

# Cuba

	2015	2016		
<b>Internet Freedom Status</b>	<b>Not Free</b>	<b>Not Free</b>	<b>Population:</b>	<b>11.4 million</b>
Obstacles to Access (0-25)	22	21	<b>Internet Penetration 2015 (estimated):</b>	<b>5-31 percent</b>
Limits on Content (0-35)	27	26	<b>Social Media/ICT Apps Blocked:</b>	<b>Yes</b>
Violations of User Rights (0-40)	32	32	<b>Political/Social Content Blocked:</b>	<b>Yes</b>
<b>TOTAL* (0-100)</b>	<b>81</b>	<b>79</b>	<b>Bloggers/ICT Users Arrested:</b>	<b>Yes</b>
			<b>Press Freedom 2016 Status:</b>	<b>Not Free</b>

\* 0=most free, 100=least free

## Key Developments: June 2015 – May 2016

- The Cuban government launched its first-ever paid public Wi-Fi hotspots in June and July 2015, promising to further expand access points in 2016. While these hotspots have become a popular way to access the internet, limited and expensive connections still constitute a major barrier (See **Availability and Ease of Access**).
- Since the United States and Cuba officially reestablished diplomatic relations, new regulations have eased restrictions on U.S. telecom companies to start offering services on the island. Larger scale telecommunications initiatives however, such as a reported proposal by Google to further expand access on the island, remained unanswered by Cuban government (See **ICT Market**).
- Bloggers and independent journalists continued to face censorship, intimidation and arrests. Several removals of content on the government-sponsored blog platform, Reflejos, were reported during this period (See **Content Removal and Prosecutions and Detentions for Online Activities**).
- Despite severe censorship of content deemed to be “counter-revolutionary,” Cubans have launched a number of independent web-based information sites, offering alternative discourses about the Cuban reality (See **Media, Diversity and Content Manipulation**).

## Introduction

Despite modest steps to increase internet access, Cuba remains one of the world's most repressive environments for information and communication technologies.

High prices, old infrastructure, prohibition of home connections, and extensive government regulation have resulted in a pronounced lack of access. The normalization of relations between Cuba and the United States and the opening of ICT trade has eliminated the Cuban government's ability to blame low levels of internet access on the "blockade." Even with the embargo still in place, policy changes have opened the way for U.S. telecommunications companies to start offering services to the island. Propelled by U.S. President Barack Obama's historic visit to the island in March 2016, this shift in relations has inspired optimism among many observers, who believe it may entail an opening for ICTs in Cuba.

Cuba has taken some tentative steps to reinforce this optimism by improving internet access on the island, but it is still just a drop in the bucket when it comes to alleviating the most draconian restrictions on internet freedom in the Western hemisphere. 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 "navigation halls." In a more recent move in July 2015, the government opened its first public Wi-Fi hotspots, and has been expanding them across urban centers in 2015 and 2016. However, home internet connections were still banned for the vast majority of Cubans, and even with reduced prices, public internet access points still cost US\$2 per hour to use, which is equal to one-tenth of minimum monthly wages. Even for those who might be able afford the 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 more than 11 million people.

While the Cuban government faces increased pressure from its own citizens and the international community to expand access to the global internet, the optimism derived from normalization of relations with the U.S. and the increasing access may be premature. Many worry that the Cuban policy is inspired by the example of China and that new infrastructure will not mean an end to controlled and filtered access. Despite the noteworthy emergence of several web-based information sites offering alternative discourses about the Cuban reality, the government has continued to exert control over the digital landscape by blocking critical independent news sites, removing certain content deemed to be "counter-revolutionary," and arresting or harassing online writers.

## Obstacles to Access

*Penetration rates and internet speeds continue to lag behind regional averages, and access to the global internet in Cuba is extremely restricted, due to high prices and government regulation of access points. Many users are still relegated to a tightly controlled government-filtered intranet and related email service. Nevertheless, some openings have taken place over the past years, 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 hundreds of state-run access points are now available, including the first paid public Wi-Fi hotspots. 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

According to Cuba's National Statistics Office, there were 3.9 million internet users in Cuba in 2015, representing 34.8 percent of the population, up from 27 percent in 2014.<sup>1</sup> The latest data from the International Telecommunication Union (ITU) places Cuba's internet penetration at 31 percent as of 2015, up from 28 percent in 2013 and only 14 percent in 2009.<sup>2</sup> These numbers, however, also include users who can only access the government-controlled intranet, and experts have estimated that a much smaller percentage of Cubans have periodic access to the global internet.<sup>3</sup>

For years, most Cubans have been denied internet access or relegated 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 can be accessed through government-run internet access centers, the offices of the state-owned Telecommunications Company of Cuba S.A. (ETECSA), or state-run cybercafes. Although most foreign websites are now available at state-run access sites, the cost of accessing non-Cuban sites remains higher.

