

NOW LIVE: Freedom on the Net 2024



FREEDOM ON THE NET 2024

Italy

FREE

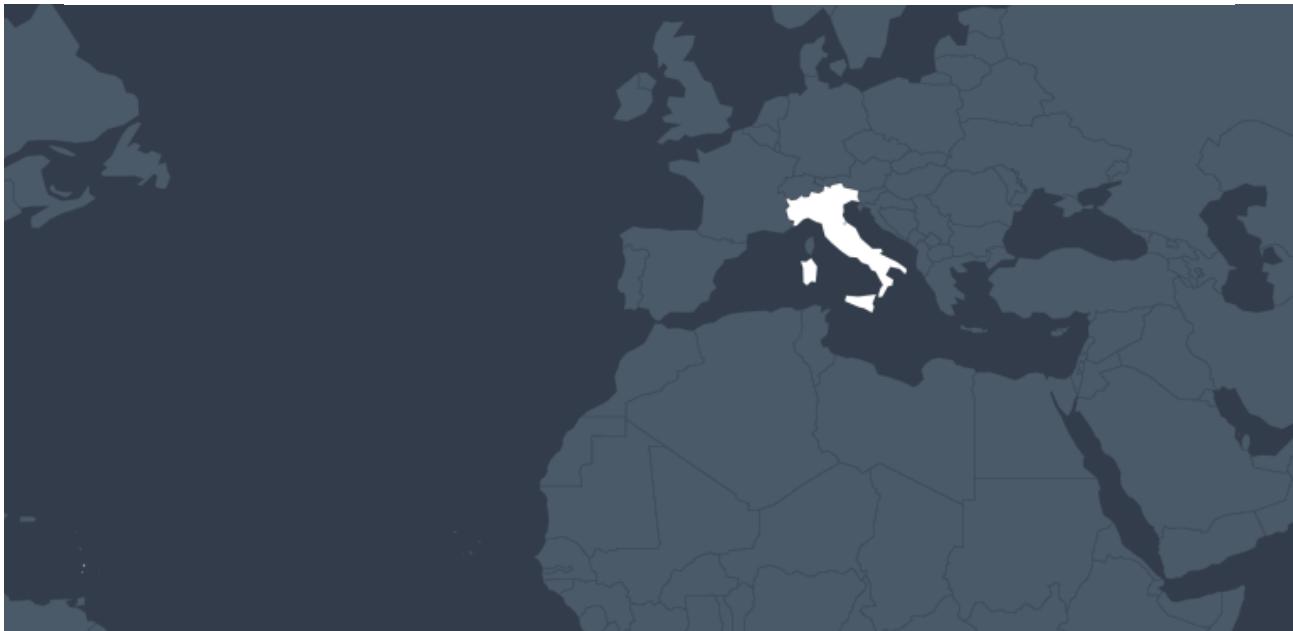
75
/100

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LAST YEAR'S SCORE & STATUS

75 / 100 Free

Scores are based on a scale of 0 (least free) to 100 (most free). See the research methodology and report acknowledgements.



Key Developments, June 1, 2023

– May 31, 2024

Internet freedom in Italy remained steady during the coverage period, bolstered by a relatively open online information space. However, the use of retaliatory legal actions against journalists, potential violations of individuals' online privacy, and online disinformation—especially linked with pro-Kremlin narratives—remain ongoing concerns.

- Efforts to improve the country's information and communication technology (ICT) infrastructure and reduce the digital divide continued under the National Recovery and Resilience Plan (PNRR), though delays in PNRR-related projects sparked concerns (see A1 and A2).
- A September 2023 decree designated the Communications Regulatory Authority (AGCOM) as Italy's digital services coordinator for the Digital Services Act (DSA), a European Union (EU) regulation that came into full effect in February 2024 (see A5 and B3).
- In February 2024, AGCOM activated Piracy Shield, a system meant to expedite the blocking of websites that illegally stream sporting events. Reports indicated that legal sites were inadvertently blocked by the system—an issue that AGCOM did not appear to adequately address during the coverage period—raising questions about the proportionality and transparency of these restrictions (see B1 and B3).
- Investigative reporting from March 2024 examined the operations of the Research Center for the Analysis of Multimedia Information (CRAIM), a secretive entity that has conducted social media monitoring since 2015. The center's monitoring practices, which are not fully known, have raised questions about potential violations of social media users' privacy (see C5).

Political Overview

Italy's parliamentary system features competitive multiparty elections. Civil liberties are generally respected, but concerns about the rights of migrants and LGBT+ people persist. Regional inequalities are persistent and substantial.

Endemic problems with corruption and organized crime pose an enduring challenge to the rule of law and economic growth.

A. Obstacles to Access

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections?

5/6

While internet penetration in Italy has typically lagged behind much of the EU, access to the internet and the quality of connections have improved in recent years. According to the EU's Digital Economy and Society Index (DESI) Dashboard for the Digital Decade, 92 percent of households had access to the internet in 2023. ¹ That year, 69 percent of fixed-line broadband subscriptions were for speeds of at least 100 megabits per second (Mbps), ² compared to 57 percent in 2021. ³ However, in 2023, Italy's mobile broadband penetration rate of 86 percent remained below the EU average of 90 percent, also per the DESI dashboard. ⁴

According to Ookla's Speedtest Global Index, the median fixed-line broadband download speed in May 2024 was 82.5 Mbps, while the median mobile download speed was 53.43 Mbps. ⁵

Some factors continue to hamper Italy's internet penetration rates, including infrastructural limitations. According to DESI statistics, Italy continues to lag significantly behind in fixed-line Very High Capacity Network (VHCN) coverage; these connections were available to only 59 percent of the country's households in 2023, compared to an EU average of 79 percent. ⁶

The government continues to invest in efforts to improve the country's telecommunications infrastructure, particularly VHCN infrastructure. In June 2022, the government awarded internet service provider (ISP) Telecom Italia (TIM) a €725 million (\$792 million) tender to develop 5G network infrastructure in Italy, as part of broader connectivity initiatives funded by the PNRR (see A2). ⁷

5G mobile networks were available to 99.5 percent of Italian households in 2023, ⁸ up from just 8.1 percent in 2020. ⁹ The country ranks above the EU average

on 5G readiness, with 93 percent of the total harmonized 5G spectrum assigned for deployment as of 2023, according to DESI data. ¹⁰

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons?

