BRIEFING: SOCIAL PROTECTION IN THE DIGITAL AGE

A SUMMARY OF THE HUMAN RIGHTS RISKS OF DIGITAL TECHNOLOGIES IN SOCIAL PROTECTION SYSTEMS

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Cover image: An illustration of a dark factory interior. There are red screens displaying lists of names marked with 'DENIED', along a circulating belt carrying multiple people towards a dark doorway. Another circulating belt separates carrying a single standing person underneath a single screen marked with 'APPROVED'. © Simina Popescu

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1.GLOSSARY

WORD	DESCRIPTION
ALGORITHM	An algorithm is a procedure used for solving a problem or performing a computation. Algorithms act as an exact list of instructions that conduct specific actions step by step, typically used to solve specific problems or to perform a computation. Algorithms are used as specifications for performing calculations and data processing. Algorithmics systems are applications that perform one of more tasks such as gathering, combining, cleaning, sorting, classifying and inferring data, as well as selection, prioritization, making recommendations and decision-making.
ALGORITHMIC IMPRINT	A situation whereby even after an algorithmic system is removed, the impact of its use continues well after its deployment is stopped.
ARTIFICIAL INTELLIGENCE (AI)	There is no widely accepted definition of the term "artificial intelligence" or "AI". But one definition defines AI as systems designed to carry out a specific task or process that 'learn by doing'—whether that's through supervised learning (a system that is rewarded and corrected by a developer until it learns patterns over time) or newer methods of deep learning (systems programmed to learn in a more sophisticated way, modelled on processes in the human brain).
AUTOMATED DECISION MAKING	An algorithmic decision-making system where no human is involved in the decision-making process. The decision is taken solely by the system.
AUTOMATION BIAS	A phenomenon whereby people tend to trust the automated system so much so that they ignore other sources of information, including their own judgement, which can lead to errors within the automated decision-making not being detected or challenged.
BLACK BOX SYSTEM	An algorithmic system where the inputs and outputs can be viewed, but the internal workings are unknown.
MEANS TESTED	Means tested refers to a scheme that is only available to those who have either an income and/or wealth under a certain threshold, or who are defined as being under a threshold using proxy means testing.
POVERTY TARGETING	Poverty targeting is a commonly used method by states to attempt to reach people living in the lowest income groups. Here, an individual's or household's income and/or assets are assessed against an officially defined threshold and used to determine whether the applicants are eligible for particular social security benefits.
PROXY MEANS TESTING	Proxy means tests are a form of poverty targeting where, eligibility for social protection schemes is determined based on household characteristics being used as proxies for wealth, such as household composition, type of housing, existence of goods such as radio, television or refrigerators, productive assets such as farmland or cattle, or level of education of household members. Households are then ranked or allocated scores based on this data, and of these, qualifying households are considered eligible for assistance.

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WORD	DESCRIPTION
RISK SCORING	The semi- or fully automated processing of data for statistical assessment and/or predictive modelling to identify the risk that an outcome will occur, either at the individual or community level, or specific to an event or scenario.
SEMI-AUTOMATED DECISION MAKING	An algorithmic decision-making system where a human is involved in the decision-making process. These systems are often used to select cases for human review or to assist humans in decision-making process by providing information and/or suggested outcomes.
SOCIAL ASSISTANCE	Social assistance refers to non-contributory transfers in cash or in kind and are usually available to only those deemed to be living in poverty/extreme poverty and those who are classified as 'vulnerable' in particular contexts.
SOCIAL PROTECTION	Social protection refers to a broader range of contributory (those financed through contributions made by an individual or on their behalf) and non-contributory (those that are funded through national tax systems) programmes. Social protection programs can include (I) social insurance, such as pension insurance; (ii) employment and labour programs, including skills training, unemployment benefits, and job search assistance; and (iii) social assistance and cash benefits for people living in poverty.
SOCIAL REGISTRY	Social Registries are information systems that support the process of outreach, registration, and assessment of needs to determine the potential eligibility of individuals and households for one or more social programmes.

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2.INTRODUCTION

The world has been reeling under wave after wave of crises caused by conflict, the climate emergency, and the Covid-19 pandemic, among others. These crises have resulted in growing hunger, loss of jobs, skyrocketing inflation, and increasing unrest on a global scale. [1]

In the face of these multiple global crises, robust social protection systems are more critical than ever to protect individuals and communities against income insecurity. [2] Income insecurity can occur at different points in one's life, including during periods of unemployment, sickness, parental leave, old age, and due to unexpected economic shocks. Social protection measures that comply with the right to social security are crucial to ensuring that all people, in particular those who are marginalized, or those at risk of, or already living in poverty, are able to realize their right to an adequate standard of living and other related human rights, including the rights to food and adequate housing. [3]

States are increasingly using digital technologies in their social protection systems. This can include introducing automated or algorithmic decision-making, digitizing application processes for social assistance, and creating digital databases to store and process personal data.

While the stated aim of these initiatives is often to try to ensure that governments are able to better target those in need of social assistance, research by Amnesty International and others has shown that when technology is introduced into an already inadequate social security landscape, it can serve to exacerbate and entrench existing flaws, discrimination, and inequality in ways that seriously undermine human rights.[4] Tech-enabled inequality caused by the introduction of digital technologies is a growing and critical threat to human rights.

This briefing examines some of the key issues in the global trend of the introduction of digital technologies in social protection schemes and highlights the need for greater transparency and human rights safeguards. It builds on the advocacy, campaigns, research, and strategic litigation work that Amnesty International has undertaken in the field of social protection and of digital technologies. The aim of this briefing is to help shine a light on this emerging risk to human rights and provide recommendations to authorities in mitigating this threat. The information contained in this briefing will also support individuals, communities, civil society, and others to be better equipped to defend and protect their human rights.

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[1] Amnesty International, Rising Prices, Growing Protests: The Case for Universal Social Protection, (Index Number: POL 40/6589/2023), 10 May 2023, https://www.amnesty.org/en/documents/pol40/6589/2023/en

[2] Social protection refers to a broader range of contributory (those financed through contributions made by an individual or on their behalf) and non-contributory (those that are funded through national tax systems) programmes. Social protection programmes can include (i) social insurance, such as pension insurance; (ii) employment and labour programmes, including skills training, unemployment benefits, and job search assistance; and (iii) social assistance and cash benefits for those living in poverty.

