

FREEDOM ON THE NET 2023

Cuba	20
NOT FREE	/100

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

LAST YEAR'S SCORE & STATUS 20 /100 Not Free

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



Overview

Internet freedom in Cuba remained severely limited during the coverage period, as authorities engaged in repression to disrupt protests and eliminate online dissent. Despite some infrastructural improvements, Cuba has one of the lowest connectivity rates in the Western Hemisphere and the quality of internet connections remains poor. Authorities 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, and a new penal code that took effect during the coverage period classifies the use of social media platforms as an "aggravating circumstance" in the commission of certain crimes. Authorities have responded to grassroots digital media innovations in recent years with increased censorship, in an effort to completely stifle independent journalism in the country.

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.

Key Developments, June 1, 2022 - May 31, 2023

- Cuba's internet infrastructure remained under strain during the coverage period, with the state-run Telecommunications Company of Cuba SA (ETECSA) struggling to provide reliable service at promised speeds to its customers. By the end of the coverage period, a new fiber-optic cable connection was successfully established between Cuba and Martinique, potentially easing some infrastructural limitations (see A1).
- Internet connectivity was disrupted nationwide at least seven times during the coverage period. Most of the disruptions corresponded to the spread of public protests over prolonged blackouts, food insecurity, and other issues, suggesting an intentional effort by the government to restrict access. The disruptions were brief in duration, typically lasting only a few hours (see A3).

- The National Assembly approved the Social Communication Law (LCS) in May 2023. The law establishes vague restrictions on content and could be used to enact additional criminal penalties for online speech, further limiting independent journalism within Cuba (see B3, B6, and C2).
- Cuba's new penal code took effect in December 2022. Using vague and imprecise language, the new code further criminalizes online speech, establishing explicit and frequently heightened penalties for several alleged crimes if carried out over digital networks, including 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 (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?

2/6

Score Change: The score declined from 3 to 2 because one of the sources used to calculate internet penetration rates released corrected data indicating a lower mobile penetration rate than previously modeled. This score change does not necessarily reflect a change in infrastructural limits to internet access, speed, or quality.

While the government has taken some steps in recent years to improve infrastructure and increase access, Cuba's internet penetration rate remains relatively low. 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. Blackouts and scheduled power cuts pose an ongoing threat to connectivity. 2

The ITU also indicates that 18 percent of Cuban households had a computer and 33 percent had household internet access as of 2021. **3** 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 ETECSA. **4**

ETECSA has expanded third-generation (3G) mobile access nationwide since initially rolling out the service in 2018, **5** and it quickly became the most popular alternative to previously available options. **6** ETECSA has also expanded 4G availability in recent years by setting up more radio bases. According to the ITU, 49 percent of Cuba's population was covered by 4G service in 2021. **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 In 2019, however, 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 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 ETECSA. The state-owned provider then placed SNET under the direction of the Union of Communist Youth, with access provided through Youth Computer Clubs.

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

Increased internet traffic in recent years has placed significant strains on Cuba's existing internet infrastructure, and infrastructural limitations severely restrict the quality of ETECSA's services. Complaints of slow speeds, dropped connections, and a lack of necessary replacement parts are common. ¹² Moreover, a lack of financial liquidity has reportedly prevented ETECSA from making needed infrastructural upgrades and meeting financial obligations to foreign vendors. ¹³

Since 2013, Cuba has maintained an active undersea fiber-optic cable connection with Venezuela. **14** In an effort to ease the demand on this cable, in December 2022, the Cuban government finalized negotiations with French telecommunications company Orange to establish an additional fiber-optic connection via Martinique, **15** with test operations beginning by the end of the coverage period. **16**

In November 2022, the US Department of Justice recommended the Federal Communications Commission deny a 2018 request from ARCOS-1 and SurNet to extend a fiber-optic cable to Cuba, citing ETECSA's envisioned control of the proposed connection. 17

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, mobile and fixed-line internet service is very expensive for most Cubans. Although most foreign websites are now available at state-run access points, non-Cuban sites are more expensive to access than 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 limited, of low quality, shared with other users, and are more likely to feature censorship of certain websites and services. ¹⁸

