

'The state of impunity in the world'

Summary of the 2021 report on global rights by Fight Impunity

SUMMARY

There is a broad consensus about the deterioration of democracy and human rights across the world due, among other things, to growing authoritarianism, the coronavirus pandemic, deepening economic inequalities, new trends in artificial intelligence, and increasingly severe conflicts. This deterioration has taken place amidst rising impunity, i.e. the impossibility of bringing the perpetrators of violations to account. Tackling impunity globally is therefore an urgent task, as highlighted in several of the European Parliament's recent resolutions.

The 2021 Report on Global Rights assumes this task by looking into serious human rights violations across the world that remain unpunished. War crimes, environmental crimes affecting human rights, and violations of labour rights, as well as risks related to developments in artificial intelligence, are among the issues explored in a series of contributions by human rights experts and advocates, journalists, and current and former Members of the European Parliament.

The report not only depicts the state of impunity in the world but also looks deeply into the causes of this phenomenon, arguing that most often, it is the political and economic systems that create the conditions for impunity by placing economic profit before people. This explains why international mechanisms, such as UN bodies or the International Criminal Court (ICC), often remain powerless in dealing with pervasive crimes. Moreover, state players are often directly responsible for human rights violations committed with impunity, and this is the case not only in authoritarian states but also in democratic ones. The collective dimension of the victims of impunity is often overlooked by the international legal framework, as it is centred on individual rights. People are themselves collective victims of serious crimes.



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Introduction: The issue of impunity

The [Updated Set of principles for the protection and promotion of human rights through action to combat impunity](#) (E/CN.4/2005/102/Add.1) drafted in 2005 by an independent expert for the UN Commission for Human Rights defines impunity as 'the impossibility, de jure or de facto, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims'. Below are some of these updated principles:

- states have an effective obligation to combat impunity, by bringing to justice perpetrators and providing remedy to victims;
- every people has 'the inalienable right to know the truth about past events concerning the perpetration of heinous crimes'; particularly victims of crimes and their families have the right to know the truth on such crimes. This right implies a duty to preserve the memory;
- states have primary responsibility to exercise jurisdiction over serious crimes under international law; liability for these should not be limited through prescription, amnesty, non-extradition, or official status (such as a head of state or government);
- reparation for the victim, implying a duty on the part of the state to make reparation and the possibility for the victim to seek redress from the perpetrator;
- guarantees of non-recurrence of violations, through the reform of state institutions, and particularly the reform of laws and institutions contributing to impunity; disbandment of parastatal armed groups.

The non-profit organisations Fight Impunity¹ and the Italian organisation Associazione Società INformazione Onlus² publish a yearly [report](#)³ (hereafter the report) focusing on the state of impunity in the world. This briefing provides a summary of the 2021 report focusing on the most salient issues. As the report was published in January 2022, it does not cover Russia's war on Ukraine and its consequences.

War crimes

The report focuses extensively on war crimes and other atrocity crimes, and looks into the various structural factors that perpetuate impunity. It does not limit itself to analysing the most obvious perpetrators such as terrorist groups and other armed groups. Instead, it argues in favour of an extended notion of responsibility that places the blame on states that remain largely unaccountable and on a global system that is primarily centred on the struggle for political power and economic profit.

Sergio Segio, the editor of the report, highlights in the chapter on 'Of impunities, Silence and Justice' that states enjoy broad impunity particularly when they act in the context of counterterrorism and international wars. International public opinion is focused on atrocities committed by non-state players, he says, yet 'the most serious, widespread and lasting forms' of impunity are imputable to governments and states. States abuse their monopoly of force and their legislative capacity to legitimise acts that are clearly incompatible with the fundamental norms of a democratic state.

In support of this observation, Segio focuses mostly on the anti-terrorism legislation adopted in the United States in the aftermath of 9/11. There has been no prosecution for acts of torture, extrajudicial executions and extraordinary renditions, kidnappings and arbitrary detentions committed by the US and its allies in the fight against terrorism, even though the US legislation has not legitimised them (despite debates on this possibility). To the author, the number of civilian fatalities in Iraq – between 185 000 and 208 000 – and Afghanistan is clear proof that 'initiating a war should always be considered and prosecuted' as a crime. However, in the editor's view, the more powerful a state is, the lower the chances that its leaders would be prosecuted for their wrong

decisions. In military attacks against terrorist targets in theatres of war such as Afghanistan, Iraq, Libya and Somalia, there is no accountability for the killing of civilian victims; civilian victims are dismissed as 'collateral' damage – a trend of unaccountability that is reinforced by the use of drones. Private military contractors acting in close partnership with governments (e.g. US company Blackwater and the US government in Iraq) also enjoy broad impunity for their killings. The US has secured impunity for its military from ICC prosecution by not joining this international court and has worked actively to oppose it, particularly under the Trump administration. While the United Kingdom is an ICC member, the court's decision not to prosecute members of the UK military for alleged war crimes committed in Iraq is a failure of international justice highlighting its double standards, Segio argues. This justice only condemns losing sides, as in the Balkans. Another example are the Colombian state's abuses in its fight against the FARC rebels, some of which continue, unpunished, even after the signing of the peace accords. Not only must war crimes be sanctioned but also war itself must be seen as a crime (although reflection on this 'has grown weaker and become increasingly impotent', according to Segio, who does not focus on the progress made with the adoption of the ICC amendment on the crime of aggression).