[3] The right to an adequate standard of living is articulated in a number of human rights standards, including Article 25 of the Universal Declaration on Human Rights (UDHR); Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICCPR). Related human rights include the right to food and the right to housing. See also: UN Committee on Economic Social and Cultural Rights (CESCR) General Comment No. 12 on the right to adequate food, 12 May 1999, UN Doc. E/C.12/1999/5 and CESCR, General Comment 4, The right to adequate housing (Sixth session, 1991), UN. Doc. E/1992/23

[4] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/latest/research/2023/12/trapped-by-automation-poverty-and-discrimination-in-serbiaswelfare-state; Amnesty International, Xenophobic machines: discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal (Index: EUR 35/4686/2021), 25 October 2021, https://www.amnesty.org/en/documents/eur35/4686/2021/en

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3. THE DIGITAL WELFARE STATE

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THE RIGHT TO SOCIAL SECURITY

The right to social security is recognized and protected by international human rights law. Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 22 of the Universal Declaration of Human Rights (UDHR) recognize the right of everyone to social security.[5] According to ICESCR, states are responsible for ensuring that social support is adequate in amount and duration so that everyone can realize their rights to family protection and assistance, an adequate standard of living and adequate access to healthcare.[6]

The UN Committee on Economic, Social and Cultural Rights (CESCR) has recognized that the right to social security is "of central importance in guaranteeing human dignity"[7] and is an essential precondition of the right to an adequate standard of living and other rights, including the right to adequate food.[8] States have an obligation to ensure the satisfaction of "minimum essential levels of benefits to all individuals". [9]

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States have been increasingly resorting to using digital technologies in social protection systems. Whilst this trend is often presented by states as a neutral or technocratic solution to achieve greater coverage, improve administrative systems, detect fraud, and enhance security, there has been significant research to show that digitization of social protection poses many risks to human rights and can exacerbate inequality. [10]

For example, Amnesty International's research in Serbia found that the introduction of semi-automated decision-making in the process of establishing eligibility for social protection removed some of the most marginalised individuals from social assistance.[11] The use of algorithmic decision making in fraud detection in the Netherlands was found by Amnesty International to have been discriminatory due to the use of nationality as a risk factor for committing fraud. [12] In India the Aadhaar biometric identification system- which provides a unique identification number to citizens and residents including children - is used as a way of verifying and authenticating identity information across many public services, including for social security benefits, food rations, among others. This is done using wholly

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[5] The right to social security is also enshrined in Article 5(e)(iv), Convention on the Elimination of All Forms of Racial Discrimination; Article 26, Convention on the Rights of the Child; Article 28, Convention on the Rights of Persons with Disabilities; and in several Conventions of the International Labour Organization, in particular Convention 102 on Minimum Standards of Social Security.

[6] See UN Committee on Economic Social and Cultural Rights, General Comment 19, 4 February 2008, para. 22; ICCPR, 1966, Article 9; UDHR, 1948, Article 22; European Social Charter (Revised) 1996, Articles 12, 23, and 30

[7] UN CESCR, General Comment 19: The Right to Social Security, 8 February 2008, UN Doc. E/C.12/GC/19, para. 1

[8] Article 11(1) ICESCR states that "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." See also UN CESCR, General Comment 19: The Right to Social Security, 8 February 2008, UN Doc. E/C.12/GC/19 , para. 28

[9] UN CESCR, General Comment 19: The Right to Social Security, UN Doc. E/C.12/GC/19 (2008), para. 59.

[10] UN Special Rapporteur on poverty, Report: *Digital welfare states and human rights,* 11 October 2019, UN Doc. A/74/493, See also Virginia Eubanks, Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor, St. Martin's Press (2018); Ruha Benjamin, Race After Technology: Abolitionist Tools for the New Jim Code, Polity (2019).

[11] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

[12] Amnesty International, Xenophobic machines: discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal (Index: EUR 35/4686/2021), 25 October 2021, https://www.amnesty.org/en/documents/eur35/4686/2021/en

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digitalized methods, journalists and civil society researchers amongst others have documented how this has led to the exclusion of many from vital social protection. [13]

The Sisben digital information system in Colombia was created to administer welfare provision and has faced significant criticisms due to a lack of transparency, contestability, data minimization, and accuracy of the data being used for making decisions, especially for those who are the most marginalised.[14] And finally in Australia the Robodebt scheme which relied on automated decision-making for benefits eligibility determinations was found to have in some instances violated the human rights of beneficiaries and former beneficiaries by denying access to otherwise eligible beneficiaries due to technical design faults, unlawfully collecting debts from individuals, and by raising barriers to transparency and access to an adequate remedy.[15] The Australian government refunded hundreds of millions of Australian dollars in unlawfully collected debts and dropped claims for approximately one billion Australian dollars in false debts.[16]

Although technology used in the public sector is often presented as objective and unbiased, it is virtually impossible to create a value-neutral technology as technologies are introduced into societies that contain social, political, and structural discrimination. Technologies, therefore, inevitably reflect the underlying biases and worldviews of the people who built them. Introducing technology into social protection systems can have unpredictable and unintended consequences for individuals. Such impacts can also vary widely depending on whether those individuals are already subject to systemic and intersectional forms of discrimination and marginalization. [17]

To identify and mitigate any potential bias, discrimination, or human rights harm, governments and policymakers should fully understand both the context in which these systems are deployed and the existing power imbalances and inequalities that may be exacerbated by such systems.[18] As the former UN Special Rapporteur on contemporary forms of racism notes, "[States] must address not only explicit racism and intolerance in the use and design of emerging digital technologies" but also, "just as seriously, indirect and structural forms of racial discrimination that result from the design and use of such technologies".[19]

Digital technologies are often developed and introduced in the public sector without the meaningful involvement of people who will be interacting with these new systems. As a result, they are not always suited to specific groups' needs and realities and can themselves become barriers to people accessing their rights. To mitigate the potential human rights harms of technology and in order to develop technology that works within existing complex social realities, states must incorporate diverse and representative perspectives and expertise in all stages of the planning, development, and deployment of these systems.

A requirement for individuals to engage with digitized services in order to access social protection may pose an additional barrier to people exercising their rights. This is especially the case for those with lower levels of literacy or digital literacy, those who have limited internet access, people with disabilities who have specific accessibility needs that are not taken into account when systems are designed and deployed, people in poverty who may face barriers due to the financial cost of data or accessing devices such as smart phones or computers, as well as those who may lack the official documents and paperwork required to interact with these systems.

