



# **Introduction to the analysis of the Draft Constitution of the Republic during the popular consultation**

The draft Constitution of the Republic approved by the National Assembly of People's Power in its ordinary session on July 21 and 22, 2018, and which is now being submitted for consultation to our people, is the result of in-depth work begun in 2013.

At that time, the Political Bureau agreed to create a working group, chaired by Army General Raúl Castro Ruz, First Secretary of the Communist Party of Cuba, with the objective of studying the possible changes to be introduced in the constitutional order. This follows the agreements of the Sixth Congress and the First National Conference of the Party, the process of strengthening the institutions developed in the country, the need to bring the Constitution into line with our reality, the foreseeable future and the other measures that have been approved in recent years; having as an essential presupposition the thought of the historical leader of the Cuban Revolution, Fidel Castro Ruz.

During all this time, an in-depth study was carried out of our history and constitutional tradition, the constitutional processes developed in Latin America in recent years and the experiences derived from those countries that are building socialism, as well as constitutional texts from other nations.

As is well known, the National Assembly of People's Power, in the exercise of its constituent power, agreed, in its extraordinary session of June 2, to form a committee among its deputies. Its task is to represent an important part of the sectors that make up our society, under the leadership of comrade Raúl Castro Ruz, with the aim of preparing a preliminary

draft of the Constitution of the Republic.

The Commission has worked intensively, taking as a reference the studies carried out previously and the contribution of experts and specialists from various institutions, and after extensive debates presented the National Assembly of People's Power with a draft Constitution of the Republic.

The text consists of the preamble, 224 articles (87 more than the current Constitution), divided into 11 titles, 24 chapters and 16 sections.

Eleven articles of the current Constitution of the Republic are maintained, 113 are amended and 13 are deleted.

It is distinguished by a coherent and systematic structure, achieving a logical rearrangement of its contents and avoiding its dispersion.

The language used corresponds to the terminology that should characterize a constitutional text and to our political, economic and social reality. The general wording of its contents confers greater flexibility, durability, security and applicability of the Constitution.

The draft reaffirms the socialist character of our political, economic and social system, as well as the leading role of the Communist Party of Cuba.

The concept of the socialist rule of law is incorporated in order to strengthen the institutional framework and the rule of law, including the supremacy of the Constitution. The economic system being reflected maintains as essential principles the socialist ownership of all the people of the

fundamental means and planning, in addition to the recognition of the role of the market and of new forms of non-state ownership, including private ownership.

Of particular note is the development of a wide range of rights in keeping with the international instruments to which Cuba is a party in this area. Those relating to the right to defense, due process and popular participation are highlighted. The economic and social rights are reformulated, in particular the right to health and education, which are maintained as a function of the State and free of charge, although it is envisaged that the law will define other issues related to them. The content of the right to equality is further developed by incorporating non-discrimination on the basis of gender, gender identity, sexual orientation, ethnic origin and disability into existing rights (skin color, sex, race, etc.).

It provides for the possibility for individuals to apply to the courts for restitution of their rights or for compensation or reparation for damage or injury caused by the act or omission of State organs, managers, officials or employees in the improper exercise of their functions. In relation to marriage, the current conception that it is only possible "between a man and a woman" is modified and defined as being between two persons.

With regard to citizenship, the fundamental change lies in the fact that our affiliation to the non-admission of dual citizenship is changing and, instead, we are proposing to accept the principle of "effective citizenship", which consists in the fact that "Cuban citizens, within the national

territory, are governed by this condition and cannot make use of a foreign citizenship".

With regard to the organs of the State, an appropriate balance is maintained between them and the figures of the President of the Republic are incorporated as Head of the State and that of the Prime Minister in charge of the Government of the Republic; both are required to be deputies to the National Assembly of People's Power. The Council of State retains its character as a permanent body of the National Assembly of People's Power, with greater interaction with it, among other aspects, because the President, Vice-President and Secretary of both institutions are the same persons. A novelty among the State bodies is the National Electoral Council, a permanent institution in this area, and the inclusion of the Office of the Comptroller General of the Republic in the Constitution has been resolved.

As for the local bodies, the provincial assemblies of People's Power were eliminated and a Provincial Government was established, composed of the Governor and a Council at that level.

The municipalities acquire greater relevance from the recognition of their autonomy, which they exercise in correspondence with the interests of the nation.

The Municipal Administration Council is ratified as the body that directs the Municipal Administration, in charge of an Intendent, a term that is proposed to replace that of President and Chief currently employed.

With regard to the Electoral System, it is maintained that Cubans over 16 years of age have the right to vote, with the exceptions provided for by law. The National Defense and Security Act appears in a Title, which specifies the mission of the National Defense Council, with powers to carry out tasks since peacetime, and the recognition of a Disaster Situation, in addition to the other exceptional ones.

With regard to the mechanism for Constitutional Reform, unlike the current Constitution, the legitimacy to promote it is pointed out and the intangibility clauses are specified.

Special, transitional and final provisions are established for the entry into force of the main issues regulated in the Project, as well as the period during which the complementary rules must be issued and others in force amended.

## CONCLUDING REMARKS

The consultation process that is proposed to be developed is an expression of the democratic and participative character of the revolutionary state and constitutes an exercise of the sovereign power of the people, which has become the constituent body of the nation, which distinguishes us favorably from other processes developed in various countries.

This particularity represents a high responsibility of all citizens in the study of the project and in the participation in the popular consultation, as well as in each of the proposals made. It must be borne in mind at all times that the Constitution is a norm that establishes essential and minimum principles and values, which

implies not covering and expressing in detail all areas of political, economic and social life.

All the proposals and suggestions made will be duly assessed. We Cubans must be aware of the commitment that the new Constitution of the Republic, forged by the people to give continuity to the Revolution and socialism, implies for present and future generations.

More than ever, the following words of our undefeated Commander in Chief Fidel Castro Ruz are valid:(1)

"One of the things that concerns us, and that must be of perennial concern, is that [...] the Constitution that we make be strictly complied with. We cannot have or approve a single one of these precepts that is not rigorously applied. The Revolution cannot create a Constitution, cannot create institutions, cannot create principles that are not fulfilled.

"That's why it is our purpose once this Constitution has been approved, to fight consistently and tenaciously, so that each and every one of the precepts of that Constitution will be fulfilled; so that no one can ever blame the Revolution for agreeing to laws and principles that were decided but not fulfilled".

(1) Excerpts from the remarks of Commander-in-Chief Fidel Castro Ruz, *Revista Cubana de Derecho*, Año 5, No. 11, enero-junio, 1976, La Habana, pp. 54 y 55.

1. **Draft Constitution of the Republic of Cuba.**

2. **PREAMBLE**

**3. WE, CUBAN CITIZENS,**

4. inspired by the heroism and patriotism of those who fought for a free, independent, sovereign, democratic and socially just country, forged in the sacrifice of our ancestors;

5. by the indigenous people who resisted submission;

6. by the slaves who rebelled against their masters;

7. for those who awakened the national consciousness and the Cuban longing for homeland and freedom;

8. by the patriots who in 1868 began the wars of independence against Spanish colonialism and those who in the last impulse of 1895 led them to victory in 1898, which was taken away from them by the military intervention and occupation of US imperialism;

9. for those who fought for more than fifty years against imperialist domination, political corruption, lack of popular rights and freedoms, unemployment and exploitation imposed by capitalists and landowners;

10. by the members of the vanguard of the generation of the centenary of Martí's birth, who, nourished by his teaching, led us to the popular revolutionary victory of January 1959;

11. for those who, with the sacrifice of their lives, defended the Revolution and contributed to its definitive consolidation;

12. for those who massively carried out heroic internationalist missions;

13. for the epic resistance and unity of our people;

**14. GUIDED**

15. by the ideology and example of Martí and Fidel, and the social-political ideas of Marx, Engels and Lenin;

**16. DECIDED**

17. to carry forward the triumphant Revolution of the Moncada and Granma, the Sierra and the Girón, which, sustained by the closest unity of all the revolutionary forces and the people, won full national independence, established revolutionary power, carried out democratic transformations and began the construction of socialism;

**18. CONSCIOUS**

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

**20. IDENTIFIED**

21. with the postulates set out in the concept of Revolution, expressed by Commander in Chief Fidel Castro Ruz on 1 May 2000;

**22. WE DECLARE**

23. our will that the law of the Republic be presided over by this profound desire, finally achieved, of José Martí:

I want the first law of our Republic to be the worship of Cubans for the full dignity of man;

**25. WE ADOPT**

26. by our free vote, by referendum, the following one:

**27. CONSTITUTION****28. TITLE I: POLITICAL FOUNDATIONS****29. CHAPTER I: FUNDAMENTAL PRINCIPLES OF THE NATION**

30. Cuba is a socialist State of law, democratic, independent and sovereign, organized with and for the good of all, as a unitary and indivisible republic, founded on the work, dignity and ethics of its citizens, whose essential objectives are the enjoyment of political freedom, equity, justice and social equality, solidarity, humanism, well-being and individual and collective prosperity.

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

32. ARTICLE 3. The defense of the socialist homeland is the greatest honor and the supreme duty of every Cuban.

33. Betrayal of the homeland is the most serious of crimes, and those who commit it are subject to the most severe sanctions.

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

35. Citizens have the right to fight by all means, including armed struggle, when no other remedy is possible, against anyone who attempts to overthrow the political, social and economic order established by this Constitution.

36. The national symbols are the flag of the lone star, the Bayamo hymn and the royal palm coat of arms.
37. The law defines the attributes that identify them, their characteristics, use and conservation.
38. The Communist Party of Cuba, as the only party, Marti disciples, Fidelista-7 and Marxist-Leninists, the organized vanguard of the Cuban nation, based on its democratic character and permanent ties with the people, is the highest leading force in society and the State.
39. It organizes and guides common efforts towards the construction of socialism. It works to preserve and strengthen the patriotic unity of Cubans and to develop ethical, moral and civic values.
40. ARTICLE 6. The Young Communist League, a vanguard organization of Cuban youth, is recognized and encouraged by the State and contributes to the formation of young people in the principles of the Revolution.
41. ARTICLE 7. The Constitution is the supreme rule of the State. Everyone is obliged to comply with it. The provisions and acts of the organs of the State, their directors, officers and employees are in accordance with its provisions.
42. ARTICLE 8. All State bodies, managers, officials and employees, have the obligation to strictly observe socialist legality and to ensure that it is respected in the life of society as a whole.
43. The organs of the State, its directors, officers and employees are obliged to respect and attend to the people, to maintain close ties with them and to submit to their control, in the forms established in the Constitution and the laws.
44. ARTICLE 10. In the Republic of Cuba, sovereignty resides non-transferably with the people, from whom all the power of the State emanates. The people exercise it directly or through the Assemblies of People's Power and other organs of the State derived from them, in the form and according to the norms established by the Constitution and the laws.
45. ARTICLE 11. The State exercises its sovereignty:
- 46. a) over the entire national territory, consisting of the Island of Cuba, the Isle of Youth, the other adjacent islands and cays, the internal waters and the territorial sea to the extent established by law and the airspace above them;
  - 47. b) on the environment and the country's natural resources;
  - 48. c) on the natural resources, both living and non-living, of the waters, bed and subsoil of the exclusive economic zone of the Republic, to the extent established by law, in accordance with international practice.
49. ARTICLE 12. The Republic of Cuba repudiates and considers illegal and null and void those treaties, pacts or concessions concluded under conditions of inequality or that ignore or diminish its sovereignty and territorial integrity.
50. Economic, diplomatic and political relations with any other State may never be negotiated under the aggression, threat or coercion of a foreign power.
51. ARTICLE 13. The State has the following essential purposes:
- 52. a) to guide the efforts of the nation in the construction of socialism and to strengthen national unity;
  - 53. b) to maintain and defend the independence, integrity and sovereignty of the country;
  - 54 (c) to preserve national security;
  - 55 (d) to ensure equality in the enjoyment and exercise of rights and the fulfilment of the duties enshrined in the Constitution;
  - 56. e) to promote sustainable development that ensures individual and collective prosperity, and to work to achieve greater levels of equity and social justice, as well as to preserve and multiply the achievements of the Revolution;
  - 57. f) to guarantee the full dignity of persons and their integral development;
  - 58. g) to strengthen the ideology and ethics inherent in our socialist society;
  - 59.(h) to protect the natural, historical and cultural heritage of the nation; and
  - 60 (i) to ensure the educational, scientific, technical and cultural development of the country.
61. The Cuban Socialist State recognizes and encourages the mass and social organizations that group together different sectors of the population, represent their specific interests and incorporate them into the tasks of building, consolidating and defending socialist society.

