
Main Changes in Cuba's Draft Constitution

30/12/2018



The popular referendum held in Cuba from August 13 to November 15 generated more than 700 changes in the Draft Constitution, which is being analyzed in detail by the lawmakers of the People's Power National Assembly (Parliament).

The document, enriched with the opinions submitted in neighborhoods and work places and educational centers, as well as by Cubans on missions or who reside abroad, contains 229 articles (five more than the previous version) grouped in 11 chapters.

The preface to the proposed Magna Carta, which in order to come into force and replace the Constitution in force since 1976 must be approved by the Assembly and in a popular referendum, extends recognition of Cubans who for centuries have fought for 'a free, independent, sovereign, democratic motherland with social justice and human solidarity.'

Regarding the Fundamental Principles of the Nation, it reflects in Article 9 that 'Strictly complying with socialist legality is an obligation of all,' while Article 11 adds to the elements on which the State exercises its sovereignty and jurisdiction, the continental platform and the adjoining zone.

In the chapter related to the Economic Foundations, articles were added from the contribution of citizens, such as Article 20 on the recognition of workers' participation in the processes of planning, regulation, management and control of the economy.

Likewise, it establishes in Article 21 that the State promotes the promotes science, technology and innovation as essential elements for socioeconomic development.

In the case of the several forms of property, including the socialist property of the entire people, the mixed property, cooperatives and private property, it defines that those exercised over the means of production interact under

similar conditions, and the State regulates and controls the way they contribute to the country's development.

The Draft Constitution extends the rights, duties and guarantees, and in this regard it adds Article 40, which states, 'Human dignity is the supreme value that underpins the recognition and exercise of the rights and duties enshrined (...).'

Similarly, it states that the expropriation of property is authorized only for reasons of public use or social interest, with due compensation.

Families have a particular recognition in the document, which endorses the right of every person to found a family.

'The State recognizes and protects families, whatever their form of organization (...),' it adds.

Regarding marriage, it defines it as 'a social and legal institution. It is one of the forms of organization of families,' so Article 68 of the previous version of the Draft Constitution was eliminated, which described marriage as 'the union voluntarily arranged between two persons with legal capacity to do so.'

It also emphasizes the protection of children and adolescents against all types of violence and guarantees the active participation of young people in society.

Another aspect with new articles in the Draft Constitution is the one related to the guarantees of rights, highlighting that people can access the judicial bodies in order to obtain effective protection of their rights and legitimate interests.

In addition, Article 93 recognizes the right to resolve disputes using alternative methods of dispute resolution.

With regard to legal security, Article 94 provides for the enjoyment of equal opportunities in all processes involving persons as parties, and the right to provide the relevant evidence and to request the exclusion of those obtained by violating what was established.

The article itself also reflects the right to a process without undue delay and to compensation for material and moral damages.

With respect to the President of the Republic, a leading figure that would be created if the Constitution is approved in the referendum, it adds to its faculties: to propose to the delegates of the municipal assemblies the election or revocation of the governors and vice governors.

With regard to the governor, Article 175 indicates that the governor is elected by the delegates to the municipal assemblies, a modification from the previous Draft Constitution, which established his/her appointment.
