

Democratic Backsliding in Italy: Not a Big Bang, but Steady and Insidious

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Theoretical framework: Classification and delimitation of the case study

Any discussion of democratic backsliding, whether relating to its key characteristics or underlying causes, is fundamentally based on one's normative and conceptual interpretation of what democracy entails (Diamond 2015, 142). Therefore, we begin with a brief discussion on the essence of democracy.

We all hold different opinions on the forms of democracy, on the way in which politics succeeds or should succeed, and on the role and participation rights of citizens, but interpretations mostly share the idea of a liberal understanding of democracy.

Such an understanding includes the respect for human rights and fundamental civil rights like freedom of expression and assembly; the separation of powers, i.e. the principle that the state functions of the legislative, executive and judicial branches are performed by different and independent bodies that hold each other accountable; and the rule of law, i.e. the principle that state authorities and elected representatives must be limited in their actions; also, according to the rule of law, the same, clearly defined laws apply equally to all citizens.

Phrased differently, our liberal understanding of democracy promotes the rule of law over the rule of men (Hasebe/Pinelli 2013, 12). It requires the legal realm to limit and regulate the political one (Grimm 2016, 200–201; Sartori 1962, 855); and it protects more than one interest by, among others, the multiplication of decision-making instances that may fragment and dilute the majority principle by multilevel governance and thereby produce a counter-majority, a pluralistic effect (Palermo 2015, 506). This effect helps to accommodate societal pluralism and to favour deliberative constitutionalism, i.e. to combine constitutional theory – and its emphasis

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on legal limits to political power – with deliberative democratic theory – and its idea of political deliberation as the source of democratic legitimacy (Levy et al. 2018).

Given this foundation, approaches to deliberative constitutionalism, or the set of institutions and practices that shall uphold liberal democracy, necessarily diverge on their attributes, underlying principles, and aims, depending not least on our definition of which features are normatively essential for democracy and how rigorous, or thick, a normative definition should be. In short, not consisting of a unique set of institutions and practices, the operationalisation of liberal democracy varies widely.

Our chapter has neither the aim to further discuss the features that are normatively essential for democracy, nor to widely discuss the notion of deliberative constitutionalism. Instead, it discusses the loss of quality in the Italian liberal democracy, i.e. its democratic regression. We retain to Bermeo's definition (2016) that defines democratic backsliding as a phenomenon that captures and assesses the deterioration of institutions and practices in liberal democracies. Her definition implies (historically grounded) endogenous, rather than exogenous, causes, and it relates, among others, to decay in liberal democracy at the hands of incumbent governments, opposition politicians, executive aggrandisement.

We critically analyse current attempts of power centralisation and discuss latest restrictions of fundamental rights in Italy. We analyse the (potential) transformative impact of reform attempts on the forms of government (the state apparatus) and of policymaking on the forms of state (state-community-order). We argue that the signs of more illiberal aspirations in the Italian liberal democratic order cannot be ignored. Instead, many are the reasons to discuss such signs more systematically. We refer to two. First, the nativist turn of the most right-wing government since 1946, the Meloni Government, does not come out of nowhere. In light of the unstable, highly polarised and personalised Italian party system, the ideology of the Brothers of Italy (*Fratelli d'Italia*, FdI) party of Prime Minister (PM) Giorgia Meloni – “a combination of nationalism, sovereignism, authoritarianism and Euro-skepticism” (Donà 2022, 775) –, falls on fertile ground. Politically and economically, the governing coalition comprising *Forza Italia* (FI) and the League (*Lega per Salvini Premier*, LSP) prioritizes national sovereignty and the national interest. Culturally, it frames the nation as an organic community. A populist agenda. Populism is part of the second reason why we need to plainly point to, and worry about, the signs of illiberal aspirations in Italy's multilevel democracy. In research, populism scholars recognise

the ambivalent relationship between populism and liberal democracy (for many: Canovan 2002; Mudde 2004). Scholars offering agent-based explanations for democratic backsliding emphasise the leaders' values and skills, their normative preference for democracy and willingness to practice tolerance and forbearance (for many: Levitsky/Ziblatt 2018; Diamond 2021). From this follows the assumption that populist leaders' ideology predisposes them to democratic backsliding, evidenced by research in comparative political institutions that links presidential democracies to various forms of political instability and highlights how executives' legislative dominance facilitated their power grabs (for many: Cheibub 2007; Linz 1994).

