

# Cuba

|                                  | 2014            | 2015            |  |                     |
|----------------------------------|-----------------|-----------------|--|---------------------|
| <b>Internet Freedom Status</b>   | <b>Not Free</b> | <b>Not Free</b> | <b>Population:</b>                       | <b>11.2 million</b> |
| Obstacles to Access (0-25)       | 23              | 22              | <b>Internet Penetration 2014:</b>        | <b>5-30 percent</b> |
| Limits on Content (0-35)         | 28              | 27              | <b>Social Media/ICT Apps Blocked:</b>    | <b>Yes</b>          |
| Violations of User Rights (0-40) | 33              | 32              | <b>Political/Social Content Blocked:</b> | <b>Yes</b>          |
| <b>TOTAL* (0-100)</b>            | <b>84</b>       | <b>81</b>       | <b>Bloggers/ICT Users Arrested:</b>      | <b>Yes</b>          |
|                                  |                 |                 | <b>Press Freedom 2015 Status:</b>        | <b>Not Free</b>     |

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- Over the past year, the Cuban government has opened over 100 new internet access points, permitted the first public Wi-Fi, and reduced prices and increased speeds for internet access at state-run cybercafes. Despite these notable advances, Cuba continues to have some of the most restrictive internet access in the world (see **Availability and Ease of Access**).
- On December 17, 2014, United States President Barack Obama ordered the restoration of full diplomatic relations with Cuba and the opening of an embassy in Havana for the first time in more than 50 years. The new policies, approved by the U.S. Treasury and Commerce departments, have opened the way for U.S. telecommunications and technology companies to start offering services to the island (see **ICT Market**).
- In December 2015, the performance artist Tania Bruguera used internet platforms to promote a performance in the Plaza of the Revolution in Havana. Bruguera and several prominent bloggers and activists who expressed support for her project online were arrested and detained before the performance could take place (see **Prosecutions and Detentions for Online Activities**).

## Introduction

Cuba has long ranked as one of the world's most repressive environments for information and communication technologies (ICTs). High prices, exceptionally slow connectivity, and extensive government regulation have resulted in a pronounced lack of access to applications and services other than email. Most users can access only a government-controlled intranet rather than the global internet, with hourly connection costs amounting to 10 percent of the minimum monthly wage. Although mobile phone penetration is on the rise, and access to the high-speed internet provided by the new ALBA-1 fiber-optic cable was finally extended to citizens in late 2013 via the opening of new "cyber points" or "navigation halls," ICT access remains limited.

A historic event took place on December 17, 2014, when President Obama ordered the restoration of full diplomatic relations with Cuba and the opening of an embassy in Havana for the first time in more than half a century. The surprise announcement came at the end of 18 months of secret talks that produced a negotiated prisoner swap, including the release of Alan Gross, an American government contractor arrested in 2009 and sentenced to 15 years in a Cuban prison for trying to deliver satellite telephone equipment capable of cloaking connections to the internet. On April 14, 2015, after meetings between U.S. officials and a delegation of Cuba's Foreign Ministry and a high-level meeting between Obama and Raúl Castro in Panama City during the Summit of the Americas, the Obama administration announced that Cuba would be removed from the list of states that sponsor terrorism.

President Barack Obama also announced that the administration would work with Congress to ultimately lift the trade embargo and other sanctions. Even with the embargo still in place as of mid-2015, the new policies opened the way for U.S. telecommunications companies to start offering services to the island. The normalization of relations between the two countries and the opening of ICT trade has eliminated the Cuban government's ability to blame low levels of internet access on the blockade and has inspired optimism in many observers, who see this radical change in relations as an opening for information technologies in Cuba.

Cuba has taken some tentative steps to reinforce this optimism by improving internet access on the island. Over the past year, the government opened a number of new internet access points, which boast somewhat faster speeds and lower prices. After an initial experiment with the first free public Wi-Fi zone, the government opened 35 paid public Wi-Fi hotspots in June and July 2015.<sup>1</sup> For Cuba this progress in increasing access is historic, but it is still just a drop in the bucket when it comes to alleviating the most draconian restrictions on internet freedom in the hemisphere. Home internet connections are still forbidden, and even with reduced prices, public internet access points still cost US\$2 per hour to use, which is equal to one-tenth of the average monthly wages. Even for those who might be able afford internet at new access points, the supply of internet access, mostly concentrated in the capital, is grossly out of proportion with the needs of a country of 11 million people.

Now the Cuban government faces increased pressure from its own citizens and the international community to expand access to an uncensored internet. However, the optimism derived from normalization of relations with the United States and the increasing number of internet cafes may be premature. Many worry that the official Cuban policy is inspired by the example of China and that new infrastructure will not mean an end to controlled and filtered access.

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1 This event occurred outside the coverage period for this report.

## Obstacles to Access

*Access to the global internet in Cuba is extremely restricted, due to high prices and government regulation of access points. Many users are instead relegated to a tightly controlled government-filtered intranet and related email service. Nevertheless, over the past two years, important openings have taken place and more Cubans have gained access to the global internet or to other channels for sharing information with fellow citizens. Email access via mobile devices has been enabled and the first public Wi-Fi hotspots set up. Hundreds of new state-run access points, called "navigation halls," have also been established, where internet speeds are relatively fast by Cuban standards, enabling multimedia engagement that was previously impossible. Penetration rates and internet speeds remain the lowest in the region and access is unaffordable for most Cubans, but a thawing in U.S.-Cuban relations has fueled optimism that ICT connectivity will further improve in the coming years.*

## Availability and Ease of Access

The latest data from the International Telecommunication Union (ITU) places Cuba's internet penetration at 30 percent as of 2014, up from 28 percent in 2013 and only 14 percent in 2009.<sup>2</sup> Meanwhile, the most recent data from the Cuban National Statistics Office reports a near tripling of registered .cu domain between 2012 and 2014. This increase may reflect the growing use of websites by companies after laws permitting private sector businesses were liberalized.<sup>3</sup> These numbers, however, include users who can only access the government-controlled intranet.<sup>4</sup>

Experts estimate that only a relatively small percentage of Cubans periodically have access to the unrestricted global internet via government institutions, foreign embassies, expensive connections in some hotels, and black market sales of minutes by those permitted to have online accounts.<sup>5</sup> A small subsection of the general public can also access the global internet by going to the first free public Wi-Fi access point in the entire country, which was opened in January 2015 in the art studio of Cuba's visual artist Alexis Leyva, better known as "Kcho." Kcho received permission from the state-owned Telecommunications Company of Cuba S.A. (ETECSA) to provide free Wi-Fi access to his internet connection as part of a socio-cultural project offered by his studio.<sup>6</sup> This initial experiment with public Wi-Fi was a harbinger for new developments: in June and July 2015, the government opened an additional 35 paid public Wi-Fi points in urban centers.<sup>7</sup>

Select categories of users are authorized to access a broader, but still limited, portion of the global internet or other ICT tools. Cuban officials, doctors, or trusted journalists and intellectuals can legal-

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2 International Telecommunication Union, "Percentage of Individuals Using the Internet," 2000-2014, accessed September 10, 2015, <http://bit.ly/1cblxxY>.

