the provincial government directs, monitors, orients, and contributes to the harmonization of the interests of the province and its municipalities, and exercises the duties and functions recognized by the Constitution and the laws.

## **Article 167**

The provincial government assists with the development of activities as well as with the implementation of the plans of the entities established within its territory that are not subordinate to it, in accordance with that which is outlined in the Constitution and the laws.

## **Article 168**

The provincial government, in the exercise of its functions and duties, may not assume nor interfere in those that, according to the Constitution and the laws, are powers granted to the municipal organs of people's power.

## **Section Two: The Provincial Governor and the Deputy Provincial Governor**

### **Article 169**

The provincial governor represents the State within the territory and is the maximum executive-administrative authority within the province.

### **Article 170**

The provincial governor is designated, upon the proposal of the President of the Republic, by the National Assembly of People's Power, or by the Council of State for a term of five years.

### **Article 171**

In order to serve as a provincial governor, one must be a Cuban citizen by birth and may not possess any other citizenship, have reached the age of thirty, reside within the province, and be in full enjoyment of his or her civil and political rights.

### **Article 172**

The Governor is responsible before the National Assembly of People's Power, the Council of State, and the Council of Ministers, to whom the governor must report and provide information regarding his or her performance at the opportunity and with regard to the issues that they request.

## Article 173

The Governor, according to the principles established by the Council of Ministers, organizes and directs the provincial administration for which he or she is assisted by the appropriate administrative entity.

The law determines the creation, structure, and functioning of the provincial administration, as well as its relations with the national and municipal organs of people's power.

## Article 174

The following duties correspond to the provincial governor:

- a. To comply with, and, with respect to matters of the provincial governor's concern, to ensure compliance with, the Constitution and the laws adopted by the competent State organs;
- b. To convene and preside over the meetings of the provincial council;
- c. To direct, coordinate, and monitor the labor of the organizing structures of the provincial administration and, within the area of his or her competence, to issue orders and to adopt the corresponding decisions;
- d. To call for and to monitor the implementation of the economic development plan as well as the implementation of the province's budget, in accordance with the policy agreed to by the competent national organs;
- e. To call for and to monitor the implementation of the territorial and urban development and organization plans;
- f. To propose to the Council of Ministers the designation of the deputy provincial governor;
- g. To designate and to substitute the leaders and officials of the provincial administration, and to submit for the ratification of the provincial council those cases that are foreseen by the law;
- h. To present to the Council of Ministers, with prior consultation of the provincial council, the policy proposals that contribute to the holistic development of the province;
- i. To inform the Council of Ministers, with prior consultation of the provincial council, of those decisions of the organs of superior hierarchy that affect the interests of the community or are considered to have overstepped the authority of those that adopted them;
- j. To suspend the agreements and orders of the councils of the municipal administration that do not conform with the Constitution, the laws, decrees with the force of law, presidential decrees, and other acts of the organs of the State, or when they affect the interests of other localities or the general interests of the country, informing the respective Municipal Assembly of People's Power during the first session held after said suspension occurs;

• Duty to obey the constitution



- k. To revoke or to modify the decrees that are adopted by the administrative provincial authorities that answer to it that contravene the Constitution, the laws, and other orders that are in force, or those that affect the interests of other communities or the general interests of the country;
- l. To create temporary commissions or working groups;
- m. To arrange for the publication of the agreements of the provincial council that are of a general interest and to monitor their implementation, and
- n. The other duties that the Constitution or the laws assign to it.

### **Article 175**

The deputy governor is designated by the Council of Ministers, upon the proposal of the provincial governor, and for the same period.

To serve as a provincial deputy governor the same requirements established for the role of the provincial governor must be met.

### **Article 176**

The provincial deputy governor performs the tasks delegated by the provincial governor.

Additionally, the deputy governor replaces the provincial governor in the case of temporary absence or death, in accordance with the procedure foreseen by the law.

## **Section Three: The Provincial Council**

### **Article 177**

The Provincial Council is a deliberative and collegial organ that performs the functions foreseen within this Constitution and the laws. Its decisions are adopted through a favorable vote of a simple majority of its members.

