

February 28, 2025

Opinion

on the Complaint of Aravot.am Editor Anna Israelyan against the “Gender Disinformation in the Armenian Media” Report by “OxYGen” Foundation

Facts

Anna Israelyan, the editor of *Aravot.am* news website, has approached the Information Disputes Council with a request for an expert opinion regarding the assessments made about the media in the *OxYGen Foundation’s* report titled [“Gender Disinformation in the Armenian Media”](#). According to the complainant, the report tarnished the reputation of the media by claiming that the website had disseminated gender disinformation, that the monitoring had identified 55 disinformation publications, and that *Aravot.am* ranked second among the monitored media in terms of the number of pieces containing gender disinformation. Anna Israelyan pointed out that although the report cited multiple examples from other media, it did not provide a single example demonstrating that the editorial team of *Aravot.am* had targeted any female officials.

The complainant highlighted that accusing the media of spreading disinformation is a serious matter, and while the platform did publish critical remarks directed at officials, some of whom were women, these were verbatim quotes from others. Anna Israelyan also stated that according to *Aravot’s* [Code of Ethics](#), journalists strictly separate news from commentary: they do not include their own judgments and emotions in news articles and programs, and refrain from insults, evaluations, and labels when making commentary.

The Information Disputes Council decided to review the complaint and, to ensure impartiality, notified the *OxYGen Foundation* (hereinafter also referred to as the Foundation) about it, inviting them to provide their comments on the raised issue. During an online discussion, the Foundation’s representatives highlighted that the report had been prepared and released with the aim of informing the public about gender discrimination. They pointed out that a methodology had been developed to carry out the monitoring, and that the objective was not to target media, but to reveal such cases of discrimination and disinformation in news pieces and present them to the public. They claimed that this was a legitimate objective, consistent with the organization’s mission—to advocate for the

interests of vulnerable groups, in this case, women. *OxYGen* representatives further emphasized that during the preparation of the report, they had adhered to the definition of “gender discrimination” outlined on page 7 of the document. In this context, they argued that *Aravot.am* journalists had intentionally disseminated gender disinformation in the controversial publications. Furthermore, the authors of the report explained the choice of the term “disinformation” over “misinformation” in English, referring to the factor of intent, which, according to them, was substantiated by the selection of headlines for the two publications of *Aravot.am* mentioned in the report.

One of them was the article titled [“Dear Opposition, You Are Not a Crow, Are You?... You Are Not a Witch, Are You?” – Artur Hovhannisyan’s Response to the ARF-Dashnaktsutyun.](#)” where the following phrase was deemed as problematic:

“... Dear opposition, you are not a crow, are you? What are you even saying? Don’t you dare speak with such curses about my country, the sovereign Republic of Armenia. You are not a witch, are you? You are a political opposition, so use political discourse. You cannot curse the RA and its people, which is exactly what you are doing.”

The report pointed out that although the content itself was entirely a direct quote, by using the specific part of the phrase containing gender disinformation as the headline, the website acted as a promoter and disseminator of gender disinformation, despite not being its creator (p. 21).

The second example was the article titled [“If a Woman Is Malicious, Disruptive, and Destructive, Severe Consequences Should Be Expected.”](#) which included a long quote from an interview with psychologist Karineh Nalchajyan at *Hayeli* club. The report pointed out that although the publication in question was also *“based on quotes, but again, by choosing to present the gender disinformation part as the headline, the website effectively became the disseminator of that very disinformation”* (p. 23).

During the online discussion, the complainant drew attention to the fact that the above-mentioned quotes were absent in the initial version of the published report. They were added after the complainant had requested a clarification from the Foundation on the factual basis for the conclusion that the media was disseminating gender disinformation, prior to approaching the IDC. The Foundation’s representatives did not deny this point.

It was agreed in the online discussion that the Foundation would provide the IDC and the complainant with the links to all 55 publications that served as the basis for the assessments regarding *Aravot.am* within one day. However, as of the time this opinion was issued, these links had not been provided. Therefore, the IDC’s opinion relies solely on the two citations presented in the report.

