

Cuba lifts advertising ban: The new press law in detail



A newspaper vendor in Santiago de Cuba (Source: [PdR/Commons](#))

Last week, Cuba's parliament not only discussed economic issues, but also [passed](#) a far-reaching law that puts the island's media operations on a new legal footing: The law in question is the "Ley de comunicación social" (Law on Social Communication). President Miguel Díaz-Canel announced that the law is intended to make communications work "more effective, broader and more transparent". The state press monopoly will be retained, but the law also contains some fundamental innovations: For example, commercial advertising will make its debut in the socialist country's media.

Reforming the media landscape has been on the agenda in Cuba for a long time: too sluggish, too much hectoring ("secretismo"), too formal and unattractive, was the diagnosis at the IX Congress of the Union of Journalists (UPEC) in 2013. Many of the legal provisions governing the work of the press date back to colonial times and have hardly been changed since. The only equivalent of a communications law in Cuba to date was the "Ley de Imprenta" of 1886. Díaz-Canel, then a freshly minted vice president, pointed out at the congress in 2013, "There are only two ways we can go: Either we solve the problem together and once and for all, or the credibility and persuasiveness of the Cuban media will simply disappear."

The 470 members of Parliament were presented last week with the 34th draft of the Communications Law, which contained 69 changes "in content and form" from the 33rd version presented in December. Among other things, the issue of data and source protection was included in the code, and several phrases were embedded in socialist terminology. The practice of the communication system will continue to be understood "in accordance with the

expression of the thought and example of Martí, Fidel and the ideas of social emancipation of Marx, Engels and Lenin," for example, states §5.1.

Among other things, the resolutions of the last UPEC congresses, the 312 existing old laws in the field, 90 research papers from academia, and a "comparative study of hundreds of norms from all parts of the world" were used to prepare the draft. More than 7000 people were involved in the creation of the text.

What are the key contents of the law? The media landscape in Cuba has been in state hands since the 1959 revolution, with a representative of the Communist Party's (PCC) ideological department holding a key position in each medium. The 2019 Constitution, in continuity with its predecessor adopted in 1976, defines in Article 55: "The basic means of social communication, in whatever form and in whatever medium, are the socialist property of the whole people or of the political, social and mass organizations; they cannot be the object of any other type of property." The new Communications Law, which spells out this passage, does not change this. Thus it says of the role of the state media:

The basic means of social communication promote the people's participation in the economic, social and cultural development of the country, make the state administration and the exercise of socialist democracy transparent, strengthen the nation's values and identity, and mobilize social activity for the defense of the people's interests.

- Ley de Comunicación Social, §28.3

What is new, however, is a framework for additional "complementary" media that can be affiliated either with state and mass organizations or with "recognized economic or social actors," with non-state companies explicitly excluded. The establishment of private media thus remains prohibited in Cuba, but associations or other legally recognized organizations could gain a place in the press landscape with their own publications in the future.

Important innovations in the law include provisions on the working methods of state journalists. Journalists have long complained about poor working conditions, such as low pay, poor equipment, and authorities who are reluctant to provide information. Now journalists are explicitly required to react quickly to events and are allowed to use unconfirmed information from social media to do so. Especially in the case of protests, important announcements and crises, there have been repeated delays in the past due to a lack of clearances and communication guidelines that have not been worked out. In many places, processes are still designed for analog times. Today, however, 7.6 of 11.2 million Cubans use the Internet. In addition, two foreign broadcasters, Telesur from Venezuela and RT from Russia, are being broadcasted on the island for some years, which has caused the state media to lose their de facto monopoly. This has led, for example, to a situation in which many Cubans, shortly before the 2021 currency reform, had seen the corresponding announcement several hours earlier on Telesur, while Cuban television continued to remain silent. One objective of the law is to release internal brakes and strengthen the state journalists in their work.



Workshop of the Union of Journalists UPEC in 2017 (Source: [Juventud Rebelde](#)).

In addition, the law regulates co-determination in editorial offices and the rights of editors vis-à-vis the management. The first duty of Cuban journalists was defined as "immediate, coherent, accurate, and truthful reporting," always "respecting the rules of verification, contextualization, and juxtaposition of the information to be used." A paragraph added in the latest draft prohibits state journalists from working "in press organs that contradict the provisions of the Constitution." Quite a few state journalists have been earning extra money by working for foreign news portals, which has always been prohibited by editorial boards. Now this regulation has the force of law, and in the future a distinction can be made between opposition media and other foreign media.

In order to place the financing of the state press landscape (and the wages paid there) on a broader basis, "radio, broadcast, online and print media" will be allowed to run commercial advertising for the first time (§76ff.). This is to promote "responsible consumption" and may propagate "brands, products, cultural assets and tourist destinations." Other requirements for ads include "respect for national symbols" and "recognition of the diversity and representation of Cuban society." For example, the "portrayal of women in a degrading or humiliating manner associated with stereotypical sociocultural patterns" has been explicitly banned. In addition, advertising on radio and television is to be broadcast only between programs, not during ongoing programs. Another new aspect is that the media will be allowed to receive donations in the future.

The Communications Act is intended to "close gaps and overcome institutional inertia," Díaz-Canel summed up last Thursday before the deputies. "Given the current situation, which is

negatively affecting the population, the responsible public officials are obliged to inform them immediately and from all possible places," he said. He added that the press must "report any sensitive information first and responsibly." ([Cubaheute](#))

The full text of the law: [Ley de Comunicación Social \(PDF, Spanish\)](#)