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# Cuba's Constitution of 1976 with Amendments through 2002

Historical

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## Preamble

WE, CUBAN CITIZENS,

heirs and continuators of the creative work and the traditions of combativity, firmness, heroism and sacrifice fostered by our ancestors;

by the Indians who preferred extermination to submission;

by the slaves who rebelled against their masters;

by those who awoke the national consciousness and the ardent Cuban desire for an independent homeland and liberty;

by the patriots who in 1868 launched the wars of independence against Spanish colonialism and those who in the last drive of 1895 brought them to the victory of 1898, victory usurped by the military intervention and occupation of Yankee imperialism;

by the workers, peasants, students, and intellectuals who struggled for over fifty years against imperialist domination, political corruption, the absence of people's rights and liberties, unemployment and exploitation by capitalists and landowners;

by those who promoted, joined and developed the first organization of workers and peasants, spread socialist ideas and founded the first Marxist and Marxist-Leninist movements;

by the members of the vanguard of the generation of the centenary of the birth of Martí who, imbued with his teachings, led us to the people's revolutionary victory of January;

by those who defended the Revolution at the cost of their lives, thus contributing to its definitive consolidation;

by those who, en masse, accomplished heroic internationalist missions;

GUIDED

by the ideology of José Martí, and the sociopolitical ideas of Marx, Engels, and Lenin;

SUPPORTED

by proletarian internationalism, by the fraternal friendship, aid, cooperation, and solidarity of the peoples of the world, especially those of Latin America and the Caribbean;

AND HAVING DECIDED

to carry forward the triumphant Revolution of the Moncada and the Granma, of the Sierra and of Girón under the leadership of Fidel Castro, which, sustained by the closest unity of all revolutionary forces and of the people, won full national independence, established the revolutionary power, carried out democratic changes, started the construction of socialism and, under the direction of the Communist Party, continues said construction with the objective of building a communist society;

AWARE

that all the regimes of the exploitation of man by man cause the humiliation of the exploited and the degradation of the human nature of the exploiters;

that only under socialism and communism, when man has been freed from all forms of exploitation—slavery, servitude and capitalism—can full dignity of the human being be attained; and

that our Revolution uplifted the dignity of the country and of Cubans;

WE DECLARE

- Political theorists/figures
- Motives for writing constitution
- Preamble
- Reference to country's history
- Source of constitutional authority

- Reference to fraternity/solidarity
- Reference to fraternity/solidarity

- Human dignity

- Human dignity

- Human dignity

our will that the law of laws of the Republic be guided by the following strong desire of José Martí, at last achieved:

“I want the fundamental law of our republic to be the tribute of Cubans to the full dignity of man”;

AND ADOPT

by means of our free vote in a referendum, the following:

CONSTITUTION

## CHAPTER I: POLITICAL, SOCIAL AND ECONOMIC FOUNDATIONS OF THE STATE

### ARTICLE 1

Cuba is a socialist State of workers, independent and sovereign, organized with all and for the good of all, as a united, democratic republic, for the enjoyment of political freedom, social justice, individual and collective welfare, and human solidarity.

### ARTICLE 2

The name of the Cuban State is Republic of Cuba; the official language is Spanish; and its capital is the city of La Havana.

### ARTICLE 3

In the Republic of Cuba, the sovereignty resides in the people, from whom all of the power of the State emanates. That power is exercised directly or through the Assemblies of the People's Power and other organs of the State derived from them, in the manner and according to the rules established by the Constitution and the laws.

All citizens have the right to fight, using all means, including armed struggle, when no other recourse is possible, against anyone attempting to overthrow the political, social, and economic order established by this Constitution.

Socialism and the social revolutionary political system instituted in this Constitution, proven by years of heroic resistance against all kinds of aggression and the economic war engaged by the government of the mightiest imperialistic power that has ever existed, and having demonstrated its ability to transform the country and create an entirely new and just society, shall be irrevocable, and Cuba shall never return to capitalism.

### ARTICLE 4

The national symbols are those that have presided for more than one hundred years over the Cuban struggles for independence, for the people's rights, and for social progress:

- the flag with the solitary star;
- the Bayamo anthem;
- the coat-of-arms with the royal palm.



## ARTICLE 5

The Communist Party of Cuba, Marxist-Leninist, the organized vanguard of the Cuban nation, is the superior leading force of the society and the State, organizing and guiding the common efforts aimed at the highest goals of the construction of socialism and advancement toward the communist society.

## ARTICLE 6

The Union of Young Communists, an advance organization of the Cuban youth, has the recognition and encouragement of the State in its preeminent function of promoting the active participation of the young masses in the tasks of socialist construction, and of suitably training the youth as conscious citizens, capable of assuming greater responsibilities each day for the benefit of our society.

## ARTICLE 7

The Cuban socialist State recognizes and encourages the mass and social organizations that have emerged in the historic process of our people's struggles, which gather in their core different sectors of the population, representing their specific interests and incorporating them into the tasks of construction, consolidation, and defense of the socialist society.

## ARTICLE 8

The State recognizes, respects, and guarantees religious freedom.

In the Republic of Cuba, religious institutions are separate from the State.

The different creeds and religions enjoy equal consideration.

## ARTICLE 9

The State:

- a. implements the will of the working people and
  - channels the efforts of the nation in the construction of socialism;
  - maintains and defends the integrity and sovereignty of the fatherland;
  - guarantees the freedom and full dignity of men, the enjoyment of their rights, the exercise and fulfillment of their obligations, and the total development of their personality;
  - sustains the ideology and the norms of coexistence, and of conduct typical of the society free from exploitation of man by man;
  - protects the creative work of the people, and the property and wealth of the socialist nation;
  - directs the national economy in a planned manner;

- ensures the educational, scientific, technical, and cultural advancement of the country;

b. as the Power of the people, in the service of the people themselves, guarantees

- Right to work
  - that there will be no man or woman capable of working who lacks an opportunity to obtain an employment with which he [or she] can contribute to the goals of society and fulfill his [or her] personal needs;

- that there will be no person incapacitated for work who lacks decent means of subsistence;

- Right to health care
  - that there will be no ill person lacking medical attention;

- that there will be no child lacking a school, food, and clothing;

- that there will be no youth lacking the opportunity for study;

- Right to culture
  - that there will be no one lacking access to study, culture, and sports;

- Right to shelter
  - c. works to achieve that no family lacks a comfortable home.

- Duty to obey the constitution

## ARTICLE 10

All the organs of the State, their directors, functionaries and employees, operate within the limits of their respective authority, and are obliged to strictly observe socialist legality, and to ensure respect for it in the life of the entire society.

## ARTICLE 11

The State exercises its sovereignty:

a. over the entire national territory, comprised of the Island of Cuba, the Island of La Juventud, the other islands and adjacent keys, the interior waters, and the territorial seas on the expanse established by the law, and the air space extending over these;

b. over the environment and the natural resources of the country;

c. over the natural resources, both living and nonliving, the waters, the beds, and the subsoil of the maritime economic zone of the Republic, on the expanse established by law, according to the international practice.

The Republic of Cuba repudiates and considers illegal and void any treaties, pacts or concessions entered into under inequitable conditions, or those disregarding or diminishing its sovereignty and territorial integrity.

The economic, diplomatic, and political relations with any other State shall never be negotiated under the aggression, intimidation or duress of a foreign power.