62. The law establishes the general principles on which these organizations are based and recognizes the performance of other forms of association.

63. ARTICLE 15. The State recognizes, respects and guarantees religious freedom.

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

65. The different beliefs and religions are given equal consideration.

## 66. CHAPTER II: INTERNATIONAL RELATIONS

67. ARTICLE 16. The Republic of Cuba bases international relations on the exercise of its sovereignty and on anti-imperialist and internationalist principles, in accordance with the interests of the people and consequently:

68. a) reaffirms its aspiration for a dignified, true and valid peace for all States, based on respect for the independence and sovereignty of peoples and their right to self-determination, expressed in the freedom to choose their political, economic, social and cultural system, as an essential condition for ensuring peaceful coexistence among nations;

69. b) supports its willingness to observe unreservedly the principles and norms that make up international law, in particular equal rights, territorial integrity, the independence of States, the non-use or threat of use of force in international relations, international cooperation in the mutual and equitable interest and benefit, the peaceful settlement of disputes on the basis of equality and respect,

and the other principles proclaimed in the Charter of the United Nations;

70. c) reaffirms its willingness to integrate and collaborate with the countries of Latin America and the Caribbean, whose common identity and historic need to advance towards economic and political integration in order to achieve true independence will enable us to achieve our rightful place in the world;

71. d) advocates the unity of all Third World countries and condemns imperialism, the enemy of peace and peoples; fascism; colonialism; neo-colonialism or other forms of subjugation, in whatever form;

72. e) promotes the protection and conservation of the environment and the fight against climate change, which threatens the survival of the human species, on the basis of the recognition of common but differentiated responsibilities; the establishment of a more just and equitable international economic order and the eradication of irrational patterns of production and consumption;

73. f) defends and protects the enjoyment of human rights and repudiates any manifestation of racism or discrimination;

74. g) condemns direct or indirect intervention in the internal or external affairs of any State and, therefore, armed aggression, economic, commercial and financial blockade, as well as any other form of economic or political coercion, physical violence against persons residing in other countries, or any other type of interference with or threat to the integrity of

States and the political, economic and cultural elements of nations;

75. h) rejects the violation of the inalienable and sovereign right of any State to regulate the use and benefits of telecommunications in its territory, in accordance with universal practice and the international conventions to which it is a party;

76. i) describes war as an international crime of aggression and conquest, recognizes the legitimacy of struggles for national liberation and armed resistance to aggression, and considers it its internationalist duty to show solidarity with the victim and with the peoples fighting for their liberation and self-determination;

77. j) promotes general and complete disarmament, rejects the existence, proliferation or use of nuclear weapons, mass extermination or other weapons of similar effects, and cyberwar, as well as the development and use of new weapons, including autonomous weapons, that violate international humanitarian law;

78. k) repudiates and condemns terrorism in any of its manifestations, in particular State terrorism;

79. l) reaffirms its commitment to building a people-centered, inclusive and sustainable development-oriented information and knowledge society, in which all can create, consult, use and share information and knowledge for the betterment of their quality of life, based on the purposes and principles of the Charter of the United Nations; and upholds the cooperation of all States and the democratization of cyberspace, and condemns their use for

purposes contrary to this, including the subversion and destabilization of sovereign nations;

80. m) bases its relations with the countries that build socialism on fraternal friendship, cooperation and mutual aid, based on the common objectives of building a new society;

81. n) maintains friendly relations with countries which, having a different political, social and economic regime, respect their sovereignty, observe the rules of coexistence between States, abide by the principles of mutual convenience and adopt a reciprocal attitude towards our country, and

82. ñ) promotes multi-polarity in international relations as an alternative to political, financial and military domination and hegemony that threaten the peace, independence and sovereignty of peoples.

83. ARTICLE 17. The provisions of international treaties ratified by the Republic of Cuba are integrated into the national legal system, in accordance with what is established by law.

84. ARTICLE 18. The Republic of Cuba, in its intention to promote Latin American and Caribbean integration, may, by means of treaties, assign to supranational entities the exercise of the powers required for this purpose.

85. ARTICLE 19. The Republic of Cuba grants asylum to those persecuted for their ideals or struggles for democratic rights, against imperialism, fascism, colonialism, neo-colonialism and any other form of domination, discrimination and racism; for national liberation; for the rights

and claims of workers, peasants, women, students, indigenous peoples and environmentalists; for their progressive political, scientific, artistic and literary activities; and for socialism and peace.

## 86. TITLE II: ECONOMIC FUNDAMENTALS

87. ARTICLE 20. In the Republic of Cuba, the economic system based on the socialist ownership of the fundamental means of production by all the people, as the main form of ownership, and the planned management of the economy, which considers and regulates the market in accordance with the interests of society, shall govern.

88. ARTICLE 21. The following forms of ownership are recognized:

89. a) socialist of all the people: in which the State acts on behalf of and for the benefit of the people as owner.

90. b) cooperative: based on the collective work of its owner-members and on the effective exercise of the principles of cooperativism.

91. (c)'mixed' means formed by the combination of two or more forms of ownership.

92. d) of political, mass and social organizations: that which these subjects exercise over their property.

93. (e)'private' means that exercised over certain means of production in accordance with the provisions of this Regulation.

94. f) personnel: that which is exercised over goods which,

without constituting means of production, contribute to the satisfaction of the material and spiritual needs of their holder.

95. The law regulates these and other forms of property. The State encourages those of a more social nature.

96. ARTICLE 22. The State regulates that there shall be no concentration of property in natural or juridical non-state persons, in order to preserve the limits compatible with the socialist values of equity and social justice.

97. The law establishes the regulations that guarantee its effective fulfillment.

98. ARTICLE 23. The following are the socialist property of the entire people: lands that do not belong to individuals or cooperatives made up of them, the subsoil, mines, natural resources, both living and non-living, within the exclusive economic zone of the Republic, forests, waters and communication routes.

99. These assets are inalienable, inalienable and unseizable and cannot therefore be transferred as property to natural or legal persons.

100. The transfer of other rights in these assets shall be made with the prior authorization of the body or authority empowered to do so, in accordance with the law, and provided that they are intended for the purposes of the country's development and do not affect the political, economic and social foundations of the State.

101. The socialist property of the whole people includes other property, the legal status of which is defined by law.

102. ARTICLE 24: The institutions budgeted for have assets of socialist property belonging to all the people, over which they exercise the corresponding rights in accordance with the provisions of the law.

103. ARTICLE 25. The State creates and organizes companies with the objective of developing economic activities of production and rendering of services, which exercise the rights that correspond to them over the goods of socialist property of all the people assigned to them.

104. The companies are liable for their obligations to their assets, in accordance with the limits established by law.

105. The State is not liable for the obligations entered into by the companies and the companies are not liable for the obligations of the companies.

106. The law defines other ways in which this type of property can be managed.

107. ARTICLE 26. The socialist state enterprise is the main subject of the national economy. It has autonomy in administration and management, as well as the main role in the production of goods and services.

108. The law regulates the principles of organization and operation of the socialist state enterprise.

109. ARTICLE 27. The State shall direct, regulate and control national economic activity.

110. Socialist planning is central to the system of managing economic and social development. Its essential function is to plan

strategic development and harmonize economic activity for the benefit of society, reconciling national, territorial and citizens' interests.

111. The employees participate actively and consciously in these processes, as established.

112. ARTICLE 28. The State shall promote and provide guarantees for foreign investment as an important element for the economic development of the country, based on the protection and rational use of human and natural resources, as well as respect for national sovereignty and independence.

113. The law establishes what is pertinent to the development of foreign investment in the national territory.

114. ARTICLE 29. Private ownership of land is under special regulations.

115. The sale or transfer of this property may only take place within the limits established by law, and without prejudice to the preferential right of the State to acquire it by paying a fair price.

116. Leasing, sharecropping, mortgage loans and any act involving the encumbrance or assignment to private individuals of the rights deriving from private ownership of land are prohibited.

117. ARTICLE 30. The expropriation of property is authorized only for reasons of public utility or social interest and with due compensation.

118. The law establishes the procedure for expropriation, the guarantees due, the basis for determining its usefulness and

necessity, and the form of compensation.

119. ARTICLE 31. Work is a primary value of our society. It is a duty, a right and a cause of honor for all those who are able to work. It is also the main source of income that supports the implementation of individual, collective and social projects.

120. The distribution of wealth according to the work provided is complemented by the equitable satisfaction of universal social services and other benefits.

### **121. TITLE III: CITIZENSHIP**

122. ARTICLE 32. Cuban citizenship is acquired by birth or naturalization.

123. ARTICLE 33. Cuban citizens by birth:

124. a) those born in the national territory, with the exception of children of foreigners who are in the service of their government or international organizations. The law establishes the requirements and formalities for the case of children of foreigners who are not permanent residents in the country;

125. b) those born abroad of a Cuban father or mother, who are on official duty; 126. c) those born abroad of a Cuban father or mother, subject to the formalities established by law; and

127. d) those born outside the national territory of a natural father or mother of the Republic of Cuba who have lost their Cuban citizenship, provided that they claim it in the manner established by law.

128. ARTICLE 34. Cuban citizens are naturalized Cuban citizens:

129.(a) foreigners who acquire citizenship in accordance with the provisions of the law.

130. b) those who, having been arbitrarily deprived of their citizenship of origin, obtain Cuban citizenship by decision of the President of the Republic.

131. ARTICLE 35. Cuban citizens in national territory are governed by this condition, under the terms established by law, and may not make use of a foreign citizenship.

132. ARTICLE 36. Neither marriage nor its dissolution shall affect the citizenship of the spouses or their children.

133. ARTICLE 37 Cubans may not be deprived of their citizenship, except for legally established reasons. Nor shall they be deprived of the right to change it.

134. The law establishes the procedure to be followed for the formalization of the loss and renunciation of citizenship and the authorities empowered to decide it.

135. ARTICLE 38. Cuban citizenship may be recovered in the cases and in the manner prescribed by law.

#### **136. TITLE IV: RIGHTS, DUTIES AND GUARANTEES**

#### **137. CHAPTER I: GENERAL PROVISIONS**

ARTICLE 39: The Cuban State shall guarantee the enjoyment and exercise by the individual of the inalienable, indivisible and interdependent enjoyment and exercise of human rights, in accordance with the principle of

progressivity and without discrimination. Their respect and guarantee are obligatory for everyone.

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

140. ARTICLE 40. All persons are equal before the law, are subject to equal duties, receive equal protection and treatment from the authorities and enjoy equal rights, freedoms and opportunities, without any discrimination on the grounds of sex, gender, sexual orientation, gender identity, ethnic origin, skin color, religious belief, disability, national origin or any other distinction prejudicial to human dignity.

141. Violation of this principle is prohibited and punishable by law.

142. ARTICLE 41. The State works to create the necessary conditions to facilitate the equality of its citizens and to educate them all, from the earliest age, to respect this principle.

143. ARTICLE 42. The rights of individuals are limited only by the rights of others, collective security, general welfare, respect for public order, the Constitution and the law.

#### **144. CHAPTER II: INDIVIDUAL RIGHTS**

145. ARTICLE 43. The State guarantees all its citizens life, liberty, justice, security, peace, health, education, culture and integral development.

146. ARTICLE 44. People have the right to the free development of their personalities and must conduct themselves in a spirit of

respect, fraternity and solidarity with one another.

147. ARTICLE 45. Women and men enjoy equal rights and responsibilities in economic, political, cultural, social and family matters.

148. The State ensures that the same opportunities and possibilities are offered to both.

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

150. ARTICLE 46. The State respects and guarantees the right of individuals to their personal and family privacy, in their image, dignity and honor.

151. ARTICLE 47. No one may be subjected to enforced disappearance, torture or cruel, inhuman or degrading treatment or punishment.

152. Everyone, as a guarantee of legal security, enjoys due process and consequently the following rights:

153. ARTICLE 48. (a) not be deprived of liberty but by competent authority;

154. b) not to be detained or prosecuted, but for just cause, competent authority and for the prescribed period of time;

155. (c) to be presumed innocent until declared responsible by a final judgement of the court;

156. (d) to be prosecuted and sentenced by a competent, independent and impartial tribunal;

157. (e) to be treated with respect for their dignity and physical, psychological and moral integrity;

158. f) to receive legal assistance in the exercise of their defense;

159. g) be notified of the charges against him and have access to the means of evidence;

160. h) communicate with family members in case of arrest or detention. In the case of foreigners, consular notification is given;

161.(i) be deprived of one's rights only by decision of a competent authority or a final judgement of a court; and

162. (j) to interpose any judicial or administrative decisions that may be appropriate.