2 / 3

Internet connections are relatively affordable. According to the International Telecommunication Union (ITU), the cheapest fixed-line broadband plan that provides at least 5 gigabytes (GB) of monthly high-speed data costs 0.95 percent of gross national income (GNI) per capita, ¹¹ while the cheapest plan providing at least 2 GB of high-speed mobile data cost 0.37 percent of GNI per capita. ¹² Italy's GNI per capita was \$38,200 in 2023, according to the World Bank. ¹³

Significant geographical differences in internet penetration persist across the country. According to a report published by the UN Economic Commission for Europe (UNECE) in April 2023, 79 percent of residents in northern Italy are regular internet users—defined as those who used the internet at least once per week in the three months before the study—compared to 71 percent in southern Italy. The report also noted that a gender-based digital divide persists in Italy; in 2022, 79 percent of men used the internet regularly compared to 73 percent of women.

¹⁴ The government's Repubblica Digitale (Digital Republic) initiative, launched in 2019 and coordinated by the Department for Digital Transformation, aims to raise digital literacy and increase skills in emerging technologies, while reducing various aspects of the digital divide. ¹⁵

As part of the PNRR, the largest recovery-and-resilience plan in the EU, also referred to as Italia Domani (Italy Tomorrow), the government will further invest in connectivity and digitization, with completion expected by August 2026. Overall, 25.6 percent of the total €194.4 billion (\$212.5 billion) allocated under the PNRR is dedicated to the digital transition. ¹⁶ The Italia a 1 Giga (1 Giga Italy) program, which is a component of the broader plan, aims to provide connections of 1 gigabit per second (Gbps) download speeds and 200 Mbps upload speeds to approximately seven million street addresses where fast broadband coverage is currently unavailable. ¹⁷ However, Italy's use of PNRR funds has encountered significant delays. According to an Openpolis analysis of official statistics, only 7.4

percent of the funds allocated for 2023 had been spent by that November. At that time, 75 percent of projects that had reached at least the executive design stage were delayed. ¹⁸

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?

6/6

The government does not impose restrictions on connectivity, nor does it centralize control over ICT infrastructure. In recent years, however, the government has undertaken efforts to create a “single network” (*rete unica*), a plan that would unite Italy’s entire fixed-line fiber-optic infrastructure under one publicly backed entity.

Efforts to create the *rete unica* have typically centered on plans to merge the fiber-optic infrastructure belonging to TIM with that of wholesale telecommunications provider Open Fiber. Supporters of the *rete unica* have claimed that the merger of these two networks would streamline ongoing efforts to improve Italy’s VHCN infrastructure (see A1). ¹⁹

In November 2022, a landmark deal under which Cassa Depositi e Prestiti (CDP)—an investment firm controlled by the Ministry of Economy and Finance (MEF)—would have assumed control of both TIM and Open Fiber’s networks collapsed.

²⁰ In June 2023, TIM announced that it would begin exclusive negotiations with US private equity firm KKR for the sale of its fixed-line network. ²¹ The Italian government approved a €22 billion (\$24 billion) sale of TIM’s fixed-line network in January 2024, ²² and the deal closed on July 1, ²³ after the coverage period. Under the deal, TIM’s network was transferred to FiberCop, ²⁴ an entity where the MEF has a 16 percent stake. ²⁵ In October 2024, the Italian government reiterated its intention to form the *rete unica* between Open Fiber and FiberCop. ²⁶

Under a 2012 decree-law, the state enjoys special supervisory authority, or “golden power,” over TIM and other companies in strategic sectors of the economy. ²⁷ In 2019, the government approved a decree-law allowing the state to use its “golden power” to veto the purchase and deployment of 5G technology provided by Chinese companies. ²⁸

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

5/6

Access to the internet for private users is offered by a range of ISPs, all of which must be authorized by the Ministry of Enterprises and Made in Italy (MIMIT). ²⁹ As of September 2023, TIM had the largest share (40.2 percent) of the fixed-line market, followed by Vodafone (15.9 percent), Wind Tre (14 percent), and Fastweb (13.8 percent), with smaller providers capturing the remaining share. ³⁰

Iliad, TIM, Vodafone, and Wind Tre are the major mobile service providers. In the residential mobile market, as of September 2023, Wind Tre had 25 percent, TIM had 22.1 percent, Vodafone had 20.1 percent, and Iliad held 15.3 percent; other operators held the remainder. ³¹

In January 2020, Fastweb, TIM, Vodafone, and Wind Tre were fined a total of €228 million (\$249 million) ³² by the Italian Competition Authority (AGCM). ³³

Regulators suspected that the companies had colluded to raise prices after a 2017 law mandated that mobile operators must bill customers once per month, instead of once every 28 days—an apparent effort by the providers to effectively maintain the 28-day billing cycle. ³⁴ In July 2021, the fines against the companies were annulled by the Regional Administrative Court of Lazio because AGCM allegedly failed to provide sufficient evidence to justify its claim that operators acted in coordination. ³⁵ However, in July 2023, the Council of State accepted an appeal by AGCM, allowing the authority to proceed with a modified €202 million (\$221 million) fine against the companies. ³⁶

In March 2020, AGCM fined TIM €116 million (\$127 million) for abusing its dominant market position by “obstructing the entrance of rivals” into the ultrafast broadband market. The fine concerned TIM’s 2018 claim that it would not provide broadband to cities and towns where it could not ensure a return on the investment, which led the government to provide state-subsidized tenders. Then, after losing out in a bid to Open Fiber, TIM reneged on its earlier claim and agreed to provide broadband to rural areas without a state subsidy. ³⁷

A5 0-4 pts

The main regulatory body for telecommunications is AGCOM, an independent agency that is accountable to Parliament. Its responsibilities also include protecting intellectual property rights, regulating advertisements, and overseeing public broadcasting. AGCOM was appointed to be Italy's digital services coordinator for the EU's DSA in September 2023 (see B3). ³⁸ The parliamentary majority appoints AGCOM's president.

