

## **CUBA**

# **ONE MORE YEAR OF REPRESSION AND NEW FORMS OF LEGALLY SPONSORED CENSORSHIP**

### **Executive Summary**

Once again the Chapultepec Freedom of Expression and Press Index has ranked Cuba as a country in which this universal human right is inexorably restricted. Based on the opinions of the consultants we went to, the country ranks among the worst assessed. Of a maximum of one hundred possible points, the Caribbean nation was given an 14.30 evaluation, which rates it as a country without freedom of expression. This result was a consequence of the continuous repression of journalists and independent media, human rights advocates, youtubers, and anyone who made use of digital and physical spaces to exercise their freedom of expression and protest.

### **Introduction**

Year after year, Cuba is ranked by different international organizations as a country with a very negative situation for both the exercise of freedom of expression and press and access to public information.

According to the 2023 ranking, the global organization Reporters Without Borders (RWB) placed Cuba 172nd out of 180 countries making the list, and assured that in Cuba "... censorship is intensified and the press continues to be a state monopoly". , so "... as in 2022, it trails in the region".

As the only journalists authorized within the framework of legality are those who exercise journalism in the government-controlled media (therefore, controlled by the Communist Party of Cuba (Partido Comunista de Cuba, PCC), the profession's independent exercise on the Island remains an issue.

Legal provisions such as 2018's Executive Order-Law 370 "On the Computerization of Society" that remain in force prohibit to spread information "... contrary to social interest, morality, decency and integrity of people", such as expressed in Article 69, section i); while 2021's Executive Order-Law 35 "On Telecommunications, Information and Communication Technologies and the Use of the Radio Spectrum" penalizes those who post content on social media that may be considered cybercrimes for expressing dissatisfaction with the government, and aims at contributing to making the use of telecommunications services an instrument "for the Revolution's defense" (Granma, 2021).

The new Cuban criminal code (Act # 151 of 2022) legally reasserts the mutilation of freedom of expression, association, assembly and protest, and continues to provide an

uncertain outlook for independent journalists, human rights activists or any citizen critical of the government.

In addition, on May 26, 2023, the new act on communications was passed by the Cuban National Assembly of People's Power. The regulation only recognizes ownership of the media by the State and controls the content in the Cuban press.

In short, the evaluated stage featured continued repression and censorship against anyone who is critical of the system and the government: fines under Executive Order-Law 370; psychological attacks; arbitrary arrests, mainly that of twenty-one-year-old girl Sulmira Martínez, who has been detained since January for announcing on social media her intention to hold a protest; abuse of power by the State; discredit and defamation of independent media and journalists through media outlets; restrictions in the cyberspace; public resignations; forced exiles; immigration regulations; questionings and police surveillance.

All of these events were carried out by the Cuban government, mainly through its repressive arms: the National Revolutionary Police (Policía Nacional Revolucionaria, PNR) and the Department of State Security (Departamento de la Seguridad del Estado, DSE).

### **About the environments: legal censorship stays one more year**

In the August 2022 to August 2023 period, repression against reporters, bloggers, freelancers, youtubers, human rights activists, opposition supporters, artists, as well as anyone who dissents and expresses themselves against the government of Miguel Díaz-Canel Bermúdez, continued to increase both in public and digital spaces.

### **Executive Environment**

According to the consultants for this survey, the executive environment scored 7.54 points out of a maximum of ten, with a very strong degree of influence in situations unfavorable to freedom of expression.

The Constitution of the Republic of Cuba declares that the government sets the principles of organization and operation for all social media (article 55), and since the PCC is the one that rules the publishing policies of all government-controlled official media, the exercise of the independent press and freedom of expression in general is now penalized though the new criminal code. Its recognition in the Constitution remains dead letter.

Independent journalism continues to be exercised within a hostile environment. For example, journalists from community media such as *Cocodrilo Callejero*, *Amanecer Habanero*, *Páginas Villaclareñas*, *El Espirituano* and *El Majadero de Artemisa* were the object of all types of attacks by the repressive arms of national security agents: police surveillance, arbitrary arrests and Internet service outages.