Conclusion

The publication of the aforementioned report essentially resulted in the distribution of information, assessments and judgments, which, according to complainant Anna Israelyan, are untrue and cause damage to the reputation of *Aravot.am*. The representatives of the Foundation, which prepared the report, in turn, categorically disagree with Israelyan's viewpoint, arguing that the monitoring and data analysis conducted are impartial. Thus, the dispute is informational in nature, as it concerns the dissemination of specific information and assessments. Therefore, offering a professional opinion is in line with the IDC's practices.

The IDC observes that both parties do not dispute the factual accuracy of the publications in question. In other words, the dispute is not about the facts themselves, but rather the assessments derived from them. According to the Foundation, the media spread gender disinformation, which, as defined in the report, **constitutes false and deceptive content that is disseminated with the intent of deliberately misleading and causing harm to individuals or groups**. Hence, the Foundation concluded that in the two cited publications, and allegedly several dozen other pieces, *Aravot.am* had disseminated false and deceptive content based on sex or gender, with the **intent of misleading readers** and **causing harm** to the women targeted in those publications.

The presence of these elements of intent, as an objective criterion for classifying the content of the specified pieces as gender disinformation, was also confirmed by the representatives of the Foundation during the online discussion. Therefore, the central issue for the IDC to address is whether these assessments are justified in an objective manner, considering the public significance, goals, objectives and specifics of media activities. When examining the dispute, the IDC also takes into consideration the fact that the Foundation, as well, carries out activities of public significance aimed at protecting vulnerable groups, which includes preparation of reports like the one in question.

As for the media, Article 4 of the RA Law "On Mass Communication" states that implementers of media activity and journalists shall operate freely, based on the principles of equality, legality, freedom of speech (expression) and pluralism. Journalists, in carrying out their legitimate professional activities, as individuals executing a public duty, shall be protected by the RA legislation.

The European Court of Human Rights has repeatedly stated in its precedent decisions that media carry out an important mission in democratic societies by disseminating information and ideas on all matters of public concern, and in this regard, journalists enjoy special guarantees of legal protection. One such guarantee is the protection of journalists from the consequences for disseminating the statements of others, such as opinions expressed by an interviewee, especially if journalists have taken measures to distance themselves from the views of the author and refrain from presenting them as their own.[\[1\]](#)

This principle also applies when an interview features remarks targeting a certain group, inciting intolerance and hatred, while the journalist presents them as the author's statements, without acting with a hate-based motive when preparing the news piece.^[2] A completely different situation arises when the journalist personally incites, spreads racist, hateful and intolerant remarks regarding a specific vulnerable group. In such cases, the journalist is stripped of the aforementioned protections. The ECHR expressed this position in its decision dated January 7, 2025, in the case of "Minasyan and Others v. Armenia", concluding that *"the Court cannot accept as an example of responsible journalism an article propagating hatred, hostility and discrimination against a minority..."*^[3]

In the dispute between *Aravot.am* and the *OxYGen Foundation*, there are no facts indicating that the editorial team or journalists were driven by a motive of hatred when preparing the publications in question, or were the authors of expressions that instilled intolerance based on sex or gender. On the contrary, the authors of the articles displayed sufficient care and journalistic conscientiousness to distance themselves from the individuals behind the controversial ideas featured in the publications.