Select categories of users such as Cuban officials, doctors, or trusted journalists and intellectuals have been authorized to access a broader, but still limited, portion of the global internet or other ICT tools. 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>4</sup> 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 upcoming internet access for teachers, researchers, and students at four universities on campuses and in residences, but implementation remains to be seen.<sup>5</sup>

While home connections are virtually non-existent, the government has taken modest steps to enable public access to wired and wireless internet over the last few years. According to ETECSA in September 2016, there were more than 1,000 public access points on the island, including state-run cybercafes, public Wi-Fi hotspots, and Wi-Fi at hotels and airports.<sup>6</sup> In a recent move towards in-

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1 National Office of Statistics and Information (ONEI), "Tecnología de la Información y las Comunicaciones, 2015," [Information and Communication Technology, 2015], <http://bit.ly/2ct5MFj>.

2 International Telecommunication Union, "Percentage of Individuals Using the Internet," 2000-2015, accessed September 10, 2016, <http://bit.ly/1cblxxY>.

3 Exact estimates of the number of individuals who access the "global internet" in Cuba are hard to come by, as methodologies used to define and calculate access are often unclear. Some of the independent estimates from 2011 and 2012 put the number at around five percent. A more recent public opinion study conducted in March 2015 found that 16 percent of respondents out of 1,200 Cuban adults surveyed had access to the internet, via cyber cafes (43 percent), at work (34 percent), at school or university (22 percent), at home (21 percent), or elsewhere (8 percent). See: "International Survey of Cubans Living in Cuba," Bendixen & Amadi International Poll for Univision Noticias/Fusion in Collaboration with *The Washington Post*, April 2015, <http://fus.in/2czwMGg>.

4 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>.

5 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>.

6 "Cuba supera los mil puntos públicos de acceso a Internet" [Cuba exceeds more than 1,000 public internet access points], *CiberCuba*, September 9, 2016, <http://bit.ly/2eFOZVm>.

creasing public access to the internet, the government launched its first paid public Wi-Fi hotspots in urban centers in June and July 2015, accessible through the government platform Nauta.<sup>7</sup> The number of hotspots increased from 35 to 65 in 2015, with promises for some 80 more in 2016.<sup>8</sup> These Wi-Fi hotspots have become a popular way to access the internet, despite the high cost and complaints about the quality of service. ETECSA has boasted that some 200,000 users connect daily at Wi-Fi zones.<sup>9</sup>

The opening of these hotspots followed an initial experiment with public Wi-Fi in early 2015, when the first free public Wi-Fi access point in Cuba opened in January 2015 in the art studio of Cuba's visual artist Alexis Leyva, better known as "Kcho."<sup>10</sup> In March 2016, Kcho's studio hosted Google's first online tech center on the island, offering faster internet speeds and equipment.<sup>11</sup> While currently enabling a minor subsection of the general public to access the global internet for free, reports have still pointed to certain pages being blocked at the center, and certain restrictions placed on the use of USB flash drives and external hard drives.<sup>12</sup>

Access also 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>13</sup> although not as impressively as many had hoped. Broadband service became selectively available on the island at government offices and state-owned access points, but not for home connections.<sup>14</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 December 2015, ETECSA counted 339 state-run cybercafes, and announced 100 more for 2016.<sup>15</sup>

To overcome access limitations, some Cubans have in turn developed improvisational underground networks, setting up illegal antennas, and systematically passing around USB flash drives with content downloaded from the internet (see Media, Diversity, and Content Manipulation). Informal local area networks use wired or wireless technology to exchange information, mostly entertainment content in the form of cybergames, music, and photos. For years, an informal network known as Street Net (SNET) has been connecting users through Ethernet cables and makeshift Wi-Fi antennas.<sup>16</sup> Some recent experiments have even managed to bring ETECSA's hotspots to homes through the use

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7 Sandra Lilley, "Cuban Internet Usage: Public Wi-Fi spots Are a Big Draw," *NBC News*, August 12, 2015, <http://nbcnews.to/1P6EDEJ>.

8 "El acceso a internet en Cuba: una asignatura pendiente a pesar de las mejoras," [Access to internet in Cuba: a pending task despite improvements], *EFE*, February 6, 2016, <http://bit.ly/2c9UHJ3>.

9 "Unos 200 mil usuarios se conectan diariamente en las zonas wifi de Cuba" [Some 200,000 users connect to Wi-Fi hotspots on a daily basis in Cuba], *EFE*, March 29, 2016, <http://bit.ly/2cnCs6g>.

10 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>.

11 "Google abre en Cuba su primer centro tecnológico en el estudio del artista Kcho," [Google opens its first technological center in Cuba in the studio of the artist Kcho], *EFE*, March 23, 2016, <http://bit.ly/1RzWYjL>.

12 "Google entra por el aro en Cuba," [Google has jumped through hoops in Cuba], *14ymedio*, April 7, 2016, <http://bit.ly/2cjJs3V>.

13 "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>.