Furthermore, the period analyzed was notable for the resignations of more than fifteen members of the team of the digital media *El Toque* due to threats and pressure from the Cuban political police, and the cessation of the graphic humor supplement *Xel2* due to the public resignation of its director Wimar Verdecia, and the artist Irán Hernández, due to leverage and blackmail from national security enforcers.

Likewise, it is important to highlight the forced exiles of independent journalist and LGBTQ+ advocate Nelson Julio Álvarez Mairata, who resigned from his journalist position at CubaNet after he was threatened by national security enforcers, and Yoel Acosta Gámez, who had to leave the island because the political police was after him. The same fate befell journalists Yoe Suárez, María Matienzo and Luz Escobar.

Those who continue to exercise independent journalism in the Island –fewer and fewer, some anonymously for protection– exercise it in an environment of fear and repression expecting every day to be prosecuted by the Cuban regime under the support of the new criminal code.

## **Legislative environment**

The legislative environment was assessed at 7.70 points out of ten, with a very strong influence on situations unfavorable to freedom of expression. In the analyzed period, the enforcement of Executive Order-Law 370, known as the *scourge law*, continued, punishing all expressions critical of the regime on the Internet.

From August 2022 to August 2023, as recorded by independent organizations and media such as Proyecto Inventario and the Cuban Institute for Freedom of Expression and Press (Instituto Cubano por la Libertad de Expresión y Prensa, Iclep), Executive Order 370 was enforced on activists Ilenis Delgado Cue, to whom his phone was confiscated to delete his posts since he had kept reporting on his social media about the blackouts and protests that were taking place in Camagüey; and Yasmany González Valdés, who was fined 3 thousand pesos in national currency according to article 69 of the statute in question.

Also on young Catholic Adrián Martínez Cádiz, correspondent of *Eternal Word Television Network* (EWTN) in Havana; on activist Yansy Cárdenas (for a posting on social media about the food crisis the country was going through); on *ADN Cuba's* collaborator Luis Ángel Cuza and on youtuber Hilda Núñez Díaz, known on social media as “Hildina”, also fined 3 thousand pesos for using social media to discredit the government.

“Hildina” was arrested in the province of Santiago de Cuba, taken from her house in her nightclothes, interrogated, threatened with the new act on communications, forced to sign a paper agreeing not to record any more videos, and under psychological consequences of national security torture, forced to leave her country.

## **Judicial environment**

The judicial environment, for its part, was evaluated with 7.57 out of ten points, which is why it has a strong influence on situations unfavorable to freedom of expression. In the Caribbean nation, as long as judicial proceedings are politically tinged, national security enforcers will exercise control over this power.

The surveyed period featured summonses, house arrests, and arbitrary detentions of journalists such as Jorge Enrique Rodríguez, Yerandy Valdés Ruiz, Camila Acosta, Luz Escobar, Vladimir Turró, Julio Aleaga and Yunia Figueredo, as well as influencer Sulmira Martínez Pérez whose page on Facebook is known as Salem Cuba Censura and was indicted with alleged propaganda against the constitutional order.

During this period, different protests were held in the nation where the population demanded that the electrical service be re-established, mainly after the passage of Hurricane Ian through western Cuba at the end of September 2022.

A month earlier, residents of Nuevitas, province of Camagüey, took to the streets in protest against the long-lasting blackouts they were putting up with. The government's response was for the Attorney's Office to request up to fifteen years in prison for two of the demonstrators.

Another significant demonstration, upon which six people were arrested, took place last May in the municipality of Caimanera, Guantanamo territory adjacent to the US naval base, in which hundreds of Cubans went out to protest on public roads chanting "Freedom!!"

In these rallies, those who took to the streets were attacked in different ways (physical abuse, arrests and trials with unfair sentences).

### **Realm A: Cubans remain restricted to the right to receive and offer information**

The Cuban government, in any of its environments, limits and restricts citizens' access to public information. This is evinced by 2020's Executive Order-Law 6 and its regulation, Executive Order-Law 9, which restricts the constitutional right to public information (article 53) by demanding that citizens explain why they are requesting the information, their personal data and confidentiality. All of these requirements, together with the retaliation that anyone who requests government-related information related for investigative or journalistic purposes may be subject to, do not provide any security for requesting access to public information.