Another important player governing the ICT sector is the Italian Data Protection Authority (GPDP), informally known as the “Garante Privacy.” Established in 1997, it is tasked with supervising compliance with data protection laws by both governmental and nongovernmental entities. It also has the authority to ban or block “processing operations that are liable to cause serious harm to individuals.”

³⁹ The GPDP is the supervisory authority responsible for monitoring application of the EU's General Data Protection Regulation (GDPR) in Italy, and in 2022, the GPDP reported providing 9,281 responses to complaints and reports. ⁴⁰ Between May 2018 and January 2024, the GPDP issued €145 million (\$158.5 million) in fines for GDPR violations, the fourth-highest total in the EU in terms of these interventions. ⁴¹

In March 2023, the GPDP opened an investigation into US company OpenAI and its use of personal data to train the large-language models (LLMs) that power ChatGPT, a popular chatbot. The GPDP temporarily banned the company from processing the personal data of users in Italy, pending an investigation into whether personal data had been scraped lawfully and in line with the GDPR. ⁴² In response, OpenAI blocked access to ChatGPT in Italy for approximately one month (see C6). ⁴³

B. Limits on Content

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content, particularly material that is protected by international human rights standards?

4/6

The government does not typically block or filter content of a political, social, or religious nature; however, during the coverage period, it continued to limit access to Russian state-owned websites in response to an EU regulation and implemented a system to block websites used to illegally stream sporting events. Otherwise, all major websites and communication platforms were widely available.

In early March 2022, following the Russian government's full-scale invasion of Ukraine, the Council of the EU issued Regulation 2022/350, ordering member states to "urgently suspend the broadcasting activities" of RT, Sputnik, RT France, RT Spanish, RT Germany, and RT UK within the EU and to block their websites because they "engaged in continuous and concerted propaganda actions targeted at civil society." ⁴⁴ Asstel, the organization representing Italian telecommunications operators, confirmed that its members had promptly blocked these websites. ⁴⁵ In June 2022, the EU adopted a new package of sanctions, which also included directives for member states to block additional media websites: Rossiya RTR/RTR Planeta, Rossiya 24/Russia 24, and TV Centre International. ⁴⁶ In July 2022, the EU's General Court upheld the Council of the EU's broadcasting ban on RT, denying an appeal by RT France. ⁴⁷

Websites and other popular digital services are also blocked for hosting copyright-violating content. A law passed by the Chamber of Deputies in March 2023 expanded the powers of AGCOM to block online content that violates copyright (see B3), and these blocks took effect during the coverage period.

In February 2024, AGCOM activated Piracy Shield, which aims to speed up the blocking of sites that illegally livestream sporting events in violation of copyright. Under the system, ISPs must block illegal websites within 30 minutes after copyright holders upload an offending internet protocol (IP) address or fully qualified domain name (FQDN) to an AGCOM portal. ⁴⁸ Thousands of websites were blocked through Piracy Shield during the coverage period, sometimes by mistake, raising significant concerns about the system's restrictions on legal content (see B3). According to an investigation by *Wired Italia* published in late

March 2024, the platform had already blocked 3,212 IP addresses up to that point, inadvertently blocking several websites unrelated to illegal livestreaming because they shared IP addresses with copyright-violating sites. ⁴⁹ In February 2024, the DDay.it outlet reported that 12 IPs belonging to the Los Angeles-based Zenlayer content delivery network were blocked, causing legal sites distributed by Zenlayer to be blocked in Italy. ⁵⁰ Later that month, the blocking of a Cloudflare IP address led to “tens of thousands” of websites being made inaccessible in Italy. ⁵¹ Though the block was reversed “within hours,” Cloudflare encouraged its clients to file complaints with AGCOM. ⁵²

In April 2020, the Italian Federation of Newspaper and Periodical Publishers (FIEG) urged AGCOM to restrict access to the Telegram messaging application, citing the existence of some Telegram channels that violated copyright by distributing digital copies of Italian newspapers. ⁵³ One of the sites that was targeted for blocking as part of the Telegram investigation in May 2020 was that of Project Gutenberg, a prominent online distributor of public-domain e-books. ⁵⁴ The site continued to present signs of blocking by some Italian ISPs during the current coverage period.

⁵⁵

Illegal gambling sites are frequently blocked by the Customs and Monopolies Agency (ADM), an administrative body under the MEF. ADM’s public denylist contained over 10,400 illegal gambling websites as of September 2024, capturing actions taken after the end of the coverage period. ⁵⁶

Websites hosting content related to terrorism or child sexual abuse images, which is not protected under international human rights standards, may also be subject to blocking. Through a June 2019 decree, the government gave the National Companies and Exchange Commission (CONSOB), the public authority responsible for regulating the Italian securities market, the mandate to order service providers to block websites offering unauthorized financial services. In March 2024, the overall number of websites blocked by the CONSOB rose to 1,047, the majority of which were fraudulent online financial and trading services.

⁵⁷

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content,

3/4

particularly material that is protected by international human rights standards?

Authorities and courts sometimes request the removal of specific content.

From July to December 2023, Meta removed 592 comments, 85 pages and groups, and 210 posts from Facebook, while 42 accounts and 7 media items were removed from Instagram. According to Meta, more than 800 items were removed during that period for alleged violations of local law, while 100 items violated EU sanctions on Russian state-controlled media. ⁵⁸ According to Google's transparency report, the company received 154 government requests to remove content between July and December 2023, including 31 for defamatory content and 23 for privacy and security reasons. Google removed almost 70 percent of all requested items. ⁵⁹

Italian courts have ruled in favor of the right to be forgotten (RTBF) established by the Court of Justice of the European Union (CJEU) in 2014. In December 2015, a civil court in Rome upheld the CJEU's reasoning on the RTBF but rejected the plaintiff's request, seeking to balance such a right with the right to information in the public interest. ⁶⁰ In a problematic move in 2016, the Supreme Court upheld a 2013 court decision ordering the removal of an article that damaged a restaurant's reputation from a website's archives after two years, finding that the time elapsed between the publication date and the request for removal did not satisfy the public interest. ⁶¹ Google reported that, between May 2014 and the end of May 2024, the company removed some 207,722 URLs in Italy (42.9 percent of the total requested) following RTBF complaints from users. ⁶²