The report dedicates several chapters to three countries that have experienced the most serious situations in terms of civil war and related atrocities: Yemen, Mozambique and the Democratic Republic of the Congo (DRC).

Donatella Rostagno, in the chapter on 'Yemen, The role of the European Union. Between the Quest for Accountability and the Provision of Weapons', underlines the responsibility of all those involved for what was, at the time of writing in 2021, the greatest humanitarian crisis in the world. All parties are 'liable for atrocities, war crimes and crimes against humanity in Yemen', and atrocities have been committed with total impunity. The report highlights not only the role of the Group of Eminent international and regional Experts (GEE) but also that of other organisations in denouncing crimes, which is crucial for fighting impunity in Yemen. There is a huge need for a mechanism to collect evidence on human rights and humanitarian law violations. The UN Security Council has been unable to back an international accountability mechanism that would refer the situation to the ICC, adopting instead one-sided sanctions on some Houthi leaders. Strong interests related to the provision of weapons to the parties by major powers have played a role in this lack of accountability, according to Rostagno.

Rostagno investigates another case of widespread impunity for war crimes, crimes against humanity and crimes of genocide in the chapter 'Democratic Republic of Congo. The Fight Against Impunity: A Challenge for the European Union'. Since its independence, the DRC has gone through a series of civil wars with millions of victims. According to the author, 'the feeling of injustice, both for past and present crimes, is deeply rooted in the Congolese population'; many people hold the Congolese authorities and the international community (which has been involved in the country through a UN peacekeeping mission) accountable and expect them to bring perpetrators to justice. While crimes committed after 2002 fall under the jurisdiction of the ICC, the Congolese system must provide redress for crimes committed before that date and establish an adequate transitional justice mechanism to fight impunity. Even though the DRC amnesty laws adopted to facilitate reconciliation do exclude atrocity crimes, they benefit the perpetrators of other serious crimes, bringing the government a step closer to legitimising impunity, according to civil society.

Despite strong support from the Congolese civil society, both the UN and the DRC Parliament have rejected setting up an international criminal tribunal for DRC and/or specialised chambers within the national justice system where international judges would work alongside local ones. Challenges in relation to crimes committed before 2002 include a low rate for the reporting of crimes, difficulties regarding the preservation of evidence, and lack of independence of the judicial system. A further challenge is the prosecution of serious crimes – other than war crimes, crimes against humanity and genocide – that have been included in the Statute of the African Court of Justice and Human Rights (such serious crimes include unconstitutional change of government, piracy, terrorism, corruption, trafficking in persons, etc.). Transitional justice is central in DRC, the author argues, and should rest

on the four internationally recognised pillars of truth, justice, reparations and guarantees of non-repetition. It should however be adapted to the local conditions: implementing territorially decentralised transitional justice programmes that put victims at the centre and allowing local communities to proactively participate. Vetting of security forces staff is also essential.

Member of the European Parliament (MEP) Isabel Santos, in the chapter on 'Mozambique. Cabo Delgado, the Forgotten Cape' analyses the state of impunity in northern Mozambique, where the ongoing conflict has multidimensional causes. According to Santos, 'many times religion is used as a simple explanation for the conflict. However, the reality is that poverty and inequality play a much larger role in this, and in the recruitment of young people'. The extractive industry has affected negatively the lives of the local population. Not only has it not provided jobs for a population that is largely illiterate and unskilled but it has also led to displacement and dispossession of land. Local communities' involvement in consultations and negotiations with extractive companies has been low, and compensation provided for loss of land and resources inadequate. It is therefore essential to uphold the right to prior information and to a fully free and informed consent in the exploitation of natural resources, as well as the right to a fair compensation. Further drivers of impunity include the fact that atrocities committed by armed groups most often remain unpunished. According to Santos, the state security forces have also committed, albeit on a lesser scale, abuses against civilians that have remained unpunished. There is a general climate of impunity for violence against women, including sexual violence, which has been exacerbated by the kidnappings perpetrated by the Islamist groups. The fact that media freedom is severely restricted and crimes committed against journalists remain unpunished only makes the situation of human rights in the region worse.

