Human Rights in the Age of Artificial Intelligence

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The principle of non-refoulement denotes that the asylum State should not return an asylum seeker to a country where they face a real and serious risk of persecution. However, this principle is not absolute and exceptions can be made, such as permanent protection, or an asylum seeker facing a significant risk of torture, serious illness or death in their home country.

In making decisions, AI may segregate or segment people by the data on the other. Hence, a balance needs to be struck between the right to data protection and the right to privacy. Therefore, it is high time that climate refugees were incorporated within the scope of the 1951 Refugee Convention.

There is no doubt that climate refugees are facing unimaginable sufferings because of rapid climate change. It is also now well-established that developed countries are the biggest contributors to climate change. A World Bank report on climate migration found that 3.1 million people are displaced by climate change every year.

The HRC jurisprudence discussed above is particularly significant for the present purpose. In In re applying for leave to appeal (Teitiota v. New Zealand), the HRC rejected the New Zealand government’s appeal in a case where an individual from Kiribati was found to have beenchtly in the country.

In this case, Ioane Teitiota and his family left their habitat of Kiribati for New Zealand because they feared that their home would be submerged due to rising sea levels caused by climate change. The High Court of New Zealand found that Teitiota had a well-founded fear of persecution and granted him refugee status. However, the government appealed against this decision, arguing that Teitiota did not meet the criteria for refugee status under the 1951 Refugee Convention.

The High Court of New Zealand rejected the government’s appeal and found that Teitiota had a well-founded fear of persecution based on his membership in a particular social group, the climate refugees. The government then applied for leave to appeal to the Court of Appeal, but the application was also rejected.

The government then appealed to the Supreme Court, which found that the High Court and Court of Appeal had correctly applied the law and granted Teitiota refugee status.

The Supreme Court noted that the 1951 Refugee Convention did not require a country to grant asylum to anyone who feared persecution on the basis of membership in a particular social group. However, it found that the High Court and Court of Appeal had correctly applied the law in this case and rejected the government’s appeal.

The case of Ioane Teitiota and his family is a significant example of how the law can be applied to address the challenges faced by climate refugees. It demonstrates that the principle of non-refoulement applies to climate refugees and that the government has a responsibility to protect them.

The case also highlights the importance of international cooperation in addressing climate change. It shows that developed countries have a role to play in addressing the effects of climate change and that they should take steps to protect the rights of climate refugees.

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