Reporters around the world, including in Italy, have faced bogus accusations of copyright infringement aimed at getting stories taken down or deindexed by search engines like Google. ⁶³ According to a February 2022 report from IRPI Media, the newsroom of the nongovernmental organization (NGO) Investigative Reporting Project Italy, dozens of Italians have hired the services of Eliminalia, a Spain-based reputation-management agency. ⁶⁴ A February 2023 report from Forbidden Stories noted that the company uses several deceptive tactics to help well-connected clients remove negative articles from search results and news sites, including bogus legal actions meant to intimidate journalists to remove articles, or requests, often under the US Digital Millennium Copyright Act (DMCA)

or the GDPR, to deindex search results. **65** Interviews conducted with reporters in early 2024 confirmed that this is a growing trend in Italy, with Google only providing notification of the event, without indicating the link of the deindexed content nor the related queries. **66**

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

3/4

Websites related to copyright infringement, illegal gambling, child sexual abuse imagery, and terrorism may be subject to blocking or targeted with content removal orders generally issued by the courts. A July 2023 legislative decree allows public prosecutor's offices to order the blocking or removal of online terrorist content. **67** During the coverage period, analysts raised concerns regarding the transparency and proportionality surrounding Piracy Shield, a system activated during the coverage period to block websites that illegally stream copyright-protected content (see B1).

In March 2023, the Chamber of Deputies passed a bill that expands the powers of AGCOM to block sites hosting copyright-protected content. The bill became law in July 2023, during the coverage period, following passage in the Senate. **68** Under the law, AGCOM can order ISPs to restrict access to illegally disseminated content, including live broadcasts, through domain name system (DNS) blocking and IP address blocking, and can also block other domains that facilitate access to the same illegal content. **69** ISPs must comply within 30 minutes of notification, under the threat of administrative penalties for failure to do so. **70** AGCOM activated Piracy Shield, a system to implement these blocking provisions, in February 2024. **71**

Piracy Shield has generated significant concerns about the potential for disproportionate restrictions on content—including cases where legal websites were inadvertently blocked (see B1). The system allows for “interested parties” to file a complaint within five days after a blocking order is published. **72** However, because information about the restrictions (such as the IP addresses that have been blocked) can be difficult to obtain, individuals whose sites are wrongly blocked may not be aware of such orders or how to appeal them in time. **73** By

May 2024, the lack of a clear mechanism to unblock domains once they are restricted led to concerns that Piracy Shield would soon reach the maximum capacity of FQDNs and IP addresses that it was capable of blocking. ⁷⁴ In June 2024, after the coverage period, TorrentFreak reported that AGCOM intended to expand the system's technical capacity by the end of the year. ⁷⁵

Debate about the 2019 EU Copyright Directive, which holds “online content sharing service providers” liable for copyright violations that take place on their platforms, was lively in Italy, where political parties expressed strong and diverging opinions. ⁷⁶ The 2019 directive was officially adopted by Italy in December 2021, under the Mario Draghi government. ⁷⁷

The DSA, ⁷⁸ which seeks to harmonize EU member states’ legislation regarding illegal content and introduce transparency measures for large platforms, entered into force in November 2022. Full implementation of the DSA began in February 2024. ⁷⁹ Data released under the DSA’s transparency requirements shed light on the limited resources social media platforms have in terms of human moderation of online content in Italy. Analysis published by *Wired Italia* in November 2023 indicated that X, a platform with 9.1 million users in Italy, had only two content moderators who speak Italian. Meanwhile, Meta relied on 179 Italian speakers for both Facebook and Instagram, while TikTok had 439 individuals. ⁸⁰

ISPs are not generally liable for illegal third-party content. ⁸¹ Pursuant to the DSA, online platforms are liable for illegal content if they fail to remove or restrict access to such content once they become aware of it. ⁸²

In December 2023, AGCOM published a resolution meant to address harmful content on “video sharing platforms.” The regulations, which implement a 2021 law, ⁸³ empower AGCOM to order the removal of certain content that is “capable of harming the physical, mental or moral development of minors;” incites hatred based on race, sex, religion, or ethnicity; offends human dignity; or fails to protect consumers. ⁸⁴

Under a 2017 cyberbullying law, minors over the age of 14 or their parents can demand that content-hosting sites remove damaging material within 48 hours. ⁸⁵ If no action is taken, the victims can refer their case to the GPDP, which can order the damaging content to be blocked or taken down. ⁸⁶ Critics of the law said it

gave users too much latitude to force the removal of content from social media sites. ⁸⁷

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

3/4

A trend of strategic lawsuits against public participation (SLAPPs) and deindexing articles and other forms of limitation of content circulation, especially targeted at journalists, has created ongoing concerns for self-censorship in Italy.

The website canzel.club (created by developer Sowdust in 2021) is an initiative that “monitors the pages omitted from some Italian and foreign newspapers in order to measure the degree of self-censorship of the press.” ⁸⁸ The site has tracked the deindexing of Italian outlets like *La Stampa*, *La Repubblica*, *Corriere della Sera*, and Italian Radio and Television (RAI), and of international newspapers including *El País* and the *Washington Post*. ⁸⁹

Content creators and hosts may exercise some self-censorship regarding content that could prove controversial or create friction with powerful entities or individuals. Online writers also exercise caution to avoid libel suits by public officials (see C3), whose litigation—even when unsuccessful—can take a significant financial toll. Individuals writing about the activities of organized crime in some parts of the country may be especially at risk of extralegal reprisals.

The 2024 Reporters Without Borders (RSF) World Press Freedom Index ranked Italy at 46th of 180 countries measured, a decrease from 41st in 2023. The report noted that Italy’s journalists “sometimes give in to self-censorship” due to editorial pressures or the potential for legal retaliation. ⁹⁰

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest?

3/4

Manipulated online content has become more prevalent in Italy since the COVID-19 pandemic and following the Russian invasion of Ukraine. In recent years, political parties have also engaged in online manipulation surrounding elections.