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[13] See Human Rights Watch, India: Identification Project Threatens Rights, 13 January 2013, https://www.hrw.org/news/2018/01/13/india-identification-project-threatens-rights ; Comptroller and Auditor General of India, Report of the Comptroller and Auditor General of India on Functioning of Unique Identification Authority of India, 6 April 2022, https://cag.gov.in/webroot/uploads/download_audit_report/2021/24%20of%202021_UIDAI-0624d8136a02d72.65885742.pdf ; Standing Committee on Finance, The National Identification Authority Of India Bill, 2010 Forty-Second Report, December 2011, https://uidai.gov.in/images/report_of_the_departmental_standing_committee_on_finance_on_the_bill_13012017.pdf

[14] See: DeJusticia, El Programa Ingreso Solidario estaría excluyendo a mujeres en condiciones críticas de pobreza, October 22, 2020, https://www.dejusticia.org/el-programa-ingreso-solidario-estaria-excluyendo-a-mujeres-en-condiciones-criticas-de-pobreza/; Fundación Karisma "¡No pueden ser tantos pobres! La exclusión de personas beneficiarias del sisbén a través de analítica de datos", (20 Feb. 2020) https://web.karisma.org.co/no-pueden-ser-tantos-pobres-la-exclusion-de-personas-beneficiarias-del-sisben-a-traves-de-analitica-de-datos/ ; Joan López, Experimentando con la pobreza: El Sisbén y los proyectos de analítica de datos en Colombia, Fundación Karisma (2020), https://web.karisma.org.co/wp-content/uploads/download-managerfiles/Experimentando%20con%20la%20pobreza.pdf

[15] ESCR-Net, Legal Opinion on International and Comparative Human Rights Law Concerning the Matter of the Social Card Law Pending before the Constitutional Court of Serbia, http://www.errc.org/uploads/upload_en/file/5435_file1_social-cards-legal-opinion--final-english-pub.pdf

[16] Gordon Legal, Robodebt Class Action Settlement, https://gordonlegal.com.au/robodebt-class-action/

[17] Amnesty International, Digitally Divided: Technology, inequality and human rights (Index: POL 40/7108/2023), 2 October 2023, https://www.amnesty.org/en/documents/pol40/7108/2023/en/

[18] Amnesty International, Digitally Divided: Technology, inequality and human rights (Index: POL 40/7108/2023), 2 October 2023, https://www.amnesty.org/en/documents/pol40/7108/2023/en/

[19] UN Special Rapporteur on extreme poverty and human rights, Report: Digital technology, social protection and human rights, 1 October 2019, UN Doc. A/74/493, para 5.

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Even when digitized systems are removed from public sector use after they were found to be ineffective or discriminatory, they can still leave traces in institutions and in people's lives. This is often referred to as an "algorithmic imprint" - a situation whereby even after an algorithmic system is removed, the impact of its use continues well after its deployment is stopped. [20]

Finally, the deployment of digital technologies cannot be separated from the increased austerity measures being adopted by states. Former UN Special Rapporteur for Extreme Poverty and Human Rights Phillip Alston found "the digitization of welfare systems has been accompanied by deep reductions in the overall welfare budget, a narrowing of the beneficiary pool, the elimination of some services, the introduction of demanding and intrusive forms of conditionality, the pursuit of behavioural modification goals, the imposition of stronger sanctions regimes and a complete reversal of the traditional notion that the State should be accountable to the individual." [21]

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[20]Upol Ehsan, Ranjit Singh, Jacob Metcalf and Mark Riedl, "The Algorithmic Imprint", Proceedings of the 2022 Association for Computing Machinery (ACM) Conference on Fairness, Accountability, and Transparency (FAccT '22), 20 June 2022, https://doi.org/10.1145/3531146.3533186, pp. 1305-1307.

[21] UN Special Rapporteur on extreme poverty and human rights, Report: *Digital welfare states and human rights,* 11 October 2019, UN Doc. A/74/493, para. 5

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4. 'DATIFICATION': SURVEILLANCE AND ERRORS

HUMAN RIGHTS, DATA, AND THE RIGHT TO PRIVACY

Data protection principles stem from international human rights standards regarding privacy; information and public participation; due process; and remedy. [22] Data protection can be understood as a series of safeguards that are designed to protect personal information that "is collected, processed and stored by 'automated' means or intended to be part of a filing system." [23]

The right to privacy is protected under international human rights instruments, including Article 12 of the UDHR and Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which provide that no one should be subject to "arbitrary or unlawful interference" with their privacy, family, home or correspondence, and this should be protected by law.[24] The right to privacy is also well covered in international treaties protecting the rights of specific groups, including: Article 16 of the International Convention on the Rights of the Child (CRC); Article 14 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and Article 22 of the Convention on the Rights of Persons with Disabilities (CRPD). There are also provisions for the right to privacy in regional human rights instruments, including in Article 8 of the European Convention on Human Rights (ECHR) and Article 11 of the American Convention on Human Rights.

Both the ICCPR and the CRPD recognize data protection as a core component of the right to privacy. [25] The UN High Commissioner for Human Rights found that "the right to privacy plays a pivotal role in the balance of power between the State and the individual and is a foundational right for a democratic society. Its importance for the enjoyment and exercise of other human rights online and offline in an increasingly datacentric world is growing". [26] Any interference with the right to privacy by the state must be legal, necessary and proportionate. [27]

The 'datafication' of peoples' lives, whereby vast amounts of personal data are collected and processed, is a common feature of many digital welfare states. As the former UN Special Rapporteur on extreme poverty and human rights has noted, this process creates serious risks because it effectively forces people to give up their right to privacy and data protection to seek other human rights. [28]

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[22] ESCR-Net, "Legal Opinion on International and Comparative Human Rights Law Concerning the Matter of the Social Card Law Pending before the Constitutional Court of Serbia", http://www.errc.org/uploads/upload_en/file/5435_file1_social-cards-legal-opinion--final-englishpub.pdf

[23] Privacy International, "101: Data Protection", 12 October 2017, https://privacyinternational.org/explainer/41/101-data-protection

[24] International Covenant on Civil and Political Rights, Article 17

[25] International Covenant on Civil and Political Rights, Article 17; International Convention on the Rights of Persons with Disabilities, Article 22.

[26] UN Office of the High Commissioner for Human Rights (OHCHR), Report: The Right to Privacy in a Digital Age, 13 September 2021, UN Doc. A/HRC/48/31, para. 6.

[27] European Data Protection Supervisor, EDPS Guidelines on assessing the proportionality of measures that limit the fundamental rights to privacy and to the protection of personal data, 19 December 2019, https://edps.europa.eu/sites/edp/files/publication/19-12- 19_edps_proportionality_guidelines_en.pdf

[28] UN Special Rapporteur on extreme poverty and human rights, Report: Digital welfare states and human rights, 11 October 2019, UN Doc. A/74/493, para. 64.

