

CONSTITUTION OF THE REPUBLIC OF CUBA

PREAMBLE

WE, CUBAN CITIZENS,

heirs and continuators of the creative work and of the traditions of combative-ness, resoluteness, heroism and sacrifice forged by our ancestors:

by the aboriginals who preferred extermination to submission;

by the slaves who rebelled against their masters;

by those who awoke the national consciousness and the Cuban yearning for a homeland and liberty;

by the patriots who in 1868 began the wars of independence against Spanish colonialism and those who in the last impulse 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 bore arms for over fifty years against imperialist domination, political corruption, the absence [*falta*] of people's rights and freedoms, unemployment and the exploitation imposed by capitalists and landowners;

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

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

by those who, with the sacrifice of their lives, defended the Revolution, [thereby] contributing to its definitive consolidation;

by those who, as a mass, 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;

DECIDED

to carry forward the triumphant Revolution of the Moncada and the Granma, of the Sierra and of Girón headed by Fidel Castro, which, sustained by the closest unity of all the revolutionary forces and of the people, won full national independence, established the revolutionary Power, realized democratic transformations, initiated the construction of socialism and, with the Communist Party at its head, continues it with the objective of building the 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 condition of the exploiters;

that only under socialism and communism, when man has been liberated from all forms of exploitation: slavery, servitude and capitalism, the full dignity of the human being is attained; and that our Revolution elevated the dignity of the country and of Cubans to a superior height;

WE DECLARE

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

“I want the primary law of our republic to be the devotion [*culto*] of Cubans to the full dignity of man;”

ADOPT

by our free vote, by means of 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 unitary and 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 [the] Republic of Cuba; the official language is Spanish; and its capital is the city of Havana.

ARTICLE 3

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

All citizens have the right to resist, using all means, including bearing arms, when no other recourse is possible, anyone who attempts to overthrow the political, social, and economic order established by this Constitution.

Socialism and the revolutionary and social system established in this Constitution, [that] has proved for years the heroic resistance towards aggression of all kinds and [towards] the economic war of the governments of the most powerful of the imperialist powers that have existed[,] and has demonstrated its capacity to transform the country and create a society entirely new and just, is irrevocable, and Cuba will never go back to capitalism.

ARTICLE 4

The national symbols are those which have presided for over one hundred years in the Cuban struggles for independence, for the rights of the people, and for social progress:

the flag of the solitary star;

the anthem of Bayamo;
the emblem of the royal palm.

ARTICLE 5

The Communist Party of Cuba, Martían and Marxist-Leninist, the organized vanguard of the Cuban nation, is the superior leading force of the society and the State, which organizes and orients the common efforts towards the high objectives of the construction of socialism and the progress towards the communist society.

ARTICLE 6

The Union of Young Communists, a pioneering organization of the Cuban youth, has the recognition and stimulation of the State in its fundamental [*primordial*] function of promoting the active participation of the young masses in the tasks of socialist construction, and of suitably preparing 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 which have risen from the historic process of the struggles of our people, which encompass different sectors of the population, representing their specific interests and incorporating them into the tasks of the edification, 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) realizes the will of the working people and
 - channels [*encanza*] the efforts of the Nation in the construction of socialism;
 - maintains and defends the integrity and the sovereignty of the country;
 - guarantees the liberty and the full dignity of man, the enjoyment of his rights, the exercise and fulfillment of his duties and the integral development of his personality;
 - secures the ideology and the norms of coexistence [*convivencia*] and of conduct proper to a society free from the exploitation of man by man;
 - protects the creative work of the people and the property and riches of the socialist nation;
 - directs the national economy in a planned way;
 - assures the educational, scientific, technical and cultural progress of the country;
- b) as the Power of the people, in service of the people, guarantees
 - that there will be no man or woman who is able to work who will not have the opportunity to find a job with which to contribute to the goals of the society and to the satisfaction of their own needs;

- that there will be no person incapacitated for work who will not have adequate means of subsistence;
 - that there will be no sick person who will not have medical care;
 - that there will be no child who will not have school, food and clothing;
 - that there will be no young person who will not have the opportunity to study;
 - that there will be no person who will not have access to study, culture and sports;
- c) works to achieve that there will be no family which will not have a comfortable home.

ARTICLE 10

All the organs of the State, their leaders, functionaries, and employees, act within the limits of their respective competences and are under the obligation to strictly observe the socialist legality and to see to the respect for it in the life of the entire society.

ARTICLE 11

The State exercises its sovereignty:

- a) over all the national territory, [which] consists of the island of Cuba, the Isle of La Juventud, the other adjacent islands and keys, the interior waters; the territorial sea within the extension that the law specifies, and the air space that extends over them;
- b) over the environment and the natural resources of the country;
- c) over the natural resources, both living and nonliving, of the waters, the seabed, and the subsoil of the maritime economic zone of the Republic, within the extension that the law specifies, in conformity with the international practice.

The Republic of Cuba repudiates and considers illegal and null the treaties, pacts or concessions entered into under conditions of inequality, or those which disregard or diminish its sovereignty and territorial integrity.

Economic, diplomatic and political relations with any other State will never be negotiated under the aggression, threat or coercion of a foreign power.

ARTICLE 12

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

- 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;
- 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 Charter of the United Nations and in other international treaties to which Cuba is a party;
- c) reaffirms its desire for integration and collaboration with the countries of Latin America and the Caribbean, whose common identity and historic necessity for advancing together toward political and economic integration to achieve true independence would permit us to reach the position that corresponds to us in the world;

- ch) advocates the unity of all the countries of the Third World against the imperialist and neocolonialist policy which seeks the limitation or subordination of the sovereignty of our peoples, and to aggravate 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 worst enemy of the peoples;
- e) repudiates the direct or indirect intervention in the internal or external affairs of any State, and, therefore, armed aggression and economic blockade, as well as any other form of economic or political coercion, [or] 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 sectors [*elementos*] of the Nations;
- f) rejects the violation of the irrenounceable and sovereign right of any State to regulate the use and benefits of telecommunications in its territory, in conformity with the universal practice and the international conventions that it has signed;
- g) qualifies as international crimes the wars of aggression and conquest, recognizes the legitimacy of struggles for national liberation, as well as armed resistance to aggression, and considers its internationalist duty to support those attacked and [support those] peoples that fight for their liberation and self-determination;
- h) bases its relations with the countries which edify 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, having a different political, social and economic regime, respect its sovereignty, observe the norms of coexistence among the States, abide by the principles of mutual conveniences, and adopt a reciprocal attitude with our country.