- International law
- Ownership of natural resources

## ARTICLE 12

The Republic of Cuba adopts anti-imperialist and internationalist principles, and

- Right to self determination
  - a. ratifies its aspiration for a worthy, true, and valid peace for all States, large and small, weak and powerful, based on the respect for the independence and sovereignty of peoples and the right to self-determination;
- International law  
• International organizations  
• International human rights treaties
  - b. bases its international relations on the principles of equality of rights, free determination of peoples, territorial integrity, independence of States, international cooperation for mutual and equitable benefit and interest, peaceful settlement of controversies, marked by equality and respect, and the other principles proclaimed in the United Nations Charter and in other international treaties to which Cuba is a party;
- Regional group(s)
  - c. reaffirms its desire for integration and cooperation with the nations of Latin America and the Caribbean, whose common identity and historic need for advancing together toward political and economic integration to achieve true independence would enable us to reach the position that corresponds to us in the world;
- Regional group(s)
  - ch. advocates the unity of all the countries of the Third World against the imperialist and neocolonialist policy seeking the limitation or subordination of the sovereignty of our peoples, and the aggravation of the economic conditions of exploitation and oppression in the underdeveloped nations;
  - d. condemns imperialism, the promoter and supporter of all fascist, colonialist, neocolonialist and racist manifestations, as the principal force of aggression and war and the enemy of the peoples;
  - e. repudiates the direct or indirect intervention in the internal or external affairs of any State and, hence, armed aggression and economic blockade, as well as any other type of economic or political coercion, physical violence against persons residing in other countries, or other types of interference in, and threat to, the integrity of the States and the political, economic, and cultural components of the nations;
- International law  
• Telecommunications
  - f. rejects the violation of the irrevocable and sovereign right of any State to regulate the use and benefits of telecommunications in its territory, according to the universal practice and the international conventions that it has signed;
  - g. categorizes the war of aggression and conquest as an international crime, recognizes the legitimacy of struggles for national liberation, as well as armed resistance to aggression, and considers its internationalist obligation to support the one attacked and [stand] with the peoples who fight for their liberation and self-determination;
- Reference to fraternity/solidarity
  - h. bases its relations with the countries building socialism on fraternal friendship, cooperation, and mutual aid, founded upon the common objectives of the construction of the new society;

- i. maintains relations of friendship with the countries which, possessing a different political, social and economic regime, respect its sovereignty, observe the rules of coexistence among the States, adhere to the principles of mutual advantage, and adopt a reciprocal attitude with our country.

## ARTICLE 13

The Republic of Cuba grants asylum to those persecuted for their ideals or struggles for democratic rights against imperialism, fascism, colonialism and neocolonialism; against discrimination and racism; for national liberation; for the rights and demands of the workers, peasants, and students; for their progressive political, scientific, artistic, and literary activities; and for socialism and peace.

## ARTICLE 14

In the Republic of Cuba, the system of economy based on socialist ownership of the means of production by all the people prevails, and the suppression of exploitation of man by man.

Also in effect is the principle of socialist distribution: "from each according to his ability, to each according to his work." The law stipulates the regulations which guarantee the effective fulfillment of this principle.

## ARTICLE 15

The following are the socialist State property of all the people:

- a. the land that does not belong to small farmers or cooperatives comprised of them, the subsoil, mines, natural resources, both living and nonliving, within the maritime economic zone of the Republic, and the forests, waters, and routes of communication;
- b. the sugar mills, factories, fundamental means of transportation, and all enterprises, banks, and installations that have been nationalized and expropriated from imperialists, large estate owners, and the bourgeoisie; as well as factories, economic installations, and scientific, social, cultural and sports centers constructed, promoted, or acquired by the State, including those that it may construct, promote, or acquire in the future.

These assets may not be transferred as property to natural or juridical persons, except in the special cases wherein the partial or total transfer of any economic end is intended for purposes of the country's development, and does not affect the political, social, and economic foundations of the State, with prior approval from the Council of Ministers or its Executive Committee.

As for the transfer of other rights over such assets to State enterprises and other authorized entities, action shall be taken in conformity with that provided in the law.

## ARTICLE 16

The State organizes, directs and controls the national economic activity according to a plan that guarantees the programmed development of the country, with the aim of strengthening the socialist system; satisfying the material and cultural needs of the society and its citizens with constant improvement; and promoting the development of the human being and his dignity, [and] the country's progress and security.

• Reference to art  
• Protection of stateless persons

• National motto

• Ownership of natural resources

• Right to culture  
• Economic plans

• Human dignity

In the preparation and execution of the programs of production and development, an active, conscious role is played by the workers in all branches of the economy, and of those in the other areas of social life.

## ARTICLE 17

The State directly administers the assets comprising the socialist property of all the people; or will be able to create and organize enterprises and entities to administer them, of which the structure, attributions, functions, and regime of relations are regulated by the law.

These enterprises and entities meet their obligations solely with their financial resources, within the limitations established by the law. The State is not responsible for the obligations contracted by the enterprises, entities, or other juridical persons; nor are the latter responsible for those of the former.

## ARTICLE 18

The State directs and controls foreign commerce.

The law establishes the State institutions and authorities empowered to:

- create foreign commerce enterprises;
- standardize and regulate export and import operations; and
- determine the natural or juridical persons with the legal capacity to engage in said export and import operations, and to negotiate commercial agreements.

## ARTICLE 19

The State recognizes the ownership by small farmers of land that legally belongs to them, and of any other real estate, landed property and moveable properties that they may need for the operation in which they are engaged, in conformity with what the law establishes.

Small farmers, with prior authorization from the competent State agency, and in compliance with the other legal requirements, may incorporate their land only into agricultural-livestock cooperatives of production. They also may sell, exchange, or transfer it, through another title, to the State and to agricultural-livestock production cooperatives, or to small farmers, in the instances, forms and conditions that the law establishes without prejudice to the State's preferential right to its purchase, through payment of its fair price.

It is prohibited to engage in leasing, sharecropping, mortgage loans, and any act entailing a lien or assignment to private persons of the rights emanating from the small farmers' ownership of their land.

The State supports the individual production of small farmers who contribute to the national economy.

## ARTICLE 20

Small farmers have the right to become associated with one another, in the manner and with the requirements that the law establishes, both for purposes of agricultural-livestock production and for the procurement of State loans and services.

The organization of agricultural-livestock production cooperatives is authorized in the instances and manner that the law establishes. This cooperative ownership is

• Right to own property

• Protection from expropriation  
• Right to transfer property

• Right to own property

recognized by the State, and constitutes an advanced and efficient form of socialist production.

The agricultural-livestock production cooperatives administer, possess, use, and dispose of the assets of their property, in accordance with that established in the law and its regulations.

• Protection from expropriation

The land of the cooperatives may not be seized nor taxed, and its ownership may be transferred to other cooperatives or to the State, for the reasons and according to the procedure established in the law.

The State provides all possible backing to this type of agricultural-livestock production.

• Right to own property

## ARTICLE 21

Personal ownership of the income and savings derived from the person's own work, of the housing that is possessed with a fair ownership title, and of other assets and objects that serve to satisfy the material and cultural needs of the person is guaranteed.

Also guaranteed is ownership of the means and instruments of personal or familial work, which may not be used to procure income derived from exploitation of the work of others.

The law establishes the amounts of personally owned assets that are seizable.

• Right to own property

## ARTICLE 22

The State recognizes the ownership by political, mass, and social organizations of the assets allocated to fulfill their objectives.

• Right to own property

## ARTICLE 23

The State recognizes the property of mixed enterprises, and by economic partnerships and associations that are established in conformity with the law.

The use, benefit, and disposal of the assets pertaining to the equity of the aforementioned entities are governed by that established in the law and treaties, as well as by their own statutes and regulations by which they are governed.

• Right to transfer property

## ARTICLE 24

The State recognizes the right to inheritance of the individually owned housing, and of other assets of personal property.

The land and the other assets linked to production comprising the property of small farmers are inheritable, and may be adjudicated only to those heirs who are working the land, but for the exceptions and according to the procedure that the law establishes.

The law specifies the instances, conditions, and the manner in which assets of cooperative ownership may be inheritable.

• Protection from expropriation

## ARTICLE 25

The expropriation of assets is authorized for reasons of public utility or social interest and with due compensation.

The law establishes the method for the expropriation and the bases on which the need for and usefulness of this action are to be determined, as well as the form of compensation, taking into account the interest and the economic and social needs of the person whose property has been expropriated.

## ARTICLE 26

Anybody who suffers damages or injuries unjustly caused by a State official or employee while in the performance of his public functions has the right to claim and obtain the corresponding indemnification as prescribed by law.