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

15 "Cuba: Se incrementan posibilidades de acceso a Internet," [Cuba: possibilities for internet access increase], *Cubadebate*, December 24, 2015, <http://bit.ly/2cgioST>; See also: Cubasí, "Exclusiva con la Presidenta de ETECSA: Crece penetración de internet en Cuba" [Exclusive interview with the president of ETECSA: internet penetration grows in Cuba], Ministry of Communications, <http://bit.ly/2flhZ3T>.

16 "De la Comunidad del Anillo a SNET: las redes en la Tierra Media," *Cavichache Media*, March 1, 2016, <http://bit.ly/2cLcsUA>.

of street nets.<sup>17</sup> The Cuban authorities appear to largely turn a blind eye to such efforts since much of the content shared on these networks appears to be apolitical, but news has emerged of selective dismantling of these networks in some Havana neighborhoods.<sup>18</sup> 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 (CUC) per hour.

High costs and slow speeds also constitute major barriers, mainly due to weak domestic infrastructure. Most Cubans continue to face extremely slow connections of up to 1 Mbps, even at Wi-Fi hotspots.<sup>19</sup> While the government has cut prices for internet access points, hourly charges still amount to roughly 10 percent of the average monthly salary.<sup>20</sup> In February 2015, ETECSA temporarily reduced the hourly charge for using the internet at state-run cybercafes from US\$4.50 an hour to US\$2.00 per hour.<sup>21</sup> For a much lower fee of US\$0.60 an hour, Cubans were able to access domestic websites only.<sup>22</sup> According to one blogger's account, users at navigation halls can access foreign news sites like the BBC, *El País*, 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>23</sup> However, sites such as Radio/TV Martí, the U.S. government broadcaster that transmits to the island, have been blocked (see Blocking and Filtering). The price cut received little attention in the state media, and news spread by word of mouth. ETECSA later announced that the lowered price would go into long-term effect beginning July 1, 2015, including the new Wi-Fi access points that were opened in parks and other public venues around the island.<sup>24</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 and 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).

In early 2008, after a nearly decade-long ban, the government began allowing Cubans to buy personal computers, but prohibitively high costs place computers beyond the reach of most of the population.<sup>25</sup> Out of a country of more than 11.3 million people, the number of computers was only a little over one million in 2014 according to the National Office of Statistics, and, of these, only about half had connectivity.<sup>26</sup> Phones that utilize Global Positioning System (GPS) technology or satellite

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17 "Internet llega a los hogares cubanos a pesar de ETECSA" [Internet arrives to Cuban households despite ETECSA], *Cubanet*, June 16, 2016, <http://bit.ly/2eFWFqw>.

18 "El régimen desmantela una red Wi-Fi clandestina en Víbora Park" [Regime dismantles a clandestine Wi-Fi network in Vibora Park], *Diario de Cuba*, May 31, 2014, <http://bit.ly/1m8kE92>; 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://hrlid.us/1iAp91C>.

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 Isbel Díaz Torres, "The Mean Salary of Cubans," *Havana Times*, August 6, 2013, <http://bit.ly/2cW21x3>.

21 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>.

22 "Salas de navegación en Cuba listas para acceso a Internet" [Navigation halls in Cuba ready to Access the internet], *Cubadebate*, June 4, 2013, <http://bit.ly/2eWjlt>.

23 García, "Internet in Cuba: A Success in Spite of Everything," *Translating Cuba*, May 29, 2014, <http://bit.ly/2esPoW2>.

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

25 Dough Aamoth, "Personal Computers Finally Available in Cuba," *TechCrunch*, May 3, 2008, <http://tcrn.ch/1MLKp7n>.

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

connections are explicitly prohibited by Cuban customs regulations.<sup>27</sup> Additional restrictions are placed on modems, wireless faxes, and satellite dishes, which require special permits in order to enter the country.<sup>28</sup>

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. According to ETECSA, by January 2016, approximately 3.3 million Cubans owned mobile phones lines, or about 30 percent of the population.<sup>29</sup> As the number of mobile phone users has grown, the state-owned ETECSA has begun implementing small changes that benefit 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>30</sup> In January 2014, ETECSA also announced it would allow balance transfers on cards between prepaid users.<sup>31</sup> In July 2014, ETECSA in turn said that the minimum mobile phone service fee—which had been US\$5 per month—would be eliminated.<sup>32</sup>

Despite price cuts 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>33</sup> Through this system of refilling credit on cell phones from outside the country, the Cuban diaspora (including almost three million Cubans living abroad) covers all or part of the cost of cell phone use for their families in Cuba. According to the Miami-based Havana Consulting Group in 2014, 54 percent of mobile payments to ETECSA come from the Cuban diaspora.<sup>34</sup>

Due to 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>35</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>36</sup> Despite the fact that users can only activate this service at few locales in Havana and that it is still very expensive, the service, which is the

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

28 Cuban Customs Website (Aduana General de la República de Cuba), accessed September 14, 2016, <http://bit.ly/2cZ8Udg>.

29 "Cuba cerró el 2015 con más de tres millones de líneas móviles," [Cuba ended 2015 with more than three million mobile lines], *Cuba Debate*, February 5, 2016, <http://bit.ly/2cpTnGQ>.

