

Cuba

NOT FREE

20
/100

A. <u>Obstacles to Access</u>	4 /25
B. <u>Limits on Content</u>	9 /35
C. <u>Violations of User Rights</u>	7 /40

LAST YEAR'S SCORE & STATUS**21 /100 Not Free**

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.



Overview

Internet freedom in Cuba continued to decline during the coverage period, as authorities took multiple repressive steps to disrupt protests that occurred throughout 2021. Despite improvements to technical infrastructure, Cuba has one of the lowest connectivity rates in the Western Hemisphere, regular internet access remains extremely expensive, and connections are poor. Authorities both monitor usage and work to direct traffic to the government-controlled intranet. The state engages in content-manipulation efforts and blocks independent news sites. Political dissent is punishable under a wide range of laws, including Decree Laws 35 and 370, which have been used in recent years to intimidate and silence online journalists. A widespread series of public antigovernment protests held in late 2020 and throughout 2021 were facilitated online, as Cubans circumvented government censorship through grassroots digital innovations. The authorities restricted internet connectivity, blocked social media and communications platforms, and selectively disrupted dissidents' service in response.

Cuba's one-party communist state outlaws political pluralism, bans independent media, suppresses dissent, and severely restricts basic civil liberties. The government continues to dominate the economy despite recent reforms that permit some private sector activity. The regime's undemocratic character has not changed despite a generational transition in political leadership between 2018 and 2021 that included the introduction of a new constitution and the April 2021 retirement of Raúl Castro as the Communist Party of Cuba's (PCC) first secretary.

Key Developments, June 1, 2021 - May 31, 2022

- To quell dissent amid historic protests in July 2021, Cuban officials restricted internet connectivity, blocked various social media and communications platforms and virtual private network (VPN) systems, and selectively disrupted the mobile and fixed-lines connections of activists and dissidents. While online tools were largely credited with sparking and sustaining the July protests, the harsh government clampdown that ensued stymied organizing efforts planned for later that year (see A3, B1, and B8).
- Decree Law 35 entered into effect in August 2021, imposing broad obligations on service providers to censor online content without judicial oversight or transparency measures (see B3 and C2).

- Approved in May 2022, Cuba’s new penal code further criminalizes online speech, establishing explicit and frequently heightened penalties for several alleged crimes carried out over digital networks, including slander and the use of social networks to organize protests (see C2).
- Authorities continued to use Decree Law 370 to arbitrarily detain, fine, and threaten independent journalists and digital activists, while Decree Law 35 was used for the first time to sanction activists. Users also faced prison sentences for their online activities, including one protester sentenced to six years in prison (and ultimately released on appeal two months later) for live streaming one of the early July 2021 antigovernment protests on Facebook (see C3).

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

3/6

While Cuba’s internet penetration rate remains relatively low, the government has taken steps in recent years to improve infrastructure and increase access. The penetration rate reached just over 71 percent in 2021, according to the most recent estimates from the International Telecommunication Union (ITU)—up from 62.7 percent in 2018. ¹ These figures likely include both users with international internet access and those who irregularly access the government-controlled intranet, such as from school or the workplace.

The ITU also indicates that 17 percent of Cuban households had a computer and 31 percent had household internet access as of 2019—this includes Cubans covered by at least third-generation (3G) mobile service. ² In contrast, the Cuban government has reported that under 5 percent of Cuban homes have internet access via Nauta Hogar, a home asymmetric digital subscriber line (ADSL) service provided by the state-run Telecommunications Company of Cuba SA (ETECSA). ³ Electrical blackouts and scheduled power cuts pose a persistent threat to connectivity. ⁴

ETECSA has expanded 3G access nationwide since initially rolling out the service in 2018. ⁵ Despite widespread complaints about the service's high cost and slow and unreliable connections, it quickly became the most popular alternative to previously available options. ⁶

ETECSA introduced fourth-generation (4G) technology during the previous coverage period by setting up more radio bases. By the end of 2020, the government announced that there were nearly 1.5 million 4G users, equaling 25.6 percent of mobile coverage. As of February 2021, the Ministry of Communications reported that 4.2 million of the 7 million people with internet access went online through mobile phones, indicating that in just over two years this form of access has outpaced all others. ⁷

Devices that use Global Positioning System (GPS) technology or satellite connections are explicitly prohibited by Cuban customs regulations. ⁸ Additional restrictions are placed on modems, wireless faxes, and satellite dishes, which require special permits to enter the country. ⁹ However, in 2019 the government announced that it would legalize router imports as well as private permits to access ETECSA's public Wi-Fi hotspots from homes and small businesses.

Regulations that took effect in July 2019 allow home-based networks but effectively outlaw large community networks, like Havana's popular private network, known as SNET, despite extensive attempts by their administrators to come to an agreement with authorities. Ultimately, officials took over the services and content offered by SNET, migrating them to the ETECSA, which placed the network under the direction of the Union of Communist Youth (UJC), with access provided through Youth Computer Clubs (JCCes).

Restrictions on home network equipment—which include fees for personal use and stringent licensing requirements for commercial use ¹⁰ —have not completely stopped the entry of various devices into Cuba. Signal-amplification devices allow users to share Wi-Fi signals from ETECSA hotspots; such technologies enable many Cubans to gain access to the internet at their home or office. ¹¹

Since 2014, Cuban authorities have worked to develop relationships with US information and communication technology (ICT) companies including Verizon,

Google, and Sprint (now T-Mobile), which offer some services to the island. ¹² In 2019, Google and Cuba made the joint announcement that they had signed a memorandum of understanding aimed at beginning negotiations and technical discussions toward “a service agreement for the exchange of internet traffic” in the form of a “peering” arrangement that would directly connect their networks, cost free, via an undersea fiber-optic cable. ¹³ As of July 2022, no further development on the details agreement had been publicly shared.

