



Winds of far-right sweeping Europe: What to expect when it comes to human rights in Italy?

Benedetta Merlino

Abstract: Last elections in Italy marked the victory of the far right, confirming a European tendency of recent years. This shift poses some basic questions for the country and the European Union in relation to an effective promotion and protection of human rights.

On September 25, 2022, the far-right party '*Fratelli d'Italia*' won with 26 percent of the votes in Italian elections, delivering the power to form a government in the hands of its leader, Giorgia Meloni, current Prime Minister (PM). The ruling coalition is made up of [ideologically similar](#) Matteo Salvini's '*Legda*' and the center-right '*Forza Italia*'. In a wider context, these elections led another European country to move towards a far-right political ideology that, in the last few years, is gaining more support. From [Hungary to Poland](#), to [France](#) and [Germany](#), we have witnessed the growth of parties that, besides their differences, share some critical ideas.

The core features of such a political wave expanding throughout Europe are nationalism, anti-immigration policies, the protection of 'traditional' families, islamophobia and Euroscepticism. Paradoxically, Eurosceptic political groups such as 'European Conservatives and Reformists' and the recently established 'Identity and Democracy' are growing in the European Parliament, threatening the

*Benedetta Merlino is a PhD candidate in Law and Politics at the University of Graz. She previously completed the European Regional Master's Programme in Democracy and Human Rights in South East Europe ([ERMA](#)), and holds a master's degree in International Relations and a bachelor's degree in Political Science. Her main research interests are nationalism and human rights, especially focused on the SEE region

role of EU institutions in ensuring the rule of law, the respect for democracy and the promotion of human rights. The new government in Italy risks worsening such a situation, and some alarming actions have already been taken by the ruling party.

Reproductive rights

Like in other EU member states where right-wing governments are gaining power, one of the main fields of contention in Italy are women's reproductive rights, especially the right to abortion.

The first working day of the newly formed Parliament saw the proposition by a '*Fratelli d'Italia*' Senator to institute the [juridical personality](#) of the fetus from the moment of its conception. Such a step would clearly jeopardize the right to abortion, which is recognised as a human right by the United Nations in several documents. For example, CEDAW (articles 12 and 16) [recognises](#) women's right to 'access to health care services, including those related to family planning'. In her first speech as PM, Meloni pointed out that civil rights will [not be touched](#) by the government and that there will be no restriction to abortion. Nevertheless, the statements during her electoral campaign, the proposed policies, and the actions already taken on a local level by her party go in a different direction. The new government founded the Ministry for 'Family, Natality and Equal Opportunities', a name indicating the ideological tendency and political agenda of '*Fratelli d'Italia*'. Furthermore, the related Minister Eugenia Roccella is well known for her anti-abortion ideas. Roccella defines abortion as ['the dark-side of maternity'](#) and she stated that 'according to the feminist movement it does not have to be considered [as a right](#)'. Even though Roccella also underlined that she has no intention to abolish the law that guarantees the right to abortion, actions may be taken to restrict access to this right. It is in fact notable that '*Fratelli d'Italia*' already took measures in this direction on a local level. The case of the Marche region where '*Fratelli d'Italia*' was in power in the last years is particularly relevant. In the region abortion can be practiced only until the 7th week of pregnancy, against the 9 weeks generally admitted. Moreover, the use of the abortion pill is [often denied therein](#), and women are forced to be hospitalised for at least two days, a practice which makes abortion extremely difficult and which forces many women to go to other Italian regions to exercise their rights. Even though democracy in Italy is perceived as strong and its institutions are not deemed to be at risk at the moment, the general fear of some Italian people is that, through unclear and ambiguous actions and laws, the current government could undermine the implementation and status of human rights. Costanza, PhD student of Political Science at the University of Perugia says:

'I don't think that this government will cancel the right to abortion as our democracy is not that fragile. But I'm pretty sure that there will be restrictions about those rights that are contrasted by the Catholic rhetoric,

such as reproductive rights. This is something that particularly scares me. The classic political battles, such as economic politics, are no more relevant. Now abortion, LGBTQ+ rights and so on has become the new ideological battlefield, from a national as well as from an international perspective.'

LGBTQ+ rights

Meloni's government has not directly undermined the rights belonging to the LGBTQ+ community, such as the possibility to form civil unions under Law no. [76/2016](#). Nonetheless, it is probable that a proactive defense and increase of LGBTQ+ rights will never be prioritised or promoted by her government. Evidence for this can be found in the campaign of '*Fratelli d'Italia*' against the 'Zan bill' proposed by the left-wing deputy Alessandro Zan.

