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ANTEPROYECTO
DE CÓDIGO
DE LAS FAMILIAS
VERSIÓN 22

This version of the draft of the Family Code is consistent with the constitutional text and develops the various legal-family institutions in correspondence with the humanistic character of our revolutionary process, the results of the science of Family Law, of judicial practice in Cuba and advances in legislation in other countries.

The Constitution of the Republic of Cuba, approved in a popular referendum by the vast majority of our people and proclaimed on April 10, 2019, established in its Eleventh Transitory Provision that the new Family Code will be the result of a broad popular consultation and of the referendum convened by the National Assembly of People's Power for the fulfillment and development of the rights related in articles 13, 40, 42, 43 and 81 to 89 of the Constitution of the Republic itself, due to the high importance that the State provides the institution of the family as a fundamental cell of society and its role in the intergenerational transmission of traditions, values and affections.

The current Family Code, in force since 1975, was a milestone in promoting the ethical and moral values of the Cuban family and meant a break with traditional class and patriarchal canons. However, more than 46 years after its enactment, it is no longer consistent with the family diversity of Cuban society.

In addition, it is essential to provide ourselves with legislation on this matter that reflects the reality that exists in our daily lives and provides immediate and specialized legal mechanisms with the fundamental purpose of proposing harmonious solutions in the

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~~innumerable family conflicts that do not find protection in this~~
legislation.

Since July 16, 2019, the Temporary Working Group coordinated by the Ministry of Justice and made up of renowned experts from the Supreme People's Court, the Attorney General's Office, the Ministry of Public Health, the Ministry of Foreign Affairs, the National Organization of Collective Law Firms, the National Union of Cuban Jurists, the Federation of Cuban Women, the National Center for Sex Education, the National Office of Statistics and Information and the Law School of the University of Havana, which prepared the proposals of Policies and 20 versions of the draft of the Family Code.

On March 22, 2021, by Agreement No. 149, the Council of State approved the Commission in charge of preparing the draft of the Family Code made up of deputies, deputies and representatives of various institutions and social and mass organizations.

As a result of intense and contributing days of study and work, version 22 of this preliminary draft was approved and it was agreed to initiate a process of specialized consultations that allows to improve its content and, at the same time, its publication on the Website of the Ministry of Justice (www.minjus.gob.cu) to achieve the knowledge and opinions of the population as part of the most genuine democratic exercise of our political system in the process of normative creation of a transcendent legal provision whose fundamental objective is to strengthen families, the respect for human dignity, the equality of all its members and the protection of the most vulnerable.

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The possibility of studying this preliminary draft is essential on the path of collective dialogue with a view to the approval of a contemporary, inclusive law that respects all rights for all families. In order to receive the population's criteria, we have enabled the email: familia@minjus.gob.cu From the result of these analyzes, a new version of the draft will be drawn up, which will be submitted for approval by the deputies of the National Assembly of People's Power, in December of this year, and which will be published in due course for the popular consultation process.

Among the main aspects of the preliminary draft of the Family Code are:

1. Protects all expressions of family diversity and the right of each person to establish a family in coherence with the Constitution of the Republic and its principles of equality, non-discrimination and human dignity.
2. Strengthens family responsibility from the emotional, educational,

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~~training and financial point of view in caring for its members.~~

3. Place love, affection, solidarity and responsibility at the top of family values beef.
4. Updates and perfects family legal institutions:
 - a) kinship,
 - b) the obligation to provide maintenance,
 - c) marriage,
 - d) de facto union,
 - e) filiation whatever its origin,
 - f) parental relationships; and other custodial and protection institutions.
5. Promote gender equality in the family space.
6. Expands the variants of the economic regime of marriage to achieve greater autonomy of the spouses in the decision most favorable to their interests.
7. Protects maternity and paternity and the promotion of their responsible development in synergy with respect for the rights of girls, boys and adolescents in the family environment.
8. Recognizes the right of grandmothers, grandparents and other blood relatives, related and of another nature and of children and adolescents to a harmonious and close communication between them in the family environment.
9. It promotes self-determination, preferences and equal opportunities in family life for older adults and those with disabilities.
10. It expresses the right to a family life free of violence in any of its manifestations and presents protective formulas against these situations.
11. Develops the possibilities of harmonious conflict resolution.
12. It reinforces the guarantee formulas for people in any situation of disadvantage or vulnerability in the family space.
13. Provides solutions to transnational conflicts derived from migration or from relations between Cuban and foreign people.
14. Strengthens the role of the Courts in family litigation; the competences of the Public Prosecutor's Office, the presence of these matters in the notarial sphere and the responsibility of the Ministry of Justice in the defense and protection of people in situations of vulnerability in the family sphere.
15. It makes its content compatible with international treaties on this matter ratified by the Republic of Cuba.

Download: [Preliminary Draft of the Family Code \(Version 22\)](#)