The February 2022 Russian military invasion of Ukraine led to a wave of foreign disinformation campaigns targeting the Italian public. In April 2022, Italian fact-checking organization Facta reported on a network of at least five Italian-language Facebook pages with 40,000 followers supporting Russian president Vladimir Putin and echoing Russian disinformation. ⁹¹ According to figures published by *La Repubblica* in March 2022, around 50 Facebook profiles were removed in Italy for spreading Russian disinformation. ⁹²

A September 2022 Meta report noted that a Russian influence operation created more than 60 websites impersonating prominent publications in the EU, including Italy's National Associated Press Agency (ANSA), to disseminate Russian disinformation to Facebook and Twitter (now X) users in Italy and throughout the EU. The campaign spent around \$100,000 on Facebook advertisements and sponsored pages to spread narratives about the potential energy crisis in Europe and false claims about the war crimes committed by the Russian military in Ukraine, which have been widely documented by journalists and human rights groups. Falsified ANSA articles were also used to denounce Ukraine's storage of grain. Meta determined that the network had little influence on people on its platforms. ⁹³

More recently, a May 2024 investigation by the nonprofit organization AI Forensics documented a pro-Kremlin disinformation network targeting French, German, Italian, and Polish social media users on Meta's platforms ahead of the June 2024 EU parliamentary elections. Researchers identified at least 61 "propaganda ads" in Italy—all of which violated Meta's political advertising policies—that reached more than 1.4 million Italian accounts between May 1 and May 27. ⁹⁴ In Italy, these ads attempted to discredit the political parties that tend to more strongly support Ukraine, an effort to weaken their support ahead of the elections. ⁹⁵ Separately, the Italian Digital Media Observatory, which analyzes fact-checking articles published by five Italian organizations, identified an escalation in EU-related disinformation in May 2024—including narratives that portrayed EU institutions as "authoritarian," "harmful," or engaging in "blackmailing." ⁹⁶

Previously, reporting ahead of Italy's September 2022 general election identified some efforts to manipulate the online environment, including with Russian disinformation. One pro-Kremlin manipulation campaign, for example, encouraged abstentionism in the election through the hashtag #IoNonVoto (I Don't Vote). ⁹⁷ Other online content about the election was intentionally altered to weaken political opponents. One September 2022 Facebook post, for example, contained an image of polling data from an ostensibly credible source manipulated to represent the Five Star Movement as closely trailing the far-right Brothers of Italy, the election's frontrunner and eventual winner. ⁹⁸ These efforts were part of a wave of false information that muddied the online information landscape in Italy in the final weeks before the election (see B7).

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users' ability to publish content online?

3/3

In practice, Italians do not face special economic or regulatory obstacles to publishing content online.

Italy's Declaration of Internet Rights (see C1) expresses the country's commitment to the net neutrality principle. However, the declaration is nonbinding and net neutrality is not enshrined in national law, though a 2015 EU-level regulation empowers AGCOM to supervise and enforce the principle. ⁹⁹

B7 0-4 pts

Does the online information landscape lack diversity and reliability?

4/4

The online information landscape in Italy is relatively representative and unrestricted, though misinformation sometimes undermines the reliability of available information. In recent years, social media platforms have become a more popular forum for online expression, and digital platforms remain an important source of news.

According to the 2024 edition of the Reuters Institute for the Study of Journalism's *Digital News Report*, 69 percent of Italians access news online,

including on social media, outpacing both television and print media as sources of news. The report noted that independent digital outlets have increasingly challenged traditional media brands for online readership.¹⁰⁰ However, some concerns remain about the overall reliability of the information space. A study published by Ital Communications and the Social Investment Study Center (CENSIS), a research firm, in July 2023 found that 76.5 percent of Italians agree that “fake news” is “increasingly sophisticated” and “difficult to detect,” while more than 20 percent of Italians do not feel equipped at all to distinguish such false information.¹⁰¹

NewsGuard’s Italian National Elections Misinformation Tracking Center documented several false claims that circulated online in the weeks before the September 2022 general election, including many that were intentionally manipulated (see B5). According to NewsGuard, the false information circulating online included inaccurate claims about Italy’s voting processes and the security of elections, as well as false statements about particular candidates.¹⁰²

Observers have frequently raised the problem of inadequate or flawed representation of immigrants, migrants, and refugees in media coverage as well as in newsrooms, and have noted that efforts to address such concerns are often under discussed in Italy.¹⁰³ A January 2020 report by Voci Globali,¹⁰⁴ the Italian chapter of Global Voices, noted that despite the central place that migration has in the public and social debate in the country, foreign-born journalists are still very rare in Italian newsrooms.¹⁰⁵ Other communities, such as LGBT+ individuals and people living with disabilities, are also underrepresented in the news media—with news coverage on diversity often focusing on “emergency, criminal and problematic situations.”¹⁰⁶ However, digital platforms have provided more opportunities to produce LGBT+ content, relative to traditional media.¹⁰⁷

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on political and social issues?

6 / 6

In Italy, social media platforms, especially Facebook, have emerged as crucial tools for organizing protests and other mass gatherings such as parties or political rallies. There are no restrictions on their use.

In October 2022, the outgoing government of then prime minister Draghi authorized a national platform for citizen initiatives, enabling the collection of digital signatures, as announced by the Ministry of Technological Innovation.¹⁰⁸ However, activation of the platform was significantly delayed under the incumbent Giorgia Meloni government, despite indications that it was ready for public use.¹⁰⁹ The platform was finally activated in July 2024, after the coverage period, under the purview of the Ministry of Justice.¹¹⁰

Previously, in 2021, a social media campaign emerged around a bill to establish penalties for discrimination on the basis of sexual orientation and gender identity, commonly referred to as “DDL Zan” (the Zan bill) in reference to Alessandro Zan, the parliamentarian and LGBT+ activist who introduced the bill. As activists denounced the bill’s slow progress in Parliament, the magazine *Vanity Fair Italy* asked people to share photos on social media of the slogan “DDL ZAN” written on a hand, along with the hashtag #DiamociUnaMano (Let’s Give Each Other a Hand).

¹¹¹ Many celebrities joined the campaign, which became widely popular on social media.