3 Oficina Nacional de Estadística e Información, *Tecnología de la Información y las Comunicaciones (TIC)*, August 2015, <http://bit.ly/1PBCq4I>; "Annual report on Cuban ICT," *The Internet in Cuba* (blog), August 16, 2014, <http://bit.ly/1NRaECq>.

4 National Office of Statistics and Information (ONEI), *Tecnología de la Información y la Comunicaciones en Cifras, Cuba 2011* [Information and Communication Technology, Cuba 2011] Havana: ONEI, June 2012, <http://bit.ly/15BVDBc>.

5 Exact estimates of the number of the percent of individuals who access the uncensored global internet are hard to come by. Some of the most recent independent estimates from 2011 and 2012 put the number at around five percent. Andrea Rodriguez, "In Cuba, mystery shrouds fate of Internet cable," Associated Press in *Yahoo News*, May 21, 2012, <http://yhoo.it/1jhrkDd>; see also "Wired, at last," *The Economist*, May 3, 2011, <http://econ.st/1iAhWi0>.

6 Jessica Plautz, "Cuba's first free public Wi-Fi is a gift from a contemporary artist," *Mashable*, March 16, 2015, <http://on.mash.to/1KDovaf>.

7 Because this development occurred after the end of the coverage period for this report, they were not taken into account in this year's score. Sandra Lilley, "Cuban Internet Usage: Public Wi-Fi spots Are a Big Draw," *NBC News*, August 12, 2015, <http://nbcnews.to/1P6EDEJ>.

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ly connect to an ISP in their offices, although their approved access—through the online network Infomed—is usually limited to email and sites related to their occupations. Resolution 92/2003 prohibits email and other ICT service providers from granting access to individuals who are not approved by the government, and requires that they enable only domestic chat services, not international ones. Entities that violate these regulations can be penalized with suspension or revocation of their authorization to provide access.<sup>8</sup> Users may also face penalties if they violate the terms of authorization: In February 2015, the government canceled the Infomed national browsing and email service for some doctors and dentists because their emails had been used to publish classifieds on the popular website Revolico (a service similar to the U.S.-based Craigslist and one known for listing products on the black market).<sup>9</sup>

For years, the rest of the Cuban population was relegated to no internet access at all or to a highly filtered government-controlled intranet, which consists of a national email system, a Cuban encyclopedia, a pool of educational materials and open-access journals, Cuban websites, and foreign websites that are supportive of the Cuban government. The intranet could be accessed through government-run internet access centers, the offices of Cuba's only telecommunications provider, the Telecommunications Company of Cuba S.A. (ETECSA), or state-run cybercafes. Although most foreign websites are now available at these state-run access sites, the cost of accessing non-Cuban sites remains much higher.

Public access to the internet expanded somewhat after the connection and activation in 2013 of ALBA-1, a 1,600 km high-speed undersea cable stretching between Cuba and Venezuela,<sup>10</sup> although not as impressively as many had hoped. Broadband service has become selectively available on the island at government offices and state-owned access points, but not for home connections.<sup>11</sup> In June 2013, citizens began being able to access the internet through broadband connections to the new fiber-optic cable at 118 government-run "navigation halls." In January 2015, officials announced plans to open 136 more internet access centers around the country by year's end.<sup>12</sup> As of mid-2015, there were 261 navigation halls (166 are ETECSA locales and 95 are in youth-centers, known as Joven Clubs).<sup>13</sup>

The government has also cut prices for internet access points. In February 2015, ETECSA temporarily reduced the hourly charge for using the internet at state-run cybercafes and navigation halls from US\$4.50 an hour to US\$2.00 per hour,<sup>14</sup> though this still amounted to roughly 10 percent of the average monthly salary.<sup>15</sup> For a much lower fee of US\$0.60 an hour, Cubans can access domestic websites.<sup>16</sup> The price cut received little attention in the state media and news instead spread by word

8 According to the resolution, "Cuban websites that offer e-mail services cannot implement the creation of e-mail (Webmail) via an automatic process for natural persons or entities that are not duly authorized." Legislación para el Sistema Nacional de Salud, Resolución Ministerial No 92/2003, July 18, 2003, <http://bit.ly/1jhSxdD>.

9 Orlando González, "Cuba Punishes Doctors for Using Revolico," *Translating Cuba* (blog), March 15, 2015, <http://bit.ly/1FIATQg>.

10 "Llega a Cuba el Cable Submarino de Fibra Optica para Ofrecer Internet de Banda Ancha" [Underwater Fiber Optic Cable Arrives in Cuba to Offer Broad Band Internet] *El País*, February 10, 2011, <http://bit.ly/1R5IuUp>.

11 "Cuba First High-Speed Internet Connection Activated," *BBC*, January 24, 2013, <http://bbc.in/V0ggOM>.

12 Associated Press, "Cuba Cuts the Price of Internet Access," *NBC News*, February 18, 2015, <http://nbcnews.to/1KzjGlc>.

13 EFE, "La telefonía móvil en Cuba supera los 3 millones de usuarios en abril pasado," *Diario Las Americas*, May 15, 2015, <http://bit.ly/1OyoSK7>.

14 The price cut was initially set to last only until April 2015; however, sources in Cuba report that reduced prices have continued. Associated Press, "Cuba lowers prices to Internet access: now an hour costs 10% of monthly salary," *Fox News Latino*, February 19, 2015, <http://bit.ly/1G73BiB>.

15 Isbel Díaz Torres, "The Mean Salary of Cubans," *Havana Times*, August 6, 2013, <http://www.havanatimes.org/?p=97506>.

16 Jose Manuel, "Entrevista a viceministro del Ministerio de Comunicaciones (+Video)," *delmonte1986* (blog), May 29, 2013,

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of mouth, but the impact on the number of users remains to be seen. ETECSA later announced that the lowered price would go into longer term effect beginning July 1, particularly at the 35 new Wi-Fi access points that were opened in parks and other public venues around the island in mid-2015.<sup>17</sup>

Users pay for government-run internet service directly at navigation halls or by purchasing a “Nauta” card (a pass that links to ETECSA’s interface of the same name that can only be used at specific locations), which allows them to access temporary accounts, valid for 30 calendar days as of the date of the first session. They are also able to open permanent accounts upon request, complete with username, password, and email address, if they can afford the cost of the service—and the high level of surveillance associated with such accounts. ETECSA monitors the accounts and retains the right to end a user’s access for a sweeping range of violations (see Surveillance, Privacy and Anonymity).

Users at the new navigation halls report being pleasantly surprised by the relatively high connection speed (for Cuba)—from 512kbps to 2 Mbps—enabling limited content streaming.<sup>18</sup> Most Cubans continue to face extremely slow internet—and intranet—connections of up to 1 Mbps, making multimedia use nearly impossible.<sup>19</sup> This is due to weak domestic infrastructure and the limited extension of access to the high-speed cable. According to one blogger’s account, users at navigation halls can access foreign news sites like the BBC, *El Pais*, and the *Financial Times*, as well as Miami-based *El Nuevo Herald* and *Diario de las Américas* if they can afford the higher fees for international websites.<sup>20</sup> However, sites such as Radio/TV Marti, the U.S. government broadcaster that transmits to the island, remain blocked (see Limits on Content).

