

**CUBANET ...DOCUMENTS****Constitution of the Republic of Cuba, 1992****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 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 victory in 1898, a victory usurped by the military intervention and occupation of Yankee imperialism;

by the workers, peasants, student 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 organizations 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 carried out heroic internationalist missions;

**GUIDED**

by the ideas of José Martí and the political and social ideas of Marx, Engels and Lenin;

**BASING OURSELVES**

on proletarian internationalism, on 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 of 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 revolutionary power, carried out democratic changes, started the construction of socialism and, with the Communist Party at the forefront, continues this construction with the final objective of building a communist society;

#### AWARE

that all the regimes based on 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 country and of Cubans;

#### WE DECLARE

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

#### PRINCIPLES OF THE STATE

ARTICLE 1. Cuba is an independent and sovereign socialist state of workers,

organized with all and for the good of all as a united and democratic republic, for the enjoyment of political freedom, social justice, individual and collective well-being and human solidarity.

ARTICLE 2. The name of the Cuban state is Republic of Cuba, the official language is Spanish and its capital city is Havana.

ARTICLE 3. In the Republic of Cuba sovereignty lies in the people, from whom originates all the power of the state. That power is exercised directly or through the assemblies of People's Power and other state bodies which derive their authority from these assemblies, in the form and according to the norms established in the Constitution and by law.

When no other recourse is possible, all citizens have the right to struggle through all means, including armed struggle, against anyone who tries to overthrow the political, social and economic order established in this Constitution.

ARTICLE 4. The national symbols are those which, for over one hundred years, have presided over the Cuban struggles for independence, the fights of the people and social progress:

the flag of the lone star;

the anthem of Bayamo;

the coat of arms of the royal palm.

ARTICLE 5. The Communist Party of Cuba, a follower of Martí's ideas and of Marxism-Leninism, and the organized vanguard of the Cuban nation, is the highest leading force of society and of the state, which organizes and guides the common effort toward the goals of the construction of socialism and the progress toward a communist society,

ARTICLE 6. The Young Communist League, the organization of Cuba's vanguard youth, has the recognition and encouragement of the state in its main duty of promoting the active participation of young people in the tasks of building socialism and adequately preparing the youth to be conscientious citizens capable of assuming ever greater responsibilities for the benefit of our society.

ARTICLE 7. The Cuban socialist state recognizes and stimulates the social and mass organizations, which arose from the historic process of struggles of our people. These organizations gather in their midst the various sectors of the population, represent specific interests of the same and incorporate them to the tasks of the edification, consolidation and defense of the socialist society.

ARTICLE 8. The state recognizes, respects and guarantees freedom of religion.

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

The different beliefs and religions enjoy the same consideration.

ARTICLE 9. The state:

a) carries out the will of the working people and

- channels 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;
- consolidates the ideology and the rules of living together and of conduct proper of a society free from the exploitation of man by man;
- protects the constructive work of the people and the property and riches of the socialist nation;
- directs in a planned way the national economy;
- assures the educational, scientific, technical and cultural progress of the country;

b) as the power of the people and for the people, guarantees

- that every man or woman, who is able to work, have the opportunity to have a job with which to contribute to the good of society and to the satisfaction of individual needs;
- that no disabled person be left without adequate mean of subsistence;
- that no sick person be left without medical care;
- that no child be left without schooling, food and clothing;
- that no young person be left without the opportunity to study;
- that no one be left without access to studies, culture and sports;

c) works to achieve that no family be left without a comfortable place to live.

ARTICLE 10. All state bodies, their leaders, officials and employees function within the limits of their respective competency and are under the obligation to strictly observe socialist legality and to look after the respect of the same within the context of the whole of society.

ARTICLE 11. The state exercises its sovereignty:

a) over the entire national territory, which consists of the island of Cuba, the Isle of Youth and all other adjacent islands and keys; internal waters; the territorial waters in the extension prescribed by law; and the air space corresponding to the above;

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

c) over mineral, plant and animal resources on and under the ocean floor and those in waters comprised in the Republic's maritime economic area, as prescribed by law, in keeping with international practice.

The Republic of Cuba rejects and considers illegal and null all treaties, pacts and concessions which were signed in conditions of inequality, or which disregard or diminish its sovereignty and territorial integrity.

ARTICLE 12. The Republic of Cuba espouses the principles of anti-imperialism and internationalism, and

a) ratifies its aspirations to a valid, true and dignified peace for all states, big or small, weak or powerful, based on respect for the independence and sovereignty of the peoples and the right to self-determination;

b) establishes its international relations based on the principles of equality of rights, self-determination of the peoples, territorial integrity, independence of states, international cooperation for mutual and equitable benefit and interest, peaceful settlement of disputes on an equal footing and based on respect and the other principles proclaimed in the United Nations Charter and in other international treaties which Cuba is a party to;

c) reaffirms its desire for integration and cooperation with the countries of Latin America and the Caribbean, whose common identity and historical need to advance united on the road to economic and political integration for the attainment of true independence would allow us to achieve our rightful place in the world;

d) advocates the unity of all Third World countries in the face of the neocolonialist and imperialist policy which seeks to limit and subordinate the sovereignty of our peoples, and worsen the economic conditions of exploitation and oppression of the underdeveloped nations;