## ARTICLE 27

The State protects the environment and natural resources of the country. It recognizes their close link with the sustainable economic and social development for making human life more sensible, and for ensuring the survival, welfare, and security of present and future generations. It corresponds to the competent organs to implement this policy.

It is the duty of the citizens to contribute to the protection of the water and the atmosphere, and to the conservation of the soil, flora, fauna, and all the rich potential of nature.

## CHAPTER II: CITIZENSHIP

### ARTICLE 28

Cuban citizenship is acquired by birth or through naturalization.

### ARTICLE 29

Cuban citizens by birth are:

- a. those born in the national territory, with the exception of the children of foreigners who are in the service of their government or of international agencies. The law establishes the requirements and formalities governing the case of children of foreigners who are not permanent residents of the country;
- b. those born abroad of a Cuban father or mother who is carrying out an official mission;
- c. those born abroad of a Cuban father or mother, with prior compliance with the formalities that the law specifies;
- ch. those born outside the national territory, of a father or mother who is a native of the Republic of Cuba, who has lost Cuban citizenship, provided that they claim it in the manner specified by law;
- d. foreigners who, through exceptional merit achieved in the struggle for the liberation of Cuba, were considered Cuban citizens by birth.

## ARTICLE 30

Cuban citizens by naturalization are:

- a. those foreigners who acquire Cuban citizenship in accordance with the regulations established by law;
- b. those who contributed to the armed struggle against the tyranny overthrown on January 1, 1959, provided they show proof of this in the legal established form; and
- c. those who, having been arbitrarily deprived of their citizenship of origin, obtain Cuban citizenship by virtue of an express agreement of the Council of State.

## ARTICLE 31

Neither marriage nor its dissolution affect the citizenship status of either of the spouses or their children.

## ARTICLE 32

Cubans may not be deprived of their citizenship except for legally established causes. Nor may they be deprived of the right to change it.

Dual citizenship shall not be allowed. Consequently, when a foreign citizenship is acquired, the Cuban citizenship shall be lost.

The law establishes the procedure to be followed for formalizing the loss of citizenship, and the authorities empowered to decide on it.

## ARTICLE 33

Cuban citizenship may be regained in those cases and ways specified by the law.

## CHAPTER III: FOREIGNERS

### ARTICLE 34

Foreigners residing in the territory of the Republic are considered equal to Cubans:

- in the protection of their persons and assets;
- in the enjoyment of rights and fulfillment of obligations recognized in this Constitution, under the conditions and with the limitations that the law establishes;
- in the obligation to observe the Constitution and the law;
- in the obligation to contribute to public expenditures in the manner and amount that the law establishes;
- in submission to the jurisdiction and decisions of the tribunals of justice and authorities of the Republic.

The law establishes the instances and manner in which foreigners may be expelled from the national territory, as well as the authorities empowered to make this decision.



## CHAPTER IV: THE FAMILY

### ARTICLE 35

The State protects the family, motherhood and matrimony.

The State recognizes in the family the fundamental cell of the society, and attributes to it essential responsibilities and functions in the education and training of the new generations.

### ARTICLE 36

Marriage is the voluntary established union between a man and a woman, who are legally fit to marry, in order to live together. It is based on full equality of rights and duties for the partners, who must see to the support of the home and the integral education of their children through a joint effort compatible with the social activities of both.

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

### ARTICLE 37

All children have the same rights, regardless of being born in or out of wedlock.

Distinctions regarding a child's filiation are abolished.

No statement shall be made either with regard to the difference in birth or the civil status of the parents in the registration of the child's birth or in any other documents that mention parenthood.

The State guarantees, through adequate legal means, the determination and recognition of paternity.

### ARTICLE 38

The parents have the duty to provide nourishment for their children; to help them to defend their legitimate interests and in the realization of their just aspirations; and to contribute actively to their education and integral development as useful, well-prepared citizens for life in a socialist society.

It is the children's duty, in turn, to respect and help their parents.

## CHAPTER V: EDUCATION AND CULTURE

### ARTICLE 39

The State guides, fosters, and promotes education, culture and sciences in all their manifestations.

In its educational and cultural policy, [the State] adheres to the following principles:

- a. bases its educational and cultural policy on the advances of science and technology, the Marxist and Martian ideology, the Cuban progressive pedagogical tradition, and the universal one;

- Access to higher education
- Compulsory education
- Free education

- b. education is a function of the State, and free of charge. It is based on the conclusions and contributions of science, and on the closest relationship between study and life, work, and production.

The State maintains an extensive system of grants for students, and provides multiple facilities for study for workers, so that they may reach the highest possible levels of knowledge and skills.

The law specifies the formation and structure of the national system of education, as well as the scope of compulsory schooling, and defines the basic general training that every citizen must acquire, as a minimum.

- c. to promote the patriotic education and communist training for the new generations, and the preparation of children, young people, and adults for social life;

To implement this principle, general education and specialized [instruction] of a scientific, technical, or artistic nature are combined with work, research for development, physical education, sports, and participation in political, social and military training activities;

- ch. artistic creativity is free as long as its content is not contrary to the Revolution. Forms of expression of art are free;

- d. in order to raise the level of culture of the people, the State will take measures to promote and develop artistic education, the vocation for the creation of artistic culture and the capacity for its appreciation.

- Reference to science

- e. creative and investigative activity in science is free. The State encourages and facilitates research, and prioritizes that which is aimed at solving the problems related to the interest of society and the benefit of the people;

- Reference to science
- Right to enjoy the benefits of science

- f. the State fosters the workers' incorporation in scientific work and the development of science.

- g. the State guides, fosters, and promotes physical culture and sports in all their manifestations as a means of education and a contribution to the overall training of citizens;

- h. the State defends the identity of Cuban culture, and oversees the conservation of the cultural heritage, and the artistic and historical resources of the nation. It protects the national monuments and sites notable for their natural beauty, or for their recognized artistic or historical value;

- i. the State promotes the participation of citizens in the implementation of its educational and cultural policy through the country's mass and social organizations.

## ARTICLE 40

Children and youth benefit from particular protection on the part of the State and the society.

The family, the school, the State organs, and the mass and social organizations have the duty to pay special attention to the complete training of children and the youth.

## CHAPTER VI: EQUALITY

### ARTICLE 41

All citizens have equal rights and are subject to equal duties.

### ARTICLE 42

Discrimination based on race, color of the skin, sex, national origin, religious creeds, or any other type offending human dignity, is prohibited and punished by the law.

The State's institutions educate all, from the earliest age, in the principle of the equality of human beings.

### ARTICLE 43

The State establishes the right, won by the Revolution, of its citizens, without distinction based on race, color, sex, religious creeds, national origin, or any other type offending human dignity to:

- have access, in keeping with their merits and abilities, to all positions and State and administrative jobs and of production and services;
- reach any rank of the Revolutionary Armed Forces and of Security and internal order, in keeping with their merits and abilities;
- be given equal pay for equal work;
- have a right to education at all national educational institutions, ranging from elementary schools to the universities, which are the same for all;
- be given medical care in all medical institutions;
- live in any sector, zone or area and stay in any hotel;
- be served at all restaurants and other public service establishments;
- use, without any separations, all means of transportation by sea, land and air.
- enjoy the same resorts, beaches, parks, social centers and other centers of culture, sports, recreation and rest.

### ARTICLE 44

Women and men enjoy equal economic, political, cultural, social, and familial rights.

The State guarantees that women will be offered the same opportunities and possibilities as men to achieve their full participation in the development of the country.

The State organizes institutions such as child centers, semi-boardings and boarding schools, residences for care of the aged, and services to aid the working family in the performance of its responsibilities.

• General guarantee of equality

• Human dignity  
 • Equality regardless of gender  
 • Equality regardless of skin color  
 • Equality regardless of origin  
 • Equality regardless of race  
 • Equality regardless of religion

• Human dignity

• Right to equal pay for work

Providing for their health and for a healthy offspring, the State grants working women paid maternity leave before and after childbirth, and temporary work options compatible with their maternal function.

The State strives to create all the conditions that will lead to the implementation of the principle of equality.

