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Cuba prepares for referendum on progressive Family Code

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The new Family Code, drafted in consultation with the general public, is considered to be the world's most inclusive and progressive code



In addition to expanding the definition of the family beyond the hetero-normative conception, the Code also enshrines women's rights, promotes gender equality, protects the role of grandparents in family relations, and much more. Photo: MinRex

Cuba is set to hold a popular referendum on its new Family Code, which changes the concept of the family nucleus and expands women's rights and LGBTQ+ rights. This Sunday, on September 18, Cuban citizens living abroad, and next Sunday, on September 25, citizens in Cuba will vote to decide whether to "approve" or "reject" a new progressive Family Code, which has been drafted in consultation with the general public.

This referendum is an unprecedented democratic exercise in Cuba since, for the first time in the country's history, a referendum on a code is being held. Until now, only constitutional referendums have been held in the country. Additionally, it is a pioneering event in the world, as Cuba has become the first country to have

submitted a Family Code to popular consultation and referendum. The new Family Code is also considered the most inclusive and progressive code in the world.

The new code guarantees the right of all people to form a family without discrimination, legalizing same-sex marriage and allowing such couples to adopt children. It allows for parental rights to be shared among extended and non-traditional family structures that could include grandparents, step-parents, and surrogate mothers. It also adds novelties such as prenuptial agreements and assisted reproduction.

It boosts women's rights, promoting equal sharing of domestic responsibilities and extending labor rights to those who care full-time for children, the elderly, or people with disabilities. It establishes the right to a family life free from violence; that values love, affection, solidarity, and responsibility. It codifies domestic violence penalties and outlaws corporal punishment. It states that parents will have "responsibility" instead of "custody" of children and be required to be "respectful of the dignity and physical and mental integrity of children and adolescents." It also asserts that parents should grant maturing offspring more say over their lives.

On Thursday, September 15, during the Round Table with members of the drafting commission and the National Electoral Council (CEN), Justice Minister Oscar Silvera Martínez noted that the new Family Code "protects human dignity, all family law institutions, eliminates any vestige of discrimination in the family sphere and rejects violence." He highlighted that "its preparation process was a complex exercise, widely democratic and had diverse views from science, multidisciplinary and the cultural aspects of the Cuban people, which reinforces the quality of the regulations."

Last month, Silvera Martínez, confirming the date of the referendum and thanking those who contributed to the process, said that the Family Code "is worthy of its people and a reflection of its reality, which reaffirms the humanist character of the

Revolution and leads our State and society in the search for a fairer Cuba.”

Cuba’s current Family Code was written in 1976 and was one of the only aspects not addressed by the 2019 Constitutional Reform. In 2018, during the discussions and meetings on constitutional changes, while opinions were divided, it was found that there was significant support for the recognition of marriage outside of the heteronormative conception. The commission felt that it was something that needed more discussion with people. Eventually, the National Assembly of People’s Power decided to omit the definition of marriage, leaving it to be decided in the family code and not the constitution. Nevertheless, marriage as a contract between two partners remained, without specifying the definition of the parties that are and are not allowed to enter it.

Following the approval of the new constitution in February 2019, the members of the drafting commission began working on a new Family Code. By September 2021, 22 versions of the new code were presented. In December 2021, the National Assembly approved the draft submitted to popular consultation in February 2022.

Three months of popular consultation, in which 6,481,200 voters or 75.93 % of a total of 8,535,742 participated with 336,595 interventions in more than 79,000 meetings throughout Cuba, led to changes to 49.15% of the content of the draft. This draft, with suggestions from citizens, underwent a new evaluation by the National Assembly and was unanimously approved in June. Now, it is awaiting its ratification in the popular referendum.

As established in the Constitution, all citizens over 16 years of age are eligible to vote in the referendum. The new Code must receive more than 50% of the valid votes in order to be applied as a law. According to the data issued by the CEN, 61% of those consulted on the referendum expressed themselves in favor of the new code.

On Saturday, September 17, in anticipation of the vote, activists and community members participated in a bike caravan to mobilize support for the new Family Code and took to social media with the HT #CodigoSí (#CodeYes).

□ *Facts about [#Cuba](#) □□ you probably don't know* □

On September 25, the whole country will be holding a national referendum to pass (or not) the new Families Code. What's it about?

Here's a summary □ [#YoVotoSí#CodigoSí pic.twitter.com/zv6B5Wz0gB](#)

— David Ramírez Álvarez □□ (@DvidTwit) [September 16, 2022](#)

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