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

0/3

Despite price cuts and occasional promotions, the cost of mobile and fixed-line internet service is still very high for most Cubans. Although most foreign websites are now available at state-run access points, the cost of accessing non-Cuban sites remains higher than the cost of accessing domestic ones. Cuban internet users can still connect at low or no cost via state institutions where they work or study. However, the connections are more likely to feature censorship of certain websites and services. ¹⁴

Cubans who earn the average monthly salary cannot afford access to 3G or 4G services. Many potential customers would also have to upgrade their second-generation (2G) technology-enabled phones before being able to access the new network through paid plans. At the time of the 3G service launch, customers could opt either for pay-as-you-go access at a rate of 10 cents per megabyte (MB) for access to the global internet, or 2 cents per MB for access to the national intranet.

¹⁵ They could alternatively sign up for a monthly service plan at one of the following four rates: 7 convertible Cuban pesos (CUC) for 600 MB, 10 CUC for 1 gigabyte (GB), 20 CUC for 2.5 GB, or 30 CUC for 4 GB. ETECSA offered additional data bonuses of 300 MB to access national websites, a strategy reflecting authorities’ continued desire to promote local content over increasingly popular, foreign-based social media platforms and international news sites. ¹⁶

In conjunction with the elimination of the CUC and the so-called “monetary ordering” that began on January 1, 2021, the ETECSA announced that prices would largely remain the same, but they would be paid exclusively in Cuban national

pesos (CUP). ¹⁷ For example, pay-as-you-go access would cost 2.50 CUP (\$0.10) per MB for global internet access and .50 CUP (\$0.02) per MB for domestic intranet access. Likewise, monthly service plans would cost 175 CUP (\$7) for 600 MB, 250 CUP (\$10) for 1 GB, 500 CUP (\$20) for 2.5 GB, and 750 CUP (\$30) for 4 GB. The largest mobile data plan of 14 GB of data, which previously cost 45 CUC, now would cost users 1,125 CUP (\$50). ¹⁸

The rates for phone and internet access remain exorbitant by international standards. With Cuba's monthly minimum wage adjusted to 2,100 CUP (\$84) after January 1, 2021, a resident of Cuba would still have to pay nearly 10 times that amount (20,000 CUP, or \$800 per month) for full-time Nauta Hogar service, as no flat-rate plans exist.

To overcome access limitations, some Cubans have improvised underground networks. Inventive strategies include an island-wide distribution system for offline digital data *paquetes* (packets, also known as the “sneaker-net”), a series of local area networks such as Havana's SNET linking up thousands of urban users, and the use of various signal-amplification devices to share or sell Wi-Fi signals. ¹⁹ Networks like SNET, however, were effectively declared illegal in 2019 (see A1). Two popular apps that aid Cubans in sharing digital data are Zapyra, which allows for wireless sharing of data across two or more devices, and Connectify, which allows users to share a Wi-Fi internet signal with others. Another popular app, Psiphon, allows users to create a VPN that simultaneously protects their anonymity and allows them to connect from a Nauta Wi-Fi hotspot to blocked sites in Cuba, such as CubaNet, 14ymedio, and Diario de Cuba. ²⁰

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

1/6

Score Change: The score declined from 2 to 1 because authorities restricted internet connectivity across the island and blocked WhatsApp, Telegram, and Signal, amid historic nationwide protests in July 2021.

The backbone infrastructure of the internet in Cuba is entirely government-controlled, and state authorities have the capability and the legal mandate to restrict connectivity at will. At times of heightened political sensitivity, the

government has used its complete control of the mobile network to selectively obstruct citizens' communications.

In July 2021, Cuban officials restricted internet connectivity and blocked various VPNs, social media, and communications platforms, including WhatsApp, Telegram, and Signal, amid widespread protests (see B1). ²¹ The protests, which were the largest in the country since the 1959 revolution, were sparked by discontent over a wide range of issues, including access to COVID-19 vaccines, food supply shortages, economic difficulties, and restrictions on human rights (see B8). ²² The disruptions began on July 11—the first day with a major protest—when Cuba's monopoly telecommunications service provider, the ETECSA, ceased internet service across the island for 30 minutes. ²³ Widespread, intermittent outages persisted for several hours, ²⁴ and full connectivity did not return until 72 hours following the initial shutdown. ²⁵

In addition to the general outages, individual activists and dissidents reported that their mobile and fixed-lines connections had been selectively disrupted, with the apparent goal of preventing their ability to organize or report on harassment at the hands of authorities. ²⁶ The authorities targeted many individuals with selective disruptions throughout the coverage period, a known government tactic that has been used to quell dissent beyond the July protests. ²⁷ Some experienced these disruptions—which are regularly paired with strategic reductions in mobile or internet speeds and are sometimes also applied to family members and those close to targeted dissidents or political prisoners—for months, while others reported intermittent, hours-long service cuts meant to tamper dissent around significant events like national holidays and the arrests or trials of activists or political prisoners. ²⁸

In 2020, the government imposed widescale connectivity restrictions following the historic November 26 protest, coordinated via social media after the government raided the headquarters of the activist and artistic collective Movimiento San Isidro (MSI) (see B8). Facebook, Twitter, Telegram, and WhatsApp were made inaccessible, and mobile data and home-based subscribers experienced widespread service interruptions. ²⁹ The data journalism project Inventario identified almost 80 localized mobile-service disruptions in the aftermath of that protest, from November 28 to December 31. ³⁰ Activists and well-known journalists also faced restrictions after the immediate postprotest

period. Members of the Cuban Institute for Freedom of Expression and Press (ICLEP) reported restrictions in late February 2021 and artists and activists were again targeted in mid-April. ³¹ Earlier, in June 2020, the ETECSA suspended the mobile service of around 20 independent activists and journalists as part of a state security operation intended to prevent their attendance at a gathering to protest the police killing of Afro-Cuban Hansel Hernández. ³²

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

0/6

The ICT sector remains dominated by government firms. Cuba's monopoly telecommunications service provider, the ETECSA, is owned by the state. ³³ Cubacel, a subsidiary of ETECSA, is the only mobile service provider.