The Provincial Council is presided over by the Governor and, by law, is composed of the Deputy Provincial Governor, the presidents of the corresponding local assemblies of people's power, the municipal mayors, as well as other members as determined by the law.

### **Article 178**

The Provincial Council holds its ordinary sessions with the frequency established by the law, and the extraordinary sessions are held when they are convened by the Governor or requested by half of the members of the Provincial Council.

## Article 179

The following duties correspond to the Provincial Council:

• Duty to obey the constitution

a. To comply with, and, with respect to matters of the Council's concern, to ensure compliance with, the Constitution and the laws adopted by the competent State organs, as well as with the Provincial Council's own agreements;

b. To approve and to monitor, with regard to that which corresponds to it, the economic plan as well as the budget of the province;

c. To adopt agreements within the framework of the Constitution and the laws;

• Reference to science

d. To orient and to coordinate the political, economic, cultural, scientific, social, and defense activities within the territory that the State delegates to the provinces;

e. To evaluate the results of the municipal administration's management and define the actions to be realized;

f. To periodically analyze the attention paid by the provincial and municipal entities to the proposals of the electors as well as the complaints or reports of the population;

g. To make recommendations to the Governor regarding his or her reports and regarding other issues for which the Governor consults the Provincial Council;

h. To propose the suspension of agreements or orders of the municipal assemblies of People's Power within their territory to the Council of State when the municipal assemblies agreements or orders contravene the superior legal norms or otherwise affect the interests of the community;

i. To propose the revocation or modification of the agreements or orders of the municipal assemblies of people's power within their territory to the National Assembly of People's Power when the municipal assemblies' acts contravene the superior legal norms or otherwise affect the interests of the community;

j. To create commissions or temporary working groups, and

k. The other duties that the Constitution or the laws assign to it.

## Chapter II: Municipal Organs of the People's Power

### Section One: The Municipal Assembly of People's Power

#### Article 180

The Municipal Assembly of People's Power is the superior organ of the State within the locality and, in consequence, it is invested with the highest authority to exercise the functions of the State within its territory; in order to do this, it will exercise the duties that the Constitution and the laws assign to it within the areas of its competence.

#### Article 181

The Municipal Assembly of People's Power is composed of the representatives elected within each of the districts into which its territory is divided into for electoral purposes through the free, equal, direct, and secret vote of the electors.

#### Article 182

The Municipal Assembly of People's Power will be renewed every five years, which is the term during which its representatives will hold office.

This mandate may only be extended through a decision of the National Assembly of People's Power, in the cases foreseen in the Constitution.

#### Article 183

Upon its creation, the Municipal Assembly of People's Power will elect its President and Vice President and designate its Secretary, from among its representatives and in accordance with the procedure foreseen in the law.

The President of the Municipal Assembly of People's Power represents the State within its territory.

The law establishes the duties of the President, the Vice President and the Secretary of the Municipal Assembly of People's Power.

#### Article 184

The ordinary and extraordinary sessions of the Municipal Assembly of People's Power are public, except in cases that the council agrees to hold behind closed doors, due to the interests of the State or due to the issue under consideration referring to the honor of the people involved.

#### Article 185

During the sessions of the Municipal Assembly of People's Power a quorum of more than half the total members must be present. The assembly's agreements are adopted by a simple majority vote.

## Article 186

The following duties correspond to the Municipal Assembly of People's Power:

- a. To comply with, and, with respect to matters of concern to the Municipal Assembly, to ensure compliance with, the Constitution and the laws adopted by the competent State organs;
- b. To approve and to oversee, with regard to that which corresponds to it, the economic plan as well as the budget of the municipality;
- c. To approve the urban and territorial development plans, and to oversee their implementation;
- d. To select, designate, revoke, or substitute the President, the Vice President, and the Secretary of the Assembly, as necessary;
- e. To designate or to substitute the Municipal Mayor, upon the proposal of the President of the Municipal Assembly;
- f. To designate or to substitute the rest of the members of the Municipal Administration, upon the proposal of the Mayor;
- g. To adopt agreements and to enact provisions within the area of its competency with regard to matters of municipal interest, and to ensure their realization;
- h. To monitor and to oversee the activities of the Council of the Administration of the Municipality, assisting with its labor commissions, without prejudice to the monitoring activities performed by other organs and entities;
- i. To supervise, with regard to issues that concern it and in accordance with that which is established by the Council of Ministers or the Provincial Government, the organization, operation, and work of the entities charged with realizing activities regarding the economy, production, service, health, assistance, prevention and social care, science, education, culture, recreation, sports, and the protection of the environment within the municipality;
- j. To ensure the strengthening of the law, internal order, as well as the defensive capacity of the state within its territory;
- k. To propose to the Council of Ministers or to the Provincial Government, depending on the case, the revocation of the decisions adopted by their subordinate organs or authorities;
- l. To revoke or to modify the decisions adopted by the subordinate organs or authorities when they contravene the superior legal norms, affect the interests of the community, or exceed the faculties of those that adopted them;

