

Case 30/2008 – Appeal against the Ombud’s dropping of the case was not successful.
Question of practising of rules regarding collection of child support in the case of kidnapping to another country entails illegal discrimination of men.

A man requested the Ombud to evaluate whether the Norwegian Labour and Welfare Administration (NAV) practises the rules on a maintenance obligation differently dependent on whether it is the father or the mother who has taken the child abroad. He was of the opinion that the Norwegian Labour and Welfare Administration in such a situation only collects child support from the fathers.

His daughter had been taken out of the country by the child’s mother and he paid child support to the daughter in Germany.

After having obtained a statement from NAV, the Ombud decided not to proceed.

The Tribunal evaluated the case in accordance with Section 3, subsection five, third sentence, of the Act relating to the Equality and Anti-discrimination Ombud:

The Ombud can in special cases decide not to proceed with a case if the Ombud does not find grounds for further consideration.

The opinion of the Tribunal was the same as that of the Ombud, namely that it was not appropriate to proceed with consideration of the case in hand. The Tribunal referred to the fact that child support cases concerning kidnapped children entailed specific evaluations. It would therefore be difficult to find out whether a seeming discrimination between women and men has an objective purpose independent of gender, and otherwise also fulfils the exemption clause in Section 3, subsection four of the Gender Equality Act. An especially relevant purpose, independent of gender, was the regard to be paid to the children who were to receive the support.

The Claimant was therefore not successful.

The decision was unanimous.