ARTICLE 13

The Republic of Cuba grants asylum to [those persons] 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 socialist system of economy governs based on the socialist ownership by all of the people of the means of production and on the suppression of the exploitation of man by man.

The principle of socialist distribution: “from each according to his ability, to each according to his work,” also governs. The law establishes the regulations which guarantee the effective fulfillment of this principle.

ARTICLE 15

The socialist State property of all the people [is]:

- a) the land that does not belong to small farmers or cooperatives composed of them, the subsoil, mines, natural resources, both living and nonliving, within the maritime economic zone of the Republic, the forests, waters, and routes of communication;

b) the sugar mills, factories, fundamental means of transportation, and those enterprises, banks, and installations that have been nationalized and expropriated from imperialists, landholders, and the bourgeoisie; as well as factories, economic installations, and scientific, social, cultural and sports centers constructed, promoted, or acquired by the State, and those that it may construct, promote, or acquire in the future.

These assets may not be transferred as property to natural or juridical persons, save in the exceptional cases in which the partial or total transfer of any economic object [*objetivo*] is intended for purposes of the development of the country, 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 these assets to State enterprises and other authorized entities, for the achievement of these ends, action shall be taken in conformity with [provisions] established in the law.

ARTICLE 16

The State organizes, directs and controls the national economic activity in conformity with a plan that guarantees the programmed development of the country, with the aim of fortifying the socialist system, satisfying the material and cultural necessities of the society and the citizens progressively, and promoting the development of the human person and his dignity, [and promoting] the progress and security of the country.

The workers in all branches of the economy, and in the other spheres of social life, actively and conscientiously participate in the preparation and execution of the programs of production and development.

ARTICLE 17

The State directly administers the assets [*bienes*] which comprise the socialist property of all the people, or will be able to create and organize enterprises and entities in charge of their administration, of which the structure, attributions, functions, and regime of their relations are regulated by the law.

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

ARTICLE 18

The State directs and controls foreign commerce.

The law establishes the State institutions and authorities with the competence [*facultades*] to:

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

ARTICLE 19

The State recognizes the ownership by small farmers over the land that legally belongs to them, and of any other real and moveable properties that may be necessary for the exploitation to which they are dedicated, in conformity with [provisions] the law establishes.

Small farmers, with prior authorization from the competent State organism, and compliance with the other legal requirements, may incorporate their lands solely into cooperatives of agricultural-livestock production. They also may sell, exchange, or transfer them, through another title, to the State and to cooperatives of agricultural-livestock production or to small farmers, in the cases, forms and conditions that the law establishes, without prejudice to the preferential right of the State to its acquisition, through payment of its just price.

The leasing, sharecropping, mortgage loans, and any act which entails a lien or assignment to individual persons of the rights emanating from the ownership by small farmers of their land, is prohibited.

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

ARTICLE 20

Small farmers have the right to associate themselves, in the form and with the requirements that the law establishes, both for the objective of agricultural production and for [the objective] of obtaining State credits and services.

The organization of cooperatives of agricultural-livestock production is authorized in the cases and forms that the law establishes. This cooperative ownership is recognized by the State, and constitutes a pioneering and efficient form of socialist production.

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

The lands 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 support to this form of agricultural-livestock production.

ARTICLE 21

The personal ownership of earnings and savings derived from one's own work, of the dwelling which one possesses with legal title of property and of the other goods and objects which serve to satisfy the material and cultural needs of the person, is guaranteed.

Likewise, ownership of the means and instruments of personal or familial work, which are not used to obtain income derived from the exploitation of the work of others, is guaranteed.

The law establishes the quantity in which the assets [*bienes*] of personal ownership are seizable [*embargables*].

ARTICLE 22

The State recognizes the ownership by the political, social and mass organizations of the property intended for the fulfillment of their objectives.

ARTICLE 23

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

The use, benefit, and disposition of the properties pertaining to the patrimony of these entities are governed by [provisions] established in the law and the treaties, as well as by their own statutes and regulations by which they are governed.

ARTICLE 24

The State recognizes the right to inheritance of the dwelling of private domain, and of the other assets of personal property.

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

The law specifies the cases, conditions, and the form in which properties of cooperative ownership may be inheritable.

ARTICLE 25

The expropriation of assets, for reasons of public benefit or social interest and with due indemnification, is authorized.

The law establishes the procedure for the expropriation and the bases for determining its usefulness and necessity, as well as the form of indemnification, considering the interests and the economic and social necessities of the expropriated.

ARTICLE 26

Any person who suffers damages or injuries unduly [*indebidamente*] caused by functionaries or agents of the State because of the exercise of the functions of their positions, has the right to claim and obtain the corresponding reparation or indemnification in the form that the law establishes.

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 efficient [*racional*], and for assuring the survival, the welfare, and the security of present and future generations. It corresponds to the competent organs to apply this policy.

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

CHAPTER II CITIZENSHIP

ARTICLE 28

Cuban citizenship is acquired by birth or by 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 organisms. The law establishes the requirements and formalities for 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 are 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, natives of the Republic of Cuba who have lost this nationality, as long as they claim it in the form that the law specifies.

d) foreigners who by exceptional merits won in the struggles for the liberation of Cuba, are considered Cuban citizens by birth.

ARTICLE 30

Cuban citizens by naturalization are:

- a) those foreigners who acquire citizenship in accordance with [provisions] established in the law;
- b) those who had served in the armed struggle against the tyranny overthrown on January 1, 1959, as long as they prove this condition, in the legally established form;
- c) those who, having been arbitrarily deprived of their citizenship of origin obtain Cuban [citizenship] by an express accord of the Council of State.

ARTICLE 31

Neither marriage nor its dissolution affects the citizenship of the spouses or their children.

ARTICLE 32

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

Dual citizenship will not be admitted. Consequently, when a foreign citizenship is acquired, the Cuban citizenship is lost.

The law establishes the procedure to be followed for the formalization of the loss of citizenship, and the authorities with the competence to decide it.

ARTICLE 33

Cuban citizenship can be recovered in those cases and in the form that the law prescribes.

CHAPTER III

FOREIGNERS

ARTICLE 34

Foreigners residing in the territory of the Republic are considered equal [*se equiparran*] to Cubans:

- in the protection of their persons and assets;
- in the enjoyment of rights and the fulfillment of duties 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 resolutions 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, and the authorities with the competence 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 responsibilities and functions essential for the education and training of the new generations.