• Duty to obey the constitution

• Protection of environment  
• Reference to science

- m. To approve the creation of the people's municipal councils, with prior consultation of the Council of the State;
- n. To assist, in accordance with that which is foreseen in the law, with the execution of the policies of the State within its territory, as well as with the development of the production and service activities of the other entities within the territory that are not subordinated to it;
- ñ. To create working commissions and to approve the general guidelines for their work, and
- o. Any other duty that is assigned to it by the Constitution and the laws.

## **Article 187**

The Municipal Assembly of People's Power, in order to exercise its functions, is supported by the people's councils, the initiative and the ample participation of the population, and it acts in close coordination with the social and mass organizations.

## **Section Two: The Delegates of the Municipal Assembly of People's Power**

### **Article 188**

The delegates perform the mandate that has been conferred upon them by their electors, in the interest of the entire community, for which they must share these functions, with their responsibilities and usual tasks. The law regulates the form in which they will perform these functions.

### **Article 189**

The representatives have the following duties:

- a. To maintain a permanent relationship with their electors, promoting the community's participation in the solution of its problems;
- b. To inform the Municipal Assembly and the administration of the locality of the opinions, needs, and difficulties that are communicated to them by their electors, and to work towards generating solutions for them, with regard to that which pertains to them;
- c. To inform the electors about the policies that are adopted by the Municipal Assembly as well as the means adopted to resolve the necessities proposed by the population or the difficulties encountered in attempting to resolve them;

- d. To periodically report to the electors regarding their activities, in accordance with that which is established in the law, and to inform the Assembly, the Commissions, and the People's Council to which they belong regarding their compliance with the tasks that have been entrusted to them when required, and
- e. Any other duty that is recognized the Constitution and the laws.

## **Article 190**

The delegates have the following rights:

- a. To participate with voice and vote in the sessions of the Municipal Assembly and in the meetings of the commissions and popular councils that they are a part of;
- b. To request information from the President, the Vice President, the Secretary of the Municipal Assembly, the members of the commissions, and the Council of the Administration regarding issues relevant to the exercise of their functions, and to obtain a response within the same session or as soon as possible;
- c. To request attention and information from entities throughout the territory with respect to situations or problems that affect their electors, with the obligation to respond in a timely manner, and
- d. Any other right that the Constitution and the laws recognize.

## **Article 191**

The mandate of the representatives is revocable at any moment. The law determines the form, the causes, and the procedures for revocation.

## **Section Three: Commissions of the Municipal Assembly of People's Power**

### **Article 192**

The permanent working commissions are constituted by the Municipal Assembly of People's Power that attends to the specific interests of the locality. They are formed in order to assist with the realization of the activities within their locality and, especially, in order to monitor the entities that are subordinate to the municipality.

Additionally, the commissions may request that the entities of other subordinate levels within the territory inform them regarding aspects that directly affect the locality.

The temporary commissions perform the specific tasks assigned to them within the period indicated to them.

## **Section Four: The People's Council**

### **Article 193**

The People's Council is a local organ of People's Power that is representative, vested by the highest authority to perform its functions and, without constituting an intermediate authority for the purposes of the political-administrative division of the country, it is organized within cities, towns, neighborhoods, villages, and rural areas, through the delegates elected within the districts of the locality's territorial demarcation. The delegates elected must also determine who will preside over the council from among the elected members.

