Algorithms and inequalities

The responsibility of enterprises, governments, and civil society to avoid the harmful consequences of automatic decision making towards fundamental human rights in Latin America.

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Publicity nowadays loves to start the year with a title that predicts good sales to some businesses. During 2018, the slogan definitely was "the year of artificial intelligence". Microsoft's yearly forecast read: "AI consolidated as a reality and a key tool on many industries, boosting online recommendation engines, acting as a virtual chat assistant for a bank account or as a travel agent, customizing a news supply or protecting credit cards against fraud".[2] Intel, on the other hand, predicted that "these technologies would not only keep on helping an ever-growing number of companies to take better choices by extracting vital data, but they would also become part of even more consumption devices".[3] For the consultancy firm PriceWaterhouseCoopers (PwC), the companies and governments face the challenge of "strengthening their structures and collaboration capabilities amongst people and machines". By doing so, they would have the advantage to take the economic benefits of the cooperation or -in their own words- "a piece of the cake".[4]

The business world rejoices with the high economic benefits that are offered with the spike on data accumulation and the increasing use of different processing technologies to take automated decisions. And there is a reason for this: these businesses are its objective and its *raison d'être*. Nonetheless, with every "golden age" of technology, it is necessary to analyze the response of the companies, as well as the role governments and civil society play. Also, analyzing how the States -in alliance with private operators that provide automated decisions that involve public data- can affect human rights. In Latin America, the task doubles its importance, as the big international corporations deploy their breakthrough artillery with their relentless marketing.

Independent Research

On April 2018, on the same week in which the Argentinian Congress began the debate on the decriminalization of the voluntary interruption of pregnancies, Salta Province's governor, Juan Manuel Urtubey, said that his government was working on a software that uses artificial intelligence to know if the women of his province can get pregnant. "With technology, you can foresee which girls will be an 86% predestined to have a teenage pregnancy", he manifested. In the same interview, he expressed that his administration was doing this job with a big technology company. On the next days, thanks to the outreach work of some Argentinian journalists, the code involved in that system was published: it belonged to Microsoft. On the pregnancy prediction algorithm, it became evident that there were no questions on contraception or sexual education; but there were questions about age, ethnic precedence, studies, place of residence, disability, country of origin, and school abandonment.

This model replicated a bias, a prejudice, of associating pregnancy to poverty, and even to a conception of promiscuity belonging to certain ethnic groups and places. Thanks to the independent journalistic research[5] we were able to know that behind the "predictive model", there was an institution with strong ties to the Catholic church that was convened in a shady way.

With these reports, the Artificial Intelligence Laboratory of the Exact Sciences Faculty at Buenos Aires University alerted that the algorithm was making decisions based on prejudice:[6] "The methodological issues and the untrustworthy data provide the risk, for public policy decision-makers, of taking the wrong measures".

Platforms, Information, Ethics, and The Right to Explanation

During the Preparatory Meeting for the Internet Governance Forum that took place on Buenos Aires during the 31st of July to August the 2nd, 2018, the session on "Challenges and opportunities to face inequality on our region due to massive use of algorithms and automated decision making. The responsibility of the enterprises, the role of the Government and Civil Society" took place. With Paz Peña (Acoso Online, Chile) as moderator, it had the participation of Gustavo Gómez (Observacom, Uruguay), Eduardo Magrani (ITS RIO, Brazil), Alejandro Delgado (Commission of Communications Regulation, Colombia) and the author of this piece. The private sector, summoned to the debate, was never present.

As an introduction, Paz Peña pointed out that in data-driven societies the decisions which are guided by algorithms are happening right now. Therefore, our commitment towards thinking and acting on behalf of its consequences to fundamental human rights must be now, and not a "challenge for the future". She warned about the governance of formulas and data being guided by private operators and States, which meant we should be questioning -as a principle- the supposed objectivity of the algorithms. And, then, as Latin American citizens, ask ourselves if we can challenge the technological decisions that are taken on the global north, but that certainly have consequences on our region.