e) condemns imperialism, the promoter and supporter of all fascist, colonialist, neocolonialist and racist manifestations, as the main force of aggression and of war, and the worst enemy of the peoples;

f) repudiates direct or indirect intervention in the internal and external affairs of any state and, therefore, also repudiates armed aggression, economic blockade, as well as any other kind of economic or political coercion, physical violence against people residing in other countries, or any other type of interference with or aggression against the integrity of states and the political, economic and cultural elements of nations;

g) rejects the violation of the inalienable and sovereign right of all states to regulate the use and benefits of telecommunications in their territory, according to universal practice and international agreements which they have signed;

h) considers wars of aggression and of conquest international crimes; recognizes the legitimacy of the struggle for national liberation, as well as of armed resistance to aggression; and considers that its solidarity with those under attack and with the

peoples that struggle for their liberation and self-determination constitutes its internationalist duty;

i) bases its relations with those countries building socialism on fraternal friendship, cooperation and mutual assistance, founded on the common objectives of the construction of a new society;

j) maintains friendly relations with those countries which – although having a different political, social and economic system – respect its sovereignty, observe the rules of coexistence among states and the principles of mutual conveniences, and adopt an attitude of reciprocity with our country.

ARTICLE 13. The Republic of Cuba grants asylum to those who are persecuted because of their ideals or their struggles for democratic rights; against imperialism, fascism, colonialism and neocolonialism; against discrimination and racism; for national liberation; for the rights of workers, peasants and students and the redress of their grievances; for their progressive political, scientific, artistic and literary activities; for socialism and peace.

ARTICLE 14. In the Republic of Cuba rules the socialist system of economy based on the people's socialist ownership of the fundamental means of production and on the abolition of the exploitation of man by man.

In Cuba also rules the principle of socialist distribution of "from each according to his capacity, to each according to his work." The law establishes the provisions which guarantee the effective fulfillment of this principle.

ARTICLE 15. Socialist state property, which is the property of the entire people, comprises:

a) the lands that do not belong to small farmers or to cooperatives formed by them, the subsoil, mines, mineral, plant and animal resources in the Republic's maritime economic area, forests, waters and means of communications;

b) the sugar mills, factories, chief means of transportation and all those enterprises, banks and facilities that have been nationalized and expropriated from the imperialist, landholders and bourgeoisie, as well as the factories, enterprises and economic facilities and scientific, social, cultural and sports centers built, fostered or purchased by the state and those to be built, fostered or purchased by the state in the future.

Property ownership may not be transferred to natural persons or legal entities, save for exceptional cases in which the partial or total transfer of an economic objective is carried out for the development of the country and does not affect the political, social and economic foundations of the state, prior to approval by the Council of Ministers or its Executive Committee.

The transfer of other property rights to state enterprises and other entities authorized to fulfill this objective will be prescribed by law.

ARTICLE 16. The state organizes, directs and controls the economic life of the

nation according to a plan that guarantees the programmed development of the country, with the purpose of strengthening the socialist system, of increasingly satisfying the material and cultural needs of society and of citizens, of promoting the flourishing of human beings and their integrity, and of serving the progress and security of the country.

The workers of all branches of the economy and of the other spheres of social life have an active and conscious participation in the elaboration and execution of the production and development plans.

ARTICLE 17. The state directly administers the goods that make up the socialist property of the entire people's, or may create and organize enterprises and entities to administer them, whose structure, powers, functions and the system of their relations are prescribed by law.

These enterprises and entities only answer for their debts through their financial resources, within the limits prescribed by law. The state does not answer for debts incurred by the enterprises, entities and other legal bodies, and neither do these answer for those incurred by the state.

ARTICLE 18. The state controls and directs foreign trade. The law establishes the state institutions and officials authorized to:

- create foreign trade enterprises;
- standardize and regulate export and import transactions; and
- determine the natural persons or legal bodies with judicial powers to carry out these export and import transactions and to sign trade agreements.

ARTICLE 19. The state recognizes the right of small farmers to legal ownership of their lands and other real estate and personal property necessary for the exploitation of their land, as prescribed by law.

Small farmers may only incorporate their lands to agricultural production cooperatives with the previous authorization of the competent state body and fulfillment of the other legal requirements. They may also sell their lands, swap them or transfer them for another title to the state and agricultural production cooperatives, or to small farmers in the cases, forms and conditions prescribed by law, without detriment to the preferential right of the state to the purchase of the land while paying a fair price.

Land leases, sharecropping, mortgages and all other acts which entail a lien on the land or cession to private individuals of the rights to the land which is the property of the small farmers are all prohibited.

The state supports the small farmers' individual production which contributes to the national economy.

ARTICLE 20. Small farmers have the right to group themselves, in the way and following the requirements prescribed by law both for the purpose of agricultural

production and for obtaining state loans and services.

The establishment of agricultural production cooperatives in the instances and ways prescribed by law is authorized. Ownership of the cooperatives, which constitutes an advanced and efficient form of socialist production, is recognized by the state.

The agricultural production cooperatives manage, own use and dispose of the goods they own, as prescribed by law and by its regulations.

Land owned by cooperatives may not be seized or taxed and its ownership may be transferred to other cooperatives or to the state, according to the causes and as prescribed by law.

The state gives all possible support to this form of agricultural production.

