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## FREEDOM OF THE PRESS

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# Cuba

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

the enemy's media," is aimed at independent news agencies that send their material abroad.

State measures to control the press were especially harsh during the March 2012 visit of Pope Benedict XVI to Cuba. A number of independent journalists and bloggers were temporarily detained and prevented from attending the pope's open masses in the cities of Santiago de Cuba and Havana. Such tactics were also used during the October trial of Ángel Carromero, a Spanish political activist charged with manslaughter after a car he was driving crashed in July, causing the death of prominent Cuban dissident Oswaldo Payá. Well-known dissident blogger Yoani Sánchez was temporarily detained along with her husband, also a blogger, en route to cover the Carromero trial in the city of Bayamo. In February, the Cuban government had denied Sánchez permission to travel to Brazil—the 19th time the government had rejected her efforts to obtain an exit visa.

The government controls coverage by foreign media through the selective granting of visas to correspondents. Foreign journalists or news outlets that present a consistently negative view of Cuba to the outside world have been denied visas. In 2012, Spanish-language media outlets from the U.S. state of Florida, which cater to the largely anti-Castro Cuban American community there, were universally denied visas to cover the pope's visit even as journalists from over 300 other print and broadcast organizations were granted entry.

In 2012, independent or critical Cuban journalists continued to be subject to harassment for their reporting on topics deemed sensitive by the government. Such harassment took the form of arbitrary short-term detentions, internal deportations, house arrest, and the blocking of individuals' mobile-telephone service by the state telecommunications company, ETECSA. In July, José Antonio Torres, a former journalist with the Communist Party newspaper *Granma*, was sentenced to 14 years in prison for spying after he published articles about the mismanagement of a construction project in Santiago and a fiber-optic cable laid between Cuba and Venezuela in 2011. In September, Calixto Martínez Arias, a journalist for the independent news agency Hablemos Press, was arrested for reporting on cholera and dengue fever outbreaks that plagued the island during the summer and went largely unreported by state media. Martínez, who had frequently been harassed by state authorities over the years, was charged with insulting the president and faced a possible prison sentence of up to three years. Also that month, Roberto de Jesús Guerra, editor of Hablemos Press, was

detained and beaten by state security forces. In November, the government charged journalist Yaremis Flores with “disseminating false information against international peace” after she published articles that criticized the government for its harassment of journalists and its response to Hurricane Sandy. When a number of journalists and activists, including Yoani Sánchez, went to a police station in Havana to obtain information about Flores’s status, they too were arrested and temporarily detained.

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

Approximately 26 percent of Cubans had access to the internet in 2012. However, the majority of users can reach only a closely monitored Cuban intranet, consisting of an encyclopedia, e-mail addresses ending in “.cu” that are used by universities and government officials, and a few government news websites. For the average Cuban, access to the global internet comes through outdated dial-up technology and is often limited to international e-mail. In 2012, the Cuban government set rates for access to the World Wide Web at \$6.50 an hour, and \$1.65 an hour for international e-mail, in a country where the average monthly salary is \$20. Faster connections are available at tourist hotels and foreign embassies, which many independent journalists take advantage of, though this is technically illegal. The regime threatens anyone connecting to the internet illegally with five years in prison, while the sentence for writing “counterrevolutionary” articles for foreign websites is 20 years. However, the authorities do not have the means to engage in systematic filtering.

It had been hoped that a \$70 million fiber-optic cable project between Cuba and Venezuela would improve internet access, particularly by increasing connection speeds. However, the fate of the cable remains unknown, with no increased internet speed noted within Cuba by year’s end. Despite the difficulties in gaining unfettered internet access, there is a small but vibrant blogging community, with

more than 70 independent bloggers working in the country. Bloggers in Cuba have yet to be sentenced to prison for their work, but they often face harassment and intimidation.

## 2013 SCORES

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