

March 1, 2024

Standing Committee on Industry and Technology
Sixth Floor, 131 Queen Street
House of Commons
Ottawa ON K1A 0A6
Canada
E-mail: INDU@parl.gc.ca

Dear Chair and Members of the Committee,

Re: Bill C-27, Artificial Intelligence Technology and Racial Bias

I am a law professor specializing in AI and Law. Over the past four years, I have extensively researched racial biases inherent in artificial intelligence (AI) technologies. My research has focused on uncovering and publicizing racial biases in AI: from its use in recidivism risk assessment in the criminal justice system where AI disproportionately overestimates risks for Black defendants (compared to White defendants) leading to unjustly harsher sentences, to AI use in facial recognition where it continues to misidentify Black people resulting in their wrongful arrests and detention.

Records show that all documented cases of false arrests in the US arising from the use of AI facial recognition technology have involved Black people¹ – a troubling pattern mirrored in Canada where all cases of refugee status revocation involving the use of AI facial recognition technology have also involved Black people.² The adverse impacts of AI technologies on Black people and people of colour are well-documented. As was rightly noted by IBM engineer Calvin D. Lawrence, “[w]hen tech goes wrong, it often goes terribly for people of colour”.³

As a matter of fact, Black people and other racial minorities are disproportionately impacted by AI technologies. Given these circumstances, one would anticipate that any legislative efforts to regulate AI technologies in Canada would directly address and seek to rectify these historical and systemic biases imbedded in AI technologies. Regrettably,

¹ Christina Swarns, “When Artificial Intelligence Gets It Wrong” Innocence Project, September 9, 2023 <<https://innocenceproject.org/when-artificial-intelligence-gets-it-wrong/>>.

² Gideon Christian, “AI facial recognition technology: the black box hurting Black people” *Toronto Star*, August 22, 2023 <https://www.thestar.com/opinion/contributors/ai-facial-recognition-technology-the-black-box-hurting-black-people/article_67c4a8e6-e377-55c6-9e63-2bd209e99dc3.html>.

³ Calvin D. Lawrence, *Hidden in White Sight: How AI Empowers and Deepens Systemic Racism*. (New York) Taylor and Francis, 2023 at xiv.

Bill C-27 falls short of acknowledging, let alone addressing, the specific harms AI technologies inflict on Black individuals and other racial minorities.

Mr. Chair and Members of the Committee, I have followed all your Committee's deliberations on Bill C-27 closely. As a Black Canadian deeply invested in these proceedings, I had hoped that the deliberations on Bill C-27 would actively include and consider the perspectives of those most adversely impacted by these AI biases. However, the notable absence of representation and discussion regarding the racial biases of AI technologies in over 20 committee meetings/hearings is both surprising and disheartening. Such issue should be at the heart of any debate relating to the regulation of AI in Canada.

AI represents a transformative force with immense potential benefits for society. However, it is essential to implement fair regulation to ensure that its advancements benefit all sectors of the Canadian community equally, without imposing undue burdens on any group. This approach will guarantee that AI's development is aligned with the principles of equity and justice, ensuring its benefits are universally accessible while mitigating any disproportionate impacts on specific communities.

May I humbly urge the Committee to prioritize this critical issue, ensuring that the voices and concerns of racial minority communities in Canada are not only heard, but considered, and reflected in an important and timely piece of legislation that seeks to regulate a technology that has, thus far, disproportionately impacted them.

Sincerely,



Dr. Gideon Christian
Assistant Professor (AI and Law)