

M.E. v. Sweden

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

Asylum

(Application no. 71398/12)

[Find the Chamber 2014 judgment here](#) and [the final Grand Chamber 2015 judgement here](#). *(Struck out of the list of cases as the applicant was granted a permanent residence permit in Sweden)*

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- The applicant, a **married gay man**, alleged that his expulsion to Libya in order for him to apply for family reunion from there would entail a violation of Article 3 of the Convention..
- ILGA-Europe, together with FIDH (Fédération Internationale des Ligues des Droits de l'Homme) and ICJ (International Commission of Jurists) submitted the following:
 - There is a **consensus** in European and other democratic societies in support of gay and lesbian asylum and of greater recognition of, and protection for, the right of gay and lesbian individuals to 'live freely and openly'. According to national, 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 ill-treatment. **Concealment** may also result in significant psychological and other harm.
 - The interveners provided **background country evidence** demonstrating that a gay man open about his same-sex marriage in Libya faced **substantial grounds for fearing a real risk** of arrest, abduction and physical assault by state sanctioned militia. Gay men could not live freely and openly in Libya, without the risk of treatment contrary to Article 3. Even where the exposure to a risk of treatment contrary to Article 3 is expected to be temporary, the period of expulsion is immaterial, because the right to be protected against ill-treatment is absolute.
- Latest update on the situation: the **threat of a violation was removed** by the Migration Board's decision (2014) of repealing the expulsion and granting the applicant permanent residence in Sweden.