## **CHAPTER VII: FUNDAMENTAL RIGHTS, DUTIES AND GUARANTEES**

### **ARTICLE 45**

Work in a socialist society is a right and duty and a source of pride for every citizen.

Work is remunerated according to its quality and quantity; when it is provided, the needs of the economy and of society, the decision of the worker and his skill and ability are taken into account; this is guaranteed by the socialist economic system, that facilitates social and economic development, without crises, and has thus eliminated unemployment and the “dead season.”

Non-paid, voluntary work carried out for the benefit of all society in industrial, agricultural, technical, artistic and service activities is recognized as playing an important role in the formation of our people’s communist awareness.

Every worker has the duty to faithfully carry out tasks corresponding to him at his job.

### **ARTICLE 46**

All those who work have the right to rest, which is guaranteed by the eight-hour workday, a weekly rest period and annual paid vacations.

The State contributes to the development of vacation plans and facilities.

### **ARTICLE 47**

By means of the Social Security System, the State assures adequate protection to every worker who is unable to work because of age, illness or disability.

If the worker dies, this protection will be extended to his family.

### **ARTICLE 48**

The State protects, by means of social aid, senior citizens lacking financial resources or anyone to take them in or care for them and anyone who is unable to work and has no relatives who can help him.

### **ARTICLE 49**

The State guarantees the right to protection, safety and hygiene on the job by means of the adoption of adequate measures for the prevention of accidents at work and occupational diseases.

He who suffers an accident on the job or is affected by an occupational disease has the right to medical care and to compensation or retirement in those cases in which temporary or permanent work disability ensues.

## ARTICLE 50

Everybody has the right to health protection and care. The State guarantees this right:

- by providing free medical and hospital care by means of the installations of the rural medical service network, polyclinics, hospitals and preventive and specialist treatment centers;
- by providing free dental care;
- by promoting the health publicity campaigns, health education, regular medical examinations, general vaccinations and other measures to prevent the outbreak of disease. All of the population cooperates in these activities and plans through the social and mass organizations.

## ARTICLE 51

Everyone has the right to an education. This right is guaranteed by the free and widespread system of schools, semi-boarding and boarding schools and scholarships of all kinds and at all levels of education, and because of the fact that all educational material is provided free of charge, which gives all children and young people, regardless of their family's economic position, the opportunity to study in keeping with their ability, social demands and the needs of socio-economic development.

Adults are also guaranteed this right, and education for them is free of charge, with the specific facilities regulated by law, by means of the adult education program, technical and vocational education, training courses in State agencies and enterprises and the advanced courses for workers.

## ARTICLE 52

Everyone has the right to physical education, sports and recreation.

Enjoyment of this right is assured by including the teaching and practice of physical education and sports in the curricula of the national educational system and by the broad nature of the instruction and means placed at the service of the people, which makes possible the practice of sports and recreation on a mass basis.

## ARTICLE 53

Citizens have freedom of speech and of the press in keeping with the objectives of socialist society. Material conditions for the exercise of that right are provided by the fact that the press, radio, television, movies and other organs of the mass media are State or social property and can never be private property. This assures their use at the exclusive service of the working people and in the interest of society.

The law regulates the exercise of these freedoms.

## ARTICLE 54

The rights of assembly, demonstration and association are exercised by workers, both manual and intellectual; peasants; women; students; and other sectors of the working people, [rights] to which they have the necessary ability (los medios necesarios) to exercise. The social and mass organizations have all the facilities they need to carry out those activities in which the members have full freedom of speech and opinion based on the unlimited right of initiative and criticism.

• Right to health care

• Free education

• Freedom of expression  
• State operation of the media  
• Freedom of press  
• Radio  
• Television

• Freedom of assembly  
• Freedom of association

## ARTICLE 55

The State, which recognizes, respects and guarantees freedom of conscience and religion, simultaneously recognizes, respects, and guarantees the freedom of every citizen to change religious creeds, or not to have any; and to profess the religious worship of their choice, with respect for the law.

The law regulates the State's relations with religious institutions.

## ARTICLE 56

The home is inviolable. Nobody can enter the home of another against his will, except in those cases foreseen by law.

## ARTICLE 57

Mail is inviolable. It can only be seized, opened and examined in cases prescribed by law. Secrecy is maintained on matters other than those which led to the examination.

The same principle is to be applied in the case of cable, telegraph and telephone communication.

## ARTICLE 58

Freedom and inviolability of persons is assured to all those who live in the country.

Nobody can be arrested, except in the manner, with the guarantees and in the cases indicated by law.

The person who has been arrested or [who is a] prisoner is inviolable in his personal integrity.

## ARTICLE 59

Nobody can be tried or sentenced except by the competent tribunal by virtue of laws which existed prior to the crime and with the formalities and guarantees that the laws establish.

Every accused person has the right to a defense.

No violence or pressure of any kind can be used against people to force them to testify.

All statements obtained in violation of the above precept are null and void, and those responsible for the violation will be punished as outlined by law.

## ARTICLE 60

Confiscation of property is only applied as a punishment by the authorities in the cases and by the methods determined by law.

## ARTICLE 61

Penal laws are retroactive when they benefit the accused or person who has been sentenced. Other laws are not retroactive unless the contrary is decided for reasons of social interest or because it is useful for public purposes.

- Freedom of religion
- Freedom of opinion/thought/conscience

- Inalienable rights

- Inalienable rights

- Protection from unjustified restraint

- Right to counsel
- Regulation of evidence collection
- Principle of no punishment without law

- Protection from ex post facto laws

## ARTICLE 62

None of the freedoms which are recognized for citizens can be exercised contrary to what is established in the Constitution and the law, or contrary to the existence and objectives of the socialist State, or contrary to the decision of the Cuban people to build socialism and communism. Violations of this principle can be punished by law.

## ARTICLE 63

Every citizen has the right to file complaints with and send petitions to the authorities and to be given the pertinent response or attention within a reasonable length of time, in keeping with the law.

## ARTICLE 64

Everyone has the duty of caring for public and social property, accepting work discipline, respecting the rights of others, observing standards of socialist living and fulfilling civic and social duties.

## ARTICLE 65

Defense of the socialist homeland is the greatest honor and the supreme duty of every Cuban citizen.

The law regulates the military service which Cubans must do.

Treason against one's country is the most serious of crimes; those who commit it are subject to the most severe penalties.

## ARTICLE 66

Strict fulfillment of the Constitution and the laws is the bounden duty of all.

## CHAPTER VIII: STATE OF EMERGENCY

## ARTICLE 67

In the event or in view of imminent natural disasters or calamities or other circumstances which, by their nature, proportion, or importance, affect the internal order, the security of the country, or the stability of the State, the President of the Council of State may declare a state of emergency in the entire national territory, or in a part of it; and, while it is in effect, may order the mobilization of the population.

The law regulates the manner in which the state of emergency is declared, its effects, and its termination. It also determines the fundamental rights and obligations recognized by the Constitution, the exercise of which must be regulated differently while the state of emergency is in effect.

## CHAPTER IX: PRINCIPLES OF ORGANIZATION AND FUNCTIONING OF THE STATE ORGANS

### ARTICLE 68

The State organs are formed and engage in their activity based on the principles of socialist democracy, which are expressed in the following rules:

- a. all the representative organs of the State's power are elective and replaceable;
- b. the masses control the activity of the State agencies, their deputies, delegates and officials;
- c. those elected are obligated to render an account of their performance, and may be recalled from their positions at any time;
- ch. every State organ develops in a far-reaching manner, within its jurisdiction, initiatives aimed at taking advantage of the resources and possibilities which exist on a local level and strives to include the social and mass organizations in its work;
- d. decisions of superior State organs are compulsory for inferior ones;
- e. inferior State organs are responsible to superior ones and must render accounts of their work;
- f. freedom of discussion, criticism and self-criticism and subordination of the minority to the majority prevail in all collegiate State organs.

## CHAPTER X: SUPREME ORGANS OF PEOPLE'S POWER

### ARTICLE 69

The National Assembly of People's Power is the supreme organ of State power and represents and expresses the sovereign will of all the working people.