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

31 "ETECSA anuncia nuevos servicios para telefonía celular en el 2014" [ETECSA announces new services for cellphones in 2014], *Cuba Debate*, January 26, 2014, <http://bit.ly/2d0eGuz>.

32 "ETECSA Anuncia Eliminación de Pago Obligatorio de Cinco Cuc para Móviles" [ETECSA announces elimination of mandatory payment of 5CUC for mobiles], *On Cuba*, July 3, 2014, <http://bit.ly/1Vfj3Af>.

33 "ETECSA Informa Nuevos Servicios de Pagos por Internet para Cubanos" [ETECSA announces new internet payment services for Cubans], *On Cuba*, January 20, 2014, <http://bit.ly/1G77ggd>; José Remón, "ETECSA a la carga: Pagando la factura de mi pariente en Cuba" [Payment the bill for my family member in Cuba], *Café Fuerte*, January 22, 2014, <http://bit.ly/1R5LPTs>.

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

35 Andrea Rodriguez, "Cuba mobile email experiment causes chaos," Associated Press in *Review Journal*, May 16, 2014, <http://bit.ly/2cKTGqO>.

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

cheapest option for email to date, quickly proved popular.<sup>37</sup> The Nauta email service has occasionally encountered disruptions, and was temporarily inaccessible for several days in November 2015, which ETECSA attributed to a technical failure.<sup>38</sup>

While some announcements have anticipated increasing connectivity and expanding network capabilities on the island, significant infrastructure upgrades are still needed, prompting speculation among observers as to whether such plans are realistic. In June 2015, an internal document outlining a national strategy for broadband connectivity in Cuba was leaked online, which outlined an objective to connect 50 percent of households to broadband internet and 60 percent to mobile internet connections by 2020.<sup>39</sup> In February 2016, ETECSA announced a pilot project to provide fiber-optic home internet service in two Havana neighborhoods, operated by Chinese telecom operator Huawei.<sup>40</sup> A more recent report indicated that a free trial would be taking place in Old Havana in August 2016.<sup>41</sup> However, details on the actual implementation of these projects and their potential expansion to other areas remain unknown.

## 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>42</sup>

## 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 internet service providers (ISPs) in Cuba: The Center for Automatic Interchange of Information (CENIAI) and ETECSA (sometimes called ENET).<sup>43</sup> Both are owned by the state. Cubacel, a subsidiary of ETECSA, is the only mobile phone carrier.

Following the announcement of a normalization of relations between the United States and Cuba

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37 EFE, "Heavy use of Cuba mobile e-mail service strains cellular network," *Fox News Latino*, June 25, 2014, <http://bit.ly/1Mujon3>.

38 "Cuarto día sin servicio de correo Nauta en toda la Isla" [Fourth day without Nauta email service on the island], *14ymedio*, November 14, 2015, <http://bit.ly/2eGqhE6>.

39 "ChiriLeak: Hoja de ruta de la Banda Ancha en Cuba," [ChiriLeak: Roadmap for Broadband in Cuba], *La Chiringa de Cuba (blog)*, June 8, 2015, <http://bit.ly/2cISJAN>.

40 "Cuba says it will launch broadband home internet project," *Associated Press*, February 1, 2016, <http://apne.ws/1nZf15t>; "Internet in Cuban homes: connection bit by bit," *OnCuba*, February 10, 2016, <http://bit.ly/2e6jrGe>.

41 "Old Havana fiber trial to begin August 20th? Many unanswered questions," *The Internet in Cuba (blog)*, July 29, 2016, <http://bit.ly/2cioCJM>.

42 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/1MNiQjC>; See also Yoan David González Milanés, "Cortan el servicio del celular a periodista independiente de @HablemosPress," *Háblalo Sin Miedo (blog)*, January 20, 2012, <http://bit.ly/1Lb5oKX>.

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

in December 2014, regulatory amendments have opened the way for U.S. ICT companies to start offering services to the island. Showcasing U.S. business interest in penetrating Cuba's ICT market, in March 2015, IDT Corp reached the first U.S. deal with ETECSA to provide direct international long distance calls between Cuba and the United States.<sup>44</sup> In September 2015, Verizon was the first U.S.-based wireless company to offer roaming in Cuba, quickly followed by Sprint and others.<sup>45</sup> Companies whose services are closely related to internet use, such as MasterCard, Airbnb, or Netflix, also announced their entrance into the Cuban market.<sup>46</sup> In March 2016, PayPal also announced it would start offering money transfer services to and from Cuba.<sup>47</sup>

However, large-scale offers to expand internet access on the island have faced more skepticism. In June 2015, Google reportedly offered to quickly expand Wi-Fi internet access across the island.<sup>48</sup> Demonstrating lingering distrust, the only official Cuban reference to the proposal was a statement by Ramón Machado Ventura, first secretary of the Communist Party, in July 2015: "We must have internet, but our way, knowing that the intention of imperialism is to use the internet in another way, to destroy the Revolution."<sup>49</sup>

These developments come after a period of domestic changes in Cuba, as the government began implementing limited market reforms. Restrictions on private enterprise were eased under the 2012 "update" of Cuba's economic model. Recent data from the Cuban National Statistics Office reports a near tripling of registered .cu domain between 2012 and 2014, which may reflect the growing use of websites by companies after laws permitting private sector businesses were liberalized.<sup>50</sup> Although proposed reforms did not initially extend to the communications sector,<sup>51</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>52</sup> The Cuban government also began to allow the limited creation 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>53</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>54</sup>

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

45 "Competition heats up for roaming, calling services in Cuba," *Miami Herald*, May 10, 2016, <http://hrlid.us/1qcuP5g>.

