

M.B. v Spain

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

Asylum

(Application No. 35949/11), 15 January 2016

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

[Find Court's decision here in French.](#) (inadmissible – Premature application)

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- The case concerns a lesbian Cameroonian asylum seeker threatened with **expulsion from Spain to Cameroon**.
- ILGA-Europe together with FIDH, APDHE, ECSOL and UKLGIG submitted the following:
 - There is a strong **consensus** in European and other democratic societies supporting asylum claims by LGBTI persons.
 - 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 2 or 3.
 - In Cameroon, the **criminal law prohibits all same-sex sexual activity**, and it is **enforced**. 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.