### ARTICLE 70

The National Assembly of People's Power is the only organ in the Republic invested with constituent and legislative authority.

### ARTICLE 71

The National Assembly of the People's Power is comprised of deputies elected through a free, direct, and secret ballot by the voters, in the proportion and according to the procedure that the law establishes.

• Structure of legislative chamber(s)

• Structure of legislative chamber(s)

• First chamber selection



## ARTICLE 72

The National Assembly of People's Power is elected for a period of five years.

This period can only be extended by virtue of a resolution of the Assembly itself in the event of war or in the case of other exceptional circumstances that may impede the normal holding of elections and while such circumstances exist.

## ARTICLE 73

The National Assembly of People's Power, upon convening for a new legislature, elects from among its deputies its President, Vice President, and Secretary. The law regulates the manner and procedure whereby the Assembly convenes and holds that election.

## ARTICLE 74

The National Assembly of People's Power elects, from among its deputies, the Council of State, which consists of one President, one First Vice President, five Vice Presidents, one Secretary and 23 other members.

The President of the Council of State is, at the same time, the Head of State and Head of Government.

The Council of State is accountable for its action to the National Assembly of People's Power to which it must render accounts of all its activities.

## ARTICLE 75

The National Assembly of People's Power is invested with the following powers:

- a. deciding on reforms to the Constitution according to that [which is] established in Article 141;
- b. approving, modifying and annulling laws and, when it is considered necessary in view of the nature of the law in question, submitting it to the people for consultation;
- c. deciding on the constitutionality of laws, decree-laws, decrees and all other general provisions;
- ch. revoking in total or in part the decree-laws issued by the Council of State;
- d. discussing and approving the national plan for economic and social development;
- e. discussing and approving the State budget;
- f. approving the principles of the system for planning and management of the national economy;
- g. approving the monetary and credit system;

• Term length for first chamber

• Leader of first chamber

• Deputy executive  
 • Name/structure of executive(s)  
 • Minimum age of head of state  
 • Head of state selection  
 • Eligibility for head of state  
 • Advisory bodies to the head of state  
 • Legislative oversight of the executive  
 • Standing committees

• Constitutional interpretation

• Head of state decree power

• Economic plans

• Budget bills

- h. approving the general outlines of foreign and domestic policy;
- i. declaring a state of war in the event of military aggression and approving peace treaties;
- j. establishing and modifying the political-administrative division of the country pursuant to that established in Article 100;
- k. electing the President, Vice President and Secretary of the National Assembly;
- l. electing the President, the First Vice Presidents, the Secretary and the other members of the Council of State;
- ll. appointing, at the initiative of the President of the Council of State, the First Vice President, the Vice President and the other members of the Council of Ministers;
- m. electing the President, Vice President and other judges of the People's Supreme Court;
- n. electing the Attorney General and the deputy attorneys general of the Republic;
- ñ. appointing permanent and temporary commissions;
- o. revoking the election or appointment of those persons elected or appointed by it;
- p. exercising the highest supervision over the organs of State and government;
- q. keeping informed of, evaluating, and adopting pertinent decisions on the reports on the rendering of accounts submitted by the Council of State, the Council of Ministers, the People's Supreme Court, the Office of the Attorney General of the Republic and the Provincial Assemblies of People's Power;
- r. revoking those provisions or decree-laws of the Council of State and the decrees or resolutions of the Council of Ministers which are contrary to the Constitution or the law;
- s. annulling or modifying those resolutions or provisions of the local organs of People's Power which encroach on the Constitution, the laws, the decree-laws, the decrees and other provisions issued by a superior organ, or those which are detrimental to the interests of other localities or the general interests of the nation;
- t. granting amnesty;

• Power to declare/approve war

• Head of state selection

• Cabinet selection  
• Deputy executive

• Attorney general

• Cabinet removal  
• Head of state removal

• Federal review of subnational legislation

• Referenda

- u. calling for the holding of a referendum in those cases provided by the Constitution and others which the Assembly considers pertinent;
- v. establishing its rules and regulations; and
- w. exercising all other powers invested by this Constitution.

## ARTICLE 76

All laws and resolutions of the National Assembly of People's Power, barring those in relation to reforms in the Constitution, are adopted by a simple majority vote.

## ARTICLE 77

All laws approved by the National Assembly of People's Power go into effect on the date determined by those laws in each case.

Laws, decree-laws, decrees and resolutions, regulations and other general provisions of the national organs of the State are published in the Official Gazette of the Republic.

• Extraordinary legislative sessions

## ARTICLE 78

The National Assembly of People's Power holds two regular sessions a year and a special session when requested by one-third of the membership or when called by the Council of State.

• Quorum for legislative sessions

## ARTICLE 79

More than half of the total number of deputies must be present for a session of the National Assembly of People's Power to be held.

• Public or private sessions

## ARTICLE 80

All sessions of the National Assembly of People's Power are public, except when the Assembly resolves to hold a closed-door session on the grounds of State interests.

## ARTICLE 81

The President of the National Assembly of People's Power is invested with the power to:

- a. preside over the sessions of the National Assembly and see to it that its regulations are put into effect;
- b. call the regular sessions of the National Assembly;
- c. propose the draft agenda for the sessions of the National Assembly;
- ch. sign and order the publication in the Official Gazette of the Republic of the laws and resolutions adopted by the National Assembly;

- d. organize the international relations of the National Assembly;
- e. conduct and organize the work of the permanent and temporary commissions appointed by the National Assembly;
- f. attend the meetings of the Council of State; and
- g. exercise all other powers assigned to him by this Constitution or the Assembly.

## ARTICLE 82

The status of deputy does not entail personal privileges or economic benefits.

During the time that they spend in the effective discharge of their functions, deputies earn the same salary or pay as they do at their work center, and maintain the affiliation with it for all purposes.

## ARTICLE 83

No deputy to the National Assembly of People's Power may be arrested or placed on trial without the authorization of the Assembly—or the Council of State if the Assembly is not in session—except in cases of flagrant offenses.

## ARTICLE 84

The deputies to the National Assembly of the People's Power have the duty to perform their work for the benefit of the people's interests, to maintain contact with their electors, to hear their proposals, suggestions, and criticism, and to explain the policy of the State to them. They shall also render an account of the performance of their duties as established by the law.

## ARTICLE 85

The deputies to the National Assembly of People's Power may be recalled by their electors at any time in the ways and means prescribed by law.

## ARTICLE 86

The deputies to the National Assembly of People's Power have the right to make inquiries to the Council of State, the Council of Ministers or the members of either and to have these inquiries answered during the course of the same session or at the next session.

## ARTICLE 87

It is the duty of all State organs and enterprises to provide all necessary cooperation to the deputies in the discharge of their duties.

## ARTICLE 88

The proposal of laws is the responsibility of:

- a. the deputies to the National Assembly of People's Power;
- b. the Council of State;
- c. the Council of Ministers;
- ch. the commissions of the National Assembly of People's Power;
- d. the National Committee of the Central Organization of Cuban Trade Unions and the national offices of the other social and mass organizations;
- e. the People's Supreme Court, in matters related to the administration of justice;
- f. the Office of the Attorney General of the Republic, in matters within its jurisdiction; and
- g. the citizens. In this case it is an indispensable prerequisite that the proposal be made by at least 10,000 citizens who are eligible to vote.

## ARTICLE 89

The Council of State is the organ of the National Assembly of People's Power that represents it in the period between sessions, puts its resolutions into effect and complies with all the other duties assigned by the Constitution.

It is collegiate; and, for national and international purposes, it is the highest representative of the Cuban State.