The government controls the media. They are the only entities authorized to spread government-related information, as long as the party approves. Everything published or transmitted by state media goes through the party's ideological filter, which restricts the right of citizens to receive information, even information favorable to the system and the government.

At this stage, the information flow continued to be limited for Cuban citizens and it worsened with the approval of last May's Act on Communications, which further affects freedom of expression and access to public information.

Legal statutes do not consider personal information about officials linked to state institutions to be in the public domain, and the public information to which citizens are entitled is that which is transmitted in the official press media. In this sense, it is stipulated that the agencies of the Central State Administration have the obligation to answer questions from journalists and legally recognized media outlets.

The Cuban government blockade of access to many websites and blogs within Cuba is ongoing, as well as the control of the information flow with partial or total Internet blackouts. This was evident in the periods when rallies were held in several locations in the island, for people to be prevented from accessing news about these rallies and deciding to join.

Due to the government's monopoly of information, the criminalization of criteria contrary to government policies, censorship and restrictions on the right to freedom of expression on the Internet, subrealms such as "information flow" and "free expression" scored zero out of a total of eleven and twelve respectively, and in general Cuba turned out to have citizens that do not have freedom to express themselves as it scored zero out of twenty-three points.

## **Realm B: exercise of independent journalism in Cuba remains a thorn for the government**

In this realm, consultant surveys yielded 0.57 out of a theoretical maximum of ten as a result. The exercise of independent journalism from August 2022 to August 2023 has been boycotted by the constant attacks by the Cuban political police. Arbitrary arrests, forced exiles, harassment, physical and psychological attacks, threats, confiscations: repression, in all its forms, feature in the government's and its repressive arms treatment towards those who exercise the profession, or also towards those who lean against the political system.

Journalists and human rights advocates are the preferred target of the Cuban government's repression, which deploys a strategy of physical and psychological exhaustion on them, subjecting them to constant summonses, extensive interrogations, immigration regulations and media discredit. This is what happened with more than fifteen members of the team of the digital medium *El Toque*, who –as we previously pointed out– resigned from their jobs due to threats and pressure from the Cuban political police. Previously, the government forbade six of these reporters from traveling to a journalistic event.

*El Toque* and its reporters were victims of a media discredit campaign by the government-supporting television, with the consent of the political police, in a special program in which other independent media such as *YucaByte*, *La Joven Cuba*, *Hipermedia Magazine*, *El Estornudo*, *Periodismo de Barrio*, *CiberCuba*, *ADN Cuba* and *Cubita Nowy* were also indicted of being mercenaries. The attacks focused on the issue of funding “political-ideological subversion in Cuba”.

In the television show, testimonies of journalists Aleiny Sánchez Martínez, Emilio Suárez González, José Leandro Garbey Castillo, Pedro Sosa Tabío, Yadiris Luis Fuentes, María Esther Lemus and Laura Seco Pacheco, and the cartoonist Wimar Verdecia, all collaborators of *El Toque* at that time, were shown.

In the analyzed period, traveling regulations were also maintained against journalists Anay Remón, Camila Acosta, Reinaldo Escobar, Rosalia Viñas, Boris González Arenas, Yunia Figueredo, Iris Mariño, Yunier Gutiérrez, Inalkis Rodríguez and Henry Constantin. This method, and the choice between deprivation of liberty through the issuance of criminal sentences or banishment (exile), is used by the Cuban government to intimidate those who practice independent journalism on the Island.

Independent journalist Lázaro Yuri Valle Roca, sentenced to five years in prison for the alleged crimes of “continued enemy propaganda” and “resistance” for filming and posting on his blog *Delibera* the release of leaflets with patriotic phrases, remains deprived of liberty, although he was transferred to a minimum-security regime at a correctional work camp adjacent to the Combinado del Este prison.

## **Realm C: violations and impunity on demand in Cuba**

Out of 42 possible, this realm gets a 10.73 score based on the opinion of the consultants. The Cuban government actually controls not only freedom of expression but also in legislation. On the island, as there is no legal or political equality, there is no press law that equally recognizes and protects all official and independent Cuban journalists, since those who serve the government are under the legal wing of PCC, the Constitution and now the new act on communications.

Therefore, no legal corpus allows independent journalists to use it when they are subject to slander and defamation by the government's media or when they are assaulted.

