

A.E. v. Finland

[Case Law](#), [Safety](#), [Asylum](#), [European Court of Human Rights](#), [Finland](#), [Strategic Litigation](#)

Asylum

(Application No. 30953/11), March 2014

[Find Court's communication here.](#)

[Find Court's decision here.](#) (struck out of the list of cases, no risk of any imminent *refoulement* as the applicant has been granted a continuous residence permit valid for one year in Finland)

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- The applicant, gay asylum seeker from Iran, complained under Article 3 of the European Convention that he **feared ill-treatment or torture** if removed to **Iran**. He claimed that the Iranian police had evidence of his **homosexuality** (photos and videotapes) and that his homosexual friends had already been arrested.
- ILGA-Europe together with AIRE Centre, ECRE, FIDH, FLHR, INTERIGHTS and UKLGIG submitted the following:
 - Since 2004, when the Court had the opportunity to consider expulsion of an LGBT person to home country, European consensus has developed socially, politically and legally to a point where there is greater recognition of, and protection for, the right of gay and lesbian individuals to 'live freely and openly'.
 - According to European and international human rights law standards, an LGBTI person cannot be expected to conceal their sexual orientation or gender identity in their country of origin to reduce the risk of treatment violating Article 3.
 - The mere existence of laws criminalizing consensual same-sex sexual conduct can give rise to acts of persecution. It discloses dispositive evidence of a real risk of Article 3 prohibited treatment.
 - The recent legislative re-codification of the **criminalisation of consensual same-sex sexual activity in Iran** reinforces homophobic societal norms and prejudices in Iran. The risk of discovery and consequent persecution is ever-present for returning gay men and lesbians, impacting upon and informing their behaviour in all aspects of their private and public lives in a manner wholly inconsistent with their right to freedom from treatment contrary to Article 3.
- Update on the situation: the application was struck out of the list of cases because there was no risk of any imminent *refoulement* as the applicant has been granted a continuous residence permit for one year with a possibility of renewal in Finland.