



**BY FAX (+33 3 8841 2730) AND POST**

The Registrar

European Court of Human Rights

Council of Europe

Strasbourg

France

**Application No. 11013/24 L.B. v France**

15 July 2025

Dear Sir/Madam,

The six organisations below, namely, the AIRE Centre (Advice on Individual Rights in Europe), the Dutch Council for Refugees (DCR), the European Council on Refugees and Exiles (ECRE), ILGA-Europe, the International Commission of Jurists (ICJ) and OII Europe, request permission to intervene jointly in the case of **L.B. v France, Application No 11013/24**, communicated to the respondent Contracting Party on 2 April 2025 and published on 22 April 2025. This request is submitted within twelve weeks following the publication of an application given to the respondent Contracting Party.

**The AIRE Centre** is a London-based NGO which promotes awareness of European law rights and assists individuals in relation to asserting those rights by providing legal advice, direct legal representation to individuals, other advisers and lawyers and submitting third party interventions in national and European Courts. The Centre has been involved in the litigation of over 150 cases either as applicants' representatives or as third-party interveners before the ECtHR including cases related to the subject matter of this case, namely *Mamatkulov and Askarov v. Turkey*, *Olaechea Cahuas v. Spain*, *Khlaifia and others v. Italy*, *N.D. and N.T. v. Spain* as well as *T.I. v. UK*, *M.A.R v. UK*, *Chahal v. UK*, *Saadi v. UK*, *Saadi v. Italy*, *Sufi and Elmi v. UK*, *Hirsi v. Italy*, *Sharifi v. Italy and Greece*, *MSS v. Greece and Belgium*, *Tarakhel v. Switzerland*, *FG v. Sweden*, *ME v. Sweden*, *Sh.D. v. Greece*, *H.A. v. Greece*, *Darboe and Camara v. Italy*, and *J.B. v. Greece*, *B and C v Switzerland nos. 889/19 and 43987/16*, and some 15 cases before the CJEU including the asylum related cases of *NS v. SSHD*, *ME v. ORAC*, *MA and BT v. SSHD*. The Centre's lawyers



have written five editions of the Council of Europe book on Asylum and the ECHR, and the FRA/European Court of Human Rights handbook on ‘European law relating to Asylum, Borders and Immigration’ and contributed to the ECRE/Dutch Council on Refugees publication on the EU Charter for Fundamental Rights and Asylum.

**The Dutch Council for Refugees** (VluchtelingenWerk Nederland) is a non-governmental organization that represents the interests of refugees and asylum seekers across the Netherlands since 1979. With over 13,500 volunteers and 600 staff members, DCR is the primary independent organization supporting refugees in the country from reception to integration through 310 branch offices. Domestically, DCR provides guidance during the asylum procedure, coordinates a vast network of asylum lawyers and manages the leading asylum law database (Vluchtweb) with up-to-date developments on law, policy, jurisprudence and country of origin information. Regionally, DCR aims to contribute improving the protection of asylum seekers and refugees across Europe. To that end, it has provided technical support to a variety of partner organizations, including in Northern Macedonia, Hungary, Bosnia-Herzegovina, Croatia and Greece. The Dutch Council for Refugees was a third-party intervener, among others, in the cases of *A.N. v. the Netherlands* and *S.A. v. the Netherlands*, *J.B v Greece*, *H.A. v Greece*, *Darboe and Camara v Italy*, *Ilias and Ahmed v Hungary*, *M.A and others v Poland*, *M.N. v Belgium*, *M.H. v Serbia*, *Al H and Others v Greece*, *S.S. v Italy*, *Totopa v Spain*, *S.B. v Croatia*, *H.T. v Germany and Greece*, and *Alaa Asaad v the Netherlands*.

**The European Council on Refugees and Exiles (ECRE)** is an international alliance of 107 NGOs across Europe working together to protect and advance the rights of refugees, asylum seekers and displaced persons. Their mission is to promote the establishment of fair and humane European asylum policies and practices in accordance with international human rights law. ECRE engages in legal research and training on the application and interpretation of EU asylum law, the EU Charter of Fundamental Rights (CFR) and relevant international human rights instruments, including the 1951 Refugee Convention and the European Convention on Human Rights. ECRE was a third-party intervener in over thirty cases before this Court. The interventions were submitted in the cases including: *B and C v Switzerland nos. 889/19 and 43987/16*, *Bahoumou, Totopa v. Spain (no. 74048/17, December 2019)*, *Al H. and others v. Greece (nos. 4892/18 and 4920/18)*, *M.H. v Serbia (no. 62410/17, March 2019)*, *M.N. v Belgium (GC), (no. 3599/18, March 2019)*, *Trawalli and Others v. Italy (no. 47287/17)*, *N.D. and N.T. v. Spain (GC) (nos. 8675/15 and 8697/15)*, *Ilias and Ahmed v. Hungary (no. 47287/15)*. ECRE has so far made, jointly with the ICJ, numerous submissions to the Committee of Ministers of the Council of Europe on the execution of the ECtHR judgment in the case of *M.S.S. v. Belgium and Greece*, *Khlaifia and others v Italy*



and *Ilias Ahmed v Hungary*. ECRE was also a third-party intervener in the cases before the UN CRC and domestic courts across Europe.