The Cuban government continues to control the legal and institutional structures that determine who has access to the internet and how much access will be permitted. Home connections are not yet allowed for the vast majority of Cubans, and the government regulates the sale and distribution of internet-related equipment. In early 2008, after a nearly decade-long ban, the government began allowing Cubans to buy personal computers, but prohibitively high costs place computers and internet access beyond the reach of most of the population.<sup>21</sup> Out of a country of more than 11 million people, the number of computers was only a little over one million, and, of these, only about half had connectivity.<sup>22</sup> After an April 2015 bilateral meeting, one U.S. official told journalists that the Cuban government had pledged to expand home connections to 50 percent of the population and mobile internet connections to 60 percent by 2020.<sup>23</sup> However, such an increase would require a significant infrastructure upgrade, prompting speculation among knowledgeable observers as to whether it is realistic.

The government claims that all schools have computer labs, but in practice, internet access is usually prohibited for students or limited to very short periods of access, certain email accounts, or supervised activities on the national intranet. In May 2015, the Minister of Higher Education announced

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<http://bit.ly/1OypgYU>.

17 Yurisander Guevara, “Wifi en el ambiente,” *Juventud rebelde*, June 17, 2015, <http://bit.ly/1HW0n5U>.

18 Iván García, “Internet in Cuba: A Success in Spite of Everything,” *Iván’s File Cabinet* (blog), June 10, 2014, <http://bit.ly/1R5JGHf>.

19 Jack Karsten and Darrel M. West, “Cuba slowly expands Internet access,” *Tech Tank* (blog), Brookings Institute, July 2, 2015, <http://brook.gs/1KDrxLF>.

20 García, “Internet in Cuba: A Success in Spite of Everything.”

21 Dough Aamoth, “Personal Computers Finally Available in Cuba,” *TechCrunch*, May 3, 2008, <http://tcm.ch/1MKp7n>

22 “Cuban ICT statistics report for 2014,” *The Internet in Cuba* (blog), August 22, 2015, <http://bit.ly/1Lb11Qd>.

23 David Adams, “Cuba aims to ramp up Internet access: U.S. State Department official,” *Reuters*, March 30, 2015, <http://reut.rs/1GbYOz0>; see also Related: “Cuba ‘keen to update poor telecommunications,’” *BBC*, February 27, 2015, <http://bbc.in/1NRgZOD>.

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upcoming internet access for teachers, researchers, and students at four universities on campuses and in residences.<sup>24</sup> But few details, such as information regarding the speed of the connection, were provided and implementation remains to be seen.

Although Cuba still has the lowest mobile phone penetration rate in Latin America, the rate is rising due in part to changes in government-imposed restrictions on telecommunications. By the end of 2014, approximately 2.5 million Cubans owned mobile phones, or about 22 percent of the population.<sup>25</sup> As the number of mobile phone users has grown, the state-owned ETECSA has begun implementing small changes beneficial to users. In 2012, ETECSA eliminated fees for receiving phone calls from within Cuba, cut the cost of sending a text message (from US\$0.16 to \$0.09), and reduced the daytime cellphone rates from US\$0.60 to \$0.35 per minute.<sup>26</sup> In January 2014, ETECSA also announced it will allow balance transfers on cards between prepaid users.<sup>27</sup> In July 2014, ETECSA announced the minimum mobile phone service fee—which had been US\$5 per month—would be eliminated.<sup>28</sup>

Despite these positive developments and occasional promotions, the cost of mobile service is still too high for the vast majority of Cubans. The government's strategy seems to be predicated on convincing Cuban exiles to pay for these services for their relatives in Cuba—viewed by many as an attempt to attract new funds. Since January 2014, friends and relatives living abroad can use an online service to pay the phone bills of users living on the island.<sup>29</sup> Through this system of refilling credit on cell phones from outside the country, the Cuban diaspora (including more than one million Cubans residing in the United States, and 100,000 in Spain) covers all or part of the cost of cell phone use for their families in Cuba. According to the Miami-based Havana Consulting Group, 54 percent of mobile payments to ETECSA come from the Cuban diaspora.<sup>30</sup>

Due to the second generation cell phone infrastructure, most mobile phone users are unable to browse the web, but it is possible to send and receive international text messages and images with certain phones. Moreover, a growing number of Cubans have more advanced smartphones, often gifts from wealthier relatives living abroad.<sup>31</sup> In March 2014, a new Nauta service was launched, which allows users to send and receive emails on their mobile phones but only with a .cu email account. The cost of the service (US\$1 per 1Mb of data transfer) is taken from the mobile phone's credit rather than from the balance of the users' Nauta internet account.<sup>32</sup> Despite the fact that users can only activate this service at four locales in Havana and that it is still very expensive, it is the cheapest option for email to date and has quickly proven popular, with over 200,000 people signing up within the first three months. The high demand reportedly took ETECSA by surprise, con-

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24 Eduardo Pinto Sánchez, "Garantizarán Acceso a Internet a Estudiantes y Docentes de La Universidad de Oriente," *Sierra Maestra*, May 24, 2015, <http://bit.ly/1Wn3j0j>.

25 International Telecommunication Union, "Mobile Phone Penetration," accessed September 10, 2015.

26 "Telecoms in Cuba: Talk is cheap," *Americas View* (blog), *The Economist*, January 24, 2012, <http://econ.st/1Wn3Nnj>.

27 "ETECSA anuncia nuevos servicios para telefonía celular en el 2014" [ETECSA announces new services for cellphones in 2014] *CubaDebate*, January 26, 2014.

28 "ETECSA Anuncia Eliminación de Pago Obligatorio de Cinco Cuc para Móviles," *On Cuba*, July 3, 2014, <http://bit.ly/1Vfj3Af>.

29 ETECSA Informa Nuevos Servicios de Pagos por Internet para Cubanos," *On Cuba*, January 20, 2014, <http://bit.ly/1G77ggd>.

José Remón, "ETECSA a la carga: Pagando la factura de mi pariente en Cuba," *Café Fuerte*, January 22, 2014, <http://bit.ly/1R5LPTs>.

30 Andrea Rodriguez, "Cuba mobile email experiment causes chaos," Associated Press in *Yahoo News*, May 16, 2014, <http://yhoo.it/1gUEAQU>.

31 Andrea Rodriguez, "Cuba mobile email experiment causes chaos."

32 Yoani Sanchez, "A Few Days With Nauta," *Translating Cuba* (blog), March 24, 2014, <http://bit.ly/1gUENnt>.

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tributing to an overburdened network and disruptions for those making voice calls or sending text messages.<sup>33</sup>

Phones that utilize Global Positioning System (GPS) technology or satellite connections are explicitly prohibited by Cuban customs regulations.<sup>34</sup> Additional restrictions are placed on modems, wireless faxes, and satellite dishes, which require special permits from the MIC in order to enter the country.<sup>35</sup> Nevertheless, some Cuban citizens have established wired or Wi-Fi-based local area networks to exchange information, mostly entertainment content in the form of games, music, and photos. The Cuban authorities appear to largely turn a blind eye to such efforts, but beginning in May 2014, news emerged of selective dismantling of these networks in some Havana neighborhoods.<sup>36</sup> Since much of the content shared on these networks appears to be apolitical—often at the request of administrators—some observers speculated that the motivation for the crackdown might be economic, as the networks' existence cuts into ETECSA's profits.<sup>37</sup>

### Restrictions on Connectivity

The backbone structure of the internet in Cuba is entirely controlled by the government, and state authorities have the capability and the legal mandate to restrict connectivity at will. At times of heightened political sensitivity, the government has used its complete control of the cell phone network to selectively obstruct citizens' communications. All calls and SMS from dissidents' cell phones are monitored and service is sometimes cut for those working as freelance or citizen journalists voicing views the government does not condone.<sup>38</sup>

### ICT Market

The Cuban ICT market is entirely government controlled with two state-owned ISPs, one of which also owns the only mobile phone carrier in the country. Weak infrastructure and restrictions on private enterprise constitute obstacles to internet access. The reestablishment of full diplomatic relations with the United States in December 2014, along with the reopening of the U.S. Embassy in Cuba and President Obama's decision to lift Cuba's designation as a state sponsor of terrorism, however, have strengthened the prospect of an end of the U.S. embargo on Cuba and have raised hopes that open trade between the two countries will lead to greater competition in the ICT market.