In 2013, the ETECSA announced that it would allow private workers to market local and long-distance telephone services to the population as self-employed communications agents. The agents may also sell prepaid cards for fixed-line and mobile telephone services and internet access. ³⁴

In August 2021, the government published legal regulations officially allowing the formation of micro-, small-, and medium-sized enterprises (MSMEs). Private internet and mobile service providers remain explicitly banned. A 2021 decree outlining permissible MSME activities does not authorize them to conduct business related to information, communication, and telecommunications. ³⁵

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

0/4

No independent regulatory body for managing the ICT sector exists in Cuba. In 2000, the Ministry of Communications (MINCOM) was created to serve as the regulatory authority for the internet. Within MINCOM, the Cuban Supervision and Control Agency oversees the development of internet-related technologies. ³⁶

B. Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

2/6

Cuban authorities have blocked social media and communications platforms around protests, including during the coverage period. Multiple Cuban independent news outlets are also blocked, and the government recently began blocking non-Cuban news sites that do not focus on Cuban content.

In July 2021, Cuban officials temporarily restricted internet connectivity and blocked numerous social media and communications platforms amid widespread protests, though the duration of the restrictions remains unclear (see A3 and B8). The Open Observatory of Network Interference (OONI) first noted disruptions to WhatsApp on July 11, and disruptions to Telegram and Signal the following day, which OONI network measurements suggest had largely ceased by around a week later. ³⁷ OONI data also revealed the temporary blocking of Facebook and TikTok in the days following July 11; while some reports suggest that access to Instagram was also partially disrupted, OONI network measurements did not identify signs of blocking on Instagram. ³⁸ When internet access was restored on July 14, apps including Facebook and WhatsApp reportedly remained blocked on 3G and 4G networks. ³⁹ Most VPNs were also reportedly blocked; those that remained accessible, like Psiphon and TunnelBear, saw exponential growth in Cuban usership around this time (see B8). ⁴⁰

Previously, Cuban internet users reported that Telegram was inaccessible for approximately five weeks starting in October 2020, along with several popular VPNs (see A3). ⁴¹ The platform was also blocked the following month during a major protest, alongside Facebook, Twitter, and WhatsApp (see A3 and B8).

The ETECSA commonly blocks dissident or independent news outlets and the sites of Cuban activists and dissident organizations, and recently began blocking foreign news outlets that do not focus exclusively on Cuban content. The *Miami*

Herald and *El Nuevo Herald*, the latter a Miami-based Spanish-language daily that heavily covers Cuba that had previously been sporadically available in Cuba, were both reportedly blocked as of December 2020. ⁴² The websites of other foreign news outlets—including the British Broadcasting Corporation (BBC), *El País*, and the *Financial Times*—remain accessible in Cuba.

Leading Cuban news and journalism sites that are blocked in Cuba include El Estornudo, 14ymedio, Diario de Cuba, CiberCuba, CubaNet, Cuba Encuentro, Periódico Cubano, Association for Freedom of the Press, Gato Pardo, Tremenda Nota, Proyecto Inventario, Rialta, and Martí Noticias. ⁴³ The petition sites Change.org and Avaaz.org—on which activists have circulated demands that the Cuban government respect fundamental human rights online and offline and denounced Decree Law 370 and ideological discrimination at Cuban universities—were blocked in 2019 and May 2020, respectively. ⁴⁴ Access to the blocked outlets was generally possible only through a VPN. Several anonymity and circumvention tools such as Anonymouse are also blocked. ⁴⁵

Reports indicate that Cuba has begun to use Chinese technology in its ongoing effort to block and filter some online content. A June 2020 report by the cybersecurity organization Qurium concluded that the government may use blocking technologies developed by Chinese companies, including deep packet inspection (DPI) tools. ⁴⁶ A Cuban programmer interviewed by 14ymedio reported evidence of DPI blocking during the October 2020 blocking of VPNs (see A3), which he attributed to Chinese technology. ⁴⁷

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content, particularly material that is protected by international human rights standards?

1 / 4

Since the implementation of Decree Law 370 in July 2019—popularly known in Cuba as the Ley Azote (Whip Law)—Cubans have experienced increased pressure to delete and discontinue their coverage of the government on social media (mainly on Facebook) and on Cuba’s crop of new independent digital news outlets (see C1 and C2). ⁴⁸

Article 68 of Decree Law 370 explicitly makes it illegal for Cubans to have their content hosted on websites or platforms that are not mirror copies of locally hosted websites. Most independent digital media platforms have long relied on foreign servers and hosts to post and protect their content from government censorship and deletion—especially since local privately owned media are systematically denied any legal recognition or protection in the domestic media environment (see B6). Article 71 authorizes the seizure of work equipment used to connect to the internet, which also restricts independent outlets in Cuba. **49**

In November 2021, amid attempts by opposition group Archipiélago to hold a nationwide antigovernment protest and call for the release of those detained in the July protests, reports emerged that US-based digital platforms, including newsletter platform MailChimp, had shut down accounts belonging to Cuban media outlets (like Periodismo de Barrio) due to restrictions imposed by the US government’s decades-old embargo on Cuba. **50** Independent journalists, including one for independent online outlet Comunitario Amanecer Habanero, also accused Facebook of restricting their ability to post in groups and share content around this time. Meta, Facebook’s parent company, denied doing so due to government pressure, pointing instead to spam policies. **51**

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

0 / 4

The vague wording of government provisions regarding content regulation allows the authorities to censor a wide array of posts without judicial oversight.