In November 2020, civil society, activists, and media organizations joined forces for the #DatiBeneComune (Data for the Common Good) campaign, pressuring Italian institutions to release all pandemic-related data in open and machine-readable formats and advocating for greater transparency. The campaign was launched by the open data group OnData and the corresponding Change.org petition gathered over 50,000 signatures. Over 200 organizations joined the campaign, including ActionAid, Transparency International, and Wikimedia.¹¹² The campaign remained active during the current coverage period, shifting its focus to promote government transparency surrounding the PNRR.¹¹³

C. Violations of User Rights

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?

4/6

Italy is a signatory to the European Convention on Human Rights and other relevant international treaties, and its constitutional guarantees regarding freedoms of speech and the press, as well as the confidentiality of correspondence,¹¹⁴ are supported by an independent judiciary. Italy became the first European country to adopt a crowdsourced Declaration of Internet Rights in July 2015.¹¹⁵ The nonbinding document includes provisions that promote net neutrality and establish internet access as a fundamental right. While generally seen as a positive development, the text has also raised some criticism for failing to outline adequate protections for anonymity, encryption, and data retention.¹¹⁶

Some restrictions on journalism, including online journalism, that are uncommon in other EU member states remain in place in Italy. Professional journalists are obliged, after meeting several requirements, to be listed in a registry overseen by regional branches of the Order of Journalists.¹¹⁷ Registration rules have typically not been applied to bloggers, and in practice thousands of blogs are published in Italy without repercussions.

Italy approved a Freedom of Information Act (FOIA) only in 2016, recognizing the right to access data and documents from public administrations.¹¹⁸ Journalists in the country increasingly use the law to conduct investigations. According to Transparency International Italia, which assists Italian journalists in submitting FOIA requests, 75 percent of the requests submitted through their service in 2019 facilitated the release of relevant information and documents.¹¹⁹

In March 2024, the National Federation of the Italian Press (FNSI) condemned the government's intention to proceed with what it characterized as a "gag law."¹²⁰ The proposal would prevent individuals from publishing the text of pretrial detention orders, either in full or in part, before a trial begins.¹²¹ While proponents have said that the measure would protect the presumption of innocence, journalists have warned that it would limit the public's access to critical information about criminal proceedings.¹²² In September 2024, after the coverage period, the Council of Ministers approved a legislative decree implementing the restrictions, moving it toward enactment.¹²³

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities, particularly those that are protected under international human rights standards?

2 / 4

Several laws present a threat to internet freedom in the country. A 2015 antiterrorism law expanded language in the criminal code on terrorist recruitment, as well as the endorsement or incitement of terrorism, to include online activities.¹²⁴ Critics argued that the law could be applied broadly and would sanction legitimate instances of free expression that fall within international norms on protected speech.¹²⁵

Defamation is a criminal offense in Italy. According to the criminal code, defamation committed “through the press or through any other means of publicity” is punishable by prison terms ranging from six months to three years and a minimum fine of €516 (\$564).¹²⁶ In cases of libel through the press, television, or other public means, there is no prescribed maximum fine.¹²⁷ Though these criminal provisions are rarely applied, civil libel suits against journalists, including by public officials and politicians, are a common occurrence (see C3), and the financial burden of lengthy legal proceedings may have chilling effects on reporters and their editors (see B4).¹²⁸

During the coverage period, Parliament considered legislation to reform Italy’s defamation statutes, though no proposals were enacted by the end of May 2024. While the NGO Article 19 praised that the reforms would eliminate prison sentences for defamation, it condemned other proposed changes—such as a new penalty to suspend individuals from practicing journalism—and urged legislators to fully decriminalize defamation.¹²⁹

C3 0-6 pts

Are individuals penalized for online activities, particularly those that are protected under international human rights standards?

5 / 6

Defamation suits against journalists, including those operating online, remain common. Drawn-out legal proceedings, whatever their result, can entail serious financial costs for defendants.

Ossigeno per l'informazione (Oxygen for Information), an organization that tracks threats to journalists in Italy, continued to report “frivolous defamation suits” against media defendants, including cases about online media. The organization said that 500 media workers (encompassing journalists, bloggers, and video operators) were targeted by intimidation and threats in 2023; 34 percent of those threatened were targeted with an intimidatory legal action.¹³⁰ While this represented an apparent decrease from the 721 journalists who were subject to different forms of threats in 2022,¹³¹ Ossigeno per l'informazione noted that it operated with fewer resources in 2023 and may not have detected all cases.

In May 2024, journalist Pasquale Napolitano was ordered to pay €6,500 (\$7,104) and received a suspended eight-month prison sentence after he was convicted of “aggravated defamation.”¹³² In 2020, Napolitano had published an article for the Anteprima24 news site that described internal dysfunction within the Bar Association of Nola; he also published responses from the affected individuals.¹³³ The charge was considered to be “aggravated” because Napolitano published the article online.¹³⁴ Napolitano said that he had incurred €2,000 (\$2,186) in personal legal costs over the case.¹³⁵

According to a survey from the Italian National Institute of Statistics presented in October 2019, some 70 percent of all libel cases against journalists between 2011 and 2016 did not lead to a full investigation, a sign of the frivolous grounds of most of these complaints. However, overall convictions for defamation, whether or not the defendants were journalists, rose from 182 in 2014 to 435 in 2017, and the number of prison sentences imposed for the offense, most of them between three and six months, rose from 35 in 2014 to 64 in 2017.¹³⁶

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption?	3/4
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The government places few restrictions on anonymous communication or encryption. However, Italian law does require mobile service providers to obtain customers’ personal and identification data in order to register a SIM card, citing counterterrorism purposes.¹³⁷

In the past, lawmakers have attempted to propose laws that would require users to present identification to sign up for social media accounts, but they have not gained traction. ¹³⁸

C5 0-6 pts

Does state surveillance of internet activities infringe on users' right to privacy?

3/6

Italian courts and lawmakers have sought in recent years to better define the legal boundaries of state surveillance, whether for law enforcement, intelligence, or public health purposes, with mixed success.