While recent years have seen an expansion in the number of internet and mobile phone users, the ICT sector remains dominated by government firms. There are only two ISPs in Cuba: The Center for Automatic Interchange of Information (CENIAI) and ETECSA (sometimes called ENET). Both are owned by the state.<sup>39</sup> Cubacel, a subsidiary of ETECSA, is the only mobile phone carrier in Cuba.

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33 EFE, "Heavy use of Cuba mobile e-mail service strains cellular network," *Fox News Latino*, June 25, 2014, <http://bit.ly/1MujoN3>.

34 See: Cuban Customs Website (Aduana General de la Republica de Cuba), "Artículos que necesitan autorización a la importación," <http://bit.ly/1hbJFOI>.

35 Cuban Customs Website (Aduana General de la Republica de Cuba)."

36 "El régimen desmantela una red Wi-Fi clandestina en Vibora Park," *Diario de Cuba*, May 31, 2014, <http://bit.ly/1m8kE92>.

37 "Cuba's WiFi crackdown – substance or theater?" *The Internet in Cuba* (blog), June 20, 2014, <http://bit.ly/1ji1Vhm>.

38 Yoani Sanchez, "Another Tiny Crack in the Wall: Email on Cellphones But State Security Is Likely Reading It," *Latino Voices*, *Huffington Post*, May 24, 2014, <http://huff.to/1MNIOjC>; See also Yoan David González Milanés, "Cortan el servicio del celular a periodista independiente de @HablesmosPress," *Háblalo Sin Miedo* (blog), January 20, 2012, <http://bit.ly/1Lb5oKX>.

39 The private-firm Telecom Italia previously held shares of ETECSA until February 2011, when the state-owned company Rafin S.A., a financial firm known for its connections to the military, bought Telecom Italia's 27 percent stake for US\$706 million.

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In July 2014, *L'Express* magazine revealed that French telecommunications company Orange Digital Horizons signed a confidential agreement with ETECSA to develop communications in Cuba. This contract stipulates that Orange will offer its services, products and prices (phones and equipment) to the only local operator and share expertise. Furthermore, Orange committed to creating an institute in Cuba, dedicated to training in technologies and services with a focus on the Latin American region. Further details of the agreement remain unclear.<sup>40</sup>

The reestablishment of relations between the U.S. and Cuba has also raised the prospects for expansions in the ICT market. In meetings with the Ministry of Foreign Trade and Investment and ETECSA, U.S. government officials highlighted increased communication and the opening of ICT services as a central goal in the United States' new approach to Cuba.<sup>41</sup> President Obama's plan for Cuban relations includes facilitating the expansion of travel and remittances to Cuba, authorizing the sale of communications devices, and allowing telecommunications providers to establish infrastructure and services in Cuba.<sup>42</sup> Already, the U.S. government has loosened some restrictions in ICT commerce, even while other trade remains limited pending U.S. congressional action to lift the embargo.

The new policies of President Barack Obama approved by the Treasury and Commerce departments opened the way for U.S. telecommunications companies to start offering services to the island. In March 2015, the U.S. carrier IDT Corp reached an accord with the state monopoly ETECSA to provide direct international long distance calls.<sup>43</sup> Companies whose services are closely related to internet use, like Mastercard, Airbnb, or Netflix, also announced their entrance into the Cuban market.<sup>44</sup> Yet other companies had already expressed interest in the Cuban market even before the official change in U.S. policy: in June 2014, a team of top Google executives visited the island to promote open internet access.<sup>45</sup> Some months later, Google announced the release of Chrome, Google Play, and the free version of Google Analytics to be downloaded from Cuban IP addresses.<sup>46</sup>

These changes come after a period of significant domestic changes in Cuba, as the government has begun to implement some limited market reforms. Restrictions on private enterprise were eased under the 2012 update of Cuba's economic model. Although proposed reforms did not initially extend to liberalization of the communications sector,<sup>47</sup> in November 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 and mobile telephone services and internet access.<sup>48</sup> The Cuban government also began to allow the limited cre-

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Since then, the telecom company has been completely owned by six Cuban state entities. Jerrold Colten, "Telecom Italia Sells Etecsa Stake to Rafin SA For \$706 Million," *Bloomberg Business*, January 31, 2011, <http://bloom.bg/1YFxlyo>.

40 Emmanuel Paquette, "Orange veut développer Internet à Cuba," *L'Express L'Expansion*, January 21, 2015, <http://bit.ly/1LCE2vX>.

41 "US-Cuba talks on telecommunications and the Internet," *The Internet in Cuba* (blog), April 2, 2015, <http://bit.ly/1PBPNlr>.

42 U.S. Department of State, "Cuba Sanctions Changes Announced by President Obama on December 17, 2014 and implemented on January 16, 2015," release, <http://1.usa.gov/1Mun8OD>.

43 Mini Whitefield, "First U.S. telecom company connects directly with Cuba," *Miami Herald*, March 6, 2015, <http://hrlld.us/1NsaxN3>.

44 Associated Press, "Airbnb moves into Cuba to start home," *CBC News*, April 2, 2015, <http://bit.ly/1MNKSjG>.

45 David Adams, "Google executives visit Cuba for first time to promote open Internet," *Reuters*, June 29, 2014, <http://reut.rs/1iAm41n>.

46 John Callahan, "Cuba can now access free apps on Google Play along with Google Analytics," *Android Central*, November 26, <http://bit.ly/1Mu09Gt>.

47 Nick Miroff, "Cuba is Reforming, but Wealth and Success are Still Frowned Upon," *Business Insider*, September 4, 2012, <http://read.bi/1OX6fPk>.

48 "Communication agents will see telephone and Internet time," *The Internet in Cuba* (blog), November 27, 2013, <http://bit.ly/1G7d5dB>.



