

TAKING ON DIGITAL WELFARE DISCRIMINATION

In France, a fight for justice and equality is unfolding in the courtrooms. Leading the fight is La Quadrature du Net (LQDN), a digital rights organisation that uncovered a troubling truth: the French welfare system targets and punishes people who have not done anything wrong and are already marginalised in society.

Story by La Quadrature du Net

The French welfare system has an automated system that uses various data about welfare recipients to assign them a “suspicion score”. Those with higher scores, often people with low incomes, disabilities, or unstable employment, are flagged for additional scrutiny.

“Because you are in an economically vulnerable position, you will be suspect in the eyes of the algorithm. It’s a double punishment” – Bastien Le Querrec, LQDN’s legal officer

At LQDN, we didn’t just publish the findings of our investigation, we built a legal case to challenge the system, arguing that it violates European data protection and anti-discrimination laws. We hope to get a ruling to ban the use of the system.

BUILDING A COALITION FOR CHANGE

We filed a court case against the French government in October 2024. Twenty-five organisations joined the case, including grassroots organisations, lawyers’ unions, and international NGOs, forming an international and cross-sector coalition.

Working with anti-poverty collectives was essential. They brought firsthand knowledge of how these automated systems translate into real-world harm: invasive inspections, withheld benefits, and a climate of fear. Their involvement helped us understand the human cost of automated decision-making and shaped the litigation’s focus on discrimination.

Coordinating such a diverse coalition was no small feat. It required time, resources, and trust, but the payoff was immense. The coalition amplified the case’s visibility, drew media attention, and sparked public debate about automating welfare administration.



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FROM LEGAL RESEARCH TO PUBLIC MOBILISATION

DFF funded us at both the research and litigation stage, enabling us to conduct in-depth technical and legal preparation, explore the discriminatory impacts of the system, and invest time in building partnerships with experts in the field. DFF's funding allowed us to move from technical analysis to a robust legal challenge in partnership with more than twenty organisations.

The litigation also opened doors to new collaboration. Academics began following the case closely, offering insights and support. MPs raised questions in parliament. The Ombudsman was alerted. What could have been framed as just a technical issue became a conversation about fairness, transparency, and the future of welfare.

EMPOWERING COMMUNITIES THROUGH PROOF AND PARTICIPATION

France's welfare system is far-reaching, covering half of the population in France, using highly detailed personal data about each person. Many welfare recipients suspected they were being unfairly targeted, but they lacked proof. Our publication of the source code changed that. For the first time, they had evidence of discrimination.

"La Quadrature du Net has proven... that the variables that increase the 'risk' score are based on discriminatory criteria: these include having a low income, being unemployed, receiving minimum income benefits, living in a 'low-income' neighbourhood, spending a significant portion of income on rent, or not having a job or stable income." - Catherine Couturier, Member of the French Parliament

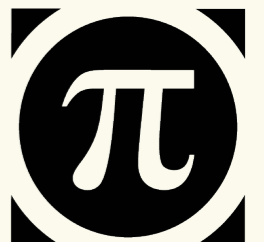
LOOKING AHEAD: A EUROPEAN FIGHT

Just by publishing our findings and starting litigation we have already helped to limit the use of this discriminatory practice. However, the litigation continues and a strong judgement from the courts could stop the practice all together.

At the same time, similar automated systems are spreading across other parts of the French government, and across Europe we are seeking new allies. The goal is clear: to challenge discriminatory automation wherever it appears, and to ensure that digital systems serve communities, not reinforce inequality.

Our campaign, "France Contrôle," now serves as a rallying point for civil society. With its own branding and online resources, it's helping to sustain momentum and build public awareness.

Our journey offers vital lessons for others pursuing strategic litigation. Transparency is hard-won. Accessing source code and documentation requires persistence. Coalition-building is demanding, but transformative. And with the right support, legal research can become a catalyst for societal change.



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