



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

FOURTH SECTION

CASE OF STEFF v. THE UNITED KINGDOM

(Application no. 63476/00)

JUDGMENT

STRASBOURG

20 November 2007

FINAL

20/02/2008

This judgment in so far as it concerns point 1 of the operative part 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 Steff 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 (no. 63476/00) 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 Neil Steff (“the applicant”), on 26 September 2000.

2. The applicant was represented before the Court by Ms P. Glynn, 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 and tax benefits equivalent to those received by widows.

4. By a partial decision of 15 January 2002 the Court decided to communicate this application. On 6 May 2003, after obtaining the parties’ observations, the Court declared the application admissible in so far as the complaint concerned Widowed Mother’s Allowance and Widow’s Bereavement Allowance and declared the remainder of the application inadmissible.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1955 and lives in Hertfordshire.

6. The applicant's wife died on 9 February 1999, leaving two children, born in 1987 and 1992. On 11 May 2000 the applicant applied for widow's benefits. By a letter dated 15 May 2000, the Benefits Agency informed him that it was unable to pay him any of the benefits claimed because he was not a woman.

7. On 6 June 2000 the applicant applied for an allowance under the Income and Corporation Taxes Act 1988 on the same basis as he would receive it if he were a widow whose husband died in similar circumstances. He only received a letter of reply on 25 July 2000.

8. 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 or tax benefits were payable to widowers under United Kingdom law.

II. RELEVANT DOMESTIC LAW

9. The domestic law relevant to this application is set out in *Willis v. the United Kingdom*, no. 36042/97, §§ 14-26, ECHR 2002-IV and *Hobbs, Richard, Walsh and Geen v. United Kingdom*, nos. 63684/00, 63475/00, 63484/00 and 63468/00, 26 March 2007.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 14 OF THE CONVENTION TAKEN IN CONJUNCTION WITH ARTICLE 1 OF PROTOCOL NO. 1 AND/OR ARTICLE 8 OF THE CONVENTION.

10. The applicant complained that British social security and tax legislation discriminated against him on grounds of sex, in breach of Article 14 of the Convention taken in conjunction both Article 8 of the Convention and/or Article 1 of Protocol No. 1.

Article 14 of the Convention provides:

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

Article 1 of Protocol No. 1 provides:

"1. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law."

2. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

Article 8 provides (as relevant):

“1. Everyone has the right to respect for his private and family life...

2. 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 in the interests of ... the economic well-being of the country...”

A. Widow’s Bereavement Allowance

11. The applicant submitted that in 2002 he accepted the Government’s offer of compensation amounting to 742.95 pounds sterling (“GBP”) which however did not include interest and did not contain an acceptance that there had been a violation of his rights.

12. The Government submitted that the payment of monies to the applicant was made as a result of provisions of United Kingdom domestic law of general application, which were quite unrelated to the question raised under the Convention by this complaint. The offer and eventual repayment of the sum equivalent to Widow’s Bereavement Allowance (“WBA”) had been made to the applicant solely because of an administrative error on the part of the Inland Revenue.

13. The Government submitted that there was no reason why the applicant should have made an application to the Court and remained of the view that the complaint was inadmissible.

14. The Court notes that the applicant received and accepted the same amount in repayment as he would have received in WBA as a consequence of administrative errors ensuing from his claim.

15. In these circumstances, the applicant cannot claim to be directly affected by the alleged discrimination between men and women or to be a victim of a violation of the Convention.

16. Accordingly, the Court finds that there has been no violation of any of the Articles relied on in respect of his complaint regarding WBA.

B. Widowed Mother’s Allowance

17. The applicant complained that the United Kingdom authorities’ refusal to pay him the social security benefit to which he would have been entitled had he been a woman in a similar position, namely Widowed Mother’s Allowance (“WMA”), constituted discrimination against him on grounds of sex contrary to Article 14 of the Convention taken in conjunction with Article 1 of Protocol No. 1.

18. 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.

19. By a letter of 15 May 2006 the applicant's legal representatives informed the Court that Mr Steff had been offered GBP 6,589.14 in respect of his claims for WMA and that he had accepted payment.

20. 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 and its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

21. Accordingly this complaint should be struck out of the list of cases.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Holds* that there has been no violation of Article 14 in conjunction with Article 1 of Protocol No. 1 to the Convention and/or Article 8 of the Convention in relation to the complaint concerning Widow's Bereavement Allowance;
2. *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