Impunity for environmental crimes

The report analyses the adverse environmental impact of human activities. Chapters 1 by Sergio Segio on 'Introduction: The sick world and those below' and 3 by Alberto Zoratti on 'Environment. At the roots of the pandemic: animal farming, zoonoses and deforestation', identify a nexus between deforestation, agriculture and exploitation of resources leading to biodiversity loss, and the increase in CO₂ emissions, temperatures and sea levels. Segio warns about the consequences of forest fires (e.g. in Greece, Algeria, Canada, Cyprus and the US), floods (Germany, Belgium, Spain, India, Japan and Turkey), earthquakes and landslides in the past few years (pp. 17-19). Examples of negative environmental impact include harm to and displacement of humans and animal species amid destruction of homes and habitats. The report also acknowledges the effects of environmental degradation not only on security and human rights but also on global food and water resources.

Deforestation, farming and exploitation of resources

Regarding impunity, the report signals that inaction on deforestation, agriculture and overexploitation of resources has led to many environmental concerns. The authors perceive the issues as severe, interconnected and, in some cases, irreversible; however, those causing them enjoy broad impunity. Deforestation hinders the balance of the climate system whilst resulting in greater concentrations of CO₂. On the other hand, CO₂ emissions and temperature changes affect the stability of forests (Zoratti, pp. 107-108). Forest areas have decreased by over 420 million hectares (Mha) since 1990 because of expanding infrastructure, agriculture and urbanisation. According to the report, the most extensive net loss of forest area is in Africa – at an increasing rate – and in South America – where the rate is decreasing. By contrast, forest areas in Europe, Asia and Oceania are growing larger; that said, reforestation and afforestation processes have decelerated in the past decade. Moreover, forests that are a product of reforestation offer limited species variety, and therefore reversing biodiversity loss is a challenging task.

Livestock farming is one of the primary drivers of deforestation, leading to the loss of 45.1 Mha or 36 % of global tree-cover loss between 2001 and 2015 (Zoratti, pp. 109-11). Livestock farming, together with palm oil, soybean, cocoa, coffee, rubber and wood fibre production, accounted for 57 % of the world's depleted forested land between 2001 and 2015. Palm oil and soybean cultivation

contributed to the deforestation of 10.5 Mha and 8.2 Mha respectively. Additionally, transgenic palm oil and soybeans affect the quality of both land and crops (Segio, pp. 18-21). Furthermore, the report urges action against 'lethal and suicidal extractivism' – the overexploitation of natural resources for commercial purposes – which is another cause of deforestation. The focus falls on the Amazon region where hydrocarbon reserves and metal and mineral deposits are in abundance (Zoratti, pp. 110-113). Given that more than 60% of the global iron, copper, gold, bauxite, titanium and nickel mines are located in forest areas, exploitation activities, infrastructure development and transport destroy and pollute protected areas, habitats and national heritage sites. The level of extractivism increased during the pandemic as restrictions on mobility limited environmental control. Paradoxically, booming renewable energy production and technological developments will fuel demand for certain metals. Lithium is a good example of this trend; its extraction, e.g. in Chile, causes environmental pollution, infringes on local communities' rights and depletes water resources. The report also alerts about land- and water-grabbing practices prioritising commercial interest over environmental damage (Zoratti, p. 123). Such types of resources exploitation have reportedly led to pollution and relocation of villages in Asia, the Middle East and Latin America.

Climate change and related inequalities

As per the report, between 1990 and 2015 the contribution of developed countries to global warming was disproportionately larger than that of underdeveloped countries: the wealthiest 10% and 1% of the population were responsible for respectively 52% and 15% of carbon emissions, while the poorest 50% contributed to only 7% of emissions. In terms of natural resources supply, the report argues that 'an average of 1.7 planets are needed to satisfy our current annual demand for natural resources'. The effects of unpunished crimes toward the environment are unevenly felt worldwide as well (Segio, pp. 22-23). The authors conclude that climate change produces grossly unequal effects among populations and among current and future generations, as underdeveloped nations and younger age groups are to bear the costs.

Some of the most tangible consequences are rising temperatures and sea levels. The average global temperature has increased by 1.2°C over just two and a half centuries and is likely to reach 1.5°C in the following two decades. Record temperatures affect oceans negatively, resulting, among other things, in the melting of ice caps and glaciers. The average temperature in the Arctic, for instance, has been rising three times faster compared to other regions (Segio, pp. 17-18). Island nations, such as the Maldives, are especially at risk from the rising sea levels.

Climate change significantly affects the oceans, as they absorb 90% of the excessive atmosphere heat caused by greenhouse gas emissions (Zoratti, pp. 126-127). As emissions grow, oceans become increasingly acidic. Together with deoxygenation and temperature increases, pH levels reduction hinders marine ecosystems by making the environment detrimental to water organisms like corals and molluscs.