Resolution 179/2008 empowers the ETECSA to prevent users from accessing sites whose contents are contrary to “social interests, ethics, and morals, as well as the use of applications that affect the integrity or security of the state.” **52** Resolution 56/1999 stipulates that all materials intended for publication or dissemination on the internet must first be approved by the National Registry of Serial Publications.

53

In April 2021, the National Assembly approved Decree Law 35, “On Telecommunications, Information and Communication Technologies, and the Use of the Radioelectric Spectrum.” The law, which entered into effect in August 2021,

imposes a wide range of obligations on service providers, including to “implement technical measures” that limit the use of the services used to transmit false information, content that “affects personal and family privacy,” content that affects “the identity, integrity and honor of the person,” and a wide range of other purported harms. **54** Service providers are also directed to suspend users who transmit such information. Decree Law 35 does not establish procedures for judicial oversight, transparency measures, or appeals processes. **55** According to an analysis from Cubalex, the law may be interpreted to apply to social media companies. **56**

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

1 / 4

Online journalists, commentators, and users frequently self-censor to avoid repercussions from the state, including harassment, criminal prosecution, detention, and travel bans. These threats, exacerbated by the passage of legislation seeking to further criminalize online speech in recent years, have led some independent journalists to cease or suspend their online reporting entirely (see C2, C3, and C7). **57**

While grassroots digital innovations such as El Paquete Semanal and SNET have provided access to large selections of often-pirated digital content, these are technically illegal and depend on de facto government tolerance. As a result, many administrators have sought to reduce the risk of a government crackdown through active self-censorship of content that could be considered inappropriately political, religious, or pornographic. **58** Journalists who work for the state media also reportedly practice self-censorship. **59**

In recent years, multiple journalists, journalism professors, and students have been expelled from their state positions or universities for publishing in “enemy” media outlets, including online outlets. The restrictions further engrained the practice of self-censorship among Cuban journalists who wish to keep state-media posts. **60**

B5 0-4 pts

The government manipulates the online information landscape through policies and other initiatives designed to maintain the dominance of progovernment outlets and narratives and discredit independent sources of information.

According to the 2019 Global Inventory of Organised Social Media Manipulation, by the Computational Propaganda Project, many actors within Cuba, including government agencies, employ coordinated networks that manipulate social media by spreading disinformation, amplifying progovernment content, and trolling. ⁶¹ Fake proregime social media accounts, known as *ciberclarias*, support the government on social media platforms, particularly Facebook and Twitter, by attacking dissidents and activists, posting state media articles, and sharing posts by high-level officials. The *ciberclarias* are reportedly composed of young people, many from Havana's Computer Science University (UCI), who receive benefits like more time on the internet and 3G data plans. ⁶²

Networks of progovernment journalists have disseminated content online to counter alternative discourses. In February 2020, for example, as part of an online propaganda campaign, an article titled "The Internet Is Widely Accessible in Cuba. Why Is the US Insisting It Isn't?" circulated widely in different languages, but misleadingly neglected to mention website blocking or Cubans' use of encryption tools and VPNs to circumvent censorship. ⁶³

In 2019, Twitter temporarily suspended the accounts of many official media outlets and government figures, including that of former president Raúl Castro. The company noted that they were working in a coordinated manner to "artificially amplify or disrupt conversations through the use of multiple accounts." ⁶⁴

The Cuban Democratic Directorate found that dozens of automated "bot" accounts had posted progovernment messages on Twitter during the 2018 parliamentary and provincial election period. ⁶⁵ Many Twitter accounts promoting misleading photos with political propaganda also appeared in the lead-up to the 2019 constitutional referendum. ⁶⁶

The Associated Press reported in 2018 that the ruling PCC's Political Bureau had quietly approved a policy that would grant greater autonomy to official journalists by allowing newspaper editors to publish political stories without prior authorization and to accept advertising. ⁶⁷

Authorities continue to direct popular demand for videos, games, and online social networking to government-controlled platforms. In mid-2018, the government launched a national version of the popular application WhatsApp, called toDus, along with a national "app store" site for locally developed mobile apps called Apklis; both were developed at UCI. The crucial difference between these and their more popular, global counterparts is that they are designed to be run on Cuba's national intranet, not the global internet, making costs lower and performance for national users better.

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?	0/3
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Cuba has one of the most restrictive media environments in the world. The constitution prohibits privately owned media and restricts speech that does not "conform to the aims of a socialist society." The government closely monitors users who post or access political information online and delivers harsh penalties to those it perceives as dissidents.

In 2019, Decree Law 370 went into effect, further restricting independent media by prohibiting the hosting of websites on foreign servers and the circulation of "information contrary to the social interest, morals, good customs, and integrity of people" (see B2). ⁶⁸ The vague language of the decree allowed officials to use it during the coverage period to punish independent journalists and other users, who faced fines and confiscation of their work equipment, ⁶⁹ for their posts on social media sites like Facebook (see C3). ⁷⁰

The cost of technologies that facilitate information sharing remains high, and the government has sought to penalize individuals who violate laws restricting access to telecommunications equipment and services.