ARTICLE 36

Marriage is the voluntarily concerted union of a man and a woman with legal capacity [*aptitud*] to it, with the purpose to make a life together. It is based on the absolute equality of rights and duties of the spouses who must attend to the maintenance of the home and the integral education of the children through common effort, in a way that is compatible with the development of 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 equal rights, both born in or out of marriage.

Any qualification of the nature of filiation is abolished.

No declaration will be entered [*cosignar*] differentiating births, or the civil status of the parents in the registration records [*actas de inscripción*] of the children or in any other document that refers to filiation.

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

ARTICLE 38

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

The children, in turn, are obligated to respect and help their parents.

CHAPTER V

EDUCATION AND CULTURE

ARTICLE 39

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

Its educational and cultural policy is based on the following postulates:

- a) [it] bases its educational and cultural policy on the advances of science and technology, the Marxist and Martían ideology, the Cuban progressive pedagogical tradition, and the universal one;
- 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 scholarships for students, and provides the workers with multiple facilities for study, so that they may reach the highest possible levels of knowledge and skills.

The law establishes the integration and structure of the national system of education, as well as the extent of the obligatory nature of education and defines the general basic preparation that, as a minimum, every citizen must acquire;

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

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

ch) artistic creation is free as long as its content is not contrary to the Revolution. The forms of expression in the art are free;

d) the State, in order to elevate the culture of the people, takes care of promoting [*fomentar*] and developing artistic education, the vocation for creation and the cultivation of art and the capability to appreciate it;

e) the creative and investigative activity in science is free. The State stimulates and makes viable [*viabiliza*] the investigation and prioritizes [activity] which is directed at resolving the problems related to [*atañen*] the interests of society and the benefit of the people;

f) the State makes it possible for the workers to engage in scientific work and the development of science;

g) the State orients, foments and promotes physical education and sports in all their manifestations as a means of education and of contribution to the integral education of the citizens;

h) the State defends the identity of the Cuban culture, and sees to the conservation of the cultural patrimony and [the] artistic and historical wealth of the nation. It protects the national monuments and places notable for their natural beauty, or for their recognized artistic or historical value;

i) the State promotes the participation of the citizens, through the social and mass organizations of the country, in the realization of its educational and cultural policy.

ARTICLE 40

Children and youth enjoy a particular protection on the part of the State and the society.

The family, the school, the State organs, and the social and mass organizations have the duty to pay special attention to the integral development [*formación*] of children and young people.

CHAPTER VI

EQUALITY

ARTICLE 41

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

ARTICLE 42

Discrimination motivated by race, color of the skin, sex, national origin, religious creeds, or any other offending human dignity, is proscribed and is penalized by the law.

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

ARTICLE 43

The State consecrates the right, conquered by the Revolution, of its citizens, without distinction of race, color, sex, religious creeds, national origin, or any other offending human dignity to:

- have access, according to [their] merits and capacities, to all positions and jobs of the State, of the Public Administration and of production and the provision of services;
- can be raised to all hierarchies of the Revolutionary Armed Forces and [forces of] security and internal order, according to [their] merits and abilities;
- be given equal pay for equal work;
- enjoy education at all educational institutions of the country, from elementary school to the universities, which are the same for all;
- receive medical care in all hospital facilities;
- live [*domicilian*] in any sector, zone or neighborhood of the citizens and stay in any hotel;
- are served at all restaurants and other establishments of public service;
- use, without discrimination [*separaciones*], maritime, railway, air and automotive transports.
- enjoy the same spas, beaches, parks, social circles 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 in order to achieve their full participation in the development of the country.

The State organizes institutions such as child centers, semiboarding and boarding schools, residences for care of the aged, and services to facilitate the working family [in] the performance of its responsibilities.

When providing for her health and for [a] healthy line of descent [*decendencia*], the State grants [*concede*] to the working woman paid leave for maternity before and after childbirth, and temporary work options compatible with her maternal function.

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

CHAPTER VII

FUNDAMENTAL RIGHTS, DUTIES AND GUARANTEES

ARTICLE 45

Work in the socialist society is a right, a duty and a motive of honor for every citizen.

Work is remunerated according to its quality and quantity; when providing it, the exigencies of the economy and of society, the choice [*elección*] of the worker and his aptitude and qualification are taken into account; this is guaranteed by the socialist economic system, that provides social and economic development, without crises, and has thus eliminated unemployment and erased forever the seasonable unemployment called “dead time.”

Voluntary work, not remunerated, carried out for the benefit of all society, in industrial, agricultural, technical, artistic and service activities, is recognized, as formative of the communist conscience of our people.

Every worker has the duty to properly carry out the tasks corresponding to him at his employment.

ARTICLE 46

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

The State foments the development of vacation facilities and plans.

ARTICLE 47

By means of the system of social security, the State guarantees adequate protection to every worker disabled by his age, disability or illness.

In case of the death of the worker it guarantees similar protection to his family.

ARTICLE 48

The State protects, by means of social assistance, the elderly lacking resources or protection and any person not fit to work who has no relatives who are able to help him.

ARTICLE 49

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

One who suffers an accident on the job or contracts an occupational infirmity has the right to medical care and to compensation or retirement in the cases of temporary or permanent disability for work.

ARTICLE 50

Everyone has the right to have his health attended to and protected. The State guarantees this right;

— with the provision [*prestación*] of free medical and hospital assistance, by means of the installations of the rural medical service network, polyclinics, hospitals and preventive and specialized treatment centers;

— with the provision of free dental care;

— with the development of the plans of sanitary dissemination and of health education, periodical medical examinations, general vaccinations and other preventive measures for disease. In these plans and activities all [of] the population cooperates through the social and mass organizations.

ARTICLE 51

Everyone has the right to education. This right is guaranteed by the extensive and free system of schools, semi-boarding and boarding [schools] and scholarships in all types and levels of education, and by free school material[s], which provide all children and young people, whatever the economic situation of their family is, with the opportunity to study in accordance with their aptitude, the social demands and the necessities of socioeconomic development.

Adult men and women are also guaranteed this right, in the same conditions of free [education] and with the specific facilities that the law regulates, by means of the education of adults, technical and professional education, job training in enterprises and organisms of the State and the courses of higher education for workers.

ARTICLE 52

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

The enjoyment of this right is guaranteed by the inclusion of the teaching and practice of physical education and sports in the plans of study of the national educational system; and by the scope of the instruction and means placed at the service of the people, which facilitate the mass practice of sports and recreation.