For Gustavo Gómez, the influence of automated decision processes -which are taken by information platforms

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5   https://www.youtube.com/watch?v=xyLuxPhCgBw

6   https://www.dropbox.com/s/r7w4hln3p5xum3v/[LIAA]%20Sobre%20la%20predicci%C3%B3n%20
autom%C3%A1tica%20de%20embarazos%20adolescentes.pdf?dl=0

such as Facebook- must be analyzed by its consequences on the freedom of speech. Observacom's Executive Director also pointed out that the big intermediaries, even when they pledge to most of their platform moderation is done via algorithms, are really hiding that they prioritize, remove or delete contents on the criteria they design for themselves as "self-regulation standards". Nonetheless, it is necessary to limit these powers or finding a combination of regulation, co-regulation, and self-regulation; as the power of these companies affects the public interest. "They can't keep on saying that they are simple intermediaries, because -for example- to fight against fake news they not only take measures like offering context on some information to help the user make their choices, they also take down other contents". Gómez explained that a company as Facebook assumed its role as non-intermediary by publishing transparency reports. On 2018 report they acknowledged the elimination of 583 millions of fake accounts, the removal of 3.5 millions of "publications with violent content", and -in some cases- the 96% of the removals being done through automated mechanisms.[7]

During his participation, Eduardo Magrani wondered how much ethics are embedded in the increasing amount of devices connected to the internet which exchange data to work properly. He explored the effects machine learning has, for example, through home devices as Alexa, which accustoms children to talk giving orders, and had to implement functions to "ask please" to avoid bad habits.[8] Just like before, we've had the debate on security by design on technology, Magrani introduced the need of *ethics by design*.

"Which ethics should we have as a parameter? Ontological ones, oriented towards human rights, where we don't think as influential being, but as ones capable of contributing to technology. The path proposed is one of utilitarian ethics, which doesn't respect any rights", he said. The Brazilian researcher proposed that before launching devices -that gather data and processes it by bot answers- to the market, there should be tests done on them to assure that no biases or hate speech is being repeated, especially if those devices work with public information.

According to his vision from the State in Colombia, Alejandro Delgado aimed to implement transparency mechanisms that could allow the accountability on how any algorithm makes decisions. On this regard, the valued positively the European General Data Protection Regulation; which establishes that if personal data is used for automated decision making over people, companies should be able to explain the logic behind the process. He also pointed out that there are cases in which the implementation of an algorithmic decision should be prohibited, such as the applications that detect cop presence on highways, and alert drivers to avoid them.

A Glimpse of the Future

There are some issues of outermost importance while analyzing future automated decision-making processes in our region. The first one is if we can rely on techno-political advisors capable of considering who would win and who would lose with those decisions, and -if necessary- limit the scope of the automatization. It is important to broaden the control capacity of certain actors (such as civil society, universities, and specialized research centers) on the public-private alliances, which most of the times are taken with disregard towards the public

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7   https://ltam.newsroom.fb.com/news/2018/05/facebook-publica-informe-sobre-remo-cion-de-contenido/

8   https://www.bbc.co.uk/news/technology-43897516

interest, generating inequalities as a product of automated decision-making processes driven by massive data.

The second one is which private actors are involved in the decisions over public issues, how they access to those businesses, and who controls them. The third one is who is summoned to audit the decision taken by automated processes. In this regard, we consider that the civil society, the universities, and the regulatory bodies should be taken into account for this task.

Last but not least, it is pivotal to ask ourselves how much do we -as citizens- know regarding the decisions being taken by algorithms on our daily lives in Latin America. If the answer is "a little" or "nothing", we have a pending task to solve. If that task implies limiting the powers, we will have to build local alliances with other actors to bring those decisions back to our hands. At the end of the day, this is what sovereignty is about.