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ation of private cooperatives by computer science graduates in 2012, but tight internet restrictions, along with prohibitively high computer and software pricing, resulted in a nonexistent official market, although a black market for such commodities exists.<sup>49</sup>

### Regulatory Bodies

No independent regulatory body for managing the ICT sector exists in Cuba. In 2000, the Ministry of Informatics and Communication (MIC) was created to serve as the regulatory authority for the internet. Within the MIC, the Cuban Supervision and Control Agency oversees the development of internet-related technologies.<sup>50</sup>

### Limits on Content

*Cuban law places strict limits on free speech and outlaws independent media. Although many foreign news websites are accessible from internet access points, websites focused on Cuban news and websites from Cuban dissidents or expats are often blocked. Various institutions, such as universities, further restrict content, frequently blocking social media sites. Despite these restrictions, Cuba does not have the same level of technically sophisticated blocking that characterizes other highly restrictive internet environments, such as China. Instead, Cuba relies primarily on severely limiting access to internet. Many Cubans are nevertheless able to access online content by creating improvisational underground networks, setting up illegal antennas, and passing around USBs with content downloaded from the internet.*

### Blocking and Filtering

Rather than relying on the technically sophisticated filtering and blocking used by other repressive regimes, the Cuban government limits users' access to information primarily via lack of technology and prohibitive costs. Restrictions on email in the workplace, however, have been growing in recent years, and dissident websites and blogs continue to be subject to periodic disabling or blocking. The wording of certain government provisions regarding content regulation is vague and allows for a wide array of posts to be censored without judicial oversight. 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.<sup>51</sup> Meanwhile, Resolution 179 (2008) authorizes ETECSA to "take the necessary steps to prevent access to 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."<sup>52</sup>

The websites of foreign news outlets—including the British Broadcasting Corporation (BBC), *El Pais*, the *Financial Times*, and *El Nuevo Herald* (a Miami-based Spanish-language daily)—are readily available in Cuba.<sup>53</sup> However, dissident or independent news sites, such as *Cubanet*, *Diario de Cuba*,

49 Various Authors, "Se Buscan Socios," *Juventud Rebelde*, December 15, 2012, <http://www.juventudrebelde.cu/cuba/2012-12-15/se-buscan-socios/>.

50 For the website of The Ministry of Informatics and Communications see: <http://www.mincom.gob.cu/?q=node/353>

51 Ministerio de Cultura, Resolución No. 56/99, *Las Publicaciones Seriadadas Cubanas*, <http://www.seriadascuba.com/index.php?accion=res56>.

52 Sociedad Interamericana de Prensa, Inc., (Inter American Press Association), "Cuba," in *Reports and Resolutions*, accessed January 28, 2013, <http://bit.ly/1Mu0WHA>.

53 García, "Internet in Cuba: A Success in Spite of Everything."

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*Cubaencuentro*, *Hablemos Press*, and *14ymedio* are restricted.<sup>54</sup> The sites of some Cuban activists and dissident organizations based on the island, such as the Patriotic Union of Cuba (UNPACU), the Christian Liberation Movement (MCL), and the civic project Estado de SATS, are also blocked at most access points. Revolico, a platform for posting classified advertisements for products circulating on the black market also continues to be blocked.<sup>55</sup>

Social-networking platforms such as Facebook and Twitter are sometimes blocked at certain universities and government institutions, but may be accessed—with consistent monitoring but varying reliability—from some cybercafes and hotels. Voice over Internet Protocol (VoIP), on the other hand, is blocked throughout the country.<sup>56</sup> In recent years, the government also increased its control over the use of email in official institutions, installing a platform that restricts spam and specifically prevents the transmission of “chain letters critical of the government.”<sup>57</sup>

Beginning in 2007, the government systematically blocked core internet portal sites such as Yahoo, MSN, and Hotmail. As of 2015, these sites remain blocked in some government institutions,<sup>58</sup> although they are largely accessible from hotels. Cuban authorities also restricted access to Cuban and foreign websites that contained independent reporting or views critical of the government. Among the continuously blocked sites are the Voces Cubanas platform, which hosts approximately 40 blogs, including Yoani Sánchez’s award winning *Generación Y*. While most of these sites and international portals were unblocked without explanation in February 2011, many were re-blocked in 2012 and 2013. In both cases, the associated bloggers were subject to intimidation, resulting in self-censorship.

Blocking occurs not only at the national level but also at the level of various intranet networks and at the point of access centers. In March 2015, the Nauta intranet banned Larry Press’ blog, *The Internet in Cuba*, one of the best sources about the Cuban ICT sector.<sup>59</sup> In January 2015, University of Computer Sciences (UCI) banned Fernando Ravensberg’s blog *Cartas desde Cuba*, which had been hosted on the BBC Mundo platform from 2008 to 2013 until becoming independent.<sup>60</sup>

## Content Removal

While ETECSA does not proactively police networks and delete content, there have been reports of bloggers removing posts after being threatened by officials for publishing views criticizing government actions.<sup>61</sup> In March 2015, Yoani Sánchez’s blog *14yMedio*, was removed permanently from the

54 Iván García, “Internet in Cuba: A Success in Spite of Everything,” *Iván’s File Cabinet* (blog), June 10, 2014, <http://bit.ly/1R5JGHf>; “Google still blocked, despite company officials’ visit,” *Phys.Org*, July 2, 2014, <http://bit.ly/1iQ9wnw>; Maite Fernandez, “Yoani Sánchez’s 14ymedio aspires to become the go-to-source of independent news for Cubans,” International Journalists’ Network (blog), May 26, 2015, <http://bit.ly/1PBTzvf>; “Reporters Without Borders,” Cuba! Long live freedom (but not for the Internet!), *Enemies of the Internet*, March 11, 2014, <http://bit.ly/1OX6kCs>.

55 Jason Koebler, “Cuba’s Black Market Is a Website That Exists Primarily Offline,” *Motherboard* (blog), *Vice*, August 27, 2015, <http://bit.ly/1Q3uKJf>.

56 Mary Humphreys, “The Legality of VoIP Abroad: Where You Can Access It,” *Next Advisor* (blog), April 16, 2012, <http://bit.ly/1MuqxwT>; See also “Ectesa officials provide some details and make some promises,” *The Internet in Cuba* (blog), May 29, 2013, <http://bit.ly/1KHcmSp>.

57 “Cuba Anuncia Cambio de Plataforma Estatal para Correos Electronicos,” [Cuba Announces Statewide Change to Email Platform] *Café Fuerte*, August 31 2012, <http://bit.ly/RqHp8C>.

58 Sociedad Interamericana de Prensa, Inc., (Inter American Press Association), “Cuba,” in *Reports and Resolutions*.

59 “If you are reading this, you are probably not in Cuba,” *The Internet in Cuba* (blog), March 30, 2015, <http://bit.ly/1Wnebvj>.

60 Fernando Ravensberg, “La UCI censura ‘Cartas desde Cuba,’” *Cartas Desde Cuba* (blog), January 29, 2015, <http://bit.ly/1Kzr3t5>; See also Cuba Red, “Otra censura. Fernando Rasverg.Increible,” posted by elapap, February 2, 2015, [http://www.cubared.com/?p=foro\\_tema&id=7687](http://www.cubared.com/?p=foro_tema&id=7687).