We organise the chapter as follows. In the next section, we provide an overview of the Italian constitutional multilevel framework, noting how vast the gap between constitutional theory and practice is, so that regions as the most significant subnational order of government have limited ability to counter democratic regression. We then analyse key aspects of the Italian political system to better explain why we argue that democratic backsliding in Italy is steady and insidious, not a big bang. In the subsequent section, we explain the road to, and the catalysts for, Meloni's success in more detail. We follow this with two sections discussing current constitutional reform endeavours and regression in rights. Finally, we offer concluding remarks and briefly position the Italian case internationally.

The constitutional framework: plural and asymmetric

Italy is a regional state that blends unitary and federal features, with a persistent North-South divide that comes with varying degrees of fiscal capacities from one to another subnational entity (i.e. regions, provinces, metropolitan cities, and municipalities) (Alber/Valdesalici 2023). While municipalities are caught between national and regional legislation in a situation in which the national legislature has the upper hand (Valdesalici/Trettel 2023), the regions are the main subnational players in the political system of asymmetric regionalism. The latter includes five regions that have a special status (established in 1948 or shortly after) and fifteen ordinary regions (established only in the 1970s with further reform seasons in the late 1990s). Of the five special regions, three – Aosta Valley, Trentino-South Tyrol and Friuli Venezia Giulia – owe their special status to the presence of historical and territorially concentrated linguistic minorities (Alber 2021). Compared with ordinary regions, these special regions enjoy quasi-federal

relations with the national government. The powers of special regions are, in the main, spelled out in their basic laws ('regional constitutions'). While these basic laws vary from one special region to another, they all consist of the special statute of autonomy and its implementing legislation. In contrast to ordinary regions, the basic laws of special regions have constitutional status and special amendment procedures, so they are not easily amendable against the will of the region. Ordinary regions adopt their statutes with a special regional law. For the most part, these statutes regulate the form of government and the basic principles of the region's organisation and functioning. The powers of ordinary regions are enshrined in the Italian Constitution (Const.). Article 117(2) lists powers falling within the exclusive competence of the state (the national level of government); article 117(3) enumerates powers shared by the state and the regions (includes education, health protection and co-ordination of public finance); and article 117(4) assigns residual powers to the regions. In the shared areas, the Const. vests legislative powers in the regions, with the national parliament laying down the fundamental principles governing these powers.

In constitutional reality, regional autonomy is (heavily) conditioned by, first and foremost, the financial relations that each region has with the center and by the underutilised and dysfunctional system of intergovernmental relations, i.e., the consultative, multilateral system of executive conferences compensating for the fact that Italy's second chamber, the Senate, does not represent subnational entities. In essence, Italy's institutional framework excludes regions from the national legislative process and its multi-party centralised political system, dominated by coalitions, has led to partisan control of regional institutions. As of early 2025, six regions are governed by the center-left (Sardinia, Campania, Apulia, Tuscany, Umbria and Emilia Romagna), and twelve by the center-right, i.e., the parties governing in coalition at national level (Piedmont, Basilicata, Abruzzo, Molise, Friuli Venezia Giulia, Lombardy, Lazio, Sicily, Calabria, Liguria, Marche and Veneto). In the special region of Aosta Valley, the autonomists govern; in the Autonomous Province of Trento LSP governs, while the Autonomous Province of Bolzano/Bozen (South Tyrol) is led by the autonomists in coalition with center-right (both Autonomous Provinces together form one special region, i.e. Trentino-South Tyrol).

The absence of a federal culture, or the enormous gap between constitutional theory and reality (Arban et al. 2021), means that, aside from symbolic criticism, regions lack the institutional mechanisms to counteract democratic regression (even though regional policymaking could make a

difference, and in a few cases it does). Another issue is the following. Due to Italy's centralised party system, ordinary regions are currently torn apart regarding the law on differentiated autonomy that prescribes laborious and time-consuming procedures for implementing differentiated regional policymaking in the country's fifteen ordinary regions (Bianchi/Prota 2025). This law intends to transfer up to 23 shared or central government's exclusive competences in areas such as health, education, environment, transport, and energy to those requesting it. For now, the law cannot be applied. The Constitutional Court (Const. Court) did not find the entire law unconstitutional but pointed out that specific aspects of the law were unconstitutional. It ruled that Parliament needs to fill the gaps to ensure the full functionality of the law. This includes the issue of possible imbalances in the state budget that derive from an inappropriate implementation of the law.

The political system: instable and polarised

Moderate regionalism typifies Italy's parliamentary republic and its system of perfect (i.e. symmetric) bicameralism, in which the Chamber of Deputies and the Senate hold the same prerogatives with respect to lawmaking and a majority in both chambers is necessary to keep the Government alive. Although repeatedly criticised by both politicians and scholars of any affiliation, the system of perfect bicameralism has remained unaltered since 1948, the year in which the Const. entered into force.