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

47 "PayPal Brings Money Transfers to Cuba," *Fortune*, March 21, 2016, <http://for.tn/1qr1GEz>.

48 "Sources: Google offered Cuba expansion of web access," *Miami Herald*, July 2, 2015, <http://hrlid.us/1NAJ227>.

49 "Top Cuban Official Rejects Nongovernment Wi-Fi Offerings," *Newsweek*, July 13, 2015, <http://bit.ly/1O7IRw3>.

50 Oficina Nacional de Estadística e Información, *Tecnología de la Información y las Comunicaciones (TIC)*, August 2015, <http://bit.ly/2cwntFX>; "Cuban ICT statistics report for 2014," *The Internet in Cuba* (blog), August 22, 2015, <http://bit.ly/1Lb11Qd>.

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

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

53 "Se Buscan Socios," *Juventud Rebelde*, December 15, 2012, <http://bit.ly/2cUAN73>.

54 For the website of The Ministry of Informatics and Communications, see: <http://www.mincom.gob.cu/>

## 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 by frequently blocking social media sites. Despite connectivity limitations, Cubans have been able to access content through improvisational underground networks and USB flash drives containing content downloaded from the internet. Several independent web-based information sites have also emerged, offering alternative discourses about the Cuban reality.*

## Blocking and Filtering

Rather than relying on the technically sophisticated filtering and blocking used by other repressive regimes, the Cuban government continues to limit 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. Moreover, a series of recent tests conducted by *14ymedio* found that ETECSA's cellphone network, Cubacel, has been systematically filtering domestic SMS containing specific words, such as references to "democracia" (democracy) and "derechos humanos" (human rights).<sup>55</sup>

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>56</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>57</sup>

The websites of foreign news outlets—including the British Broadcasting Corporation (BBC), *El País*, the *Financial Times*, and *El Nuevo Herald* (a Miami-based Spanish-language daily)—are accessible in Cuba. However, ETECSA commonly blocks dissident or independent news sites, such as *Cubanet*, *Penúltimos Días*, *Diario de Cuba*, *Cubaencuentro*, *Hablemos Press*, and *14ymedio*.<sup>58</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, also face blocking. Revolico, a platform for posting classified advertisements for products circulating on the black market was only recently unblocked, according to reports in August 2016.<sup>59</sup> Beginning in 2007, the government systematically blocked core internet portal sites such as Yahoo, MSN, and Hotmail.

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55 "Cubacel censura los SMS con las palabras "democracia" o "huelga de hambre"" [Cubacel censors SMS with the words "democracy" and "hunger strike"], *14ymedio*, September 3, 2016, <http://bit.ly/2bS1VE2>.

56 Ministerio de Cultura, Resolución No. 56/99, *Las Publicaciones Seriadadas Cubanas*, <http://bit.ly/2cIwMIL>.

57 Resolution 179 (2008), <http://bit.ly/2cAH6wF>.

58 "Cuba internet access still severely restricted," *BBC News*, March 21, 2016, <http://bbc.in/2d11BG9>; See also: "Cubans are using simple hacks to get around limited and expensive internet," *Quartz*, August 21, 2016, <http://bit.ly/2bDxE9E>; "El Wi-Fi público les da una primera prueba de Internet a los Cubanos," [Public Wi-Fi gives Cubans a first internet trial], *Wall Street Journal*, August 21, 2015, <http://bit.ly/2d97v6L>.

59 "El Gobierno levanta la censura contra Revolico" [Government lifts censorship against Revolico], *14ymedio*, August 12, 2016, <http://bit.ly/2eH7pVK>; See also: Jason Koebler, "Cuba's Black Market Is a Website That Exists Primarily Offline," *Motherboard* (blog), *Vice*, August 27, 2015, <http://bit.ly/1Q3uKJf>.

As of 2015, some of these sites remain blocked in some government institutions,<sup>60</sup> although they are largely accessible from hotels.