ARTICLE 21. The state guarantees the right to personal ownership of earnings and savings derived from one's own work, of the dwelling to which one has legal title and of the other possessions and objects which serve to satisfy one's material and cultural needs.

Likewise, the state guarantees the right of citizens to ownership of their personal or family work tools. These tools may not be used to obtain earning derived from the exploitation of the work of others.

The law establishes the amount of goods owned by a person which can be seized.

ARTICLE 22. The state recognizes the right of political, mass and social organizations to ownership of the goods intended for the fulfillment of their objectives.

ARTICLE 23. The state recognizes the right to legal ownership of joint ventures, companies and economic associations which are created as prescribed by law.

The use enjoyment and disposal of the goods owned by the above-mentioned entities are ruled by that prescribed by law and by accords, as well as by their statutes and regulations.

ARTICLE 24. The state recognizes the right of citizens to inherit legal title to a place of residence and to other personal goods and chattels.

The land and other goods linked to production in the small farmers' property may be inherited by and only be awarded to those heirs who work the land, save exceptions and as prescribed by law.

The law prescribes the cases, conditions and ways under which the goods of cooperative ownership may be inherited.

ARTICLE 25. The expropriation of property for reasons of public benefit or social interest and with due compensation is authorized.

The law establishes the method for the expropriation and the bases on which the



need for and usefulness of this action is 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 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 the environment and natural resources. It recognizes the close links they have with sustainable economic and social development to make human life more rational and to ensure the survival, well-being and security of present and future generations. The application of this policy corresponds to the competent bodies.

It is the duty of citizens to contribute to the protection of the waters, atmosphere, the conservation of the soil, flora, fauna and nature's entire rich potential.

## 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 national territory, with the exception of the children of foreign persons at the service of their government or international organizations. In the case of the children of temporary foreign residents in the country, the law stipulates the requisites and formalities;
- b) those born abroad, one of whose parents at least is Cuban and on an official mission;
- c) those born abroad, one of whose parents at least is Cuban, who have complied with the formalities stipulated by law;
- d) those born outside national territory, one of whose parents at least is Cuban and who lost their Cuban citizenship provide they apply for said citizenship according to the procedures stated by law;
- e) foreigners who, by virtue of their exceptional merits won in the struggles for Cuba's liberation, 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 legally established form;

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 save for established legal causes. Neither may they be deprived of the right to change citizenship.

Dual citizenship is not recognized. Therefore, when a foreign citizenship is acquired, the Cuban one will be lost.

Formalization of the loss of citizenship and the authorities empowered to decide on this is prescribed by law.

ARTICLE 33. Cuban citizenship may be regained in those cases and ways specified by law.

## CHAPTER II

### ALIENS

ARTICLE 34. Foreign residents in the territory of the Republic are equal to Cubans in:

- the safeguarding of persons and property;
- the enjoyment of the rights and the fulfillment of the duties recognized in this Constitution, under the conditions and with the limitations prescribed by law;
- the obligation to observe the Constitution and the law;
- the obligation to contribute to the public expenditure in the form and amount prescribed by law;
- the submission to the jurisdiction and resolutions of the Republic's courts of justice and authorities.

The law establishes the cases and the ways in which foreigners may be expelled from national territory and the authorities empowered to decide on this.

## CHAPTER IV

### THE FAMILY

ARTICLE 35. The state protects the family, motherhood and matrimony.

The state recognizes the family as the main nucleus of society and attributes to it the important responsibilities and functions in the education and formation of the new generations.

ARTICLE 36. Marriage is the voluntarily 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.

Any qualification concerning the nature of the filiation is abolished.

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

The state guarantees, through adequate legal mean, 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 and 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 orients, foments and promotes education, culture and science in all their manifestations.

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

- a) the state bases its educational and cultural policy on the progress made in science and technology, the ideology of Marx and Martí, and universal and Cuban progressive pedagogical tradition;
- b) education is a function of the state and is free of charge. It is based on the conclusions and contributions made by science and on the close relationship

between study and life, work and production.

The state maintains a broad scholarship system for students and provides the workers with multiple opportunities to study to be able to attain the highest possible of knowledge and skills.

The law established the integration and structure of the national system of education and the extent of compulsory education and defines the minimum level of general education that every citizen should acquire;

c) the state promotes the patriotic and communist education of the new generations and the training of children, young people and adults for social life.

In order to make this principle a reality, general education and specialized scientific, technical or artistic education are combined with work, development research, physical education, sports, participation in political and social activities and military training;

d) there is freedom of artistic creation as long as its content is not contrary to the Revolution. There is freedom of artistic expression;

e) in order to raise the level of culture of the people, the state foments and develops artistic education, the vocation for creation and the cultivation and appreciation of art;

f) there is freedom of creation and research in science. The state encourages and facilitates research and gives priority to that which is aimed at solving the problems related to the interests of society and the well-being of the people;

g) the state makes it possible for the workers to engage in scientific work and to contribute to the development of science;

h) the state promotes, foments and develops all forms of physical education and sports as a means of education and of contribution to the integral development of citizens;

i) the state defends Cuban culture's identity and sees to the conservation of the nation's cultural heritage and artistic and historic wealth. The state protects national monuments and places known for their natural beauty or their artistic or historic values;

j) the state promotes the participation of the citizens, through the country's social and mass organizations, in the development of its educational and cultural policy.