Many Cubans who earn the average monthly salary cannot afford access to 3G or 4G services. Several potential customers would also have to upgrade their 2G-enabled phones before being able to access 3G or 4G services through paid plans. At the time of the 3G service launch, customers could opt either for pay-as-you-go access or sign up for a monthly service plan. **19** ETECSA has offered additional data bonuses to access national websites in recent years, a strategy reflecting authorities' continued desire to promote local content over increasingly popular, foreign-based social media platforms and international news sites. **20**

In conjunction with the elimination of the Cuban convertible peso (CUC) and the so-called "monetary ordering" of 2021, ETECSA announced that prices would remain largely unchanged, but services would be paid for exclusively in Cuban

national pesos (CUP). 21 With Cuba's monthly minimum wage adjusted to 2,100 CUP (\$84) after that date, service prices have remained prohibitively expensive for many Cubans. According to statistics from UK-based Cable, the average price of 1 gigabyte (GB) of mobile data in Cuba was 75 CUP (\$3) in 2022. 22 ETECSA's packages for Nauta Hogar service range in monthly cost from 250 CUP (\$10) for 30 hours of browsing at 1.24 Megabits per second (Mbps) to 1,375 CUP (\$55) for 120 hours of browsing at 4.096 Mbps. 23

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 SNET to connect thousands of urban users, and the use of various signal-amplification devices to share or sell Wi-Fi signals. **24**Networks like SNET, however, were effectively declared illegal in 2019 (see A1). Two popular apps that aid Cubans in sharing digital data are Zapya, 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 virtual private network (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. **25**

A3 o-6 pts

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

2/6

Score Change: The score improved from 1 to 2 because connectivity disruptions that occurred during the coverage period were not as severe or long in duration as those implemented during the 2021 protests.

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. Since the nationwide July 2021 protests, the government has regularly used its complete control of the mobile network to restrict citizens' communications.

The government tactic of implementing short-term internet shutdowns to quell the spread of protests appears to have become increasingly commonplace. There were at least seven instances of generalized connectivity disruptions during the coverage period. ²⁶ In most cases, the timing of these connectivity disruptions corresponded to the breakout of spontaneous local protests, usually related to prolonged blackouts and the scarcity of food, medicine, and other necessities. This was then followed by an internet shutdown of a few hours, often accompanied by the arrival of security forces to disperse protesters. Despite the protests being localized, these shutdowns were often implemented nationwide, taking place across the island as measured by various internet traffic monitoring services. ²⁷

The most notable such responses occurred after Hurricane Ian affected Cuba in September 2022 and after protests were held in Caimanera in May 2023. In September 2022, hundreds of people in western Cuba demonstrated against the infrastructural limitations exacerbated by Hurricane Ian; overnight internet shutdowns were then detected on September 29 and September 30, each lasting seven hours. ²⁸ In May 2023, hundreds of people held antigovernment protests in Caimanera. Images of peaceful protesters being forcibly set upon by "Black Beret" government forces were captured and shared on social media, including Facebook Live broadcasts, before mobile connectivity was reportedly disrupted nationwide.

29

Previously, 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). **3º** 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). **3¹** The disruptions began on July 11—the first day with a major protest—when ETECSA cut internet service across the island for 30 minutes. **3²** Widespread, intermittent outages persisted for several hours, **33** and full connectivity did not return until 72 hours following the initial shutdown. **34**

In addition to the July 2021 outages, individual activists and dissidents reported that their mobile and fixed-line connections had been selectively disrupted, with the apparent goal of preventing their ability to organize or report incidents of

harassment. **35** The authorities have continued to target many individuals with selective connectivity disruptions throughout the current coverage period. **36** Relatives and other close contacts of dissidents and political prisoners are sometimes subjected to slower connectivity, as well. Some individuals have experienced these disruptions 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. **37**

A4 0-6 pts

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

0/6

Government firms dominate the country's information and communication technology (ICT) sector. Cuba's monopoly telecommunications service provider, ETECSA, is state-owned. **38** Cubacel, a subsidiary of ETECSA, is the only mobile service provider.

In 2013, 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. **39**

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 ICT-related business. **40**

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. **41**

B. Limits on Content

B1 o-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 continue to regularly block dissident or independent news outlets and the websites of Cuban activists and dissident organizations. Certain anonymization and circumvention tools were also blocked during the coverage period.