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Using extensive amounts of data to determine eligibility for state support is not new, as the tools used by current digital welfare states have their analogue predecessors. However, the scale and the breadth of the data used and the speed with which it is processed now is new and can bring with it unintended consequences and human rights risks.

Marginalised people often face higher levels of data collection and analysis from the state and furthermore, "their data acts to reinforce their marginality when it is used to target them for suspicion and extra scrutiny". [29] Welfare surveillance can be understood as using these means to monitor and track applicants and recipients of social protection. Welfare regimes that introduce a "means test" to determine an individual's eligibility for social assistance are particularly prone to welfare surveillance. [30] Digital welfare surveillance, meaning welfare surveillance supported by technology, can often exacerbate discrimination felt by individuals and communities who were often already subjected to intense scrutiny before these new systems were introduce. [31] It can also lead to some individuals avoiding accessing services over concerns of how their data could be used against them. [32]

The way that data is collected, the types of data used, and how it is analysed are not neutral decisions and can have significant impacts on human rights. As decisions are often made regarding eligibility for support based on data, it is vital that the data used is in date, and accurately represents an individual's life and living conditions. However, this can be very difficult to ensure when it comes to individuals who are marginalized. [33] This is because some marginalized people may face additional barriers to having up to date records. These barriers may include people experiencing homelessness or living in informal settlements and not having a recognized address to register with authorities or for correspondence, challenges with literacy that make completing forms difficult, as well as precarious or informal employment that does not provide a regular income or accurate proof of earnings.

There are many instances of flawed data being used in deciding eligibility for vital social protection leading to people being denied access to social protection. For example, Amnesty International documented cases in Serbia where individuals were told by social workers that they had funds or other assets listed in their names that rendered them ineligible for support despite this not being the case. [34] The onus was then placed on these individuals to prove that were in fact eligible for support with many then relying on free legal aid provided by a local human rights civil society organisation to challenge this erroneous decision making. Without access to social protection funds, these households in Serbia struggled to cover even their basic costs. Researchers in India found individuals were erroneously declared to be deceased by a faulty algorithmic system used to establish eligibility for an allowance for those aged 60 and above and who are on low incomes. Being erroneously declared deceased rendered people ineligible for support and these individuals then faced an arduous ordeal to prove that they were in fact still alive to be able to reinstate their allowance.[35] In Jordan, Human Rights Watch research on a World Bank funded poverty targeting programme commonly referred to as Takaful found that people were not always able to submit accurate data to be used by the algorithmic decision-making system that establishes their eligibility for support. This forced people to "mold their hardships to fit the algorithm's calculus of need" which undermined the accuracy of the poverty targeting and the purported aims of developing a digitised system to accurately identify those most in need of support in a context of maximising limited resources. [36]

[29] Virginia Eubanks, *Automating Inequality: How High-Tech Tools Profile, Police, and Punish the Poor*, p. 7.

[30] See Powell, Robyn, "Under the Watchful Eye of All: Disabled Parents and the Family Policing System's Web of Surveillance", 23 August 2023, 112 California Law Review (forthcoming), https://ssrn.com/abstract=4555846 or http://dx.doi.org/10.2139/ssrn.4555846 and Mike Zajko, "Automated Government Benefits and Welfare Surveillance" https://ojs.library.queensu.ca/index.php/surveillance-andsociety/article/view/16107/10897

31 Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en see also Powell, Robyn, "Under the Watchful Eye of All: Disabled Parents and the Family Policing System's Web of Surveillance", 23 August 2023, 112 California Law Review (forthcoming) https://ssrn.com/abstract=4555846,

[32] See Sarah Brayne, S Surveillance and System Avoidance: Criminal Justice Contact and Institutional Attachment. April 4 2014 *American Sociological Review*, *79*(3), 367-391. https://doi.org/10.1177/0003122414530398

[33] ESCR-Network, "Collective position data for Economic, Social, and Cultural Rights", 28 April 2022, https://www.escrnet.org/news/2022/collective-position-data-economic-social-and-cultural-rights; ESCR-Net, Legal Opinion on International and Comparative Human Rights Law Concerning the Matter of the Social Card Law Pending before the Constitutional Court of Serbia, http://www.errc.org/uploads/upload_en/file/5435_file1_social-cards-legal-opinion--final-english-pub.pdf

[34] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

[35] Kumar Sambhav and Tapasya and Divij Joshi, 25th January 2024, "In India, an algorithm declares them dead; they have to prove they're alive" In India, an algorithm declares them dead; they have to prove they're alive | Technology | Al Jazeera;

[36] Human Rights Watch, "Automated Neglect: How The World Bank's Push to Allocate Cash Assistance Using Algorithms Threatens Rights", 13 June 2023, https://www.hrw.org/report/2023/06/13/automated-neglect-how-world-banks-push-allocate-cash-assistance-usingalgorithms

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5. DISCRIMINATION IN ALGORITHMIC DECISION MAKING AND ARTIFICIAL INTELLIGENCE

An algorithmic system uses a set of mathematical instructions or rules to calculate an answer to a problem or question. There is no widely accepted definition of the term "artificial intelligence" or "AI". But one definition is systems designed to carry out a specific task or process that 'learn by doing'—whether that's through supervised learning (a system that is rewarded and corrected by a developer until it learns patterns over time) or newer methods of deep learning (systems programmed to learn in a more sophisticated way, modelled on processes in the human brain).