The use of trojans, a type of malicious software, for criminal investigations has remained an ongoing controversy in Italy, with calls continuing for more well-defined regulations. ¹³⁹ An anticorruption law approved in February 2020 included provisions and a further decree that extended the authorized use of trojans to investigations of crimes against the public administration committed by public officials, if the crimes are punishable with at least five years of imprisonment. In addition, the changes allow for the interception to take place at “the target’s private home,” even if a crime is not occurring at the moment, as long as it has been authorized. ¹⁴⁰

Authorities are widely perceived to engage in regular wiretapping, and the news media has often publicized information that is obtained from wiretaps and subsequently leaked to journalists—though reforms enacted during the coverage period could substantially alter these practices. In October 2023, a law modifying provisions regarding wiretapping procedures during investigations entered into force after it was approved by the Senate that month. ¹⁴¹ Among its provisions, the law makes it easier for authorities to conduct wiretapping for the illegal trafficking of waste, expanding the use of these practices to combat organized crime. ¹⁴² However, it also creates certain restrictions on the dissemination of information obtained through wiretapping. The law mandates that only intercepted content “relevant to the investigation” is transcribed by investigators, ¹⁴³ a provision intended to ensure that unrelated details about individuals’ private lives are not included in case reports. ¹⁴⁴ While commentators have praised this measure for protecting the privacy of individuals under investigation, ¹⁴⁵

journalists have reaffirmed the importance of publishing content in the public interest.¹⁴⁶

In December 2022, after more than five years of delays, the Ministry of Justice published a national interception price list, setting the prices that prosecutors pay to private companies for wiretapping and interception services.¹⁴⁷ Some experts raised concerns that the standardized price list does not account for the nuances of different interception operations and could merely incentivize those conducting intelligence to maximize profits.¹⁴⁸ The Guardia di Finanza, a law enforcement agency under the MEF, reportedly spent €200 million (\$219 million) to conduct wiretapping in 2023, though the associated investigations recovered more than €3 billion (\$3.3 billion) in damages.¹⁴⁹

Awareness of Italian involvement in the international cyberweapons market has grown, and Italian companies, including the now-defunct Hacking Team, have faced increased scrutiny over sales of surveillance software to government agencies and repressive regimes.¹⁵⁰ Experts have raised concerns that Italian authorities are ill-prepared to mitigate the harms posed by such technologies—and in many cases, the Italian government's spending on spyware has incentivized Italian commercial spyware companies to market their products to more lucrative and repressive markets.¹⁵¹ In June 2021, a joint investigation by IRPI Media, the newspaper *Domani*, and Dutch investigative nonprofit Lighthouse Reports reported that European companies, including the Italian company SecurCube, provided cell-tower surveillance technology to Myanmar's military, despite the EU embargo on the export of these tools. The company claimed that it had not directly sold the technology to Myanmar's military, but it acknowledged that BTS Tracker, a mapping product that measures how cell-tower signals emanate from their source, could have been resold by third parties.¹⁵²

Authorities are known to conduct social media monitoring for law enforcement purposes. In March 2024, an IRPI Media report documented some aspects of the Research Center for the Analysis of Multimedia Information (CRAIM), a covert entity used by police since 2015 to monitor social networks.¹⁵³ While the full operations of and technologies used by CRAIM remain a secret, the center is known to analyze social media content using facial recognition algorithms. According to the report, the Ministry of the Interior has provided the GPDP with only “scant and incomplete” information about CRAIM’s practices related to user

privacy, and it remains unclear whether the center's activities are conducted in accordance with the law. ¹⁵⁴

In January 2024, the GPDP fined the municipality of Trento €50,000 (\$54,640) for conducting two scientific research projects that were found to have violated data protection standards. As part of one of these projects, authorities monitored social media posts for “information of interest to the police” related to potential threats against places of worship. According to the GPDP, the municipality likely did not conduct an impact assessment before processing personal data as part of the projects. ¹⁵⁵

C6 0-6 pts

Does monitoring and collection of user data by service providers and other technology companies infringe on users' right to privacy?

3/6

Service providers are required to comply with law enforcement requests for users' activity records, known as metadata, under a variety of circumstances, including in the course of a criminal investigation or “for the purpose of preventing crimes by criminal associations and international terrorism organizations.” ¹⁵⁶

Although the CJEU struck down a 2006 EU directive on the retention of data, Italy has extended the period for which ISPs must keep users' metadata. In November 2017, Parliament swiftly approved a regulation on data retention that requires telecommunications companies to store telephone and internet data for up to six years. Despite civil society protests, there was virtually no public or parliamentary debate on the measure, which had been added to unrelated legislation following a European Council directive before passage. ¹⁵⁷ The GPDP expressed its objection to the bill, citing the measure's incompatibility with EU law and case law. ¹⁵⁸ At the time, then European data protection supervisor Giovanni Buttarelli commented that the new regulation allowed too much data to be collected and did not reflect the European approach to data retention. ¹⁵⁹

Over the years, the data protection authority has launched investigations into companies that have potentially abused user data, issuing fines and other penalties in some cases. In late March 2023, the GPDP opened an investigation into OpenAI's handling of personal data and issued an order that temporarily

banned the company from processing users' personal data in Italy. ¹⁶⁰ As a result of the GPDP's order, OpenAI restricted access to ChatGPT in Italy later that month. ¹⁶¹ OpenAI restored full access to ChatGPT in Italy in April 2023, after implementing several measures to satisfy the GPDP, including greater measures about how peoples' data is used by the company and an easier process to object to the processing of personal data. ¹⁶²

The GPDP's data protection interventions against OpenAI continued during the current coverage period. In January 2024, the GPDP notified OpenAI that its 2023 investigation had identified alleged violations of the GDPR by the company. ¹⁶³ In March 2024, the authority requested that OpenAI provide several clarifications about Sora, the company's text-to-video generative artificial intelligence (AI) model, including information about how personal data is used to train the algorithm. ¹⁶⁴

Previously, in February 2022, the GPDP fined the US-based facial recognition company Clearview AI €20 million (\$21.9 million), ¹⁶⁵ the maximum penalty under the GDPR, after discovering that the company monitored and processed biometric data of individuals on Italian territory without a legal basis. ¹⁶⁶ The authority also ordered the company to erase all personal data relating to individuals in Italy and banned further collection and processing of personal data relating to individuals in Italy through Clearview AI's facial recognition system. The GPDP also ordered Clearview AI to designate a representative in the EU.