Cubans are often able to break through infrastructural barriers by building their own antennas, using illegal dial-up connections, or developing blogs on foreign-based platforms. ⁷¹ There are also thriving improvisational systems like the *paquetes*, in which USB flash drives and data discs are used to distribute articles, prohibited photos, satirical cartoons, video clips, and other materials that have been downloaded from the internet or stolen from government offices. ⁷²

In February 2021, the government announced a list of 124 prohibited private-sector occupations, including the printing, editing, and designing of books, newspapers, and magazines. ⁷³ While the 2019 constitution stated that the mass media was public and could not be private, the 2021 prohibition policy dashed the hopes that a loophole would be allowed to legalize some portion of the independent press, including online outlets. The list replaced a previous register of 127 permitted private occupations. The February 2021 rules permit computer programming, which had been previously barred. ⁷⁴

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

1 / 4

Despite the persistence of severe restrictions on media outlets that are not controlled by the PCC, grassroots and citizen-led media initiatives have succeeded in developing a significant online presence. Since 2014, Cuba has seen the appearance of several independent or alternative digital media platforms covering a broad and diverse spectrum of themes from a variety of professional and political viewpoints. While the government still holds a monopoly on mass media—especially print, radio, and television—it has lost that position in the digital sphere due to the emergence of these independent projects, whose impact has grown significantly since 2018 as more people have gained access to the internet via 3G mobile data.

As the number of independent digital media sites has surged, their reliability, credibility, and professionalism have also drastically improved—qualities that have in turn forced the state-controlled media to make internal changes to compete.

⁷⁵ The majority of independent sites are run by teams of journalists on the island, who often work in concert with collaborators abroad. For example, while 14ymedio is blocked in Cuba, the editorial team posts content by emailing it to

friends abroad. Cubans on the island can also subscribe to a weekly email digest of the digital newspaper, follow the news via Facebook, or request a daily WhatsApp digest of top stories with embedded links. These distribution methods are much more difficult to block, since they utilize popular social media applications that have many other uses in Cuba. Similar strategies are used by *Diario de Cuba*, *Tremenda Nota*, *El Toque*, and many other independent digital platforms. Users also access content from the site through proxies, VPNs on their mobile devices, and offline versions that are shared via USB flash drives.

The use of the podcast format and YouTube channels expanded domestically following the introduction of 3G services in 2018, with numerous independent journalists, digital news outlets, and others launching their own programs. As of fall 2021, there were reportedly more than 220 podcasts produced in-country or largely directed at Cuban listeners. The government has struggled to censor these podcasts given their varied channels for distribution. For example, 14ymedio's Yoani Sánchez hosts a brief daily morning news roundup called "Ventana 14," and *Tremenda Nota* uses its "La Potajera" podcast to give voice to LGBT+ Cubans. **76**

In recent years, Signal and Telegram have emerged as popular alternative data-sharing and news-and-information distribution channels in Cuba, given their ease of use and encryption features. **77** Others continue to use domestic messaging applications toDus, CubaMessenger, and Sijú due to their lower bandwidth requirements (which lower their costs). **78**

Not all independent digital outlets consider themselves dissident operations. Sites such as *Periodismo de Barrio* and *El Toque* produce critical investigative journalism, while others such as *Tremenda Nota* and *Vistar Magazine* report on a wide variety of topics, including entertainment, sports, fashion, feminism, entrepreneurship, technology, and culture, while expressing a cross-section of views on social issues, such as LGBT+ topics and issues facing other marginalized groups, such as Afro-Cubans. **79** Beyond the data journalism sites *Postdata Club* and *Inventario* and the independent news site *ADN Cuba*, **80** there are several leaders of Cuba's "digital diaspora," sites run from abroad that closely monitor events on the island and often have Cuba-based reporters. These include the Miami-based *CubaNet*, Madrid-based *Diario de Cuba*, and the recently launched sites *Rialta* and its English-language counterpart, *No Country Magazine*.

Independent journalism sites have been both innovative and influential by covering issues omitted in the official press, experimenting with new genres and formats, diversifying content-distribution spaces, establishing alliances with other national and international media, and winning awards, recognition, and sometimes financial support from a variety of international journalism organizations. ⁸¹

Many of these emergent sites struggle to survive given the government's open repression of nonaffiliated media outlets and the lack of a legal framework that would protect them. Journalists for emergent sites have increasingly been forced to leave Cuba, leaving few reporters on the ground. ⁸²

B8 0-6 pts

Do conditions impede users' ability to mobilize, form communities, and campaign, particularly on political and social issues?

3/6

Cubans have organized several high-profile protests in recent years, with social media playing a critical role in driving offline demonstrations. The Cuban government has routinely responded to these efforts with connectivity restrictions, blocks to social media platforms, arbitrary detentions, and legislation seeking to further criminalize online dissent.

Online tools were largely credited with partially sparking and sustaining historic protests held in July 2021. Demonstrators protesting the shortage of basic goods in San Antonio de los Baños on July 11 used Facebook Live to spread footage of their rally, which reportedly contributed to the rapid spread of protests nationwide. ⁸³ Large numbers of videos capturing the protests across the island were shared online, especially on July 11 and 12, with Inventario producing an interactive map of the more than 100 places where filmed protests took place in the country. ⁸⁴ Hashtags expressing protesters' discontent, including #SOSCuba and #PatriaYVida, went viral on platforms like Twitter; while only about 100,000 posts were published with the #SOSCuba hashtag on July 9, 2 million containing the hashtag were published on July 12. ⁸⁵ While the government responded by restricting connectivity and blocking social media platforms, users turned to VPNs to continue spreading and accessing current information (see A3 and B1). One VPN, Psiphon, reportedly saw daily usership in Cuba increase from 18,000 in the days before the protests to over 1.4 million on July 15. ⁸⁶ The government

response also included the detention of journalists broadcasting protests online and the introduction of legislation seeking to further criminalize or censor online dissent (see C2 and C3).