Blocking occurs not only at the national level but also at the level of various intranet networks and at access points. In March 2015, the Nauta intranet banned Larry Press' blog, *The Internet in Cuba*, one of the best sources about Cuban ICTs.<sup>61</sup> In January 2015, the 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>62</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 and varying reliability—from Wi-Fi hotspots, some cybercafes and hotels. Restrictions continued to inhibit the use of certain Voice over Internet Protocol (VoIP) services such as Skype, although VoIP is not blocked at Wi-Fi hotspots and apps such as IMO have become a popular way to video chat with relatives abroad.<sup>63</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>64</sup>

## Content Removal

While ETECSA does not proactively police networks and delete content, a recent report about the government-sponsored blog platform, Reflejos,<sup>65</sup> denounced that several blogs hosted on the platform, under the cubava.cu domain, had been censored, either because they did not fit certain "Terms of Use" or because connectivity levels are so low that authors are unable to update their sites, which also causes permanent suspension.<sup>66</sup>

In February 2016, Cuban blogger Yasmín Silvia Portales Machado reported on her Twitter account that a blog on sexual diversity called "Proyecto Arcoiris" (Rainbow Project) was censored by Reflejos. Platform moderators claimed that the blog was censored because a specific paragraph "slandered the Revolution" and therefore violated the website's rules. The paragraph in question referred to labor camps that existed in Cuba from 1965 to 1968, where thousands of men were imprisoned, mainly accused of homosexuality.<sup>67</sup>

Yoani Sánchez's *14yMedio* blog was also removed permanently from Reflejos in March 2015. Al-

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60 Sociedad Interamericana de Prensa, Inc., (Inter American Press Association), "Cuba," in *Reports and Resolutions*.

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

62 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://bit.ly/2d4rMf5>.

63 "The Cuban Internet: Letter from Havana," *Foreign Affairs*, April 19, 2016, <http://fam.ag/2cV544o>; see also: Sayli Sosa, "IMO in Cuba: Shortening Distances Between Relatives," *Havana Times*, July 30, 2015, <http://bit.ly/2e7qeza>.

64 "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>.

65 Reflejos is a government-sponsored platform for blogs created and managed within Cuba. It belongs to the Youth Club of Computing and Electronics (JCCE), an institution of the national Ministry of Communications.

66 María Matienzo Puerto, "Guerra contra las subculturas en la plataforma 'Reflejos'" [War against the subcultures on the platform Reflejos], *Diario de Cuba*, June 20, 2016, <http://bit.ly/2d6Lfrh>; See also: "Censura en Cuba se cobra otra víctima en la plataforma bloguera," [Censorship in Cuba claims another victim on blogging platform], *Cibercuba*, May 3, 2016, <http://bit.ly/2cigd7V>.

67 "An LGBT Blog Is Suspended Over Mention of Cuba's 1960s-Era Labor Camps," *Global Voices*, February 11, 2016, <http://bit.ly/2d6KIG0>.

though 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>68</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 political information online and delivers harsh penalties to those it perceives as dissidents. Demand for access to content among the Cuban population, however, has led to elaborate underground networks of internet access.

The cost of access to technologies that facilitate information sharing continues to be high, and the Cuban government has pursued individuals who violate telecommunications access laws. 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. There is also a thriving improvisational system 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>69</sup> The "Paquete Semanal" ("Weekly Package") has become a popular offline alternative for accessing music, movies, TV series, mobile phone apps, magazines and classifieds.<sup>70</sup>

Despite 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 via USB flash drives.<sup>71</sup> While the government policy on political content is still very restrictive, this past year has seen a significant change in the number of sites and independent information produced by Cubans, although not necessarily linked to political themes or opposition groups. Sites such *Periodismo de Barrio* and *El Estornudo* have produced critical reports, while other media sites (*El Toque*, *Vistar Magazine*, *OnCuba*) have provided information on various topics, entertainment, and cultural programming, expressing a multitude of views on social issues in Cuba today.<sup>72</sup>

On the other hand, the government has tried to direct popular demand for videos, games, and on-

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68 14ymedio, "Web Platform Reflejos Closes the '14ymedio' Blog," *Translating Cuba*, March 27, 2015, <http://bit.ly/1QD7dhM>.

69 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/1TjpO8x>; Jack Karsten and Darrel M. West, "Cuba slowly expands Internet access," *Tech Tank* (blog), Brookings Institute, July 2, 2015, <http://brook.gs/1KDrxLF>.

70 "Cuban internet delivered weekly by hand," *BBC News*, August 10, 2015, <http://bbc.in/1TjpO8x>.

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

72 Daniel Wizenberg, "New Cuban journalism emerges on the internet, beyond the official and opposition media," *Journalism in the Americas* (blog), July 20, 2016, <http://bit.ly/29Zw3tO>; See also: "Millennials lead private media opening in Communist-run Cuba," *Reuters*, September 16, 2016, <http://reut.rs/2cvgQnk>.

line social networking to government-controlled platforms. Following in the footsteps of other repressive regimes contending with a highly literate and digitally interested audience, the government 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>73</sup> and in 2013 they launched the social networking site *La Tendedera*, which is accessible from youth centers.<sup>74</sup> In March 2015, the Cuban government launched the blogging platform Reflejos, where content can only be published from a Cuban IP.<sup>75</sup>