Leading Cuban news and journalism sites that have been blocked or have shown signs of potential blocking during the coverage period include ADN Cuba, CiberCuba, Cubalex, Cubanos por el Mundo, Diario de Cuba, Misceláneas de Cuba, Proyecto Inventario, Gato Pardo, El Estornudo, Rialta, 14ymedio, and CubaNet. 42 In recent years, authorities have periodically blocked non-Cuban news outlets that do not focus exclusively on Cuban content.

The petition sites Change.org **43** and Avaaz.org **44** —on which activists have circulated demands related to human rights online and offline, ideological discrimination in higher education, and opposition to Decree Law 370—were both confirmed to be blocked during the coverage period. ETECSA also filters short-message service (SMS) messages and blocks those that include words such as "democracy," "dictatorship," "protest," "communism," and "VPN." **45**

Access to blocked outlets is generally possible only through a VPN or another censorship circumvention tool. Measurements from the Open Observatory of Network Interference (OONI) indicate that the circumvention tools Anonymouse.org and Megaproxy.com were blocked as of May 2023. 46 Given the government's periodic blocking of access to popular VPNs, some Cubans have reportedly begun to utilize decentralized VPNs (dVPNs), which are much harder to block. 47

The Cuban government regularly implemented temporary island-wide internet shutdowns in response to protests held during the coverage period, working to

disrupt access to popular information-sharing platforms like WhatsApp, Twitter, and Telegram (see A3). OONI measurement data indicated that MagicJack, a Voice over Internet Protocol (VoIP) phone service, was blocked at times during the coverage period. **48**

During the previous coverage period, in July 2021, Cuban officials temporarily restricted internet connectivity and blocked numerous social media and communications platforms—including Facebook, TikTok, and WhatsApp—amid widespread protests, though the exact duration of the restrictions remains unclear (see A3 and B8). OONI first noted disruptions to WhatsApp on July 11, 2021, and data also revealed the temporary blocking of Facebook and TikTok in the following days. **49** When internet access was restored on July 14, 2021, apps including Facebook and WhatsApp reportedly remained blocked on 3G and 4G networks. **50** 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). **51**

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. **52** A Cuban programmer interviewed by 14ymedio reported evidence that VPNs had been blocked using DPI blocking during October 2020, which he attributed to Chinese technology. **53**

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 discussions of the government on social media (mainly on Facebook) and through Cuba's crop of independent digital news outlets (see C1 and C2). **54**

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 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. **55**

During the coverage period, Cubans were forced through various means to remove or restrict content from the internet. On July 15, 2022, following a series of spontaneous protests in Los Palacios and a subsequent internet shutdown, live Facebook broadcasts of the protests taken by Ángel Luis López Placencia began to circulate on social media. Within hours, the original videos had been deleted from Facebook and López Placencia stopped posting. **56** A journalist expressed concern for López Placencia, whose whereabouts were not immediately known after posting on social media. **57**

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 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." **58** 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.

59

The Social Communication Law (LCS), approved by the National Assembly in May 2023, includes broadly worded restrictions on content that can be disseminated through the media, including online. Article 13 prohibits the dissemination of content that aims to "subvert the constitutional order and destabilize the socialist

State of law and social justice," as well as that which "sustains the communication aggression that develops against the country." **60**

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 took 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. ⁶¹ 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. ⁶² According to an analysis from Cubalex, the law may be interpreted to apply to social media companies. ⁶³

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice selfcensorship?

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 pause or suspend their online reporting entirely (see C2, C3, and C7). **64**

During the coverage period, several independent digital journalists received legal threats that forced them to either cease or renounce their journalistic work. Cynthia de la Cantera, a journalist for YucaByte, was forced to stop reporting for the outlet in July 2022 before eventually going into exile in Germany later that year. In a Facebook post, de la Cantera said that she otherwise would have been pressured to collaborate with the authorities or face potential charges. **65**

Between August and November 2022, Cuban government agents interrogated several journalists who had worked for the digital outlet El Toque; they threatened the journalists with travel bans and other consequences if they did not end their

collaboration and make public statements to that effect on social media or in video recordings. These efforts, which could create a chilling effect for independent journalism more broadly, amounted to a sustained harassment campaign against El Toque and its journalists (see C7). 66