163. ARTICLE 49: In criminal proceedings, no violence or coercion of any kind shall be used against persons to force them to testify.

Any evidence obtained in violation of this provision is null and void and those responsible are punished in accordance with the law.

165. No person may be compelled to testify against him/herself, his/her spouse or relatives up to the fourth degree of consanguinity and the second degree of affinity.

166. ARTICLE 50. Anyone who is illegally deprived of liberty has the right to establish Habeas Corpus proceedings before a competent court, in accordance with the requirements established by law.

ARTICLE 51: In its prison policy, the State shall promote the social reintegration of persons deprived

of their liberty, guarantee respect for their rights and compliance with the rules established for their treatment in prison establishments.

168. ARTICLE 52. The home is inviolable. No one may enter another's home without the permission of the person living there, except by express order of the competent authority, with the legal formalities and for reasons previously defined in the law.

169. ARTICLE 53. Correspondence and other forms of communication between persons are inviolable. They may only be intercepted or searched, by express order of the competent authority, in the cases and with the formalities established by law.

170. Documents or information obtained in violation of this principle do not constitute evidence in any proceedings.

171. ARTICLE 54: Persons are free to enter, remain, transit and leave the national territory, and to change their domicile or residence, with no other limitations than those established by law.

172. ARTICLE 55. Everyone has the right to know what is contained in files or any other form of public records, as well as the right to request their non-disclosure and to obtain their due correction, rectification and updating, in accordance with the provisions of the law.

173. ARTICLE 56. All persons have the right to receive truthful, adequate and timely information from the State, in accordance with established regulations.

174. ARTICLE 57. The State guarantees the use, enjoyment

and free disposal of property, in accordance with law.

175. ARTICLE 58. The confiscation of property is applied only as a sanction ordered by the competent authority, in the cases and by the procedures determined by law.

176. When the confiscation of property is ordered in administrative proceedings, the person is always guaranteed a defense before the competent courts.

177. ARTICLE 59. The State recognizes, respects and guarantees freedom of thought, conscience and expression.

178. Conscientious objection may not be invoked for the purpose of evading law enforcement or preventing another from fulfilling it or exercising his or her rights.

179. ARTICLE 60. Citizens shall be granted freedom of the press. This right is exercised in accordance with the law.

180. The fundamental means of social communication, in any form whatsoever, are the property of the whole people, which ensures that they are used in the service of society as a whole.

181. The State establishes the principles of organization and operation for all media.

182. ARTICLE 61. The rights of assembly, demonstration and association, for lawful and peaceful purposes, are recognized by the State provided that they are exercised with respect for public order and compliance with the provisions of the law.

183. ARTICLE 62. Everyone has the right to profess or not to profess religious beliefs, to change them and to practice his or her religion of choice, with due respect for other faiths and in accordance with the law.

184. ARTICLE 63 The laws have no retroactive effect, except in criminal matters when they are favorable to the accused or sanctioned, and in the other laws, when expressly provided for, for reasons of social interest or public utility, which must be explained in their content.

185. ARTICLE 64: Persons have the right to address complaints and petitions to the authorities, who are obliged to process them within an appropriate period of time, providing timely and appropriate responses in accordance with the law.

186. ARTICLE 65. Individuals are recognized the rights derived from intellectual creation, in accordance with the law and international treaties.

187. Acquired rights are exercised by authors and rights holders in accordance with public policy.

188. ARTICLE 66. The State recognizes the right to inheritance on death. The law regulates its content and scope.

### **189. CHAPTER III: SOCIAL, ECONOMIC AND CULTURAL RIGHTS**

190. ARTICLE 76. The State protects families, maternity, paternity and marriage.

191. The State attributes to families, conceived as basic cells of society, responsibilities and essential functions in the education

and training of the new generations and the care and attention of the elderly.

192. ARTICLE 68. Marriage is the voluntary union of two legally qualified persons in order to live together in common. It rests on the absolute equality of rights and duties of the spouses, who are obliged to maintain the home and the integral formation of their children through common effort, so that it is compatible with the development of their social activities.

193. The law regulates the formalization, recognition and dissolution of marriage and the rights and obligations arising from such acts.

194. ARTICLE 69. All children have equal rights, whether they are born in or out of wedlock.

195. Any qualification on the nature of filiation is abolished.

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

197. ARTICLE 70. Parents have the obligation to provide food for their children, to help 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 train them integrally as citizens with moral, ethical and civic values, in accordance with life in our socialist society.

198. Children, in turn, are obliged to respect and care for their parents.

199. ARTICLE 71. Family violence, in any of its manifestations, is considered destructive of the

harmony and unity of families and is punishable.

200. ARTICLE 72. The State, society and families shall protect and pay special attention to children, adolescents and young people in order to guarantee their harmonious and integral development and the full exercise of their rights.

201. ARTICLE 73. The State, society and families have an obligation to protect and assist the elderly in their respective areas and to promote their social integration.

202. ARTICLE 74. The State, society and families have an obligation to protect and assist persons with disabilities. The State guarantees the conditions required for their rehabilitation or the improvement of their quality of life.

203. ARTICLE 75. A person who is able to work has the right to obtain a decent job, in accordance with his or her choice, qualifications, aptitude and the demands of the economy and society.

204. ARTICLE 76. Work is remunerated according to the quantity, complexity, quality and results obtained, an expression of the principle of socialist distribution "from each according to his capacity, to each according to his work".

205. All persons receive equal pay for work of equal value.

206. ARTICLE 77. The employment of children and adolescents is prohibited.

207. The State provides special protection to adolescents aged 15 and 16 who, in exceptional circumstances defined by law, are

authorized to take up employment in order to ensure their comprehensive education.

208. ARTICLE 78. The worker has the right to rest, which is guaranteed by the eight-hour working day, weekly rest and paid annual leave.

209. The law defines those other cases in which different working days may exceptionally be approved, with respect to rest.

210. ARTICLE 79. The right to social security is recognized. The State, through the social security system, guarantees adequate protection to all workers prevented from working because of their age, maternity, paternity, invalidity or illness.

211. In the event of the worker's death, the State provides similar protection to his or her family.

212. ARTICLE 80. The State guarantees the right to protection, safety and health at work by adopting appropriate measures for the prevention of occupational accidents and diseases.

213. Anyone who suffers an accident at work or contracts an occupational disease is entitled to medical care and subsidy or retirement in the event of temporary or permanent incapacity to work.

214. ARTICLE 81. The State, through social assistance, protects persons without resources or protection, who are unable to work and who lack family members able to help them, and families who, because of their low income, require it, in accordance with the law.

215. ARTICLE 82. The right of persons to decent housing is recognized.

216. The State works to make this right effective through housing construction programs, with the participation of entities and the population, in accordance with the norms of territorial and urban planning and the laws.

217. ARTICLE 83. Public health is the right of every person. The State guarantees access to and free access to care, protection and recovery services.

218. The law defines how health services are provided.

219. ARTICLE 84. Education is the right of every individual and the responsibility of the State, society and families.

220. The State guarantees its citizens free and affordable educational services for their comprehensive education, from pre-school to undergraduate university, in accordance with social requirements and the needs of the country's economic and social development.

221. The law defines, among other things, the scope of the obligation to study and the general basic training that every citizen must acquire at least.

222. Postgraduate training and adult education are guaranteed in accordance with the regulations.

223. ARTICLE 85. Individuals have the right to physical education, sports and recreation as essential elements of their quality of life.

224. The curricula of the national education system guarantee the inclusion of the teaching and

practice of physical education and sports as part of the integral development of children, adolescents and youth.

225. 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 sports talents.

226. ARTICLE 86. Everyone has the right to live in a healthy and balanced environment.

227. The State protects the environment and the country's natural resources. It recognizes its close link with the sustainable development of the economy and society to make human life more rational and to ensure the survival, well-being and security of present and future generations.

228. ARTICLE 87. Everyone has the right to water, with due payment and rational use.

229. The State works to guarantee access to drinking water and sanitation, in accordance with the economic and social development achieved.

230. ARTICLE 88: The right to food for all is recognized. The State works to achieve food security for the entire population.

231. ARTICLE 89. All persons have the right to consume quality goods and services that do not harm their health, and to have access to adequate and truthful information about them, as well as to receive equitable and dignified treatment in accordance with the law.

232. ARTICLE 90. Everyone has the right to participate in the

cultural and artistic life of the nation.

233. The State promotes culture and various artistic manifestations in accordance with cultural policy and the law.

#### **234. CHAPTER IV: CIVIC AND POLITICAL RIGHTS AND DUTIES**

235. ARTICLE 91. The exercise of the rights and freedoms provided for in this Constitution implies responsibilities. It is the duty of Cuban citizens, in addition to the other duties established in this Constitution and the laws:

236. a) To serve and defend the Nation;

237. b) comply with the Constitution and other laws of the nation;

238. c) contribute to public expenditure in the manner established by law;

239. d) have due respect for the authorities and their agents;

240. e) to perform military and social service in accordance with the law;

241. f) respect the rights of others and not abuse one's own;

242. g) to preserve and protect the goods and resources that the State and society place at the service of all the people;

243. h) comply with the requirements established for the protection of health and environmental hygiene;

244. i) protect the country's natural resources and cultural and historical heritage and ensure the

preservation of a healthy environment, and

245. j) to act, in their relations with people, in accordance with the principle of human solidarity and respect for the rules of proper social coexistence.

246. The Cuban citizen has the right to participate in the formation, exercise and control of the power of the State, in accordance with the Constitution and the law:

247. a) be registered in the electoral roll;

248. b) to propose and nominate candidates;

249. c) to elect and be elected;

250. d) to participate in elections, plebiscites, referendums, popular consultations and other forms of democratic participation;

251. e) to decide on the accountability of the elected representatives;

252. f) to revoke the term of office of those elected;

253. g) to exercise legislative initiative and reform of the Constitution;

254. h) to perform public functions and offices, and

255. i) to be informed of the management of State bodies and authorities.

#### **256. CHAPTER V: RIGHTS AND DUTIES OF FOREIGNERS**

257. ARTICLE 93. Foreigners residing in the territory of the Republic shall be on the same footing as Cubans:

258. a) in the protection of their persons and property;

259. b) in the obligation to observe the Constitution and the law;

260. c) the obligation to contribute to public expenditure in the manner and at the amount established by law;

261. d) in the submission to the jurisdiction and decisions of the courts and authorities of the Republic; and

262. e) in the enjoyment of the rights and the fulfillment of the duties recognized in this Constitution, under the conditions and with the limitations established by law.

263. The law establishes the cases and the manner in which aliens may be expelled from the national territory and the authorities are empowered to decide on such expulsion.

#### **264. CHAPTER VI: JURISDICTIONAL GUARANTEES OF RIGHTS**

265. ARTICLE 94. A person whose rights are infringed and who suffers damage or injury by State bodies, their directors, officers and employees as a result of the wrongful act or omission of his duties has the right to demand, before the courts, the restoration of his/her rights and to obtain, in accordance with the law, the corresponding compensation or indemnification.

266. The law establishes the relevance and the preferential, expeditious and concentrated procedure for its fulfillment.

**267. TITLE V: PRINCIPLES OF EDUCATIONAL, SCIENTIFIC AND CULTURAL POLICY.**

268. ARTICLE 95. The State shall guide, encourage and promote education, science and culture in all their manifestations.

269. In its educational, scientific and cultural policy, it follows the following principles:

270. (a) is based on advances in science and technology, the progressive Cuban and universal pedagogical tradition;

271. b) education is a function of the State, is secular and is based on the contributions of science and on the principles and values of our society;

272. c) education should promote knowledge of the history of the nation and develop in the students a high level of ethical, moral, civic and patriotic values;

273. d) promotes the participation of citizens in the implementation of its educational and cultural policy;

274. e) guides, encourages and promotes physical culture and sport in all its manifestations as a means of education and contribution to the integral development of citizens;

275. f) scientific and technical research is stimulated with a focus on development and innovation, giving priority to that aimed at solving problems that concern the interests of society and the benefit of the people;

276. g) the incorporation of persons with aptitude for scientific work is encouraged;

277. h) artistic creation is free and in its content respects the values of Cuban socialist society. The forms of expression in art are free;

278. i) with the aim of raising the culture of the people, artistic education, the vocation for creation, the cultivation of art and the capacity to appreciate it are fostered and developed;

279. j) defends Cuban identity and culture, watches over the artistic, patrimonial and historical wealth of the nation and its safeguarding. The assets that make up the nation's cultural heritage are inalienable, imprescriptible and unseizable, and

280. k) protects the nation's monuments and places of outstanding natural beauty and recognized artistic or historical value.

