21 December 2022

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A List of Human Rights Guaranteed by the Constitution in Cuba

**1976 with Amendments through 2002:**

* Religious Freedom - Article 8

The State recognizes, respects, and guarantees religious freedom

* The People’s rights - Article 9
	+ Freedom and full dignity of men
	+ Total development of their personality (autonomy)
	+ Protects creative work of people (art)
	+ No person without work that lacks decent subsistence
	+ No ill person lacking medial attention
	+ No child lacking school, food, clothing
	+ Works to achieve that no family lacks a comfortable home
	+ Right of determination of peoples
* No interference with telecommunications - Article 12

Rejects the violation of the irrevocable and sovereign right of any State to regulate the use and benefits of telecommunications in its territory

* Protections for persons - Article 13

Persons 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.

* Right to own property - Article 19

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

Right to Sell

They may also sell, exchange, or transfer it through another title, to the State and to agricultural-livestock production cooperatives or to small farmers, in the instances, forms and conditions that the law establishes without prejudice to the State’s preferential right to its purchase, through payment of its fair price.

Right to Produce

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

Right to keep property

The land of cooperatives may not be seized or 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.

* Personal ownership - Article 21

Personal ownership of the income and savings derived from the person’s own work, of the housing that is possessed with a fair ownership title, and of other assets and objects that serve to satisfy the material and cultural needs of the person is guaranteed. Also, is guaranteed is ownership of the means and instruments of personal or familial work, which may not be used to procure income derived from exploitation of the work of others.

* Political Orgs Rights- Article 22

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

* Right to inheritance - Article 24

The State recognizes the right to inheritance of the individually owned housing, and of other assets of personal property. The land and other assets linked to production comprising the property of small farmers are inheritable.

* Protection from expropriation - Article 25

Expropriation of assets is authorized for reasons of public utility or social interest with due compensation.

* Indemnification - Article 26

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

* Citizenship Rights - Article 32
Cubans may not be deprived of their citizenship expect for legally established causes. Nor may they be deprived of their right to change it.
* Family Protection - Article 35

The State recognizes in the family the fundamental cell of the society, and attributes to it essential responsibilities and functions in the education and training of the new generations. (Right of parents to control education of children?)

* Marriage and Parenting - Article 36

It is based on fully equality of rights and duties for the partners, who much 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.

* Defend Child’s legitimate interest - Article 38

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

* Education including Artistic Expression and Citizen Involvement - Article 39

 Ch. Artistic creativity is free as long as its content is not contrary to the Revolution. Forms of expression of art are free; in order to raise the level of culture of the people, the State will take measures to promote and develop artistic education, the vocation for the creation of artistic culture and the capacity for its appreciation.

1. The State promotes the participation of citizens in the implementation of its education and cultural policy through the country’s mass and social organizations
* No Discrimination - Article 42

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

* Rights of each Citizen - Article 43

-all positions/jobs

-all ranks in military

-equal pay for equal work

-right to education

-medical care

-live anywhere, stay any hotel

-go to any store/restaurant and receive service

-use all means of transport by sea, land and air

-entertainment access and enjoyment

FUNDAMENTAL RIGHTS, DUTIES, AND GUARANTEES (BILL OF RIGHTS)

* Work - Article 45

Determined by State, worker’s decision is “taken into account”.

Every worker required to faithfully carry out tasks corresponding to him at his job.

* Rest - Article 46

Right to rest, guaranteed by 8-hour workday, weekly rest period and annual paid vacations

* Social Security - Article 47

State assures adequate protection to every worker who is unable to work because of age, illness, or disability. If he dies, protection will be extended to his family.

* Social Aid - Article 48

State protects senior citizens who are alone for finances and care.

* Work Safety - Article 49

State guarantees safety and hygiene on the job by means of measures. Worker has right to medical care and compensation or retirement in those cases in which temporary or permanent work disability ensues.

* Medical Care - Article 50

State guarantees free medical and hospital care, free dental, examinations and vaccination programs.

* Right to Education - Article 51

Free education and scholarships, free educational materials. Adult education program and advanced courses for workers guaranteed.

* Right to Physical Education - Article 52

Enjoyment of the right of physical education, sports and recreation is assured by teaching and means placed at service of the people on a mass basis.

* **Freedom of Speech - Article 53**

Citizens have freedom of speech and of the press in keeping with the objectives of socialist society. All media and press is State or social property and can never be private property. This assures their use at the exclusive service of the working people and in the interest of society. The law regulates the exercise of these freedoms.

* **Rights of Assembly - Article 54**

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

* **Right of Religious Freedom and Conscience - Article 55**

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

* **Right of Home and Privacy - Article 56**

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

* **Right of Privacy in Communication- Article 57**

Mail is inviolable. It can only be seized, opened and examined in cases prescribed by law. Secrecy is maintained on matters other than those which led to the examination. The same principle is to be applied in the case of cable, telegraph and telephone communication. (Social Media!)