In recent years, multiple journalists, journalism professors, and students have been expelled from their state positions or universities for publishing criticism on social media sites and in "enemy" media outlets, including online outlets. These restrictions and punishments have further engrained the practice of self-censorship among Cuban journalists and academics who wish to keep state-media and university posts. ⁶⁷ During the coverage period, for example, Cuban journalism professor Luis Tan Estrada was fired from his job at the University of Camagüey in November 2022 for criticizing the government via Facebook. ⁶⁸

While grassroots digital innovations such as El Paquete Semanal 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. **69** Journalists who work for state media also reportedly practice self-censorship. **70**

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

1/4

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. 71 Inauthentic 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 internet time and mobile data plans. **72**

Networks of progovernment journalists have disseminated content online to counter alternative discourse. 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. **73**

In its fourth-quarter 2022 report on adversarial threats, Meta disclosed the existence of a network of coordinated inauthentic behavior tied to the Cuban government. This network was directed at Cuban audiences residing domestically and abroad. Meta eliminated 363 Facebook accounts, 270 pages, 229 groups, and 72 Instagram accounts for violating the terms of service prohibiting such campaigns. In its report, Meta noted that the scheme's orchestrators "operated across many internet services, including Facebook, Instagram, Telegram, Twitter, YouTube and Picta, a Cuban social network, in an effort to create the perception of widespread support for the Cuban government." Meta also reported that the tactics used by this government-linked network included the use of inauthentic accounts to amplify progovernment content, as well as the creation of more elaborate and unique profiles that criticized the state's opponents. In a further violation of Facebook's policies, some of the memes created by the coordinated network included photos of government critics and referred to them disparagingly as "worms." 74

In October 2022, the social network then known as Twitter labelled several Cuban state media outlets, like Cubadebate, as "government affiliates," reflecting their lack of editorial independence and tendency to spread progovernment propaganda on the platform. **75**

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 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

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 May 2023, the National Assembly gave its unanimous approval to the LCS. The final text used significantly more rigid language regulating Cubans' ability to freely publish content online than earlier drafts of the bill. **76** In particular, the LCS further closes the already very limited space for independent digital media outlets in the country. **77** Article 28 of the law reiterates the constitutional ban on the existence of private independent media, stating that media are "the socialist property of the entire people or of political, social and mass organizations, and cannot be the subject of any other kind of property." **78** The law imposes broad restrictions on the dissemination of critical content, opening the possibility for additional criminal penalties (see B3 and C3).

The LCS also maintains strict limits on the financing of independent media, while opening some funding avenues for state media. The law allows state media to receive funding from advertisements with prior approval from the authorities. **79**

Decree Law 370 of 2019 further restricted 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). ⁸⁰ 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 ⁸¹ for their posts on social media sites like Facebook (see C3). ⁸²

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. ⁸³ There are also thriving improvisational systems like 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. ⁸⁴

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. **85** 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. **86**

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

1/4

Despite the persistence of severe restrictions and explicit illegality of media outlets that are not controlled by the ruling Communist Party of Cuba, grassroots and citizen-led media initiatives have succeeded in developing a significant online presence and developing domestic audiences in recent years.

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 Cubans benefit from mobile connectivity. However, independent journalism within Cuba remains in a state of crisis, especially with the introduction of the LCS, which explicitly

outlawed independent media (see B6). **87** As a result, many of these innovative projects, and the journalists who run or work for them, have been forced to do so from exile.

As the number of independent digital media sites has surged over the past decade, 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. 88 Several 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 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. 89

During the coverage period, several innovative journalistic projects have provided reliable and independent information about digital rights and other timely issues in Cuba. YucaByte has been a pioneer in tracking violations of Cubans' online rights through its Digital Rights in Crisis project. **9º** Proyecto Inventario, meanwhile, includes data on protests, blackouts, connectivity disruptions, coronavirus cases and deaths, fines related to Decree Law 370, and trends related to Cubans' social media communication, among other things. **9¹** Outlets like CiberCuba increasingly use "las directas," live broadcasts from Cuba. El Toque also launched an innovative fact-checking service, DeFacto. **9²**

Independent journalism sites have been 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. **93**

However, 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. An October 2022 report on Cuba by the Inter-American Press Association (IAPA) noted that independent journalists had been driven to exile in response to harassment and legal threats, a trend exacerbated by the penal code that took effect in December (see C2). **94** Thus, journalists for emergent sites have increasingly been forced to leave Cuba, leaving few reporters on the ground. **95**

B8 o-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—especially Facebook—playing a critical role in driving offline demonstrations. The Cuban government has routinely responded to these efforts with connectivity restrictions, arbitrary detentions, and legislation seeking to further criminalize online dissent.