The law, that aimed to [criminalise discrimination](#) toward members of the LGBTQ+ community, women and disabled people, was [dismissed](#) by the right-wing senators in 2021. This was generally welcomed with cheering and exultations by right-wing parties. The latter, including '*Fratelli d'Italia*', argued that general safeguarding against discrimination was already established in the Italian Constitution and that specific protection toward these groups was not necessary. However, such a position contrasts with the evidence of the high number of discriminatory and aggressive acts suffered by members of these groups. Just to mention some statistics, [46.9 percent](#) of LGBTQ+ people declared to have. Although there are no outright discriminatory practices by the current government toward the LGBTQ+ community, the aforementioned positions have made clear that in present-day Italy there is no explicit space for those who exit a hetero-normative and traditional path, and that their rights can be, at best, tolerated rather than protected or increased. The overall situation shows a political shift that has the characteristics of what Umberto Eco used to call '[Ur-Fascism](#)' (based on traditionalism, fear of difference, and rejection of modernism among them) that is highly suspicious of the concept of individual rights. As stated by Ludovica, a young employee in an international organisation:

'I'm afraid that collectivity and mutual respect could be undermined and overshadowed by an individualistic conception that leads to questioning personal freedoms that had been conquered and defended until this moment.'

The right to peaceful protest

It is early to understand concretely to which extent the most right-wing government in Italy since the Second World War will target civil rights and what impact it will have on the state of democracy. However, decree law no. [162/2022](#), which was the first normative action of the new government, can provide some clues about its strategy for the upcoming months.

In essence, article 5 of the decree law introduced (in article 434-bis of the penal code) the new crime of invasion of land or buildings for gatherings 'dangerous' for public order or public safety or public health, with sanctions of imprisonment from 3 to 6 years and fines from 1,000 to 10,000 Euros. According to many [analysts](#) and [lawyers](#) the decree represented a smokescreen that could serve to [undermine](#) the fundamental human right to peaceful assembly and protest, which is guaranteed by the Italian Constitution (article 17) as well as by international and European laws (for example, article 12 of the [EU Charter of Fundamental Rights](#)). In fact, the renamed 'anti-rave' rule (in the wake of a recent news case) appeared too general and so suitable for sanctioning a variety of social conducts and protests. For example, when students in Rome protested against a meeting organised with members of '*Fratelli d'Italia*' at the University 'La Sapienza' on October 25, 2022, the protest was violently [repressed](#) by the police. The event is particularly relevant, not only because it represented a first tangible attempt to limit civil rights, but also because of the way in which such an attempt was framed.

The real intention of article 5 of decree law no. 162/2022, namely to undermine the right to protest, was covered by a legitimate concern to target illegal rave parties. Such a strategy may be replicated in other contexts in order to avoid the requirements imposed by the legal order. Likewise, the covert way of curtailing rights also safeguards the ruling coalition from being accused of direct attack on civil rights. Notably, in the process of being converted, the criticised rule was [amended](#) in Law no. [199/2022](#). The latter introduces article 633-bis of the penal code, which confirms the already indicated sanctions but applies only to

'anyone who organises or promotes the arbitrary invasion of other people's lands or buildings, public or private, in order to organise a musical gathering or having other entertainment purposes ... when the invasion results in a concrete danger to public health or public safety due to non-compliance with the rules on drugs or on safety or hygiene of shows and public entertainment events, also due to the number of participants or the state of the places'.

For participants, only article 633 of the penal code will apply, with lesser fines (from 103 to 1,032 Euros) and imprisonment (from 1 to 3 years).

Putting human rights concerns at the heart of Europe's future

The election of Meloni raises basic questions both from a political and a social perspective. Firstly, it remains important to understand what factors lie behind the success of the far-right in Italy and across Europe. Is this tendency of people to shelter in traditional values just a comforting blanket used to avoid the present that appears more uncertain and frustrating? Or, are we witnessing a real and deep societal change?

Secondly, it is critical to understand what such a tendency will bring. On the one hand, at the national level, after Meloni's first hundred days in government, the political debate has not yet properly addressed tangible issues such as economic growth, unemployment, poverty and inequalities, which have serious human rights implications.

On the other hand, the entrance of this new government to the European horizon can give strength to those countries that already witnessed democratic backsliding. It may weaken the relevance of the EU in protecting and promoting the [rule of law](#), even raising a fundamental question for the future of the EU. Will it become a '[project of nationalization](#)' or will it manage to maintain its supranational approach focused on the rule of law, democracy and human rights.