**281. TITLE VI: STATE STRUCTURE**

**282. CHAPTER I: PRINCIPLES OF ORGANIZATION AND OPERATION OF THE BODIES OF THE STATE**

283. ARTICLE 96. The organs of the State are integrated and develop their activity on the basis of the principles of socialist democracy expressed in the following rules:

284. (a) all representative bodies of State power are revocable ;

285. b) the people control the activity of state bodies, deputies, delegates and officials;

286. c) those elected are accountable for their performance and may be recalled from office at any time;

287. d) each state body develops, within the framework of its competence, the initiative aimed at the use of local resources and possibilities and the incorporation of mass and social organizations into its activity;

288. e) the provisions of the higher state bodies are binding on the lower ones;

289. f) lower state bodies are accountable to the higher bodies and are accountable to them for their management; and

290. g) freedom of discussion, the exercise of criticism and self-criticism and the subordination of the minority to the majority rule in all collegiate state bodies.

**291. CHAPTER II: NATIONAL ASSEMBLY OF PEOPLE'S POWER AND STATE COUNCIL**

**292. SECTION ONE: NATIONAL ASSEMBLY OF PEOPLE'S POWER**

293. ARTICLE 97. The National Assembly of People's Power is the supreme body of State power. It represents all the people and expresses its sovereign will.

294. ARTICLE 98. The National Assembly of People's Power is the only body with constituent and legislative authority in the Republic.

295. ARTICLE 99. The National Assembly of People's Power shall be composed of deputies elected by free, equal, direct and secret vote of the voters, in the proportion and according to the procedure determined by law.

296. ARTICLE 100. The National Assembly of People's Power shall be elected for a term of five years.

297. This term may be extended by the Assembly itself only by a resolution adopted by a majority of not less than two thirds of the total number of its members, in exceptional circumstances preventing the normal holding of elections and for as long as such circumstances persist.

298. ARTICLE 101. The National Assembly of People's Power, when constituted for a new legislature, elects its President, Vice President and Secretary from among its deputies.

299. The law regulates the form and procedure by which the Assembly is constituted and conducts the election.

300. ARTICLE 102. The National Assembly of People's Power elects, from among its deputies, the Council of State, the body that represents it from one session to the next, executes its resolutions and performs the other functions assigned to it by the Constitution and the law.

301. ARTICLE 103. The National Assembly of People's Power shall be responsible for this:

302. a) to agree on amendments to the Constitution, in accordance with the provisions of Title XI;

303. b) to give the Constitution and laws, if necessary, a general and binding interpretation, in accordance with the procedure provided for by law;

304. c) to approve, amend or repeal laws and submit them for prior popular consultation when it deems it appropriate, taking into account the nature of the legislation in question;

305. d) to adopt resolutions in accordance with the laws in force and ensure that they are complied with;

306. e) to exercise control over the constitutionality of laws, decree-laws, presidential decrees, decrees and other general provisions, in accordance with the procedure provided for by law;

307. f) to revoke in whole or in part the decree-laws and agreements of the Council of State that contradict the Constitution or laws;

308. g) to revoke in whole or in part any presidential decrees, decrees, agreements or general provisions that contradict the Constitution or laws;

309. h) to revoke in whole or in part any agreements or provisions of the municipal assemblies of People's Power that violate the Constitution, laws, decree-laws, presidential decrees, decrees and other provisions issued by a higher body, or those that affect the interests of other localities or the general interests of the country;

310. i) to discuss and approve the general objectives and goals of the annual plans and those of economic and social development in the medium or long term;

311. j) to approve the principles of the national economy management system;

312. k) to discuss and approve the State budget and monitor compliance with it;

313. l) to agree on the monetary, financial and fiscal systems;

314. m) to establish or eliminate taxes;

315. n) to approve the general guidelines for foreign and domestic policy;

316. ñ) to declare a state of war or war in case of military aggression and approve peace treaties;

317. o) to establish and modify the political-administrative division; approve regimes of administrative subordination, special regulatory systems for municipalities or other territorial demarcations and administrative districts, in accordance with the provisions of the Constitution and law;

318. p) to appoint standing, temporary committees and parliamentary friendship groups;

319. q) to exercise the highest control over the organs of the State;

320. r) to know and evaluate the reports and analyses of the state business systems that, due to their magnitude and economic and social importance, are relevant;

321. s) to be informed of, to evaluate and make decisions on the accountability reports submitted to it by the Council of State, the President of the Republic, the Prime Minister, the Council of Ministers, the Supreme People's Court, the Office of the Attorney General of the Republic, the Office of the Comptroller General of the Republic and the agencies of the Central State Administration, as well as the provincial governments;

322. t) to create or extinguish the bodies of the Central State Administration or provide for any other appropriate organizational measures;

323. u) to grant amnesties;

324. v) to provide for the calling of referendums or plebiscites in the cases provided for in the Constitution and in others that the Assembly itself deems appropriate;
325. w) to agree on its rules of procedure and those of the Council of State, and
326. x) other powers conferred upon it by this Constitution.
327. ARTICLE 104. The National Assembly of People's Power, in exercise of its powers:
328. a) elects the President and Vice President of the Republic;
329. b) elects its President, Vice President and Secretary;
330. c) elects the members of the Council of State;
331. d) appoints, on the proposal of the President of the Republic, the Prime Minister;
332. e) appoints, on the proposal of the President of the Republic, the Deputy Prime Ministers and other members of the Council of Ministers;
333. f) elects the President of the Supreme People's Court, the Attorney General of the Republic and the Comptroller General of the Republic;
334. g) elects the President and the other members of the National Electoral Council;
335. (h) elects the vice-presidents and judges of the Supreme People's Court and the lay judges of that body;
336. i) elects the deputy public prosecutors and deputy comptrollers general of the Republic;
337. j) appoints, on the proposal of the President of the Republic, the provincial governors; and
338. k) revokes or replaces the persons elected or appointed by it.
339. The law regulates the procedure for giving effect to these powers.
340. ARTICLE 105. The National Assembly of People's Power shall function according to the following principles:
341. a) the laws and resolutions it issues, with the exceptions provided for in the Constitution, are adopted by simple majority vote;
342. b) meets in two ordinary sessions a year and in extraordinary session when convened by the Council of State or requested by one third of its members. The special sessions deal with the issues that motivated it;
343. c) in order to hold its sessions, the presence of more than half of the total number of its members is required; and
344. d) its meetings are public, except when the Assembly itself agrees to hold them behind closed doors for reasons of State interest.
345. ARTICLE 106. The President of the National Assembly of People's Power shall be responsible for this:
346. (a) to comply with and ensure respect for the Constitution and the law;
347. b) to preside over the sessions of the National Assembly of People's Power and the Council of State, and ensure the application of the Regulations of both bodies;
348. c) to convene ordinary sessions of the National Assembly of People's Power;
349. d) to convene ordinary and extraordinary sessions of the Council of State;
350. e) to propose the draft agenda for the sessions of the National Assembly of People's Power and the Council of State;
351. f) to sign the laws, decree-laws and agreements adopted by the National Assembly of People's Power and the Council of State, as appropriate, and provide for the publication of the agreements of both bodies in the Official Gazette of the Republic;
352. g) to manage the international relations of the National Assembly of People's Power and the Council of State;
353. h) to direct and organize the work of the permanent and temporary commissions created by the National Assembly of People's Power or the Council of State, as appropriate;
354. (i) to direct and organize the relations of the National Assembly of People's Power and the Council of State with State bodies;
355. j) to ensure compliance with the agreements of the National Assembly of People's Power and the Council of State;
356. k) to ensure the proper link between Deputies and voters; and
357. l) such other powers as may be assigned to it by this Constitution, the National

Assembly of People's Power or the Council of State.

358. ARTICLE 107 In the event of the absence, illness or death of the President of the National Assembly of People's Power, the Vice President shall replace the President in his duties, in accordance with the law.

### **359. SECTION TWO: DEPUTIES AND COMMITTEES OF THE NATIONAL ASSEMBLY OF PEOPLE'S POWER**

360. It is the duty of deputies to carry out their duties in the interests of the people, to maintain links with their constituents, to listen to their comments, suggestions and criticisms and to explain State policy to them. They shall also be accountable for the performance of their duties as such, as provided by law.

361. The National Assembly of People's Power adopts measures to ensure that deputies are properly linked to their electors and to the local bodies of People's Power in the territory where they were elected.

362. ARTICLE 109. No deputy may be arrested or subjected to criminal proceedings without the authorization of the National Assembly of People's Power or the Council of State if the Assembly is not in session, except in cases of *flagrante delicto*.

363. ARTICLE 110. The status of deputy does not entail personal privileges or economic benefits. During the time they spend in the effective performance of their duties, Deputies receive the same remuneration from their place of work and maintain their link with it, for all relevant purposes.

364. ARTICLE 111. Deputies may have their term revoked at any time, in the form, for any reason and according to the procedures established by law.

365. ARTICLE 112. During the sessions of the National Assembly of People's Power, deputies have the right to put questions to the Council of State and the Council of Ministers or to the members of both, and to have them answered during the same or the next session.

366. ARTICLE 113. The National Assembly of People's Power shall, for the better exercise of its functions, create permanent and temporary committees made up of deputies, in accordance with its principles of organization and operation as provided for by law.

367. Between the sessions of the National Assembly of People's Power, the Council of State coordinates the work of the National Assembly's committees and ensures the necessary conditions for their functioning.

368. ARTICLE 114. Deputies and committees have the right to request the necessary collaboration from the bodies or entities for the performance of their duties, and they are under the obligation to do so under the terms established by law.

### **369. SECTION THREE: COUNCIL OF STATE**

370. ARTICLE 115. The Council of State shall be a collegiate body responsible to the National Assembly of People's Power and shall report to it on all its activities.

371. The decree-laws and agreements adopted by the Council of State are submitted for

ratification to the National Assembly of People's Power at the next session.

372. ARTICLE 116. The President, Vice President and Secretary of the National Assembly of People's Power also hold these offices on the Council of State, which shall be composed of members decided by these officers.

373. The Council of State cannot be composed of members of the Council of Ministers, nor of the highest authorities of the judicial, electoral and State control bodies.

374. ARTICLE 117. The Council of State shall be responsible for this:

375. (a) to ensure compliance with the Constitution and the laws;

376. b) to give existing laws, if necessary, a general and binding interpretation;

377. c) to issue decree-laws and agreements between one session of the National Assembly of People's Power and another;

378. d) to provide for the holding of extraordinary sessions of the National Assembly of People's Power;

379. e) to agree on the date of the elections for the periodic renewal of the National Assembly of People's Power;

380. f) to analyze the draft laws submitted for consideration to the National Assembly of People's Power;

381. (g) to ensure compliance with the agreements of the National Assembly of People's Power;

382. h) to suspend presidential decrees, decrees, agreements and other provisions that contradict the

Constitution and laws, reporting to the National Assembly of People's Power at the first session held after such suspension has been agreed;

383. i) to suspend the agreements and provisions of the municipal assemblies of People's Power that do not conform to the Constitution or to the laws, decree-laws, presidential decrees, decrees and other provisions issued by a higher-level body; or those that affect the interests of other localities or the general interests of the country, reporting to the National Assembly of People's Power at the first session held after such suspension has been agreed;

384. j) revoke or modify the agreements and other provisions of the governors and provincial councils that contravene the Constitution, laws, decree-laws, presidential decrees, decrees and other provisions issued by a higher-level body, or when they affect the interests of other localities or the general interests of the country;

385. k) to elect, appoint, suspend, revoke or replace, between sessions of the National Assembly of People's Power, those who are to occupy the positions to be decided by it, 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 State and the Prime Minister. The President of the Supreme People's 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, it reports to the National Assembly of People's Power at its next session, for the appropriate purposes;

386. l) to assume, on the proposal of the President of the Republic, the powers to declare a state of war or war in the event of aggression or to establish peace, which the Constitution attributes to the National Assembly of People's Power, when it is in recess and cannot be convened with the necessary security and urgency;

387. m) to issue general instructions to the courts through the Governing Council of the Supreme People's Court;

388. n) to create commissions;

389. ñ) to ratify and denounce international treaties;

390. o) to appoint and remove, on the proposal of the President of the Republic, the heads of diplomatic missions of Cuba to other States;

391. p) to exercise, between each session of the National Assembly of People's Power, control and oversight over the organs of the State;

392. q) during the periods between sessions of the National Assembly of People's Power, to create or terminate the bodies of the Central State Administration or take any other appropriate organizational measures;

393. r) to approve the types of foreign investment to which it is entitled;

394. s) to examine and approve, between each session of the National Assembly of People's

Power, any adjustments that may be necessary to the State budget;

395. t) coordinating and ensuring the activities of Deputies and of standing and temporary working committees; and

396. u) other powers conferred by the Constitution and the laws or entrusted to it by the National Assembly of People's Power.