* **Right of Privacy - Article 58**

Freedom and inviolability of persons is assured to all those who live in the country. Nobody can be arrested, except in the manner, with the guarantees and in the cases indicated by law. The person who has been arrested or who is a prisoner is inviolable in his personal integrity.

* **Right of Due Process - Article 59**

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

* Property Confiscation - Article 60

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

\*\*Note\*\* As opposed to Cuba’s 1940 Constitution Article 24 with says:

Art 24.—Confiscation of property is prohibited. No one can be deprived of his property except by competent judicial authority and for a justified cause of public utility or social interest, and always after payment of the corresponding indemnity in cash, judicially fixed. Non-compliance with these requisites shall determine the right of the person whose property has been expropriated, to be protected by the courts, and if the case calls for it, to have his property restored to him.

* Retract Penal Laws - 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.

* **Freedoms Guaranteed - Article 62**

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

* **Right of Citizen to Criticize Government - 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.

* Treason - Article 65

Defense of socialist homeland is greatest honor and supreme duty of every Cuban citizen. Treason against one’s country is the most serious of crimes; those who commit it are subject to the most severe penalties.

* **Supremacy Clause - Article 66**

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

* Citizens Involvement in Proposal of Laws - Article 88

g. The citizens. In this case it is an indispensable prerequisite that the proposal be made by at least 10,000 citizens who are eligible to vote.

* Promotion of Population’s Participation - Article 104

[People’s Councils are established] to promote the population’s full participation, as well as local initiatives, for the solution of its problems.

* Attorney General Mandates - Article 127

Fundamental objectives, the control and preservation of the legality—based on monitoring strict compliance with the Constitution, the laws, and other legal provisions.

* Right to Vote - Article 131/132

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

Those who have committed a crime may not vote.

* Right to be Elected - Article 133

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

* Modification to Constitution - Article 137

It shall also require the approval of the majority of citizens with the right to vote by means of a referendum called upon for this purpose by the Assembly itself.

\*\*Note\*\* Article 137 also says that the Constitution can be changed without a majority vote of the National Assembly of People’s Power in the case that the structure of the Social State is under threat (capitalism) or a foreign power is effecting the State.

**2019 Constitution**

* Human Dignity - Preamble and Article 1

Ethic of its citizens for the enjoyment of liberty, equity, justice, and equality, solidarity, and individual and collective well-being and prosperity.

* Sovereignty Resides with People - Article 3

Sovereignty resides nontransferable with the people, from which all the State’s power emanates. The people exercise they power directly and via Assemblies of People’s Power and other organs of the State that are derived from them, in the form and according to the norms established by the Constitution and the laws.

* Treason and Right to Overthrow - Article 4

Treason is the most serious of crimes, whoever should commit treason will be subject to the most severe sanctions. The socialist system that this Constitution supports is irrevocable. Citizens have the right to combat through any means, including armed combat when other means are not available, against any that intend to topple the political, social and economic order established by this Constitution.

* Supremacy Clause - Article 7

The Constitution is the supreme norm of the State. All are obliged to comply with it. The orders and acts of the organs of State, their leaders, functionaries, and employees will act in conformity with that which is prescribed by the Constitution.

* International Law - Article 8

That which is prescribed in international treaties that are in force for the Republic of Cuba constitute or form part of national legislative regulations, as applicable. The Constitution of the Republic of Cuba takes priority over international treaties.

* Adherence of Officials - Article 9

All are obligated to strictly adhere to socialist law. Furthermore, the organs of the State, their leaders, functionaries, and employees ensure its respect in the lives of all people and act within the limits of their respective responsibilities.

* Officials Required to Respect People - Article 10

The organs of the State, its leaders, functionaries, and employees are obligated to respect, care for, and respond to the people, to maintain close links with the people, and to submit to their oversight in the forms established by the Constitution and the laws.

* Religious Liberty - Article 15

The Republic of Cuba is secular. In the Republic of Cuba, the religious institutions and fraternal associations are separate form the State and they all have the same rights and duties. Distinct beliefs and religions enjoy equal consideration.

* Economic Policy Participation - Article 20

Workers participate in the processes of economic planning, regulation, management, and monitoring. The law regulates the participation of labor collectives in the administration and management of state-governed business entities and budgetary units.

* Forms of Property - Article 22

d. Private ownership; that which is exercised over specific means of production by natural or legal persons, Cubans or foreigners; with a complementary role in the economy.

g. Personal property: that which is exercised over one’s belongings that, without constituting means of production, contribute to the satisfaction of the material and spiritual necessities of their owner.