**ARTICLE 40.** The state and society give special protection to children and young people.

It is the duty of the family, the schools, the state agencies and the social and mass organizations to pay special attention to the integral development of children and young people.

## CHAPTER VI

### EQUALITY

ARTICLE 41. All citizens have equal rights and are subject to equal duties.

ARTICLE 42. Discrimination because of race, skin color, sex, national origin, religious beliefs and any other form of discrimination harmful to human dignity is forbidden and will be punished by law.

The institutions of the state educate everyone from the earliest possible age in the principle of equality among human beings.

ARTICLE 43. The state consecrates the right achieved by the Revolution that all citizens, regardless of race, skin color, sex, religious belief, national origin and any situation that may be harmful to human dignity:

- have access, in keeping with their merits and abilities, to all state, public administration, and production services positions and jobs;
- can reach any rank in the Revolutionary Armed Forces and in 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 health 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 have the same rights in the economic, political, cultural and social fields, as well as in the family.

The state guarantees women the same opportunities and possibilities as men, in order to achieve woman's full participation in the development of the country.

The state organizes such institutions as children's day-care centers, semi-boardng schools and boarding schools, homes for the elderly and services to make it easier for the working family to carry out its responsibilities.

The state looks after women's health as well as that of their offspring, giving working women paid maternity leave before and after giving birth and temporary work options compatible with their maternal activities.

The state strives to create all the conditions which help make real 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 choice of worker and his skills 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."

Nonpaid, 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 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 assistance, 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 them.

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.

Anyone 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. Everyone 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, preventative and specialized 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 the population cooperates in these activities and plans through the social and mass organizations.

ARTICLE 51. Everyone has the right to 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 socioeconomic development.

Adults are also guaranteed this right; education for them is free of charge and 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, cinema, and other mass media are state or social property and can never be private property. This assures their use at exclusive service of the working people and in the interests of society.

The law regulated the exercise of those freedoms.

ARTICLE 54. The rights to assembly, demonstration and association are exercised by workers, both manual and intellectual, peasants, women, students and other sectors of the working people, and they have the necessary means for this. 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.

ARTICLE 55. The state, which recognizes, respects and guarantees freedom of

conscience and of religion, also recognizes, respects and guarantees every citizen's freedom to change religious beliefs or to not have any, and to profess, within the framework of respect for the law, the religious belief of his preference.

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 communications.

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 persons who has been arrested or the prisoner is inviolable in his personal integrity.

ARTICLE 59. Nobody can be tried or sentenced except by the competent court 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.

ARTICLE 62. None of the freedoms which are recognized for citizens can be exercised contrary to what is established in the Constitution and by 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. Every citizen has the duty of caring for public and social property, observing 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 an inexcusable duty of all.

## CHAPTER VIII

### STATE OF EMERGENCY

ARTICLE 67. In the case of or in the face of an imminent natural disaster or catastrophe or any other circumstance that because of its nature, proportion or importance affects public order, the country's security or the state's stability, the president of the Council of State may declare a state of emergency in the entire national territory or in part of it, and order the mobilization of the population while it is in force.

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 duties recognized in the Constitution, its exercise being regulated in a different manner during the time the state of emergency is in force.

## CHAPTER IX

### PRINCIPLES OF ORGANIZATION

### AND FUNCTIONING OF STATE AGENCIES

ARTICLE 68. State agencies are set up carry out their activity based on the principles of socialist democracy, which are manifested in the following regulations:

- a) all members or representative bodies of state power are elected and subject to recall;
- b) the masses control the activity of the state agencies, the deputies, delegates and officials;
- c) those elected must render an account of their work and may be revoked at any time;
- d) every state agency 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 to include the mass and social organizations in their work;
- e) decisions of higher state bodies are compulsory for inferior ones;
- f) inferior state bodies are responsible to higher ones and must render accounts of their work;
- g) freedom of discussion, criticism and self-criticism and sub-ordination of the minority to the majority prevail in all collegiate state bodies.

## CHAPTER X

### HIGHER BODIES OF PEOPLE'S POWER

ARTICLE 69. The National Assembly of People's Power is the supreme body of state power and represents and expresses the sovereign will of all the people.

ARTICLE 70. The National Assembly of People's Power is the only body in the

Republic invested with constituent and legislative authority.

ARTICLE 71. The National Assembly of People's Power is comprised of deputies elected by free, direct and secret vote, in the proportion and according to the procedure established by law.

ARTICLE 72. The National Assembly of People's Power is elected for a period of five years.

