



COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

FOURTH SECTION

DECISION

Application no. 31701/96
by Christopher James MORRIS
against the United Kingdom

The European Court of Human Rights (Fourth Section), sitting on
27 November 2001 as a Chamber composed of

Mr M. PELLONPÄÄ, *President*,

Sir Nicolas BRATZA,

Mr A. PASTOR RIDRUEJO,

Mr J. MAKARCZYK,

Mrs V. STRÁŽNICKÁ,

Mr R. MARUSTE,

Mr S. PAVLOVSCHI, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having regard to the above application lodged with the European
Commission of Human Rights on 9 May 1996 and registered on 3 June
1996,

Having deliberated, decides as follows:

THE FACTS

The applicant, Christopher James Morris, is a United Kingdom national, who was born in 1979 and lives in London, England. He was represented before the Court by Mr S. Grosz, a lawyer practising in London.

The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant is a homosexual male who was aged 16 at the time of introduction of his application. He has been aware of his homosexuality since about the age of 13. He was further aware that the minimum age for lawful homosexual acts was 18, whereas it was 16 for heterosexual acts.

The applicant was 15 when he met his first boyfriend, D, who was then aged 22. When he told his mother about the relationship, she was concerned that the applicant and D were breaking the law. Several discussions followed between the applicant and his mother, during which she suggested that he should go to the police. While this never occurred, the situation placed a considerable strain on the relationship between the applicant and D.

At about the same time, the applicant told a friend at school that he was homosexual. As a result he was subjected to a considerable amount of anti-homosexual verbal abuse from his peers. In August 1995 he was attacked on a bus by 5 or 6 boys when he was coming home from school.

A lot of those who taunted him at school about his homosexuality used the law relating to the age of consent for sexual relations as an argument against him. They stated that, at age 16, he was breaking the law in having a homosexual relationship which showed that what he was doing was wrong. Conversely, if they had a heterosexual relationship at the same age they knew that they would not be breaking the law. In the applicant's opinion, those at school who tormented him believed that because the law discriminated against homosexual men, they were also justified in doing so.

The history of the applicant's application

The applicant's case was almost identical to that of *Sutherland v. the United Kingdom* (striking out) [GC], no. 25186/94.

On 9 May 1996, at the time of introducing his application, the applicant suggested that his case be adjourned pending the determination of *Sutherland v. the United Kingdom*.

On 20 May 1997 the European Commission of Human Rights communicated the case to the United Kingdom Government.

On 17 July 1997 the United Kingdom Government waived objections to the admissibility, but reserved its position in relation to the merits.

On 13 October 1997 the United Kingdom Government concluded an agreement with the applicant and the applicant in *Sutherland v. the United Kingdom* that the Government would make available time for a free vote in the House of Commons on the reduction of the age for homosexual acts to 16, and once the legislation was passed, the Government would pay the applicants' costs and the parties would apply to the appropriate Convention organ for the case to be settled.

On 25 October 1997 the Commission adjourned further consideration of the application pending the judgment in *Sutherland v. the United Kingdom*.

Sutherland v. the United Kingdom was struck out by the Grand Chamber on 27 March 2001. This followed the coming into force of the Sexual Offences (Amendment) Act 2000 on 8 January 2001, reducing the age of consent for homosexual acts to 16. The Court in *Sutherland v. the United Kingdom* noted that the Act had rectified the issue which had prompted Mr Sutherland's application, the Government had reimbursed Mr Sutherland's costs in pursuing the case and each party had requested the Court to strike the case out of its list (§§ 16-20).

On 16 October 2001 the Court wrote to both parties in the present application stating that it was expected that the case would be struck out of the Court's list of cases on the basis that the matter had been resolved in the light of the agreement reached by the parties on 13 October 1997 and the recent judgment in *Sutherland v. the United Kingdom*. Neither party has responded or raised any objection to the Court's letter of 16 October 2001.

COMPLAINTS

The applicant originally complained under Articles 8 and 14 of the Convention that the laws criminalising homosexual acts between consenting men under the age of 18 constituted an unjustifiable interference with his private life and discriminated against him on the ground of his sexuality as heterosexual men of his age did not risk criminal sanctions by engaging in sexual relationships whereas he did.

THE LAW

The Court recalls the agreement struck between the applicant and the United Kingdom Government on 13 October 1997, the reasons given by the Court in striking out the case of *Sutherland v. the United Kingdom* and the letters sent to the parties by the Court in the present case on 16 October 2001, to which no objections have been received (see further the section headed "*The history of the applicant's application*" above).

Having regard to Article 37 § 1 (b) of the Convention, the Court is satisfied that the matter has been resolved. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the examination of the application to be continued.

Accordingly, the case should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Michael O'BOYLE
Registrar

Matti Paavo PELLONPÄÄ
President