61 For examples, see: “Malestar por Cambio de Edificio del Partido Comunista en Camagüey,” [Upset over Change to

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new government-sponsored blog platform Reflejos. Although the government said that there were no prohibited topics on the platform, which was open to all Cuban users, they required bloggers to register with information cards and prohibited the publication of unlawful or counter-revolutionary content. During the short time in which it was active, Sanchez's blog published a variety of content that ranged from cultural commentary to recipes to opinion columns.<sup>62</sup>

### Media, Diversity, and Content Manipulation

Cuba has one of the most restrictive media environments in the world. The constitution prohibits privately owned media, and restricts any speech that is deemed counter-revolutionary. The government closely monitors users who post or access information online and delivers harsh penalties to those it perceives as dissidents. Demand for access to internet among the Cuban population, however, has led to elaborate underground networks of internet access. To try to combat access to popular websites, the Cuban government has launched copycat versions of many websites as well as a blogging platform, but these platforms remain under tight surveillance and control. A network of progovernment bloggers and social media activists often harass individuals who are critical of the government.<sup>63</sup>

Despite the severe censorship in official media, some journalists have started using the internet to disseminate content that the official press is reluctant to publish. In May 2014, Yoani Sánchez launched an independent online news site, *14ymedio*. Although the site is blocked in Cuba, the editorial team is able to post content by emailing it to friends abroad. Users access content from the site through proxies and offline versions that are shared by USB flash drives.<sup>64</sup>

The cost of access to technologies that facilitate information sharing continues to be high, and the Cuban government has pursued individuals who violated telecommunications access laws. Government technicians sporadically "sniff" neighborhoods with their handheld devices in search of ham radios, satellite dishes and illegal networks. For example, in December 2012 and May 2014, the government shut down large illegal Wi-Fi networks in Havana.<sup>65</sup> Nonetheless, many Cubans find ways to access restricted content, and a vibrant community of bloggers in Cuba utilizes the medium to report on conditions within the country.

Cubans are often able to break through infrastructural blockages by building their own antennas, using illegal dial-up connections, or developing blogs on foreign platforms. The underground economy of internet access also includes account sharing, in which authorized users sell access to those without an official account for one or two convertible pesos (US\$ 1-2) per hour. Some foreign embassies allow Cubans to use their facilities, but a number of people who have visited embassies for this purpose have reported police harassment. There is also a thriving improvisational system

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Communist Party Building in Camagüey] *Café Fuerte*, July 27, 2012, <http://bit.ly/1iQbc0c>; and "LJC, The Orwellian 'Memory Hole,' & Google Cache," *El Yuma* (blog), July 8, 2012, <http://bit.ly/RPbiC0>.

62 14ymedio, "Web Platform Reflejos Closes the '14ymedio' Blog," *Translating Cuba* (video), March 27, 2015, <http://bit.ly/1QD7dhM>.

63 "Operation Truth Video Transcript Eliecer Avila and Yoani Sanchez," *Translating Cuba* (blog), <http://bit.ly/1OywlC5>.

64 Tiffany Pham, "How She Did It: Yoani Sánchez Launches Cuban News Outlet 14ymedio," *Forbes*, November 30, 2014, <http://onforb.es/1yz5eDp>.

65 "Denuncia Cuba violaciones a su sistema de telecomunicaciones," *UniradioInforma*, December 7, <http://bit.ly/1OywbYs>; See also Sheyla Delgado Guerra, "The 'messy' and costly result of illegality," ed. Walter Lippmann, *WalterLippmann* (blog), December 7, 2012, <http://bit.ly/1VdF8V6>; See also Juan O. Tamayo, "Cuba clamps down on Wi-Fi networks," *Miami Herald*, June 16, 2014, <http://hrl.us/1iAp91C>.

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of “sneakernets,” in which USB flash drives and data discs are used to distribute materials (articles, prohibited photos, satirical cartoons, video clips) that have been downloaded from the internet or stolen from government offices.<sup>66</sup>

Faced with popular demand for videos, games, and online social networking, the government has tried to intercept this demand and direct it to government-controlled platforms. Following in the footsteps of other repressive regimes contending with a highly literate and digitally interested populous, the government has launched its own copycat versions of popular websites, such as Wikipedia, Twitter, and Facebook. This allows the government to direct citizens to closely monitored, censored versions of these platforms. In 2010 the government launched Ecured, a copycat version of Wikipedia,<sup>67</sup> and in 2013 they launched the social networking site La Tendedera, which is accessible from youth centers.<sup>68</sup> Most recently, the Cuban government launched the blogging platform Reflejos.<sup>69</sup>

## Digital Activism

Social media is so restricted that Cubans have not been able to organize large-scale campaigns around political objectives. However, new initiatives to create platforms for free speech and information access –such as the creation of the first public Wi-Fi network in the studio of artist Kho, with government permission, and the launch of a (still illegal) independent online journalism outlet – tested the boundaries of the government’s restrictions on speech over the past year (see Obstacles to Access and Media, Diversity, and Content Manipulation). Other attempts to provide a platform for free speech and information, however, were prevented by authorities.

In December 2014, in the aftermath of pronouncements by Barack Obama and Raul Castro about a rapprochement between Cuba and the United States, the performance artist Tania Bruguera published a public letter to the two presidents and the Pope in which she proposed relocating her 2009 performance *Tatlin’s Whisper #6* to the Plaza of the Revolution, thereby offering an open mic to the Cuban citizenry to express their views about their country’s future.<sup>70</sup> Calling her project *#YoTambienExijo* (I Also Demand), she used social media platforms to promote her performance from outside the island and was supported by a number of dissident groups and opposition blogs. Upon traveling to Havana on December 26, however, she was summoned to a meeting with government officials and told that she did not have authorization for the performance. When she publicly stated that she intended to go ahead with the performance, she was detained by authorities, along with a number of other online and offline activists who expressed support for her project (see Prosecutions and Detentions).

## Violations of User Rights

*Cuba outlaws a wide range of speech deemed to be counter-revolutionary or a threat to the public*

66 Jonathan Watts, “Cuba’s ‘offline internet’: no access, no power, no problem,” *The Guardian*, December 23, 2014, <http://gu.com/p/44dcf/stw>; See also Emilio San Pedro, “Cuban internet delivered weekly by hand,” *BBC*, August 10, 2015, <http://bbc.in/1TjpQ8x>; See also Jack Karsten and Darrel M. West, “Cuba slowly expands Internet access,” *Tech Tank* (blog), Brookings Institute, July 2, 2015, <http://brook.gs/1KDrxLE>.

67 “Ecured is Not Open like Wikipedia,” *The Internet in Cuba* (blog), December 21, 2011, <http://bit.ly/1FyuMI7>.

68 “Rouslyn Navia Jordán, “Una Tendedera para interconectarnos,” *Juventud Rebelde*, December 3, 2014, <http://bit.ly/1YFFfbl>.

69 República de Cuba Ministerio de Comunicaciones, “La plataforma de blog “Reflejos” tuvo hoy su lanzamiento oficial en el Palacio Central,” news release, March 18, 2015, <http://bit.ly/1NRxREB>.

70 Coco Fusco, “The State of Detention: Performance, Politics, and the Cuban Public,” *e-flux* 60 (2014), <http://bit.ly/1YFFfbl>.