ARTICLE 53

Freedom of speech and [of the] press is recognized for the citizens in conformity with the objectives of the socialist society. The material conditions for their exercise are given by the fact that the press, radio, television, cinema and other means of mass dissemination [*difusión*] are State or social property and cannot, in any case, be the object of private property, which assures their use at the exclusive service of the working people and of the interest of society.

The law regulates the exercise of these freedoms.

ARTICLE 54

The rights of assembly, demonstration and association are exercised by the workers, both manual and intellectual, peasants, women, students, and other sectors of the working people, for which they have the necessary means to these ends. The social and mass organizations have all the facilities for the development of these activities in which their members have full [*amplia*] freedom of speech and opinion based on the unrestricted right of initiative and criticism.

ARTICLE 55

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

The law regulates the relations of the State with religious institutions.

ARTICLE 56

The domicile is inviolable. Nobody can enter [the domicile] of another against the will of its inhabitant, except in those cases specified by the law.

ARTICLE 57

Correspondence is inviolable. It can only be seized, opened and examined in the cases specified by the law. Secrecy will be kept on the matters other than the fact which motivated the examination.

The same principle will be observed with respect to cable, telegraph and telephone communications.

ARTICLE 58

Freedom and inviolability of their person is guaranteed to all those who reside in the national territory.

No one can be detained, except in the cases, in the form and with the guarantees that the laws prescribe.

The detainee or prisoner is inviolable in his personal integrity.

ARTICLE 59

No one can be tried or sentenced except by the competent tribunal, by virtue of laws [in effect] prior to the crime and with the formalities and guarantees that these establish.

Every accused [person] has the right to a defense.

No violence or coercion of any kind will be exercised on persons to force them to testify.

Any declaration obtained in violation of this precept is null, and those responsible will incur the penalties that the law specifies.

ARTICLE 60

The confiscation of assets is only applied as a punishment by the authorities, in the cases and by the procedures that the law determines.

ARTICLE 61

The penal laws have a retroactive effect when they are favorable to the accused or punished [person]. The other laws have no retroactive effect unless the contrary is specified in them for reasons of social interest or public benefit.

ARTICLE 62

None of the freedoms recognized for the citizens can be exercised against what is established in the Constitution and the laws, or against the existence and objectives of the socialist State, or against the decision of the Cuban people to construct socialism and communism. The infraction of this principle is punishable.

ARTICLE 63

Every citizen has the right to direct complaints and petitions to the authorities and to receive the pertinent attention and response within an adequate time, in conformity with the law.

ARTICLE 64

It is the duty of everyone to care for public and social property, to observe the discipline of work, to respect the rights of others, to observe the norms of socialist coexistence and to fulfill civic and social duties.

ARTICLE 65

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

The law regulates the military service which Cubans must do;

Treason against the homeland is the most grave of crimes; one who commits it is subject to the most severe penalties.

ARTICLE 66

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

CHAPTER VIII

STATE OF EMERGENCY

ARTICLE 67

In the event, or faced with the imminence of natural disasters or catastrophes, or other circumstances which, by their nature, proportion, or importance [*entidad*] affect the internal order, the security of the country or the stability of the State, the President of the Council of State can declare the state of emergency in the entire national territory or in a part of it, and during its effect, order the mobilization of the population.

The law regulates the form in which the state of emergency is declared, its effects and its termination. It equally determines those fundamental rights and

obligations recognized by the Constitution, the exercise of which must be regulated in a different manner during the effect of the state of emergency

CHAPTER IX

PRINCIPLES OF ORGANIZATION AND FUNCTIONING OF THE STATE ORGANS

ARTICLE 68

The organs of the State are formed [*integran*] and perform their activity on the basis of the principles of socialist democracy, which are expressed in the following rules:

- a) all the representative organs of the power of the State are elective and renewable;
- b) the popular masses control the activity of the State organs, of the deputies, of the delegates and of the functionaries;
- c) those elected have the duty to render account of their performance, and may be removed from their positions at any time.
- ch) every State organ develops extensively, within the framework of its competence, initiative[s] aimed at taking advantage of the local resources and possibilities and [aimed] at the incorporation of the mass and social organizations in its work;
- d) provisions of superior State organs are obligatory for inferior ones;
- e) inferior State organs respond to superior ones and render account of their work;
- f) freedom of discussion, the exercise of criticism and self-criticism and the subordination of the minority to the majority govern 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 the power of the State. It represents and expresses the sovereign will of all the people.

ARTICLE 70

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

ARTICLE 71

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

ARTICLE 72

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

This term can only be extended by an accord of the Assembly itself in the case of war or by virtue of other exceptional circumstances that impede the normal holding [*celebración*] of the elections, and while such circumstances subsist.

ARTICLE 73

The National Assembly of the People's Power, when [it is] constituted for a new legislature, elects from among its deputies its President, Vice President, and

Secretary. The law regulates the form and the procedure whereby the Assembly is constituted and holds [*realiza*] that election.

ARTICLE 74

The National Assembly and 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 twenty-three other members.

The President of the Council of State is the Head of State and Head of Government.

The Council of State is responsible before the National Assembly of the People's Power and renders account of all its activities to it.

ARTICLE 75

Attributions of the National Assembly of the People's Power are:

- a) to decide on reforms of the Constitution in conformity with [provisions] established in Article 137;
- b) to approve, modify and derogate the laws and when it deems it proper in view of the nature of the legislation in question, submitting them to the people's consultation;
- c) to decide on the constitutionality of the laws, decree-laws, decrees and other general provisions;
- ch) to revoke in total or in part the decree-laws that the Council of State has issued;
- d) to discuss and approve the national plans of economic and social development;
- e) to discuss and approve the budget of the State;
- f) to approve the principles of the system of planning and direction of the national economy;
- g) to decide on the monetary and credit system;
- h) to approve the general outlines of foreign and internal policy;
- i) to declare a state of war in the case of military aggression and approving treaties of peace;
- j) to establish and modify the politico-administrative division of the country in conformity with [provisions] established in Article 102;
- k) to elect the President, Vice President and Secretary of the National Assembly;
- l) to elect the President, the First Vice President, the Vice Presidents, the Secretary and the other members of the Council of State;
- ll) to appoint, on the proposal of the President of the Council of State, the First Vice President, the Vice Presidents and the other members of the Council of Ministers;
- m) to elect the President, Vice President and other judges of the People's Supreme Tribunal;
- n) to elect the Attorney General [*Fiscal General*], and the deputy attorneys general, of the Republic;
- ñ) to appoint permanent and temporary commissions;