Smaller-scale protests regularly occurred during the current coverage period. **96** While no single protest has been as widespread as the demonstrations in July 2021, social media–enabled protest, followed by internet shutdowns and violent repression, has entered the repertoire of social mobilization in Cuba. This was most clearly and recently illustrated by the May 2023 protests in Caimanera, with videos of those events being widely disseminated on Facebook and other social media platforms.

Online tools were largely credited with sparking and sustaining historic protests held in July 2021, during the previous coverage period. Demonstrators protesting the shortage of basic goods in San Antonio de los Baños that July 11 used Facebook Live to spread footage of their rally, which reportedly contributed to

the rapid spread of protests nationwide. **97** 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, two million containing the hashtag were published on July 12.

98 The government's response to the protests 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 later that year. 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; 99 some opposition activists and journalists had broadcast live on Facebook or posted on Twitter about plainclothes security forces and government supporters preventing them from leaving their homes. 100 The best-known organizer of the November 2021 protest, playwright Yunior García Aguilera, was among those detained. He went into exile in Spain soon thereafter. 101

C. Violations of User Rights

C1 o-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." 102 Article 55 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. **103** 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." **104**

A February 2021 regulation on permissible self-employment activities explicitly bans any private activities related to independent journalism or media outlets. **105** 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. Several measures that have taken effect in recent years—including Decree Laws 370 and 389, Resolutions 98 and 99, and provisions of the 2022 penal code—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). **106** The LCS additionally opens the possibility of further criminalization of online activities in Cuba.

Cuba's new penal code, which was approved in May 2022 and took effect that December, 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 is 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." 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 to 200,000 CUP (\$40 to \$8,000). The penal code's inclusion of social networks as "aggravating circumstance" undercuts the authorities' claims that the code does not impose different punishments between crimes committed offline and those using ICTs. **107**

A March 2023 report by Amnesty International warned that the 2022 penal code "risks further entrenching long-standing limitations on freedom of expression and assembly and is a chilling prospect for independent journalists, activists, and anyone critical of the authorities." 108

Provisions in the LCS, unanimously approved by the National Assembly in May 2023, contain broadly worded clauses that could be used to further criminalize online activities or restrict content (see B3). For example, Chapter 4, Article 51, of the law indicates that users are legally responsible for "the content they generate, select, modify, interact with, and publish" if it has the "objective of subverting the constitutional order" or "instigating terrorism or cyberwar," raising concerns that users could be punished for so much as "liking" content that is critical of the Cuban government. **109** Specific punishments have yet to be determined, but the law establishes a clear legal basis to assign criminal liability for several critical online activities. **110**

In August 2021, following the previous month's historic 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. 111 Resolution 105, passed in August 2021, 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. 112

Decree Law 370, formally approved shortly before mobile data 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. **113** Agents from MINCOM can determine who to target under Article 68(i), with no judicial oversight. **114**

The Law to Protect Cuba's National Independence and Economy (Law 88), passed in 1999 and popularly known as the Gag Law, 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. 115

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." 116 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.

C3 o-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?

2/6

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. ¹¹⁸ Independent journalists, influencers, and online activists have increasingly become targets of these legal actions and many have been forced into exile, including those involved in the July 2021 protests (see B8).