A report on digital journalism published by *Fundación Telefónica* also notes how Cuban authorities have activated “defense mechanisms” online, by accusing critical and independent sites of perpetrating a constant media campaign against the island. The authors explain how such a narrative “converts independent voices into ‘mercenaries’ or traitors, with the ultimate objective of criminalizing dissent.” A product of this “cyberwar” is the creation of networks of progovernment journalists nicknamed “El Enjambre” (“The Hive”) who disseminate content online to counter alternative discourses about the Cuban reality.<sup>76</sup>

## Digital Activism

Along with low internet penetration, social media access continues to be limited and Cubans have not been able to organize large-scale campaigns around political objectives. Available at Wi-Fi hotspots, Facebook has become a popular platform for social networking, while other platforms such as Twitter are less widely used.<sup>77</sup> 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 Kcho, with government permission, and the emergence of independent information sites—have tested the boundaries of the government’s restrictions on speech over the past year.

Political activists seeking to raise further awareness via social media, however, have encountered government clampdowns. Cuban activists inside and outside Cuba launched the campaign #TodosMarchamos (We All March) in mid-2015 to denounce human rights violations on the island and recurring repression against the “Ladies in White,” a dissident group that protests against the Cuban government every Sunday.<sup>78</sup> Members of #TodosMarchamos have been arrested during protests, including ahead of President Obama’s visit to Cuba in March 2016.<sup>79</sup>

In December 2014, in the aftermath of pronouncements by President Obama and President Raul Castro about a rapprochement between the United States and Cuba, performance artist Tania Bruquera published a public letter to the two presidents and the Pope in which she proposed relocating

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

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

75 Dirección de Comunicación Institucional Joven Club, “La plataforma de blog “Reflejos” tuvo hoy su lanzamiento oficial en el Palacio Central” [Reflejos blog platform officially launched today at the Central Palace], news release, Ministry of Communications, March 18, 2015, <http://bit.ly/1NRxREB>.

76 Ramón Salaverría ed., “Ciberperiodismo en Iberoamérica,” *Fundación Telefónica*, February 2016, <http://bit.ly/1ZZQE5i>.

77 A survey conducted by Ding found that 95 percent of users go on Facebook for social purposes at local Wi-Fi hotspots: “New survey finds 70% of Cuban internet users use local Wi-Fi hotspots every week,” *Ding*, June 7, 2016, <http://bit.ly/2cInNiz>.

78 “Activistas organizan un ‘tuitazo’ para denunciar la represión del régimen,” [Activists organize a Twitter campaign to denounce the regime’s repression], *Diario de Cuba*, May 30, 2015, <http://bit.ly/2d9o0zZ>.

79 “‘The oppression is high’: Cuban police break up protest ahead of Obama’s visit,” *The Guardian*, March 20, 2016, <http://bit.ly/2cG20d5>; See also: “Decenas de detenidos durante jornada de “Todos Marchamos”” [Dozens detains during Todos Marchamos day], *Cubanet*, February 14, 2016, <http://bit.ly/2cm10Mq>.

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>80</sup> Her project used the hashtag #YoTambienExijo (I Also Demand) on social media platforms to promote the performance from outside the island. 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 for Online Activities).

## Violations of User Rights

*Cuba outlaws a wide range of speech deemed to be counter-revolutionary or a threat to the public order. In recent years, the Cuban government has moved from issuing long, multi-year sentences to using short term detentions as a means of harassing independent journalists and bloggers. Several episodes of censorship and intimidation against bloggers and independent journalists were reported during this coverage period.*

### 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>81</sup> The penal code (Law 62, Fifth Section) 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>82</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. blockade. Anyone who passes information to the U.S. government that could bolster the blockade can face up to 15 years in prison. Spreading subversive materials can incur a penalty of three to eight years in prison, while collaborating with foreign media outlets is punishable by up to five years in prison.<sup>83</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>84</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,

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

81 Constitution of the Republic of Cuba, 1992, art. 53 and 39(d), accessed September 1, 2015, <http://bit.ly/2cIwwTN>.

82 Código Penal [Penal Code], art. 72 and 91, <http://bit.ly/2cIwwTN>.

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

84 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>.

and to report them to the relevant authorities.<sup>85</sup> Furthermore, access to the internet in Cuba generally requires complete identification, rendering anonymity nearly impossible.<sup>86</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 detentions, interrogations, and legal harassment.<sup>87</sup> Reporters associated with independent online newspapers or forums, including *Hablemos Press*, *Somos Mas*, *Foro por los Derechos y Libertades* or UNPACU have faced significant harassment.

