02
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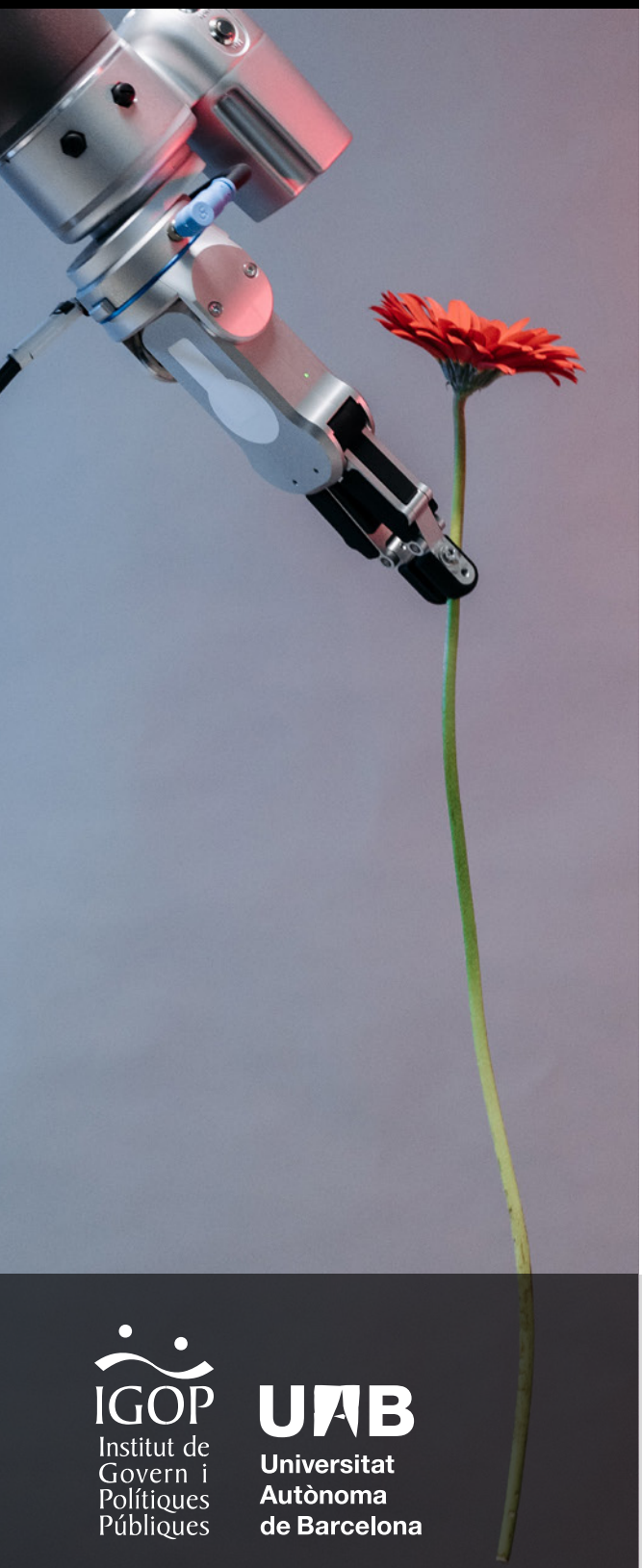
TEACHER'S INSTRUCTIONS



Artificial intelligence and automated decision-making in welfare policies

Ixchel Pérez-Durán

Míriam Acebillo Baqué

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Introduction

Scenario.

Social inclusion and social innovation policies

Mission.

Artificial intelligence and automated decision-making in welfare policies

Suggested time.

Students' playing: 20 minutes

Debriefing: 20 minutes

Learning objectives.

This case exemplifies the use of artificial intelligence and automated decision-making in a surveillance system for detecting welfare fraud. In particular, this case is a good example of resource manipulation (and, particularly, reduction of the opposing coalition's resources) to achieve policy change. The policy entrepreneur (a female lawyer with a migrant background) aims to reform SyRI (an algorithm designed to detect social welfare fraud) to enhance its accountability and transparency. However, this policy has the support not only of the liberal-conservative government and the parliamentary majority, but also of the traditional left-wing party, which was part of the previous national government that implemented SyRI. Therefore, the political paths to modify the current legislation are blocked, at least in the short and medium term. Given this context, the best strategy for the lawyer is to make a legal complaint against the central government for violating basic human rights standards regarding individual privacy and data protection laws. The national court rules that SyRI is unlawful because it does not comply with the right to privacy and generates discrimination against vulnerable social groups. As a result, SyRI is no longer used and the national government resigns. The case, hence, shows that resorting to courts can be, in some contexts, an effective strategy to devaluate opponents' resources.

This strategy is also successful thanks to the previous activity of local, national and international civil groups, civil rights' associations and legal institutions. Local and community-based civic groups denounced the abuses caused by SyRI in their communities. A couple of national NGO's collected the testimony of these local groups and the people affected by the system and expressed their concern by the case, as well as a national lawyer association that writes shadow reports for international human rights committees. In the international sphere, the UN Special Rapporteur also expressed their concerns about SyRI. The interaction among these actors offered an opportunity for the policy entrepreneur to successfully make a legal complaint against the central government.

The game is modelled over the case of the Dutch government's programme used to detect welfare fraud. In the debriefing, references to this actual case may help contextualise the debate and provide further elements of discussion. In the references there is more information about the Dutch case.