## ARTICLE 90

The Council of State is invested with the power to:

- a. summon special sessions of the National Assembly of People's Power;
- b. set the date for the elections for the periodic renovation of the National Assembly of People's Power;
- c. issue decree-laws in the period between the sessions of the National Assembly of People's Power;
- ch. give existing laws a general and obligatory interpretation whenever necessary;
- d. exercise legislative initiative;

- e. make all the necessary arrangements for the holding of referenda called for by the National Assembly of People's Power;
- f. decree general mobilizations whenever the defense of the country makes it necessary and assume the authority to declare war in the event of aggression or to approve peace treaties—duties which the Constitution assigns to the National Assembly of People's Power—when the Assembly is in recess and cannot be called to session with the necessary security and urgency;
- g. replace, at the initiative of its President, the members of the Council of Ministers in the period between the sessions of the National Assembly of People's Power;
- h. issue general instructions to the courts through the Council of Government of the People's Supreme Court;
- i. issue instructions to the Office of the Attorney General of the Republic;
- j. appoint and remove, at the initiative of its President, the diplomatic representatives of Cuba in other states;
- k. grant decorations and honorary titles;
- l. name commissions;
- ll. grant pardons;
- m. ratify or denounce international treaties;
- n. grant or refuse recognition to diplomatic representatives of other states;
- ñ. suspend those provisions of the Council of Ministers and the resolutions and provisions of the Local Assemblies of People's Power which run counter to the Constitution or the law or which run counter to the interests of other localities or to the general interests of the country, reporting on this action to the National Assembly of People's Power in the first session held following the suspension agreed upon;
- o. revoke those resolutions and provisions of the Executive Committees of the local organs of People's Power which infringe the Constitution, the laws, the decree-laws, the decrees and other provisions issued by a higher organ or when they are detrimental to the interests of other localities or to the general interests of the nation;
- p. approve its rules and regulations; and
- q. exercise all other powers conferred by the Constitution and laws or granted by the National Assembly of People's Power.

- Head of state decree power

- Cabinet removal

- International law
- Treaty ratification

## ARTICLE 91

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

## ARTICLE 92

The mandate entrusted to the Council of State by the National Assembly of the People's Power expires when the new Council of State, elected as a result of the periodic renovation of the former, takes office.

## ARTICLE 93

The President of the Council of State is Head of Government and is invested with the power to:

- a. represent the State and the government and conduct their general policy;
- b. organize, conduct the activities of, call for the holding of and preside over the sessions of the Council of State and the Council of Ministers;
- c. control and supervise the development of the activities of the ministries and other central agencies of the administration;
- ch. assume the leadership of any ministry or central agency of the administration;
- d. propose to the National Assembly of People's Power, once elected by the latter, the members of the Council of Ministers;
- e. accept the resignation of the members of the Council of Ministers or propose either to the National Assembly of People's Power or to the Council of State the replacement of any of those members and, in both cases, propose the corresponding substitutes;
- f. receive the credentials of the heads of foreign diplomatic missions. This responsibility may be delegated to any of the Vice Presidents of the Council of State;
- g. to perform the Supreme Chieftainship of all the armed institutions, and to determine its general organization;
- h. to preside over the National Defense Council;
- i. to declare the State of Emergency in the instances specified in this Constitution, reporting his decision as soon as the circumstances allow to the National Assembly of the People's Power, or to the Council of State, if the former cannot convene, for the pertinent legal purposes;

• Head of state powers

• Deputy executive

• Designation of commander in chief

- Head of state decree power
- j. to sign decree-laws and other resolutions of the Council of State, and the legal provisions adopted by the Council of Ministers or its Executive Committee, and to order their publication in the Official Gazette of the Republic;
- k. any others attributed to him by this Constitution or the laws.

## ARTICLE 94

In case of the absence, illness or death of the President of the Council of State, the First Vice President assumes the President's duties.

## ARTICLE 95

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

The number, denomination and functions of the ministries and central agencies making up the Council of Ministers are determined by law.

## ARTICLE 96

The Council of Ministers is composed of the Head of State and Government, as its President; the First Vice President; the Vice Presidents; the Ministers; the Secretary; and the other members that the law determines.

## ARTICLE 97

The President, the First Vice President and the Vice Presidents, and other members of the Council of Ministers determined by the President comprise its Executive Committee.

The Executive Committee may decide on matters assigned to the Council of Ministers, during the periods intervening between one and another of its meetings.

## ARTICLE 98

The Council of Ministers is invested with the power to:

- a. organize and conduct the political, economic, cultural, scientific, social and defense activities outlined by the National Assembly of People's Power;
- b. propose the projects for the general plans for the socio-economic development of the State and, after these are approved by the National Assembly of People's Power, organize, conduct and supervise their implementation;
- c. conduct the foreign policy of the Republic and relations with other governments;
- ch. approve international treaties and submit them for ratification by the Council of State;

- Deputy executive
- Head of state replacement

- Establishment of cabinet/ministers

- Powers of cabinet

- Foreign affairs representative

- International law
- Treaty ratification



- d. direct and control foreign trade;
- e. draw up the draft for the State budget and, once it is approved by the National Assembly of People's Power, see to its implementation;
- f. adopt measures aimed at strengthening the monetary and credit system;
- g. draw up bills and submit them for consideration to the National Assembly of People's Power or the Council of State, accordingly;
- h. see to national defense, the maintenance of order and security at home, the protection of citizens' rights and the protection of lives and property in the event of natural disasters;
- i. direct the administration of the State, and to unify, coordinate and supervise the activity of the agencies of the Central Administration and of the Local Administrations;
- j. implement the laws and resolutions of the National Assembly of People's Power and the decree-laws and provisions issued by the Council of State and, if necessary, dictate the corresponding regulations;
- k. issue decrees and provisions on the basis of and pursuant to the existing laws and supervise their implementation;
- l. revoke the decisions of the Administrations subordinate to the Provincial or Municipal Assemblies of the People's Power adopted on the basis of powers delegated by the agencies of the Central State Administration, when they contravene superior norms to which compliance is obligatory;
- ll. propose to the Provincial and Municipal Assemblies of the People's Power the revocation of dispositions adopted in their specific activity by the provincial and municipal administrations subordinate to them, when they contravene the norms approved by the agencies of the Central Administration of the State in the exercise of its functions;

- m. revoke the orders of the chiefs of the agencies of the Central Administration of the State when they contravene superior norms to which compliance is obligatory;
- n. propose to the National Assembly of the People's Power or to the Council of State the suspension of resolutions of the Local Assemblies of the People's Power that contravene the laws and other orders in effect, or impair the interests of other communities or the general interests of the country;
- ñ. create the commissions it deems necessary to facilitate the fulfillment of the tasks assigned to it;

• Budget bills

• Treaty ratification

- o. appoint and remove officials in keeping with the powers it is invested with by the law; and
- p. assume any duty assigned to it by the National Assembly of People's Power or the Council of State.

The law regulates the organization and operation of the Council of Ministers.

## ARTICLE 99

The Council of Ministers is accountable to and periodically renders accounts of its activities to the National Assembly of People's Power.

## ARTICLE 100

The members of the Council of Ministers are invested with the power to:

- a. conduct the affairs and tasks of the ministries or agencies under their care, issuing the necessary resolutions and provisions to that effect;
- b. dictate, in the event that it is not the specific duty of another State organ, the necessary regulations to make possible the implementation of those laws and decree-laws which concern them;
- c. attend the sessions of the Council of Ministers, with the authority to speak and vote, and submit to the consideration of the Council whatever bill, decree-law, decree, resolution or any other proposal they consider advisable;
- ch. appoint, according to the law, the officials of their agencies; and
- d. exercise any other powers with which the Constitution and laws invest them.

## ARTICLE 101

The National Defense Council convenes and prepares, during times of peace, to direct the country under state of war conditions, and during the war, the general mobilization or state of emergency. The law regulates its organization and functions.

## CHAPTER XI: THE POLITICAL-ADMINISTRATIVE DIVISION

### ARTICLE 102

For political-administrative purposes, the national territory is divided into provinces and municipalities, the number, boundaries, and designations of which are established in the law.

The law may also establish other divisions.

• Cabinet removal  
• Legislative oversight of the executive

• Subsidiary unit government

The province is the local society, with juridical personality for all legal purposes, organized politically by law as an intermediate link between the central and municipal governments, [covering a] surface area equivalent to that of municipalities in its territorial demarcation. It discharges the functions and fulfills the State and administrative duties within its jurisdiction, and has the primary obligation of promoting the economic and social development of its territory. To this end, it coordinates and controls the execution of the policy, programs, and plans approved by the higher State organs with the support of its municipalities, gearing them to the interests of the latter.