Representatives of the social and mass organizations, as well as important entities within the territory, may be invited to the meetings of the People's Council, depending upon the issues and themes to be dealt with, with the principal objective of strengthening coordination and collective effort for the benefit the community, within the functions that they themselves perform.

### **Article 194**

The Popular Council represents the population of the area within which it acts as well as the Municipal Assembly of People's Power. It monitors the entities of production and services with a local impact, and it actively works to satisfy economic, health, welfare, educational, cultural, sport, and recreational needs as well as those in the area of prevention and social care, thereby promoting the maximum participation of the population and local initiatives in order to achieve these initiatives.

The law regulates the organization and duties of the People's Council.

## **Section Five: Guarantees of the Right to Petition and Local Popular Participation**

### **Article 195**

The Municipal Assembly of People's Power, in order to guarantee the rights of petition and citizens' participation:

- a. Convenes a popular consultation for matters of local interest in accordance with the Assembly's powers;
- b. Provides adequate attention to the requests, proposals, and complaints that are received from the population;
- c. Guarantees the right of the municipality's population to propose to the Assembly the analysis of issues within its competence;
- d. Ensures that an adequate level of information is maintained for the population regarding the decisions that are of a general interest to them when they are adopted by the organs of People's Power.

- e. Analyzes, upon a petition of the citizens, its own agreements and orders or those of the subordinate municipal authorities if they are claimed to harm the interests of the citizens, both individual or collective in nature, and adopts the corresponding means of resolving them, and
- f. Any other action that is necessary to guarantee these rights.

The law establishes the form and the way in which the citizens may exercise these guarantees.

## **Section Six: Municipal Administration**

### **Article 196**

The Municipal Administration's essential objective is to satisfy the needs of the collectivity within the territory under its jurisdiction with respect to the economy, health, welfare, education, culture, sports, and recreation as well as to perform tasks related to prevention and social care.

The law determines the organization, structure, and operation of the Municipal Administration.

### **Article 197**

The Council of the Administration is designated by the Municipal Assembly of People's Power, to which it is subordinate and must report. Its composition, membership, and functions are established by the law.

### **Article 198**

The Council of the Municipal Administration is presided over by the Mayor, is collegial, performs executive and administrative functions, and manages the Municipal Administration.

## **Title IX: The Electoral System**

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### **Chapter I: General Provisions**

#### **Article 199**

All citizens with the legal capacity to do so have the right to intervene in the management of the State, either directly or through their elected representatives within the organs of People's Power and to participate, for this purpose, in the form foreseen by the law, through periodic elections, plebiscites, and popular referendums that will be free, equal, direct, and secret. Every elector has the right to a single vote.

- Secret ballot
- Referenda
- Claim of universal suffrage



## Article 200

Voting is a citizen's right and duty. The vote is exercised voluntarily by Cuban citizens, both men and women, that have reached the age of sixteen, except:

- a. The mentally disabled, following a judicial declaration of incapacity;
- b. Those that have been indicated to be disqualified through a judicial process, and
- c. Those that do not meet the requirements to remain in the country as foreseen by the law.

## Article 201

The Electoral Registry is public and permanent; it is composed of all citizens with the legal capacity to vote in accordance with that which is foreseen in the law.

## Article 202

Cuban citizens, both women and men, that are in full enjoyment of their political rights and meet the other requirements established by the law have the right to be elected.

If the election is for representatives on the National Assembly of People's Power, they must be over the age of 18.

## Article 203

The members of the military institutions have the right to elect and to be elected, just as any other citizen.

## Article 204

The law determines the number of representatives that will make up the National Assembly of People's Power, in proportion to the number of inhabitants within the respective districts in which, for electoral purposes, the national territory is divided into.

The representatives on the National Assembly of People's Power and the delegates on the municipal Assemblies of People's Power are elected through a vote of the electors that is free, equal, direct, and secret. The law regulates the procedure for their election.

## Article 205

To be considered elected, a representative or a delegate must have obtained more than half of the valid votes cast within the electoral district that the individual seeks to represent.

In the case that a vote of more than half is not obtained, or in other cases of vacant positions, the law regulates the form in which the election will proceed.