With six electoral laws – one of which was never applied – the Italian electoral system has undergone an above-average number of reforms for an established democracy. The electoral law currently in force, the so-called *Rosatellum*, was enacted following the ruling of the Const. Court in 2017 that declared parts of the recent 2015 electoral law, the *Italicum*, unconstitutional (Chiaramonte/D'Alimonte 2018). For the first time in the history of the Italian Republic, with the new electoral system, the same electoral system applies to the Chamber of Deputies and to the Senate (Massetti/Farinelli 2019): the one-vote mixed system, unusual but not unknown in the comparative panorama (Chiaramonte 2005), allocates three-eighths of the seats in both houses in single-member constituencies with plurality vote, while the remaining seats are allocated in relatively small multi-member constituencies by a proportional formula (Chiaramonte/D'Alimonte 2018). So far, the impact of the new electoral system in terms of party

representation tends to be more proportional than majoritarian. No party or coalition won an absolute majority of seats. Absent the reform of perfect bicameralism, the electoral law aims to minimise the risk of divergent electoral outcomes in the Parliament. However, bicameral incongruence has not been completely prevented; indeed, in the 2018 general elections, the electoral system produced distinct territorial patterns of disproportionality that ended up compensating each other. Two reforms followed to further reduce the differences between the two parliamentary chambers and enhance efficiency. A constitutional amendment was passed in 2021 that lowered the voting age for the Senate from 25 to 18; and in 2020, a reform brought forward by the then governing Five Stars Movement (M5S) reduced the number of parliamentarians from 630 to 400 in the Chamber of Deputies and from 315 to 200 in the Senate. Additionally, art. 59 of the Const. was amended to clearly state that no more than five senators can be appointed for life by the President of the Republic (President), finally resolving the ambiguity on this matter. While the advocates of the reform argued that the reduction would streamline the legislative process and enhance its efficiency, its opponents countered that a smaller number of parliamentarians would lead to inefficiency, as each parliamentarian would represent larger constituencies and serve on different parliamentary committees. It is impossible to gloss over the fact that a reduced number of seats makes it more difficult for new and lesser-known candidates to be elected, and that this reform requires a readjustment of relational nets in regional politics and between regional governors and their party leaders at national level. Whether the concentration of power within a smaller political arena ultimately reduces political pluralism is yet to be seen.

Historically, Italian regions (and, with them, local governments) were ‘politically colored’ by their adhesion to ideologies or party coalitions and their extremely stable voting patterns (Diamanti 2009). This, however, is no longer the case in recent years. Regions once traditionally governed by the center-left now have major cities where the mayors belong to the center-right (or even the right *tout court*), while others that usually opted for the center-right have a growing number of left-leaning municipalities. Italy’s party system is highly unstable and dynamic. The two main coalition blocs of center-right and center-left are increasingly fragmented, with the break-up of old parties, the formation of new ones, shifting alliances and very high voter-volatility becoming the norm. Unsurprisingly, Italian citizens have little faith in political parties. Indeed, Italy is one of the most polarised democracies in Europe (Herold et al. 2023). Political polarisation

(*per se* not bad in presence of a genuine political culture) occurs at all orders of government, characteristic to both political parties and voters. It can be qualitatively categorised into two types: ideological polarisation (Carroll/Kubo 2018), which refers to the left-right spectrum, and affective polarisation (Iyengar et al. 2012), which is based on the degree of hostility directed towards political opponents.

The road to, and the catalysts for, Meloni's nativist turn

As known, the parliamentary elections in September 2022 resulted in a solid parliamentary majority for the governing alliance, the first female PM of Italy, Giorgia Meloni, and her coalition comprising FI and LSP. Since day one, the most right-wing government since 1946 has come under intense international scrutiny, closely examined for signs of democratic regression (while Meloni and her FdI, as of early 2025, appear consolidated in Europe, which sets them apart from leaders like the Hungarian strongman Viktor Orbán; Lobina 2024). Placing FdI in a comparative analytical framework, research shows that its success stems from a mix of past legacies and current worldwide developments (Vampa 2023; Donà 2022), from paradigm shifts in Italian and European politics and its spillover effects. Retaining to Bermeo's definition of democratic backsliding and its focus on endogenous causes, we first and foremost must recall that Italy's political (sub-)culture(s) have always been strongly polarised (Bein 2025).

