



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

THIRD SECTION

DECISION

Application no. 56276/00
by Richard YOUNG
against the United Kingdom

The European Court of Human Rights (Third Section), sitting on 23 January 2001 as a Chamber composed of

Mr J.-P. COSTA, *President*,
Mr W. FUHRMANN,
Mr P. KÜRIS,
Mrs F. TULKENS,
Mr K. JUNGWIERT,
Sir Nicolas BRATZA,
Mr K. TRAJA, *judges*,
and Mrs S. DOLLÉ, *Section Registrar*,

Having regard to the above application introduced on 4 February 2000 and registered on 4 April 2000,

Having regard to the decision of the Court of 5 September 2000 to join this case with two other applications (Nos. 52770/99 and 57821/00),

Having regard to the settlement of the application reached by the parties,
Having deliberated, decides as follows:

THE FACTS

The applicant is a British national, born in 1974 and living in Devon. He is represented before the Court by Mr S. Grosz, a lawyer practising in London. The respondent Government are represented by Mr C.A. Whomersley, Agent, Foreign and Commonwealth Office.

A. The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows. The applicant joined the Royal Naval Reserve in 1993 and in 1998 was put on full time reserve service. He had a number of postings at sea and, at the time of his discharge, he was employed as a chef.

In August 1999 the applicant was interviewed on three occasions by naval officers and asked to confirm whether he was homosexual. He was informed during those interviews that the military police had received an anonymous telephone call informing them that the applicant was homosexual. Having made certain enquiries as to the consequences, the applicant confirmed his homosexuality during the second interview. Although a hearing before the Commodore's table was initially foreseen, no such hearing took place. On 8 September 1999 the applicant was discharged, the relevant papers noting the reason for his discharge as "homosexuality".

At the time of his discharge the applicant was paid an average gross monthly salary of 1,259 pounds sterling (GBP). The applicant was unemployed at the date of his application to the Court because of the allegedly severe psychological impact on him of his dismissal.

B. Relevant domestic law and practice

Subsequent to the relevant judgments of this Court in which the relevant domestic law is extensively described (*Lustig-Prean and Beckett v. the United Kingdom*, Nos. 31417/96 and 32377/96, 27.9.1999, and *Smith and Grady v. the United Kingdom*, Nos. 33985/96 and 33986/96, 27.9.1999), the Ministry of Defence lifted, in January 2000, its ban on homosexuals serving in the armed forces. A code of social conduct governing personal behaviour was introduced in its stead.

COMPLAINTS

The applicant originally complained under Article 8, both alone and in conjunction with Article 14 of the Convention, about the investigations

conducted into his sexual orientation and about his discharge from the armed forces on grounds of his homosexuality in pursuance of the then policy of the Ministry of Defence against homosexuals in the armed forces. He also complained under Article 13 about the lack of an effective domestic remedy in these respects.

THE LAW

By letter dated 7 September 2000 the Court invited the Government to submit observations on the admissibility and merits of the case.

In their letter of 1 December 2000 to the applicant's representative, the Government confirmed that they would settle the applicant's case on the basis of a payment to the applicant in the sum of GBP 17,500 in respect of all pecuniary and non-pecuniary losses alleged and of GBP 2,500 (exclusive of value-added tax) as regards the applicant's legal costs and expenses.

By letter dated 14 December 2000 the applicant confirmed to the Court that agreement had been reached on the terms outlined in the above-noted letter of the Government and that the sums of money in question had already been received by him. The applicant therefore requested that the Court strike his case out of its list.

In their letter to the Court of 19 December 2000, the Government confirmed their wish that the case be struck out on the basis of the settlement reached.

The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 in fine of the Convention and Rule 62 § 3 of the Rules of Court). Accordingly, the Court considers that the case should be struck out of its list of cases.

For these reasons, the Court unanimously

Decides to disjoin the case from applications Nos. 52770/99 and 57821/00;

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

S. DOLLÉ
Registrar

J.-P. COSTA
President