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

398. The term entrusted to the Council of State by the National Assembly of People's Power expires when the new Council of State elected by virtue of its periodic renewals takes office.

### **399. CHAPTER III: PRESIDENT AND VICE-PRESIDENT OF THE REPUBLIC**

400. The President of the Republic is the Head of State.

401. The President of the Republic shall be elected by the National Assembly of People's Power from among its deputies for a period of five years, and shall report to the Assembly on his/her administration.

402. In order to be elected President of the Republic, an absolute majority vote is required.

403. The President of the Republic may hold office for up to two consecutive terms, after which he may not hold office again.

404. ARTICLE 122. To be President of the Republic, one must be thirty-five years of age, have full civil and political rights, be a Cuban citizen by birth and have no other citizenship.

405. It is also required to be no more than sixty years of age to be elected to this position for a first term.

406. ARTICLE 123. The President of the Republic shall be responsible for this:

407. (a) to comply with and ensure respect for the Constitution and the law;

408. b) to represent the State and direct its general policy;

409. c) to direct foreign policy, relations with other States and that relating to defense and national security;

410. d) to endorse the laws and decree-laws issued by the National Assembly of People's Power or the Council of State, and provide for their publication in the Official Gazette of the Republic, in accordance with the provisions of the law;

411. e) to present the members of the Council of Ministers to the National Assembly of People's Power, once elected by it, at that session or at the next one;

412. f) to propose to the National Assembly of People's Power or the Council of State, as appropriate, the election, appointment, suspension, revocation or replacement of the Prime Minister, the President of the Supreme People's 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;

413. g) to know, evaluate and take decisions on the accountability

reports submitted to it by the Prime Minister on his or her management, that of the Council of Ministers or that of its Executive Committee;

414. h) to hold the Supreme Headquarters of the armed institutions and determine their general organization;

415. i) to preside over the National Defense Council and propose to the National Assembly of People's Power or the Council of State, as the case may be, to declare a state of war or war in the event of military aggression;

416. j) to decree General Mobilization when the defense of the country so requires, as well as to declare the State of Emergency and the Situation of Disaster, in the cases provided for in the Constitution, informing the National Assembly of People's Power or the Council of State of its decision as soon as circumstances permit, if it cannot meet, for the appropriate legal purposes;

417. k) to promote the most senior officers of the nation's armed institutions in grade and position and to order their dismissal, in accordance with the procedure provided for by law;

418. l) to decide to grant Cuban citizenship, accept resignations and decide on the deprivation of it;

419. m) to propose, in accordance with the provisions of the Constitution and the law, the suspension, modification or revocation of provisions and agreements of State bodies that contradict the Constitution, laws or affect the general interests of the country;

420. n) to issue, in the exercise of its powers, presidential decrees and other provisions to enforce its decisions;

421. ñ) to set up temporary committees or working groups to carry out specific tasks;

422. o) to propose to the Council of State the appointment or removal of the heads of diplomatic missions of Cuba to other States;

423. p) to grant or withdraw the rank of ambassador of the Republic of Cuba;

424. q) to award decorations and honorary titles;

425. r) to grant or deny, on behalf of the Republic of Cuba, the approval of the diplomatic representatives of other States;

426. s) to receive the credentials of the heads of foreign missions. The Vice-Chairperson may exceptionally assume this function;

427. t) to grant pardons and request the National Assembly of People's Power to grant amnesties;

428. u) to participate ex officio in the meetings of the Council of State and to call them when it considers it necessary;

429. v) to preside over the meetings of the Council of Ministers or its Executive Committee, and

430. w) such other powers as are assigned to it by the Constitution or by law.

431. ARTICLE 124. To be Vice President of the Republic, one must be thirty-five years of age, have full civil and political rights,

be a Cuban citizen by birth and have no other citizenship.

432. He/she is elected in the same way and for the same period as the President of the Republic.

433. ARTICLE 125. The Vice President of the Republic shall perform the duties delegated or assigned to him by the President of the Republic.

434. ARTICLE 126. In the event of the absence, illness or death of the President of the Republic, the Vice-President shall temporarily replace him in his functions until the new President of the Republic is elected by the National Assembly of People's Power.

435. When the post of Vice-President of the Republic becomes vacant, the National Assembly of People's Power elects its replacement.

436. If the absence is final, both the President and the Vice-President of the Republic, the National Assembly of People's Power elects their substitutes. Until the election is held, the President of the National Assembly of People's Power assumes the office of President of the Republic on an interim basis.

437. The law regulates the procedure for compliance.

438. ARTICLE 127. The President and Vice President of the Republic shall remain in office until their successors are elected by the National Assembly of People's Power.

#### **439. CHAPTER IV: GOVERNMENT OF THE REPUBLIC**

#### **440. SECTION ONE: COUNCIL OF MINISTERS**

441. ARTICLE 128. The Council of Ministers is the highest executive and administrative body and constitutes the Government of the Republic.

442. ARTICLE 129. The Council of Ministers shall be composed of the Prime Minister, the Deputy Prime Ministers, the Ministers, the Secretary and such other members as may be determined by law.

443. The Secretary General of the Confederation of Cuban Workers participates as an ex officio member, meetings of the Council of Ministers in his/her own right.

444. ARTICLE 130. The Prime Minister, the Deputy Prime Ministers, the Secretary and other members of the Council of Ministers, as determined by the President of the Republic, shall make up its Executive Committee.

445. The Executive Committee may decide on matters assigned to the Council of Ministers between its meetings.

446. ARTICLE 131The Council of Ministers is responsible and periodically reports on its activities to the National Assembly of People's Power.

447. ARTICLE 132. The Council of Ministers shall have the power

448. (a) to ensure compliance with the Constitution and the law;

449. b) to organize and direct the execution of the political, economic, cultural, scientific, social and defense activities agreed upon by the National Assembly of People's Power;

450. c) to propose general objectives and goals for the elaboration of the annual plans and those for the economic and social development of the State, in the medium and long terms and, once approved by the National Assembly of People's Power, to organize, direct and control their execution;

451. d) to approve and submit international treaties for decision by the Council of State;

452. e) to direct and control foreign trade and foreign investment;

453. f) to prepare the draft State budget and, once approved by the National Assembly of People's Power, ensure its implementation;

454. g) to implement and enforce the approved objectives to strengthen the monetary, financial and fiscal systems;

455. h) to prepare draft legislation and submit it to the National Assembly of People's Power or the Council of State, as appropriate;

456. i) to provide for national defense, the maintenance of security and internal order, and the protection of citizens' rights, as well as the safeguarding of lives and property in the event of natural disasters;

457. j) to direct the administration of the State, as well as to unify, coordinate and supervise the activity of the bodies of the Central State Administration, national entities and local administrations;

458. k) to know, evaluate and make decisions on the accountability reports submitted to it by the provincial governors;

459. l) to authorize the creation of territorial delegations and other entities of the Central State Administration bodies, as well as higher business management organizations;

460. m) to create, modify or extinguish subordinate entities or entities attached to the Council of Ministers or to the bodies of the Central State Administration;

461. n) to guide and control the administration of provincial governors;

462. ñ) to appoint or replace, on the proposal of the governors, the deputy provincial governors;

463. o) to approve or authorize the corresponding foreign investment modalities;

464. p) to execute the laws and agreements of the National Assembly of People's Power, as well as the decree-laws and provisions of the Council of State, the presidential decrees and, if necessary, issue the corresponding regulations;

465. q) to issue decrees and agreements on the basis of and in compliance with the laws in force and monitor their implementation;

466. r) to propose to the Council of State the suspension of the agreements of the municipal assemblies of People's Power that contravene the laws and other provisions in force, or that affect the interests of other communities or the general interests of the country;

467. s) to suspend the agreements and other provisions of the provincial councils and municipal administration councils that do not comply with the Constitution, laws,

decrees, presidential decrees, decrees and other provisions of the higher bodies, or when they affect the interests of other localities or the general interests of the country, reporting to the Council of State or the Municipal Assembly of People's Power, as appropriate;

468. t) to revoke in whole or in part the provisions issued by provincial governors when they contravene the Constitution, laws, decree-laws, presidential decrees, decrees and other provisions issued by a higher body, or those affecting the interests of other localities or the general interests of the country;

469. u) revoke in whole or in part the provisions of the Heads of State Central Administration agencies, when they contravene the higher rules that are binding on them;

470. v) to create the commissions it deems necessary to facilitate the fulfillment of the tasks assigned to it;

471. w) to appoint or replace the directors and officers in accordance with the powers conferred by law;

472. x) to submit its regulations to the National Assembly of People's Power or the Council of State for approval, and

473. y) other powers conferred by law or entrusted to it by the National Assembly of People's Power or the Council of State.

474. ARTICLE 133. The Council of Ministers is collegiate and its decisions are adopted by a simple majority vote of its members.

475. ARTICLE 134. The Council of Ministers shall remain in office until the Government is appointed in the new legislature.

## 476. SECOND SECTION: PRIME MINISTER

477. ARTICLE 135. The Prime Minister is the Head of Government of the Republic.

478. ARTICLE 136. The Prime Minister is appointed by the National Assembly of People's Power, on the proposal of the President of the Republic, for a period of five years.

479. An absolute majority vote is required for appointment as Prime Minister.

480. Article 137. The Prime Minister is accountable to the National Assembly of People's Power and to the President of the Republic, to whom he reports and reports on his administration, to the Council of Ministers or to its Executive Committee, on such occasions as may be indicated.

481. Article 138. To be Prime Minister, one must be a deputy to the National Assembly of People's Power, have reached the age of thirty-five, be in full enjoyment of civil and political rights, be a Cuban citizen by birth and have no other citizenship.

482. Article 139. The Prime Minister shall:

483. a) comply with and ensure respect for the Constitution and the law;

484. b) represent the Government of the Republic;

485. c) convene and direct the meetings of the Council of

- Ministers or its Executive Committee;
486. d) attend to and control the development of the activities of the Central State Administration, national entities and local administrations;
487. e) assume the direction of any agency of the Central State Administration;
488. f) request the President of the Republic to request the relevant bodies to replace the members of the Council of Ministers and, in each case, propose the corresponding substitutes;
489. g) exercise control over the work of the heads of the agencies of the Central State Administration;
490. h) issue instructions to provincial governors;
491. i) adopt, on an exceptional basis, decisions on executive-administrative matters within the competence of the Council of Ministers, when the urgency of the situation or the issue to be resolved so requires, and to subsequently inform that body or its Executive Committee;
492. j) appoint or replace the directors and officers, in accordance with the powers conferred by law;
493. k) sign the legal provisions adopted by the Council of Ministers or its Executive Committee and indicate their publication in the Official Gazette of the Republic;
494. l) establish temporary committees or working groups to carry out specific tasks, and
495. m) any other attribution assigned to it by the Constitution and the law.
- 496. SECTION THREE: MEMBERS OF THE COUNCIL OF MINISTERS**
497. ARTICLE 140. The members of the Council of Ministers shall be responsible for this:
498. a) to represent the Council of Ministers or its Prime Minister in the circumstances so provided;
499. b) to comply with the agreements and other provisions of the Council of Ministers and its Executive Committee as may be applicable to them and to inform the Prime Minister thereof;
500. c) to carry out the tasks assigned to them by the Prime Minister and to exercise the powers delegated to them by him/her in each case;
501. d) to direct the affairs and tasks of the Ministry or body under its charge, issuing the necessary resolutions and provisions;
502. e) to issue, when not expressly attributed to another State body, provisions required for the execution and application of laws, decree-laws and other provisions that concern them;
503. f) to attend sessions of the Council of Ministers, with voice and vote, and to prepare such draft laws, decree-laws, decrees, resolutions, agreements or any other proposal as they may deem appropriate;
504. g) to appoint or replace the directors and officers in accordance with the powers conferred upon them by law, and
505. h) any other attribution assigned to them by the Constitution and the law.
- 506. SECTION FOUR: CENTRAL STATE ADMINISTRATION**
507. The number, designation, mission and functions of the ministries and other bodies that form part of the Central State Administration are determined by law.
- 508. CHAPTER V: THE LAWS**
509. ARTICLE 142. The initiative of proposing laws laws is designated to:
510. a) the President of the Republic;
511. b) the deputies of the National Assembly of People's Power;
512. c) the Council of State;
513. d) the Council of Ministers;
514. e) the commissions of the National Assembly of People's Power;
515. f) the National Council of the Confederation of Cuban Workers and the national leaderships of the other mass and social organizations;
516. g) the Governing Council of the Supreme People's Court, in matters relating to the administration of justice;
517. h) the Office of the Attorney General of the Republic, in matters within its jurisdiction;
- (i) the Office of the Comptroller General of the Republic, in matters within its competence;
519. j) the National Electoral Council, in electoral matters, and

520. k) to citizens. In this case, at least ten thousand voters must exercise the initiative.