## Chapter II: The National Electoral Council

### Article 206

The National Electoral Council is the permanent organ of the State with the fundamental mission of organizing, directing, and supervising the elections, popular consultations, plebiscites, and referendums that are convened, the complaints that are lodged with regard to elections, as well as the other functions recognized by the Constitution and the laws.

The National Electoral Council guarantees the veracity, transparency, efficiency, publicity, authenticity, and impartiality of the electoral processes.

### Article 207

The National Electoral Council has autonomy and reports to the National Assembly of People's Power regarding the performance of its functions.

Additionally, once an electoral process is complete, it informs the nation of the result.

### Article 208

The National Electoral Council is made up of a President, a Vice President, a Secretary, and the other members foreseen by the law.

The members of the National Electoral Council are elected and removed, as necessary, by the National Assembly of People's Power or, in some cases, the Council of State.

### Article 209

The organization, functioning, membership, and designation of the electoral authorities is regulated by the law.

Persons that occupy popularly elected offices may not be members of the electoral organs.

### Article 210

The National Electoral Council attends to the production, oversight, and updating of the Electoral Registry, in accordance with that which is established in the law.

### Article 211

All the organs and entities, their leadership and staff, are obligated to collaborate with the National Electoral Council in the exercise of their functions.

# Title X: Defense and National Security

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## Chapter I: General Provisions

### Article 212

The Cuban State bases its policy of Defense and National Security on the defense of the sovereignty and independence of the nation through the prevention and consistent engagement with the risks, threats, and aggressions that affect their interests.

Its strategic conception of defense is sustained in the doctrine of the War of All the People.

## Chapter II: The National Defense Council

### Article 213

The National Defense Council is the superior organ of the State that has as its primary mission to organize, direct, and prepare the country during times of peace to defend itself and to ensure compliance with the norms in force related to the defense and security of the nation.

During exceptional situations or disaster, it directs the country and assumes the duties that correspond to the organs of the State, with the exception of the constituent power.

### Article 214

The National Defense Council is composed of the President of the Republic, who presides over it and, in turn, designates a Vice President and the other members determined by the law.

The law regulates the organization and operation of the National Defense Council and its structures at its various levels.

## Chapter III: The Armed Forces of the State

### Article 215

The military institutions of the State are the Revolutionary Armed Forces and the armed formations of the Ministry of the Interior that, in order to achieve their functions, rely on the participation of military and civilian personnel.

The law regulates the organization and operation of these institutions as well as the military service that citizens must perform.

### Article 216

The military institutions' essential mission is to ensure and maintain the independence and sovereignty of the State, its territorial integrity, its security, and peace.

## Chapter IV: Situations of Exception and Disaster

### Article 217

In the interest of guaranteeing national defense and security in the case of foreign military aggression, the imminent threat of such aggression, or other circumstances that affect the nation's security and defense, the situations of exception—the State of War or War, General Mobilization, or the State of Emergency—may be temporarily decreed throughout the entire country. The State of Emergency may also be decreed within a part of the territory. The law regulates the form in which situations of exception are declared, their effects as well as their termination.

### Article 218

In the case of a natural, technological, and sanitation disaster or any disaster of other origin that affects the population or the economic or social infrastructure and that exceeds the capacity or the normal response and recovery of the country or of the territory affected, a Situation of Disaster may be decreed.

The law regulates the establishment, effects, and termination of the Situations of Disaster.

### Article 219

While situations of exception and disaster are in force, the law determines the rights and duties recognized by the Constitution, whose exercise must be regulated in a different manner.

### Article 220

The National Defense Council, upon reestablishing normality within the country, reports to the National Assembly of People's Power regarding its decisions and management during this period.

## Title XI: Reform of the Constitution

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### Article 221

This Constitution may only be reformed by the National Assembly of People's Power through an agreement adopted, in a nominal vote, by a majority of no less than two thirds of the total membership.

### Article 222

The following have the initiative to promote Constitutional reforms:

- a. The President of the Republic;
- b. The Council of State;

- c. The Council of Ministers;
- d. The representatives of the National Assembly of People's Power, through a proposition signed by no less than a third of its members, and
- e. The citizens, through a petition directed to the National Assembly of People's Power or to the Council of State, signed before the National Electoral Council by a minimum of fifty thousand electors.

