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Freedom Of The Press - Cuba (2011)

Status: Not Free
Legal Environment: 30
Political Environment: 34
Economic Environment: 28
Total Score: 92

Cuba has the most restrictive laws on free speech and press freedom in the Americas. The constitution prohibits private ownership of media outlets and allows free speech and journalism only if they "conform to the aims of a socialist society." Article 91 of the penal code imposes lengthy prison sentences or death for those who act against "the independence or the territorial integrity of the state," and Law 88 for the Protection of Cuba's National Independence and Economy imposes up to 20 years in prison for committing acts "aimed at subverting the internal order of the nation and destroying its political, economic, and social system." Cuba's legal and institutional structures are firmly under the control of the executive branch. Laws criminalizing "enemy propaganda" and the dissemination of "unauthorized news" are used to restrict freedom of speech under the guise of protecting state security. Insult laws carry penalties of three months to one year in prison, with sentences of up to three years if the president or members of the Council of State or National Assembly are the objects of criticism. The 1997 Law of National Dignity, which provides for prison sentences of 3 to 10 years for "anyone who, in a direct or indirect form, collaborates with the enemy's media," is aimed at independent news agencies that send their material abroad.

In July 2010, the Cuban government promised the Spanish government, the Cuban Catholic Church, and the international community that within four months it would free the 52 prisoners, including 20 journalists and editors, still held since the 2003 crackdown on political dissent and independent journalism known as the "Black Spring." By the end of the year, 17 journalists and editors and most of the other of the Black Spring detainees had been released. The Cuban authorities forced the released prisoners to leave the country in exchange for their freedom. They were immediately flown to Spain in a Cuban effort to marginalize opposition groups. Three journalists and several other dissidents involved in this case remained in prison at the end of the year, having refused the government's offer of exile. While the release was a relief for journalists and their families after years of suffering, the gesture did not signal fundamental changes in freedom of expression for all Cubans, and the laws under which they were jailed remain in place. The U.S. government and some European leaders publicly stated that Cuba was moving in the right direction by releasing the prisoners, but the European Union (EU) decided to maintain its 1996 Common Position toward Cuba. The 27-nation bloc turned down Spain's request to withdraw the doctrine, and continued to link improved European-Cuban relations to Havana's progress on human rights and democratization.

Journalists continue to be at risk of imprisonment or other

severe sanctions if they engage in independent reporting or commentary. In a different case, Alberto Santiago Du Bouchet of the independent news agency Habana Press remained in prison at the end of 2010. He had been given a three-year sentence imposed in May 2009 for disrespect and distributing enemy propaganda.

The government owns all traditional media except for a number of underground newsletters. It operates three national newspapers, four national television stations, six national radio stations, and one international radio station, in addition to numerous local print and broadcast outlets. All content is determined by the government, and there is no editorial independence. Cubans do not have the right to possess or distribute foreign publications, although some international papers are sold in tourist hotels. Private ownership of electronic media is also prohibited.

Approximately 15 percent of Cuba's population accessed the internet in 2010, but in most cases, they were connected to the government intranet and not the internet proper. Many citizens have access only to a closely monitored Cuban intranet, consisting of an encyclopedia, email addresses ending in ".cu" used by universities and government officials, and a few government news websites such as that of the newspaper *Granma*. Outside of hotels, only a few privileged individuals have a special permit to access the international network of the World Wide Web. The regime threatens anyone connecting to the internet illegally with five years in prison, while the sentence for writing "counterrevolutionary" articles for foreign websites is 20 years. However, the authorities do not have the means to set up a systematic filtering system. This forces the government to count on several factors to restrict internet access: the exorbitant cost of connections—about US\$1.50 per hour from the points of access to the state-controlled intranet, US\$7 per hour from a hotel to access the international network (the average monthly salary is US\$20)—and infrastructural problems, particularly slow connections.

Despite these restrictions, there is a small but vibrant blogging community. Bloggers in Cuba have yet to be jailed for their work, but they often face harassment and intimidation. Independent Cuban blogger Laritza Diversent claimed that the trials that characterized the crackdown in 2003 have been replaced by extralegal harassment, including official summonses and arbitrary detentions, and social and cultural marginalization. Some, such as Yoani Sanchez, have also been prevented from travelling abroad to receive awards for their work.