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

During the coverage period, such legal pressures and tactics were used against Hilda "Hildina" Núñez Díaz, a 24-year-old YouTuber who became popular for her video exposés of poverty on the island. In March 2023, police cordoned the block in which Núñez lived, raided her home, and confiscated devices and equipment; Núñez was then detained for over seven hours by state security officials. She was reportedly fined and threatened with further reprisals if she did not agree to discontinue her independent reporting, which government agents called "using social media to discredit the government." 119 Núñez went into exile in May 2023, citing sustained pressure and threats by Cuban state security since her politically motivated arrest. 120

The Cuban Observatory of Human Rights, a nongovernmental organization based in Madrid, reported at least 1,354 arbitrary detentions and 1,447 house arrests of peaceful dissidents or their family members in 2022, some for their online speech or organizing. 121

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. 122 While some everyday users have been fined under the law, the most common targets included political dissidents, activists, and independent journalists. 123

For example, in November 2022, activist Yasmany González Valdés was fined 3,000 CUP (\$120) under Decree Law 370 for disseminating through social media "information contrary to social interest, morality, good customs and the integrity of the people." 124 González Valdés had posted the details of a robbery that he was the victim of on social media, and expressed skepticism that the police would be able to help him. 125

In a January 2023 report, YucaByte said that it had received 272 reports of digital-rights violations committed against activists, journalists, and other civil society actors during 2022, including cases of targeted harassment (see C7). Some 21 of these cases involved fines of 3,000 CUP (\$120) levied under Decree Law 370 and 10 cases where phones or other equipment were seized (and often broken). 126

Does the government place restrictions on anonymous communication or encryption?

1/4

Anonymity and encryption technologies are legally prohibited in Cuba. 127 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. 128 MINCOM Resolution 99/2019 explicitly demands that service providers obtain approval before using encryption technology to protect the privacy of the information they transmit. 129 Still, many Cubans with internet access on their phones, whether via a Wi-Fi hotspot or mobile service, use encrypted communication services such as WhatsApp, Telegram, or Signal to communicate privately among trusted friends. In July 2021, amid nationwide protests, numerous reports indicated that the government had begun blocking these three encrypted messaging apps (see A3 and B1).

C5 o-6 pts

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

1/6

The constitution nominally 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 who have criticized the regime openly online or in intercepted private communications, as well as those deemed to have violated various laws.

In recent years, concerns have been raised that the Cuban government could use data collected through state-affiliated applications to facilitate surveillance. In fact, in November 2023, it became known that ETECSA had sealed an alliance with XETID, a subsidiary of Cuba's Revolutionary Armed Forces (FAR). XETID, which is subject to US sanctions, has previously developed the EnZona e-commerce platform and the Bienestar platform, which is used as a space for popular participation and manages records with the personal data of citizens. As a result

of this collaboration with ETECSA, the FAR reportedly has access to a significant amount of sensitive information about Cuban citizens. 130

Similar concerns have been raised about the Ministry of the Interior (MININT), which has also gained access to the personal data of Cuban citizens through government-linked applications. For example, since September 2021, Cuba's main app for e-commerce, TuEnvio, has been linked with the Single Citizen File (FUC), which itself is tied to the MININT's Unique Identification System. Resolution 484 of the Ministry of Justice (MINJUS) allows the MINJUS to authorize access to files in the FUC database without citizen consent. **131**

Additional concerns have been raised over the security and privacy of other state-affiliated apps like Cola.CU, which is used to organize Cuba's often long and chaotic food lines and eliminate the need for "coleros" as paid line holders; Porter@, which helps to coordinate access to markets in a context of scarcity and comply with COVID-19-related social-distancing rules; and PMUS, which reportedly aims to achieve sustainable urban mobility and reduce air and sound contamination. However, these apps require users to register with their personal data, and in the case of PMUS, collect real-time geolocation information. 132

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. 133 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." 134

Additionally, 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. **135**

A 2013 decree from MINCOM reaffirmed the government's continued monitoring of internet traffic, stating that ETECSA will immediately end a user's access if they commit "any violation of the norms of ethical behavior promoted by the Cuban state." 136 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. 137 ETECSA contracts often explicitly prohibit Cubans from using its services for activities that violate "ethics, morals and good customs," among other restrictions. 138

C6 o-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?