Until 1992, the First Republic, framed within a Cold War logic, was blocked by an ideological polarisation between communism and anti-communism; or the predominance of the Christian Democrats (*Democrazia Cristiana*, DC) and its allies (the *Pentapartito*, the coalition of five moderate parties including the DC, the Socialist Party, the Republican Party, the Liberal Party, and the Social Democratic Party). It collapsed among corruption-related scandals, violations of the political party financing law, economic crisis, referendums, media emancipation, and protests.

Though what followed, i.e. the shift from a bipolar system based on the parties' dominance to a bipolar system based on the leaders' personality, is not constitutionally definable as the Second Republic, it considerably marked Italian politics and paved the way for Meloni's success. Most importantly, in January 1994, Silvio Berlusconi entered politics. He distanced himself from the old *partitocrazia*; at the same time, he presented himself as the defender of the moderate parties. In the main, his neo-populist

politics and four Governments (1994–1995; 2001–2005; 2005–2006; 2008–2011) were full of reform backlogs, of dysfunctional shifts of political disputes to the courts, and of massive private investments in media and the subsequent transformed relation between media and politics. This of course affected the democratic functionality of the Italian political system and its pluralism and quality negatively. On top of that, Berlusconi's politics style produced spill-over effects that went well beyond his Governments and the subsequent ones in the period 2011–2018.

In this period, due to the economic recession, the President of the Republic Giorgio Napolitano (the first Italian president to be re-elected for a second term, in hopes of easing the political stalemate) entrusted a non-partisan expert to form a technocratic government (Monti Government). President Napolitano and his successor Sergio Mattarella have also played a key role in balancing political instability resulting from the 2013 elections that failed to identify an outright winner. Indeed, three different coalition governments led by the center-left Democratic Party (DP) succeeded one another. From a comparative perspective, Italy has some of the highest shares of technocratic personnel in government, both in 'core executive' positions and in PMial posts, with five technocratic heads from 1992 to 2021. Most worrisome, if approved, Meloni's *Premierato* reform – the elected PM – would make it impossible for the President to appoint outside technocrats to run governments, a power they have repeatedly used to end political stalemate.

The 2018 elections resulted into the first populist government in Western Europe (Conte Government I) (Garzia 2019). In comparison with the 2013 election, the two mainstream parties, the DP and FI, were defeated by the anti-establishment party, the M5S and the right-wing and anti-immigrant LSP whose success – in the meanwhile passed – was defined as a “product of a ‘heresthetic’ maneuver successfully conducted by the leader of the League Salvini” (Pinto 2020, 301–302). The M5S, in 2021, turned from a collectively led protest movement to a party with single leadership in the person of Giuseppe Conte. The M5S-LSP, however, was short-lived. Deputy PM Matteo Salvini, professing admiration for illiberal democrats as Viktor Orbán and autocrats as Vladimir Putin, following LSP's success at the European Parliament elections in May 2019, publicly asked Italians to grant him *full powers* before presenting a motion of no confidence against the Conte Government I and calling for snap elections in late summer 2019. President Sergio Mattarella, however, did not dissolve Parliament and started consultations that resulted in the coalition government formed by

M5S and DP (Conte Government II). Since its creation in 2007, the DP has presented itself as the key antagonist of populist sentiments. It is puzzling that, in 2019, the party accepted an alliance with the M5S. Ultimately, the Conte Government II fell apart after the fracture within DP with Matteo Renzi forming the party *Italia Viva*. The technocratic Draghi Government (Russo/Valbruzzi 2022) followed, an all-in ‘national unity government’ with the sole exception of FdI that decided to remain in opposition. Its clear mandate was to manage the pandemic, and the resources made available by the EU Recovery Fund. Contrary to what happened in other European democracies, the pandemic was not a “party-branded issue” (Dias/Lelkes 2021). Thus, no outright trigger for democratic backsliding. Rather, Meloni’s decision to remain in opposition to all the governments since FdI’s birth in 2012 has enabled the party to quadruple its support and, within the Draghi Government, to position itself as the largest party in the coalition of the center-right, at the expense of LSP (Predrazzani 2021, 230) and in light of the notorious instability within Italy’s party system. For the first time since Berlusconi created his party in 1994, Meloni and her FdI, in the years 2020–2021, have also overtaken FI in terms of voting intentions and at regional elections. In short, with profoundly changed dynamics of competition between the parties after the Draghi Government (Morlino/Raniolo 2018), FdI aptly filled the space of voter disillusionment.