Former UN Special Rapporteur, E. Tendayi Achiume on Contemporary Forms of Racism, reported that a major challenge presented by algorithms is that they "reproduce bias embedded in large-scale data sets capable of mimicking and reproducing implicit biases of humans". [37] The former UN Special Rapporteur further found that "classification technologies that differentiate, rank, and categorize," are at their core "systems of discrimination". [38]
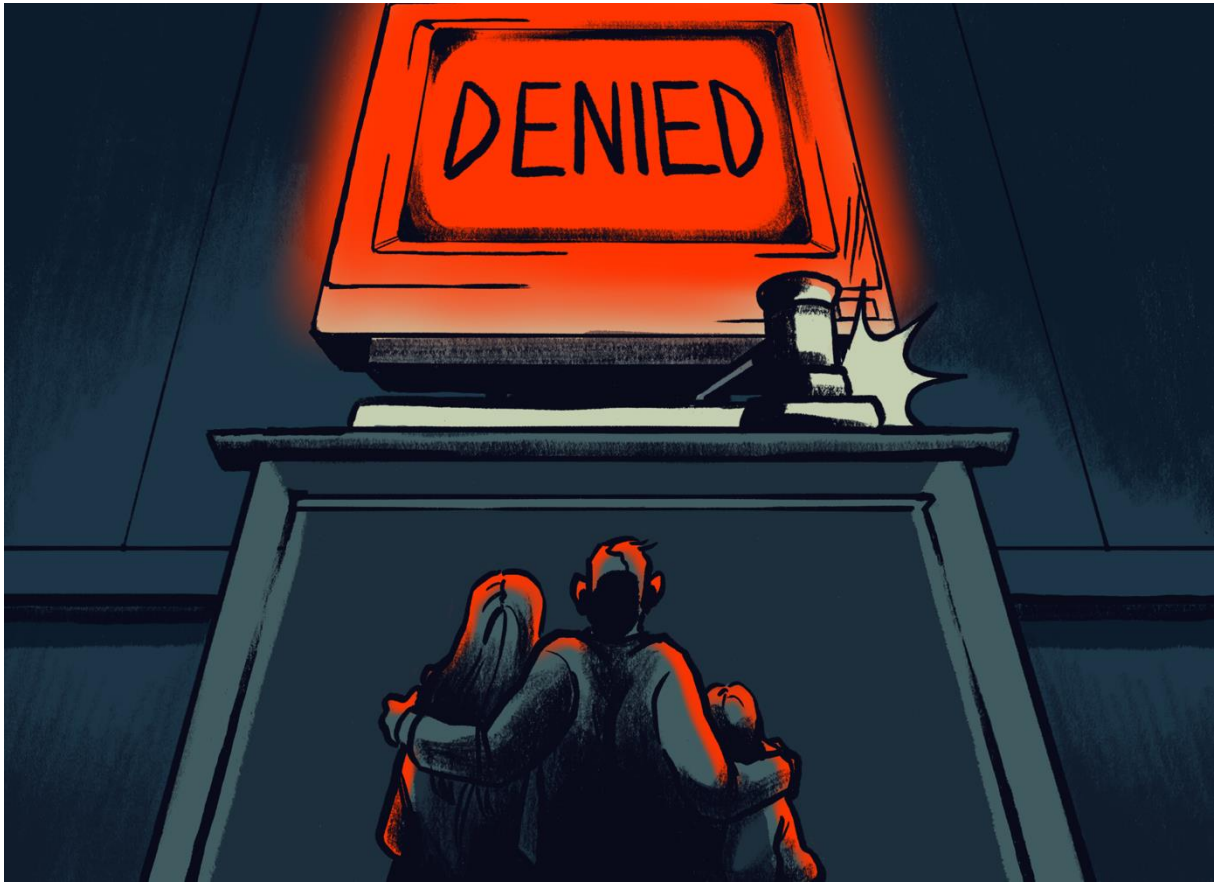
In 2021, when researching fraud detection in childcare benefits payments in the Netherlands, Amnesty International found that one of the "risk factors" that the algorithmic system adopted was whether the applicant had Dutch nationality. Consequently, people of non-Dutch nationalities received higher risk scores meaning they were more likely to have their benefits suspended and be subject to investigation for fraud. [39] This pushed many families into serious financial difficulties, including debt and bankruptcies. Many people were evicted from their homes when they could no longer afford their rent. Some people also reported suffering serious stress, which impacted their mental health. The algorithmic system behind the discriminatory fraud detection was later rolled back by the Dutch government, and a scheme was put in place to compensate people with a fixed amount regardless of their individual assessments. The use of an individual's nationality as a 'risk factor' also shows the discriminatory assumptions held by the designer, developer and/ or user of the system that people of certain nationalities would be more likely to commit fraud or crime than people of other nationalities.

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[37] UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, Report: *Racial Discrimination and Emerging Digital Technologies: a human rights analysis*, 18 June 2020, UN Doc. A/HRC/44/57, para. 28.

[38] UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, Report: *Racial Discrimination and Emerging Digital Technologies: a human rights analysis*, 18 June 2020, UN Doc. A/HRC/44/57, para. 28.

[39] Amnesty International, Xenophobic machines: discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal (Index: EUR 35/4686/2021), 25 October 2021, https://www.amnesty.org/en/documents/eur35/4686/2021/en

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An illustration of a large, red computer screen reading 'DENIED', that is standing at a judge's bench with a gavel in front of it. Underneath the bench, there are three characters huddled together, seen from behind, looking up at the screen. © Simina Popescu

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6.AUTOMATION AND SOCIAL PROTECTION

Automation refers to a set of predefined instructions or tasks performed by a machine or technology. Automation is often used to streamline processes and tasks to support the human decision-maker and can include retrieving data from other databases or performing basic calculations. In the context of social protection, some systems will rely on fully automated decision-making , for example, to determine people's eligibility for social protection, whereby no human is involved in the decision-making process, and a decision is taken solely by the system.[40] Other systems will use semi-automated decision-making, where a human is involved in the decision-making process in some capacity, often to review cases selected by the system. Semi-automated decision-making systems can also assist human decision-making processes by providing information and/or suggested outcomes. [41] These systems frequently involve data-intensive solutions, such as creating social registries that collect and analyse vast amounts of information about recipients to determine their eligibility for social assistance.

Although presented as an effort to improve governance and access to benefits, the introduction of automation in social protection has often been accompanied by reduced budgets and the elimination of some services, leading to a reduction in the number of recipients, with women, racial and ethnic minorities, and people with disabilities disproportionally affected. [42]

Even in systems where a human has a prominent role and can verify the output of automated decision-making, there are risks of serious flaws in the decision-making process. Automation bias, for example, is a significant concern for the independence of human decision making in any process using automation. Automation bias is phenomenon whereby people tend to trust the automated system so much that they ignore other sources of information, including their own judgement, which can lead to errors within the automated decision-making not being detected or challenged. [43]

In March 2022, the Serbian authorities introduced the Social Card registry into the social assistance system. The Social Card registry is a comprehensive centralized information system which uses automation to consolidate the personal and other data of applicants and recipients of social assistance from a range of official government databases. As well as data aggregation, the registry introduces semi-automated decision-making into the assessment of eligibility for social assistance and flags cases requiring review by a social worker.

