



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

FOURTH SECTION

CASE OF GOSWAMI v. THE UNITED KINGDOM

(Applications nos. 62521/00)

JUDGMENT
(Striking out)

STRASBOURG

20 November 2007

FINAL

20/02/2008

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Goswami 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 L. GARLICKI,

Mrs P. HIRVELÄ, *judges*,

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

Having deliberated in private on 23 October 2007,

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

PROCEDURE

1. The case originated in an application (nos. 62521/00) 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. Suraj Goswami (“the applicant”), on 15 June 2000.

2. The applicant was represented by the AIRE Centre, London, up to July 2006. 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 is an Indian national who was born in 1951 and lived in London at the time of lodging his application. He obtained indefinite leave to remain in the United Kingdom in 1979.

6. His wife died on 9 November 1998, leaving two children born in 1984 and 1989 respectively. His claim for widows' benefits was made on 15 May 2000 and was rejected on 31 May 2000 on the ground that he was not entitled to widows' benefits because he was not a woman. On 15 June 2000 the applicant appealed this decision but on 25 June 2000 he was informed that he had no right of appeal as his claim had not been considered by a decision-maker. The applicant did not appeal further as he considered or was advised that such a remedy would be bound to fail since no social security benefits were payable to widowers under United Kingdom law.

II. RELEVANT DOMESTIC LAW AND PRACTICE

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

THE LAW

8. Article 37 § 1 of the Convention provides as follows:

“The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that

(a) the applicant does not intend to pursue his application; ...

However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires.”

9. On 21 July 2006 Mr Goswami's representatives notified the Court that they were no longer representing him. Mr Goswami did not submit any new authority form, nor did he inform the Court of any new representation he had obtained. On 23 February 2007 the Registry of the Court sent him a letter requesting him to inform the Court whether he had obtained new legal representation and to submit details of any friendly settlement reached or in default of such, to submit further observations by 24 April 2007. On 18 April 2007 the letter was returned to the Court as undelivered for the

reason that the applicant no longer lived at the given address since he had left the country. Mr Goswami has not informed the Registry of his new address, nor has he communicated with the Registry since.

10. In the light of the above, in accordance with Article 37 § 1 (a) of the Convention, the Court considers that the applicant does not intend to pursue his application. Furthermore, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continuation of the examination of the application.

11. Accordingly, the remainder of the application should be struck out of the Court's list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

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

Done in English, and notified in writing on 20 November 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T.L. EARLY
Registrar

Josep CASADEVALL
President