

M.T. v. France

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

Refusal to grant asylum/ Risk of persecution based on sexual orientation

(Application No. 61145/16), 6 July 2017

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

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- The applicant, gay asylum seeker from Cameroon, claimed he would face a real risk of treatment contrary to Article 3 because of his sexual orientation if he were deported back to Cameroon.
- Professor Robert Wintemute (School of Law, King's College London) submitted the following on behalf of ILGA-Europe, FIDH, LDH and ECSOL :
 - There is a strong **consensus** in European and other democratic societies **supporting asylum claims by LGBTI persons**. The assessment of the risk must take into account the likelihood that an openly LGBTI person would suffer treatment violating Article 2 or 3. 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 2 or 3.
 - Apart from any risk of violence, the Court should consider a real risk of imprisonment for private, consensual, adult, same-sex sexual activity (as in Cameroon) as a real risk of inhuman or degrading treatment violating Article 3.