- o) to revoke the election or designation of those persons elected or designated by it;
- p) to exercise the highest supervision [*fiscalización*] over the organs of the State and the Government;
- q) to take cognizance of, to evaluate and to adopt the pertinent decisions on the reports of the rendering of accounts presented to it by the Council of State, the Council of Ministers, the People's Supreme Tribunal, the Office of the Attorney General of the Republic and the Provincial Assemblies of the People's Power;
- r) to revoke the decree-laws of the Council of State and the decrees or provisions of the Council of Ministers which contravene the Constitution or the laws;
- s) to revoke or modify the decisions [*acuerdos*] or provisions of the local organs of the People's Power which violate the Constitution, the laws, the decree-laws, the decrees and other provisions issued by an organ of a superior hierarchy to them; of those which affect the interests of other localities or the general [interests] of the country;
- t) to grant amnesties;
- u) to order the convocation of the referendum in those cases specified by the Constitution and in others which the Assembly itself considers pertinent;
- v) to decide on its regulations;
- w) the other [attributions] that this Constitution confers on it.

ARTICLE 76

The laws and decisions of the National Assembly of the People's Power, except when they refer to the reform of the Constitution, are adopted by the simple majority of votes.

ARTICLE 77

The laws approved by the National Assembly of the People's Power enter into force on the date that the law itself, in each case, determines.

The laws, decree-laws, decrees and resolutions, regulations and other general provisions of the national organs of the State are published in the *Gaceta Oficial de la Republica*.

ARTICLE 78

The National Assembly of the People's Power meets in two ordinary sessions a year and in extraordinary session when so requested by one-third of its members or when convoked by the Council of State.

ARTICLE 79

For the National Assembly of the People's Power to be able to hold [*celebrar*] a session requires the presence of more than half the total number of deputies who form it.

ARTICLE 80

The sessions of the National Assembly of the People's Power are public, except in the case in which the Assembly itself resolves to hold them closed for reasons of [the] interest of the State.

ARTICLE 81

Attributions of the President of the National Assembly of the People's Power are:

- a) to preside over the sessions of the National Assembly and see to the application of its regulations;
- b) to convoke the ordinary sessions of the National Assembly;
- c) to propose the draft agenda for the sessions of the National Assembly;
- ch) to sign and order the publication in the *Gaceta Oficial de la Republica* of the laws and decisions adopted by the National Assembly;
- d) to organize the international relations of the National Assembly;
- e) to direct and organize the work of the permanent and temporary work commissions which are created by the National Assembly;
- f) to attend the meetings of the Council of State; and
- g) the others that this Constitution or the National Assembly of the People's Power attribute to him.

ARTICLE 82

The status [*condición*] of deputy does not entail personal privileges or economic benefits.

During the time employed in the effective discharge of their functions, the deputies earn the same salary or pay [as] at their work center, and maintain the link with it, for all effects.

ARTICLE 83

No deputy to the National Assembly of the People's Power may be detained or submitted to a penal process without the authorization of the Assembly, or of the Council of State if it is not meeting, except in the case of flagrant offense.

ARTICLE 84

The deputies to the National Assembly of the People's Power have the duty to perform their tasks in benefit of the interests of the people, to maintain contact with their electors, listen to their proposals, suggestions, and criticism, and to explain the policy of the State to them. Likewise they will render account of the fulfillment of their functions, according to [provisions] established in the law.

ARTICLE 85

The mandate of the deputies to the National Assembly of People's Power can be revoked at any time, in the form, for the causes and according to the procedures established in the law.

ARTICLE 86

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

ARTICLE 87

All State organs and enterprises are obligated to provide to the deputies the collaboration necessary for the fulfillment of their duties.

ARTICLE 88

The initiative of laws corresponds [*compete*]:

- a) to the deputies to the National Assembly of the People's Power;
- b) to the Council of State;
- c) to the Council of Ministers;

- ch) to the commissions of the National Assembly of the People's Power;
- d) to the National Committee of the Central of Workers of Cuba and the National Directorates of the other social and mass organizations;
- e) to the People's Supreme Tribunal, in matters concerning the administration of justice;
- f) to the Office of the Attorney General of the Republic, in matters of its competence;
- g) to the citizens. In this case it is an indispensable requisite that at least ten thousand citizens qualified as [*tengan la condición*] electors exercise the initiative.

ARTICLE 89

The Council of State is the organ of the National Assembly of the People's Power that represents it between periods of sessions, executes its decisions and fulfills [*cumple*] the other functions that the Constitution attributes to it.

It has a collegiate character and, for national and international purposes [*fines*] it holds the supreme representation of the Cuban State.

ARTICLE 90

Attributions of the Council of State are:

- a) to provide for the holding of extraordinary sessions of the National Assembly of the People's Power;
- b) to set the date for the elections for the periodic renewal of the National Assembly of the People's Power;
- c) to issue decree-laws between periods of sessions of the National Assembly of the People's Power;
- ch) to give laws in effect [*vigentes*], in necessary cases, a general and obligatory interpretation;
- d) to exercise legislative initiative;
- e) to provide whatever [*is*] necessary for the holding of referenda decided by [*que acuerde*] the National Assembly of the People's Power;
- f) to decree the general mobilization whenever the defense of the country requires and [*to*] assume the faculties [*facultades*] to declare war in the case of aggression or to approve the peace, which [*faculties*] the Constitution assigns to the National Assembly of the People's Power, when the latter is in recess and cannot be convoked with the necessary security and urgency;
- g) to substitute, at the proposal of its President, [*for*] the members of the Council of Ministers between periods of the sessions of the National Assembly of the People's Power;
- h) to issue instructions of a general character to the tribunals through the Council of Government of the People's Supreme Tribunal;
- i) to issue instructions to the Office of the Attorney General of the Republic;
- j) to appoint and remove, at the proposal of its President, the diplomatic representatives of Cuba to other States;
- k) to grant decorations and honorary titles;
- l) to name commissions;
- ll) to grant pardons;

- m) to ratify and denounce international treaties;
- n) to grant or deny consent to diplomatic representatives of other States;
- ñ) to suspend the provisions of the Council of Ministers and the resolutions and provisions of the Local Assemblies of the People's Power which do not comply [*ajusten*] with the Constitution or the laws or when they affect the interests of other localities or the general [interests] of the country, rendering account to the National Assembly of the People's Power in the first session held after [such a] suspension has been agreed upon;
- o) to revoke the resolutions and provisions of the Executive Committees of the local organs of the People's Power which contravene the Constitution, the laws, the decree-laws, the decrees and other provisions issued by an organ of superior hierarchy to them, or when they affect the interests of other localities or the general [interests] of the country;
- p) to approve its regulations;
- q) the other [attributions] conferred by the Constitution and the laws or granted to it by the National Assembly of the People's Power.