In December 2022, Italy began initial operations of the National Strategic Hub (PSN), a centralized cloud-computing infrastructure system to store user data from public services developed as part of the PNRR. Though the PSN was created to store public administration data more securely, lawmakers raised concerns that US-based cloud service providers that signed agreements to help develop the project, such as Google Cloud and Amazon Web Services, could be compelled by US authorities to turn over Italians' data stored on their servers. ¹⁶⁷

C7 ○-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in relation to their online activities?

3/5

While cases of intimidation or physical violence in response to online activities are reported only sporadically, individuals who expose organized crime activities in some parts of the country may be especially at risk of reprisals.

The Ministry of the Interior's annual report on intimidation against journalists documented 98 incidents in 2023—a slight decrease from the 111 incidents recorded in 2022—including 12 cases involving organized crime.¹⁶⁸ More than 30 percent of all intimidatory acts were conducted online, including on Facebook (13 cases) and via email (8 cases). Separately, Ossigeno per l'informazione recorded 185 cases of threats and intimidation in 2023, targeting 500 media workers in Italy, a figure that includes legal actions for defamation (see C3).¹⁶⁹

In May 2024, Alberto Dandolo, a Milan-based journalist for the online news tabloid Dagospia and the weekly magazine Oggi, reported that he was physically assaulted by two unknown individuals at his home. During the attack, the assailants apparently instructed him to “mind [his] own business.”¹⁷⁰ During the previous coverage period, in May 2023, the director of the Etruria News blog was allegedly beaten by Emiliano Clementi, the director of a local property management company. The incident was reportedly in response to a series of critical articles about Clementi posted by Etruria News.¹⁷¹

Women, especially journalists and politicians, continue to face several types of online gender-based violence. From January to October 2023, the Postal and Communications Police recorded 377 cases of online harassment, 163 cases of the nonconsensual sharing of intimate images, and 87 cases of online stalking that targeted women.¹⁷² Previously, lawmaker Laura Boldrini was harassed, including by prominent politicians such as Matteo Salvini, the leader of the right-wing Lega, whose posts about her elicited death and rape threats from his online supporters.¹⁷³

The non-consensual sharing of intimate images appears to be a widespread phenomenon in Italy. The nonprofit PermessoNegato (PermissionDenied) estimates some two million Italians have had their intimate images shared online without their permission, based on a sample of 2,000 people. The PermessoNegato research found that 70 percent of victims in the sample were heterosexual women, and only 50 percent of victims in the study reported the abuse to the authorities.¹⁷⁴

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?

2/3

Cyberattacks have constituted a problem in Italy in recent years, through the defacement of or distributed denial-of-service (DDoS) attacks against the websites of political figures or institutional websites.

Cyberattacks have increased substantially in recent years, according to leading analysts. In its most recent report, the Italian Association for Information Security (CLUSIT) recorded 310 serious cyberattacks in 2023, an increase of 65 percent compared to the previous year and up from 70 total incidents in 2021.¹⁷⁵ The majority of incidents in Italy (64 percent) were conducted for cybercrime purposes.¹⁷⁶

In March 2024, the source code and other internal documents of AGCOM's Piracy Shield system (see B1 and B3) were apparently leaked on GitHub.¹⁷⁷ While the responsible party was unknown, the anonymous account that published the information characterized Piracy Shield as "a dangerous gateway to censorship," suggesting that it was a form of retaliation.¹⁷⁸

Hacks of public and private institutions continued to occur during the coverage period, with healthcare institutions particularly vulnerable to ransomware attacks. According to analysis by Guerre di Rete, more than 1.5 terabytes (TB) of personal data from Italian health-care institutions was stolen and published on the dark web during November and December 2023 alone. This personal information included medical records, the names of individuals treated by mental health centers or addiction services, and reports documenting sexual abuse.¹⁷⁹

In recent years, Italian public institutions have been targeted by the pro-Russian NoName057(16) hacking group. In May 2024, the group targeted the websites of two government ministries, Prime Minister Meloni, and a domain of the Guardia di Finanza, though the websites reportedly remained accessible during the attack.

¹⁸⁰ During the previous coverage period, in March 2023, it was reported that

NoNameo57(16) had targeted the websites of the Chamber of Deputies, the Ministry of Defense, and the Bologna airport, among others. **181**

In May 2022, the news agency AGI reported that a DDoS attack affected seven Italian websites, including those belonging to the Senate, the Higher Institute of Health, and the Italian Automobile Club. A pro-Russian hacking group called Killnet claimed responsibility for the attack and stated it was retaliation for Italy's support of Ukraine. **182**

A new cybersecurity law, Provisions on Strengthening National Cybersecurity and Cybercrime, was published in July 2024, following its final approval in the Senate in June 2024, after the coverage period. **183** Among its provisions meant to protect critical infrastructure, the law expands the scope of reporting requirements following cybersecurity incidents. **184**

Footnotes

- 1** European Commission, “DESI indicators: Overall internet take-up,” DESI 2024, <https://digital-decade-desi.digital-strategy.ec.europa.eu/s/poq34joQ5DX....>
- 2** European Commission, “DESI indicators: Share of fixed broadband subscriptions >= 100 Mbps,” DESI 2024, <https://digital-decade-desi.digital-strategy.ec.europa.eu/s/zW7mPXX8PKZ....>
- 3** European Commission, “DESI indicators: Share of fixed broadband subscriptions >= 100 Mbps,” DESI 2022, <https://digital-decade-desi.digital-strategy.ec.europa.eu/s/vek3Ezoj5X7....>
- 4** European Commission, “DESI indicators: Mobile broadband take-up,” DESI 2024, <https://digital-decade-desi.digital-strategy.ec.europa.eu/s/KgYG5o9DEX3....>
- 5** Speedtest Global Index, “Median Country Speeds: May 2024,” accessed October 2024, <https://www.speedtest.net/global-index/italy>.

More footnotes



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Country Facts

Population

58,940,000

Global Freedom Score

90 / 100 Free

Internet Freedom Score

75 / 100 Free

Freedom in the World Status

Free

Networks Restricted

No

Social Media Blocked

No

Websites Blocked

Yes

Pro-government Commentators

No

Users Arrested

No

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