The 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, on meeting for a new legislature, elects from among its deputies its president, vice president and secretary. The law regulates the manner and procedure in which the Assembly is constituted and carries out this 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 established in ARTICLE 137;

- b) approving, modifying and annulling laws after consulting with the people when it is considered necessary in view of the nature of the law in question;
  
- c) deciding on the constitutionality of laws, decree-laws, decrees and all other general provisions;
  
- d) revoking in total or in part the decree-laws issued by the Council of State;
  
- e) discussing and approving the national plans for economic and social development;
  
- f) discussing and approving the state budget;
  
- g) approving the principles of the system for planning and the management of the national economy;
  
- h) approving the monetary and credit system;
  
- i) approving the general outlines of foreign and domestic policy;
  
- j) declaring a state of war in the event of military aggression and approving peace treaties;
  
- k) establishing and modifying the political-administrative division of the country pursuant to that established in ARTICLE 102;
  
- l) electing the president, vice president and secretary of the National Assembly;
  
- m) electing the president, the first vice president, the vice presidents, the secretary,

and the other members of the Council of State;

n) approving, at the initiative of the president of the Council of State, the first vice president, the vice presidents and the other members of the Council of Ministers;

o) electing the president, vice presidents and other judges of the People's Supreme Court;

p) electing the attorney general and the deputy attorney generals of the Republic;

q) appointing permanent and temporary commissions;

r) revoking the election or appointment of those persons elected or appointed by it;

s) exercising the highest supervision over state and government bodies;

t) keeping informed and 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.

u) 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;

v) revoking or modifying those resolutions or provisions of the local bodies of People's Power which encroach on the Constitution, the laws, the decree-laws, the decrees and other provisions issued by a higher body, or those which are detrimental to the interests of other localities or the general interests of the nation;

w) granting amnesty;

x) calling for the holding of a referendum in those cases provided by the Constitution and others which the Assembly considers pertinent;

y) establishing its ruler and regulations;

z) all other powers invested by this Constitution.

ARTICLE 76. All laws and resolutions of the National Assembly or 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 state bodies are published in the Official Gazette of the Republic.

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.

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.

ARTICLE 80. All sessions of the National Assembly of People's Power are public, excepting when the Assembly resolves to hold a closed-door session on the grounds of state interest.

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;
- d) sign and order the publication in the Official Gazette of the Republic of the laws and resolutions adopted by the National Assembly;
- e) organize the international relations of the National Assembly;
- f) conduct and organize the work of the permanent and temporary commissions appointed by the National Assembly;
- g) attend the meeting of the Council of State;
- h) all other powers assigned to him by this Constitution or the National Assembly of People's Power.

ARTICLE 82. The status of deputy does not entail personal privileges or economic benefits of any kind.

During the period in which they carry out their activities, the deputies receive the same salary as in their workplace and maintain their links 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. It is the duty of the deputies to the National Assembly of People's Power to exercise their duties in benefit of the people's interests, stay in contact with their electors, listen to their problems, suggestions and criticism, and explain the policy of the state. They will also render account to them of the results of their activities, as prescribed by law.

ARTICLE 85. The mandate of the deputies to the National Assembly of People's Power may be revoked at any time, in the ways and for the causes 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 bodies 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 of People's Power;
- b) the Council of State;
- c) the Council of Ministers;
- d) the commissions of the National Assembly of People's Power;
- e) the Central Organization of Cuban Trade Unions and the national offices of the other social and mass organizations;



f) the People's Supreme Court, in matters related to the administration of justice;

g) the Office of the Attorney General of the Republic, in matters within its jurisdiction;

h) 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 body 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;

d) give existing laws a general and obligatory interpretation whenever necessary;

e) exercise legislative initiative;

f) make all the necessary arrangements for the holding of referendums called for by

the National Assembly of People's Power;

g) decree a general mobilization 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;

h) 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;

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

j) issue instructions to the Office of the Attorney General of the Republic;

k) appoint and remove, at the initiative of its president, the diplomatic representatives of Cuba in others states;

l) grant decorations and honorary titles;

m) name commissions;

n) grant pardons;

o) ratify or denounce international treaties;

p) grant or refuse recognition to diplomatic representatives of other states;

q) 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;

r) revoke those resolutions and provisions of the local bodies of People's Power which infringe the Constitution, the laws, the decree-laws, the decrees and other provisions issued by a higher body or when they are detrimental to the interests of other localities or to the general interests of the nation;

s) approve its rules and regulations;

t) it is also invested with the other powers conferred by the Constitution and laws or granted by the National Assembly of People's Power.

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 People's Power expires when the new Council of State, elected by virtue of its periodic renovation, takes power.

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 and 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;

d) assume the leadership of any ministry or central agency of the administration;

e) propose to the National Assembly of People's Power, once elected by the later, the members of the Council of Ministers;

f) accept the resignation of the members of the Council of Ministers or propose either to the National Assembly of People's Power or the Council of State the replacement of any of those members and, in both cases, to proposes the corresponding substitutes;

g) receive the credentials of the heads of the heads of foreign diplomatic missions. This responsibility may be delegated to any of the vice presidents of the Council of State;

h) assume the supreme command of all armed institutions and determine their general organization;

i) preside over the National Defense Council;

j) declare a state emergency in those cases provided for in this Constitution, stating his decision, as soon as the circumstances permit it, to the National Assembly of People's Power or to the Council of State if the Assembly is unable to meet, according to legal effects;

k) 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 arrange for their publication in the Official Gazette of the Republic;

l) assume all other duties assigned it by the Constitution or by law.

ARTICLE 94. In cases 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 body 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, first vice president, vice presidents and other members of the Council of Ministers, as determined by the president, make up the Executive Committee.

In periods between the meetings of the Council of Ministers, the Executive Committee can decide on matters under the jurisdiction of the Council of Ministers.