• Municipal government

The municipality is the local society, with juridical personality for all legal purposes, organized politically by the law on a territorial extension determined by necessary economic and social relations of its population, and with the capacity to satisfy the minimal local requirements.

The provinces and municipalities, in addition to discharging their own functions, cooperate in the accomplishment of the goals of the State.

## CHAPTER XII: LOCAL ORGANS OF PEOPLE'S POWER

### ARTICLE 103

• Subsidiary unit government

The Assemblies of the People's Power, established in the demarcated political-administrative areas into which the national territory is divided, are the local higher organs of the State's power, and, consequently, they are endowed with the highest authority to discharge the State functions within their respective demarcated areas; and, to this end, they exercise the government within the bounds of their authority and conforming to the law.

They also contribute to the performance of the activities and the implementation of the plans of units established in their territory that are not subordinate to them, in conformity with that provided by the law.

The Local Administrations established by these Assemblies direct the locally subordinate economic, productive, and service entities, for the purpose of satisfying the economic, health and other assistance-related, educational, cultural, sports, and recreational needs of the collectivity of the territory to which the jurisdiction of each one extends.

For the discharge of their functions, the Local Assemblies of the People's Power rely on the People's Councils, and on the initiative and full participation of the population, operating in close cooperation with the mass and social organizations.

### ARTICLE 104

• Municipal government  
• Subsidiary unit government

The People's Councils are established in cities, villages, neighborhoods, settlements, and rural zones; they are endowed with the highest authority for the discharge of their functions, represent the demarcated area in which they operate, and they are, simultaneously, representatives of the municipal, provincial, and national organs of the People's Power.

They work actively for efficiency in the development of the productive and service activities, and for the fulfillment of the population's assistance, economic, educational, cultural, and social needs, promoting the population's full participation, as well as local initiatives, for the solution of its problems.

They coordinate the actions taken by the entities existing in their area of activity, they promote cooperation among them, and exercise control and supervision over their activities.

The People's Councils are established with delegates elected in the districts, and must elect from among them the one who is to preside over them. Representatives of the mass organizations and the leading institutions in the demarcated area may serve on them.

The law regulates the organization and functions of the People's Councils.

## ARTICLE 105

Within the bounds of their authority, the Provincial Assemblies of the People's Power have the following functions:

- a. to comply, and to require compliance with the laws and other provisions of a general nature adopted by the superior organs of the State;
- b. to approve and control, according to the policy decided by the authorized national agencies, the execution of the ordinary plan and budget of revenues and expenditures of the province;
- c. to elect and recall the President and Vice President of the Assembly itself;
- ch. to designate and replace the Secretary of the Assembly;
- d. to participate in the elaboration and control of the execution of the budget and the technical-economic plan of the State corresponding to the entities established in their territory and subordinate to other levels of authority, according to the law;
- e. to control and supervise the activity of the organ of Administration of the province, aided in this by their working commissions;
- f. to designate and replace the members of the provincial organ of Administration, at the proposal of their President;
- g. to determine, according to the principles established by the Council of Ministers, the organization, functioning, and tasks of the entities responsible for engaging in economic, productive, service, educational, health, cultural, sports, environmental protection, and recreational activities that are subordinate to the provincial organ of Administration;
- h. to adopt resolutions on administrative matters concerning their territorial demarcation which, according to the law, do not come under the general authority of the Central Administration of the State or that of the municipal organs of State power;
- i. to approve the creation and organization of the People's Councils at the proposal of the Municipal Assemblies of the People's Power;
- j. to revoke, within the bounds of their authority, the decisions adopted by the provincial organ of administration, or to propose their revocation to the Council of Ministers, when they have been adopted on the basis of powers delegated by the agencies of the Central Administration of the State;

- k. to be apprised of, and to evaluate the reports rendering accounts, submitted to them by their organ of Administration and the Assemblies of the People's Power on a lower level, and to adopt the pertinent decisions regarding them;
- l. to form and dissolve working commissions;
- ll. to attend to all matters relating to implementation of the policy on cadres devised by the higher organs of the State;
- m. to reinforce the legality, internal order, and defense capacity of the country;
- n. any other attributed to them by the Constitution and the laws.

## ARTICLE 106

Within the bounds of their authority, the Municipal Assemblies of the People's Power have the following functions:

- a. to comply, and to require compliance with the laws and other provisions of a general nature adopted by the superior organs of the State;
- b. to elect and recall the President and Vice President of the Assembly;
- c. to designate and replace the Secretary of the Assembly;
- ch. to exercise supervision and control over the entities with municipal subordination, relying on their working commissions;
- d. to revoke or modify the resolutions and orders of the organs or authorities subordinate to them that violate the Constitution, the laws, decree-laws, decrees, resolutions, and other provisions issued by the superior organs of the State, or that impair the interests of the community or of other territories, or the general interests of the country; or to propose their revocation to the Council of Ministers, when they have been adopted on the basis of powers delegated by the agencies of the Central Administration of the State;
- e. to adopt resolutions and dictate provisions within the framework of the Constitution and the laws in effect, on matters of municipal interest, and to control their implementation;
- f. to designate and replace the members of the organ of Administration at the proposal of their President;

- g. to determine, according to the principles established by the Council of Ministers, the organization, functioning, and tasks of the entities responsible for engaging in economic, productive, service, and health activities, and others of an assistance, educational, cultural, sports, environmental protection, and recreational nature that are subordinate to their organ of Administration;
- h. to propose the creation and organization of People's Councils, in accordance with what is established in the law;
- i. to establish and dissolve working commissions;
- j. to approve the socio-economic plan and the budget of the municipality, gearing it to the policies revised for this purpose by the authorized agencies of the Central State Administration and to control their execution;
- k. to contribute to the performance of activities and to the fulfillment of the production and service plans of the entities established in their territory that are not subordinate to them; for this purpose, they may rely on their working commissions and their organ of Administration;
- l. to be apprised of, and to evaluate the reports rendering accounts, submitted to them by their organ of Administration, and to adopt the pertinent decisions regarding them;
- ll. to attend to all matters relating to implementation of the policy on cadres devised by the higher organs of the State;
- m. to reinforce the legality, internal order, and defense capacity of the country;
- n. any other attributed to them by the Constitution and the laws.

## ARTICLE 107

The ordinary and special sessions of the Local Assemblies of the People's Power are public, except in instances wherein it is decided to hold them inside closed doors, for reasons of the State's interest, or because matters pertaining to the honor of persons are to be discussed.

## ARTICLE 108

Required for the validity of the sessions of the Local Assemblies of the People's Power is the presence of over half the total number of their members. Their decisions are adopted by a simple majority of votes.

## ARTICLE 109

The entities organized to satisfy the local requirements for attaining their specific objectives are governed by laws, decree-laws, and decrees; by resolutions of the Council of Ministers; by provisions issued by the heads of the agencies of the Central Administration of State, in matters of general interest within its competence, requiring national regulation; and by resolutions of the local organs to which they are subordinate.

## ARTICLE 110

The permanent working commissions are established by the Provincial and Municipal Assemblies of the People's Power, attending to the specific interests of their locality, to aid them in conducting their activities and, especially, in exercising control and supervision over the locally subordinate entities, and the others corresponding to different levels of subordination that are established within their territorial demarcation.

The commissions of a temporary nature perform the specific tasks assigned to them within the term specified for them.

## ARTICLE 111

The Provincial Assemblies of the People's Power shall be replaced every five years, which is the term for the mandate of their delegates.

The Municipal Assemblies of the People's Power shall be replaced every two and a half years, which is the term for their delegates' mandates.

Said mandates will only be able to be extended by a decision of the National Assembly of the People's Power, in the instances specified in Article 72.

## ARTICLE 112

The mandate of the delegates to the Local Assemblies is revocable at any time. The law determines the manner, causes, and procedures to be revoked.

