

## Homophobic article by senior official of Greek Orthodox Church was incompatible with the Convention

In its decision in the case of [Lenis v. Greece](#) (application no. 47833/20) the European Court of Human Rights has, by a majority, declared the application inadmissible. The decision is final.

The case concerned Mr Lenis's posting of a homophobic article on his personal blog in December 2015, when the Greek Parliament had been about to debate proposed legislation introducing civil unions for same-sex couples, and his subsequent prosecution and sentencing for incitement to hatred and discrimination. At the time, Mr Lenis was the Metropolitan (equivalent of a bishop) of the Greek Orthodox Church for Kalavryta and Aigialeia.

The Court found that Mr Lenis was attempting to deflect Article 10 (freedom of expression) of the Convention from its real purpose by using it for ends which were clearly contrary to the values which the Convention sought to promote. Consequently, in keeping with Article 17 (prohibition of abuse of rights), the Court found that the application was incompatible *ratione materiae* with the provisions of the Convention and rejected it.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

### Principal facts

The applicant, Amvrosios-Athanasios Lenis, is a Greek national who was born in 1938 and lives in Aigio (Greece). At the time of the events, he was the Metropolitan of the Greek Orthodox Church for Kalavryta and Aigialeia and the Hellenic Parliament was about to debate proposed legislation introducing civil unions for same-sex couples.

On 4 December 2015, Mr Lenis published an article on his personal blog in which he described homosexuality as a "social felony", a "sin", and called homosexuals "the scum of society", "defective", "mentally ill", and invited people to spit on them. The text was reproduced by multiple websites, media outlets and social media.

A few days later, he published an article on his personal blog under the title "Let's get things clear – Love the sinner but deal with the sin". In it, he clarified that his previous article had not been an incitement to violence, and that the church condemned sin but prayed for sinners. He maintained that his article had targeted politicians who, without asking the voters, were attempting to legalise "immorality in its most disgusting form". The phrase "spit on them" had been used metaphorically in the sense of "despise them".

Due to the publication of the first article, charges were brought against Mr Lenis for public incitement to violence or hatred against people because of their sexual orientation, and for abuse of ecclesiastical office. The first-instance court acquitted him on all charges, finding that his remarks had targeted members of parliament and not homosexual people.

Following appeals by the Aigio and Patras public prosecutors, the appellate court found him guilty of both misdemeanours. He was sentenced to seven months in prison, suspended for three years, and ordered to pay legal costs of 240 euros. The appellate court attached particular importance to the religious office held by Mr Lenis, who was followed and respected by his congregation. It found that, as such, his views were liable to cause discrimination and hatred against homosexuals.

Mr Lenis lodged an appeal on points of law with the Court of Cassation. By a 66-page decision of 29 June 2020, that court granted the appeal in part; in particular, it applied the principle that if a more lenient legal provision applied to the same facts, it should be used, and therefore acquitted him of the offence of abuse of ecclesiastical office, which had ceased to exist in the meantime. It rejected the rest of his grounds for cassation, holding that the appellate court had included sufficient reasoning and confirmed the finding of the Court of Appeal that the applicant's freedom of expression had not been violated as his article had been liable to cause discrimination and hatred against homosexuals. It reduced his sentence to five months, suspended.

## Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 23 October 2020.

The applicant complained that his criminal conviction for publishing the article on his personal blog violated his freedom of expression under Article 10 of the Convention.

The decision was given by a Chamber of seven judges, composed as follows:

Pere **Pastor Vilanova** (Andorra), *President*,  
Yonko **Grozev** (Bulgaria),  
Georgios A. **Serghides** (Cyprus),  
Darian **Pavli** (Albania),  
Ioannis **Ktistakis** (Greece),  
Andreas **Zünd** (Switzerland),  
Oddný Mjöll **Arnardóttir** (Iceland),

and also Milan **Blaško**, *Section Registrar*.

## Decision of the Court

The Court agreed with the Greek courts' conclusions that most of Mr Lenis's remarks had targeted homosexuals in general. It considered that the courts had carefully assessed the evidence before them and had conducted a balancing exercise which had taken into account the applicant's right to freedom of expression. It also concluded that his rights to freedom of expression as protected by the Convention had not been violated, as his views had been liable to cause discrimination and hatred.

Those conclusions were reinforced by three factors – first, Mr Lenis, a senior official of the Greek Orthodox Church, had the power to influence not only his congregation but also many other people who adhered to that religion, that is to say, the majority of the Greek population. Secondly, he had disseminated his remarks on the Internet, which had made his message easily accessible. Thirdly, his comments had targeted homosexuals and the Court had already found that gender and sexual minorities required special protection from hateful and discriminatory speech because of the marginalisation and victimisation to which they were still subjected. It also noted the low levels of acceptance of homosexuality and the situation of LGBTI people in the national context as identified in international reports. The Court underlined that discrimination based on sexual orientation was as serious as discrimination based on race, origin or colour.

The Court reiterated that in cases concerning Article 10 of the Convention, Article 17 (prohibition of abuse of rights) came into play if it was immediately clear that the statements sought to use the right to freedom of expression for ends clearly contrary to the values which the Convention sought to promote. Even though criticism of certain lifestyles on moral or religious grounds was not in itself exempt from protection under Article 10 of the Convention, when remarks went so far as to deny LGBTI people their human nature, and were coupled with incitement to violence, then the engagement of Article 17 of the Convention had to be considered. Considering the nature and

wording of the statements in the article, the context in which they had been published, their potential to lead to harmful consequences and the reasons found by the Greek courts, the Court found that the statements sought to deflect Article 10 of the Convention from its real purpose. Moreover, the remarks related directly to an issue which was of high importance in modern European society – protection of people’s dignity and human value irrespective of their sexual orientation.

Consequently, the Court found that the application was incompatible *ratione materiae* with the provisions of the Convention and rejected it.

*The decision is available only in English.*

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