On February 17, 2016, independent journalist Juan Carlos Fernández was arrested in Pinar del Río province. Four agents from the political police (Seguridad del Estado) threatened him with prosecution under Law 62 of the Criminal Code, for the offense of “professional intrusion.” The agents also said that the journalist’s computer would be confiscated “the next time we see you on the street reporting something,” and defined as illegal the two information projects Recio contributes to: independent newspaper *14ymedio* and magazine *Convivencia* (see also Intimidation and Violence).<sup>88</sup>

Short-term arrests and detentions of activists tend to increase surrounding key political and social events. Coinciding with Pope Francis’ visit to Cuba in the month of September 2015, the dissident group Cuban Commission for Human Rights and National Reconciliation (CCDHRN) registered 882 arbitrary arrests and detentions.<sup>89</sup> Continuing an upward trend in recent years, these numbers were again exceeded in November 2015 with 1,447 reported arrests, and in March 2016, CCDHRN recorded 1,416 cases, with 498 of these taking place during President Obama’s visit to the island.<sup>90</sup> In December 2015, UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein expressed concern with such high numbers of arbitrary arrests and short-term detentions.<sup>91</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 10 years in prison.<sup>92</sup> In May 2014, Cuban authorities raided and seized equipment from another underground Wi-Fi network with 120 members.<sup>93</sup>

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

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

87 Human Rights Watch, “Cuba,” in *World Report 2016*, accessed September 18, 2016, <http://bit.ly/1ZNmEc1>; See also: Committee to Protect Journalists (CPJ), *After the Black Spring, Cuba’s New Repression*, July 6, 2011, <https://cpj.org/x/4472>.

88 Juan Carlos Fernández, “Hora y media con el Gran Hermano” [An hour and a half with the Big Brother], *14ymedio*, February 18, 2016, <http://bit.ly/2cKdFWH>.

89 “Comisión opositora denuncia 882 detenciones políticas en Cuba en septiembre,” [Opposition Commission denounces 882 political detentions in Cuba in September], *El Nuevo Herald*, October 5, 2015, <http://hrl.us/2cHtK2O>.

90 “La CCDHRN denuncia 498 arrestos políticos en Cuba durante la visita de Obama” [CCHHRN denounces 498 political arrests in Cuba during Obama visit], *14ymedio*, April 4, 2016, <http://bit.ly/1XeGVWS>.

91 “UN Human Rights Chief urges Cuba to halt harassment of civil society activists,” OHCHR, December 15, 2015, <http://bit.ly/2dbmLQy>.

92 Sheyla Delgado Guerra, “The “messy” and costly result of illegality,” ed. Walter Lippmann, *WalterLippmann* (blog), December 7, 2012, <http://bit.ly/1VdF8V6>.

93 Juan O. Tamayo, “Top Dissidents Detained in Cuba,” *Miami Herald*, June 11, 2014, <http://hrl.us/2cRiQrM>.

Despite the continued policy of legal harassment and detentions of bloggers, the government recently released two prominent political prisoners. 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>94</sup> Santiesteban was arrested in connection with his political views several times prior to his December 2012 trial. Such harassment increased after Santiesteban's creation of the blog *The Children No One Wanted*, in which he criticized the government. Santiesteban reported mistreatment and torture during his imprisonment.<sup>95</sup> 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>96</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>97</sup> and web access points, such as Wi-Fi hotspots, cybercafes and access centers, are closely monitored and users are required to register with their identification information.<sup>98</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>99</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>100</sup> In addition, delivery of email messages is consistently delayed, and it is not unusual for a message to arrive censored or without its attachments.

Web use at Wi-Fi hotspots 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

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94 Ángel 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/1iQgV6c>; See also: Ángel Santiesteban, "Prison Diary VI: Inside View of the Trial," *Translating Cuba* (blog), March 28, 2013, <http://bit.ly/1KHj6Q9>.

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

96 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>.

97 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/1R5ZzqY>.

98 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 Díaz 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>.

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

100 Lorenzo Franeschi-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>.

the norms of ethical behavior promoted by the Cuban state.<sup>101</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>102</sup> Wi-Fi hotspots similarly prompt users to enter their national ID numbers.

If users attempt to send an 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, 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 March 2016, the Cuban blogger and activist Valle Roca, who runs the blog *Yurielconteston* and a YouTube channel, was beaten while covering a protest by the Ladies in White group and detained for five days. This was not the first time he had been targeted while covering protests.<sup>103</sup>

Those jailed for their online activities have also denounced abuse and harsh prison conditions. Released in July 2015, the prominent blogger Ángel Santiesteban Prats, who was jailed on trumped up charges, reported severe mistreatment and torture during his detention.<sup>104</sup>

## Technical Attacks

Technical attacks do not appear to be a primary method of censorship in the country, but have targeted some online outlets. In May 2014, *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>105</sup> The site was restored shortly after the hack.

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101 Gaceta Oficial de la República de Cuba Ministerio de Justicia, Resolución No. 197/2013, <http://bit.ly/2cAsf92>.

102 Ibid.

103 Committee to Protect Journalists, “Cuban blogger jailed for five days after trying to cover protest,” March 26, 2016, <http://bit.ly/2cwBr8M>.

104 Reporters Without Borders, “Ángel Santiesteban-Prats (Cuba) en libertad condicional desde julio de 2015” [Ángel Santiesteban-Prats (Cuba), conditionally released since July 2015], <http://bit.ly/2cwD8Di>.

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