**CASE OF DUDGEON vsTHE UNITED KINGDOM[[1]](#footnote-1)**

(Application no. 7525/76 )

JUDGMENT STRASBOURG

Sentencia de 22 de Octubre de 1981

**Antecedente**

Jeff Dudgeon was a shipping clerk and gay activist in Belfast, Northern Ireland, when he was interrogated by the Royal Ulster Constabulary about his sexual activities. He filed a complaint with the European Commission of Human Rights in 1975, which after a hearing in 1979 declared his complaint admissible to the European Court of Human Rights. The Court hearing was in April 1981 before a full panel of 19 judges. Dudgeon was represented by barristers Lord Gifford, Terry Munyard and solicitor Paul Crane.

On 22 October 1981, the Court agreed with the Commission that Northern Ireland's criminalisation of homosexual acts between consenting adults was a violation of Article 8 of the European Convention on Human Rights which says: “Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society …for the protection of health or morals....” Judgment was given in Dudgeon's favour on that aspect by 15 votes to 4.

It stated the “restriction imposed on Mr. Dudgeon under Northern Ireland law, by reason of its breadth and absolute character, is, quite apart from the severity of the possible penalties provided for, disproportionate to the aims sought to be achieved.” However, the ruling continued, "it was for countries to fix for themselves...any appropriate extension of the age of consent in relation to such conduct."

**Sentencia**

The Court held by 14 votes to 5 that it was not necessary also to examine the case under Article 14 taken in conjunction with Article 8 which would otherwise have meant considering the aspect of discrimination. It stated that “once it has been held that the restriction on the applicant’s right to respect for his private sexual life give rise to a breach of Article 8 by reason of its breadth and absolute character, there is no useful legal purpose to be served in determining whether he has in addition suffered discrimination as compared with other persons.” Minority opinions were written on both aspects.

1. Anexo JU/HUDOC/03 Para ver la norma in extenso, también puede utilizar el siguiente link <http://hudoc.echr.coe.int/eng#{"fulltext":["dudgeon"],"documentcollectionid2":["GRANDCHAMBER","CHAMBER"],"itemid":["001-57473"]}> [↑](#footnote-ref-1)