During the analyzed period, journalists Yoel Acosta Gámez (while under interrogation), Yankiel Gutiérrez and Yerandy Valdés Ruiz were assaulted by soldiers from the government.

The government uses common offenses such as public disorder, contempt, disobedience, to silence the voices of those who express themselves differently publicly and likewise, the law also penalizes critics of the system indicting them with offenses such as enemy propaganda, defamation and some forms of offenses against national security.

In the analyzed period, repressions against former director of the publication *La Joven Cuba* Professor Alina Bárbara López Hernández were made public. She was arrested on several occasions by national security enforcers, a precautionary measure of house arrest was ruled on her and she was indicted with the alleged crime of disobedience. Although the intellectual appealed against the political police, asking the Matanzas Attorney's Office to declare the harassment actions against her null and void, this was dismissed. Likewise, a precautionary measure of house arrest was ruled against journalist Jorge Fernández Era, who was also under custody, and he was indicted with the alleged disobedience.

Instead of condemning those who commit such transgressions, the government punishes those who blow the whistle about them by relying on freedom of expression.

## **Realm D: the government monopolizes the Cuban media and attempts to monopolize information**

This realm has to do with control over the media and scored three out of a maximum of twenty-five possible points. In the one-party Caribbean nation, the government monopolizes the media and part of the information that is broadcast, since it cannot control what independent or alternative media spread. The national press (*Granma, Juventud Rebelde, Trabajadores*, provincial newspapers...), radio, television and websites are totally at the service of the Communist Party and its ideological policy.

Alternative press is considered mercenary as it holds a different agenda. Although freedom of expression is recognized in Article 54 of the Constitution of the Republic of Cuba (but not actually), it is limited by establishing that the fundamental media are socialist property.

Between August 2022 and August 2023, independent media with servers abroad (*Diario de Cuba, CiberCuba, CubaNet, Diario Las Américas, 14ymedio...*) remained blocked by the Cuban Telecommunications Company –one and only in the country– and can only be accessed through so-called virtual private network (VPN).

The island's current criminal code determines a criminal offense that allows the government to criminalize independent media and journalists. That's article 143, according to which:

[...] who, by themselves or on behalf of non-governmental organizations, international institutions, associative forms or any natural or legal person of the country or a foreign State, supports, promotes, finances, provides, receives or has in mind his power of funds, material or financial resources, with the purpose of supporting activities against the Cuban government and its constitutional order, incurs a penalty of deprivation of liberty for four to ten years.



## Conclusions

In the August 2022 to August 2023 period, independent journalists, artists, human rights activists, and anyone who exercised freedom of expression and press in Cuba, were subjected to persecution, harassment, intimidating acts, repression, exile, in flagrant violation of the Universal Declaration of Human Rights' article 19.

Official journalists Boris Luis Cabrera Acosta (from *Cubadebate* and *Tribuna de La Habana*), Jhonah Díaz González (*Prensa Latina*), Norland Rosendo (*Juventud Rebelde*) and Joel García (*Trabajadores*) were also censored. They were barred from a press conference offered by the National Directorate of Cuban Baseball and the sports firm Teammate Sport International due to the criticism directed at the president of the committee for said sport. Likewise censored was the Cuban filmmaker Juan Pin Vilar because of his documentary *La Habana de Fito*.

Under the Constitution itself, the criminal code, and now by the act on communications, the government violates all the constitutional and legal rights of those who express themselves freely and show a critical position against the system and against Cuban officers.

In the analyzed period, it has been shown, based on consultants, that the right to exercise freedom of expression, press, assembly and demonstration in Cuba has been detrimental. According to those surveyed, the legislative environment and realm A (information flow and free expression) have been assessed as the most deteriorated, with a very strong unfavorable influence on freedom of expression. On its behalf, the executive environment and realm D, on direct and indirect control of media, could be said to look better.

The next Chapultepec Index analysis on Cuba could, once again, not show variability, as Miguel Díaz-Canel Bermúdez's administration has only made clear its tendency to increase repression and censorship to restrict freedom of expression, press and demonstration on the Island. Therefore, the physical and psychological integrity and, of course, the freedom of everyone who exercises this fundamental right, is constantly at risk.

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