Climate change induced by human activities also leads to desertification. During annual erosion, 24 billion tonnes of fertile soil are lost. Moreover, growing temperatures aggravate the increase of emissions by causing fires. The highest percentage of CO₂ emissions – 2.6% – was registered in 2019 due to burning forests around the world (Zoratti, pp. 124-125). In addition to deforestation, the fires resulted in a loss of biodiversity and habitats (Zoratti, pp. 107-108). The number of endangered animals and plants grows; humans, especially indigenous communities, are also at risk.

Recommendations on fighting environmental impunity

The report signals the presence of impunity regarding ecocide and ethnocide. The two concepts imply that human activities harm the natural environment and communities' cultures (Segio, pp. 18-19). Resources exploitation results in displacement of people, human rights violations and deprivation of essential commodities (Zoratti, p. 123). The report lists several recommendations on environmental protection and on fighting impunity in crimes against the environment and its defenders. These include search for environmental justice, protection of civil organisations and support for litigation

movements. Those responsible for repressing indigenous communities and environmental defenders should be held accountable (Segio, pp. 17-18). Moreover, countering the supporters of climate denialism and climate disinformation by debunking their false claims is essential too (Segio, p.28-29). Protecting territories such as the Amazon 'concerns the whole planet' (Segio, pp. 18-19).

Right to health

Susana Ronconi in the chapter on 'The Right to Health and the Governance of the Pandemic' explains that the crisis unleashed by the pandemic has exposed 'what is not working in the social and economic models in place'. It has exposed the limits of the global system with 'an exponential growth of inequalities and economic and social crises'. Without 'strategic courage', we cannot solve the challenges posed to rights in such times.

According to Ronconi, the right to health was crucial in the pandemic, but we should not overlook the fact that the global system is characterised by multiple inequalities, including in terms of ecological impact, social and economic aspects, access to basic goods, social protection and gender. The unfair distribution of vaccines between poor and rich countries demonstrates clearly that the challenge we face is 'strategic, aimed above all at learning the lesson of the pandemic in order to make a radical change in the system of big pharmaceutical companies-governments-international bodies, for greater power of public government in guaranteeing access to treatment and vaccines at an accessible cost and in a way that is sustainable for all populations'.

The pandemic also disproportionately affected indigenous communities. The report (Segio, Zoratti) explores how human activities contribute to health crises. Deforestation, industrial food production and climate change have tipped the balance of the ecosystems. Additionally, air pollution predisposes humans to respiratory infections, and unethical animal breeding exposes them to other diseases (Segio, pp. 25-27). As per the report, approximately 70 % of the new infectious diseases that have spread across the world recently stem from zoonotic pathogens. The increasing proximity of humans and animals due to economic activities that infringe on natural spaces explains this fact.

Workers' rights

Breaches of workers' rights are often committed with impunity. This is why several authors in the report address this subject extensively. Susanna Camusso in her chapter 'Work is not a commodity: Rights at the time of Covid-19' gives an alarming account of the state of workers' rights during the coronavirus pandemic. Initial hopes that the pandemic would lead to a more equal world were shattered in the end, as the unequal access to vaccines showed. Camusso bases much of her analysis on the eighth [Global Rights Index](#) published by the International Trade Union Confederation (ITUC). The surveys on government policies that ITUC carried out during the pandemic showed that the situation of workers had worsened, which more specifically found expression in increased poverty and unemployment, and deepened gender inequality.

Only a small number of countries provided protection against health-related unemployment during the pandemic; sick pay was only granted in slightly more than half of the jurisdictions surveyed, but this benefitted only those in formal employment. Already before the pandemic, globally, 60 % of workers were working in the informal economy. These workers were the most exposed to the disruptions caused by the pandemic on the labour market, including the decrease in wages for those without a minimum wage. Another negative effect of the pandemic was the increase in child labour after several years of decline. Camusso stresses that overall the pandemic made pre-existing trends even worse. New developments related to digital technologies and globalisation do not drive improvements in workers' rights, on the contrary. The new type of workers in the digital sector are not protected or well paid. The growth of global supply chains has also undermined workers' rights and freedoms driving global competition based on 'the search for the lowest bid'.

The Global Rights Index produced by ITUC also paints a sobering picture of workers' rights and related civil liberties around the world. The right to join trade unions, the right to collective bargaining and the right to strike are under pressure everywhere. In the most severe situations, not

only are such rights not guaranteed but also the very idea of the rule of law is dysfunctional. There is a close link between civil, social and labour rights. An increase in inequalities leads to increasingly authoritarian models. The solution, according to the author, is to uphold the fundamental principles on which the ILO is based (the Philadelphia Declaration).