In 2023, Amnesty International's research on the Social Card registry found that the introduction of a semi-automated decision-making system took place in the context of an already flawed social security system and broader structural discrimination and served to further exacerbate the hardships faced by some of the most marginalised members of society, including Roma communities and people with disabilities. People interviewed by Amnesty International explained how decisions were being made regarding their eligibility for social assistance based on flawed, inaccurate, or out of date data leaving them to be removed from the financial and other support that they relied on to access medication or feed themselves and their families. [44]

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[40] See, for example, "Algorithm Watch", Automating Society Report 2020, October 2020, https://automatingsociety.algorithmwatch.org

[41] Amnesty International, Xenophobic machines: discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal (Index: EUR 35/4686/2021), 25 October 2021, https://www.amnesty.org/en/documents/eur35/4686/2021/en; Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

[42] Human Rights Watch, *"How the EU's Flawed Artificial Intelligence Regulation Endangers the Social Safety Net: Questions and Answers,"* 10 November 2021, https://www.hrw.org/news/2021/11/10/how-eus-flawed-artificial-intelligence-regulation-endangers-social-safety-net

[43] Saar Alon-Barkat and Madalina Busuioc, "Human–AI Interactions in Public Sector Decision Making: 'Automation Bias' and 'Selective Adherence' to Algorithmic Advice", Journal of Public Administration Research and Theory, Volume 33, Issue 1, January 2023, https://doi.org/10.1093/jopart/muac007, pages 153–169. See also Algorithm Watch, "Poland: Government to scrap controversial unemployment scoring system", 16 April 2019, https://algorithmwatch.org/en/poland-government-to-scrap-controversial-unemploymentscoring-system/

[44] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

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The research also raised significant concerns over the independence of the social workers to make decisions and how they might be impacted by automation bias. Whilst the Social Card registry does not make decisions on eligibility for social assistance, Amnesty International interviewed recipients who said that the social workers ascribed decisions to the "new system" and insisted that they were not able to contradict or override notifications that were pointing to what was clearly an error in their experience. "There is nothing I can do, it's the new system from Belgrade that decided," was perhaps the most frequently documented response by social workers, as noted in the interviews.[45] In conversation with Amnesty International, some social workers maintained that they were not able to override the notifications because it was not technically possible to do so.[46] Others said they were reluctant to contradict the notifications for fear of being sanctioned for exercising discretion as the Ministry of Labour now had the technical ability to oversee all activities in the Centres for Social Work.

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[45] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

[46] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

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7.TRANSPARENCY AND THE RIGHT TO REMEDY

THE RIGHT TO REMEDY

International human rights law and standards contain provisions guaranteeing individuals the right to an effective remedy, as well as the right to adequate redress and due process. [47] The UDHR states that "[e]veryone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights." [48]

The UN CESCR notes that "appropriate means of redress, or remedies, must be available to any aggrieved individual or group" and that "appropriate means of ensuring governmental accountability must be put in place". [49]

For the right to remedy to be effective, all remedies must be accessible, affordable and timely for the individuals experiencing the harm. The body providing remedy should take measures necessary to repair the specific harm experienced by the individual and this can include taking measures such as compensation, rehabilitation or a legally binding guarantee of non-repetition.

Transparency is a key principle of governance and should be at the core of creating and implementing public sector policies, including in cases concerning individuals' access to public services such as social protection, and any instances of automation or data-driven processes using sensitive data. [45] To comply with transparency principles, states have an obligation to ensure the general right of access to information held by public bodies and to create mechanisms to enable individuals to request and access information.

The right to remedy is especially important when it comes to digital technologies that are introduced into the public sector. The core risks to the right to remedy often relate to the fact that some states choose to use these systems in opaque ways; meaning that the steps or data used to reach a certain decision are often not disclosed or in other cases people are not even informed that digital technologies are being used in relation to their cases. This lack of transparency is even more concerning in the case of so-called 'black box systems' which are algorithmic systems where the inputs and outputs can be viewed but the internal workings are unknown.

There are a number of reasons as to why states deny access to the details of how a system operates. In Serbia for example, the Ministry of Labour cited concerns over intellectual property rights as a reason to refuse Amnesty International's requests to access information about the Social Card registry and to deny Freedom of Information

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[47] International human rights law and standards contain provisions guaranteeing individuals the right to an effective remedy, as well as the right to adequate redress and due process. This includes United Nations, Universal Declaration of Human Rights 1948, Article 8; European Convention on Human Rights 1950; Article 2 (3), International Covenant on Civil and Political Rights; Article 2, International Covenant on Economic, Social and Cultural Rights; Article 6, International Convention on the Elimination of All Forms of Racial Discrimination; Article 2, Convention on the Elimination of All Forms of Discrimination against Women; Article 14, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 13, European Convention for the Protection of Human Rights and Fundamental Freedoms; Article 25, American Convention on Human Rights, Article 7(1)(a), African Charter on Human and Peoples' Rights; Article 47, Charter of Fundamental Rights of the European Union; Articles 12 and 23, Arab Charter on Human Rights, and UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc A/RES/60/147, 21 March 2006 amongst others. See also UN CESCR, General Comment 9: The domestic application of the Covenant, 3 December 1998, UN Doc. E/C.12/1998/24 and UN Committee on Economic, Social and Cultural Rights, General Comment 19: The right to social security (Article 9 of the Covenant), 4 February 2008, E/C.12/GC/19,

[48] United Nations, Universal Declaration of Human Rights 1948, Article 8

[49] UN CESCR, General Comment 9: The domestic application of the Covenant, 3 December 1998, UN Doc. E/C.12/1998/24, para. 2.

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requests filed by civil society organizations. [50] However intellectual property rights or trade secrets must not take primacy over meaningful transparency over the human rights impacts of automated systems which affect people's lives and livelihoods. [51]

The opacity makes it hard to understand how these systems work, let alone challenge the resulting decision-making. States are, therefore, responsible for ensuring that any use of technology is clearly communicated to rights holders and for ensuring transparency so that the outputs of the technology and the decision-making process are visible and interpretable. [52] Interpretability refers to whether humans can easily understand the functions and outputs of the technology. Finally, states have an obligation regarding the right to remedy and therefore to "create accessible and practical routes for remedy and redress when human rights are negatively impacted". [53]

Amnesty International's research on semi-automated decision making in Serbia and algorithmic decision making in the Netherlands found that in both contexts individuals who were flagged for investigation or who were removed from support faced a lack of transparency over the decision-making process and the data that was used to reach a decision. This presented a significant barrier for individuals to appeal decisions and places the burden of proof on impacted communities and NGOs representing their rights. [54] In Jordan, Human Rights Watch found that many people were not aware they were eligible to appeal decisions made regarding their eligibility for the social assistance programme Takaful. [55] The former UN Special Rapporteur on extreme poverty and human rights has raised concerns about how, in the context of a digital welfare state, "determinations are framed and communicated" that may "be dehumanized and allow no room for meaningful questioning or clarification". [56]