Displays of force by the government against those participating in the July 2021 mass mobilizations reduced organizers' momentum in the fall. Despite receiving organizers' calls-to-action in November 2021 for a national "Civic March for Change" organized by Archipiélago, few protesters took to the streets; ⁸⁷ some opposition activists and journalists had broadcast live on Facebook or posted on Twitter about plainclothes security forces and government supporters who were preventing them from leaving their homes. ⁸⁸ The best-known organizer of the November protest, playwright Yúnior García Aguilera, was among those detained. ⁸⁹

The previous coverage period also featured several high-profile protests that made extensive use of social media to mobilize offline action. In November 2020, hundreds of artists and intellectuals staged a day-long protest—now known as the 27N protest—in front of the Ministry of Culture, a day after security officers posing as health care workers raided the MSI's headquarters; the collective had been holding a hunger strike to demand the release of member Denis Solís. ⁹⁰ More protesters joined the original 27N participants via social-media mobilization and demanded a meeting with Minister of Culture Alpidio Alonso to address freedom of expression, the right to dissent, and harassment against artists and civil society actors. ⁹¹

A group of artists, activists, and journalists gathered outside the Ministry of Culture in January 2021, to confront authorities over the detention of 27N protesters and continue their dialogue. ⁹² After the protesters sought a meeting with government officials, Minister Alonso physically assaulted *Diario de Cuba* reporter Mauricio Mendoza to obstruct Mendoza's filming of the confrontation. Photographs and videos of the incident spread online, with Cuban internet users calling it a reflection of the government's attitude toward social media. ⁹³ The January 2021 protest ended with the mass arrest of participants and mobile connectivity restrictions, which limited both the spread of commentary on Alonso's conduct and reporting on the mass detention of protesters. ⁹⁴

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

0 / 6

The Cuban legal structure does not support internet freedom, and the country lacks an independent judicial system that could counter government efforts to suppress independent online activity.

The constitution as updated in 2019 explicitly subordinates freedom of speech to the objectives of a socialist society; freedom of cultural expression is guaranteed only if such expression is not contrary to “the revolution.” ⁹⁵ Article 55 of the constitution states that ownership of the “fundamental means of social communication” are “the socialist property of all the people... and cannot be subject to any other type of ownership,” which essentially outlaws private media in Cuba. The constitution is silent about citizens’ rights of access to information or to ICTs, and a new access to information law scheduled to appear in July 2021 has yet to appear. ⁹⁶ The only mention of the internet or cyberspace is in Article 16, which states that the country “defends the democratization of cyberspace... and condemns its use toward the subversion and destabilization of sovereign nations.”

⁹⁷

A February 2021 regulation on permissible self-employment activities explicitly bans any private activities related to independent journalism or media outlets. ⁹⁸ Independent journalists have faced an increasing degree of repression, including civil and criminal penalties, for their online activities since the publication of the regulation (see C3).

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

0 / 4

Online activity is subject to punishment under a variety of laws, including some with broader applications and others that are specific to ICT usage. Four measures that took effect in recent years—Decree Laws 370 and 389 and Resolutions 98 and 99—pose serious threats to online expression in Cuba. The laws essentially codify the surveillance, inspections, harassment, control, arbitrary detention, interrogation, fines, and confiscation of equipment that had already been routinely employed against independent online voices (see C3, C4, and C5). **99**

Cuba's new penal code, approved in May 2022, lists the use of social media platforms as an "aggravating circumstance" in the crime of "instigating the commission of a crime." "Using social networks" to organize gatherings, meetings, or protests are a crime under the new statutes, along with long-standing crimes often used to target dissidents like "disrespect," "public disorder," and "sedition." While the previous penal code did not explicitly mention the use of digital networks in relation to crime, the updated code specifically names "slander," "insult," and "acts against privacy or the image, voice, data, or identity of another person" as new and punishable "cyber-crimes," in addition to the previously illegal "instigating the commission of a crime." Penalties for these infractions, which are often more severe than if the same crime were committed offline, include prison sentences ranging from three months to three years and fines ranging from 1,000 (\$40) to 200,000 CUP (\$8,000). **100**

In August 2021, following historic July protests, the government enacted regulations further criminalizing and restricting online speech (see B8). Decree Law 35, which had been approved by the National Assembly in April 2021, designates some forms of online content as a cybersecurity risk and may be used to arrest people for their online activities (see B3). **101** Resolution 105, passed in August, outlines online offenses, though it does not mention the specific penalties for committing them, and includes the dissemination of "false news," content defaming the country's prestige, content inciting demonstrations, and broadly defined "cyberterrorism" that subverts or destabilizes public order. **102**

Decree Law 370, formally approved shortly before mobile data (3G) plans were made accessible and published in 2019, prohibits the use of foreign servers to host vaguely defined "sites" under Article 68(f). Article 68(i) outlaws the spread, "through public data transmission networks," of information against "the social interest, morals, good customs, and integrity of people." The latter terms are also

poorly defined. Violators are subject to “confiscation of the equipment and means used to commit the violations,” “temporary or permanent suspension of the license,” “closure of the facilities,” and disproportionate fines amounting to hundreds of US dollars. ¹⁰³ Agents from MINCOM can determine who to target under Article 68(i), with no judicial oversight. ¹⁰⁴