Roberto Ciccarelli in the chapter on 'Digital Platform Capitalism after Covid-19', shows that the new forms of work enabled by digital platforms make possible the denial of fundamental workers' rights with full impunity. Ciccarelli stresses that online work, which increased significantly during the pandemic, is a form of precarious work done by independent contractors and temporary workers. A large proportion of platform workers lost their jobs and revenue during the pandemic; this was not surprising, given that that platform workers, particularly those employed in the last-mile delivery, are most often self-employed and these are particularly vulnerable to economic crises. Gig workers (especially private urban transport and home delivery) were also among those most exposed to the risk of contracting COVID-19, but often did not receive adequate protection from their employers, while at the same time enjoying no right to sick leave and compensation.

The author explains that a few tech giants dominate the digital labour system globally and therefore have enormous power. While workers at the core of the system get high wages, those at the periphery receive low wages, have no protection and oftentimes do not even enjoy recognition as workers (for instance, this applies to people who train artificial intelligence). The platforms consider their workers as self-employed or as free time workers, while in fact, according to the author, they establish a relationship of subordination with them. The terms and conditions of work are decided unilaterally by the employers. Digital platforms exploit the contradictions of legislation to deny fundamental rights and protections. According to Ciccarelli, by 2021 no state⁴ in the world had established reliable and stable labour and social protection schemes for pieceworkers and online freelancers, and only a few states had enacted laws conferring on platform workers the status of employees, but even those have gaps. The only way for gig workers to make their rights apply is to go to court. In Spain, Italy and the UK, court decisions have paved the way for the recognition of gig workers' status as employees. In California, however, platform companies successfully campaigned for a referendum that rejected favourable legislation passed by the state legislature.⁵

The combination of litigation with trade union and social action (strategic litigation) can boost collective bargaining by involving governments, local authorities and civil society. This strategy aims to achieve recognition of an employment status within existing laws for gig workers as a guarantee of fundamental rights; however, this is not sufficient for assuring a decent life (taking into account e.g. low incomes that cannot assure a sufficient pension). What is needed for those engaged in precarious work, according to the author, is 'universal and unconditional protection, paid for through taxation at national and supranational levels' (pp. 217-218).

Impunity for violations of migrants' rights

The report aims to raise awareness of the rights of migrants violated at different stages of their journey – from crossing land and sea routes to reaching borders, applying for asylum and integration in host countries (Arena, pp. 341). Some of the examples discussed throughout the chapters include detention, inhumane treatment, human trafficking, forced labour, excessive surveillance and restrictions on access to public services. In response to this situation, Maria Arena MEP, chair of the DROI subcommittee, in the chapter on 'Fighting Impunity, Including Impunity that Dehumanises Migrant People' urges compliance with human rights law, and [particularly](#) with the [Universal Declaration of Human Rights](#), the Refugee [Convention](#), the Convention on the Rights of the Child, the [Convention](#) on Civil and Political Rights, the [Convention](#) against Torture and the [Protocol](#) against Trafficking in Migrants to the Convention against Transnational Organised Crime.

Migration and border management

Chapter 1 evaluates the risks for migrants in relation to border crossings. According to its author, Sergio Segio, 44 764 people died in an attempt to enter Europe between 1993 and 2021, most of

whom while crossing the Mediterranean. Moreover, the report signals that migrants are also subject to police abuses and forced returns when they reach the borders of the countries they are headed for. Orsola Casagrande and Jose Miguel Arrugaeta, in the chapter on 'International. The unresolved Problems of a Sick World' (p. 75) further argue that by returning migrants to countries of origin or other states where there are threats to life and dignity, policymakers put their human rights at risk. The two authors observe the negative impact of the coronavirus pandemic, together with border restrictions, which has prevented people fleeing wars from finding refuge (p. 61).

Chapter 5 gives an overview of the excessive use of surveillance technology on immigrants in the US. The author, Roberto Ciccarelli, argues that this technology incentivises mass deportation, violates the rights of migrants and misuses their personal data (p. 195). As per the report, the US government's Alternatives to Detention Programme, designed to prevent migrants from staying in detention centres while awaiting resolution of their immigration status, monitored over 96 000 people in 2021. Already referred to as 'digital prison', this approach has been criticised by human rights defenders who consider that it can be as harsh as real life detention (p. 196).

Recommendations on protecting migrants' rights

Casagrande and Arrugaeta advocate for cohesive migration policies and political action on humanitarian and human rights protection (see chapter on 'International. The unresolved Problems of a Sick World', p. 61). They request compliance with international laws when it comes to welcoming, accommodating and treating migrants – notably the Geneva Convention principle of preventing countries from expelling, returning and repatriating refugees 'to territories where their lives would be in danger'. Moreover, Arena highlights the importance of treating migrants with dignity and respect and the need to encourage empathy and solidarity toward vulnerable populations (p. 341). She further emphasises the 'right to life, the prohibition of torture or inhuman treatment, the right to leave a country and to return, and the right to seek asylum in another country that protects them from prosecution', enshrined in the Universal Declaration of Human Rights. Moreover, she suggests a number of tools that can be utilised to address migrant rights abuses. For instance, creating legal migration routes, strategies for protection and integration, policies that respect human rights and dignity, as well as partnership frameworks with countries of origin and transit. In Chapter 16, Susanna Camusso advocates for establishing a linkage between migrant and labour rights through fighting discrimination and assisting migrants in the field of employment.