521. The law establishes the procedure to make its exercise effective.

522. ARTICLE 143. The laws and decree-laws issued by the National Assembly of People's Power or the Council of State, as the case may be, shall come into force on the date determined in each case by the regulations themselves.

523. Laws, decree-laws, presidential decrees, decrees, resolutions and other provisions of general interest issued by the competent bodies are published in the Official Gazette of the Republic.

524. The law establishes the procedure for the entry into force and publication of the regulatory provisions.

## 525. CHAPTER VI: COURTS OF LAW

526. ARTICLE 144. The function of administering justice derives from the people and is exercised on their behalf by the Supreme People's Court and the other courts established by law.

527. The act sets out the main objectives of judicial activity and regulates the organization of the courts; the extent of their jurisdiction and competence; the manner in which they are constituted for the administration of justice; the participation of lay judges; the requirements to be met by the judges of the Supreme People's Court and other judges; the manner in which they are elected; and the causes and procedures for the revocation or termination of their functions.

528. ARTICLE 145. The courts shall constitute a system of state organs, structured in a way that is functionally independent of any other body.

529. The Supreme People's Court exercises the highest judicial authority and its decisions are final.

530. Through its Governing Council it exercises legislative initiative and regulatory power, makes decisions and issues binding rules for all courts and, on the basis of the courts' experience, issues binding instructions to establish uniform judicial practice in the interpretation and application of the law.

531. ARTICLE 146. The magistrates and lay judges of the People's Supreme Court are elected by the National Assembly of People's Power or, as the case may be, by the Council of State.

532. The election of the other judges is determined by law.

533. ARTICLE 147. The magistrates and judges, in their function of administering justice, are independent and must obey only the law.

534. Likewise, they are immovable in their condition as long as there are no legal grounds for termination or revocation of their functions.

535. The judgments and other final decisions of the courts, handed down within the limits of their jurisdiction, are binding on State bodies, entities and citizens, both those directly affected by them and those who have no direct interest in their execution and those who have no direct interest in their execution.

536. In judicial acts involving lay judges, they have the same rights and duties as professional judges. In view of their social importance, the performance of their judicial functions takes precedence over their normal occupation.

537. In all courts, hearings are public, unless reasons of state security, morality, public order or respect for the person aggrieved by the crime or his or her family members make it advisable to hold them behind closed doors.

538. ARTICLE 151. The Supreme People's Court shall report to the National Assembly of People's Power on the results of its work in the manner and at the intervals established by law.

539. ARTICLE 152. The power to revoke judges and magistrates rests with the body that elects them.

## 540. CHAPTER VII: ATTORNEY GENERAL'S OFFICE OF THE REPUBLIC

541. ARTICLE 153. The Office of the Attorney General of the Republic is the State organ whose fundamental mission is to exercise control over criminal investigations and the exercise of public criminal proceedings on behalf of the State, as well as to ensure strict compliance with the Constitution, laws and other legal provisions by State bodies, entities and citizens.

542. The law determines the other objectives and functions, as well as the manner, extent and timeliness in which the Attorney General's Office exercises its powers.

543. ARTICLE 154. The Office of the Attorney General of the Republic shall constitute an

indivisible organic unit with functional independence, subordinated to the President of the Republic.

544. The Attorney General of the Republic is responsible for the direction and regulation of the Office's activities throughout the national territory.

545. The organs of the Public Prosecutor's Office are organized vertically throughout the country, are subordinate only to the Public Prosecutor's Office and are independent of any local body.

546. ARTICLE 155. The Attorney General of the Republic and the Deputy Attorneys General are elected and may be revoked, as the case may be, by the National Assembly of People's Power or, as the case may be, by the Council of State.

547. ARTICLE 156. The Office of the Attorney General of the Republic shall be accountable to the National Assembly of People's Power for its actions, in the manner and at the intervals established by law.

#### **548. CHAPTER VIII: COMPTROLLER GENERAL OF THE REPUBLIC**

549. ARTICLE 157. The Office of the Comptroller General of the Republic is the State organ whose fundamental mission is to exercise superior control over administrative management and to ensure the correct and transparent administration of public funds.

550. The law regulates the other functions and aspects relating to their actions.

551. ARTICLE 158. The Office of the Comptroller General of the

Republic enjoys functional autonomy and independence from any local body, is structured vertically throughout the country and reports to the President of the Republic.

552. The Comptroller General of the Republic is its highest authority and is responsible for the direction and regulation of the activities of the Comptroller General's Office throughout the national territory.

553. ARTICLE 159. The Office of the Comptroller General of the Republic shall be accountable to the National Assembly of People's Power for its activities in the manner and at the intervals provided for by law.

554. ARTICLE 160. The Comptroller General of the Republic and the Vice Comptrollers General are elected or revoked, as the case may be, by the National Assembly of People's Power or the Council of State.

#### **555. TITLE VII: TERRITORIAL ORGANIZATION OF THE STATE**

556. ARTICLE 161. The national territory, for political-administrative purposes, is divided into provinces and municipalities; its number, limits and name are established by law.

557. The law may establish other divisions and assign special administrative subordination regimes and regulatory systems to municipalities or other territorial demarcations to be determined, taking into account their geographical location or economic and social importance. In all cases, the representation of the people is guaranteed through the organs of the People's Power.

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

559. ARTICLE 162. The province has its own legal personality for all legal purposes and is organized by law as an intermediate level between the Government of the Republic and that of the municipality, with a surface area equivalent to that of all the municipalities included in its territorial demarcation, under the direction of a Provincial Government.

560. ARTICLE 163. The municipality is the local society, organized by law, which constitutes the primary and fundamental political unit of the national organization; it enjoys autonomy and legal personality, proper for all legal purposes, with a territorial extension determined by the necessary neighborhood, economic and social relations of its population and interests of the nation, with the purpose of achieving the satisfaction of local needs. It has its own income and the allocations it receives from the Government of the Republic, in accordance with economic progress, the social development of its territory and other purposes of the State, under the direction of a People's Power Assembly and its Administrative Council.

561. ARTICLE 164. The autonomy of the municipality includes the election of its authorities, the power to decide on the use of its resources and the exercise of its powers, in accordance with the Constitution and the law.

562. Autonomy is exercised in accordance with the principles of solidarity, coordination and collaboration with the rest of the

country's territories, and without detriment to the nation's higher interests.

## 563. TITLE VIII: LOCAL PEOPLE'S POWER ORGANS

## 564. CHAPTER I: PROVINCIAL GOVERNMENT

### 565. SECTION ONE: GENERAL PROVISIONS

566. ARTICLE 165. In each province there shall be a Provincial Government made up of a Governor and a Provincial Council.

567. ARTICLE 166. The Provincial Government has the fundamental mission of working for the economic and social development of its territory, in accordance with the general objectives of the country, and acts as coordinator between the Government of the Republic and the municipalities, for which purpose it directs, controls, guides and contributes to the harmonization of the interests of the province and its municipalities, and exercises the powers and functions recognized in the Constitution and the laws.

568. ARTICLE 167. The Provincial Government shall contribute to the development of the activities and the fulfilment of the plans of the entities established in its territory that are not subordinated to it, in accordance with the provisions of the Constitution and the laws.

569. ARTICLE 168. The Provincial Government, in the exercise of its functions and powers, may not assume or interfere in the functions and powers conferred upon the municipal bodies of the People's Power by the Constitution and the laws.

### 570. SECTION TWO: GOVERNOR AND VICE DISTRICT GOVERNOR

571. ARTICLE 169. The Provincial Governor represents the State in its territory and is the highest executive-administrative officer in his province.

572. ARTICLE 170. The Provincial Governor is appointed, on the proposal of the President of the Republic, by the National Assembly of People's Power or, where appropriate, by the Council of State, for a term of five years.

573. ARTICLE 171. To be Provincial Governor, you must be a Cuban citizen by birth and not have any other citizenship, have reached the age of thirty, reside in the province and be in full enjoyment of civil and political rights.

574. ARTICLE 172. The Governor is accountable to the National Assembly of People's Power, the Council of State and the Council of Ministers, to whom he is accountable and reports on his administration, at the time and on the matters requested of him.

575. ARTICLE 173. The Governor, in accordance with the principles established by the Council of Ministers, shall organize and direct the provincial administration with the assistance of the corresponding administrative body.

576. The law determines the creation, structure and functioning of the Provincial Administration, as well as its relations with the national and municipal bodies of the People's Power.

577. ARTICLE 174. The Provincial Governor shall be responsible for this:

578. a) To comply with and enforce, as far as it is concerned, the Constitution and the laws adopted by the competent State bodies;

579. b) convene and preside over the meetings of the Provincial Council;

580. c) to direct, coordinate and control the work of the organizational structures of the Provincial Administration and, within the framework of its competence, to dictate dispositions and adopt the corresponding decisions;

581. d) Demand and control the fulfillment of the economic plan and the execution of the budget of the province, according to the policy agreed upon by the competent national bodies;

582. e) require and control compliance with development and land and urban planning plans;

583. f) propose to the Council of Ministers the appointment of the Provincial Vice-Governor;

584. g) appoint and replace the directors and officers of the Provincial Administration, and submit to the Provincial Council for ratification those cases provided for by law;

585. h) submit to the Council of Ministers, after consultation with the Provincial Council, proposals for policies that contribute to the integral development of the province;

586. i) to inform the Council of Ministers, after consultation with the Provincial Council, of any decisions of higher-ranking bodies that affect the interests of the community or are considered to

- exceed the powers of the person who adopted them;
587. j) suspend the agreements and provisions of the municipal administration councils that do not conform to the Constitution, laws, decree-laws, presidential decrees, decrees and other provisions of the State organs, or when they affect the interests of other localities or the general interests of the country, reporting to the respective Municipal Assembly of People's Power at the first session held after such suspension has been agreed upon;
588. k) revoke or modify the provisions adopted by the provincial administrative authorities subordinate to it, which contravene the Constitution, the laws and other provisions in force, or which affect the interests of other communities or the general interests of the country;
589. l) create temporary commissions or working groups;
590. m) to provide for the publication of the resolutions of the Provincial Council of general interest and to control their execution; and
591. n) such other powers as may be assigned to it by this Constitution or by law.
592. ARTICLE 175. The Vice-Governor is appointed by the Council of Ministers, on the proposal of the Provincial Governor, for the same period as the Provincial Governor.
593. The same requirements as for the office of Provincial Governor are required for the position of Deputy Provincial Governor.
594. ARTICLE 176. The Vice Provincial Governor shall perform such duties as may be delegated or assigned by the Provincial Governor.
595. It also replaces the Provincial Governor in the event of temporary absence or death, in accordance with the procedure provided for by law.
- 596. SECTION THREE: PROVINCIAL COUNCIL**
597. ARTICLE 177. The Provincial Council is the collegiate and deliberative body that carries out the functions provided for in this Constitution and the laws.
598. Its decisions are adopted by a simple majority vote of its members.
599. The Provincial Council is presided over by the Governor and is composed in its own right by the Deputy Provincial Governor, the presidents of the corresponding local assemblies of People's Power, the municipal superintendents and other members as determined by law.
600. ARTICLE 178. The Provincial Council shall hold its ordinary meetings at intervals established by law, and its extraordinary meetings when called by the Governor or when requested by half of its members.
601. ARTICLE 179. The Provincial Council shall be responsible for the following:
602. a) To comply with and enforce, as far as it is concerned, the Constitution, the laws and other provisions of a general nature adopted by the organs of the State, as well as their agreements;
603. b) approve and control, as appropriate, the economy plan and budget of the province;
604. c) adopt resolutions within the framework of the Constitution and laws;
605. d) orient and coordinate in the territory the political, economic, cultural, scientific, social and defense activities that the State may establish;
606. e) evaluate the results of the management of municipal administrations and define the actions to be carried out;
607. f) Periodically analyze the attention given by provincial and municipal bodies to the proposals of voters and the complaints and denunciations of the population;
608. g) make recommendations to the Governor on his accountability report and on other matters referred to him by the Governor;
609. h) propose to the Council of State the suspension of agreements or provisions of the municipal assemblies of People's Power in its district, when they contravene the higher legal norms or affect the interests of the community;
610. i) propose to the National Assembly of the People's Power the revocation or modification of the agreements or provisions of the municipal assemblies of the People's Power in its district, when they contravene the higher legal norms or affect the interests of the community;
611. j) establish temporary committees or working groups; and
612. k) other powers assigned to it by the Constitution or by law.