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*order. In recent years, the Cuban government has moved from issuing long, multiyear sentences to using short-term detentions as a means of harassing independent journalists and bloggers. During the coverage period, several prominent online journalists and activists were detained after expressing their support for an unauthorized performance art piece that was slated to be performed in Havana. As part of thawing relations with the United States, the Cuban government released Alan Gross, a former U.S. contractor who had spent over five years in prison for distributing outlawed communication technologies on the island. Gross reported suffering severe mistreatment and abuse in Cuban prison, a charge that has been echoed by other individuals who have been imprisoned for their online activity.*

## Legal Environment

The Cuban legal structure is not favorable to internet freedom. The constitution explicitly subordinates freedom of speech to the objectives of a socialist society, and freedom of cultural expression is guaranteed only if such expression is not contrary to the Revolution.<sup>71</sup> The penal code sets penalties ranging from a few months to 20 years in prison for any activity considered to be a threat to the Cuban state or public order, including a provision that authorizes the state to detain, reeducate, or monitor anyone who shows a “proclivity to commit crimes” by violating the norms of the socialist society.<sup>72</sup> Meanwhile, the Law to Protect Cuba’s National Independence and Economy (Law 88), passed in 1999, punishes any activity that threatens Cuban sovereignty or facilitates the U.S. embargo. Although the U.S. executive has stated a desire to lift the embargo, as of May 2015, it was still in place. Anyone who passes information to the U.S. government that could bolster the embargo can face up to 15 years in prison, while spreading subversive materials can incur a penalty of three to eight years in prison and collaborating with foreign media outlets is punishable by up to five years in prison.<sup>73</sup>

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.”<sup>74</sup> In 2007, a network security measure, Resolution 127, banned the use of public data-transmission networks for the spreading of 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.<sup>75</sup> Furthermore, access to the internet in Cuba generally requires identification, rendering anonymity nearly impossible.<sup>76</sup>

## Prosecutions and Detentions for Online Activities

Under Raúl Castro, the Cuban government appears to have shifted its repressive tactics from long-term imprisonment of bloggers to short-term extralegal detentions, intimidation, and harassment.<sup>77</sup>

71 Constitution of the Republic of Cuba, 1992, art. 53 and 39(d), accessed September 1, 2015, [http://www.cubanet.org/hdocs/ref/dis/const\\_92\\_e.htm](http://www.cubanet.org/hdocs/ref/dis/const_92_e.htm).

72 Código Penal [Penal Code], art. 72 and 91, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=242550](http://www.wipo.int/wipolex/en/text.jsp?file_id=242550).

73 Committee to Protect Journalists, “International Guarantees and Cuban Law,” trans. María Salazar, March 1, 2008, <http://bit.ly/1hbJO4p>.

74 Reporters Without Borders, *Going Online in Cuba: Internet under Surveillance*, October 2006, <http://bit.ly/1f4pnF0>; See also Decreto 209 (Decree 209), September 13, 1996, <http://bit.ly/1VdG1Nk>.

75 Giovanni Ziccardi, *Resistance, Liberation Technology, and Human Rights in the Digital Age*, (Netherlands, Springer, 2013) 220.

76 Isbel Díaz Torres, “Wi-Fi for Cubans and Mobile E-Mail Service,” *Havana Times*, March 10, 2014, <http://bit.ly/1G7q7b7>.

77 Human Rights Watch, “Cuba,” in *World Report 2015*, accessed September 1, 2015, <http://bit.ly/1gUSuCG>; See also

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Bloggers are still routinely summoned for questioning, reprimanded, and detained.<sup>78</sup> Reporters associated with independent online newspapers, including the outlet *Hablemos Press*, face significant harassment. The dissident group Cuban Commission for Human Rights and National Reconciliation reported more than five instances of independent online journalists and bloggers being detained or brought in for questioning between June 2014 and May 2015.<sup>79</sup>

The most shocking case of mass arrests occurred in December 2014 and early January 2015 when the artist Tania Bruguera used the hashtag *#YoTambienExijo* to announce her plans to stage a critical performance artwork in the Plaza of the Revolution in Havana. After trying and failing to receive official approval for the performance, she publically stated her intent to continue with the performance anyway and was arrested on the morning of December 30, 2014.<sup>80</sup> Several prominent reporters and activists, including the blogger Yoani Sánchez, the director of the civic project and website Estado de SATS Antonio Rodiles, and the photographer Claudio Fuentes, who expressed solidarity with Bruguera's project, were also detained.<sup>81</sup> Although Bruguera was released on December 31, 2014, her passport was confiscated and she was ordered to stay on the island pending indictment.<sup>82</sup>

These detentions follow a trend in Cuba, which has seen an increase in the number of arrests and detentions of activists over the past two years. These arrests tend to increase surrounding key political and social events. For example, in January 2014, threats toward and arrests of dissidents and activists spiked significantly surrounding the Community of Latin American and Caribbean States (CELAC) summit. Although most individuals were released within hours, more than 3,000 arbitrary politically motivated detentions were reported in the three months surrounding the summit.<sup>83</sup> The blocking of hundreds of cell phones owned by activists was also reported in the days leading up to the summit.<sup>84</sup> Bloggers and online activists are often caught up in such crackdowns. Because it is difficult to distinguish between independent blogging and political activism in Cuba, however, it is often impossible to accurately pinpoint whether detentions were in retaliation for online speech specifically.

The government has also prosecuted individuals associated with underground cyber-networks. In 2012, the government opened a criminal investigation of two highly profitable cyber-networks illegally using ETECSA's fixed and mobile networks. The defendants, who are being prosecuted for illegal economic activity and fraud, face fines coupled with sentences of three to ten years in prison.<sup>85</sup> In May 2014, Cuban authorities raided and seized equipment from another underground Wi-Fi network with 120 members.<sup>86</sup>

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Committee to Protect Journalists (CPJ), *After the Black Spring, Cuba's New Repression*, July 6, 2011, <https://cpj.org/x/4472>.

78 Daniel Trotta, "Cuban Dissidents say political arrests top 1,000 in February," *Reuters*, March 3, 2014, <http://reut.rs/1G7njuF>.

79 Comisión Cubana de Derechos Humano y Reconciliación Nacional, "Informes Mensuales de Represión Política," <http://bit.ly/1LScEpF>.

80 Fusco, "The State of Detention: Performance, Politics, and the Cuban Public."

81 See also Carmen Sesin, "Cuba Dissidents Report Arrests Ahead of Gathering," *NBC News*, April 12, 2014, <http://nbcnews.to/1Fm1woe>.

82 Fusco, "The State of Detention: Performance, Politics, and the Cuban Public."

83 Trotta, "Cuban Dissidents Say Political Arrests Top 1,000 in February."

84 Foundation for Human Rights in Cuba, "CELAC 2014: Activism, Repression, and an Important Meeting," news release, <http://bit.ly/1Oyzclj>.

85 "Denuncia Cuba violaciones a su system de telecomunicaciones," *UniradioInforma*, December 7, <http://bit.ly/1OywBYs>; See also Sheyla Delgado Guerra, "The 'messy' and costly result of illegality," ed. Walter Lippmann, *WalterLippmann* (blog), December 7, 2012, <http://bit.ly/1VdF8V6>.