* Private Property Transfer - Article 29

Leasing, sharecropping, and mortgage loans to individuals are prohibited. Trading is regulated by State.

* Labor Rights - Article 31

Paid labor must be the principal source of income that sustains dignified living conditions, allows for the improvement of material and spiritual well-being and the realization of individual, collective, and social projects. Payment in accordance with the labor performed is complemented by the just and free fulfillment of universal social services and other provisions and benefits.

* Right to Artistic Expression - Article 32

h. Freedom of artistic creation is promoted in all of its expressions, in accordance with the humanist principles upon which the State’s cultural policy and the values of socialist society are based.

* Right of Citizenship - Article 38

Cubans may not be deprived of their citizenship, except for legally sanctioned causes.

* Equality Right - Article 41

The Cuban State recognizes and guarantees to a person the non-renounceable, indivisible, and interdependent enjoyment and exercise of human rights, in correspondence with the principles of progressivity and nondiscrimination. Their respect and guarantee are obligatory for all.

* Equality in Law - Article 42

All people are equal before the law, receive the same protection and treatment from the authorities, and enjoy the same rights, liberties and opportunities, without any discrimination. All people have the right to enjoy the same public spaces and service facilities.

* Women Rights - Article 43

Women and men have equal rights and responsibilities.

* Limits of Rights - Article 45

The exercise of these rights of the people are only limited by the rights of others, collective security, general well-being, respect for public order, the Constitution, and the laws.

RIGHTS

* Right to Life and Justice - Article 46

All citizens have the right to life, physical and moral integrity, justice, security, peace, health, education, culture, recreation, sports, and their holistic development.

* Right to Individuality - Article 47

The people have the right to free development of their personality and must conduct themselves with respect, fraternity, and solidarity.

* Right to Privacy - Article 48

All people have the right to personal and familiar privacy, to their own image and voice, their honor, and their personal identity.

* Home Privacy - Article 49

The home is an inviolable space. One may not enter in another dwelling without permission of the inhabitants, except through a warrant issued by a competent authority following the legal formalities and for a motive previously defined by law.

* Communication Privacy - Article 50

Correspondence and other forms of communication between persons are inviolable. They may only be intercepted or registered through a warrant issued by a competent authority in the cases and with the formalities established by the law. Documents of information obtained in violation of the principle do not constitute evidence within any legal proceeding.

* Prohibition of Cruelty - Article 51

People may not be subject to forced disappearance, torture, or cruel, inhumane, or degrading treatment or punishment.

* Right to Movement - Article 52

People have the right to enter, remain in, travel through, and exit from the national territory, or to change their residence or domicile without any limits other than those established by the law.

* Right to Information - Article 53

All people have the right to request and receive information from the State that is true, objective and timely, and to access the information generated by organs of the state and its entities, according to the established regulations.

* Freedom of Thought, Conscience and Expression - Article 54

The State recognizes, respects, and guarantees people freedom of thought, conscience, and expression.

* Freedom of Press - Article 55

People’s freedom of press is recognized. This right is exercised according to the law and for the good of society. The fundamental means of social communication, in any of their forms, are the socialist property of all people or of political, social, and mass organizations, and may not be categorized as any other type of property. The State establishes the principles of organization and operation for all means of social communication.

* Right to Protest - Article 56

The rights of assembly, demonstration, and association for legal and peaceful purposes are recognized by the State whenever they are exercised with respect to public order and in compliance with the precepts established by the law.

* Right of Religion - Article 57

Any person has the right to profess or not to profess their religious beliefs, to change them, and to practice the religion of their choice with the required respect to other beliefs and in accordance with the law.

* Expropriation - Article 58

All people have the right to enjoy their personal property. The State guarantees its use, enjoyment, and free disposal, in accordance with what is established in the law. Expropriation of goods is solely authorized for the purpose of attending to reasons of public utility or social interest with the required indemnity.

* Confiscation of Property - Article 59

Confiscation of property may only be applied as a sanction issued by a competent authority in the cases and through the procedures determined by the law. When the confiscation of property is ordered in an administrative procedure, a person is always guaranteed the ability to defend their right before the competent courts.

* Right to Petition - Article 61

People have the right to direct complaints and petitions to the authorities, who are obligated to process and respond to them in a timely manner that is based on the term and procedure established in the law.

* Intellectual Property Rights - Article 62

People’s intellectual property rights are recognized according to the law and to international treaties. The rights acquired are exercised by the author and owners in compliance with the law and according to public policies.

* Right to Succession - Article 63

The State recognizes the right to succession in the case of death. The law regulates its content and scope.

* Right to Work - Article 64

The State recognizes the right to work.

* Right to Rest - Article 67

Workers have the right to a break, which is guaranteed through the 8-hour workday, a weekly beak, and annual paid vacations.