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[50] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

[51] See Council of Europe, Human rights by design future-proofing human rights protection in the era of AI, May 2023, https://rm.coe.int/follow-up-recommendation-on-the-2019-report-human-rights-by-design-fut/1680ab2279; UN Special Rapporteur on poverty, Report: *Digital welfare states and human rights,* 11 October 2019, UN Doc. A/74/493,

[52] See Council of Europe, Human rights by design future-proofing human rights protection in the era of AI, May 2023, https://rm.coe.int/follow-up-recommendation-on-the-2019-report-human-rights-by-design-fut/1680ab2279;

[53] Amnesty International, Xenophobic machines: discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal (Index: EUR 35/4686/2021), 25 October 2021, https://www.amnesty.org/en/documents/eur35/4686/2021/en, p. 37.

[54] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en and Amnesty International, Xenophobic machines: discrimination through unregulated use of algorithms in the Dutch childcare benefits scandal (Index: EUR 35/4686/2021), 25 October 2021, https://www.amnesty.org/en/documents/eur35/4686/2021/en

[55] Human Rights Watch, "Automated Neglect: How The World Bank's Push to Allocate Cash Assistance Using Algorithms Threatens Rights", 13 June 2023, https://www.hrw.org/report/2023/06/13/automated-neglect/how-world-banks-push-allocate-cash-assistance-usingalgorithms

[56] UN Special Rapporteur on extreme poverty and human rights, Report: Digital technology, social protection and human rights, UN Doc. A/74/493, para.55

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BOGDAN'S EXPERIENCE OF ACCESSING SOCIAL ASSISTANCE IN SERBIA

An illustration of a dark silhouette of a man, knees deep in a long, tangled scroll of paperwork, that wraps around his torso. The background consists of lines of computer code © Simina Popescu

In March 2023, Bogdan tried to renew the social assistance that he and his family, including four young children, depended on. Instead of receiving the assistance they so desperately needed, he was told by social workers that he had "too much money" in his bank account.

"This was ridiculous. I don't even have a bank account, and 90,000 Serbian dinars (770 euros) is a huge amount of money," he said. "I tried to get information from the Centre for Social Work about this bank [account], but they were not able to tell me. They said it was my job to get the paperwork confirming that this was not correct."

When Amnesty International interviewed him, Bogdan was trying to collect the proof that he had no bank account nor the stated funds to his name, so that he could reapply for social assistance, without which Bogdan's family was in severe crisis. "We always lived modestly and without any luxuries," but now we can't even buy food," Bogdan told Amnesty International. [57]

Bogdan was one of possibly thousands of people who lost social assistance after the Social Card law entered into force in March 2022 and introduced automation into the process of determining people's eligibility for various social assistance programmes.

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[57] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

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8.MONITORING AND REPORTING IN THE DIGITAL WELFARE STATE

Adequate and robust human rights safeguards are essential for preventing human rights harms from occurring after introducing these technologies into the public sector. This includes, but is not limited to, the need for authorities and other policymakers to undertake a full human rights risk assessment before deploying a new system. They must also conduct ongoing monitoring to ensure that the system causes no harm throughout its implementation and lifecycle and adopt special measures to address discrimination.

There also needs to be adequate monitoring and reporting requirements when private companies are contracted to design or operate these tools. Crucially, any system found to potentially cause human rights harms or discriminatory outcomes in its early design and conceptualization stages should not be deployed and if a system is found to discriminate or cause human rights harms post implementation it should be rolled back.

The former UN Special Rapporteur on extreme poverty and human rights recommends "inclusive mechanisms" in data and monitoring processes that account for the "asymmetries of power" between rights holders and duty bearers. [58] Without these mechanisms, those who are least likely to enjoy their rights will be least able to participate in assessing these policies. This will, in turn, lead to policies being less reflective of marginalized people's needs and concerns, leading to the likelihood of further human rights violations and discrimination.

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[58] UN Human Rights Council (HRC), Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, 22 May 2014, A/HRC/23/36, para. 22.

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9.THE WORLD BANK AND DIGITAL WELFARE STATES

As one of the largest providers of social protection loans globally, the World Bank has played a crucial role in advocating for greater automation in social protection systems, particularly in low and middle-income countries. [59] A key aspect of the work that the World Bank is doing in the field of social protection is more effective poverty targeting, a process of prioritizing cash transfers and other benefits among individuals and groups based on their socio-economic status. Although widely used in low and middle-income countries, poverty targeting as a concept has faced significant criticism. [60] The risks of poverty-targeting are further exacerbated by the increasing integration of digital and automated technologies to determine people's eligibility for social security programmes. A central element of poverty-targeting digitalization is the creation of social registries, or information systems that enable data collection about recipients and potentially an assessment and determination of their eligibility for some form of social protection. [61]

According to the Tilberg Guiding Principles on World Bank, IMF and Human Rights, as an independent specialized international organization under the UN, the World Bank has international legal obligations to "take full responsibility for human rights respect in situations where the institutions' own projects, policies or programmes negatively impact or undermine the enjoyment of human rights".[62] The International Financial Corporation's Sustainability Framework and Corporate Governance provides international benchmark practices for assessing projects' environmental and social risks. However, research undertaken by Amnesty International and others has documented how World Bank funded social protection projects have had negative impacts on human rights. [63]

In Serbia, the World Bank both provided technical assistance and funded the creation of the Social Card registry as a precondition of a 82,600,000-euro loan to the Serbian government.[64] The World Bank did not respond to multiple requests for information from Amnesty International regarding the Social Card registry therefore it is not clear whether the Bank has conducted human rights due diligence to determine whether the system it funded had a discriminatory impact on the rights of marginalized groups and to ensure that the technology used met human rights standards. [65]

In Jordan, the World Bank helped establish the 'Takaful' cash transfer programme as part of two loans to the Jordanian government totalling US$2 billion. To assess eligibility for social assistance the social registry uses a combination of data pulled from other databases and proxy means testing. Through a two-stage screening process, applicants are ranked using an algorithmic model from poorest to least poor, with those who are deemed the poorest enrolled first until all the slots for support are taken. This means that not all those who are eligible for

