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Ombudsman: Commission was entitled to host photo exhibition on same-sex couples as part of fight against discrimination

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According to the European Ombudsman, P. Nikiforos Diamandouros, the European Commission did not exceed its powers by hosting a photo exhibition on same-sex couples. He advised the Commission, however, to make it clearer in future exhibitions that it does not necessarily endorse all displayed messages. This follows a complaint about a photo exhibition organised by ILGA Europe, the European branch of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, on the Commission's premises.

EU obligation to fight discrimination on the grounds of sexual orientation

In May 2011, the Commission hosted a photo exhibition bearing the title "Different families - same love" in the Berlaymont building in Brussels. The event took place under the patronage of Vice-President Viviane Reding. The exhibition included calls for the legal recognition of same-sex marriages, as well as for giving lesbian couples access to medically-assisted artificial insemination.

In July 2011, the complainant turned to the Ombudsman, alleging that the Commission had exceeded its powers by hosting and placing the exhibition under its patronage because the EU does not have competences in the fields of marriage, family, and assisted reproduction. Furthermore, according to the complainant, the Commission discriminated against those EU citizens who do not share the views promoted by the exhibition.

In its opinion, the Commission explained that it hosted the exhibition in the framework of the EU's legal obligation to fight discrimination on the grounds of sexual orientation and to combat homophobia. Vice-President Reding placed the event under her patronage, since she is in charge of defending the rights of people represented by ILGA Europe. According to the Commission, hosting the exhibition did not imply that the institution endorsed all displayed messages.

The Ombudsman concluded that the Commission has the obligation to fight discrimination on the grounds of sexual orientation and was thus entitled to host an exhibition seeking to promote non-discrimination. He noted, however, that there could be room for different views as to whether parts of the exhibition dealt with matters that fell within the scope of the Commission's competence. In order to avoid the impression that the Commission endorses all displayed messages in exhibitions it hosts, the Ombudsman recommended the use of an appropriate disclaimer in future exhibitions. He also advised the Commission to be more proactive as regards the information it provides about the financing of such events.

The Ombudsman's full decision in this case is available at:

<http://www.ombudsman.europa.eu/en/cases/decision.faces/en/50803/html.bookmark>