**Myths and realities in the draft Families Code**

The variety of opinions expressed during popular consultation meetings will no doubt help us construct a better Code, but comments based on false information, and myths emerging from ignorance, derail the process

[**https://en.granma.cu/cuba/2022-02-28/myths-and-realities-in-the-draft-families-code**](https://en.granma.cu/cuba/2022-02-28/myths-and-realities-in-the-draft-families-code)*Residents of a Guantanamo community discuss the draft Families Code during a popular consultation meeting, proposing changes and clarifying questions. Photo: solvision.cu*

Much has been said these days about the draft of the Families Code, both in popular consultation meetings taking place in neighborhoods across the country, and in the other key space for debate, social networks.

And yes, the variety of opinions evident is a positive contribution, upon which, all together we can construct a better Code – like any human endeavor, always perfectible. The effort, however, loses value when the discussion is based on false information, on myths emerging from ignorance, but also when some are interested in manipulating others, especially when sensitive issues like the rights of children and adolescents in the family environment, egalitarian marriage or surrogate pregnancies come into the limelight.
Granma takes a closer look at some of the fallacies about the Families Code circulating.

**- Myth: Parental authority is eliminated and replaced by parental responsibility, which is a term that limits or annuls the legal authority of parents over their children.**
- **Reality:** Although it is true that the term “parental authority” has been replaced by “parental responsibility” in the draft Code, the error lies in assuming that this means parents will lose control over their children, with no legal rights as parents.
As defined in Article 132, parental responsibility involves a number of authorities, duties and rights which mothers and fathers must fulfill in providing assistance, education and care for their minor sons and daughters, which impact their personal and patrimonial environment, and are always exercised in the best interest of the child, in accordance with his or her capacity, progressive autonomy, the free development of individual personality and degree of maturity.

In short, we are talking about children and adolescents as subjects of law, and not objects or property of their mothers and fathers, as is implied in the term parental authority, in its primary meaning, which originated in ancient Rome, and referred to the exclusive power of men over their children, who could even trade or sell them.

The new term is intended to reinforce parenting as an act of respect and love for children; it does not take away any rights or legal authority from parents, but rather extends their responsibility for their sons and daughters, in order to guarantee the well-being of children.
**- Myth: Minors may legally marry at the age of 16, with the authorization of a court, not their parents.**
**Reality:** Article 3 of the Family Code of 1975 - currently in effect - does empower parents, and in their absence, other persons established by law, to authorize, exceptionally and for justified reasons, the formalization of marriage for minors under 18 years of age, provided that the woman is at least 14 and the man 16.

The new draft Code, in Article 200, stipulates that the capacity of persons to formalize marriage is reached at 18 years of age, that is, minors cannot marry, not by parental decision, much less with the approval of a court. This Article codifies the political intention to eliminate all circumstances that are harmful to the development of children and adolescents.

**- Myth: The concept of progressive autonomy is established, allowing minors to make decisions without parental consent, implying that they will be able to change their name from Peter to Mary, and vice versa, or even change their sex through surgery and hormone treatments.**
**- Reality:** As has been explained previously, in the pages of this newspaper and by renowned jurists and psychologists, progressive autonomy does not imply that your son or daughter will be able to capriciously do whatever he or she likes, without considering the consequences.
No, this concept is about parents listening to their children and taking their opinions into account, depending on the age and maturity of the child or adolescent, although the adult, of course, will make the best decision for the child.

Let's take a simple example that has been seen in the homes of most Cubans, on the small screen, via the soap opera Tú.
Don't we all think that Yanko's mother, whose son loves baseball and dreams of playing in the big leagues, should pay more attention to his preferences and not force him to study English and chess, if that is not what he wants? We don’t approve of the child skipping school or lying to his mother, but we do wish that more effective, considerate communication could be established, with parents setting limits but also listening, seeking to understand and not simply transfering their own frustrations or personal desires into their children's lives.
Anyone believing that progressive autonomy means children under 18 years of age can change their names according to their sexual orientation, or undergo surgery and receive hormone treatments, reflects a lack of knowledge of these procedures in Cuba.

First of all, the Families Code does not address these issues in any of its Articles, as it is simply not within this code’s competence, which, in due course, will be the responsibility of the Civil Code. Nonetheless, in no case can any decision related to gender identity be made before a person reaches adult age. Our authorities and health centers do not allow minors to make such decisions. It’s that simple.

**- Myth: The Cuban state is intent on denying parents custody and the care of our children.**
- **Reality**: In a remake of Operation Peter Pan, the lies that tricked parents to believe that the Cuban government was going to take their children, send them to Russia and return them as canned meat, are being reworked in an attempt to manipulate public opinion of the Families Code with the slogan: Children belong to their parents, not the state.

Of course, children belong to their parents, not because parents own their children, like objects, but because of the affection, the love, the sentiments that exist, because of the indissoluble bond they share.

Now, as parents, we have the responsibility to ensure the welfare of our children; but we know that in reality this does not always happen, and that there are parents who do not assume this role, beyond the act of procreation.
So, if a person does not allow his or her child, a minor, to go to school and instead forces the child to work; if a child is not provided food; if a child is left alone, locked up at home; if a child is constantly beaten; if sexual abuse by others is permitted... is it not appropriate that the state intervene in the best interest of the child?

This is what Article 6 refers to when it states that children and adolescents may not be separated from their mothers, fathers and families, unless competent authorities so determine, given special circumstances, in accordance with the law and established procedures.
It also stipulates that such separation can occur only when considered strictly necessary because of serious failure or impossibility to exercise parental responsibilities, and always with the goal of protecting the child, and that decisions regarding separation should be considered as measures of last resort and must be reviewed periodically.

No one is going to come and take your three-year-old away because he or she has a tantrum in the middle of the street and you are scolding the child; or because you tell your son or daughter that you are not going to buy a toy and the little one starts crying in front of everyone. This is a completely erroneous interpretation of the new Families Code, an exaggeration, at best.

**- Myth: Surrogate pregnancies are legalized, making the “renting” of wombs possible.**
- **Reality**: Article 128 of the draft Code defines the scope of solidarity surrogacy, by establishing that such a procedure involves persons united by family ties or close affection, for the benefit of women with a medical pathology that prevents them from becoming pregnant, or persons who are medically determined to be sterile, single men, and male couples, as long as the health of the persons involved in the procedure is not endangered.

In order to prevent this practice from leading to commercial surrogacy, the new regulations also prohibit any type of remuneration or gift, except for the obligation to provide food for the child and compensation for expenses incurred during pregnancy and childbirth.
Likewise, in order for this procedure to take place in a Cuban health institution, judicial authorization is required, which, among other aspects, verifies the informed consent of all persons involved; determines that assisted reproduction techniques have failed; and that there is no possibility that the woman wanting a child can conceive or carry a pregnancy to term.