Press freedom in the EU

The report puts a spotlight on the worrying situation in several EU Member States as regards freedom of the press. Chapter 13 on 'Press freedom under attack in many European countries' and Chapter 19 on 'Press freedom in Hungary and the other Visegrad countries' depict a situation of hostility targeting media freedom and pluralism, independent media outlets and journalists. What is even more worrying is that this situation is spreading across the continent, boosted by illiberal governments and the impact of the coronavirus pandemic. Chapter 19, drafted by Massimo Congiu (editor of *Osservatorio Sociale Mitteleuropeo*) focuses on the risks for media freedom identified in Hungary and the other Visegrad countries (Poland, Czechia and Slovakia), while Chapter 13, written by former MEP Cecilia Wikström looks at the wider picture by providing examples of violations of the freedom of the press in some other EU Member States.

Risks for media freedom in the EU

The report describes a series of critical events endangering media freedom in Hungary since 2010 and establishes a clear link, in line with the case law of the European Court of Human Rights, between media freedom and pluralism and a healthy democracy. The report points at the adoption of the Hungarian Media Act and Press Act (2010), severely criticised by different international bodies,⁶ among them the European Parliament,⁷ as the first step in a string of governmental decisions aimed at exerting control over the press and using it as an instrument 'of political and

social pressure'. Without dwelling on the details of the current legal landscape for media freedom in Hungary, the report takes note of how it has affected media freedom in the country, through: the disappearance of historical and opposition newspapers (such as the *Népszabadság* in 2016); the resignation of media editorial boards and journalists fearing governmental interference with their editorial lines (as in the case of the *Index* news site); the closure of radio stations critical towards the government (such as *Klubrádió*, which had to go on line).

These and similar events have prompted concerns about media freedom and pluralism in Hungary. The European Commission's rule of law reports (2020, 2021 and 2022) have consistently highlighted several risks areas as regards freedom of the press in Hungary, namely: lack of independence and effectiveness of the media authority; channelling of significant government resources to pro-governmental media; lack of independence of the public media; restricted access to public information; and challenges faced by some journalists when exercising their profession, including surveillance. In a similar vein, the report points to the analysis of the media landscape in Hungary made by the European Federation of Journalists, Reporters sans Frontières and the International Press Institute in 2019. The analysis found that 78% of Hungarian newspapers were controlled by the government and concluded that the executive had 'systematically demolished the independence, freedom and pluralism of information, distorted the publishing market and divided the community of Hungarian journalists by implementing unprecedented media control'.

The report also mentions several worrying events involving the media in the other Visegrad countries. As regards Poland, the report takes note of the acquisition of *Polska Press* by the state-owned company Orlen and links the move to the government's stated wish to 'repolonise' the media. It also highlights the proposal to introduce a 15 % tax on the media sector's advertising revenue – revenue that is vital to its survival – which was abandoned after criticism and protests by media outlets and journalists. The report also focuses on the personal security of researchers and journalists highlighting the measures taken in 2021 against two researchers and a journalist who published a report on events from the times of the Nazi death camps.

As regards Czechia, the report draws attention to concerns about concentration of media ownership resulting in a conflict of interest, after Andrej Babiš, prime minister until the end of 2021, bought several newspapers, magazines, a radio station and a television company. As regards Slovakia, the report highlights the assassination of journalist Ján Kuciak in 2018, calling it a 'turning point in Slovak society, raising awareness of the need to improve the safety of journalists'.

Chapter 13 of the report describes the situation in some other EU Member States, highlighting how independent journalism is coming under pressure there too. Along these lines, it cites the 2021 Media Freedom Rapid Response report on Slovenia, which stated that journalists critical to the government had been delegitimised as journalists serving the opposition. Such denunciations of journalists as part of a 'deep state' by the Slovenian prime minister and other officials have contributed to a substantial increase in the harassment of and threats against journalists, most of whom women. Similarly, the report reminds of the Swedish Democrats' public pledge to shut down one particular radio station should they come to power, and the Danish government's move to slash the state budget for the media by one third. By drawing attention to all these events, the report takes the view that media freedom is at risk in many EU Member States.

A turning point?