Cuba’s former penal code (Law 62, Fifth Section) set penalties ranging from a few months to 20 years in prison for any activity considered to be a threat to the Cuban state or public order; one provision authorizes the state to detain, reeducate, or monitor anyone who shows a “proclivity to commit crime” by violating the norms of the socialist society. ¹⁰⁵ The Law to Protect Cuba’s National Independence and Economy (Law 88), passed in 1999, punishes any activity that threatens Cuban sovereignty or facilitates the US trade embargo. Anyone who passes information to the US government that could bolster the embargo can face up to 15 years in prison. Spreading subversive materials can incur a penalty of three to eight years in prison, while collaborating with foreign media outlets is punishable by up to five years in prison. ¹⁰⁶

In 1996, the government passed Decree Law 209, which states that the internet cannot be used “in violation of Cuban society’s moral principles or the country’s laws,” and that email messages must not “jeopardize national security.” ¹⁰⁷ In 2007, a network security measure, Resolution 127, banned the use of public data-transmission networks to spread information that is against the social interest, norms of good behavior, the integrity of people, or national security. The decree requires access providers to install controls that enable them to detect and prevent the proscribed activities, and to report them to the relevant authorities. ¹⁰⁸

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?	2 / 6
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Penalization for online activity is common, though in recent years the government has tended to employ short-term detentions, interrogations, fines, legal harassment, and travel bans, as opposed to the lengthy prison terms favored in the past. ¹⁰⁹ Independent journalists, influencers, and online activists have

increasingly become targets of these legal actions, including those involved in July 2021 protests (see B8).

The Cuban Observatory of Human Rights (OCDH), a nongovernmental organization based in Madrid, reported 719 arbitrary detentions and 636 house arrests of peaceful dissidents in the first half of 2022, some for their online speech or organizing. ¹¹⁰ The ICLEP lists 13 individuals jailed in 2021 for their online expression, many of whom were detained or placed under house arrest for between a month to over a year. ¹¹¹ One month following the July 2021 protests, 10 journalists (including those reporting online) remained under house arrest or imprisonment in relation to their coverage of the event. ¹¹²

Dissident bloggers, independent journalists, and human rights defenders are also subject to punishments ranging from searches and confiscation of equipment to fines and detentions.

Since early 2020, many independent journalists and activists have been targeted under Decree Law 370, including through summonses, interrogations, threats, fines, house arrests, seizures of work equipment such as cell phones, and other repressive tactics aimed at halting their online journalistic activity. During interrogations, government officials have showed the journalists printouts of their social media posts and online reporting as “proof” of their crimes. ¹¹³

An October 2021 report published by Inventario revealed that between the Decree Law 370’s entry into force in July 2019 and October 2021, the law was used to issue 70 fines most commonly of 3,000 CUP (\$120) to 59 people for using social media to disseminate “information or opinions contrary to the interests of society, morality, good customs, and the integrity of persons.” While some everyday users have been fined under the law, the most common targets included political dissidents, activists, and independent journalists. ¹¹⁴

Beyond the fines frequently leveled against users for their online speech, convictions carrying prison sentences and long-term house arrests are becoming increasingly common. In September 2020, activist Juan Luis Bravo Rodríguez was sentenced to two years in prison after he refused to pay a fine under Decree Law 370. He had originally been fined in May 2020 for a Facebook post in which he criticized the government. Bravo Rodríguez is the first person known to be

sentenced to prison under this law ¹¹⁵ and was ultimately released on parole in November 2021; he was subjected to forced labor during his imprisonment.

In April 2022, YouTuber and social media influencer Yoandi Montiel Hernández (popularly known on social media as “El Gato de Cuba”) was sentenced to two years in prison on charges of contempt under Article 144 of the penal code. ¹¹⁶ He had been detained since his initial arrest in April 2021 for criticizing President Miguel Díaz-Canel on social media. ¹¹⁷ In March 2022, protester Yoan de la Cruz was sentenced to six years in prison for live streaming one of the early July 2021 antigovernment protests on Facebook. He was released on appeal two months later, in May; one source reported that he had been under house arrest for five years after the appeal of his original sentence. ¹¹⁸

October 2021 saw the first legal cases of activists, Leinier Cruz Salfrán and Richard Almaguer Cabrera, sanctioned under Decree Law 35. Cruz was officially summoned and interrogated by authorities for at least an hour for a series of social media posts he had made about Archipiélago and calls for the November 2021 protests, which he was told threatened domestic and public order and violated both Decree Laws 35 and 370. Almaguer was similarly interrogated for an hour for allegedly violating Decree Law 35 through his Facebook posts that supported activist and journalist Iliana Hernández and criticized the government. He was fined 3,000 CUP (\$120) under Decree Law 370, for allegedly spreading false news and “defam[ing] the revolution.” ¹¹⁹

People also faced threats of legal prosecution for their online activities during the coverage period, including well-known dissidents Angel Moya and Berta Soler. When the two were detained in March 2022 while attempting to join a peaceful protest demanding the release of political prisoners, they were detained by plainclothes officials who warned that their social media posts would amount to crimes under the penal code. ¹²⁰ These threats of legal prosecution have also driven many journalists, activists, and artists who post online to flee the country.

¹²¹

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?

1/4

Anonymity and encryption technologies are legally prohibited in Cuba. ¹²² Web access points, such as Wi-Fi hotspots, cybercafés, and access centers, are closely monitored, and users are required to register with their personal identification information. ¹²³ MINCOM Resolution 99/2019 explicitly demands that service providers obtain approval before using encryption technology to protect the privacy of the information they transmit. ¹²⁴ Still, many Cubans with internet access on their phones, whether via a Wi-Fi hotspot or 3G or 4G mobile service, use encrypted communication services such as WhatsApp to communicate privately among trusted friends. In July 2021, numerous reports indicated that the government had begun blocking the encrypted messaging apps WhatsApp, Telegram, and Signal (see A3 and B1).