## ARTICLE 113

The delegates fulfill the mandate conferred upon them by their electors in the interests of the entire community, for which purpose they must coordinate their functions as such with their usual responsibilities and tasks. The law regulates the manner in which these functions are to be discharged.

## ARTICLE 114

The delegates fulfill the mandate of their electors in the interest of all the community, and they must:

- a. make the opinions, needs and problems expressed by their electors known to the Assembly;
- b. report to their electors on the policy of the Assembly and the measures adopted for solving the problems raised by the people or outline the reasons why they have not been solved; and

- c. render accounts of their work on a regular basis to their electors and to the Assembly to which they belong.

## ARTICLE 115

The delegates to the Provincial Assemblies of the People's Power are obligated to perform their work for the benefit of the collectivity, and to render an account of their personal management according to the procedure that the law establishes.

## ARTICLE 116

The Provincial and Municipal Assemblies of the People's Power elect their President and Vice President from among their delegates.

The election is held by virtue of the candidacies proposed in the manner and according to the procedures that the law establishes.

## ARTICLE 117

The Presidents of the Provincial and Municipal Assemblies of the People's Power are, simultaneously, presidents of the respective Organs of Administration, and represent the State in their demarcated territorial areas. Their functions are established by the law.

## ARTICLE 118

The organs of Administration established by the Provincial and Municipal Assemblies of the People's Power operate in a collegiate manner, and their composition, formation, functions, and obligations are established in the law.

## ARTICLE 119

The Provincial and Municipal Defense Councils, and the Defense Zone Councils, are established and prepared, during times of peace, to direct in their respective territories, under state of war conditions and during the war, the general mobilization or state of emergency, based on a general plan for defense and for the role and responsibilities that correspond to the military councils of the armies of the Armed Forces. The National Defense Council determines the organization and functions of these Councils in accordance with the law.

## CHAPTER XIII: TRIBUNALS AND ATTORNEY GENERAL'S OFFICE

### ARTICLE 120

The function of imparting justice emanates from the people, and is exercised in their name by the People's Supreme Tribunal and the other Tribunals that the law institutes.

• Supreme court selection  
• Structure of the courts  
• Ordinary court selection



The law establishes the principal objectives of judicial activity, and regulates the organization of the tribunals, the extent of their jurisdiction and authority, their powers and the means of exercising them, the requirements to be met by judges, the method for their selection, and the causes and procedures for their recall or dismissal from the exercise of their functions.

## ARTICLE 121

The tribunals constitute a system of State organs, structured with functional independence from any other, and subordinate hierarchically to the National Assembly of the People's Power and the Council of State.

The People's Supreme Tribunal exercises the maximum judicial authority, and its decisions in this respect are definitive.

Through its Council of Government, it exercises legislative initiative and regulatory power; it makes decisions and issues rules for mandatory compliance by all tribunals and, based on the experience of the latter, issues instructions of a mandatory nature for the establishment of a uniform judicial practice in the interpretation and application of the law.

## ARTICLE 122

Judges, in their function of imparting justice, are independent, and owe obedience solely to the law.

## ARTICLE 123

The sentences and other decisions of the tribunals, pronounced or enacted within the limits of their jurisdiction, must be obeyed and implemented by State agencies, economic and social institutions and citizens, by those directly affected and by those who do not have a direct interest in their implementation but have the duty to participate in it.

## ARTICLE 124

For the acts of the imparting of justice, all Tribunals operate in a collegiate manner, and both professional judges and lay judges participate in them with equal rights and obligations.

The discharge of the judicial functions assigned to a lay judge, in view of its social significance, has priority over his usual working occupation.

## ARTICLE 125

The tribunals render an account of the results of their work in the form and with the periodicity that the law establishes.

## ARTICLE 126

The power to recall judges is incumbent on the organ that elects them.

- Judicial precedence
- Structure of the courts

- Judicial independence

- Supreme/ordinary court judge removal

## ARTICLE 127

The Office of the Attorney General of the Republic is the State organ to which, as its fundamental objectives, the control and preservation of the legality—based on monitoring strict compliance with the Constitution, the laws, and other legal provisions on the part of State agencies, economic and social entities, and citizens, and the promotion and exercise of public penal suits—[it is responsible,] as the representative of the State.

The law determines the other objectives and functions, as well as the manner, extent, and occasion on which the Attorney General's Office is to exercise its powers for the aforementioned purpose.

## ARTICLE 128

The Office of the Attorney General of the Republic is an organic unit subordinate only to the National Assembly of the People's Power and the Council of State.

The Attorney General of the Republic receives direct instructions from the Council of State.

The direction and regulation of the activity of the Attorney General of the Republic's Office throughout the entire national territory corresponds to the Attorney General of the Republic.

The organs of the Attorney General's Office are established vertically in the entire nation; they are subordinate only to the Office of the Attorney General of the Republic, and are independent of all local organs.

## ARTICLE 129

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

## ARTICLE 130

The Attorney General of the Republic renders an account of his administration to the National Assembly of People's Power in the manner and with the periodicity that the law establishes.

## CHAPTER XIV: ELECTORAL SYSTEM

## ARTICLE 131

All citizens with the legal capacity for doing so are entitled to intervene in the direction of the State, either directly or through their representatives elected to membership in the organs of the People's Power; and for that purpose, to participate, in the manner provided in the law, in periodic elections and popular referendums, to be held with a free, equal, and secret ballot. Each voter is entitled to only one vote.

## ARTICLE 132

All Cubans 16 years of age and over, men and women alike, have the right to vote, except those who:

- a. are mentally disabled and have been declared so by a court, or
- b. have committed a crime and, because of this, have lost the right to vote.

## ARTICLE 133

All Cuban citizens, men and women alike, who have full political rights can be elected.

If the election is for deputies to the National Assembly of People's Power, they must be 18 years old or over.

## ARTICLE 134

Members of the Revolutionary Armed Forces and other military institutions of the nation have the right to elect and be elected just like any other citizen.

## ARTICLE 135

The law determines the number of delegates comprising each of the Provincial and Municipal Assemblies, in proportion to the number of inhabitants in the respective demarcations into which the national territory is divided for electoral purposes.

The delegates to the Provincial and Municipal Assemblies are elected by free, direct, and secret ballot on the part of the electors. The law also regulates the procedure for their election.

## ARTICLE 136

To be considered elected as a deputy or delegate, it is necessary to have obtained more than half of the number of valid votes cast in the electoral demarcation.

If this requirement is not met, or in other instances of vacant seats, the law regulates the manner in which the procedure is to take place.

## CHAPTER XV: CONSTITUTIONAL AMENDMENT

### ARTICLE 137

This Constitution can only be modified by the National Assembly of People's Power, by means of resolutions adopted by roll-call vote by a majority of no less than two-thirds of the total number of members; except [where the modification] regards the political, social and economic system, whose irrevocable character is established in Article 3 of Chapter I, and the prohibition against negotiations under aggression, threats or coercion by a foreign power as established in Article 11.

- Restrictions on voting

- Eligibility for cabinet
- Minimum age of head of state
- Eligibility for head of state
- Minimum age for first chamber
- Eligibility for first chamber

- Municipal government
- Subsidiary unit government

- Constitution amendment procedure
- Unamendable provisions

If the modification has to do with the integration and authority of the National Assembly of the People's Power or its Council of State or involves any rights and duties contained in the Constitution, it shall also require the approval of the majority of citizens with the right to vote by means of a referendum called upon for this purpose by the Assembly itself.

## **SPECIAL PROVISIONS**

The Cuban people, almost in its totality, between the 15 and 18 of the month of June of 2002, expressed their unconditional support for the amendments to the Constitution proposed by an Extraordinary Assembly of all the mass organizations held on the 10th of this month of June, in which was ratified in all its parts this Constitution of the Republic that sets forth the irrevocability of its socialist character, political system and social content as a worthy and categorical response to the exigencies and threats [made by] the imperialistic government of the United States [of America] on the 20 of May, 2002.

The proposal was approved unanimously by Resolution No. V-74, adopted by an Extraordinary Session of the V Legislature, held on the 24, 25 and 26 of June, 2002.

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