The report notes that numerous civil society groups are protesting against the attempts to exert control over the media and reduce its pluralism and independence. It highlights that in doing so, these groups encounter many difficulties; such groups may need to develop in 'societies that are deeply divided for political, cultural and economic reasons' (between urban/rural, capital/province). Many independent media and journalists have moved online as a way to provide information that is neutral and unaligned with governmental guidelines. Similarly, practices threatening media freedom and pluralism have been contested by local authorities. In 2019, the mayors of Budapest, Prague, Bratislava and Warsaw signed the Pact of Free Cities that seeks, inter alia, to protect and

advance liberal democracy, pluralism, openness and cultural diversity in the region, projecting a different image of the Visegrad countries to the world.

EU institutions have also taken steps to counter attempts at limiting media freedom and some other fundamental rights in the EU Member States. In this vein, the report draws attention to the EU institutions' criticism of the restrictions placed by some Member States on fundamental rights and the way they respond to the content of the European Commission's annual rule of law reports. It also reminds that the preventive mechanism for systemic violations of EU values by Member States provided in Article 7(1) of the Treaty on European Union has been triggered against Poland and Hungary, in the second case taking into consideration inter alia the measures adopted to curb media freedom and pluralism. Finally, the report praises EU institutions for having adopted a regulation that conditions access to EU funds on respect for the rule of law and for having linked the approval of the Hungarian resilience and recovery plan (which, if approved, would unblock funding worth €5.8 billion in EU recovery aid to the country) to respect for EU values.

The report makes both appreciative and critical remarks about the European Union

The European Green Deal's plan on raw materials is based on a 'contradictory and inconsistent idea of green growth', because this plan increases demand for foreign minerals and metals to the detriment of human rights and provide subsidies that benefit mining companies and their shareholders. (Segio, p. 20).

Casagrande and Arrugaeta (p. 57) note the division of EU into three Europes (northern, southern and new Member States) with 'different rhythms and priorities in terms of economic, social and political models'. They criticise the increasing influence of right-wing forces and the absence of an EU migration policy.

Zoratti (p. 114) explores the negative consequences of the EU-Mercosur Agreement, which will accelerate the exploitation of the South American forests, particularly the Amazon, and the destruction of biodiversity. The agreement has no clauses for tracking and punishing the growing of crops for export on deforested land; however, the author does not mention the due diligence deforestation legislation to be adopted by the EU or the [conclusions](#) drawn in the Commission's sustainability impact assessment to the effect 'that the Agreement does not threaten higher deforestation'.

Ronconi (chapter on the right to health) criticises the EU stance on patents for COVID-19 vaccines. The EU initially did not support the suppression of patents on these vaccines to allow developing countries to produce them, considering this approach ineffective because of the complex technologies involved in the production of vaccines. (However, in the end, in June 2022, it agreed to a limited relaxing of patent protection by the WTO.)

Rostagno, in the chapter on Yemen, calls on the EU to support the Yemeni people in their quest for justice, accountability and fight against impunity, acknowledging that the EU has 'a strong and long-lasting record of making accountability and the fight against impunity a priority'. It calls on the EU to push the UNSC to refer the situation to the ICC, to support the establishment of a specialised tribunal, to support civil society, and on Member States to stop their arms trade with the parties. The author also maintains that the EU should step up its support for transitional justice in DRC.

Maria Arena criticises EU policy of control and border closures aimed at stopping migration, as well the outsourcing of migrants to neighbouring countries.

Cecilia Wikström asks for an EU foreign policy where women's rights are always 'a focal point' and considers that for that to be the case, the EU first 'needs to take women's rights seriously internally'.

Fraudataro and Tognoni (p. 365) highlight that, 'with the connivance of the European Union', European transnational companies impose working conditions and wages in Latin America that do not respect the legal minimum standards.

Marc Tarabella finds that the work of the EU institutions is moving in the right direction to preserve the integrity and values of sport, even if much remains to be done.

On media freedom in the EU, although generally praising EU institution for their stand on EU values, Massimo Congiu takes the view that it is time for the EU to 'make itself heard' and that stronger actions should have been taken against Member States non-compliant with EU values.

Artificial intelligence and human rights

The section on labour rights explores the serious effects of new digital developments on workers' rights, as mentioned above. Two other chapters of the report explore the issue from two different angles: use of digital rights by authoritarian regimes, and use of artificial intelligence in war.

Simone Pieranni, in the chapter on 'Chinese Technological Progress and Rights. Pandemic Dispositifs' argues that the social control established to contain the pandemic has revealed China's technological advancement but also the extent to which the state can monitor and control its people's movements. The Chinese applications designed to monitor people are the 'starting point of future hyper-surveilled and safe smart cities, according to Pieranni. Already before the pandemic, the communist party had developed digital tools to track people using facial recognition techniques. Social surveillance in China has a long history, which may explain its current social acceptance. In Xinjiang, the government has installed emotion detection cameras as a way to test its new technologies on the local population. The government's objective is to install, across the entire country, ubiquitous video surveillance that would enable it to continuously monitor its citizens; Beijing is already entirely covered by security cameras.