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?

1/6

The constitution protects various forms of communication, and portions of the penal code establish punishments for the violation of the secrecy of communications and of users' privacy, but these safeguards are frequently breached in practice. Surveillance of internet activity in Cuba is pervasive and frequently results in criminal cases or other reprisals for users deemed to have violated various laws.

Part of Decree Law 389, which was approved in 2019 by the Council of State without review by the National Assembly, formally authorizes investigators to engage in electronic surveillance and use the resulting information as evidence in criminal cases. The law permits listening to and recording individuals' conversations, tracking their location and following them, photographing and recording their image, intervening into any of their communications, accessing their ICT systems, "and other technical resources which allow the discovery of and proof of the crime." Prior judicial approval is not required to conduct such surveillance. ¹²⁵

A 2013 decree from MINCOM reaffirmed the government's continued monitoring of internet traffic, stating that the ETECSA will immediately end a user's access if they commit "any violation of the norms of ethical behavior promoted by the

Cuban state.” ¹²⁶ Users must show their national identity cards and sign an agreement stating that they will not use the service for anything “that could be considered... damaging or harmful to public security”—a vague statement that can be applied to expressions of political dissent. ¹²⁷

Another form of surveillance takes place in public parks with Wi-Fi hotspots, where ciberclarias monitor other users and report when they detect visits to “suspicious” pages. ¹²⁸

The app toDus and a national app store, launched in 2018, were both developed by Havana’s state-run UCI, in effect granting state authorities access to users’ personal data and presumably to the communications that take place through those platforms. ¹²⁹ The government justifies these and other developments toward the “computerization” of Cuban society as part of its declared plan to reinforce Cuba’s “technological sovereignty.” ¹³⁰

In April 2020, the government released a coronavirus tracking app. It was developed by the UCI in partnership with the Ministry of Education, the Ministry of Health, and the ETECSA. ¹³¹

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users’ right to privacy?	0 / 6
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Internet service providers are required to register and retain the addresses of all traffic for at least one year. ¹³² Reports indicate that the government routes most connections through proxy servers and is able to obtain user names and passwords through special monitoring software called Avila Link, which is installed at most ETECSA and public access points. ¹³³ In addition, delivery of email messages is consistently delayed, and it is not unusual for a message to arrive censored or without its attachments.

The Cuban parliament approved new legislation related to the protection of personal data in May 2022, set to enter into force in August. The new Law 149/2022 on Personal Data Protection recognizes the right of citizens to access their personal data, to know about its use, to request its correction and modification by those who possess it, and to request its nondisclosure. The law

also places requirements on service providers and those processing or controlling personal data, data transfers, and data retention. Failure to comply can incur fines of up to 2,000 CUP (\$80), and authorities can order the suspension of personal information databases for up to five days or the closure of the database entirely. The effectiveness of the law remains to be seen in practice. ¹³⁴

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

2/5

Journalists and other prominent online voices frequently face violence by police who arrest or interrogate them, as well as intimidation tactics such as unjustified searches and equipment confiscation. Users who have been jailed for extended periods of time report being mistreated in custody.

Free press organizations noted an increase in violence against Cuban media during the coverage period, with Cuban media organization Association for Freedom of the Press reporting physical attacks against at least 29 journalists in November 2021. ¹³⁵ Journalist Adriano Castañeda, who reports on social media and for US government-funded Radio Marti, was physically attacked that month. He claimed that security officials ordered the attack to silence his reporting on social media—during the altercation his attacker threatened to kill him if he continued to speak about the revolution. ¹³⁶ In April 2022, independent journalist and executive director of the ICLEP Alberto Corzo was followed and beaten by security agents, who dislocated his collar bone. Corzo stated he has been physically attacked a total of 33 times in his career. ¹³⁷

Many journalists working for nonstate media have experienced systematic harassment and threats, including death threats, threats to release intimate images, and online smear campaigns. ¹³⁸ For instance, prominent online journalist Camila Acosta has been interrogated more than six times and had at least three cell phones seized or destroyed in 2019 and 2020, while also being forced to change her residence several times. She was forced to undergo at least one strip search as part of an interrogation. State security agents have also targeted members of her family with threats and warnings about her behavior. ¹³⁹

C8 0-3 pts

Cyberattacks targeting the social media accounts of journalists and activists have intensified in frequency and technical coordination in recent years. Previously, technical attacks did not appear to be a primary method of censorship in the country.

In February 2022, independent journalist and Palenque Visión reporter Niober García Fournier, who has been fined under Decree Law 370 more than once for his speech on social media, announced he had experienced several hacking attempts on his Facebook account. ¹⁴⁰ In January 2022, Canada-based Cuban activist and influencer Alberto Fonseca reported falling victim to a cyberattack shortly after being criticized by the government on television and radio programs. ¹⁴¹ Prominent journalist Camila Acosta has also been targeted repeatedly, with her Facebook and Instagram accounts taken over and private messages to friends shared publicly, including in April 2021. ¹⁴²

Footnotes

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More footnotes



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Country Facts

Global Freedom Score

12/100 Not Free

Internet Freedom Score

20/100 Not Free

Freedom in the World Status

Not Free

Networks Restricted

Yes

Social Media Blocked

Yes

Websites Blocked

Yes

Pro-government Commentators

Yes

Users Arrested

Yes

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