

M.W. v. United Kingdom

[Case Law](#), [Anti-discrimination](#), [European Court of Human Rights](#), [Marriage Equality](#), [Strategic Litigation](#), [United Kingdom](#)

Social security rights

(Application No. 11313/02), 5 November 2008

[Find Court's judgement here.](#) (Complaint rejected as manifestly ill-founded)

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- The applicant complained that, as a survivor of a same-sex couple who had had no means to achieve formal recognition of their relationship, he had been denied a benefit available to a survivor of a married couple.
- ILGA-Europe, together with FIDH, ICJ and AIRE Centre, submitted the following:
 - If the European Convention does not yet require equal access to legal marriage for same-sex couples, it is **indirect discrimination** based on sexual orientation to limit a particular right or benefit to married different-sex couples, but provide no means for same-sex couples to qualify. There is a growing consensus in European and other democratic societies that same-sex couples must be provided with **some means of qualifying for rights or benefits attached to marriage**.
 - The right to equal treatment requires that the State find alternative means to allow the survivor of a same-sex couple to receive Bereavement Payment. The adoption of the Civil Partnership Act should be seen as confirming that the previous situation, in which same-sex couples had no means of achieving official recognition of their relationship, was discriminatory.