Giovanna Cracco, in the chapter on 'The Wars of the Future. Artificial Intelligence, Big Data and the War Industry', explains that the use of unmanned aerial vehicles has been described as the third revolution in warfare after gunpowder and nuclear weapons. Autonomous artificial intelligence makes it possible to build killer robots that move, select their target and engage without a remote human operator. Killer robots, e.g. kamikaze drones, are already a reality. Semi-autonomous artificial intelligence is an equally important development in the military sphere: it is about 'processing and interpreting big data and inserting AI algorithms into the line of command alongside human operators in order to make faster, more accurate and more effective decisions'. Artificial intelligence also plays an important role in supporting soldiers.

There have been attempts in the UN framework to regulate or ban the use of weapons using artificial intelligence, but they have not yielded any specific results. The discussion has focussed on what the author considers a side issue: the autonomy these weapons have, once they have been activated, in firing, eliminating human control over decisions of life and death. The fundamental issues, he argues, include finding answers to questions such as: how can we trust these systems to make (lethal) decisions when we do not really understand how they work? How does the artificial system solve an ethical dilemma, such as whose lives to save: children's or adults', etc.?

Another serious problem is that commercial drones could easily be transformed into autonomous or semi-autonomous weapons and used by non-state groups. Rather than focusing on an 'ethics of war' to answer these questions, the authors suggest addressing the cause of wars, namely the economic and geopolitical interests that drive them.

Impunity and democracy

Despite their declared allegiance to human rights, democracies also foster diverse forms of impunity. According to Sergio Segio in the chapter on 'Of impunities, Silence and Justice', as shown by the Pegasus scandal, espionage carried out with the consent of the government by democratic state structures against private individuals is 'never seriously prosecuted'; such cases end with impunity. On the other hand, private citizens face heavy sanctions if they unveil state secrets even when they have acted out of concern for the public good.

In the introductory chapter, former MEP Antonio Pietro Panzeri mentions how in Western culture democracy has been reduced to the right to vote, which is used less and less. This has to do with the lack of representativeness of the elites. This reductive concept of democracy based on majority voting is used by many states to avoid accountability to supranational bodies for their violations of rights. Panzeri also criticises the old neo-colonial and unscrupulous *realpolitik* approaches that prevent opposing anti-democratic trends in the world.

Sergio Segio writes in the first chapter that 'the pandemic shock has become a new front line for predatory 'disaster capitalism', which turns crises into opportunities for economic profit and, indirectly domination. He further notes that the pandemic has led to a shrinking of the democratic space (p. 37). Segio analyses the failure of the West to establish democracy in Afghanistan, which, according to him, was the result of the fact that 'the self-reproducing logic of war, Realpolitik and power interests' have prevailed over any human rights'. He notes in this respect that the text of the Doha Agreement between the US and the Taliban did not mention human rights or provide any guarantee for rights, including women's rights. (p. 43).

The European Parliament has addressed the topic of impunity and made a strong case for fighting it in several of its resolutions adopted during the current term, namely in relation to [war crimes](#) committed in Ukraine (June 2022), to crimes committed against journalists (two plenary debates in [2019](#) and [2020](#)), or to the [situation](#) of the rule of law and human rights in the Republic of Guatemala (April 2022).

MAIN REFERENCES

Fight Impunity, [2021 Report on Global Rights. State of Impunity in the World](#).

ENDNOTES

- ¹ Fight Impunity is a Brussels-based non-profit organisation founded in September 2019 with the aim of promoting the fight against impunity for serious violations of human rights and crimes against humanity.
- ² Associazione Società INformazione – ONLUS is an Italian non-profit-making organisation focused on protection of human rights and peace, founded in 2001. It compiles and publishes the report on global rights annually, drawing on a network of partner organisations focused on protection of rights.
- ³ The 2021 report is the 19th edition of the [Report on Global Rights](#).
- ⁴ The EU is working on [adopting legislation](#) on the working conditions of platform workers. On 9 December 2021, the Commission published a proposal for a directive, which is currently under examination by the EP and the Council.
- ⁵ However, on 20 August 2021, the Constitutional Court of California [struck down](#) the [legal proposal](#) endorsed by the referendum that excluded many app-based workers from labour laws as unconstitutional.
- ⁶ Venice Commission, [Opinion on Media Legislation](#) (Act CLXXXV On Media Services and on the Mass Media, Act CIV on the Freedom of the Press, and the Legislation on Taxation of Advertisement Revenues of Mass Media) of Hungary, adopted by the Venice Commission at its 103rd Plenary Session (Venice, 19-20 June 2015); OSCE, [Legal Analysis of Hungarian Media Legislation](#), 28 February 2011.
- ⁷ Among others, see: European Parliament resolution of 12 September 2018 on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded ([2017/2131\(INL\)](#)).

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