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 draft general plans for the socioeconomic 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;
- d) approve international treaties and submit them to ratification by the Council of State;
- e) direct and control foreign trade;
- f) draw up the draft for the state budget and, once it is approved by the National Assembly of People's Power, to see to its implementation;

- g) adopt measures aimed at strengthening the monetary and credit system;
- h) draw up bills and submit them to the consideration of the National Assembly of people's Power or the Council of State, accordingly;
- i) 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;
- j) conduct the administration of the state and unify, coordinate and supervise the activities of the agencies of the central administration and local administrations;
- k) 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;
- l) issue decrees and provisions on the basis of and pursuant to the existing laws and supervise their implementation;
- m) revoke the decisions taken by those administrations subordinated to the Provincial or Municipal Assemblies of People's Power, adopted according to the powers delegated by the central state administration agencies, when these are contrary to the instructions issued from a higher level and whose fulfillment is compulsory;
- n) propose to the Provincial and Municipal Assemblies of People's Power the revocation of those provisions adopted during their specific activities by the provincial and municipal administrations subordinated to them, when these are contrary to the instructions approved by the central state administration agencies, in the exercise of their functions;
- o) revoke those provisions issued by heads of central state administration agencies when these are contrary to the instructions issued from a higher level and whose fulfillment is compulsory;

p) propose to the National Assembly of People's Power or to the Council of State the suspension of those resolutions and provisions issued by the local assemblies of People's Power which infringe existing laws and other provisions or are detrimental to the interests of other communities or the general interests of the nation;

q) name the commissions it deems necessary to facilitate the fulfillment of the tasks assigned to it;

r) appoint and remove officials in keeping with the powers it is invested with by the law;

s) 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 functioning of the Council of Ministers.

ARTICLE 99. The Council of Ministers is accountable to and periodically renders account 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 ministry or agency under their care, issuing the necessary resolutions and provisions to that effect;

b) dictate, in the event it is not the specific duty of another state body, 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 right 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;

d) appoint, according to the law, the corresponding officials;

e) they are also invested with any other power with which the Constitution and laws invest them.

ARTICLE 101. The National Defense Council is constituted and prepared during peacetime to lead the country in conditions of a state of war, during a war, a general mobilization or a state of emergency. The law regulates its organization and activities.

## CHAPTER XI

### POLITICAL-ADMINISTRATIVE DIVISION

ARTICLE 102. For political-administrative purposes the country is divided into provinces and municipalities; their number, boundaries and names are determined by law.

The law may also establish other divisions.

The province is the local society having, to all legal effects, a juridical personality. It is politically organized according to law to serve as an intermediate link between the central and municipal governments, covering a surface area equivalent to the municipalities within its demarcation. It exercises the functions and fulfills the state and administrative duties which are under its jurisdiction and has the fundamental duty of promoting the economic and social development of its territory, for which it coordinates and controls the fulfillment of the policies, programs and plans approved by the higher state bodies, with the support of its municipalities and taking their interests into account.

The municipality is the local society having, to all legal effects, a juridical personality. It is politically organized according to law, covering a surface area that is determined by the necessary economic and social relations of its population, and with the capacity to meet the minimum local needs.



The provinces and municipalities, in addition to exercising their corresponding functions, contribute to the realization of the state's objectives.

## CHAPTER XII

### LOCAL BODIES OF PEOPLE'S POWER

ARTICLE 103. The Assemblies of People's Power set up in the political-administrative divisions into which the country is divided are the higher local bodies of state power. Therefore, they are invested with the highest authority for the exercise of their state functions within their respective boundaries. To this effect they govern in all that is under their jurisdiction and the law.

They also aid in the development of activities and the fulfillment of plans of those units in their territory which are not subordinated to them, as prescribed by law.

The local administrations established by these Assemblies direct the economic, production and service entities locally subordinated to them, with the purpose of meeting the needs for economic, health care, assistance, educational, cultural, sports and recreational services of the collective in the territory under the jurisdiction of each.

For the exercise of their functions the local Assemblies of People's Power find support in the People's Councils and the initiative and broad participation of the population and they act in close coordination with the social and mass organizations.

ARTICLE 104. The People's Councils are constituted in cities, towns, neighborhoods and rural areas; they are invested with the highest authority for carrying out their functions; they represent the territory where they carry out their functions and also represent the municipal, provincial and national bodies of People's Power.

They work actively for efficiency in the development of production and service activities and for meeting the needs for health care, economic, educational, cultural and social activities of the population, promoting the broadest participation of the

population and the local initiatives to resolve their problems.

They coordinate the work of the existing entities in their field of action, promote cooperation among them and control and supervise their activities.

The People's Councils are made up of the delegates elected in the districts, who must choose among themselves their president. The representatives of mass organizations and the most important institutions in the territory may form part of the Councils.