Another noteworthy argument put forward by the Foundation's representatives during the online discussion was that despite the authors in the disputed publications citing the statements of others and not expressing their own views, the choice to use a part of the text containing gender disinformation as a headline indicates intent. Through this reasoning, the authors of the report substantiated their conclusion that *Aravot.am* had become *"a promoter and disseminator of gender disinformation, despite not being its creator."*

The IDC believes that evaluating the intent to spread gender disinformation based on a single factual element is entirely insufficient. Objectively, a hate-based motive is determined by a combination of facts, since this motive is most often manifested in a covert rather than an overt manner. In legal proceedings, in the RA domestic legal system or international documents, the presence of a hate-based motive is determined by a combination of factors such as the social and political context of the statement, the author's status, his/her previous behavior, the content, form, degree of severity of the speech and likelihood of harm to the public.^[4]

In fact, in this case, the intent to spread gender disinformation was determined solely through an analysis of the content and form of the speech, specifically the selected headline, which is far from sufficient. Furthermore, headline selection is also an element of journalistic freedom, enshrined in Article 10 of the European Convention on Human Rights, which protects not only the content of the publication, but also its style.^[5] The journalist selects a headline in such a way that it reflects the content of the piece, which is a norm of journalistic ethics.^[6] In this sense, Article 10 of the Convention ensures the protection of even provocative speech, which extends to the headline as well. Journalists have the right to choose the most provocative part of the text for the headlines of their article to best reflect the essence or seriousness of the issue, with the responsibility for decisions regarding the content, style, and method of presentation of the publications lying exclusively with the implementer of media activity. Thus, as long as journalists do not act with malicious and

overt intent to spread hate speech or cause unnecessary offense, the choice of headline, along with the use of shocking, disturbing, provocative, and even insulting language, cannot be interpreted to the detriment of the freedom to disseminate information and ideas.

In this context, it is also appropriate to recall [Recommendation No. 15 of the General Policy on Combating Hate Speech](#) by the European Commission against Racism and Intolerance, in which, while defining the legal content of hate speech, this international body nevertheless excludes from the definition “objectively based news reporting that merely offends, hurts or distresses.”^[7] The Recommendation also suggests evaluating the presence of hate-based motives through a set of factors, introducing six groups of “specific circumstances”^[8] that go beyond those outlined in the Rabat Action Plan mentioned earlier.

Without questioning in any way the legitimacy and importance of the goals of the work carried out by the Foundation (namely, preventing gender disinformation and informing the public about such occurrences), the IDC concludes that in the sections of the published report related to *Aravot.am*, where assessments were made claiming that the website’s journalists disseminated gender disinformation (which implies intent and is, at least, not confirmed by the given examples), the aforementioned goals were not sufficiently aligned with and weighed against the right to freedom of expression and the public mission of journalists to disseminate information and ideas. Consequently, the report tarnished the reputation of the media.

At the same time, the Information Disputes Council reached out to Media Ethics Observatory, suggesting that it provide an opinion on the media’s publications from an ethical perspective.

Information Disputes Council

Shushan Doydoyan (IDC Secretary), President of Freedom of Information Center

Ara Ghazaryan, Director of “Ara Ghazaryan” Law Firm

Boris Navasardian, Honorary President of Yerevan Press Club

Ashot Melikyan, Chairman of Committee to Protect Freedom of Expression

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^[1] *Rumyana Ivanova v. Bulgaria*, Application No. 36207/03, 14/02/2008, paragraph 62

^[2] *Jersild v. Denmark*, Application No. 15890/89, 23/09/1994, paragraphs 35-36

[3] *Minasyan and Others v. Armenia*, Application No. 59180/15, 07/01/2025, paragraph 69. The facts in this case relate to the dissemination of hate speech by Hovhannes Galajyan, the editor of iravunk.am news website, where he did not quote or reproduce the remarks of others, but rather was the author of the hate speech that was regularly spread against the LGBT community.

[4] See these criteria enshrined in the [Rabat Plan of Action](#)

[5] *Jersild v. Denmark*, Application No. 15890/89, 23/09/1994, paragraph 31; see also [EGYESÜLETE AND INDEX.HU ZRT v. Hungary](#), Application No. 22947/13, 2/02/2016, paragraph 76

[6] [Code of Ethics of Armenian Media and Journalists](#), Article 1.6, which specifies that to guarantee accuracy and impartiality, journalists must ensure that headlines derive from the content of the material

[7] See paragraph 13

[8] See paragraph 16