ARTICLE 91

All the decisions of the Council of State are adopted by the favorable vote of the simple majority 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 by virtue of the periodic renewals of the former, takes office [*posesión*].

ARTICLE 93

The attributions of the President of the Council of State and Head of Government are the following:

- a) to represent the State and the Government and to direct their general policy;
- b) to organize and to direct the activities, and to convoke and to preside over the sessions, of the Council of State and those of the Council of Ministers;
- c) to control and to supervise [*atender*] the development of the activities of the Ministries and other central organisms of the Administration;
- ch) to assume the direction of any Ministry or central organism of the Administration;
- d) to propose to the National Assembly of the People's Power, once elected by the latter, the members of the Council of Ministers;
- e) to accept the resignations of the members of the Council of Ministers, or propose to the National Assembly of the People's Power or to the Council of State, according to what is fitting, the substitution of any of them and, in both cases, the corresponding substitutes;
- f) to receive the credentials of the heads of foreign diplomatic missions. This function can be delegated to any of the Vice Presidents of the Council of State;
- g) to perform the Supreme Command of all the armed institutions, and to determine its general organization;
- h) to preside over the Council of National Defense;
- i) to declare the State of Emergency in the cases specified in this Constitution, rendering account of his decision, as soon as the circumstances permit it, to

the National Assembly of the People's Power, or to the Council of State, if the former cannot convene, for the pertinent [*precedentes*] legal effects;

j) to sign decree-laws and other decisions 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 *Gaceta Oficial de la Republica*;

k) the others which are 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 substitutes in his functions.

ARTICLE 95

The Council of Ministers is the highest [*máximo*] executive and administrative organ and constitutes the Government of the Republic.

The number, denomination and functions of the Ministries and central organisms forming the Council of Ministers are determined by the law.

ARTICLE 96

The Council of Ministers is composed of the Head of State and Government, who is 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, who the President determines, compose its Executive Committee.

The Executive Committee may decide on issues [*cuestiones*] attributed to the Council of Ministers, during the periods which elapse [*median*] between one and another of its meetings.

ARTICLE 98

Attributions of the Council of Ministers are:

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

b) to propose the drafts of the general plans for the socio-economic development of the State and, once approved by the National Assembly of the People's Power, to organize, to direct and to control their execution;

c) to direct the foreign policy of the Republic and the relations with other governments;

ch) to approve international treaties and submit them to ratification by the Council of State;

d) to direct and control foreign commerce;

e) to prepare the draft for the budget of the State and, once approved by the National Assembly of the People's Power, see to its execution;

f) to adopt measures to strengthen the monetary and credit system;

g) to prepare legislative Bills and submit them to the consideration of the National Assembly of the People's Power or the Council of State, accordingly;

h) to provide for the national defense, the maintenance of internal order and security, the protection of the civil rights, as well as the protection of lives and property in case of natural disasters;

- i) to direct the administration of the State, and to unify, coordinate and supervise the activity of the organisms of the Central Administration and of the Local Administrations;
- j) to execute the laws and resolutions of the National Assembly of the People's Power as well as the decree-laws and provisions of the Council of State and, in necessary cases, to dictate the corresponding regulations;
- k) to issue decrees and provisions on the basis of and fulfilling the laws in effect and to control their execution;
- l) to revoke the decisions of the Administrations subordinate to the Provincial or Municipal Assemblies of the People's Power, adopted in the functioning of the faculties delegated by the organisms of the Central Administration of the State, when they contravene the superior norms which are of obligatory compliance;
- ll) to propose to the Provincial and Municipal Assemblies of the People's Power the revocation of provisions which are adopted in their specific activity by the provincial and municipal administrations subordinate to them, when they contravene the norms approved by the organisms of the Central Administration of the State in the exercise of its functions;
- m) to revoke the provisions of the heads of the organisms of the Central Administration of the State when they contravene superior norms which are of obligatory compliance;
- n) to propose to the National Assembly of the People's Power or to the Council of State the suspension of the decisions of the Local Assemblies of the People's Power that contravene the laws and other provisions in effect, or which affect the interests of other communities or the general [interests] of the country;
- ñ) to create the commissions it deems necessary to facilitate the fulfillment of the tasks assigned to it;
- o) to create the commissions it deems necessary to facilitate the fulfillment of the tasks assigned to it;
- p) to carry out [*realizar*] any other function assigned to it by the National Assembly of the People's Power or the Council of State.

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

ARTICLE 99

The Council of Ministers is responsible for and periodically renders account of all its activities before the National Assembly of the People's Power.

ARTICLE 100

Attributions of the members of the Council of Ministers are:

- a) to direct the affairs and tasks of the Ministry or organism under their charge, issuing the necessary resolutions and provisions to that end;
- b) to issue, when it is not the express attribution of another State organ, the regulations which are required to execute and apply the laws and decree-laws which concern them;
- c) to attend the sessions of the Council of Ministers, with voice and vote, and present to it Bills of law, decree-laws, decrees, resolutions, agreements, or any other proposal they deem fit [*conveniente*];
- ch) to appoint, in conformity with the law, the functionaries that correspond to them;
- d) any others which the Constitution and the laws attribute to them.

ARTICLE 101

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

CHAPTER XI

POLITICO-ADMINISTRATIVE DIVISION

ARTICLE 102

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

The law may also establish other divisions.

The province is the local society, with juridical personality for all legal effects, organized politically by the law as an intermediate link [*eslabon*] between the central and the municipal governments, on a surface [*superficial*] extension equivalent to that of the group of municipalities comprised in its territorial demarcation. It exercises the attributions and fulfills the State and the administrative duties of its competence, and has the primary obligation of promoting the economic and social development of its territory, for which, it coordinates and controls the execution of the policy, programs, and plans approved by the superior organs of the State with the support of its municipalities, combining [*conjugados*] them with the interests of the latter.

The Municipality is the local society, with juridical personality for all legal effects, 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 necessities.