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

ARTICLE 105. In the limits of their jurisdiction, the Provincial Assemblies of People's Power are invested with the power to:

- a) obey and help to enforce the laws and other general regulations adopted by the higher state bodies;
- b) approve and control the execution of the province's income and spending budget and plan, according to the policies agreed upon by the competent national agencies;
- c) elect or recall the president and vice president of the Provincial Assembly;
- d) designate or substitute the secretary of the Assembly;
- e) participate in the drawing up and supervision of the state budget and technical-economic plan, corresponding to the entities located in its territory and subordinated to other bodies, as prescribed by law;
- f) control and supervise the activities of the provincial administration body with the help of its work commissions;

- g) designate or substitute the members of the provincial administration body, at the proposal of its president;
  
- h) determine, according to the principles established by the Council of Ministers, the organization, functioning and tasks of the entities in charge of carrying out the economic, production and services, educational, health care, cultural, sports, protection of the environment and recreational activities, which are subordinated to the provincial administration body;
  
- i) adopt agreements concerning administration matters in its territory and which, according to law, do not correspond to the general jurisdiction of the central state administration or to that of the municipal bodies of state power;
  
- j) approve the creation and organization of the People's Councils at the proposal of the Municipal Assemblies of People's Power;
  
- k) revoke, in the framework of its jurisdiction, the decisions adopted by the provincial administration body or propose their revocation to the Council of Ministers when these decisions have been adopted while acting according to the faculties entrusted to them by the central state administration agencies;
  
- l) study and evaluate the rendering of accounts reports presented by their administration body and the Assemblies of People's Power which are their subordinates, and adopt the pertinent decisions regarding those reports;
  
- m) set up or dissolve work commissions;
  
- n) attend to all that relevant to the application of the policy on cadres drawn up by the higher state bodies;
  
- o) strengthen legality, public order and the country's defense capacity;
  
- p) assume any other duty assigned by the Constitution and by law.

ARTICLE 106. In the limits of their jurisdiction, the Municipal Assemblies of People's power are invested with the power to:

- a) obey and help to enforce the laws and other general regulations adopted by the higher state bodies;
- b) elect or recall the president and vice president of the Assembly;
- c) designate or substitute the secretary of the Assembly;
- d) supervise and control the entities subordinated to the municipal body, with the support of the work commissions;
- e) revoke or modify the resolutions and measures of the bodies or authorities subordinated to them which are contrary to the Constitution or the laws, decrees-laws, decrees, resolutions enacted by the higher state bodies or those which affect the interest of the community, of other territories or the general interests of the country, or propose their revocation to the Council of Ministers when they have been adopted while acting according to the faculties entrusted to them by the central state administration agencies;
- f) adopt agreements and enact measures in the framework of the Constitution and the laws in force, on matters of municipal interest, and control their application;
- g) designate or substitute the members of its administration body on the proposal of its president;
- h) determine, according to the principles established by the Council of Ministers, the organization, functioning and tasks of the entities in charge of carrying out economic, production and services, and health care activities, and others such as assistance, educational, cultural, sports, protection of the environment and recreational activities which are subordinated to its administration body;

i) propose the creation and organization of the People's Councils, as established by law;

j) constitute or dissolve work commissions;

k) approve the municipality's socioeconomic plan and budget, following the policy drawn up for this by the competent agencies of the central state administration, and control their execution;

l) help in the development of activities and the fulfillment of production and service plans of the entities located in their territory which are not subordinated to them, for which they can draw support from their work commissions and administration body;

m) study and evaluate the rendering of accounts reports presented by their administration body and adopt the pertinent decisions thereof;

n) attend to all that having to do with the application of the policy on cadres drawn up by the higher state bodies:

o) strengthen legality, public order and the country's defense capacity;

p) carry out any other functions assigned by the Constitution and by law.

ARTICLE 107. The regular and special sessions of the local Assemblies of People's Power are public, except in cases when it is agreed to hold them behind closed doors for reasons of state or when matters referring to the decorum of persons are involved.

ARTICLE 108. In order for agreements of the local Assemblies of People's Power to be valid, more than half of the total number of members must be present. Agreements are adopted by simple majority.

ARTICLE 109. The entities organized to meet local needs with the aim of fulfilling their specific objectives, are ruled by laws, decree-laws and decrees; by agreements adopted by the Council of Ministers; by regulations issued by the heads of central state administration agencies on matters under their jurisdiction which are of general interest and that require being regulated on a national level; and by agreements adopted by the local bodies to which they are subordinated.

ARTICLE 110. The permanent work commissions are constituted by the Provincial and Municipal Assemblies of People's Power to meet the specific interests of their localities, in order to help them carry out their activities and especially to control and supervise the locally subordinated entities and others corresponding to further levels of subordination which are located in their territory.

Temporary commissions fulfill specific tasks assigned within the time limits indicated.

ARTICLE 111. The Provincial Assemblies of People's Power are renovated every five years, which is the delegates' term of office.

The Municipal Assemblies of People's Power are renovated every two and a half years, which is the delegates' term of office.

These terms may only be extended by decision of the National Assembly of People's Power, in the cases mentioned in ARTICLE 72.

ARTICLE 112. The term of the delegated to local Assemblies may be revoked at any time. The law prescribes the manner, the cases and the methods in which they may be revoked.

ARTICLE 113. The delegates fulfill the mandate of their electors, in the interest of all the community, for which they must coordinate their functions as such with their usual responsibilities and tasks. The law regulates the manner in which these functions are carried out.

ARTICLE 114. The delegates to the Municipal Assemblies of People's Power have

the rights and duties conferred by the Constitution and by law and they are especially obliged to:

- a) make the opinions, needs and problems expressed by their electors known to the Assembly and to the local administration;
- b) report to their electors on the policies of the Assembly and the measures adopted to resolve the problems posed by the population or outline the reason why they have not been resolved;
- c) render account of their activities on a regular basis to their electors, and report to the Assembly or to the commission they belong to on the fulfillment of the tasks assigned to them when they are asked to do so.

