

ClimMobil

Judicial and policy responses to climate change-related mobility in the European Union with a focus on Austria and Sweden

Background

- Growing evidence that environmental change is becoming an increasingly important factor with regard to human mobility (influence on economic, social and political drivers)
- Global warming will lead to the increased displacement of people (IPCC)
- But: broad agreement on existence of **normative protection gap** concerning cross-border movements → **legal status of persons arriving in Europe** in the context of climate change still **inadequately addressed**

Main Objectives

- Investigating the current and potential **scope of international protection** for persons displaced in the context of climate change **on a global level**
- Investigating the current and potential scope of international protection **in the EU**, in particular in **Austria and Sweden**
- Establishing recommendations as how to address the normative gap

Methods

Analysis of scope of protection at the global level + regional European level (WP1, Conceptual Work)

- Analysis of legal frameworks and jurisprudence, literature review
- Semi-structured interviews with European and international stakeholders
- Analysis of role of social factors, such as inequality and discrimination, in relation to impacts of climate change
- Mapping of international political and legal developments, processes, actors and institutions in the field of climate change-related mobility

Case studies on Austria and Sweden to explore and analyse the situation at national level (WP2)

- Desk research, Analysis of legal frameworks and jurisprudence, literature review
- Identification, selection, cataloguing and analysis of national jurisprudence

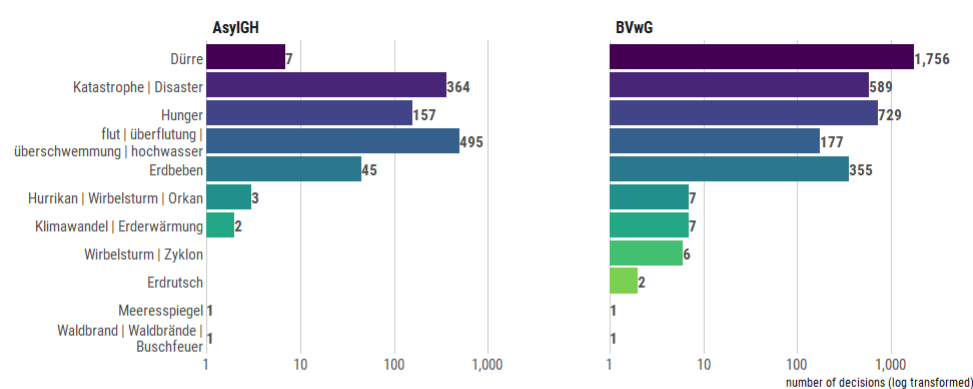
Bringing together findings of WP1 + WP2 (WP3)

- Comparative Analysis

Progress of the Project / First Results

- **WP 1:** Drafting of Background Report (state of the art and status quo / protection gap)
Interviews with stakeholders in August 2020 on recent policy developments in relation to the protection gap
- **WP 2:** Case studies: Selection and screening of decisions on international protection in Austria and Sweden; Analysis of case-law (ongoing)
- **WP 4:** Presentation of project and first results at ÖAW Biennial Conference on Migration and Integration Research in Austria, Salzburg (16-18 September 2020)

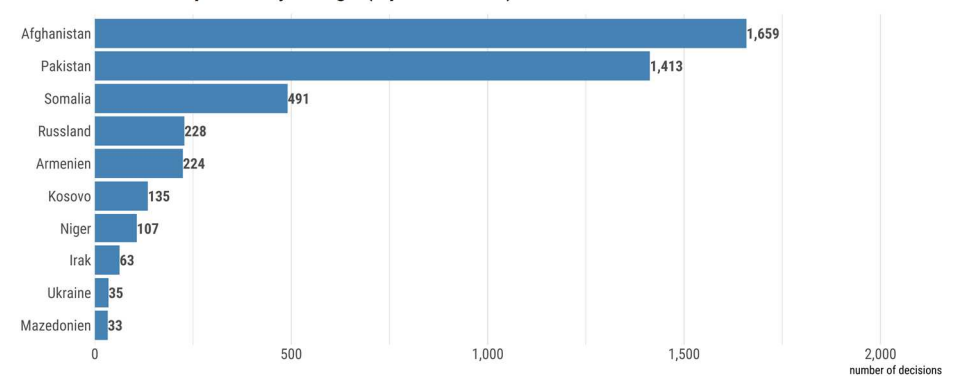
Number of considered decisions per keyword(s)



Periods considered: AsylGH: from 01 Jan 08 to 31 Dec 13, BvWG from 01 Jan 14 to 18 Jun 20.
Substantive chapters: 'Beweiswürdigung' and 'Rechtliche Berurteilung'.
data: www.ris.bka.gv.at

Data Analysis and Graphs by Roland Schmidt

Number of decisions per country of origin (top 10 countries)



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data: RIS.

Example, decision on international protection, Austria

'[...] the persistently poor supply situation throughout the country, which is **due to periodically recurring drought periods with subsequent hunger crises, the extremely poor health care, inadequate access to clean drinking water and the lack of a functioning sewage system, is also of crucial importance. This situation is constantly deteriorating due to the continuing situation of food shortage. It can therefore be assumed that the applicant would face serious difficulties not only for security reasons but also for reasons of the poor supply situation. Against the background of the precarious security situation and the generally poor supply situation in Somalia in combination with the personal circumstances of the complainant, it cannot be ruled out that if the applicant returns to her home country Somalia she is likely to face a real risk of inhuman or degrading treatment as prohibited by Art. 3 ECHR.**' (Federal Administrative Court (BVwG), case no. 3, granting of subsidiary protection)