



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

FOURTH SECTION

CASE OF CORCORAN AND OTHERS v. THE UNITED KINGDOM

(Applications nos. 60525/00, 63464/00 and 63469/00)

JUDGMENT
(Friendly Settlement)

STRASBOURG

6 February 2007

This judgment is final but it may be subject to editorial revision.

In the case of Corcoran and Others v. the United Kingdom,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Mr J. CASADEVALL, *President*,

Sir Nicolas BRATZA,

Mr G. BONELLO,

Mr K. TRAJA,

Mr S. PAVLOVSKI,

Mr J. ŠIKUTA,

Mrs P. HIRVELÄ, *judges*,

and Mr T.L. EARLY, *Section Registrar*,

Having deliberated in private on 16 January 2007,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in three applications (nos. 60525/00, 63464/00 and 63469/00) against the United Kingdom of Great Britain and Northern Ireland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by Mr Steven Corcoran, Mr Andrew Baker and Mr Alan Graham on 17 June 2000, 28 September 2000 and 29 September 2000, respectively.

2. The applicants were all represented before the Court by Pierce Glynn Solicitors, London. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C. Whomersley of the Foreign and Commonwealth Office.

3. The applicants complained under Articles 8 and 14 of the Convention and Article 1 of Protocol No. 1 that, because they were men, they were denied social security benefits equivalent to those received by widows.

4. By partial decision of 4 December 2001 the Court decided to communicate these applications. It also decided to join these applications to other applications (nos. 60933/00, 60937/00, 60944/00, 61038/00, 61388/00, 61949/00, 62776/00, 63388/00, 63470/00, 63473/00, 63474/00, 63584/00, 63645/00, 63701/00, 63702/00, 64735/01 and 65723/01).

5. On 26 August 2003, after obtaining the parties’ observations, the Court declared these applications admissible in so far as the complaints concerned Widow’s Payment and Widowed Mother’s Allowance and declared the remainder of each application inadmissible.

THE FACTS

A. THE CIRCUMSTANCES OF THE CASE

A. Mr Corcoran

6. Mr Corcoran was born in 1966 and lives in Merseyside.

7. His wife died on 23 August 1999. His claim for widows' benefits was made in October and November 1999 and was rejected on 10 November 1999 on the ground that he was not entitled to widows' benefits because he was not a woman. He appealed against this decision and the appeal tribunal dismissed his appeal on 17 January 2000 giving reasons in a letter of 19 January 2000. The applicant did not appeal again as he considered or was advised that such a remedy would be bound to fail since no security benefits were payable to widowers under United Kingdom Law.

B. Mr Baker

8. Mr Baker was born in 1959 and lives in Oldham.

9. His wife died on 8 July 2000. The applicant made enquiries to the Benefits Agency in or around July/August 2000 and he was told he was not entitled to such benefits. His claim for widows' benefits was then made on 1 September 2000 and was rejected on 8 September 2000 on the ground that he was not entitled to widows' benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no security benefits were payable to widowers under United Kingdom Law.

C. Mr Graham

10. Mr Graham was born in 1956 and lives in Lancs.

11. His wife died on 6 July 2000. His claim for widows' benefits was made on 14 August 2000 and was rejected on 21 August 2000 on the ground that he was not entitled to widows' benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no security benefits were payable to widowers under United Kingdom Law.

B. RELEVANT DOMESTIC LAW AND PRACTICE

12. The relevant domestic law and practice are described in the Court's judgment in *Willis v. the United Kingdom*, no. 36042/97, §§ 14-26, ECHR 2002-IV.

THE LAW

13. By a letter of 11 May 2005 the respondent Government informed the Court that the House of Lords had decided, in relation to the claims for Widowed Mother's Allowance (WMA) and Widow's Payment (WPt), that there was in principle no objective justification at the relevant time for not paying these benefits to widowers as well as widows, but that the Government had a defence under section 6 of the Human Rights Act 1998 (the HRA). It noted that, in view of this, the multitude of cases before the Court and the fact that the HRA defence was only applicable in the domestic arena, the Government were prepared, in principle, to settle all claims made by widowers against the United Kingdom arising out of the arrangements applicable prior to April 2001 for the payment of WMA and WPt.

14. On the 15 May 2006 the applicants' representatives notified the Court that Mr Corcoran had been offered GBP 12,254.99, Mr Baker had been offered GBP 7,726.5 and Mr Graham had been offered GBP 6,748.67 and they had accepted payment. The representatives were sent a letter on 13 October 2006 requesting confirmation that no aspects of the applicants' claims were ongoing and informing them that the Court would consider striking out each case from its list in its entirety. By a letter of 9 November 2006 the representatives confirmed that there were no outstanding claims and that the proceedings could be concluded.

15. 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).

16. Accordingly, the applications should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to disjoin the applications from the others to which they were joined.

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2. *Decides* to strike the applications out of the list;

Done in English, and notified in writing on 6 February 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T.L. EARLY
Registrar

Josep CASADEVALL
President