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[59] The World Bank In Social Protection, https://www.worldbank.org/en/topic/socialprotection/overview (accessed on 28 August 2023), "Overview"

[60] Amnesty International's research in Lebanon on the World Bank funded Emergency Crisis and Covid-19 Response Social Safety Net Project (ESSN) found that this system excluded many people in poverty from social assistance due to narrow criteria and a narrow registration period

[61] World Bank Group, Social Registries for Social Assistance and Beyond: A Guidance Note and Assessment Tool, July 2017, https://documents1.worldbank.org/curated/ar/698441502095248081/pdf/117971-REVISED-PUBLIC-Discussion-paper-1704.pdf

[62] Willem van Genugten, "Tilburg Guiding Principles on World Bank, IMF and Human Rights", World Bank, IMF and Human Rights, Willem van Genugten, Paul Hunt and Susan Mathews, eds., 2003, https://ssrn.com/abstract=957195, pp. 247-255

[63] Amnesty International, Actions Speak Louder Than Words: The World Bank Must Promote Universal Social Protection (Index: POL 40/7224/2023), 10 October 2023, https://www.amnesty.org/en/documents/pol40/7224/2023/en; Human Rights Watch, "Automated Neglect: How The World Bank's Push to Allocate Cash Assistance Using Algorithms Threatens Rights", 13 June 2023, https://www.hrw.org/report/2023/06/13/automated-neglect/how-world-banks-push-allocate-cash-assistance-usingalgorithms;

[64] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

[65] Amnesty International, Trapped by Automation: Poverty and Discrimination in Serbia's Welfare State (Index: EUR 70/7443/2023), 4 December 2023, https://www.amnesty.org/en/documents/eur70/7443/2023/en

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support will in fact receive support. Research undertaken by Human Rights Watch has found that it is not fit for purpose due to flaws in the data used, lack of transparency, and its use of proxy means tested poverty targeting. [66]

In the context of growing concerns about the human rights impacts of using technology in national welfare systems, it is essential that the World Bank conducts – and encourages governments to conduct – robust human rights risk assessments while designing and implementing such programmes to recognize and mitigate potential harmful impacts.

In 2013, the former UN Special Rapporteur on the right to adequate housing urged the World Bank to adopt safeguard policies, align with the international human rights obligations of its member states and incorporate the UN Guiding Principles on Business and Human Rights into its operations. [67] Due to its ubiquitous presence and influential role in providing national-level financial and technical assistance to key reforms in low and middle-income countries, the World Bank is also in a strong position to support the governments it works with to meet their human rights obligations.

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[66] Human Rights Watch, "Automated Neglect: How The World Bank's Push to Allocate Cash Assistance Using Algorithms Threatens Rights", 13 June 2023, https://www.hrw.org/report/2023/06/13/automated-neglect/how-world-banks-push-allocate-cash-assistance-usingalgorithms

[67] UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, Addendum Mission to the World Bank, 15 February 2013, A/HRC/22/46/Add.3

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10.CONCLUSION AND RECOMMENDATIONS

Amnesty International considers that before the introduction of technology into social protection systems, states must carefully consider and weigh its deployment against the potential risks. It is crucial that the introduction of any technology is accompanied by adequate and robust human rights impact assessments throughout the lifecycle of the system, from design to deployment, and effective mitigation measures.

Communities who will be impacted by the system must be consulted and any changes to systems are communicated in a clear and accessible way. International financial institutions, such as the World Bank, should take their responsibilities seriously and ensure that any funding or technical support provided to programmes that aim to introduce technology into social protection do not cause or contribute to human rights violations.

Crucially if a system is found to have the potential to harm human rights and that harm cannot be effectively prevented, it must never be deployed.

AMNESTY INTERNATIONAL RECOMMENDS THAT STATES:

- Ensure full transparency about the use of digital technologies used by a public authority or on their behalf.

- Ensure that when a new system is introduced, information about how it functions, the criteria it considers and any appeals mechanisms in place to challenge decision making, are widely disseminated in accessible formats and languages

- Ensure that digital technologies are used in line with human rights standards, including on privacy, equality, and non-discrimination, as well as data protection standards, and that they are never used in ways that could lead to people being discriminated against or otherwise harmed.

- Implement a mandatory and binding human rights impact assessment of any public sector use of automated and algorithmic decision-making systems. This impact assessment must be carried out during the system design, development, use, and evaluation, and – where relevant – retirement phases of automated or algorithmic decision-making systems. The impact on all human rights, including social and economic rights, must be assessed and properly addressed in the human rights impact assessment. The process should involve relevant stakeholders, including independent human rights experts, individuals from potentially impacted, marginalized and/or disadvantaged communities, oversight bodies, and technical experts.

- Establish comprehensive and independent and public oversight mechanisms over the use of automated or semi-automated decision-making systems, to strengthen accountability mechanisms and increase human rights protection.

- Ensure that all social protection systems meet a level of adequacy that allow people to realise their right to an adequate standard of living.

- Factor in and address the multiple and intersectional forms of discrimination that many groups including (but not limited to) women, people with disabilities, older people, people living in poverty, people working in the informal sector, children and people belonging to racialized and otherwise minoritized communities face when trying to claim their human rights, and the specific barriers they may face when interacting with digital technologies.

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- Provide meaningful accountability, effective remedy and redress for human rights harms linked to the use of digital technologies.

- Ensure that companies providing social security systems adhere to their responsibilities as outlined   in the UN Guiding Principles on Business and Human Rights, as well as their obligations under relevant regional and national corporate sustainability and due diligence frameworks.

AMNESTY INTERNATIONAL RECOMMENDS THAT INTERNATIONAL FINANCIAL INSTITUTIONS LIKE THE WORLD BANK:

- Act in line with their human rights responsibilities when providing funding, technical support, or other assistance.

- Ensure that funding and technical support of social protection programmes and introduction of potentially rights infringing technologies is not a precondition of states receiving funding.

- Include an independent human rights impact assessment of any social protection systems and any digital technologies that underpin it, as well as follow-up assessments to evaluate its application. These assessments should determine any potential issues after its introduction, including potentially discriminatory effects on specific groups.

- Ensure that any new systems introduced comply with state-of-the-art requirements on data and data governance, documentation and recording keeping, transparency and provision of information to users, human oversight, robustness, accuracy, and security, as well as relevant digital and human rights standards.

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AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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info@amnesty.org

facebook.com/
AmnestyGlobal

@Amnesty

amnesty.org

Amnesty International
Peter Benenson House
1 Easton Street
London WC1X 0DW, UK