The provinces and municipalities, in addition to exercising their own functions, cooperate [*coadyuvan*] in the realization of the goals of the State.

CHAPTER XII

LOCAL ORGANS OF THE PEOPLE'S POWER

ARTICLE 103

The Assemblies of the People's Power, constituted in the politico-administrative demarcations in which the national territory is divided, are the superior local organs of the power of the State, and, consequently, they are invested with the highest authority for the exercise of the State functions within their respective demarcations; and, for which, they exercise government within the framework of their competence and conforming to [*adjustandose*] the law.

Likewise, they contribute to the development of the activities and the fulfilment of the plans of the units established in their territory that are not subordinate to them, in conformity with [provisions] established by the law.

The Local Administrations that these Assemblies constitute direct the economic, productive, and service entities of local subordination, for the purpose of satisfying the economic, health and other necessities of an assistance, educational, cultural, sports, and recreational character of the collectivity in the territory over which the jurisdiction of each one extends.

For the exercise of their functions, the Local Assemblies of the People's Power are supported by the People's Councils and [by] the initiative and the broad participation of the population and act in close coordination with the social and mass organizations.

ARTICLE 104

The People's Councils are constituted in cities, villages, neighborhoods, settlements, and rural zones; they are invested with the highest authority for the performance of their functions, represent the demarcation 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 activities of production and services, and for the satisfaction of the assistance, economic, educational, cultural, and social necessities of the population, promoting the higher participation of the latter and the local initiatives for the solution of its problems.

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

The People's Councils are constituted with delegates elected in the districts, who must elect from among them the one who is to preside over them. The representatives of the mass organizations and the most important institutions in the demarcation may serve on them.

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

ARTICLE 105

Within the limits of their competence, the Provincial Assemblies of the People's Power have the following attributions:

- a) to comply with, and have complied with, the laws and other provisions of general character adopted by the superior organs of the State;
- b) to approve and control, in conformity with the policy adopted [*accordada*] by the competent national organisms, the execution of the plan and the ordinary budget of revenues and expenditures of the province;
- c) to elect and remove the President and Vice President of the Assembly itself;
- ch) to designate and substitute 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 instances, in conformity with 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 organ of provincial Administration, at the proposal of their President;
- g) to determine, in conformity with the principles established by the Council of Ministers, the organization, functioning, and tasks of the entities in charge of realizing economic, productive, service, educational, health, cultural, sports, environmental protection, and recreational activities that are subordinate to the organ of provincial Administration;
- h) to adopt decisions on matters of administration concerning their territorial demarcation which, according to the law, do not correspond to the general authority of the Central Administration of the State or to that of the municipal organs of the 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 framework of their competence, the decisions adopted by the organ of administration of the province, or to propose their revocation to the Council of Ministers, when they have been adopted on the basis of faculties delegated by the organisms of the Central Administration of the State;
- k) to take cognizance of, and to evaluate the reports of the rendering of account, presented to them by their organ of Administration and the Assemblies of the People's Power on a inferior level, and to adopt the pertinent decisions regarding them;
- l) to form and dissolve working commissions;
- ll) to attend to all [matters] concerning the application of the policy on cadres established [*tracen*] by the superior organs of the State;
- m) to reinforce the legality, internal order, and defense capacity of the country;
- n) any others that the Constitution and the laws attribute to them;

ARTICLE 106

Within the limits of their competence, the Municipal Assemblies of the People's Power have the following attributions:

- a) to comply with, and have complied with, the laws and other provisions of a general character adopted by the superior organs of the State;
- b) to elect and remove the President and Vice President of the Assembly;
- c) to designate and substitute the Secretary of the Assembly;
- ch) to exercise the supervision and the control over the entities of municipal subordination, relying on their working commissions;
- d) to revoke or to modify the decisions and provisions of the organs or authorities subordinate to them that infringe the Constitution, the laws, the decree-laws, the decrees, resolutions, and other provisions dictated by the superior organs of the State, or which affect 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 in the functioning of the attributions delegated by the organisms of the Central Administration of the State;
- e) to adopt decisions and dictate provisions within the framework of the Constitution and the laws in effect, on matters of municipal interest, and to control their application;
- f) to designate and substitute the members of the organ of Administration at the proposal of their President;
- g) to determine, in conformity with the principles established by the Council of Ministers, the organization, functioning, and tasks of the entities in charge of realizing economic, productive, service, and health activities, and others of an assistance, educational, cultural, sports, environmental protection, and recreational character that are subordinate to their organ of Administration;
- h) to propose the creation and organization of People's Councils, in accordance with [provisions] established in the law;
- i) to constitute and dissolve working commissions;
- j) to approve the socioeconomic plan and the budget of the municipality, adjusting it to the policies established [*trazadas*] for this purpose by the compe-

tent organisms of the Central Administration of the State and to control their execution;

k) to contribute to the development of activities and to the fulfillment of the plans of production and of services of the entities established in their territory that are not subordinate to them, for which they can rely on their working commissions and their organ of Administration;

l) to take cognizance of, and to evaluate the reports of the rendering of account, which their organ of Administration submits to them, and to adopt the pertinent decisions regarding them;

ll) to attend to all [matters] relating to the application of the policy on cadres established by the superior organs of the State;

m) to reinforce the legality, internal order, and defense capacity of the country;

n) any others which the Constitution and the laws attribute to them.

ARTICLE 107

The ordinary and extraordinary sessions of the Local Assemblies of the People's Power are public, except in the case when they decide [*acuerdan*] to hold them behind closed doors, for reasons of the interest of the State, or because matters concerning the dignity of persons are discussed in them.

ARTICLE 108

The presence of more than half the total number of members in the sessions of the Local Assemblies of the People's Power is required, for their validity. Its decisions are adopted by a simple majority of votes.

ARTICLE 109

The entities which are organized for the satisfaction of the local necessities to the end of fulfilling their specific objectives are governed by laws, decree-laws, and decrees; by decisions of the Council of Ministers; by provisions issued by the heads of the organisms of the Central Administration of State, in matters within its competence which are of general interest and which are required to be nationally regulated; and by the decisions of the local organs to which they are subordinate.

ARTICLE 110

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

Commissions of a temporary character fulfill the specific tasks that are assigned to them within the term specified.

ARTICLE 111

The Provincial Assemblies of the People's Power are renewed every five years, which is the term of duration of the mandate of their delegates.

The Municipal Assemblies of the People's Power are renewed every two and a half years, which is the term of duration of the mandate of their delegates.