**613. CHAPTER II: MUNICIPAL BODIES OF PEOPLE'S POWER**

**614. SECTION ONE: MUNICIPAL ASSEMBLY OF PEOPLE'S POWER**

615. ARTICLE 180. The Municipal Assembly of People's Power is the highest local body of State power in its demarcation and, consequently, is vested with the highest authority for the exercise of State functions in its territory; to this end, within the framework of its competence, it exercises the powers assigned to it by the Constitution and the laws.

616. ARTICLE 181. The Municipal Assembly of People's Power shall be composed of the delegates elected in each constituency into which its territory is divided for electoral purposes, by means of a free, equal, direct and secret vote of the electors.

617. ARTICLE 182. The Municipal Assembly of People's Power shall be renewed every five years, which is the term of office of its delegates.

618. This mandate may only be extended by decision of the National Assembly of People's Power in the cases provided for in the Constitution.

619. ARTICLE 183. The Municipal Assembly of People's Power, when it is constituted, elects its President and Vice President from among its delegates and appoints its Secretary, in accordance with the procedure established by law.

620. The President of the Municipal Assembly of People's Power represents the State in its territorial demarcation.

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

622. ARTICLE 184. The ordinary and extraordinary sessions of the Municipal Assembly of People's Power shall be held in public, except in the case that it agrees to hold them behind closed doors, for reasons of State interest or because matters relating to the decorum of persons are dealt with therein.

623. ARTICLE 185. In the sessions of the Municipal Assembly of People's Power, the presence of more than half of the total number of its members is required for its validity. Its resolutions are adopted by a simple majority of votes.

624. ARTICLE 186. The following corresponds to the Municipal Assembly of People's Power:

625. (a) To comply with and enforce the Constitution, laws and other general provisions adopted by State bodies;

626. b) approve and control, as appropriate, the economic plan, the budget and the integral development plan of the municipality;

627. c) approve the land and urban development plan and monitor compliance with it;

628. d) elect, appoint, revoke or replace the President, the Vice-President and the Secretary of the Assembly itself, as appropriate;

629. e) appoint or replace the Municipal Intendant, on the proposal of the President of the Assembly itself;

630. f) appoint or replace the rest of the members of the Municipal Administration Council, at the proposal of the Superintendant;

631. g) adopt agreements and issue provisions within the framework of its competence, on matters of municipal interest and control their compliance;

632. h) to control and check the activity of the Council of the Administration of the Municipality, with the help of its working committees, without prejudice to the control activities carried out by other bodies and entities;

633. i) to control, as far as it is concerned and as established by the Council of Ministers or the Provincial Government, the organization, operation and tasks of the entities in charge of carrying out the economic, production and service, health, welfare, prevention and social, scientific, educational, cultural, recreational, sports and environmental protection activities in the municipality;

634. j) to ensure the strengthening of legality, internal order and defensive capacity of the country in its territory;

635. k) propose to the Council of Ministers or the Provincial Governor, as the case may be, the revocation of decisions adopted by bodies or authorities subordinate to them;

636. l) revoke or modify the decisions adopted by the subordinate bodies or authorities when they contravene the higher legal norms, affect the interests of the community, or exceed the powers of the person who adopted them;

637. m) approve the creation of the popular councils of the municipality, after consulting the Council of State;

638. n) to contribute, in accordance with the provisions of the law, to the execution of the State policies in its demarcation, as well as to the development of the production and service activities of the entities located in its territory that are not subordinated to them;

639. ñ) create working commissions and approve general guidelines for their work, and

640. o) any other attribution assigned to it by this Constitution and the laws.

641. ARTICLE 187. The Municipal Assembly of the People's Power shall exercise its functions with the support of the people's councils, on the initiative and broad participation of the population, and shall act in close coordination with mass and social organizations.

## **642. SECTION TWO: DELEGATES TO THE MUNICIPAL ASSEMBLY OF PEOPLE'S POWER**

643. ARTICLE 188. Delegates fulfill the term given to them by their constituents in the interests of the community as a whole by sharing these roles, with their usual responsibilities and tasks. The law regulates the manner in which these functions are carried out.

644. ARTICLE 189. Delegates have the following duties:

645. a) To maintain a permanent relationship with their constituents, promoting the participation of the

community in the solution of their problems;

646. b) to inform the Municipal Assembly and the local administration of the opinions, needs and difficulties transmitted to them by their electors, and to work to manage their solution, as appropriate;

647. c) To inform voters about the policy followed by the Municipal Assembly and the measures adopted in response to their opinions and in order to resolve the needs raised by the population or the difficulties in resolving them;

648. d) to report periodically to their constituents on their performance, in accordance with the law, and to inform the Assembly, the Commission and the People's Council to which they belong, of the performance of the tasks entrusted to them, when they so request; and

649. e) any other rights recognized by the Constitution and the laws.

ARTICLE 190. Delegates have the following rights:

651. a) to participate with voice and vote in the sessions of the Municipal Assembly and in the meetings of the committees and people's councils of which they are members;

652. b) request information from the President, Vice President and Secretary of the Municipal Assembly, the members of the commissions and the Board of Directors on matters relevant to the exercise of their functions, and obtain a response at the session itself or as soon as possible;

653. c) request the attention and information of the entities located

in the territory regarding situations or problems affecting their voters, and they are obliged to respond with due promptness; and

654. d) any other rights recognized by the Constitution and the law.

655. ARTICLE 191. The term of office of delegates may be revoked at any time. The law determines the form, causes and procedures for its revocation.

## **656. SECTION THREE: COMMITTEES OF THE MUNICIPAL ASSEMBLY OF PEOPLE'S POWER**

657. ARTICLE 192. The permanent work commissions are constituted by the Municipal Assembly of People's Power in accordance with the specific interests of their locality, to assist them in carrying out their activities and especially to exercise control over the entities of municipal subordination.

658. In the same way, the commissions may request entities of other levels of subordination that are located in their territorial demarcation, to inform them about aspects that directly affect the locality.

659. Temporary committees carry out the specific tasks assigned to them within the time limit specified.

## **660. SECTION FOUR: PEOPLE'S COUNCILS**

661. The People's Council is a representative local body of the People's Power, vested with the highest authority for the performance of its functions and, without constituting an intermediate body for the purposes of political-administrative division, it is organized into cities, towns,

neighborhoods, villages and rural areas, on the basis of delegates elected from the constituencies of its demarcation, who must choose among them who shall preside over it.

662. Representatives of the mass and social organizations and of the most important entities in the district may be invited to the meetings of the Popular Council, according to the themes and matters to be discussed, with the main objective of strengthening coordination and collective effort for the benefit of the community, always from the proper functions that correspond to each one.

663. ARTICLE 194. The People's Council represents the people of the district in which it operates and at the same time the Municipal Assembly of People's Power. It exercises control over production entities and local advocacy services, and works actively to satisfy the needs of the economy, health, welfare, educational, cultural, sports and recreational needs, as well as prevention and social care tasks, promoting greater participation of the population and local initiatives to achieve them.

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

#### **665. SECTION FIVE: GUARANTEES OF PETITION RIGHTS AND LOCAL POPULAR PARTICIPATION**

666. ARTICLE 195. The Municipal Assembly of People's Power, for the purpose of guaranteeing the rights of petition and citizen participation:

667. a) convenes a popular consultation on matters of local

interest in accordance with its powers;

668. b) ensures that the requests, proposals, complaints and denunciations received from the population are properly dealt with;

669. c) guarantees the right of the population of the municipality to propose the analysis of issues within its competence;

670. d) ensures that the population is kept adequately informed of decisions of general interest taken by the organs of the People's Power;

671. e) analyzes, at the request of the citizens, the agreements and provisions of its own or of subordinate municipal authorities, in order to estimate those that harm their interests, both individual and collective, and adopts the corresponding measures; and

672. f) any other action necessary to guarantee these rights.

673. The law establishes the form and exercise of these guarantees by citizens.

#### **674. SECTION SIX: MUNICIPAL ADMINISTRATION**

675. ARTICLE 196. The Municipal Administration's essential objective is to satisfy the economic, health, welfare, educational, cultural, sports and recreational needs of the community of the territory to which its jurisdiction extends, as well as to carry out tasks relating to prevention and social care.

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

677. ARTICLE 197. The Municipal Council is appointed by the Municipal Assembly of People's Power, to which it is subordinated and accountable. Its composition, integration and functions are established by law.

678. ARTICLE 198. The Municipal Administration Council is presided over by the Superintendent, is collegiate in nature, performs executive-administrative functions and directs the Municipal Administration.

#### **679. TITLE IX: ELECTORAL SYSTEM**

#### **680. CHAPTER I: GENERAL PROVISIONS**

681. 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, to be part of the organs of the People's Power and to participate, for that purpose, as provided for by law, in periodic elections, plebiscites and popular referendums, which shall be by free, equal, direct and secret vote. Each elector has the right to only one vote.

682. ARTICLE 200. Voting is a right and a duty of citizens. It is voluntarily exercised by Cubans, men and women, over sixteen years of age, except:

683. (a) mentally handicapped persons, upon judicial declaration of their incapacity;

684. b) those who are judicially disqualified; and

685. c) those who do not comply with the requirements of permanence in the country established by law.

686. ARTICLE 201. The Register of Voters is public and permanent; it is made up of all citizens with legal capacity to exercise the right to vote, in accordance with the provisions of the law.

687. ARTICLE 202. Cuban citizens, men or women, who are in full enjoyment of their political rights and who meet the other requirements set forth in the law, have the right to be elected.

688. If the election is for deputies to the National Assembly of People's Power, they must also be over eighteen years of age.

689. ARTICLE 203. Members of armed institutions have the right to elect and to be elected, just like other citizens.

690. ARTICLE 204. The law determines the number of deputies who make up the National Assembly of People's Power and the number of delegates who make up the municipal assemblies of People's Power, in proportion to the number of inhabitants of the respective districts into which, for electoral purposes, the national territory is divided.

691. The deputies to the National Assembly of People's Power and the delegates to the municipal assemblies of People's Power are elected by free, equal, direct and secret vote of the voters. The law regulates the procedure for their election.

692. ARTICLE 205. In order for a deputy or delegate to be considered elected, he or she must have obtained more than half the number of valid votes cast in the electoral district in question.

693. In the absence of this circumstance, or in the other cases

of vacancies, the law regulates the manner in which this will be done.

#### **694. CHAPTER II: NATIONAL ELECTORAL COUNCIL**

695. ARTICLE 206. The National Electoral Council is the permanent body of the State whose fundamental mission is to organize, direct and supervise the elections, popular consultations, plebiscites and referendums that are called, the claims that are established in this area, as well as the other functions recognized in the Constitution and the laws.

696. The National Electoral Council guarantees the reliability, transparency, speed, publicity, authenticity and impartiality of the electoral processes.

697. ARTICLE 207. The National Electoral Council has autonomy and is accountable to the National Assembly of People's Power for the performance of its functions.

698. Likewise, once each electoral process has been completed, it informs the nation of its outcome.

699. ARTICLE 208. The National Electoral Council is composed of a President, a Vice-President, a Secretary and the members provided for by law.

700. The members of the National Electoral Council are elected and removed, as appropriate, by the National Assembly of People's Power or, where appropriate, by the Council of State.

