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# For Canada to be a global human rights leader, it needs to get its AI law right from the start

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Canada is in an incredibly important win-dow of time when it comes to regulating artificial intelligence. The pace of laws being adopted and proposed on AI has been staggering. Numerous binding laws on AI have been adopted in the European Union, the United States, and China in the last year, serving inspiration for other countries the globe.

A handful of other countries have also proposed binding laws on AI in the last year, including Brazil, Chile, Costa Rica, Panama, and Serbia. Canada’s draft AI law—the Artificial Intelligence and Data Act (AIDA)—came in 2022, far ahead of these other legal proposals.

But beating other countries to the punch and proposing a law so soon has not been without issue. In an unusual and Frankenstein-esque move, the initial law was so incomplete that the minister of innovation, science and industry issued further changes to AIDA by way of a letter in November 2023.

The law has been criticized by civil society, lawyers, and academics alike for

being incomplete, confusing, and rushed, yet there is no doubt that any law we adopt in Canada will serve as a blueprint for other jurisdictions that will regulate AI. That’s why we need to get this law right, and to do so from the get-go.

A few things are in order if we want robust, sustainable, and future-proof AI laws in Canada. The first thing needed is adequate public consultation. Many AI experts have emphasized the need for comprehensive public consultation specifically on AIDA, including myself and others such as University of Toronto professor emeritus Andrew Clement, Toronto Metropolitan University post-doctoral researcher Anna Artyushina, University of Ottawa professor Teresa Scassa, and a wide range of civil society actors, academics, and experts.

AIDA—and the private-sector-privacy-focused Bill C-27 that contains it—are also of significant importance. AIDA is just as important as the proposed law to regulate online content, which involved a multimonth public consultation and release of a “what we heard” document.

The government also facilitated public consultations on the public sector-focused Privacy Act in 2021, publishing submissions later that year. AIDA and Bill C-27 deserve the same.

AIDA also needs stronger accountability requirements when it comes to the data used to train AI systems. Let’s take the field of genomic research to explain why this matters. Right now, white European people are over-represented in genomic datasets and studies relative to the world’s population. Using AI for genomic research right now may perpetuate and exacerbate such biases, potentially resulting in both missed diagnoses and misdiagnoses for people of colour.

AIDA has mere record-keeping requirements relating to training data that’s used to develop any AI system. But the law arguably still remains somewhat of an “empty shell,” to quote AI governance researcher Christelle Tessono. Training data is of such importance in the EU AI Act that Article 10 of the law is devoted to data governance practices, requiring that training data be “relevant, representative, free of errors and com-

plete.” There are no such requirements in AIDA, which is a massive oversight.

Finally, AIDA fails to protect human rights. The current law is too permissive and reactionary to address risks that arise when AI is used in various contexts and for certain ends. AI systems can be used to augment the ability to surveil, profile, nudge, and sway. The technology can be used to violate the right to privacy, limit freedom of expression, and discriminate on intersecting bases of people’s identities. It can also be used to deny access to housing, public benefits, and procedural fairness in court proceedings.

AI can also generate synthetic content, replicating people’s images, voices, and likeness without their consent. Generative AI systems can also violate copyright held over content that people have created. AIDA in its current form fails to address the majority of these rights and issues.

While the law allows for reactive prohibition of AI systems that may give rise to a serious risk of harm, there are no preventative bans in AIDA to against the most egregious uses of AI, which is a serious problem. Canada is falling behind its peers by failing to address such human rights risks associated with AI. If we want a robust, sustainable, and future-proof law on AI, Canada needs to start fresh and get this law right from the start.

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