86 Juan O. Tamayo, "Top Dissidents Detained in Cuba," *Miami Herald*, June 11, 2014.

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Despite the continued policy of harassment and detentions of bloggers, online activists have seen a loosening of travel restrictions over the past two years,<sup>87</sup> and the government recently released two prominent political prisoners. In December 2014, as part of negotiations with the United States, the Cuban government released the American USAID contractor Alan Gross, who had been held for over five years, on charges that he distributed illegal communications technology to Cubans.<sup>88</sup> In July 2015, the government released the well-known blogger and writer Ángel Santiesteban Prats, who had been jailed on trumped-up charges since early 2013.<sup>89</sup> Santiesteban was arrested in connection with his political views several times prior to his December 2012 trial. Such harassment increased after his creation of the blog *The Children No One Wanted*, in which he criticized the government. Santiesteban reported mistreatment and torture during his imprisonment.<sup>90</sup>

## Surveillance, Privacy, and Anonymity

Surveillance of ICTs in Cuba is widespread, and dissident bloggers are subject to punishments ranging from fines and searches to confiscation of equipment and detentions. Anonymity and encryption technologies are strictly prohibited in Cuba,<sup>91</sup> and web access points, such as those found in cybercafes and access centers, are closely monitored and users are required to register with their identification information.<sup>92</sup>

Despite constitutional provisions that protect various forms of communication and portions of the penal code that establish penalties for the violation of the secrecy of communications, users' privacy is frequently violated. Tools for content surveillance are likewise pervasive. Under Resolution 179/2008, ISPs are required to register and retain the addresses of all traffic for at least one year.<sup>93</sup> The government routes most connections through proxy servers and is able to obtain all user names and passwords through special monitoring software called Avila Link, which is installed at most ETECSA and public access points.<sup>94</sup> In addition, delivery of email messages is consistently delayed, and it is not unusual for a message to arrive without its attachments.

87 Monika Fabian, "Cuban Dissident Yoani Sanchez on the Power of the Hashtag," *ABC News/Univision Online*, March 18, 2013, <http://abcn.ws/1Vfv9ZZ>.

88 Julie Hirschfeld Davis, "Alan P. Gross Gains the Freedom from Cuba He Thought Would Never Come," *The New York Times*, December 17, 2014, <http://nyti.ms/1KDBPLF>.

89 Because this incident took place after the end of the coverage period for this report, it was not considered in determining Cuba's internet freedom score. Angel Santiesteban, "#PapaEnCuba [Pope in Cuba]: A Shout for Danilo Maldonado (El Sexto)," trans. Alicia Barraqué Ellison, *Translating Cuba* (blog), April 23, 2013, <http://bit.ly/1iOgV6c>; See also: Angel Santiesteban, "Prison Diary VI: Inside View of the Trial," *Translating Cuba* (blog), March 28, 2013, <http://bit.ly/1KHj6Q9>.

90 Reporters Without Borders, "Dissident Blogger Completes Year in Detention," February 28, 2014, <http://bit.ly/1JtNknT>.

91 According to the Cuban Mission to the United Nations, encryption is only permissible if authorized by the Ministry of Communications and the Ministry of the Interior. Letter from the Permanent Mission of Cuba to the ONU to the High Commission on Human Rights, 2015, República de Cuba Misión Permanente ante la Oficina de las Naciones Unidas en Ginebra y los Organismos Internacionales con sede en Suiza, "Nota No. 211/2015," [Note No. 211/2015], <http://bit.ly/1JtNsUE>; See also Rolando Cartaya, "Crítica Relator de ONU Control a Cifrado de Datos Personales en Cuba," *MartiNoticias*, June 24, 2015, <http://bit.ly/1R5ZzgY>.

92 Ellery Roberts Biddle, *Rationing the Digital: The Policy and Politics of Internet Use in Cuba Today*, July 2013, Internet Monitor (The Berkman Center for Internet & Society), <http://bit.ly/1LCRoID>; See also Isbel Diaz Torres, "Wi-Fi for Cubans and Mobile E-Mail Service," *Havana Times*, March 10, 2014, <http://bit.ly/1G7q7b7>; See also Yoani Sánchez, "Unos días con nauta," *14ymedio* (blog), March 24, 2015, <http://bit.ly/1G7q7b7>.

93 José Cuervo, "Resolución n° 179/2008 Proveedores de servicios de acceso a Internet al público," *informática jurídica*, February 16, 2015, <http://bit.ly/1PC8Vjg>.

94 Lorenzo Franceschi-Bicchiera, "The Internet in Cuba: 5 Things You Need to Know," *Mashable*, April 3, 2014, <http://on.mash.to/1Fmi1Rg>; Infosurgents: Tracking the Information Revolution, "Internet Filtering" University of Michigan, <http://bit.ly/1KHrM9m>.

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Web use at “cyber points” and “navigation halls” remains tightly controlled. A recent decree from the Ministry of Communications reaffirmed the government’s continued monitoring of internet traffic, stating that ETECSA will immediately end a user’s access if he or she commits “any violation of the norms of ethical behavior promoted by the Cuban state.”<sup>95</sup> Users must show their national ID 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 term that could presumably extend to political dissent.<sup>96</sup>

If users attempt to send email with attachments, ETECSA’s own NAUTA interface system greets them with a pop-up window reminding them that “other people may see what you are sending” and asking if they wish to continue. Although the pop-up window is marked “Internet Explorer” and appears to be a real message generated by the search engine, several Cuban online users have said that they had never seen such a message when using internet cafes in Havana’s tourist hotels. Such claims suggest that ETECSA may have programmed computers at its new access points to prompt users as a reminder that the government is monitoring their online activities.

## Intimidation and Violence

Although the majority of cases of physical violence against activists in Cuba appear to be in retaliation for public protests rather than online activity,<sup>97</sup> prominent online users have faced violence from police forces, and users who have been jailed for extended periods of time report being mistreated and tortured. For example, in June 2014, a member of the state security reportedly attacked Roberto de Jesus Guerra, the founder of *Hablemos Press*, as he walked to an embassy office to file a story online. Guerra and his wife have also begun receiving anonymous death threats.<sup>98</sup> Two individuals recently released from prison after being arrested for ICT-related activities—the prominent blogger Ángel Santiesteban Prats, who was jailed on trumped up charges, and the U.S. contractor Alan Gross, who was charged with distributing illegal communication technologies—reported that they had experienced severe mistreatment and abuse during their detention.

## Technical Attacks

Technical attacks do not appear to be a primary method of censorship in the country; however, one prominent cyberattack gained significant international media attention over the past year. In May 2014, the online newspaper *14ymedio* was hacked one day after it was launched. Users who tried to access the site were redirected to a site called Yoani\$landia, which insulted the director of the outlet, Yoani Sánchez.<sup>99</sup> The site was restored shortly after the hack.

95 Gaceta Oficial de la República de Cuba Ministerio de Justicia, Resolución No. 197/2013, <http://www.juventudrebelde.cu/file/pdf/impreso/2013/05/28/iespeciales.pdf>.

96 Gaceta Oficial de la República de Cuba Ministerio de Justicia.

97 In May 2015, members of the dissident group Cuban Commission of Human Rights and Reconciliation denounced an increase in police violence against protesters. In June, the group claimed that 88 peaceful protesters were subject to “physical aggression, vandalism, kidnapping, and acts of repudiation.” Although it is unknown whether any of these activists were online activists or bloggers, an increase in arrests or violence against protesters has often closely paralleled repression of journalists and online activists.

98 Tamayo, “Top Dissidents Detained in Cuba.”

99 Associated Press, “‘Hacking’ portal digital de la bloguera cubana Yoani Sánchez,” *Miami Diario*, May 21, 2015, <http://bit.ly/1R6cway>; See also Amnesty International, “Cuba,” *Amnesty International Report 2014/15*, <http://bit.ly/1Bm8E15>.