The constitutional overhaul: Premierato and the reform of the judiciary

A key component of Meloni’s agenda is the proposed *Premierato* reform, the ‘mother of all reforms’ (ANSA English 2023), which signals a fundamental shift in Italy’s political system and an alteration of the balance of power. This proposed constitutional change seeks to introduce the direct election of the PM, effectively transforming Italy from a parliamentary republic into a semi-presidential system. By proposing the direct election of the PM, the *Premierato* reform aligns with the existing practice for regional presidents (Cartabia/Lupo 2022), prescribed by the Constitutional Law 1/1999 and applied unless the regional constitution provides otherwise. The move towards empowering the PM reflects a broader push to consolidate power, with proponents arguing that such a change is a means of ensuring greater stability (Lucarelli 2023). From the founding of the Italian Republic in 1946 to the present day, the PMs have numbered 31 and have led a total of 68 governments. However, this reform risks undermining the

checks and balances that have defined Italy's democratic structure, with the direct election model and the proposed 'majority bonus' potentially distorting representativity. By granting the PM's party or their coalition (the draft bill remains unclear on this point) a majority of seats in both parliamentary chambers, the reform could allow the executive to dominate the legislature, weakening the parliamentary system and the President of the Republic. In fact, the reform foresees that in the event of the PM's dismissal through a vote of no confidence by Parliament, the chambers will be automatically dissolved, with the President having no discretion to find alternative solutions. We (as others) argue that this concentration of power may lead to a weakening of democratic accountability. Moreover, the reform's focus on simplifying decision-making and strengthening the role of the PM comes at the expense of traditional safeguards. With the majority bonus, the ruling party or coalition could reach this threshold and easily seize control of the state apparatus. In fact, in Italy, positions in key institutions, such as the Const. Court, the High Council of the Judiciary, and independent agencies are appointed with a threshold of a maximum of three-fifths of the votes in Parliament. An absolute majority is sufficient for the election of the President, and for amending the Const., although a confirmatory referendum would be required in the latter case.

Approved by the Senate in June 2024 during its first reading, the reform has remained stalled in the Chamber of Deputies (constitutional laws must be approved twice by each chamber of Parliament), awaiting government action to introduce necessary amendments. Initially, the expectation was that, with careful coordination, the *Premierato* reform could be approved within a manageable timeframe in both chambers of Parliament, allowing for a referendum in 2025 or 2026 without major disruptions. However, internal divisions within the center-right coalition emerged, particularly over the new electoral law needed in case the reform passes. In addition, new uncertainties have arisen following the Const. Court's decision on another reform project: the differentiated autonomy. While the *Premierato* is a core reform priority of the FdI, this reform, aimed to grant greater autonomy to Italy's ordinary regions, is strongly advocated by LSP. Following a request from the regions of Apulia, Tuscany, Sardinia, and Campania—all governed by the center-left—to assess whether the law complied with the Const., on 14 November 2024, the Const. Court ruled that the question of constitutionality regarding the entire law on differentiated autonomy was unfounded, whereas specific provisions are found to be illegitimate. This means that Parliament needs to intervene by amending the law to address the

Court's concerns. This slowdown in the reform, coupled with increasingly skeptical voices from some members of the government coalition in regard to this reform, may cause further delays also in the *Premierato* reform with some starting questioning the willingness and the feasibility of pushing all reform projects through, especially considering potential referendums, within spring 2027, when the current legislature term is set to end. Yet, unlike past reforms, which were unpopular and avoided referendums, Meloni's *Premierato* proposal taps into the populist desire for strong leadership and stability, making it a potentially powerful tool for consolidating her (in) power.

In parallel with the two discussed reforms, the government has put forth a reform aimed at restructuring the judiciary. The reform plan, championed by the third coalition partner, FI, intends to dismantle the traditional unity within the judiciary by separating the career paths of judges and prosecutors. The reform of the judiciary, much like the proposed direct election of the PM, can be interpreted as a symbolic and populist move to address public dissatisfaction with the status quo. Perceived judicial independence in Italy continues to be low (European Commission 2024), with only 36 percent of the public rating the independence of courts and judges as "fairly or very good" in 2024, a decline compared to the previous year. Critics of the reform, including the National Association of the Judiciary (ANM), have vehemently opposed the proposal (Associazione Nazionale Magistrati 2024), arguing that it would be a move to undermine judicial independence, increase political control, and diminish its function, posing potential risks to Italy's foundational democratic safeguards. On 16 January 2025, the Chamber of Deputies approved the first reading of the reform, the first of four required parliamentary steps for constitutional amendments.