The European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (**ILGA-Europe**, <https://www.ilga-europe.org>) was founded in 1996 and is based in Brussels. It seeks to defend the human rights of those who face discrimination on grounds of sexual orientation, gender identity or gender expression and sex characteristics, at the European level. It was granted consultative status with the Council of Europe in 1998 and with the United Nations Economic and Social Council in 2006. Its membership consists of over 600 nongovernmental organizations across the Council of Europe countries and Central Asia. ILGA-Europe has frequently intervened before the European Court of Human Rights in cases concerning discrimination based on sexual orientation, gender identity or expression, and sex characteristics, including in *Y. v. France*, *M. v. France*, *P. v. Ukraine*, *B. and C. v. Switzerland*, *M.T. v France*.

**The International Commission of Jurists (ICJ)** is a non-governmental organisation working to advance understanding and respect for rule of law as well as the legal protection of human rights throughout the world. It was set up in 1952 and has its headquarters in Geneva (Switzerland). It is made up of some 60 eminent jurists representing different justice systems throughout the world and has an active network of national sections and affiliated organisations. The ICJ has submitted numerous independent third party interventions before this Court related to the subject matter of this litigation, including in the cases *El-Masri v the Former Yugoslav Republic of Macedonia*, *AlNashiri v Poland*, *Al-Nashiri v Romania*, *Abu Zubaydah v Lithuania*, *Suso Musa v. Malta*, *F.G. v.*

*Sweden*, *Pavla Sabalic v. Croatia*, and *Husayn (Abu Zubaydah) v. Poland*, *Sh.D. v Greece*, *H.A. v Greece*, *J.B v Greece* and has made, jointly with ECRE, five submissions to the Committee of Ministers of the Council of Europe on the execution of the ECtHR judgment in the case of *M.S.S. v. Belgium and Greece*.

**OII Europe** (Organisation Intersex International e.V.) is the European intersex umbrella organisation with intersex-led member organisations in 23 Council of Europe member states. OII Europe advocates for the protection of intersex people's human rights, raises awareness on intersex issues with policy makers, professionals and the general public, and supports the growth of the European intersex community together with its membership and allies. Since 2012 OII Europe has been regularly consulted on intersex issues by the Office of the United Nations High Commissioner for Human Rights, the Parliamentary Assembly of the Council of Europe, the Bioethics Committee of the Council of Europe, the European Parliament, the European Network of Equality Bodies, the European Commission against Racism and Intolerance and national governments. Since 2020 OII



Europe is registered as an expert on sexual orientation, gender identity and gendered characteristics with the SOGI Unit of the Council of Europe. The NGO OII Europe was created in 2015, as an extension of a network of the same name set up in 2012, and is based in Berlin.

The proposed interveners wish to assist the Court by putting before it:

1. Submissions as to the Contracting Parties' obligations to ensure that the risk of Article 3 prohibited treatment upon a person's removal to another State be assessed in such a way as to guarantee that the Convention protection be practical and effective, in particular, with reference to:

- Assessment of vulnerabilities including in light of the person concerned sex characteristics;
- Assessment of risks in view of the situation in the country of removal;
- Assessment of the risk arising from the criminalisation of consensual same-sex conduct/relations;
- Assessment of the impact of forcibly interrupting gender confirmation treatment in the Contracting Party, as well as of the consequences of the unavailability of such treatment in the country of removal.

2. Submissions as to the requirements of Article 8 of the Convention as they arise in connection with the Court's questions to the parties.

The submissions will be of a general nature and the intervention will not raise arguments relating to the specific merits of the case or comment on its specific facts. These submissions would be limited to the ten pages allocated to the third-party interveners.

In the event of the Court granting this request, in order to ensure that the proposed interveners dispose of the maximum time to draft their intervention we would be most grateful if the Court would **notify ECRE by fax to +32 2 5885676 or email: JZelvenska@ecre.org** as soon as the decision has been taken. Similarly, it would be most appreciated if any additional correspondence concerning the case could be sent to ECRE's address.

Yours faithfully,



Julia Zelvenska  
Head of Legal Support & Litigation  
ECRE

Contact details of the person responsible for the intervention:

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