



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

FOURTH SECTION

CASE OF FORBES v. THE UNITED KINGDOM

(Application no. 65727/01)

JUDGMENT
Friendly settlement

STRASBOURG

12 June 2007

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

In the case of Forbes 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 22 May 2007

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

PROCEDURE

1. The case originated in an application (no. 65727/01) 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 Douglas I. Forbes (“the applicant”) on 2 February 2001.

2. The applicant was represented before the Court by Ms J. Starling, a solicitor practising in London. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C. Whomersley of the Foreign and Commonwealth Office.

3. The applicant complained under Articles 8 and 14 of the Convention and Article 1 of Protocol No. 1 that, because he was a man, he was denied social security benefits equivalent to those received by widows.

4 By a partial decision of 10 October 2001 the Court decided to communicate this application. On 8 April 2003, after obtaining the parties' observations, the Court declared this application admissible in so far as the complaint concerned Widowed Mother's Allowance and declared the remainder of the application inadmissible.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1957 and lives in Coventry.

6. His wife died on 29 June 1999, leaving him with a child born in 1989. His claim for widows' benefits was made in or about July 2000 and was rejected on 18 July 2000 on the ground that he was not entitled to widows' benefits because he was not a woman. The applicant wrote back to the Benefits Agency requesting to submit his claim to a decision maker. On 4 August 2000 the Benefits Agency replied that there was no legislation providing an equivalent to widows' benefits for a man and therefore an appeal could not be allowed. The applicant did not appeal further 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.

II. RELEVANT DOMESTIC LAW

7. The domestic law relevant to this application is set out in *Willis v. the United Kingdom*, no. 36042/97, §§ 14-26, ECHR 2002-IV.

THE LAW

8. 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.

9. On the 29 January 2007 the applicant's representative notified the Court that Mr Forbes had been offered GBP 8,906.72 and that he had accepted payment. The representative was sent a letter on 5 February 2007 informing her that no aspects of the applicant's claims were ongoing and therefore the Court would now consider striking out the case from its list in its entirety, unless information to the contrary reached the Court by 5 March 2007. The representative has not sent a letter objecting to the strike out.

10. 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).

11. Accordingly, the application should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

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

Done in English, and notified in writing on 12 June 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T.L. EARLY
Registrar

Josep CASADEVALL
President