Regression in rights: social rights and the treatment of minorities

Beyond the above discussed constitutional reforms, which overtly alter the form of the state, the Meloni Government has overseen more subtle regressions in rights that signal a gradual erosion of democratic norms. One such example is the fact that anti-abortion activists are explicitly granted access to counselling centers, which intrudes upon the private lives of women. There is no denial of the right to abortion, no intervention in Law 194/1978, but every space is exploited to obstruct that right. The secularity of counselling centers is not undermined, but the infiltration of ideologies

close to the current government is encouraged. This is part of a broader trend in Italy, where accessing abortion services has become increasingly complex and obstructed. Moreover, it is linked to the Parliament's inertia in legislating on social rights. Democracy certainly needs the corrective role of the courts, but its development and rules should be determined by Parliament. The task of the law, however, would be to defend minorities, to legislate on social rights of vulnerable groups, not to further strengthen the majority. However, the Parliament is unable or unwilling to pass adequate laws; it is evidently afraid to touch issues that concern the family and the individual, at least when it comes to greater openness and equal treatment. Indeed, the Parliament has long since abdicated its role as legislator and its obligation to adapt the law to the changing social, cultural and scientific context. Therefore, certainly not only in the current legislature, the demand for protection addressed to judges – what should be the safety net – becomes the main way to enforce certain social rights. This signals a backward system as the judiciary should not assume the role of perpetual substitute for Parliament.

The Meloni Government has consistently opposed progressive social reforms, such as those advocating for marriage equality and gender recognition for LGBTQIA+ individuals, contributing to Italy ranking 35th out of 49 European countries (ILGA Europe 2024) in 2024 regarding laws and policies that impact LGBTQIA+ rights. In October 2024, the Parliament passed Law 169/2024 according to which surrogate motherhood becomes a universal crime, further restricting the rights of LGBTQIA+ families and deepening the challenges they face in securing legal recognition for their children (AfP 2024).

Notably, the government has adopted a hardline stance on migration (Echeverría/Finotelli 2024). A litany of legal evidence provided by multiple international organisations indicate that the Italian government is committing human rights abuses against migrants (Bove et al. 2022) attempting to enter the EU. After over a decade of intense migration flows, with an estimated one million migrants reaching Italy and tens of thousands of lives lost in the Mediterranean Sea (Stille 2024), migration became a major challenge not only for Italy but for the entire EU and consequently a dominant topic in the 2022 electoral campaign. FdI successfully depicted immigration as a threat to Italy's security, identity, and economy, and their party as the only force capable of defending Italy's borders, promising naval blockades to stop migrant boats in the Mediterranean Sea as a priority since assuming office. Already in summer 2019, then-Minister of the Interior

Matteo Salvini (LSP) blocked migrant rescue ships from docking in Italy, leading to charges of kidnapping and dereliction of duty. Salvini was not convicted in either the Open Arms or the Gregoretti cases, as courts ruled that the charges were unfounded. Such radical measures as naval blockades are largely unfeasible, as the PM herself later admitted, and go also against international law as well as EU regulations (Campisi/Sottilotto 2022). Yet, it did not take long after the government took office for the first symbolic anti-migration measures, aimed at demonstrating consistency with the electoral promises. In this context, the so-called 'NGO Decree' became law in February 2023 after approval by both chambers of Parliament. By imposing a series of obligations and technical requirements on NGO-operated migrant rescue missions at sea, the measure primarily aims to hinder the efficiency of these operations and serves a deterrent function due to the high costs and fines it imposes (Ambrosini 2025). In April 2023, the government declared a national state of emergency following the increase in migration flows. Only a few weeks after, in May 2023, another measure to counter irregular migration, the 'Cutro Decree', was converted into law. The decree provides for the establishment of new hotspots to identify foreigners who enter Italy without regular authorisations and includes controversial restrictions and rules for accessing the right to asylum.

Recent high-profile cases, such as the judicial opposition to Italy's controversial migration deal with Albania (Povoledo/Pianigiani 2024), highlight ongoing tensions between political authority and the judiciary (Tondo 2024) with the latter continuing to be a target of political criticism. In the specific case, in an order expressed in June 2025, the Italian Supreme Court has expressed some doubts and thus asked the EU Court of Justice whether Italy's agreement with Albania, allowing the transfer and detention of migrants in Albanian facilities, complies with EU law. The Italian Supreme Court has questioned whether this practice violates EU rules on returns and asylum procedures, especially when no clear plan for repatriation exists or when asylum claims are deemed instrumental (La Corte Suprema di Cassazione. Prima Sezione Penale 2025). These tensions between the executive and the judiciary are not isolated but extend to other critical areas of democratic freedoms, including freedom of expression.