These mandates can only be extended by decision of the National Assembly of the People's Power, in the cases specified in Article 72.

ARTICLE 112

The mandate of the delegates to the Local Assemblies is revocable at any time. The law determines the form, causes, and procedures for the revocation.

ARTICLE 113

The delegates fulfill the mandate which their electors have conferred on them in the interest of the entire community, for which purpose they must coordinate their functions as such with their habitual responsibilities and tasks. The law regulates the form in which these functions are developed.

ARTICLE 114

The delegates to the Municipal Assemblies of the People's Power have the rights and obligations which the Constitution and the laws attribute to them, and they are obligated in particular, to:

- a) bring to the cognizance of the Assembly and the Administration of the locality the opinions, necessities and difficulties that their electors express to them;
- b) inform [their electors] of the policy that the Assembly follows and the measures adopted for the solution of the necessities raised by the population or the difficulties which have arisen in resolving them;
- c) render account periodically to their electors of their personal work, and inform the Assembly or the Commission to which they belong of the fulfillment of the tasks which have been entrusted to them, when they so require.

ARTICLE 115

The delegates to the Provincial Assemblies of the People's Power have the duty to perform their tasks for the benefit of the collectivity, and to render 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, from among their delegates, their President and Vice President.

The election is effected by virtue of the candidatures proposed in the form and according to the procedure 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 territorial demarcations. Their attributions are established by the law.

ARTICLE 118

The organs of Administration, which the Provincial and Municipal Assemblies of the People's Power constitute, function in a collegiate form, and their composition, integration, attributions, and obligations are established in the law.

ARTICLE 119

The Provincial, Municipal and Zones of Defense Councils of Defense are constituted and prepare, [during] times of peace, to direct in their respective territories in conditions of [a] state of war, during [a] war, [a] general mobilization or [a] 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. The Council of National Defense determines the organization and attributions of these Councils in conformity with the law.

CHAPTER XIII

TRIBUNALS and OFFICE of the ATTORNEY-GENERAL

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 which the law institutes.

The law establishes the principal objectives of judicial activity, and regulates the organization of the Tribunals, the extent of their jurisdiction and competence, their faculties and the means of exercising them, the requirements which the judges must meet, the form of [their] election, and the causes and procedures for their removal or cessation of the exercise of their functions.

ARTICLE 121

The tribunals constitute a system of State organs, structured with functional independence from any other, and subordinated 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 order are final.

Through its Council of Government, it exercises legislative initiative and regulatory power; makes decisions and issues norms of obligatory fulfillment for all the people's tribunals, and, on the basis of their experience, it issues instructions of obligatory character to establish uniform judicial practice in the interpretation and application of the law.

ARTICLE 122

The judges, in their function of imparting justice, are independent, and owe obedience only to the law.

ARTICLE 123

The sentences and other final resolutions of the tribunals, issued within the limits of their competence, must be unavoidably obeyed by State organisms, the economic and social institutions and citizens, both by those directly affected by them and by those who, not having a direct interest in their execution, are obligated to participate [*intervenir*] in them.

ARTICLE 124

For the acts of the imparting of justice, all the tribunals operate in a collegiate form, and both professional judges and lay judges participate in them with equal rights and duties.

The performance of the judicial functions assigned to the lay judge, given their social significance, have priority with regard to [his] habitual work.

ARTICLE 125

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

ARTICLE 126

The faculty of removing judges corresponds to the organ which elected them.

ARTICLE 127

The Office of the Attorney General of the Republic is the organ of the State to which corresponds, as fundamental objectives, the control and preservation of the legality, on the basis of the supervision [*vigilancia*] of strict compliance with the Constitution, the laws, and other legal provisions by the organisms of the

State, economic and social entities, and citizens, and the promotion and exercise of public penal action in representing the State.

The law determines the other objectives and functions, as well as the form, extent, and occasion on which the Attorney General's Office exercises its faculties for this specific purpose.

ARTICLE 128

The Office of the Attorney General of the Republic constitutes 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 Office of the Attorney General in all the national territory, corresponds to the Attorney General of the Republic.

The organs of the Office of the Attorney General are organized vertically throughout the nation, are subordinate only to the Office of the Attorney General of the Republic and are independent of any local organ.

ARTICLE 129

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

ARTICLE 130

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

CHAPTER XIV

ELECTORAL SYSTEM

ARTICLE 131

All citizens with the legal capacity for it have the right to participate [*intervenir*] in the direction of the State, either directly or by means of their elected representatives [who] compose the organs of the People's Power; and to participate, for that purpose, in the form provided in the law, in periodic elections and popular referendums, which will be [held] by free, equal, and secret vote. Each elector is entitled to only one vote.

ARTICLE 132

All Cubans, men and women, over sixteen years of age, have the right to vote, except:

- a) the mentally incapacitated, with prior judicial declaration of their incapacity;
- b) the judicially disqualified because of [their] crimes.

ARTICLE 133

Cuban citizens, men or women, who enjoy full political rights, have the right to be elected.

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

ARTICLE 134

The members of the Revolutionary Armed Forces and other armed institutions have the right to elect and be elected, equally with all citizens.

ARTICLE 135

The law determines the number of delegates that compose 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 vote by the electors. The law regulates, likewise, 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 corresponding electoral demarcation.

If this requirement is not met, or in the other cases of vacant seats, the law regulates the form in which to proceed.

CHAPTER XV

CONSTITUTIONAL REFORM

ARTICLE 137

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

If the reform refers to the composition and faculties of the National Assembly or the People's Power or its Council of State or the rights and duties contained in the Constitution, it requires, as well, the ratification by a favorable vote of the majority of the citizens with the electoral right, in a referendum convoked to this effect by the Assembly itself.

SPECIAL PROVISION

The people of Cuba, almost in their totality, expressed on the 15th and 18th days of the month of June of 2002, the most decided support to the Bill of constitutional reform proposed by the organizations of the masses in extraordinary assembly of all the national locales [*direcciones*] that were held on the 10th day of the same month of June, on which was ratified in all of its parts the Constitution of the Republic and its proposed text that the socialist character and the political and social system contained in it have been declared irrevocable, with a dignified and categorical response to the demands and threats of the imperialist government of the United States on the 20th of May of 2002.

All has been approved by unanimity, by way of Accord No. V-74 adopted in extraordinary session of the Vth Legislature, celebrated on the 24th, 25th and 26th days of the month of June 2002.