* Social Security - Article 68

People who work have a right to social security.

* Right to Safety - Article 69

The State guarantees the right to safety and health at work through the adoption of suitable means to prevent work-related accidents or illnesses.

* Housing Rights - Article 71

The State recognizes the right to adequate housing and a safe and healthy home for all people.

* Healthcare - Article 72

Public health is a right of all people and it is the State’s responsibility to guarantee access to quality medical attention, protection, and recovery services, free of charge.

* Education - Article 73

Education is a right of all people and the responsibility of the State, which guarantees fee, accessible, and quality education services to its citizens for their holistic development, from preschool until the postgraduate level.

* Physical Education - Article 74

People have the right to physical education, sports, and recreation as essential elements of their quality of life.

* Natural Environment - Article 75

All persons have the right to enjoy a natural environment that is healthy and stable.

* Water - Article 76

All people have the right to water.

* Food - Article 77

All the people have the right to a healthy and adequate diet. The State works to achieve the food security of the entire population.

* Protection of Consumers - Article 78

All people have the right to consume quality goods and services that are not counter to their health, the right to access truthful and adequate information about these items, and the right to receive dignified and equitable treatment in accordance with the law.

* Right to Art - Article 79

All people have the right to participate in the artistic and cultural life of the nation. The State promotes culture and the distinct artistic formats in accordance with cultural policy and the law.

* Citizen Right to Participate - Article 80

Cuban citizens have the right to participate in the formation, exercise, and the monitoring of the power of the State

b. Propose and nominate candidates

c. Elect officials and be elected for office

d. Participate in elections

e. Provide accountability

f. Revoke mandates of elected officials

g. Exercise powers of the legislature as well as the power of constitutional reform

h. Perform public functions or roles and be informed of management of authorities

* Right to Family - Article 81

All people have the right to start a family.

* Right of Children - Article 83

All children have equal rights.

* Foreigners Rights - Article 91

Equal to Cuban citizens.

* Access to Judicial Bodies - Article 92

The State guarantees, in accordance with the law, that people may access judicial bodies in order to obtain effective protection of their rights and legitimate interests.

* Right of Due Process - Article 94

All people, as a guarantee of their legal protection, enjoy due process in the legal sphere as well as the administrative sphere.

b. To receive legal assistance

c. Only legal means of proof

d. Impartial trial

e. Not be deprived of their rights except for a final judgment of a court

f. To appeal

g. No undue delay

h. Redress and compensation for harm

* Criminal Proceedings - Article 95

c. Presumption of innocence.

d. No torture

e. Protect family

f. Be informed of the accusation

g. Judged legally

* Habeas Corpus - Article 96

Anyone illegally deprived of liberty, of their own account or by a third party, has the right to submit a writ of Habeas Corpus to a competent court.

* Right to Personal Information - Article 97

The State recognizes the right of all people to access their personal information in public registries, archives, or other databases, as well as request its non-disclosure or obtain a due correction, rectification, modification, update, or deletion.

* Right to Complain - Article 98

All people who have suffered undue harm or prejudice by leaders, functionaries, or employees of the State while exercising the duties of their position have the right to issue a complaint and receive the corresponding redress or indemnity as established by the law.

* Right to Restitution - Article 99

Anyone whose rights as enshrined in this Constitution are violated and who, as a consequence, has suffered harm or prejudice by organs of the State, its leaders, functionaries, or employees while exercising their duties of their position or by undue oversight of these duties, as well as by individuals or by non-State entities, has the right to issue a complaint with the court to obtain restitution of their rights and, in accordance with the law, the corresponding redress or indemnity.

* Ex Post Facto - Article 100

Legal system is governed by non-retroactivity of laws, except in penal matters where they are favorable to accused or sanctioned person, and in case of other laws, when they expressly permit it with regard to matters of social interest or public utility, which they use explicate in their content.

* Legislative Initiative- Article 164

k. To the citizens. In this case it will be indespensable requirement that initiative is exercised by a minimum of 10,000 electors.

* Right to Vote - Article 204

All citizens with the legal capacity to do so have the right to contribute to the management of the State, either directly or through their elected representatives within the organs of the People’s Power and to participate, for this purpose, in the form prescribed by the law, through periodic elections, plebiscites, and popular referendums that will be free, equal, direct, and secret. Every elector has the right to a single vote.

* Right to be Elected - Article 207

Cuban citizens, both women and men, that are in full enjoyment of their political right and meet the other requirements established by law have the right to be elected.

* Constitutional Reform - Article 227

f. The citizens, through a petition directed to the National Assembly of People’s Power, signed before the National Electoral Council by a minimum of 50,000 electors. The law establishes the procedure, requirements, and guarantees for the request and realization of constitutional reforms.