Initiatives in collaboration with countries of departure and transit, have also become a key element of Italy's immigration governance. Aligning with the far-right narrative of 'helping them in their homeland' (Roberts 2024a), the government launched the 'Mattei Plan' in January 2024. Framed as an initiative aiming to strengthen Italy's economic partnerships with Africa,

the partnership also serves the government's geopolitical interests, particularly in curbing the arrivals of asylum seekers and economic migrants to Italy.

In this context, Giorgia Meloni positioned herself as a key negotiator between the European Union (EU) and several African countries. Italy's negotiations with Tunisia led to a memorandum between Tunisia and the EU, developed under PM Meloni's auspices, and signed already in July 2023. In exchange for substantial economic aid, Tunisia was delegated the migratory control in the Mediterranean Sea. Similar agreements (Vinocur 2024) followed with Egypt and Mauritania in March 2024. In October of the same year, the PM made her fourth visit to Tripoli since taking office, promoting the government's commitment to strengthening strategic ties with the country under the Mattei Plan, particularly in economic cooperation and migration control (Peretti 2024). Human rights organisations have criticised Italy's migration policy in collaboration with the Tripoli government, highlighting a further deterioration in the protection of migrants', asylum seekers', and refugees' rights.

In early 2025, the Al-Masri case raised severe questions about the Italian government dealings with Libya. The Libyan Osama Al-Masri Njeem, wanted by the International Criminal Court (ICC) for war crimes and crimes against humanity, as well as alleged torture, rape and murder of migrants, was arrested in Turin in January. However, Italy released him on a technicality and repatriated him within 48 hours and without prior consultation with the ICC (Munster/Giordano 2025). The ICC's request to file its observations was initially ignored by Italy. Subsequently, the ICC granted Italy an extension until 22 April 2025 stressing that Italian investigation must not interfere with its own proceedings. Italy's action in releasing the alleged war criminal and in ignoring the ICC's request undermine international legal standards and cooperation and are seen as a violation of the rule of law. In June 2025, the ICC Prosecutor's Office issued a strongly worded statement formally accusing the Italian government of non-compliance. The Prosecutor argued that Italy had failed to fulfil its international obligations by prioritizing Libya's extradition request over the ICC's surrender order, without engaging in the required consultation. The Prosecutor requested that the ICC's Pre-Trial Chamber formally declare Italy in breach of its obligations and refer the matter to the Assembly of States Parties and/or the United Nations Security Council. The case has sparked domestic political controversy, with critics accusing the Italian

government of undermining the authority of international justice (Finzi 2025).

The shift away from protecting human rights and welcoming refugees is mirrored at the EU level. The Pact on Migration and Asylum, entered into force on 11 June 2024, reflects a growing alignment toward rigid border enforcement, combating unauthorised arrivals, and prioritizing the repatriation of unwanted migrants. However, European human rights advocates have raised serious concerns, warning that such measures risk undermining fundamental rights, particularly of the most vulnerable (Picum 2023).

Regression in rights: press freedom

Despite existing regulations designed to protect journalists from threats, they still encounter several obstacles (Kelner 2024) in the exercise of their profession. Instances of physical assaults, death threats and other forms of intimidation have been reported, which continue to raise concerns on the safety of journalists in Italy (European Commission 2024).

Italy's ranking in the 2024 Reporters Without Borders World Press Freedom Index dropped to 46th, down from 41st in 2023, reflecting a decline in press freedom in the country (Reporters without Borders 2025a). With the politicisation of Italy's public broadcaster, Rai (*Radiotelevisione italiana*), being a longstanding issue, political interference in Italy's public media has intensified since the Meloni government took office in 2022 (European Federation of Journalists 2024). Building on Renzi's 2016 reform (Law 220/2015), which granted the government the power to appoint members of Rai's board, the Meloni administration has adopted a more assertive approach. In this context, Reporters without Borders cites Meloni's political group as orchestrating a broader media takeover, exemplified by MP Antonio Angelucci, a member of the ruling parliamentary coalition, attempting to acquire AGI, Italy's second-largest news agency (Reporters without Borders 2025b).

The change of governance at Rai following the reshuffling of top management and the board of directors, as well as the appointment of politically affiliated figures to key positions in editorial leadership has led to widespread criticism, raising concerns about political media pluralism and independence (Roberts 2024b; Safety of Journalists Platform, Council of Europe 2023). These internal developments and a decree law issued by the government ultimately forced the Rai CEO Carlo Fuortes into early

retirement on 8 May 2023 (European Centre for Press and Media Freedom (ECPMF) et al. 2023).