0/6

Internet service providers are required to register and retain the addresses of all traffic for at least one year. **139** 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. **140** 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 National Assembly approved new data protection legislation in May 2022. The final law was published that August and entered into force in February 2023; 141 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. However, the law's effectiveness is not yet clear. 142

While the law declares that it protects personal data related to personal identifiers including sex, ethnic origin, and sexual orientation, it also creates vague exceptions to full adherence, potentially allowing the authorities to circumvent its data

protection requirements. Article 17 of the law allows personal data to be stored without the consent of its owner "for reasons of collective security, general welfare, respect for public order and the interest of defense," for example. **143**

C7 o-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. In its October 2022 report, the IAPA noted that scores of independent online journalists have been targeted with "constant repression," encompassing physical attacks and harassment, as well as arrests and fines (see C₃). **144**

Many journalists working for nonstate media have experienced systematic harassment and threats, including death threats and online smear campaigns. 145 Among other harassment and intimidation tactics, online activists and journalists have been warned that their activity would make it impossible for them to procure employment (leaving them unable to support their families since the state controls the labor market), 146 have received anonymous online messages showing the sender possessed detailed personal information about them, 147 and have seen the intimate images and information about their family and personal lives disseminated publicly. 148

The authorities have retaliated against online users through the publication online of potentially compromising private information and documents. In August 2022, independent journalist Nelson Álvarez Mairata reported that, after being forced to renounce his collaboration with CubaNet, he continued to be harassed through threatening phone calls. He also noted that inauthentic social media profiles had exposed his sexuality and publicly shared his private telephone number without his consent. 149

A number independent journalists and activists were subjected to these and other repressive tactics during the coverage period. Some faced sustained harassment,

threats, connectivity disruptions, and de facto house arrest, driving them into exile. Journalists have also been prohibited from traveling abroad. **150**

Authorities have also deployed physical violence against users in connection with their online activities, including while in detention. In October 2022, for example, journalist Yoel Acosta Gámez was reportedly struck several times while he was being interrogated in connection with social media posts that allegedly incited protests against the regime. 151 Previously, in April 2022, independent journalist Alberto Corzo was followed and beaten by security agents, who dislocated his collarbone. Corzo stated he has been physically attacked a total of 33 times in his career. 152

Between August and November 2022, the Cuban government unleashed a series of interrogations, threats, and character assassinations against the island-based staff of El Toque, successfully driving many of its journalists into exile as the year progressed. **153** The government's actions amounted to a sustained harassment campaign against the independent digital outlet, which El Toque's director characterized as "psychological torture." **154**

In August 2022, state authorities notably prevented six El Toque reporters from attending a journalism convention in Argentina. In addition to having their foreign travel arbitrarily "regulated," **155** they were also subjected to interrogation and blackmail by security agents. By the end of August, nine members of El Toque resigned under pressure, with agents having interrogated them and demanded that they make no mention of the state security apparatus's role in their departures. **156**

Instead of blaming El Toque for this ordeal, journalist Aleiny Sánchez Martínez called her tenure at the outlet a "happy and free" time. She ended the public "resignation" letter required of her by State Security saying, "I have no regrets. I don't apologize. I do not condemn myself. That's someone else's job." Sánchez subsequently deleted this post from her Facebook profile, likely under duress from Cuban security agents. **157**

In early September 2022, the staff of Xel2, the graphic humor supplement of El Toque, also resigned. Finally, in late October, coerced video recordings of journalists affiliated with El Toque were shown on national television in an attempt

to implicate the outlet in subversive activities and tar the outlet's reputation with the Cuban public. 158

C8 o-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

1/3

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 fact, in November 2022, Cuban government institutions celebrated the island's first ever "National Cyber-Security Day," even as the state itself actively undermined cybersecurity for Cubans on the island.

In May 2023, for example, at least three independent journalists or critics of the regime reported attempts to hack their social media accounts. In one case, on May 19, journalist José Luis Tan Estrada stated that unknown hackers had attempted to access his Facebook account, speculating that it was in connection to his detention by state security forces a day earlier. **159**

Previously, in February 2022, independent journalist and Palenque Visión reporter Niober García Fournier, who had 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. 160 In January 2022, Canada-based Cuban activist and influencer Alberto Fonseca reported being cyberattacked shortly after being criticized by the government on television and radio programs. 161 Prominent island-based journalist Camila Acosta has also been targeted repeatedly in recent years, with her Facebook and Instagram accounts taken over and private messages to friends shared publicly, including in April 2021. 162

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 In Other Reports Freedom in the World 2023 Other Years 2022

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