ARTICLE 115. The delegates to the Provincial Assemblies of People's Power have the duty to carry out their activities for the benefit of the collective and report on the measures taken by them on a personal basis, according to the procedure established by law.

ARTICLE 116. The Provincial and Municipal Assemblies of People's Power elect their president and vice president from among their delegates.

ARTICLE 117. The president of the Provincial and Municipal Assemblies of People's Power are also the presidents of their respective administration bodies and represent the state in their territories. Their functions are established by law.

ARTICLE 118. The administration bodies which constitute the Provincial and Municipal Assemblies of People's Power work on a collegiate basis and their composition, integration, functions and duties are established by law.

ARTICLE 119. The Provincial and Municipal Defense Councils and the Defense Zone Councils are constituted and organized during peacetime to conduct their respective territories' affairs, in conditions of a state of war, during a war, a general mobilization or a state of emergency, based on the general defense plan and the army's military councils corresponding role and responsibilities. The National Defense Council determines, according to law, the organization and functions of these Councils.

## CHAPTER XIII

### THE COURTS AND THE OFFICE

#### OF THE ATTORNEY GENERAL

ARTICLE 120. The function of administering justice springs from the people and is carried out on its behalf by the People's Supreme Court and the other courts which the law establishes.

The law establishes the main objectives of judicial activity and regulates the organization of the courts; the extension of their jurisdiction and competence; their authority and the form of exercising it; the standards that judges must meet, the manner in which they must be elected and the causes and methods for recalling them or for the cessation of their functions.

ARTICLE 121. The courts constitute a system of state bodies which are set up with functional independence from all other systems and they are only subordinated to the National Assembly of People's Power and the Council of State.

The People's Supreme Court is the foremost judicial authority and its decisions in this field are final.

Through its Governing Council it can propose and issue regulations; make decisions and enact norms whose fulfillment is compulsory for all courts and, based on their experience, it issues instructions which are also compulsory in order to establish uniform judicial practice in the interpretation and application of the law.

ARTICLE 122. The judges, in their function of administering justice, are independent and only owe obedience to the law.

ARTICLE 123. The sentences and other decisions of the courts, 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 only the duty to participate in it.

ARTICLE 124. For administering justice all courts function in a collegiate form and professional and lay judges participate in them with equal rights and duties.

The judicial functions assigned to lay judges, in view of their social importance, have priority over their usual occupation.

ARTICLE 125. The courts render an account of the results of their work in the manner and with the periodicity established by law.

ARTICLE 126. Judges can only be recalled by the body which elected them.

ARTICLE 127. The Office of the Attorney General of the Republic is the state body which has, as its fundamental objective, jurisdiction over the control and preservation of legality by ensuring that the Constitution, the law and other legal regulations are strictly obeyed by state agencies, economic and social entities and citizens; and representing the state in the promotion and exercise of public legal action.

The law determines the other objectives and functions as well as the form, duration and occasion in which the Office of the Attorney General exercises its power.

ARTICLE 128. The Office of the Attorney General of the Republic constitutes an organic unit which is only subordinated to the National Assembly of People's Power and the Council of State.

The Attorney General of the Republic is given instructions directly from the Council of State.

The Attorney General of the Republic will handle the direction and control of all the work done by his office all over the country.

The bodies of the Office of the Attorney General are organized in a vertical manner all over the country. They are subordinate only to the Office of the Attorney General of the Republic and are independent of all local bodies.

ARTICLE 129. The Attorney General of the Republic and the assistant attorney generals are elected and subject to recall by the National Assembly of People's Power.

ARTICLE 130. The Attorney General of the Republic renders an account of his work to the National Assembly of People's Power in the form and with the periodicity established by law.

## CHAPTER XIV

### ELECTORAL SYSTEM

ARTICLE 131. All citizens, with the legal capacity to do so, have the right to take part in the leadership of the state, directly or through their elected representatives to the bodies of People's Power, and to participate, for this purpose and as prescribed by law, in the periodic elections and people's referendums through free, equal and secret vote. Every voter has only vote.

ARTICLE 132. All Cubans over 16 years of age, men and women alike, have the right to vote except those who:

- a) are mentally disabled and have been declared so by court;
- 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 more than 18 years old.

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 that make up each of the Provincial and Municipal Assemblies, in proportion to the number of people who live in each of the regions into which, for electoral purposes, the country is divided.

The delegates to the Provincial and Municipal Assemblies are elected by the voters through free, direct and secret vote. Moreover, the law regulates the procedure for their election.

ARTICLE 136. In order for deputies or delegates to be considered elected they must get more than half the number of valid votes cast in the electoral districts.

If this does not happen, or in cases of vacant posts, the law regulates the procedure to be followed.

## CHAPTER XV

### CONSTITUTIONAL REFORMS

ARTICLE 137. This Constitution can only be totally or partially 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.

If the modification is total or has to do with the integration and authority of the National Assembly of People's Power or its Council of State or the rights and duties

contained in the Constitution, the approval of the majority of citizens with the right to vote is required via a referendum organized for this purpose by the Assembly.

This Constitution, which was proclaimed on February 24, 1976, contains the reforms approved by the National Assembly of People's Power in the 11th Regular Session of the 3rd Legislature, held on July 10, 11 and 12 of 1992.

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