In this context, the cancellation of author Antonio Scurati's antifascist monologue, which was set to air on Rai 3 on 25 April 2024 to mark Italy's Liberation Day, has sparked debate about whether political considerations are influencing editorial decisions at Italy's public broadcaster. Scurati's speech, which criticised PM Giorgia Meloni's alleged failure to reckon with her neofascist past, was cancelled just days before its scheduled broadcast, with Rai citing "editorial reasons". Similarly, ten months earlier, on 25 July 2023, the newly appointed government-backed Rai director, Roberto Sergio, announced the cancellation of a tv program by well-known journalist Roberto Saviano, following a complaint from government coalition parties (Mapping Media Freedom 2023). The program, which investigated organised crime and its ties to politics, had already been recorded and was set to air on Rai 3 in November 2023. Saviano's case is emblematic of a wider crackdown on independent journalism, not only through editorial interference but also via legal intimidation. A longtime critic of organised crime and political complicity, Saviano has been repeatedly targeted with defamation lawsuits by high-ranking officials, including PM Meloni. Saviano's case is not an isolated incident but exemplifies the growing use of Strategic Lawsuits Against Public Participation (SLAPPs), including by government members, in Italy, which are intended to burden journalists with costly litigation and deter investigative reporting (Vigevani et al. 2024; European University Institute 2023).

Concluding remarks

Democratic backsliding is a composite process containing multiple developments and consensus on the identification of its key features is yet to be resolved (Waldner/Lust 2018). Thus, the many studies on democratic backsliding necessarily and rightly come in many varieties. One is the study of individual countries that have steered away from liberal democracy in one way or another. This literature does not offer an unambiguous definition of democratic regression either, let alone one that can be easily operationalised. Common elements in definitions however include the deterioration of democratic institutions, the decline of the rule of law, the weakening of human rights and treatment of minorities, and executive aggrandisement at the expense of political deliberation. Also, democratic backsliding in

liberal democracies does not happen by default, in absence of explicit attempts and past legacies. Instead, it materialises in favorable institutional contexts, in the presence of catalysts. In Italy, decades of political zero-sum rhetoric, of ‘decentralization-centralization’ reforms (Baldini/Baldi 2014), of decision-making blockades (i.e. high mortality rate in bicameralism, “useless approvals”, Pedrazzani/Zucchini 2020), of low quality of administrative performance and policy output, of political polarisation have contributed to steady and insidious democratic regression.

This chapter discussed and assessed the Italian case. Italy transitioned to democracy after the end of World War II. Although constitutionally well-equipped with a regional two-track design, the centrally steered polarised political (party) system has never truly engaged with regionalism. Phrased differently, the 1948 Const. and the 2001 constitutional reform constructed Italy according to a bottom-up legal logic, but so far Italian politics has failed to bring this logic to realisation through actual implementation. While some regions have attempted to voice opposition to certain backward policies of the Meloni Government (such as the relocation and expulsion of migrants, and restrictions on abortion or LGBTQIA+ rights), their influence has been largely limited. Aside from symbolic criticism, regions, in the main, lack the mechanisms to counteract a regressive political trend. Political will is often also missing.

While fears of a neofascist shift under the Meloni Government may be exaggerated, what is evident are the populist measures that have emerged, which gradually erode Italy’s democratic foundations. The increasing centralisation of power, alongside the lack of influence by the regions and the reduction of pluralism in both political and social spheres, signals a concerning trend. Fundamental rights, rather than being expanded or further developed, are quietly being curtailed, with measures that undermine judicial independence, restrict media freedom, and roll back protections for marginalised groups. These subtle yet significant shifts point to a broader process of democratic backsliding that warrants ongoing scrutiny and resistance. Or, put differently, the reform attempts and policies in our opinion raise genuine constitutional politics issues. We are not alone in this opinion: In worldwide comparison, Italy admittedly ranks highly in most categories of the 2025 Global State of Democracy framework, except for rule of law (especially in corruption and organised crime), where it performs at a mid-range level, and for freedom of religion and electoral participation, where it does not rank among the top 25 percent globally. Moreover, from 2018 to 2023, Italy has seen significant declines in freedom

of expression. Moving forward, it will be essential to keep an eye on freedom of expression and press freedom, given the challenges reported by journalists. Equality, equity and treatment of minorities is another critical area to monitor, particularly in light of anti-migrant rhetoric and restrictions on LGBTQIA+ rights.

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