Common mistakes.

QUESTION: Why do the media groups support demanding greater accountability / the legal complaint?

ANSWER: These are two private media groups based on the protestant tradition that are concerned about civil rights and personal liberties. Therefore, they are interested in raising public awareness about these issues.

QUESTION: Why are political resources the most crucial to the success of Strategy 1? And why are legal resources the ones that determine the success of Strategy 2?

ANSWER: Strategy 1 is based on obtaining public and political support for enhancing the accountability and transparency of the SyRI system. Therefore, the policy entrepreneur needs to mobilise a large amount of political resources. That is, to achieve a big consensus around her proposed policy reform. By contrast, Strategy 2 consists in making a legal complaint against the government. Hence, the success of this Strategy depends on the amount of legal resources that the policy entrepreneur can mobilise to win the lawsuit.

Issues for debate

Algorithms and artificial intelligence may help governments to design better public policies, make better decisions, improve engagement with citizens and increase the efficiency of public services. However, the use of these technologies also carries risks and challenges. In particular, algorithmic systems raise important concerns about accountability and transparency in public sector decision-making and implementation (Busuioc, 2021). In addition, the introduction of these technologies in diverse policy fields, such as education, policing or welfare policies, also produce concerns about bias and discrimination towards vulnerable groups (Meijer, et al., 2021).

The following key questions can be used to guide participants/students through a discussion:

- In which policy areas may artificial intelligence facilitate innovation?
- What kind of problems can it help address?
- What are the main risks associated with the use of these technologies by the public sector? How can we minimise these risks?
- What are the main implications and limitations for public accountability and transparency?
- To what extent does the use of algorithms change the traditional conceptualisation of bureaucratic organisations?
- To what extent does the use of algorithms might affect the participation and active involvement of general citizens in policy decision-making?

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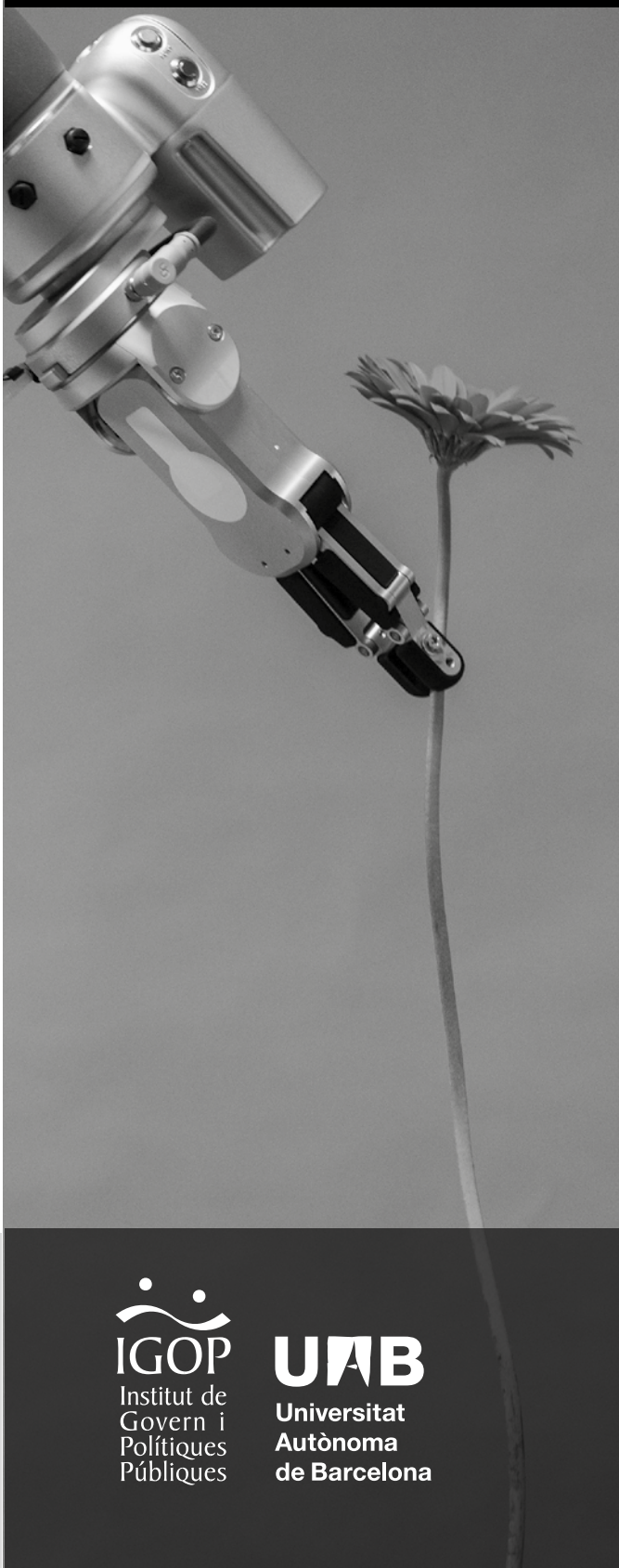

Case studies available

- El cas Pirelli-Mar. (Ref. CL-2022-01)
- Instituto Mental de Santa Cruz. (Ref. PA-2022-01)
- School meals for vulnerable children. (Ref. PCUBE-2022-01)
- Artificial Intelligence and automated decision making in welfare policies. (Ref. PCUBE-2022-02)

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