LITIGATING FOR EQUALITY:
AN AI LEGAL CLINIC FOR EQUALITY BODIES

Concept Note & Agenda
17-18 February, 10:00 a.m. – 12:00 p.m. CET
Register [here](#) until 11 February 2022

The development of AI-enabled technology could present a new frontier for enhancing the protection of equality in Europe, including through clarifying, strengthening and expanding existing national equality law. Expanding and diversifying the uses of AI systems across Europe, therefore, has lead and will lead to more legislative developments at both European and national levels.

The provision of legal assistance to victims of discrimination, including through test and strategic litigation, is essential to give direction to these developments through 1) identifying how the **existing legal safeguards for non-discrimination** need to be enhanced to be effective in the context of AI technologies; and through 2) clarifying how **new AI-specific legislation** can further strengthen the protection of equality. Beyond that, like [Equinet's Report "Regulating for an Equal AI: a New Role for Equality Bodies](#)" has noted, the provision of legal assistance to victims of discrimination by equality bodies will have the added value of publicising the potential for the principle of non-discrimination to be infringed by emerging forms of AI-enabled technology.

The [second Equinet Training on AI](#) aims to equip equality bodies with the necessary knowledge to provide effective and timely legal support and advice to victims of AI-enabled discrimination. Building upon the capacity already created by the [first Equinet Training on AI](#), this training will have a more specific and practical focus, providing equality bodies with concrete know-how and tools on how to identify real-life cases of suspected AI-enabled discrimination and how to act upon those cases through different legal support capacities, whether it is through bringing cases to court or advising and otherwise supporting victims to themselves bring cases to court.

OBJECTIVES

The overarching objective of this training is to enable equality bodies to continue to effectively fulfil their mandate of providing independent assistance to victims of discrimination in pursuing their complaints about discrimination in the now changed context of AI-enabled technologies.

This general objective will be achieved through the following **specific aims:**

- Provide tailored support to equality bodies in identifying and assessing problematic AI practices that could give rise to equality litigation at the national level;

- Develop example litigation strategies for up to three individual cases submitted by equality bodies;
- Identify and clarify ways for fostering the involvement of relevant national stakeholders, such as civil society organisations and national regulators, in pursuing AI-related equality litigation for the identified case;

PARTICIPANTS

The training will be aimed at NEB staff interested in AI, as well as NEB staff who are involved in or are interested in being involved in AI-related litigation.

Just like Equinet's AI training in April 2022, there is neither a technical, nor a legal prerequisite for participation in this training.

METHOD

The second Equinet Training on AI will be modelled after a **University Legal Advice Clinic**, thereby allowing members to take the lead in submitting cases and to receive concrete and practical guidance on real-life cases which they are considering to litigate.

As a firsts step in this process, all Equinet members will be asked to submit cases and only those chosen by the AI litigation adviser (up to three cases) will be consulted (on-line) by the adviser. The objective of these consultations will be analyse the case and develop a litigation strategy. The results of these **case-based discussions** will be shared in two "plenary" interactive meetings of indicative duration 2 hours, where all registered participants for the AI Clinic will be invited to join.

In the time leading to the two interactive meetings, **all Equinet members** will be invited to engage in discussions *in the [Forum section of Equinet's dedicated AI website](#)*. These discussions will be dedicated to the topic of the AI Legal Clinic, namely **legal assistance to victims of discrimination in AI cases**.

They will take place during the **four weeks** preceding the two groups meetings of the AI Clinic, with each weekly discussion addressing a different **"question of the week"** related to one specific topic related to the provision of non-discrimination assistance in AI cases. Members of the Equinet Secretariat will moderate the discussion, providing **relevant learning materials** (some of them also available in the [Equinet AI website Library](#)) and responding to comments by discussion participants.

The case-based consultations with the Legal Clinic adviser (selected cases only) and the online Forum discussions (all Equinet members) will prepare the ground for two interactive group meetings on respectively 17 February and 18 February (see agenda below). These group discussions will involve all registered participants for the AI Clinic.

The two group meetings will focus solely on presenting, analysing and further advancing the litigation strategies for the selected cases which were developed during the consultations with the Clinic adviser. These meetings are envisioned to serve as a **practical demonstration** on how to identify and build **an equality legal case against suspected AI-enabled violations of non-discrimination law**.

AGENDA

Day I – 17 February *10:00 a.m. – 12:00 a.m.*

Case Study I: The Netherlands Institute for Human Rights

Automated decision-making systems used by the Dutch Tax Authorities to calculate the amount of child care benefits

*Moderator: **Milla Vidina,** Policy Officer with AI focus**,** Equinet*

10.00-10.10	**Introduction** **Milla Vidina,** *Policy Officer with AI focus, Equinet*
10.10-10.35	**Setting the scene: overview of the life cycle of an equality legal case in the context of on-line recruitment discrimination** ***Dee Masters****, Barrister at Cloisters Chambers with specialist expertise in the areas of employment, discrimination and artificial intelligence.* *Adviser of Equinet's AI Legal Clinic and co-author of Equinet's Report "Regulating for an Equal AI: a New Role for Equality Bodies.* **Q&A**
10.35 – 10.55	**Case Study I: Automated decision-making systems used by the Dutch Tax Authorities to calculate the amount of child care benefits** ***Alexander Hoogenboom****, General legal counsel, The Netherlands Institute for Human Rights*
10.55- 11.40	**Q&A** *Moderator: Dee Masters*
11.40-12.00	**Closing first discussion day – *presentation of main conclusions through an interactive exercise*** *Milla Vidina, Equinet Secretariat, Policy Officer with focus on AI*

Day II – 18 February *Time: 10:00 a.m. – 12:00 p.m. (CET)*

Case Study II: Equality and Human Rights Commission, United Kingdom

Algorithmic allocation of school places by local authorities in England and Wales

* Note that the example used is fictional, but based on a composite of real cases.

Moderator: **Therese Keil,** *Equinet Secretariat, Assistant on AI*

10.00-10.10	**Introduction**
10.10-10.20	**Recap of Day I, Case Study I: Automated decision-making systems used by the Dutch Tax Authorities to calculate the amount of child care benefits** **Dee Masters**, *Barrister at Cloisters Chambers with specialist expertise in the areas of employment, discrimination and artificial intelligence.* *Adviser of Equinet's* AI Legal Clinic *and co-author of* Equinet's Report "Regulating for an Equal AI: a New Role for Equality Bodies.
10.20 – 10.40	**Case Study II: Algorithmic allocation of school places by local authorities in England and Wales** **(tbd)**, *Equality and Human Rights Commission, United Kingdom*
10.40- 11.25	**Q&A** *Moderator: Dee Masters*
11:25- 11.40	**A complementary source of learning: Equinet's AI website** **Relevant highlights from Equinet's AI on-line forum discussions on legal assistance in AI cases** *Presenter: Milla Vidina, Equinet Secretariat, Policy Officer with focus on AI*
11.40-12.00	**Closing of training "AI Legal Clinic for Equality Bodies"** **tbd**, *Equinet Secretariat*