The law establishes the procedure for the request and realization of constitutional reforms.

## Article 223

When a reform refers to the composition and operation of the National Assembly of People's Power or of the Council of State, to the duties or the term of office of the President of the Republic, or to the rights, duties, and guarantees consecrated in the Constitution, a favorable vote of the majority of the electors within the nation during a referendum held for this purpose will also be required.

## Article 224

In no case will the pronouncements regarding the irrevocability of socialism and the political and social system established in article 3 and the prohibition on negotiating under aggression, threat, or coercion from a foreign power, as explicated in article 12, be reformed.

## Special Provisions

### FIRST

The representatives of the National Assembly of People's Power of the ninth legislature will maintain their offices until their term is over.

### SECOND

The current mandates of the representatives of the Municipal Assemblies of People's Power are extended to five years, counting from the date they take office.

## Transitory Provisions

### FIRST

Prior to the passage of six months after this Constitution has taken effect, the National Assembly of People's Power will approve a new Electoral Law that will regulate the election of the representatives on the National Assembly, its President, Vice President, Secretary, the Council of State, the President and Vice President of the Republic, the members of the National Electoral Council, the representatives of the municipal assemblies of People's Power, as well as their President, Vice President, and Secretary.

## **SECOND**

After approving the Electoral Law, the National Assembly of People's Power, within a period of three months, will elect from among its members its president, Vice President, Secretary, the other members of the Council of State, and the President and Vice President of the Republic.

## **THIRD**

Once elected, the President of the Republic proposes to the National Assembly of People's Power the appointments for Prime Minister, Deputy Prime Ministers, the Secretary, and other members of the Council of Ministers.

## **FOURTH**

The delegates on the municipal assemblies of People's Power designate, after the election and the designation of the members of the superior organs of the State, the individuals that will serve as mayors.

## **FIFTH**

The provincial assemblies of People's Power will remain in office until the governors, vice governors, and the provincial councilors take office.

## **SIXTH**

The National Assembly of People's Power within a period of one year after the entrance into force of this Constitution will approve its bylaws as well as those of the Council of State.

## **SEVENTH**

The Council of Ministers, within a period of two years after this Constitution takes effect, will present to the National Assembly of People's Power their proposal for a new regulatory system for the municipal assemblies of People's Power and for their administrative councils.

## **EIGHTH**

The National Assembly of People's Power, within a period of two years after the Constitution takes effect, will approve the regulatory system of the municipal assemblies of People's Power and of their councils of administration.

## **NINTH**

The courts will maintain their current structure and operations. The Council of Government of the People's Supreme Court, within a period of eighteen months after this Constitution takes effect, will present to the National Assembly of People's Power a proposal of a new Law of the People's Courts that will have been adjusted to the changes presented by this Constitution as well as to the proposed modifications to the Law of Penal Procedure and to the Law of Civil, Administrative, Labor, and Economic Procedures.

## **TENTH**

Prior to the passage of a year after this Constitution takes effect, the National Assembly of People's Power will approve, through a law, the pertinent legal modifications to effectuate the provisions of article 68 of this Constitution with regard to the institution of marriage.

## **ELEVENTH**

The National Assembly of People's Power, within a period of eighteen months after this Constitution takes effect, will approve the legislative modifications required to effectuate that which is foreseen by articles 58 and 94, which refer to the right to defense within the courts against confiscatory acts of property by administrative authorities and the possibility for citizens to access legal institutions in order to defend their rights, respectively.

## **TWELFTH**

Until the legal order to make the third paragraph of article 23 of this Constitution effective is passed, which refers to the authorization for the transfer of rights over the goods that are socialist property of all the people, the Council of Ministers or its Executive Committee will continue performing their duties with respect to those transfers.

## **THIRTEENTH**

The National Assembly of People's Power will approve, within a period of eighteen months after this Constitution takes effect, a legislative schedule for the implementation of the laws developed by the precepts established in this Constitution.

## **Final Provisions**

### **FIRST**

The Constitution of the Republic of Cuba of February 24th, 1976, is derogated, which includes the changes made during the reforms of 1978, 1992, and 2002.

### **SECOND**

The present Constitution will take effect upon its publication in the Official Gazette of the Republic.

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