701. The organization, operation, integration and designation of the electoral authorities is regulated by law.

702. Members of the electoral bodies may not be members of elected bodies.

703. ARTICLE 210. The National Electoral Council shall ensure the preparation, control and updating of the Electoral Register, in accordance with the provisions of the law.

704. All bodies and entities, their directors and officers, are obliged to collaborate with the National Electoral Council in the exercise of their functions.

#### **705. TITLE X: DEFENSE AND NATIONAL SECURITY**

#### **706. CHAPTER I: GENERAL PROVISIONS**

707. ARTICLE 212. In order to be valid, the sessions of the Municipal Assembly of People's Power require the presence of more than half of the total number of its members. Its resolutions are adopted by a simple majority of votes. The Cuban State bases its defense and national security policy on safeguarding the sovereignty and independence of the nation on the basis of prevention and permanent confrontation with the risks, threats and aggressions that affect its interests.

708. Its strategic conception of defense is based on the doctrine of the War of the Whole People.

#### **709. CHAPTER II: NATIONAL DEFENSE COUNCIL**

710. ARTICLE 213. The National Defense Council shall be the National Defense Council is the highest organ of the State, whose fundamental mission is to organize, direct and prepare the country, since peacetime, for its

defense, and to ensure compliance with the regulations in force relating to the defense and security of the nation.

711. In exceptional and disaster situations, the National Defense Council directs the country and assumes the powers vested in the organs of the State, with the exception of the constituent power.

712. ARTICLE 214. In order to be valid, the sessions of the Municipal Assembly of People's Power require the presence of more than half of the total number of its members. Its resolutions are adopted by a simple majority of votes. 213The National Defense Council shall be composed of the President of the Republic, who shall preside over it, who shall in turn appoint a Vice-President and such other members as may be determined by law.

713. The Act regulates the organization and functioning of the National Defense Council and its structures at the various levels.

#### **714. CHAPTER III: ARMED STATE INSTITUTIONS**

715. ARTICLE 215. The armed institutions of the State are the Revolutionary Armed Forces and the armed formations of the Ministry of the Interior, which in order to carry out their functions count on the participation of military and civilian personnel.

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

717. ARTICLE 216. The essential mission of armed institutions is to ensure and maintain the independence and sovereignty of

the State, its territorial integrity, its security and peace.

#### **718. CHAPTER IV: EXCEPTIONAL AND DISASTER SITUATIONS**

719. ARTICLE 217. In the interests of ensuring national defense and security, in the event of a military aggression, or in the event of imminent military aggression or other circumstances affecting them, a state of war or war, general mobilization and state of emergency may be decreed temporarily throughout the country, as appropriate, and the latter may also be decreed in a part of the national territory.

720. The law regulates the manner in which exceptional situations are declared, their effects and termination.

721. ARTICLE 218. In the event of natural, technological, health or other disasters, in the circumstances of which the population or social and economic infrastructure is affected and the magnitude of which exceeds the normal response and recovery capacity of the affected country or territory, the Disaster Situation may be declared.

722. The law regulates the establishment, effects and termination of disaster situations.

723. ARTICLE 219. During the period of validity of exceptional and disaster situations, the law determines the rights and duties recognized by the Constitution, the exercise of which must be regulated in a different manner.

724. ARTICLE 220. The National Defense Council, once normality has been restored in the country, shall report to the National

Assembly of People's Power on its decisions and management during this period.

#### **TITLE XI: REFORM OF THE CONSTITUTION**

726. ARTICLE 221. This Constitution may only be amended by the National Assembly of People's Power by means of a resolution adopted by a roll-call vote by a majority of not less than two-thirds of the total number of its members.

727. ARTICLE 222. These have initiative to promote amendments to the Constitution:

728. a) the President of the Republic;

729. b) the Council of State;

730. c) the Council of Ministers;

731. d) deputies to the National Assembly of People's Power, by means of a proposal signed by not less than one third of its members, and

732. e) citizens, through a petition addressed to the National Assembly of People's Power, signed before the National Electoral Council, by at least fifty thousand voters.

733. The law establishes the procedure for its application and implementation.

734. ARTICLE 223. When reform refers to the integration and functions of the National Assembly of People's Power or the Council of State, to the powers or term of office of the President of the Republic, to the rights, duties and guarantees enshrined in the Constitution, ratification by a favorable vote of the majority of

the nation's voters is also required, in a referendum called for this purpose.

735. ARTICLE 224. In no case are the pronouncements on the irrevocability of socialism and the political and social system established in article 3, and the prohibition of negotiation under aggression, threat or coercion by a foreign power, as provided for in article 12, reformable.

## **736. SPECIAL PROVISIONS**

737. FIRST: The deputies to the National Assembly of People's Power of the IX Legislature remain in office until the end of their term.

738. SECOND: The current term of office of the delegates to the municipal assemblies of People's Power is extended to five years from the date of their constitution.

## **739. TRANSITIONAL ARRANGEMENTS**

740. FIRST: Before the end of six months, after the entry into force of this Constitution, the National Assembly of People's Power shall adopt a new Electoral Law regulating the election of deputies to the National Assembly, its President, Vice President and Secretary, the Council of State, the President and Vice President of the Republic, members of the National Electoral Council, delegates to the municipal assemblies of People's Power, as well as its President, Vice President and Secretary.

741. SECOND: After the approval of the Electoral Law, the National Assembly of People's Power, within three months, elects from among its deputies, its President, Vice President and Secretary, the other members of the Council of

State, and the President and Vice President of the Republic.

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

743. FOURTH: The delegates to the municipal assemblies of People's Power appoint, after the election and appointment of the members of the higher organs of the State, those who will occupy the positions of mayors.

744. FIFTH: The provincial assemblies of People's Power remain in office until the governors, vice-governors and provincial councils take office.

745. SIXTH: The National Assembly of People's Power, within one year of the entry into force of the Constitution, approves its Rules of Procedure and those of the Council of State.

746. SEVENTH: The Council of Ministers, within the two-year period of validity of the Constitution, submits to the National Assembly of People's Power the draft of the new regulations of that body and of the provincial governments.

747. EIGHTH: The National Assembly of People's Power approves the regulations of municipal assemblies of People's Power and their governing councils within two years of the Constitution coming into force.

748. NINTH: The courts maintain their current structure and functioning. The Governing Council of the Supreme People's

Court, within eighteen months of the entry into force of the Constitution, submits to the National Assembly of People's Power the draft of the new Law on the People's Courts, adjusted to the changes established in this Constitution, as well as proposals for amendments to the Law on Criminal Procedure and to the Law on Civil, Administrative, Labor and Economic Procedure, as appropriate.

749. TENTH: Before the end of one year of the validity of this Constitution, the National Assembly of People's Power shall approve, by law, the pertinent legal amendments to give effect to the provisions of Article 68 of this Constitution, regarding the institution of marriage.

750. TENTH: The National Assembly of the People's Power, within eighteen months of the entry into force of the Constitution, approves the legislative amendments required to give effect to articles 58 and 94 of the Constitution, which refer to the right of defense before the courts against acts of confiscation of property by administrative authorities and the possibility for citizens to have access to the judicial system to claim their rights, respectively.

751. ELEVENTH: Pending the legal provision to give effect to the provisions of the third paragraph of Article 23 of this Constitution, with regard to the authorization for the transfer of rights to socialist property owned by all the people, the Council of Ministers or its Executive Committee shall continue to make the necessary provisions in this regard.

752. ELEVENTH: The National Assembly of the People's Power approves, within a period of up to eighteen months from the entry into force of the Constitution, a legislative timetable to comply with the drafting of the laws implementing the precepts established in this Constitution.

### 753. FINAL DISPOSITIONS

754. FIRST: The Constitution of the Republic of Cuba of February 24, 1976, as drafted by the 1978, 1992 and 2002 reforms, is repealed.

755. SECOND: This Constitution shall enter into force upon its publication in the Official Gazette of the Republic.

The numbers incorporated at the beginning of each paragraph are intended to facilitate discussion during the popular consultation and the analysis and processing of the opinions expressed.

### Glossary of terms

For the purposes of a better understanding of the draft Constitution of the Republic, the following terms are specified:

**INALIENABLE PROPERTY:** These are those goods of socialist property of the entire people and those that make up the cultural heritage; they may not be sold, assigned, donated or exchanged under any circumstances.

**IMMEMBERABLE PROPERTY:** These are those goods owned by the whole people and which are part of cultural heritage; they cannot be seized or confiscated by any authority.

**CONSTITUTION:** It is the fundamental law of a State. It

establishes the essential principles and values of a country's socio-political organization and contains its political, economic, social and legal foundations, as well as the structure of the State and its relations with individuals.

**POPULAR CONSULTATION:** A form of participation in which the people express their opinion on a particular issue, without this having binding effect.

**ENTITIES:** It is used in its broadest sense as a legal entity that performs economic, social, cultural, scientific, etc. functions. Includes non-state actors.

**STATE:** It is the system of organs through which public power is exercised and includes various functions (legislative, executive, judicial, control, etc.).

**SOCIALIST STATE OF LAW:** It is the conception of the State that reflects that its structure and functioning are governed by the observance of what is established in the Constitution of the Republic and in the rest of the normative dispositions that make up the legal system.

**GOVERNORS:** Position with which the authorities in charge of the executive-administrative functions in the province are recognized.

**GOVERNMENT:** This includes the bodies whose essential objective is to carry out executive-administrative acts. At the national level it is the Council of Ministers; in the province, the provincial governments and in the municipality, the councils of the administration.

**HABEAS CORPUS:** Legal procedure that safeguards the freedom of citizens from illegal or

arbitrary deprivation of liberty and guarantees the right of individuals to go to court to decide whether or not detention is legal.

**IMPRESKRIBTIBILITY:** It means that the rights over the socialist property of all the people and those that make up the cultural heritage, do not prescribe, that is, do not lose validity over time.

**INDIVISIBILITY OF RIGHTS:** It means that human rights cannot be divided or fragmented.

**SUPERINTENDENT:** Position with which the Board of Directors in the municipalities is identified.

**INTERDEPENDENCE OF RIGHTS:** Recognizes that all human rights are intertwined with each other. For the realization of a human right, the realization of other rights will be necessary; if one right is violated, it is undeniable that others will be understood to have been violated.

**LAWS:** Although the term literally refers to the normative dispositions approved by the National Assembly of People's Power, it is also conceived in the text to refer to any type of norm regardless of the body that issues it.

**ABSOLUTE MAJORITY:** This is the mode of voting in which more than half of the votes are required to reach a decision, taking into account the total number of members of the deciding body.

**SIMPLE MAJORITY:** It is the voting system by which a decision is taken to obtain more votes in favor than against, regardless of the number reached.

**CONSCIENTIOUS OBJECTION:** Is the act by which a citizen wields a certain belief in order not to fulfill

an obligation or duty established by law.	act or measure of relevance to society.	transcendence is submitted to the people for their decision.
<b>ORGANS OF THE STATE:</b> It includes all the organs, agencies and institutions that allow the performance of the functions of the State.	<b>PROGRESS IN RIGHTS:</b> It is the possibility of future recognition of rights not understood at a historical moment, without this leading to a setback or regression of those already achieved.	<b>UNIVERSALITY OF RIGHTS:</b> Assumes that all people enjoy all human rights, without distinction of any kind.
<b>PLEBISCITE:</b> Form of direct popular participation, aimed at knowing whether or not to approve a certain political or government	<b>REFERENCE:</b> Form of direct participation, through which the approval, modification or repeal of a certain legal provision of	<b>NOMINAL VOTING:</b> The one that is carried out by indicating each voter's decision in person when he or she is appointed to the respective list.

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## ACKNOWLEDGEMENTS:

This is an English translation of the 2018 draft Cuban constitution. The translation has just under 20,000 words and over 100,000 characters. Its purpose is informative and educational. It took a great deal of time and hard work I hope readers find it useful.

Since this is at the center of public discussion on the island, I thought people whose first language is English might want to see it for themselves. Keep in mind this is a translation of a draft and we can assume there will be changes following the national consultation.

I'd like to thank two people who helped mightily to bring this about.

**Kimberly Sloss**, computer technician, without whose help I would never have even thought to take on such a project.

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Please let me know of any other errors or omissions you may find. I'm happy to correct all errors. I'd rather not argue over small nuances in translation, but will happily read comments, questions or corrections.

Walter Lippmann

Editor-in-Chief, CubaNews

Los Angeles, California

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walterlx@earthlink.net